

**TOWN OF SEVEN DEVILS  
WATER USE ORDINANCE**



**Adopted: January 14, 2002**  
**Amended: April 11, 2011**  
**Amended: October 10, 2023**

**TABLE OF CONTENTS**

**ARTICLE 1 – TITLE**

1.1 Title ..... 1-1  
1.2 Purpose ..... 1-1

**ARTICLE 2 - AUTHORITY AND JURISDICTION**

2.1 Authority ..... 2-1  
2.2 Jurisdiction ..... 2-1  
2.3 Severability ..... 2-1  
2.4 Waivers ..... 2-1  
2.5 Amendments ..... 2-1  
2.6 Application ..... 2-1  
2.7 Abridgement or Modification of Rules ..... 2-1  
2.8 Effective Date ..... 2-2

**ARTICLE 3 - DEFINITIONS**

3.1 Word Interpretation ..... 3-1  
3.2 Definitions ..... 3-1

**ARTICLE 4 - APPLICATION, FEES AND BILLING**

4.1 Application for Service ..... 4-1  
4.2 Rate Schedule and Tap-On Fee ..... 4-1  
4.3 Meter Reading – Billing – Collection ..... 4-1  
4.4 Adjustments ..... 4-2

**ARTICLE 5 - RESPONSIBILITY AND LIABILITY**

5.1 Town’s Responsibility and Liability ..... 5-1  
5.2 Owner’s Responsibility ..... 5-1  
5.3 Access to Premises ..... 5-2  
5.4 Prohibited Activities ..... 5-2  
5.5 Change of Ownership ..... 5-3  
5.6 Meter (Water Service) Cut-Off and Cut-On ..... 5-3

**ARTICLE 6 - TERMINATION OR INTERRUPTION OF SERVICE**

6.1 Termination ..... 6-1

6.2	Interruption.....	6-1
6.3	Notification.....	6-1

**ARTICLE 7 - WATER EXTENSION**

7.1	Policy .....	7-1
7.1.1	Intent .....	7-1
7.1.2	Residential Property Owner .....	7-1
7.1.3	Subdivision.....	7-1
7.1.4	Developers.....	7-1
7.2	Exception.....	7-2

**ARTICLE 8 - CONSERVATION OF WATER AND WATER USE RESTRICTIONS DURING WATER SHORTAGE CONDITIONS**

8.1	Conservation of Water.....	8-1
8.2	Declaration of Water Shortage .....	8-1
8.3	Stage I Water Shortage Conditions. ....	8-4
8.3.1	Guidelines.....	8-4
8.3.2	Voluntary Measures .....	8-5
8.4	Stage II Water Shortage Conditions .....	8-5
8.4.1	Compliance.....	8-5
8.4.2	Mandatory Restrictions .....	8-5
8.5	Stage III Water Shortage Condition .....	8-6
8.5.1	Compliance.....	8-6
8.5.2	Mandatory Restrictions .....	8-6
8.6	Lifting of Restrictions Imposed During a Water Shortage.....	8-7
8.7	Penalties .....	8-7

**ARTICLE 9 - ENFORCEMENT**

9.1	Penalties Defined .....	9-1
9.2	Appeal to Town Council .....	9-1
9.3	Notice and Recording Decision.....	9-1

## **ARTICLE 1 - TITLE AND PURPOSE**

### **1.1 Title**

This Ordinance shall be known under the general title of, referred to, or cited as the Water Use Ordinance for the Town of Seven Devils, North Carolina, and may be referred to as the Water Use Ordinance.

### **1.2 Purpose**

The purpose of this ordinance is to promote the public health, safety, and general welfare of the citizens of the Town of Seven Devils. It is further intended to provide for administration and enforcement of the ordinance and to provide penalties for its violations.

*This page intentionally blank.*

## **ARTICLE 2 - AUTHORITY AND JURISDICTION**

### **2.1 Authority**

This Ordinance is adopted under the authority granted by North Carolina General Statutes 160A-312.

Wherever any provision of this Ordinance refers to or cites a section of the North Carolina General Statutes and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section, or the section that most nearly corresponds to the superseded section.

### **2.2 Jurisdiction**

The provisions of this Ordinance shall apply throughout the Town of Seven Devils corporate limits and any extraterritorial jurisdictions, as may be modified from time to time.

### **2.3 Severability**

Should any section or provision of this Ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not effect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

### **2.4 Waivers**

Where, because of severe topographical or other conditions peculiar to the site, strict adherence to the provisions of this Ordinance would cause an unnecessary hardship, the Town Council may, on recommendation of the Planning Board, authorize a waiver to the terms of this Ordinance only to the extent that is absolutely necessary and not to the extent which would violate the intent of this Ordinance.

### **2.5 Amendments**

The Town Council may from time to time amend the terms of this Ordinance.

### **2.6 Application**

It is not intended that this Ordinance repeals, abrogates, annuls, impairs, or interferes with any existing easements, covenants, deed restrictions, agreements, rules, or regulations previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

### **2.7 Abridgement or Modification of Rules**

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

- 2) Acceptance by the Town may only be accomplished by a majority vote of the Town Council, sitting in open session.

**2.8 Effective Date**

This ordinance was originally approved on 14 January 2002, with several subsequent revisions. The current revision shall become effective on April 11, 2011.

## ARTICLE 3 - DEFINITIONS

### 3.1 Word Interpretation

For the purpose of this ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word “shall” is mandatory and not discretionary, while the word “may” is permissive.

### 3.2 Definitions

**Administrator:** The Town Manager of the Town of Seven Devils or any authorized deputy, agent, or representative.

**Availability Fee:** The fee charged to owners of improved property as authorized by N.C.G.S. 160A-317 as amended August 8, 1989, in lieu of requiring connection to the town water system of an amount not to exceed the maximum periodic service charge for properties which are connected to the town water system.

**Commercial User:** A user engaged in the purchase or sale of goods or in a transaction or business or who otherwise renders a service. Commercial user shall include any business, commercial, industrial, public, and/or institutional user.

**Costs of Labor and Materials:** The actual costs of meters, fittings, pipe, adapters and replacement of paving as well the necessary labor and equipment costs to accomplish the installation.

**Developed Property:** All property having a habitable residential, commercial, industrial, or institutional structure existing on such property on or before the effective date of this Ordinance.

**Easement:** An acquired legal right, less than fee simple, for a specific use of land owned by others.

**Local Government:** The Town of Seven Devils, Watauga/Avery County, North Carolina, acting through its Mayor and Town Council Members, or other duly authorized representatives.

**New Developments or New Subdivisions:** Any property developed or subdivided after the effective date of this Ordinance. The term “developed” as it relates to new developments is defined as any new construction relating but not limited to residential, commercial, industrial, public and/or institutional activity.

**Operation and Maintenance Costs:** All costs, direct and indirect, not including debit service, but inclusive of expenditures attributable to administration, replacement of equipment, and treatment and collection of wastewater on a continuing basis which conforms to applicable regulations and assures optimal long term facility management.

**Owner:** The property owner of record of the property that is connected to the Town's water system.

**Person:** Any individual, firm, company, association, society, corporation, or group.

**Private Sewer:** A sewer, which is not owned by the Town of Seven Devils.

**Residential User:** Any residential dwelling with a meter. It does not refer to multi-family residential dwellings with common meters.

**Superintendent:** The person or persons selected by the Town Manager or Town Council to carry out the provisions of this Ordinance.

**Tap Fee:** All labor, equipment, and materials cost incurred by the Town installing the necessary lines and meter for the owner.

**User Charge System:** The system of charges levied on users for the cost of operation and maintenance, debt service, capital outlay, etc.

## **ARTICLE 4 - APPLICATION, FEES AND BILLING**

### **4.1 Application for Service**

- 1) No person, firm, or corporation shall connect with the water system of the Town until they shall have made application for such connection in writing to the Town.
- 2) The Town reserves the right to reject any application for service that could ultimately be harmful or non-beneficial to the Town.
- 3) The Town of Seven Devils will not provide service outside the corporate limits of the Town to new applicants unless specifically approved by the Town Council.
- 4) See Annual Operating Budget Ordinance for fees.
- 5) All new applications must provide an emergency contact number that can respond to the residence within 24 hours.

### **4.2 Rate Schedule and Tap-On Fee**

- 1) All owners will be billed at the rate currently in effect and approved by the Town Council of Seven Devils.
- 2) For new construction, water service will start after all fees have been collected and when the owner/contractor has been issued a building permit.
- 3) When more than one unit is connected to one meter, a minimum charge will be billed for each unit on that same water meter. For new multi-family dwellings, each unit shall have its own meter.
- 4) Homeowners within 200 feet of existing Town water lines using wells established and continued prior to adoption of this ordinance will be billed at the rate established in the Annual Operating Budget Ordinance.

### **4.3 Meter Reading – Billing – Collection**

- 1) Bills for water will be calculated in accordance with the Town's published rate schedule then in effect and will be based on the amount consumed for the period covered by the meter readings.
- 2) Failure to receive bills or notices shall not prevent such bills from becoming delinquent or relieve the owner from the payment.
- 3) Water meters will be read monthly during the last week of each month if

possible.

- 4) At the request of a property owner, the Town will make a special meter reading for a fee established in the Town's Annual Operating Budget Ordinance.
- 5) Water service will be billed during the first week of each month.
- 6) A late charge will be assessed if accounts are not paid in full within 30 days of the billing date.
- 7) Water service will be disconnected if payment is not made within 45 days of the billing date.
- 8) A reconnection charge, as included in the Annual Operating Budget Ordinance, will be assessed if water service is disconnected for nonpayment.
- 9) All accounts shall be billed at least a minimum monthly charge as specified in the rate schedule, regardless of the account status, consumption or occupancy of the structure, and said charge shall commence effective with the installation of the meter.

#### **4.4 Adjustments**

- 1) If the owner believes his bill to be in error, he shall present his claim, in writing, at the Town office before the bill becomes delinquent. Such claims, if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service as heretofore provided. The owner may pay such bill under protest and said payment shall not prejudice his claim.
- 2) The Town will make special meter readings at the request of the owner for the fee established in the Annual Operating Budget Ordinance. If the special reading discloses that the meter was over-read, no charge for the special reading will be assessed.
- 3) Any water account which is charged for consumption over the monthly allotted gallons in any month due to a verified and subsequently repaired leak, as evidenced by repair receipts, is eligible to be considered for an adjustment when requested by the owner, provided the account holder installs a private cut-off valve on the customer's side of the meter (within two (2) feet of the water meter) that shall be protected from the elements in a suitable manner. The adjustment will reflect the rate billed for first tier usage. Adjustments will be limited to once during the current fiscal year on the highest month of usage. Minimum billing and tier rates are established in the Annual Operating Budget Ordinance.

- 4) Any water account which is charged an amount greater than \$5,000 in any month due to a verified leak which is subsequently repaired, as evidenced by repair receipts, is eligible to have the monthly water charge capped at \$5,000, provided the account holder installs a private cut-off valve on the customer's side of the meter (within two (2) feet of the water meter) that shall be protected from the elements in a suitable manner. Additionally, the account holder must make a request for an adjustment.
  
- 5) In the event of a leak between the meter and the property owner's private cut-off valve (that is within two feet of the meter), a reduction to the average of the per month average for the past twelve (12) months, may be sought by the owner if the following conditions apply: (a) the leak occurred between the water meter and the customer's private cut-off valve; and (b) the leak has been repaired as evidenced by repair receipts.

## **ARTICLE 5 - RESPONSIBILITY AND LIABILITY**

### **5.1 Town's Responsibility and Liability**

- 1) The Town may install its meter at the property line or, at the Town's option, on the owner's property.
- 2) When two or more meters are to be installed on the same premises for different owners, they shall be closely grouped and each clearly designated to which owner it applies.
- 3) The Town reserves the right to refuse service unless the owner's lines or piping are installed in such manner as to prevent cross-connections or backflow.
- 4) The Town shall not be liable for damage of any kind whatsoever resulting from water or the use of water on the owner's premises.
- 5) The Town neither guarantees customers uninterrupted service, nor does it assume any liability for damage to private property due to interruptions in service.

### **5.2 Owner's Responsibility**

- 1) Piping on the owner's premises must be so arranged that the connections are conveniently located with respect to the Town's lines or water mains.
- 2) If the owner's piping on owner's premises is arranged such that the Town is called upon to provide additional meters, each place of metering will be considered as a separate and individual account. The water meter area shall remain unobstructed and accessible at all times-to the meter reader.
- 3) The property owner shall furnish and maintain a private cutoff valve on the customer's side of the meter. In construction begun after June 2006, the cut-off shall be of curb-stop quality, shall be located immediately on the consumer's side of the water meter (within two (2) feet of the water meter), and shall be protected from the elements in a suitable manner. Structures existing prior to June 2006, which have a previously installed cut-off valve, either within the crawl space or in close proximity to the structure, are strongly encouraged, but not required, to install a second cut-off valve, provided the existing valve is readily accessible and kept by the property owner in good working order.
- 4) A pressure reducing valve (PRV) shall be installed by the customer on the customer's side of the water meter in all existing and new construction.

- 5) The owner's piping and apparatus shall be installed and maintained by the owner at the owner's expense in a safe and efficient manner. All customers are urged to ensure that their plumbing systems and appurtenances are adequately equipped with back-flow prevention devices or vacuum relief valves as necessary.
- 6) The owner shall provide reasonable protection for the Town's property placed on the owner's premises and shall permit access to it only by authorized representatives of the Town.
- 7) In the event that any loss or damage (including water) 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 owner, his agents, employees, or occupants of the premises, the cost of the necessary repairs or replacements shall be paid by the owner to the town; and any liability otherwise resulting shall be assumed by the owner.
- 8) The amount of such loss or damage or the cost of repairs shall be added to the owner's bill; and if not paid within 45 days of the billing date, the Town may disconnect service.

### **5.3 Access to Premises**

Duly authorized agents of the Town shall have access at all reasonable hours to the premises of the owner 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.

### **5.4 Prohibited Activities**

Individuals shall not:

- 1) Supply, release or sell water from any well located within the corporate limits of the Town or from the Town's water system to other persons or carry away water from any hydrant.
- 2) Use or affect the use of fire hydrants. The fire hydrants are for the use of the Fire Department for fighting fires, and are not to be used by any unauthorized person for any purpose without the permission of the Public Works Director and the Fire Chief.
- 3) Manipulate, tamper with or harm in any manner whatsoever any water line, main or appurtenance or any other part of the water system, including, but not limited to, any testing or inspection device. All meters, meter boxes, pipes, and other equipment furnished by the Town in installing any water connection shall be and remain the property of the Town. No

person, firm, or corporation shall turn on any Town water line, tamper with any meter, or hydrant owned by the Town except a qualified employee of the Town, unless written permission shall have been granted by the Public Works Director.

- 4) Knowingly make any false statement, representation or certification in any application, record, report, plan, or other document filed or required to be maintained under this Ordinance.

## **5.5 Change of Ownership**

- 1) Not less than (3) working days notice must be given in writing, at the Town's office, to discontinue service for a change in ownership.
- 2) The outgoing party shall be responsible for all water consumed up to the time of departure or the time specified for departure, whichever period is longer.
- 3) Upon failure to notify in writing of a change in ownership, the current resident will be held responsible for all accrued water charges.

## **5.6 Meter (Water Service) Cut-Off and Cut-On**

- 1) In order to protect the water supply of the Town of Seven Devils and thereby insure the availability of water, it is crucial that customers utilize their private water shutoff valves during those times the unit will be unoccupied.
- 2) Only Town personnel are authorized to utilize the Town's water shutoff valve. For customers requesting that the Town's shutoff valve be used, charges will apply as described in the Annual Operating Budget Ordinance.
- 3) Requests for water cut-off or cut-on should be made no less than two (2) working days (Monday – Friday) prior to the desired cut-off or cut-on date, during normal working hours (8:30 AM to 5:00 PM).
  - a. Four (4) cycles per calendar year will be completed at no charge to the account holder.
  - b. Requests for cut-off/cut-on providing shorter notice than that required above, or requests that must be completed on weekends, holidays, or other than normal business hours shall be charged at the rate established in the Annual Operating Budget Ordinance. During "other than normal business hours," the town will attempt

to accommodate the water user. However, no guarantee can be made about the time frame for cut-off/cut-on.

*This page intentionally blank.*

## **ARTICLE 6 - TERMINATION OR INTERRUPTION OF SERVICE**

### **6.1 Termination**

The Town may terminate service for any of the following reasons:

- 1) Refusal by the Owner to pay an account in full,
- 2) Prevention of fraud or abuse by a owner; and,
- 3) Failure of the Owner to comply with any of the provisions of this chapter.

### **6.2 Interruption**

The Town reserves the right to discontinue or interrupt service temporarily for any of the following reasons:

- 1) Emergency repairs;
- 2) Upgrading of water infrastructure;
- 3) Insufficient supply or treatment capacity;
- 4) Strike, riot, flood, accident, act of God, or any other unavoidable cause; and,
- 5) The direction of public authority.

### **6.3 Notification**

The Town shall make a good faith effort to notify affected Owners before service is discontinued or interrupted as provided above. However, the Owner, by making application for service, agrees to hold the Town harmless from liability for any damages that may occur due to discontinuance or interruption of service for the above-mentioned causes.

*This page intentionally blank.*

## **ARTICLE 7 - WATER EXTENSION**

### **7.1 Policy**

#### **7.1.1 Intent**

It is not the intent of this Ordinance to limit the Town from making any water extensions it deems necessary for the best interest of the Town of Seven Devils. Approval of any extension requiring financial participation by the Town shall always be based on the Town's determination that funds are available, and the feasibility of the project.

#### **7.1.2 Residential Property Owner**

- 1) All owners of improved real estate in the Town who have property that abuts upon, is near, accessible or otherwise located within two hundred (200) feet of any water line maintained by the Town, and upon which property is situated or shall be erected any building, shall connect to the Town's water supply.
- 2) It shall be unlawful for any person, firm or corporation to build, erect, keep or maintain any building to be occupied by one or more persons on any lot or parcel within two hundred (200) feet of any water line without providing and maintaining from the Town's water system adequate water supply for the use of the occupants.
- 3) In all cases where water lines are within two hundred (200) feet of the property line, the owner of the property shall connect to the water lines of the Town. Where water is not available, the property owner shall drill and maintain a private well until a water line shall be extended to serve the property. See Section 7.2.
- 4) Homeowners' wells established and continued prior to adoption of this ordinance are exempt from the water line extension requirements of this Article.

#### **7.1.3 Subdivision**

Any subdivision that is within 500 linear feet of the Town's water line must provide Town water to all lots in the subdivision.

#### **7.1.4 Developers**

Developers of subdivisions and/or multiple lots shall be responsible for the full cost required to connect said subdivision/lots to the water systems of the Town.

**7.2 Exception**

A private well may be allowed by the Town Council in the event that a Town water line is greater than 200 linear feet from the property.

## **ARTICLE 8 - CONSERVATION OF WATER AND WATER USE RESTRICTIONS DURING WATER SHORTAGE CONDITIONS**

A water shortage shall be deemed to exist when water demand by customers connected to the Town's water system or private wells reaches the point where continued or increased demand will equal the system supply and transmission capabilities. When demand results in the condition whereby customers cannot be supplied with water to protect their health and safety then the demand must be substantially curtailed to relieve the water shortage.

### **8.1 Conservation of Water**

During all water conditions, in addition to the water conservation actions of previous articles, all customers are encouraged to reduce water consumption by applying sound landscaping techniques. While not mandatory, the following techniques should be considered when planning and maintaining landscaping:

- 1) Implement xeriscape design (landscaping with mainly native and water-efficient vegetation.)
- 2) Replace exotic plants with native species.
- 3) Install efficient irrigation systems and regulate them carefully to avoid over-watering.
- 4) Install rain gauges linked to your irrigation system to prevent irrigation when it is raining or has rained recently.
- 5) Irrigate infrequently, and early in the morning or evening – when cooler air will minimize evaporation.
- 6) If hoses are used, equip them with water-efficient, high-pressure nozzles.
- 7) Minimize lawn/turf areas.
- 8) Invest in soil improvements and mulch to retain moisture.
- 9) Minimize water consumption by aesthetic pools and fountains.
- 10) Replace aesthetic pools and fountains with other landscaping or structures.
- 11) Remodel pools and fountains to become part of a closed-loop system.
- 12) Use recycled water in pools and fountains.
- 13) Invest in water meters dedicated to monitoring landscaping water use and check them regularly. (Become immediately aware of leaks in irrigation systems or hoses.)
- 14) Clean paved areas by sweeping them or blowing them free of debris, not by hosing.
- 15) Ensure landscaping workers are aware of your water conservation efforts.

### **8.2 Declaration of Water Shortage**

In the event, it appears that water demand on the Town of Seven Devils water system may exceed supply and transmission capabilities, the Public Works Director or Town Manager

may recommend to the Town Council that voluntary water conservation measures will be implemented. The Town Council may declare a ***Stage I Water Shortage Condition*** requesting voluntary water conservation by consumers. In the event that voluntary conservation measures fail to relieve the demand on the system, the Town Council may declare a ***Stage II, Stage III, Stage IV, or Stage V Water Shortage Condition*** exists.

### 8.2.1 Notification

The following notification methods will be used to inform water system employees and customers of a water shortage declaration: employee telephone and e-mail announcements, notices at municipal buildings, notices in water bills, signage along primary town road. Required water shortage response measures will be communicated through Public Service Announcements on local radio and cable stations. Declaration of emergency water restrictions or water rationing will be communicated to all customers by mailed or hand-delivered letter correspondence or newsletter, and website announcements.

### 8.2.2 Levels of Response

Five levels of water shortage response are outlined in the table below. The five levels of water shortage response are: Voluntary Reductions, Mandatory Reductions I and II, Emergency Reductions, and Water Rationing. A detailed description of each response level and corresponding water reduction measures follows below.

<b>Stage</b>	<b>Response</b>	<b>Description</b>
1	Voluntary Reductions	Water users are encouraged to reduce their water use and improve water use efficiency; however, no penalties apply for noncompliance. Water supply conditions indicate a potential for shortage. No penalties apply.
2	Mandatory Reductions I	Water users must abide by required water use reduction and efficiency measures. Water supply conditions are significantly lower than the seasonal norm and water shortage conditions are expected to persist. No penalties apply.
3	Mandatory Reductions II	Water users must abide by required water use reduction and efficiency measures; penalties apply for noncompliance. Water supply conditions are significantly lower than the seasonal norm and water shortage conditions are expected to persist. Penalties apply. 1 <sup>st</sup> violation – Warning; 2 <sup>nd</sup> Violation - \$50; 3 <sup>rd</sup> violation - \$100
4	Emergency Reductions	Water supply conditions are substantially diminished and pose an imminent threat to human health or environmental integrity. Penalties apply. 1 <sup>st</sup> violation – Warning; 2 <sup>nd</sup> violation - \$100; 3 <sup>rd</sup> violation - \$200; Drought surcharge applies.

5	Water Rationing	Water supply conditions are substantially diminished and remaining supplies must be allocated to preserve human health and environmental integrity. Penalties apply. 1 <sup>st</sup> violation – Warning; 2 <sup>nd</sup> violation - \$200; 3 <sup>rd</sup> violation - \$300; Drought surcharge applies.
---	-----------------	--

In Stage 1, Voluntary Reductions, all water users will be asked to reduce their normal water use by 10%. Customer education and outreach programs will encourage water conservation and efficiency measures.

In Stage 2, Mandatory Reductions I, all customers are asked to reduce their normal water use by 15%. In addition, all “Voluntary Reductions” as stated in Stage 1 become mandatory reductions.

In Stage 3, Mandatory Reductions II, customers must continue actions from all previous stages and should further attempt to reduce their normal water use by 20%.

In Stage 4, Emergency Reductions, customers must continue all actions from previous stages and further reduce their normal water use by 25%. A ban on all use of drinking water except to protect public health and safety is implemented and a drought surcharge is imposed to 1.5 times the normal water rate for all water use above the 3,500-gallon allocation included in the minimum water rate.

The goal of Stage 5, Water Rationing, is to provide drinking water to protect public health (e.g. residences, residential health care facilities and correctional facilities). In Stage 5, all customers are only permitted to use water at the minimum required for public health protection. Firefighting is the only allowable outdoor water. Drought surcharges increase to two times the normal water rate for all water use above the 3,500-gallon allocation included in the minimum water rate. Additionally, all customers should reduce their use as much as possible below the minimum allocation billed of 3,500 gallons per month.

### 8.2.3 Triggers

The Town of Seven Devils’ water source is groundwater. The following measurements of well pumping times and well levels in relationship to pump intake levels trigger entry into corresponding water restriction stages.

Stage	Well Operating Conditions
1	Pumping Time >10 hrs 20% reduction in seasonal normal distance from static water level and pump intake 20% increase pumping time for same output

2	Pumping Time >12 hrs 40% reduction in distance from static water level and pump intake 40% increase pumping time for same output
3	Pumping Time >14 hrs 60% reduction in distance from static water level and pump intake 60% increase pumping time for same output
4	Pumping Time >20 hrs 80% reduction in distance from static water level and pump intake
5	Water level at pump intake elevation

#### 8.2.4 Variance Protocols

Applications for water use variance requests are available from the Town Hall. All applications must be submitted to the Town Hall for review by the Town Council or the Council’s designee. A decision to approve or deny individual variance requests will be determined within two weeks of submittal after careful consideration of the following criteria: impact on water demand, expected duration, alternative source options, social and economic importance, purpose (i.e. necessary use of drinking water) and the prevention of structural damage.

#### 8.2.5 Effectiveness

The effectiveness of the Seven Devils Water Shortage Response Plan will be determined by comparing the stated water conservation goals with observed water use reduction data. Other factors to be considered include frequency of plan activation, any problem periods without activation, total number of violation citations, desired reductions attained and evaluation of demand reductions compared to the previous year’s seasonal data.

#### 8.2.6 Revision

The Water Shortage Response Plan will be reviewed and revised as needed to adapt to new circumstances affecting water supply and demand, following implementation of emergency restrictions, and at a minimum of every five years in conjunction with the updating of our Local Water Supply Plan. Further, the Seven Devils Town Council will review procedures following each emergency or rationing stage to recommend any necessary improvements to the plan. The Town of Seven Devils Manager is responsible for initiating all subsequent revisions.

### 8.3 Stage I Water Shortage Condition.

#### 8.3.1 Guidelines

In the event a Stage I Water Shortage Condition is declared, the following guidelines shall apply:

- 1) A publicity campaign will be initiated using public media and specialized methods to inform the public of an impending or existing water shortage.
- 2) Conservation measures will be encouraged and recommended.

### **8.3.2 Voluntary Measures**

In the event a Stage I Water Shortage Condition is declared, the public shall be encouraged to adhere to the following:

- 1) Limit car washing to the minimum.
- 2) Limit lawn and garden watering to that necessary for plants to survive.
- 3) Do not wash down or pressure wash outside areas, such as sidewalks, patios, parking lots, service bays or aprons, decks, etc.
- 4) Do not leave faucets running while shaving, brushing teeth, or rinsing dishes.
- 5) Water shrubbery to the minimum required using household water when possible.
- 6) Limit use of clothes washers and dishwashers and, when used, operate fully loaded.
- 7) Use showers for bathing, rather than bathtub, and limit showers to no more than four (4) minutes.
- 8) The use of disposable and biodegradable dishes is encouraged.
- 9) The use of flow restrictive and water-saving devices.

## **8.4 Stage II and III Water Shortage Conditions.**

### **8.4.1 Compliance**

When circumstances dictate, the Town Council may issue a declaration of a Stage II or III Water Shortage Condition and then it shall be unlawful for any person, firm or corporation to use or permit the use of water from the Town's water system or private wells located in the corporate limits, for any purpose hereinafter set forth until such time as the declaration of water shortage has been rescinded.

### **8.4.2 Mandatory Restrictions**

When a Stage II or III Water Shortage Condition is declared, it shall be unlawful to use water for any of the following purposes:

- 1) To water lawns, grass, shrubbery, flowers and vegetable gardens except in

accordance with the following schedule set forth below for specific area in the Town. Such watering shall be done by hand-held hose or container or drip irrigation system only: All areas served by the Town may use water outside on Tuesday between the hours of 6:00 AM and 9:00 AM.

- 2) To fill the newly-constructed swimming and/or wading pools or refill swimming and/or wading pools which have been drained.
- 3) To wash automobiles, trucks, trailers, boats, airplanes or any other type of mobile equipment, including commercial washing.
- 4) To wash down or pressure wash outside areas, such as streets, driveways, service station aprons, parking lots, office buildings, exteriors of existing or newly-constructed homes or apartments, sidewalks or patios, decks, or to use water for other similar purposes.
- 5) To use water from public or private fire hydrants for any purpose other than fire suppression or other public emergency.
- 6) To operate or introduce water into any ornamental fountain, pool or pond, or other structure making similar use of water.
- 7) To serve drinking water in restaurants, cafeterias, or other food establishments, except upon request.
- 8) To use water for any unnecessary purpose or to intentionally waste water.
- 9) All restaurants, businesses, and institutions are requested to temporarily delay new landscape work until the water shortage has ended.

## **8.5 Stage IV Water Shortage Condition**

8.5.1 In Stage IV, Emergency Reductions, customers must continue all actions from previous stages and reduce their normal water use by 25%. A ban on all use of drinking water except to protect public health and safety is implemented.

## **8.6 Stage V Water Shortage Condition**

In the event the Town Council issues a declaration of a Stage V Water Shortage Condition, then it shall be unlawful for any person, firm or corporation, to use or permit the use of water from the Town water system or private wells for any purpose hereinafter set forth until such time as the declaration of water shortage has been rescinded.

### **8.6.1 Mandatory Restrictions**

When a Stage V Water Shortage Condition is declared:

- 1) It shall be unlawful to introduce water into any pool.

- 2) It shall be unlawful to use water outside a structure for any use other than an emergency involving a fire.
- 3) It shall be unlawful to operate an evaporative air conditioner which recycles water except during operating hours of business.
- 4) Fire protection to be maintained by drafting of ponds, rivers, etc., whenever possible.
- 5) The use of throwaway utensils and plates is encouraged and recommended at all eating establishments.
- 6) It is recommended that an alternative source of potable water be used, such as bottled water.
- 7) Water shall be turned off at any property when not occupied for three (3) or more consecutive days.

## **8.7 Lifting of Restrictions Imposed During a Water Shortage**

- 1) Water shortage conditions will expire when the Town Council deems that the condition which caused the alert has been abated.
- 2) The expiration or cancellation of a water shortage declaration shall be promptly and extensively publicized.

### 8.7.1 Return to Normal

When water shortage conditions have abated and the situation is returning to normal, water conservation measures employed during each phase should be decreased in reverse order of implementation. Permanent measures directed toward long-term monitoring and conservation should be implemented or continued so that the community will be in a better position to prevent shortages and respond to recurring water shortage conditions.

## **8.8 Penalties**

Any violation of the provisions of this Article shall constitute a violation of the Town's Ordinance and be subject to penalties as outlined below.

The provisions of the Water Shortage Response Plan will be enforced by Town of Seven Devils personnel and local law enforcement. Violators may be reported on the Town's phone line. Citations are assessed according to the following schedule depending on the number of prior violations and current level of water shortage.

<b>Water Shortage Level</b>	<b>First Violation</b>	<b>Second Violation</b>	<b>Third Violation</b>
Voluntary Reductions (Stage I)	N/A	N/A	N/A
Mandatory Reductions (Stage II)	N/A	N/A	N/A
Mandatory Reductions (Stage III)	Warning	\$50	\$100
Emergency Reductions (Stage IV)	Warning	\$100	\$200
Water Rationing (Stage V)	Warning	\$200	\$300

Drought surcharge rates are effective in Stages 4 and 5.

## **ARTICLE 9 - ENFORCEMENT**

### **9.1 Penalties Defined**

The Town of Seven Devils may levy a fine of Fifty Dollars (\$50) for violations of the water use ordinance. However, violations during a “Water Shortage Condition” shall be subject to penalty as outlined in 8.8. For purposes of this ordinance, each violation and each day of occurrence shall constitute a separate and distinct offense. If this penalty is not paid within thirty (30) days, the Town of Seven Devils may institute a civil action to recover the amount of money owed. Further, attorney fees and court cost will be assessed.

The Town of Seven Devils shall also have the authority to institute proceedings in a court of competent jurisdiction to seek an appropriate equitable remedy. This shall include the authority to seek injunctive relief and an order for abatement. If the defendant fails or refuses to comply with an injunction or order of abatement within the time allowed by the court, he may be cited for contempt, and the Town may execute the order for abatement. The Town shall have a materialman’s lien, pursuant to N.C.G.S. 160A-175(d)-(e).

### **9.2 Appeal to Town Council**

The Seven Devils Town Council shall hear and decide all water bill appeals, requests for variances from this ordinance, and requests for interpretations as expeditiously as possible, consistent with the need to follow regularly established agenda procedures, provide notice, and obtain necessary information to make sound decisions.

### **9.3 Notice and Recording Decision**

The decision of the Seven Devils Town Council shall be reduced to writing and served upon the applicant or appellant and all other persons who make a written request for a copy.

*This page intentionally blank.*