

**AN ORDINANCE TO AMEND AND READOPT CHAPTER 50:  
WATER SYSTEM**

BE IT RESOLVED by the Village Council of the Village of Walnut Creek as follows:

**Section 1** Chapter 50: Water System as it currently reads be stricken and the following adopted in lieu thereof:

**GENERAL PROVISIONS**

**§ 50.01 SERVICE CONTRACTS.**

All pertinent provisions of this chapter shall govern the terms and conditions of the contracts under which the Village furnishes water service to any person or business, or whereby the Village makes any water connection or performs any work in connection with the furnishing of water service. The Village purchases water in bulk from Wayne Water District (WWD), but retains control of the distribution system, billing, rates, tap fees, and reconnect fees.

**§ 50.02 SUPERVISION BY VILLAGE COUNCIL.**

The water system shall be under the supervision of the Village Council as executed by the Water and Sewer Commissioner. The Commissioner will be appointed annually by the Mayor and will have overall responsibility for utility planning, project funding, fee recommendations, and execution of Council directives. The duty of enforcing compliance with rules and regulations governing connections with the main lines shall be vested in the Director of Public Utilities. The Village Administrator shall serve as the Director of Public Utilities. The Director of Public Utilities will ensure that water provided by WWD is in compliance with state mandated safety standards. He/she will present the results of WWD testing to the Council along with any adverse test results from periodic testing by the Village Staff.

**§ 50.03 DIRECTOR OF PUBLIC UTILITIES.**

The Director of Public Utilities shall perform the following duties:

- (A) Have general supervision over operation of the water system.
- (B) Ensure that rules and regulations of the Village are enforced.
- (C) Ensure that water rates and assessments are correctly made.

**§ 50.04 WATER CONNECTIONS; SEPARATE CONNECTIONS; PRIVATE WELLS.**

(A) Connections. All owners of improved property located within the corporate limits and on or within a distance of 200 feet of any Village water line shall connect their premises with the Village water system. Except as otherwise provided in paragraphs (B) and (C) of this section, nothing shall prohibit the continued use of water from private wells for any purpose other than domestic use. There shall be no cross-connection of the Village water system with any private well or any other source of water supply.

(B) Private wells. No water well may be constructed within the Village unless such well is constructed and operated in accordance with the following standards and specifications:

(1) Water drawn from wells may not be used for drinking, but may be used for non-potable purposes such as irrigation and washing of automobiles.

(2) No well shall be constructed to a depth of more than eighty feet from the surface.

(3) No well shall have a casing diameter greater than four inches.

(C) Permit required. Water wells are considered a structure and shall require a permit issued by the Zoning Enforcement Officer prior to beginning construction.

#### **§ 50.05 CONNECTIONS MADE UNDER SUPERVISION.**

The construction of laterals for water connections, and the necessary excavation thereto, shall be done by the Village, or, if done by a licensed plumber, it shall be done under the supervision of the Village Staff.

#### **§ 50.06 APPLICATION FOR WATER CONNECTION PERMIT.**

(A) Utility service can be established by completing an application and delivering it to the Clerk of the Village. The assigned meter will be read and a billing cycle established. No person shall make connection with the water system of the Village until that person has made application for and received permission to connect as provided herein.

(B) Such application shall describe the locality of the connection. At the time the application is made, tap fees as established by the Village Council shall be paid. In addition to tap fees, the applicant shall also pay in advance for repair of any pavement that must be disturbed.

(C) In the event a home is not occupied after initiation of utility service, normal billing continues just as if the home was occupied. A request for suspension of utility service may be made at any time and the Village Staff will read the meter, turn off service, and provide an invoice for services.

#### **§ 50.07 WATER TAP RATE.**

Charges for connection to the Village water system shall be established by resolution of the Village Council.

#### **§ 50.08 RIGHT OF ENTRY.**

Whenever it becomes necessary to enter a building for the purpose of inspecting water pipes, fixtures, or meters, Village employees may do so during reasonable hours after coordinating with the consumer. Should the employee be refused admittance, the supply of water shall be cut off until the examination is made and the required information is obtained, or until repairs and alterations are made.

#### **§ 50.09 WATER METERS.**

(A) Water meters furnished by the Village shall remain the property of the Village.

(B) At the request of a consumer, the Village will test the accuracy of a water meter alleged to be recording improperly. If the meter is found to be inaccurate, the consumer's water bill will be adjusted accordingly. If the meter is found to be accurate, the consumer will be charged a fee as established by resolution of the Village Council.

**§ 50.10 CONNECTIONS OUTSIDE OF VILLAGE.**

No connection of any water line or system outside of Village shall be made without special permission from the Village Council on such terms as the Village Council shall prescribe.

**§ 50.11 UNAUTHORIZED USE OF WATER.** Only authorized Village employees may connect or reconnect water service in accordance with paragraph 50-05. If water is found to be in use without being turned on or supervised by an authorized Village employee, or if water is used for any other purpose than that paid for, the consumer of the water shall be guilty of a violation of this chapter.

**§ 50.12 LEAKS.**

If a break occurs, or a defect is found in any pipe or fixture, causing or permitting a leakage or waste of water, it shall be the duty of the owner of the premises or the consumer to have the break or defect repaired.

**§ 50.13 WATER FOR USE OF CONSUMER ONLY.**

It shall be unlawful for a consumer to permit any person, except members of his or her family or employees living on the premises as a part of the household, or visitors in the home to remove water from the premises for any purpose except in case of fire or other emergency. Any person unlawfully receiving or using water shall be subject to a civil penalty and if shown that the unlawful use was made with the knowledge and consent of the consumer, the consumer shall be deemed equally liable.

**§ 50.14 WATER FOR BUILDING PURPOSES.**

Any person desiring water for building purposes shall make application to the Village for a permit. The estimated time for the work to be conducted and completed will be provided. A meter will be installed and the bill paid at the completion of work.

**§ 50.15 INJURY TO PROPERTY AND FIXTURES.**

It shall be unlawful for any person to injure, deface, or destroy the building, machinery, fences, trees, or other property of the WWD or Village water infrastructure, or in any way to contaminate the Village water supply.

**§ 50.16 TAMPERING WITH METERS.**

After water has been turned off for cause, it shall be unlawful for any person to turn the water on at the meter, bypass the meter, or in any other manner to obtain water.

**§ 50.17 CONTINUITY OF SERVICE.**

The Village will not be liable for damages that may result to consumers from the shutting off of water service for cause and no deduction from bills will be made in consequence thereof.

**§ 50.18 WATER RATES AND CHARGES.**

(A) The rates and charges for water service shall be established by periodic resolution of the Village Council. Said rates may be higher than standard WWD rates to fund improvements,

repairs, or expansion of the Village owned utility system. Rates are established on a scale which requires increased per gallon rate for higher usage amounts.

(B) Bills for water usage shall be rendered monthly on or about the first Thursday of the month. Failure to make payment by the last Monday of the month shall result in a late fee being added to the outstanding bill. Failure to make full payment of the previous month's bill including the late fee by the fifteenth of the following month will result in severance of water services. Water service shall not be restored until the person applying for reinstatement has paid the outstanding bill, late fee, and re-connect fee as established by resolution of the Village Council. Additionally, residents who do not have a utility deposit on file and have had their water turned off for non-payment will be required to pay a deposit as established by resolution of the Village Council.

#### **§ 50.19 WATER DEPOSITS.**

Each consumer applying for water service to a residence shall make a cash deposit via check or money order as established by resolution of the Village Council which will be refunded to the consumer's new address once the final bill is settled. Even if a deposit has not previously been made, a deposit will be required should water be disconnected for cause and a request for restoration made.

#### **§ 50.20 METER READINGS.**

Although meters will normally be read and bills rendered monthly, the Village may vary dates or the length of period covered, temporarily or permanently, if necessary or desirable. Bills for water will be figured in accordance with the rate schedule then in effect and will be based on the amount consumed for the period covered by the meter readings, but the amount payable for each billing period shall not be less than the minimum charge described in the schedule of rates.

#### **§ 50.21 TERMINATION OF SERVICE.**

(A) When water service is discontinued and all bills are paid, including penalties, the deposit, if one was collected, will be refunded.

(B) On discontinuance of service for nonpayment of final bills, the deposit will be applied toward settlement of the account. Any balance will be refunded to the consumer, but if the deposit is not sufficient to cover the amount due, the Village may proceed to collect the balance in any way provided by law for the collection of debts.

(C) Service discontinued for nonpayment of bills will be restored only after bills are paid in full, re-deposit or initial deposit is made, and a reconnect fee as established by resolution of the Village Council is paid. If a consumer does not have a deposit on file, one will be required prior to service reconnection.

(D) The Village reserves the right to discontinue water service without notice for any one or more of the following additional reasons:

- (1) To prevent fraud or abuse;
- (2) Consumer's willful disregard of the Village's rules and regulations;

- (3) Emergency repairs or possible contamination of supply;
- (4) Insufficiency of supply due to circumstances beyond the Village's control;
- (5) Legal process;
- (6) Direction of public authorities;
- (7) Strike, riot, fire, flood, accident, or any unavoidable cause, or
- (8) As directed by WWD due to emergency shortages or contingencies

(E) In addition to pursuing a civil penalty, the Village may permanently refuse service to any consumer who tampers with a meter or other measuring device.

#### **§ 50.22 USE OF IRRIGATION SYSTEMS PROHIBITED.**

The Village water system shall not be connected to any permanently installed irrigation system. No person may use water from the water system of the Village for the purpose of watering lawns or shrubs other than by a hand-held device or portable sprinkler. Standard water and sewer rates will apply.

#### **§ 50.23 UNUSUALLY HIGH WATER METER READING**

(A) Consumers may experience a large swing in water usage as documented by water meter readings. This increase in consumption may be due to a number of reasons, but if the consumer believes there is an error, it must be reported to the Village Staff within ten days of bill close-out. This allows the Village Staff time to research the issue and provide consumers with analysis and suggestions prior to the billing due date.

(B) In the event a consumer feels the current water meter reading is incorrect, the following procedure will be employed:

(1) The consumer may be asked to prove that water sources and/or well permits are in compliance with existing ordinances.

(2) In the event of a validated water leak, the consumer may apply in writing for a reduction ~~waiver~~ of a portion of the invoiced amount. The Village Staff will research historical data ~~the past two years of data as well as specific quarterly consumption numbers and come up with~~ to determine average usage which will be the baseline for calculating a possible reduction. Each case will be reviewed based on the circumstances.

(3) ~~A waiver may be requested and will only be granted one time in any five year period to each consumer.~~ A reduction ~~waiver~~ request requires written documentation describing the problem along with proof that a repair or correction has been completed. Proof is an itemized bill from a professional service listing the completed repairs. Should the repair or correction be completed by the resident, additional certification may be required on a case-by-case basis.

(4) Upon receipt of a request for a reduction, ~~waiver~~, the Water & Sewer Commissioner will review the request and render a decision. In the event the decision is not acceptable to the consumer, a formal request may be made to the Village Council at a regular Council meeting.

(5) A request to test a meter for inaccurate readings does not absolve the requirement to pay what is due. In the event the meter is found to be in proper working condition and the bill is paid after the due date, the consumer may be responsible for the late fee. If credits are justified and documented, they will be applied to the account.

**§ 50.24 VILLAGE WATER SHORTAGE RESPONSE PLAN.**

The purpose of this plan is to provide for the declaration of official phases of water supply shortage situations and implementation of voluntary and mandatory water conservation measures throughout the Village system in the event a shortage is declared. Decision to invoke these procedures will be made by the Mayor after consulting with the Village Council and WWD. However, the Mayor may unilaterally invoke these procedures if deemed necessary and prudent.

**§ 50.25 DEFINITIONS.**

The following definitions shall apply unless the context clearly indicates or requires a different meaning.

**"CRISIS."** A loss of potable water is probable unless there is an immediate reduction of demand.

**"CUSTOMER."** Any person, business or industry using water for any purpose from the Village's water distribution system, and for which either a regular charge is made or, in this case of bulk sales, a cash charge is made at the site of delivery.

**"EMERGENCY."** Water supplies are below the level necessary to meet normal needs and serious shortage exists in the area.

**"FRESH WATER."** Raw water withdrawn from surface water supplies that has not been previously used or private well that does not exceed 100 feet in depth, including water drawn from Village lakes.

**"MANDATORY CONSERVATION."** Raw water supplies are consistently below seasonal averages, and if they continue to decline, may not be adequate to meet normal needs, making certain uses prohibited.

**"RATIONING."** Procedures established to provide for equitable distribution of critically-limited water supplies, in order to balance demand and limited available supplies, and to ensure that sufficient water is available to preserve public health and safety.

**"RECLAIMED WATER."** Wastewater that has been treated to allow reuse.

**"SERVICE INTERRUPTION."** The temporary suspension of water supply, or reduction of pressure below that required for adequate supply, to any customer, portion of a water supply, or entire system.

**"VOLUNTARY CONSERVATION."** Conditions exist that indicate potential for serious water supply shortages and certain actions are requested.

**"WASTE OF WATER."** Includes, but is not limited to:

- (1) Permitting water to escape down a gutter, ditch or other surface drain; or

(2) Failure to repair a controllable leak of water due to defective plumbing.

**"WASTEWATER."** Water that has been previously used for industrial, municipal, domestic or other purposes, and has not been returned to the surface source.

**"WATER."** Water available to the Village for treatment by virtue of its water rights or withdrawal permit or any treated water introduced by the Village into its water distribution system, including water offered for sale.

**"WATER USE CATEGORIES."** Established as follows:

Category 1: Essential Water Uses	
Domestic Use:	
	1. Water necessary to sustain human life and the lives of domestic pets, and to maintain minimum standards of hygiene and sanitation in kitchens, bathrooms, and laundry.
Public Use:	
	1. Fire hydrants: a. Firefighting. b. Certain testing and drills by the Fire Department, if performed in the interest of public safety and if approved by the Village. 2. Maintenance of sanitary sewers and hydrants flushing as needed to ensure public health and safety.

Category 2: Socially or Economically Important Uses of Water	
Domestic Use: All domestic uses other than those included in Categories 1 and 3.	
	1. Minimal watering of lawns, gardens, trees and the like at home as permitted by ordinance.
Commercial and Institutional Uses:	
	1. Water use by public gardens of regional significance where necessary to preserve specimens. 2. Filling and operation of swimming pools.

	<ol style="list-style-type: none"> <li>3. Interior cleaning of commercial truck beds.</li> <li>4. Restaurants, clubs and eating places.</li> <li>5. Air conditioning: <ol style="list-style-type: none"> <li>a. Refilling for startup at the beginning of the cooling season.</li> <li>b. Make-up of water during the cooling season.</li> <li>c. Refilling specifically approved by health officials and the municipal governing body, where the system has been drained for health protection or repair purposes.</li> </ol> </li> </ol>
Category 3: Non-Essential Uses of Water	
Ornamental Purposes:	
	<ol style="list-style-type: none"> <li>1. Fountains, reflecting pools, and artificial waterfalls.</li> </ol>
Outdoor Non-Commercial Watering (public or private):	
	<ol style="list-style-type: none"> <li>1. Filling and operation of private swimming pools.</li> <li>2. Washing of motor vehicle exteriors.</li> <li>3. Serving water in restaurants, clubs or eating places except by specific request.</li> <li>4. Air conditioning: refilling cooling towers after draining except as specified in Category 1.</li> </ol>

**§ 50.26 DECLARATION OF VOLUNTARY CONSERVATION.**

Whenever the Mayor is informed by the Director of Public Utilities or WWD that a potential shortage of water supply is indicated, the Mayor shall be empowered to declare by adoption of this section that voluntary conservation conditions exist. The Director of Public Utilities shall monitor the supply and demand upon that supply. In addition, the Mayor is authorized to call upon all water customers to employ voluntary water conservation measures as outlined in the Village Water Shortage Response Plan to limit water use (especially Category 3: Non-Essential Uses) and eliminate the waste of water. The declaration of voluntary conservation shall be published in a newspaper of general circulation in the area that qualifies under G.S. § 1-597, and may be publicized through the Village Web Site, Facebook Page, e-mail, general news media, radio, cable TV, or any other appropriate method for making such information public.

**§ 50.27 DECLARATION OF MANDATORY CONSERVATION.**

(A) Whenever the Mayor is informed by the Director of Public Utilities or WWD that raw water supplies are consistently below seasonal averages, and if this supply continues to decline, it may not be adequate to meet the Village's normal needs, the Mayor is empowered to declare by adoption of this section that mandatory conservation conditions exist. In addition, the Mayor is authorized to call upon all water customers to employ mandatory water conservation measures as outlined in the Village Water Shortage Response Plan. The Village shall continue to



encourage voluntary water conservation measures defined under the voluntary conservation declaration, and further shall impose a ban on water uses for the duration of the shortage as defined in Village Water Shortage Response Plan. These restrictions shall continue until it is ended by announcement of return-to-normal conditions by the Village. The declaration of mandatory conservation shall be published in a newspaper of general circulation in the area that qualifies under G.S. § 1-597, and may be publicized through the in the Village Web Site, Facebook Page, e-mail, general news media, radio, cable TV, or any other appropriate method for making such information public.

(B) The Village has responsibility for compliance monitoring of this chapter, beginning with the mandatory conservation phase.

#### **§ 50.28 DECLARATION OF WATER SHORTAGE CRISIS.**

(A) Whenever the Mayor is informed by the Director of Public Utilities or WWD that water supplies are below the level necessary to meet normal needs and that serious shortages exist, the Mayor is empowered to declare by this section that a water shortage crisis exists. In addition, the Mayor is authorized to call upon all water customers to employ water shortage crisis measures as outlined in the Village Water Shortage Response Plan. These restrictions shall continue until the emergency is ended by announcement of return-to-normal conditions by the Village. Under a water shortage crisis, the Village will provide for the equitable distribution of critically-limited water supplies, in order to balance demand and limited available supplies, and to ensure that sufficient water is available to preserve public health and safety.

(B) To meet the objectives of the declaration of a water shortage crisis:

(1) It is imperative that water customers achieve an immediate further reduction in water use in order to extend existing water supplies and, at the same time, ensure that sufficient water is available to preserve the public health and sanitation and to provide fire protection service.

(2) The immediate further reduction in water usage is another step along a continuum of responses to the present water supply shortage. Should the shortage continue, further reductions in usage may be required. It must be emphasized that the additional usage reduction in the rationed area is a valid and attainable goal reflective of the conditions that currently exist.

(3) The plan provides for equitable reductions in water usage and for equal sacrifice on the part of each water consumer. The success of this chapter depends on the cooperation of all water customers in the emergency area.

(C) Commercial water customers shall reduce water usage by 15% to 20%.

(D) Non-commercial water customers shall reduce water usage by 15% to 20%, based on the annual average.

(1) It is the primary responsibility of each non-commercial water consumer to meet the mandated water usage reduction goal in whatever manner possible.

(2) Each non-commercial water user shall provide access to Village personnel for purposes of meter reading and monitoring of compliance with this section. All reasonable efforts will be made to contact customers to arrange for access.

(3) The Village will provide each non-commercial customer with suggested means to reduce usage levels.

(E) The Village has responsibility for monitoring of compliance during the water crisis.

**§ 50.29 DECLARATION OF WATER SHORTAGE INTERRUPTIONS.**

(A) Whenever the Mayor is informed by the Director of Public Utilities or WWD that raw water supplies are well below the level necessary to meet basic water needs and that serious shortages exist, the Mayor is empowered to declare by this section that a water shortage interruptions situation exists. Under a water shortage interruption situation, the Village will provide critically-limited water supplies, in order to preserve public health and safety of its citizens. In addition, the Mayor is authorized to call upon all water customers to employ water shortage interruption measures as outlined in the Village Water Shortage Response Plan. These restrictions shall continue until this phase is ended by announcement by the Village that water service interruptions conditions no longer exist.

(B) If the water shortage crisis indicates that, despite conservation measures in effect, the water supply cannot meet the Village's water consumption, broader water main interruptions may be required that will affect water users. The following provisions shall govern the implementation of temporary service interruptions:

(1) In order to affect compliance with this section, the Village Council is authorized and required to plan and implement temporary service interruptions to all or part of its water supply system, as may be deemed appropriate, when any and/or all of the following conditions are determined to exist:

(a) The mandated reduction in system-wide usage has not been achieved; and/or

(b) The mandated reduction in system-wide water usage has been achieved, but has failed to have a significant impact in extending limited water supplies; and/or

(c) Temporary service interruptions are necessary in order to further extend limited and/or dwindling water supplies.

(2) In the event it is determined that temporary service interruptions are necessary, the Village shall notify its customers through the public media (internet, e-mail, newspapers, radio and television), at least one day prior to the temporary service interruptions, that a planned, temporary service interruption is to be imposed. Such notice shall:

(a) State the day or days when the planned, temporary service interruption will occur;

(b) State the time(s) when the planned, temporary service interruptions will commence, and the time(s) the interruption will cease;

(c) State whether the planned, temporary service interruptions are to be imposed on the entire system, or part thereof, and if only part(s) of the system will experience planned, temporary service interruptions, identify geographic boundaries within which the interruptions will occur; and

(d) Advise all customers within the areas affected by planned, temporary service interruptions how to treat any water received from the system for human consumption during the

period(s) of the interruptions and for such additional time as may be necessary until full pressure is restored to the system.

(3) If a planned, temporary service interruption is implemented, the Village must make provision by any means possible, for the continued delivery of such water as may be necessary for the proper operation of sewage collection, treatment, and disposal systems and facilities.

(4) If a planned, temporary service interruption is implemented, the Village shall impose a temporary moratorium on all new service connections to the Village's water system.

**§ 50.30 SHORTAGE WATER RATES.**

Upon the declaration of a water supply shortage as provided in §§ 50.26 through 50.29, the Village Counsel shall have the power to adopt shortage water rates by resolution designed to conserve water supplies. Such rates may provide for, but not be limited to:

- (A) Higher charges per unit for increasing usage (increasing block rates);
- (B) Uniform charges for water usage per unit of use (uniform unit rate);
- (C) Extra charges for use in excess of a specified level (excess demand surcharge); and
- (D) Discounts for conserving water beyond specified levels.

**§ 50.31 RETURN-TO-NORMAL.**

When it is determined that the water shortage has abated, the reverse order of water conservation stages will be followed until a full return-to-normal is achieved. For example, the water shortage crisis phase will go to a less restrictive mandatory conservation phase, then to a much less restrictive voluntary conservation phase until a return-to-normal condition is reached. It is the Village's intent to remain for an adequate period of time at each water conservation phase to avoid oscillating back and forth between water shortage phases and the return-to-normal condition.

**§ 50.99 PENALTY.**

(A) Any commercial or non-commercial water customer who does not comply with the mandatory water conservation restrictions established pursuant to § 50.27 of this chapter will be subject to the following civil penalties:

Commercial penalties:	
1st offense	warning
2nd offense	\$100
subsequent offenses	\$200
Non-commercial penalties:	
1st offense	warning
2nd offense	\$200

subsequent offenses	\$1,000
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(B) Any commercial or non-commercial water customer who does not comply with the mandatory water conservation restrictions established pursuant to § 50.28 of this chapter will be subject to the following civil penalties:

Commercial penalties:	
1st offense	\$200
2nd offense	\$500
subsequent offenses	double the quarterly utility bill plus \$1,000
Non-commercial penalties:	
1st offense	\$200
2nd offense	\$500
subsequent offenses	double the quarterly utility bill plus \$1,000

**Section 2**

This ordinance shall be effective as of the date of its adoption.

This the 27<sup>th</sup> day of January, ~~2020~~ 2021

  
 \_\_\_\_\_  
 Danny Jackson, Mayor

ATTEST:

  
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 Peggy Page, Village Clerk