

MONTREAT CODE OF GENERAL ORDINANCES

CHAPTER E -- UTILITIES

ARTICLE I: WATER & SEWER

(Revised 03/12/2009)

Section 1. Board to Regulate Water. The water system of the Town shall be under the control of the Board or its authorized agent, which shall have the duty of prescribing and enforcing full compliance with all the rules and regulations governing all connections with the water system.

Section 2. Metropolitan Sewerage District (MSD) to Regulate Sewer. The Town's sewer system operates under the jurisdiction of the Metropolitan Sewerage District of Buncombe County, North Carolina (MSD), on behalf of the Town.

Section 3. Permit for Connection Required. No Person or Entity shall connect with the water system of the Town until he/she/it has made written application for permission to the Town Administrator for such connection, paid the appropriate application and tap fee and received approval for such connection. This application shall be made before any part of the sewer system of a building or other connection shall be laid or constructed and the application shall be accompanied by a plan or drawing which states the name of the Street where the building is located and the name of the Person or Entity and shows the location of the building and entire proposed connection to a sewerage system through the building to its terminus and the location of all of the fixtures, traps, ventilating pipes, etc.

Section 4. Separate Connections Required. Each building shall have separate water and sewer connections.

Section 5. Water and Sewer Required. All owners of improved property within the Town limits shall connect with the public water system for water intake purposes. All owners of improved property within the Town limits shall be required to connect to the sanitary sewer system of the Metropolitan Sewerage District.

Section 6. Private Wells and Septic Systems. The owners of any improved property located in the Town shall connect to the public water line and MSD sewer line in accordance with this Ordinance and MSD requirements.

Section 6. Privies and Septic Tanks Regulated.

- 1) No privy of any kind shall be permitted in the Town.
- 2) Existing septic systems installed prior to the revision of this ordinance must be pumped and serviced at the recommended intervals, as specified by the Buncombe County Health Department. For typical residential systems serving fewer than four people, the recommended interval is five (5) years. For typical

residential systems serving four or more people the recommended service interval is three (3) years. The Zoning Official, with consultation from the property owner and the Buncombe County Health Department, shall determine the service interval for each septic system. Proof the service must be filed with the Zoning Official within 30 days of the service.

- 3) The Zoning Official shall maintain a list of all the septic systems installed in the Town along with a record of the maintenance performed on each system. Property owners shall be fined if they do not perform the recommended pumping and service within 30 days from the time the service is due, as defined in Subsection 6.2 above. The fine shall be two hundred dollars (\$200) each day, plus the cost of any clean-up activities caused by the septic system.

Section 7. Use of Town Water.

- 1) No Person or Entity shall supply or sell water to other Persons or entities, nor shall any Person or Entity take or carry away water from any hydrant, watering trough, or public fountain.
- 2) The fire hydrants are for the use of the Fire Department for fighting fires and are not to be used by an unauthorized Person for any purpose, without written permission from the Board.

Section 8. Water and Sewer Rates.

- 1) Water rates and water connection charges shall be determined from time to time by the Board and shall be kept on file in the office of the Town Administrator.
- 2) Sewer rates and connection charges shall be determined by the MSD.

Section 9. Tampering with or Obstructing Water and Sewer Lines Prohibited. No Person shall touch, tamper, or in any manner manipulate or turn the cut-offs on the water mains forming a part of the water system of the Town, nor shall any Person tamper with or harm in any manner whatsoever any water or sewer line, main or any appurtenance thereto. No Person shall throw or deposit any material or substance in any water or sewer line that will in any manner obstruct such line.

Section 10. Private Water Supply Regulated.

- 1) It shall be unlawful for any Person or Entity to furnish, supply, or provide for gain or profit, any water from a private well or pump in or to any dwelling house, boarding house, inn, hotel, cafe or other commercial establishment, or any room or rooms of the same, when said dwelling house or any room or rooms therein are rented, or offered for rent to the public, or when said boarding house, inn, hotel, cafe, or other commercial establishment is open to, or used by, the public, unless and until an analysis of the water from such private well or pump shall

have first been submitted to and approved by the Building Inspector.

- 2) The water analysis referred to in Sub-Section (1) hereof shall be made by or under the direction of the Buncombe County Health Department or the Department of Public Health of the State of North Carolina.
- 3) If said water analysis bears the approval of either of the authorities referred to in Sub-Section (2) hereof, the Building Inspector shall approve the same. If, however, the analysis shows that the water is contaminated and unfit for human consumption, the Building Inspector shall not approve said analysis.

Section 11. Director of Public Works. The Director, or his/her assistant, shall at all reasonable hours have free access to all buildings or structures in the Town for the purpose of examining hydrants, fixtures or connections on which Town water pressure is maintained.

Section 12. Work on Water System. All work on the water system and all connections or disconnections thereto shall be performed by authorized Employees of the Town, or by plumbers approved by the Town. All work shall be performed in accordance with the Plumbing Code of the State of North Carolina and such amendments thereto that the Board may from time to time adopt.

ARTICLE II: WATER CONSERVATION ORDINANCE
Water Shortage Response Plan (WSRP)
Town of Montreat (PWSID: 01-11-484)
(Revised 04/10/2008)

Section 1. Montreat Water Shortage Response Plan Procedure. All water systems purchasing water from the Town of Montreat water system will, at a minimum, adopt and enforce water use reduction measures contained in this plan or a similar plan as a condition of water sales. When the thresholds established in Section IV of this plan are reached the Mayor, or an agent designated by the Mayor, shall declare a water shortage and institute the provisions of this plan. Upon the declaration of a water shortage, a press release will be forwarded to the following media outlets: Asheville Citizen-Times, Black Mountain News, and WLOS-TV News 13.

Section 2. Year-Round Water Conservation Policy in Montreat. The Town of Montreat Board of Commissioners encourages all municipally supplied water users to use water efficiently at all times. Montreat's Public Works Director will monitor water demand and the available supply of water. The findings will be reported to the Town Administrator. In the event of a declaration of water shortage by the Mayor, the Public Works Director will submit a weekly report on water supply conditions to the Town Administrator.

Public education and outreach will consist of any or all of the following activities:

- Bill Announcements to all Customers
- Flyers/Handouts/Newsletters

- Independent Mailings to Major Users
- Presentations
- Press Releases or Public Service Announcements
- Signs and Posters
- Water Audit
- Website

Section 3. Montreat Water Use Classification. To aid implementation of this plan the following classes of water use have been established:

Class I: Essential Potable Water Uses for Montreat:

- **Domestic** – Water to sustain human and domestic pet life; minimum standards of hygiene and sanitation.
- **Patient Care** – Patient care and rehabilitation, including swimming pools used for patient care and rehabilitation.
- **Public Use** – Firefighting and approved flushing of sewers and hydrants to ensure public health and safety.

Class II: Socially/Economically Important Potable Water Uses for Montreat:

- **Domestic** – Minimal use for kitchen, bathroom and laundry. Minimal watering of vegetable gardens and trees to preserve them.
- **Public Use** – Filling and operation of public swimming pools.
- **Commercial** – Commercial Laundromats; restaurants and hotels, minimum amount required to maintain essential cooling operations.
- **Agricultural** – Minimum amount required to maintain crops, livestock and associated activities.
- **Institutional** – Efficient use by schools, churches and government facilities.

Class III: Non-Essential Potable Water Uses for Montreat:

- **All** – Ornamental uses (i.e. fountains, reflecting pools, artificial waterfalls); Residential lawn irrigation; Non-commercial washing of motor vehicles; Washdown of impervious surfaces; Filling and operation of recreational swimming pools.
- **Public Use** – Gardens, lawns, parks, playing fields and recreational areas.
- **Commercial** – Serving water in restaurants except by request.

Section 4. Drought Response Triggers and Phased Water Use Reductions. When one of the following water supply thresholds (triggers) are reached, the Mayor shall initiate the following Phase reduction measures as outlined under the corresponding Response heading. For the purpose of this ordinance, Montreat’s winter pumping times include the dates from October 1st through May 31st and summer pumping times include the dates from June 1st through September 30th.

Phase I: Voluntary Water Use Reduction for Montreat:

Triggers

- Twenty percent (20%) increase in normal seasonal pumping times (measured annually) to maintain storage and meet demand.
- Pumping times required to maintain storage and meet daily demand exceed ten (10) hours per day in winter and sixteen (16) hours per day in summer.
- Average daily use greater than 250,000 gallons per day for seven (7) consecutive days.
- Static Water Level (*Additional data is needed before an appropriate trigger is established.*)
- Pumping Water Level (*Additional data is needed before an appropriate trigger is established.*)
- Rain Levels (*Additional data is needed before an appropriate trigger is established.*)

Response

- The Mayor shall declare a **Water Shortage Advisory**.
- Begin public notification as previously outlined and distribute water conservation tips.
- Request Voluntary Conservation for all users of the Montreat water system as outlined in distributed information.
- Request Class III non-essential uses to be reevaluated.
- Request individual users reduce water consumption by ten percent (10%).
- Large water users (greater than annual average of 50,000 gallons) are required to prepare a fifteen percent (15%) Water Use Reduction Plan to be submitted within thirty (30) days of a water shortage advisory declaration.

Phase II: Mandatory Water Use Reduction Measures for Montreat:

Triggers

- Forty percent (40%) increase in normal seasonal pumping times (measured annually) to maintain storage and meet demand.
- Pumping times required to maintain storage and meet daily demand exceed twelve (12) hours per day in the winter and eighteen (18) hours per day in the summer.
- Average daily use greater than 275,000 gallons per day for seven (7) consecutive days.
- Static Water Level (*Additional data is needed before an appropriate trigger is established.*)
- Pumping Water Level (*Additional data is needed before an appropriate trigger is established.*)

- Rain Levels (*Additional data is needed before an appropriate trigger is established.*)

Response

- The Mayor shall declare a **Water Shortage Alert**.
- All voluntary measures become mandatory measures.
- Enforce a system-wide twenty-five percent (25%) water use reduction goal.
- Notify water use customers by any or all methods as previously outlined.
- Non-commercial car washing and residential outdoor watering is limited to two days per week between 6 p.m. and 8 a.m.
- Ban all non-commercial pressure washing and washdown of impervious surfaces.
- Ban the filling of newly constructed or recently drained pools.
- Public recreational areas are limited to watering on Monday between the hours of 6 p.m. and 8 a.m.
- Institutional automatic toilet flushing systems will operate only during business hours.
- All non-public hydrant use by permit only.
- Ban ornamental uses (i.e. fountains, reflecting pools, artificial waterfalls).
- May authorize additional water use restrictions or bans to be enforced ten days after public notification.

Phase III: Emergency Water Use Reduction Measures for Montreat:

Triggers

- Sixty percent (60%) increase in normal seasonal pumping times (measured annually) to maintain storage and meet demand.
- Pumping times required to maintain storage and meet daily demand exceed fourteen (14) hours per day in winter and twenty (20) hours per day in summer.
- Average daily use greater than 300,000 gallons per day for seven (7) consecutive days.
- Static Water Level (*Additional data is needed before an appropriate trigger is established.*)
- Pumping Water Level (*Additional data is needed before an appropriate trigger is established.*)
- Rain Levels (*Additional data is needed before an appropriate trigger is established.*)

Response

- The Mayor shall declare a **Water Shortage Emergency**.
- Enforce a system wide fifty percent (50%) water use reduction goal.
- In addition to the above measures the following measures will also be imposed:
- Notify water use customers by any or all methods as previously outlined.

- Ban Class III non-essential uses.
- Request additional conservation from Class 1 (essential) users as may be possible.
- Enact advanced restriction pricing with fines for overuse.
- Limit garden irrigation to two days per week between 6 p.m. and 8 a.m.
- Ban all landscape irrigation (including greens, public areas, school grounds, residential lawns).
- Ban all recreational water use including but not limited to wading pools and outdoor water toys.
- May authorize additional water use restrictions or bans to be enforced ten days after public notification.

Phase IV: Rationing Measures for Montreat: Whenever the Mayor has declared a Water Shortage Emergency and finds a need to provide for the equitable distribution of critically-limited treated water or water supplies to ensure that sufficient treated water is available to preserve public health and safety of the citizens, the Mayor shall enforce a water rationing policy. Such rationing policy may be developed at the time of the declaration of the Water Shortage Emergency and should be reflective of the following criteria:

- a) 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, assure that sufficient water is available to preserve the public health and sanitation and to provide fire protection service.
- b) The policy must provide for equitable reductions in water usage and for equal sacrifice on the part of each water customer. The success of this policy depends on the cooperation of all water customers in the emergency area.
- c) The policy must ensure that fire protection is maintained. Where possible, tank trucks shall use non-potable water.
- d) The policy shall make it unlawful to fail to act in accordance with the restrictions on treated water use or to attempt to evade or avoid such water rationing restrictions.
- e) The policy may include additional measures of mandatory conservation controls such as a percentage reduction in consumption, termination of service to specific areas in the water system on a rotating basis, prohibition of all institutional uses of potable water, etc., or whatever is necessary to protect the health and safety of the customers of the water system.

In addition to other measures authorized by this ordinance, the minimum water rationing policy will provide as follows:

- 1) Water Use Rationing for Residential Users: The number of permanent residents in each dwelling unit (household) will determine the amount of water that each household will be allowed. Each dwelling unit (household) shall be allotted sixty five (65) gallons per day for each resident of the household. If it is found that the residential water allotment provided under this section would create an extraordinary hardship for individual customers, as in the case of special health-

related requirements, a revised allotment for the particular customer may be established by the Town Administrator and Public Works Director.

- 2) **Water Use Rationing for Non-Residential Water Users** – Non-residential customers include commercial, industrial, institutional, public and all other such users. Non-residential water customers shall further reduce their water usage to the lower of (i) sixty-five (65) gallons per person per day or (ii) to fifty percent (50%) of use levels during the last metered recording. It is the primary responsibility of each non-residential water customer to meet the mandate water use reduction goal in whatever manner possible, including limitation of operating hours or days if necessary. The Town of Montreat will work with each non-residential customer to establish a water allotment for each service. If the mandated further reduction in water usage cannot be obtained without imposing extraordinary hardship which threatens health and safety, the non-residential customer may apply to the Town of Montreat for a variance. For these purposes, “extraordinary hardship” means a permanent damage to property or an economic loss which is substantially more severe than the sacrifices borne by other water users subject to this water rationing policy. If the further reduction would cause an extraordinary hardship or threaten health or safety, a variance may be granted by the Board of Commissioners, and a revised water use reduction requirement for the particular customer may be established.

The Town of Montreat may implement more restrictive water rationing policies if the mandated water reduction has failed to sufficiently extend limited water supplies.

Water Use Rationing Enforcement: The Town of Montreat Public Works Department with the assistance of the Montreat Police Department will have primary responsibility for monitoring compliance with the water rationing policy. Any residential or non-residential water customer who exceeds the allotments established pursuant to this water rationing will be subject to an excess-use administrative penalty of \$100.00 for each violation. Each day a water customer exceeds its allotment shall be a separate violation. In addition to the excess-use administrative penalty, non-compliance with the water rationing provisions of this ordinance will result in the maximum penalties provided for by this ordinance or the North Carolina General Statutes. Meter reading schedules are authorized to be altered to assure adequate monitoring of compliance with this ordinance. Any customer or other person aggrieved by a decision or action imposing an excess-use civil penalty or other remedy for non-compliance with the requirements of this ordinance may file a letter of appeal to the Board of Commissioners within ten (10) days of action to rebut the finding of a violation, or provide evidence of circumstances beyond the customer’s control that resulted in the violation. A record of evidence regarding disputed violation shall be kept and a written notice of the Board’s final decision and action in such cases shall be provided to the customer or aggrieved party within thirty (30) days of the Town receiving the letter of appeal.

Implementation of Temporary Service Interruptions: In order to effectuate compliance with this ordinance, the Mayor, or an agent designated by the Mayor is hereby authorized to plan and implement temporary service interruption to all or part of its water supply system, as may be

deemed appropriate, when any/or all of the following conditions are determined to exist: 1) the mandated reduction in system-wide water usage has not been achieved; and/or 2) 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 3) temporary service interruptions are necessary in order to further extend limited and/or dwindling water supplies. In the event it is determined that temporary service interruptions are necessary, the Town of Montreat shall notify its customers through the public media listed in Section One of this ordinance at least one day prior to the temporary service interruptions that a planned, temporary service interruption is to be imposed. Such notice shall: 1) state the day or days when the planned, temporary service interruption will occur; 2) state the time(s) when such planned, temporary service interruptions will commence and the time(s) such interruption will cease; 3) 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 interruption, state the part(s) of the system where the planned, temporary service interruption will occur; and 4) 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 such interruptions and for such additional time as may be necessary until full pressure is restored to the system.

Summary Responses to Water Use Classes at Different Phases

	Voluntary Phase	Mandatory Phase	Emergency Phase
Class 1: Essential	Voluntary Conservation	Voluntary Conservation	Additional Conservation
Class 2: Socially or Economically Important	Voluntary Conservation	Voluntary Conservation Mandatory Restrictions	Mandatory Restrictions
Class 3: Non-Essential	Voluntary Conservation	Mandatory Restrictions	Mandatory Restrictions

Section 5. Montreat Enforcement Penalties.

Offense	Phase I: Voluntary	Phase II: Mandatory	Phase III: Emergency
First	Notice of Violation	Notice of Violation and \$50.00 Fine	\$100.00 fine
Second	Notice of Violation	\$100.00 Fine	\$350.00 Fine
Third	Notice of Violation	\$250.00 Fine	Water Service Disconnection and Associated Reconnect Fees
More than Three Offenses	Notice of Violation	Water Service Disconnection and Associated Reconnect Fees	Water Service Disconnection and Associated Reconnect Fees

Water service disconnection and reconnect fees shall be set by the Board of Commissioners annually. In the event of continued gross non-compliance of this ordinance, the meter shall be removed, service shall be discontinued and all tap fees and deposits forfeited. Reconnection shall only be made by payment of current due amounts and payment of new tap fees and deposits.

Section 6. Montreat Residential and Non-Residential Conservation Rates: Conservation pricing is an important tool for water conservation. Conservation pricing is a rate structure that encourages consumers to reduce water use by charging more for increased water use. Increased water rates have proven to be a strong incentive for water users to reduce excessive outdoor water use. Conservation pricing is a critical conservation measure that will help to ensure enough water is available for all our citizens.

Water System Operating Status	Conservation Rates
Normal Conditions or Phase I Advisory	Normal Rate
Declaration of Phase II Alert	2 x Normal Rate
Declaration of Phase III Emergency	4 x Normal Rate

Section 7. Taking Water from Streams. Any person or entity who wishes to draw water from any river, stream, lake or similar body of water shall only be permitted to do this during the months of June through September, for a maximum duration of four hours per day, three days per week and only after receiving authorization from the Town Administrator.

Section 8. Return To Normal Operations in Montreat. Phase conservation measures and restriction will expire incrementally when the Mayor, after consultation with the Town Administrator and Public Works Director, finds that the water supply has returned to normal.