

**§ 53.27 DISCONNECTION FOR LATE PAYMENT.**

(A) It is the policy of the town to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. (See § 53.26 for provisions regarding billing.) The town's form for application for utility service and any disconnect notice shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

- (1) That all bills are due and payable on or before the date set forth on the bill; and
- (2) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within ten days of the mailing of the second bill, service will be discontinued for nonpayment; and
- (3) That any customer disputing the correctness of his bill shall have a right to a hearing at which time he may be represented in person and by counsel or any other person of his choosing and may present orally or in writing his complaint and contentions to the town official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(B) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(C) When it becomes necessary for the town to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge in the sum of \$50.

**§ 53.28 SUSPENSION OF SERVICE.**

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

(B) On discontinuance of service for nonpayment of 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 and payable, the town 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, redeposit made and a service charge of \$5 paid.

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(D) The town 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 town's rules and regulations;
- (3) Emergency repairs;
- (4) Insufficiency of supply due to circumstances beyond the town's control;
- (5) Legal process;
- (6) Direction of public authorities; or
- (7) Strike, riot, fire, flood, accident, or any unavoidable cause.

(E) The town may, in addition to prosecution by law, permanently refuse service to any consumer who tampers with a meter or other measuring device.

(`92 Code, § 50.27) Penalty, see § 53.99

***WATER SHORTAGES*****§ 53.40 DEFINITION.**

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

***WATER SHORTAGE.*** Shall be deemed to exist when water demand by customers connected to the town water system reaches the point where continued or increased demand will equal or exceed 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.

(`92 Code, § 52.01) (Ord. passed 11-9-87)

**§ 53.41 DECLARATION OF WATER SHORTAGE.**

In the event it appears that water demand on the town water system may exceed supply and transmission capabilities, the Public Works Director may recommend to the Town Clerk that voluntary water conservation measures be implemented. The Town Clerk, following consultation with the Board of Aldermen, may declare a Stage I Water Shortage Condition Advisory requesting voluntary water conservation by consumers. In the event that voluntary conservation measures fail to relieve the demand on the system, the town may advance to a Stage II or Stage III Water Shortage Condition. The Town Clerk, following consultation with the Board of Aldermen may, with or without the recommendation of the Public Works Director, declare that a Stage II or Stage III Water Shortage Condition exists. (92 Code, § 52.02) (Ord. passed 11-9-87)

**§ 53.42 STAGE I WATER SHORTAGE CONDITION.**

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

(1) An extensive 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.

(B) In the event a Stage I Water Shortage Condition is declared, the following guidelines shall apply and 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 which is necessary for plants to survive.

(3) Do not wash down outside areas such as sidewalks, patios, parking lots, service bays or aprons, or the like.

(4) Do not leave faucets running while shaving or rinsing dishes.

(5) Water shrubbery to the minimum required, reusing 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 bathtubs, and limit showers to no more than four minutes.

- (8) Limit flushing of toilets by multiple usage.
- (9) Use of disposable and biodegradable dishes is encouraged.
- (10) The use of flow-restrictive and water-saving devices.
- (11) Limit hours of operation of water-cooled air conditioners.

(12) All residences, businesses, and institutions are requested to temporarily delay new landscape work until the water shortage has ended.

(`92 Code, § 52.03) (Ord. passed 11-9-87)

### **§ 53.43 STAGE II WATER SHORTAGE CONDITION.**

(A) In the event the Town Clerk issues a declaration of a Stage II 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 for any purpose hereinafter set forth until such time as the declaration of water shortage has been rescinded. In exercising the authority for declaring a water shortage condition, consideration shall be given to water storage levels and available sources of supply, available usable storage on hand, drawdown rates, the projected supply capability, outlook for precipitation, daily water use patterns, and availability of water from other sources.

(B) In the event a Stage I Water Shortage Condition is in effect and town storage facilities drop five feet or less of storage, then a Stage II Water Shortage may be proclaimed. In addition to the voluntary guidelines already in effect, it shall be unlawful to use water supplied by the town water system in the following manner:

(1) (a) To water lawns, grass, shrubbery, trees, flowers, and vegetable gardens except in accordance with the schedule set forth below for specific areas in the service area. Such watering shall be done by a hand-held hose or container or by drip irrigation system only.

(b) All areas may water on Sunday and Thursday between the hours of 6:00 a.m. and 9:00 a.m.

(2) To fill 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 types of mobile equipment, including commercial washing.

(4) To wash down 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, or to use water for any 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 induce water into any ornamental fountain, pool, 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 operate water-cooled air conditioners or other equipment that does not recycle cooling water, except when health and safety are adversely affected.

(9) To use water for any unnecessary purpose or to intentionally waste water.  
( '92 Code, § 52.04) (Ord. passed 11-9-87) Penalty, see § 53.99

#### **§ 53.44 STAGE III WATER SHORTAGE CONDITION.**

(A) In the event the Town Clerk issues a declaration of a State III 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 for any purpose hereinafter set forth until such time as the declaration of water shortage has been rescinded. In exercising the authority for declaring a water shortage condition, consideration shall be given to water storage levels and available sources of supply, available usable storage on hand, drawdown rates, the projected supply capability, outlook for precipitation, daily water use patterns, and availability of water from other sources.

(B) In the event a Stage II Water Shortage Condition exists and town storage facilities drop seven feet or less, then a Stage III Water Shortage may be declared. In addition to the restrictions for Stage I and Stage II Water Shortage Conditions, the following restrictions shall also apply:

(1) To induce water into any pool.

(2) Use water outside a structure for any use other than an emergency involving a fire.

(3) Fire protection to be maintained by drafting of ponds, rivers, and the like, wherever possible.

(4) The use of throw-away utensils and plates is encouraged and recommended at all eating establishments.

(5) To operate an evaporative air conditioner which recycles water except during operating hours of business.

(`92 Code, § 52.05) (Ord. passed 11-9-87) Penalty, see § 53.99

#### **§ 53.45 LIFTING OF RESTRICTIONS.**

(A) Water shortage conditions will expire when the Town Clerk, after consultation with the Board of Aldermen and upon recommendation of the Public Works Director, deems that the condition which caused the alert has abated.

(B) The expiration or cancellation of a water shortage declaration shall be promptly and extensively publicized.

(`92 Code, § 52.06) (Ord. passed 11-9-87)

#### **§ 53.46 ENFORCEMENT.**

(A) Every police officer of the town shall, in connection with his duties imposed by law, diligently enforce the provisions of this subchapter.

(B) The Town Clerk shall have the authority to enforce the provisions of this subchapter by the discontinuance of water service as specified in § 53.47 in the event of violation hereof.

(`92 Code, § 52.07) (Ord. passed 11-9-87)

#### **§ 53.47 DISCONTINUANCE OF SERVICE FOR VIOLATION.**

Pursuant to the provisions of G.S. § 160A-174 and the town water regulations, service may be temporarily discontinued for willful disregard of this chapter and a \$55 reconnect fee may be imposed before restoration of service. In the event of continued gross noncompliance with this chapter, the removal of the meter will be deemed proper, service will be discontinued, and all tap fees and deposits forfeited. Reconnection will only be made by payment of current due amounts, and new tap fees and deposits shall also be paid.

(`92 Code, § 52.08) (Ord. passed 11-9-87)

**§ 53.99 PENALTY.**

Any violation of the provisions of this chapter shall constitute a misdemeanor, punishable upon conviction by a fine not to exceed \$50 or imprisonment not exceeding 30 days as provided by G.S. § 14-4, and in addition thereto such violation may be enjoined and restrained as provided in G.S. § 160A-175.

(`92 Code, § 52.99) (Ord. passed 11-9-87)

