

Section 24, ARTICLE II. WATER SERVICE*

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***Cross references:** Design standards for water and sewer, § 14-359.

DIVISION 1. GENERALLY
Secs. 24-41--24-70. Reserved.

DIVISION 2. WATER CONSERVATION*

***Editor's note:** Amend. of 3-38-2008(2) amended div. 2 in its entirety and enacted similar provisions as set out herein. The former div. 2 derived from Ord. of 8-4-1997, §§ I--VII.

Sec. 24-71. Purpose.

The purpose of this division is to declare the official phases of a water supply shortage and to provide for the implementation of voluntary and mandatory water conservation measures throughout the service areas of the County Department of Public Utilities in the event a shortage is declared. The service area includes all areas within and outside the county which are served or supplied in whole or in part by the County water supply system.
(Amend. of 3-3-2008(2))

Sec. 24-72. Definitions.

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

Administrative variance means a written exemption prior to the commission of a violation granted by the County Manager to a customer when a water shortage declaration as defined by this division is issued by the Board of Commissioners.

Customer means any person, government, or entity using water directly or indirectly for any purpose from the County Department of Public Utilities water supply system, and for which a regular charge is made.

JCDPU means the Johnston County Department of Public Utilities acting through the Utilities Director or the County Manager.

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Penalty(ies) means a monetary assessment charged to the customer's water bill after first receiving a written warning that a violation as defined in this division has been committed or the time-limited period of an acquired permit or administrative variance has expired.

Waste of water means, but is not limited to, the failure to repair a controllable leak of water due to defective plumbing or deliberate non-essential use of water.

Water means water available to JCDPU for treatment and supply or any source of purchased water introduced by JCDPU into its transmission facilities.

Water restriction(s) means a declared deviation from unlimited demand on the available water supply as established in this division and imposed from time to time by the Board of Commissioners through administrative policy adoption or public notice that is subject to enforcement and/or permitting by the Director of JCDPU.

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

- (1) The raw water supply (streamflow) is consistently below seasonal averages. If the raw water supply continues to decline, the supply may not be adequate to meet normal needs; or
- (2) Due to mechanical failure or capacity limitations of water treatment and/or pumping facilities, adequate water supplies cannot be maintained and the conditions may be sufficient to cause a water shortage; or
- (3) Due to circumstance outside the control of the County, purchased bulk water supply(ies) are reduced for curtailed possibly resulting in a water shortage.

Water shortage alert means conditions exist which, if continued, will result in insufficient supply of water:

- (1) The raw water supply is below the level necessary to meet normal needs; or
- (2) Due to mechanical failure or capacity limitations of water treatment and/or pumping facilities, a water shortage is subject to occur; or
- (3) Due to reduction or curtailment of purchased bulk supply(ies), a water shortage is subject to occur.

Water shortage emergency means available water supply is insufficient to meet normal water usage demand:

- (1) The raw water supply is below the level necessary to meet normal needs and serious water shortages exist; or
- (2) Due to mechanical failure or capacity limitations of water treatment and/or pumping facilities, a water shortage exists; or

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- (3) Due to reduction or curtailment of purchased supply(ies), a water shortage exists.

Water use class means and shall be established as follows:

(1) *Class 1, Essential water uses.*

- Domestic use: Water necessary to sustain human life and animal life, and to maintain minimum standards of hygiene and sanitation.
- Health care use: Patient care and rehabilitation.
- Public use: Firefighting, health, safety, and public protection purposes; and water necessary to satisfy federal, state, and local health, safety, and environmental protection requirements.

(2) *Class 2, Socially or economically important uses of water.*

- Domestic use: All uses other than those included in Class 1 and Class 3. Residential water use including kitchen, bathroom, and laundry use.
- Outdoor noncommercial watering (public or private):
- Industrial water use including water for product manufacturing, environmental control, and domestic needs of employees and personnel.
- Agricultural irrigation for the production of food, fiber, and fuel or maintenance of livestock.
- Watering by commercial nurseries at a minimum level necessary to maintain stock, to the extent that sources other than JCDPU are not available or feasible to use.
- Watering of golf course greens and tees.
- Uses of water at a minimum rate necessary to implement revegetation following earthmoving, where such vegetation is required by an erosion and sedimentation control plan adopted pursuant to law or regulation to the extent that sources of water other than JCDPU are not available or feasible to use.
- Water use by public gardens of national, state, or regional significance where necessary to preserve specimens, to the extent sources other than JCDPU are not available or feasible to use.
- Operating and filling of swimming pools:
- Municipal pools and private pools.
- Health care facility pools used for patient care and rehabilitation.
- Washing of motor vehicles:
- Commercial impervious surface washing.
- Commercial car and truck washes, unrestricted hours of operation.
- Commercial Laundromats:

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- Unrestricted hours of operation.
 - Restaurants, clubs, and eating establishments:
 - Unrestricted hours of operation.
 - Common uses:
 - Unrestricted hours of operation.
 - Institutional uses:
 - Unrestricted hours of operation.
- (3) *Class 3, Nonessential uses of water.*
- Ornamental purposes: Fountains, reflecting pools, and artificial waterfalls.
 - Outdoor noncommercial watering, private impervious surface washing, watering, or irrigation: gardens, lawns, golf courses, parks, playing fields, and other recreational areas.
 - EXCEPTIONS:
 - Agricultural irrigation for the production of food, feed, fiber, or fuel and the maintenance of livestock.
 - Water used by commercial nurseries at a minimum level necessary to maintain stock to the extent other sources of water (other than JCDPU) are not available or feasible to use.
 - Water used by golf courses at a minimum level as necessary to maintain tees and greens to the extent other sources of water (other than JCDPU) are not available or feasible to use.
 - Use of JCDPU water at a minimum rate necessary to implement revegetation following earthmoving, where such vegetation is required pursuant to an erosion and sedimentation control plan adopted pursuant to law or regulation (to the extent that sources of water other than JCDPU are not available or feasible to use).
 - Water used by public gardens of national, state, or regional significance where necessary to preserve specimens, to the extent sources other than JCDPU are not available or feasible to use.
 - Operating and filling of public swimming pools:
 - EXCEPTIONS: Health care facility pools used for patient care and rehabilitation and municipal pools.
 - Washing of motor vehicles: Automobiles, trucks, boats and trailers.
 - EXCEPTIONS: Commercial car and truck washes.
 - Serving water in restaurants, clubs, or eating establishments:
 - EXCEPTIONS: Specific requests by customers.

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- Fire hydrants: Any purpose including the use of sprinkler system tests, testing of fire equipment, and fire department drills.
 - EXCEPTIONS: Firefighting.
- Health protection purposes if specifically approved by the health officials of the county.
- Testing and drills by fire departments, if in the interest of imminent public safety and approved by JCDPU.
- Hydrant and sanitary sewer flushing:
 - EXCEPTIONS: As needed to ensure public safety and health with the approval of JCDPU.

(Amend. of 3-3-2008(2))

Cross references: Definitions generally, § 1-2.

Sec. 24-73. Compliance and Enforcement.

(a) The direct or indirect use of water from the JCDPU distribution system in violation of this division or any water restriction policy adopted from time to time by the Board of Commissioners is prohibited. Any customer that violates or permits the violation of these rules and regulations after first receiving a written warning shall be subject to the penalties established by the Board of Commissioners. Following are penalties effective as of April 1, 2008:

First Violation:		
Meter Size	3/4"--1"	\$100.00
	1 1/2"--2"	\$250.00
	3"--4"	\$500.00
	> 4"	\$750.00
Second Violation:		
Meter Size	3/4"--1"	\$250.00
	1 1/2"--2"	\$500.00
	3"--4"	\$1,000.00
	> 4"	\$1,500.00

- (b) Assessed penalties shall be added to the customer's water bill and paid and collected in the same manner as usage payments to the JCDPU. Each day a violation occurs shall be considered a separate violation.
- (c) The Director of JCDPU shall be responsible for the implementation of these rules and enforcing any restrictions imposed by this division or any water restriction policy adopted by the Board of Commissioners. If a violation is known to have occurred, a written violation shall be affixed to the property where the violation occurred and mailed to the customer of record and any other person known to the JCDPU who is responsible for the violation and its

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correction. The written notice shall describe the violation and order an immediate compliance with the restrictions within a specified time as determined reasonable by JCDPU under the circumstances.

- (d) In event of a third violation or if penalties for previous violations are not paid, the JCDPU may restrict or terminate water service subject to the following procedures:
- (1) The JCDPU shall give the customer notice by mail or by a county representative that due to reoccurring violations or failure to pay for previous violations, the water service will be restricted or terminated within a specific time. The customer will have an opportunity to appeal restriction or termination by requesting a hearing before an official designated as a hearing officer by the County Manager. The request for the hearing shall be made to the County Manager before the cut-off date.
 - (2) If a hearing is requested by the customer charged with the violation, he/she will be given the opportunity to be heard before service is restricted or terminated.
 - (3) The hearing officer, after hearing evidence presented, shall order the water service continued, restricted, or terminated.
- (e) A fee, in an amount set from time to time by the Board of Commissioners and contained in the schedule of fees and charges on file in the County Clerk's office, shall be paid for the reconnection of any water service restricted or terminated pursuant to subsection (d) of this section. In the event of multiple violations, the reconnection fee shall be in an amount set from time to time by the Board of Commissioners and contained in the schedule of fees and charges on file in the County Clerk's office for the second violation and in an amount set from time to time by the Board of Commissioners and contained in the schedule of fees and charges on file in the County Clerk's office for each additional violation.
- (f) Upon declaration of a water restriction by the Board of Commissioners, an administrative variance of the restriction may be issued by the County Manager to an individual, a business or an institution within the affected water use class(es) prior to the commission of a violation, provided that the general intent of the water shortage response measure is met, compliance is proven to cause practical difficulties and unnecessary hardship, and all reasonable options for abatement through modified water management have been exhausted. The criteria to determine hardship shall include but not be limited to the level of capital outlay and time required to achieve compliance.
- (g) An administrative variance may be issued for a time-limited period and shall stipulate both short-term corrective measures and a schedule of completion of long-term corrective measures. An administrative variance may be renewed for good cause shown. A decision to approve or deny an administrative variance will be based up on consideration of criteria including but not limited to: impact on water demand, expected duration of water shortage, alternative

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source options, social and economic importance, purpose of water use, and the prevention of structural damage.

- (h) An administrative variance must be in executed in writing and filed with the JCDPU's Retail Services office within twenty-four (24) hours of issuance by the County Manager.

(Amend. of 3-3-2008(2))

Sec. 24-74. Declaration of a water shortage advisory.

If JCDPU determines a potential shortage of water supply is indicated, such that adequate potable water supplies cannot be maintained, whether the shortage is caused by drought, mechanical failure, limitations of the water treatment and/or pumping facilities or curtailment or interruption of purchased bulk supplies, the County Manager shall be empowered to declare a water shortage advisory. The director of JCDPU shall monitor the supply and demands on the system on a daily basis. The County Manager shall call upon all water customers of JCDPU to employ voluntary water conservation measures to limit water use (especially Class 3 uses) and to eliminate waste of water. The declaration of a water shortage advisory and statement by the County Manager shall be published in a newspaper of general circulation in the county, or may be publicized by any other appropriate method including audio and visual broadcast media. The effectiveness of water demand reduction from voluntary water conservation measures will be based on the analysis of daily demand during the advisory period compared to the most current normal period of daily demand as well as historical usage trends.

(Amend. of 3-3-2008(2))

Sec. 24-75. Declaration of a water shortage alert.

If JCDPU determines the raw water supply is below the level necessary to meet normal demands and if the supply continues to decline such that there may not be sufficient water supply to meet normal demands, there are water treatment and/or pumping facility limitations, or purchased bulk supply(ies) are curtailed or interrupted resulting in inadequate supplies of potable water, the County Manager shall advise the Board of Commissioners and the Board of Commissioners may declare a water shortage alert. JCDPU shall continue to encourage voluntary water conservation measures as defined in the advisory declaration. In the event of such declaration, the Board of Commissioners shall impose a ban on all Class 3 water uses for the duration of the shortage until the water shortage has ended as advised by the director. Further, the Board of Commissioners may direct the County Manager to expand the ban on water uses beyond Class 3 uses if deemed appropriate, or the Board of Commissioners may issue an administrative variance as defined in Sec. 24-73 on selected uses, if deemed essential for economic welfare of the service area. JCDPU shall continue to encourage voluntary water conservation measures as defined in the advisory declaration. The effectiveness of water demand reduction from the

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imposed ban on all Class 3 water uses will be based on the analysis of daily demand during the alert period compared to the most recent normal period of daily demand as well as historical usage trends.

(Amend. of 3-3-2008(2))

Sec. 24-76. Declaration of a water shortage emergency.

If JCDPU determines the raw water supply is below the level necessary to meet normal demands and serious shortages exist and/or there are water treatment and/or pumping facility limitations or purchased bulk supplies are curtailed or interrupted resulting in inadequate supplies of potable water, the County Manager shall advise the Board of Commissioners and the Board of Commissioner may declare a water shortage emergency. In such event, Class I essential uses shall be targeted for voluntary conservation initiatives. Class 2 socially or economically important uses and Class 3 non-essential uses shall be banned. These restrictions shall be enforced until the emergency is declared ended by the director. However, the Board of Commissioners may issue an administrative variance according to Sec. 24-73 on selected uses, if deemed essential, for economic welfare of the service area. The effectiveness of water demand reduction from the imposed ban on all Class 2 and Class 3 water uses will be based on the analysis of daily demand during the emergency period compared to the most recent normal period of daily demand as well as historical usage trends.

(Amend. of 3-3-2008(2))

Sec. 24-77. Declaration of a Water Distribution Crisis.

(a) In event of mechanical, structural, or other type of failure or hydraulic limitation of any part of the county water transmission and distribution system, upon notification by the JCDPU, the County Manager may declare a water distribution crisis. These restrictions may be imposed by the County Manager after consideration of all of the following factors:

- (1) Water pressure at monitoring locations of the JCDPU water distribution system.
- (2) Ability to fill elevated water tanks of the JCDPU water distribution system and/or bulk user tanks.
- (3) Ability to maintain minimum safe water pressure levels in any portion of the JCDPU water distribution system.

(b) A water distribution crisis for any part or the entire distribution system may be implemented by the County Manager by issuing a notice of declared water distribution crisis. The notice shall be in effect beginning with the date and time specified in the notice and the restrictions imposed shall apply during the times specified in the notice.

(c) During a declared water distribution crisis, the County Manager may impose the restrictions as for a water shortage alert (see Sec. 24-74) or a water shortage emergency (see Sec. 24-75) at all times or during such limited times as the County Manager upon advice of the Director of JCDPU, determines to

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be appropriate. The restrictions on water use may be limited to a portion(s) of the distribution system or the entire system as deemed appropriate by the JCDDPU and County Manager.
(Amend. of 3-3-2008(2))

Sec. 24-78. Shortage water rates.

Upon the declaration of any level of water supply shortage, as provided in sections 24-74--24-77, the Board of Commissioners shall have the authority to adopt shortage water rates designed to conserve water supplies. Such rates may provide for:

- (1) Increasing commodity rates, that is higher charges per unit for increasing usage.
- (2) Surcharges on the (minimum) monthly availability fee.
- (3) Excess demand surcharge, charges for use in excess of a specific level.
- (4) Good citizen rate, discounts for conserving water beyond specified levels.

The effectiveness of water demand reduction from the adoption of shortage water rates will be based on the analysis of daily demand during the declaration period compared to the most recent normal period of daily demand as well as historical usage trends.

(Amend. of 3-3-2008(2))

Sec. 24-79. Substitute Officers.

In event the County Manager or the Director of Public Utilities are absent during a water crisis, their designated surrogates shall be the Chairman of the Board of Commissioners and the Assistant Director of Public Utilities, respectively.

(Amend. of 3-3-2008(2))

Sec. 24-80. Adoption and amendment of Water Conservation Ordinance.

The Water Conservation Ordinance is filed under the county's Code of Ordinances which requires the Board of Commissioners to give notice of and hold a public hearing for any adoption or amendment of ordinances. The Water Conservation Ordinance is subject to review for amendment at least every five (5) years, to adapt to new circumstances (e. g. new water sources, etc.), and after implementation of any declaration of water shortage requiring mandatory restrictions as defined in Sec. 24-76 (Declaration of a water shortage emergency) and Sec. 24-77 (Declaration of a Water Distribution crisis) of this ordinance.

Secs. 24-81--24-100. Reserved.