

CHAPTER 52: WATER

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GENERAL PROVISIONS

§ 52.01 TOWN TO OWN AND MAINTAIN WATER SYSTEM.

All property rights in the water distribution system, to and including the meter, shall be vested in the town and such distribution system shall be repaired, maintained and serviced by the town.

('81 Code, §16-25)

§ 52.02 INSPECTION OF PREMISES WHERE WATER USED.

The Town Manager, or his agents or employees, may enter the premises of any water customer or patron at any reasonable time to examine the pipes and fixtures or perform any duty connected with the operation of said waterworks. In case any false or fraudulent representation is discovered in making such inspection, or unnecessary waste of water for which the consumer is responsible, the water supply of such consumer will be cut off, if such condition is not corrected in accordance with the instructions of the Town Manager or his authorized agent.

('81 Code, §16-34)

§ 52.03 DISCONTINUANCE OF WATER SERVICE.

Consumers of town water who wish to discontinue the use of water must give notice to the Town Manager prior to the expiration of the time for which payment is made; otherwise, such consumer or patron will be liable for the ensuing month and also liable for the fee charged for turning such water off and on at the supply pipe. The town will not be liable to any patron or consumer of water for any damage which may result from the shutting off of a water main or discontinuance of service for any purpose whatever, and no deduction from bills will be made in consequence thereof. The minimum monthly charge will continue on any water service cutoff or discontinuance not of a permanent nature. ('81 Code, §16-36)

§ 52.04 TAMPERING PROHIBITED.

It shall be unlawful for any person to change, unscrew or in any other way tamper with any hydrant or water cock, meter or other part of the pipes, tank, tower or fixtures connected with the water system of the town. This section shall not apply to an employee of the town or a plumber authorized by the town in the performance of necessary work on the water system.

('81 Code, §16-37) Penalty, see §52.99

§ 52.05 HOT WATER HEATERS.

The supply lines to gas, electric or oil-fired water heaters, range boilers, sterilizers or any other such device used to heat systems containing water shall be equipped with:

(A) A combination pressure-temperature relief valve;

(B) A proper check valve which shall prevent the backflow of water into the town water meter;

(C) A tee with drain outlet or stop and waste cock.
(‘81 Code, §16-38) Penalty, see §52.99

§ 52.06 WATER BILL ADJUSTMENT POLICY

If it can be documented that an excessive use of water by any Tryon utility customer is the result of a leak, the following adjustments may be made on the customer’s water account:

1. For customers with Town water and sewer service, the customer will be required to pay the full amount of the water charge but only the minimum monthly charge for the sewer portion. The Town will absorb the difference.
2. For customers with Town water service only, the customer will be required to pay the minimum charge plus one half (1/2) of the overage on the water charge that resulted from the leak. The overage will be calculated based upon the average of the customer’s water usage for the last four (4) months prior to the leak. The Town will absorb the difference.
3. No more than two adjustments may be made to the same account in a twelve (12) month period.
4. The Town Manager is authorized to allow larger water bill adjustments if, in his discretion, they are warranted by extenuating circumstances.

EXAMPLE: A customer, noticing excessive water usage on their utility bill notifies the Town Hall that they have a leak. It is the customer’s responsibility to contact a repairperson to identify and correct the problem. A Town employee will document the problem and confirm that corrective measures have been taken. The customer will then complete a utility charge adjustment form. The billing clerk will calculate the adjustment and the Town Manager will approve it.

(Ord. passed 11-12-90; Am. Ord. 1999-3, passed 6-18-99; Am. Ord. 2007-17, passed 6-19-07)

§ 52.07 WATER METER TESTING.

At the customer’s request, the Town may send a water meter out for testing for proof of accuracy. If the test determines that the meter is defective, the customer will not be

charged for the test. If the test determines that the meter is functioning accurately, the customer will be assessed the water meter testing fee set forth in the Town's Schedule of Fees as amended from time to time.

(Ord.2016-08, passed 12-13-16)

CONNECTIONS

§ 52.10 CONNECTIONS WITH PRIVATE SYSTEMS; USE OF PRIVATE LINES.

(A) Connections with private water systems, gravity-fed or open reservoirs or cisterns or any other water source are prohibited.

(B) All private water service lines extending from the town meter to the residence or other such building in use by the owner shall be of either galvanized steel or copper pipe, or equal material as approved by the Town Manager, and no other type material shall be permitted to be connected to the town water distribution system.

(C) It shall be the responsibility of the owner of said private water service line to have installed, at his cost, a check valve and a pressure-reducing valve as required by the Town Manager.

(D) No water connection shall be made and water turned on until inspection by the Town Manager or authorized agent to insure that the provisions of divisions (B) and (C) of this section have been met.

('81 Code, §16-28) Penalty, see §52.99

§ 52.11 PERMIT.

Application to the Town Manager for a permit to connect any supply or service pipe with the water main shall be made by the owner of the premises or his authorized agent. Such application shall state fully the several uses for and the manner in which the water is to be used. The plumber shall, within 24 hours after completing any attachment, connection or alteration, make a true return in writing, on a blank permit form furnished for the purpose, of the nature of each and every attachment or alteration and the contemplated use of water by such attachment, together with the permit issued.

('81 Code, §16-29)

§ 52.12 SEPARATE CONNECTIONS REQUIRED.

Each individual residence and business building shall have a separate water connection with the town system. Permission will not be granted to supply two or more buildings or dwellings from a single tap unless such water is registered by meter and

separate stopcocks at the curb are provided for each.
(‘81 Code, §16-30)

§ 52.13 CONNECTION TO BE INSPECTED.

All water connections not made by an authorized Town Water Department employee shall be inspected by the Town Manager, or his authorized agent, before any connection is covered, and before any water is turned on. Any connection not installed in accordance with the connection permit or any faulty work discovered shall be corrected before water service is supplied to such premises.
(‘81 Code, §16-31)

PIPES

§ 52.20 SIZE.

Water supply pipes shall be of sufficient size to permit an ample flow at all times.
(‘81 Code, §16-26) Penalty, see §52.99

§ 52.21 PROTECTION FROM FROST.

All pipes shall be laid below the normal frost line and exposed hydrants, taps and spigots shall be provided with stop and waste cocks below frost level.
(‘81 Code, §16-27) Penalty, see §52.99

§ 52.22 OUTSIDE WATER TAPS AND EXTENSIONS

In the event any property owner whose property is outside the Tryon Town limits requests a water tap or water line extension, it shall follow these guidelines:

1. Request must be made in writing
2. If extension is requested, property owner shall pay all costs associated with extension as well as a tap fee and all associated water rates as set by the Town Council. The Town will enter into an agreement with the investing property owner or owners stating that all costs will be paid to the Town prior to any extension and that any property owner or owners who did not participate in the initial investment costs associated with the line extension and desires a hook up to the line extension, must pay a tap fee and a facility fee for collection to reimburse the investing property owner or owners for the investment as specified in the agreement with the investing property owner or owners.
3. If a water tap to an existing line is requested, the property owner requesting the tap shall pay the tap fee established by the Town Council if the Town Manager

and/or Public Works Director determine that the tap will not negatively influence the capacity of the existing line. If the Town manager and/or Public Works Director believes that the requested tap could in any manner affect the existing line with regards to pressure, volume or future capacity, the Town would then enter into agreement with the investing property owner or owners stating that all costs will be paid to the Town prior to any extension and that any property owner or owners who did not participate in the initial investment costs associated with the line extension and desires a hook up to the line extension, must pay a tap fee and a facility fee for collection to reimburse the investing property owner or owners for the investment as specified in the agreement with the investing property owner or owners.

4. No water will be made to any residence, boathouse, dock, pier, etc. On Lake Lanier unless a letter is provided to the Town by the property owner from SCDEHEC stating that the requested facility has a State approved septic holding facility in place.

No water tap will be made unless the above guidelines are followed.
(Ord. 1995-9, passed 9-25-95; Am. Ord. 1999-1; passed 3-15-99)

METERS

§ 52.30 REQUIRED.

No water shall be supplied to any customer except through a water meter of a style, pattern and quality approved by the Town Manager.
(‘81 Code, §16-32) Penalty, see §52.99

§ 52.31 LOCATION; EASEMENTS.

All meters shall be set at the curb or in the public right-of-way. In no instance shall the town water distribution system traverse private property without a duly executed and recorded easement approved by the Town Attorney and the Town Manager.
(‘81 Code, §16-33) Penalty, see §52.99

§ 52.32 WATER METER FEE.

Water customers will be assessed a monthly fee to cover the cost of purchase and installation of a radio read water meter. The Board of Commissioners shall establish the fee which shall be included in its schedule of cost and charges and which may be changed from time to time as the Board of Commissioners deems desirable.
(Ord. 2005 - 4, passed 5-17-05)

WASTE; SHORTAGE; CONSERVATION

§ 52.40 WASTE PROHIBITED

Consumers of water must keep their water pipes and fixtures in good repair and protected from damage by frost or freezing. Taps must not be allowed to leak nor left open and the water running when not in actual use. All willful waste of water through neglect, or permitting fixtures to become and remain out of order or allowing water to be taken from the premises by persons having no right to its use, will be sufficient cause for stopping, after giving notice, the supply of water for any premises upon which such waste may occur.

(*81 Code, § 16-35)

§ 52.41 DECLARATION OF SHORTAGE.

(A) Timing of Declaration: The Town Manager, upon the recommendation of the Public Works Director with assistance from the Water Superintendent/ORC, shall enact the following water shortage response provisions whenever the following trigger conditions, based on the U.S. Drought Monitor of North Carolina designation for Polk County are met (each stage must last a minimum of 30 days unless a more stringent stage is triggered during that time):

Stage O	DO-Abnormally dry (Water Shortage Advisory)	An advisory is instituted by the Town Manager with once a week site visits made to the water source by the ORC on Thursday after checking the US Drought Monitor* Also Supply and Demand will be tracked during the entire process. An increase in demand can also trigger a change in stage.
Stage 1 Voluntary	D1-Moderate (Water Shortage Alert)	Water Supply conditions continue to worsen. At least, a once weekly site visit to the water source(s) by ORC on Thursday after checking the US Drought Monitor*
Stage 2 Mandatory Reduction I	D2-Severe- Drought Watch (Water Supply conditions continue to decline with no relief in sight)	Water Supply conditions continue to decline. Twice a week visits by the ORC to the water source(s) at a minimum.
Stage 3 Mandatory Reduction II	D3-Extreme-Drought Warning	Twice weekly site visits will be made to the water source(s) by the ORC or more frequent if deemed necessary.
Stage 4 Emergency	D4-Exceptional Drought If water stops running over the weir at Lake Lanier this will	Daily visits will be made to the water source(s). If water stops running over the weir at Lake Lanier this will also

	also require declaring a Stage 4 Emergency.	require declaring a Stage 4 Emergency.
Stage 5 Rationing	Water Shortage Crisis	No water flowing over the Lake Lanier weir

N.C. Drought Management Advisory Council Website

The N.C. Drought Management Advisory Council’s website, www.ncdrought.org, presents the drought map for North Carolina that is released on Thursday of each week by the U.S. Drought Monitor. The drought conditions depicted are valid for 8 a.m. eastern time for the preceding Tuesday. North Carolina is fortunate because it has the N.C. Drought Management Advisory Council to work closely with the U.S. Drought Monitor to adjust designations weekly to better reflect North Carolina’s local conditions. This map is defined as the official drought map nationally and for North Carolina.

The N.C. Drought Management Advisory Council website also has tabs that link to available resources for drought information, some with real-time data about current conditions, news, drought contacts, information and drought education, drought monitor archives, and water conservation tips.

The site includes time lapse animation of the weekly U.S. Drought Monitor maps for North Carolina since January 2000. Viewers can also see drought classifications nationwide, statewide, county-wide or by river basin. This drought monitor history can be found at <http://www.ncdrought.org/archive/index.php>.

The US Drought Monitor is defined as the official drought map nationally and for North Carolina.

Drought conditions in North Carolina are updated weekly. A Technical Drought Advisory Team, a sub-group of the N.C. Drought Management Advisory Council, participates each Tuesday in an audio-video telecon to gather and feed information to the U. S. Drought Monitor author about local drought conditions in North Carolina. The team consists of a group of experts on climate, weather, geology, water supply, forestry and agriculture.

Experts report each week on the impact of rainfall on streams, groundwater, reservoirs, wildfire activity and crops in North Carolina. Based on the team’s discussion, the council makes a recommendation to the U.S. Drought Monitor about how the state’s drought map should look for that week. The U.S. Drought Monitor uses the state’s recommendation when it releases the final drought map each Thursday. To see or download a copy of the current drought map, go to the state’s official drought website at www.ncdrought.org

The N.C. Drought Management Advisory Council issues necessary official drought advisories each Thursday based on the drought classifications in the official map. This information provides water users with a reliable basis for managing and calling for drought response actions in their regions. The list of counties under drought advisories are updated and released each week on the website to reflect local drought classifications on the U.S. Drought Monitor’s map for North Carolina.

*The Town Manager shall have the responsibility and authority to call the next stage at any time based on the current conditions and forecast of the particular situation at Lake Lanier. The Water Superintendent/ORC shall have the responsibility for advising the Town Manager on water supply availability and shall keep a close watch over the U.S. Drought Monitor during the entire time.

(B) Notification: The following notification methods will be used to inform water system employees and customers of a water shortage declaration: employee e-mail announcements, notices at municipal buildings, notices in water bills. Required water shortage response measures will be communicated through *The Tryon Daily Bulletin*, PSA announcements on local radio and cable stations and the Town's website (<http://www.tryon-nc.com>). Declaration of emergency water restrictions or water rationing will be communicated thru Channel 13 and *The Tryon Daily Bulletin*.

(Ord. passed 12-8-86; Am. Ord. 2003-1, passed 2-4-03; Am. Ord. 2008-20, passed 10-21-08; Am. Ord. 2012-14, passed 12-18-12)

§ 52.42 STAGE 0: MANDATORY CONSERVATION.

In the event a Stage 0 Water Shortage Condition is declared, or if a Water Storage Condition is advanced to Stage I, II, III, IV or V, or cancelled or reduced to a lesser stage,

the public shall be required to adhere to the following conservation measures:

- (A) Limit car washing to the minimum.
- (B) Limit lawn and garden watering to that which is necessary for plants to survive.
- (C) Do not wash outside areas such as sidewalks, patios, parking lots, service bays or aprons, or the like.
- (D) Do not leave faucets running while shaving or rinsing dishes.
- (E) Water shrubbery to the minimum required, reusing household water when possible.
- (F) Limit use of clothes washers and dish washers and when used, operate fully loaded.
- (G) Use showers, rather than bathtub, for bathing and limit showers to no more than four minutes.
- (H) Limit flushing of toilets by multiple usage.
- (I) Use disposable and biodegradable dishes when possible.
- (J) Use flow-restrictive and water-saving devices.
- (K) Limit hours of operation of water-cooled air conditioners.
- (L) All residents, businesses and institutions shall delay temporarily new landscape work until the water shortage has ended.
- (M) Limit use for industrial purposes.
(Ord. passed 12-8-86; Am. Ord. 2003-1, passed 2-4-03; Am. Ord. 2008-20, passed 10-21-08; Am. Ord. 2012-14, passed 12-18-12)

§ 52.43 STAGE I: TERMS; FURTHER RESTRICTIONS.

(A) Compliance. In the event the Town Manager issues a declaration of a Stage I Water Shortage Condition, it shall be unlawful for any person, firm or corporation to use or permit the use of water from the town system for any purpose hereinafter set forth until such time as the declaration of water shortage has been rescinded.

(B) In the event that a Stage I Water Shortage is declared, in addition to the Stage 0 requirements already in effect, it shall be unlawful to use water supplied by the town's water system in the following manner:

(1) To water lawns, grass, shrubbery, trees, flowers and vegetable gardens except by hand-held hose or container or drip irrigation system.

(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 type of mobile equipment, with the exception of commercial car washes. Commercial car washes shall adhere to restrictions set by the Town Manager.

(4) To 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, 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 induce water into any ornamental fountain, pool or pond or other structure making similar use of water.

(Ord. passed 12-8-86; Am. Ord. passed 7-19-02; Am. Ord. 2003-1, passed 2-4-03; Am. Ord. 2008-20, passed 10-21-08; Am. Ord. 2012-14, passed 12-18-12)

§ 52.44 STAGE II: TERMS; FURTHER RESTRICTIONS.

(A) Compliance. In the event the Town Manager issues a declaration of a Stage II Water Shortage Condition, it shall be unlawful for any person, firm or corporation to use or permit the use of water from the town system for any purpose hereinafter set forth until such time as the declaration of water shortage has been rescinded.

(B) In the event that a Stage II Water Shortage is declared, in addition to the Stage 0 and I requirements already in effect, it shall be unlawful to use water supplied by the town's water system in the following manner:

(1) To serve drinking water in restaurants, cafeterias or other food establishments, except upon request.

(2) To operate water-cooled air conditioners or other equipment that does not recycle cooling water, except when health and safety are adversely affected.

(3) To use water for any unnecessary purpose or to intentionally waste water.

(4) To use water for commercial/industrial purposes in an amount in excess of that amount set by the Town Manager. Usage amount shall be set based on availability of source water.

(Ord. 2012-14, passed 12-18-12)

§ 52.45 STAGE III: EFFECT ON FIRE PROTECTION; FURTHER RESTRICTIONS.

(A) Compliance. In the event the Town Manager issues a declaration of a Stage III Water Shortage Condition, it shall be unlawful for any person, firm or corporation to use or permit the use of water from the town system for any purpose hereinafter set forth until such time as the declaration of water shortage has been rescinded.

(B) During a Stage III Water Shortage Condition, in addition to the Stage 0, I and II Water Shortage Condition restrictions already in place, fire protection shall be maintained by drafting of ponds, rivers, and the like wherever possible, the use of throw-away utensils and plates shall be encouraged and recommended at all eating establishments, and it shall be unlawful:

(1) To induce water into any pool;

(2) To use water outside a structure for any use other than an emergency involving a fire; and

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

(Ord. passed 12-8-86; Am. Ord. 2008-20, passed 10-21-08; Am. Ord. 2012-14, passed 12-18-12)

§ 52.46 STAGE IV: IMMINENT DANGER TO PUBLIC HEALTH -- STATE OF EMERGENCY

(A) Compliance. In the event the Town Manager issues a declaration of a Stage IV Water Shortage Condition, it shall be unlawful for any person, firm or corporation to use or permit the use of water from the town system for any purpose hereinafter set forth until such time as the declaration of water shortage has been rescinded.

(B) During a Stage IV Water Shortage Condition, in addition to the Stage 0, I, II and III Water Shortage Condition restrictions already in place, it shall be unlawful to use municipal water for any purpose other than drinking or cooking, and:

(1) A surcharge of 10% of the minimum usage rate will be added to each water bill where customer usage surpasses minimum usage. If customer usage is “equal to or more than” double the minimum usage rate, a surcharge of 20% of the minimum usage rate will be added;

(2) The Town shall, with the assistance of its Fire Department, bring in non-potable water by truck to be used for toilet flushing and other uses where potable water is not required. These trucks will be clearly marked “Non Potable” “NOT To Be Used For

Drinking Water”. Additionally, the National Guard may be asked to assist by use of their “Water Buffalo” wagons. These trucks will also be clearly marked “Non Potable” “NOT To Be Used For Drinking Water”; and

(3) The Town shall establish an account with a potable water bottling company in preparation of buying large amounts of bottled water; and

(4) The Town shall contact The Department of Natural Resources to advise of the seriousness of current water shortage.

(Ord. 2008-20, passed 10-21-08; Am. Ord. 2012-14, passed 12-18-12)

§ 52.47 STAGE V: RATIONING

(A) Compliance. In the event the Town Manager issues a declaration of a Stage IV Water Shortage Condition, it shall be unlawful for any person, firm or corporation to use or permit the use of water from the town system for any purpose hereinafter set forth until such time as the declaration of water shortage has been rescinded.

(B) During a Stage V Water Shortage Condition, all Stage 0, I, II, III and IV Water Shortage Condition restrictions already in place shall continue to apply.

(C) During a Stage V Water Shortage Condition:

(1) The Town shall obtain delivery of bottled water from a potable water bottling company and such water shall be made available to water customers for pickup at designated sites as they run out of water; and

(2) The level of Lake Lanier will be monitored frequently, and if the pumps become inoperable due to water level, a **boil water notice** shall be issued for all water coming from the town’s water treatment and distribution system; and

(3) The Town shall contact the Department of Natural Resources to ask for the Governor of North Carolina’s assistance during the current water shortage emergency.

(Ord. 2008-20, passed 10-21-08; Am. Ord. 2012-14, passed 12-18-12)

§ 52.48 LIFTING RESTRICTIONS

(A) Water Shortage Conditions will expire when the Town Manager, after consultation with the Board of Commissioners and upon recommendation of the Water Plant Superintendent and Utilities Director, deems that the condition which caused the alert has abated. These conditions will lift in a stepwise manner going from stage to stage a week at a time if appropriate.

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

(Ord. 2012-14, passed 12-18-12)

§ 52.49 ENFORCEMENT

The provisions of the Town's water shortage response plan (§§ 52.41 through 52.48 of this Chapter) will be enforced by Town of Tryon personnel and local law enforcement. Violators may be reported to the Utility Clerk at Town Hall.
(Ord. 2012-14, passed 12-18-12)

§ 52.99 PENALTY

(A) Any violation of the provisions of this chapter, for which another penalty has not been provided, shall constitute a misdemeanor, punishable upon conviction by a fine not to exceed \$500 or imprisonment not exceeding 30 days as provided by G.S. §160A-175.

(B) Pursuant to the provisions of G.S. § 160A-312 and this chapter, service may be temporarily discontinued for willful disregard of §§ 52.41 through 52.48 and a \$25 reconnect fee may be imposed before restoration of service. In the event of continued gross noncompliance of these sections, the removal of meter will be deemed proper and service will be discontinued and all tap fees and deposits forfeited. Reconnection will be made only by payment of current due amounts, and new tap fees and deposits shall be paid.

(Ord. passed 12-8-86; Am. Ord. 2008-20, passed 10-21-08; Am. Ord. 2012-14, passed 12-18-12)