

Sec. 10-54. - Emergency water conservation and restriction plan.

- (a) *Declaration.* Whenever the City of Reidsville Water Supply System is unable to supply the continued availability of water for human consumption, sanitation, health and fire protection, it may become necessary to declare a water shortage and implement conservation requirements under the standards set forth below. Water shortage events may either be classified as either acute or chronic events and the city shall respond accordingly.
- (b) *Definitions.* For the purpose of this chapter, the following terms, words, and phrases and their derivations shall have the meaning given herein. The word "shall" is always mandatory and not merely directory.

Acute water shortage is a short term water shortage event resulting from situations that temporarily limit the ability of the city to either produce or distribute water. Mechanical failure of the system, contamination of the system, and others factors may result in an acute water shortage event.

Chronic water shortage is long term water shortage event requiring a graduated response in response to the severity of the event. Drought and others factors may result in a chronic water shortage event.

City is the City of Reidsville.

Customer is a person in whose name a water connection is made and to whom a bill is issued, whether such connection is inside or outside the corporate limits of the city.

Person is any person, firm, partnership, association, corporation, company, limited liability company, professional association, or organization of any kind. The term "person" shall also include customers.

Water is raw or treated water from the city public water supply system.

- (c) *General.* A water shortage shall be declared to exist when the reserve supply available to the city will have reached the point where the citizens cannot be supplied with water to protect their health and safety without substantially curtailing the water demand. A water shortage shall also be declared to exist when production, transmission, and storage facilities are incapable of meeting all daily water demands without endangering the ability to protect public safety and health without substantially curtailing water demand.

The estimated days of water remaining in the city's Lake Reidsville and Lake Hunt reservoirs; based on volume of water remaining, estimated demand, and drought outlook; shall be used to initiate the city's water shortage response plan for chronic events.

Failure of the city's water treatment plant, major distribution system failures, or contamination events shall be used to initiate the city's water shortage response plan for acute events.

- (d) *Notice to general public of water shortage.*

- (1) In the event of a water shortage of any of the degrees of severity hereinafter set forth in the city water supply threatening the health and safety of the citizens, as determined by the public works director, the city manager of the city is authorized and empowered, after communication to the mayor and city council, to give notice to the general public of the existence of such state and the severity thereof. In order to protect the health and safety of the people supplied water by the city, the city manager shall place in effect the restrictive provisions hereinafter authorized. Notice shall be given by public press announcement and by signing an executive order. The order shall become effective twenty-four (24) hours following the press announcement and the signing of the order.
- (2) Public notification shall be provided by employee email announcements, notices at municipal buildings, and on the city website. Requires water shortage response measures will be communicated through publication in *The Reidsville Review*, public service announcements on local radio and cable stations, and the city website.

- (3) Once a stage of water restriction is declared the public works director shall review the number of day's supply of water available to the city system at least every seven (7) days. A declared stage shall remain in effect for a minimum of thirty (30) days; provided however, that if conditions as listed in section (e)(1) warrant, a more restrictive level may be enacted immediately. At the end of thirty (30) days, and following the periodic review, the public works director shall notify the city manager if the number of days' water supply exceeds the upper threshold of the effective stage by more than seven (7) days. In such event, the city manager shall declare the appropriate stage to be in effect.
 - (4) In addition to the other powers contained in this chapter the city manager, when notified by the public works director that there is a serious and immediate threat to the city water system because of reduced water quality, treatment capacity, treated supply recovery time, or other imminent condition, may temporarily impose restrictions on automated, and manual sprinkling. Such restrictions may include, among others, limitations on methods of sprinkling the hours and days, and whether such sprinkling may occur at all. In such event the notice provisions contained in section (d)(1) shall apply and the enforcement provisions of sections (g) through (k) shall be applicable. The city manager, or city council, may terminate, by written notice, such restrictions when the threat has abated. Any violation of this sub-section by a residential user shall be treated as a stage IIB violation for the purpose of imposing civil penalties.
 - (5) In the event that the city manager is unavailable, or unable to perform the duties as described herein, the assigned duties shall be delegated to the assistant city manager.
 - (6) In the event of a threat to the safety of the public water supply arising from an emergency condition in the system, the due process described in paragraphs (1)—(4) of this section may be waived. The city manager or his delegates are authorized and empowered to take whatever emergency actions necessary to safeguard the city's water supply system. The city manager will communicate to the mayor, council, and public the circumstances of the event[. The city manager] will regularly apprise the aforementioned parties of the status of the event and when normal service is restored.
- (e) *Compliance required in the event of a water shortage.*
- (1) In the event the city manager issues the notice described in subsection (d), it shall be unlawful for any person to use or permit the use of water from the water system of the city for any of the purposes hereinafter set forth until such time as this article is amended or repealed, or until the city manager has declared such provisions no longer in effect. In exercising this authority, considerations shall be given to the following criteria: water levels in the reservoirs, capabilities of the water production and distribution system, drawdown rates, outlook for precipitation, daily water use patterns, stream flows, seasonal and long-term weather patterns, and availability of water from other sources.
 - (2) Hospitals, nursing homes and health care facilities shall comply with all restrictions imposed on residential and non-residential water customers as may be applicable to each individual institution to the extent compliance will not endanger the health of the patients or residents of the institution.
 - (3) Each hospital, nursing home or health care facility shall survey its water usage patterns and requirements and implement such additional conservation measures as may be possible without endangering the health of its patients or residents to achieve a further reduction in the institution's water usage.
 - (4) The following shall apply at all times to the outdoor sprinkling of lawns, shrubbery, trees, flowers, gardens, and other outside irrigation systems.
 - a. It shall be unlawful to operate any sprinkler system during times of rain or to operate a sprinkler, at any time, so as to disperse water on an impervious surface.
 - b. Any violation of subsections (e)(4)a. and b. by a residential user shall be treated as a stage IIB violation for the purpose of imposing civil penalties.

- (5) If the mandated reduction in water usage cannot be obtained without threatening health or safety, or if there has been a significant change in the customer's circumstances, the customer may apply to the public works director, or his designee, for a variance to the mandate. Any appeal of this administrative decision shall be to the superior court as provided by law.
- a. The request shall be made in writing to the public works director and shall include the following information:
 1. The customer's name and address.
 2. A description of the impact of the restriction in regards to their health and/or safety.
 3. Either a description of the variance requested or a request for a waiver of the applicable requirements.
 - b. The director will review the request and will provide a written response within ten (10) business days after consideration of the following criteria: impact on water demand, expected duration, alternative source options, social and economic importance, and the prevention of structural damage.
- (f) *Restrictions applicable to various levels of Lake Reidsville and Lake Hunt.* The severity of the water shortages shall be determined primarily by the levels of Lakes Reidsville and Hunt in light of the criteria set out in subsection (e)(1). The restrictive measures in effect at each stage are as follows:
- (1) *Stage I water restriction alert.* In the event water levels of Lakes Reidsville and Hunt do not conform to seasonal expectations as determined by the public works director using the criteria set out in subsection (e)(1) the director shall notify the city manager in writing. Upon such notification the city manager shall declare a stage I water restriction alert. After complying with those notice provisions contained in subsection (d), the following voluntary water restrictions shall be requested.
 - a. Voluntary, commercial, manufacturing, institutional and residential conservation measures will be strongly encouraged and recommended including the following:
 1. Inspect and repair all faulty and defective parts of faucets and toilets.
 2. Use shower for bathing rather than bathtub and limit shower to no more than five (5) minutes.
 3. Do not leave faucets running while shaving, rinsing dishes, or brushing teeth.
 4. Limit use of clothes washers and dishwashers and when used, operate fully loaded.
 5. Limit lawn watering to that necessary for plant survival.
 6. Water shrubbery the minimum required, reusing household water when possible.
 7. Limit vehicle washing.
 8. Do not wash down outside areas such as sidewalks, patios, driveways, etc.
 9. Install water flow restrictions in showerheads and other water saving devices.
 10. Use disposable and biodegradable dishes where possible.
 11. Install water saving devices in toilets such as early closing flapper valves.
 12. Limit hours of water-cooled air conditioners.
 13. Do not fill swimming or wading pools.
 - b. Water supply line pressure should be reduced where feasible to reduce water consumption if it will not affect operation of fixtures, equipment, public safety, or health, devices.
 - c. Conservation in public buildings, institutions, dormitories, and similar facilities is encouraged by reducing pressure at plumbing fixtures, and by installation of restricting devices.

- d. Water conservation should be followed during all phases of construction-related activities. Where appropriate, water needed should be obtained from supplemental sources.
 - e. Water restriction effectiveness shall be gauged by comparing the average water used for the month with the average previous three (3) years of water used for the same period, taking into consideration the effects of changes in industrial consumption and wholesale water sales.
- (2) *Stage IIA water shortage level I warning.* In the event the previous voluntary restrictions are not sufficient to eliminate reductions in water supply reserves and the public works director, using those criteria set out in subsection (e)(1), determines that there are no more than one hundred fifty (150) days' supply of water available to the city water system, the public works director shall so notify the city manager in writing. Upon such notification, the city manager shall declare a stage IIA water shortage level I warning to exist. After complying with those notice provisions contained in subsection (d)(1), the following mandatory water restrictions shall be imposed. It shall be unlawful:
- a. To water lawns, grass, shrubbery, trees, flower and vegetable gardens except by hand held-hose, container, or drip irrigation system; provided, however, that such plantings may be watered by any customer by manual or automated sprinkling one (1) day a week. Customers are allowed to do such sprinkling on the day of their city garbage pickup. Customers who do not have city garbage service, or who have multiple pickups during the week, shall be permitted to sprinkle on Wednesdays only. Provided, however, that a person regularly engaged in the sale of plants shall be permitted to use water, by any method at any time, for irrigation of their commercial stock in trade.
 - b. To exceed the following water usage mandate: Public and private customers owning golf courses, and institutional customers owning athletic and playing fields which are separately metered, may water the courses and fields by any method during the hours of 10:00 p.m. till 5:00 a.m. each day and shall reduce water usage by forty (40) percent of their average usage during the corresponding billing period for the most recent twelve-month period, in which no stage of this chapter was in effect. If no meter readings are recorded or otherwise available for a customer's billing period an average of similar users will be established for the customer by the public works department.
 - 1. It is the primary responsibility of each customer to meet its mandated water use reduction in whatever manner possible.
 - 2. Each such customer shall provide access to city personnel for the purposes of meter reading and monitoring compliance with this chapter.
 - 3. Any customer who exceeds the allotments established pursuant to this water rationing will be subject to the following excess-use water rates.
 - i. "Excess-use water rates" will be collected based on the amount by which a customer's use exceeds the water allotments established pursuant to the local water rationing declaration computed on the basis that all water used in excess of the allotment shall be at five (5) times the normal rate.
 - ii. Any monies collected through excess-use water rates shall be placed in a reserve account that is dedicated to addressing water shortage problems and water conservation initiatives.
 - iii. Failure of the customer to remit the periodic amount billed within the allotted time may result in termination of water service to the customer pursuant to the water and sewer regulations.
 - 4. Water restriction effectiveness shall be gauged by comparing the average water used for the month with the average previous three (3) years of water used for the same period, taking into consideration the effects of changes in industrial consumption and wholesale water sales.

Other restrictions contained in stage I shall remain voluntary.

- (3) *Stage IIB water shortage level II warning.* In the event the previous voluntary and mandatory restrictions are not sufficient to eliminate reductions in water supply reserves and the public works director, using those criteria set out in subsection (e)(1), determines that there are no more than one hundred twenty-five (125) days' supply of water available to the city water system, the public works director shall so notify the city manager in writing. Upon such notification, the city manager shall declare a stage IIB water shortage level II warning to exist. After complying with those notice provisions contained in subsection (d), the following mandatory water restrictions shall be imposed. It shall be unlawful to:
- a. Water or sprinkle any lawn, vegetable garden, grass, shrubbery, trees, or flowers except by a hand-held hose, container, or drip irrigation system. Provided, however, that a person regularly engaged in the sale of plants shall be permitted to use water for irrigation of their commercial stock in trade. Provided further, that public and private customers owning golf courses, and institutional customers owning athletic and playing fields which are separately metered, may water the courses and fields by any method pursuant to the same terms and conditions set out in section (f)(2)b. except that the mandatory water use reduction shall be sixty (60) percent.
 - b. Operate water-cooled air conditioners or other equipment that does not recycle cooling water, except when health and safety are adversely affected.
 - c. Wash automobiles, trucks, trailers, boats, airplanes, or any other type of mobile equipment; except that parts of vehicles may be washed where required by federal, state, or local laws or for safety reasons. Provided, however, that any commercial or business operated car wash facility shall be permitted to use water for such purposes.
 - d. 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 similar purposes; provided, however, hand washing of exterior surfaces of a building for the purpose of preparing them for painting shall be permitted. Provided further, licensed commercial pressure washers shall be permitted to operate.
 - e. Operate or introduce water into any ornamental fountain, pool, or pond or other structure making similar use of water.
 - f. Serve drinking water in restaurants, cafeterias, or other food establishments, except as requested.
 - g. Use water from any public or private fire hydrants for any purpose other than fire suppression or other public emergency or water resources department need.
 - h. Use water for dust control or compaction.
 - i. Use water for any unnecessary purpose or intentionally wastewater.

The owner or occupant of any land or building who receives water from the city and also uses water from a well or other supply shall post a sign thereon, in a conspicuous place, furnished at no cost by the city water resources department giving notice of the use of well or other sources of supply.

All industrial, manufacturing, and commercial enterprises, and all customers with swimming and wading pools and tennis courts, shall reduce consumption to any degree feasible with a goal of a reduction of at least twenty-five (25) percent of their usual usage.

Water restriction effectiveness shall be gauged by comparing the average water used for the month with the average previous three (3) years of water used for the same period, taking into consideration the effects of changes in industrial consumption and wholesale water sales.

- (4) *Stage III water shortage danger.* In the event the previous (voluntary and mandatory) restrictions are not sufficient to eliminate reductions in water supply reserves and the public works director, using those criteria set out in section (e)(1), determines that there are not more than one hundred (100) days' supply of water available to the city water system, the public works director shall so notify the city manager in writing. Upon such notification, the city manager shall declare a stage III water shortage danger to exist. After complying with those notice provisions contained in subsection (d), the following mandatory water restrictions, in addition to those imposed in stages IIA and IIB shall be imposed. It shall be unlawful to:
- a. Water or sprinkle any lawn, grass, shrubbery, trees, or flowers except from a watering can or other container not exceeding three (3) gallons in capacity with used wash water from inside a structure, except that newly planted shrubbery, trees or flowers may be watered by hand-held hose. Provided, however, that a person regularly engaged in the sale of plants shall be permitted to use water for irrigation of their commercial stock in trade. State, county, and city licensed landscape contractors may continue to water plantings which are under written warranty by hand-held hose, container or drip irrigation.
 - b. Water any vegetable garden except by hand held hose, container, or drip irrigation system.
 - c. Fill or refill any single-family swimming or wading pool or water any tennis court if a residential customer.
 - d. Make any nonessential use of water for commercial or public use.
 - e. Exceed the following water usage mandate: Commercial and multi-family swimming pool customers shall reduce water usage by twenty-five (25) percent and public and private customers owning golf courses, and institutional customers owning athletic and playing fields which are separately metered, may water the courses and fields by any method and shall reduce water usage by eighty (80) percent, of their average usage during the corresponding billing period for the most recent twelve-month period, in which no stage of this chapter was in effect. If no meter readings are recorded or otherwise available for a customer's billing period an average of similar users will be established for the customer by the water resources department. Such customers include governmental, commercial, industrial, institutional, public, social, multi-family, and all other such users.
 1. It is the primary responsibility of each non-residential customer to meet its mandated water use reduction in whatever manner possible, including limitation of operating hours, or days, if necessary.
 2. Each customer shall provide access to city personnel for the purposes of meter reading and monitoring of compliance with this chapter.
 3. If the mandated reduction in water usage cannot be obtained without threatening health or safety, or if there has been a significant change in the customer's circumstances, the customer may apply to the public works director, or his designee, for a variance to the mandate. Any appeal of this administrative decision shall be to the superior court as provided by law.
 4. Any customer who exceeds the allotments established pursuant to this water rationing will be subject to the following excess-use water rates.
 - i. "Excess-use water rates" will be collected based on the amount by which a customer's use exceeds the water allotments established pursuant to the local water rationing declaration computed on the basis that all water used in excess of the allotment shall be at five (5) times the normal rate.
 - ii. Any monies collected through excess-use water rates shall be placed in a reserve account that is dedicated to addressing water shortage problems and water conservation initiatives.

- iii. Failure of the customer to remit the periodic amount billed within the allotted time may result in termination of water service to the customer pursuant to the water and sewer regulations.

All industrial, manufacturing, and commercial enterprises shall reduce consumption to any degree feasible with a goal of a reduction of at least fifty (50) percent of their average usage as compared with their usage during the corresponding billing period for the most recent twelve-month period in which no stage of this chapter was in effect; provided, this goal shall not apply to those customers who wash parts of vehicles where such washing is required by federal, state, or local laws, or for health or safety reasons.

- (5) *Stage IV water shortage emergency.* In the event previous restrictions are not sufficient to eliminate reductions in water supply reserves and the public works director, using those criteria set out in subsection (e)(1), determines that there are no more than seventy-five (75) days' supply of water available to the city water system, the public works director shall so notify the city manager in writing. Upon such notification, the city manager shall declare a stage IV water shortage emergency to exist. Upon such declaration, the city shall be deemed to be in a state of emergency with respect to its water supply and residential customers shall reduce consumption to any degree feasible with a goal of a reduction of at least twenty-five (25) percent of their average usage. After complying with those notice provisions contained in subsection (d), in addition to the restrictions heretofore imposed in stages IIB and III, the following mandatory water restrictions shall be imposed. It shall be unlawful to:
 - a. Use water outside a structure for any use other than emergencies involving fire or as needed by the water resources department to maintain the system, except that flowers, plants, and shrubs may be watered from a watering can or other container not exceeding three (3) gallons in capacity with used wash water from inside a structure.
 - b. Operate an evaporative air conditioning unit which recycles water except during the operating hours of the business.
 - c. Wash any vehicle for any purpose, whether inside or outside a structure, except that commercial and business operated car washes may do so as provided in subsection d. hereof; and provided that parts of vehicles may be washed where required by federal, state, or local laws for health reasons.
 - d. Exceed the following water usage mandate: All non-residential customers shall reduce their water usage by twenty-five (25) percent except commercial and business operated car washes and non-single family residential customers who operate swimming or wading pools or tennis courts shall reduce such usage by fifty (50) percent, of their average usage during the corresponding billing period for the most recent twelve-month period, in which no stage of this chapter was in effect. If no meter readings are recorded or otherwise available for a customer's billing period an average of similar users will be established for the customer by the water resources department. Non-residential customers include governmental, commercial, industrial, institutional, public, social, and all other such users.
 1. It is the primary responsibility of each non-residential customer to meet its mandated water use reduction in whatever manner possible, including limitation of operating hours, or days, if necessary.
 2. Each customer shall provide access to city personnel for the purposes of meter reading and monitoring of compliance with this chapter.
 3. If the mandated reduction in water usage cannot be obtained without threatening health or safety, or if there has been a significant change in the customer's circumstances, the customer may apply to the public works director, or his designee, for a variance to the mandate. Any appeal of this administrative decision shall be to the superior court as provided by law.

4. Any such customer who exceeds the allotments established pursuant to this water rationing will be subject to the following excess-use water rates.
 - i. "Excess-use water rates" will be collected based on the amount by which a customer's use exceeds the water allotments established pursuant to the local water rationing declaration computed on the basis that all water used in excess of the allotment shall be at five (5) times the normal rate; except that commercial and business operated car washes and non-single-family swimming and wading pool and tennis court users shall be computed at ten (10) times the normal rate for excess use
 - ii. Any monies collected through excess-use water rates shall be placed in a reserve account that is dedicated to addressing water shortage problems and water conservation initiatives.
 - iii. Failure of the customer to remit the periodic amount billed within the allotted time may result in termination of water service to the customer pursuant to the water and sewer regulations.
 - e. Make any water service connections except as herein provided. Connections to the city water system shall be allowed, but not required, in the following cases if all other requirements of law pertaining to such connections have been met:
 1. Lots, upon which construction has been authorized pursuant to a valid building permit issued prior to the effective date of the stage IV water shortage emergency; provided, that this exemption shall apply for only so long as such building permit remains in effect.
 2. Public and other schools satisfying the compulsory education requirements of the laws of the state, public facilities for sheriff, police, fire protection, hospitals, emergency medical services, and facilities of public service companies regulated as public utilities under the laws of the state.
- (6) *Stage V water shortage rationing.* In the event previous voluntary and mandatory restrictions are not sufficient to eliminate reductions in water supply reserves and the public works director, using those criteria set out in subsection (e)(1), determines that there are no more than fifty (50) days' supply of water available to the city water system, the public works director shall so notify the city manager in writing. Upon such notification the city manager shall declare a stage V water shortage crisis to exist and residential customers shall continue to reduce consumption to any degree feasible with a goal of a reduction of at least forty (40) percent of their average usage. After complying with those notice provisions contained in subsection (d), in addition to the restrictions heretofore imposed under stages IIB, III and IV, the following mandatory water restrictions shall be imposed. It shall be unlawful to:
- a. Serve food or beverages in restaurants, cafeterias and other commercial food establishments to customers using anything other than disposable plates, saucers, cups, eating utensils, napkins and tablecloths.
 - b. Wash any vehicle for any purpose, whether inside or outside a structure, except those parts of vehicles may be washed where required by federal, state, or local laws, or for health or safety.
 - c. Exceed the following water usage mandate. All non-residential customers shall reduce their water usage by fifty (50) percent of their average usage during the corresponding billing period for the most recent twelve-month period, in which no stage of this chapter was in effect; except that water may not be used to fill or top off any swimming or wading pool. If no meter readings are recorded or otherwise available for a customer's billing period an average of similar users will be established for the customer by the water resources department.

1. It is the primary responsibility of each non-residential customer to meet its mandated water use reduction in whatever manner possible, including limitation of operating hours or days if necessary.
 2. Each customer shall provide access to city personnel for the purpose of reading and monitoring of compliance with this chapter.
 3. If the mandated reduction in water usage cannot be obtained without threatening health or safety, or if there has been a significant change in the customer's circumstances, the customer may apply to the public works director, or his designee, for a variance to the mandate. Any appeal of this administrative decision shall be to the superior court as provided by law.
 4. Any water customer who exceeds the allotments established pursuant to this water rationing will be subject to the following excess-use water rates.
 - i. "Excess-use water rates" will be collected based on the amount by which a customer's monthly use exceeds the water allotments established pursuant to the local water rationing declaration computed on the basis that all water used in excess of the allotment shall be at ten (10) times the normal rate.
 - ii. Any monies collected through excess-use water rates shall be placed in a reserve account that is dedicated to addressing water shortage problems and water conservation initiatives.
 - iii. Failure of the customer to remit the periodic amount billed within the allotted time may result in termination of water service to the customer pursuant to the water and sewer regulations.
- d. Make any new service connections to the city water system except for public and other schools satisfying the compulsory education requirements of the laws of the state, public facilities for sheriff, police, fire protection, hospitals and emergency medical services, and facilities of public service companies regulated as public utilities under the laws of the state.
- (g) *Compliance.* Compliance with the provisions with this chapter shall be enforced by personnel of the public works department, the city police department, and other such personnel as designated by the city manager. Failure to comply with any of the regulations of this chapter shall be unlawful and a violation of the chapter and all remedies authorized by law for noncompliance with the chapter, including the issuance of a civil penalty citation or action for injunctive relief, may be exercised to enforce its provisions. It shall be unlawful to fail to act in accordance therewith or to use water in any manner or attempt to evade or avoid such water restrictions.
- (h) *Enforcement and civil penalty.*
- (1) *Residential users.* Any residential user who shall violate any provision of this chapter shall be subject to civil penalties. Civil penalties for a violation of stage IIA, IIB and III mandatory restrictions shall be as follows: a warning for the first offense; a civil penalty in the amount of one hundred dollars (\$100.00) for the second offense; a civil penalty in the amount of two hundred dollars (\$200.00) for the third and successive offenses. In stages IV or V, there shall be no warnings given for violations by residential users of the mandatory restrictions of these stages and the penalties shall be one hundred dollars (\$100.00) for the first offense, two hundred dollars (\$200.00) for the second offense and successive offenses.
 - (2) *Non-residential users.* Any non-residential customer, who violates any provision of this chapter, shall be subject to a civil penalty except as provided in subsection (d) below. Civil penalties for a violation of any mandatory restriction of any Stage of this chapter shall be as follows: a civil penalty of two hundred dollars (\$200.00) for the first violation; a civil penalty of five hundred dollars (\$500.00) for the second violation; and a civil penalty of one thousand dollars (\$1,000.00) for the third and successive offenses.

- (3) *Accumulation of violations.* Violations shall be accumulated by all customers so long as this chapter, in any of its stages, is continuously in effect and until no stage of this chapter has been in effect for a period of one (1) calendar year. Violations of any of the mandatory restrictions of any stage shall accumulate with violations of other stages. Should a customer move, or cease and renew service, during the period described herein, the customer's violations shall continue to accumulate as if such move or cessation had not occurred.
- (4) *Civil penalties for excessive water use.* Excessive use water rates imposed upon users by Stages III, IV and V shall constitute the sole monetary penalty for such excessive use. Other violations by such users shall be subject to the civil penalties set out herein. Other enforcement procedures shall apply to such users for excessive use and other violations.
- (i) *Criminal fines.* Upon a fourth violation of this chapter a criminal warrant shall be issued to the offending person. Any violations of the provisions of this chapter shall constitute a class 3 misdemeanor punishable upon conviction by a term of imprisonment up to twenty (20) days and by a fine not exceeding a maximum of five hundred dollars (\$500.00) 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. The issuing of a criminal warrant shall not prohibit the imposition of further civil penalties.
- (j) *Discontinuance of service.* The public works director shall have the authority to discontinue, or restrict, water service to any person or structure in the event of a violation of the provisions of this chapter during a stage IIA, stage IIB, stage III, stage IV or stage V water shortage period or for uncorrected water leakage. Prior to such termination, or restriction, of water supply, the director shall give at least two (2) working days written notice of intent to terminate or restrict. Within the said two days, the person, upon petition to the city manager, or his designee, may be heard as to why such termination should not be enforced. No notice shall be required to discontinue, or turn off, outside water service which is provided solely for lawn and shrubbery sprinkler systems, swimming pools, or other non-essential uses. When a water service has been discontinued, or turned off, it shall be unlawful to reactivate such service without the permission of the public works director during a stage IIA, stage IIB, stage III, stage IV or stage V water shortage period.
- (k) *Continuing and separate violations.* Each day's continuing violation of this chapter shall be a separate and distinct criminal and civil offense. Each violation of the chapter shall be a separate offense even if occurring on the same day.
- (l) *Severance provision.* If any section, subdivision, clause, or provision of this chapter shall be judged invalid, such adjudication shall apply only to such section, subdivision, clause, or provision so adjudged, and the remainder of this chapter shall be declared valid and effective.
- (m) *Application of chapter.* The provisions of this chapter shall apply to all such persons using public water both in and outside the city, regardless of whether any such person using water shall have a contract for water service with the city.
- (n) *Termination of declared emergency.* Termination of any phase of the emergency provisions of this chapter shall be determined by the city manager when he finds that the water supply of the city water system is no longer so low as to constitute a water emergency.
- Upon termination of any emergency declared under this chapter, all fines or penalties incurred by any person or customer shall remain in effect until paid. Upon such termination discontinued users may have their service restored upon payment of the regular cut-on fees except for those users cut off without notice.
- (o) *Repeal of prior ordinances.* All ordinances and clauses of ordinances in conflict herewith are stayed while any stage of this chapter is in effect. Such conflicting ordinances and clauses shall become effective upon termination of such stages.
- (p) *Water shortage response plan revision.* The water shortage response plan shall be reviewed by the public works director:
- (1) At such time that any changes in the city's treatment, distribution, or other factors impacts the city's ability to execute the requirements of the plan.

- (2) At such time that stage IV water shortage emergency is enacted.
 - (3) At least every five (5) years from the date of plan adoption.
- (q) *Public comment process.* Prior to adopting changes to this section, an opportunity for public review and comment shall be provided as follows:
- (1) The city shall publish a notice of public hearing in the local paper soliciting public input regarding proposed changes to the city's water shortage response plan.
 - (2) The public hearing shall be included as an agenda item on the council's regular meeting date.
 - (3) Prior to the public hearing, copies of the proposed ordinance shall be provided at City Hall, the public works building, and the public library for inspection by the public.
 - (4) Comments received will be recorded and reviewed prior to final ordinance preparation.
 - (5) Revised ordinance will be presented to council for consideration at the following months regularly scheduled meeting.

(Ord. of 8-13-03(2); Ord. of 6-9-09)