

WATER SUPPLY SHORTAGE

§51.040 WATER SHORTAGE PROCLAMATION.

In the event of an existing or threatening state of emergency endangering the safety, health or welfare of the people of the city, or threatening damage or destruction of property, arising from the shortage of water, the City Manager is hereby authorized and empowered to issue a public proclamation declaring the existence of such state of emergency, and to define and impose such appropriate prohibitions and restrictions resulting from the water shortage applicable to all persons within the jurisdiction of the city in order to meet the exigencies of the predetermined state of emergency. In his absence, the Public Services Director will assume this role.

§51.041 CONDITIONS DEEMED EMERGENCY.

A state of emergency shall be deemed to exist whenever, in the opinion of the City Manager, the availability and supply of water is critical so that a mechanical malfunction or breakdown of the city's pumps or a rapid draw down of the water supply would so deplete the water supply and availability of water as to threaten or cause to threaten the availability of water for human consumption, for firefighting purposes and other protection of lives and property, and the conservation of water is necessary in order to protect lives, safety and property within the city. (Ord. Passed 10-8-02)

§51.042 RESTRICTIONS, LIMITATIONS IMPOSED.

- (A) The City Manager is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of such state of emergency.
- (B) Such proclamation may specify the authorized uses of water within the city, and may place limitations, prohibitions and restrictions upon the usage of water for residential, business, and commercial uses. Such proclamation may limit the use of water for non-crucial uses such as the watering of lawns, washing of automobiles, and similar activities and may be expanded thereafter to include other activities. The proclamation will use predetermined stages of water restrictions found in §51.046. The stages will be enacted based on implementation protocols in §51.047.
(Ord. Passed 10-8-02)

§51.043 PROCLAMATION, RESTRICTIONS TO BE IN WRITING.

Upon the declaration of a proclaimed state of emergency arising from the availability or shortage of water, such proclamation and all restrictions, prohibitions, and limitations on the use of water shall be in writing and duly signed by the City Manager or any person authorized to act in his or her stead. All restrictions, prohibitions, and limitations upon the use of water during the proclaimed state of emergency shall be in writing and specifically described and identified so that the citizens and the residents of the city shall have available the specific activities authorized and the specific activities prohibited. The customers may be notified by Public Service Announcements, website, notices in water bills, notices at public buildings, and other methods deemed necessary.
(Ord. Passed 10-8-02)

§51.044 LIFTING OR MODIFYING RESTRICTIONS.

When authorized by the City Manager, the City shall proclaim the end of such state of emergency and shall have the authority to modify, lift or suspend any restrictions, limitations or prohibitions stated in such proclamation of emergency or reduce conservation stages based on implementation protocols in §51.047.
(Ord. Passed 10-8-02)

§51.045 ENFORCEMENT.

Upon the declaration of mandatory conservation, water shortage emergency, or rationing, the city Manager and his or her designee and every police officer of the city may enforce any restrictions or bans imposed on the use of water.
(Ord. Passed 10-8-02)

§51.046 STAGES OF CONSERVATION MEASURES.

The City Council may initiate the following stages of water conservation measures to avoid or lessen the impact of a water shortage. The City Council shall base their action upon a review of all factors that affect the city's water shortage. The City Council shall base their action upon a review of all factors that affect the city's water supply, including, but not limited to, current water supply, seasonal effect on water supply and current consumption rates. The City Manager or his designee may recommend to the City Council one of four escalating stages of water conservation, which shall be effective upon being signed and posted in city hall and a copy placed with the City Clerk.

(A) *Stage I – Voluntary conservation.* In Stage I of water conservation, the city shall publicize and encourage the public voluntarily to comply with the following water conservation measures:

- (1) Limit lawn watering to that which is necessary for plants to survive.
- (2) Water shrubbery the minimum amount required, reusing household water when possible.
- (3) Limit vehicle washing to the minimum.
- (4) Refrain from washing down outside areas such as sidewalks, patios, etc.
- (5) Use showers for bathing rather than bathtubs, and limit showers to no more than four minutes.
- (6) Refrain from leaving faucets running while shaving or while rinsing dishes.
- (7) Limit use of clothes washers and dishwashers and when used, operate fully loaded.
- (8) Install water-flow restrictive devices in showerheads.
- (9) Use disposable and biodegradable dishes.
- (10) Install water-saving devices such as bricks, plastics, bottles or commercial units in toilet tanks.

(B) *Stage II – Moderate mandatory conservation.* In Stage II of water conservation, the city shall continue all recommendations of Stage I and the following measures shall be mandatory:

- (1) No watering of lawns, grass, shrubbery, trees, flowers or vegetable gardens except between the hours of 7:00 p.m. and 10:00 p.m. Monday through Friday.
- (2) No filling of newly constructed swimming and/or wading pools which have been drained. A minimal amount of water may be added to maintain continued operation of pools which are in operation at the time the provisions of Stage II are placed into effect.
- (3) No washing of automobiles, trucks, trailers, boats, or any other type of mobile equipment. Commercial car wash facilities are not included.
- (4) NO washing down of outside areas such as streets, driveways, service station aprons, parking lots, office buildings, exterior of existing or newly constructed homes or apartments, sidewalks or patios, or use of water for other similar purposes.
- (5) No introducing water into any ornamental fountain, pool or pond or other structure making similar use of water.
- (6) No serving of drinking water in restaurants, cafeterias or other food establishments, except upon request.

- (7) No using water from public or private fire hydrants for any purpose other than fire suppression or other public emergency.
- (8) No using water for dust control or compaction.
- (9) No using water for any unnecessary purpose or intentionally wasting water.

(C) *Stage III – Severe mandatory conservation.* In state III of water conservation, all the provisions of Stages I and II apply and, in addition, the following measures shall be mandatory:

- (1) No watering of lawns, grass, shrubbery, trees, flowers or vegetable gardens.
- (2) No nonessential use of water for commercial or public use, and the use of single service plates and utensils is encouraged and recommended in restaurants.
- (3) No using water outside of structures for any use other than emergencies involving fire.
- (4) No introducing water into swimming pools.
- (5) Commercial car washes are not allowed to use city water.

(D) *Stage IV – Rationing.* In Stage IV of conservation, all provisions of Stages I through III apply and, in mandatory:

- (1) Fire protection will be maintained, but where possible, tank trucks shall use raw water.
- (2) All other uses of water will be limited to those uses necessary to meet essential health and safety needs of customers.

(Ord. Passed 10-8-02) Penalty, see §51.047

§51.047 IMPLEMENTATION PROTOCOLS

The City of Roxboro’s water source is a series of reservoirs. The following measures of useable storage and intake levels are guidelines for implementation of corresponding water restrictions.

Stage	Usable Storage
1	<12 months
2	<9 months
3	<6 months
4	<3 months

OR

Stage	Elevation of City Lake
1	3 feet below Normal Pool
2	6 feet below Normal Pool
3	8 feet below Normal Pool
4	10 feet below Normal Pool

§51.048 VIOLATION; PENALTY.

- (A) *Violation.* It shall be unlawful for any person to violate any provision of this subchapter, including any mandatory water conservation measure.
- (B) *Civil Penalties.* Any person who violates this subchapter is subject to a civil penalty as described below in division (G) per violation, per day, for as long as the violation exists. The city shall serve a written citation on the violator and the customer, if different, by personal delivery or by certified or registered mail, return receipt requested. The citation shall describe the violation and shall specify the amount of the civil penalty levied. If a person fails to pay a civil penalty within ten days after receiving written notice of such violation, then the city may recover the penalty through a civil action in the nature of a debt, including all further accruing penalties for continuing violations.
- (C) *Continuing violation.* Each day that a violation continues shall constitute an additional and separate offense for the purpose of criminal and civil penalties.
- (D) *Discontinuance of service.* The city may discontinue service to a customer upon a determination by the City Manager that the customer violated a provision of this subchapter. Prior to discontinuance of service, the City Manager or his or her designee shall give the customer written notice of the violation and an opportunity to contest the discontinuance of service within 48 hours. However, the City Manager in his or her opinion, reserves the right, when such violation poses an interment threat to the water supply, may waive the 48 hour notice.
- (E) *Multiple remedies.* The city may seek to enforce this subchapter through any appropriate equitable or legal action or thorough any combination of the remedies set forth in this subchapter.
- (F) *Appeal.* A person who is assessed civil penalties or whose service is discontinued may appeal to the City Council by serving written notice on the City Manager or his designee within ten days of the person being served with a citation or notice of discontinuance. An order of discontinuance is not stayed pending appeal to the board.
- (G) *Fines.* Civil penalties for violations to this subchapter will result in fines as set forth:

Stage I	No Fines
Stage II	\$100
Stage III	\$250
Stage IV	\$1,000

(Ord. Passed 10-8-02)

§51.049 PUBLIC COMMENTS

Customers will have multiple opportunities to comment on the provisions of the water shortage response plan. First, a draft plan will be available at City Hall for customers to view. A notice will be included in customer water bill notifying them of such. Also a draft plan will be published in *The Roxboro Courier Times* and on the City of Roxboro website. All subsequent revisions to the draft plan will be published at least 30 days prior to an adoption vote by Roxboro’s City Council.

§51.050 VARIANCE PROTOCOLS

Applications for water use variance requests are available from the City Public Services Office. All applications must be submitted to the Public Services Office for review by the Public Services Director or his designee. A decision to approve or deny individual variance requests will be determined within two weeks of submittal after careful consideration of the following criteria: impact on water demand, expected duration, alternative source options, social and economic importance, purpose (i.e. necessary use of drinking water) and the prevention of structural damage.

§51.051 EFFECTIVENESS

The effectiveness of the Roxboro water shortage response plan will be determined by comparing the stated water conservation goals with observed water use reduction data. Other factors to be considered include frequency of plan activation, any problem periods without activation, total number of violation citations, desired reductions attained and evaluation of demand reductions compared to the previous year’s seasonal data.

§51.052 REVISION

The water shortage response plan will be reviewed and revised as needed to adapt to new circumstances affecting water supply and demand, following implementation of emergency restrictions, and at a minimum of every five years

in conjunction with the updating of our Local Water Supply Plan. Further, a water shortage response planning work group will review procedures following each emergency or rationing stage to recommend any necessary improvements to the plan to Roxboro's City Council. The City of Roxboro Public Services Director is responsible for initiating all subsequent revisions.