

ORDINANCE NO. 23-10-10B

AN ORDINANCE ADOPTING THE 2023 WATER SHORTAGE RESPONSE PLAN

WHEREAS, The North Carolina Department of Environmental Quality requires that the Town adopt an ordinance establishing procedures and measures for the essential conservation of water resources and for prescribing certain penalties; and

WHEREAS, Kace Environmental has assisted the Town in drafting an ordinance establishing procedures and measures for the essential conservation of water resources and for prescribing certain penalties.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS FOR THE TOWN OF LAKE LURE:

SECTION ONE. The Town Council hereby adopts the 2023 Water Shortage Response Plan as follows:

Town of Lake Lure NC 01-81-020

Water Shortage Response Plan 2023

An ordinance establishing procedures and measures for the essential conservation of water resources and prescribing certain penalties as required by the North Carolina Department of Environmental Quality.

Be it enacted by the Governing Body of the Town of Lake Lure.

Section 1. Authority to Implement

The Town Manager shall enact the following water shortage provisions should the parameters and conditions outlined in Section 2 be met and it be required. In his absence, the Town's Public Works Director will assume this role.

Lake Lure, Town Manager
Mr. Hank Perkins
(828) 625-9983
whperkins@townoflakelure.com

Lake Lure, Public Works Director
Mr. Dean Lindsey
Office (828) 625-9983 – ext. 304
Mobile (828) 772-6134
dlindsey@townoflakelure.com

Section 2. Factors Requiring Implementation of the WSRP

Several conditions or parameters may require the Town of Lake Lure to implement the WSRP, including but not limited to significant reduction in well water levels, significant increase in pump run times for the predetermined total flow at the wells, contaminants in the water system, acts of terrorism, vandalism, main breaks, and natural disasters.

If any of the factors listed above or by any event or combination of events prevent the water system from delivering water the WSRP phases will be enacted in the following order:

Phase 1 – enacted if a 20% reduction in normal well water levels is noted, if pump run times increase by 20% in order to maintain previous rates, or if by any event or combination of events cause a 20% reduction in the water systems capacity to provide water.

Phase 2 – enacted if a 40% reduction in normal well water levels is noted, if pump run times increase by 40% in order to maintain previous rates, or if by any event or combination of events cause a 40% reduction in the water systems capacity to provide water.

Phase 3 – enacted if a 60% reduction in normal well water levels is noted, if pump run times increase by 60% in order to maintain previous rates, or if by any event or combination of events cause a 60% reduction in the water systems capacity to provide water.

Section 3. Water Use Classification

In order to facilitate a fair and equitable WSRP, every water use will be grouped into one of the three following classifications:

Class 1 – Essential Water Uses – These uses include but may not be limited to water use required to sustain human life and the lives of domestic pets, maintain minimum standards for hygiene and sanitation, health care uses necessary for patient care and rehabilitation, and for fire suppression and fighting to include training and drills approved by the Town Manager.

Class 2 – Socially or Economically Important Water uses – These uses include but may not be limited to water use required to preserve commercial vegetable gardens, fruit orchards, nursery stock, and life stock maintenance; outdoor commercial watering both public and private; establishing vegetation after construction or earth moving activities; filling and operation of municipal or private swimming pools provided that these pools serve 25 or more persons; and operation of commercial car washes, restaurants, laundromats, clubs, schools, churches and other similar establishments.

Class 3 – Non-Essential Water Uses – These include but may not be limited to operation of water fountains, ornamental pools and recreational swimming pools that serve fewer than 25 persons; non-commercial washing of motor vehicles, sidewalks, houses, etc.; and non-commercial watering of gardens, lawns, parks, playing fields and other recreational areas.

Section 4. Phased WSRP and Water Use Reduction Goals

When the WSRP is implemented the phased approach below will be followed:

Phase 1 – Voluntary Conservation – This phase will be implemented when it is determined that one or more of the conditions or parameters outlined in section 2 occurs. Consumers will be notified promptly by any combination of the following methods: mailers, door hangers, public postings at the Town Hall, Post Offices, website if available, newsletters, ect. The public will be asked to begin voluntary conservation measures and ask that all Class 3 Non-Essential Water Uses be halted. Specific conservation measures and tips will be made available to the consumers as seen under Section 7.

Continued water consumption for Class 3 Non-Essential Water Uses will result in a written notice of violation for the first offense and \$25.00 fine for each subsequent offense.

Once the determining conditions or parameters return to seasonal norms, these measures will be lifted. Failure of the determining conditions or parameters to return to seasonal norms may require the implementation of Phase 2.

Phase 2 – Mandatory Conservation – This phase will be implemented when the Town Public Works Director, or whomever is so designated, issues a Water Shortage Advisory. Consumers will be notified by any or all of the same methods noted in Phase 1. All users will be required to adhere to the voluntary conservation methods as seen under Section 7. All Class 3 uses will be banned. Class 2 uses will be allowed although outdoor vegetation watering will be limited according to the street address as follows: even numbered addresses will be allowed to water on even days of the month and odd numbered addresses will be allowed to water on the odd days of the month.

Durin Phase 2, industrial users will be required to develop and demonstrate to the Public Works Director a water shortage response program that should show at a least a 25% reduction in water usage.

Failure to adhere to the Phase 2 Mandatory Conservation requirements will result in a written notice of violation for the first offense and/or a \$50.00 fine with each subsequent violation increasing the fine by a factor of \$50.00. Any violation beyond the fourth offense will result in a disruption of water service to the offending party until Phase 2 Mandatory Conservation requirements have been rescinded.

Phase 3 – Emergency Conservation – This phase will be implanted with the issuance of a Water Shortage Emergency Declaration from the Town of Lake Lure Public Works Director. Consumers will be notified by any or all of the same methods noted in Phase 1. All users will be required to use voluntary conservation methods as seen under section 7. Class 3 uses will be banned, and Class 2 uses will be allowed except for vegetative watering. Industrial users will be required to implement their water reduction programs immediately.

Failure to comply with the mandates during Phase 3 will require the offending party(ies) to pay a \$100.00 fine for the first offense, a \$350.00 fine for the second offense, and disruption of water service for the third offense.

In addition, residential users will be allotted 1,000 gallons per month, per person, per connection. If usage exceeds the allotted 1,000 gallons per month, per person, per connection the following surcharges will be assessed: for usage of 1,001 – 1,250 gallons a 25% surcharge will be added to the monthly bill, for usage of 1,251 – 1,500 gallons a 75% surcharge will be added to the monthly bill, for usage beyond 1,501 gallons a 150% surcharge will be added to the monthly bill.

Commercial, industrial, and institutional facilities will be required to reduce their monthly water consumption by 25% of the previous 12-month water consumption average to maintain the current rate for that month. The average water use can be evaluated on an individual basis for facilities with seasonal demand fluctuations. A 10% to 24% water use reduction from the previous 12-month water use average will result in a 25% surcharge on the monthly water bill. A 0% to 9% water use reduction from the previous 12-month water use average will result in a 50% surcharge on the monthly water bill. An increase of 1% to 25% above the previous 12-month water use average will result in a 100% surcharge added to the monthly bill. Any amount used above 25% of the previous 12-month water use average will result in a 150% surcharge added to the monthly bill.

Section 5. Enforcement

Enforcement of mandatory conservation efforts and associated fines will be the responsibility of the Public Works Director and staff under the direction of the Town Manager.

Section 6. Water Shortage Response Plan Cancellation and Return to Normal

As the determining conditions and parameters decrease in severity and return to acceptable conditions, water conservation measures employed during each phase should be decreased in reverse order of implementation. Permanent measures directed toward long-term monitoring and conservation should be implemented or continued so the community will be in a better position to prevent shortages and respond should there be recurring water shortage conditions.

Section 7. Conservation Measures

Users will be directed to adopt the following conservation measures:

Indoor Residential Use

Measures for Voluntary and Mandatory Conservation Phases

- Use dishwashers only when full. Washing dishes by hand saves about 25 gallons if you don't let the tap run.
- If possible, adjust the water levels on clothes washing machine. If adjustment is not possible, be sure to wash full loads of laundry only.
- Turning off faucets while brushing your teeth or washing hands saves approximately 5 gallons per day.
- Reduce water used per flush by installing toilet tank displacement inserts (a plastic jug may suffice as an alternative). DO NOT USE BRICKS – they breakdown and disintegrate when soaked for a prolonged period and the resulting grit hinders proper closing and seating of the flap valve.
- Do not use the toilet as a trash can.
- Use sink and tub stoppers to avoid wasting water.

- Keep chilled bottles of water in the refrigerator for drinking.
- Identify and fix leaks in faucets and water-using appliances. Usually, faucets can be repaired inexpensively and quickly by replacing washer.
- Add flow-restricting or other water-saving devices to plumbing. These are usually inexpensive and easy to install.
- Learn to read your water meter! You can judge how much water you use and see for yourself what a difference conservation can make.
- Taking shorter showers and shallow baths can save approximately 25 gallons per occurrence.
- Reduce the number of times you flush the toilet per day. Wait to flush liquid waste and reduce the amount of toilet paper used. Each flush of the toilet uses approximately 5 gallons of water or 2 to 3 gallons if you have water saving toilets.
- Don't use or limit usage of garbage disposals.

Measures for Emergency Conservation or Rationing Phases – in addition to the measures listed above

- Turn off the shower while soaping.
- Use disposable plates, bowls, and eating utensils.

Outdoor Residential Use

Conservation for Normal Conditions and Voluntary Conservation Phase for Lawns

- Water before 10:00 am to prevent evaporation which occurs during hotter parts of the day.
- Watering in the morning is preferred over evening when the dampness promotes fungal growth.
- Water only when lawn shows signs of wilt – grass that springs back when stepped on does not require water.
- Water thoroughly as opposed to frequently. Water long enough to soak the roots. Lightly sprinkling water evaporates quickly and encourages shallow root systems. Water slowly to avoid excessive runoff.
- Don't let a sprinkler run any longer than necessary, 600 gallons of water can be wasted in only an hour with the use sprinklers.
- Allow a maximum of one inch of water per week on your lawn. An easy way to measure this is by using a rain gauge or placing cake tins outside to collect rain and water from your sprinklers.
- Use nozzles on water hoses to avoid waste when watering flowers or shrubs.
- Aerate your lawn by punching holes 6 inches apart. This promotes absorption and allows the water to penetrate to the roots rather than running off the surface.
- Be mindful of sprinkler position, water the lawn not pavement or sidewalks.
- Avoid watering on windy days. Wind can cause the water to be blown off target but can also cause excessive evaporation.
- Keep sprinkler heads clean and debris free to avoid uneven watering.
- Adjust hoses to simulate gentle rain. Sprinklers that produce a fine mist waste water through evaporation.
- Know how to turn off your automatic sprinkler system during rain events.

- If your sprinkler system does not have a timer, use an alarm clock or kitchen timer to remind you to shut off the sprinklers.

Conservation for Normal Conditions and Voluntary Conservation Phase for Vegetable and Flower Gardens

- Water deeply, slowly, and weekly. Most vegetables require moisture to a depth of 6 to 8 inches.
- Keep soil loose and aerated so water can more easily penetrate.
- Weed to reduce the competition for water.
- Put the water where you want it! Avoid undue evaporation by using soil soaking-hoses or slow-running hoses in place of sprinklers.

Conservation for Normal Conditions and Voluntary Conservation Phase for Trees and Shrubs

- Water deeply by using drip-irrigation or soil-soaking hoses.
- Water only when needed. You can check the depth of soil dryness with a trowel.
- Use mulch to reduce evaporation. A 2” to 3” layer of mulch, wood chips, straw, pine needles, or grass clippings helps keep the soil cool in the summer months.
- Dig troughs around plants to catch and retain water.
- Water trees growing in full sun more often than those growing in shade.
- Apply water directly at the base of trees and shrubs instead of using sprinklers.
- Do not fertilize during the summer. Fertilizing increases a plant’s need for water.
- Postpone new planting until the fall or spring. Milder temperatures generally require less need for water.
- Install trickle-drip irrigation systems close to the roots of your plants. These systems drip water slowly as opposed to spraying water into the air preventing unnecessary evaporation.
- Water when cloudy, at night, or even during a light rain event.

Conservation for Voluntary Conservation Phase - in addition to measure listed above

- Do not allow children to play with/in hoses or sprinklers.
- Limit or eliminate car washing.
- Catch any rainfall that occurs by placing containers under downspouts.
- Use leftover household water if possible and available.
- Consider delaying seeding or sodding of new lawns.
- You can determine the amount of water used outdoors by comparing your water bills for summer months to those for winter months.

Conservation for Mandatory Conservation Phase - in addition to measure listed above

- Vegetable gardens and food trees should be given minimal amounts of water on an individual basis only.
- Do NOT water lawns or inedible plants.
- Do NOT use sprinklers.

Most outdoor water is prohibited under Emergency Conservation conditions.

Commercial Use

- Reduce laundry usage or services by changing bed linens, etc. only when necessary to preserve the health of patients or residents.
- Use disposable food service linens.
- Identify and repair all leaking faucets, fixtures, and water-using equipment. Pay particular attention to equipment connected directly to water lines such as processing machines, steam-using machines, washing machines, and water-cooled air conditioners and furnaces.
- Assure that all valves and solenoids used to control water flow are completely shut off when the water-using cycle is not engaged.
- Adjust water-using equipment and machinery to use the minimum amount of water required to achieve its stated purpose and function.
- If possible, shorten rinse cycles for laundry washing machines and implement lower water levels and usage.
- For processing, cooling, and other uses either reuse water or use water from alternate sources that would not adversely affect public water supplies.
- Advise employees, customers, students, and other users not to flush toilets after every use. Reduce the number of times you flush the toilet per day. Wait to flush liquid waste and reduce the amount of toilet paper used.
- Install toilet tank displacement inserts, place flow restrictors in shower heads and faucets, and close automatic flushes overnight.
- Install automatic flushing valves to use as little water as possible or to cycle at longer intervals.
- Place water-saving and conservation posters and literature where employees, customers, staff, and students etc. will have easy access to them and where they will be seen.
- Check your water meter on a frequent basis to determine consumption patterns.
- Review usage patterns to determine where other saving could be made.

Section 8. Public Comment

Customers will have multiple opportunities to comment on the provisions of the WSRP. A notice will be included with water bills notifying consumers that a draft of the Water Shortage Response Plan will be available at the Town Hall for customers to view. All subsequent revisions to the draft plan will be published at least thirty days prior to adoption vote by the Town Commissioners.

Section 9. Variance Protocols

Applications for water use variance requests are available from the Town of Lake Lure's website and at the Town Hall. All applications must be submitted to Jennifer Duncan at Town Hall for review by Dean Lindsey, Public Works Director. A decision to approve or deny individual variance requests will be determined within two weeks of submittal and after careful consideration of the following criteria: impact on water demand, expected duration, alternative source options, social and economic importance, purpose (for example: necessary use of drinking water), and the prevention of structural damage. For all questions or inquiries please contact Jennifer Duncan at the Town of Lake Lure Town Hall at (828) 625-9983 ext. 106 or Dean Lindsey, Public Works Director for the Town of Lake Lure at (828) 625-9983 ext. 304.

Section 10. Efficacy

The efficacy of the Town of Lake Lure WSRP will be determined by comparing the stated water conservation goals with observed water use reduction data. Other factors for consideration include the frequency of WSRP activation, problem periods not requiring activation, total number of violation citations, desired reductions attained, and evaluation of demand reductions compared to the previous years seasonal data. Permanent measures directed toward long-term monitoring and conservation should be implemented and continued so that the community will be in a better position to prevent shortages and respond to recurring water shortage conditions.

Section 11. Revision

The WSRP will be reviewed and revised as needed to adapt to new circumstances affecting water supply and demand, following implementation if 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 proposed improvements of the WSRP to the Town Commissioners. The Lake Lure Town Manager is responsible for initiating all subsequent revisions.

1. Legal Status Provisions

1. Conflict with Other Laws

Whenever the requirements of this Ordinance conflict with the requirements of another statute or Ordinance, the more restrictive standard shall govern.

2. Severability

Should any section or provision in this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.


3. Penalty

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to section 10.99.

4. Effective Date

This Ordinance shall take effect and be enforced on and after the date of its adoption by the Town Commissioners, this 10th day of October 2023.

ATTEST:


Olivia Stewman, Town Clerk


Carol Pritchett, Mayor

Approved as Form:

William C. Morgan, Jr.
Town Attorney

