



TO: Vardry E. Austin
FROM: Benjamin Kearns, Water Resources Manager
DATE: December 22nd, 2023
SUBJECT: Water Shortage Response Plan, NC 04-65-010

Mr. Austin,

The CFPUA-Wilmington (NC 04-65-010) System has an existing ordinance entitled "Water Emergency Management Ordinance" that was last modified in August of 2020 which serves as the Water Shortage Response Plan (WRSP). This ordinance is located within the Cape Fear Public Utility Authority Code of Ordinances, Chapter 3, last updated online on March 9th, 2022. The "Water Emergency Management Ordinance" was not modified in this process.

Please accept for your review this adopted plan through ordinance. An SOP has been developed to be used during the implementation of this plan, however it was not included as it is an internal document and contains sensitive customer information. Should you wish to review the SOP, please contact me via phone or e-mail in my signature line.

Notification procedures in two areas have been specifically outlined below in order to comply with the necessary WRSP Checklist Items:

1. Describe how customers will be notified of plan activation and response measures as noted in item #2 on the WRSP checklist.
 - CFPUA will issue a news release announcing the plan's activation and detailing response measures. CFPUA communications staff will also contact local news media directly to answer any questions and encourage prompt dissemination.
 - Activation and response measures will be promoted on CFPUA's social media pages (Facebook, Twitter, and Instagram).
 - CFPUA will work with its local government partners to help amplify CFPUA's outreach.
 - CFPUA maintains a list of critical customers such as health providers, bulk water users, and others, who will be contacted directly by phone or email regarding activation and response measures.
 - If the water shortage extends more than a few days, CFPUA will incorporate paid outreach (TV ads, billboards) in its efforts.
2. Describe how the public can review and comment on the plan before adoption as noted in item #6 on the WRSP checklist.
 - To facilitate public review and comment prior to plan adoption, CFPUA will use the same process employed each year for proposed changes to System Development Charges.
 - CFPUA will issue a news release announcing the opening of public comments.
 - The release will link to a copy of the proposed plan on CFPUA's website (CFPUA.org).
 - The release also will link to an online form, where the public may submit comments.

Sincerely,

Benjamin Kearns

Benjamin Kearns
Water Resources Manager, Water Treatment

Chapter 3 WATER EMERGENCY MANAGEMENT ORDINANCE¹

Sec. 3-1. Scope.

The purpose of this chapter is to minimize impacts of drought and water supply emergencies on public health and safety, environmental quality, and the economy by establishing minimum standards and practices for water shortage response planning, water-use reporting, water conservation, and water reuse during droughts and water supply emergencies.

(Ord. of 7-8-2015(02), § 1; Ord. of 08-12-2020(1))

Sec. 3-2. Definitions.

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

Available supply means the maximum amount of reliable water supply, including surface water, groundwater, and purchases under secure contracts.

Best management practice (BMP) means a measure of activity that is beneficial, empirically proven, cost-effective, and widely accepted in the professional community.

Commercial landscape means a landscape adjacent to a facility used for commercial purposes, such as a retail center, office building, or office park.

Conservation (water) means any beneficial reduction in water losses, waste, or use.

Drip irrigation means a type of micro-irrigation system that operates at low pressure and delivers water in slow, small drips to individual plants or groups of plants through a network of plastic conduits and emitters.

Drought means a sustained period of inadequate or subnormal precipitation that can result in water supply shortages, increased water demand, or both.

Drought advisory means any advisory issued by the North Carolina Drought Management Advisory Council (NCDMAC) that delineates the geographic extent and severity of a water deficit significant enough to have social, environmental or economic effects. Drought Advisories are designated as Abnormally Dry (Stage 0/D0), Moderate Drought (Stage 1/D1), Severe Drought (Stage 2/D2), Extreme Drought (Stage 3/D3), and Exceptional Drought (Stage 4/D4) to indicate the severity of conditions from least to most severe, respectively.

Efficient means:

- (1) Performing or producing effectively with a minimum of waste, expense, or unnecessary effort; competent.
- (2) Satisfactory and economical to use.

¹Editor's note(s)—Stakeholders participated in developing this plan. This plan was also presented to the Wilmington City Council and the New Hanover County Board of Commissioners.

Essential water use means the use of water necessary for firefighting, health and safety purposes; water needed to sustain human and animal life; and water necessary to satisfy Federal, State, and local public health, safety or environmental protection requirements.

Irrigation means the application of water to the soil to meet the water needs of crops, turf, shrubbery, gardens, or wildlife food and habitat not satisfied by rainfall.

Irrigation scheduling means an automated method for optimizing outdoor water use by matching the watering schedule to plant needs.

Large-volume user means a water customer whose usage is substantial relative to other users; large-volume users may present unique peaking or other demand characteristics.

Low water-use landscaping means using plants and materials that are appropriate to an area's climate and growing conditions (usually native and adaptive plants).

Non-essential water use means categories of water use, other than essential water use, that may be curtailed during drought and water emergencies.

Non-potable water means water not suitable for drinking.

Overspray means the application of water from a sprinkler system beyond the areas intended for irrigation, usually non-landscaped areas such as sidewalks, pavements, and structures.

Peak demand means the highest point of total water usage experienced by a system, measured on an hourly, daily, monthly, or annual basis.

Potable water means water suitable, safe, or prepared for drinking.

Recycled water means a type of reuse water usually run repeatedly through a closed system.

Retrofit means replacement of parts in an existing plumbing fixture or water-using appliance in order to improve its operational efficiency.

Spray irrigation means a sprinkler irrigation system using spray heads that are mounted on fixed or pop-up risers and that have relatively high precipitation rates.

Source trigger is based on raw water supply from the Cape Fear River, declared stages from the Lower Cape Fear Water & Sewer Authority (LCFWASA) King's Bluff System Raw Water Supply Emergency Management Plan, and the drought advisories and indicators as referenced on the NC Drought Monitor. The Authority's operating conditions are determined in part by the conditions at B. Everett Jordan Lake (Chatham County), which feeds the Cape Fear River, the main source for the Authority's treated water. The NC Drought Monitor is only one component of a source trigger and does not automatically determine operating conditions.

Supply trigger is related to water use conditions and is affected by the total demand on the Authority's water distribution system or the water treatment plant's production capacity. Operating conditions may change and/or water use advisories may be declared in the event of an immediate water shortage whereby a reduction in the demand has not been effective using other measures or lesser advisory stages.

Treated water means water treated to meet drinking water standards.

Water conservation measure means an action, behavioral change, device, technology, or improved design or process implemented to reduce water loss, waste or use.

Water delivery system means any open or closed conveyance system used to move water for potable or non-potable purposes from its point of origin to a point of use, including: municipal water systems; residential, commercial, industrial, and institutional plumbing systems; irrigation systems; water using equipment; and flexible hoses.

Water production capacity means the maximum volume of water that meets State and Federal standards that the water treatment process can produce during a 24-hour period. Water production capacity can vary depending on system component reliability and raw water conditions.

Xeriscape means landscaping that involves seven principles: proper planning and design; soil analysis and improvement; practical turf areas; appropriate plant selection; efficient irrigation; mulching; and appropriate maintenance.

(Ord. of 7-8-2009; Ord. of 12-8-2010; Ord. of 10-8-2014; Ord. of 7-8-2015(02), § 2; Ord. of 08-12-2020(1))

Sec. 3-3. Waste or misuse of water.

No person shall intentionally waste or misuse potable water.

(Ord. of 7-8-2015(02), § 3)

Sec. 3-4. Declaration of water emergency.

The Executive Director or designee is authorized to declare that a water emergency exists. Depending on the severity of the emergency, staged water use restrictions as described in this article shall be imposed upon all water customers.

(Ord. of 7-8-2015(02), § 4)

Sec. 3-5. Staged water use restrictions.

(a) *Normal conditions.* Water conservation measures and best management practices are encouraged. To implement such practices, CFPWA customers are recommended to:

- (1) Inspect and repair all faulty and defective parts of faucets and toilets.
- (2) Inspect and repair all faulty and defective parts of sprinklers, hoses, and outdoor spigots.
- (3) Avoid running faucets while shaving, brushing teeth, rinsing or preparing food.
- (4) Limit the use of clothes washers and dishwashers. When used, operate fully loaded.
- (5) Install water saving showerheads, faucet aerators, early-closing flappers in toilets, and other water saving devices.
- (6) Equip all hoses with nozzles or trigger devices.
- (7) Water lawns and gardens only when necessary; take rainfall events into account and avoid over-watering.
- (8) Limit showers to five minutes or less.
- (9) Not use water from a public or private fire hydrant except for firefighting and fire protection purposes; testing or training purposes with adequate notification; approved flushing of water/sewer lines to protect public health and safety; authorized use by special use permit holders; for other public emergency or as authorized by the Executive Director or designee.

(b) *Stage 1.* A Stage 1 water emergency shall be declared if water use under the normal conditions and voluntary water conservation best management practices have not resulted in sufficient reduction of the average day customer water demand from the water distribution systems; or when LCFWASA declares a Stage 1 raw water emergency, or when there are five consecutive days when CFPWA customer water demand exceeds 85

percent of the water production capacity; or it is necessary to implement additional mandatory water use rules to protect the public health, safety, and welfare through the provision of adequate water for essential water use; or a D1 drought has been declared. During a declared Stage 1 water emergency the following voluntary water conservation measures shall be in effect:

- (1) Irrigation water should be applied slowly to achieve deep penetration and prevent water run-off. Overspray and direct watering of impervious surfaces such as streets, parking lots, driveways, and sidewalks is prohibited.
- (2) Automatic spray irrigation and non-automatic spray irrigation systems:
 - a. May be used between midnight and 6:00 a.m.
 - b. Properties with odd-numbered addresses (ending in one, three, five, seven, or nine) may irrigate on Tuesday, Thursday, and Saturday.
 - c. Properties with even-numbered addresses (ending in zero, two, four, six, or eight) may irrigate on Wednesday, Friday, and Sunday.
 - d. No irrigation is allowed on Monday.
- (3) Non-spray hose end sprinklers:
 - a. May be used between 6:00 a.m. and 10:00 a.m.; 6:00 p.m. and 10:00 p.m.
 - b. Properties with odd-numbered addresses (ending in one, three, five, seven or nine) may irrigate on Tuesday, Thursday, and Saturday.
 - c. Properties with even-numbered addresses (ending in zero, two, four, six or eight) may irrigate on Wednesday, Friday, and Sunday.
 - d. No irrigation is allowed on Monday.
- (4) Hand-held hose end watering devices used for irrigation or cleaning purposes must be equipped with a nozzle or trigger device and are allowed anytime.
- (5) Low volume drip irrigation is allowed any time.
- (6) The voluntary water conservation measures shall not apply to:
 - a. Properties that do not use water from a public water system for landscape irrigation;
 - b. Watering of commercial containerized plants and commercial plant stock in trade maintained for sale;
 - c. Visually supervised operation of watering systems for short periods of time to check system conditions and routine maintenance of system;
 - d. New lawns and landscapes.
 - e. Large commercial, industrial, or institutional irrigation systems or golf courses that have received prior approval of a submitted ten percent reduction plan.
- (7) Using water from a public or private fire hydrant is prohibited except for firefighting and fire protection purposes; testing or training purposes with adequate notification; approved flushing of water/sewer lines to protect public health and safety; authorized use by special use permit holders; for other public emergency or as authorized by the Executive Director or designee.
- (8) Lawn/landscape chemical application: Irrigation for a maximum of one day when treatment with an application of chemicals requires immediate watering to preserve the existing landscape or to establish a new landscape.

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- (9) Restaurants, eating/drinking establishments: No restrictions.
 - (10) Swimming pools, wading pools, hot tubs, pas, whirlpool tubs: No restrictions.
 - (11) Pressure washing: No restrictions.
 - (12) Vehicle washing: No restrictions.
 - (13) Fountains, artificial waterfalls, misting machines, reflecting pools, ornamental ponds: No restrictions.
 - (14) Non-essential use, leaks and water waste: Prohibited.
- (c) *Stage 2A* Stage 2 water emergency shall be declared in the event of an immediate water shortage; or when LCFWASA declares a Stage 2 raw water emergency, or when there are three consecutive days when CFPWA customer water demand exceeds 90 percent of the water production capacity; or, it is necessary to implement additional mandatory water use rules to protect the public health, safety, and welfare through the provision of adequate water for essential water use; or a D2 drought has been declared. During a declared Stage 2 water emergency the following mandatory water conservation measures shall be in effect:
- (1) Irrigation water must be applied slowly to achieve deep penetration and prevent water run-off. Overspray and direct watering of impervious surfaces such as streets, parking lots, driveways, and sidewalks is prohibited.
 - (2) Automatic spray irrigation and non-automatic spray irrigation systems:
 - a. May be used between midnight and 6:00 a.m.
 - b. Properties with odd-numbered addresses (ending in one, three, five, seven, or nine) may irrigate on Tuesday, Thursday, and Saturday.
 - c. Properties with even-numbered addresses (ending in zero, two, four, six, or eight) may irrigate on Wednesday, Friday, and Sunday.
 - d. No irrigation is allowed on Monday.
 - (3) Non-spray hose end sprinklers:
 - a. May be used between 6:00 p.m. and 10:00 p.m.
 - b. Properties with odd-numbered addresses (ending in one, three, five, seven, or nine) may irrigate on Tuesday, Thursday, and Saturday.
 - c. Properties with even-numbered addresses (ending in zero, two, four, six, or eight) may irrigate on Wednesday, Friday, and Sunday.
 - d. No irrigation is allowed on Monday.
 - (4) Hand-held hose end watering devices for irrigation purposes must be equipped with a nozzle or trigger device.
 - (5) Low-volume drip irrigation is allowed any time.
 - (6) The watering restrictions shall not apply to:
 - a. Properties that do not use water from a public water system for landscape irrigation;
 - b. Watering of commercial containerized plants and commercial plant stock in trade maintained for sale;
 - c. Visually supervised operation of watering systems for short periods of time to check system conditions and routine maintenance of system;

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- d. Large commercial, industrial, or institutional irrigation systems or golf courses that have received prior approval of a submitted 30 percent reduction plan.

Commercial or residential customers may obtain a 30-day new lawn/landscape establishment permit from the Water Treatment Division for the purpose of establishing new plantings. New plantings, for the purpose of this permit, are defined as the installation of new sod to the entire yard, whole yard first seeding, or large commercial plantings. The permit will be applicable during the installation and for 30 days from substantial completion of the installation. Upon expiration of 30-day establishment period, the customer must establish a watering schedule that follows the restrictions of the water emergency stage that is currently declared.

- (7) Hand-held hose end watering devices for cleaning purposes must be equipped with nozzle or trigger device. Commercial users may wash down surfaces when necessary to preserve public health and safety. Residential use is limited to Saturday and Sunday only for purposes of public health and safety.
 - (8) Using water from a public or private fire hydrant is prohibited except for firefighting and fire protection purposes; testing or training purposes with adequate notification; approved flushing of water/sewer lines to protect public health and safety; authorized use by special use permit holders; for other public emergency or as authorized by the Executive Director or designee.
 - (9) Lawn/landscape chemical application: Irrigation for a maximum of one day when treatment with an application of chemicals requires immediate watering to preserve the existing landscape or to establish a new landscape.
 - (10) Restaurants, eating/drinking establishments: No restrictions.
 - (11) Swimming pools, wading pools, hot tubs, spas, whirlpool tubs: Topping off pools, hot tubs, spas, etc., using the minimal amount necessary to maintain structural integrity and filtration system is allowed. No pool filling allowed.
 - (12) Pressure washing: No restrictions.
 - (13) Vehicle washing: No restrictions.
 - (14) Fountains, artificial waterfalls, misting machines, reflecting pools, ornamental ponds: No restrictions.
 - (15) Non-essential use, leaks and water waste: Prohibited.
- (d) *Stage 3A* Stage 3 water emergency shall be declared in the event of an immediate water shortage; or when LCFWASA declares a Stage 3 raw water emergency, or when there are five consecutive days when CFPWA customer water demand exceeds 90 percent of the water production capacity; or, it is necessary to implement additional mandatory water use rules to protect the public health, safety, and welfare through the provision of adequate water for essential water use; or a D3 drought has been declared. During a declared Stage 3 water emergency the following water conservation measures shall be in effect:
- (1) Automatic spray irrigation and non-automatic spray irrigation systems: Prohibited.
 - (2) Non-spray hose end sprinklers: Prohibited.
 - (3) Hand-held hose end watering devices for irrigation purposes: Prohibited.
 - (4) Low volume drip irrigation: Prohibited.
 - (5) The watering restrictions shall not apply to:
 - a. Properties that do not use water from a public water system for landscape irrigation;
 - b. Watering of commercial containerized plants and commercial plant stock in trade maintained for sale;

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- c. Visually supervised operation of watering systems for short periods of time to check system conditions and routine maintenance of system;
 - d. Large commercial, industrial, institutional irrigation systems or golf courses that have received prior approval of a submitted 50 percent reduction plan.

Commercial or residential customers who received an approved new lawn/landscape establishment permit prior to the issuance of the Stage 3 advisory may irrigate any day for 30 days. New plantings, for the purpose of this permit, are defined as the installation of new sod to the entire yard, whole yard first seeding, or large commercial plantings. The permit will be applicable during the installation and for 30 days from substantial completion of the installation. Upon expiration of 30-day establishment period, the customer must establish a watering schedule that follows the restrictions of the water emergency stage that is currently declared. No new permits will be issued after the declaration of a Stage 3 advisory.

- (6) Hand-held hose end watering devices for cleaning purposes: Prohibited.
 - (7) Swimming pools, wading pools, hot tubs, spas, whirlpool tubs: Those that use recycled or non-potable water may continue to operate. Non-recyclable units may use minimum amount of make-up water necessary to maintain aquatic life. Topping off pools, hot tubs, spas, etc., using the minimum amount necessary to maintain structural integrity and filtration system is allowed. No pool filling is allowed.
 - (8) Using water from a public or private fire hydrant is prohibited except for firefighting and fire protection purposes; approved testing or training purposes; approved flushing of water/sewer lines to protect public health and safety; for other public emergency or as authorized by the Executive Director or designee.
 - (9) Lawn/landscape chemical application: Prohibited.
 - (10) Pressure washing: Commercial use for maintenance and/or sanitary and health purposes is allowed; washing horizontal surfaces is prohibited except in the preparation for painting, recoating or sealing. Residential use is prohibited.
 - (11) Restaurants, eating/drinking establishments: Drinking water is prohibited unless requested by a customer.
 - (12) Vehicle washing: Residential washing prohibited.
 - (13) Commercial car washes: Operating commercial car washes that utilize the industry's best management practices for the efficient use of water and those that recycle, reclaim, or reuse a portion of their wash water are allowed. Those that do not recycle water must reduce total water consumption by 20 percent from the previous month. Car dealerships may clean vehicles, using less than five gallons of water per vehicle, in preparation for display in a dealer's showroom, upon receipt from manufacturer or prior owner, and following a sale prior to delivery to the purchaser. Cleaning of construction, emergency, transport, or public transportation vehicles is allowed if necessary to preserve proper functioning and safe operation of vehicle.
 - (14) Flushing boat engines is allowed if necessary to preserve the proper functioning and safe operation.
 - (15) Fountains, artificial waterfalls, misting machines, reflecting pools, and ornamental ponds that use recycled or non-potable water may continue to operate. Non-recyclable units may use minimum amount of make-up water necessary to maintain aquatic life.
 - (16) Using potable water to control or compact dust is prohibited.
- (e) *Stage 4A* Stage 4 water emergency shall be declared in the event of an immediate water shortage or severe emergency; or when LCFWASA declares a Stage 4 raw water emergency, or when there is one day when CFPWA customer water demand exceeds 100 percent of the water production capacity; it is necessary to

implement additional mandatory water use rules to protect the public health, safety, and welfare through the provision of adequate water for essential water use; or a D4 drought has been declared. During a declared Stage 4 water emergency, the following activities shall be prohibited:

(1) Irrigation uses from the public water supply, including:

- a. Watering by automatic spray irrigation and non-automatic spray irrigation systems;
- b. Watering by hose end sprinklers;
- c. Watering by hand-held hoses;
- d. Watering by low volume drip irrigation;

The watering restrictions shall not apply to low volume drip irrigation for watering of commercial containerized plants and commercial plant stock in trade maintained for sale.

- (2) No new lawn/landscape establishment permits will be issued after the declaration of a Stage 4 advisory. Active permits and those issued prior to the declaration of a Stage 4 advisory will be honored if deemed practical by the Executive Director or designee.
- (3) Large commercial, industrial, institutional irrigation systems or irrigation of golf courses are prohibited.
- (4) Using hand-held hoses for cleaning purposes is prohibited.
- (5) Filling of newly constructed or existing swimming pools, wading pools, hot tubs, spas, whirlpool tubs; topping off pools, hot tubs, spas, etc., is prohibited.
- (6) Using water from a public or private fire hydrant is prohibited except for firefighting and fire protection purposes. Flushing of water/sewer lines to protect public health and safety requires approval by the Executive Director or designee. No water is to be used by special water use permittees unless authorized by the Executive Director or designee.
- (7) Lawn/landscape chemical application: Prohibited.
- (8) Commercial and residential pressure washing.
- (9) Serving drinking water in restaurants or eating/drinking establishments is prohibited.
- (10) Washing vehicles at any location is strictly prohibited.
- (11) Use of potable water for fountains, artificial waterfalls, misting machines, reflecting pools, and ornamental ponds is prohibited.
- (12) Using potable water to control or compact dust is prohibited.
- (13) Operating water-cooled air conditioners or other equipment that does not recycle cooling water is prohibited, except when health and safety are adversely affected.

(Ord. of 8-13-2008; Ord. of 7-8-2009; Ord. of 10-8-2014; Ord. of 7-8-2015(02), § 5; Ord. of 08-12-2020(1))

Sec. 3-6. Compliance.

The Executive Director or designee may require that commercial and industrial water customers prepare plans detailing measures to be taken by them to achieve additional reductions in daily water usage during Stage 3 and Stage 4 emergencies. Such plans shall be completed within 60 calendar days after receipt of notice to prepare them.

(Ord. of 7-8-2009; Ord. of 7-8-2015(02), § 6)

Sec. 3-7. Authority to discontinue service.

Pursuant to the provisions of section 3-13, water service may be temporarily discontinued for failure to comply with the mandatory restrictions in these ordinances. All applicable penalty fees may be applied in the event of such service suspensions.

(Ord. of 7-8-2015(02), § 7)

Sec. 3-8. New lawn/landscape establishment permit.

- (a) All initial installations of sod, lawn, grass, turf, or landscape during Stage 2 water advisories will require a new lawn/landscape establishment permit. Under a Stage 3 advisory, newly installed lawn and landscape projects that were initiated prior to the issuance of the advisory may continue to irrigate with an approved permit. No new permits will be issued after the declaration of a Stage 3 or Stage 4 advisory.
- (b) Issued permits will be valid for a maximum of 30 days from the date of planting, provided that:
 - (1) The permit was properly completed, submitted, and approved by the Water Resources Manager or designee;
 - (2) A watering schedule determined by the landscape/irrigation contractor, or as recommended by the North Carolina Cooperative Extension Service, is followed;
 - (3) A placard issued by the Authority's Water Treatment Division is displayed on the site in a manner visible to code enforcement officers; and
 - (4) Upon expiration of 30-day establishment period, the customer must establish a watering schedule that follows the restrictions of the water emergency stage that is currently declared.

(Ord. of 7-8-2009; Ord. of 10-8-2014; Ord. of 7-8-2015(02), § 8; Ord. of 08-12-2020(1))

Sec. 3-9. Request for a variance.

A variance may be issued in instances where the mandated water restrictions cannot be met without threatening health or safety, or if there has been a significant change in the person's circumstances. Completed variance request forms are to be submitted to the Water Treatment Division. Variance requests may be granted considering the following factors, relieving such person from compliance with any of the requirements of these ordinances in whole or part, if such person demonstrates that:

- (1) Undue hardship would otherwise result;
- (2) There are no possible alternatives;
- (3) The applicant has taken and will take all reasonable measures to conserve water, with a complete description of such measures and the water savings to be; and
- (4) Such variance is consistent with the purposes of these water shortage orders.

(Ord. of 7-8-2009; Ord. of 10-8-2014; Ord. of 7-8-2015(02), § 9; Ord. of 08-12-2020(1))

Sec. 3-10. Appeal by customers of penalties and termination of service.

Any user who is penalized and/or has service terminated as a result of violations of the mandatory restrictions in these ordinances may make a written request for an appeal hearing to the Executive Director or

designee. Such request shall be made within ten days after notification of a penalty and/or service termination. The Executive Director shall be the final decision maker for appeals and shall transmit a written copy of the final decision by registered or certified mail within ten days after hearing the appeal.

(Ord. of 7-8-2009; Ord. of 7-8-2015(02), § 10; Ord. of 08-12-2020(1))

Sec. 3-11. Adoption and enforcement of article by public or private water systems.

Public or private water systems purchasing water from the Authority shall adopt and enforce this entire chapter as a condition of water service. Upon declaration of a water emergency, the public or private water systems shall enforce the appropriate water use restrictions for the level of declared emergency.

(Ord. of 7-8-2015(02), § 11)

Sec. 3-12. Termination of restrictions.

A water emergency declaration will expire when the Executive Director or designee determines that the condition which causes the emergency has abated. The expiration or cancellation of a water emergency declaration shall be promptly and extensively publicized.

(Ord. of 7-8-2009; Ord. of 7-8-2015(02), § 12)

Sec. 3-13. Enforcement and other.

- (a) All ordinances or parts of ordinances in conflict with this chapter are hereby repealed to the extent of such conflict.
- (b) If any section, subsection, paragraph, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.
- (c) A violation of this chapter shall subject the offender to the penalties set forth in section 1-188.
- (d) A violation of any provisions of this chapter shall subject the offender to a civil penalty of up to \$500.00 per day per violation.

(Ord. of 10-8-2014; Ord. of 7-8-2015(02), § 13)

Sec. 3-14. Plan effectiveness.

During a declared water emergency, Authority staff shall monitor water treatment plant flows daily to determine the amount of water being treated and distributed throughout the system. The data will be compared with previous existing data to determine water use efficiency.

(Ord. of 7-8-2009; Ord. of 7-8-2015(02), § 14)

Sec. 3-15. Revisions.

Staff shall be required to review this plan and make necessary revisions after the implementation of any declared event or emergency; when the water treatment plants are upgraded, modified, or expanded; there are changes in the distribution system; and at least every three years.

(Ord. of 7-8-2009; Ord. of 7-8-2015(02), § 15)