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## **§ 56.01 DECLARATION.**

Whenever the water supply of the city is declining due to conditions which may adversely affect 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 in this chapter.

(Ord. O-2002-51, passed 8-20-02)

## **§ 56.02 DEFINITIONS.**

For the purpose of this ordinance, 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.

***AUTOMATIC IRRIGATION SYSTEM*** – Any system that performs landscape irrigation or watering via a timer, controller or other device, which operates independent of on site supervision or control.

***CITY***. The City of Monroe.

***CUSTOMER***. 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.

***HAND WATERING*** – Watering from hand held can or container, not connected to or filled from a hose or outside spigot.

***HOSE WATERING*** – Watering from a garden or other type of watering hose connected to an outside spigot or faucet.

***NON-POTABLE WATER*** - Water from any source other than the potable drinking water supply system. Does not include “grey water” as defined by the Health Department.

***PERSON***. Any person, firm, partnership, association, corporation, company, limited liability company, professional association, or organization of any kind. The term ***PERSON*** shall also include customers

***SPRINKLER WATERING*** - Watering from a hose connected sprinkler or from sprinklers connected to an irrigation system with fixed heads that may or may not include an automatic timer control.

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***WATER***. Raw or treated water from the City public water supply system.

(Ord. O-2002-51, passed 8-20-02)

## **§ 56.03 DESCRIPTION OF WATER SUPPLY SHORTAGE.**

(A) A water supply shortage shall be declared to exist when the reserve water supply available to the City reaches the point where continued declines in supply may jeopardize the ability to provide citizens and businesses with water needed to protect health and safety without curtailing water demand.

(B) In determining the extent of the water shortage, the following criteria shall be considered: storage levels in City lakes, inflow from stream sources, daily water use patterns and quantities, outlook for precipitation, and availability of water from other sources.

(C) A water shortage shall also be declared to exist when production, transmission, and storage facilities are incapable of meeting all daily water demands needed to protect public safety and health.

(Ord. O-2002-51, passed 8-20-02)

#### **§ 56.04 STAGES OF WATER SUPPLY SHORTAGE.**

The severity of the water shortage shall be determined primarily by the criteria set out in § 56.03, as it relates to the number of days of water supply remaining in the City's system. It shall be the responsibility of the City's Water Resources Director to monitor all components of the water supply system and determine when a shortage exists. The following stages are defined:

<u><i>Water Shortage Stage</i></u>	<u><i>Response Level</i></u>	<u><i>Days of Supply Remaining</i></u>
<i>Stage 1</i>	<i>Voluntary</i>	<i>180</i>
<i>Stage 2</i>	<i>Mandatory</i>	<i>160</i>
<i>Stage 2A</i>	<i>Mandatory</i>	<i>130</i>
<i>Stage 3</i>	<i>Mandatory</i>	<i>100</i>
<i>Stage 4</i>	<i>Emergency</i>	<i>75</i>
<i>Stage 5</i>	<i>Rationing</i>	<i>50</i>

#### **§ 56.05 PUBLIC NOTIFICATION OF WATER SUPPLY STORAGE.**

(A) In the event that a water shortage of any degree as defined herein occurs, the Water Resources Director shall notify the City Manager of said shortage. The City Manager is authorized and empowered, after communication to the Mayor and City Council, to give notice to the general public of the existence and severity of the water shortage. In order to protect the health, safety, and livelihood of the people supplied water by the City, the City Manager may place in effect the restrictive provisions hereinafter authorized. Notice shall be given by public press announcement and other

means as deemed necessary and the terms of the notice shall become effective immediately.

(B) The Water Resources Director shall perform periodic review of the water supply status and notify the City Manager when the number of day's water supply exceeds the upper threshold of the effective stage by more than fifteen days. In such event, the City Manager shall modify the shortage stage, or cancel the water shortage if appropriate.

(Ord. O-2002-51, passed 8-20-02)

#### **§ 56.06 COMPLIANCE REQUIRED IN THE EVENT OF WATER SUPPLY SHORTAGE.**

In the event that the City Manager issues a water shortage notice as described in this chapter, it shall be unlawful for any person to use or permit the use of water from the City's water system for any of the purposes hereinafter set forth until such time as this chapter is amended or repealed, or until the City Manager has declared such provisions no longer in effect.

(Ord. O-2002-51, passed 8-20-02)

#### **§ 56.07 RESTRICTIONS AND PROHIBITIONS DURING WATER SUPPLY SHORTAGE.**

Upon declaration and notice by the City Manager of a water supply shortage, the following shall be in full force and effect:

(A) *Stage 1 Water Shortage.* The following voluntary water restrictions shall be requested:

(1) Voluntary, commercial, manufacturing, institutional and residential conservation measures will be strongly encouraged and recommended including the following:

- (a) Inspect and repair all faulty and defective parts of faucets and toilets.
- (b) Use shower for bathing rather than bathtub and limit shower to no more than five minutes. Turn off water while soaping up.
- (c) Do not leave faucets running while shaving, rinsing dishes, or brushing teeth.
- (d) Limit use of clothes washers and dishwashers and when used, operate fully loaded.

- (e) Limit lawn watering to that necessary for plant survival. Recommend that all watering occur between sunset and sunrise.
- (f) Water shrubbery the minimum required, reusing household water when possible.
- (g) Limit vehicle washing.
- (h) Do not wash down outside areas such as sidewalks, patios, driveways, etc.
- (i) Install water flow restrictions in showerheads and other water saving devices.
- (j) Use disposable and biodegradable dishes where possible.
- (k) Install water saving devices in toilets such as early closing flapper valves.
- (l) Limit hours of water-cooled air conditioners.
- (m) Do not fill swimming, wading pools, or decorative ponds.
- (n) Do not allow children to play with water hose connected to the City water system.

(2) Water supply line pressure should be reduced where feasible to reduce water consumption if it will not adversely affect the operation of fixtures, equipment, public safety, or health devices.

(3) Conservation in public buildings, institutions, and similar facilities is encouraged by reducing pressure at plumbing fixtures and by installation of restricting devices.

(4) Water conservation should be followed during all phases of construction related activities. Where appropriate, water needed should be obtained from supplemental sources.

(B) *Stage 2 Water Shortage.* If the voluntary restrictions from Stage 1 are not sufficient, and the City water supply continues to decline, the mandatory water restrictions contained in Table 2 shall be imposed:

(C) *Stage 2A Water Shortage.* If the City water supply continues to decline after implementation of Stage 2 mandatory restrictions, the mandatory water restrictions shown in Table 2A, in addition to those from Stage 2, shall be imposed. In any situation where the terms and conditions of Stage 2A conflict with the terms and conditions of any other water shortage stage, the more restrictive shall apply.

(D) *Stage 3 Water Shortage.* If the City water supply continues to decline after implementation of Stage 2A mandatory restrictions, the mandatory water restrictions shown in Table 3, in addition to those from Stage 2A, shall be imposed. In any situation where the terms and conditions of Stage 3 conflict with the terms and conditions of any

other water shortage stage, the more restrictive shall apply. Usage exceeding that defined in § 56.08 shall be subject to surcharge.

It shall be unlawful to:

1. Violate any water restriction shown in Table 3.
2. Exceed the following water usage mandate: All residential customers shall comply with the allowable use quantities in § 56.08. All non-residential customers shall reduce their water usage by 10% of their average usage during a corresponding or comparable billing period, in which no Stage of this ordinance 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 Director. Non-residential customers include governmental, commercial, industrial, multi-family, institutional, public, social, and all other such users. 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.

Each customer shall provide access to City personnel for the purposes of meter reading and monitoring compliance with this ordinance. 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 City Manager, or his or her designee, for a variance to the mandate.

(E) *Stage 4 Water Shortage*. If the City water supply continues to decline after implementation of Stage 3 restrictions, the **emergency** water restrictions shown in Table 4, in addition to those from Stage 3, shall be imposed. In any situation where the terms and conditions of Stage 4 conflict with the terms and conditions of any other water shortage stage, the more restrictive shall apply. Usage exceeding that defined in § 56.08 shall be subject to surcharge.

It shall be unlawful to:

1. Violate any water restriction shown in Table 4.
2. Exceed the following water usage mandate: All residential customers shall comply with the allowable use quantities in § 56.08. All non-residential customers shall reduce their water usage by 25% of their average usage during a corresponding or comparable billing period, in which no Stage of this ordinance 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 Director. Non-residential customers include governmental, commercial, industrial, multi-family, institutional, public, social, and all other such users. 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.

Each customer shall provide access to City personnel for the purposes of meter reading and monitoring compliance with this ordinance. 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 City Manager, or his or her designee, for a variance to the mandate.

(F) *Stage 5 Water Shortage.* If the City water supply continues to decline after implementation of Stage 4 restrictions, the **rationing** water restrictions shown in Table 5, in addition to those from Stage 4, shall be imposed. In any situation where the terms and conditions of Stage 5 conflict with the terms and conditions of any other water shortage stage, the more restrictive shall apply. Usage exceeding that defined in § 56.08 shall be subject to surcharge.

It shall be unlawful to:

1. Violate any water restriction shown in Table 5.
2. Serve food or beverages in restaurants, cafeterias, and other commercial food establishments to customers using anything other than disposable plates, saucers, cups, utensils, napkins, and tablecloths.
3. Exceed the following water usage mandate: All residential customers shall comply with the allowable use quantities in § 56.08. All non-residential customers shall reduce their water usage by 50% of their average usage during a corresponding or comparable billing period, in which no Stage of this ordinance 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 Director. Non-residential customers include governmental, commercial, industrial, multi-family, institutional, public, social, and all other such users. 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.
4. 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 of North Carolina, 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 of North Carolina.

(G) *The Water Resources Director shall utilize water production and customer billing data to evaluate the effectiveness of water use restriction and actual water savings.*

(H) *Requests from water customers for a variance from the stated water restrictions shall be sent in writing to the Water Resources Director. The request shall outline the basis and justification for the variance request including, but not limited to, the number of persons in the home, medical conditions, severe economic hardship, etc. Each request shall also outline the conservation measures that have been adopted by the customer and an acknowledgement of receipt of all public information items regarding water conservation provided by the City. The Director shall review each request and send a recommendation to the City Manager. The City Manager's decision related to each request shall be final.*

## **§ 56.08 WATER SUPPLY SHORTAGE RATES AND SURCHARGES.**

(A) During a declared water supply shortage it shall be necessary to impose temporary water rate increases to ensure adequate operating revenue and to encourage conservation. The following table shows the magnitude of rate increase to be imposed, above the prevailing fee schedule, for the volumetric usage charge per 1,000 gallons. This shall apply to all customer classes. Monthly customer charges shall not be increased by these percentages. Increases shall be prorated over the billing period based on the effective date of the water shortage declaration.

Water Shortage Stage	% Increase
Stage 1	None
Stage 2 and 2A	5%
Stage 3	15%
Stage 4	30%
Stage 5	50%

(B) During a declared water supply shortage it shall also be necessary to impose additional fees for excessive water use. For residential accounts the allowable use shall be based on a fixed monthly allowable volume as shown below. For residential accounts having both a domestic and irrigation metered service, allowable use shall be based on the consumption for both meters. Fines for unauthorized taking of water as defined in Chapter 53 of this Code, shall be doubled during any declared water shortage. For non-residential accounts, allowable use shall be based on a required percentage reduction from their average usage during the most recent 12 months in which no water shortage declaration was in effect. For example, a 10% reduction will result in an allowable use of 90% of previously demonstrated usage from the previous 12-month period. If no meter readings are available for a customer's billing period, an average of similar users will be established for the customer by the Water Resources Director. Such customers shall include governmental, commercial, industrial, institutional, public, multi-family, and all other such users. The following table shows the allowable usage quantities and the excessive usage charge.

Water Shortage Stage	Allowable Use Quantity		Excessive Use Fee (Per 1,000 Gallons)
	Residential	Commercial	
Stage 1	N/A	N/A	None
Stage 2 and 2A	N/A	N/A	None
Stage 3	6,000 Gal	90%	5 X Existing Rate
Stage 4	5,000 Gal	75%	5 X Existing Rate
Stage 5	4,000 Gal	50%	10X Existing Rate

(C) It is the primary responsibility of each non-residential customer to meet its mandated water use reduction by utilizing whatever means necessary, including limitation of operating hours, days, etc. Each customer shall provide access to City personnel for the purpose of meter reading and monitoring compliance with this ordinance. If the mandated reduction in water use 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 City Manager or his or her designee, for a variance to this mandate.

(Ord. O-2002-51, passed 8-20-02)

#### **§ 56.09 COMPLIANCE.**

Compliance with the provisions of this chapter shall be enforced by personnel of the Water Resources Department, the City of Monroe 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 ordinance and all remedies authorized by G.S. § 160A-175 for noncompliance with the ordinance, including the issuance of a civil penalty or criminal citation, and actions for injunctive relief to enjoin or restrain violations. It shall be unlawful to fail to act in accordance therewith or to waste water or to use water in any manner or attempt to evade or avoid such water restrictions.

#### **§ 56.10 ENFORCEMENT AND CIVIL PENALTY.**

(A) Residential users. Any residential user who shall violate any provision of this chapter shall be subject to civil penalties recoverable in the nature of a civil debt.

(1) Civil penalties for a violation of Stage 2, 2A, and 3 mandatory restrictions shall be as follows:

- (a) A warning for the first offense;
- (b) A civil penalty in the amount of \$100 for the second offense; and
- (c) A civil penalty in the amount of \$200 for the third and successive offenses.

(2) In Stages 4 or 5, there shall be no warnings given for violations by residential users of the mandatory restrictions of these Stages and the penalties shall be \$100 for the first offense, \$200 for the second offense and successive offenses.

(B) Non-residential users. Any non-residential customer, who violates any provision of this chapter, shall be subject to a civil penalty recoverable in the nature of a civil debt except as provided in section (D) below. Civil penalties for a violation of any mandatory restriction of any Stage of this ordinance shall be as follows:

- (1) A warning for the first offense;
- (2) A civil penalty of \$200 for the second violation;
- (3) A civil penalty of \$500 for the third violation; and

(4) A civil penalty of \$1,000 for the fourth and successive offenses.

(C) Accumulation of violations. Violations shall be accumulated by all customers so long as this ordinance, in any of its Stages, is continuously in effect and until no Stage of this ordinance has been in effect for a period of one 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.

(D) Civil penalties for excessive water use. Excessive use water rates imposed upon users by Stages 3, 4 and 5 constitute the sole monetary penalty for such excessive use. Other violations by such users shall be subject to the civil penalties and other enforcement measures set out herein. Other enforcement procedures shall apply to such users for excessive use and other violations.

(Ord. O-2002-51, passed 8-20-02)

#### **§ 56.11 CRIMINAL FINES.**

Upon a fourth or subsequent violation of this ordinance a criminal warrant may 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 and by a fine as provided by G.S. § 14-4.

(Ord. O-2002-51, passed 8-20-02)

#### **§ 56.12 DISCONTINUANCE OF SERVICE.**

The City Manager 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 2, 2A, 3, 4, or 5 water shortage period. Prior to such termination, written notice of intent to terminate or restrict shall be given.

(Ord. O-2002-51, passed 8-20-02)

#### **§ 56.13 CONTINUING AND SEPARATE VIOLATIONS.**

Each day's continuing violation of this chapter shall be a separate and distinct criminal or civil offense. Each violation of the ordinance shall be a separate offense even if occurring on the same day.

(Ord. O-2002-51, passed 8-20-02)

#### **§ 56.14 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.

(Ord. O-2002-51, passed 8-20-02)

#### **§ 56.15 APPLICATION OF CHAPTER.**

The provisions of this ordinance 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.

(Ord. O-2002-51, passed 8-20-02)

#### **§ 56.16 TERMINATION OF DECLARED EMERGENCY.**

Termination of any phase of the emergency provisions of this chapter shall be determined by the City Manager when he or she 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 ordinance, 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.

(Ord. O-2002-51, passed 8-20-02)

#### **§ 56.17 REPEAL OF PRIOR ORDINANCES.**

All ordinances and clauses of ordinances in conflict herewith are stayed while any Stage of this ordinance is in effect. Such conflicting ordinances and clauses shall become effective upon termination of such Stages.

(Ord. O-2002-51, passed 8-20-02)

#### **§ 56.18 REVIEW AND REVISIONS TO ORDINANCE.**

*The provisions of this ordinance shall be reviewed regularly and revised based on new circumstance and any time that emergency response restrictions are implemented.*

***At a minimum, the Ordinance shall be updated every five years. All revisions shall be approved by City Council via published agenda, providing opportunity for public review and comment. The Ordinance will be posted for 15 days at City hall prior to City Council considering changes.***

#### ***§ 56.19 IRRIGATION METER REQUIREMENT.***

***Pursuant to G.S. 143-355.4 all new in-ground irrigation systems shall be supplied from a separate irrigation meter. The metered irrigation service may be connected by direct tap to the water main or by a split line off of the non-irrigation water service as determined by the Water Resource Director. All installations shall be in accordance with all applicable regulations, policies, permits, and procedures.***

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