# WATER SHORTAGE RESPONSE ORDINANCE

An ordinance authorizing the declaration of water shortage; establishing procedures and measures for the essential conservation of water resources; and prescribing certain penalties.
Be It Enacted by the Governing Body of the Town of Milton, N.C.

## Purpose

The purpose of this ordinance is to provide for the declaration of official phases of water supply shortage situations and the implementation of voluntary and mandatory water conservation measures throughout the Milton Service Area in the event a shortage is declared.

## Definitions

a. "Allotment," as the term is used in this ordinance, shall mean the maximum quantity of water allowed for each customer over any applicable period as established in the water rationing provisions of this ordinance.
b. "Any Water," as the term is used in this ordinance, shall mean any type of water, including fresh water, brackish water, wastewater, or reclaimed water.
c. "Customer," as the term is used in this ordinance, shall mean any person using water for any purpose from the Town's water distribution system and for which either a regular charge is made or, in this case of bulk sales, a cash charge is made at the site of delivery.
d. "Emergency," as the term is used in this ordinance, shall mean that water supplies are below the level necessary to meet normal needs and that serious shortages exist in the area.
e. "Excess Use," as the term is used in this ordinance, shall mean the usage of water by a water customer in excess of the water allotment provided under the water rationing provisions of this ordinance for that customer, over any applicable period.
f. "Fresh Water," as the term is used in this ordinance, shall mean water withdrawn from groundwater which has not been previously used, other than brackish water.
g. "Mandatory Conservation," as the term is used in this ordinance, shall mean that raw water supplies (i.e., groundwater levels) are consistently below seasonal averages, and if they continue to decline, may not be adequate to meet normal needs.
h. "Non-Residential Customer," as the term is used in this ordinance, shall mean commercial, industrial, institutional, public and all other such users, with the exception of hospitals and health care facilities.
i. "Rationing" as the term is used in this ordinance, shall mean procedures established to provide for the equitable distribution of critically-limited water supplies in order to balance demand and limited available supplies, and to assure that sufficient water is available to preserve public health and safety.
j. "Residential Customer," as the term is used in this ordinance, shall mean any customers who use water for a single or multi-family dwelling unit.
The term residential customer does not include educational or other institutions, hotels, motel, or similar commercial establishments.
k. "Service Area," as the term is used in this ordinance, shall mean the area served by the Town of Milton water systems, including all connections to said system.
l. "Service Interruption," as the term is used in this ordinance, shall mean the

temporary suspension of water supply, or reduction of water supply below that required for adequate supply to any customer, portion of a water supply, or the entire system.
m. "Town" as used in this ordinance means the Town of Milton, N.C.
n. "Voluntary Conservation", as the term is used in this ordinance, shall mean that conditions exist which indicate the potential for serious water supply shortages.
o. "Waste of water", as the term is used in this ordinance, includes, but is not limited to (1) permitting water to escape down a gutter, ditch, or other surface drain, or (2) failure to repair a controllable leak of water due to defective plumbing.
p. "Wastewater" as the term is used in ordinance, shall mean water which has been previously used for industrial, municipal, domestic, or other purpose, and has not been returned to the groundwater source.

## Water Use Classifications

*Water Uses*

Domestic Use:

Water necessary to sustain human life and the lives of domestic pets, and to maintain minimum standards of hygiene and sanitation.

Health Care Facilities:

• Patient care and rehabilitation, including swimming pools used for patient care and rehabilitation.

Public Use:

Fire Hydrants

1. Firefighting

Certain testing and drills by the fire department if performed in the interest of public safety and if approved by Town governing body.

Flushing of Sewers and Hydrants: As needed to ensure public health and safety and if approved by the Town governing body.

*Class 2: Socially or Economically Important Uses of Water*

All Domestic Uses Other Than Those Included in Classes 1 and 3:

Home water use including kitchen, bathroom and laundry use

Minimal watering of vegetable gardens

Watering of trees where necessary to them

Commercial, Agricultural, Industrial and Institutional Uses

Outdoor commercial watering (public or private) using conservation measures and to the extent that sources of water other than fresh water are not available to use.

Irrigation for commercial vegetable gardens and fruit orchards or the maintenance of livestock.

Watering by commercial nurseries at a minimum necessary to maintain stock.

Water use by arboretums and public gardens of national, state, or regional significance where necessary to specimens.

Use of fresh water a minimum rate necessary to implement vegetation following earth-moving, where such vegetation is required by law or regulation.

Filling and Operation of Swimming Pools:

- Residential pools which serve more than 25 dwelling units.
- Pools used by health care facilities for patient care and rehabilitation
- Municipal pools

Commercial car and truck washes

Commercial Laundromats

• Restaurants, clubs, and eating establishments
• Air Conditioning:
- Refilling for start up at the beginning of the cooling season
- Make-up of water during cooling season
- Refilling specifically approved by health officials and the municipal governing body where the water has been drained for health protection or repair purposes.
• Schools, Churches, Motels/Hotels and Similar Commercial Establishments
*Class 3: Non-Essential Uses of Water*
• Ornamental Purposes:
- Fountains, reflecting pools, and artificial waterfalls
• Outdoor Non-Commercial Watering (public or private):
- Gardens, lawns, parks, golf courses (except greens), playing fields and other recreational areas.
- Filling and operation of recreational swimming pools which serve fewer than 25 dwellings
- Non-commercial washing of motor vehicles
- Serving water in restaurants, clubs, or eating places by specific request.
- Air Conditioning: refilling cooling towers after draining except as specified in Class 1
Public Use:
- Fire Hydrants: any purpose, including use of sprinkler caps and testing fire apparatus and for fire department drills, except as listed in Class 1
Flushing of Sewers and Hydrants except as listed in Class 1

## Water Shortage Deemed in Light of Water Supply

A water shortage may be declared to exist when the usable water storage supply available through the facilities of the Town shall have reached the point where the usable supply has been so reduced that the citizens cannot be supplied with water to protect their health and safety without substantially curtailing the water demand.

## Proclamation of Water Shortage

In the event of a water shortage (in any of the four (4) degrees of severity hereinafter set forth) in the Town water supply threatening the health and safety of the citizens of the Town, the Mayor is authorized, empowered, and directed to issue a public proclamation declaring to all persons the existence of such state and severity thereof, and in order to more effectively protect the health and safety of people within service area, to place in restrictive provisions hereinafter authorized.
**Triggers for each stage** will be implemented based on the drought monitoring service of the National Weather Service. Updates are released each Thursday during drought or potential drought seasons.
Stage I will be implemented when the official drought monitoring indicates an abnormally dry condition
Stage II will be implemented when the official drought monitoring indicates moderate drought
Stage III will be implemented when the official drought monitoring indicates severe drought
Stage IV will be implemented when the official drought monitoring indicates extreme drought

***Compliance Required in the event of water shortage***

In the event the Mayor issues any such proclamation described in the section above, then and in that event it shall be unlawful for any person, firm, or corporation, to use or permit the use of water from the water system within the service area for any of the purposes hereinafter set forth until such time as this article is amended or repealed, or until the Mayor, by public proclamation, has declared certain provisions no longer in effect. In exercising this discretionary authority, consideration shall be given to: water levels of available sources of supply; available/usable storage on hand; drawdown rates; the projected supply capability; outlook for precipitation; daily water use patterns; and availability of water from other sources.

In light of the many benefits that can be derived by conserving water, all residents, businesses and institutions in the service area should follow water conservation practices, regardless of the time of year or whether or not a water shortage exists. Water conservation should be followed during all phases of construction related activities. Where appropriate, water needed should be obtained from supplemental sources and non-essential construction related activities which require water should be delayed until such time as the water emergency has ended.

## Declaration of Restrictions

A Stage 1 Condition may be declared when drought conditions appear to be imminent

*Initiate publicity campaign*

*Indoor residential conservation measures will encouraged and recommended including the following:*

a. Use dishwashers only when they are full or wash dishes by hand (don't let the tap run)

b. Adjust water level on clothes washing machines, if possible. Use full loads only, if not adjustable.

c. Turn off faucets while brushing teeth, etc.

d. Reduce water used per flush by installing toilet tank displacement inserts. A plastic jug may often be used as an alternative. DO NOT USE BRICKS - they disintegrate when soaked and the resulting grit hinders closing of the flap valve.

e. Do not use the toilet as a trash can.

f. Use sink and tub stoppers to avoid wasting water.

g. Keep a bottle of chilled water in the refrigerator for drinking.

h. Find and fix leaks in faucets and water-using appliances. Faucets can usually be fixed cheaply and quickly by replacing washers.

i. Adapt plumbing with flow-restricting or other water-saving aerators.

j. Learn to read your water meter so you can judge how much water you use and what difference conservation makes.

k. Use shower for bathing rather than bathtub and limit shower to no more than four (4) minutes.

l. Reduce the number of toilet flushes per day.

m. Don't use a garbage disposal.

*Outdoor residential conservation measures will be encouraged and recommended including the following:*

a. Water before 10:00 a.m. to prevent evaporation which occurs during the hottest part of the day and water only when lawn shows signs of wilt.

b. Water thoroughly, not frequently: long enough to soak roots. A light sprinkling

evaporates quickly and encourages shallow root systems. Water slowly to avoid runoff.
c. Don't let the sprinkler run any longer than necessary.
d. Allow maximum of one inch of water per week on your lawn. Place tins outside to collect rain and water from sprinklers.
e. Use pistol-grip nozzles on hoses to avoid waste when watering flowers and shrubs.
f. Aerate lawns by punching holes 6 inches apart. This allows water to reach roots rather than run off surfaces.
g. Position sprinklers to water the lawn, not pavement.
h. Avoid watering on windy days when the wind not only blows water off target, but also causes excess evaporation.
i. Keep sprinkler heads clean to prevent uneven watering.
j. Adjust hose to simulate a gentle rain. Sprinklers that produce a fine mist water through evaporation.
k. Water trees and shrubs deeply using a soil-soaker or drip-irrigation.
l. Water trees and shrubs only when digging with a trowel.
m. Mulch to reduce evaporation. A 2" to 3" layer of wood chips, grass clippings or straw keeps the soil cool in summer.
n. Dig troughs around plants to catch and retain water.
a. Water trees growing in full sun more often than those in shade.
p. Do not use sprinklers for bushes and shrubs. Apply water directly at base.
q. Do not fertilize during the summer. Fertilizing increases a plant's need for water.
r. Postpone planting until fall or spring when there is generally less need for water.
*Industrial conservation measures will be encouraged and recommended including the following:*
a. Identify and repair all leaky fixtures and water-using equipment special attention to equipment connected directly to water lines, such as processing machines, steam-using machines, washing machines, water-cooled air conditioners and furnaces.
b. Ensure that valves and solenoids that control water flows are shut off completely water-using cycle is not engaged.
c. Adjust water-using equipment to use the minimum amount of water required to achieve purpose.
d. Shorten rinse cycles for laundry machines as much as possible; implement lower water levels wherever possible.
e. For processing, cooling, and other uses, either re-use water or use water from sources that would not adversely affect public water supplies.
f. Advise employees, students, patients, customers, and other users not to flush toilets every use. Install toilet tank displacement inserts; place flow restrictors in shower heads and faucets; close down automatic flushes overnight. Install automatic flushing valves to use as little water as possible or to cycle at longer intervals.
h. Suggest water-saving posters and locations where employees, students, patients, customers' will have access to them.

Declaration of Mandatory Stage II
A Stage II Condition may be declared when drought conditions are prolonged. In addition to the restrictions imposed, the following moderate mandatory

water restrictions shall be in force. It shall be unlawful to use water from the public water system supplied by the city/town for the following purposes:
a. To water lawns, grass, shrubbery, trees, flower and vegetable gardens on Saturday between the hours of 6:00 am and 9:00 am.
b. To fill newly constructed swimming and/or wading pools or refill 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 a "Mandatory II" are placed into effect.
c. To wash automobiles, trucks, trailers, boats, airplanes, or any type of mobile equipment, including commercial washing.
d. To 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 other similar purposes.
e. To operate or introduce water into any ornamental fountain pool or pond or other structure making similar use of water.
f. To serve drinking water in restaurants, or other food establishments, upon request.
g. To use water from public or private fire hydrants for any purpose other than fire suppression or other public emergency.
h. To use water for dust control or compaction.
i. To use water for any unnecessary purpose or to intentionally waste water.
j. To water or sprinkle any lawn.
k.To water any vegetable garden or ornamental shrubs except during the hours of 6:00 am to 9:00 am on Saturday. Such watering is only to be done by handheld hose or container or drip irrigation system.
l. To cease any non-essential use of water for commercial or public buildings and the use of single service plates and utensils is encouraged and recommended in eating establishments.

Declaration of Emergency Stage III
A Stage III Condition may be declared when drought conditions are persistent A Stage III Condition may also be declared under any condition where the water supply is limited due to mechanical problems in the water system.
In addition to the restrictions heretofore imposed, the following mandatory water restrictions shall in effect. It shall be unlawful:
a. To use water outside a structure for any use other than fire fighting.
b. To operate an evaporative air conditioning unit which recycles water except during the operating hours of the business.
c. To introduce water into any swimming pool.

Declaration Rationing Stage IV
A Stage IV Condition may be met when all the conditions exist in Stage III and outlook for rain is poor..
In the event a "Rationing Stage IV' is declared to exist, a system of water rationing shall be put in effect in addition to all previously imposed restrictions. In the event of water rationing in which water will supplied in the minimal quantities required for the health, welfare, and of citizens in accordance with the following program.
*It shall be unlawful to fail in accordance therewith or use water in any manner or*

*attempt to evade or avoid such water rationing restrictions.*
*Fire protection will be maintained, but where possible, tank trucks shall use raw water.*
*Rationing for Residential*
1. The number of permanent residents in each dwelling unit (household) will determine the amount of water that each household will be allowed.
2. Each dwelling unit (household) shall be allotted 40 gallons per day for each resident of the household. Households with only one permanent resident will have a daily allotment of 55 gallons.
3. Residential water users are required to provide Town and utility personnel with reasonable access to read meters as necessary to this rationing declaration. Where access is not readily available, all reasonable efforts to contact customers in order to arrange for access to meters shall be undertaken. In the event a water customer does not allow entry to meter after reasonable attempts to arrange for such access, the dwelling unit (household) allotment will be reduced to 20 gallons per day.
4. (i) If it is found that the residential water allotment provided under this section would create an extraordinary hardship for individual customers, as in the case of special health- related requirements, a revised allotment for the particular customer may be established.
(ii) any person aggrieved by a decision relating to such an exemption or variance may file a complaint with the Mayor in accordance with the Town's normal administrative procedures.
*Water Use Rationing for Non-Residential Water Users*
(a) Non-residential customers include commercial, industrial, public and all other such users with the exception of hospitals and health care facilities.
(b) Non-residential water customers shall further reduce their employee water usage to 15 gallons per person per day.
(c) It is the primary responsibility of each non-residential water customer to meet the mandated water use reduction goal in whatever manner possible, including limitation of operating hours or days if necessary.
(d) The Town will establish a water allotment for each non-residential water customers, based upon a required further reduction water usage from the rate of water used by the customer in effect on June 01, 2009, or the last recorded use level if no meter readings record the rate of the customer's use on June 01, 2009.
(e) Each non-residential water user shall provide access to Town personnel for the purpose of meter reading and monitoring of compliance with this ordinance. All reasonable efforts will be made to contact customers to arrange for access.
(f) 1. If the mandated further reduction in water usage cannot be obtained without imposing extraordinary hardship which threatens health and safety, the non-residential customer may apply to the municipality of a variance. For these purposes "extraordinary hardship" means a permanent damage to property or an economic loss which is substantially more severe than the sacrifices borne by other water users subject to this water rationing ordinance. If the further reduction would cause an extraordinary hardship or threaten health or safety, a variance may be granted by the Mayor and a revised water use reduction requirement for the particular customer may be established.
The variance will be requested in writing to the Mayor and approval or denial based on medical or safety reasons as outlined by the petitioner and supported by documentation from qualified medical or safety experts.

2. Any person aggrieved by a decision relating to such a variance may file a complaint with the Mayor in accordance with established procedures, including an appeal to the Board of Commissioners.
(g) The Town will provide each non-residential customer with suggested means to reduce usage levels.
*Water Use Rationing for Hospitals and Health Care Facilities*
(a) Hospitals 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.
(b) Each hospital 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.
(c) The Town will provide each hospital and health care facility with suggested means to reduce usage levels.

## Notifications

In the event of the implementation of this plan all employees will be notified by a called meeting. All users will be notified by delivery of printed notices to their homes and by posting at town hall. Required response measures will be included in these notices.

### Savings Determination

Water usage will be monitored and compared to previous usage on a monthly basis after declaration of implementation and of any change in stage level to determine the plan's effectiveness in reducing water usage.

## Penalties

Any violation of the provisions in this article shall constitute a misdemeanor, punishable upon conviction as provided by G.S 14-4 Any violation may be enjoined, restrained or abated as provided by G.S. 153A-123(d) and 153A-123(e).Penalties for violation are as follows: First Violation-warning, Second Violation-$25.00 fine, Third Violation-$100.00 fine, Fourth Violation- Disconnection of water service until such time as the user has made arrangements to conserve and paid any applicable re-connect fees, or until the restrictions have been lifted and the user pays any applicable re-connect fee.

### Enforcement

Penalties shall be enforced by the local sheriff's department as this ordinance will be filed at the county level.

### Public Notification

Prior to adoption or subsequent revision of this plan a public hearing will be held after consecutive published notices in the local newspaper of record. Citizens will have access to copies of the plan and will be allotted time to comment on it.

## Effective Date

This ordinance shall take effect immediately upon adoption or passage by the Town's governing body.

### Review and revision

The plan will be reviewed and revised as necessary after any implementation of emergency restrictions, after any change in water source availability and every five (5) years after adoption or revision.

## Effective Period

This ordinance will remain in effect until terminated by action of the Town's governing body.

Passed by the Board of Commissioners this the 7th day of July, 2009

Larry H. Jeffress, Mayor

(Town Seal)