

**Hertford County
North Carolina**

**WATER SHORTAGE RESPONSE ORDINANCE
ORDINANCE NO. ONE**

Revised December 23, 2009

Revisions are in red

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 County of Hertford, North Carolina

Section 1. 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 Rural Water System in the event a shortage is declared.

Triggers that would indicate the possibility of a water shortage would be longer pump run times, also the percentage of water pumped verses, water demand.

Class 1: Essential 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
 2. Certain testing and drills by the fire department if performed in the interest of public safety and if approved by the Public Works Director.
- Flushing of Hydrants: As needed to ensure public health and safety.

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 preserve 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 level necessary to maintain stock.
- Use of fresh water at a minimum rate necessary to implement vegetation following earth-moving, where such vegetation is required by law or regulation.
- Watering of golf course greens.
- Pools used by health care facilities for patient care and rehabilitation
- Restaurants, clubs, and Eating Places
- Air Conditioning:

- Refilling for start up at the beginning of the cooling season
- Make-up of water during the cooling season
- Refilling specifically approved by health officials and the local governing body, where the system has been drained for health protection or repair purposes.
- Schools, Churches, 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.
 - Non-commercial washing of motor vehicles
 - Serving water in restaurants, clubs, or eating places except 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 Hydrants except as listed in Class 1

Section 2: Drought Response Triggers

When the following water supply thresholds are reached, the County Manager shall initiate water use reductions as necessary to maintain an adequate supply for Hertford County.

- A. **Voluntary:** If three well pumps run more than 12 hours each, in a 24 hour period for 4 consecutive days
More than 80% of the systems capacity is being used for 7 consecutive days.
Either of the above.
- B. **Mandatory:** If three well pumps run more than 14 hours each, in a 24 hr. period for 3 consecutive days
More than 85% of the systems capacity is being used for 5 consecutive days.
Failure of Voluntary conservation to have impact.
- C. **Emergency:** If three well pumps run more than 16 hours each, in a 24 hr. period for 2 consecutive days
More than 90% of the systems capacity is being used for 5 consecutive days.
Failure of A & B above to have enough impact on system.

Section 3. Declaration of Voluntary Conservation: Whenever the ORC finds that a potential shortage of water supply is indicated, He shall inform the County Manager who is empowered to declare by adoption of an ordinance that Voluntary Conservation conditions exist, and that the ORC, on a daily basis, monitor the supply and demand upon that supply. In addition the County Manager (or his/her agent) is authorized to call upon all water customers to employ voluntary water conservation measures (see Addendum) to limit water use (especially Class 3 uses) and eliminate the waste of water. This ordinance shall be published in The News Herald, announced on WQDK radio, placed on the county web site and also posted in the County Office Building.

3-1 Conditions will be monitored daily; when conditions improve enough according to our response triggers the Voluntary Conversation ordinance will be rescinded

Section 4. Declaration of Mandatory Conservation: Whenever the ORC finds that a water shortage does exist. He will inform the County Manager who is empowered to declare Mandatory Conservation of drinking water. and further shall impose a ban on all Class 3 water uses for the duration of the shortage (minimum of twenty one days)

until it is declared ended by the County Manager. Publication of these ordinances shall follow the provisions declaration in Section 3 of this ordinance.

4-1 After a minimum of twenty one days a revaluation of the water shortage will take place and if a water shortage does not exist according to our response triggers, the Mandatory Conservation will end.

Section 5. Declaration of a Water Shortage Emergency: When the ORC finds that water supplies are below the supply level necessary to meet normal needs and that serious shortages exist, He shall notify the County Manager who is empowered to declare a Water Shortage Emergency. Class 1, Essential Uses shall be identified, in specific, as targets for voluntary conservation initiatives. Also, some Class 2, Socially or Economically Important uses shall be banned in addition to the Class 3, Non-Essential Uses. These restrictions shall continue for a minimum of twenty one days. The emergency can only be declared ended by the County Manager. Publication of these ordinances shall follow the provisions in Section 3 of this ordinance.

5-1 After a minimum of twenty one days a revaluation of the Water Shortage Emergency will take place and if conditions have improved enough to satisfy the response triggers a change in conservation practice will take place.

Section 5a. Interconnection for Emergency Use: Hertford County Rural Water has interconnections with Ahoskie and Murfreesboro in the event we have a water shortage for what ever reason, (etc.broken main, equipment failure) and also water demand on our system. Ahoskie and Murfreesboro also can use these interconnections if they have a problem with their water supply and demand.

Section 5b. Water conservation measures for prison: The prison is our largest user of water and according to the warden if a water shortage were to accrue that the prison would do the following.

- a. Ship water in from outside and store in warehouse
- b. Rent inside portable toilets
- c. Use paper plates (no dish washers)
- d. Limit showers to every other day
- e. No outside watering of any kind

Section 6. Shortage Water Rates Upon the declaration of a water supply shortage as provided in Sections 3-6 the County Manager shall have the power to adopt shortage water rates by ordinance designed to conserve water supplies. Such rates may provide for, but not be limited to: (a) higher charges per unit for increasing usage (increasing block rates); (b) uniform charges for water usage per unit of use (uniform unit rate); (c) extra charges for use in excess of a specified level (excess demand surcharge); or (d) discounts for conserving water beyond specific levels.

Section 7. Regulations Any person who violates the provisions of this ordinance, who fails to carry out the duties and responsibilities imposed by this ordinance, or who impedes or interferes with any action undertaken or ordered pursuant to this ordinance shall be subject to the following penalties:

- (a) If the county manager, water superintendent, or other county official or officials charged with implementation and enforcement of this ordinance learns of any violation of any water use restriction imposed pursuant to this ordinance, a written notice of the record shall be affixed to the property where the violation occurred and mailed to the customer and to any other person known to be responsible for the violation or its correction. Said notice shall describe the violation and order that is to be corrected, cured, or abated immediately or within such specified time as the county determines is reasonable under the circumstances. If the order is not complied with, the County may terminate water service to the customer subject the following procedures:
 1. The County shall give the customer notice by mail that, due to the violation, water services will be discontinued within a specified time and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the County Manager or a County official designated as a hearing officer by the governing body;
 2. If such a hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before termination is ordered; and,
 3. The governing body or hearing officer shall make findings of fact and order whether service should continue or be terminated.
- (b) A fee of \$50 shall be paid for the reconnection of any water service terminated pursuant to sub- section (a). In the event of subsequent violation the reconnection fee shall be \$200 for the second violation and \$300 for each additional violation.
- (c) Any customers may also be charged with violation of this ordinance and prosecuted in District Court. Any person so charged and found guilty of violating the provisions of this ordinance shall be guilty of a misdemeanor. Each day's violation shall constitute a separate offense. The penalty for violation shall be a maximum fine of \$50 or imprisonment for not more than 30 days.

Section 8.1 Civil Penalties In addition to or in lieu of criminal prosecution, violation of this ordinance may subject the offender to civil penalties in the amounts provided or otherwise an amount of \$25 per day, collectible in a civil action in the nature of debt.

Section 9. Severability If any provision of this ordinance is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the ordinance and its applicability to other person and circumstances shall not be affected thereby.

Section 10. Effective Date This ordinance shall take effect immediately upon adoption or passage by the Hertford County Commissioners.

Section 11. Effective Period This ordinance will remain in effect until terminated by actions of the Hertford County Commissioners. This ordinance will remain in effect for five years unless circumstances change warrant a change or a revision is required by Division of Water Resources NC DENR.

Section 12. Before this plan can be adopted it must be put on the Hertford County Commissioners docket as to when and where the meeting will be held and a public comment time will be allotted. The docket will be posted in the county buildings in several places. The time and place of the commissioners meeting will be advertised in The News Herald. The plan can be reviewed in the Public Works office at 704 North King Street in Winton NC.

Section 13. Variance Protocols There will be no variance from water restrictions given by Hertford County Rural Water

13-1 There is no approved criteria for a variance. (See Section 13 above)

Section 14. Effectiveness To determine the actual saving of water per month or per day we will use our DENR 3395 form from our wells. This will give us exact numbers of gallons pumped and hours run compared to the previous days.

**WATER SHORTAGE
RESPONSE ORDINANCE No. TWO**

**ADDENDUM
CONSERVATION MEASURES**

Direct users to adopt the following conservation measures:

INDOOR RESIDENTIAL USE:

Conservation for Voluntary Phases

- Use dishwashers only when they are full. Washing dishes by hand (don't let the tap run!) Saves about 25 gallons
- Adjust water level on clothes washing machines, if possible. Use full loads only, if not adjustable. Turn off faucets while brushing teeth, etc. Saves about 5 gallons per day
- 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.
- Do not use the toilet as a trash can.
- Use sink and tub stoppers to avoid wasting water.
- Keep a bottle of chilled water in the refrigerator for drinking.
- Find and fix leaks in faucets and water-using appliances. Faucets can usually be fixed cheaply and quickly by replacing washers.
- Adapt plumbing with flow-restricting or other water-saving devices. These are usually inexpensive and easy to install.
- Learn to read your water meter so you can judge how much water you use and what difference conservation makes.
- Take shorter showers and shallow baths. Saves about 25 gallons.
- Reduce the number of toilet flushes per day. Each flush uses about 3 gallons (1-2 if you have water saving toilets).
- Don't use a garbage disposal
- Use non-phosphate detergent and save laundry water for lawns and plants.

Mandatory Conservation Measures

Watering of vegetable gardens on Monday and Thursday
Watering of lawns Tuesdays and Fridays
No washing of decks and driveways
No outside sprinklers
Washing of vehicles on Thursdays and Fridays only

Conservation for Emergency Conservation (In addition to measures listed above).

- No lawn irrigation
- No washing of vehicles
- Fire Hydrants: any purpose except Class 1
- No watering of golf courses
- No filling of swimming pools (private)
- No ornamental use of water

OUTDOOR RESIDENTIAL USE

Conservation for Normal Conditions and Voluntary Conservation Phase

Lawns

- Water before 10:00 a.m. to prevent evaporation which occurs during the hottest part of the day. Morning is better than evening, when the dampness encourages growth of fungus.
- Water only when lawn shows signs of wilt. Grass that springs back when stepped on does not need water.
- Water thoroughly, not frequently: long enough to soak roots. a light sprinkling evaporates quickly and encourages shallow root systems. Water slowly to avoid runoff.
- Don't let the sprinkler run any longer than necessary. In an hour, 600 gallons can be wasted.
- Allow maximum of one inch of water per week on your lawn. To measure, place cake tins outside to collect rain and water from sprinklers.
- Use pistol-grip nozzles on hoses to avoid waste when watering flowers and shrubs.
- Aerate lawns by punching holes 6 inches apart. This allows water to reach roots rather than run off surfaces-
- Position sprinklers to water the lawn, not the pavement.
- Avoid watering on windy days when the wind not only blows water off target, but also causes excess evaporation.
- Keep sprinkler heads clean to prevent uneven watering.
- Adjust hose to simulate a gentle rain. Sprinklers that produce a fine mist waste water through evaporation.
- Know how to turn off an automatic sprinkler system in case of rain.
- Use an alarm clock or stove timer to remind you to shut off sprinklers that don't have timers.

Vegetables and Flower Gardens

- Water deeply, slowly and weekly. Most vegetables require moisture to a depth of 6 to 8 inches.
- Keep soil loose so water can penetrate easily.
- Keep weeds out to reduce competition for water.
- Put the water where you want it and avoid evaporation by using soil-soakers or slow-running hose, not sprinklers.

Trees and Shrubs

- Water deeply using a soil-soaker or drip-irrigation.
- Water only when needed. Check the depth of soil dryness by digging with a trowel.
- Mulch to reduce evaporation. a 2" to 3" layer of wood chips, pine needles, grass clippings, or straw keeps the soil cool in summer,

- Adjust water-using equipment to use the minimum amount of water required to achieve its stated purpose.
- Shorten rinse cycles for laundry machines as much as possible; implement lower water levels wherever possible.
- For processing, cooling, and other uses, either re-use water or use water from sources that would not adversely affect public water supplies.
- Install automatic flushing valves to use as little water as possible or to cycle at longer intervals-
- Place water-saving posters and literature where employees, students, patients, customers', etc. will have access to them.
- Check meters on a frequent basis to determine consumptive patterns. Review usage patterns to see where other savings can be made.