

ORDINANCE AMENDING CHAPTER 14

UTILITIES

BLOWING ROCK TOWN CODE

BE IT ORDAINED by the Town Council of the Town of Blowing Rock, North Carolina as follows:

Section 1. That Chapter 14, Utilities, of the Code of Ordinances, Town of Blowing Rock, North Carolina, is amended as follows:

Section 2. Chapter 14 is amended by deleting Subchapter V - Water Shortage in its entirety and replacing it with the following

CHAPTER 14 - UTILITIES
Subchapter V - Water Shortage Town of Blowing Rock, North Carolina
(PWSID# 01-95-020)

WATER CONSERVATION AND SHORTAGE RESPONSE PLAN

ARTICLE IX – Regulation of Consumption During Designated Water Shortage

Sec. 14-87. Purpose.

The purpose of this ordinance is to provide for the declaration of the official phases of water supply shortage situations and the implementation of voluntary and mandatory water conservation measures throughout the service area of the Town of Blowing Rock in the event a shortage is declared.

This water shortage response plan serves to conserve available water supplies during times of drought and emergency. The procedures are written to minimize adverse impacts of water supply shortages and emergency water supply conditions.

Section 14-88 Authorization.

The Mayor of Blowing Rock is authorized to enact water shortage response provisions whenever the trigger conditions outlined in *Section 14-91* are met. In his absence, the Town Manager will assume this responsibility.

The Town Manager or his designee shall regularly monitor the water supply and demands upon that supply. Whenever the Town Manager determines that a potential shortage of water supply is indicated, he shall notify the Mayor and Town Council.

Section 14-89 Notification.

The following notification methods will be used to inform water system employees and customers of a water shortage declaration: employee e-mail announcements, notices at

municipal buildings, notices in water bills and on the Town of Blowing Rock website www.townofblowingrocknc.gov. Required water shortage response measures will be communicated through a press release that will be forwarded to the following media outlets:

The Blowing Rocket (828) 295-7522, *Watauga Democrat* (828) 264-3612, *High Country Press* (828) 264-2262, *Mountain Times* (828) 264-6397, *WXIT NewsTalk 1200 AM/WATA 1450 AM* (828) 264-2411, The Water Treatment Superintendent will notify the *N.C. Division of Water Resources* (919) 733-4064, ncwater.org.

Section 14-90 Levels of Response.

Five levels of water shortage response are outlined in the table below. The five levels of water shortage response are: voluntary reductions, mandatory reductions I and II, emergency reductions and water rationing. A detailed description of each response level and corresponding water reduction measures follows below.

WATER SHORTAGE/LEVELS OF RESPONSE

1 - Mild/Call for Voluntary Reductions

Water users are encouraged to reduce their water use and improve water use efficiency; however, no penalties apply for noncompliance. Water supply conditions indicate a potential for shortage.

2 - Moderate/Order Mandatory Reductions

Water users must abide by required water use reduction and efficiency measures; penalties apply for noncompliance. Water supply conditions are significantly lower than the seasonal norm and water shortage conditions are expected to persist.

3 - Severe/Intensify Mandatory Reductions

Water supply conditions worsen and to avoid depletion of water resources, all measures of mandatory water use restrictions and conservation are marshaled, including a drought surcharge.

4 - Emergency Reductions

Water supply conditions are substantially diminished and pose an imminent threat to human health or environmental integrity, including a drought surcharge.

5 - Water Rationing

Water supply conditions are substantially diminished and remaining supplies must be allocated to preserve human health and environmental integrity, including a drought surcharge.

In Level 1, Voluntary Reductions, all water users will be asked to reduce their normal water use by 5%. Customer education and outreach programs will encourage water conservation and efficiency measures including but not limited to: preventing water waste, runoff and watering impervious surfaces; watering plants deeply to encourage root growth; washing only full loads in clothes and dishwashers; using spring-loaded nozzles on garden hoses; and identifying and repairing all water leaks as quickly as feasible..

The following Voluntary water restrictions and conservation measures shall be encouraged and recommended:

- (1) Inspect and repair all faulty and defective parts of faucets and toilets causing water waste.

- (2) Do not leave faucets running while shaving, rinsing dishes or brushing teeth.
- (3) Limit use of clothes washers and dishwashers, and when used, operate fully loaded.
- (4) Install water flow restrictions in showerheads and other water-saving devices.
- (5) Install water-saving devices in toilets.
- (6) Conservation in public buildings, institutions, and similar facilities.
- (7) Water conservation should be followed during all phases of construction-related activities.
- (8) To do everything else that is reasonable to accomplish water conservation.

In Level 2, Mandatory Reductions I, all customers are expected to reduce their water use by 10% in comparison to their previous bi-monthly water bill. In addition to continuing to encourage all voluntary reduction actions, the following restrictions apply: limitations on irrigation, and sprinkler use only one day per week between 8 p.m. and 8 a.m.

It shall be unlawful:

- (1) To water lawns, grass, shrubbery, trees, flower and vegetable gardens except by hand held-hose, container, or drip irrigation system; provided, however, that such plantings may be watered by any customer by manual or automated sprinkling one (1) day a week between 8 p.m. and 8 a.m.
- (2) Customers are allowed to do such sprinkling on the day of their city garbage pickup.
- (3) Customers who do not have city garbage service, or who have multiple pickups during the week, shall be permitted to use sprinkler systems for watering on Wednesdays only. Provided, however, that a person regularly engaged in the sale of plants shall be permitted to use water, by any method at any time, for irrigation of their commercial stock in trade.

In Level 3, Mandatory Reductions II, customers must continue actions from all previous stages and further reduce water use by 20% compared to their previous bi-monthly water bill. All nonessential uses of drinking water are limited and garden and landscape irrigation must be reduced to the minimum amount necessary for survival. Additionally, in Level 3, a drought surcharge of **1.10** times the normal water rate applies to all usage above the 5,000 gallon minimum bill.

It shall be unlawful to:

- (1) Water or sprinkle any lawn, vegetable garden, grass, shrubbery, trees, or flowers except by a hand-held hose, container, or drip irrigation system. Provided, however, that a person regularly engaged in the sale of plants shall be permitted to use water for irrigation of their commercial stock in trade.
- (2) Operate water-cooled air conditioners or other equipment that does not recycle cooling water, except when health and safety are adversely affected.
- (3) Wash automobiles, trucks, trailers, boats, airplanes, or any other type of mobile equipment; except that parts of vehicles may be washed where required by federal, state, or local laws or for safety reasons. Provided, however, that any commercial or business operated car wash facility shall be permitted to use water for such purposes.
- (4) 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 similar purposes except for one (1) day a week
- (5) however, hand washing of exterior surfaces of a building for the purpose of preparing them for painting shall be permitted. Provided further, licensed commercial pressure washers shall be permitted to operate.
- (6) Operate or introduce water into any ornamental fountain, pool, or pond or other structure making similar use of water.
- (7) Serve drinking water in restaurants, cafeterias, or other food establishments, except as requested.
- (8) Use water from any public or private fire hydrants for any purpose other than fire suppression or other public emergency or water resources department need.
- (9) Use water for dust control or compaction.
- (10) Use water for any unnecessary purpose or intentionally waste water.

The owner or occupant of any land or building who receives water from the city and also uses water from a well or other supply shall post a sign thereon, in a conspicuous place, furnished at no cost by the city water resources department giving notice of the use of well or other sources of supply.

In Level 4, Emergency Reductions, customers must continue all actions from previous stages and further reduce their water use by 25% compared to their previous bi-monthly water bill. A ban on all use of drinking water except to protect public health and safety is implemented and drought surcharges increase to **1.25** times the normal water rate for all usage above the 5,000 gallon minimum bill.

It shall be unlawful to:

- (1) Serve food or beverages in restaurants, cafeterias and other commercial food establishments to customers using anything other than disposable plates, saucers, cups, eating utensils, napkins and tablecloths.
- (2) Water or sprinkle any lawn, vegetable garden, grass, shrubbery, trees, or flowers.
- (3) Wash any vehicle for any purpose, whether inside or outside a structure.
- (4) Top off any swimming or wading pool.
- (5) 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.

The goal of Level 5, Water Rationing, is to provide drinking water to protect public health (i.e. residences, residential health care facilities and correctional facilities). In Level 5, all customers are only permitted to use water at the minimum required for public health protection. Firefighting is the only allowable outdoor water use. Pick-up locations for distributing potable water will be announced according to Blowing Rock's Emergency Response Plan. Drought surcharges increase to **1.50** times the normal water rate for all usage above the 5,000 gallon minimum bill.

- (1) Water for purposes other than maintenance of public health and safety is prohibited. (To include any and all outside use of water except for fire suppression.)
- (2) Usage by individuals shall be limited to those amounts necessary to sustain life through drinking, food preparation and personal hygiene.
- (3) When the Town system is not functional, National Guard, Emergency Service vehicles and private water sources may be utilized to distribute water for household use at prearranged locations within the affected area(s).

Section 14-91 Triggers.

When the following water supply thresholds (TRIGGERS) are reached, the Mayor shall initiate the corresponding water restriction stages.

Level 1-- Reservoir levels drop 3 feet from full pond (19% of usable storage); and/or when no appreciable rain is in the forecast; or if damage, failure or contamination of the Town's treatment and/or distribution systems occurs thus restricting or otherwise limiting the Town's ability to maintain normal operation of its water system, as so determined by the Town's utilities director or authorized representative.

Level 2-- Reservoir levels drop 5 feet from full pond (34% of usable storage); and/or when no appreciable rain is in the forecast; or if damage, failure or contamination of the Town's treatment and/or distribution systems occurs thus restricting or otherwise limiting the Town's ability to

maintain normal operation of its water system, as so determined by the Town’s utilities director or authorized representative.

Level 3-- Reservoir levels drop 10 feet from full pond (55% of usable storage); and/or when no appreciable rain is in the forecast; or if damage, failure or contamination of the Town’s treatment and/or distribution systems occurs thus restricting or otherwise limiting the Town’s ability to maintain normal operation of its water system, as so determined by the Town’s utilities director or authorized representative.

Level 4-- Reservoir levels drop 15 feet from full pond (73% of usable storage, change from primary intake to secondary intake); and/or when no appreciable rain is in the forecast; or if damage, failure or contamination of the Town’s treatment and/or distribution systems occurs thus restricting or otherwise limiting the Town’s ability to maintain normal operation of its water system, as so determined by the Town’s utilities director or authorized representative.

Level 5-- Reservoir levels drop to 20 feet from full pond (86% of usable storage, change from secondary intake to bottom intake); and/or when no appreciable rain is in the forecast; or if damage, failure or contamination of the Town’s treatment and/or distribution systems occurs thus restricting or otherwise limiting the Town’s ability to maintain normal operation of its water system, as so determined by the Town’s utilities director or authorized representative.

Section 14-92 Enforcement.

The provisions of the water shortage response plan will be enforced by the Town of Blowing Rock’s Public Works, Finance, Police Department or utility personnel. Violators may be reported to the Town’s action-line website at www.townofblowingrocknc.gov or by calling (828) 295-5200. Citations are assessed according to the following schedule depending on the number of prior violations and current level of water shortage.

Water shortage level	First violation	Second violation	Third violation
Level 2, Moderate Mandatory Reductions	Warning	\$100	\$250
Level 3, Severe Mandatory Reductions	Warning	\$250	Discontinuation of Service
Level 4, Emergency Reductions	\$250	Discontinuation of Service	Discontinuation of Service
Level 5, Water Rationing	\$500	Discontinuation of Service	Discontinuation of Service

Drought surcharge rates are effective in Levels 3, 4 and 5.

Discontinuance of Service. Pursuant to the provision of General Statute Section 162-88 and the Town Water Ordinance, a *discontinuance of service* shall require a one hundred (\$100.00) dollar reconnect fee before restoration of service. In the event of continued gross noncompliance of this ordinance the removal of the meter will be deemed proper and service will be discontinued and all tap fees and deposits forfeited. Reconnection will only be made by payment of current due amounts, and new tap fees and deposits shall be paid.

Section 14-93 Public Comment.

Customers will have multiple opportunities to comment on the provisions of the water shortage response plan. First, a draft plan will be published on the Town of Blowing Rock website. A public hearing will be scheduled with notice printed in all customer water bills to collect

comments on the draft. All subsequent revisions to the draft plan will be published at least 7-days prior to an adoption vote by Blowing Rock Town Council.

Section 14-94 Variance Protocols.

Applications for water use variance requests are available from the Town of Blowing Rock website and Town Hall. All applications must be submitted to Utilities at Town Hall for review. A decision to approve or deny individual variance requests will be determined within ten business days of submittal after careful consideration of the following criteria: impact on water demand, expected duration, alternative source options, social and economic importance, purpose (i.e. necessary use of drinking water) and the prevention of structural damage.

Section 14-95 Effectiveness.

The effectiveness of the Blowing Rock Water Shortage Response Plan will be determined by comparing the stated water conservation goals with observed water use reduction data. Other factors to be considered include frequency of plan activation, any problem periods without activation, total number of violation citations, desired reductions attained and evaluation of demand reductions compared to the previous year's seasonal data.

Section 14-96 Revision.

The Water Shortage Response Plan will be reviewed and revised as needed to adapt to new circumstances affecting water supply and demand, following implementation of emergency restrictions, and at a minimum of every five years, as required by the provisions of G.S. 143-355 (I). Further, a water shortage response planning work group will review procedures following each emergency or rationing stage to recommend any necessary plan improvements to the Town Council. The Town of Blowing Rock's Public Works Director is responsible for initiating all subsequent revisions.

Section 14-97 Lifting of Restrictions Imposed During Water Shortage.

- (A) A Level I stage of water shortage will expire when the Town Manager determines that the condition which caused the alert has abated.
- (B) Level II, III, IV and V stages of water shortage will be cancelled when the Mayor determines that the condition which caused or contributed to the water shortage has abated.
- (C) The expiration or cancellation of a water shortage declaration shall be promptly and extensively publicized.

Section 14-98 Severability.

If any section, subdivision, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to such section, subdivision, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 14-100 Reserved.

Section 3. This ordinance shall become effective upon its adoption.

Adopted this the ____ day of July, 2009.