



Water Shortage Response Plan Pittsboro, North Carolina June 1, 2023

I. PURPOSE

The purpose of this Water Shortage Response Plan is to provide for the declaration of official stages of water supply shortage response, and the implementation of voluntary, mandatory, and emergency water conservation measures for users of the Town of Pittsboro water distribution system in the event a shortage is declared. This plan shall apply to all users connected to the Town of Pittsboro water distribution system, regardless of whether the user is located within the town limits or outside the town limits.

II. DEFINITIONS

1. Available Water Supply: 20% of the average daily stream flow for the Haw River as measured at USGS station 02096960 in Bynum, NC.
2. Contamination: The addition of any material to any reservoir, storage tank, or distribution system that appears in an above-normal concentration or has high nuisance or harmful effect on the User or the system.
3. Emergency: When treated water supplies cannot meet user demand and serious shortages exist in the area. An immediate further reduction in water usage is required.
4. Fresh Water: Water withdrawn from surface or groundwater that has not been previously used.
5. Mandatory Restriction: Raw water supplies (i.e. stream flows, reservoir levels) are consistently below the applicable trigger levels. Thus, conservation measures are not voluntary, and if users fail to comply, they will be subject to penalties outlined herein.
6. Production Capacity: The capacity of the water treatment plant taking into consideration limitations caused by maintenance and repair activities.
7. Treated Water: Water that has been withdrawn from an approved source and has been processed by the Town of Pittsboro Water Treatment Plant.
8. User: Any person using water for any purpose from the Town of Pittsboro's water distribution system and for which either a regular charge is made or, in the case of bulk sales, a charge is made at the site of delivery.



9. Voluntary Conservation: Conditions exist which indicate the potential for water supply shortages. Users are asked to limit their use of water and eliminate wasting of water.
10. Water Shortage: Conditions exist where the demands and requirements of users served by the Town of Pittsboro water distribution system cannot be satisfied without depleting the available supply of treated water, or the available water supply to or below a critical level, i.e., the level at which the continued availability of water for human consumption, sanitation, and fire protection is jeopardized. Conditions contributing to a water shortage may include but are not limited to the following:
 - a. Water supplies are below the level necessary to meet demand;
 - b. Water quality has been threatened due to a contamination situation;
 - c. Power outages, equipment malfunction, or maintenance;
 - d. Peak customer demands on the water system;
 - e. Inability to maintain adequate pressure and/or water supply throughout every portion of the Town of Pittsboro water distribution system;
 - f. Natural disasters.
11. Water Supply: The body of water from which the Town of Pittsboro obtains water for treatment and subsequent distribution into the potable water supply system.
12. Water Use Classes:

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.

Healthcare Facilities:

- Patient care and rehabilitation, including pools used for patient care and rehabilitation.



Public Use:

- Fire Hydrants
- Firefighting
- Certain testing and drills by the fire department if performed in the interest of public safety.
- Flushing of sewers and 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 & 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
- Water use by arboretums and public gardens of national, state, or regional significance where necessary to preserve specimens
- Use of fresh water at a minimum rate necessary to implement vegetation following earth moving, where such vegetation is required by law or regulation
- Water of golf course greens
- Filling and operation of swimming pools
 - Residential pools which service more than twenty-five dwelling units
 - Pools used by healthcare facilities for patient care and rehabilitation
 - Municipal and county-owned pools
- Commercial car and truck washes
- Commercial Laundromats
- 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 municipal governing body, where the system 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 Water (public or private):

- Flower gardens, lawns, parks, golf courses (except greens), playing fields and other recreational areas
- Filling and operation of recreational swimming pools that serve fewer than twenty-five dwellings
- Non-commercial washing of motor vehicles
- Serving water in indoor commercial establishments, except by specified request
- Air conditioning: refilling cooling towers after drainage except as specified in Class 2

Public Use

- Fire hydrants: any purpose, including sprinkler system testing, 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

III. STAGES OF WATER SHORTAGE

The Water Department will compare run of the river as measured at the USGS station 02096960 in Bynum, NC to daily water production at the plant to determine if (1) any trigger is met regarding the various stages of conservation, or (2) conservation measures are resulting in water savings.

Declaration of Voluntary Conservation

Voluntary Conservation is required when: (1) User Demand is greater than 25% of the available water supply for fourteen consecutive days, or (2) daily use exceeds 80% of production capacity for three consecutive days.

This stage of conservation is no longer required when: (1) User Demand is less than 25% of the available water supply for fourteen consecutive days, or (2) daily use is equal to or less than 80% of production capacity for three consecutive days.

When the Engineering Director determines that the criteria for this stage has been met, the Town Manager, or his Designee, shall declare that Voluntary Conservation is in effect. The Engineering Director shall monitor the supply and demand of treated water daily and advise the Town Manager of the need to increase water conservation measures to the next stage, or cancel the Voluntary Conservation directive if it is no longer needed. All users will be asked to reduce their usage by 5%.

A notification shall be (1) published in a newspaper of general circulation in the water distribution system area advising the public of the water shortage situation (2) posted in municipal buildings, (3) posted on the Town website, and (4) listed on customer utility bills. The notifications shall include the required response measures.



System employees shall be notified by the Engineering Director or his designee by (1) posting notices in Town buildings, (2) staff meetings, (3) postings in employee newsletters or any combination of the above.

When Voluntary Conservation is declared, use of water from the public water system supplied by the Town of Pittsboro is discouraged for the following purposes:

- A. To water lawns, grass, shrubbery, trees, flower and vegetable gardens except as follows:
 - 1. If your address ends in an odd number, watering can be done on odd-numbered calendar days. If your address ends in an even number, watering can be done on even-numbered days.
 - 2. Any person regularly engaged in the sale of plants shall be permitted to use water for such purposes.
- B. To wash automobiles, trucks, trailers, boats, airplanes, or any other type of mobile equipment. Any person regularly engaged in the business of washing motor vehicles, and any commercial car wash facility, shall be permitted to use water for such purposes.
- C. 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. Any person regularly engaged in the business of washing such areas shall be permitted to use water for such purposes.
- D. To introduce water into any ornamental fountain pool or pond or other structure making similar use of water.
- E. To use water from public or private fire hydrants for any purpose other than fire suppression or other public emergency or water department need.
- F. To use water for dust control or compaction, except by persons regularly engaged in construction where such use is normal.
- G. To intentionally waste treated water.



Declaration of Mandatory Restriction

Mandatory Restriction is required when: (1) User demand is greater than 50% of the available water supply for fourteen consecutive days or (2) daily use exceeds 90% of production capacity for three consecutive days.

This stage of conservation is no longer required when: (1) User Demand is less than 50% of the available water supply for fourteen consecutive days, or (2) daily use is equal to or less than 90% of production capacity for three consecutive days.

When the Engineering Director determines that the criteria for this stage has been met, The Town Manager, or his designee, shall then declare Mandatory Restriction. The Engineering Director shall monitor the supply and demand of treated water daily and advise the Town Manager of the need to increase water conservation measures to the next stage or cancel the Mandatory Restriction directive if it is no longer needed. All users will be expected to reduce their usage by 10% in comparison to their usage prior to enacting this stage of conservation. Class 3 water uses will be banned during Mandatory Restriction. Penalties will be applied for non-compliance.

A notification shall be (1) published in a newspaper of general circulation in the water distribution system area advising the public of the water shortage situation (2) posted in municipal buildings, (3) posted on the Town website, and (4) listed on customer utility bills. The notification shall include the required response measures.

System employees shall be notified by the Engineering Director or his designee by (1) posting notices in town buildings, (2) staff meetings, (3) postings in employee newsletters or any combination of the above.

In the event of Mandatory Restriction, the voluntary restrictions heretofore recommended shall be made mandatory with the following additional mandatory water restriction measures imposed, and

it shall be unlawful to use water from the public water distribution system supplied by the Town of Pittsboro for the following purposes:

- A. To water or sprinkle any lawn, grass, shrubbery, trees, or flowers with treated water. Any person regularly engaged in the sale of plants shall be permitted to use treated water for such purposes.
- B. To water any vegetable garden with treated water except during the hours of 6:00 a.m. to 9:00 a.m. on Saturday. Such watering is only to be done by hand-held hose or container or drip irrigation system.



- C. To fill newly constructed swimming and/or wading pools or refill swimming and/or wading pools which have been drained.
- D. To serve drinking water in restaurants, cafeterias, or other food establishments, except upon request.
- E. To use treated water outside a structure for any use other than an emergency involving fire or as needed by the Town of Pittsboro to maintain the water system.
- F. To wash motor vehicles, except for commercial washing.
- G. To water golf courses, except for greens.
- H. To fill fountains, reflecting pools, or artificial waterfalls.
- I. To make any nonessential use of treated water for commercial or public use.

Declaration of Emergency Restriction

Emergency Restriction is required when: (1) User demand is greater than 75% of the available water supply for seven consecutive days or (2) daily use exceeds 100% production capacity for one day. This is considered an extreme water shortage.

This stage of conservation is no longer required when: (1) User Demand is less than 75% of the available water supply for fourteen consecutive days, or (2) daily use is equal to or less than 100% of production capacity for three consecutive days.

When the Engineering Director determines that the criteria for this phase has been met, the Town Manager or his designee shall then declare Emergency Restriction. The Engineering Director shall monitor the supply and demand of treated water daily and advise the Town Manager of the need to increase water conservation measures to the next stage or cancel emergency restrictions if it is no longer needed. All users are expected to reduce their water use by 20% in comparison to their usage prior to enacting this stage of conservation. Class 2 and Class 3 water uses are banned during this phase. Penalties will be applied for non-compliance.

A notification shall be (1) published in a newspaper of general circulation in the water distribution system area advising the public of the water shortage situation (2) posted in municipal buildings, (3) posted on the Town website, and (4) listed on customer utility bills. The notification shall include the required response measures.



System employees shall be notified by the Engineering Director or his designee by (1) posting notices in Town buildings, (2) staff meetings, (3) postings in employee newsletters or any combination of the above.

IV. ENFORCEMENT & PENALTIES

Regulations

During the effective period of any water shortage, the Town of Pittsboro Board of Commissioners is empowered to authorize such regulations or policies as may be necessary to carry out the provisions of this plan. The Town Manager shall implement and enforce the provisions of this plan.

Enforcement

Any person who violates the provisions of this plan, who fails to carry out the duties and responsibilities imposed by this plan, or who impedes or interferes with any action undertaken or ordered pursuant to this plan shall be subject to enforcement actions.

Enforcement actions may include, but are not limited to:

A. Notice of Violation (NOV)

Whenever the Engineering Director finds that any User has violated or is violating this plan or any prohibition, limitation, or requirement contained therein, the Town Manager, or his Designee, shall serve upon such a person a written notice stating the nature of the violation. The Notice of Violation (NOV) shall inform the user of the violation and their responsibility to halt the activity within a specified period of time. The Notice shall be served by posting a copy of the written notice by affixing it to the property where the violation(s) occurred, and one additional method as follows:

1. Hand delivery of the written notice to the customer of record or the person in charge of the premises where the violation occurred; or
2. Certified mail, return receipt requested, to the address of the customer of record; or
3. By certified mail and regular mail, and if the certified mail is returned unclaimed but the regular mail is not returned within 10 days after mailing, it shall be deemed served; or
4. Publication in the newspaper of general circulation in the town.



B. Civil Penalties

The Town Manager may assess a civil penalty of up to \$1,000 per violation to any offender who shall continue any violation beyond the time limit provided for in the aforementioned Notice of Violation. Each day in which a violation of any provision of this plan shall occur or continue shall constitute a separate and distinct offense.

In determining the amount of the civil penalty, the Town Manager shall consider the following:

1. The degree and extent of the harm to the natural resources, to the public health, or to public or private property resulting from the violation;
2. The duration and gravity of the violation;
3. Whether the violation was committed willfully or intentionally;
4. The prior record of the violator in complying or failing to comply with the Water Shortage Response Plan;
5. The costs of enforcement to the Town of Pittsboro.

Appeals of civil penalties assessed in accordance with this section shall be as provided in Division VI of this plan.

C. Emergency Suspensions

In the event any treated water use restriction is violated, the Town Manager may terminate or restrict the service of the User(s) where such violation occurs and may in addition thereto or in the alternative take such other appropriate legal action as provided by law.

At such time as the Engineering Director is satisfied that the User is no longer in violation of any treated water use restrictions, the Town Manager shall authorize the user's water service be restored pursuant to the following:

1. After payment of a suspension/reconnection charge of \$75.00 for first time offenders;
2. After payment of a suspension/reconnection charge of \$125.00 for second time offenders.



3. After payment of a suspension/reconnection charge of \$225.00 for each additional violation.

Water service will not be restored until all penalties are paid.

V. VARIANCES

A request for a variance from water conservation measures shall be submitted, in writing, to the Engineering Director. Requests shall be evaluated after taking into consideration the following:

- The amount of water consumption the requesting party has reduced prior to submitting the request. The amount of income the requesting party will lose as a result of the water restriction.
- Whether full or part-time jobs will be lost as a result of the water restriction.
- The effect of public health and safety that may result from the reduction in water use.

VI. APPEALS

Adjudicatory Hearing / Appeals

- A. Any User whose water use has been restricted, suspended, terminated or who has been assessed a civil penalty under Division IV, shall have the right to an adjudicatory hearing before the Town Manager. Users requesting an adjudicatory hearing must do so by submitting a written request, which identifies the specific issues to be contended, to the Town Manager within 30 days following either (1) implementation of the restriction, suspension, or termination or (2) a notice of final decision to issue a civil penalty. Unless such demand is made within the time specified herein, the decision to restrict or terminate the water use, or the civil penalty assessment shall be final and binding.

The following criteria will be used to evaluate requests for relief from the water restrictions as outlined in this plan:

1. Impact on water demand.
 2. Necessary use of drinking water.
 3. Expected duration.
 4. Alternative source options.
 5. Social and economic importance.
 6. Prevention of structural damage.
- B. The Adjudicatory Hearing shall take place within ten (10) calendar days from the date of receipt by the Town Manager of the written request from the user. Upon mutual agreement of the User and the Town Manager, the date of the hearing may be scheduled at a later date but in no



event more than thirty (30) days from the date of receipt by the Town Manager of the written request from the user. The Town Manager shall notify the user of the date, time, and place for the hearing. A decision shall be made and a copy of the written decision shall be mailed to the user by certified mail, return receipt requested or hand delivery.

- C. Decisions of the Town Manager may be appealed by any party to the Town of Pittsboro Board of Commissioners upon filing a written demand within ten (10) days of receipt of notice of the decision. Hearings held under this section shall be conducted in accordance with Town of Pittsboro hearing procedures. Failure to make a written demand within the time specified herein shall bar further appeal. The Town of Pittsboro Board of Commissioners shall make a decision on the appeal and shall transmit a written copy of its decision by certified mail, return receipt requested or by hand delivery.
- D. Any applicant against whom a final decision of the Town of Pittsboro Board of Commissioners is entered may appeal the order or decision by filing a written petition for judicial review in the nature of certiorari within 30 days after receipt of notice by hand delivery or certified mail of the order or decision to the General Court of Justice of Chatham County. A copy of the appeal shall be served to the Town Attorney.
- E. Upon receipt of notice that an appeal has been filed, the Town Attorney shall prepare an official record of the case that includes:
 - 1. All notices, motions, and other like pleadings;
 - 2. A copy of all documentary evidence introduced;
 - 3. A certified transcript of all testimony taken, if testimony is transcribed. If testimony is taken and not transcribed, then a narrative summary of any testimony is taken.
 - 4. A copy of the final decision of the Town of Pittsboro Board of Commissioners.

VII. GENERALLY

Effectiveness

The effectiveness of the 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.

Revisions

This plan shall be reviewed at least every five (5) years. Should new circumstances arise that materially affect this plan, or if emergency restrictions are implemented, an earlier review of the plan is required. The Public Works Director shall be responsible for initiating the review process.