

Sec 37-8. Water conservation

(a) *Purpose and intent, statutory construction.*

It is the purpose and intent of this section to assure that available water resources are put to reasonable beneficial uses to avoid depletion of the Village water supply during a water shortage. This section shall be liberally construed to effectuate such purpose and intent. This section is in accord with the requirements to develop and approve a Water Shortage Response Plan as required by the NC Division of Water Resources.

(b) *Definitions.* The following terms, phrases, words and their derivation shall have the meaning given herein. The word "shall" is always mandatory and never directory.

(1) *Village:* The term "Village" means the Village of Alamance, a North Carolina municipal corporation.

(2) *Customer:* The term "customer" refers to any person who is an owner, occupant, or user of real property to which water is supplied by the Village. The term shall also refer to any person who uses water supplied by the Village, or to any person who is billed for the supply of water from the City, or to any person who is responsible for or otherwise has the right or permission to utilize the supply of water provided by the Village.

(3) *Person:* The term "person" means any natural person, any group of persons, any firm, partnership, association, corporation, company, or any other organization or entity.

(4) *Raw water:* The term "raw water" refers to water impounded in a City of Burlington-owned reservoir or conveyed through pumps and pipes to a City of Burlington-owned water treatment facility for further treatment to make potable water.

(5) *Water:* The term "water" refers to all water, except wastewater, supplied by the Village of Alamance to any customer.

(6) *Water shortage:* A "water shortage" shall be deemed to exist when the ordinary demands and requirements of water customers served by the City of Burlington cannot

be satisfied without depleting the water supply to or below a critical level, the level at which the continued availability of water for human consumption, sanitation and fire protection is jeopardized.

(7) *Well water or private water:* Water from sources other than the Village water system. This can include groundwater from private wells, captured rain water, or recycled water.

(c) *Response to water shortage.* It shall be the duty of the Town Clerk to inform the Mayor of any water conservation measures undertaken by the City of Burlington. The Mayor shall review all relevant and available information, and if deemed necessary, shall recommend that the Board of Alderman declare water conservation measures contained herein be in full force and effect as necessary. Conditions to be considered include abnormally dry weather conditions, lake water levels below normal for the season, forecasts for persistent drought, failure of treatment processes, piping or equipment, excessive water demand compared to treatment or storage capacity, or declarations by the Governor of North Carolina. If there is a time sensitive emergency (system failure) the highest-ranking official available shall declare a water emergency and require appropriate water conservation measures.

(d) No section d

(e) *Water conservation rates.* In the event of a prolonged drought with worsening consequences, it shall be at the discretion of the Mayor to propose an adjustment to the water rates to help promote water conservation. The water conservation rate can be used to address residential, commercial and / or industrial water consumption by increasing the cost per unit volume according to a published rate schedule. The Mayor shall recommend as necessary the adoption by the Board of Alderman of water conservation rates.

(f) *Water conservation states; recommendations, mandatory measures.*

(1) *Continuing voluntary conservation practices, ongoing.*
Customers shall be encouraged to observe water conservation measures to reduce the wasting of water as follows:

- (a) Check plumbing and toilets for leaks annually, and if necessary, repair.
- (b) Repair leaking faucets whenever they develop.
- (c) Store drinking water in the refrigerator to avoid trying to run it cool at the tap.
- (d) Use shower for bathing or reduce the depth of water used for tub baths. Limit showers to four (4) minutes where possible.
- (e) Refrain from running faucets while shaving or rinsing dishes or brushing teeth.
- (f) Install water flow restrictive devices in shower heads.
- (g) Install water-saving devices such as plastic bottles or commercial units in toilet tanks.
- (h) Wash full loads in clothes washers and dishwashers.
- (i) Review water uses and where feasible install recycle systems, particularly commercial and industrial customers.

(2) *Stage I--Voluntary conservation, water alert.*
Customers shall be encouraged to observe the recommendations for ongoing conservation practices and to increase the level of the conservation effort as follows:

- (a) Limit the use of clothes washers and dishwashers, and when used, to operate fully loaded.
- (b) Reduce the flushing of toilets to the minimum whenever practical.
- (c) Limit lawn watering to only when grass shows signs of withering and apply water as slowly as possible to achieve deep penetration.

- (d) Limit shrubbery watering to the minimum reusing household water when possible.
- (e) Limit car washing to the minimum. Use a hose with a nozzle to control water flow and minimize waste.
- (f) Limit wash downs of outside areas such as sidewalks, patios, driveways, or other similar purposes.
- (g) Limit hours of operation of water cooled air-conditioners, if possible.
- (h) Use disposable dishes and utensils, both for residential and commercial purposes, where feasible.

Stage I Voluntary conservation measures will be implemented based on the water conservation status of the City of Burlington, the level of water in the City of Burlington's reservoirs (seventy-five (75%) percent capacity remaining), abnormally dry conditions, season of the year, long range weather forecast calling for persistent drought, failure of treatment processes, piping or equipment, excessive water demand compared to treatment or storage capacity, declarations by the Governor of North Carolina, or a combination of these factors.

(3) *Stage II--Moderate mandatory conservation, established drought.* Customers shall be encouraged to observe the recommendations of the continuing voluntary conservation and Stage I Voluntary conservation, and the level of the conservation effort shall be increased to require the following mandatory measures. No person shall:

- (a) Water lawns, grass, trees, shrubbery, flowers, golf greens or vegetable gardens except between 4:00 P.M. - 9:00 PM on Wednesday and 7:00 AM - 12:00 noon on Saturday. The use of well water or private water is the only exception to this rule.
- (b) Introduce water into wading pools or swimming pools except to the extent necessary to replenish losses due to evaporation or spillage, and maintain operation of chemical feed equipment.

- (c) Use water to wash down outside areas such as sidewalks, patios, driveways, or for other similar purposes.
- (d) Introduce water into any decorative fountain, pool or pond except where the water is recycled.
- (e) Serve water in a restaurant or similar establishment except upon request.
- (f) Use water for any unnecessary purpose or intentionally waste water.
- (g) Wash the exterior of a motor vehicle or boat (travel or camping trailers) except where fifty (50) percent or more of the water is recycled, or where a private well water system is used.
- (h) Golf courses and institutions owning athletic fields (including artificial surfaces) shall be required to reduce water usage by fifty (50%) percent with watering only permitted between the hours of 10:00 PM and 5:00 AM.

Provided, however, any customer may secure a written license from the Mayor or his/her designee to use water contrary to the Stage II mandatory conservation measures where it can be shown to the Mayor's satisfaction that use of water pursuant to conditions prescribed by the Mayor in the license will result in a thirty (30%) or greater saving of water. Any license issued pursuant to this provision: (1) must be in the possession of the licensee whenever water is used contrary to the Stage II mandatory conservations measures; and (2) is subject to amendment or revocation by the Mayor at any time for good cause. Businesses with a privilege license for the City of Burlington that use water to maintain their businesses may continue to operate under Stage II.

Stage II Moderate mandatory conservation measures will be implemented based on the water conservation status of the City of Burlington, the level of water in the City of Burlington's reservoirs (sixty (60%) percent capacity remaining), abnormally dry conditions, season of the year, long range weather forecast calling for persistent drought, failure of treatment processes,

pipng or equipment, excessive water demand compared to treatment or storage capacity, declarations by the Governor of North Carolina, or a combination of these factors.

(4) *Stage III--Severe mandatory conservation, prolonged drought.* Customers shall be encouraged to observe the recommendations of the continuing voluntary conservation and Stage I Voluntary conservation measures and required to continue observing the mandatory requirements in Stage II. The level of the conservation effort shall increase to require the following additional mandatory measures.

a. No person shall:

1. Water lawns, grass, trees, shrubbery, flowers, golf greens or vegetable gardens except by hand-held hose (with shut-off nozzle), container, or drip irrigation system during the hours of 4:00 P.M. - 9:00 PM on Wednesday and 7:00 AM - 12:00 noon on Saturday. No automatic sprinkler system or un-attended watering shall be allowed. The use of well water or private water is the only exception to this rule.
2. Fill a wading pool or swimming pool or replenish any filled pool except to the minimum essential for operation of chemical feed equipment.
3. Make non-essential use of water for commercial or public use.
4. Operate water-cooled air conditioners or equipment that do not recycle cooling water, except when health and safety are adversely affected.

b. Request industry reduce consumption ten (10%)percent.

Stage III Severe mandatory conservation measures will be implemented based on the water conservation status of the City of Burlington, the level of water in the City of Burlington's reservoirs (forty-five (45%) percent capacity remaining), abnormally dry conditions, season of the year, long range weather

forecast calling for persistent drought, failure of treatment processes, piping or equipment, excessive water demand compared to treatment or storage capacity, declarations by the Governor of North Carolina, or a combination of these factors.

(5) *Stage IV-Stringent mandatory conservation, severe water loss.* Customers shall be encouraged to observe the recommendations of the continuing voluntary conservation and Stage I Voluntary conservation measures and required to continue observing the mandatory requirements in Stages II and III. The level of the conservation effort shall increase to require the following additional mandatory measures:

- a. No person shall:
 1. Use water outside a structure except in an emergency involving a fire.
 2. Operate evaporative air conditioning units, which recycle water except during the operating hours of the business.
 3. Use water to fill or refill any swimming pool or wading pool.
 4. Wash any motor vehicle, including commercial washing unless a private well is used.

- b. Request industry reduce consumption an additional twenty-five (25%) percent. Industries must submit water conservation plans for Village review.

In addition to the conservation measures enumerated above customers of eating establishments shall use plates, glasses, cups and eating utensils that are disposable.

Stage IV Stringent mandatory conservation measures will be implemented based on the water conservation status of the City of Burlington, the level of water in the City reservoirs (thirty (30%) percent capacity remaining), abnormally dry conditions, season of the year, long range weather forecast calling for

persistent drought, failure of treatment processes, piping or equipment, excessive water demand compared to treatment or storage capacity, declarations by the Governor of North Carolina, or a combination of these factors.

(6) *Stage V--Rationing.* Customers shall be encouraged to observe the recommendations of the continuing voluntary conservation and Stage I Voluntary conservation measures and required to continue observing the mandatory requirements of Stages II, III, and IV. The level of the conservation effort shall increase to require the following mandatory measures:

- a. Fire protection will be maintained, but where possible, tank trucks shall use raw water.
- b. All industrial uses of water shall be prohibited, with the exception of water for domestic sanitation purposes.
- c. All other uses of water will be limited to those necessary to meet minimum health and safety needs of the customers as determined by the Mayor upon consultation with the Town Clerk in light of conditions present.

Failure to act in accordance therewith or use of water in any manner or attempt to evade or avoid water-rationing restrictions, shall be unlawful.

Stage V Rationing measures will be implemented based on the water conservation status of the City of Burlington, the level of water in the City reservoirs (fifteen (15%) percent capacity remaining), abnormally dry conditions, season of the year, long range weather forecast calling for persistent drought, failure of treatment processes, piping or equipment, excessive water demand compared to treatment or storage capacity, declarations by the Governor of North Carolina, or a combination of these factors.

(g) *Scope and duration; effect of invalidity.*

(1) *Scope and duration:* In the event that the Board of Alderman shall declare one (1) or more stages of water conservation to be in effect, said proclamation shall

be applicable to all persons using water supplied by the ~~City~~ Village. Continuing voluntary conservation practices of the water conservation measures shall remain in full force and effect at all times or until such time as this article is amended or repealed. Whenever Stages I, II, III, IV, and V of the water conservation measures are declared, they shall remain in full force and effect until such time as this article be amended or repealed, or until the Mayor by proclamation declares that the particular stage of the water shortage is over and the measures applicable to it are no longer in effect. Repeal of any stage of mandatory water restrictions shall become effective 30 days following the Mayor's proclamation and ratification of such action by the Board of Alderman.

- (2) *Effect of invalidity.* Should any section or provision of this section be declared by the courts to be unconstitutional or invalid such decision shall not affect the validity of this section as a whole or any part other than the part so held unconstitutional or invalid. (Code 1959, § 31-16; Ord. No. 86-59, §§ 1-7, 11-18-86)

37-8.1 *Violation of section prohibited; enforcement.*

- (1) *Violation.* In the event that the Board of Alderman shall declare one (1) or more stages of water conservation as set forth herein, it shall be unlawful for any person to use or permit use of water supplied by the Village in violation of any mandatory restrictions instituted. Records of violations shall be maintained and carried forward to be used for imposition of penalties and fines against violators in subsequent stages as long as mandatory restrictions remain in effect.

- (2) *Enforcement.* It shall be the duty of the director of utilities to investigate violations of the mandatory restrictions and issue orders consistent with the purpose and intent of this article. All customers shall cease any violation of the mandatory restrictions upon the order of the Town Clerk. Any customer who violates any provision of this article, or who shall violate or fail to comply with any order made hereunder shall be subject to penalty or a combination of the penalties as follows:

a. *Assessment of fines or other fees for violation of mandatory restrictions.* The Mayor shall recommend fines and fees for violations of mandatory restrictions and these fines and fees shall be approved by the Board of Alderman. The schedule of fines and fees shall be announced.

b. *Discontinuance of service.* The City may discontinue water service to any structure(s) or parcel(s) when the Mayor upon recommendation of the Town Clerk gives written notice of any violation of mandatory restrictions and intent to discontinue service. Water service shall be discontinued within twenty-four (24) hours notice of any such violation unless the violation shall cease voluntarily.

When service is discontinued pursuant to the provisions of this section, service shall not be re-instituted unless and until the Mayor upon recommendation of the Town Clerk determines that the risk to the Village water supply has been alleviated.

The customers shall have a right of appeal to the Board of Alderman, upon serving written notice of appeal on the Mayor within five (5) days after receiving notice of any violation and intent to discontinue service. The appellant will be notified by the Mayor of the time and place for the hearing of the appeal. The Board of Alderman shall act on the appeal as expeditiously as possible and shall notify the appellant in writing not later than two (2) days after the final decision.

c. *Equitable relief.* The provisions of this section may be enforced by an appropriate remedy, including a mandatory or prohibitory injunction, issuing from a court of competent jurisdiction.

(3) *Penalty not a substitute remedy.* The imposition of one or more penalties for any violation shall not excuse any violation or permit it to continue.

(4) *Penalties.* For the first offense, violators will be issued a warning. For the second violation of this ordinance a civil penalty in the amount of \$100.00 shall be assessed. For the third violation of this ordinance a civil penalty in the amount of \$250.00 shall be assessed.

The fourth violation of this ordinance shall result in interruption of water service to the offending customer. The Village will issue written notification to the customer and occupant of intent to interrupt water service and twenty-four (24) hours later will interrupt water service unless the violation has ceased. Each day shall constitute a separate violation. If water service has been interrupted due to repeat violation of this ordinance, service will not be re-instated until the Town Clerk has determined that the risk to the Village water supply has been alleviated or the Town Clerk is otherwise assured of compliance. Violation of this ordinance may be punished by any of the means available to the city through the provisions of N.C.G.S. 160A-175.

All ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.

This ordinance shall take effect upon passage.