ARTICLE III. - WATER SHORTAGE RESPONSE PLAN ("PLAN")[[2]](#fn_57)

Footnotes:

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**State Law reference—** Water conservation measures for drought, G.S. 143-355.2; Publicly and Privately Owned Water System Water Shortage Response Planning Requirements, 15A NCAC 02E .0607.

Sec. 38-130. - Purpose and policy.

The purpose of this article is to establish procedures for reducing potable water use during times of water shortage whenever existing water supply sources are inadequate to meet the then current demands for potable water.

A water shortage condition will exist whenever it is predicted that the water level in the Castle Hayne Aquifer will decline to the extent that continued availability of water for human consumption, sanitation, health, fire protection, and commercial usage is at risk after considering aquifer levels, demands, long-term precipitation forecasts, and availability of water from other sources. In the event a water shortage condition exists, it shall become necessary to declare a water shortage and implement the conservation requirements under the standards set forth herein.

(Ord. No. 11-7, § 2, 6-13-2011)

Sec. 38-131. - Definitions.

The following words, terms, and phrases, when used in this article, shall have the meaning subscribed to them in this section except where the context clearly indicates a different meaning:

*Customer's average usage* means water usage, measured in gallons, during the corresponding billing period of the most recent twelve-month period ending June 30th in which no water use restriction pursuant to this Plan was in effect.

(Ord. No. 11-7, § 2, 6-13-2011)

Sec. 38-132. - Authorization.

Whenever the trigger conditions outlined in section 38-134 are met, the City Manager, or their designee, shall declare a water shortage condition and implement the water shortage response provisions contained herein.

(Ord. No. 11-7, § 2, 6-13-2011)

Sec. 38-133. - Notification.

Upon declaration of a water shortage condition by the City Manager, city employees shall be informed of the declaration and the response measures that are required via a citywide departmental meeting and e-mail notification. The residential, commercial, institutional, and industrial water customers shall be notified of the declaration and the response measures that are required by the following means of communication:

(a) Connect CTY mass notification service;

(b) City's website http://www.washingtonnc.gov;

(c) City's cable channel 9;

(d) Local newspaper(s);

(e) Local television stations - WITN, WNCT and WCTI; and

(f) Local radio stations.

(Ord. No. 11-7, § 2, 6-13-2011)

Sec. 38-134. - Levels of response.

There shall be four (4) levels of water shortage responses. A description of each response level and the corresponding water reduction measures are listed below. A customer education and outreach program will be available to encourage water conservation and assist with obtaining maximum results at each stage.

(a) *Stage I, Voluntary Reductions.* In Stage I, Voluntary Reductions, all water customers will be asked to voluntarily reduce their normal water consumption by five (5) percent per day of the customer's average usage. Examples of such voluntary reductions and efficiency measures include the following:

(1) Washing dishes by hand or fully loading dishwashers;

(2) Identifying and repairing plumbing leaks;

(3) Limiting the frequency of car washing;

(4) Watering plants with leftover household water;

(5) Watering plants deeply to encourage root growth;

(6) Delaying the seeding or sodding of new lawns;

(7) Washing clothes only with fully loaded washers;

(8) Installing flow restriction devices on showers and toilets;

(9) Prohibiting children from playing in lawn sprinklers; and

(10) Putting industrial/commercial voluntary conservation programs into effect which:

a. Restrict water use for dust control,

b. Limit the washing of commercial vehicles,

c. Reduce usage of automatic exterior sprinklers, and

d. Limit the wash down of exterior impervious services.

With the exception of Beaufort County Hospital, private medical offices as well as public health clinics, and customers who purchase water at a wholesale rate, all nonresidential customers who consume one thousand (1,000) cubic feet (seven thousand four hundred eighty (7,480) gallons) of water or more per day shall submit plans to the City Manager demonstrating the ability to reduce water consumption by ten (10) percent per day of the customer's average usage (Stage II, Mandatory Reductions I), which ten (10) percent shall be cumulative and may include any measures to achieve the five (5) percent voluntary reduction, and thirty (30) percent per day of the customer's average usage (Stage III, Mandatory Reductions II), which thirty (30) percent shall be cumulative and may include any measures to achieve the ten (10) percent reduction.

Determining the customers who consume one thousand (1,000) cubic feet (seven thousand four hundred eighty (7,480) gallons) or more of water per day shall be based on the customer's average usage. If no meter readings are recorded or otherwise available for a customer's billing period, the City Manager will establish an average based on other users similar to the customer with no recorded readings.

(b) *Stage II, Mandatory Reductions I.* In Stage II, Mandatory Reductions I, all residential water customers shall reduce their normal water consumption by five (5) percent per day of the customer's average usage, which five (5) percent shall be cumulative and may include any measures to achieve the five (5) percent voluntary reduction. With the exception of Beaufort County Hospital, private medical offices as well as public health clinics, and customers who purchase water at a wholesale rate, all nonresidential customers who consume one thousand (1,000) cubic feet (seven thousand four hundred eighty (7,480) gallons) of water or more per day shall implement the plan submitted in Stage I, Voluntary Reductions, for a ten (10) percent per day reduction and achieve a ten (10) percent per day reduction (cumulative) of the customer's average usage.

When Stage II, Mandatory Reductions I, is in effect and unless specifically allowed, it shall be a violation of this article for any water customer to use water supplied by the city from the public water system for any of the following purposes:

(1) Watering lawns, grasses, shrubbery, trees, flowers, and vegetable gardens except under the following circumstances:

a. Such watering is done on either a Wednesday and Saturday or Thursday and Sunday schedule as determined by geographic location within the City between the hours of 6:00 p.m. and 9:00 p.m. and such watering is done either by a handheld hose or container, a drip irrigation system, or automated sprinkler devices.

b. Persons regularly engaged in the sale of plants shall be permitted to use water to maintain such plants.

c. The City Manager shall have the authority to equitably adjust the foregoing restrictions by establishing zones or districts in which watering can be done on specified days and, further, depending on the water level in the aquifer, may authorize the operation of irrigation systems and other water uses restricted or prohibited by this article, on specified days in specified zones or districts as he determines is consistent with water conservation and the then current level of the aquifer.

(2) Filling of newly constructed or drained pools, wading pools, ornamental fountains, ponds, or other structures designed to hold more than one hundred (100) gallons of water.

(3) Washing outside areas such as streets, sidewalks, patios, service station aprons, parking lots, exteriors of office buildings, homes, or apartments, or using water for similar purposes; provided, however, that firms having a license from the city to conduct a pressure cleaning business in the city may wash residential, commercial, and office structures and other ancillary facilities as necessary to maintain public health and sanitation standards.

(4) Using water for dust control or compaction.

(5) Washing automobiles, trucks, trailers, vans, boats, airplanes, or any other type of mobile equipment; provided, however, persons regularly engaged in the business of washing motor vehicles or operating commercial car wash facilities shall be permitted to use water for such purposes and provided further, a business regularly engaged in the sale and/or leasing of vehicles may wash vehicles at the site of the business when they are received prior to placement on display for sale or lease, and when they are sold or leased to a new owner or lessor.

(6) Using water from public or private fire hydrants for any purpose except fire suppression or other public emergency or other public works department needs.

(7) Serving water in restaurants, cafeterias, or other eating establishments except upon request of patrons.

(c) *Stage III, Mandatory Reductions II.* In Stage III, Mandatory Reductions II, all residential water customers shall reduce their normal water consumption by ten (10) percent per day of the customer's average usage, which ten (10) percent shall be cumulative and may include any measures to achieve the previous five (5) percent mandatory reduction. With the exception of Beaufort County Hospital, private medical offices as well as public health clinics, and customers who purchase water at a wholesale rate, all nonresidential customers who consume one thousand (1,000) cubic feet (seven thousand four hundred eighty (7,480) gallons) of water or more per day shall implement the plan submitted in Stage I, Voluntary Reductions, for a thirty (30) percent per day reduction and achieve a thirty (30) percent per day reduction (cumulative) of the customer's average usage.

When Stage III, Mandatory Reductions II, is in effect and unless specifically allowed, it shall be a violation of this article for any water customer to use water supplied by the city from the public water system for the following purposes:

(1) Using water in any of the ways restricted by the Stage II, Mandatory Reductions I, except as hereinafter provided or modified.

(2) Watering lawns, grasses, shrubbery, trees, flowers, and vegetable gardens except under the following circumstances:

a. Such watering is done either on a Saturday or Sunday, as determined by geographic location within the city, between the hours of 6:00 p.m. and 9:00 p.m. and such watering is done only by handheld hose or container, or a drip irrigation system.

b. Persons regularly engaged in the sale of plants shall be permitted to use water to maintain such plants.

c. The City Manager shall have the authority to equitably adjust the foregoing restrictions by establishing zones or districts in which watering can be done on specified days and, further, depending on the water level in the aquifer, may authorize the operation of irrigation systems and other water uses restricted or prohibited by this article, on specified days in specified zones or districts as he determines is consistent with water conservation and the then current level of the aquifer.

(3) Filling or refilling any swimming or wading pools, ornamental fountains, ponds, or other structures designed to hold more than one hundred (100) gallons of water.

(4) Commercial car wash facilities shall be permitted to use water for washing motor vehicles provided they can certify to the City Manager that their car wash facility recycles a minimum of fifty (50) percent of the water.

All thirty (30) percent per day water consumption reduction plans required by this article must be approved by the City Manager, in his sole discretion, and shall be subject to revision in the discretion of and at the direction of the City Manager. If the managed reduction in water usage cannot be obtained without threatening health or safety, or if there has been a significant change in the customer's circumstances, the customer may apply to the City Manager for a variance of that customer's plan and/or the water use reduction and restriction requirements of this article. Customers may appeal the administrative decisions of the City Manager as described herein to the City Council.

(d) *Stage IV, Emergency and/or Water Rationing.* In Stage IV, Emergency and/or Water Rationing, water consumption is restricted solely to providing drinking water to protect public health, such as in residences, residential health care facilities and correctional facilities. All water customers are only permitted to use water at the minimum required for public health protection. Firefighting is the only allowable outdoor water use. Pickup locations for distributing potable water will be announced via the means of communication listed in the notifications section contained hereinabove.

(Ord. No. 11-7, § 2, 6-13-2011)

Sec. 38-135. - Triggers or conditions for each level.

*Stage I, Voluntary Reductions,* will be declared and implemented by the City Manager when drought condition thresholds are reached in the city's service area or regionally.

*Stage II, Mandatory Reductions I,* will be declared and implemented by the City Manager at any time the static water levels drop in any three (3) of the city's eight (8) monitoring wells to a level that is within twenty (20) feet of the corresponding production well's intake, or current trends indicate levels will reach said level within the next thirty (30) days. Stage II, Mandatory, Reductions I, may also be declared and implemented by the City Manager at any time the city's water treatment facilities treatment capability is reduced by twenty-five (25) percent of its maximum rated capacity.

*Stage III, Mandatory Reductions II,* will be declared and implemented by the City Manager at any time the static water levels drop in any four (4) of the city's eight (8) monitoring wells to a level that is within fifteen (15) feet of the corresponding production well's intake, or current trends indicate levels will reach said level within the next thirty (30) days. Stage III, Mandatory Reductions II, may also be declared and implemented by the City Manager at any time the city's water treatment facilities treatment capability is reduced by forty-five (45) percent of its maximum rated capacity.

*Stage IV, Emergency and/or Water Rationing,* will be declared and implemented by the City Manager at any time the static water levels drop in any four (4) of the city's eight (8) monitoring wells to a level that is within ten (10) feet of the corresponding production well's intake, or current trends indicate levels will reach said level within the next thirty (30) days. Stage IV, Emergency and/or Water Rationing, may also be declared and implemented by the City Manager at any time the city's water treatment facilities treatment capability is reduced by fifty-five (55) percent of its maximum rated capacity.

(Ord. No. 11-7, § 2, 6-13-2011)

Sec. 38-136. - Drought surcharge rates.

Drought surcharge rates may be implemented in Stages II, III and IV, and shall be determined and set by the City Council at or after the outset of each respective stage. The percentage increase in rates for residential and nonresidential customers, respectively, that results from the imposition of drought surcharge rates at each respective stage shall not exceed the percentage decrease in average usage that is required for residential and nonresidential customers, respectively, at each respective stage.

(Ord. No. 11-7, § 2, 6-13-2011)

Sec. 38-137. - Enforcement of each level.

The requirements of this article will be enforced by the City's Public Works Department representatives, Code Enforcement Officers, and/or Police Personnel. Any person who violates this article shall be subject to a civil citation and shall be liable to the city for the civil penalties listed below, plus actual damages incurred by the city, per violation, per day so long as the violation continues. In addition to the civil penalties and damages specified in this section, the city may recover attorney's fees, court costs and other expenses of enforcement litigation. North Carolina General Statute 14-4 shall be inapplicable to this article and violations of this article shall not be considered a breach of the penal laws of the State of North Carolina.

(a) *Residential users:*

(1) First violation—Warning notice.

(2) Second violation—One hundred dollar ($100.00) civil penalty.

(3) Third violation—Two hundred fifty dollar ($250.00) civil penalty.

(4) Fourth violation—Termination of service until such time as the violator establishes to the reasonable satisfaction of the City Manager that such customer has taken appropriate steps to prevent any further violations.

(5) Fifth violation—Termination of service until the City Manager declares an end of the water shortage.

(b) *Nonresidential users:*

(1) First violation—Warning notice.

(2) Second violation—Two hundred fifty dollar ($250.00) civil penalty.

(3) Third violation—Five hundred dollar ($500.00) civil penalty.

(4) Fourth violation—Termination of service until such time as the violator establishes to the reasonable satisfaction of the City Manager that such customer has taken appropriate steps to prevent any further violations.

(5) Fifth violation—Termination of service until the City Manager declares an end of the water shortage.

(c) *Nonresidential high volume water users*—One thousand (1,000) cubic feet (seven thousand four hundred eighty (7,480) gallons) or more per day:

(1) First violation—Warning notice.

(2) Second violation—One thousand dollar ($1,000.00) civil penalty.

(3) Third and subsequent violations—Five thousand dollar ($5,000.00) civil penalty.

(Ord. No. 11-7, § 2, 6-13-2011)

Sec. 38-138. - Variance protocols.

Applications for the variances provided for in this article are available from the Public Works Director's Office. All variance applications must be submitted to the Public Works Department for review by the City Manager or his/her designee. The variance approval or denial will be given within two (2) weeks of the Public Works Director's Office's receipt of a properly completed application and will be determined by consideration of, among other things, the current water supply and demand. Variances are revocable in the discretion of the City Manager.

(Ord. No. 11-7, § 2, 6-13-2011)

Sec. 38-139. - Abatement.

As water shortage conditions abate, water conservation and reduction measures employed during each stage will be decreased in reverse order of implementation. Permanent measures directed toward long-term monitoring and conservation will be implemented or continued so that the community will be in a better position to prevent shortages and respond to recurring water shortage conditions.

(Ord. No. 11-7, § 2, 6-13-2011)

Sec. 38-140. - Effectiveness.

The effectiveness of this article will be evaluated by the measured reductions in water usage for residential and nonresidential customers according to each percentage of reduction per stage and the time elapsed during each stage compared to the past history of each customer.

(Ord. No. 11-7, § 2, 6-13-2011)

Sec. 38-141. - Revision.

This article will be reviewed and revised as needed to adjust to new water demands based on the city's need and at least every five (5) years. The City Manager and staff will evaluate the Plan after the induction and completion of the Plan. If recommendations for changes are made, the City Manager will notify the City Council and the public of the recommended changes and submit recommended changes to City Council for its consideration.

(Ord. No. 11-7, § 2, 6-13-2011)