

TOWN OF SWEPSONVILLE

WATER EMERGENCY MANAGEMENT ORDINANCE

BE IT ORDAINED by the Town Council of the Town of Swepsonville, North Carolina, that the Water Emergency Management Ordinance shall read as follows:

ARTICLE I.

(a) *Definition* The term “water emergency” shall be defined as any condition or situation which threatens the safety or supply of either treated or potable water within the water supply, treatment and distribution systems of the town or within the systems of the municipal, commercial and industrial customers. Determination of whether specific situations are considered to be water emergencies shall be made by the Town Mayor or his designee after consultation with his/her staff. Water emergency situations shall include, but are not limited to, drought, or periods of insufficient raw water supply and fires of a magnitude, such that system integrity is threatened.

(b) *Declaration of water emergency.* The Town Mayor or his designee after consultation with appropriate town staff, shall be authorized to declare that a water emergency exists. Depending on the severity of the emergency; voluntary (level I), mandatory (level II, or III) or mandatory (level IV) staged water use restrictions as described in subsection (c) of this section shall be imposed upon customers. Notification of water emergency declarations will be made through press releases to local newspapers and television news stations, postings on the Town’s website, and included in the water billing statements.

(c) *Triggers for water emergency declaration.* The declaration of a water emergency may be triggered in two ways. The first is based on water shortage proclamations from the City Manager of Graham, the Town’s water supplier, which states “The City of Graham’s water source is the Graham-Mebane Lake. The severity of the water shortage shall be determined by the “usable water storage” of the Graham-Mebane lake as outlined in Section 13-49 (a), (b), (c), (d), and (e) of the Ordinance. The five triggers are 150, 120, 90, 60, and 30 days of usable water storage respectively. Additionally, evaluation of these five triggers will determine the movement from more restrictive to less restrictive levels of conservation response based on current conditions and circumstances”. Water emergency declarations may also be made when the total water demand exceeds a predetermined percentage of available supply for two (2) consecutive days in a 30 day period. These triggers are as follows:

Trigger 1 City of Graham	Trigger 2 Usable Storage	Supply
Voluntary Conservation Stage I	<75%	150 Days
Mandatory Stage II	<65%	120 Days
Mandatory Stage III	<50%	90 Days
Emergency Stage IV	<30%	60 Days
Rationing Stage V	<0%	30Days

(d) *Staged water use restrictions.*

- (1) *Stage I.* During a declared Stage I water emergency, the following voluntary water conservation practices shall be encouraged for the public water system served by the town:
 - d. Watering of lawns, ornamental plants and gardens shall be limited to that necessary for plant survival only.
 - b. Household water should be reutilized to the greatest possible extent for watering.
 - c. Use of water for wash down of outside areas such as driveways or parking lots should be curtailed.
 - d. Faucets should not be left running while shaving, brushing teeth or washing dishes.
 - e. The use of clothes and dishwashers should be limited if possible and these units should be operated with full loads when used.
 - d. Washing of cars and other vehicles should be curtailed. Hoses should not be left running while washing vehicles.
 - e. The use of flow restrictions and other water saving devices is encouraged.
 - h. Filling of pools shall be deferred to limited hours between 9:00 p.m. and 6:00 a.m.
 - i. Any practice listed in this subsection (c) (1) may be modified or additional practices added at the discretion of the Mayor and the Town Council.
- (2) *Stage II.* During a declared Stage II water emergency, the following mandatory water use restrictions shall be in effect for the public water system served by the Town:
 - a. All voluntary practices listed in subsection (c)(1) of this section shall be mandatory unless stricter measures are indicated in this section.
 - b. Restaurants and other food serving establishments shall serve water to patrons only at the request of the patron(s).
 - c. Commercial, industrial and construction operations shall eliminate all possible waste of water.
 - d. Newly constructed or drained pools shall not be filled.
 - e. Any practice listed above may be modified or additional practices added at the discretion of the Mayor and the Town Council.
 - f. No washing of automobiles, trucks, trailers, boats, airplanes, or any other type of mobile equipment, including commercial washing.
- (3) *Stage III.* During a declared Stage III water emergency, the following mandatory water use restrictions shall be in effect for the public water system served by the Town:
 - a. All practices listed in Stage I and Stage II shall remain in effect unless stricter measures are indicated in this section.
 - b. Restaurants and other food serving establishments shall utilize single serving utensils and plates, and serve water only at the patron(s) request.
 - c. Large scale commercial and industrial water customers and construction activities utilizing five thousand (5,000) or more gallons of water per day

shall achieve mandatory reduction in daily water usage of twenty-five (25), fifty (50), seventy-five (75) or ninety (90) percent through whatever means available. The target reduction percentage shall be determined by the severity of the Water Emergency, and shall be publicly announced as part of the emergency declaration. The Town shall determine compliance with the daily usage reduction targets. Variances to this restriction may be granted to designated public health facilities including but not limited to hospitals and nursing homes.

- d. Drinking water taps or hydrant permits shall be issued or revoked at the discretion of the Mayor. Public health issues will be considered.
 - e. Use of water for washing down of exterior areas, including but not limited to buildings, driveways, and/or parking lots, shall be prohibited.
 - f. Any practice listed above may be modified or additional practices added at the discretion of the Mayor and Town Council.
 - g. No lawn watering or sprinkling.
 - h. Water vegetable gardens and ornamental shrubs only on Saturdays during the hours of 6:00 am to 9:00 am. Such watering is only to be done by handheld hose or container, or drip irrigation.
- (4) *Stage IV.* During a declared Stage IV water emergency, the following mandatory water use restrictions shall be in effect for the public water system served by the town:
- a. All practices listed in Stages I, II and III shall remain in effect unless stricter measures are indicated in this section.
 - b. All use of water for purposes other than maintenance of public safety is prohibited.
 - c. The water system is not functional, per day residential water use shall not exceed 300 gallons at each metered location.
 - d. Where the town system is not functional, National Guard and emergency services vehicles shall be utilized to distribute water for household use at prearranged locations within the affected area. Usage by individuals shall be limited to those amounts necessary to sustain life through drinking, food preparation and personal hygiene.
 - e. Compliance plans for industries during Stage IV remain the same as Stage III or as directed by the state public health officials. Such plans shall be submitted to the town water resources department within ninety (90) calendar days from the adoption of this section. Plans shall be updated at least every five (5) years.
 - f. Any practices listed above may be modified or additional practices added at the discretion of the Mayor.
- (5) *Stage V.* During a declared Stage V water emergency, a system of water rationing shall be put in effect in addition to all previously imposed restrictions. In the event of water rationing in which water will be supplied in the minimal quantities required for the health, welfare, and safety of the citizens in accordance with the following program.

It shall be unlawful to fail to act in accordance therewith or use water in any manner or attempt to evade or avoid such water rationing restrictions.

Fire protection will be maintained, but where possible, tank trucks shall use raw water.

- (e) *Temporary suspension of zoning clearance permits and/or divisions of land.*
 - (1) *Duration.* During a declared mandatory (Level II, III, or IV) water emergency, the mayor or his designee may direct that the issuance of zoning clearance permits and/or divisions of land that involve waterline connections or extensions, or any upgrade in capacity for water usage be temporarily suspended for the duration of the water emergency.
 - (2) *Exceptions.* Notwithstanding subsections (d)(1) of this section, water connections to the water system owned by the Town may continue to be made during a declared mandatory water emergency for the following facilities.
 - a. Public schools satisfying compulsory education requirements of the state.
 - b. Public facilities for police, sheriff, fire or emergency medical services.
 - c. Hospitals.
 - d. Facilities of public utilities regulated by the state.
 - (3) *Misdemeanor.* It shall be unlawful to make any water service connection, not subject to the exceptions set forth in subsection (d)(2) of this section to the water system owned by the Town during the time that zoning clearance permits and/or divisions of land that involve waterline connections or extensions, or any upgrade in capacity for water usage are temporarily suspended. In addition to the civil penalties provided for in subsection (e)(1) of this section, any person, firm, or corporation who shall make such connection during such time shall be guilty of a misdemeanor and, upon convictions, shall be punished for a class 3 misdemeanor and shall be fined not more than \$500.00 as provided in this Ordinance.
- (f) *Noncompliance of water emergency management section.*
 - (1) *Penalties.* Any person violating the mandatory provisions of this section shall be issued a civil citation pursuant to this Ordinance and a penalty not to exceed \$100.00 for residential customers and \$500.00 for commercial industrial users. Each occurrence of a violation of this section shall be considered a separate violation.
 - (2) *Discontinuance of service.* Pursuant to the provisions of this Ordinance, water service may be temporarily discontinued for willful disregard of this section. All applicable penalty fees may be applied in the event of service suspensions. In the event of continued gross noncompliance with this section, removal of the meter and service will be deemed proper and service will be discontinued. Tap fees and deposits will be forfeited.
 - (3) *Adoption and enforcement of section provisions.* Municipal customers, water companies, or companies purchasing water from the Town shall adopt and enforce this entire section as a condition of continuing existing water sales agreements. Upon declaration of a water emergency, such municipalities and

companies shall enforce the appropriate water use restrictions for the level of declared emergency. Water service to such municipalities and companies shall be terminated for not enforcing the provisions of this section.

(g) Public Comment

Due to Water Shortage Response being in Ordinance form, the Town provides a public review and opportunity to comment at monthly council meetings prior to approval and/or adoption by the Town Council.

(h) Variance Protocols

All water use variance requests must be submitted to the Mayor. The Mayor will make a decision to approve or deny individual variance request after consideration of the following criteria: impact on water demand, expected duration, alternative source options, social and economic importance, purpose and the prevention of structural damage.

(i) Effectiveness

The effectiveness of the Swepsonville 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.

(j) 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 in conjunction with the updating of our Local Water Supply Plan. Further, a water shortage response planning work group will review procedures following each emergency or rationing stage to recommend any necessary improvements to the plan to Swepsonville's Town Council. The Town of Swepsonville Mayor is responsible for initiating all subsequent revisions.

ADOPTED by the Swepsonville Town Council in 2010, Reviewed in December 2018.