

Sec. 16-71. - Water shortage and conservation measures.

- (a) The purpose of this water shortage and conservation ordinance is:
- (1) To implement permanent seasonal water conservation measures;
 - (2) To provide for the declaration of increasingly serious stages of water shortages; and
 - (3) To define mandatory water conservation measures to be implemented during these various stages.

The water shortage and conservation provisions of this division are intended to preserve the water resources of the town under specific conditions so that the water demands for human consumption, sanitation, and fire protection of its customers can be met as cost-efficiently as possible throughout the service area of the town.

- (b) This division shall apply to all users connected directly or indirectly to the town public potable water supply, regardless of whether user is located within the city limits or outside of the city limits.
- (c) The specific objectives of the water shortage and conservation provisions of this division are as follows:
- (1) To establish permanent seasonal water conservation measure for all customers in the interest of conserving the town's water supply;
 - (2) To establish the authority of the town manager to declare water shortage conditions and to implement and enforce the procedures established in this division;
 - (3) To establish mandatory water conservation measures;
 - (4) To establish enforcement protocol for violations of mandatory water conservation measures outlined in this division.

(Code 1982, § 5-1024; Ord. No. 08-05, § 1, 4-1-2008)

Sec. 16-72. - Definitions.

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

Contamination means the addition to any watershed area, reservoir, storage tank, or distribution system of any material that appears in an above-normal concentration or has high nuisance or harmful effect on the consumer or the system.

Emergency means, when referring to water shortage, that conditions exist such that treated water supplies cannot meet customer demands and that serious treated water shortages exist.

Essential use means:

- (1) Use of water to sustain normal life and the lives of domestic pets, and to maintain minimum standards of hygiene and sanitation;
- (2) Use of water for patient care and rehabilitation;
- (3) Firefighting, including certain testing and drills by the fire department if conducted in the interest of public safety and if approved by the town administrator;
- (4) Health and public protection purposes, if specifically approved by health officials and the town administrator, including flushing of water lines and hydrants.
- (5) Industrial sites producing essential products for the protection on public health and bioterrorism and homeland defense, including vaccines and pharmaceuticals.

Hand watering means the use of a hand-held watering device. The device can be attached to the end of a garden hose, but must be attended (and held in the hand of a person at all times that watering is taking place.

Mandatory conservation means that conservation measures are not voluntary, and that if users fail to comply, they are subject to the penalties outlined in this division.

Potable water means the water in the town water distribution system.

Rationing means procedures established by the town to provide for the equitable distribution of critically limited treated water supplies, in order to balance demand and limited availability, and to ensure that sufficient treated water is available to preserve public health and safety.

User means any person using water for any purpose from the town water distribution system (either directly or indirectly) and for which either a regular charge is made or, in the case of bulk sales, a cash charge is made at the site of delivery.

Water shortage means that conditions exist when the demands and requirements of water customers served by the town cannot be satisfied without depleting the available supply of potable 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:

- (1) Water supplies are below the level necessary to meet needs;
- (2) Water quality has been threatened due to a contamination situation;
- (3) Power outages or equipment malfunction;
- (4) Peak customer demands on the water system;
- (5) Inability to maintain adequate pressure and/or water supply throughout every portion of the town water distribution system;
- (6) Natural disasters.

(Code 1982, § 5-1024.1; Ord. No. 10-01, pt. 1, 3-16-2010)

Cross reference— Definitions generally, § 1-2.

Sec. 16-73. - Stage 0 permanent year-round and seasonal water conservation.

(a) *Year-round permanent water conservation.*

- (1) It shall be unlawful at any time of the year for any person to intentionally or unintentionally waste water, particularly by overwatering landscape by having irrigation nozzles directed so that water sprays onto impervious surfaces (streets, driveways, sidewalks or other hardscaped areas) to the extent that water runs into storm drains and by overwatering grass or landscape to the extent that the soil can no longer absorb water, which then flows off the landscape into the street or down parking lots.
- (2) Customers violating this section may be imposed a civil fine of up to \$100.00 per violation, at the discretion of the town manager or his designee. In the event of multiple (two or more) uncorrected violations, the town manager may direct suspension of water service at the location of the violations.

(b) *Stage 0, permanent voluntary seasonal water conservation measures.* The Town of Holly Springs shall observe a water conservation season annually from May 1 through September 30, when every town customer will be encouraged to comply on a voluntary basis with the following schedule for the irrigation systems. ("Irrigation systems" are defined as both unattended hose-end sprinklers and automated irrigation systems, however does not include attended hand-watering, of outdoor landscaping such as grass, shrubbery, trees, flowers and vegetable gardens.) The town manager is empowered to pronounce the same guidelines to be observed

during any other time of the year to be consistent with regulations being observed in and declared by the County of Harnett. Customers are encouraged to practice conservation and best landscape management practices, which includes avoiding the overwatering of outdoor landscaping. To this end, the following voluntary practice is strongly encouraged:

- (1) For customers whose address numbers end in an even digit, such watering shall be encouraged to take place on Mondays, Wednesdays and Saturdays.
- (2) For customers whose address numbers end in an odd digit, such watering shall be encouraged to take place on Tuesdays, Thursdays and Sundays.
- (3) Public property (i.e. schools and park athletic fields), golf courses and businesses with plants for sale are not subject to these irrigation schedules; however, such users should keep nonessential watering to the minimum required to maintain safe playing surfaces or to maintain plant inventory.
 - a. Hand-watering with containers or hoses, the use of soaker hoses and the use of alternative sources of water to the town's public water supply are not restricted.
 - b. During the annual water conservation season, no other uses of water are restricted, except as provided in subsection 16-73(a).
 - c. The town will use its best efforts to provide an educational campaign encouraging customers to limit to the extent possible and practical all uses of water.

(Ord. No. 00-05, § 1(5-1024.2), 5-2-2000; Ord. No. 02-11, § 2, 8-6-2002; Ord. No. 08-05, § 2, 4-1-2008)

Sec. 16-74. - Stage 1 water shortage alert.

- (a) When a Stage 1 water shortage alert is declared by Harnett County, the town manager is empowered to declare that the following Stage 1 mandatory conservation measures by users of the town's public water supply shall be in effect:
 - (1) For customers whose address numbers end in an even digit, such watering shall be restricted to between 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10:00 p.m. Mondays, Wednesdays and Saturdays.
 - (2) For customers whose address numbers end in an odd digit, such watering shall be restricted to between 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10:00 p.m. Tuesdays, Thursdays and Sundays.
 - (3) No irrigation from the town's public water supply shall take place on Friday.
 - (4) Public and private property of social or economic impact in the community (i.e. public and private schools, day care centers, public and private golf courses, public parks and athletic fields) and businesses with plants for sale are not subject to these irrigation schedules; however, such users must keep nonessential watering to the minimum required to maintain safe playing surfaces or to maintain plant inventory.
 - (5) Hand-watering with containers or hoses, the use of soaker hoses and the use of alternative sources of water to the town's public water supply are not restricted.
 - (6) Exceptions to these restrictions on a temporary 30-day basis may be granted with a landscape watering permit from the town clerk's office for the purpose of establishing new plantings, including sod, seed (re-seeding and over-seeding are included) landscape beds, and trees.
 - (7) A fee, as listed on the town's fees and rate schedule and set at \$50.00 on the date of adoption of this section, shall be charged for landscape watering permits, except that a waiver of this fee may be provided for those who show evidence of having planted only warm-season hardy grasses, such as Zoysia, Bermuda, Centipede or St. Augustine or drought-resistant landscaping. Fee waivers will not be granted for the planting of any cool-season grasses such as Rye or Fescue.

- (b) During a Stage 1 water shortage alert, no other uses of water are restricted, except as provided in subsection 16-73(a).
- (c) The town will provide an educational campaign encouraging customers to limit to the extent possible and practical all uses of water.
- (d) The introduction of water into any new pond, ornamental fountain, pool, or other structure should be postponed until the Stage 1 water shortage alert is lifted, except that existing pools and ponds can be filled to remain operational, support aquatic life and provide sanitary conditions for swimmers. The director of water quality or the town manager or his designee may grant exceptions on a case-by-case basis.

(Code 1982, § 5-1024.3; Ord. No. 08-05, § 3, 4-1-2008)

Sec. 16-75. - Stage 2 water shortage warning.

- (a) When a Stage 2 water shortage warning is declared by Harnett County, the Town Manager of the Town of Holly Springs is empowered to declare that the following Stage 2 mandatory conservation measures by users of the town's public water supply shall be in effect:
 - (1) For customers whose address numbers end in an even digit, such watering shall be restricted to Wednesdays and Saturdays.
 - (2) For customers whose address numbers end in an odd digit, such watering shall be restricted to Thursdays and Sundays.
 - (3) No irrigation shall take place on Mondays, Tuesdays or Fridays.
 - (4) Public and private property of social or economic impact in the community (i.e. public and private schools, day care centers, public and private golf courses, public parks and athletic fields) and businesses with plants for sale are not subject to these irrigation schedules; however, such users must keep nonessential watering to the minimum required to maintain safe playing surfaces or to maintain plant inventory.
 - (5) Hand-watering with containers or hoses, the use of soaker hoses and the use of alternative sources of water to the town's public water supply are not restricted.
 - (6) Exceptions to these restrictions on a temporary 30-day basis may be granted with a new landscape establishment permit from the town clerk's office for the purpose of establishing only new plantings, which are defined as the installation of new sod to the entire yard, whole yard first seeding, or large commercial plantings. The permit will be applicable during the installation and for 30 days from substantial completion of the installation. Irrigation will be permitted only during the hours 6:00 a.m. to 10:00 a.m. and from 6:00 p.m. to 10:00 p.m. on any day. During a Stage 2 water shortage warning, permits are not issued for over-seeding unless the Town of Holly Springs environmental office deems such over-seeding necessary to correct soil erosion control violations.
 - (7) A fee, as listed on the town's fees and rate schedule and which is set at \$50.00 on the date of adoption of this section, shall be charged for new landscape establishment permits, except that a waiver of this fee may be provided for those who show evidence of having planted only warm-season hardy grasses, such as Zoysia, Bermuda, Centipede or St. Augustine or drought-resistant landscaping. Fee waivers will not be granted for the planting of any cool-season grasses such as Rye or Fescue.
 - (8) The owner or occupant of any land or building which receives water from the Town of Holly Springs and that also utilizes water from a well or supply other than that of the Town of Holly Springs shall post and maintain in a prominent place thereon a sign, placard or sticker furnished by the Town of Holly Springs giving public notice of the use of a well or other source of water.

- (b) During a Stage 2 water shortage warning, other uses of water are restricted, including as provided in subsection and as follows:
- (1) It shall be unlawful to wash automobiles, trucks, trailers, boats, airplanes, or any other type of mobile equipment except at commercial car wash facilities; except that any person regularly engaged in a commercial operation or public service that requires equipment be washed shall be permitted to use water for such purposes as long as the amount of water being used is minimized.
 - (2) It shall be unlawful 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; provided, however, that any person regularly engaged in the business of washing such areas shall be permitted to use water for such purposes.
 - (3) It shall be unlawful to introduce water into any pond, ornamental fountain, or other structure making similar use of water, except that existing pools and ponds can be filled to remain operational, support aquatic life and provide sanitary conditions for swimmers. Electrical and plumbing permits for new swimming pool construction will not be issued until the Stage II water shortage warning is lifted.
 - (4) It shall be unlawful to use water from public fire hydrants for any purpose other than fire suppression or other public emergency or water department need. The director of water quality or the town manager or his designee may grant exceptions on a case-by-case basis.
 - (5) It shall be unlawful to use water for dust control or compaction without demonstrating a lack of alternative sources and obtaining written permission from the director of water quality, the town manager or designee.
 - (6) It shall be unlawful to fill newly constructed swimming or wading pools or refill swimming or wading pools that have been drained, except that the director of water quality, town manager or designee may grant exceptions on a case-by-case basis.
 - (7) All industrial, manufacturing, and commercial enterprises, other than those listed as "essential use" in section 16-72(5), shall reduce consumption to any degree feasible with a goal of reduction of at least 20 percent.
 - (8) The owner or occupant of any land or building which receives water from the Town of Holly Springs and that also utilizes water from a well or supply other than that of the Town of Holly Springs shall post and maintain in a prominent place thereon a sign, placard or sticker furnished by the Town of Holly Springs giving public notice of the use of a well or other source of water.
- (c) The town shall make its best efforts to provide an educational campaign encouraging customers to limit to the extent possible and practical all uses of water.

(Code 1982, § 5-1024.4; Ord. No. 08-05, § 4, 4-1-2008; Ord. No. 10-01, pt. 2, 3-16-2010)

Sec. 16-76. - Stage 3 water shortage emergency.

- (a) When a Stage 3 water shortage emergency is declared by Harnett County, the town manager is empowered to declare that the following mandatory conservation measures by users of the town's public water supply shall be in effect, in addition to the restrictions heretofore imposed:
- (1) It shall be unlawful to water or sprinkle any lawn, grass, shrubbery, trees, or flowers with treated water using an automated irrigation or sprinkler system. Watering is permitted only by hand-held hose with a spring-loaded nozzle, by container, or by installed drip type irrigation. Provided, however, that any person regularly engaged in the sale of plants shall be permitted to use automated irrigation or sprinkler systems but only in amounts necessary to prevent the loss of nursery stock.

- (2) It shall be unlawful to re-fill or supplement swimming and/or wading pools from the Town of Holly Springs v
- (3) Restaurants and other food serving establishments shall use single-serving utensils, plates, and cups and shall serve water only at the patron's request.
- (4) Except as provided in subparagraph (a) above, it shall be unlawful to use treated water outdoors for any reason other than fire suppression, emergencies relating to health and safety issues, or as needed by the Town of Holly Springs to maintain the water system.
- (5) All industrial, manufacturing, and commercial enterprises, other than those listed as "essential use" in section 16-72(5), shall reduce consumption to any degree feasible with a goal of reduction of at least 40 percent.

(Code 1982, § 5-1024.6; Ord. No. 08-05, § 5, 4-1-2008; Ord. No. 10-01, pt. 3, 3-16-2010)

Sec. 16-76.1. - Stage 4 water shortage crisis.

- (a) When a Stage 4 water shortage crisis is declared by Harnett County, the town manager is empowered to declare that the following mandatory conservation measures by users of the town's public water supply shall be in effect, in addition to the restrictions heretofore imposed:
 - (1) Residential users shall reduce water consumption to a level necessary to sustain human life and the lives of domestic pets and to maintain minimum standards of hygiene and sanitation.
 - (2) Fire protection must be maintained, but where possible, tank trucks shall use untreated water.
 - (3) It shall be unlawful to wash automobiles, trucks, trailer, boats, airplanes, or any other type of mobile equipment.
 - (4) It shall be unlawful to make any nonessential use of treated water for commercial or public use.
 - (5) All industrial, manufacturing, and commercial enterprises, other than those listed as "essential use" in section 16-72(5), shall reduce consumption to any degree feasible with a goal of reduction of at least 50 percent.
 - (6) The manager may declare additional measures of mandatory conservation controls such as larger percentage reductions in consumption, termination of service to specific areas in the water system on a rotating basis, prohibition of all industrial users of treated water, etc. or whatever is necessary to protect the health and safety of the customers of the water system. The town shall make every effort to limit restrictions to those industrial customers producing essential products for the protection of public health, bioterrorism or homeland defense defined as "essential use" in section 16-72.

(Ord. No. 08-05, § 6(16-77), 4-1-2008; Ord. No. 10-01, pts. 4, 5, 3-16-2010)

Editor's note— Ord. No. 08-05, § 6, adopted April 1, 2008, set out provisions intended for use as 16-77, however said section 16-77 already exists. For purposes of classification, and at the editor's discretion, these provisions have been included as § 16-76.1. The original designation of this section has been incorporated in the history notes.

Sec. 16-76.2. - Town manager empowered to implement modified stages.

Whenever conditions warrant or whenever modified stages of response are declared by Harnett County, the town manager is empowered to declare whatever conservation measures by users of the town's public water supply shall be in effect.

(Ord. No. 08-05, § 7(16-78), 4-1-2008)

Editor's note— Ord. No. 08-05, § 7, adopted April 1, 2008, set out provisions intended for use as 16-78, however said section 16-78 already exists. For purposes of classification, and at the editor's discretion, these provisions have been included as § 16-76.2. The original designation of this section has been incorporated in the history notes.

Sec. 16-77. - Regulations.

- (a) During the effective period of any water shortage, warning, emergency, or crisis, the town is empowered to promulgate such regulations or policies as may be necessary to carry out the provisions of this division. The town manager of the town, or his duly authorized agent charged with implementation and enforcement of this division, shall be and is hereby granted the authority to implement and enforce any of the treated water use restrictions.
- (b) The town manager shall have authority to implement, maintain and rescind any one or more of the above restrictions and to make them applicable during various times of the day as he deems appropriate to protect the public health, safety and welfare until he determines that the conditions requiring their imposition no longer exist.

(Code 1982, § 5-1024.7)

Sec. 16-78. - Enforcement.

- (a) Any person who violates the provisions of this division, who fails to carry out the duties and responsibilities imposed by this division, or who impedes or interferes with any action undertaken or ordered pursuant to this division shall be subject to enforcement actions.
- (b) Enforcement actions may include, but are not limited to the following:
 - (1) *Notice of violation (NOV)*. Whenever the town finds that any user has violated or is violating this division or any prohibition, limitation, or requirement contained in this division, the town manager, or his duly authorized agent, shall serve upon such a person a written notice stating the nature of the violation. The written notice of the violation shall be:
 - a. Mailed, certified with return receipt requested, to the customer of record and to any other person known to the town who is responsible for the violation or its correction; or
 - b. Hand delivered to the customer of record or to the person in charge of the premise where the violation occurred.

The notice of violation shall inform the user of the violation and his responsibility to halt the activity within a specified period of time.
 - (2) *Suspensions of service*. In the event any treated water use restriction implemented by the town is violated, the town manager shall terminate or restrict the service of the person where such violation occurs and may in addition thereto or in the alternative take such other appropriate legal action as provided by law.
- (c) At such time as the town manager is satisfied that the person is no longer in violation of any treated water use restrictions, the town manager shall reinstate the person's water service 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 \$300.00 for second time offenders;
 - (3) After payment of a suspension/reconnection charge of \$500.00 for each additional violation.
 - (4) Civil penalties.
- (d) The town shall assess a civil penalty of up to \$1,000.00 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 division shall occur or continue shall constitute a separate and distinct offense.

- (e) In determining the amount of the civil penalty, the town 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 ordinance;
 - (5) The costs of enforcement to the town.

(Code 1982, § 5-1024)

Secs. 16-79—16-95. - Reserved.