

## ***WATER SHORTAGE AND CONSERVATION***

### **§ 53.055 INTRODUCTION.**

(A) The purpose of this subchapter 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.

(B) This subchapter is intended to preserve the water resources of the Town of Benson 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 of Benson, North Carolina.

(C) This subchapter shall apply to all users connected directly or indirectly to the Town of Benson public potable water supply, regardless of whether the user is located within the city limits or outside of the city limits. (Ord. passed 8-13-2003)

### **§ 53.056 OBJECTIVES.**

The specific objectives of this subchapter are as follows:

(A) To establish permanent seasonal water conservation measure for all customers in the interest of conserving the town's water supply;

(B) To establish the authority of the Town Manager of the Town of Benson to declare water shortage conditions and to implement and enforce the procedures established herein;

(C) To establish mandatory water conservation measures; and

(D) To establish enforcement protocol for violations of mandatory water conservation measures outlined herein. (Ord. passed 8-13-2003)

**§ 53.057 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context indicates or requires a different meaning.

**CONTAMINATION.** 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.** When referring to water shortage, shall mean that conditions exist such that treated water supplies cannot meet customer demands and that serious treated water shortages exist.

**ESSENTIAL USE.**

(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) Fire fighting (includes certain testing and drills by the Fire Department if conducted in the interest of public safety and if approved by the Town Manager); and

(4) Health and public protection purposes, if specifically approved by health officials and the Town Manager (includes flushing of water lines and hydrants).

**HAND WATERING.** 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.** That conservation measures are not voluntary and that if users fail to comply, they are subject to the penalties outlined herein.

**PERSON.** Any natural person, any group of persons, any firm, partnership, association, corporation, company or any other organization or entity.

**POTABLE WATER.** The water in the Town of Benson water distribution system.

**RATIONING.** Procedures established by the Town of Benson 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.

**SHALL.** Is mandatory; **MAY** is permissive.

**TOB.** The Town of Benson acting through its Town Manager.

**USER.** Any person using water for any purpose from the Town of Benson 's 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.** That conditions exist when the demands and requirements of water customers served by the Town of Benson 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 of Benson water distribution system; and
- (6) Natural disasters.

(Ord. passed 8-13-2003)

#### **§ 53.058 VOLUNTARY SEASONAL WATER CONSERVATION MEASURES.**

Every Town of Benson customer is encouraged to comply with the following schedule for the irrigation of outdoor landscaping (such as grass, shrubbery, trees, flowers and vegetable gardens) from May 1 through September 30 annually.

(A) Irrigation shall be limited to the hours of 7:00 p.m. to 7:00 a.m.

(B) For customers whose address numbers end in an even digit, the watering shall be restricted to Tuesday, Thursday or Saturday.

(C) For customers whose address numbers end in an odd digit, the watering shall be restricted to Wednesday, Friday or Sunday.

(D) Exceptions to these restrictions (on a temporary one- to three-day basis) may be granted for persons engaged in the business of landscaping on a site-by-site basis, by permit issued by the Town of Benson.

(Ord. passed 8-13-2003)

#### **§ 53.059 WATER CONSERVATION STAGE I; WATER SHORTAGE WARNING.**

(A) Whenever the Town of Benson experiences a potential water shortage, the Town Manager shall be empowered to declare a water shortage warning.

(B) An extensive publicity campaign will be initiated with conservation efforts publicized through the general news media or any other appropriate method for making the notification public.

(C) When water shortage warning conditions are declared, the following mandatory conservation measures shall be imposed: it shall be unlawful to use water from the public water system supplied by the Town of Benson for the following purposes:

(1) To water lawns, grass, shrubbery, trees, flower and vegetable gardens except by hand watering on the schedule outlined under “voluntary seasonal water conservation measures.” Provided, however, that any person regularly engaged in the sale of plants shall be permitted to use water for the purposes, and shall not be

restricted to hand watering;

(2) To wash automobiles, trucks, trailers, boats, airplanes or any other type of mobile equipment. Provided, however, that any person regularly engaged in the business of washing motor vehicles and any commercial car wash facility shall be permitted to use water for the purposes;

(3) To wash down outside areas such as streets, driveways and service station aprons, parking lots and 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 the areas shall be permitted to use water for the purposes;

(4) To introduce water into any ornamental fountain pool, pond or other structure making similar use of water;

(5) To use water from public or private fire hydrants for any purpose other than fire suppression or other public emergency or Water Department need;

(6) To use water for dust control, compaction or construction testing of new waterlines; and

(7) To intentionally waste treated water.

(D) The owner or occupant of any land or building which either:

(1) Receives water from the Town of Benson and that also utilizes water from a well or supply other than that of the Town of Benson; or

(2) Is in the city limits and uses a well or pond for irrigation purposes, shall post and maintain in a prominent place thereon a sign furnished by the Town of Benson (for a fee) giving public notice of the use of the well or other sources of supply.

(Ord. passed 8-13-2003)

## **§ 53.060 WATER CONSERVATION STAGE II; WATER SHORTAGE EMERGENCY.**

(A) When the Town of Benson experiences a shortage of treated water, or when the water supply is not adequate to meet normal needs, the Town Manager shall be empowered to declare a water shortage emergency. The declaration shall exist for the duration of the shortage or until it is declared to have ended by the Town of Benson.

(B) In the event of a water shortage emergency, in addition to the restrictions heretofore imposed, the following mandatory water conservation measures shall apply. It shall be unlawful to use water from the public water system supplied by the Town of Benson for the following purposes:

(1) To water or sprinkle any lawn, grass, shrubbery, trees or flowers with treated water;

(2) To wash automobiles, trucks, trailers, boats, airplanes or any other type of mobile equipment;

(3) To wash down outside areas such as streets, driveways, service station aprons, parking lots, office buildings, exteriors of homes or apartments, sidewalks, patios or other similar purposes;

(4) To fill newly constructed swimming and/or wading pools or refill swimming and/or wading pools that have been drained;

(5) To serve drinking water in restaurants, cafeterias or other food establishments, except upon request;

(6) To use treated water outside a structure for any use other than an emergency use involving fire or as needed by the Town of Benson to maintain the water system; and

(7) To make any nonessential use of treated water for commercial or public use.  
(Ord. passed 8-13-2003) Penalty, see § 53.999

### **§ 53.061 WATER CONSERVATION STAGE III; WATER SHORTAGE CRISIS.**

(A) Whenever the Town Manager has declared a water shortage crisis and finds a need to provide for the equitable distribution of critically limited treated water, or water supplies to ensure that sufficient treated water is available to preserve public health and safety of the citizens, he or she shall enforce a water rationing policy.

(B) The rationing policy may be developed at the time of the declaration of the water shortage crisis and should be reflective of the following criteria:

(1) It is imperative that water customers achieve an immediate further reduction in water use in order to extend existing water supplies and, at the same time, assure that sufficient water is available to preserve the public health and sanitation and to provide fire protection service. This immediate further reduction in water usage is another step along a continuum of responses to any water shortage crisis. Should the crisis continue, further reductions in water usage may be required. It must be emphasized that additional usage reductions in the rationed area is a valid and attainable goal reflective of the conditions of the crisis.

(2) The policy must provide for equitable reductions in water usage and for equal sacrifice on the part of each water customer. The success of this policy depends on the cooperation of all water customers in the emergency area.

(3) The policy must ensure that fire protection is maintained where possible and tank trucks shall use non-potable water.

(4) The policy shall make it unlawful to fail to act in accordance with the restrictions on treated water use or to attempt to evade or avoid the water rationing restrictions.

(5) The policy may include additional measures of mandatory conservation controls such as a percentage reduction in consumption, termination of service to specific areas in the water system on a rotating basis, prohibition of all industrial uses of potable water and the like or whatever is necessary to protect the health and safety of the customers of the water system.  
(Ord. passed 8-13-2003) Penalty, see § 53.999

### **§ 53.062 REGULATIONS.**

(A) During the effective period of any water shortage, warning, emergency or crisis, the Town of Benson is empowered to promulgate the regulations or policies as may be necessary to carry out the provisions of this subchapter. The Town Manager of the Town of Benson, or his or her duly authorized agent charged with implementation and enforcement of this subchapter, 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 or she deems appropriate to protect the public health, safety and welfare until he or she determines that the conditions requiring his or her imposition no longer exist.  
(Ord. passed 8-13-2003)

### § 53.063 ENFORCEMENT.

(A) Any person who violates the provisions of this subchapter, who fails to carry out the duties and responsibilities imposed by this subchapter or who impedes or interferes with any action undertaken or ordered pursuant to this subchapter, 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 of Benson finds that any user has violated or is violating this subchapter or any prohibition, limitation or requirement contained therein, the Town Manager, or his or her 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 of Benson 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(s) occurred. The NOV shall inform the user of the violation and his or her responsibility to halt the activity within a specified period of time.

(2) *Suspensions of service*.

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

(b) At the 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/re-connection charge of \$75 for first time offenders;
2. After payment of a suspension/re-connection charge of \$300 for second time offenders;
3. After payment of a suspension/re-connection charge of \$500 for each additional violation; and
4. Civil penalties.

(c) The Town Manager shall 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 subchapter shall occur or continue, shall constitute a separate and distinct offense.

(d) In determining the amount of the civil penalty, the Town of Benson 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; and
  5. The costs of enforcement to the Town of Benson.
- (Ord. passed 8-13-2003)