

AN ORDINANCE AMENDING/REPLACING AND RENAMING, FROM WATER CONSERVATION TO WATER SHORTAGE RESPONSE, CHAPTER 51, OF THE CODE OF ORDINANCES OF THE TOWN OF LITTLETON

(O-07-002)

WHEREAS, Chapter 51, Water Conservation, needs to be replaced with an updated Water Shortage Response.

NOW, THEREFORE BE IT RESOLVED By the Board of Commissioners of the Town of Littleton that Chapter 51 is rewritten as follows:

CHAPTER 51: WATER SHORTAGE REPSONSE

Section

- 51.01 Purpose
- 51.02 Definitions
- 51.03 Declaration of Voluntary Conservation
- 51.04 Declaration of Mandatory Conservation
- 51.05 Declaration of a Water Shortage Emergency
- 51.06 Declaration of Rationing
- 51.07 Shortage Water Rates
- 51.08 Regulations
- 51.09 Penalties
- 51.10 Civil Penalties
- 51.11 Severability
- 51.12 Effective Date
- 51.13 Effective Period
- 51.14 Addendum – Conservation Measures

An ordinance authorizing the declaration of water shortage' establishing procedures and measure for the essential conservation of water resources; and prescribing certain penalties.

Be It Enacted by Board of Commissioners of the Town of Littleton, North Carolina.

§ 51.01 PURPOSE

The purpose of this ordinance is to provide for the declaration of official phases of water supply shortage situations and the implementation of voluntary and mandatory water conservation measures throughout the Town in the event a shortage is declared.

§ 51.02 DEFINITIONS

ALLOTMENT shall mean the maximum quantity of water allowed for each customer over an applicable period as established in the water rationing provisions of this ordinance.

ANY WATER shall mean any type of water, including fresh water, brackish water, wastewater, or reclaimed water.

BRACKISH water shall mean water containing more than 1000 parts per million of dissolved salts.

CUSTOMER shall mean any person using water for any purpose from the Town's water distribution system and for which a regular charge is made.

EMERGENCY shall mean the water supplies are below the level necessary to meet normal needs and that serious shortages exist in the area.

EXCESS USE shall mean the usage of water by a water customer in excess of the water allotment provided under the water rationing provisions of this ordinance for that customer, over any applicable period.

FRESH WATER shall mean water withdrawn from surface or groundwater, which has not been previously used, other than brackish water.

MANDATORY CONSERVATION shall mean that raw water supplies are consistently below seasonal averages, and if they continue to decline, may not be adequate to meet normal needs.

NON-RESIDENTIAL CUSTOMER shall mean commercial, industrial, institutional, public and all other such users, with exception of hospitals and health care facilities.

RATIONING shall mean procedures established to provide for the equitable distribution of critically-limited water supplies, in order to balance demand and limited available supplies, and to assure that sufficient water is available to preserve public health and safety.

RECLAIMED WATER shall mean wastewater, which has been treated to allow reuse.

RESIDENTIAL CUSTOMER shall mean any customer who receives water service for a single or multi-family dwelling unit. The term residential customer does not include educational or other institutions, hotels, motels, or similar commercial establishments.

SERVICE INTERRUPTION shall mean the temporary suspension of water supply, or reduction of pressure below that required for adequate supply, to any customer, portion of the system, or the entire system.

VOLUNTARY CONSERVATION shall mean that conditions exist which indicate the potential for serious water supply shortages.

WASTE OF WATER includes, but is not limited to (1) permitting water to escape down a gutter, ditch, or other surface drain, or (2) failure to repair a controllable leak of water due to defective plumbing.

WASTEWATER shall mean water previously used for industrial, municipal, county, domestic, or other purposes, and has not been returned to the surface or groundwater source.

WATER shall mean water available to the Town of Littleton for treatment by virtue of its water right or withdrawal permit or any treated water introduced by the County into the Town of Littleton's water distribution system, including water offered for sale.

WATER USE CLASSES shall be established as follows;

Class 1: Essential Water Uses

Domestic Use:

(1) Water necessary to sustain human life and the lives of domestic pets, and to maintain minimum standards of hygiene and sanitation.

Health Care Facilities:

(1) Patient care and rehabilitation, including swimming pools used for patient care and rehabilitation.

Public Use:

(1) Fire Hydrants.

(2) Firefighting.

(3) Certain testing and drills by the fire departments if performed in the interest of public safety and if approved by the Town Board of Commissioners.

Flushing of Sewers and Hydrants:

(1) As needed to ensure public health and safety if approved by the Town of Board of Commissioners.

Class 2: Socially or Economically Important Uses of Water

All Domestic Uses Other Than Those Included in Classes 1 and 3:

(1) Home water use including kitchen, bathroom, and laundry use.

(2) Minimal watering of vegetable gardens.

(3) Watering trees where necessary to preserve them.

Commercial, Agricultural, Industrial, and Institutional Uses.

(1) Outdoor commercial watering (public or private) using conservation measures and to the extent that sources of water other than fresh water are not available to use.

(2) Irrigation for commercial vegetable gardens and fruit orchards or the maintenance of livestock.

(3) Watering by commercial nurseries at a minimum level necessary to maintain stock.

(4) Water use by arboretums and public gardens of national, State, or regional significance where necessary to preserve specimens.

(5) Use of fresh water at a minimum rate necessary to implement vegetation following earth-moving, where such revegetation is required by law or regulation.

(6) Watering of golf course greens.

(7) Filling and operation of swimming pools. Residential pools which serve more than 25 dwelling units, pools used by health care facilities for patient care and rehabilitation, and municipal pools.

(8) Commercial car and truck washes.

(9) Commercial Laundromats.

(10) Restaurants, clubs, and eating establishments.

(11) Air conditions. Refilling for start-up at the beginning of the cooling season, make-up water during cooling season, refilling specifically approved by health officials and the Town Board of Commissioners, where the system has been drained for health protection or repair purposes.

(12) Schools, churches, motels, hotels and similar commercial establishments.

Class 3: Non-Essential Uses of Water

Ornamental Purposes:

(1) Fountains reflecting pools, and artificial waterfalls.

Outdoor Non-Commercial Watering (public or private)

- (1) Gardens, lawns, parks, golf courses (except greens), playing fields and other recreational areas.
- (2) Filling and operation of recreational swimming pools which serve fewer than 25 dwellings.
- (3) Non-commercial washing of motor vehicles.
- (4) Serving water in restaurants, clubs, or eating places except by specific request.
- (5) Refilling of air conditioning cooling towers after draining except as specified in Class 1.

Public Use:

- (1) Fire hydrants, any use including use of sprinkler caps and testing fire apparatus and for fire department drills, except as listed in Class 1.
- (2) Flushing of sewers and hydrants except as listed in Class 1.

§ 51.03 DECLARATION OF VOLUNTARY CONSERVATION

Whenever the Town Board of Commissioners finds that a potential shortage of water supply is indicated, it shall be empowered to declare by adoption of a resolution that Voluntary Conservation conditions exist, and that the water director shall, on a daily basis, monitor the supply and demand upon that supply. In addition, the Board is authorized to call upon all water customers to employ voluntary water conservation measures (see Addendum) to limit water use (especially Class 3 users) and eliminate the waste of water. This resolution shall be published in a newspaper of general circulation in the areas which qualifies under GS-1-597, and may be publicized through the general news media or any other appropriate method of making such resolutions public.

§ 51.04 DECLARATION OF MANDATORY CONSERVATION

Whenever the Town Board of Commissioners finds raw water supplies to be consistently below seasonal averages, and if they continue to decline and may not be adequate to meet normal needs, it shall be empowered to declare by adoption of a resolution that Mandatory Conservation conditions exist. The Town shall continue to encourage voluntary water conservation measures defined under the Voluntary Conservation declaration, and further shall impose a ban on all Class 3 water uses for the duration of the shortage until it is declared ended by resolution of the Town Board of Commissioners. Publications of these resolutions shall follow the provisions declared in Section 3 of this ordinance.

§ 51.05 DECLARATION OF A WATER SHORTAGE EMERGENCY

Whenever the Town Board of Commissioners finds that raw water supplies are below the level necessary to meet normal needs and that serious shortages exist, it shall be empowered to declare by adoption of a resolution that a Water Shortage Emergency exists. Class 1, essential uses shall be identified, in specific, as targets for voluntary conservation initiatives. Also, all Class 2, socially or economically important uses shall be banned in addition to the Class 3, non-essential uses. These restrictions shall continue until the emergency is declared ended by resolution of the Town Board of Commissioners. Publication of these resolutions shall follow the provisions in Section 3 of this ordinance.

§ 51.06 DECLARATION OF RATIONING

When the Town Board of Commissioners has declared a water shortage emergency and finds a need to provide for the equitable distribution of critically-limited water supplies, in order to balance demand and limited available supplies, and to assure that sufficient water is available to preserve public health and safety, it shall be empowered to provide for mandatory rationing by adoption of a resolution.

(A) Objectives of Rationing:

A resolution that provides for mandatory rationing shall state findings that:

(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.

(2) The immediate further reduction in water usage is another step along a continuum of responses to the present water supply shortage. Should shortage continue, further reductions in usage may be required. It must be emphasized that the additional usage reduction in the rationed area is a valid and attainable goal reflective of the conditions, which currently exist.

(3) The plan provides for equitable reductions in water usage and for equal sacrifice on the part of each water customer. The success of this ordinance depends on the cooperation of all water customers in the emergency area.

(B) Water Use Rationing for Residential Users:

(1) Metered Residential Water Customers and Allotments:

(a) The number of permanent residents in each dwelling unit (household) will determine the amount of water that each household will be allowed.

(b) Each dwelling unit (household) shall be allotted 25 gallons per day for each resident of the household. Households with only one permanent resident will have a daily allotment of 30 gallons.

(c) Residential water customers are required to provide municipality and utility personnel with reasonable access to read meters as necessary to this rationing declaration. Where access is not readily available, all reasonable efforts to contact customers in order to arrange for access to read meters shall be made. In the event a water customer does not allow entry to read the meter after reasonable efforts to arrange for such access, the dwelling unit (household) allotment will be reduced to 30 gallons per day.

(d) (1) If it is found that the residential water allotment provided under this section would create an extraordinary hardship for individual customers, as in the case of special health-related requirements, a revised allotment for the particular customer may be established.

(2) Suggested Conservation Measures. See Addendum.

(C) Water Use Rationing for Non-Residential Water Users:

(1) Non-residential customers include commercial, industrial, institutional, public, and all other such users, with the exception of hospital and health care facilities.

(2) Non-residential water customers shall further reduce their water usage to 25 gallons per person per day or to 50 percent of normal usage during the period of this resolution.

(3) It is the primary responsibility of each non-residential water customer to meet its mandated water use reduction goal in whatever manner possible, including limitation of operating hours or days if necessary.

(4) The Town will establish a water allotment for each non-residential water customer, based upon a required further reduction water usage from the rate of water used by the customer during the period described in item (b) above.

(5) Each non-residential water user shall provide access to Town personnel for **purposes** of meter reading and monitoring of compliance with this ordinance.

(6) (a) If the mandated further reduction in water usage cannot be obtained without imposing extraordinary hardship which threatens health and safety, the non-residential customer may apply to the Town for a variance. For these purposes "extraordinary hardship" means a permanent damage to property or an economic loss which is substantially more severe than the sacrifices borne by other water users subject to the water rationing resolution. If the further reduction would cause an extraordinary

hardship or threaten health or safety, a variance may be granted by the Town and a revised water use reduction requirement for the particular customer may be established.

(7) The Town will provide each non-residential customer with suggested means to reduce usage levels. (See addendum)

(D) Water Use Rationing for Hospitals and Health Care Facilities:

(1) Hospitals and health care facilities shall comply with all restrictions imposed on residential and non-residential water customers as may be applicable to each individual institution, to be extent compliance will not endanger the health of patients or residents of the institution.

(2) Each hospital or health care facility shall survey its water usage patters and requirements and implement such additional conservation measures as may be possible without endangering the health of its patients or residents to achieve a further reduction in the institution's water usage.

(3) The Town will provide each hospital and health care facility with suggested means to reduce usage levels. (See addendum)

(E) Enforcement of Water Rationing:

(1) The Town will have primary responsibility for monitoring of compliance with the water rationing resolution.

(2) The following provisions shall govern the implementations of temporary service interruptions:

(a) In order to effectuate compliance with this ordinance, the Town is hereby authorized and required to plan and implement temporary service interruptions to all or part of its water distribution system, as may be deemed appropriate, when any and/or all of the following conditions are determined to exist:

(1) The mandated reduction in system-wide usage has not been achieved, and/or

(2) The mandated reduction in system-wide water usage has been achieved, but has failed to have a significant impact in extending limited water supplies, and/or

(3) Temporary service interruptions are necessary in order to further extend limited and/or dwindling water supplies.

(b) In the event it is determined that temporary service interruptions are necessary, the Town shall notify its customers through the public media (newspapers, radio, and television), at least one day prior to the temporary service

interruption, that a planned, temporary service interruption is to be imposed. Such notice shall:

(1) State the day or days when the planned, temporary service interruption will occur;

(2) State the time(s) when such planned, temporary service interruptions will commence, and the time(s) such interruption will cease;

(3) State whether the planned, temporary service interruptions are to be imposed on the entire system, or part thereof, and if only part(s) of the system will experience planned, temporary service interruption, identify geographic boundaries within which such interruptions will occur; and

(4) Advise all customers within the areas affected by planned, temporary service interruptions how to treat any water received from the system, for human consumption, during the period(s) of such interruptions and for such additional time as may be necessary until full pressure is restored to the system.

(c) If a planned, temporary service interruption is imposed as authorized and required by this ordinance, the Town must provide for the continued delivery of water to health care facilities within the area(s) effected by such interruptions, by means of any adequate, alternative delivery measures that may be necessary.

(d) If a planned, temporary service interruption is implemented, the Town must make provision, by any means possible, for the continued delivery of such water as may be necessary for the proper operation of sewage collection, treatment, and disposal systems and facilities.

(3) Any residential or non-residential water customer who exceeds the allotments established pursuant to this water rationing will be subject to the following excess-use civil penalties.

(a) "Excess-use civil penalties" will be collected based on the amount by which a customer's use exceeds the ware allotments established pursuant to the local water rationing declaration, computed in accordance with the following schedule:

<u>Excess Usage Per Month</u>	<u>Civil Penalty For Excess</u>
First 2000 gallons or portion thereof	\$20.00 per 1000 gallons or portion thereof
Each 1000 gallons or portion thereof, thereafter	\$15.00 per 1000 gallons or portion thereof

(b) Any monies collected through excess-use civil penalties shall not be accounted for as income, but shall be placed in a reserve account that is dedicated to addressing water shortage problems and water conservation initiatives.

(4) In addition to the excess-use civil penalty, non-compliance with the water rationing provisions of this ordinance will result in the following;

(a) For the first excess use, a warning of possible discontinuation shall be issued to the customer.

(5) For the second or subsequent excess use, service to the customer may be interrupted or shut off for a period not to exceed 48 hours, or, if the customer provides access, a flow restrictor may be installed in the customer's service line for the duration of the emergency. The cost incurred to interrupt or shut of and reinstate service, or to install and remove a flow restrictor shall be assessed to the water customer. Before service to an individual may be terminated under this provision, actual notice of the intent to discontinue shall be given, which shall include notice that the customer may appear at a designated time and place (within 24 hours) for an informal hearing to show why service should not be discontinued.

(6) Meter reading schedules are authorized to be altered to assure adequate monitoring of compliance with this ordinance.

(7) Any customer or other person aggrieved by a decision or action imposing an excess-use civil penalty or other remedy for non-compliance with the requirements of this ordinance may proceed in accordance with the following provisions:

(a) The Town shall adopt procedures, which provide an opportunity for the customer or aggrieved party to rebut the finding of a violation, or provide evidence of circumstances beyond the customer's control, which resulted in the violation. A record of evidence regarding disputed violations shall be kept, and a written notice of the Town's final decision and action in such cases shall be provided to the customer or aggrieved party.

§ 51.07 SHORTAGE WATER RATES

Upon the declaration of a water supply shortage as provided in Sections 3-6, the Town Board of Commissioners shall have the power to adopt shortage water rates by ordinance designed to conserve water supplies. Such rates may provide for, but not be limited to: (a) higher charges per unit for increasing usage; (b) uniform charges for water usage per unit of use; (c) extra charges for use in excess of a specified level; or (d) discounts for conserving water beyond specified levels.

§ 51.08 REGULATIONS

During the effective period of any water supply shortage as provided for in Sections 3-6, the Town Board of Commissioners is empowered to promulgate by ordinance such

provisions and requirements as may be necessary to carry out the provisions of this ordinance, any water supply shortage declaration ordinance, or water shortage rate ordinance. Such ordinances may be adopted at a special or emergency meeting of the governing body, if statutory requirements are met.

§ 51.09 PENALTIES

Any person who violates the provisions of this ordinance, who fails to carry out the duties and responsibilities imposed by this ordinance, or who impedes or interferes with any action undertaken or ordered pursuant to this ordinance shall be subject to the following penalties.

(A) If the manager, water director, or other Town official or officials charged with implementation and enforcement of this ordinance or a water supply shortage resolution learns of any violation of any water use restriction imposed pursuant to this ordinance, a written notice of the violation shall be affixed to the property where the violation occurred and mailed to the customer of record and to any other person known to the Town who is responsible for the violation or its correction. Said notice shall describe the violation and order that it be corrected, cured, or abated immediately or within such specified time as the Town determines is reasonable under the circumstances. If the order is not complied with, the Town may terminate water service to the customer subject to the following procedures.

(1) The Town shall give the customer notice by mail that, due to the violation, water services will be discontinued within a specified time and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the Town Board of Commissioners or a Town official designated as a hearing officer by the Town Board of Commissioners;

(2) If such a hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before termination is order; and

(3) The Town Board of Commissioners or hearing officer shall make findings of fact and order whether service should continue or be terminated.

(B) A fee of \$50.00 shall be paid for the reconnection of any water service terminated pursuant to sub-section (a). In the event of subsequent violation the reconnection fee shall be \$200.00 for the second violation and \$300.00 for each additional violation.

(C) Any customer may also be charged with violation of this ordinance and prosecuted in District Court. Any person so charged and found guilty of violating the provisions of this ordinance shall be guilty of a misdemeanor. Each day's violation shall constitute a separate offense. The penalty for violation shall be a maximum fine of \$50.00 or imprisonment for not more than 30 days.

§ 51.10 CIVIL PENALTIES

In addition to or in lieu of criminal prosecution, violation of this ordinance may subject the offender to civil penalties in the amounts provided, or otherwise in an amount of \$25.00 per day, collectible in a civil action in the nature of debt.

§ 51.11 SEVERABILITY

If any provision of this ordinance is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the ordinance and its applicability to the other person and circumstances shall not be affected thereby.

§ 51.12 EFFECTIVE DATE

This ordinance shall take effect immediately upon adoption or passage by the Town Board of Commissioners.

§ 51.13 EFFECTIVE PERIOD

This ordinance will remain in effect until terminated by action of the Town Board of Commissioners.

§ 51.14 ADDENDUM - CONSERVATION MEASURES

Direct users to adopt the following conservation measures:

INDOOR RESIDENTIAL USE:

Conservation for **Voluntary** and **Mandatory** conservation measures:

- * Use dishwashers only when they are full. Washing dishes by hand (don't let the tap run!) saves about 25 gallons.
- * Adjust water level on clothes washing machines, if possible. Use full loads only, if not adjustable.
- * Turn off faucets while brushing teeth, etc. Saves about 5 gallons per day.
- * Reduce water used per flush by installing toilet tank displacement inserts.
- * Do not use the toilet as a trash can.
- * Use sink and tub stoppers to avoid wasting water.

*Keep a bottle of chilled water in the refrigerator for drinking.

*Find and fix leaks in toilet, which can leak silently. Place a drop of food coloring in the upper tank and don't flush for thirty minutes. If color appears in the bowl, there's leakage.

*Adapt plumbing with flow-restricting or other water -saving devices. Learn to read your water meter to keep track of the difference conservation makes.

*Take shorter showers and shallower baths.

*Reduce the number of toilet flushes per day.

*Don't use a garbage disposal.

Conservation for **Emergency** conservation or **Rationing** phase (in addition to the measures listed above:

*Turn off shower while soaping up.

*Use disposable eating utensils.

OUTDOOR RESIDENTIAL USE:

Conservation for Normal Conditions and Voluntary conservation phase:

LAWNS

*Water before 10:00 a.m. to prevent evaporation which occurs during the hottest part of the day.

*Water only when lawn shows signs of wilt. Grass that springs back when stepped on does not need water.

*Water thoroughly, not frequently: long enough to soak roots.

*Don't let the sprinkler run any longer than necessary.

*Allow maximum of one inch of water per week on your lawn.

*Use pistol-grip nozzles on hoses to avoid waste when watering flowers, and shrubs.

*Aerate lawns by punching holes 6 inches apart. This allows water to reach the roots rather than run off surfaces.

*Position sprinklers to water the lawn, not the pavement.

- *Avoid watering on windy days, which causes excess evaporation.
- *Adjust hose to simulate a gentle rain not a fine mist.
- *Know how to turn off automatic sprinkler system in case of rain.
- *Use an audible timer to remind you to shut off sprinklers that don't have timers.

Vegetables and Flower Gardens

- *Water deeply, slowly and weekly. Most vegetables require moisture to a depth of 6 to 8 inches.
- *Keep soil loose so water can penetrate easily.
- *Use mulch around plants and between rows to hold in moisture.
- *Keep weeds pit to reduce competition of water.
- *Put the water where you want it and avoid evaporation by using soil-soakers or slow-running hoses, not sprinklers.

Tress and Shrubs

- *Water deeply u sing a soil-soaker.
- *Water only when needed. Check the depth of soil dryness by digging with a trowel.
- *Mulch to reduce evaporation.
- *Dig troughs around plants to catch and retain water.
- *Water trees growing in full sun more often than those in shade.
- *Do not use sprinklers. Apply water directly at base.
- *Do not fertilize during the summer. Fertilizing increases a plant's need for water.
- *Postpone planting until fall or spring when there is generally less need for water.
- *Water at night, when cloud, or even when a light rain is falling.

OUTDOOR RESIDENTIAL USE:

Conservation for **Voluntary** conservation phase (in addition to measures listed above).

- *Do not allow children to play with hose or sprinklers.

- *Limit car washing.
- *Be ready to catch rainfall that occurs. Place containers under drainspouts.
- *Use leftover household water.
- *Consider delaying the seeding or sodding of new lawns.
- *Determine the amount of water being used outdoors by comparing water bills for summer and winter.

Conservation for **Mandatory** conservation phase (in addition to measures listed above).

*Vegetable gardens and food trees should be given minimal amounts of water on an individual basis only.

*Do not water lawns and inedible plants.

*Do not use sprinklers.

HOSPITAL AND HEALTH CARE FACILITY USE

*Reduce laundry usage or services by changing bed linens, etc. only when necessary to preserve the health of patients or residents.

*Use disposable food service items.

*Eliminate, postpone, or reduce, as may be appropriate, elective surgical procedures during the period of emergency.

INDUSTRIAL USE

*Identify and repair all leaky fixtures and water-using equipment.

*Adjust water-using equipment to use the minimum amount of water required to achieve its stated purpose.

*Shorten rinse cycles for laundry machines as much as possible: implement lower water levels wherever possible.

*For processing, cooling, and other uses, either re-use water or use water from sources that would not adversely affect public water supplies.

*Advise employees, students, patients, customers, and other users not to flush toilets after every use. Install toilet tank displacement inserts; place flow restrictors in shower heads and faucets.

*Place water-saving posters and literature where employees, students, patients, customers, etc, will have access to them.

*Check water meter on a frequent basis to determine consumption patterns.

*Review usage patterns to see where other savings can be made.

Adopted by the Town of Littleton Board of Commissioners this 2nd day, of July, 2007.

B. Mason Kempfield
Mayor, Town of Littleton

ATTEST:

Shirley R. Sawyer
Clerk to the Board