

**ORDINANCE NUMBER 03-011  
AN ORDINANCE**

**ORDINANCE ADOPTING WATER CONSERVATION POLICY:**

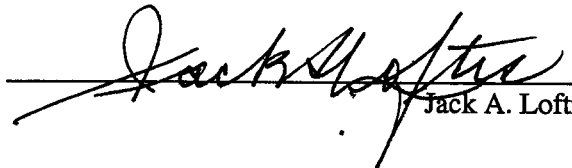
WHEREAS, the proposed ordinance is presented in order to allow the City of Mount Airy the ability to adopt conservation measures in case of need; and

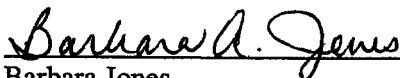
WHEREAS, the ordinance establishes a four stage water conservation program that begins with voluntary conservation measures and continues through water rationing:

**NOW THEREFORE BE IT ORDAINED BY THE CITY OF MOUNT AIRY BOARD OF COMMISSIONERS MEETING IN OPEN SESSION THAT:**

- Section 1. The City of Mount Airy adopt the water conservation policy as presented.
- Section 2. This ordinance shall become effective upon approval by the Board of Commissioners of the City of Mount Airy.

Adopted and approved this the 3<sup>rd</sup> day of October, 2002.

  
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Jack A. Loftis, Mayor

  
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Barbara Jones,  
Assistant City Manager/City Clerk

## ARTICLE V. WATER CONSERVATION

### Sec. 8-134. Purpose.

The purpose of this Article is to provide for the official declaration of water shortage stages and the implementation of water conservation measures throughout the City's water service area in the event of such declaration.

### Sec. 8-135. Definitions.

For the purpose of the interpretation and enforcement of this Article, unless the context specifically indicates otherwise, the following terms, words and phrases shall have the meanings ascribed to them in this section:

*Customer.* Any person using water for any purpose, including commercial, manufacturing, institutional and residential uses, from the City's water distribution system and for which a regular charge is made.

*Emergency Conservation.* Water supplies are below the level necessary to meet normal needs and that serious shortages exists such that the water supply may not be sufficient to preserve public health and safety thereby necessitating more restrictive mandatory conservation measures.

*Essential Water Uses.* Water uses necessary to sustain human life and the lives of domestic pets, to maintain minimum standards of hygiene and sanitation, to provide for fire protection, and to ensure public health and safety.

*Mandatory Conservation.* The consistent decline of the water supply poses a threat to the adequate provision of water to meet normal needs such that customers are required to take certain restrictive conservation measures to limit water use and prevent the waste of water.

*Voluntary Conservation.* Conditions exist which indicate the potential for a water shortage such that customers are encouraged to take certain conservation measures to limit water use and prevent the waste of water.

*Water Rationing.* Water supplies levels are clearly inadequate to meet even short term demands and a near-crisis situation exists.

### Sec. 8-136. Declaration and Public Notice.

(a) In the event the water supply of the City's water distribution system is low and/or declining due to conditions which may adversely affect the continued availability of water for human consumption, sanitation, health and fire protection, as determined by the Public Services Director, the City Manager is authorized and empowered to declare a water shortage and implement conservation measures under the standards set forth herein below. Such declaration may be issued for the entire water service area or for certain areas served by the water distribution system.

(b) In determining that water conservation measures are necessary, the Public Services Director shall consider factors including but not limited to the following:

- (1) water flow and levels in rivers and reservoirs;
- (2) capabilities of water treatment plants and distribution systems including treated supply recovery time;
- (3) drawdown rates;
- (4) outlook for precipitation;
- (5) daily water use patterns
- (6) seasonal and long term weather patterns; and
- (7) availability of water from other sources.

(c) Notification of a water shortage declaration shall be published in a newspaper of general circulation in the water service area in accordance with N.C.G.S. §1-597, and may be publicized through the general news media or any other appropriate method for making such resolutions public.

#### **Sec. 8-137. Water Shortage Stages and Conservation Measures.**

Upon the declaration of one of the water shortage stages listed herein below, the Public Services Director shall review the supply of water available on a daily basis, and report the status to the City Manager. A declared stage shall remain in effect as noticed and upon further review, if conditions warrant more or less restrictive conservation measures, then a modified declaration may be issued. At the expiration of the declaration, the City Manager shall notify the Board of Commissioners regarding the water supply and determine the appropriate stage, if any, to put into effect.

##### *(a) Stage 1. Declaration of Voluntary Conservation.*

In the event a potential for water shortage has been determined by the Public Services Director, using the factors set out in hereinabove, and/or when water demand has exceeded 90% of treatment capacity, the City Manager may declare a Stage 1 water shortage and that conditions exist necessitating voluntary conservation measures. All customers, in order to limit water use and prevent the waste of water, will be strongly encouraged to employ voluntary water conservation measures including but not limited to the following:

- (1) Limit watering of lawns, landscaping and other vegetation to not more than one hour per day and avoid watering between 9:00 a.m. and 6:00 p.m.;
- (2) Inspect and repair all leaks and faulty and defective parts of faucets and toilets;
- (3) Install water flow restrictive showerheads and water saving devices in toilets;
- (4) Showering for 5 minutes instead of bathtub bathing;

- (5) Turn off faucets while shaving, brushing teeth or rinsing dishes;
- (6) Limit use of clothes washers and dishwashers and only operate when full;
- (7) Limit vehicle washing;
- (8) Refrain from using water to wash down outside areas such as sidewalks, patios and driveways;
- (9) Refrain from filling swimming or wading pools;
- (10) Household water shall be reutilized to the greatest extent possible for outdoor watering; and
- (11) Commercial and industrial operations shall eliminate the wasting of water where possible.

*(b) Stage 2. Declaration of Mandatory Conservation.*

In the event a consistent decline of the water supply poses a threat to the adequate provision of water to meet normal needs as determined by the Public Services Director, using the factors set out hereinabove, and/or when water demand has exceeded 95% of treatment capacity, the City Manager may declare a Stage 2 water shortage and mandate certain conservation measures including but not limited to the following:

The watering of lawns, landscaping and other vegetation shall be limited to manual or automated sprinkling not more than one hour per day and between the hours of 6:00 p.m. and 9:00 a.m. The dates upon which sprinkling will be permitted will be determined by street address numbers. Customers whose street address numbers are odd are allowed to do such sprinkling on an odd numbered day. Customers whose street address numbers are even are allowed to do such sprinkling on an even numbered day.

Customers may provide additional watering of plantings only by a watering can or hand held container not exceeding three (3) gallons in size.

Other restrictions contained in the *Voluntary Conservation* section shall remain voluntary, unless otherwise directed by declaration.

*(c) Stage 3. Declaration of Emergency Conservation.*

Whenever the water supply is below the level necessary to meet normal needs and a serious shortage exists, as determined by the Public Services Director using the factors set out hereinabove, the City Manager may declare a Stage 3 water shortage and mandate certain emergency conservation measures, including but not limited to the following:

- (1) The following are not permitted:
  - A. Any outside use of water for reasons other than emergencies, such as fire protection or as needed by City to maintain the system, except watering of lawns, landscaping and other vegetation shall be permitted from a watering can or hand held container not exceeding three (3) gallons in size.

- B. Washing vehicles and other mobile equipment, except that commercial and business operated car washes may do so; and provided that parts of vehicles may be washed where required by Federal, State or local laws for health reasons.
  - C. Filling swimming or wading pools.
- (2) All customers are encouraged to reduce their consumption to any degree feasible with a goal of a reduction of at least twenty-five percent (25%) of their average usage.
- (3) The City Manager may temporarily impose restrictions on automated and manual irrigation systems. Such restrictions may include limitations on hours and days in which one can use such systems or prohibition against the use of such systems.

*(d) Stage 4. Declaration of Water Rationing.*

Whenever the available water supply is clearly inadequate to meet even short term demands and a near-crisis situation exists, as determined by the Public Services Director using the factors set out hereinabove, the City Manager may declare a Stage 4 water shortage and institute rationing procedures, including but not limited to the following:

- (1) All use of water for purposes other than maintenance of public health and safety are prohibited.
- (2) Where the city system is still functional, daily residential water use shall be limited to the amount necessary to sustain life through drinking, food preparation, and personal hygiene
- (3) Where the city system is not functional, National Guard and emergency service 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.

**Sec. 8-138. Compliance.**

In the event the City Manager declares a water shortage and imposes conservation measures, it shall be unlawful for any customer to use or permit the use of water from the water distribution system which does not comply with such conservation measures and provisions of the Article. A notice of violation may be issued by any city employee. All remedies authorized by law for noncompliance with this Article, including the issuance of a civil penalty citation or action for injunctive relief, may be exercised to enforce its provisions.

**Sec. 8-139. Civil Penalty.**

A civil penalty shall be assessed by the City Manager to any customer who does not comply with the mandatory or emergency conservation measures as set out in this Article and as may further be imposed in a water shortage declaration. Notification of such civil penalty assessed shall be given within five days after discovery of the violation by City. The amount of the civil penalty shall be as follows:

First Offense: Warning  
Second Offense: \$100.00  
Third Offense: \$200.00  
Each Successive Offense: \$200.00

Violations shall be accumulated by all customers so long as the declaration, in any of its stages, is continuously in affect and until no stage of the declaration has been in effect for a period of one calendar year. Violations of any one of the stages shall accumulate with violations of other stages. Should a customer move, or cease and renew service, during the period described herein, the customer's violations shall continue to accumulate as if such move or cessation had not occurred.

#### **Sec. 8-140. Criminal Fines.**

Upon a fourth violation of this Ordinance, a criminal warrant shall be issued to the offending customer. Any violations of the provisions of this Article shall constitute a Class 3 misdemeanor, punishable upon conviction by a term of imprisonment up to twenty (20) days and by a fine not exceeding a maximum of Five Hundred Dollars (\$500.00) as provided by N.C.G.S.14-4 and in addition thereto such violation may be enjoined and restrained as provided in N.C.G.S. '160A-175. The issuing of a criminal warrant shall not prohibit the imposition of further civil penalties.

#### **Sec. 8-141. Water Service Disconnection.**

The Public Services Director shall have the authority to terminate or restrict water service to any customer in violation of the mandatory or emergency conservation provisions of this Article or as further imposed in the water shortage declaration. Prior to such termination or restriction of water service, the Public Services Director shall give at least two (2) working days written notice of intent to terminate water service or restrict water supply. Within said two (2) days, such customer, upon petition to the City Manager, or his/her designee, may be heard as to why such termination or restriction should not be enforced. No notice shall be required to terminate water service which is provided solely for lawn and shrubbery sprinkler systems, swimming pools, or other uses which are not Essential Water Uses. When water service has been terminated or restricted, it shall be unlawful to reactivate such service without permission of the Public Services Director.