

CHAPTER 52: WATER SHORTAGE RESPONSE

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§ 52.01 DEFINITIONS.

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

ALLOTMENT. The maximum quantity of water allowed for each customer over any applicable period as established in the water rationing provisions of this chapter.

BRACKISH WATER. Water containing more than 1,000 parts per million as dissolved salts.

CUSTOMER. Any person using water for any purpose from the municipality's water distribution system and for which either a regular charge is made or in this case the bulk sales, a cash charge is made at the site of delivery.

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

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

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 Water withdrawn from surface or groundwater which has not been previously used, other than brackish water.

MANDATORY CONSERVATION. That raw water supplies (i.e., streamflow, reservoir levels or ground water levels) are consistently below seasonal averages, and if they continue to decline, may not be adequate to meet normal needs.

NON-RESIDENTIAL CUSTOMERS. Commercial, industrial, institutional, public and all other users, with the exception of hospitals and health care facilities.

RATIONING. 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.

(Ord. passed 4-26-1999)

§ 52.02 PURPOSE.

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

(Ord. passed 4-26-1999)

§ 52.03 WATER SHORTAGE.

A water shortage shall be deemed to exist when the reserve supply shall have reached a point where it has been so reduced that the water system users cannot be supplied with water to protect their health and safety without curtailing substantially the demand for water or:

- (A) The water source shows a 20% reduction in each of 3 or more high production yield wells (100 to 130 GPM) after a 6-hour pumping cycle;
- (B) When the water drawn down activates the automatic low water cut off once during a scheduled 6 hours of pumping operation;
- (C) When well water level recovery time to normal static level is longer than 12 hours;
- (D) Un-located usage source of water causing insufficient water storage;

- (E) Act of nature destruction of water storage; or
- (F) Loss of power source more than 48 hours.
- (G) Notification.

(1) The following notification methods will be used to inform water system employees and customers of a water shortage declaration: employee e-mail announcements, notices at municipal buildings, notices in water bills, and on the town website homepage.

(2) Required water shortage response measures will be communicated through the Asheboro Courier-Tribune, The Liberty Leader, notices at municipal buildings, and on the town website.

(H) Trigger authority. The Town Manager or any agent assigned has the authority and he/she will declare when triggers are met for the following stages: voluntary conservation, mandatory conservation, water shortage emergency, and rationing.

(I) Reverse triggers. Once a trigger has been declared, it will only be rescinded when the Town Manager can certify that the static water levels at pump intake has recovered to the next lesser stage. (Example: to rescind mandatory conservation, static levels would have to recover to the voluntary conservation level.)

(Ord. passed 4-26-1999; Am. Ord. passed 3-22-2010)

§ 52.04 DECLARATION OF VOLUNTARY CONSERVATION.

(A) Voluntary conservation shall be declared when there is a 20% reduction in seasonal normal distance from static water levels and pump intake.

(B) In addition, the Mayor or Town Manager or any agent assigned by them is authorized to call upon all water customers to employ voluntary water conservation measurers. This resolution shall be published in a newspaper or general circulation in the area, which qualifies under G.S. § 1-597.

(Ord. passed 4-26-1999; Am. Ord. passed 3-22-2010)

§ 52.05 MANDATORY CONSERVATION.

(A) Whenever it is found that the Town of Liberty water supply is below seasonal averages and are continuing to decline and may not be adequate to meet normal needs, the same measurers 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 the governing board. Mandatory Conservation shall be declared when there is a 40% reduction from static water levels and pump intake.

(B) Publication of these ordinances shall be the same as in § 52.04 above.

(Ord. passed 4-26-1999; Am. Ord. passed 3-22-2010)

§ 52.06 WATER SHORTAGE EMERGENCY.

(A) Whenever it is found that the Town of Liberty water supplies are below the level necessary to meet normal needs and that serious shortage exist; it shall be empowered to declare by this chapter that a water shortage emergency exists. A water shortage emergency shall be declared when there is a 70% reduction from static water levels and pump intake.

(B) Class 1, essential uses shall be identified, in specific, as targets for voluntary conservation initiatives. Also Class 2 socially or economically important uses shall be banned in addition to the Class 3 nonessential uses.

(C) These restrictions shall continue until the emergency is declared ended by the governing body. Publication of these ordinances shall follow the provisions in § 52.04 above.

(Ord. passed 4-26-1999; Am. Ord. passed 3-22-2010)

§ 52.07 RATIONING.

Whenever the Town Council has declared a water shortage emergency and finds a need to provide an equitable distribution of critically limited water supply to preserve public health and safety for the Town of Liberty water customers. It shall be empowered to provide for mandatory rationing by this chapter. Rationing shall be declared when the water level is at pump intake elevation.

(Ord. passed 4-26-1999; Am. Ord. passed 3-22-2010)

§ 52.08 WATER USE CLASSES.

(A) Class 1: essential water uses:

(1) Domestic use: water necessary to sustain human life and the lives of domestic pets and to maintain minimum standards of hygiene and sanitation;

(2) Health care facilities: patient care and rehabilitation, including swimming pools used for patient care and rehabilitation;

(3) Public use: fire hydrants used for fire fighting and certain testing and drills, if performed in the interest of public safety and approved by the Town Manager; and

(4) Flushing of sewers as needed to ensure public health and safety if approved by the Town Manager.

(B) Class 2: socially or economically important use of water:

- (1) All domestic use other than those included in Classes 1 and 3;
- (2) Home water use including kitchen, bathroom and laundry use;
- (3) Minimal watering of vegetable gardens and watering of trees when necessary to preserve them;
- (4) Filling and operation of swimming pools;
- (5) Commercial car and truck washes;
- (6) Commercial laundromats;
- (7) Restaurants, clubs and eating places; and
- (8) Schools, churches, motels, hotels and similar commercial establishments.

(C) Class 3: non-essential use of water:

- (1) Ornamental purposes: fountains, reflecting pools and artificial waterfalls, outdoor non-commercial watering (public or private), 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 or 75 people;
- (3) Non-commercial washing of motor vehicles;
- (4) Serving water in restaurants, clubs or eating places, except by specific request; and
- (5) Air-conditioning: refilling cooling towers after draining, except as specified in Class 1.

(Ord. passed 4-26-1999)

§ 52.09 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 40 gallons per day for each resident of the household. Households with only 1 permanent resident will have a daily allotment of 55 gallons.

(C) (1) Residential water customers are required to provide municipality and utility personnel with a reasonable access to read meters as necessary to this rationing declaration.

(2) 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 access, the dwelling unit (household) allotment will be reduced to 55 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) Any person aggrieved by a decision relating to a like exemption or variance may file a complaint with the Town Manager (or Clerk) in accordance with the town's normal administrative procedures.

(Ord. passed 4-26-1999)

§ 52.10 EXCESS USE; MONIES COLLECTED.

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

<i>Excess Usage per Month</i>	<i>Civil Penalty for Excess</i>
First 2,000 gallons or portion thereof	\$7 per 1,000 gallons or portion thereof
Each 1,000 gallons, or portion thereof, thereafter	\$15

(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.

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

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

(2) For the second or subsequent excess use, service to the customer may be interrupted or shut off for a period not to exceed 40 hours or 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 off or 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.

(D) Meter reading schedules are authorized to assure adequate monitoring of compliance.

(E) 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 chapter may proceed in accordance with the following provisions:

(1) The municipality 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; and

(2) A record of evidence regarding disputed violations shall be kept and a written notice of the town's final decision and action in those cases shall be provided to the customer or aggrieved party.

(F) Shortage water rates upon the declaration of a water supply shortage, the Town Council shall have the power to adopt shortage water rates by ordinance designed to conserve water supplies. Rates may provide for, but not be limited to:

(1) Higher charges per unit for increasing usage (increasing block rates);

(2) Uniform charges for water usage per unit of use (uniform unit rate);

(3) Extra charges for use in excess of a specified level (excess demand surcharge); or

(4) Discounts for conserving water beyond specified levels.

(G) Regulations during the effective period of any water supply shortage, the Town Council is empowered to promulgate by ordinance the provisions and requirements as may be necessary to carry out the provisions of this chapter, any water supply shortage declaration ordinance, or water shortage rate ordinance. The ordinances may be adopted at a special or emergency meeting of the governing body, if statutory requirements are met.

(Ord. passed 4-26-1999)

§ 52.11 ENFORCEMENT.

The provisions of the water shortage response plan will be enforced by town Public Works Department and police personnel. Violators may be reported to the town's website (www.Liberty-NC.com). Citations are assessed according to the penalties outlined in § 52.99.

(Ord. passed 3-22-2010)

§ 52.12 PUBLIC COMMENT.

Customers will have multiple opportunities to comment on the provisions of the water shortage response plan. First, a draft plan will be published in The Asheboro Courier and on the town website. A public hearing will be scheduled with notice printed in all customer water bills to collect comments on the draft. All subsequent revisions to the draft plan will be published at least 30 days prior to an adoption vote by the Town Council.

(Ord. passed 3-22-2010)

§ 52.13 VARIANCE PROTOCOLS.

Applications for water use variance requests are available from the town website and Town Hall office. All applications must be submitted to the Town Hall for review by the Town Manager or his or her designee. A decision to approve or deny individual variance requests will be determined within 4 weeks of submittal after careful consideration of the following criteria: impact on water demand, expected duration, alternative source options, social and economic importance, purpose (i.e., necessary use of drinking water) and the prevention of structural damage.

(Ord. passed 3-22-2010)

§ 52.14 EFFECTIVENESS.

The effectiveness of the town 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.

(Ord. passed 3-22-2010)

§ 52.15 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 5 years in conjunction with the updating of the 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 the Town Council. The Town Manager is responsible for initiating all subsequent revisions.

(Ord. passed 3-22-2010)

§ 52.99 PENALTY.

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

(A) If the Mayor, Manager, Water Superintendent or other town official or officials charged with implementation and enforcements of this chapter, or a water supply shortage resolution, learns of any violation of any water use restriction imposed pursuant to this chapter, 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.

(B) The notice shall describe the violation and order that it be corrected, cured or abated immediately or within the 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 shall have the opportunity to appeal the termination by requesting a hearing scheduled before the Town Council or an official designated as a hearing officer by the Council;

(2) If 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 ordered; and

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

(C) A fee of \$50 shall be paid for the reconnection of any water service terminated pursuant to divisions (A) and (B) above. In the event of subsequent violation the reconnection fee shall be \$200 for the second violation and \$300 for each additional violation.

(D) Any customer may also be charged with violation of this chapter and prosecuted in District Court. Any person so charged and found guilty of violating the provisions of this chapter 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 or imprisonment for not more than 30 days.

(E) In addition to, or in lieu of, criminal prosecution, violation of this chapter may subject the offender to civil penalties in the amounts provided, or otherwise in an amount of \$25 per day, collectible in a civil action in the nature of debt.

(Ord. passed 4-26-1999)