

CITY OF HAVELOCK

ORDINANCE AMENDMENT No. _____

CHAPTER 16, WATER AND SEWER

BE IT ORDAINED by the Board of Commissioners of the City of Havelock, North Carolina, that Chapter 16, Water and Sewer, of the Code of Ordinances of the City of Havelock, North Carolina, be amended by adding Article VII. WATER CONSERVATION as follows:

ARTICLE VII. WATER CONSERVATION

Sec.16-57. Purpose and intent; statutory construction.

It is the purpose and intent of this article to assure that available water resources are put to reasonable beneficial uses to avoid depletion of the city water supply during a water shortage. This article shall be liberally construed to effectuate such purpose and intent.

Sec. 16-58. Water shortage defined.

A "water shortage" shall be deemed to exist when the ordinary demands and requirements of water customers served by the city cannot be satisfied without depleting the water supply to or below the level at which the continued availability of water for human consumption, sanitation and fire protection is jeopardized.

Sec. 16-59. Proclamation of water shortage.

It shall be the duty of the city manager to report to the mayor and the Board of Commissioners conditions that may lead to, or currently are creating, a water shortage. Upon receiving such report, and upon determining that water conservation measures are necessary to adequately address an imminent or current water shortage, the mayor may impose by proclamation any stage of water conservation described herein. Except in the case of an emergency where prior notice is impossible or impracticable, prior to the mayor's initial proclamation or subsequent additional proclamations the city manager shall notify the Board of Commissioners regarding the mayor's decision to impose a stage of water conservation.

Sec. 16-60. Compliance required in the event of shortage.

(a) *Violation.* In the event that the mayor declares one or more stages of water conservation as set forth herein, it shall be a violation of this article for any person to use or permit use of water supplied by the city in violation of then in force mandatory restrictions.

(b) *Enforcement.* In addition to the penalties provided for in section 1-6 of the city's ordinances and North Carolina General Statutes Section 14-4 for violation of this article, each violator of this article additionally shall be subject to:

(1) *Discontinuance of service.* The city may discontinue water service to any structure(s) or parcel(s) when the city manager gives at least twenty-four (24) hours written notice of any violation of mandatory restrictions and intent to discontinue service. When service is discontinued pursuant to the provisions of this section, service shall not be reinstated until the city manager determines that the violator will no longer violate the mandatory restrictions or the mandatory restrictions have been rescinded.

(2) *Equitable relief.* The provisions of this article may be enforced by an appropriate remedy, including a mandatory or prohibitory injunction, issuing from a court of competent jurisdiction.

(c) *Penalty not a substitute remedy.* The imposition of one or more penalties for any violation shall not excuse any violation or permit it to continue.

Sec. 16-61. Restrictions applicable to various stages of water shortage.

(a) *Stage I Voluntary Conservation:* In the event the city manager determines that a water shortage is imminent, the mayor may proclaim that a Stage I Water Shortage exists. The city manager shall recommend that residential and commercial users voluntarily reduce water consumption by following conservation measures such-as, but not limited to:

(1) Limit lawn, garden and shrubbery watering to that which is necessary for plants to survive; reusing household water whenever possible.

(2) Limit car washing to minimum and no more than two (2) times per month

(3) Do not wash outside areas such as sidewalks, patios, etc.

(4) Do not leave faucets running while shaving or rinsing dishes.

(5) Operate clothes washers and dishwashers only when fully loaded.

(6) Use showers for bathing, rather than bathtub, and limit showers to no more than four (4) minutes.

(7) Use disposable and biodegradable dishes.

(8) Limit hours of operation of water-cooled air conditioners.

(9) Delay new landscape work until the water shortage has ended.

(b) *Stage II Moderate Mandatory Conservation:* In the event that the city manager determines that a water shortage is occurring, the mayor may declare by proclamation that a Stage II Water Shortage exists, and in addition to the voluntary restrictions heretofore requested, the following mandatory restrictions shall be in effect and it shall be unlawful to:

(1) Water lawns, grass, shrubbery, trees, flowers and vegetable gardens except in accordance with this article. Shrubby, trees, flowers and vegetable gardens may be watered

on Tuesday and Saturday mornings between the hours of 6:00 a.m. and 9:00 a.m. by hand-held hose, container, or drip irrigation system.

(2) Fill or refill empty swimming pools, wadding pools, fountains, or outdoor ornamental structures that use standing or running water. Upon written request, an exception may be granted by the city manager for an ornamental fountain, pool, pond or other similar structure using water if the city manager determines that continuing flow of such does not draw water from the city's water system.

(3) Wash any motor vehicle or other type of mobile equipment for any noncommercial purpose.

(4) Wash 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.

(5) Use water from public or private fire hydrants for any purpose other than fire suppression or other public emergency.

(6) Serve drinking water in restaurants, cafeterias or other food establishments except upon request.

(7) Operate water-cooled air conditioners or other equipment that does not recycle cooling water except when health and safety are adversely affected.

(8) Use water for any unnecessary purpose or to intentionally waste water.

(c) *Stage III Severe Mandatory Conservation.* In the event that the city manager determines that a water shortage is occurring and that Stage II Moderate Mandatory Conservation measures are inadequate, the mayor may declare by proclamation that a Stage III Water Shortage exists, and in addition to, or where applicable superseding, the voluntary and mandatory restrictions heretofore set forth, the following mandatory restrictions shall be in effect and it shall be unlawful to:

(1) Water or sprinkle any lawn, grass, trees, golf greens or flowers. Provided, however, that a person regularly engaged in the sale of plants shall be permitted to use water for irrigation of their commercial stock in trade, using the minimum amount of water needed for survival. Licensed landscape contractors may continue to water plantings which are under written warranty by hand-held hose, container or drip irrigation.

(2) Water any vegetable garden or ornamental shrubs. Provided, however, a person shall be permitted to use a hand-held container to water vegetable gardens and ornamental shrubs, using the minimum amount of water needed for survival, between the hours of 6:00 a.m. and 9:00 a.m. on Tuesday and Saturday mornings.

(3) Wash any motor vehicle or other type of mobile equipment for any private or commercial purpose.

(4) Make nonessential use of water for commercial or public use.

(5) Operate water-cooled air conditioners or other equipment that do not recycle cooling water, except when health and safety are adversely affected.

(d) *Other Requirements.*

(1) When any water conservation stage has been imposed, the owner or occupant of any commercial establishment that is open to the public and utilizes water from a well or water supply other than that of the city shall post and maintain in a prominent place thereon a sign obtained from the city giving public notice of the use of the well or other water source.

(2) When a Stage III Water Shortage has been declared, fire protection will be maintained, but where possible, fire fighting equipment shall use raw water.

(3) When a State II or Stage III Water Shortage has been declared, all industrial and manufacturing enterprises shall reduce consumption to level at least twenty-five percent (25%) below the previous month's usage. The city manager may require any such enterprise to document the specific efforts its has made to reduce consumption.

(4) A private well unconnected to the city's water system may be used during Stage I and Stage II Water Shortages, but shall not be used during a Stage III Water Shortage. Upon written request, the city manager may grant permission, conditioned on any restrictions deemed necessary by the city manager, to use a private well during a Stage III Water Shortage.

Sec. 16-62. Scope, Duration, and Notice.

(a) Water conservation measures set forth in this article shall be applicable to all users of the city's water system.

(b) A water conservation stage shall be in force until terminated by the mayor or Board of Commissioners.

(c) Whenever possible, notice of the water conservation measures recommended or required pursuant to this article shall be broadly reported to the media, advertised at least twice in a local newspaper of general circulation, posted on the city's Internet website, posted at the city's administrative offices, and included with a user's utility bill.

Adopted this the _____ day of _____, 20_____.

Jimmy A. Sanders, Mayor

ATTEST:

Cindy K. Morgan, City Clerk

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