

TOWN OF SOUTHERN PINES
WATER SHORTAGE RESPONSE POLICY and PLAN

WATER SHORTAGE CONSERVATION MEASURES
October 9, 2012

Section 1. Authority

When certain conditions exist which may adversely affect the continued availability of water for the protection of the public health, welfare and safety of the Town, it may become necessary to declare a water shortage and implement water shortage conservation measures.

The Town of Southern Pines Ordinance No. 50.016, Water Shortage Conservation Measures, Section (H) Town Policy, authorizes the Town Manager, Reagan Parsons, 910-692-7021, to prepare a Town Policy to implement such conservation measures.

Section 2. Purpose and Scope

The purpose of this policy is to further define, develop and enforce Water Conservation Measures as outlined in § 50.016 should the Town Manager determine that conditions exist requiring Water Conservation or Rationing Measures to be imposed.

This policy shall be applicable to all persons using Town water, inside and outside the Town Limits, regardless of whether they have a contract for water service with the Town.

Section 3. General

A water shortage shall be declared to exist when the reserve supply available to the Town will have reached the point where citizens cannot be supplied with water to protect their health and safety without substantially reducing the water demand.

A water shortage shall be declared to exist when production, transmission, and storage facilities are incapable of meeting all daily water demands without endangering the ability to protect safety and health without substantially reducing water demand.

Special conditions: Also a Water Shortage may be declared by the Town Manager when he/she feels that unforeseen circumstances warrant such measures.

Section 4. Word Interpretation and Definitions

In addition to the definitions as used in § 50.016, Section A (1), the following terms and phrases should have the meanings hereinafter designated:

- Excess Use - The usage of water by a customer in excess of the amount provided under the Water Rationing provisions for that customer over any applicable period.
- Mandatory Conservation - Raw water supplies (stream-flow, reservoir levels or groundwater levels) are consistently below seasonal averages, and if they continue to decline, may not be adequate to meet normal needs.
- Rationing - Procedures established to provide for 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 health and safety.
- Service Interruption - The temporary suspension of water supply, or reduction of pressure below that required for adequate supply, to any customer, portion of a water supply, or entire system.
- Voluntary Conservation - Conditions exist which indicate the potential for serious water supply shortages.

Section 5. Notice to Public of Water Restrictions

In the event water conservation and rationing measures are imposed, the Town Manager is authorized and empowered to give notice to the general public and other water customers of the Town of the existence of such measures and for such period of time the measures shall remain in effect.

Notice shall be given by public press announcements, hand-outs, web page advisories and/or other measures that may be available. The restrictions shall become effective immediately upon receipt of hand-out, web advisory or public

announcement. Once imposed, each declared stage shall be in effect for a minimum of thirty (30) days, unless conditions warrant relief of imposed restrictions, or a more restrictive level may be enacted immediately.

The Director of Public Services and the Water Plant Director shall review the number of day's supply of water available to the Town system at least every seven (7) days. At the end of the thirty (30) days, and following the periodic review, the Director of Public Services shall notify the Town Manager if the day's water supply exceeds the upper threshold of the effective stage. In such event, the Town Manager shall declare the appropriate measures to be in effect.

Section 6. Conservation Measures

The severity of the water shortage shall be determined primarily by the measurement of water of the combined reservoir storage volume in light of the criteria set out in Section 7. Restrictions imposed on commercial, manufacturing, institutional and residential users may include Voluntary, Mandatory, and Emergency Conservation Measures.

The conservation measures in effect at each Stage are as follows:

A. Stage 1 Alert - Voluntary Conservation Measures

1. The Director of Public Services shall notify the Town Manager, in writing, when the combined reservoir storage volume is less than seventy-five percent (75%) available for seven (7) consecutive days, or daily water demand is approaching ninety-five percent (95%) of system capacity.
2. The Town Manager shall declare a state of Voluntary Conservation - Stage I Alert and give notice to the public, as set forth in Section 5.
3. All water customers are encouraged to employ Voluntary Conservation Measures.
4. The following restrictions shall be requested:
 - All water customers should reduce consumption by Twenty Percent (20%) of their average usage.
 - The irrigation and sprinkling of established lawns, trees, shrubs, flowers or plants are to be limited. Even numbered addresses should irrigate on even number days and odd number addresses should irrigate on odd numbered days between the hours of 6:00 p.m. and 10:00 a.m. only
 - Do not establish new plantings.
 - Stop washing motor vehicles, except at commercial car washes.
 - Do not wash down exterior paved surface such as streets, driveways, service station aprons, parking lots, sidewalks, patios, etc.
 - Do not fill swimming pools. Only refill pools or water features due to evaporation.
 - Limit the use your garbage disposal.
 - Take showers instead of using the bathtub, and limit shower to no more than five (5) minutes.
 - Limit operating hours of water-cooled air conditioning units that do not recycle cooling water.
 - All phases of construction related activities should conserve water and locate additional sources of water.

Other helpful conservation tips:

- Remove weeds from gardens.
- Mulch around plants
- Avoid over-fertilizing.
- Plant native and drought-tolerant grasses, ground covers and shrubs.
- Raise mower blade to a height of 3-inches.
- Catch and use rainwater for outside uses.
- Insulate all pipes.
- Limit using clothes washers and dishwashers and when used, operate fully loaded.
- Do not leave faucets running while shaving, rinsing dishes, brushing teeth, etc.
- Where feasible, reduce pressure on water supply line, if it will not affect operations of equipment, public safety, or health devices.

- Reduce pressure at plumbing fixtures and install flow restricting devices within public buildings, institutions, dormitories and similar facilities.
 - Check for and repair leaks within homes and businesses.
 - Install a water flow restriction device in showerheads and other water saving devices such as early closing flapper valves in toilets, etc.
5. Stage 1 Alert – Voluntary Conservation Measures shall stay in effect for a minimum of thirty (30) days, or until the combined reservoir storage volume exceeds seventy-five percent (75%) for seven (7) consecutive days. However, as a general rule, the Town of Southern Pines may impose Stage 1 - Voluntary Conservation Measures at any time to encourage citizens to conserve water resources.

B. Stage 2 Warning - Mandatory Conservation Measures

1. The Director of Public Services shall notify the Town Manager, in writing, when the combined reservoir storage volume is less than fifty percent (50%) for seven (7) consecutive days.
2. The Town Manager shall declare a state of Mandatory Conservation Measures - Stage 2 Warning and the public shall be given notice as set forth in Section 5.
3. A scheduled water use program shall be imposed during this Mandatory Conservation period.
4. Restrictions contained in Voluntary Conservation Measures - Stage I Alert shall remain voluntary.
5. The following restrictions are imposed and it shall be unlawful:

- To water or sprinkle any lawn, grass, shrubbery, trees, flower and vegetable gardens.

Irrigation Exemption - Newly established lawns, grass, trees, flower and vegetable gardens (collectively known as plantings) Installed prior to the enactment of Stage 2 Warning may be watered by hand-held hose, container, or drip irrigation system only at a rate necessary to keep alive. Use of an automatic irrigation system may be used for exempted newly established plantings, but not more than one (1) day per week between the hours of 6:00 p.m. and 10:00 a.m. and only at the minimum necessary to keep plants alive. Exempted newly established lawns, grass, trees, flowers and vegetable gardens may irrigate even numbered addresses on even numbered days and odd numbered addresses may irrigate on odd numbered days as indicated above. Exempted plantings shall only include such plantings under warranty by a licensed landscape contractor or plantings installed by the homeowner or resident prior to the enactment of the Stage 2 Warning Mandatory Conservation Measures. Homeowner or resident must provide suitable proof of the time frame of such plantings.

Persons regularly engaged in the sale of plants shall be permitted to water, by any method at any time, for irrigation of their commercial stock in trade.

- To water parks and other recreational areas except by hand-held hose, container, or drip irrigation.
- To operate water-cooled air conditioners or equipment that does not recycle cooling water, except when health and safety are adversely affected.
- To wash automobiles, truck, trailers, boats, airplanes, or any other type of mobile equipment; except parts of vehicles may be washed where required by federal, state, or local laws or for safety reasons. Exemption - any commercial or business operated car wash facility shall be permitted to use water for such purposes.

To wash down 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 or to use water for similar purposes. Exemption - washing of exterior surfaces of a building for preparing them for painting shall be permitted and licensed commercial pressure washers shall be permitted to operate.

- To introduce water into any ornamental fountain or pool not containing plants or fish.
- To fill or replenish any swimming or wading pool serving less than twenty-five (25) dwellings, except to maintain the minimum level required to operate chemical feed equipment.
- To serve drinking water in restaurants, cafeterias, or other food establishments, except as requested.
- To use water from any public or private fire hydrant for any purpose other than by the Fire Department for fire suppression, testing and drills, Public Works Department need or other public emergencies.
- To use water for dust control or compaction.
- To use water for any unnecessary purpose or intentionally waste water.
- To exceed the following mandate:

Public and private customers owning golf courses, and institutional customers owning athletic and playing fields, which are separately metered, may water the courses and fields by any method during the hours of 6:00 p.m. and 10 a.m. each day, and shall reduce water usage by forty percent (40%) of their average usage during the most recent twelve (12) month period in which no water storage was in effect.

If no meter readings are available then an average of similar users will be established by the water department.

All industrial, manufacturing and commercial enterprises, and all customers with a swimming or wading pool or tennis courts, shall reduce consumption to any degree feasible with a reduction goal of at least twenty-five percent (25%) of their usual usage.

- a) The customer is responsible for meeting its mandated water reduction in whatever manner possible.
 - b) Town personnel shall have access for purpose of meter reading and monitoring compliance
 - c) If the mandated reduction cannot be obtained without threatening health or safety, or if there has been a significant change in circumstances, the customer may apply to the Town Manager for a variance to these limits; and
 - d) Customers that exceed the allotments established will be subject to "Excess-Use Civil Penalties" set forth in Section 8.
4. A sign shall be posted in a conspicuous place on the property, giving notice of the use of a well or other sources of supply, by any land or building owners or occupants who receives water from the Town and also uses water from a well or other sources.
 5. Stage 2 Warning – Mandatory Conservation Measures shall stay in effect for a minimum of thirty (30) days, or until the combined reservoir storage volume exceeds fifty percent (50%) for seven (7) consecutive days.

B.2 Stage 3 Danger - Mandatory Conservation Measures

1. The Director of Public Services shall notify the Town Manager, in writing, when the combined reservoir storage volume is less than forty percent (40%) for seven (7) consecutive days.
2. The Town Manager shall declare a state of Mandatory Conservation - Stage 3 Danger, and the public shall be given notice as set forth in Section 5.
3. An outright ban on Class 3 Uses shall be imposed during this Mandatory Conservation period.
4. In addition to those restrictions applicable to Stage 2 Warning, the following are imposed and it shall be unlawful:
 - To water or sprinkle any lawn, grass, shrubbery, trees, or flowers.

Irrigation Exemptions – exempted newly established plantings may be watered by utilizing no more than a three (3) gallon capacity container of used water from inside a structure. Public and private customers owning golf courses, and institutional customers owning athletic and playing fields, which are separately metered, may water the courses and fields by any method pursuant to the same terms and conditions set forth in Stage 2 Warning except the mandatory water use reduction shall be sixty percent (60%) of their average usage during the most recent twelve (12) month period in which no water shortage was in effect. Approved newly established lawns, grass, trees, flowers and vegetable gardens shall only include such plantings under warranty by a licensed landscape contractor or plantings installed by the homeowner or resident prior to the enactment of the Stage 2 Warning Mandatory Conservation Measures. Homeowner or resident must provide suitable proof of the time frame of such plantings.

Persons regularly engaged in the sale of plants shall be permitted to use water for irrigation of their commercial stock in trade.

State, county, and city licensed landscape contractors may continue to water plantings that are under written warranty by hand-held hose, container or drip irrigation.

- To fill or refill any single-family swimming or wading pool or water any tennis court, if a residential customer.
- To use water for any other purpose, whether commercial, public, or otherwise, that is not necessary for health or safety.
- To make any water service connections except as herein provided:

Connections to the Towns water system shall be allowed, but not required, in the following cases, if all other requirements of law pertaining to such connections have been met:

- a) Lots upon which construction has been authorized, for which a valid building permit has been issued prior to the implementing of Mandatory Conservation Measures;

This exemption shall apply for such period that the building permit remains valid and in effect.

- b) Public and other schools, for which the water is necessary to satisfy compulsory education requirements of the laws of the State of North Carolina, public facilities for sheriff, police, fire protection, hospitals, emergency medical services, and facilities of public service companies regulated as public utilities under laws of the State of North Carolina.
 - To exceed the following water usage mandate:
Commercial and multi-family swimming pool customers shall reduce by twenty-five percent (25%).
- If no meter readings are available then an average of similar users will be established by the water department. Such customers include governmental, commercial, industrial, institutional, public, social, multi-family, and all such users.
- a) The non-residential customer is primarily responsible for meeting its mandated water reduction in whatever manner possible, including limitation of operating hours, or days, if necessary.
 - b) Town personnel shall have access for purpose of meter reading and monitoring compliance
 - c) If the mandated reduction cannot be obtained without threatening health or safety, or if there has been a significant change circumstances, the customer may apply to the Town Manager for a variance to these limits; applications for water use variance requests are available from the Town Manager's office. All applications must be submitted to the Town Manager or his designee. A decision to approve or deny individual variance requests will be determined within two (2) 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; and
 - d) Any customer who exceeds the allotments established pursuant to this water rationing would be subject to "Excess-Use Civil Penalties" set forth in Section 8.
4. All industrial, manufacturing and commercial enterprises, shall reduce consumption to any degree feasible with a reduction goal of at least thirty percent (30%) of their usual usage during the most recent twelve (12) month period in which no water storage was in effect; Provided that this goal shall not apply to those customers who wash parts of vehicles where such washing is required by federal, state, or local laws, or for health or safety reasons.
 5. Stage 3 Danger – Mandatory Conservation Measures shall stay in effect for a minimum of thirty (30) days, or until combined reservoir storage volume exceeds forty percent (40%) for seven (7) consecutive days.

C. Stage 4 Emergency - Emergency Conservation Measures

1. The Director of Public Services shall notify the Town Manager, in writing, when the combined reservoir storage volume is less than thirty percent (30%) for seven (7) consecutive days.
2. The Town Manager shall declare a state of Emergency Conservation - Stage 4 Emergency, and the public shall be given notice as set forth in Section 5.
3. All Class 1 Essential Uses shall be specifically targeted for Voluntary Conservation Measures.
4. In addition to those restrictions applicable to Stage 3 Danger, the following are imposed and it shall be unlawful:
 - To use water outside a structure for any use other than emergencies involving fire or as needed by water resources department to maintain the system.

Irrigation Exemptions – exempted newly established plantings may be watered by utilizing no more than a three (3) gallon capacity container of used water from inside a structure. Approved newly established lawns, grass, trees, flowers and vegetable gardens shall only include such plantings under warranty by a licensed landscape contractor or plantings installed by the homeowner or resident prior to the enactment of the Stage 2 Warning Mandatory Conservation Measures. Homeowner or resident must provide suitable proof of the time frame of such plantings.

 - To operate an evaporative air conditioning unit which recycles water except during the operating hours of the business.
 - To wash any vehicle for any purpose, whether inside or outside a structure, except that commercial and business operated car washes may do so as provided below; and provided that parts of vehicles may be washed where required by federal, state and local laws for health reasons.
 - To exceed the following water usage mandate:

All non-residential customers shall reduce their water usage by twenty-five percent (25%) except commercial and business operated car washes and non-single family residential customers who operate swimming or wading pools or tennis courts shall reduce such usage by fifty percent (50%) of their average usage during the most recent twelve (12) month period in which no water shortage was in effect;

If no meter readings are available then an average of similar users will be established by the water department.

Non-residential customers include governmental, commercial, industrial, institutional, public, social, and all such users.

- a) The non-residential customer is primarily responsible for meeting its mandated water use reduction in whatever manner possible, including limitation of operating hours, or days, if necessary.
 - b) Town personnel shall have access for purpose of meter reading and monitoring compliance
 - c) If the mandated reduction cannot be obtained without threatening health or safety, or if there has been a significant change circumstances, the customer may apply to the Town Manager for a variance to these limits. Applications for water use variance requests are available from the Town Manager's office. All applications must be submitted to the Town Manager or his designee. A decision to approve or deny individual variance requests will be determined within two (2) 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; and
 - d) Any customer who exceeds the allotments established pursuant to this water rationing would be subject to "Excess-Use Civil Penalties" set forth in Section 8.
- To make any water service connections except as herein provided. Connections to town water system shall be allowed, but not required in the following cases, if all other requirements of law pertaining to such connections have been met:

Lots upon which construction has been authorized to which a valid building permit has been issued prior to Stage 4 Emergency; provided that this exemption shall apply for only so long as such building permit remains in effect.

5. Public and other schools satisfying the compulsory education requirements of the laws of the State of North Carolina, public facilities for sheriff, police, fire protection, hospitals, emergency medical services, and facilities of public service companies regulated as public utilities under laws of the State of North Carolina.
6. Residential customers shall reduce consumption to any degree feasible with a goal of a reduction of at least twenty five percent (25%) of their average usage.
7. Stage 4 Emergency – Emergency Conservation Measures shall stay in effect for a minimum of thirty (30) days, or until the combined reservoir storage volume exceeds thirty percent (30%) for seven (7) consecutive days.

C.1 Stage 5 Crisis - Emergency Conservation Measures

1. The Director of Public Services shall notify the Town Manager, in writing, when the combined reservoir storage volume is less than twenty percent (20%) for seven (7) consecutive days.
2. The Town Manager shall declare a state of Emergency Conservation - Stage 5 Crisis, and the public shall be given notice as set forth in Section 5.
3. All Class 2 Socially or Economically Important Uses and Class 3 Non Essential Uses shall be restricted and banned.
4. In addition to those restrictions applicable to Stage 4 Emergency, the following are imposed and it shall be unlawful:
 - To serve food or beverages in restaurants, clubs, and other eating places to customers using anything other than disposable plates, saucers, cups, eating utensils, napkins and tablecloths, etc.
 - To wash any vehicle for any purpose, whether inside or outside a structure, except those parts of vehicles may be washed where required by federal, state and local laws for health or safety.
 - Operate start-up or maintain a water-cooled air conditioning unit or equipment which does not recycle its cooling water, unless required for health and safety reasons, and approved by the Towns Director of Public Services.

- Use water outside a structure for any use other than emergencies involving Fire Department or as needed by the Public Works Department to maintain the Towns water system.
- Use water for dust control, compaction, or earth moving activities requiring re-vegetation except at a minimum rate necessary to comply with federal, state, or local laws or for health or safety reasons.
- To exceed the following water usage mandate:

All non-residential customers shall reduce their water usage by fifty percent (50%) of their average usage during the most recent twelve (12) month period in which no water shortage was in effect; except that water may not be used to fill or top off any swimming or wading pool.

If no meter readings are available then an average of similar users will be established by the water department.

- a) The non-residential customer is primarily responsible for meeting its mandated water use reduction in whatever manner possible, including limitation of operating hours, or days, if necessary.
 - b) Town personnel shall have access for purpose of meter reading and monitoring compliance
 - c) If the mandated reduction cannot be obtained without threatening health or safety, or if there has been a significant change circumstances, the customer may apply to the Town Manager for a variance to these limits. Applications for water use variance requests are available from the Town Manager's office. All applications must be submitted to the Town Manager or his designee. A decision to approve or deny individual variance requests will be determined within two (2) 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; and
 - d) Any customer who exceeds the allotments established pursuant to this water rationing would be subject to "Excess-Use Civil Penalties" set forth in Section 8.
5. To make any new water service connections to the Towns water system, except for public and other schools satisfying the compulsory education requirements of the laws of the State of North Carolina, public facilities for sheriff, police, fire protection, hospitals, emergency medical services, and facilities of public service companies regulated as public utilities under laws of the State of North Carolina.
 6. Residential customers shall continue to reduce consumption to any degree feasible with a goal of a reduction of at least forty percent (40%) of their average usage.
 7. To fail to take any reasonable measures that would reduce water consumption at any industrial, manufacturing or commercial enterprises. If monthly consumption is reduced to at least FIFTY PERCENT (50%) of the average monthly usage during the most recent twelve (12) month period in which no water restriction was in effect, it will be presumed that all reasonable measures have been taken.
 8. Stage 5 Crisis – Emergency Conservation Measures shall stay in effect for a minimum of thirty (30) days, or until the combined reservoir storage volume exceeds twenty percent (20%) for seven (7) consecutive days.

D. Mandatory Water Rationing

The equitable distribution of critically-limited water supplies shall be implemented through Mandatory Water Rationing in order to balance demand and limited available supplies, and to assure that sufficient water is available to preserve public health and safety.

It will be imperative that water users achieve an immediate further reduction in water use.

1. The Director of Public Services shall notify the Town Manager, in writing, when the combined reservoir storage volume is less than ten percent (10%) for seven (7) consecutive days.
2. The Town Manager shall declare a state of Mandatory Water Rationing, and the public shall be given notice as set forth in Section 5.
3. In addition to those restrictions imposed in Stage 5 Crisis, the following Water Rationing Limits shall apply as follows:
 - Residential Users:
All residential water customers shall reduce consumption by fifty percent (50%) of their usual usage during the most recent twelve (12) month period in which no water restriction was in effect.

- **Non Residential Users:**
All non-residential customers shall reduce consumption by eighty percent (80%) of their usual usage during the most recent twelve (12) month period in which no water restriction was in effect.
 - A) All water customers are responsible for meeting the established water rationing limits in whatever manner possible, including limiting hours or days of operating, if necessary;
 - B) Town personnel shall have access for purpose of meter reading and monitoring compliance;
 - C) If the water rationing limits established cannot be obtained without threatening health or safety, or if there has been a significant change in circumstances, the customer may apply to the Town Manager for a variance to these limits. Criteria to meet a variance shall be; if mandatory water rationing will be cause for a closure of business on a permanent basis and business can demonstrate that it can still meet Stage 5 – Crisis restrictions while in operation.
 - D) Any water customer that exceeds the water rationing limits established herein shall be subject to “Excess-Use Civil Penalties” set forth in Section 8.

E. Termination of declared Mandatory Rationing

1. Mandatory Water Rationing shall be terminated when it is determined by the Town Manager that the available water supply is adequate to preserve public health and safety, or until the combined reservoir storage volume exceeds ten percent (10%) for seven (7) consecutive days.
2. Upon termination, all fines or penalties incurred by any person or customer shall remain in effect until paid.
3. Discontinued users may have their service restored upon payment of the regular cut-on fees, except for those users cut off without notice.

Section 7. Compliance

- A. Compliance with the provisions of this policy shall be enforced by the Town’s Police Department, personnel of the Public Works Department and other such Town employees designated by the Town Manager.

Failure to comply with this policy shall be unlawful and subject to enforcement and civil penalties as set forth in Section 8.

- B. It shall be unlawful for any person to use or permit the use of water from the water system for any of the purposes set forth until such time the Town Manager declares such provisions are no longer in effect.

In exercising this authority, considerations shall be given to the following criteria:

- Stream flows
- Capabilities of the water production and distribution system
- Drawdown rates, outlook for precipitation
- Daily water use patterns
- Seasonal and long-term weather patterns, and
- Availability of water from other sources.
- Water levels in the reservoirs

- C. Hospitals, nursing homes and health care facilities shall comply with all restrictions imposed to the extent compliance will not endanger the health of the patients or residents of the institution. These facilities shall survey their water usage patterns and requirements and implement such additional conservation measures to further reduce water usage.

Section 8. Enforcement

Any person who, after being given notice of violation, does not comply with § 50.16 Section (I) or this policy within the time period specified shall, at the option of the Town, be subject to any of the following:

1. Civil Penalties:

In addition to or in lieu of criminal prosecution, the offender may be subject to civil penalties in the amounts provided or otherwise an amount of up to five hundred dollars (\$500.00) per violation per day for so long as the violation exists.

Each day the violation occurs or continues constitutes a separate violation. The Town Manager shall take into account all relevant circumstances in determining the maximum amount of the civil penalty.

“EXCESS-USE CIVIL PENALTIES” TO BE APPLIED: (FOR VIOLATION OF CONSERVATION MEASURES)

ITEM	\$100.00 Fine	\$250.00 Fine	\$500.00 Fine
Extent of Harm / Magnitude	Less than 1,000 gal.	1,000 - 5,000 gal.	Greater than 5,000 gal.
Duration	One (1) Day	Two (2) Days	Greater than Two (2) Days
Efforts to Correct	Yes	No	No
Compliance History	One (1) Prior	Two (2) Prior	Three (3) Prior
Cost of Enforcement	Routine	Non-Routine	Non-Routine
Willful / Intentional	Non-Willful / Intentional	Willful / Intentional	Willful / Intentional

2. Criminal Penalties:

The violator may be charged and prosecuted in District Court. If charged and found guilty, the violator shall be guilty of a misdemeanor.

Each day the violation occurs or continues constitutes a separate violation. The maximum fine shall be fifty dollars (\$50.00) per occurrence or a maximum of thirty (30) days imprisonment.

3. Termination of Water Service:

The Town Manager or his designee may make findings of fact and order whether service should continue, flow be restricted, or terminated.

The standard reconnection charge shall be paid for the reconnection of any water service terminated pursuant to the current Town ordinances and procedures.

4. Injunctive Relief:

The Town may seek injunctive relief from competent jurisdiction to assure compliance.

5. Court:

The Town may seek court ordered remedies from competent jurisdiction to assure compliance.

6. Appeal:

Any person against whom enforcement action has been taken, hereafter referred to as “aggrieved party”, is entitled to appeal to the Town Council upon serving written notice to the Town Manager and following administrative procedures for appeal to the Town Council. (§ 951, passed 06-24-02) Penalty, see § 50.099

Section 9. Public Comment, Effectiveness and Revision

The Town shall have, at a minimum, one (1) public review and comment period for the Water Shortage Response Plan prior to final plan adoption. Citizens interested in the Plan may contact the Director of Public Services, 910-692-2463, to obtain a copy of the Water Shortage Response Plan. The Plan will also be posted on the Town’s web site for review and comment.

The Water Shortage Response Plan shall be reviewed to adapt to new circumstances, after implementation of Stage 5 – Crisis – Emergency Conservation Measures, or at a minimum of five (5) year intervals. Additionally, the effectiveness of Water Shortage Response Plan will be determined by comparing the water conservation goals stated herein and the observed water use reduction data. Other factors to be considered include frequency of plan activation, any problem periods without activation, total number of violations citations, desired reductions attained and evaluation of demand reductions compared to the previous year’s seasonal data. The Public Services Director is responsible for the Plan revision process.

Section 10. Severability

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

Section 11. Effective Date

This policy shall take effect immediately upon adoption.

Section 12. Effective Period

This policy will remain in effect until terminated by action of the Town Council.