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### **Sec. 14-40.1. Water shortage and withdrawal/conservation restrictions.**

- (a) The town may declare water shortage and withdrawal/conservation restrictions as deemed necessary due to drought conditions or a water emergency. The Utilities Director, their designee, town manager, or mayor are authorized to make the declaration in writing and indicate the effective stage per Sec. 14-40.3.
  - (1) A water emergency exists when the town's water treatment plant cannot produce water, the town needs to supplement or rely upon water from another jurisdiction, or there is contamination of the water supply such that the water supply is limited or needed for mitigation of contamination.
- (b) In the event of a water shortage in Lake Orange and West Fork Eno Reservoir or diminished streamflows in the Eno River, the persons identified in item (a) are authorized, empowered, and directed to issue a declaration to all persons the existence of such state and the severity thereof, and place in effect the restrictive provisions authorized in section 14-40.3 of this article.
  - (1) A water supply shortage exists when the reservoir water supply reaches volumes stated in this Code and the Eno is flowing less than ten cubic feet per second.
- (c) Any car wash business (i.e., a business involved primarily in the washing of cars, trucks or other vehicles) whose operations are suspended through the operation of the mandatory water restrictions set forth in this article shall be entitled to credits on its subsequent monthly bills in accordance with the following formula: For each week which such businesses' operations are suspended, that business shall receive a 50 percent discount on a subsequent monthly water and sewer bill after the restrictions are lifted. For periods of restriction which are less than a week, the amount of the discount shall be determined by multiplying 50 percent by the number of days of such restriction and dividing the product obtained by seven.

(Prior Code, § 14-40.1; Ord. of 6-14-2004)

### **Sec. 14-40.2. Unlawful to use water contrary to provisions of this article.**

- (a) When a water shortage and withdrawal/conservation restrictions are declared pursuant to section 14-40.1, it shall be unlawful for any person to use or permit the use of water supplied through the facilities of the Town of Hillsborough, in violation of any of the restrictions contained in the declaration until the town has declared a particular stage of the water shortage to be over and the applicable restrictions are no longer in effect.
- (b) In light of the many benefits that can be derived by conserving water, all persons, firms, or corporations served by the town's water system should follow water conservation practices and irrigation requirements in Section 14-19 regardless of the time of year or whether or not a water shortage or emergency exists. Water conservation should be followed during all phases of construction-related activities. Where appropriate, water needed should be obtained from supplemental sources. Nonessential construction-related activities which require water should not be undertaken during a declared water shortage.

(Prior Code, § 14-40.2)

### **Sec. 14-40.3. Restrictive measures in effect at each stage of water shortage.**

The severity of a water supply shortage shall be determined by the usable water capacity for the Town of Hillsborough available in the West Fork Eno Reservoir, Lake Orange, and the Eno River combined, or in an emergency, also in its water quality testing, storage and distribution systems, or through system interconnections with neighboring jurisdictions. These restrictions apply to Town of Hillsborough municipal water supply usage only.

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- (1) *Stage 0. No stage—Normal conditions.*
  - (2) *Stage 1. Voluntary restrictions.*
    - a. Implementation: This stage begins when the usable water capacity remaining is less than 180 days of supply or as otherwise declared for a water emergency.
    - b. Recommendations: The town shall:
      - (i) For reservoir supply issues, provide weekly (or more frequent) reservoir level and water usage statistics. For a water emergency, maintain daily updates to the public through website, social media, alert system and press releases.
      - (ii) Recommend water usage reduction techniques through water bills, fliers, notices, town web page and media.
      - (iii) Recommend a usage reduction of ten percent for all customers.
  - (3) *Stage 2. Mandatory restrictions.*
    - a. Implementation: This stage begins when the usable water capacity remaining is less than 135 days of supply or as otherwise declared for a water emergency.
    - b. Requirements and recommendations:
      - (i) Water usage reduction techniques listed in stage 1 shall be required and customers shall limit outdoor water use.
      - (ii) Usage reduction of 20 percent for all customers is recommended.
      - (iii) No private car washing allowed; commercial car washing is permitted.
      - (iv) No pressure washing allowed.
      - (v) Two-days per week outdoor water use based upon street address (Saturday, Sunday, Tuesday, and Wednesday only, based on section 14-19 requirements, odd or even).
  - (4) *Stage 3. Rationing.*
    - a. Implementation: This stage begins when the usable water capacity remaining is less than 90 days of supply or as otherwise designated for a water emergency.
    - b. Requirements and recommendations:
      - (i) Usage reduction of 30 percent for both residential and business is required (allowing for special medical exemptions).
      - (ii) No outdoor water usage allowed, other than emergency/fire protection or by the town as necessary.
      - (iii) Customers will not be required to use less than the billing minimum allowance.
    - c. Irrigation water meters will be turned off or removed by the town.
    - d. The town will further curtail usage or enhance water availability with the following practices:
      - (i) Water pressure in the town distribution system shall be lowered by decreasing tank holding levels, to the extent possible.
      - (ii) If flushing of water lines is required for water quality concerns, the water will be captured in a tanker and transported upstream of the raw water intake for reintroduction into the river.

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- (iii) Other potential water sources will be elevated and utilized, if feasible (investigate rock quarries, ponds, springs, other water utilities, interconnections with neighboring jurisdictions, etc.).
  - (iv) Inform the public of the daily water usage, reservoir level, and goal for water usage for daily publication, to enhance public awareness.

(Prior Code, § 14-40.3; Ord. of 6-14-2004; Ord. No. 20090608-10.I, § 1, 6-8-2009)

### **Sec. 14-41. Violations.**

- (a) The town shall enforce the limits established by this article by visual observation and reading meters as often as the town deems necessary and, if necessary, terminating service to customers.
- (b) Use billing system stop checks to catch violators (1,000 bills per month).
- (c) Allow deferral of the first violation if achieved 50 percent of goal. Waive this fine if goal is reached in the second month.

(Prior Code, § 14-41; Ord. of 6-14-2004)

### **Sec. 14-41.1. Penalties.**

- (a) A violation of any of the provisions of this article shall also subject the offender to a civil penalty.
- (b) The town may seek to enforce this article through any appropriate equitable action.
- (c) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.
- (d) The town may seek to enforce this ordinance by using any one or any combination of the foregoing remedies for violations during stage 2 or 3 (mandatory restriction stages).
- (e) Graduated fines:
  - (1) First offense = \$50.00 fine plus Y civil penalty, not to exceed \$200.00;
  - (2) Second offense = \$50.00 fine plus 2Y civil penalty, not to exceed \$400.00;
  - (3) Third offense = \$50.00 fine plus 3Y civil penalty, not to exceed \$600.00;
  - (4) Fourth offense = Discontinuation of water service until restrictions end, or until all fines are paid and assurance given that they will not violate restriction again, and subject to town board approval.

"Y" equals the violating customer's average water bill.

(Prior Code, § 14-41.1; Ord. of 8-27-2002; Ord. of 6-14-2004; Ord. No. 20090608-10.I, § 1, 6-8-2009)

### **Sec. 14-41.2. Notification, public comment, variance protocols, effectiveness, and revision.**

- (a) *Notification.* Water users and system employees will be notified when the plan is enacted at all stages, and will be notified of required response measures, through the following methods.
  - (1) Notice will be placed on water bills in the information box if time permits (as messaging must be provided to the vendor well in advance of bill printing).
  - (2) Temporary signs will be placed at strategic locations in the system.

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- (3) E-mail notice to distribution lists maintained by the town (customers may be added to lists upon request).
  - (4) Town web page.
  - (5) Press release to local media through town public information officer.
  - (6) The towns available alert messaging system (i.e., OCAAlerts, reverse 911, etc.)
- (b) *Public comment.* This plan is reviewed and adopted by the town board at public town meetings. The public is notified through existing laws regarding notification of public meetings. Public comment is available to interested parties at the meeting prior to adoption of the plan or revisions.
- (c) *Variance protocols.* Requests for variances shall be directed to the town utilities director, and shall be issued at his/her discretion, based on need and justification. Criteria considered for approval shall be as follows:
- (1) Significant financial hardship, such as but not limited to:
    - a. New sod installed prior to the start of mandatory restrictions.
    - b. Business use that is totally dependent on water use.
    - c. Other reasons to be determined on a case-by-case basis.
  - (2) Health endangerment.
  - (3) No other water source is available for stated use (non-potable sources exhausted or not appropriate).
  - (4) Non-refundable payment of variance fee of \$200.00 (stage 2) or \$500.00 (stage 3).
  - (5) Previously issued variance approvals shall be void when restriction stage increases or mandatory restrictions end. Reapplication is required for variance extensions.
- (d) *Effectiveness.* The effectiveness of these restrictions shall be measured through comparison of actual water use records on a weekly basis. Water use comparisons will be published in the weekly West Fork Eno Reservoir Update.
- (e) *Revision.* This water shortage response plan will be reviewed periodically.
- (Ord. No. 20090608-10.I, § 1, 6-8-2009)