

TOWN OF WHITE LAKE
“Water Shortages and Conservation Ordinance”

Effective: October 08, 2002

INTRODUCTION

Purpose:

The purpose of this Water shortage and Conservation Ordinance is:

1. To implement permanent seasonal water conservation measures;
2. To provide for the declaration of increasingly serious stages of water shortages, and
3. To define mandatory water conservation measures to be implemented during these various stages.

This Water Shortage and Conservation Ordinance is intended to preserve the water demands for human consumption, sanitation, and fire protection of its customers can be met as cost-efficiently as possible throughout the service area of the Town of White Lake, North Carolina.

OBJECTIVES

The specific objectives of the Water Shortage and Conservation Ordinance are as follows:

1. To establish permanent seasonal water conservation measures for all customers in the interest of conserving the Town’s water supply;
2. To establish the authority of the Mayor or Board of Commissioners of the Town of White Lake to declare water shortage conditions and to implement and enforce the procedures established herein;
3. To establish mandatory water conservation measures;
4. To establish enforcement protocol for violations of mandatory water conservation measures outlined herein.

DEFINITIONS

“Contamination” shall mean the addition to any watershed area, reservoir, storage tank, or distribution system of any material that appears in an above-normal concentration or as high nuisance or harmful effect on the consumer or the system.

“User” shall mean any person using water for any purpose from the Town of White Lake water distribution system (either directly or indirectly) and for which either a regular charge is made or in the case of bulk sales, a cash charge is made at the site of delivery.

“Emergency” when referring to water shortage, shall mean that conditions exist such that treated water supplies cannot meet customer demands and that serious treated water shortages exist.

“Essential Use” shall mean (1) use of water to sustain normal life and the lives of domestic pets, and to maintain minimum standards of hygiene and sanitation; (2) use of water for patient care and rehabilitation; (3) fire fighting (includes certain testing and drills by the fire department if

conducted in the interest of public safety and if approved by the Mayor or Board of Commissioners; (4) health and public protection purposes, if specifically approved by health officials and the Mayor or Board of Commissioners including flushing of water lines and hydrants.

“Hand watering” shall mean the use of a hand-held water device. The device can be attached to the end of a garden hose, but must be attended and held in the hand of a person at all times that watering is taking place.

“Mandatory Conservation” shall mean that conservation measures are not voluntary and that if users fail to comply they are subject to the penalties outlined herein.

“Person” shall mean any natural person, any group of persons, any firm, partnership, association, corporation, company, or any other organization or entity.

“TOWL” shall mean the Town of White Lake acting through its Mayor or Board of Commissioners.

“Rationing” shall mean procedures established by the Town of White Lake to provide the equitable distribution of critically limited treated water supplies in order to balance demand and limited availability and to ensure that sufficient treated water is available to preserve public health and safety.

“Shall” is mandatory, “May” is permissive.

“Potable Water” shall mean the water in the Town of White Lake water distribution system.

“Water Shortage” shall mean that conditions exist when the demands and requirements of water customers served by the Town of White Lake cannot be satisfied without depleting the available supply of potable water or the available water supply to or below a critical level, i.e., the level at which the continued availability of water for human consumption, sanitation, and fire protection is jeopardized. Conditions contributing to a water shortage may include but are not limited to the following:

- (a) Water supplies are below the level necessary to meet needs;
- (b) Water quality has been threatened due to a contamination situation;
- (c) Power outages or equipment malfunction;
- (d) Peak customer demands on the water system;
- (e) Inability to maintain adequate pressure and/or water supply throughout every portion of the Town of White Lake water distribution system;
- (f) Natural Disasters.

PERMANENT SEASONAL WATER CONSERVATION MEASURES

Every Town of White Lake customer shall comply with the following schedule for the irrigation of outdoor landscaping (such as grass, shrubbery, trees, flowers and vegetable gardens **from May 01 through September 30 annually**):

1. Irrigation shall be limited to the hours of 7:00 p.m. to 7:00 a.m.
2. Water lawns, gardens, and shrubbery only as necessary on Monday, Wednesday, and Friday.

3. No irrigation shall take place in the daylight hours of any day between 7:00 a.m. and 7:00 p.m.*
4. Exceptions to these restrictions (on a temporary one to three day basis) may be granted for persons engaged in the business of landscaping on a site by site basis, by permit issued by the Town of White Lake.

*The owner or occupant of any land or building which either (1) receives water from the Town of White Lake and that also utilizes water from a well or supply other than that of the Town of White Lake or (2) is in the city limits and uses a well or pond for irrigation purposes, shall post and maintain in a prominent place thereon a sign furnished by the Town of White Lake (for a fee) giving public notice of the use of the well or other sources of supply.

WATER CONSERVATION STAGE 1-WATER SHORTAGE WARNING

Whenever the Town of White Lake experiences a potential water shortage, the Mayor or Board of Commissioners shall be empowered to declare a "Water Shortage Warning".

An extensive publicity campaign will be initiated with conservation efforts publicized through the general news media or any other appropriate method for making such notification public. While "Water Shortage Warning" conditions are declared; the following mandatory conservation measures shall be imposed.

It shall be unlawful to use water from the public water system supplied by the Town of White Lake for the following purposes:

1. To water lawns, grass, shrubbery, trees, flower and vegetable gardens except by hand watering on the schedule outlined under "Permanent Seasonal Water conservation Measures". Provide, however, that any person regularly engaged in the sale of plants shall be permitted to use water for such purposes, and shall not be restricted to hand watering.
2. To wash automobiles, trucks, trailers, boats, airplanes, or any other type of mobile equipment. Provided, however, that any person regularly engaged in the business of washing motor vehicles and any commercial car wash facility shall be permitted to use water for such purposes.
3. 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 other similar purposes. Provided, however, that any person regularly engaged in the business of washing such areas shall be permitted to use water for such purposes.
4. To introduce water into any ornamental fountain pool, pond, or other structure making similar use of water.
5. To use water from public or private fire hydrants for any purpose other than fire suppression or other public emergency or water department need.
6. To use water for dust control, compaction, or construction testing of new water lines.
7. To intentionally waste treated water and misuse of irrigation meters.

*The owner or occupant of any land or building which either (1) receives water from the Town of White Lake and that also utilizes water from a well or supply other than that of the Town of White Lake or (2) is in the city limits and uses a well or pond for irrigation purposes, shall post and

maintain in a prominent place thereon a sign furnished by the Town of White Lake (for a fee) giving public notice of the use of the well or other sources of supply.

WATER CONSERVATION STAGE II-WATER SHORTAGE EMERGENCY

When the Town of White Lake experiences a shortage of treated water, or when the water supply is not adequate to meet normal needs, the Mayor or Board of Commissioners shall be empowered to declare a "Water Shortage Emergency". The declaration shall exist for the duration of the shortage or until it is declared to have ended by the Town of White Lake.

In the event of a "Water Shortage Emergency", in addition to the restrictions heretofore imposed, the following mandatory water conservation measures shall apply. It shall be unlawful to use water from the public water system supplied by the Town of White Lake for the following purposes:

1. To water or sprinkle any lawn, grass, shrubbery, trees or flowers with treated water.
2. To wash automobiles, trucks, trailers, boats, airplanes, or any other type of mobile equipment.
3. To wash down outside areas such as streets, driveways, service station aprons, parking lots, office buildings, exteriors of homes or apartments, sidewalks, patios, or other similar purposes.
4. To fill newly constructed swimming and/or wading pools or refill swimming and/or wading pools that have been drained.
5. To serve drinking water in restaurants, cafeterias, or other food establishments, except upon request.
6. To use treated water outside a structure for any use other than an emergency use involving fire or as needed by the Town of White Lake to maintain the water system.
7. To make any nonessential use of treated water for commercial or public use.

WATER CONSERVATION STAGE III – WATER SHORTAGE CRISIS

Whenever the Mayor or Board of Commissioners has declared a "Water Shortage Crisis" and finds a need to provide for the equitable distribution of critically limited treated water or water supplies to ensure that sufficient treated water is available to preserve public health and safety of the citizens, he shall enforce a water rationing policy. Such rationing policy may be developed at the time of the declaration of the "Water Shortage Crisis" and should be reflective of the following criteria:

1. It is imperative that water customers achieve an immediate further reduction in water use in order to extend existing water supplies and, at the same time, assure that sufficient water is available to preserve the public health and sanitation and to provide fire protection service. This immediate further reduction in water usage is another step along a continuum of responses to any "Water Shortage Crisis". It must be emphasized that additional usage reductions in the rationed area is a valid and attainable goal reflective of the conditions of the crisis.
2. The policy must provide for equitable reductions in water usage and for equal sacrifice on the part of each water customer. The success of this policy depends on the cooperation of all water customers in an emergency area.
3. The policy must ensure that fire protection is maintained where possible, tank trucks shall use non-potable water.

4. The policy shall make it unlawful to fail to act in accordance with the restrictions on treated water use or to attempt to evade or avoid such water rationing restrictions.
5. The policy may include additional measures of mandatory conservation controls such as a percentage reduction in consumption, termination of service to specific areas in the water system on a rotating basis, prohibition of all industrial uses of potable water, etc., or whatever is necessary to protect the health and safety of the customers of the water system.

REGULATIONS

During the effective period of any water shortage, warning, emergency, or crisis, the Town of White Lake is empowered to promulgate such regulations or policies as may be necessary to carry out the provisions of this Ordinance. The Mayor or Board of Commissioners of the Town of White Lake, or his duly authorized agent charged with the implementation and enforcement of this Ordinance, shall be and is hereby granted the authority to implement and enforce any of the treated water use restrictions.

The Mayor or Board of Commissioners shall have the authority to implement, maintain and rescind any one or more of the above restrictions and to make them applicable during various times of the day as he deems appropriate to protect the public health, safety and welfare until he determines that the conditions requiring their imposition no longer exist.

ENFORCEMENT

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

Enforcement actions may include, but are not limited to the following:

1. Notice of Violation (NOV)

Whenever the Town of White Lake finds that any user has violated or is violating this Ordinance or any prohibition, limitation, or requirement contained therein, the Mayor or Board of Commissioners, or his duly authorized agent, shall serve upon such a person a written notice stating the nature of the violation. The written notice of the violation shall be (1) mailed, certified, return receipt requested, to the customer of record and to any other person known to the Town of White Lake who is responsible for the violation or its correction, or (2) hand delivered to the customer of record or to the person in charge of the premise where the violation(s) occurred. The NOV shall inform the user of the violation and their responsibility to halt the activity within a specified period of time.

2. Suspension of Service

In the event any treated water use restriction implemented by the Mayor or Board of Commissioners shall terminate or restrict the service of the person(s) where such violation occurs and may in addition thereto or in the alternative take such other appropriate legal action as provided by law.

At such time as the Mayor or Board of Commissioners is satisfied that the person is no longer in violation of any treated water use restrictions, the Mayor or Board of Commissioners shall reinstate the person's water service pursuant to the following:

- (a) After payment of a suspension/reconnection charge of \$75.00 for first time offenders;

- (b) After payment of a suspension/reconnection charge of \$300.00 for second time offenders;
- (c) After payment of suspension/reconnection charge of \$500.00 for each additional violation.
- (d) Civil Penalties

The Mayor or Board of commissioners shall assess a civil penalty of up to \$1000.00 per violation to any offender who shall continue any violation beyond the time limit provided for in the aforementioned Notice of Violation. Each day in which a violation of any provision of this Ordinance shall occur or continue shall constitute a separate and distinct offense.

In determining the amount of the civil penalty, the Town of White Lake shall consider the following:

1. The degree and extent of the harm to the natural resources, to the public health, or to public or private property resulting from the violation;
2. The duration and gravity of the violation;
3. Whether the violation was committed willfully or intentionally;
4. The prior record of the violator in complying or failing to comply with the Water Shortage Response Ordinance;
5. The costs of enforcement to the Town of White Lake.

SEVERABILITY

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

EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption by the Town Board of Commissioners of the Town of White Lake, North Carolina.

Approved this 8th day of October, 2002.