

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF
THE TOWN OF JONESVILLE, NORTH CAROLINA
ENTITLED "WATER SUPPLY SHORTAGE ORDINANCE"**

The Board of Commissioners of the Town of Jonesville, North Carolina, doth ordain:

1. That the Code of Ordinances, Town of Jonesville, North Carolina, is hereby adopting a new entitled to address water supply shortage in the Town of Jonesville, which the new Ordinance reads as follows:

WATER SUPPLY SHORTAGE ORDINANCE

Sec. 1 Issuance of water shortage proclamation.

In the event of an existing or threatening state of emergency endangering the safety, health or welfare of the people of the town, or threatening damage or destruction of property, arising from the shortage or threatened shortage of water, the Board of Commissioners is hereby authorized and empowered to issue a public proclamation declaring the existence of such state of emergency, and to define and impose such appropriate prohibitions and restrictions resulting from the water shortage applicable to all persons within the jurisdiction of the town in order to meet the exigencies of the predetermined state of emergency.

Sec. 2 Conditions deemed emergency.

A state of emergency shall be deemed to exist whenever, in the opinion of the Board of Commissioners, the availability and supply of water is critical so that a mechanical malfunction or breakdown of the town's pumps or a rapid drawdown of the water supply would so deplete the water supply and availability of water as to threaten or cause to threaten the availability of water for human consumption, for firefighting purposes and other protection of lives and property, and the conservation of water is necessary in order to protect lives, safety and property within the town.

Sec. 3 Restrictions, limitations imposed.

(a) The Board of Commissioners is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of such state of emergency.

(b) Such proclamation may specify the authorized uses of water within the town, and may place limitations, prohibitions and restrictions upon the usage of water for residential, business, and commercial uses. Such proclamation may limit the use of water for non-essential uses such as the watering of lawns, washing of automobiles, and similar activities and may be expanded thereafter to include other activities. The proclamation will use predetermined stages of water restrictions found in section 6 below.

Sec. 4 Proclamation, restrictions, etc., shall be written.

Upon the declaration of a proclaimed state of emergency arising from the availability or shortage of water, such proclamation and all restrictions, prohibitions, and limitations on the use of water shall be in writing and duly signed by the mayor or any person authorized to act in his or her stead. All restrictions, prohibitions, and limitations upon the use of water during the proclaimed state of emergency shall be in writing and specifically described and identified so that the citizens and the residents of the town shall have available the specific activities authorized and the specific activities prohibited.

Sec. 5 End of emergency; lifting or modification of restrictions.

When authorized by the Board of Commissioners, the Mayor shall proclaim the end of such state of emergency and shall have the authority to modify, lift or suspend any restrictions, limitations or prohibitions stated in such proclamation of emergency as soon as the circumstances warrant.

Sec.6 Stages of conservation measures in response to water shortage.

The Board of Commissioners may initiate the following stages of water conservation measures to avoid or lessen the impact of a water shortage. The Board of Commissioners shall base their action upon a review of all factors that affect the town's water supply, including, but not limited to, current water supply, seasonal effect on water supply and current consumption rates. The Town Manager or his designee may recommend to the Board of Commissioners one of five escalating stages of water conservation, which shall be effective upon being signed and posted on the town bulletin board and a copy placed with the Town Clerk.

(a) **Stage I - Voluntary conservation.** In stage I of water conservation, the town shall publicize and encourage the public voluntarily to comply with the following water conservation measures:

- (1) Limit lawn watering to that which is necessary for plants to survive.
- (2) Water shrubbery the minimum amount required, reusing household water when possible.
- (3) Limit vehicle washing to the minimum.
- (4) Refrain from washing down outside areas such as sidewalks, patios, etc.
- (5) Use showers for bathing rather than bathtubs, and limit showers to no more than four minutes.
- (6) Refrain from leaving faucets running while shaving or while rinsing dishes.
- (7) Limit use of clothes washers and dishwashers and when used, operate fully loaded.
- (8) Install water-flow restrictive devices in showerheads.
- (9) Use disposable and biodegradable dishes.
- (10) Install water-saving devices such as bricks, plastics, bottles or commercial units in toilet tanks.

(b) **Stage II - Mandatory conservation.** In stage II of water conservation, the town shall continue all recommendations of stage I and the following measures shall be mandatory:

Level 1

- (1) No watering of lawns, grass, shrubbery, trees, flowers or vegetable gardens except between the hours of 6:00 p.m. and 9:00 p.m. Saturday and Sunday.
- (2) No filling of newly constructed swimming and/or wading pools and existing pools which have been drained. A minimal amount of water may be added to maintain continued operation of pools which are in operation at the time the provisions of stage II are placed into effect.
- (3) No washing of automobiles, trucks, trailers, boats, or any other type of mobile equipment at private residences, households, or apartments.
- (4) No washing down of outside areas such as streets, driveways, service station aprons, parking lots, office buildings, exterior of existing or newly constructed homes or apartments, sidewalks or patios, or use of water for other similar purposes.
- (5) No introducing water into any ornamental fountain, pool or pond or other structure making similar use of water.
- (6) No using water from public or private fire hydrants for any purpose other than fire suppression or other public emergency.
- (7) No using water for dust control or compaction.
- (8) No using water for any unnecessary purpose or intentionally wasting water.

Level 2: All the provisions of stages I and II (Level 1) apply and, in addition, the following measures shall be mandatory:

- (1) No watering of lawns, grass, shrubbery, trees, flowers or vegetable gardens.

- (2) No serving of drinking water in restaurants, cafeterias or other food establishments, except upon request.

(c) **Stage III - Emergency Conservation.** In stage III of water conservation, all the provisions of stages I through II apply and, in addition, the following measures shall be mandatory:

- (1) No using water outside of structures for any use other than emergencies involving fire.
- (2) No introducing water into swimming pools.
- (3) Reduction or elimination of all water consumption among Top 15 historically high water users.

(d) **Stage IV - Rationing.** In stage IV of water conservation, all provisions of stages I through III apply and, in addition, the following measures are mandatory:

- (1) Fire protection will be maintained, but where possible, tank trucks shall use raw water.
- (2) All other uses of water will be limited to those uses necessary to meet essential health and safety needs of customers.
- (3) Variable Percentage Rationing among all water users (as per Emergency Water Shortage Response Plan)

Sec. 7 Violation; penalties.

(a) **Violation.** It shall be unlawful for any person to violate any provision of this article, including any mandatory water conservation measure.

(b) **Civil penalties.** Any person who violates this article is subject to a civil penalty as described below in subpart (g) per violation, per day, for as long as the violation exists. The town shall serve a written citation on the violator and the customer, if different, by personal delivery or by certified or registered mail, return receipt requested. The citation shall describe the violation and shall specify the amount of the civil penalty levied. If a person fails to pay a civil penalty within ten days after receiving written notice of such violation, then the town may recover the penalty through a civil action in the

nature of a debt, including all further accruing penalties for continuing violations.

(c) *Continuing violation.* Each day that a violation continues shall constitute an additional and separate offense for the purpose of criminal and civil penalties.

(d) *Discontinuance of service.* The town may discontinue service to a customer upon a determination by the public works and utilities director that the customer violated a provision of this article. Prior to discontinuance of service, the public works and utilities director shall give the customer written notice of the violation and an opportunity to contest the discontinuance of service within 48 hours.

(e) *Multiple remedies.* The town may seek to enforce this article through any appropriate equitable or legal action or through any combination of the remedies set forth in this article.

(f) *Appeal.* A person who is assessed civil penalties or whose service is discontinued may appeal to the board of commissioners by serving written notice on the town manager or his designee within ten days of the person being served with a citation or notice of discontinuance. An order of discontinuance is not stayed pending appeal to the board.

(g) *Fines.* Civil Penalties for violations to this ordinance will result in fines as set forth:

<u>Violation</u>	<u>First</u>	<u>Second</u>	<u>Third</u>
Stage II:	Warning	\$250	\$500
Stage III:	\$250	\$500	1,000
Stage IV:	\$500	\$1,000	\$1,500

In addition, the Town of Jonesville may assess excess demand charges in the following manner: the first 2,000 gallons or portions thereof will be \$25.00. Each additional 1,000 gallons or portion thereof will be \$20.00

2. If this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end the provisions of this ordinance are declared to be severable.

3. Any ordinance or any part of the ordinance in conflict with this Ordinance, to the extent of such conflict, is hereby repealed.

4. This Ordinance is adopted in the interest of public health, safety and general welfare of the inhabitants of the Town of Jonesville, North Carolina, and shall be in full force and effect from and after its adoption.

This Ordinance adopted this 12th day of December 2016.

Gene Pardue
Gene Pardue, Mayor

ATTEST:

Lynn Trivette
Lynn Trivette, Town Clerk

(SEAL)