

South Granville Water and Sewer Authority Board
South Granville Water and Sewer Authority, North Carolina

Date: January 8, 2008

AN ORDINANCE OF THE SGWASA BOARD OF
THE SOUTH GRANVILLE WATER AND SEWER AUTHORITY, NORTH
CAROLINA

The SGWASA Board of Granville County, North Carolina, doth ordain:

1. The adoption of this ordinance which shall read as follows:

WATER SUPPLY SHORTAGE ORDINANCE

Sec. 1.00. 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 served by the Authority, or threatening damage or destruction of property, arising from the shortage or threatened shortage of water, the South Granville Water and Sewer Authority 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 Authority in order to meet the exigencies of the predetermined state of emergency.

Sec. 1.01. Conditions deemed emergency.

A state of emergency shall be deemed to exist whenever, in the opinion of the SGWASA Board, the availability and supply of water is critical so that a mechanical malfunction or breakdown of the Authority's pumps or a rapid draw down 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 Authority.

Sec. 1.02. Restrictions, limitations imposed.

(a) The Board 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 Authority, 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-crucial 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 1.06 below.

Sec. 1.03 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 Board Chair 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 Authority shall have available the specific activities authorized and the specific activities prohibited.

Sec. 1.04 End of emergency; lifting or modification of restrictions

When authorized by the Board Members, the Board Chair 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. 1.05 Enforcement

Upon the declaration of mandatory conservation, water shortage emergency, or rationing, the Executive Director and his designee and every employee of the authority may enforce any restrictions or bans imposed on the use of water.

Sec.1.06 Stages of conservation measures in response to water shortage.

The SGWASA Board may initiate the following stages of water conservation measures to avoid or lessen the impact of a water shortage. The SGWASA Board shall base their action upon a review of all factors that affect the Authority's water supply, including, but not limited to, current water supply, seasonal effect on water supply and current consumption rates. The Executive Director or his designee may recommend to the SGWASA Board one of four escalating stages of water conservation, which shall be effective upon being signed and posted in SGWASA's Administrative Offices and a copy placed with the Authority clerk.

(a) Stage I--Voluntary conservation. In Stage I of water conservation, the Authority 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--Moderate mandatory conservation. In Stage II of water conservation, the Authority shall continue all recommendations of Stage I and the following measures shall be mandatory:

- (1) No watering of lawns, grass, shrubbery, trees, flowers or vegetable gardens except between the hours of 7:00 p.m. and 10:00 p.m.
- (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.
- (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 serving of drinking water in restaurants, cafeterias or other food establishments, except upon request.
- (7) No using water from public or private fire hydrants for any purpose other than fire suppression or other public emergency.
- (8) No using water for dust control or compaction.
- (9) No using water for any unnecessary purpose or intentionally wasting water.

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

- (1) No watering of lawns, grass, shrubbery, trees, flowers or vegetable gardens.
- (2) No nonessential use of water for commercial or public use, and the use of single service plates and utensils is encouraged and recommended in restaurants.
- (3) No using water outside of structures for any use other than emergencies involving fire.
- (4) No introducing water into swimming pools.

(e) **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.

Sec. 1.07. 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 Authority 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 Authority 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 Authority may discontinue service to a customer upon a determination by the Utility Director that the customer violated a provision of this article. Prior to discontinuance of service, the Utility Director shall give the customer written notice of the violation and an opportunity to contest the discontinuance of service within 48 hours.

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

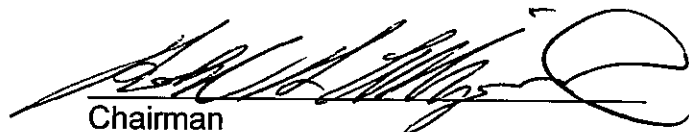
(f) *Multiple remedies.* The Authority may seek to enforce this article through any appropriate equitable or legal action or through any combination of the remedies set forth in this article.

(g) *Appeal.* A person who is assessed civil penalties or whose service is discontinued may appeal to the SGWASA Board by serving written notice on the Executive Director 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.

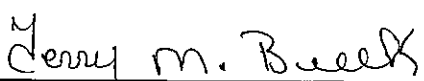
(h) *Fines.* Civil Penalties for violations to this ordinance will result in fines as set forth: Stage I- No Fines; Stage II-\$100; Stage III \$250; Stage IV-\$1,000.

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 served by the South Granville Water and Sewer Authority, North Carolina, and shall be in full force and effect from and after its adoption.

This Ordinance adopted this 8th day of January, 2008.


Chairman

ATTEST:


Clerk