

ORDINANCE 2002-21

AMENDING CHAPTER 36 OF THE CODE OF THE TOWN OF BURGAW

**WHEREAS;** The southeastern area of North Carolina, along with the rest of the State is experiencing a drought; and  
**WHEREAS;** The Governor of North Carolina has issued a request to conserve water usage by at least 20%; and  
**WHEREAS;** There are statewide concerns for a potential water shortage; and  
**WHEREAS;** The Town of Burgaw Public Works Director has requested that water conservation measures be implemented by Town Ordinance, and the Board of Commissioners has determined that it is in the interest of the public safety and welfare of the citizens to do so;  
**THEREFORE BE IT ORDAINED;** that Part II, Chapter 36 of the Code of the Town of Burgaw, North Carolina is hereby amended by adding Article V Water Conservation, and Sections 36-151 through 36-158 which shall read as follows:

WATER CONSERVATION  
Article V.

Sec. 36-151. A water shortage deemed in water supply.

A water shortage may be declared to exist when the water supply available to the Town of Burgaw shall have reached the point where the water supply is not sufficient to protect the health and safety of the citizens of the Town and Burgaw. A water shortage may also be declared when water production, water transmission and water storage facilities are incapable of meeting the daily water demands without endangering the public safety and health of the citizens of the Town of Burgaw and when the North Carolina Drought Monitoring Council declares the region to be in a drought status and there is an increase in well pumping times that exceed more than twelve hours (12) per day per well. The Town of Burgaw will use water meter readings to test the effectiveness of the restrictions. These readings will be compiled each day using SCADA.

Sec. 36-152. Proclamation of water shortage.

In the event of a water shortage in any of the degrees of severity as hereinafter set forth in the town water supply threatening the health and safety of the citizens of the town, the mayor of the Town of Burgaw or Mayor Pro Tem in the mayor's absence is authorized, empowered, and directed to issue a public proclamation declaring to all persons the existence of such state and the severity thereof, and in order to more efficiently protect the health and safety of the people within the Town of Burgaw, to place in effect the restrictive provisions as hereinafter authorized.

Sec. 36-153. Compliance required in the event of shortage.

In the event the mayor issues any such proclamation described in Sec. 36-152, then in that event it shall be unlawful for any person, firm or corporation to use or permit the use of water from the water system within the Town of Burgaw for any of the purposes as hereinafter set forth until such times as this article be amended or repealed, or until the mayor, by public proclamation has declared certain provisions no longer in effect. In exercising this discretionary authority consideration shall be given to the availability of the water supply, water production, water transmission, water storage, available usage, outlook for precipitation, daily water use patterns and availability of water from other sources.

In the event of a water shortage, the Town of Burgaw will deal with variance requests on a case by case basis. Variance requests will be in writing and will be reviewed by the water and sewer committee.

In light of the many benefits that can be derived by conserving water, all residents, businesses and users of the water supply in the community should follow water conservation practices, regardless of the time of the year or whether or not a water shortage exists.

Sec. 36-154. Restrictions applicable for water conservation.

The severity of water shortage shall be determined by static water levels within the Town of Burgaw's wells and the restrictive measures in effect at each stage are as follows:

(a) In the event that the static water level in the Town's wells begin to drop to a level which is below what is considered normal and where the well begins to operate for more than twelve (12) hours per twenty-four (24) hour day for any well a "Voluntary Restriction Phase" may be declared in effect and the following water restrictions imposed:

(1) A publicity campaign will be initiated using public media and specialized methods to inform the public of any impending water shortage. The Town of Burgaw will notify users and system employees by local newspapers, radio, and water bills. Water users and system employees will be notified at the time of shortage, of what will

be required and measures to take to assist the town in reducing water usage. The Town of Burgaw will hold a public hearing to review and allow for public comments prior to final plan adoption.

- (2) Residential conservation measures will be encouraged and recommended including the following:
  - a. Use shower for bathing rather than bathtub and limit shower to no more than five (5) minutes.
  - b. Limit Flushing of toilets by multiple usages.
  - c. Do not leave faucets running while grooming or rinsing dishes.
  - d. Limit use of clothes washers and dishwashers and when used, operate fully loaded.
  - e. Limit lawn watering to that which is necessary for plants to survive.
  - f. Water shrubbery the minimum required.
  - g. Limit car washing to commercially operated car washes and gas or electric operated pressure washer.
  - h. Do not wash down outside areas such as sidewalks, patios, houses and etc.
  - i. Install water flow restrictive devices in showerheads.
  - j. Use disposable and biodegradable dishes.
  - k. No fundraisers that involve car washes.
  
- (3) It is recommended that water supply line pressure reducing valves be set to the minimum necessary for effective operations of fixtures and equipment.
  - (4) Conservation in public buildings, schools, etc. is encouraged by reducing pressure at plumbing fixtures, by installation of restricting devices and shutting down on water flow control devices, and by periodic flushing of urinals.
  - (5) All residents, business and schools are requested to temporarily delay new landscape work and installation of irrigation meters until water shortage has ended.
  
- (b) In the event that there is an observation of a drastic change in the static water level in the Town's wells and where the wells consistently begin to operate for more than twelve (12) hours per twenty-four (24) hour day for any well a "Mandatory Restriction Phase" shall be declared in effect and the following water restrictions imposed:
  - (1) To water lawns, grass, shrubbery, trees flower or vegetable gardens except as follows:

Customers located north of the intersection of Wilmington Street and Wright Street, Town of Burgaw may water lawns, grass, shrubbery, trees, flower and vegetable gardens on Saturday morning between the hours of 6:00 a.m. and 10:00 a.m.

Customers located south of the intersection of Wilmington Street and Wright Street, Town of Burgaw may water lawns, grass, shrubbery, trees, flower and vegetable gardens on Sunday morning between the hours of 6:00 a.m. and 10:00 a.m.
  - (2) To fill newly constructed swimming and/or wading pools or refill swimming and/or wading pools that have been drained. A minimal amount of water may be added to maintain continued operation of pools which are in operation at the time of the provisions of a "Mandatory Restriction Phase" are placed into effect.
  - (3) To wash automobiles, trucks, boats, motorcycles, four wheelers, trailers or any other type of mobile equipment including commercial washing.
  - (4) To wash down outside areas such as streets, driveways, service station aprons, parking lots, office buildings, exteriors of existing or newly constructed homes, apartment or buildings, sidewalks or patios, or to use water for other similar purposes.
  - (5) To operate or introduce water into any ornamental fountain, pool or pond or other structure making similar use of water.
  - (6) To serve drinking water in restaurants or other food establishments, except upon the request of a patron.

- (7) To use water from public or private fire hydrants for any purpose other than fire suppression or other public emergency.
- (8) To use water for dust control or compaction.
  - (9) To use water for any unnecessary purpose or to intentionally waste water.
  - (10) To install and use irrigation meters.
- (c) In the event that the wells cannot pump a sufficient quantity of water required for the health, welfare and safety of the citizens of the Town of Burgaw during periods of fire suppression and failure in the Town's water distribution system, then an "Emergency Restriction Phase" may be declared and the following water restrictions imposed:
- (1) To water or sprinkle any lawn.
  - (2) To water any flower or vegetable garden or ornamental shrubs.
  - (3) To introduce any water into a swimming pool, wading pool or pond.
  - (4) To use water outside a structure for any use other than an emergency involving fire.
  - (5) To make any nonessential use of water for commercial or public use.

Sec. 36-155. Penalties.

Violation of this Ordinance shall result as follows:

- (a) A violation during a Voluntary Restriction Phase or Mandatory Restriction Phase shall be as follows:
- (1) First Violation shall result in the violator or violators receiving a written warning.
  - (2) Second Violation shall result in a \$250.00 fine being assessed against the violator.
  - (3) Third Violation shall result in a violator's water supply being turned off at the meter of the violator and that such water supply shall not be turned on at the violator's meter until all fines have been paid, and the water reconnection charge has been paid.

**Such warnings and fines are considered civil penalties and are not punishable. Any town officer, public works department member, building inspector, fire administrator, planning officer, or town manager has the authority to issue such warnings and violations. When any violation occurs during the Emergency Restriction Phase whereby a violator is cited for such violation, only a law enforcement officer is authorized to issue a criminal summons or citation for such violation.**

**No person shall be issued a warning or violation unless such warning or violation occurs during a declared Voluntary Restriction Phase or Mandatory Restriction Phase.**

(b) Violation of this Ordinance during an Emergency Restriction Phase shall constitute a misdemeanor punishable upon conviction by a fine not to exceed five hundred dollars (\$500.00) or imprisonment not to exceed twenty (20) days as provided by North Carolina General Statute §14-4 and in addition thereto such violation may be enjoined and restrained as provided in North Carolina General Statute §160-175.

Sec. 36-156. Appeal.

A person who is issued a written warning or violation may appeal such warning or violation to the Town of Burgaw Water and Sewer Committee for such to be heard and reviewed by the Committee. A person may appeal such warning and violation within five (5) calendar days from the date of the issuance of said warning or violation. Any appeal that is made must be in writing and submitted to the Burgaw Town Clerk.

Sec. 36-157. Injunctive Remedies.

Pursuant to the provisions of North Carolina General Statute §160A-193, the injunctive remedies therein provided shall be applicable for the summary abatement or remedying of appropriate conditions dangerous or prejudicial to the public health, both within the town limits of the Town of Burgaw and within one mile thereof, and the expense thereof assessed as therein provided.

Sec. 36-158. Severability.

If any section, subdivision, clause or provision of the article shall be adjudged invalid, such adjudication shall apply only to such section, subdivision, clause or provision so adjudged, and the remainder of this article may be declared valid and effective.

The Town of Burgaw will review the plan after each water shortage event and every five (5) years.

ADOPTED THIS 13<sup>TH</sup> DAY OF AUGUST, 2002

ATTEST: \_\_\_\_\_ SIGNED: \_\_\_\_\_  
Clerk Mayor