

TOWN OF SMITHFIELD



WATER SHORTAGE & CONSERVATION PLAN

REVISED JANUARY 5, 2010

SECTION 1. PURPOSE

The purpose of this ordinance is to provide for the declaration of official phases of water supply shortage situations and the implementation of voluntary and mandatory water conservation measures throughout the service area of the Town of Smithfield and its wholesale customers in the event a shortage is declared.

SECTION 2. DEFINITIONS

1. "Advisory", as the term used in this ordinance, is the first phase of a water supply shortage and shall mean that conditions exist which indicate the potential for serious water shortages.
2. "Alert" as the term used in this ordinance, is the second phase of a water supply shortage and shall mean that the raw water supply (stream-flow) is consistently low and, if this supply continues to decline, it may not be adequate to meet normal needs; or that serious mechanical failure has occurred; or that plant capacity has been reached, so that adequate water supplies cannot be maintained and a water shortage may occur.
3. "Water Supply Shortage", as the term is used in this ordinance, shall mean the water supply is below the level necessary to meet normal needs and based on the situation, an Advisory, Alert, or Emergency is declared.
4. "Customer", as the term is used in this ordinance, shall mean any person using water for any purpose from the Town's water distribution system and for which a regular charge is made.
5. "Emergency", as the term is used in this ordinance, is the third phase of a water supply shortage and shall mean that the raw water supply is below the level necessary to meet normal needs and that serious shortages exist or mechanical failure is to such extent that a prolonged shortage is subject to occur.
6. "Town", the Town of Smithfield Department of Public Utilities acting through the City Manager, Utilities Director, or representatives.
7. "Waste of Water", as the term is used in this ordinance includes, but is not limited to, failure to repair a leak of water due to defective plumbing.
8. "Water", as the term is used in this ordinance, shall mean water available to the Town for treatment or any treated water introduced by Town into its distribution system.
9. "Plant Capacity", as the term is used in this ordinance, shall mean the water filtration rate that is authorized by the State of North Carolina, Department of Environment and Natural Resources.
10. "Water Use Classes", as the term is used in this ordinance, shall be established as follows:

Class 1: Essential Water Uses

Domestic Use:

Water necessary to sustain human life and the lives of domestic pets, and to maintain minimum standards of hygiene and sanitation.

Health Care Facilities:

Patient care and rehabilitation.

Public Use:

Fire fighting

Health and public protection purposes, as specifically approved by health officials and their governing bodies.

Class 2: Socially or Economically Important Uses of Water

Domestic:

Home water use including kitchen, bathroom, and laundry use.

Outdoor Non-Commercial Watering (public or private):

Agricultural irrigation for the production of food and fiber or the maintenance of livestock.

Watering by commercial nurseries at a minimum level necessary to maintain stock, to the extent that sources of water other than Town sources are not available or feasible to use.

Watering of golf course greens.

Use of Town water at a minimum rate necessary to implement re-vegetation following earth moving, where such vegetation is required pursuant to an erosion and sedimentation control plan adopted pursuant to law or regulation.

Water use by public gardens of national, state, or regional significance where necessary to preserve specimens, to the extent that sources of water other than Town sources are not available or feasible to use.

Filling and Operation of Swimming Pools:

Pools used by health care facilities for patient care and rehabilitation.

Municipal pools.

Class 3: Non-Essential Uses of Water

All Domestic Uses other than those included in Classes 1 and 2:

Ornamental Purposes:

Fountains, reflecting pools and artificial waterfalls.

Outdoor Non-Commercial Watering (public or private):

Gardens, lawns, parks, golf courses, playing fields and other recreational areas.

Filling and Operation of Swimming Pools:

Private pools.

Washing of Motor Vehicles:

Automobiles, trucks, boats and trailers.

Restaurants, Clubs, or Eating Establishments:

Serving water

Exceptions:

Specific request by customer.

Fire Hydrants:

Any purpose, including use of sprinkler caps and testing fire apparatus and for Fire Department drills.

Exceptions:

Fire-fighting

Health protection purposes, if specifically approved by the health officials of Town of Smithfield.

Certain testing and drills by Fire Departments, if in the interest of public safety and is approved Town.

Flushing of Sewers and Hydrants:

Routine flushing and requests for flushing to rid taste, odor, and discoloration.

Exceptions:

As needed to ensure public safety, and approved by health officials and the Town.

SECTION 3. DECLARATION OF A WATER SHORTAGE ADVISORY

Whenever the Town finds that a potential shortage of water supply is indicated by either an extreme drought, severe mechanical failure, or water plant capacity being exceeded, and that adequate potable water supplies cannot be maintained or acquired through interconnections, it shall be empowered to declare that a Water Shortage Advisory exists. The Director of Public Utilities shall, on a daily basis, monitor the supply and demands upon that supply. In addition, the City Manager is authorized to call upon all the water customers of the Town to employ voluntary water conservation measures to limit water use (especially Class 3 users) and eliminate waste of water. This notification shall be published in newspapers of general circulation, and may be publicized through the news media or any other appropriate method for making such notification public.

SECTION 4. DECLARATION OF WATER SHORTAGE ALERT

Whenever the Town finds the water supply is below the level necessary to meet normal needs and adequate supplies of potable water cannot be maintained, it shall be empowered to declare that a Water Shortage Alert exists. The Town shall continue to encourage voluntary water conservation measures as defined in the Advisory declaration. The Town shall impose a ban on all Class 3 water uses for the duration of the shortage until it is declared to have ended by the Town.

SECTION 5. DECLARATION OF A WATER SHORTAGE EMERGENCY

Whenever the Town finds that the water supply is below the level necessary to meet normal needs and that serious shortages exists, it shall be empowered to declare that a Water Shortage Emergency exists. Class 1, *Essential Uses* shall be identified, in specific, as targets for voluntary conservation initiatives. Class 2, *Social or Economically Important Uses* shall be banned in addition to the Class 3, *Non-Essential Uses*. These restriction shall be enforced until the emergency is declared ended by the Town.

SECTION 5.1 EMERGENCY WATER RATIONING

In the event that the water supply source falls below the utility's ability to pump water into its distribution system, a water rationing emergency will be issued.

All Class 2 and Class 3 uses will be banned. The following Class 1 uses are permitted:

Domestic

Water necessary to sustain human life and lives of domestic pets.

Health Care

Water necessary to sustain human life and meet patient's basic medical needs.

Public Use

Water for structural fires that endanger human life and property.

Health and public protection purposes, as specifically approved by health officials and their governing bodies.

If necessary, a water dispensing station(s) will be strategically located for the issuance of bottled water or water dispensed in portable containers. Quantity limitations will be based on household size and anticipated length of water shortage emergency.

Hospitals and patient care facilities that must remain operative will be given first priority but are restricted to providing only the basic health and sanitary needs.

SECTION 6. MANDATORY WATER CONSERVATION PROCEDURES

1. The City Manager is hereby authorized to impose mandatory restrictions or rationing, as described below, on the usage of water obtained directly or indirectly from the water distribution system of the Town by declaring a Water supply shortage (Advisory, Alert, or Emergency). After receiving written recommendations from the Director of Public Utilities, such restrictions may be imposed by the City Manager, upon consideration of the following factors:
 - A. Pressure at monitoring locations of the Town water distribution system;
 - B. Ability to refill water storage tanks of the Town water distribution systems;
 - C. Ability to maintain an amount of water in the ground level storage tanks at the water treatment plant which is adequate for fire protection purposes;
 - D. Ability to maintain adequate water pressure in every portion of the Town water distribution system.
 - E. Ability to acquire water from other systems.

All of the above-stated factors must be considered in declaring a Water supply shortage.

2. A Water supply shortage may be implemented by the City Manager by signing a Notice of Declared Water Supply Shortage. The Declared Water Supply Shortage will begin on the effective date and time specified in the notice and the restrictions imposed thereby will apply during the times specified in the notice.
3. During a Declared Water Supply Shortage, Water Use Classes by class or by specific item may be prohibited during the time specified in the Notice of a Declared Water Supply Shortage.

- A. The City Manager may impose the restrictions in Paragraph 3 above at all times or during such limited times as the City Manager and the Director of Public Utilities determine to be appropriate. The times will be set forth in this Notice of Declared Water supply shortage.
- B. The City Manager may modify the times of restricted water use by signing an Amended Notice of Declaration of Water Supply Shortage.
- C. Restrictions on water use from the Town may be terminated by the City Manager by signing a "Notice of Termination of Declared Water supply shortage".
- D. Any restrictions or terminated restrictions must be posted in the Municipal Office Building, relative United States Post Offices, or any other designated places by law or the Town of Smithfield's Town Council. All notices cannot be enforced or terminated for a period of twelve (12) hours after posting.
- E. All notices posted shall state the time and date of posting.
- F. The terms "City Manager" and "Director of Public Utilities" are to be constructed to include the designee of the City Manager or Director of Public Utilities.

SECTION 7. SHORTAGE WATER RATES

Upon the declaration of a water supply shortage as provided in Sections 3,4,5,&6, the Town shall have authority to adopt shortage water rates designed to conserve water supplies. Such rates may provide for:

- 1. Increasing block rates - higher charges per unit for increasing usage.
- 2. Uniform Unit Rate - uniform charges for water usage per unit of use.
- 3. Excess Demand Surcharge - extra charges for use in excess of a specified level.
- 4. Good Citizen Rate - Discounts for conserving water beyond specified levels.

SECTION 8. ENFORCEMENT

- 1. The direct or indirect use of water from the Town distribution system in violation of these Rules and Regulations is prohibited. Any water customer of the Town distribution system that violates or permits the violation of these Rules and Regulations shall be subject to the following penalties:

<u>Size of Service Connection</u>	<u>Penalty</u>
3/4 inch	\$30.00
1 inch	\$40.00
1 1/2 inch	\$50.00
2 inch	\$60.00

All penalties will be doubled during periods of emergency water rationing.

- 2. Each violation shall be added to the customers water bill and paid in the same manner as current payments to the Town.

3. Each day a violation occurs shall be considered a separate violation.
4. The Director of Public Utilities shall be responsible for enforcing any restrictions imposed from these Rules and Regulations. If a violation is known to have occurred pursuant to this ordinance, a written violation shall be affixed to the property where the violation occurred and mailed to the customer of record and any other person known to the Town who is responsible for the violation and its correction. The written notice shall describe the violation and order that it be corrected immediately or within such specified time as the Town determines is reasonable under the circumstances.
5. If a violation notice is not complied with, or violation fees for previous violations are not paid, the Town may restrict or terminate water service subject to the following procedures:
 - A. The Town shall give the customer notice by mail or messenger that, due to reoccurring violations or failure to pay for previous violations, water services will be restricted or terminated within a specific time. The customer will have the opportunity to appeal a restriction or termination by requesting a hearing scheduled before an official designated as a hearing officer by the City Manager. The request for such hearing should be made before the cut-off date. A prompt conference with a hearing officer will be held.
 - B. If such a hearing is requested by the customer charged with the violation, he or she shall be given full opportunity to be heard before restriction or termination.
 - C. The hearing officer shall order whether service should be restricted or continue. The customer may appeal to the City Manager for a prompt hearing. The City Manager shall make findings of facts and order whether service should continue or be terminated.
 - D. Any customer charged with the violation of this ordinance may appeal the findings of the hearing officer or City Manager to the Smithfield Town Council.
6. A fee of \$50.00 shall be paid for the reconnection of any water service restricted or terminated pursuant to subsection E of Section 8. In the event of multiple violations, the reconnection fee shall be \$100.00 for the second violation and \$150.00 for each additional violation. All fees will be doubled during periods of emergency water rationing.

SECTION 9. APPEALS

1. Water users who feel they will be adversely or unfairly affected by the restrictions of either a Declaration of Water Shortage or Water Shortage Emergency may appeal to the City Manager for a variance.
 - A. The variance appeal must demonstrate in writing that the restrictions found in Section(s) 3, 4, 5, or 5.1 will cause severe health, safety, or financial hardships.
 - B. Once the appeal document has been received, the City Manager or designated Appeals Officer will review the request and render a decision based on the information submitted. There can be no further appeals.


SECTION 10. LIFTING OF RESTRICTIONS

1. The effectiveness of water restrictions required in Section(s) 3, 4, 5, or 5.1 will be measured through the quantity of gallons processed at the Town's Water Treatment Plant, by frequent river intake level measurements, and by diligently monitoring meter readings when interconnected with another water utility.
2. Water restrictions will be lifted in the reverse order of implementation after conditions in each Section(s) sufficiently improve.


SECTION 11. PUBLIC REVIEW

1. This plan is to be reviewed at five year intervals and/or updated when necessitated by conditions or governmental regulations.
2. This document is available for public review on the Town of Smithfield's website, the Public Utilities Director's Office, the Customer Service Offices, and Office of the City Manager. Public comments will be accepted prior to plan adoption and subsequent updates.

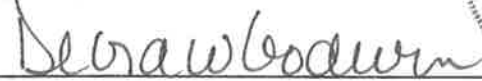
RE-ADOPTED this 5th day of January 2010.



Wilbert Daniel Evans, Jr., Mayor



ATTEST:



Debra W. Godwin, Town Clerk