

RESOLUTION OF APPROVAL FOR WATER SHORTAGE RESPONSE PLAN

WHEREAS, North Carolina General Statute 143-355 (l) requires that each unit of local government that provides public water service and each large community water system shall develop and implement water conservation measures to respond to drought or other water shortage conditions as set out in a Water Shortage Response Plan and submitted to the Department for review and approval; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Water Shortage Response Plan for the Town of Denton has been developed and submitted to the Board of Commissioners for approval; and

WHEREAS, the Board of Commissioners finds that the Water Shortage Response Plan is in accordance with the provisions of North Carolina General Statute 143-355 (l) and that it will provide appropriate guidance for the future management of water supplies for the Town of Denton as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute;

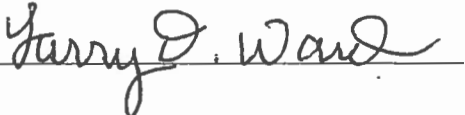
NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Denton that the Water Shortage Response Plan dated January 7, 2019 is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

BE IT FURTHER RESOLVED that the Town of Denton intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

This the 7th day of January, 2019.

Name: Larry D. Ward

Title: Mayor

Signature: 

ATTEST:


Angel Jenkins, Town Clerk

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TOWN OF DENTON
WATER SHORTAGE RESPONSE ORDINANCE

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 Town of Denton system in the event a shortage is declared.

Section 2. Definitions.

- (a) “Customer”, as the term is used in this ordinance, shall mean any person, business, or industry using water for any purpose from the Town’s water distribution system and for which either a regular charge is made or, in this case of bulk sales, a cash charge is made at the site of delivery.
- (b) “Crisis”, as the term is used in this ordinance, shall mean that a loss of potable water is probable unless there is an immediate reduction of water demand.
- (c) “Emergency”, as the term is used in this ordinance, shall mean that water supplies are below the level necessary to meet normal needs and that serious shortages exist in the area.
- (d) “Fresh Water”, as the term is used in this ordinance, shall mean raw water withdrawn from surface water supplies that has not been previously used.
- (e) “Health Care Facility Customer” as the term is used in this ordinance, shall mean any customer whose principal function is to provide medical and health related services, such as hospitals, nursing homes, assisted living facilities, etc.
- (f) “Mandatory Conservation”, as the term is used in this ordinance, shall mean that raw water supplies are consistently below seasonal averages, and if they continue to decline, may not be adequate to meet normal needs, making certain uses prohibited.
- (g) “Non-Residential Customer”, as the term is used in this ordinance, shall mean commercial, industrial, institutional, public, and all other such users.
- (h) “Rationing”, as the term is used in this ordinance, shall mean procedures established to provide for the equitable distribution of critically-limited water supplies, in order to balance demand and limited available supplies, and to assure that sufficient water is available to preserve public health and safety.

- (i) “Reclaimed Water”, as the term is used in this ordinance, shall mean wastewater which has been treated to allow reuse.
- (j) “Residential Customer”, as the term is used in this ordinance, shall mean any customer who receives water service for a single or multi-family dwelling unit. The term residential customer does not include educational or other institutions, hotels, motels, or similar commercial establishments.
- (k) “Service Interruption”, as the term is used in this ordinance, shall mean the temporary suspension of water supply, or reduction of pressure below that required for adequate supply, to any customer, portion of a water supply, or entire system.
- (l) “Voluntary Conservation”, as the term is used in this ordinance, shall mean that conditions exist which indicate the potential for serious water supply shortages and certain actions are requested.
- (m) “Waste of Water”, as the term is used in this ordinance, includes, but is not limited to (1) permitting water to escape down a gutter, ditch, or other surface drain, or (2) failure to repair a controllable leak of water due to defective plumbing.
- (n) “Wastewater”, as the term is used in this ordinance, shall mean water which has been previously used for industrial, municipal, domestic, or other purpose, and has not been returned to the surface source.
- (o) “Water”, as the term is used in this ordinance, shall mean water available to the Town of Denton for treatment by virtue of its water rights or withdrawal permit or any treated water introduced by the Town into its water distribution system, including water offered for sale.

Section 3. Water Shortage

Water Shortage shall be deemed when the ordinary demands and requirements of water consumers served by the town cannot be satisfied without depleting the water supply to or below a critical level, the level at which the continued availability of water for human consumption, sanitation, and fire protection is jeopardized. Situations also occur that can interrupt the availability of water supply or its distribution to our customers. This Water Shortage Response Plan has been developed to allow the Town of Denton to adapt to these situations and continue to supply water to our customer. These situations can be caused by drought, storms, water line breaks, power failures, or harmful acts of human beings. This plan will set forth protocol for how the Town of Denton Water System will respond to these situations.

Section 4. WATER SHORTAGE RESPONSE PLAN (WSRP).

Sections 5 through ___ of this ordinance will constitute the Town's Water Shortage Response Plan as required under North Carolina Administrative Code 15A NCAC 02E0.607 and General Statute 143-355(l)

Implementation of the WSRP

(A) To avoid further depletion of the Town's water supply during a water shortage, The Town Manager will authorize the implementation of what level of response is needed based on the criteria set forth in this plan. The current situation will be communicated to the Mayor and Town Council.

(B) Whenever the Town Manager finds a water shortage exists, he shall proclaim one or more water conservation stages. The Town Manager's proclamation shall be based upon a recommendation from the Water Plant Operator in Responsible Charge (ORC), the Distribution System ORC, and/or the Utility Director to the City Manager of what response is required to continue meeting the human consumption, sanitation and fire protection needs of our customers. Recommendations of the Water Plant ORC or the Distribution System ORC shall be based on a review of factors such as current water supply, stream flow, drought conditions, seasonal effect on water supply, condition of the distribution system, pumping capacity, and average current consumption rates.

(C). In the absence of the Town Manager, the Mayor or his/her representative will be authorized to implement the required response within the plan.

Section 5. Notification of Water Shortage Response Plan Implementation

When the WSRP is activated water users and Town employees will be notified by the following means, as time will allow:

- 1) Code Red – rapid dialing telephone alerts to affected zones
- 2) Department Heads and supervisor will brief their employees
- 3) Press release for the Local Newspaper if time appropriate for publishing
- 4) Public Service Announcements (PSAs) for TV and/or radio as appropriate
- 5) Messages printed on the water bills
- 6) Direct mailings of notice

Section 6. Unlawful to Violate Mandatory Restriction

If the Town Manager declares one or more stages of water conservation, it shall be unlawful for any person to use or permit the use of water supplied by the town in violation of any mandatory restriction instituted pursuant to that declaration.

Section 7. Measures to be Implemented at Various Stages of Water Conservation

Continuous Water Conservation will be encouraged at all times. The following water use habits are to be recommended in an ongoing public information campaign to reduce wasting of water:

- 1) Check for leaks in toilets at least once a year by putting a few drops of food coloring in the storage tank. If the color comes through to the toilet bowl without flushing, the toilet needs adjustment or repair.
- 2) Repair leaking faucets whenever they develop.
- 3) Store water for drinking in the refrigerator to avoid trying to run it cool at the tap. The storage also eliminates chlorine taste that some customers find objectionable in drinking water.
- 4) Use shower for bathing or reduce the depth of water used for tub bath. Limit the length of each shower.
- 5) Do not leave faucets running while shaving or rinsing dishes.
- 6) Install water flow restrictive devices in showerheads.
- 7) Install water-saving devices such as plastic bottles or commercial units in toilet tanks, unless you already have a new water-saving type unit.
- 8) Always wash full loads in clothes washers and dishwashers.
- 9) Do not use the toilet for a trash basket; make every flush count.
- 10) Commercial and industrial customers should review their water uses and where feasible install recycle systems. The savings on water and sewer bills will often pay for the installation in a reasonable period.

Stage 1 Voluntary Conservation. Continue all recommendations of Continuous Water Conservation and increase the level of conservation effort by publicizing the following measures:

- 1) Limit use of clothes washers and dishwashers and when used, operate fully loaded.
- 2) Limit flushing of toilets by multiple usages.
- 3) Limit lawn watering and only then, when grass shows signs of withering. Apply water as slowly as possible to achieve deep penetration.
- 4) Water shrubbery the minimum required, reusing household water when possible.
- 5) Limit car washing to the minimum.
- 6) Limit wash-down of outside impervious areas such as sidewalks, patios, etc.
- 7) Limit hours of operation of water-cooled air conditioners if possible.
- 8) Limit non-essential water use for commercial and industrial activities
- 9) Encourage a goal of 10% reduction in water use by all customers
- 10) Begin 5% Water Conservation Surcharge on Customer Water Rate

Stage 2 Mandatory Conservation. Continue all recommendations of Stages I and increase the levels of conservation effort by enforcing the following measures:

- 1) No watering of lawns, shrubbery, flowers or vegetable gardens except after 6:00 p.m. on Saturday and Sunday.
- 2) No water to be introduced into swimming pools except to the extent necessary to maintain operation.
- 3) No washing down of outside areas such as sidewalks, patios or driveways, or other similar purposes.
- 4) Do not introduce water into any decorative fountain, pool or pond.
- 5) No serving of water in a public restaurant except upon request.
- 6) Do not use water for any unnecessary purpose or intentionally waste water.
- 7) Use disposable and biodegradable dishes.
- 8) Commercial and Industrial will reduce water use by 10%.
- 9) Encourage a goal of 30% reduction in water use by all customers
- 10) Begin 15% Water Conservation Surcharge on Customer Water Rate

Stage 3 Severe Mandatory Conservation. Continue all less severe water conservation stages and increase the level of conservation effort by enforcing the following measures:

- 1) No lawn sprinkling.
- 2) No watering of any vegetable garden or ornamental shrubs except during the hours of 4:00 p.m. and 8:00 p.m. on Saturday.
- 3) No filling of any swimming pool; no replenishment of any filled pools except to the minimum essential for operation of chemical feed equipment.
- 4) No nonessential use of water for commercial or public use. The use of single-service plates and utensils is encouraged and recommended in restaurants.
- 5) Do not operate water-cooled air conditioners or other equipment that does not recycle cooling water, except when health and safety are adversely affected.
- 6) Discontinue washing exterior of motor vehicles except where 50% or more of the water is recycled, or where a private well water system is used.
- 7) Commercial and Industrial will reduce water use by 30%.
- 8) Encourage a goal of 50% reduction in water use by all customers
- 9) Begin 25% Water Conservation Surcharge on Customer Water Rate

Stage 4 Emergency Conservation (Rationing). Continue all less severe water conservation stages and increase the level of conservation effort by strictly enforcing the following measures:

- 1) It will be unlawful to fail to act in accordance with this section or use water contrary to this section or attempt to evade or avoid such water rationing restrictions.
- 2) Fire protection will be maintained, but where possible, tank trucks shall use raw water.
- 3) Close all swimming pools.

- 4) No washing of any motor vehicles, including commercial washing.
- 5) All industrial uses of water are prohibited.
- 6) All other uses of water will be limited to those necessary to meet minimum health and safety needs of the customers.

Section 8. Enforcement.

It shall be the duty of the Town Manager, Utility Director, and/or Distribution System ORC to investigate violations of the mandatory restrictions and issue orders consistent with the purpose and intent of this division. All customers shall cease any violation of the mandatory restrictions upon the order of the Town Manager. Any customer who violates any provision of this division, or who shall violate or fail to comply with any order made pursuant to this division shall be subject to penalty or a combination of the penalties set forth in Section 8. The Utility Department Personnel, Fire Department Personnel, or Police Officers will be responsible for enforcement of this ordinance as they go about their daily duties about the Town.

Section 9. Discontinuance of Service; Right of Appeal; Other Remedies; Penalty not to Excuse Violation.

(A) When customers are found to be in violation of the MANDATORY RESTRICTIONS, the Town's personnel listed above (Section 6) will issue citations and penalties will be assessed as follows:

1 st Violation	Warning
2 nd Violation	\$25 Fine
3 rd Violation	\$50 Fine
4 th Violation	\$Double Utility Bill discontinuation of service

(B) The Town may discontinue water service to any structure or parcel when the Town Manager gives written notice of any violation of mandatory restrictions and intent to discontinue service. Water service shall be discontinued within 24 hours unless the violator shall cease voluntarily. When service is discontinued pursuant to the provisions of this section, service shall not be reinstated unless and until the Environmental Services Director determines that, the risk to the city water supply has been alleviated.

(C) The customers shall have a right of appeal to the Town Manager, upon serving written notice of appeal on the City Manager within five days after receiving notice of any violation and intent to discontinue service. The appellant will be notified by the Town Manager of the time and place for the hearing of the appeal. The Town Manager shall act on the appeal as expeditiously as possible and shall notify the appellant in writing no later than two days after the final decision.

(D) The provisions of this article may be enforced by an appropriate remedy, including a mandatory or prohibitory injunction, issuing from a court of competent jurisdiction.

(E) The imposition of one or more penalties for any violation shall not excuse any violation or permit it to continue.

Guideline Triggers to Intiate Conservation Stages in Drought Situations

Voluntary Conservation Level 1

US Drought Monitor indicates abnormally dry in our area.

In the case of a drought, the trigger for the Declaration of Voluntary Conservation is reaching a water level of 562 feet (Mean Sea Level-MSL) at the Yadkin River intake structure.

Mandatory Conservation Level 2

US Drought Monitor indicates severe drought in our area

A Declaration of Mandatory Conservation shall be imposed when the level of the Yadkin River at the City's intake structure reaches 560' MSL.

Severe Mandatory Conservation Level 3

US Drought Monitor indicates extreme drought in our area

A Declaration of Severe Water Shortage Crisis shall be imposed when the level of the Yadkin River at the Town's intake structure reaches 558' MSL and that mandatory conservation measures have not achieved a 30% water reduction.

Emergency Level 4

US Drought Monitor indicates exceptional drought in our area

A Declaration of Emergency shall be imposed when the of the Yadkin River ceases to flow and the Town's intake structure decreases below 557' MSL and that Severe Mandatory Conservation Levels are not being achieved.

Triggers in the paragraphs above are to be used as guidelines and actual conditions may dictate some variations from the guidelines listed above. Any one or more of the trigger guidelines may be sufficient to implement conservation stages if immediate situation threatens public health, public safety, or has potentially severe economical impacts.

Section 10. Return-To-Normal.

When it is determined that the water shortage has abated, the reverse order of water conservation stages will be followed until a full return-to-normal is achieved. For example, the Water Shortage Crisis phase will go to a less restrictive Mandatory Conservation phase, then to a much less restrictive Voluntary Conservation phase until a Return-To-Normal condition is reached. It is the Town's intent to remain for an adequate period of time at each water conservation phase to avoid oscillating back and forth between water shortage phases and the Return-To-Normal condition.

Section 11. Variance from Water Conservation Stages

Applications to apply for a variance from Various Water Conservation Stages are available from the Town Managers Office. Completed application will be submitted to the Town Managers Office. Applications will be reviewed and decisions will be made by a committee composed of the Town Manager, the Water distribution System ORC, the Utility Director, and the Water plant ORC. Decisions will be final and will be granted on the following criteria:

- 1) Impact on the Town's Water demand
- 2) Essential use of drinking water
- 3) How long would a variance be needed
- 4) Does an alternative water source exist
- 5) Social and economical importance
- 6) Prevention of structural damage

Section 12. Review of the Effectiveness of Water Conservation Stages

The effectiveness of conservation stages will be evaluated in a timetable appropriate to the reason for invoking the conservation stages. For example a large water main break would be evaluated hours as to how fast elevated storage is being depleted. In a drought situation, the water source availability would be evaluated daily versus the service water demand, to see if the conservation stages are keeping the service water demand less than source availability.

Section 13. Adoption of the Water Shortage Response Plan

When this Water Shortage response Plan is approved by the State Division of Water Resources, it will be submitted to the Town Attorney for review. Once the Town Attorney has completed a review and approved the WSRP, it will be submitted to Town Council for consideration at the next regular meeting and scheduling of a public hearing at the following month's regular council meeting. A copy of this Water Shortage Response Plan and future revisions will be made available for public inspection when it is submitted to the Town Council for consideration and approval.

Section 14. Review and Updating of Water Shortage Response Plan

The Water Shortage Response Plan will be reviewed annually or more often as necessary when conditions change requiring modification to the plan. Updates and changes will follow the procedure set forth in Section 13 of this WSRP.