

## Drought Policy

The Hillsborough Code of Ordinances outlines the town's drought policy. Below are the relevant sections.

Sec. 14-40.1. — Water shortage and withdrawal/conservation restrictions.

- (a) While water is flowing over the Lake Orange and West Fork Eno Reservoir spillway and the Eno is flowing at greater than ten cfs, normal conditions will be deemed to exist with no withdrawal or conservation restrictions to be enforced. Conservation measures shall be instituted when the water supply in Lake Orange and West Fork Eno Reservoir reach volumes stated in this Code and made more restrictive through successive stages of drought in an effort to prolong the availability of water.
- (b) In the event of a water shortage in Lake Orange and West Fork Eno Reservoir or diminished streamflows in the Eno River, the mayor is authorized, empowered, and directed to issue a public proclamation declaring to all persons the existence of such state and the severity thereof, and place in effect the restrictive provisions authorized in section 14-40.3 of this article.
- (c) Any car wash business (i.e., a business involved primarily in the washing of cars, trucks or other vehicles) whose operations are suspended through the operation of the mandatory water restrictions set forth in this article shall be entitled to credits on its subsequent monthly bills in accordance with the following formula: For each week which such businesses' operations are suspended, that business shall receive a 50 percent discount on a subsequent monthly water and sewer bill after the restrictions are lifted. For periods of restriction which are less than a week, the amount of the discount shall be determined by multiplying 50 percent by the number of days of such restriction and dividing the product obtained by seven.

(Prior Code, § 14-40.1; Ord. of 6-14-2004)

Sec. 14-40.2. — Unlawful to use water contrary to provisions of this article.

- (a) In the event that the Mayor of Hillsborough issues any proclamation authorized by section 14-40.1 of this article, then it shall be unlawful for any person to use or permit the use of water supplied through the facilities of the Town of Hillsborough, in violation of any of the mandatory restrictions contained in the proclamation until the mayor, by public proclamation, has declared a particular stage of the water shortage to be over and the restrictions applicable to it no longer are in effect.
- (b) In light of the many benefits that can be derived by conserving water, all persons, firms, or corporations served by the town's water system should follow water conservation practices regardless of the time of year or whether or not a water shortage exists. Water conservation should be followed during all phases of construction-related activities. Where appropriate, water needed should be obtained from supplemental sources. Nonessential construction-related activities which require water should not be undertaken during a declared water shortage.

(Prior Code, § 14-40.2)

Sec. 14-40.3. — Restrictive measures in effect at each stage of water shortage.

The severity of the water shortage shall be determined the usable water capacity for the Town of Hillsborough available in the West Fork Eno Reservoir, Lake Orange, and the Eno River combined. These restrictions apply to Town of Hillsborough municipal water supply usage only.

- (1) *Stage 0. No stage—Normal conditions.*
- (2) *Stage 1. Voluntary restrictions.*

- a. Implementation: This stage begins when the usable water capacity remaining is less than 180 days of supply.
- b. Recommendations: The town shall:
  - (i) Provide water saving devices to the public.
  - (ii) Provide daily or weekly reservoir level and water usage statistics.
  - (iii) Recommend water usage reduction techniques through water bills, fliers, notices, town web page and media.
  - (iv) Recommend a usage reduction of ten percent for all customers.

(3) *Stage 2. Mandatory restrictions.*

- a. Implementation: This stage begins when the usable water capacity remaining is less than 135 days of supply.
- b. Requirements and recommendations:
  - (i) Water usage reduction techniques listed in stage 1 shall be required and customers shall limit outdoor water use.
  - (ii) Usage reduction of 20 percent for all customers is recommended.
  - (iii) No private car washing allowed; commercial car washing is permitted.
  - (iv) No pressure washing allowed.
  - (v) Two-days per week outdoor water use based upon street address (Saturday, Sunday, Tuesday, and Wednesday only, based on section 14-19 requirements, odd or even).

(4) *Stage 3. Rationing.*

- a. Implementation: This stage begins when the usable water capacity remaining is less than 90 days of supply.
- b. Requirements and recommendations:
  - (i) Usage reduction of 30 percent for both residential and business is required (allow special medical exemptions).
  - (ii) No outdoor water usage allowed, other than emergency/fire protection.
  - (iii) Customers will not be required to use less than the billing minimum.
- c. Irrigation water meters will be turned-off or removed by the town.
- d. The town will further curtail usage or enhance water availability with the following practices:
  - (i) Water pressure in the town distribution system shall be lowered by decreasing tank holding levels, to the extent possible.
  - (ii) If flushing of water lines is required for water quality concerns, the water will be captured in a tanker and transported upstream of the raw water intake for reintroduction into the river.
  - (iii) Other potential water sources will be elevated and utilized, if feasible (investigate rock quarries, ponds, springs, other water utilities, etc.).
  - (iv) Inform local daily newspapers of the daily water usage, reservoir level, and goal for water usage for daily publication, to enhance public awareness. This information will also be posted periodically on the town website.

(Prior Code, § 14-40.3; Ord. of 6-14-2004; Ord. No. 20090608-10.I, § 1, 6-8-2009)

Sec. 14-41. — Violations.

- (a) The town shall enforce the limits established by this article by reading meters as often as the town deems necessary and, if necessary, terminating service to customers.
- (b) Use billing system stop checks to catch violators (1,000 bills per month).
- (c) Allow deferral of the first violation if achieved 50 percent of goal. Waive this fine if goal is reached in the second month.

(Prior Code, § 14-41; Ord. of 6-14-2004)

Sec. 14-41.1. — Penalties.

- (a) A violation of any of the provisions of this article shall also subject the offender to a civil penalty.
- (b) The town may seek to enforce this article through any appropriate equitable action.
- (c) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.
- (d) With respect to customers of the town's water system that are located outside the town's corporate limits, and who are therefore not subject to the penalties set forth in subsections (a) and (f) of this section, the town may discontinue service to such customers upon a determination by the board of commissioners that any such customer has violated the provisions of this article.
- (e) The town may seek to enforce this ordinance by using any one or any combination of the foregoing remedies for violations during stage 2 or 3 (mandatory restriction stages).
- (f) Graduated fines:
  - (1) First offense = \$50.00 fine plus Y civil penalty, not to exceed \$200.00;
  - (2) Second offense = \$50.00 fine plus 2Y civil penalty, not to exceed \$400.00;
  - (3) Third offense = \$50.00 fine plus 3Y civil penalty, not to exceed \$600.00;
  - (4) Fourth offense = Discontinuation of water service until restrictions end, or until all fines are paid and assurance given that they will not violate restriction again, and subject to town board approval.  
"Y" equals the violating customer's average water bill.
- (g) Out-of-town violator enforcement.
  - (1) Town of Hillsborough to notify Orange County Sheriff's Department for citations to be issued.
  - (2) Orange County Sheriff's Department issues citation only upon complaint from the Town of Hillsborough.
  - (3) Orange County to notify the Town of Hillsborough (732-2104) about complaints received regarding water restriction violators, applies to any department that receives complaint.

(Prior Code, § 14-41.1; Ord. of 8-27-2002; Ord. of 6-14-2004; Ord. No. 20090608-10.I, § 1, 6-8-2009)

Sec. 14-41.2. — Notification, public comment, variance protocols, effectiveness, and revision.

- (a) *Notification.* Water users and system employees will be notified when the plan is enacted at all stages, and will be notified of required response measures, through the following methods.
  - (1) Notice will be placed on water bills in the information box.
  - (2) Temporary signs will be placed at strategic locations in the system.
  - (3) E-mail notice to distribution lists maintained by town engineer and PIO (customers may be added to lists upon request)
  - (4) Town web page.
  - (5) Press release to local media through town public information officer.
- (b) *Public comment.* This plan is reviewed and adopted by the town board at public town meetings. The public is notified through existing laws regarding notification of public meetings. Public comment is available to interested parties at the meeting prior to adoption of the plan or revisions.
- (c) *Variance protocols.* Requests for variances shall be directed to the town engineer, and shall be issued at his/her discretion, based on need and justification. Criteria considered for approval shall be as follows:
  - (1) Significant financial hardship:

- a. New sod installed prior to the start of mandatory restrictions.
- b. Business use that is totally dependent on water use.
- c. Other reasons to be determined on a case-by-case basis.

(2) Health endangerment.

(3) No other water source is available for stated use (non-potable sources exhausted or not appropriate).

(4) Non-refundable payment of variance fee of \$200.00 (stage 2) or \$500.00 (stage 3).

(5) Previously issued variance approvals shall be void when restriction stage increases or mandatory restrictions end. Reapplication is required for variance extensions.

(d) *Effectiveness*. The effectiveness of these restrictions shall be measured through comparison of actual water use records on a weekly basis. Water use comparisons will be published in the weekly West Fork Eno Reservoir Update.

(e) *Revision*. This water shortage response plan will be reviewed by the town engineer and water sewer advisory committee after implementation of any emergency restrictions, upon the operation of new facilities or water sources, and at minimum every five years.

(Ord. No. 20090608-10.I, § 1, 6-8-2009)