

## Article III

### WATER CONSERVATION RESTRICTIONS (Amended 6/2/09)

#### Section 5-22. Purpose.

The purpose of this article is to:

(1) Reduce the rate of increase in overall water use through year-round water conservation practices that will help maximize the community's existing and planned water supply sources and help reduce seasonal peak day demands that result in the need for costly expansion of water treatment, storage, and transmission facilities. Such year-round practices shall include:

a. Reducing the indoor water waste by encouraging the installation and maintenance of ultra-low flow toilets, faucet aerators, low-flow showerheads and similar devices, as well as other creative and commonsense indoor conservation practices.

b. Reducing irrigation and irrigation-related water waste without sacrificing landscape quality through the cultivation of lower water use plants; improved landscape design and planting practices; more efficient watering practices; and improved irrigation system design and maintenance.

c. Increasing the use of non-potable water, as permitted by appropriate public health regulations, for irrigation and other uses that do not require water of potable quality.

(2) Provide an orderly process for reducing community-wide water demands during periods of drought or other naturally occurring causes of water shortages; and

(3) Provide an orderly process for reducing community-wide water demands during periods of water shortages due to natural disaster (other than drought), major OWASA facilities failure, or other unexpected and sudden loss of water supply, treatment, or distribution capacity that constitutes a water supply emergency.

#### Section 5-23. Definitions

Unless otherwise specifically provided or unless otherwise clearly required by the context, the words and phrases defined below shall have the meaning indicated when used in this article:

(1) **AUTOMATIC CONTROLLER:** A mechanical or electronic device capable of operating an irrigation system and its component valve stations according to a pre-determined schedule of irrigation frequency and duration.

(2) **CISTERN:** A tank or container, typically located underground, for the storage and subsequent reuse of rainwater collected from rooftops or other impervious surfaces that would have otherwise evaporated or drained off the premises.

(3) **DRIP IRRIGATION.** The application of irrigation water through drip emitter devices at low pressure, volume, and velocity near or at ground level in order to minimize runoff and evaporative losses. Drip irrigation emitters are typically used for irrigating non-turf vegetation and release water in the range of 0.04 to 0.40 gallons per minute.

(4) **EVEN-NUMBERED PROPERTIES:** Properties with street addresses that end in even-numbered digits, or other properties so designated for purposes of these Standards through special arrangements with OWASA.

(5) **GRAYWATER.** Wastewater removed from household wash basins, bathtubs, or showers. Graywater may only be reused in accordance with practices approved by applicable regulatory agencies.

(6) **HAND WATERING.** The application of water for irrigation purposes through a handheld hose or watering container.

(7) **HARVESTED WATER.** Precipitation or irrigation runoff collected, stored and available for reuse for irrigation purposes.

(8) **IRRIGATION SYSTEM.** Any permanently installed system of pipes, hoses, or other conveyance devices and appurtenances that provides water to living plant material through spray heads or other emission devices located at, above, or below the ground surface. For the purposes of these Standards, a sprinkler, soaker hose, or other device connected to its water source via a moveable above-ground garden hose is not considered to be an irrigation system.

(9) **LANDSCAPE AREA.** That portion of a parcel that contains turf or non-turf vegetation.

(10) **LOW-PRECIPIATION BUBBLER.** An irrigation head which typically operates within six inches of ground level and delivers water at a rate of less than 0.45 gallons per minute within a radius of less than two feet of the head. Low-precipitation bubblers are typically used for irrigating non-turf vegetation.

(11) **MICRO SPRAY.** The application of irrigation water through small, low volume sprayer heads in order to minimize runoff losses. Micro sprays are typically used for irrigating non-turf vegetation. Individual micro spray heads typically operate less than 12 inches above ground level and typically deliver water in the range of 0.10 to 0.50 gallons per minute within a radius of five feet or less of the head.

(12) **MULCH.** A protective covering of organic material, such as sawdust, wood chips, compost, or other vegetative matter, spread on the ground to reduce evaporation and increase water retention.

(13) **ODD-NUMBERED PROPERTIES.** Properties with street addresses that end in odd numbered digits, or other properties so designated for the purposes of these Standards through special arrangements with OWASA.

(14) **OVERALL WATER DEMAND.** The total water demand for any given month, as projected by OWASA.

(15) OWASA. The Orange Water and Sewer Authority.

(16) POTABLE WATER. Treated water provided by OWASA that is suitable for drinking, cooking, and other domestic use. Water that is collected indoors in containers from indoor faucets or spigots that would otherwise be discharged into drainpipes while a user awaits the warming of the water for dishwashing, other washing, shaving, bathing, or showering is not considered to be potable water for the purposes of these Standards.

(17) PRECIPITATION RATE. The amount of water applied per unit of time, usually expressed in inches per hour.

(18) PUBLIC PURPOSE ATHLETIC OR RECREATIONAL FIELD. An athletic or recreational field owned or leased by a public or not-for-profit entity and which is (i) operated for the use of the public pursuant to general invitation, and (ii) not operated for the purpose of profit. For purposes of this definition, a golf course is not considered to be a public purpose athletic field or recreational field.

(19) PUBLIC PURPOSE BOTANICAL SITE. A landscaped area which is owned or leased by a public or not-for-profit entity in which a variety of plants are grown to be categorized and documented for scientific purposes and/or which may also be open to the public for entertainment and educational purposes.

(20) PUBLIC RIGHT-OF-WAY. The area of land owned or maintained by municipal, county, or state government primarily for the use of the public for the movement of people, goods, vehicles, or storm water. For the purposes of these Standards, the public right-of-way shall include curbs, streets, sidewalks, and storm water drainage inlets, but shall not include adjacent landscaped areas that also may be located within the legally delineated public right-of-way.

(21) RAIN BARREL: A tank or container, typically located on the ground beneath a roof drainage system, that captures and stores rainwater for subsequent reuse.

(22) RAW WATER. Water drawn from a reservoir or other water source before treatment.

(23) RECLAIMED WATER. Highly treated effluent from a wastewater treatment plant that can be safely used for non-potable purposes approved by applicable regulatory agencies.

(24) RUNOFF. Water that is not absorbed by the soil or landscape to which it is applied. Runoff occurs when water is applied too quickly (application rate exceeds infiltration rate), particularly if there is a severe slope. These Standards do not apply to stormwater runoff which is created by natural precipitation rather than human-caused or applied water use.

(25) SERVICE AREA. The geographic area in which OWASA provides or is authorized to provide water and/or sewer service.

- (26) **SHUT-OFF NOZZLE.** A device attached to the end of a hose that completely shuts off the flow, even if left unattended.
- (27) **SOAKER HOSE.** A flexible hose designed to emit a trickle of water along its entire length, either through numerous small-diameter (less than 1/32-inch) perforations or through the permeable material of its composition.
- (28) **SPRAY IRRIGATION.** The application of water to landscaping by means of a device, other than a hand-held hose or watering container, that projects water through the air in the form of small particles or droplets.
- (29) **SPRINKLER HEAD.** A device that projects water through the air in the form of small particles or droplets.
- (30) **UNDERGROUND SYSTEM.** An irrigation system with emitters installed beneath the ground surface.
- (31) **WATER CONSERVATION PLAN (OWASA-APPROVED).** A written document submitted by the owner or operator of a public purpose athletic field, recreational field, and/or a public purpose botanical site and approved by OWASA's Executive Director or his/her designee that specifies the conservation measures and irrigation operating modes that will be employed year-round at those public purpose facilities and the specific practices that will be employed to achieve Stage 1, 2, and 3 Water Shortage conservation goals enumerated in these Standards.
- (32) **WATER WASTE.** The non-beneficial use of OWASA potable water. Non-beneficial uses include but are not restricted to:
- a. Landscape water applied in such a manner, rate and/or quantity that it overflows the landscaped area being watered and runs onto adjacent property or public right-of-way; or landscape water applied during periods of rainfall or when soil moisture is already adequate.
  - b. The use of water for washing vehicles, equipment, or hard surfaces, such as parking lots, aprons, pads, and driveways in such quantities to flow onto adjacent property or the public right-of-way.
  - c. Water applied in sufficient quantity to cause ponding on impervious surfaces.
  - d. Water lost through plumbing leaks that can be readily identified and corrected.
- (33) **WATERING BAG.** A container used to hold and slowly dispense water around the base of a tree or shrub. These are commonly called "Gators."
- (34) **XERISCAPING.** An approach to landscape design and maintenance that uses small amounts of water but sustains a traditional look through the proper conditioning of soil, the selection of appropriate drought-tolerant plants, generous use of mulch, efficient use of water, and other proven techniques.

#### Section 5-24. Water Waste Prohibited

(a) No person, party, or entity shall use, cause, waste, or permit to be wasted any OWASA supplied potable water in violation of the provisions of this article.

(b) Penalties for violation of the provisions of this article are set forth in Section 5-21 of this chapter.

(c) In addition, OWASA may discontinue water service to any customer where, after notice of a prohibited use is delivered to the service address, OWASA-supplied potable water continues to be used or wasted in violation of the Water Conservation Standards set out herein

#### Section 5-25. Year Round Requirements: Exterior Use.

(a) The following outdoor or exterior use requirements shall apply to all customers using OWASA supplied potable water:

(1) Spray irrigation shall not occur more than three days per week. Even-numbered properties may be irrigated with spray systems only on Sundays, Wednesdays, and/or Fridays. Odd-numbered properties may be irrigated with spray systems only on Tuesdays, Thursdays, and/or Saturdays. All spray irrigation shall occur only between the hours of 6:00 p.m. and 10:00 a.m., and shall apply no more than one inch of water in any given week. These restrictions shall not apply to properties using underground, drip irrigation, micro spray, low precipitation bubblers, soaker hoses, hand watering, tree or shrub watering bags, or where watering of containerized plants and commercial plant stock in trade is maintained for resale.

(2) All irrigation systems shall be equipped with automatic controllers that activate the system according to a desired frequency and duration, and shall also be equipped with rain or soil moisture sensors that will prevent irrigation during periods of rainfall or when there is sufficient moisture in the ground for plant health and survival.

(3) All hoses used for hand watering, vehicle washing, or other allowable outdoor uses shall be equipped with shutoff nozzles.

(4) No exterior use of OWASA-supplied potable water shall result in the flow of water onto adjacent property or public right-of-way, and all irrigation systems shall be designed and maintained to prevent to the extent practicable water from flowing onto paved or other impervious surfaces.

(5) Outdoor water leaks on property or facilities of OWASA customers shall be repaired within ten (10) days of discovery by the customer and/or notification by OWASA.

(b) Owners of public purpose athletic fields, recreational fields, and/or public purpose botanical sites shall not be subject to the year-round limitations of Subsection (a) of this section if those facilities are operated in compliance with an OWASA-approved Water Conservation Plan that specifies the conservation measures and irrigation operating modes to be employed at that facility year-round and during successive stages of a declared water shortage.

(c) Unless superseded by the declaration of a Water Supply Shortage or Emergency, the year-round requirements of Subsections 5-25(a)(1) and (a)(2) shall not apply to the following:

(1) Outdoor irrigation necessary for the establishment of newly sodded or seeded lawns and for the establishment of new non-turf plant materials within the first 45 days of planting, provided that such irrigation occurs only between the hours of 6:00 p.m. and 10:00 a.m.

(2) Irrigation necessary for one day only where treatment with an application of chemicals requires immediate watering to preserve an existing landscape or to establish a new landscape, provided that such irrigation occurs only between the hours of

(3) Water used to control dust or to compact soil when alternate methods are not available.

(4) Visually supervised operation of watering systems for short periods of time to check system condition and effectiveness.

(5) Water used for construction or maintenance activities where the application of water is the appropriate methodology and where no other practical alternative exists.

(6) Water used for firefighting, firefighter training, fire hose testing, fire pumper testing, and other emergency situation mitigation purposes.

(7) For situations in which there is no practical alternative, OWASA-supplied potable water may be used for other special purposes, such as washing out garbage trucks, cleaning up hazardous or unsanitary materials, etc., or for other purposes necessary to protect public health, safety, and welfare – provided that such water is used in the least quantity needed to accomplish the task.

Section 5-26. Year-Round Requirements: Interior Use

(a) The following indoor or interior use requirements shall apply to all customers using OWASA supplied potable water:

(1) Restaurants and dining facilities shall serve water only on request of the customer.

(2) Hotels, motels, and other facilities providing sleeping accommodations shall change bed linens only upon request of the customer, or upon customer changeover, or every five days for long-term customers.

(3) Indoor water leaks on property or facilities of OWASA customers shall be repaired within ten (10) days of discovery by the customer and/or notification by OWASA.

(b) Unless superseded by the declaration of a Water Supply Shortage or Emergency, the year-round requirements of subsection (a) of this section shall not apply to the following:

(1) Visually supervised operation and flushing of plumbing systems for short periods of time to check system condition and effectiveness.

(2) Water used for construction or maintenance activities where the application of water is the appropriate methodology and where no other practical alternative exists.

Section 5-27. Year Round Policy and Practice.

It shall be OWASA's policy and practice to publicize periodically water conservation methods, including but not limited to, methods of conserving water both indoors and outdoors; methods of collecting and storing harvested water in appropriate devices, such as rain barrels and cisterns; as well as information about the availability, feasibility and allowable uses of reclaimed water from OWASA. It shall be OWASA's policy to strongly encourage and promote the following voluntary conservation measures year round, regardless of water supply conditions:

(1) Operate dishwashers and clothes washers only when loaded to their maximum capacity or at water level settings appropriate for the size of the load.

(2) Where not otherwise required, install ultra-low flow toilets, tank dams, flow restrictors (aerators) and low-flow showerheads.

(3) Repair and maintain plumbing systems to prevent water leaks.

(4) Use harvested rainwater and/or reclaimed water for indoor and outdoor purposes where allowable and practical.

Section 5-28. Determination by OWASA of a Water Supply Shortage or Emergency

(a) Draught Condition Shortage.

(1) OWASA's drought response strategy and Water Supply Shortage declarations will be guided primarily by the risk that OWASA's water supplies will decline to 20 percent or

less of total storage capacity within the next 12-month period. A Stage One Water Shortage declaration will generally correspond to a two percent (or greater) risk that reservoir levels will decline to 20 percent or less of total storage capacity within the next 12 months; provided, however, that in making such a determination, OWASA will also consider the actual and projected severity of the ongoing drought relative to historical droughts included in OWASA's water supply simulation models; existing and anticipated demand, including expected customer response to water use restrictions; availability of supplemental supplies, including water purchases from neighboring communities; regional water supply conditions, including, but not limited to, the concurrent drought response status of neighboring jurisdictions; guidance or directives from the State of North Carolina; and other elements of reasonable professional judgment and management.

(2) More severe Water Supply Shortage Stages will subsequently be declared if the risk level increases and/or if other factors indicate that further action is needed. Similarly, OWASA will reduce the severity of, or rescind, a Water Supply Shortage declaration as the risk level and related factors improve.

(b) Water Treatment, Storage, or Distribution Capacity Shortage. In addition to conditions caused by drought, OWASA may declare a Water Supply Shortage or Emergency whenever customer demand – as averaged over three consecutive days – exceeds 85 percent of OWASA's capability of treating and delivering water. The stage and duration of such a Water Supply Shortage or Emergency shall be guided by the degree to which customer demands approach or exceed OWASA's capacity to meet those demands, and by the degree to which conservation efforts successfully reduce short-term demands.

(c) Disasters and Catastrophic Equipment or Plant Failure Shortage. Any other circumstances, including service losses caused by equipment or facility failure, human error, deliberate act, weather, or other natural disaster, which constrain OWASA's water supply, treatment, or distribution capacity to less than that reasonably needed by its customers, shall constitute a Water Supply Shortage up to and including a Water Supply Emergency, requiring immediate action by OWASA.

Section 5-29. Required Actions Under Water Supply Shortage or Emergency Conditions

(a) In the event of a water supply shortage, OWASA shall, using its best professional judgment, determine which of the following stages is the most appropriate response to the estimated level of risk considering factors in Subsection 5-27(a).

(b) Stage One Water Shortage. In the event that OWASA declares a Stage One Water Shortage, OWASA shall advise the Mayors of Carrboro and Chapel Hill and the Chair of the Orange County Board of Commissioners of its declaration and shall request that they issue Proclamations of a Stage One Water Supply Shortage. Upon the issuance of such a proclamation by the Mayor, the following actions shall be taken with the goal of reducing overall water demand by ten (10) percent:

(1) Spray irrigation of turf grass using OWASA-supplied potable water shall not occur more than one day per week with a maximum of one-half inch of water applied to plant material in any given week. Odd-numbered properties shall be allowed to spray irrigate only on Tuesdays; even-numbered properties shall be allowed to spray irrigate only on Thursdays. Spray irrigation of turf grass shall occur only between the hours of 6:00 p.m. and 10:00 a.m. Owners of public purpose athletic fields, recreational fields, and/or public purpose botanical sites shall not be subject to the limitations of this subsection (b)(1) if those facilities are operated in compliance with an OWASA-approved Water Conservation Plan.

(2) Spray irrigation of non-turf plant materials may occur up to three days per week as provided under the year-round requirements specified in Subsection 5-25(a)(1). I

(3) Irrigation of non-turf plant materials by underground, drip irrigation, micro spray, low precipitation bubblers, soaker hose systems with automatic shutoffs, or by hand held hoses or watering cans may occur at any time or frequency.

(c) Stage Two Water Shortage. In the event that OWASA declares a Stage Two Water Shortage, OWASA shall advise the Mayors of Carrboro and Chapel Hill and the Chair of the Orange County Board of Commissioners of its declaration and shall request that they issue Proclamations of a Stage Two Water Supply Shortage, if not already issued. Upon the issuance of such a proclamation by the Mayor, the following actions shall be taken with the goal of reducing overall water demand by fifteen (15) percent:

(1) Spray irrigation of turf grass with OWASA-supplied potable water shall not be permitted, except at public purpose athletic and recreational fields and public purpose botanical sites operating under OWASA-approved Water Conservation Plans.

(2) Spray irrigation of non-turf plant materials shall not occur more than one day per week according to the schedule specified in Subsection 28(b)(1) and in quantities of no more than ½ inch per week, except at public purpose botanical sites operating under OWASA approved Water Conservation Plans.

(3) Irrigation of non-turf plant material by underground, drip irrigation, micro spray, low precipitation bubblers, soaker hose systems with automatic shutoffs, tree or shrub watering bags, or by hand held hoses or watering cans may occur at any time or frequency.

(4) No OWASA-supplied potable water shall be used to re-fill ornamental fountains, ponds, and like devices; provided, however, that OWASA water may be used to fill and re-fill bird baths and other backyard-scale facilities used to support wildlife.

(5) No OWASA-supplied potable water shall be used for washing vehicles, except at commercial or institutional car washes in which at least 50 percent of the water has either been recycled, is from a non-potable source, or is supplied by a well.

(6) No OWASA-supplied potable water shall be used for cleaning or washing exterior building surfaces, decks, or paved areas, such as sidewalks, driveways, roadways, and parking lots. This restriction shall not apply to the cleaning of exterior building surfaces or decks prior to painting or re-painting.

(7) No OWASA-supplied potable water shall be used for fire department training or equipment testing unless required by State or Federal regulations.

(d) Stage Three Water Shortage. In the event that OWASA declares a Stage Three Water Shortage, OWASA shall advise the Mayors of Carrboro and Chapel Hill and the Chair of the Orange County Board of Commissioners of its declaration and shall request that they issue Proclamations of a Stage Three Water Supply Shortage, if not already issued. Upon the issuance of such a proclamation by the Mayor, the following actions shall be taken with the goal of reducing overall water demand by twenty (20) percent:

(1) The use of OWASA-supplied potable water for heating and/or cooling purposes shall be reduced in all but the most essential facilities to the extent practical in consideration of indoor air quality standards, weather conditions, and health and safety requirements.

(2) No OWASA-supplied potable water shall be used for irrigation of turf grass, except for public purpose athletic and/or recreational fields and public purpose botanical sites operating under water conservation plans that have been approved by OWASA's Executive Director or by his/her designee.

(3) No OWASA-supplied potable water shall be used for irrigating non-turf plant material unless applied (i) via hand held hoses or watering cans, watering bags, drip irrigation or soaker hoses, or (ii) at public purpose botanical sites operating under OWASA-approved Water Conservation Plans.

(4) OWASA-supplied potable water may be used to fill, re-fill, or top off swimming pools, or to fill or re-fill bird baths and other backyard-scale facilities used to support wildlife. OWASA supplied potable water shall not be used for any other outdoor purposes, except for emergency fire suppression or other activities necessary to maintain public health, safety, or welfare.

(5) No bulk sale of potable OWASA water shall occur except for the wholesale transmission of potable OWASA water to neighboring communities, or for other purposes necessary to maintain public health, safety, or welfare.

(6) No OWASA-supplied potable water may be used for washing any vehicles.

(7) No OWASA-supplied potable water may be used for pressure washing building exteriors.

(8) No OWASA-supplied potable water may be used for fire department training or equipment testing.

(e) Water Supply Emergency. In the event that OWASA declares a Water Supply Emergency, OWASA shall so advise the Mayors of Carrboro and Chapel Hill and the Chair of the Orange County Board of Commissioners and shall request that they issue Proclamations of a Water Supply Emergency. Upon the issuance of such a proclamation by the Mayor, the following actions shall be taken, in addition to those applicable measures listed above for a Stage Three Water Shortage:

(1) No OWASA-supplied potable water may be used for any outdoor purposes other than emergency fire suppression or other activities necessary to maintain public health, safety, or welfare.

(2) No OWASA-supplied potable water shall be used to fill, refill or top off the water level in any private or public purpose swimming pool.

(3) No OWASA-supplied potable water shall be used for the flushing or pressure testing of new distribution lines unless that water is returned to the OWASA water supply system through methods approved by OWASA. This restriction shall not apply to the testing of in-building fire control sprinkler systems

(4) The use of OWASA-supplied potable water for heating and/or cooling purposes shall be reduced in all but the most essential facilities to the extent practical in consideration of indoor air quality standards, weather conditions, and health and safety requirements.

(5) Water service may be discontinued or reduced to designated users or in designated portions of the OWASA service area in order to preserve the availability of water for essential public health and safety requirements, such as fire protection, hospitals, clinics, and other critical community needs.

(f) Exceptions. Notwithstanding the restrictions specified in Subsections (b), (c), (d), and (e) of this section, the protection of public health, safety, and welfare may, under special circumstances, require the use of limited amounts of OWASA-supplied potable water for such purposes as washing out garbage trucks, cleaning up hazardous or other materials. Such uses shall be permitted during declared Water Shortages or Emergencies, provided that other practical alternatives are not available and water is used in the least practical amount.

## **Section 5-21 Penalties and Remedies**

(excerpt: please note that Article III referenced below is the water conservation restrictions)

(a) A violation of any of the provisions of this chapter, other than those set forth in Article III, shall constitute a misdemeanor, punishable as provided in G.S. 14-4.

(b) A violation of any of the provisions of this chapter, other than Section 5-15, shall subject the offender to a civil penalty of \$25.00 for the first offense, \$50.00 for the second offense within a 30-day period, and \$100.00 for the third or any additional offense that occurs within any 30-day period. A violation of the provisions of Section 5-15 shall subject the offender to a civil penalty in the amount by which the contribution exceeds \$250.00. If a person fails to pay this penalty within 10 days after being cited for a violation, the town may seek to recover the penalty by filing a civil action in the nature of debt. (Amend. 11/18/08, 3/3/09)