

AN ORDINANCE AMENDING CHAPTER 29.5 OF THE GREENSBORO CODE OF  
ORDINANCES WITH RESPECT TO EMERGENCY WATER CONSERVATION AND  
RESTRICTION PLAN

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Chapter 29.5 is hereby amended by removal:

~~Chapter 29.5~~ EMERGENCY WATER CONSERVATION AND RESTRICTION PLAN<sup>41</sup>

~~Sec. 29.5 1. Declaration.~~

~~Whenever the water supply of the City of Greensboro's public water system is low and declining due to conditions which may adversely affect the continued availability of water for human consumption, sanitation, health and fire protection, it may become necessary to declare a water shortage and implement conservation requirements under the standards set forth below.~~

~~(Ord. No. 12-29, § 1, 4-16-12)~~

~~Sec. 29.5 2. Definitions.~~

~~For the purpose of this chapter, the following terms, words, and phrases and their derivations shall have the meaning given herein. The word "shall" is always mandatory and not merely directory.~~

~~City is the City of Greensboro.~~

~~Customer is a person in whose name a water connection is made and to whom a bill is issued, whether such connection is inside or outside the corporate limits of the city.~~

~~Drip irrigation system is any drip system that does not spray water into the air, but may include drip misters which are incorporated with a drip irrigation system. Nothing used to irrigate turf or grass may be considered a drip irrigation system.~~

~~Greensboro water storage response curves are lines on a graph that determine when various stages of water restrictions are enacted. Curves are based on historical data during droughts of record, and are designed to ensure that the reservoir system recovers before seasonal high water demand.~~

~~Person is any person, firm, partnership, association, corporation, company, limited liability company, professional association, or organization of any kind. The term "person" shall also include customers.~~

~~Reservoir system storage is the total amount of available water in Greensboro's Lake Townsend, Lake Brandt, and Lake Higgins.~~

~~Water is raw or treated water from the city public water supply system.~~

~~(Ord. No. 12-29, § 1, 4-16-12)~~

~~Sec. 29.5 3. General.~~

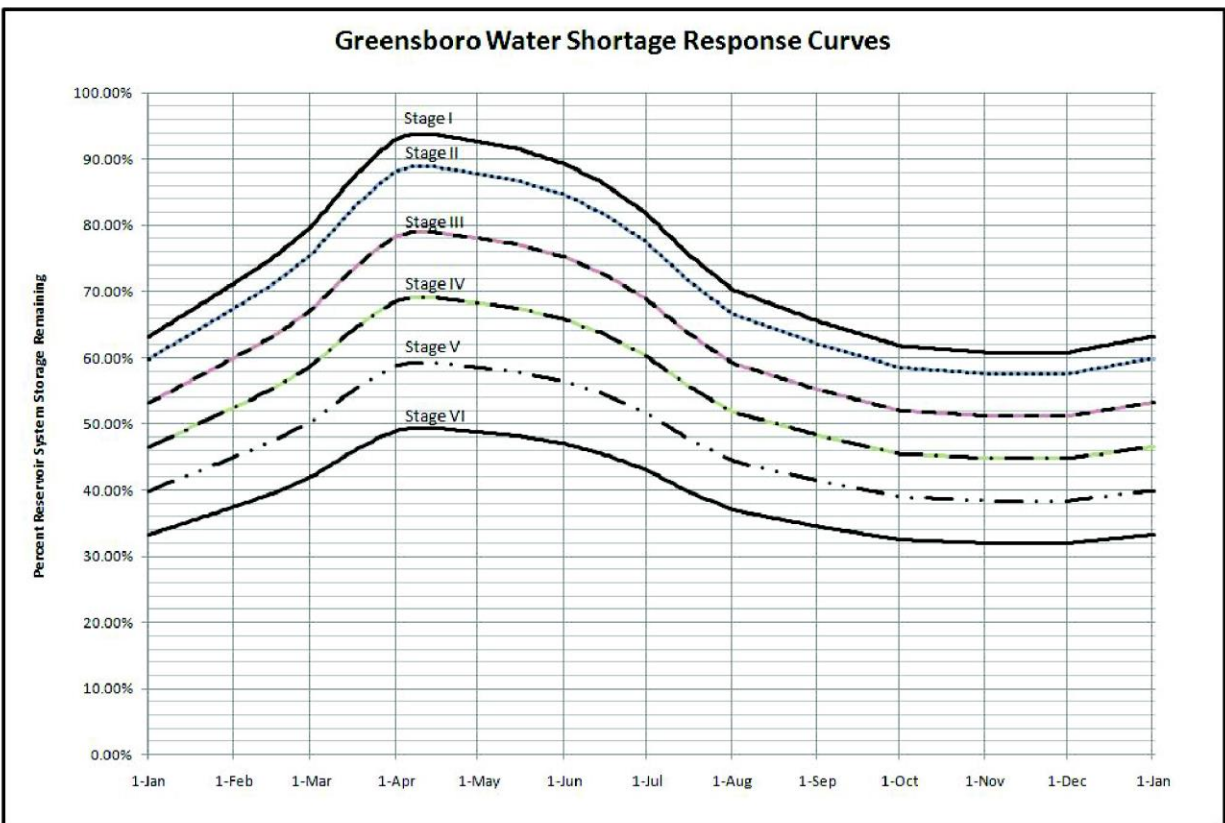
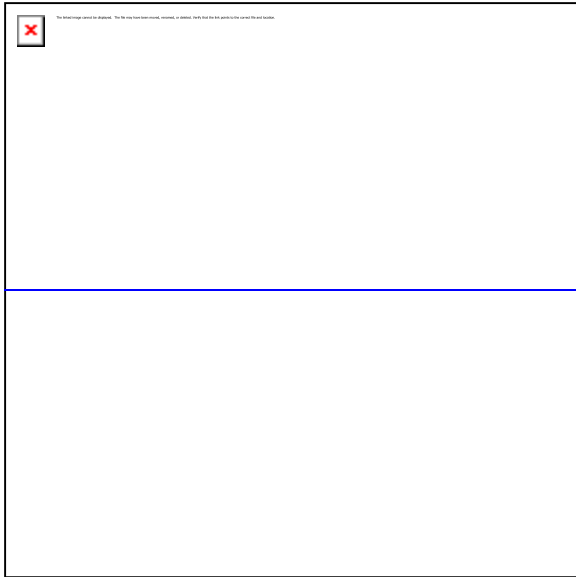
~~A water shortage shall be declared to exist when the reserve supply available to the City of Greensboro will have reached the point where the citizens cannot be supplied with water to protect their health and safety without substantially curtailing the water demand. A water shortage shall also be declared to exist when production, transmission, and storage facilities are incapable of meeting all daily water demands without endangering the ability to protect public safety and health without substantially curtailing water demand.~~

~~(Ord. No. 12-29, § 1, 4-16-12)~~

~~Sec. 29.5-4. Notice to general public of water shortage.~~

- ~~(a) In the event of a water shortage of any of the degrees of severity hereinafter set forth in the city water supply threatening the health and safety of the citizens, as determined by the director of water resources, the city manager of the City of Greensboro is authorized and empowered, after communication to the mayor and city council, to give notice to the general public and city employees of the existence of such state and the severity thereof. In order to protect the health and safety of the people supplied water by the City of Greensboro, the city manager shall place in effect the restrictive provisions hereinafter authorized. Notice shall be given by public press announcement, internal and external website posting, and by signing an executive order. Informational signs will be placed in city water bill payment locations and notice will be given in water bills detailing the current level of water restrictions. The order shall become effective twenty four (24) hours following the press announcement and the signing of the order.~~
- ~~(b) Once a stage of water restriction is declared, the water resources director shall review the percentage of reservoir system storage remaining at least every seven (7) days to determine the stage of restrictions indicated by Greensboro water shortage response curves. A declared stage shall remain in effect for a minimum of thirty (30) days; provided however, that if conditions as listed in subsection 29.5-5(a) warrant, a more restrictive level may be enacted immediately. At the end of thirty (30) days, and following the periodic review, the water resources director shall notify the city manager of the available percentage of reservoir system storage. The city manager shall declare the appropriate stage to be in effect.~~
- ~~(c) In addition to the other powers contained in this chapter, the city manager, when notified by the director of water resources that there is a serious and immediate threat to the city water system because of reduced water quality, treatment capacity, treated supply recovery time, or other imminent condition, may temporarily impose restrictions on automated, and manual sprinkling. Such restrictions may include, among others, limitations on methods of sprinkling the hours and days, and whether such sprinkling may occur at all. In such event the notice provisions contained in subsection 29.5-4(a) shall apply and the enforcement provisions of sections 29.5-7 through 29.5-11 shall be applicable. The city manager, or city council, shall terminate, by written notice, such restrictions when the threat has abated. Any violation of this subsection by a residential user shall be treated as a stage III violation for the purpose of imposing civil penalties.~~

~~(Ord. No. 12-29, § 1, 4-16-12)~~



**Fig. 1.0**

~~Sec. 29.5 5. Compliance required in the event of a water shortage.~~

- ~~(a) In the event the city manager issues the notice described in section 29.5 4, it shall be unlawful for any person to use or permit the use of water from the water system of the City of Greensboro for any of the purposes hereinafter set forth until such time as this article is amended or repealed, or until the city manager has declared such provisions no longer in~~

~~effect. In exercising this authority, considerations shall be given to the following criteria: water levels in the reservoirs, capabilities of the water production and distribution system, drawdown rates, outlook for precipitation, daily water use patterns, stream flows, seasonal and long-term weather patterns, and availability of water from other sources.~~

- ~~(b) Hospitals, nursing homes and health care facilities shall comply with all restrictions imposed on residential and non-residential water customers as may be applicable to each individual institution to the extent compliance will not endanger the health of the patients or residents of the institution.~~
- ~~(c) Each hospital, nursing home or health care facility shall survey its water usage patterns and requirements and implement such additional conservation measures as may be possible without endangering the health of its patients or residents to achieve a further reduction in the institution's water usage.~~
- ~~(d) The following shall apply at all times to the outdoor sprinkling of lawns, shrubbery, trees, flowers, gardens, and other outside irrigation systems.~~
  - ~~(1) By June 1, 2000, all sprinkler systems equipped with a timer, shall be equipped with rain sensors as approved by the city water resources department. Rain sensors shall be activated to prevent the system from operating after one fourth (1/4) inch of rain has fallen.~~
  - ~~(2) It shall be unlawful to operate any sprinkler system during times of rain or to operate a sprinkler, at any time, so as to disperse water on an impervious surface.~~
  - ~~(3) Any violation of subsections 29.5-5(d)(1) and (2) by a residential user shall be treated as a stage III violation for the purpose of imposing civil penalties.~~
- ~~(e) Written water restrictions variance requests must be submitted to the City of Greensboro Water Resources Department, Kitchen Operations Center located at 2602 S. Elm-Eugene Street Greensboro, NC 27406 for review by the water resources director or designee(s). Requests must address the following: impact on water demand, expected duration, availability of source options, social and economic importance and the prevention of structural damage. A decision to approve or deny individual variance requests will be determined within three (3) weeks of submittal after careful consideration and applicant will be notified of result and expiration of variance if applicable. Variance requests must be resubmitted at onset of higher level of mandatory water restrictions.~~

~~(Ord. No. 12-29, § 1, 4-16-12)~~

~~Sec. 29.5-6. Restrictions applicable to various percentage of reservoir system storage.~~

~~The severity of the water shortages shall be determined primarily by the Greensboro Water Shortage Response Curves (fig. 1.0) in light of the criteria set out in subsection 29.5-5(a). Additional factors that may trigger water restrictions include, but are not limited to, the weather forecast, temperatures and water demand. The restrictive measures in effect at each stage are as follows:~~

- ~~(a) *Stage I voluntary restrictions.* In the event the percentage of reservoir system storage drops to stage I of the Greensboro Water Shortage Response Curves (fig. 1.0) as determined by the water resources director using the criteria set out in subsection 29.5-5(a), the director shall notify the city manager in writing. Upon such notification the city manager shall declare stage~~

~~I voluntary water restrictions to be in effect. After complying with those notice provisions contained in section 29.5-4, the following voluntary water restrictions shall be requested:~~

- ~~(1) Voluntary, commercial, manufacturing, institutional and residential conservation measures will be strongly encouraged and recommended including the following:~~
    - ~~a. Inspect and repair all faulty and defective parts of faucets and toilets.~~
    - ~~b. Use shower for bathing rather than bathtub and limit shower to no more than five (5) minutes.~~
    - ~~c. Do not leave faucets running while shaving, rinsing dishes, or brushing teeth.~~
    - ~~d. Limit use of clothes washers and dishwashers and when used, operate fully loaded.~~
    - ~~e. Limit lawn watering to that necessary for plant survival.~~
    - ~~f. Water shrubbery the minimum required, reusing household water when possible.~~
    - ~~g. Limit vehicle washing.~~
    - ~~h. Do not wash down outside areas such as sidewalks, patios, driveways, etc.~~
    - ~~i. Install water flow restrictions in showerheads and other water saving devices.~~
    - ~~j. Use disposable and biodegradable dishes where possible.~~
    - ~~k. Install water saving devices in toilets such as early closing flapper valves.~~
    - ~~l. Limit hours of water cooled air conditioners.~~
    - ~~m. Do not fill swimming or wading pools.~~
  - ~~(2) Water supply line pressure should be reduced where feasible to reduce water consumption if it will not affect operation of fixtures, equipment, public safety, or health devices.~~
  - ~~(3) Conservation in public buildings, institutions, dormitories, and similar facilities is encouraged by reducing pressure at plumbing fixtures, and by installation of restricting devices.~~
  - ~~(4) Water conservation should be followed during all phases of construction-related activities. Where appropriate, water needed should be obtained from supplemental sources.~~
- ~~(b) Stage II mandatory restrictions. In the event the previous voluntary restrictions are not sufficient to eliminate reductions in water supply reserves and the water resources director, using those criteria set out in subsection 29.5-5(a), determines that the percentage of reservoir system storage drops to stage II of the Greensboro Water Shortage Response Curves (fig. 1.0) or it is necessary to access supplementary water from the Haw River Transfer Station during this or any subsequent stage of water restrictions, the water resources director shall so notify the city manager in writing. Upon such notification, the city manager shall declare stage II mandatory water restrictions to be in effect. After complying with those notice provisions contained in subsection 29.5-4(a), the following mandatory water restrictions shall be imposed. It shall be unlawful:~~

- ~~(1) To water lawns, grass, shrubbery, trees, flower and vegetable gardens except by hand held hose, container, or drip irrigation system; provided, however, that such plantings may be watered by any customer by manual or automated sprinkling one (1) day a week. Customers are allowed to do such sprinkling on the day of their city garbage pickup. Customers who do not have city garbage service, or who have multiple pickups during the week, shall be permitted to sprinkle on Wednesdays only. Provided, however, that a person regularly engaged in the sale of plants shall be permitted to use water, by any method at any time, for irrigation of their commercial stock in trade.~~
- ~~(2) To exceed the following water usage mandate: Public and private customers owning golf courses, and institutional customers owning athletic and playing fields which are separately metered, may water the courses and fields by any method during the hours of 10:00 p.m. till 5:00 a.m. each day and shall reduce water usage by forty (40) percent of their average usage during the corresponding billing period for the most recent twelve-month period, in which no stage of this chapter was in effect. If no meter readings are recorded or otherwise available for a customer's billing period an average of similar users will be established for the customer by the water resources department.~~
  - ~~a. It is the primary responsibility of each customer to meet its mandated water use reduction in whatever manner possible.~~
  - ~~b. Each such customer shall provide access to city personnel for the purposes of meter reading and monitoring compliance with this chapter.~~
  - ~~c. If the mandated reduction in water usage cannot be obtained without threatening health or safety, or if there has been a significant change in the customer's circumstances, the customer may apply to the water resources director, or his designee, for a variance to the mandate. Any appeal of this administrative decision shall be to the superior court as provided by law.~~
  - ~~d. Any customer who exceeds the allotments established pursuant to this water rationing will be subject to the following excess use water rates.~~
    - ~~1. "Excess use water rates" will be collected based on the amount by which a customer's use exceeds the water allotments established pursuant to the local water rationing declaration computed on the basis that all water used in excess of the allotment shall be at five (5) times the normal rate.~~
    - ~~2. Any monies collected through excess use water rates shall be placed in a reserve account that is dedicated to addressing water shortage problems and water conservation initiatives.~~
    - ~~3. Failure of the customer to remit the periodic amount billed within the allotted time may result in termination of water service to the customer pursuant to the water and sewer regulations.~~

~~Other restrictions contained in stage I shall remain voluntary.~~

- ~~(c) *Stage III mandatory restrictions.* In the event the previous voluntary and mandatory restrictions are not sufficient to eliminate reductions in water supply reserves and the water resources director, using those criteria set out in subsection 29.5-5(a), determines that the percentage of reservoir system storage drops to stage III of the Greensboro Water Shortage~~

~~Response Curves (fig. 1.0), the water resources director shall so notify the city manager in writing. Upon such notification, the city manager shall declare stage III mandatory water restrictions to be in effect. After complying with those notice provisions contained in [section] 29.5-4, the following mandatory water restrictions shall be imposed. It shall be unlawful to:~~

- ~~(1) Water or sprinkle any lawn, vegetable garden, grass, shrubbery, trees, or flowers except by a hand held hose, container, or drip irrigation system. Provided, however, that a person regularly engaged in the sale of plants shall be permitted to use water for irrigation of their commercial stock in trade.~~

~~Provided further, that public and private customers owning golf courses, and institutional customers owning athletic and playing fields which are separately metered, may water the courses and fields by any method pursuant to the same terms and conditions set out in subsection 29.5-6(4)(b)(2) except that the mandatory water use reduction shall be sixty (60) percent.~~

- ~~(2) Operate water cooled air conditioners or other equipment that does not recycle cooling water, except when health and safety are adversely affected.~~
- ~~(3) Wash automobiles, trucks, trailers, boats, airplanes, or any other type of mobile equipment; except that parts of vehicles may be washed where required by federal, state, or local laws or for safety reasons. Provided, however, that any commercial or business operated car wash facility shall be permitted to use water for such purposes.~~
- ~~(4) Wash down outside areas such as streets, driveways, service station aprons, parking lots, office buildings, exteriors of existing or newly constructed homes or apartments, sidewalks, or patios, or to use water for similar purposes; provided, however, hand washing of exterior surfaces of a building for the purpose of preparing them for painting shall be permitted. Provided further, licensed commercial pressure washers shall be permitted to operate.~~
- ~~(5) Operate or introduce water into any ornamental fountain, pool, or pond or other structure making similar use of water.~~
- ~~(6) Serve drinking water in restaurants, cafeterias, or other food establishments, except as requested.~~
- ~~(7) Use water from any public or private fire hydrants for any purpose other than fire suppression or other public emergency or water resources department need. Provided, however, that water use for construction from a metered hydrant will be allowed if no alternate water source is available.~~
- ~~(8) Use water for dust control.~~
- ~~(9) Use water for any unnecessary purpose or intentionally wastewater.~~

~~The owner or occupant of any land or building who receives water from the city and also uses water from a well or other supply shall post a sign thereon, in a conspicuous place, furnished at no cost by the city water resources department giving notice of the use of well or other sources of supply.~~

All industrial, manufacturing, and commercial enterprises, and all customers with swimming and wading pools and tennis courts, shall reduce consumption to any degree feasible with a goal of a reduction of at least twenty-five (25) percent of their usual usage.

(d) ~~Stage IV mandatory restrictions. In the event the previous (voluntary and mandatory) restrictions are not sufficient to eliminate reductions in water supply reserves and the water resources director, using those criteria set out in subsection 29.5-5(a), determines that the percentage of reservoir system storage drops to stage IV of the water shortage response curves (fig. 1.0), the water resources director shall so notify the city manager in writing. Upon such notification, the city manager shall declare stage IV mandatory water restrictions to be in effect. After complying with those notice provisions contained in section 29.5-4, the following mandatory water restrictions, in addition to those imposed in stage III, shall be imposed. It shall be unlawful to:~~

- ~~(1) Water lawns, grass, shrubbery, trees, flowers and vegetable gardens except by container, drip irrigation system or soaker hose; provided, however, that such plantings may be watered by hand held hose equipped with a shut off nozzle two (2) days per week on Wednesdays and Saturdays; provided further that water from saturated planting beds shall not run off onto impervious surfaces such as driveways, sidewalks and streets. Soaker hoses shall not include any device that sprays water into the air. Provided, however, that a person regularly engaged in the sale of plants shall be permitted to use water for irrigation of their commercial stock in trade.~~
- ~~(2) Fill or refill any single family swimming or wading pool or water any tennis court if a residential customer.~~
- ~~(3) Make any nonessential use of water for commercial or public use.~~
- ~~(4) Exceed the following water usage mandate: Commercial and multi-family swimming pool customers shall reduce water usage by twenty-five (25) percent and public and private customers owning golf courses, and institutional customers owning athletic and playing fields which are separately metered, may water the courses and fields by any method and shall reduce water usage by eighty (80) percent, of their average usage during the corresponding billing period for the most recent twelve month period, in which no stage of this chapter was in effect. If no meter readings are recorded or otherwise available for a customer's billing period an average of similar users will be established for the customer by the water resources department. Such customers include governmental, commercial, industrial, institutional, public, social, multi-family, and all other such users.~~
  - ~~a. It is the primary responsibility of each non-residential customer to meet its mandated water use reduction in whatever manner possible, including limitation of operating hours, or days, if necessary.~~
  - ~~b. Each customer shall provide access to city personnel for the purposes of meter reading and monitoring of compliance with this chapter.~~
  - ~~c. If the mandated reduction in water usage cannot be obtained without threatening health or safety, or if there has been a significant change in the customer's circumstances, the customer may apply to the water resources director, or his designee, for a variance to the mandate. Any appeal of this administrative decision shall be to the superior court as provided by law.~~



~~d. Any customer who exceeds the allotments established pursuant to this water rationing will be subject to the following excess-use water rates.~~

- ~~1. "Excess-use water rates" will be collected based on the amount by which a customer's use exceeds the water allotments established pursuant to the local water rationing declaration computed on the basis that all water used in excess of the allotment shall be at five (5) times the normal rate.~~
- ~~2. Any monies collected through excess-use water rates shall be placed in a reserve account that is dedicated to addressing water shortage problems and water conservation initiatives.~~
- ~~3. Failure of the customer to remit the periodic amount billed within the allotted time may result in termination of water service to the customer pursuant to the water and sewer regulations.~~

~~All industrial, manufacturing, and commercial enterprises shall reduce consumption to any degree feasible with a goal of a reduction of at least fifty (50) percent of their average usage as compared with their usage during the corresponding billing period for the most recent twelve-month period in which no stage of this chapter was in effect; provided, this goal shall not apply to those customers who wash parts of vehicles where such washing is required by federal, state, or local laws, or for health or safety reasons.~~

~~(e) *Stage V mandatory restrictions.* In the event previous restrictions are not sufficient to eliminate reductions in water supply reserves and the water resources director, using those criteria set out in subsection 29.5-5(a), determines that the percentage of reservoir system storage drops to stage V of the Greensboro Water Shortage Response Curves (fig. 1.0), the water resources director shall so notify the city manager in writing. Upon such notification, the city manager shall declare stage V mandatory water restrictions to be in effect. Upon such declaration, the city shall be deemed to be in a state of emergency with respect to its water supply and residential customers shall reduce consumption to any degree feasible with a goal of a reduction of at least twenty five (25) percent of their average usage. After complying with those notice provisions contained in section 29.5-4, in addition to the restrictions heretofore imposed in stages III and IV the following mandatory water restrictions shall be imposed. It shall be unlawful to:~~

- ~~(1) Use water outside a structure for any use other than emergencies involving fire or as needed by the water resources department to maintain the system, except that flowers, plants, and shrubs may be watered from a watering can or other container not exceeding three (3) gallons in capacity with used wash water from inside a structure.~~
- ~~(2) Operate an evaporative air conditioning unit which recycles water except during the operating hours of the business.~~
- ~~(3) Wash any vehicle for any purpose, whether inside or outside a structure, except that commercial and business-operated car washes may do so as provided in subsection (4) hereof; and provided that parts of vehicles may be washed where required by federal, state, or local laws for health reasons.~~
- ~~(4) Exceed the following water usage mandate: All non-residential customers shall reduce their water usage by twenty five (25) percent except commercial and business-operated car washes and non-single family residential customers who operate swimming or wading~~

~~pools or tennis courts shall reduce such usage by fifty (50) percent, of their average usage during the corresponding billing period for the most recent twelve month period, in which no stage of this chapter was in effect. If no meter readings are recorded or otherwise available for a customer's billing period an average of similar users will be established for the customer by the water resources department. Non residential customers include governmental, commercial, industrial, institutional, public, social, and all other such users.~~

- ~~a. It is the primary responsibility of each non-residential customer to meet its mandated water use reduction in whatever manner possible, including limitation of operating hours, or days, if necessary.~~
  - ~~b. Each customer shall provide access to city personnel for the purposes of meter reading and monitoring of compliance with this chapter.~~
  - ~~c. If the mandated reduction in water usage cannot be obtained without threatening health or safety, or if there has been a significant change in the customer's circumstances, the customer may apply to the water resources director, or his designee, for a variance to the mandate. Any appeal of this administrative decision shall be to the superior court as provided by law.~~
  - ~~d. Any such customer who exceeds the allotments established pursuant to this water rationing will be subject to the following excess use water rates.~~
    - ~~1. "Excess use water rates" will be collected based on the amount by which a customer's use exceeds the water allotments established pursuant to the local water rationing declaration computed on the basis that all water used in excess of the allotment shall be at five (5) times the normal rate; except that commercial and business operated car washes and non single family swimming and wading pool and tennis court users shall be computed at ten (10) times the normal rate for excess use~~
    - ~~2. Any monies collected through excess use water rates shall be placed in a reserve account that is dedicated to addressing water shortage problems and water conservation initiatives.~~
    - ~~3. Failure of the customer to remit the periodic amount billed within the allotted time may result in termination of water service to the customer pursuant to the water and sewer regulations.~~
- ~~(5) Make any water service connections except as herein provided. Connections to the city water system shall be allowed, but not required, in the following cases if all other requirements of law pertaining to such connections have been met:~~
- ~~a. Lots, upon which construction has been authorized pursuant to a valid building permit issued prior to the effective date of the stage IV water shortage emergency; provided, that this exemption shall apply for only so long as such building permit remains in effect.~~
  - ~~b. Public and other schools satisfying the compulsory education requirements of the laws of the State of North Carolina, public facilities for sheriff, police, fire protection,~~

~~hospitals, emergency medical services, and facilities of public service companies regulated as public utilities under the laws of the State of North Carolina.~~

~~(f) — *Stage VI mandatory water restrictions.* In the event previous voluntary and mandatory restrictions are not sufficient to eliminate reductions in water supply reserves and the water resources director, using those criteria set out in subsection 29.5 5(a), determines that the percentage of reservoir system storage drops to stage VI of the Greensboro Water Shortage Response Curves (fig. 1.0), the water resources director shall so notify the city manager in writing. Upon such notification the city manager shall declare stage VI mandatory water restrictions to be in effect and residential customers shall continue to reduce consumption to any degree feasible with a goal of a reduction of at least forty (40) percent of their average usage. After complying with those notice provisions contained in section 29.5 4, in addition to the restrictions heretofore imposed under stages III, IV and V, the following mandatory water restrictions shall be imposed. It shall be unlawful to:~~

- ~~(1) — Serve food or beverages in restaurants, cafeterias and other commercial food establishments to customers using anything other than disposable plates, saucers, cups, eating utensils, napkins and tablecloths.~~
- ~~(2) — Wash any vehicle for any purpose, whether inside or outside a structure, except those parts of vehicles may be washed where required by federal, state, or local laws, or for health or safety.~~
- ~~(3) — Exceed the following water usage mandate. All non-residential customers shall reduce their water usage by fifty (50) percent of their average usage during the corresponding billing period for the most recent twelve month period, in which no stage of this chapter was in effect; except that water shall not be used to fill or top off any swimming or wading pool. If no meter readings are recorded or otherwise available for a customer's billing period an average of similar users will be established for the customer by the water resources department.~~
  - ~~a. — It is the primary responsibility of each non-residential customer to meet its mandated water use reduction in whatever manner possible, including limitation of operating hours or days if necessary.~~
  - ~~b. — Each customer shall provide access to city personnel for the purpose of reading and monitoring of compliance with this chapter.~~
  - ~~c. — If the mandated reduction in water usage cannot be obtained without threatening health or safety, or if there has been a significant change in the customer's circumstances, the customer may apply to the water resources director, or his designee, for a variance to the mandate. Any appeal of this administrative decision shall be to the superior court as provided by law.~~
  - ~~d. — Any water customer who exceeds the allotments established pursuant to this water rationing will be subject to the following excess-use water rates.~~
    - ~~1. — "Excess-use water rates" will be collected based on the amount by which a customer's monthly use exceeds the water allotments established pursuant to the local water rationing declaration computed on the basis that all water used in excess of the allotment shall be at ten (10) times the normal rate.~~

- ~~2.— Any monies collected through excess use water rates shall be placed in a reserve account that is dedicated to addressing water shortage problems and water conservation initiatives.~~
- ~~3.— Failure of the customer to remit the periodic amount billed within the allotted time may result in termination of water service to the customer pursuant to the water and sewer regulations.~~
- ~~(4)— Make any new service connections to the city water system except for public and other schools satisfying the compulsory education requirements of the laws of the State of North Carolina, public facilities for sheriff, police, fire protection, hospitals and emergency medical services, and facilities of public service companies regulated as public utilities under the laws of the State of North Carolina.~~

~~(Ord. No. 12-29, § 1, 4-16-12)~~

~~Sec. 29.5-7.— Compliance.~~

~~Compliance with the provisions with this chapter shall be enforced by personnel of the water resources department, the Greensboro Police Department, and other such personnel as designated by the city manager. Failure to comply with any of the regulations of this chapter shall be unlawful and a violation of the chapter and all remedies authorized by law for noncompliance with the chapter, including the issuance of a civil penalty citation or action for injunctive relief, may be exercised to enforce its provisions. It shall be unlawful to fail to act in accordance therewith or to use water in any manner or attempt to evade or avoid such water restrictions.~~

~~(Ord. No. 12-29, § 1, 4-16-12)~~

~~Sec. 29.5-8.— Enforcement and civil penalty.~~

- ~~(a)— Residential users. Any residential user who shall violate any provision of this chapter shall be subject to civil penalties. Civil penalties for a violation of stage II shall be as follows: a warning for the first offense; a civil penalty in the amount of one hundred dollars (\$100.00) for the second offense; a civil penalty in the amount of two hundred dollars (\$200.00) for the third and successive offenses. In stages III, IV, V, or VI, there shall be no warnings given for violations by residential users of the mandatory restrictions of these stages and the penalties shall be one hundred dollars (\$100.00) for the first offense, two hundred dollars (\$200.00) for the second offense and successive offenses.~~
- ~~(b)— Non residential users. Any non residential customer, who violates any provision of this chapter, shall be subject to a civil penalty as follows: a civil penalty of two hundred dollars (\$200.00) for the first violation; a civil penalty of five hundred dollars (\$500.00) for the second violation; and a civil penalty of one thousand dollars (\$1,000.00) for the third and successive offenses.~~
- ~~(c)— Cumulation of violations. Violations shall be accumulated by all customers so long as this chapter, in any of its stages, is continuously in effect and until no stage of this chapter has been in effect for a period of one (1) calendar year. Violations of any of the mandatory restrictions of any stage shall accumulate with violations of other stages and in addition may be enjoined and restrained as provided in G.S. § 160A-175. Should a customer move, or cease~~

~~and renew service, during the period described herein, the customer's violations shall continue to accumulate as if such move or cessation had not occurred.~~

~~(Ord. No. 12-29, § 1, 4-16-12)~~

~~Sec. 29.5-9. — Criminal fines.~~

~~Non-permitted use of water after discontinuance of service pursuant to section 29.5-10 shall constitute a class 3 misdemeanor punishable by a fine not exceeding a maximum of five hundred dollars (\$500.00) as provided by G.S. § 14-4 and in addition thereto such violation may be enjoined and restrained as provided in G.S. § 160A-175.~~

~~(Ord. No. 12-29, § 1, 4-16-12)~~

~~Sec. 29.5-10. — Discontinuance of service.~~

~~The water resources director shall have the authority to discontinue, or restrict, water service to any person or structure in the event of a violation of the provisions of this chapter during a stage II, stage III, stage IV, stage V, or stage VI water shortage period or for uncorrected water leakage. Prior to such termination, or restriction, of water supply, the director shall give at least two (2) working days written notice of intent to terminate or restrict. Within the said two (2) days, the person, upon petition to the city manager, or his designee, may be heard as to why such termination should not be enforced. No notice shall be required to discontinue, or turn off, outside water service which is provided solely for lawn and shrubbery sprinkler systems, swimming pools, or other non-essential uses. When a water service has been discontinued, or turned off, it shall be unlawful to reactivate such service without the permission of the director of water resources during a stage II, stage III, stage IV, stage V, or stage VI water shortage period.~~

~~(Ord. No. 12-29, § 1, 4-16-12)~~

~~Sec. 29.5-11. — Continuing and separate violations.~~

~~Each day's continuing violation of this chapter shall be a separate and distinct civil offense. Each violation of the chapter shall be a separate offense even if occurring on the same day.~~

~~(Ord. No. 12-29, § 1, 4-16-12)~~

~~Sec. 29.5-12. — Severance provision.~~

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

~~(Ord. No. 12-29, § 1, 4-16-12)~~

~~Sec. 29.5-13. — Application of chapter.~~

~~The provisions of this chapter shall apply to all such persons using public water both in and outside the city, regardless of whether any such person using water shall have a contract for water service with the city.~~

~~(Ord. No. 12-29, § 1, 4-16-12)~~

~~Sec. 29.5-14. Termination of declared emergency.~~

~~Termination of any phase of the emergency provisions of this chapter shall be determined by the city manager when he finds that the water supply of the city water system is no longer so low as to constitute a water emergency.~~

~~Upon termination of any emergency declared under this chapter, all fines or penalties incurred by any person or customer shall remain in effect until paid. Upon such termination discontinued users shall have their service restored upon payment of the regular cut-on fees except for those users cut off without notice.~~

~~(Ord. No. 12-29, § 1, 4-16-12)~~

~~Sec. 29.5-15. Repeal of prior ordinances.~~

~~All ordinances and clauses of ordinances in conflict herewith are stayed while any stage of this chapter is in effect. Such conflicting ordinances and clauses shall become effective upon termination of such stages.~~

~~(Ord. No. 12-29, § 1, 4-16-12)~~

~~Sec. 29.5-16. Revision.~~

- ~~(a) The emergency water conservation and restriction plan will be reviewed when it is determined that new conditions affecting water supply and demand exist, following implementation of emergency restrictions and at a minimum of every 5 years, and modified as needed.~~
- ~~(b) Chapter 29.5 – Emergency water conservation and restriction plan, as well as any amendments to chapter 29.5, require the placement of advertisements on the city's internal and external website, the first notice being published not less than ten (10) days no more than twenty-five (25) days before the date of the city council meeting.~~

~~(Ord. No. 12-29, § 1, 4-16-12)~~

~~Sec. 29.5 17. Effectiveness.~~

~~The effectiveness of the City of Greensboro Emergency Water Conservation and Restriction Plan will be determined by evaluating the plan's frequency of activation, any problem periods without activation, total number of violation citations, desired reductions attained and evaluation of demand reductions compared to the previous year's seasonal data.~~

~~(Ord. No. 12-29, § 1, 4-16-12)~~

Section 2. That Chapter 29.5 is hereby rewritten to read as follows:

Chapter 29.5 - WATER SHORTAGE RESPONSE PLAN

The City of Greensboro Water Shortage Response Plan is hereby adopted by reference as fully as though set forth herein.

All revisions, changes, or amendments to the Water Shortage Response Plan are to be reviewed and approved at a regular or special meeting of City Council.

A copy of the City of Greensboro Water Shortage Response Plan is on file in the City Clerk's Office and in the Water Resources Department.

Section 3. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 4. This ordinance shall become effective upon adoption.