

## **CHAPTER 7 – EMERGENCY MANAGEMENT**

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### **PART 1 - EMERGENCY MANAGEMENT AGENCY ORDINANCE**

#### Section 1. Short Title.

This Ordinance shall be known and may be cited and referred to as Emergency Management Ordinance for the County of Columbus.

#### Section 2. Intent and Purpose.

- A. It is the intent and purpose of this Ordinance to establish an office that will ensure the complete and efficient utilization of all of the County of Columbus' resources to combat disaster resulting from enemy actions or other disasters as defined herein.
- B. The Columbus County Office of Emergency Management will be the coordinating agency for all activity in connection with Emergency Management. It will be the instrument through which the Columbus County Board of Commissioners may exercise the authority and discharge the responsibilities vested in them during disaster emergencies.
- C. This Ordinance will not relieve any County Department of the moral responsibilities or authority given to it in the County Charter or by local ordinances, nor will it adversely affect the work of any volunteer agency organized for relief in disaster emergencies.

#### Section 3. Definitions.

The following definitions shall apply in the interpretation of this Article:

**"Emergency Management"** shall mean those plans, actions, and procedures necessary to provide protection to the people against loss of life, injury, and loss or damage to property caused by natural phenomena or man-made causes such as war, insurrection, riot or accidents; and those measures necessary to mitigate the effects of the destructive forces of man and nature, to provide for response to disaster conditions and for the relief of suffering and hardship resulting from such

conditions and to initiate rehabilitation of persons and restoration of essential services and acceptable standards of living . (GS 162(1) Extract).

**"Disaster"** includes but is not limited to actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic, accident, chemical spill or other impending or actual calamity endangering or threatening to endanger health, life or property of constituted government.

**"Emergency Management Forces"** shall mean the employees, equipment, and facilities of all City and County departments, boards, councils, institutions and commission; and in addition, it shall include all volunteer personnel, equipment and facilities contributed by, or obtained from, volunteer persons or agencies.

**"Volunteer"** shall mean contributing a service, equipment, or facilities to the Emergency Management Agency without remuneration.

**"Emergency Management Volunteer"** shall mean any person duly registered, identified and appointed by the Coordinator of Columbus County Emergency Management Agency and assigned to participate in the Emergency Management Activity.

**"Coordinator"** shall mean the Coordinator of the Columbus County Emergency Management Agency, appointed as prescribed in this Ordinance.

**"Regulations"** shall include plans, programs and other emergency procedures deemed essential to emergency management.

Section 4. Organization and Appointments.

A. The organization shall consist of the following:

1. An agency of Emergency Management within the executive department of the Columbus County Government under the direction of the Columbus County Board of Commissioners. The agency head of the Columbus County Emergency Management Agency shall be known as the Coordinator, and such assistants and other employees as are deemed necessary for the proper functioning of the agency will be appointed.
2. The employees and resources of all Columbus County departments, boards, institutions, and councils shall participate in the emergency management activities. Duties assigned to the City or County department shall be the same as or similar to the normal duties of the department, where possible.

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3. Volunteer personnel and agencies offering service to, and accepted by the County.
- B. The Columbus County Board of Commissioners shall appoint a Coordinator of the Columbus County Emergency Management Agency who shall be a person well versed and trained in planning operations involving the activities of many different agencies which will operate to protect the public health, safety and welfare in the event of danger from enemy action or disaster as defined in this Ordinance.
- C. The Coordinator shall designate and appoint Deputy Coordinators to assume the emergency duties of the Coordinator in the event of his absence or inability to act.

### Section 5. Emergency Powers and Duties.

During any period when disaster or when Columbus County has been struck by disaster, within the definition of this Ordinance, the Emergency Management Coordinator and the Chairman of the Board of Commissioners may promulgate such regulations as they deem necessary to protect life and property and preserve critical resources. This promulgation of regulations jointly by the Coordinator and Chairman will be only when immediacy of necessary action precludes contact and discussion with the entire Columbus County Board of Commissioners. Such regulations may include, but shall not be limited to the following:

- A. Regulations prohibiting or restricting the movement of vehicles in order to facilitate the work of Emergency Management Forces, or to facilitate the mass movement of persons from critical areas within the County.
- B. Regulations pertaining to the movement of persons from areas deemed to be hazardous or vulnerable to disaster.
- C. Such other regulations necessary to preserve public peace, health, and safety.
- D. Regulations promulgated in accordance with the authority above will be given widespread circulation through all avenues of the news media.

### Section 6. Day to Day Duties and Responsibilities of the Coordinator.

The Coordinator shall be responsible to the Columbus County Board of Commissioners in regard to all phases of emergency management activity. The Coordinator shall be responsible for the planning, coordination and operation of the Emergency Management activities in Columbus County. The Coordinator shall maintain liaison with the State and Federal authorities and the authorities of nearby political subdivisions so as to insure the most effective operation of the

Emergency Management plans. The Coordinator's duties shall include, but not be limited to the following:

- A. Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the County of Columbus for Emergency Management purposes.
- B. Development and coordination of plans for immediate use of all facilities, equipment, manpower and other resources of the County for the purpose of minimizing or preventing damage to persons and property; and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety, and welfare.
- C. Negotiating and concluding agreements with owners or persons in control of building or other property for the use of such building or other property for the Emergency Management purposes and designating suitable buildings as public shelters.
- D. Through public informational programs, educating the populace as to actions necessary and required for the protection of their persons and property in case of enemy attack or disaster as defined herein, either impending or present.
- E. Conducting public practice alerts to insure the efficient operation of the Emergency Management forces and to familiarize residents with Emergency Management regulations, procedures and operations.
- F. Coordinating the activity of all other public and private agencies engaged in any Emergency Management activities.

Section 7. Emergency Management Plans.

- A. Comprehensive Emergency Management plans shall be adopted and maintained by resolution of the Columbus County Board of Commissioners. In the preparations of these plans as it pertains to county organization, it is intended that the services, equipment and facilities and personnel of all existing departments and agencies shall be utilized to the fullest extent. When approved, it shall be the duty of all departments and agencies to perform the functions assigned by these plans to maintain their portions of the plans in a current state of readiness at all times. These Plans shall have the effect of law whenever a disaster, as defined in this Ordinance, has been proclaimed.
- B. The Coordinator shall prescribe in the emergency plans those positions within the disaster organization, in addition to his own, for which lines of succession are necessary. In each instance, the responsible person will designate and keep on file with the Coordinator a current

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list of three (3) persons as successors to his position. This list will be in order of succession and will nearly as possible designate persons best capable of carrying out all assigned duties and functions.

- C. Each service chief and department head assigned responsibility in the Plans shall be responsible for carrying out all duties and functions assigned therein. Duties will include the organization and training of assigned employees and where needed volunteers. Each chief shall formulate the Standing Operating Procedure to implement the plans for his service.
- D. Amendments to these Plans shall be submitted to the Coordinator. If approved, the Coordinator will then submit the amendments to the Columbus County Board of Commissioners with his recommendation for their approval. Such amendments shall take effect 30 days from the date of approval.
- E. When a required competency or skill for a disaster function is not available within government, the Coordinator is authorized to seek assistance from persons outside of government. The assignment of duties, when of a supervisory nature, shall also include the granting of authority for the persons so assigned to carry out such duties prior to, during, and after the occurrence of a disaster. Such services from persons outside of government may be accepted by local government on a volunteer basis. Such citizens shall be enrolled as Emergency Management volunteers.

### Section 8. No Municipal or Private Liability.

- A. This Ordinance is an exercise by the County of Columbus of its governmental functions for the protection for the public peace, health, and safety, and neither the County of Columbus nor agents and representatives of same, or any individual, receiver, firm, partnership, corporation, association, or trustee, or any of the agents thereof in good faith carrying out, complying with or attempting to comply with any order, rule or regulation promulgated pursuant to the provisions of this Ordinance, shall be liable for any damage sustained to persons or property as the result of said activity.
- B. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the County of Columbus the right to inspect, designate and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending or practice disaster situation shall not be civilly liable for the death of, or injury to, any persons on or about such real estate or premises under such license, privilege or other permission; or for loss of, or damage to, the property of such person.

Section 9. Violations.

It shall be a misdemeanor for any person to violate any of the provisions of this Ordinance or plans issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the Emergency Management organization as herein defined in the enforcement of the provisions of this Ordinance or any plan issued thereunder.

Section 10. Severability.

Should any provision of this Ordinance be declared invalid for any reason, such declaration shall not affect the validity of other provisions, or of this Ordinance, as a whole, it being the legislative intent that the provisions of this Ordinance shall be severable and remain valid notwithstanding such declaration.

Section 11. Conflicting Ordinances, Orders Rules and Regulations Suspended.

At all times when the orders, rules and regulations made and promulgated pursuant to this Article shall be in effect, they shall supersede all existing Ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith.

Section 12. Enactment

This Ordinance was adopted by the Columbus County Board of Commissioners on November 4, 1996, upon motion by Commissioner Wilson, seconded by Commission Gray and passed unanimously. The Ordinance is effective immediately upon adoption. Recorded in the minutes of said meeting, Book 23, pages 763 – 770.

**PART 2 – STATE OF EMERGENCY ORDINANCE**

AN ORDINANCE AUTHORIZING THE PROCLAMATION OF A STATE OF EMERGENCY AND THE IMPOSITION OF PROHIBITIONS AND RESTRICTIONS DURING A STATE OF EMERGENCY

Under the authority of Article 36A of Chapter 14, Chapter 166A, and Chapter 153A of the North Carolina General Statutes, the County of Columbus ordains:

Section 1. State of Emergency: Declaration and Restrictions Authorized.

A State of Emergency shall be deemed to exist whenever during times of public crisis, disaster, rioting, catastrophe, or similar public emergency, for any reason, public safety authorities are unable to maintain public order or afford adequate protection for lives, safety or property, or whenever the occurrence of any such condition is imminent.

In the event of an existing or threatened state of emergency endangering the lives, safety, health and welfare of the people within Columbus County or any part thereof, or threatening damage to or destruction of property, the Chairperson of the Board of Commissioners of Columbus County is hereby authorized and empowered under Section 14-288.13 and 166A-8 to issue a public proclamation declaring to all persons the existence of such a state of emergency, and , in order to more effectively protect the lives and property of people within the County, to place in effect any or all of the restrictions hereinafter authorized.

The Chairperson is hereby authorized and empowered to limit by the proclamation the application of all or -any part of such restrictions to any area specifically designated or described within the County and to specify hours of the day or night; and to exempt from all or any part of such restrictions, while acting in the line of and within the scope of their respective duties, law enforcement officers, firemen and other public employees, rescue squad members, doctors, nurses, employees of hospitals and other medical facilities; on-duty employees of public utilities,-public transportation companies, and newspaper, magazine, radio broadcasting, and television broadcasting corporations operated for profit; and such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health, and welfare needs of people within the County.

Section 2. Proclamation Imposing Prohibitions and Restrictions.

A. The Chairperson of the Board of Commissioners of Columbus County by proclamation may impose the prohibitions and restrictions specified in Sections 3 through 8 of this Ordinance in the manner described in those sections. The Chairperson may impose as many of those

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specified prohibitions and restrictions as he/she finds are necessary, because of an emergency, to maintain an acceptable level of public order and services; and to protect lives, safety, and property. The Chairperson shall recite his/her findings in the proclamation.

- B. The proclamation shall be in writing. The Chairperson shall take reasonable steps to give notice of the terms of the proclamation to those affected by it and shall post a copy of it in the County Courthouse. The Chairperson shall send reports of the substance of the proclamation to the mass communications media which serves the affected area. The Chairperson shall retain a text of the proclamation and furnish upon request certified copies of it.

### Section 3. Evacuation.

The Chairperson may direct and compel the evacuation of all or part of the population of the County of Columbus, to prescribe routes, modes of transportation, and destination, in connection with evacuation; and to control ingress and egress of a disaster area, the movement of persons within the area, and the occupancy of premises therein. Details of the evacuation may be set forth or amended in a subsequent proclamation which shall be well publicized.

### Section 4. Curfew.

- A. The proclamation may impose a curfew prohibiting in certain areas and during certain periods the appearance in public of anyone who is not a member of an exempted class. The proclamation shall specify the geographical area or areas and the period during each 24-hour day to which the curfew applies. The Chairperson may exempt from some or all of the curfew restrictions classes of people whose exemption the Chairperson finds necessary for the preservation of the public health, safety, and welfare. The proclamation shall state the exempted classes and the restrictions from which each is exempted.
- B. Unless otherwise specified in the proclamation, the curfew shall apply during the specified period each day until the Chairperson by proclamation removes the curfew.

### Section 5. Restrictions on Possession, Consumption, or Transfer of Alcoholic Beverages.

The proclamation may prohibit the possession or consumption of any alcoholic beverage; including beer, wine, and spirituous liquor other than on one's own premises, and may prohibit the transfer, transportation, sale or purchases of any alcoholic beverage within the area of the county described in the proclamation. The prohibition, if imposed, may apply to transfers of alcoholic beverages by employees of Alcoholic Beverage Control stores as well as by anyone else within the geographical area described.

Section 6. Restriction on Possession, Transportation, and Transfer of Dangerous Weapons and Substances.

- A. The proclamation may prohibit the transportation or possession off one's own premises, or the sale or purchase of any dangerous weapon or substance. The Chairperson may exempt from some or all of the restrictions, classes of people whose possession, transfer, or transportation of certain dangerous weapons or substances is necessary to the preservation of the public's health, safety, or welfare. The proclamation shall state the exempted classes and the restrictions from which each is exempted.
- B. Definition. For the purpose of this ordinance, certain words or terms used herein shall be defined as follows:
- "Dangerous weapon or substance"* means:
1. Any deadly weapon, ammunition, explosive, incendiary device, radioactive material or device as defined in G.S.14-288.8(c)(5), gasoline, or other instrument or substance designed for a use that carries a threat of serious bodily injury or destruction of property.
  2. Any other instrument or substance that is capable of being used to inflict serious bodily injury or destruction of property, when the circumstances indicate that there is some probability that such instrument or substance will be so used.
  3. Any part or ingredient in any instrument or substance included above when the circumstances indicate a probability that such a part or ingredient will be so used.
- C. If imposed, the restrictions shall apply throughout the jurisdiction of the County or such part thereof as designated in the proclamation.
- D. A violation of this section shall be punishable as provided in G.S. 14-288.7. Section 7.

Section 7. Restrictions on Access to Areas.

- A. The proclamation may prohibit obtaining access or attempting to obtain access to any area, designated in the manner described in this section, in violation of any order clearly posted notice, or barricade indicating that access is denied or restricted.
- B. Areas to which access is denied or restricted shall be designated by the Sheriff and his/her subordinates or other law enforcement officer when directed in the proclamation to do so by the Chairperson. When acting under this authority, the Sheriff and his subordinates may restrict or deny access to any area, street, highway or location within the County if that restriction or denial of access or use is reasonably necessary to promote efforts being made to overcome the emergency or to prevent further aggravation of the emergency.

Section 8. The Proclamation May Prohibit, Restrict or Authorize:

- A. Movements of people in public places;
- B. The operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate;
- C. Other activities or conditions the control of which may be reasonably necessary to maintain order and protect lives or property during the state of emergency, within the area designated in the proclamation; and
- D. The expenditures of County contingency funds needed to expedite any action within the proclamation.

Section 9. Removal of Prohibitions and Restrictions.

The Chairperson shall by proclamation terminate the entire declaration of emergency or remove any of the prohibitions and restrictions when the emergency no longer requires them, or when directed to do so by the Board of Commissioners.

Section 10. Superseding the Amendatory Proclamations.

The Chairperson in his/her discretion may invoke the restrictions authorized by this Ordinance in separate proclamations, and may amend any proclamation by means of a superseding proclamation in accordance with the procedures set forth in Section 2.

Section 11. Termination of Proclamation.

Any proclamation issued under this Ordinance shall expire five (5) days after its last imposition unless sooner terminated in writing under the same procedures set forth in Section 2 for proclamations.

Section 12. In Case of Absence or Disability of Chairperson.

In case of the absence or disability of the Chairperson, the Vice-Chairperson of the Board of Commissioners, or such other person as may be designated by the Board of Commissioners, shall have and exercise all of the powers herein given the Chairperson.

Section 13. Penalty for Violation.

Except as provided in Section 6, any person violating any prohibition or restriction imposed by a proclamation authorized by this Ordinance shall be guilty of a misdemeanor, punishable upon conviction by a fine not exceeding fifty-dollars (\$50.00) or imprisonment not exceeding 30 days, as provided by G.S. 14-4.

Section 14. Repeal of Conflicting Ordinances.

All Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 15. Territorial Applicability.

This Ordinance shall not apply within the corporate limits of any municipality, or within any area of the County over which the municipality has jurisdiction to enact general police-power Ordinances, unless the municipality by resolution consents to its application or the Mayor of the municipality has requested its application, in which event it shall apply to such areas as fully and to the same extent as elsewhere in the County.

Section 16. Validity.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Commissioners hereby declares that it would have passed this Ordinance and each section, subsection, clause, and phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 17. Enactment.

This Ordinance was passed by the Columbus County Board of Commissioners on November 4, 1996, upon motion by Commissioner Wilson, seconded by Commissioner Gray and passed unanimously, and recorded in the minutes of said meeting, Book 23, pages 757 -763 and shall take effect on the 4th day of November, 1996.

**PART 3 – WATER EMERGENCY ORDINANCE**

**ARTICLE 1 – GENERAL PROVISIONS**

Section 1. Purpose.

The County's Public Utilities Department (henceforth referred to as the "Department") and the Board of County Commissioners (henceforth referred to as the "Commissioners") shall have the charge to protect the County's public water supply and to ensure that the benefactors of this system are assured an adequate supply of water even in times of water shortage. Water shortage can be the result of climatic conditions causing drought or it may be the result of a physical breach in the County's water supply system (i.e., mechanical failure, cut or broken water main, etc.) impeding the flow of potable or raw water supply.

Section 2. Definitions.

***Water Shortage*** -The result of climatic conditions causing drought or the result of a physical breach in the County's water supply system (i.e. mechanical failure, cut or broken water main, etc.) impeding the flow of potable or raw water supply.

***Water Production Capacity*** -The maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four (24) hour period.

***Stage 1 - Water Conservation Alert*** - An immediate water shortage declared by appropriate state and/or local officials or when there are three (3) consecutive days when water demand exceeds eighty percent (80%) of the water production capacity.

***Stage 2 - Water Shortage Warning*** - An immediate water shortage declared by appropriate state and/or local officials or when there are two (2) consecutive days when water demand exceeds ninety percent (90%) of the water production capacity.

***Stage 3 - Water Shortage Danger*** - An immediate water shortage declared by appropriate state and/or local officials or when there is one (1) day when water demand exceeds one hundred percent (100%) of the water production capacity.

**ARTICLE 2 - WATER EMERGENCY RESTRICTIONS AND MANAGEMENT**

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Section 1. Declaration of Water Emergency.

The Director or his authorized representative is authorized to declare that a water emergency exists. Depending on the severity of the emergency, voluntary (Stage 1) and mandatory (Stage 2 and Stage 3) staged water use restrictions as described in this ordinance shall be imposed upon all water customers.

Section 2. Staged Water Use Restrictions.

A. **Stage 1 - Water Conservation Alert:** A Stage 1 Water Conservation Alert may be declared in the event of an immediate water shortage, as so declared by state and/or local officials, or when there are three (3) consecutive days when water demand exceeds eighty percent (80%) of the water production capacity. Water production capacity shall be defined as the maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four (24) hour period. Water production capacity can vary depending on system component reliability and/or raw water conditions. During a declared Stage 1 Water Conservation Alert the following voluntary water conservation practices shall be encouraged:

1. Inspect and repair all faulty and defective parts of faucets and toilets.
2. Use showers for bathing rather than the bathtub and limit showers to no more than five (5) minutes.
3. Do not leave' faucets running while shaving, brushing teeth, rinsing or preparing food.
4. Limit the use of dishwashers and washing machines and when used, operate fully loaded. Operate dishwashers and washing machines after the peak demand hours of 6:00 P.M. to 10:00 P.M.
5. Limit lawn watering to that necessary for plant survival. Water lawns before the peak demand hours of 6:00 A.M. to 10:00 A.M.
6. Shrubbery should be watered at the minimum required amounts. Water shrubbery before the peak demand hours of 6:00 A.M. to 10:00 A.M.
7. Limit vehicle washing to a minimum.
8. Do not wash down outside areas such as sidewalks, driveways, patios, etc.
9. Install water saving showerheads and other water conservation devices.
10. Use disposable and biodegradable dishes where possible.

11. Install water saving devices in toilets such as early closing flappers.
12. Limit hours of water-cooled air conditioners.
13. Do not fill swimming or wading pools.

B. **Stage 2 - Water Shortage Warning:** A Stage 2 Water Shortage Warning watch may be declared in the event of an immediate water shortage, as so declared by state and/or local officials, or when there are two (2) consecutive days when water demand exceeds ninety percent (90%) of the water production capacity. Water production capacity shall be defined as the maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four (24) hour period. Water production capacity can vary depending on system component reliability and/or raw water conditions. During a declared Stage 2 Water Shortage Warning the following activities shall be prohibited:

1. Watering lawns, grass, shrubbery, trees, flower and vegetable gardens except by handheld hoses, containers, or drip irrigation systems. A person who regularly sells plants will be permitted to use water on their commercial stock only. Golf courses are allowed to irrigate using water from storm water ponds, wastewater effluent, and irrigation wells only. State and County licensed landscape contractors may water any plants by handheld hoses or drip irrigation systems under a written warranty.
2. Filling swimming or wading pools, either newly constructed or previously drained.
3. Using water-cooled air conditioners or other equipment, in which cooling water is not recycled, unless there are health or safety concerns.
4. Washing any type of mobile equipment including cars, trucks, trailers, boats or airplanes. Businesses that provide car washing or detailing services and automobile dealers in preparation of sales or delivery may continue to operate. The cleaning of emergency vehicles, garbage trucks, and similar vehicles are excluded if it is necessary to preserve public health or vehicle functions.
5. Washing outside surfaces such as streets, driveways, service station aprons, parking lots or patios. Businesses that provide a service of washing the exterior of homes and other buildings will be an exception.
6. Washing the exterior of office buildings, homes, or apartments. Businesses that provide a service of washing the exterior of homes and other buildings will be an exception.
7. Using water for any ornamental fountain, pool, pond, etc.
8. Serving drinking water in food establishments such as restaurants or cafeterias, unless requested to do so by a customer.
9. Using water from a public or private fire hydrant for any reason other than to suppress a fire or other public emergency or as authorized by the Director or his authorized representative.
10. Using water to control or compact dust.
11. Intentionally wasting water.

12. Commercial and industrial water customers shall achieve mandatory reductions in water usage through whatever means are available. A minimum reduction of twenty percent (20%) shall be the target; however, a greater target reduction percentage may be required depending on the severity of the water shortage emergency. Compliance with the reduction target shall be determined by the Director or his authorized representative. Variances to the target reduction may be granted by the Director or his authorized representative to designated public health facilities.

C. **Stage 3 - Water Shortage Danger:** A Stage 3 Water Shortage Danger warning may be declared in the event of an immediate water shortage, as so declared by state and/or local officials, or when there is one (1) day when water demand exceeds one hundred percent (100%) of the water production capacity. Water production capacity shall be defined as the maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four (24) hour period. Water production capacity can vary depending on system component reliability and/or raw water conditions. During a declared Stage 3 Water Shortage Danger the following activities shall be prohibited, in addition to activities prohibited under Stage 2:

1. Watering lawns, grass, shrubbery, trees, and flowers. Plant nurseries will be permitted to irrigate their products only. State and County Licensed Landscape Contractors may water newly installed landscaping by handheld hoses or drip irrigation systems under a written warranty. Golf courses are allowed to irrigate using water from storm water ponds, wastewater effluent, and irrigation wells only.
2. Washing any type of mobile equipment including cars, trucks, trailers, boats, airplanes, etc. Businesses that provide car washing or detailing services and automobile dealers in preparation of sales or delivery may continue to operate. The cleaning of emergency vehicles, garbage trucks, and similar vehicles are excluded if necessary to preserve public health or vehicle functions.
3. Watering any vegetable garden except by handheld hoses, containers, or drip irrigation systems.
4. Commercial and industrial water customers shall achieve mandatory reductions in water usage through whatever means are available. A minimum reduction of fifty percent (50%) shall be the target; however, a greater target reduction percentage may be required depending on the severity of the water emergency. Compliance with the reduction target shall be determined by the Director or his authorized representative. Variances to the target reduction may be granted by the Director or his authorized representative to designated Public Health facilities.
5. In the event that the prohibition of the activities listed above is not sufficient to maintain an adequate supply of water for fire protection, all use of water for purposes other than maintenance of public health and safety shall be prohibited. Residential water use shall be

limited to the amount necessary to sustain life through drinking, food preparation, and personal hygiene.

Section 3. Compliance Plan During Stage 2 and Stage 3 Emergencies.

The Director or his authorized representative may require that commercial and industrial water customers prepare plans detailing measures to be taken by them to achieve mandatory reductions in daily water usage during Stage 2 and Stage 3 emergencies. Such plans shall be completed within sixty (60) calendar days after receipt of notice to prepare them.

**ARTICLE 3 –ENFORCEMENT**

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Section 1. Penalties for Violation of Mandatory Restrictions.

Any user who is found to have failed to comply with any of the mandatory restrictions set forth herein these Regulations may be fined in accordance with North Carolina General Statute 153A-123(c) in conjunction with North Carolina General Statute Section 14-4. The amount of the fine is to be set greater than \$50.00 (fifty dollars) by the Columbus County Board of Commissioners and recorded with the Clerk to the Board. This is to be recovered by the County in a civil action in the nature of debt if the offender does not pay the penalty within fifteen (15) calendar days of being cited for the violation. Each day's continuing violation shall be considered as a separate and distinct offense.

Section 2. Authority to Discontinue Service.

Pursuant to the provisions of North Carolina General State 153A-123, water service may be temporarily discontinued for a reasonable amount of time for failure to comply with the mandatory restrictions in this ordinance. All applicable penalty fees may be applied in the event of such service suspensions. In the event of continued non-compliance with this ordinance, after a reasonable amount of time, removal of meter and service will be deemed proper and service will

be discontinued. Any and all tap fees and account deposits will be forfeited.

Section 3. Appeals by Customers of Penalties and Termination of Service.

Any user who received a penalty and/or has service terminated as a result of violations of the mandatory restrictions in this ordinance may appeal upon notification to the Director. The Director shall be the final decision maker for appeals and shall transmit a written copy of the final decision by United States certified mail to said user or user's agent within three (3) calendar days after notification.

Section 4. Adoption and Enforcement of Ordinance by Public or Private Water System.

Unless enforcement will breach previous agreement, public or private water systems purchasing water from the County shall adopt and enforce this entire ordinance as a condition of water service. Upon declaration of a water shortage emergency, the public or private water systems shall, within a reasonable amount of time, enforce the appropriate water use restrictions for the level of declared emergency.

Section 5. Termination of Restrictions.

A water emergency declaration will expire when the Director or his authorized representative determines that, based upon reasonable information, the condition that caused the emergency has abated. The expiration or cancellation of a water shortage emergency declaration shall, within a reasonable amount of time and with reasonable means, be promptly and extensively publicized.

Section 6. Enactment.

The above Ordinance was passed by the Columbus County Board of Commissioners on December 03, 2007, upon motion by Commissioner Amon E. McKenzie, seconded by Commissioner Ronald Gore and passed unanimously, and recorded in the minutes of said meeting, Book 30, Pages 511-515.