

DATE 11-7, 2011

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REVIEWED BY
PREPARED BY
CITY ATTORNEYS OFFICE

AN ORDINANCE TO AMEND CHAPTER 29, UTILITIES, ARTICLE IV,
DROUGHT RESPONSE, OF THE CODE OF THE CITY OF ROCK HILL
TO ALLOW GREATER FLEXIBILITY DURING DROUGHT CONDITIONS
AND ENCOURAGE MORE EFFICIENT IRRIGATION SYSTEMS

BE IT ORDAINED by the Governing Body of the City of Rock Hill,
in Council assembled:

SECTION 1. That this Ordinance is being adopted in order to effect proper compliance with the provisions of the Home Rule Act of 1975, now South Carolina Code of Laws for 1976, Section 5-7-30, Section 5-7-260 and Section 49-23-10 and Section 2-48 and Section 2-96 of the Code of the City of Rock Hill.

SECTION 2. That this Ordinance was adopted by the Rock Hill City Council by a majority vote and applicable public hearing requirements.

SECTION 3. That the Proposed Amendment to **Chapter 29, Utilities, Article IV, Drought Response** be and the same is hereby amended by deleting the existing text and inserting in lieu thereof the following:

See **Exhibit A** attached hereto.

SECTION 4. That all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. That this Ordinance shall be and become finally binding immediately after the same shall have received first and final readings, given in the manner required by law.

DONE AND RATIFIED in Council assembled on this the ___ day of _____, 2011.

A. Douglas Echols, Jr., Mayor

Susie B. Hinton, Mayor Pro Tempore

John A. Black, III, Councilmember

Kathy S. Pender, Councilmember

James C. Reno, Jr., Councilmember

Osbey Roddey, Councilmember

Kevin H. Sutton, Councilmember

ATTEST:

Anne H Poag
Municipal Clerk

Exhibit A

ARTICLE IV. DROUGHT RESPONSE

Sec. 29-271. Declaration of Policy and Authority.

The objective of this Drought Response Ordinance is to establish authority, policy and procedure by which the City of Rock Hill will take the proper actions to manage water demand during a drought-related shortage. The Ordinance satisfies the requirements of the Drought Response Act of 2000 and the Low Inflow Protocol for the Catawba-Wateree Project, and has the goal of achieving the greatest public benefit from limited supplies of water needed for domestic water use, sanitation, and fire protection and of allocating water for other purposes in an equitable manner.

This Ordinance outlines the actions to be taken for the conservation of water supplied by the City of Rock Hill. These actions are directed both towards an overall reduction in water usage and the optimization of supply.

To satisfy these goals, the City of Rock Hill hereby adopts the following regulations and restrictions on the delivery and consumption of water. This Ordinance is hereby declared necessary for the protection of public health, safety and welfare and shall take effect upon its adoption by the City of Rock Hill.

If it becomes necessary to conserve water in its service area due to drought, the City of Rock Hill is authorized to issue a Proclamation that existing conditions prevent fulfillment of the usual water use demands. The Proclamation is an attempt to prevent depleting the water supply to the extent that water use for human consumption, sanitation, fire protection, and other essential needs becomes endangered.

Immediately upon issuance of such a Proclamation, regulations and restrictions set forth under this Ordinance shall become effective and remain in effect until the water supply shortage has ended and the Proclamation rescinded.

Water uses that are regulated or prohibited under this Ordinance are considered to be non-essential and continuation of such uses during times of water supply shortages is deemed to constitute a waste of water, subjecting the offender(s) to penalties. The amended Drought Management Plan dated June 2007 is hereby approved.

The City of Rock Hill's Drought Response Representative will be responsible for assessing drought or water shortage indicators as identified in this Chapter and the Drought Management Plan.

Section 29-272. Definition of Terms.

For the purposes of this Ordinance, the following definitions will apply:

Aesthetic Water Use: Water use for ornamental or decorative purposes such as fountains, reflecting pools and waterfalls.

Backflow preventer: A valve installed at the connection to the irrigation system that prevents backflow into the water line meeting the requirements set forth in Chapter 29, Article VI of the City of Rock Hill's Municipal Code.

Best Management Practices: A practice that is designed to reduce water usage and protect water quality through minimizing use, system design, installation and maintenance in all water uses and processes including but not limited to residential home uses, irrigation systems, and manufacturing uses.

Commercial and Industrial Use: Water use integral to the production of goods and/or services by any establishment having profit as its primary aim.

Conservation: Reduction in water use to prevent depletion or waste of the resource.

Customer: Any person, company or organization using finished water owned or supplied by the City of Rock Hill, South Carolina.

CW-DMAG: The Catawba-Wateree Drought Management Advisory Group as established and identified in the Low Inflow Protocol.

Domestic Water Use: Water use for personal needs or for household purposes such as drinking, bathing, heating, cooking, sanitation or for cleaning a residence, business, industry or institution.

Drip Irrigation System: Also known as trickle irrigation or microirrigation, is a subsurface irrigation method which saves water by allowing water to drip slowly to the roots of plants, either onto the soil surface or directly onto the root zone, through a network of valves, pipes, tubing, and emitters.

Drought Management or Water Conservation Plan: A plan, as may be amended, initially implemented by City staff and the Water Conservation Task Force in August 2003 and amended in July 2007 to promote water conservation and manage water demand and evaluating supply options before and during a drought-related water shortage.

Drought Alert Phases/Stages: There are drought alert phases to be determined by the Drought Response Committee for the State of South Carolina and the Low Inflow Protocol. The Stages in this Chapter are based upon the Low Inflow Protocol. The Drought Response Committee phases and general correlating Stages in this Chapter are:

- 1) Incipient Drought - Stage 1
- 2) Moderate Drought -- Stage 2
- 3) Severe Drought - Stage 3
- 4) Extreme Drought -- Stage 4

Drought Response Management Areas: There are four drought management areas corresponding to the major river basins in South Carolina. The four areas are:

- 1) West or Savannah
- 2) Central or Santee
- 3) Northeast or Pee Dee
- 4) Southern or Ashepoo, Combahee, and Edisto.

Rock Hill and York County are included in the 18-county Central or Santee Response Management Area. In order to prevent overly broad response to drought conditions, drought response measures shall be considered within individual drought management areas or within individual counties, as applicable.

Drought Response Committee: A committee composed of State and local representatives created for the purpose of coordinating responses to water supply shortages within Drought Management Areas and making recommendations for action to the South Carolina Department of Natural Resources and/or the Governor. The Committee is composed of State agency representatives from the South Carolina Emergency Management Division of the Office of the Adjutant General, South Carolina Department of Health and Environmental Control, South Carolina Department of Agriculture, South Carolina Forestry Commission, and South Carolina Department of Natural Resources, as well as local committees

representing counties, municipalities, public service districts, private water suppliers, agriculture, industry, domestic users, regional councils of government, commissions of public works, power generation facilities, special purpose districts and Soil and Water Conservation District's Drought.

Drought Response Representative: The Director of Utilities for the City of Rock Hill.

Essential Water Use: Water used specifically for fire fighting, maintaining in-stream flow requirements and to satisfy Federal, State or local public health and safety requirements.

Finished Water: Water distributed for use after treatment. The terms "water use," "water user," and "water customer" refer to finished water use unless otherwise defined.

Institutional Water Use: Water used by government, public and private educational institutions, churches and places of worship, water utilities, and organizations within the public domain.

Irrigation or Landscape Water Use: Water used to maintain gardens, trees, lawns, shrubs, flowers, athletic fields, rights-of-way and medians.

Low Inflow Protocol for the Catawba-Wateree Project: This is a water conservation plan, as amended, setting forth trigger points, procedures and water withdrawal reduction measures during periods of low inflow for water withdrawers along the Catawba River, including the City of Rock Hill.

Non-essential Water Use: Categories of water use other than Essential Water Use. Examples of non-essential water use include, but are not limited to, landscape irrigation and the washing of buildings, parking lots, and automobiles.

Residential Use Unit (RUU): An equivalency unit defined to be equal allocated water usage to one household.

Reuse Water: Reused, recycled or reclaimed water that is used more than one time before it passes back into the natural water cycle.

SC Dept. of Natural Resources: The State agency with primacy to implement the provisions of the Drought Response Act.

Smart Irrigation Systems: An irrigation system containing multiple water preservation methods such as wind, rain, soil and/or temperature sensors coupled with drip irrigation and timers, which has been reviewed, approved and designated by the City's Utilities Director.

Water Supply Shortage: Lack of adequate, available water caused by drought to meet normal demands.

Sec. 29-273. Best Management Practices.

All users of water supplied by the City are encouraged to use Best Management Practices to preserve the limited water supply. Best Management Practices begin with system design but other water saving practices should increase as drought conditions worsen. For landscaping purposes, the use of reuse water, rain sensors and Drip Irrigations Systems are encouraged in addition to following the Irrigation Association's Turf and Landscape Irrigation Best Management Practices (see www.irigation.org).

Sec. 29-274. Stage 1 Drought/ VOLUNTARY CONSERVATION

The Drought Response Representative will make a recommendation to the City Manager regarding the need for the declaration of a Stage 1 drought. Upon determination by the City

Manager that a moderate water supply shortage exists, the City Manager will provide written notification to the City Council of this Stage 1 determination and voluntary reductions in the use of water for all purposes.

Specifically, the goal during this stage is to achieve a reduction in overall water use of three to five percent. To accomplish this, the City of Rock Hill will take the following actions:

- 1) The City Manager will issue a proclamation to be released to local media, the water customers of the City of Rock Hill and to the South Carolina Department of Natural Resources Drought Information Center that Stage 1 drought conditions are present.
- 2) Provide written notification to the South Carolina Department of Natural Resources Drought Information Center and routinely publish in a newspaper of general circulation in the service area of the water system the voluntary conservation measures that the customers are requested to follow during Stage 1 drought conditions. Voluntary measures include:
 - a. Recommend voluntary reduction of residential water use or RUU to a maximum of 350 gallons per household per day;
 - b. For landscape design and maintenance, the use of low-volume, drip irrigation and handheld watering applications is encouraged. Reduce the use of sprinklers, irrigation systems or other remote landscape watering devices to no more than two (2) days per week;
 - c. Reduce the washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas;
 - d. Reduce the washing down of buildings for purposes other than immediate fire protection;
 - e. Reduce the flushing of gutters;
 - f. Reduce the domestic washing of motorbikes, boats, automobiles, etc.;
 - g. Reduce the use of water to maintain fountains, reflection ponds and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life.
 - h. Reduce the amount of water obtained from fire hydrants for construction purposes, fire drills or for any purpose other than fire-fighting or flushing necessary to maintain water quality; and
 - i. Encourage the limitation of normal water use by commercial and individual customers including, but not limited to, the following:
 - i. Stop serving water in addition to another beverage routinely in restaurants;
 - ii. Stop maintaining water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support aquatic life;
 - iii. Cease water service to customers who have been given a 10-day notice to repair one or more leaks and have failed to do so.
- 3) Intensify maintenance efforts to identify and correct water leaks in the distribution system.
- 4) Continue to encourage and educate customers to comply with voluntary water conservation.
- 5) Provide a status update to the CW-DMAG on actual water withdrawal trends

Sec. 29-275. Stage 2 Drought/ MANDATORY CONSERVATION

The Drought Response Representative will make a recommendation to the City Manager regarding the need for the declaration of a Stage 2 drought. Upon determination by the City Manager that a severe water supply shortage exists, the City Manager will provide written notification to the City Council of this Stage 2 determination and voluntary reductions in the use

of water for all purposes and mandatory restrictions on non-essential usage and restrictions on times when certain water use is allowed.

Specifically, the goal during this stage is to achieve a reduction in overall water use of five to ten percent. To accomplish these goals, the City of Rock Hill will take the following actions:

- 1) The City Manager will issue a proclamation to be released to the local news media, the water customers of the City of Rock Hill and to the SC Department of Natural Resources' Drought Information Center that Stage 2 drought conditions are present.
- 2) Provide written notification to the South Carolina Department of Natural Resources Drought Information Center and routinely publish, in a newspaper of general circulation in the service area of the water system, the mandatory conservation measures and restrictions to be placed on the use of water supplied by the utility. Voluntary and mandatory restrictions include:
 - a. Recommend voluntary reduction of residential water use or RUU to a maximum of 300 gallons per household per day.
 - b. Discourage obtaining water from fire hydrants for construction purposes, fire drills or any purpose other than fire-fighting or flushing necessary to maintain water quality. This shall not preclude the construction industry from obtaining and using reasonable amounts of water for construction purposes.
 - c. Limit use of water by commercial, agricultural and individual customers through mandatory restrictions as directed in the City's Water Conservation Plan.
 - d. Encourage the use of low-volume, Drip Irrigation Systems, Smart Irrigation Systems and handheld watering applications for landscape design and maintenance,
 - e. The City of Rock Hill will impose mandatory restrictions on the use of water supplied by the utility for activities including:
 - i. Limit the use of sprinklers, irrigation systems or other remote landscape watering devices to two (2) days per week, staggering days based on odd and even addresses, between the hours of 9:00 p.m. and 5:00 a.m. Designated days will be recommended by the City's Drought Response Representative and approved by the City Manager.
 - ii. Customers shall water newly seeded/sodded lawns no more than two times per day for the first two-weeks after the seeding/sodding takes place. All watering of seeded/sodded lawns following the first two weeks of watering shall occur no more than (2) days per week, staggering days based on odd and even addresses, between the hours of 9:00 p.m. and 5:00 a.m. Variances may also be requested in accordance with Section 29-281.
 - iii. In all cases of landscape irrigation and maintenance, water runoff is strictly prohibited.
 - iv. Limit water-based recreational activities that require filling newly constructed or drained structures such as swimming pools, water slides or other water-based recreational equipment. Reduce filling or maintaining public or private swimming pools to one time per drought period. Newly constructed public or private swimming pools may be filled one time per drought period. Recycled water must be in use for water slides and other water-related activities to continue operations.
 - v. Reduce the washing of structures, surfaces and vehicles.
 - vi. Prohibit the use of water to maintain fountains, reflection ponds and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life.
- 3) Intensify maintenance efforts to identify and correct water leaks in the distribution system.

- 4) Publicize widely the penalties to be imposed for proposed mandatory restrictions and the procedures to be followed if a variance in the restrictions is requested.
- 5) Expand the use of education and public relations efforts and emphasize the penalties associated with violating the mandatory restrictions.
- 6) Provide written notification monthly to the South Carolina Department of Natural Resources Drought Information Center regarding the success of the restrictions.
- 7) Provide a status update to the CW-DMAG on actual water withdrawal trends.

Sec. 29-276. Stage 3 Drought/ INCREASED MANDATORY CONSERVATION

The City of Rock Hill's Drought Response Representative will be responsible for assessing drought or water shortage indicators as identified in the City of Rock Hill's Drought Management Plan. The Drought Response Representative will make a recommendation to the City Manager regarding the need for the declaration of a Stage 3 drought. Upon determination by the City Manager that a severe water supply shortage exists, the City Manager will provide written notification to the City Council of this Stage 3 determination and the voluntary reductions in the use of water for all purposes and mandatory restrictions on non-essential usage and restrictions on times when certain water use is allowed.

Specifically, the goal during this stage is to achieve a reduction in overall water use of ten to twenty percent or more. To accomplish these goals, the City of Rock Hill will take the additional following actions:

- 1.) The City Manager will issue a proclamation to be released to the local news media, the water customers of the City of Rock Hill and to the SC Department of Natural Resources' Drought Information Center that Stage 3 drought conditions are present.
- 2.) Provide written notification to the South Carolina Department of Natural Resources Drought Information Center and routinely publish in a newspaper of general circulation in the service area of the water system the increased mandatory conservation measures and restrictions to be placed on the use of water supplied by the utility. Voluntary and mandatory restrictions include:
 - a. Recommend voluntary reduction of residential water use or RUU to a maximum of 275 gallons per household per day.
 - b. Customers are encouraged to postpone planting of all new landscaping until after drought conditions have subsided, as determined by the City of Rock Hill Drought Response Representative. During a Stage 3 drought, customers who have newly seeded/sodded lawns that require regular watering to maintain healthy growth may petition for a variance from these emergency restrictions, however these customers are not guaranteed that a variance will be granted.
 - c. Limit public building, sidewalk, and street washing activities, except as required for safety or to maintain regulatory compliance.
 - d. Limit obtaining water from designated fire hydrants for construction purposes, fire drills or any purpose other than fire-fighting or flushing necessary to maintain water quality. This shall not preclude the construction industry from obtaining and using reasonable amounts of water for construction purposes.
 - e. Encourage industrial/manufacturing process changes that reduce water consumption.
 - f. Encourage the use of low-volume, Drip Irrigation Systems, Smart Irrigation Systems and handheld watering applications for landscape design and maintenance,

- g. The City of Rock Hill will impose increased mandatory restrictions on the use of water supplied by the utility for activities including:
 - i. Limit the use of sprinklers, irrigation systems or other remote landscape watering devices to between 0 and 2 days per week. The use of sprinklers, spraying irrigation systems or other remote landscape watering devices may be limited to Drip Irrigation Systems and/or Smart Irrigation Systems. The day limitation and limitation of remote landscape watering devices shall be determined by the City Manager after analysis of the drought conditions and input from the Drought Response Representative. The City Manager shall issue a statement of water use restriction notifying the public of the day and any remote watering device limitations. Designated days for all addresses will be recommended by the City's Drought Response Representative and approved by the City Manager.
 - ii. Eliminate the filling of new swimming pools.
 - iii. Reduce or eliminate the washing of structures, surfaces and vehicles. The City Manager may designate days of the week or other schedules for washing, in addition to eliminating some or all washing after analysis of the drought and input from the Drought Representative. The City shall issue a statement of such water use restriction.
 - 1.) Publicize widely the penalties to be imposed for increased mandatory restrictions and the procedures to be followed if a variance in the restrictions is requested.
 - 2.) Provide written notification monthly to the South Carolina Department of Natural Resources Drought Information Center regarding the success of the restrictions.
 - 3.) Provide a status update to the CW-DMAG on actual water withdrawal trends

Sec. 29-277. Stage 4 Drought/ EMERGENCY CONSERVATION

The City of Rock Hill's Drought Response Representative will be responsible for assessing drought or water shortage indicators as identified in the City of Rock Hill's Drought Management Plan. The Drought Response Representative will make a recommendation to the City Manager regarding the need for the declaration of a Stage 4 drought. Upon determination by the City Manager that an extreme water supply shortage exists, the City Manager will provide written notification to the City Council of this Stage 4 determination and impose mandatory restrictions on the use of water for all purposes and restrictions on times when certain water use is allowed.

Specifically, the goal during this stage is to achieve a reduction in overall water use of 25% or more. To accomplish these goals, the City of Rock Hill will take the following actions:

- 1.) The City Manager will issue a proclamation to be released to the local news media, the water customers of the City of Rock Hill and to the SC Department of Natural Resources' Drought Information Center that Stage 4 drought conditions are present.
- 2.) Provide written notification to the South Carolina Department of Natural Resources Drought Information Center and routinely publish in a newspaper of general circulation in the service area of the water system the proposed emergency restrictions.
- 3) The City of Rock Hill will impose emergency restrictions on the use of water supplied by the utility, including:
 - a. Strongly recommend limiting residential water use or RUU to a maximum of 250 gallons per household per day.
 - b. Restrict all outdoor water use.
 - c. The use of sprinklers, irrigation systems or other remote watering devices is strictly prohibited during a Stage 4 drought.

- d. Customers are required to postpone planting of new landscaping until after the emergency drought period has ended. Planting of new ornamental plants or seeding/sodding of lawns is prohibited due to watering limitations. During a Stage 4 drought, customers who have newly seeded/sodded lawns that require regular watering to maintain healthy growth may petition for a variance from these emergency restrictions, however these customers are not guaranteed that a variance will be granted.
- e. An extreme water shortage can result in emergency conditions adversely affecting health, sanitation and fire protection for the public. For this reason, commercial and other service-related businesses that consume water for non-industrial, non-essential purposes, including but not limited to car washing & pressure washing, are required to cease operations during a Stage 4 emergency drought, unless these businesses are using recycled or reclaimed water in their processes. However, should an extreme water shortage continue for more than one week, these same service-related businesses using recycled or reclaimed water may be required to cease operations until notified by the City of Rock Hill that emergency drought conditions no longer apply.
- f. Advise commercial and industrial customers to develop strategies for water reduction measures, including an activity schedule and contingency plans.
- g. Prohibit the washing down of buildings for purposes other than immediate fire protection.
- h. Prohibit the washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas.
- i. Prohibit the flushing of gutters.
- j. Prohibit domestic washing of motorbikes, boats, cars and other motor vehicles.
- k. Prohibit the use of water to maintain fountains, reflection ponds, and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life.
- l. Prohibit all filling, maintaining or topping off public or private swimming pools, water slides or other water-based recreational equipment.
- m. Prohibit obtaining water from fire hydrants for construction purposes, fire drills, or any purpose other than firefighting or flushing necessary to maintain water quality. Subject to the other provisions in this ordinance, this provision shall not preclude the construction industry from obtaining and using reasonable amounts of water for construction purposes; and
- n. Prohibit normal water use by commercial and individual customers including, but not limited to, the following:
 - i. Stop serving water in addition to another beverage routinely in restaurants;
 - ii. Stop maintaining water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support fish and wildlife;
 - iii. Prohibit irrigating golf courses and any portion of their grounds;
 - iv. Cease water service to customers who have been given a 10-day notice to repair one or more leaks and have failed to do so; and
 - v. Prohibit expanding commercial nursery facilities and placing new irrigated agricultural land in production.
 - vi. Prohibit planting or landscaping when required by local site design review process.
 - vii. Agricultural and livestock operations are required to implement conservation techniques, explore different water saving methods and use alternative sources. These operations are to restrict irrigation use to the hours of 7:00 p.m. to 7:00 a.m. and prohibit water runoff.

- 4) Intensify maintenance efforts to identify and correct water leaks in the distribution system.
- 5) Continue to cease installation of new irrigation taps on the water system.
- 6) Outline other conservation measures; examples include but are not limited to the following:
 - a. Place a moratorium on the issuance of all new water service connections and contracts for all new water main extensions. As part of the public information process, provide notice to developers of the moratorium;
 - b. Strongly encourage all residential water customers to voluntarily reduce overall monthly water usage to 70% of the customer's monthly average.
- 7) Publicize widely the penalties to be imposed for violations of emergency restrictions and the procedures to be followed if a variance in the restrictions is requested. Expand the use of education and public relations efforts.
- 8) Provide written notification monthly to the South Carolina Department of Natural Resources Drought Information Center regarding the success of the emergency restrictions.
- 9) Provide a status update to the CW-DMAG on actual water withdrawal trends

Sec. 29-278. Other Declared Restrictions.

If the conservation measures of the Ordinance or Drought Management Plan prove inadequate to mitigate the effects of the drought conditions or water supply availability, the City Council of the City of Rock Hill may take any additional actions or may choose to impose additional restrictions as deemed necessary during a Stage 1 through Stage 4 Drought.

Sec. 29-279. Rationing.

If a drought threatens the protection of public health and safety, the City of Rock Hill is hereby authorized to ration water.

Sec. 29-280. Enforcement of Restrictions.

If any customer of the City of Rock Hill fails to comply with mandatory or emergency water use restrictions of this Ordinance or other declared restrictions deemed necessary by City Council, the customer shall be given a written notice of such failure to comply, which cites the date of said violation, and shall be assessed surcharges in accordance with the following schedule:

A. RESIDENTIAL SURCHARGES:

1. First violation - \$50, issued as a surcharge added to the customer's utility bill, or as a \$50 violation notice delivered by a City of Rock Hill courier.
2. Second violation - \$100, issued as a surcharge added to the customer's utility bill, or as a \$100 violation notice delivered by a City of Rock Hill courier.
3. Third violation - the customer's water service shall be terminated and restored only after payment of a surcharge or violation notice in the amount of \$150 in addition to all previously assessed surcharges or notices.

B. OFFICE, COMMERCIAL & INDUSTRIAL SURCHARGES

1. First violation - \$100, issued as a surcharge added to the customer's utility bill, or as a \$100 violation notice delivered by a City of Rock Hill courier.
2. Second violation -\$200, issued as a surcharge added to the customer's utility bill, or as a \$200 violation notice delivered by a City of Rock Hill courier.
3. Third violation - the customer's water service shall be terminated and restored only after payment of a surcharge or violation notice in the amount of \$300 in addition to all previously assessed surcharges or notices.

The Rock Hill City Council authorizes all designated law enforcement agencies and other authorized agencies or designated employees in the respective jurisdiction which is being supplied water by the City of Rock Hill to diligently enforce the provisions of the Drought Response Ordinance.

Sec. 29-281. Variances.

Customers, who in their belief are unable to comply with the mandatory or emergency water use restrictions of this Drought Response Ordinance, may petition for a variance from restrictions by filing a petition with City Management or its designee within ten (10) working days after the issuance of the Proclamation requiring water use restrictions.

All petitions for variance shall contain the following information:

- A. Name and address of the petitioner;
- B. Purpose of water usage;
- C. Special provision from which the petitioner is requesting relief;
- D. Detailed statement as to how the curtailment declaration adversely affects the petitioner;
- E. Description of the relief desired;
- F. Period of time for which the variance is sought;
- G. Economic value of the water use;
- H. Damage or harm to the petitioner or others if petitioner complies with the Ordinance;
- I. Restrictions with which the petitioner is expected to comply and the compliance date;
- J. Steps the petitioner is taking to meet the restrictions from which the variance is sought and the expected date of compliance; and
- K. Other information as needed.

In order for the variance to be granted, the petitioner must demonstrate clearly that compliance with the Ordinance cannot be technically accomplished during the duration of the water supply shortage without having an adverse impact upon the best interests of the community. City Management or its designee are authorized to grant the request for variance.

In addition, the City of Rock Hill is authorized to grant temporary variances for existing water uses otherwise prohibited under the Ordinance if it is determined that failure to grant such variances could cause an emergency condition adversely affecting health, sanitation and fire protection for the public. No such variance shall be retroactive or otherwise justify any violation of this Ordinance occurring prior to the issuance of the variance. Variances granted by the City of Rock Hill shall include a timetable for compliance and shall expire when the water supply shortage no longer exists, unless the petitioner has failed to meet specified requirements.

Sec. 29-282. Status of the Ordinance.

If any portion of this Ordinance is held to be unconstitutional for any reason, the remaining portions of the Drought Response Ordinance shall not be affected. The provisions of this Ordinance shall prevail and control in the event of any inconsistency between this Ordinance and other rules and regulations of the City of Rock Hill. Nothing in this Ordinance shall be deemed to invalidate or be interpreted in a manner inconsistent with any covenants now in effect and given as security to holders of bonds secured by revenues of the system.

Sections 29-283-29-300, Reserved.

Exhibit A

ARTICLE IV. DROUGHT RESPONSE

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This Ordinance outlines the actions to be taken for the conservation of water supplied by the City of Rock Hill. These actions are directed both towards an overall reduction in water usage and the optimization of supply.

To satisfy these goals, the City of Rock Hill hereby adopts the following regulations and restrictions on the delivery and consumption of water. This Ordinance is hereby declared necessary for the protection of public health, safety and welfare and shall take effect upon its adoption by the City of Rock Hill.

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Immediately upon issuance of such a Proclamation, regulations and restrictions set forth under this Ordinance shall become effective and remain in effect until the water supply shortage has ended and the Proclamation rescinded.

Water uses that are regulated or prohibited under this Ordinance are considered to be non-essential and continuation of such uses during times of water supply shortages is deemed to constitute a waste of water, subjecting the offender(s) to penalties. The amended Drought Management Plan dated June 2007 is hereby approved.

The City of Rock Hill's Drought Response Representative will be responsible for assessing drought or water shortage indicators as identified in this Chapter and the Drought Management Plan.

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REFLECT REQUIREMENTS OF
THE LOW INFLOW PROTOCOL
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THE CATAWBA-WATEREE
HYDRO PROJECT RELICENSING
AGREEMENT ¶
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Best Management Practices: A practice that is designed to reduce water usage and protect water quality through minimizing use, system design, installation and maintenance in all water uses and processes including but not limited to residential home uses, irrigation systems, and manufacturing uses.

Commercial and Industrial Use: Water use integral to the production of goods and/or services by any establishment having profit as its primary aim.

Conservation: Reduction in water use to prevent depletion or waste of the resource.

Customer: Any person, company or organization using finished water owned or supplied by the City of Rock Hill, South Carolina.

CW-DMAG: The Catawba-Wateree Drought Management Advisory Group as established and identified in the Low Inflow Protocol.

Domestic Water Use: Water use for personal needs or for household purposes such as drinking, bathing, heating, cooking, sanitation or for cleaning a residence, business, industry or institution.

Drip Irrigation System: Also known as trickle irrigation or microirrigation, is a subsurface irrigation method which saves water by allowing water to drip slowly to the roots of plants, either onto the soil surface or directly onto the root zone, through a network of valves, pipes, tubing, and emitters.

Drought Management or Water Conservation Plan: A plan, as may be amended, initially implemented by City staff and the Water Conservation Task Force in August 2003 and amended in July 2007 to promote water conservation and manage water demand and evaluating supply options before and during a drought-related water shortage.

Drought Alert Phases/Stages: There are drought alert phases to be determined by the Drought Response Committee for the State of South Carolina and the Low Inflow Protocol. The Stages in this Chapter are based upon the Low Inflow Protocol. The Drought Response Committee phases and general correlating Stages in this Chapter are:

- 1) Incipient Drought - Stage 1
- 2) Moderate Drought – Stage 2
- 3) Severe Drought - Stage 3
- 4) Extreme Drought – Stage 4

Drought Response Management Areas: There are four drought management areas corresponding to the major river basins in South Carolina. The four areas are:

- 1) West or Savannah
- 2) Central or Santee
- 3) Northeast or Pee Dee
- 4) Southern or Ashepoo, Combahee, and Edisto.

Rock Hill and York County are included in the 18-county Central or Santee Response Management Area. In order to prevent overly broad response to drought conditions, drought response measures shall be considered within individual drought management areas or within individual counties, as applicable.

Drought Response Committee: A committee composed of State and local representatives created for the purpose of coordinating responses to water supply shortages within Drought Management Areas and making recommendations for action to the South Carolina Department of Natural Resources and/or the Governor. The Committee is composed of State agency representatives from the South Carolina Emergency Management Division of the Office of the Adjutant General, South Carolina Department of Health and Environmental Control, South Carolina Department of Agriculture, South Carolina Forestry Commission, and South Carolina Department of Natural Resources, as well as local committees

Deleted: Drought Management Plan: A plan and procedures adopted by City Council, as

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representing counties, municipalities, public service districts, private water suppliers, agriculture, industry, domestic users, regional councils of government, commissions of public works, power generation facilities, special purpose districts and Soil and Water Conservation District's Drought.

Drought Response Representative: The Director of Utilities for the City of Rock Hill.

Essential Water Use: Water used specifically for fire fighting, maintaining in-stream flow requirements and to satisfy Federal, State or local public health and safety requirements.

Finished Water: Water distributed for use after treatment. The terms "water use," "water user," and "water customer" refer to finished water use unless otherwise defined.

Institutional Water Use: Water used by government, public and private educational institutions, churches and places of worship, water utilities, and organizations within the public domain.

Irrigation or Landscape Water Use: Water used to maintain gardens, trees, lawns, shrubs, flowers, athletic fields, rights-of-way and medians.

Low Inflow Protocol for the Catawba-Wateree Project: This is a water conservation plan, as amended, setting forth trigger points, procedures and water withdrawal reduction measures during periods of low inflow for water withdrawers along the Catawba River, including the City of Rock Hill.

Non-essential Water Use: Categories of water use other than Essential Water Use. Examples of non-essential water use include, but are not limited to, landscape irrigation and the washing of buildings, parking lots, and automobiles.

Residential Use Unit (RUU): An equivalency unit defined to be equal allocated water usage to one household.

Reuse Water: Reused, recycled or reclaimed water that is used more than one time before it passes back into the natural water cycle.

SC Dept. of Natural Resources: The State agency with primacy to implement the provisions of the Drought Response Act.

Smart Irrigation Systems: An irrigation system containing multiple water preservation methods such as wind, rain, soil and/or temperature sensors coupled with drip irrigation and timers, which has been reviewed, approved and designated by the City's Utilities Director.

Water Supply Shortage: Lack of adequate, available water caused by drought to meet normal demands.

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Deleted: The City of Rock Hill's allocated water capacity equals 400 gallons per day per REU.

Deleted: SC Dept. of Natural Resources: The State agency with primacy to implement the provisions of the Drought Response Act.¶
Water Conservation Plan: A plan, as may be amended, initially implemented by City staff and the Water Conservation Task Force in August 2003 to promote water conservation and the resulting environmental and economic benefits.¶

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Deleted: The City of Rock Hill's Drought Response Representative will make a recommendation to the City Manager regarding the need for the declaration of a Stage 0 drought watch as identified in the City of Rock Hill's Drought Management Plan. The Drought Response Representative will regularly communicate and coordinate with Duke Energy, the Departments of Natural Resources in both South Carolina and North Carolina, the State Drought Response Committee, public water utilities sharing the City's water source both upstream and downstream and other local, state and federal agencies to accomplish the following:¶
<#>Active monitoring of drought conditions; ¶
<#>Review of drought forecasts and reporting information; and¶
<#>Review of plans for drought management response and mitigation. ¶
During a drought watch, as deemed necessary, the City of Rock Hill may encourage customers to consider voluntary water conservation measures in a proactive effort to mitigate potential drought conditions.¶

Sec. 29-273. Best Management Practices.

All users of water supplied by the City are encouraged to use Best Management Practices to preserve the limited water supply. Best Management Practices begin with system design but other water saving practices should increase as drought conditions worsen. For landscaping purposes, the use of reuse water, rain sensors and Drip Irrigations Systems are encouraged in addition to following the Irrigation Association's Turf and Landscape Irrigation Best Management Practices (see www.irrigation.org).

Sec. 29-274. Stage 1 Drought/ VOLUNTARY CONSERVATION

The Drought Response Representative will make a recommendation to the City Manager regarding the need for the declaration of a Stage 1 drought. Upon determination by the City

Manager that a moderate water supply shortage exists, the City Manager will provide written notification to the City Council of this Stage 1 determination and voluntary reductions in the use of water for all purposes,

Deleted: and voluntary reductions on using water during certain peak water demand periods

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Specifically, the goal during this stage is to achieve a reduction in overall water use of three to five percent. To accomplish this, the City of Rock Hill will take the following actions:

- 1) The City Manager will issue a proclamation to be released to local media, the water customers of the City of Rock Hill and to the South Carolina Department of Natural Resources Drought Information Center that Stage 1 drought conditions are present.
- 2) Provide written notification to the South Carolina Department of Natural Resources Drought Information Center and routinely publish in a newspaper of general circulation in the service area of the water system the voluntary conservation measures that the customers are requested to follow during Stage 1 drought conditions. Voluntary measures include:
 - a. Recommend voluntary reduction of residential water use or RUU to a maximum of 350 gallons per household per day;
 - b. For landscape design and maintenance, the use of low-volume, drip irrigation and handheld watering applications is encouraged. Reduce the use of sprinklers, irrigation systems or other remote landscape watering devices to no more than two (2) days per week;
 - c. Reduce the washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas;
 - d. Reduce the washing down of buildings for purposes other than immediate fire protection;
 - e. Reduce the flushing of gutters;
 - f. Reduce the domestic washing of motorbikes, boats, automobiles, etc.;
 - g. Reduce the use of water to maintain fountains, reflection ponds and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life.
 - h. Reduce the amount of water obtained from fire hydrants for construction purposes, fire drills or for any purpose other than fire-fighting or flushing necessary to maintain water quality; and
 - i. Encourage the limitation of normal water use by commercial and individual customers including, but not limited to, the following:
 - i. Stop serving water in addition to another beverage routinely in restaurants;
 - ii. Stop maintaining water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support aquatic life;
 - iii. Cease water service to customers who have been given a 10-day notice to repair one or more leaks and have failed to do so.
- 3) Intensify maintenance efforts to identify and correct water leaks in the distribution system.
- 4) Continue to encourage and educate customers to comply with voluntary water conservation.
- 5) Provide a status update to the CW-DMAG on actual water withdrawal trends

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Sec. 29-275. Stage 2 Drought/ MANDATORY CONSERVATION

The Drought Response Representative will make a recommendation to the City Manager regarding the need for the declaration of a Stage 2 drought. Upon determination by the City Manager that a severe water supply shortage exists, the City Manager will provide written notification to the City Council of this Stage 2 determination and voluntary reductions in the use

of water for all purposes and mandatory restrictions on non-essential usage and restrictions on times when certain water use is allowed.

Specifically, the goal during this stage is to achieve a reduction in overall water use of five to ten percent. To accomplish these goals, the City of Rock Hill will take the following actions:

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- 1) The City Manager will issue a proclamation to be released to the local news media, the water customers of the City of Rock Hill and to the SC Department of Natural Resources' Drought Information Center that Stage 2 drought conditions are present.
- 2) Provide written notification to the South Carolina Department of Natural Resources Drought Information Center and routinely publish, in a newspaper of general circulation in the service area of the water system, the mandatory conservation measures and restrictions to be placed on the use of water supplied by the utility. Voluntary and mandatory restrictions include:
 - a. Recommend voluntary reduction of residential water use or RUU to a maximum of 300 gallons per household per day.
 - b. Discourage obtaining water from fire hydrants for construction purposes, fire drills or any purpose other than fire-fighting or flushing necessary to maintain water quality. This shall not preclude the construction industry from obtaining and using reasonable amounts of water for construction purposes.
 - c. Limit use of water by commercial, agricultural and individual customers through mandatory restrictions as directed in the City's Water Conservation Plan.
 - d. Encourage the use of low-volume, Drip Irrigation Systems, Smart Irrigation Systems and handheld watering applications for landscape design and maintenance.
 - e. The City of Rock Hill will impose mandatory restrictions on the use of water supplied by the utility for activities including:
 - i. Limit the use of sprinklers, irrigation systems or other remote landscape watering devices to two (2) days per week, staggering days based on odd and even addresses, between the hours of 9:00 p.m. and 5:00 a.m. Designated days will be recommended by the City's Drought Response Representative and approved by the City Manager.
 - ii. Customers shall water newly seeded/sodded lawns no more than two times per day for the first two-weeks after the seeding/sodding takes place. All watering of seeded/sodded lawns following the first two weeks of watering shall occur no more than (2) days per week, staggering days based on odd and even addresses, between the hours of 9:00 p.m. and 5:00 a.m. Variations may also be requested in accordance with Section 29-281.
 - iii. In all cases of landscape irrigation and maintenance, water runoff is strictly prohibited.
 - iv. Limit water-based recreational activities that require filling newly constructed or drained structures such as swimming pools, water slides or other water-based recreational equipment. Reduce filling or maintaining public or private swimming pools to one time per drought period. Newly constructed public or private swimming pools may be filled one time per drought period. Recycled water must be in use for water slides and other water-related activities to continue operations.
 - v. Reduce the washing of structures, surfaces and vehicles,
 - vi. Prohibit the use of water to maintain fountains, reflection ponds and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life.
- 3) Intensify maintenance efforts to identify and correct water leaks in the distribution system.

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- 4) Publicize widely the penalties to be imposed for proposed mandatory restrictions and the procedures to be followed if a variance in the restrictions is requested.
- 5) Expand the use of education and public relations efforts and emphasize the penalties associated with violating the mandatory restrictions.
- 6) Provide written notification monthly to the South Carolina Department of Natural Resources Drought Information Center regarding the success of the restrictions.
- 7) Provide a status update to the CW-DMAG on actual water withdrawal trends.

Sec. 29-276. Stage 3 Drought/ INCREASED MANDATORY CONSERVATION

The City of Rock Hill's Drought Response Representative will be responsible for assessing drought or water shortage indicators as identified in the City of Rock Hill's Drought Management Plan. The Drought Response Representative will make a recommendation to the City Manager regarding the need for the declaration of a Stage 3 drought. Upon determination by the City Manager that a severe water supply shortage exists, the City Manager will provide written notification to the City Council of this Stage 3 determination and the voluntary reductions in the use of water for all purposes and mandatory restrictions on non-essential usage and restrictions on times when certain water use is allowed.

Specifically, the goal during this stage is to achieve a reduction in overall water use of, ten to twenty percent or more. To accomplish these goals, the City of Rock Hill will take the additional following actions:

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- 1.) The City Manager will issue a proclamation to be released to the local news media, the water customers of the City of Rock Hill and to the SC Department of Natural Resources' Drought Information Center that Stage 3 drought conditions are present.
- 2.) Provide written notification to the South Carolina Department of Natural Resources Drought Information Center and routinely publish in a newspaper of general circulation in the service area of the water system the increased mandatory conservation measures and restrictions to be placed on the use of water supplied by the utility. Voluntary and mandatory restrictions include:
 - a. Recommend voluntary reduction of residential water use or RUU to a maximum of 275 gallons per household per day.
 - b. Customers are encouraged to postpone planting of all new landscaping until after drought conditions have subsided, as determined by the City of Rock Hill Drought Response Representative. During a Stage 3 drought, customers who have newly seeded/sodded lawns that require regular watering to maintain healthy growth may petition for a variance from these emergency restrictions, however these customers are not guaranteed that a variance will be granted.
 - c. Limit public building, sidewalk, and street washing activities, except as required for safety or to maintain regulatory compliance.
 - d. Limit obtaining water from designated fire hydrants for construction purposes, fire drills or any purpose other than fire-fighting or flushing necessary to maintain water quality. This shall not preclude the construction industry from obtaining and using reasonable amounts of water for construction purposes.
 - e. Encourage industrial/manufacturing process changes that reduce water consumption.
 - f. Encourage the use of low-volume, Drip Irrigation Systems, Smart Irrigation Systems and handheld watering applications for landscape design and maintenance.

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- g. The City of Rock Hill will impose increased mandatory restrictions on the use of water supplied by the utility for activities including:
 - i. Limit the use of sprinklers, irrigation systems or other remote landscape watering devices to between 0 and 2 days per week. The use of sprinklers, spraying irrigation systems or other remote landscape watering devices may be limited to Drip Irrigation Systems and/or Smart Irrigation Systems. The day limitation and limitation of remote landscape watering devices shall be determined by the City Manager after analysis of the drought conditions and input from the Drought Response Representative. The City Manager shall issue a statement of water use restriction notifying the public of the day and any remote watering device limitations. Designated days for all addresses will be recommended by the City's Drought Response Representative and approved by the City Manager.
 - ii. Eliminate the filling of new swimming pools.
 - iii. Reduce or eliminate the washing of structures, surfaces and vehicles. The City Manager may designate days of the week or other schedules for washing, in addition to eliminating some or all washing after analysis of the drought and input from the Drought Representative. The City shall issue a statement of such water use restriction.
 - 1.) Publicize widely the penalties to be imposed for increased mandatory restrictions and the procedures to be followed if a variance in the restrictions is requested.
 - 2.) Provide written notification monthly to the South Carolina Department of Natural Resources Drought Information Center regarding the success of the restrictions.
 - 3.) Provide a status update to the CW-DMAG on actual water withdrawal trends

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Sec. 29-277. Stage 4 Drought/ EMERGENCY CONSERVATION

The City of Rock Hill's Drought Response Representative will be responsible for assessing drought or water shortage indicators as identified in the City of Rock Hill's Drought Management Plan. The Drought Response Representative will make a recommendation to the City Manager regarding the need for the declaration of a Stage 4 drought. Upon determination by the City Manager that an extreme water supply shortage exists, the City Manager will provide written notification to the City Council of this Stage 4 determination and impose mandatory restrictions on the use of water for all purposes and restrictions on times when certain water use is allowed.

Specifically, the goal during this stage is to achieve a reduction in overall water use of 25% or more. To accomplish these goals, the City of Rock Hill will take the following actions:

- 1.) The City Manager will issue a proclamation to be released to the local news media, the water customers of the City of Rock Hill and to the SC Department of Natural Resources' Drought Information Center that Stage 4 drought conditions are present.
- 2.) Provide written notification to the South Carolina Department of Natural Resources Drought Information Center and routinely publish in a newspaper of general circulation in the service area of the water system the proposed emergency restrictions.
- 3) The City of Rock Hill will impose emergency restrictions on the use of water supplied by the utility, including:
 - a. Strongly recommend limiting residential water use or RUU to a maximum of 250 gallons per household per day.
 - b. Restrict all outdoor water use.
 - c. The use of sprinklers, irrigation systems or other remote watering devices is strictly prohibited during a Stage 4 drought.

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- d. Customers are required to postpone planting of new landscaping until after the emergency drought period has ended. Planting of new ornamental plants or seeding/sodding of lawns is prohibited due to watering limitations. During a Stage 4 drought, customers who have newly seeded/sodded lawns that require regular watering to maintain healthy growth may petition for a variance from these emergency restrictions, however these customers are not guaranteed that a variance will be granted.
- e. An extreme water shortage can result in emergency conditions adversely affecting health, sanitation and fire protection for the public. For this reason, commercial and other service-related businesses that consume water for non-industrial, non-essential purposes, including but not limited to car washing & pressure washing, are required to cease operations during a Stage 4 emergency drought, unless these businesses are using recycled or reclaimed water in their processes. However, should an extreme water shortage continue for more than one week, these same service-related businesses using recycled or reclaimed water may be required to cease operations until notified by the City of Rock Hill that emergency drought conditions no longer apply.
- f. Advise commercial and industrial customers to develop strategies for water reduction measures, including an activity schedule and contingency plans.
- g. Prohibit the washing down of buildings for purposes other than immediate fire protection.
- h. Prohibit the washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas.
- i. Prohibit the flushing of gutters.
- j. Prohibit domestic washing of motorbikes, boats, cars and other motor vehicles.
- k. Prohibit the use of water to maintain fountains, reflection ponds, and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life.
- l. Prohibit all filling, maintaining or topping off public or private swimming pools, water slides or other water-based recreational equipment.
- m. Prohibit obtaining water from fire hydrants for construction purposes, fire drills, or any purpose other than firefighting or flushing necessary to maintain water quality. Subject to the other provisions in this ordinance, this provision shall not preclude the construction industry from obtaining and using reasonable amounts of water for construction purposes; and
- n. Prohibit normal water use by commercial and individual customers including, but not limited to, the following:
 - i. Stop serving water in addition to another beverage routinely in restaurants;
 - ii. Stop maintaining water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support fish and wildlife;
 - iii. Prohibit irrigating golf courses and any portion of their grounds;
 - iv. Cease water service to customers who have been given a 10-day notice to repair one or more leaks and have failed to do so; and
 - v. Prohibit expanding commercial nursery facilities and placing new irrigated agricultural land in production.
 - vi. Prohibit planting or landscaping when required by local site design review process.
 - vii. Agricultural and livestock operations are required to implement conservation techniques, explore different water saving methods and use alternative sources. These operations are to restrict irrigation use to the hours of 7:00 p.m. to 7:00 a.m. and prohibit water runoff.

- 4) Intensify maintenance efforts to identify and correct water leaks in the distribution system.
- 5) Continue to cease installation of new irrigation taps on the water system.
- 6) Outline other conservation measures; examples include but are not limited to the following:
 - a. Place a moratorium on the issuance of all new water service connections and contracts for all new water main extensions. As part of the public information process, provide notice to developers of the moratorium;
 - b. Strongly encourage all residential water customers to voluntarily reduce overall monthly water usage to 70% of the customer's monthly average.
- 7) Publicize widely the penalties to be imposed for violations of emergency restrictions and the procedures to be followed if a variance in the restrictions is requested. Expand the use of education and public relations efforts.
- 8) Provide written notification monthly to the South Carolina Department of Natural Resources Drought Information Center regarding the success of the emergency restrictions.
- 9) Provide a status update to the CW-DMAG on actual water withdrawal trends

Sec. 29-278. Other Declared Restrictions.

If the conservation measures of the Ordinance or Drought Management Plan prove inadequate to mitigate the effects of the drought conditions or water supply availability, the City Council of the City of Rock Hill may take any additional actions or may choose to impose additional restrictions as deemed necessary during a Stage 1 through Stage 4 Drought.

Sec. 29-279. Rationing.

If a drought threatens the protection of public health and safety, the City of Rock Hill is hereby authorized to ration water.

Sec. 29-280. Enforcement of Restrictions.

If any customer of the City of Rock Hill fails to comply with mandatory or emergency water use restrictions of this Ordinance or other declared restrictions deemed necessary by City Council, the customer shall be given a written notice of such failure to comply, which cites the date of said violation, and shall be assessed surcharges in accordance with the following schedule:

A. RESIDENTIAL SURCHARGES:

1. First violation - \$50, issued as a surcharge added to the customer's utility bill, or as a \$50 violation notice delivered by a City of Rock Hill courier.
2. Second violation - \$100, issued as a surcharge added to the customer's utility bill, or as a \$100 violation notice delivered by a City of Rock Hill courier.
3. Third violation - the customer's water service shall be terminated and restored only after payment of a surcharge or violation notice in the amount of \$150 in addition to all previously assessed surcharges or notices.

B. OFFICE, COMMERCIAL & INDUSTRIAL SURCHARGES

1. First violation - \$100, issued as a surcharge added to the customer's utility bill, or as a \$100 violation notice delivered by a City of Rock Hill courier.
2. Second violation -\$200, issued as a surcharge added to the customer's utility bill, or as a \$200 violation notice delivered by a City of Rock Hill courier.
3. Third violation - the customer's water service shall be terminated and restored only after payment of a surcharge or violation notice in the amount of \$300 in addition to all previously assessed surcharges or notices.

The Rock Hill City Council authorizes all designated law enforcement agencies and other authorized agencies or designated employees in the respective jurisdiction which is being supplied water by the City of Rock Hill to diligently enforce the provisions of the Drought Response Ordinance.

Sec. 29-281. Variances.

Customers, who in their belief are unable to comply with the mandatory or emergency water use restrictions of this Drought Response Ordinance, may petition for a variance from restrictions by filing a petition with City Management or its designee within ten (10) working days after the issuance of the Proclamation requiring water use restrictions.

All petitions for variance shall contain the following information:

- A. Name and address of the petitioner;
- B. Purpose of water usage;
- C. Special provision from which the petitioner is requesting relief;
- D. Detailed statement as to how the curtailment declaration adversely affects the petitioner;
- E. Description of the relief desired;
- F. Period of time for which the variance is sought;
- G. Economic value of the water use;
- H. Damage or harm to the petitioner or others if petitioner complies with the Ordinance;
- I. Restrictions with which the petitioner is expected to comply and the compliance date;
- J. Steps the petitioner is taking to meet the restrictions from which the variance is sought and the expected date of compliance; and
- K. Other information as needed.

In order for the variance to be granted, the petitioner must demonstrate clearly that compliance with the Ordinance cannot be technically accomplished during the duration of the water supply shortage without having an adverse impact upon the best interests of the community. City Management or its designee are authorized to grant the request for variance.

In addition, the City of Rock Hill is authorized to grant temporary variances for existing water uses otherwise prohibited under the Ordinance if it is determined that failure to grant such variances could cause an emergency condition adversely affecting health, sanitation and fire protection for the public. No such variance shall be retroactive or otherwise justify any violation of this Ordinance occurring prior to the issuance of the variance. Variances granted by the City of Rock Hill shall include a timetable for compliance and shall expire when the water supply shortage no longer exists, unless the petitioner has failed to meet specified requirements.

Sec. 29-282. Status of the Ordinance.

If any portion of this Ordinance is held to be unconstitutional for any reason, the remaining portions of the Drought Response Ordinance shall not be affected. The provisions of this Ordinance shall prevail and control in the event of any inconsistency between this Ordinance and other rules and regulations of the City of Rock Hill. Nothing in this Ordinance shall be deemed to invalidate or be interpreted in a manner inconsistent with any covenants now in effect and given as security to holders of bonds secured by revenues of the system.

Sections 29-283-29-300, Reserved.

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SECTION 3. That all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.¶
SECTION 4. That this ordinance shall be and become finally binding immediately after receiving first and second readings given in the manner required by law.¶
DONE AND RATIFIED in Council assembled on this the ____ day of _____, 2007.¶

A. Douglas Echols, Jr., Mayor¶

Kathy S. Pender, Mayor Pro Tempore¶

John P. Gettys, Jr., Councilmember¶

James C. Reno, Jr., Councilmember¶

Osbey Roddey., Councilmember¶

Winston Searles., Councilmember¶

Kevin H. Sutton., Councilmember¶
ATTEST:¶

David B. Vehaun¶
Municipal Clerk