

ORDINANCE NO. 08-03

AN ORDINANCE OF THE MAYOR
AND COUNCIL OF THE CITY OF
ANDERSON TO AMEND ARTICLE
VI OF CHAPTER 42 OF THE CODE
OF THE CITY OF ANDERSON.

WHEREAS, Article VI of Chapter 42 of the Code of the City of Anderson provides for Drought Management Plan and Response Ordinance, and

WHEREAS, The City of Anderson is a member of the Anderson Regional Joint Water System, and

WHEREAS, The Anderson Regional Joint Water System has approved an ordinance that establishes drought trigger levels, and

WHEREAS, It would be practical for the City of Anderson to have the same trigger levels in order to enforce the Drought Management Plan and Response Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ANDERSON THAT:

1. Article VI of Chapter 42 of the Code of the City of Anderson is hereby amended and after amended shall provide as follows:

ARTICLE VI. Drought Management Plan and Response Ordinance

Drought Management Plan and Response Ordinance

**ELECTRIC CITY UTILITIES / CITY OF ANDERSON
MODEL DROUGHT MANAGEMENT PLAN
AND
RESPONSE ORDINANCE**

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Drought Management Plan

Section I: Declaration of Purpose and Intent

City of Anderson / Electric City Utilities understands the fundamental need to make efficient use of the limited and valuable water resource under its stewardship in order to protect the public's health and safety and environmental integrity. The purpose of this document is to establish a plan and procedures for managing water demand and evaluating supply options before and during a drought-related water shortage. The intent is to satisfy the requirements of the Drought Response Act of 2000 (Code of Laws of South Carolina, 1976, Section 49-23-10, et seq., as amended) with the goal of achieving the greatest public benefit from domestic water use, sanitation, and fire protection and to provide water for other purposes in an equitable manner. Therefore City of Anderson / Electric City Utilities has adopted this Drought Management Plan and Drought Response Ordinance that provide the policies and the authority to fulfill this obligation. The Drought Management Plan outlines the framework by which City of Anderson / Electric City Utilities will internally prepare for water shortages. The Ordinance provides the regulations by which City of Anderson / Electric City Utilities will manage and control its customer water usage during various levels of a drought.

Section II: Definition of Terms

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

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

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 City of Anderson / Electric City Utilities.

Domestic Use Water: 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.

Drought Alert Phases: There are four drought alert phases to be determined by the Drought Response Committee for the State of South Carolina. The four phases are:

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

Drought Response Management Areas: There are four drought management areas corresponding to the major river basis 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

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 Districts.

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

Non-essential Water Use: Categories of water use other than Essential Water Use. Examples of non-essential water use include landscape irrigation and the washing of buildings, parking lots, automobiles, etc.

Reservoir: Lake Hartwell

Equivalent Residential Unit (ERU): An equivalency unit defined to be equal to one single-family residence. City of Anderson / Electric City Utilities allocated water capacity equals 250 gallons per day (40.1 cubic feet per day) per ERU.

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

Water Supply Shortage: Lack of adequate, available water caused by drought to meet normal demands or equipment failure effecting delivery of water capacity.

Section III: Drought Management Plan

A. Introduction: To ensure that City of Anderson / Electric City Utilities adequately manages its water system during drought-related conditions, an organized plan is

necessary for system operation and reliability, proper communications, effective coordination and ultimate allocation of water use. Prior planning will compliment the City of Anderson / Electric City Utilities abilities to respond to drought conditions and to enforce the related Ordinance.

B. Designation of Water System Drought Response Representative:

Adminstrating a Drought Plan requires the skills needed to undertake a comprehensive public information program and the judgment required to deal with equity issues arising from enforcement of a mandatory program. Someone who has these skills will be selected by the water system to manage the water system's program and serve as the principal contact for the news media as the water system's Drought Response Representative. The Drought Response Representative for City of Anderson / Electric City Utilities is Chris Eleazer, 314 Tribble Street, Anderson, SC 29625, (864) 231-5230.

C. Description of Water System Layout, Water Sources, Capacities and Yields:

City of Anderson / Electric City Utilities is located in the West or Savannah Drought Response Management Area of South Carolina. The system serves approximately 17,200 service connections, or approximately 40,000 customers located in the northwestern corner of the state on the Piedmont Plateau. The retail water system contains approximately 342 miles of pipe from ¾" to 30" and seven elevated storage tanks (Total Storage Capacity 3.5 MG) located throughout our water system. The Hillman Drive pump station has two 40 horsepower pumps rated at 1100 GPM. Approximately 900 fire hydrants are located within the retail distribution system. The water supply sources available to the system are: Anderson Regional Joint Water System (45 MGD). The DHEC total permitted capacity of the water system operated by City of Anderson / Electric City Utilities is 14.13 million gallons per day. The City of Anderson / Electric City Utilities does not receive water from other sources.

D. Identification of Water System Specific Drought or Water Shortage Indicators:

Operators of every water system must develop historical trends that are valuable indicators of a system's ability to meet demand when demand begins to outpace supply. The Anderson Regional Joint Water System and City of Anderson / Electric City Utilities have developed triggers for use during drought or demand water shortages that describe when specific phases of the Drought Response Ordinance are implemented. The system triggers are as follows:

Moderate Drought Phase

1. Reservoirs 652' msl and/or
2. Equipment failure that affects 10% or more of plant capacity and/or
3. Average daily use greater than or equal to 24MGD for 3 consecutive days.

Severe Drought Phase

1. Reservoirs 646' msl and/or
2. Equipment failure that affects 15% or more of plant capacity and/or
3. Average daily use greater than or equal to 28MGD for 3 consecutive days.

Extreme Drought Phase

1. Reservoirs 638' msl and/or
2. Equipment failure that affects 25% or more of plant capacity and/or.
3. Average daily use greater than or equal to 32MGD for 3 consecutive days.

E. Cooperative Agreements and Alternative Water Supply Sources: Successful drought management requires a comprehensive program by the water utility. In many situations administrative agreements are required with other agencies to fully implement the Plan. Agreements with other water purveyors may be necessary for alternative water supply sources. Other agreements that strengthen conservation efforts by large users may be necessary. City of Anderson / Electric City Utilities identifies the following agreements that are in place to facilitate the implementation of this Plan: Anderson Regional Joint Water System Drought Management Plan and Drought Ordinance. Agreements that are being negotiated or considered with other entities are: There are no other Agreements.

F. Description of Pre-Drought Planning Efforts: Before the occurrence of a water supply shortage and the need to implement the emergency provisions of the Ordinance, it is important that certain pre-response measures be taken with the aim of conserving the system's source water, as well as the water distributed to the customer. In regards to the conservation measures listed below, City of Anderson / Electric City Utilities has taken the following actions:

1. Identification of all major water uses to the system: Owens Corning Fiberglass, Santens of America, Shaw Industries, AnMed Health, Hexcel-Schwebel, Plastic Ominum Industries, Michelin North America, RT Anderson, Anderson Health Care, Country Club Apartments.
2. Identification of those uses with which there are conservation agreements: No conservation agreements exist at this time.
3. A vigorous public education program is critical for achieving substantial water use reduction. An effective public outreach program will keep the public informed about the water supply situation, what actions will mitigate drought emergency problems, and how well the public is doing in terms of meeting the program goals. Keeping the public involved, informed, and participating in the decision-making process is key to implementing an effective Drought Management Plan. Provide a description of your utility's efforts to develop an effective drought-related public education program: Through the use of local news stations, City Website, and newspapers, the City of Anderson / Electric City Utilities plans to release an emergency announcement. An urgent appeal will be made for customers to conserve water as much as possible until the emergency is over. Mandatory reductions may be imposed on some customers. However, if the appeal for water reduction is not successful, it will be necessary to impose further reductions of service.
4. Description of Capital Planning and Investment for System Reliability and Demand Forecasting: Water utilities routinely find that capital improvements to the system strongly enhance their ability to get through times of drought. It is important that every water utility aggressively plan and build for future needs. The utility must continue to provide for system operation flexibility, improved pumping and storage capacity and new technologies to meet the demands of tomorrow. Describe the utility's capital improvement program and how past efforts have enhanced your system's ability to meet demand during drought conditions: The City of Anderson / Electric City Utilities has recently completed several transmission and distribution system upgrades as well as the addition of two-500,000 gallon elevated storage tanks. The City also plans to initiate a meter change-out program in the near future.

These projects will eliminate a number of reoccurring maintenance heavy lines such as leaks and more accurately meter customer water usage.

Drought Response Ordinance

- A. Declaration of Policy and Authority:** The objective of this Drought Response Ordinance is to establish authority, policy and procedure by which City of Anderson / Electric City Utilities will take the proper actions to manage water demand using newspapers of general circulation and other forms of disseminating information in the service area during a drought-related shortage. The Ordinance satisfies the requirements of the Drought Response Act of 2000 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 Anderson Regional Joint Water System. These actions are directed both towards an overall reduction in water usage and the optimization of supply.

To satisfy these goals, City of Anderson / Electric City Utilities 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 City of Anderson / Electric City Utilities.

If it becomes necessary to conserve water in its service area due to drought, City of Anderson / Electric City Utilities is authorized to issue a proclamation (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 Drought Management Plan as outlined in Section I – III is hereby approved.

- B. Moderate Drought Phase:** Upon notification by the Drought Response Committee or the ARJWS that a Moderate drought condition is present and is expected to persist and/or upon determination by City of Anderson / Electric City Utilities that a moderate water supply shortage exists based on trigger levels, City of Anderson / Electric City Utilities will seek voluntary reductions from its customers in the use of water for all purposes and voluntary reductions on using water during certain peak water demand periods. Specifically, the goal during this phase is to educate users on effective water uses and reduce water waste by releasing various water conservation tips. To accomplish this, City of Anderson / Electric City Utilities will take the following actions:
1. Issue a Proclamation to be released to local media, City of Anderson / Electric City Utilities customers, City website, and to the South Carolina Department of Natural Resources Drought Information Center that Moderate drought conditions are present.
 2. Provide written notification to the South Carolina Department of Natural Resources Drought Information Center and routinely publish voluntary

conservation measures that customers are requested to follow during Moderate drought conditions, including:

- A. Eliminate the washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas;
- B. Eliminate the washing down of buildings for purposes other than immediate fire protection;
- C. Eliminate the flushing of gutters;
- D. Eliminate the domestic washing of motorbikes, boats, cars, etc.;
- E. Eliminate 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;
- F. Reduce watering of lawns, plants, trees, gardens, shrubbery and flora on private or public property to the minimum necessary. Encourage outdoor watering to be done during off-peak hours (10pm-6am), and
- G. Limit normal water use by commercial and individual customers including, but not limited to, the following:
 - i. Eliminate the use of water to maintain water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support aquatic life;
 - ii. 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.

C. Severe Drought Phase: Upon notification by the Drought Response Committee that a Severe drought condition is present and is expected to persist and/or upon determination by City of Anderson / Electric City Utilities that a severe water supply shortage exists based on trigger levels, City of Anderson / Electric City Utilities will seek voluntary reduction in the use of water for all purposes and mandatory restrictions on non-essential usage and restrictions on times when certain water usage is allowed. Specifically, the goal during this phase is to achieve a reduction of 10% in essential water use and eliminate all non-essential uses. To accomplish these goals, City of Anderson / Electric City Utilities will take the following actions:

1. Issue a Proclamation to be released to the local media, City of Anderson / Electric City Utilities customers, City website, and to the South Carolina Department of Natural Resources Drought Information Center that Severe 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 conservation measures and mandatory restrictions to be placed on the use of water supplied by the utility, including:

- A. Control landscape irrigation by the utility's customers by staggering watering times.
 - B. Mandatory restrictions on the use of water supplied by the utility for activities including:
 - i. Eliminate the washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas;
 - ii. Eliminate the washing down of buildings for purposes other than immediate fire protection;
 - iii. Eliminate the flushing of gutters;
 - iv. Eliminate the domestic washing of motorbikes, boats, cars, etc., and
 - v. Eliminate 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.
 - D. Limit use of water 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; and
 - iv. Limit expanding commercial nursery facilities, placing new irrigated agricultural land in production or planting or landscaping when required by site design review process.
3. Intensify maintenance efforts to identify and correct water leaks in the distribution system.
 4. Widely publicize the penalties to be imposed for violations of 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 implementation of the voluntary and mandatory restrictions.

D. Extreme Drought Phase: Upon notification by the Drought Response Committee that an Extreme drought condition is present and is expected to persist and/or upon determination by City of Anderson / Electric City Utilities that an extreme water supply shortage exists based on the trigger levels, City of Anderson / Electric City Utilities will impose mandatory restrictions in the use of water for all purposes and on the times when certain water usage is allowed. Specifically, the goal during this phase is to achieve a reduction of 20% in essential water use based on normal water demands of the previous non-drought year and continue to eliminate non-essential water uses. To accomplish these goals, City of Anderson / Electric City Utilities will take the following actions:

1. Issue a Proclamation to be released to the local media, City of Anderson / Electric City Utilities customers, City website, and to the South Carolina Department of Natural Resources Drought Information Center that Extreme 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 supplied by the utility, including:
 - A. Eliminate landscape irrigation, residential and commercial.
 - B. Restrictions on the use of water supplied by the utility for activities including:
 - i. Eliminate the washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas;
 - ii. Eliminate the washing down of buildings for purposes other than immediate fire protection;
 - iii. Eliminate the flushing of gutters;
 - iv. Eliminate domestic washing of motorbikes, boats, cars, etc.;
 - v. Eliminate 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, and
 - C. Limit normal water use of water 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; and
 - iv. Eliminate expansions of commercial nursery facilities, placing new irrigated agricultural land in production or planting or landscaping when required by site design review process.
3. Intensify maintenance efforts to identify and correct water leaks in the distribution system.
4. Cease the installation of new taps and tee-offs for irrigation purposes on the water system.
5. Outline other conservation measures, examples are:
 - 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. Encourage all residential water customers to voluntarily reduce overall monthly water usage to 70% of the customer's monthly average. If

voluntary reduction of usage is not successful, City of Anderson / Electric City Utilities may, at its option, implement the following excessive use rate schedule for water:

Tier I	0-4500 gallons (600CF)	regular rate
Tier II	4501-6000 gallons (800CF)	2 times regular rate
Tier III	Over 6000 gallons (800CF)	3 times regular rate

C. Impose a drought surcharge per thousand gallons of water that increases with higher usage. The general principle behind the drought surcharge is that the fee is imposed on water use in excess of 4500 gallons (600CF). The drought surcharge is a temporary fee imposed during the current water supply shortage and is not a cost-based rate. The drought surcharge is temporary and will be terminated at such time as City of Anderson / Electric City Utilities determines the water supply is above the trigger levels.

6. If the conservation measures of the *Ordinance or Plan* prove inadequate to mitigate the effects of the drought conditions or water supply availability, City of Anderson / Electric City Utilities may take additional actions including, but not limited to, decreasing the gallon/CF limits in the different tiers; and
7. Publicize widely the penalties to be imposed for violations of mandatory restrictions and the procedures to be followed if a variance in the restrictions is requested.
8. Expand the use of education and public relations efforts as conducted under the Moderate and Severe drought phase and emphasize the penalties associated with violating the mandatory restrictions.
9. Provide written notification monthly to the South Carolina Department of Natural Resources Drought Information Center regarding the success of the mandatory restrictions.

E. Enforcement of Restrictions: If any customer of City of Anderson / Electric City Utilities fails to comply with the mandatory water use restrictions of this Ordinance, 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:

First violation - \$50.00 surcharge shall be added to the customer's water bill;

Second violation – an additional \$100.00 surcharge shall be added to the customer's water bill;

Third violation – the customer's water service shall be terminated and restored only after payment of a surcharge of \$250.00 in addition to all previously assessed surcharges.

Law enforcement agencies and other authorized agencies or designated employees in the respective jurisdiction which is being supplied water by City of Anderson / Electric City Utilities shall diligently enforce the provisions of the Drought Response Ordinance.

F. Variances: Customers, who in their belief are unable to comply with the mandatory water use restrictions of the Drought Response Ordinance, may petition for a variance from restrictions by filing a petition with City of Anderson / Electric City Utilities 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 of Anderson / Electric City Utilities is authorized to grant the request for variance.

In addition, City of Anderson / Electric City Utilities 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 City of Anderson / Electric City Utilities 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.

G. Status of the Ordinance:

1. 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.
2. The provisions of the Ordinance shall prevail and control in the event of any inconsistency between this Ordinance and other rules and regulations of City of Anderson / Electric City Utilities.
3. 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.

ADOPTED THIS _____ DAY OF _____, 2008.

ATTESTED TO:

Peggy G. Maxwell
City Clerk/Treasurer

Terence V. Roberts, Mayor

Philip M. Cheney

APPROVED AS TO FORM:

Tom W. Dunaway, III

J. Franklin McClain
City Attorney

Steven C. Kirven

Dennis H. McKee

A. B. Roberts

James A. Stewart, Mayor Pro Tem

Beatrice R. Thompson

REVIEWED BY:

Blake W. Williamson

John R. Moore, Jr.
City Manager

COUNCIL MEMBERS