

**Article XIX
Drought Response**

Section 190 – Drought Response

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Section 190.01 Declaration of policy, purpose, and intent

Purpose: To achieve the greatest public benefit from domestic water use, sanitation, and fire protection, and to provide water for other purposes in an equitable manner, Clarendon County adopts the following regulations and restrictions on the delivery and consumption of water.

This ordinance is hereby declared necessary for the preservation of the public health, safety, and welfare and shall take effect upon its adoption by the County of Clarendon.

Whenever, in the judgment of the governing body of the County it becomes necessary to conserve water in the service area due to drought the County is authorized to issue a Proclamation that existing drought 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 become endangered.

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this Ordinance shall become effective and remain in effect until the water shortage is terminated and the Proclamation rescinded.

Water uses regulated or prohibited under this Ordinance are considered to be non-essential and continuation of such uses during times of water shortage are deemed to constitute a waste of water, subjecting the offender(s) to penalties as outlined in the Clarendon County Code of Ordinances.

The provisions of this Ordinance shall apply to customers within the jurisdiction of the Clarendon County area.

Section 190.02 Definitions

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

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

Commercial and industrial water use Water use integral to the production of goods and/or services by any establishment having financial profit as their primary aim.

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

Customer Any person, company, or organization using water supplied by the County.

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.

Drought alert phases:

Extreme drought: When the Palmer Index reaches or falls below -4.00 and extreme drought conditions are verified by best available information.

Moderate drought: When the Palmer Index reaches the -1.50 to -2.99 range and moderate drought conditions have been verified by the best available information, and conditions indicate this situation is expected to persist.

Severe drought: When the Palmer Index reaches the -3.00 to -3.99 range and severe drought conditions have been verified by the best available information.

Drought response committee A committee composed of state and local representatives, created for the purpose of coordinating responses to water shortages within drought management areas and making recommendations for actions to the South Carolina Department of Health and Environmental Control, South Carolina Department of Natural Resources and/or the Governor.

Essential water use Water used specifically for fire fighting, maintaining instream flow requirements, and to satisfy federal, state, or local public health and safety requirements.

Even numbered address Street addresses, box numbers, or rural route numbers ending in 0,2,4,6,8, or letters A-M, and locations without addresses.

Institutional water use Water used by government, public and private educational institutions, public medians and right-of-way, churches and places of worship, water utilities, and other lands, buildings, and organizations within the public domain.

Landscape water use Water used to maintain gardens, trees, lawns, shrubs, flowers, athletic fields, right of way and medians.

Odd numbered address Street addresses, box numbers or rural route numbers ending in 1,3,5,7,9, or letters N-Z.

Palmer Index A measure of the severity of a drought, or a wet spell, in an area. Dry conditions are associated with negative values, wet conditions with positive values, and normal conditions have a value of zero.

Water shortage Lack of adequate available water to meet normal demands due to lower than normal precipitation, reduced stream flows or soil moisture and/or lowering of the potentiometric surface in wells which causes water supplies to be less than usual.

Section 190.03 Non-essential water use

Non-essential water use categories, other than essential water use, may be curtailed during severe or extreme drought. Some examples of non-essential water use follow:

Residential and Institutional:

- a) Washing down sidewalks, walkways, driveways, parking lots, tennis courts, or other hard surfaced areas.
- b) Washing down buildings or structures for purposes other than immediate fire protection.
- c) Flushing gutters or permitting water to run or accumulate in any gutter or street.
- d) Washing any motor bike, motor vehicle, boat, trailer, airplane, or other vehicle in public or private garages or elsewhere.
- e) Maintaining fountains, reflection ponds, and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life.
- f) Filling or maintaining public or private swimming pools.
- g) Sprinkling lawns, plants, trees, and other flora on private or public property, except as otherwise provided under this Ordinance.

Commercial and Industrial:

- a) Serving water routinely in restaurants.
- b) Increasing water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support fish and wildlife.
- c) Irrigating golf courses and any portion of its grounds, except as otherwise provided under this Ordinance.
- d) Obtaining water from hydrants for construction purposes, fire drills, or for any purpose other than firefighting.
- e) Serving customers who have been given a ten-day notice to repair one or more leaks and have failed to comply.
- f) Expanding commercial nursery facilities, placing new irrigated agricultural land in production, or planting or landscaping when required by site design review process.

Section 190.04 Responses to moderate, severe, and extreme drought alert phases

Levels of drought, as set forth in the South Carolina Drought Response Act of 1985 are moderate, severe, and extreme. Proclamations issued by the County shall coordinate an appropriate response to the level of drought which exists.

Proclamations setting forth responses to the various drought alert phases shall be made by the County and are to be based upon drought monitoring data, recommendations, declarations, and/or notifications supplied by the regional Drought Response Committee of the South Carolina Department of Natural Resources.

Moderate Drought Alert Phase: If conditions indicate that a moderate drought condition is present and is expected to persist, the Natural Resources Department shall activate the Drought Information Center and notify municipal and county governments in the affected drought areas by certified mail. The department will also issue press releases concerning the drought conditions to the news media.

- (a) Goal:
 - (1) A fifteen percent voluntary water use reduction for agricultural, commercial, industrial, institutional, and electric power generation purposes.
 - (2) A thirty percent voluntary water use reduction for residential customers.
- (b) General Responses:
 - (1) Issue a Public Notice of Drought Conditions on water supply and demand in a newspaper of general circulation within the affected community and region. This statement shall include a list of non-essential water uses:
 - (2) Institute an increased water supply system maintenance effort to identify and correct water leaks.
 - (3) Encourage customers of the County to comply with the listed voluntary water use restrictions in all categories while moderate drought conditions exist.
- (c) Water Use Restrictions:
 - (1) Agriculture, Irrigation and Livestock: implement conservation techniques, explore different water saving methods, and alternative sources.
 - (2) Commercial, Industrial and Institutional: Reduce aesthetic, domestic, landscaping and water based recreational activities such as swimming pools water slides, and other water related activities
 - (3) Residential: i) reduce water use to seventy-five gallons per person per day, and a maximum of 300 gallons per household per day; ii) reduce domestic landscaping and water based recreational activities such as swimming pools, water slides, and other water related activities.

Severe Drought Alert Phase: A drought of this severity usually requires an official declaration and implementation of mandatory water use restrictions by the S.C. Department of Natural Resources. In such cases, the Department will notify municipal and county governments in the affected drought areas by certified mail, and issue press releases concerning the drought conditions to the news media.

- (a) Goal:
 - (1) A fifteen percent water use reduction for agricultural, commercial, industrial, institutional, and electric power generation purposes.
 - (2) A thirty percent water use reduction for residential customers.
- (b) General Responses:
 - (1) Issue a Public Notice of Drought Conditions on water supply and demand in a newspaper of general circulation within the affected community and region. This statement shall include a list of water use curtailment measures.
 - (2) Require customers of the County to comply with the listed water use restrictions in all categories while severe drought conditions exist.
- (c) Water Use Restrictions.
 - (1) Agricultural, Irrigation, and Livestock: i) implement conservation techniques, explore different water saving methods, and use alternative sources. ii) restrict irrigation use from 7:00 p.m. to 7:00 a.m. and prohibit water runoff.

- (2) Commercial, Industrial, and Institutional: i) Prohibit aesthetic water use; ii) reduce domestic water use to minimum levels necessary for maintaining health and safety; iii) limit water based recreational activities to new facilities that require filling such as swimming pools, water slides, and other water related activities; iv) use low volume hand-held applications only and prohibit sprinklers, other remote broadcast devices, and water runoff in landscape design and maintenance; v) restrict landscape watering on Wednesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even numbered addresses.
- (3) Residential: i) Restrict water use to seventy-five gallons per person per day, and a maximum of 300 gallons per household per day; ii) prohibit landscape watering.

Extreme Drought Alert Phase: The S.C. Department of Natural Resources will notify municipal and county governments in the affected drought areas by certified mail, and issue press releases concerning the drought conditions to the news media.

- (a) Goals
 - (1) A fifty percent water use reduction for agricultural, commercial, industrial, institutional, and electric power generation purposes.
 - (2) A fifty percent water use reduction for residential customers.
- (b) General Responses:
 - (1) Issue a Public Notice of Drought Conditions on water supply and demand in a newspaper of general circulation within the affected community and region. This statement shall include a list of water use curtailment measures.
 - (2) Require customers of the County to comply with the listed water use restrictions in all categories while extreme drought conditions exist.
- (c) Water Use Restrictions.
 - (1) Agricultural, Irrigation, and Livestock: i) implement conservation techniques, explore different water saving methods, and use alternative sources; ii) prohibit irrigation use.
 - (2) Commercial, Industrial, and Institutional: i) prohibit aesthetic water use; ii) reduce domestic water use to minimum levels necessary for maintaining health and safety; iii) prohibit water based recreational activities; iv) prohibit landscape watering.
 - (3) Institutional: i) prohibit aesthetic water use; ii) reduce domestic water use to minimum levels necessary for maintaining health and safety; iii) prohibit water based recreational activities to new facilities that require filling such as swimming pools, water slides, and other water related activities; iv) use low volume hand-held applications only and prohibit sprinklers, other remote broadcast devices, and water runoff in landscape design and maintenance; v) restrict landscape watering on Wednesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even numbered addresses.
 - (4) Residential: i) restrict water use to fifty-five gallons per person per day, and a maximum of 220 gallons per household per day; ii) prohibit water based recreational activities to new facilities that require filling such as swimming pools, water slides, and other water related activities; iii) reduce domestic water use to minimum levels necessary to maintain health and safety; iv) use low volume hand held applications only and prohibit sprinklers, other remote broadcast devices, and water runoff in landscape design and maintenance; v) restrict landscape watering on Wednesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even numbered addresses.

Section 190.05 New water service connections

Correspondence regarding water availability, pipeline extension agreements, and applications requesting service, received and dated after the date of this Ordinance, shall include conditions relating to water shortages.

No application for new, additional, further expanded or an increase in size of water service connections, meters, service lines, pipeline extensions, mains, or other water service facilities of any kind shall be allowed, approved, or installed unless such actions is in compliance with provisions of this Ordinance.

Section 190.06 Water rates

In the event of an extreme drought related water shortage, the County is hereby authorized to monitor water use and limit households to 50 gallons per household member per day. Domestic water use above this limit will be subject to a surcharge of \$1.00 per gallon. Institutional, commercial, industrial, and recreational water users will be subject to water use surcharges of \$100.00 per 1,000 of water used if the County deems that adequate conservation measures have not been implemented.

Section 190.07 Rationing

In the event that a drought threatens the preservation of public health and safety, the County is hereby authorized to ration water.

Section 190.08 Fines and penalties

Except as otherwise stated herein, violators of any provision of this Ordinance shall be penalized.

Violation	Classification	Penalty
-First offense	Infraction	\$50.00
-Second offense	Infraction	\$75.00
-Third and subsequent offense within the same drought period	Misdemeanor	\$100.00

The aforementioned fines and penalties may be in lieu of, or in addition to, any other penalty provided by law.

After issuing one warning by certified mail, the County may disconnect the water service of any person or customer whenever it is determined that such person has failed to comply with the provisions of this Ordinance. Services of a reconnection charge are hereby established at \$25.00, and any other costs incurred by the County in discontinuing service. In addition, suitable assurances must be given to the County that the same action shall not be repeated during the drought or water shortage.

Section 190.09 Enforcement

Law officers of the County Sheriff’s Department in addition to the duties imposed by law, diligently enforce the provisions of this Ordinance.

Management employees of the County, Planning and Public Works Commission and fire departments have the duty and are hereby authorized to enforce the provisions of this Ordinance and shall have the power and authority to issue written notices to appear when violations of this Ordinance occur during any declared moderate, severe, or extreme drought or water shortage.

Section 190.10 Variances

Persons not capable of immediate water use reduction, or curtailment, because of equipment damage or other extreme circumstances, shall commence gradual reduction of water use within twenty-four hours of the declaration of water use curtailment/reduction and shall apply for a variance from curtailment.

Persons requesting exemption from the provisions of this Ordinance shall file a petition for variance with the County within ten days after such curtailment becomes effective.

When the Drought Ordinance has been invoked by the County all petitions for variance shall be reviewed by the County. Petitions shall contain the following:

- a. Name and address of petitioner(s)
- b. Purpose of water use
- c. Specific provision from which the petitioner is requesting relief
- d. Detailed statement as to how the curtailment and declaration adversely affect the petitioner
- e. Description of the relief desired
- f. Period of time for which the variance is sought
- g. Economic value of 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
- k. Other pertinent information

In order for a variance to be granted, petitioner must show one or more of the following conditions:

- a. Compliance with the Ordinance cannot be accomplished technically during the duration of the water shortage.
- b. Alternative methods can be implemented which will achieve the same level of reduction in water use.

The County may, in writing, grant temporary variances for existing water uses otherwise prohibited under the Ordinance if it is determined that failure to grant such variances would cause an emergency condition adversely affecting health, sanitation, or fire protection for the public or the petitioner and if one or more of the aforementioned conditions is met. The governing body of the County shall ratify or revoke any such variance at their next scheduled meeting. Any such variance so ratified may be revoked by later action of the governing body of the County.

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 County shall be subject to the following conditions, unless waived or modified by the County:

- a. Variances granted shall include a timetable for compliance.
- b. Variances granted shall expire when the water shortage no longer exists, unless the petitioner has failed to meet specified requirements.

Section 190.11 Status of the ordinance

In the event that any portion of this Ordinance is held to be unconstitutional for any reason, the remaining portions of the 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 County.