

BOARD OF ALDERMEN

ITEM NO. D(3)

AGENDA ITEM ABSTRACT

MEETING DATE: March 5, 2002

TITLE: **An Ordinance Rewriting the Town's Water Conservation Restrictions Ordinance**

DEPARTMENT: n/a	PUBLIC HEARING: ____ NO <u>x</u>
ATTACHMENTS: A. Ordinance	FOR INFORMATION CONTACT: Mike Brough, 929-3905

PURPOSE

The purpose of this item is for the Board to consider the adoption of an ordinance that rewrites Article III of Chapter 5 of the Town Code, "Water Conservation Restrictions," substantially as requested by the Orange Water and Sewer Authority.

INFORMATION

The Orange Water and Sewer Authority has requested that Carrboro, Chapel Hill, and Orange County update their water conservation ordinances to reflect new circumstances and conditions. Carrboro's existing ordinance was adopted at a time when University Lake was the community's sole water supply source.

At its meeting on February 19, 2002, the Board held a work session to discuss the draft ordinance recommended by OWASA. Following the work session, the Board directed the town attorney to prepare an amendment to the Town Code based on the draft recommended by OWASA, with certain changes.

In response, the town attorney has drafted the ordinance attached as Attachment A. Other than format changes, the attached draft differs from the original OWASA draft in three ways: (1) it provides that the mayor is *authorized* but not required to declare a water shortage or emergency upon the recommendation of OWASA's executive director; (2) references to the University have been deleted since there are no University facilities within Carrboro that would be covered (no special provisions relating to the University exist in the current ordinance); and (3) the ordinance is made enforceable by civil penalties and injunctive relief only, rather than criminal penalties.

Enforcement of the provisions of Article III is provided for in Section 5-21 of the Town Code, which deals with the enforcement of all the ordinances in Chapter 5. In examining that section to deal with the revised Article III, it became apparent that other changes might be warranted, and

the revised Section 5-21 that appears in Attachment A incorporates those changes. The existing Section 5-21, written more than twenty years ago, provides for a civil penalty of \$10.00 for most of the offenses covered in that chapter, and provides a \$100.00 civil penalty for violation of a section that no longer exists. The revised Section 5-21 provides for a uniform civil penalty of \$25.00 for the first offense, \$50.00 for the second offense within thirty days, and \$100.00 for the third or subsequent offenses within thirty days.

ADMINISTRATION'S RECOMMENDATION

The administration recommends that the Board adopt the ordinance attached as Attachment A.