

STATE OF SOUTH CAROLINA)
)
COUNTY OF ANDERSON)
)
CITY OF BELTON)

ORDINANCE 570
Amending Ordinance 453

.....
AN ORDINANCE AMENDING THE
DROUGHT MANAGEMENT PLAN AND RESPONSE ORDINANCE 453
.....

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF BELTON, SOUTH CAROLINA
THAT:

Section 1. To implement the drought management plan and response ordinance attached herto,

Section 2. All ordinances or parts of ordinances, in conflict herewith are, to the extend of such conflict, hereby repealed.

Section 3. Any chapter, article, section or sub-section, sentences, clause or phrase of this ordinance is for any reason declared to be unconstitutional or invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions hereof.

Section 4. This ordinance shall become effective upon its final adoption.

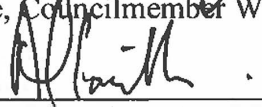
DONE AND RATIFIED IN COUNCIL DULY ASSEMBLED THIS 14 DAY OF
November 2023.

First Reading October 10, 2023


Eleanor Dorn, Mayor

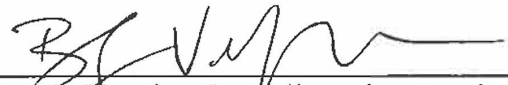

Mark Spence, Councilmember Ward 1

Second, and
Final Reading November 14, 2023



Tony Saville, Councilmember Ward 2

ATTEST:

Amanda Gambrell, City Treasurer


Brandy Vaughn, Councilmember Ward 3

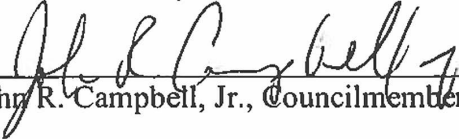

Alan Sims, Administrator


Josh Stephenson, Councilmember Ward 4

APPROVED AS TO FORM:


Joshua Hawkins, Councilmember Ward 5


Greg Steele, City Attorney


John R. Campbell, Jr., Councilmember Ward 6

Drought Management Plan Response and Ordinance

State law references – South Carolina Response Act of 1985, S.C. Code 1976, 49-23-10 et seq.

Definitions:

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Aesthetic water use means the use of water for ornamental or decorative purposes such as fountains, reflection pools, and waterfalls.

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

Conservation means any person using water supplied by the city.

Domestic water use means 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:

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

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

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

Drought response committee means 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 action to the state water resources commission and/or the governor.

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

Even-numbered addresses means 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 means water used by government, public and private educational institutions, public medians and rights-of-way, churches and places of worship, water utilities and other lands, buildings, and organizations within the public domain.

Landscape water use means water used to maintain gardens, trees, lawns, shrubs, flowers, athletic fields, rights-of-way, and medians.

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

Palmer Index means 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 means 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.

Declaration of policy, purpose, and intent:

- a) 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, the City of Belton adopts the regulations and restrictions in this division on the delivery and consumption of water.
- b) This division is hereby declared necessary for the preservation of public health, safety, and welfare.
- c) Whenever, in the judgement of the City Council and Combined Utilities Director, it becomes necessary to conserve water in the service area, due to drought, the mayor 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.
- d) Immediately upon the issuance of such a proclamation, the regulations and restrictions set forth under this division shall become effective and remain in effect until the water shortage is terminated and the proclamation rescinded.
- e) Water uses, regulated, or prohibited under this division, are considered to be nonessential and continuation of such uses during times of water shortage are deemed to constitute a waste of water, subjecting the offender to penalties.
- f) The provisions of this division shall apply to customers within the jurisdiction of the City of Belton Combined Utilities.

Nonessential Water Use

Nonessential water use categories, other than essential water use, may be curtailed during severe or extreme drought. Some examples of nonessential water uses are:

1) 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 motorbike, motor vehicle, boat, trailer, airplane, or other vehicle in public or private garages or elsewhere.
- e. Maintaining foundations, reflecting 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 division.

2) 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. Obtaining water from hydrants for construction purposes, fire drills, or for any purpose other than firefighting.
- d. Serving customers who have been given a ten-day notice to repair one (1) or more leaks and have failed to comply.

3) Other:

- a. Expanding commercial nursery facilities, placing new irrigated agricultural land in production, or planting or landscaping when required by site design review process.

Responses to moderate, severe, and extreme drought alert phases:

- 1) **Classification** – Levels of drought, as set forth in the South Carolina Drought Response Act of 1985 (S.C. Code 1976, 49-23-10 et seq), are moderate, severe, and extreme. Proclamations issued by the City of Belton shall coordinate an appropriate response to the level of drought which exists.
- 2) **Proclamations** – Proclamations setting forth responses to the various drought alert phases shall be made by the City of Belton and are to be based upon drought monitoring data, recommendations, declarations, and/or notifications supplied by the regional drought response committee, or the state water resources commission.

Moderate Drought Alert Phase – If conditions indicate that a moderate drought condition is present and is expected to persist, the water resources commission shall activate the drought information center and notify municipal and county governments in the affected drought areas by certified mail. The commission will also issue press releases concerning the drought conditions to the new media.

a. Goals:

- i. A fifteen (15) percent voluntary water use reduction for agricultural, commercial, industrial, institutional, and electric power generation purposes.
- ii. A thirty (30) percent voluntary water use reduction for residential customers.

b. General Responses:

- i. Issue a public notice of drought conditions on water supply and demand to News Media outlets and Social Media outlets of general circulation within the affected community and region. This statement shall include a list of nonessential water uses.
- ii. Institute an increased water supply system maintenance effort to identify and correct water leaks.
- iii. Encourage customers of the City of Belton to comply with the listed voluntary water-use restrictions in all categories while moderate drought conditions exist.

c. Water Use Restrictions:

- i. Restrictions on agriculture, irrigation, and livestock. Implement conservation techniques, explore different water-saving methods, and use alternative sources.
- ii. Restrictions on commercial, industrial, and institutional. Reduce aesthetic, domestic, landscaping, and water-based recreational activities such as swimming pools, water slides, and other related water activities.

d. Electric Power Generation, Residential:

- i. Reduce water use to seventy-five (75) gallons per person per day, and a maximum of three hundred (300) gallons per household per day.
- ii. Reduce domestic, landscaping, and water-based recreational activities such as swimming pools, water slides, and other related water activities.

Severe Drought Alert Phase – A drought of this severity usually requires an official declaration and implementation of mandatory water use restrictions by the state water resources commission. In such cases, the commission 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:

- i. A fifteen (15) percent voluntary water use reduction for agricultural, commercial, industrial, institutional, and electric power generation purposes.
- ii. A thirty (30) percent voluntary water use reduction for residential customers.

b. General Responses:

- i. Issue a public notice of drought conditions on water supply and demand to News Media outlets and Social Media outlets of general circulation within the affected community and region. This statement shall include a list of water use curtailment measures.
- ii. Require customers of the City of Belton to comply with the listed water use restriction in all categories while severe drought conditions exist.

c. Water Use Restrictions:

- i. Restrictions on agricultural, irrigation, and livestock. Implement conservation techniques, explore different water-saving methods, and use alternation sources. Restrict irrigation use from 7:00 p.m. to 7:00 a.m. and prohibit water runoff.
- ii. Restrictions on commercial, industrial, and institutional. Prohibit aesthetic water use. Reduce domestic water use to minimum levels necessary for maintaining health and safety. Limit water-based recreational activities to new facilities that require filling such as swimming pools, water slides, and other related water activities. Use low-volume hand-held applications only and prohibit sprinklers, other remote water broadcast devices, and water runoff in landscape design and maintenance. Restrict landscape watering to Wednesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even numbered addresses.

d. Electric Power Generation, Residential:

- i. Restrict water use to seventy-five (75) gallons per person per day, and a maximum of three hundred (300) gallons per household per day.
- ii. Limit water-based recreational activities to new facilities that require filling such as swimming pools, water slides, and other related water activities.
- iii. Use low-volume hand-held applications only and prohibit sprinklers, other remote water broadcast devices, and water runoff in landscape design and maintenance.
- iv. Restrict landscape water to Wednesday and Saturday for odd numbered addresses, and Thursday and Sunday for even-numbered addresses.

Extreme Drought Alert Phase – The state water resources commission 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. Water use restrictions imposed during extreme drought conditions are mandatory.

a. Goals:

- i. A fifteen (15) percent water use reduction for agricultural, commercial, industrial, and electric power generation purposes.
- ii. A thirty (30) percent water use reduction for institutional and residential customers.

b. General Responses:

- i. Issue a public notice of drought conditions on water supply and demand to News Media outlets and Social Media outlets of general circulation within the affected community and region. This statement shall include a list of water-use curtailment measures.
- ii. Require customers of the city to comply with the listed water use restrictions in all categories while extreme drought conditions exist.

c. Water-Use Restrictions:

- i. Restrictions on agriculture, irrigation, and livestock. Implement conservation techniques, explore different water-saving methods, and use alternative sources. Restrict irrigation use from 7:00 p.m. to 7:00 a.m. and prohibit water runoff.
- ii. Restrictions on commercial and industrial. Prohibit aesthetic water use. Reduce domestic water use to minimum levels necessary to maintain health and safety. Prohibit water-based recreational activities that require filling such as swimming pools, water slides. And other related water activities. Use low-volume hand-held applications only and prohibit sprinklers, other remote water broadcast devices, and water runoff in landscape design and maintenance. Restrict landscape watering to Wednesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even numbered addresses.

d. Electric Power Generation, Institutional:

- i. Prohibit aesthetic water use
- ii. Reduce domestic water use to minimum levels necessary to maintain health and safety.
- iii. Prohibit water-based recreational activities that require filling such as swimming pools, water slides, and other related water activities.
- iv. Use low-volume hand-held applications only and prohibit sprinklers, other remote water broadcast devices, and water runoff in landscape design and maintenance.
- v. Restrict landscape watering to Wednesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even-numbered addresses.

e. Electric Power Generation, Residential:

- i. Restrict water use to fifty-five (55) gallons per person per day and a maximum of two hundred twenty (220) gallons per household per day.
- ii. Reduce domestic water use to minimum levels necessary to maintain health and safety.
- iii. Prohibit water-based recreational activities that require filling such as swimming pools, water slides, and other related water activities.
- iv. Use low-volume hand-held applications only and prohibit sprinklers, other remote water broadcast devices, and water runoff in landscape design and maintenance.
- v. Restrict landscape watering to Wednesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even-numbered addresses.

Rationing:

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

Fines and Penalties:

- a) Except as otherwise stated herein, violators of any provision of the division shall be penalized.
 1. First Offense – Penalty of \$25.00 added to the next water bill
 2. Second Offense – Penalty of \$50.00 added to the next water bill
 3. Third and subsequent offense within the same drought period – Penalty of \$200.00 added to the next water bill
- b) The aforementioned fines and penalties may be in lieu of, or in addition to, any other penalty provided by law.
- c) After issuing one (1) warning by certified mail, the City of Belton 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 division. Services disconnected under such circumstances shall be restored only upon payment of the water deposit, established and from time to time modified by action of the City Council, and any other costs incurred by the City of Belton in discontinuing water service. In addition, suitable assurances must be given to the City of Belton that the same action shall not be repeated during the drought or water shortage.

Enforcement:

- a) Law officers of the City of Belton Police Department shall, in addition to duties imposed by law, diligently enforce the provisions of this division.
- b) Management employees of the City of Belton, department of Combined Utilities, and the City of Belton Fire Department have the duty and are hereby authorized to enforce the provisions of this division and shall have the power and authority to issue written notices to appear when violations of this division occur during any declared moderate, severe, or extreme drought or water shortage.

Variations:

- a) 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 (24) hours of the declaration of water use curtailment/reduction and shall apply for a variance from curtailment.
- b) Persons requesting exemption from the provisions of this division shall file a petition for variance with the City of Belton within ten (10) days after such curtailment becomes effective.
- c) When this division has been invoked by the City of Belton by an action independent of the water resources commission, all petitions for variances shall be reviewed by the City Council. When this division has been invoked by the City of Belton acting on the direction of the water resources commission, persons who feel they can not follow the division invoked shall file a petition for variance with the water resources commission within ten (10) days of the effective date of water use curtailment or reduction. The water resources commission shall respond to requests for variance within five (5) days of receipt of information or within twenty (20) days of declaration of the curtailment, whichever comes first. Petitions shall contain the following:
 - a. Name and address of the petitioner
 - b. Purpose of water use
 - c. Specific 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 the petitioner complies with this division
 - 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 variance is sought and the expected date of compliance
 - k. Other pertinent information
- d) In order for a variance to be granted, the petitioner must show one (1) or more of the following conditions:
 - a. Compliance with this division cannot be technically accomplished during the duration of the water shortage
 - b. Alternative methods can be implemented which will achieve the same level of reduction in water use
- e) The City of Belton may, in writing, grant temporary variances for existing water uses otherwise prohibited under this division 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 (1) or more of the aforementioned conditions is met. The City Council shall ratify or revoke any such variance at its next scheduled meeting. Any such variance so ratified may be revoked by later action of the council.
- f) No variance shall be retroactive or otherwise justify any violation of this division occurring prior to the issuance of the variance.

- g) Variances granted by the City of Belton shall be subject to the following conditions, unless waived or modified:
 - 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.

Legal Status:

- a) The provisions of this division shall prevail and control in the event of any inconsistency between this division and other rules and regulations of the City of Belton