

ORDINANCE NO.: 2000-040

*Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina,  
Chapter 23, Utilities and engineering, Article III, Water Service, Sec. 23-71,  
Authority of city manager to restrict use during water shortage*

BE IT ORDAINED by the Mayor and Council this 14th day of June, 2000, that the 1998 Code of Ordinances of The City of Columbia, South Carolina, Chapter 23, Utilities and engineering, Article III, Water Service, Sec. 23-71, Authority of city manager to restrict use during water shortage, is amended to read as follows:

**Sec. 23-71. Authority of city manager to restrict use during water shortage.**

(a) Declaration. Whenever in the judgment of the City Manager, it becomes necessary to conserve water in the service area, due to drought or any condition affecting the water supply, the City Manager with notice to City Council is authorized to issue a declaration that existing conditions prevent fulfillment of the usual water-use demands. Immediately upon the issuance of such declaration, regulations and restrictions set forth therein shall become effective and remain in effect until the water shortage is terminated and the declaration rescinded.

(b) Prohibited use unlawful. Water use prohibition by declaration of this ordinance is unlawful.

(c) Water shortage conditions.

(1) Drought. Levels of drought, as set forth in the South Carolina Department Response Act of 1985, are moderate, severe and extreme. Declarations issued by the City Manager shall impose conditions on water use appropriate to the level of drought which exists according to drought monitoring data, recommendations, declarations, and/or notifications supplied by the regional Drought Response Committee or the South Carolina Water Resources Commission.

When drought conditions exist, the City Manager may impose appropriate conditions to reduce water use as follows:

(a) Moderate drought conditions - Voluntary reduction of water use of thirty (30%) percent by residential water uses, including residential irrigation users, and fifteen (15%) percent by all other water users;

(b) Severe drought conditions - Mandatory reduction of water use of thirty (30%) percent by residential water users, including residential irrigation users, and a voluntary reduction of fifteen (15%) percent by all other water users;

(c) Extreme drought conditions - Mandatory reduction of water use by residential

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and institutional water users, including residential and institutional irrigation users, by thirty (30%) percent and fifteen (15%) percent by all other water users.

For the purpose of this ordinance, an institutional water user is defined as a governmental or public entity, public and private educational institutions, churches and other places of worship, water utilities and all public lands or buildings.

(2) *Other.*

During shortages of water caused by any condition other than drought, the City Manager shall impose restrictions on use appropriate to the nature and duration of the shortage.

(d) Agreements. Water service and extension agreements are subject to conditions relating to water shortages.

(e) Water rate surcharges. In the event of an extreme emergency or extreme drought-related water shortage, the City Manager is hereby authorized to monitor water use and limit households to three (3) cubic feet per household per day. Domestic water use above this limit will be subject to a surcharge of ten (10) times the then applicable rate. Institutional, commercial, industrial, and recreational water users will be subject to water use surcharges of twenty (20) times the then applicable rate if the City Manager finds that adequate conservation measures have not been implemented in compliance with the declaration of curtailment.

(f) Rationing. In the event that a drought or emergency threatens the preservation of public health and safety, the City Manager is hereby authorized to ration water, to determine areas and types of users to be rationed, and to set schedules for use.

(g) Penalties. In addition to fines and penalties provided by this code, the City Manager may discontinue the water service to any person or customer upon failure to comply with the provisions of this ordinance. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge, hereby established at double the then applicable tap fee and any other costs incurred by the City in discontinuing service. In addition, suitable assurances must be given to the City Manager that the same action shall not be repeated during the drought or water shortage.

(h) 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 (24) 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 City Manager within five (5) days after such curtailment becomes effective.

When a declaration of curtailment is issued by the City Manager, all petitions for variances shall be acted upon by the City Manager. petitions shall contain the following:

- (1) name and address of the petitioner(s);
- (2) purpose of water use;
- (3) specific provisions from which the petitioner is requesting relief;

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- (4) detailed statement as to how the curtailment declaration adversely affects the health, safety or property;
- (5) technical problems affecting compliance with ordinance;
- (6) alternate methods which the petitioner is expected to implement and the date of implementation;
- (7) steps the petitioner is taking to meet the restrictions from which variance is sought and the expected date of compliance;
- (8) description of the relief desired;
- (9) period of time for which the variance is sought;
- (10) other pertinent information.

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

- (1) compliance with the ordinance cannot be technically accomplished during the duration of the water shortage;
- (2) alternative methods can be implemented which will achieve the same level of reduction in water use;
- (3) imminent danger to health, safety or property.

Variances shall include a timetable for compliance and shall expire when the declaration is rescinded.

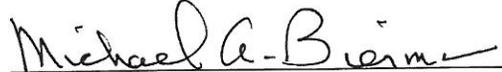
This ordinance is effective as of final reading.

Requested by:

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MAYOR

Approved by:



City Manager

Approved as to form:

  
City Attorney

ATTEST:

  
City Clerk

Introduced: 6/7/2000

Final Reading: 6/14/2000