



# ORDINANCE

## Amending Town Code Sections 14-40.1 – 14-41.2(e)

### Adding Water Emergency Restriction Provisions

**WHEREAS**, Section 14-40.1. Water shortage and withdrawal/conservation restrictions of the existing town code addresses water supply shortages but not water emergency shortages; and

**WHEREAS**, the town needs to state other situations such as water emergencies whereby a water restriction, voluntary or mandatory, can be declared and who is authorized to make such declaration.

**NOW, THEREFORE**, the Hillsborough Board of Commissioners ordains:

**Section 1. Section 14-40.1 Water shortage and withdrawal/conservation restrictions.**

(a) Item (a) is revised to read as follows and adds item (a)(1):

The town may declare water shortage and withdrawal/conservation restrictions as deemed necessary due to drought conditions or a water emergency. The Utilities Director, their designee, town manager, or mayor are authorized to make the declaration in writing and indicate the effective stage per Sec. 14-40.3.

(1) A water emergency exists when the town's water treatment plant cannot produce water, the town needs to supplement or rely upon water from another jurisdiction, or there is contamination of the water supply such that the water supply is limited or needed for mitigation of contamination.

(b) Item (b) is revised to read as follows and adds item (b)(1):

In the event of a water shortage in Lake Orange and West Fork Eno Reservoir or diminished stream flows in the Eno River, the persons identified in item (a) are authorized, empowered, and directed to issue a declaration to all persons the existence of such state and the severity thereof, and place in effect the restrictive provisions authorized in section 14-40.3 of this article.

(1) A water supply shortage exists when the reservoir water supply reaches volumes stated in this Code and the Eno is flowing less than ten cubic feet per second.

**Section 14-40.2 Unlawful to use water contrary to provisions of this article.**

(a) Item (a) is revised to read as follows:

When a water shortage and withdrawal/conservation restrictions are declared pursuant to section 14-40.1, it shall be unlawful for any person to use or permit the use of water supplied through the facilities of the Town of Hillsborough, in violation of any of the restrictions contained in the declaration until the town has declared a particular stage of the water shortage to be over and the applicable restrictions are no longer in effect.

(b) Item (b) is revised to read as follows:

In light of the many benefits that can be derived by conserving water, all persons, firms, or corporations served by the town's water system should follow water conservation practices and

irrigation requirements in Section 14-19 regardless of the time of year or whether or not a water shortage or emergency exists. Water conservation should be followed during all phases of construction-related activities. Where appropriate, water needed should be obtained from supplemental sources. Nonessential construction-related activities which require water should not be undertaken during a declared water shortage."

**Section 14-40.3 Restrictive measures in effect at each stage of water shortage.**

(a) The introductory paragraph is revised to read as follows:

The severity of a water supply shortage shall be determined by the usable water capacity for the Town of Hillsborough available in the West Fork Eno Reservoir, Lake Orange, and the Eno River combined, or in an emergency, also in its water quality testing, storage and distribution systems, or through system interconnections with neighboring jurisdictions. These restrictions apply to Town of Hillsborough municipal water supply usage only.

(b) Item 2(a) adds to the end of the sentence, "or as otherwise declared for a water emergency."

(c) Item 2(b) deletes item (i) and renumbers the remaining items accordingly.

(d) Item 2(b) new item (i) now reads, "For reservoir supply issues, provide weekly (or more frequent) reservoir level and water usage statistics. For a water emergency, maintain daily updates to the public through website, social media, alert system and press releases."

(e) Item 3(a) adds to the end of the sentence, "or as otherwise declared for a water emergency."

(f) Item 4(a) adds to the end of the sentence, "or as otherwise declared for a water emergency."

(g) Item 4(b)(ii) adds to the end of the sentence, "or by the town as necessary."

(h) Item 4(d)(iii) adds after "other water utilities," the addition of "interconnections with neighboring jurisdictions..."

(i) Item 4(d)(iv) changes "local daily newspapers" to "the public" and deletes the last sentence stating, "This information will also be posted periodically on the town website."

**Section 14-41 Violations.**

(a) Item (a) adds after "...this article by" the words "visual observation and" ...

**Section 14-41.1 Penalties.**

(a) Items (d) and (g) are deleted and remaining items are renumbered accordingly.

**Section 14-41.2 Notification, public comment, variance protocols, effectiveness, and revision.**

(a) Item (a)(1) adds following, "...information box" the words "if time permits (as messaging must be provided to the vendor well in advance of bill printing."

(b) Item (a)(3) adds the word "the" before town and deletes "engineer and PIO".

(c) Adds new Item (a)(6) to read, "The towns available alert messaging system (i.e., OC Alerts, reverse 911, etc.)"

- (d) Changes "engineer" to "utilities director" in item (c).
- (e) Adds "such as but not limited to" at the end of item (c)(1).
- (f) Changes Item (e) to say "periodically" after "...will be reviewed" and deletes the rest of the existing language.

**Section 2.** All provisions of any town ordinance in conflict with this ordinance are repealed.

**Section 3.** This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 11th day of August in the year 2025.

Ayes: 5

Noes: 0

Absent or excused: 0

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Sarah E. Kimrey, Town Clerk