

Union County Water Use Ordinance

May 4, 2015

Article I. Purpose

BE IT ORDAINED by the Union County Board of Commissioners that the purpose of this Ordinance is to maintain and protect the public health, safety, and welfare of Union County (“County”) residents by establishing short and long-term demand management strategies to effectively manage the limited resource of the water supply in the County. This Ordinance effectively manages the water supply in the County by requiring efficient and responsible use of water within the County and by establishing measures and procedures for reducing potable water use during times of water shortage resulting from drought, capacity limitations, and system emergencies.

The water demand management strategies set forth in this Ordinance reduce the rate of increase in overall water use through year-round water conservation practices that maximize the County’s existing and planned water supply sources and reduce seasonal peak day demands that result in the need for costly expansion of water treatment, storage, and transmission facilities. The implementation of voluntary and mandatory water reduction measures within the County water service area extends the available water supply with regard for domestic water use, sanitation and fire protection, and minimizes the adverse impacts in the event a water shortage is declared.

This Ordinance is also designed to be in accordance with the Catawba-Wateree Low Inflow Protocol (“CW-LIP”) for the Catawba-Wateree River Basin. The CW-LIP was developed pursuant to the Comprehensive Relicensing Agreement for the Catawba-Wateree Hydro Project (FERC Project No. 2232) dated December 22, 2006 (the “Relicensing Agreement”), to which Union County is a party. The Relicensing Agreement establishes the CW-LIP as the agreed-upon methodology to deal with water shortages during periods of drought. Thus, Union County, as a signatory to the Relicensing Agreement, is required to comply with the CW-LIP. The CW-LIP establishes a policy for how Duke Energy Carolinas, LLC, regional water users, and other stakeholders will operate water systems during periods of drought by progressing through a series of staged water use restrictions during worsening drought conditions. The goal of the CW-LIP is to delay the point at which the Catawba River’s usable water storage is fully depleted and to provide additional time to allow precipitation to restore stream flow, reservoir levels, and groundwater levels to normal ranges.

The Union County Water Shortage Response Plan (“WSRP”), adopted by the Union County Board of Commissioners on May 4, 2015, is hereby adopted and incorporated into this Ordinance by reference. The WSRP is also made an exhibit to this Ordinance. An official copy of the WSRP shall be available for public inspection in the office of the Clerk to the Union County Board of Commissioners. If there is any conflict between the WSRP and this Ordinance, the provisions of this Ordinance shall control.

Article II. Applicability

The provisions of this Ordinance apply to all persons, customers, and property utilizing water supplied through the County's water utility system; however, it does not apply to reuse or reclaimed water. Water uses from private drinking water wells, as that term is defined in N.C.G.S. § 87-85 and ponds are not regulated by this Ordinance. This Ordinance also supersedes the Union County Water Conservation Ordinance originally adopted by the Union County Board of Commissioners on July 13, 1992, as subsequently amended and/or restated by any amendments or restatements thereto.

Article III. Definitions

Bona Fide Farm Use means water uses for the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in N.C.G.S. § 106-581.1.

County means Union County, North Carolina.

County Manager means, for the purposes of this Ordinance, the person currently occupying the position of Union County Manager (which includes a County Manager with an acting or interim designation), or in the absence of such a person, the Executive Director of Public Works.

Customer means a person, company, organization, or any other entity (individuals, corporations, partnerships, associations, and all other legal entities) using water supplied by the County's water utility, or in whose name an account for water utility service is maintained by the County.

CW-LIP means the Catawba-Wateree Low Inflow Protocol for the Catawba River Basin, as developed pursuant to the Relicensing Agreement.

Essential Water Use means the use of water necessary for firefighting, health, and safety, and sustaining human and animal life. Specifically, for certain types of water uses set forth below, the following is considered Essential Water Use:

- a. Domestic Use- Water use necessary to sustain human life and the lives of domestic pets, as well as to maintain minimum standards of hygiene and sanitation.
- b. Commercial Use- Water use integral to the production of goods and/or services by any establishment having profit as its primary aim, except as otherwise specifically prohibited by this Ordinance.
- c. Industrial Use- Water use in processes designed to convert materials of lower value into forms having greater usability and value, except as otherwise specifically prohibited by this Ordinance.
- d. Institutional Use- Water use by government; public and private educational institutions, churches and places of worship; water utilities; and other public organizations; except as otherwise specifically prohibited by this Ordinance.

- e. Health Care Facility Use- Water use in patient care and rehabilitation, including swimming pools used for patient care and rehabilitation, in nursing homes, and other care facilities.
- f. Public Use- Water use for firefighting, including testing and drills by a fire department if performed in the interest of public safety; water system operations; and water necessary to satisfy federal, state, and local public health, safety, or environmental protection requirements.
- g. Correctional Facility Use- Water use necessary to sustain human life and to maintain minimum standards of hygiene and sanitation.

Non-Essential Water Use means any use of water that does not meet the definition of Essential Water Use.

Ordinance refers to this Union County Water Use Ordinance.

Rate Ordinance means the Ordinance Setting Charges, Fees, Rates and Deposits for Customers Served by the Union County Water and Sewer System.

Relicensing Agreement means the Comprehensive Relicensing Agreement for the Catawba-Wateree Hydro Project (FERC Project No. 2232) dated December 22, 2006.

Spray Irrigation System means a system of application of water to landscaping by means of a device, other than a hand-held hose or watering container, which projects water through the air in the form of particles or droplets.

UCPW means the Union County Public Works Department.

WSRP means the Water Shortage Response Plan adopted by the Union County Board of Commissioners on May 4, 2015.

Article IV. Declaration of a Water Shortage

In the event that a water shortage of any degree occurs, as such an event triggering a water shortage is set forth in this Ordinance and the WSRP, the Executive Director of Public Works shall notify the County Manager of said water shortage. The County Manager is authorized by this Ordinance to declare a water shortage, designate a water shortage stage, and implement the water use reduction measures or restrictions corresponding with such a stage, as such water use reduction measures or restrictions are outlined in this Ordinance. The County Manager shall report the declaration of a water shortage, as well as the water shortage stage, to the Board of Commissioners at its next regular meeting.

In designating any water shortage stage pursuant to this Ordinance, the County Manager may limit the applicability of the requirements of this Ordinance to certain sections of the County, whether by township or other description, as appropriate.

The declaration of a water shortage and designation of a water shortage stage becomes effective immediately upon issuance by the County Manager, unless otherwise stated in such declaration. When

a water shortage stage is declared or changed, the stage shall remain in effect until reduced or rescinded by the County Manager, upon recommendation of the Executive Director of Public Works, when it is deemed that the condition(s) which caused the water shortage has abated. Any declaration of a water shortage, or any designated change in a water shortage stage, shall be promptly and extensively publicized in a manner corresponding with the updated and current designated stage, in the manner of notification set forth in the WSRP.

Article V. Determination of a Water Shortage

A water shortage refers to a condition that exists when the demands and requirements of water Customers served by the Union County water system cannot be satisfied without depleting the available supply of treated water or the available water supply to or below a critical level; i.e., the level at which water is available for Essential Water Use. Conditions contributing to a water shortage may include, but are not limited to, the following:

- Resource Limitations
- Capacity Limitations
- System Emergencies

A water shortage stage is determined by the criteria set forth in the WSRP, or as otherwise provided in this Ordinance.

Article VI. Water Shortage Stage Measures and Restrictions

A. Year-Round Water Conservation (Stage 0 Water Shortage)

This Ordinance establishes the implementation of mandatory and voluntary year-round water use restrictions and conservation measures. These water use restrictions and water conservation measures are in effect under normal conditions and will serve as Stage 0 Water Shortage restrictions (Stage 0 Water Shortage is the minimum water shortage stage that will always be in effect in the County if there is no declaration of a heightened stage). In the event a Stage 0 Water Shortage is in place, all Customers shall be required to adhere to the following mandatory water use restrictions:

Mandatory Water Use Restrictions

- Customer Spray Irrigation System use shall be limited to three (3) days per week.
- Customers shall at all times comply with the Spray Irrigation System schedule for use set forth in the declaration of water shortage stage and in the WSRP.

Those Customers using drip irrigation or any handheld water methods are still allowed to water any day and time. Customers regularly engaged in the sale of plants, shrubbery, trees, and flowers are permitted to use water by any method at any time for irrigation of their commercial stock.

Voluntary water conservation measures for this water shortage stage, as described in the WSRP, shall also be encouraged, but not required.

B. MODERATE Water Shortage (Stage 1 Water Shortage)

In the event a Stage 1 Water Shortage is declared, all Customers shall be required to adhere to the following mandatory water use restrictions:

Mandatory Water Use Restrictions

- Comply with all Stage 0 Water Shortage Mandatory Water Use Restrictions.
- The transport of water from within the County to outside of the County where such water has been drawn by tanker truck from a hydrant of the County water utility system is prohibited; provided, however, that transport outside of the County shall be allowed for emergency fire protection and Bona Fide Farm Uses.

Those Customers using drip irrigation or any handheld water methods are still allowed to water any day and time. Customers regularly engaged in the sale of plants, shrubbery, trees, and flowers are permitted to use water by any method at any time for irrigation of their commercial stock.

Voluntary water conservation measures, as described for this water shortage stage in the WSRP, shall also be encouraged, but not required.

C. SEVERE Water Shortage (Stage 2 Water Shortage)

In the event a Stage 2 Water Shortage is declared, all Customers shall be required to adhere to the following mandatory water use restrictions:

Mandatory Water Use Restrictions

- Comply with all Stage 1 Water Shortage Mandatory Water Use Restrictions.
- Limit Spray Irrigation System use to no more than two (2) days per week and only between the hours of 12:00 a.m. until 8:00 a.m. and 8:00 p.m. until 12:00 a.m., on the days identified in the WSRP
- Eliminate personal vehicle washing unless using a commercial carwash.
- Eliminate the filling of new swimming pools and fountains (unless considered Essential Water Use as defined herein).
- Eliminate public building, sidewalk, and street washing activities (unless considered Essential Water Use as defined herein).
- Limit construction uses of water (e.g. dust control)
- Limit flushing and hydrant testing programs, except as necessary to maintain water quality and in other special circumstances.

Those Customers using drip irrigation or any handheld water methods are still allowed to water any day and time. Customers regularly engaged in the sale of plants, shrubbery, trees, and flowers are permitted to use water by any method at any time for irrigation of their commercial stock.

Unless otherwise declared mandatory, Customers are encouraged, but not required, to implement voluntary water conservation measures set forth for a Stage 1 Water Shortage in the WSRP.

D. EXTREME Water Shortage (Stage 3 Water Shortage)

In the event a Stage 3 Water Shortage is declared, all Customers shall be required to adhere to the following mandatory water use restrictions:

Mandatory Water Use Restrictions

- Comply with all Stage 2 Water Shortage Mandatory Water Use Restrictions, unless a more stringent requirement is imposed below.
- Limit Spray Irrigation System use to no more than one (1) day per week and only between the hours of 12:00 a.m. until 8:00 a.m. and 8:00 p.m. until 12:00 a.m., on the day identified in the WSRP.
- Eliminate the filling of all swimming pools, hot tubs, fountains, and decorative ponds (except when necessary to support aquatic life or considered Essential Water Use as defined herein).
- Eliminate construction uses of water (e.g. dust control)
- Eliminate flushing and hydrant testing programs, except as necessary to maintain water quality and in other special circumstances.
- Eliminate the serving of drinking water from the County water system in restaurants, cafeterias, and other food establishments (except upon patron request).
- Eliminate variances for landscape irrigation.

Those Customers using drip irrigation or any handheld water methods are still allowed to water any day and time. Customers regularly engaged in the sale of plants, shrubbery, trees, and flowers are permitted to use water by any method at any time for irrigation of their commercial stock, but only in amounts necessary to prevent the loss of their commercial stock.

Voluntary water conservation measures, as described for this water shortage stage in the WSRP, shall also be encouraged, but not required.

E. EXCEPTIONAL Water Shortage (Stage 4 Water Shortage)

In the event a Stage 4 Water Shortage is declared, all Customers shall be required to adhere to the following mandatory water use restrictions:

Mandatory Water Use Restrictions

- Comply with all Stage 3 Water Shortage Mandatory Water Use Restrictions, unless a more stringent requirement is imposed below.
- Prohibit all Non-Essential Water Use as defined herein (including the prohibition of all residential irrigation, irrigation of commercial stock, and filling of ponds to sustain aquatic life).
- Prohibit the use of water outside a structure for any use other than a fire emergency.

- Require the use of disposable utensils and plates at all restaurants, cafeterias, and other food establishments.

Voluntary water conservation measures, as described for this water shortage stage in the WSRP, shall also be encouraged, but not required.

Article VII. Additional Water Use Regulation Authority

The County Manager, acting in the best interests of the health, safety, and welfare of the citizens of Union County, may further regulate water usage on the following bases: (i) time of day; (ii) day of week; (iii) Customer type, including, without limitation, residential, commercial, industrial, and institutional uses; and (iv) physical attribute, such as address.

Article VIII. Water Conservation Rates

During a declared water shortage due to resource or capacity limitations, water rates increase to ensure adequate operating revenue and to encourage conservation. Rate increases are not utilized in response to a system emergency water shortage condition. The rates for all user types are defined in the Rate Ordinance. Customers will be charged the rates established in the then current Rate Ordinance corresponding to the water shortage stage in effect at the time bills are rendered. If a system emergency occurs while in a water shortage situation, the rates applied shall be those corresponding to the current water shortage response due to resource or capacity limitations.

Article IX. Compliance Required in the Event of Water Supply Shortage

In addition to any other violation of law prescribed in this Ordinance, if the County Manager declares a water shortage stage as described in this Ordinance, it shall be unlawful for any person, firm or corporation to use or permit the use of water from the County water system in a manner inconsistent with the provisions of this Ordinance.

Article X. Enforcement and Penalties

- A. Compliance with the provisions of this Ordinance shall be enforced by UCPW personnel, independent contractors engaged by UCPW for such purpose, and such other personnel as designated by the County Manager.
- B. The use of water from the County water system by a Customer in violation of any mandatory water use restriction at any water shortage stage imposed pursuant to this Ordinance is unlawful. Further, the refusal or failure of a Customer or other person acting on the Customer's behalf to cease immediately a violation of a water use restriction, after being directed to do so by a person authorized to enforce the provisions of this Ordinance, is unlawful. Each Customer is responsible for any use of water that passes through the service connection associated with the Customer's account or otherwise passes through the Customer's private water system.

- C. Any Customer who violates, or permits the violation of, any mandatory water use restriction imposed pursuant to this Ordinance shall be subject to civil penalties and/or termination of service as follows in the table below:

Stage	Union County Designation	1st Violation	2nd Violation	3rd Violation	4th Violation	5th and Additional Violations
0	Year-Round Water Conservation	Warning	Warning	\$250	\$500*	\$1000*
1	Moderate Water Shortage	Warning	\$100	\$500	\$500*	\$1000*
2	Severe Water Shortage	Warning	\$200	\$500	\$500*	\$1,000*
3	Extreme Water Shortage	\$100	\$500	\$750	\$1000*	\$1,500*
4	Exceptional Shortage Emergency	\$200	\$500	\$1,000	\$1,000*	\$2,000*

*Includes termination of service

Each day that a violation of a mandatory water use restriction occurs or continues to occur after delivery of notice pursuant to subarticle (H) below shall be considered a separate and distinct violation.

- D. Violations shall be accumulated by Customers on a calendar year basis for purposes of accrual of civil penalties. For example, a second violation of a Stage 1 Water Shortage water use restriction by a Customer during a calendar year shall result in a civil penalty of one hundred dollars (\$100), but the next subsequent violation, if incurred by that same Customer during the following calendar year, shall result in a warning for a first violation. Notwithstanding the foregoing, the Customer shall remain liable for payment of all civil penalties regardless of when accrued. Violations of any mandatory water use restrictions of any water shortage stage shall accumulate with violations of other stages. Should a Customer move, or cease and renew service, during a calendar year, the Customer's violations shall continue to accumulate as if such move or cessation had not occurred.
- E. Each civil penalty associated with a first, second, or third violation and assessed against a Customer pursuant to this Ordinance shall be added to the Customer's water bill and shall be paid in the same manner as the payment of water bills. A Customer's partial payment of a water bill shall be applied first to satisfaction of the civil penalties. Failure to pay all or any portion of a water bill, including

any civil penalty assessed pursuant to this Ordinance, by the due date indicated on the bill may result in the termination of water service.

- F. Each civil penalty associated with a fourth or subsequent violation and assessed against a Customer pursuant to this Ordinance shall be added to the Customer's water bill, but shall be payable within ten (10) calendar days of delivery of notice of violation. Failure to pay all or any portion of a civil penalty associated with a fourth or subsequent violation assessed pursuant to this Ordinance by the tenth day following delivery of the notice of violation shall result in termination of water service, unless such action is stayed pending appeal.
- G. The violation of any water use restriction or provision of this Ordinance may be enforced by all remedies authorized by law for noncompliance with County ordinances, including without limitation the assessment of a civil penalty and action for injunction, order of abatement or other equitable relief; provided, however, that no violation of any water use restriction or provision of this Ordinance shall be a basis for imposing any criminal remedy. The Board of Commissioners may release billing information, as such term is defined in N.C.G.S. 132-1.1(c), of Customers who violate, or have violated, the provisions of this Ordinance, when the Board in its sole discretion and acting pursuant to N.C.G.S. 132-1.1(c)(2), determines that the release of such billing information during times of mandatory water conservation is necessary to assist the County to maintain the integrity and quality of services it provides.
- H. UCPW shall send notice of first, second, and third violations to the Customer by regular U.S. mail at the Customer's billing address on file with UCPW. Such notice shall be deemed to have been delivered three days from the date mailed. In the event of a fourth or subsequent violation, UCPW shall send notice of the violation and intent to terminate water service by regular U.S. mail and by certified mail, return receipt requested, to the Customer's billing address on file with UCPW. Such notice shall be deemed to have been delivered on the earlier of (i) three days from the date of mailing by regular U.S. mail, or (ii) the date indicated on the return receipt.
- I. The notice of violation shall specify the following:
1. The nature of the violation and the date and time it occurred;
 2. The method by which payment of any civil penalty may be paid, including a statement indicating that it will be included on the Customer's next water bill;
 3. A warning that additional or continued violations may result in increased penalties, including termination of water service;
 4. A warning that failure to pay a water bill, including any civil penalty assessed pursuant to this Ordinance, may result in termination of water service;
 5. The telephone number at UCPW where the Customer may direct any questions or comments; and

6. Information indicating the manner in which the Customer may appeal a violation or a pending termination pursuant to Article XII of this Ordinance.

Article XI. Termination of Service

In addition to the payment of any civil penalty assessed pursuant to Article X of this Ordinance, a Customer shall be subject to termination or restriction of water service following four (4) or more violations of any water use restrictions or other provision imposed pursuant to this Ordinance. Water service will not be restored at such service connection until the Customer pays all the Customer's outstanding obligations, including, without limitation, all charges for water service, all civil penalties and other fees charged in accordance with the provisions of this Ordinance, and the current disconnect processing fee. In the event water service is terminated a second time for violations pertaining to use of water obtained by the Customer through an irrigation meter, service to such irrigation meter shall remain terminated for the remainder of the calendar year. A Customer may appeal such a termination of service pursuant to Article XII of this Ordinance.

Article XII. Appeals

A Customer who receives a notice of violation for a first, second, or third violation may appeal the violation by written notice to UCPW indicating through supporting documentation the factual basis for the Customer's position that either (i) the violation was issued in error, or (ii) the Customer had no opportunity to prevent the violation. The appeal must be delivered to UCPW at the specified address within fifteen (15) calendar days of delivery of the notice of violation. The Executive Director of Public Works or his/her designee shall conduct such review of the appeal as may be necessary to determine whether the documentation provided by the Customer supports the Customer's assertion that the violation was issued in error or the Customer had no opportunity to prevent the violation. The Executive Director of Public Works or his/her designee shall respond in writing within twenty (20) business days of receipt of the appeal.

A Customer who receives a notice of violation for a fourth or subsequent violation of the Ordinance indicating that the Customer's water service is subject to termination pursuant to this Article may appeal the pending termination of water service by filing a written notice of appeal with the Executive Director of Public Works, or in absence, his or her designee. The notice of appeal must be delivered to UCPW at the specified address within ten (10) calendar days from delivery of the notice of violation and must include a copy of the notice of violation being appealed. A hearing shall be held on such appeal within ten (10) business days of UCPW's receipt of the notice of appeal, or by such other date as mutually agreed upon by UCPW and the Customer.

Article XIII. Variances

- A. UCPW is authorized to issue variances in accordance with this Article permitting any Customer satisfying the requirements of this Article to use water for a purpose that would otherwise be prohibited by water use restrictions then in effect.

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- B. UCPW may issue variances during Stage 0, Stage 1 and Stage 2 provided that each of the following conditions is satisfied: (i) the Customer applies for a variance using forms provided by UCPW; (ii) the Customer pays a variance registration fee in such amount as determined by the Executive Director of Public Works, not to exceed fifty dollars (\$50.00); (iii) the application pertains to a new lawn and/or landscape installed incident to new construction, or to newly installed replacement sod, complete reseeding, or natural ground cover within the parameters of an established lawn; (iv) if pertaining to new lawn and/or landscape installed incident to new construction, the Customer applies for a variance either before issuance of a certificate of occupancy or within ninety (90) days after issuance of a certificate of occupancy relative to this new construction; and (v) the Customer submits with the application such supporting documentation as required by UCPW to substantiate that these conditions have been satisfied.
- C. Upon receipt of a variance from UCPW, the Customer may be permitted to water such newly installed lawn and/or landscape, or such newly installed replacement sod, complete reseeding, or natural ground cover, for a period not to exceed forty-five (45) days from the date of issuance of the variance. During the period that the variance is in effect, the Customer shall post signage provided by UCPW to signify the Customer's temporary exempt status from water use restrictions otherwise in effect. The Customer shall post such sign within two (2) feet of the driveway entrance. In any variance issued pursuant to this Article, UCPW may impose such conditions and restrictions as are appropriate to require that water used from the County water system be minimized to the extent practical.
- D. Variances issued pursuant to this Article shall terminate upon the earlier occurrence of the following: (i) forty-five (45) days from the date of issuance; or (ii) declaration by the County Manager of a Stage 3 or State 4 Water Shortage. In addition, the County Manager may, upon the recommendation of the Executive Director of Public Works, direct that UCPW cease issuance of new variances in the event it is determined that further issuance will likely result in increased demand that will equal or exceed the treatment and/or transmission capacity of the system or portions thereof.
- E. Any Customer receiving a variance pursuant to this Article who violates the terms thereof shall be subject to a civil penalty pursuant to Article X(C) of this Ordinance and to revocation of the variance. Any person who has violated the terms of any variance issued pursuant to this Article or any mandatory water use restrictions imposed pursuant to this Ordinance may be denied a variance, notwithstanding any provision of this Article to the contrary.

Article XIV. Irrigation Systems Requirements

- A. All non-residential accounts shall have a separate service for irrigation which is metered separately. All residential properties platted and recorded after July 1, 2009, are required by N.C.G.S. § 143-355.4 to have a separate meter for in-ground irrigation systems.
- B. Irrigation systems shall not be allowed to operate during periods of rainfall.
- C. All automatic Spray Irrigation Systems with a timer shall be equipped with rain sensors as approved by Union County. Rain sensors shall be activated to prevent the Spray Irrigation System from operating after one fourth (1/4) inch of rain has fallen.

Article XV. Maintenance of Spray Irrigation Systems

- A. The County recognizes that irrigation systems utilizing water from the County water system should be properly maintained in order to maximize efficiency and prevent waste. Additionally, the County recognizes that such maintenance may occur on days and at such times as would otherwise be prohibited under this Ordinance and the WSRP. However, during the period that a Stage 2 or Stage 3 Water Shortage is in effect, existing irrigation systems may be operated on such days and at such times as would otherwise be prohibited, provided that all of the following requirements are satisfied.
 - 1. Such operation must be incident to bona fide maintenance and/or repair of an existing irrigation system performed by a professional irrigation contractor in the business of performing such work. UCPW may require registration of such contractors, and may require on a given project that the contractor establish, to the satisfaction of UCPW, the need for such maintenance or repair.
 - 2. The irrigation contractor shall post signage provided by UCPW at the drive entrance to the property during such time, and only such time, that maintenance and/or repair services are being provided. Such signs shall be at all times the property of UCPW, and UCPW may charge a reasonable fee for provision of signs. The irrigation contractor shall not transfer, loan, or otherwise allow use of UCPW signs by anyone other than employees of the irrigation contractor and shall immediately report any lost or stolen signs to UCPW.
 - 3. The irrigation contractor shall remain on-site at all times while the irrigation system is in operation for maintenance and/or repair.
- B. Any irrigation contractor who violates the requirements of this Article shall be subject to a civil penalty in the amount of five hundred dollars (\$500) and shall forfeit the opportunity afforded pursuant to this Article to provide maintenance and/or repair of irrigation systems during dates

and times that watering is prohibited by a Stage 2 or Stage 3 Water Shortage declaration. In the event an irrigation contractor fails to comply with these requirements, UCPW shall send notice of violation indicating imposition of the civil penalty and demanding return of the UCPW signs assigned to him. Such notice shall be sent by certified mail, return receipt requested, to the contractor's billing address on file with UCPW.

- C. An irrigation contractor who receives a notice of violation may appeal such decision by filing a written notice of appeal with the Executive Director of Public Works, or his or her designee. The notice of appeal must be delivered to the Executive Director of Public Works or his/her designee within ten (10) calendar days from delivery of the notice of violation and must include a copy of the notice of violation being appealed. A hearing shall be held on such appeal within ten (10) business days of receipt of the notice of appeal, or by such other date as mutually agreed upon by the Executive Director of Public Works, or his/her designee, and the contractor.

Article XVI. Severability

If any article, section, subdivision, subarticle, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to such article, section, subdivision, subarticle, clause, or provision so adjudged, and the remainder of this Ordinance may be declared valid once effective.

Article XVII. Effective Date

This Ordinance is effective upon adoption by the Union County Board of Commissioners on this the 4TH day of May, 2015.