

STATE OF SOUTH CAROLINA       )  
  )  
COUNTY OF AIKEN                                )

ORDINANCE NO. 2025-01  
DROUGHT RESPONSE ORDINANCE

Provided by the South Carolina Department of Natural Resources as required  
by the South Carolina Drought Response Act of 2000

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**BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE BEECH ISLAND  
RURAL COMMUNITY WATER & SEWER DISTRICT, SOUTH CAROLINA, IN  
MEETING DULY ASSEMBLED:**

**Drought/Supply Management Plan**

**Section I: - Declaration of Purpose and Intent**

- A. Purpose:** To ensure that Beech Island Rural Community Water & Sewer District (BIRCWSD) adequately manages its water. BIRCWSD understands the fundamental need to make efficient use of the limited and valuable water resource under its stewardship to protect the public's health and safety and environmental integrity. The purpose of this document is to establish a plan and procedures for managing water demand and evaluating supply options before and during a drought-related water shortage or loss of system capability due to damage or failure causing a shortage of water supply.
- B. Intent:** The intent is to satisfy the requirements of the Drought Response Act of 2000 (Code of Laws of South Carolina, 1976, Section 49-23-10, et seq., as amended) with the goal of achieving the greatest public benefit from domestic water use, sanitation, and fire protection and to provide water for other purposes in an equitable manner.
- C. Plan Summary:** Beech Island Rural Community Water & Sewer District has adopted this Drought/Supply Management Plan that provides the policies and the authority to fulfill this obligation. The Drought/Supply Management Plan outlines the framework by which BIRCWSD will internally prepare for water shortages. The Response Plan provides the policies and procedures by which the BIRCWSD will manage and control its customer water usage during various levels of a drought or supply shortage.
- D. Plan Updates:** This Plan will be reviewed and updated as necessary and not less than 10-year intervals. Any plan updates or changes must be submitted to the South Carolina Department of Natural Resources for review to ensure consistency with the State Drought Response Plan (Code of Laws of South Carolina, 1976, Section 49-23-90, et seq., as amended).

**Section II: Definition of Terms**

For the purposes of this Plan and the accompanying Ordinance, the following definitions will apply:

**Aesthetic Water Use:** Water use for ornamental or decorative purposes such as fountains, reflecting pools and waterfalls.

**Commercial and Industrial Use:** Water use integral to the production of goods and/or services by any establishment having profit as its primary aim.

**Conservation:** Reduction in water use to prevent depletion or waste of the resource.

**Customer:** Any person, company or organization using finished water owned or supplied by the Beech Island Rural Community Water & Sewer District.

**Domestic Water Use:** 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:** Deficiency of precipitation over an extended period of time, resulting in a water shortage for some activity group or environmental purpose. Drought conditions can also occur rapidly in a matter of days and are referred to as “Flash Droughts” which occur due to a lack of precipitation coupled with extreme heat.

**Drought Alert Phases:** There are four drought alert phases to be determined by the Drought Response Committee for the State of South Carolina. The four phases are:

- 1) Incipient Drought
- 2) Moderate Drought
- 3) Severe Drought
- 4) Extreme Drought

**Drought Response Management Areas:** There are four drought management areas corresponding to the major river basins in South Carolina. The four areas are:

- 1) West or Savannah (BIRCWSD location)
- 2) Central or Santee
- 3) Northeast or Pee Dee
- 4) Southern or Ashepoo, Combahee, and Edisto.

In order to prevent overly broad response to drought conditions, drought response measures shall be considered within individual drought management areas or within individual counties, as applicable.

**Drought Response Committee:** A committee composed of State and local representatives created for the purpose of coordinating responses to water supply shortages within Drought Management Areas and making recommendations for action to the South Carolina Department of Natural Resources and/or the Governor. The Committee is composed of State agency representatives from the South Carolina Emergency Management Division of the Office of the Adjutant General, South Carolina Department of Health and Environmental Control, South Carolina Department of Agriculture, South Carolina Forestry Commission, and South Carolina Department of Natural Resources, as well as local committees representing counties, municipalities, public service districts, private water suppliers, agriculture, industry, domestic users, regional councils of government, commissions of public works, power generation facilities, special purpose districts and Soil and Water Conservation Districts.

**Essential Water Use:** Water used specifically for fire fighting, maintaining in-stream flow requirements and to satisfy Federal, State or local public health and safety requirements.

**Finished Water:** Water distributed for use after treatment. The terms “water use,” “water user,” and “water customer” refer to finished water use unless otherwise defined.

**Institutional Water Use:** Water used by government, public and private educational institutions, churches and places of worship, water utilities, and organizations within the public domain.

**Irrigation Water Use:** Water used to maintain gardens, trees, lawns, shrubs, flowers, athletic fields, rights-of-way and medians.

**Non-essential Water Use:** Categories of water use other than Essential Water Use. Examples of non-essential water use include landscape irrigation and the washing of buildings, parking lots, automobiles, etc.

**Residential Equivalent Unit (REU):** An equivalency unit defined to be equal to one single-family residence. Beech Island Rural Community Water & Sewer District’s allocated water capacity equals **250\*** gallons per day (\*Utility Billing – Billed Residential Readings – High 12 Month Average) per REU.

**SC Dept. of Natural Resources:** The State agency with primacy to implement the provisions of the Drought Response Act.

**Water Supply Shortage:** Lack of adequate, available water caused by drought or loss of system capability due to damage or failure to meet normal demands.

### **Section III: Drought Management Plan**

- A. Introduction:** To ensure that Beech Island Rural Community Water & Sewer District adequately manages its water system during drought-related conditions or supply shortages, an organized plan has been developed for system operation and reliability, proper communications, effective coordination, and ultimate allocation of water use.
- B. Designation of Water System Drought/Supply Response Representative:** The Board of Director’s Chairman or his designee will manage the Drought/Supply Management and Response Plan and serve as the principal contact for the news media as Beech Island Rural Community Water & Sewer District Representative.
- C. Description of Water System Layout, Water Sources, Capacities and Yields:** The Beech Island Rural Community Water & Sewer District is in the West or Savannah Drought Response Management Area of South Carolina. The system serves 3900 customers from Beech Island and parts of Jackson and Warrentonville.

The water supply sources available to the system are: 7 wells ranging from 250 ft to 468 ft, 5 elevated tanks with storage capacity ranging from 200,000 to 300,000 gallons. The SCDHEC total permitted capacity of the water system operated by BIRCWSD is 2,049,315\*\* gallons per day (\*\*Groundwater Withdrawal Permit 748,000,000).

**D. Identification of Water System Specific Drought or Water Shortage Indicators:**

Operators of every water system must develop historical trends that are valuable indicators of a system's ability to meet demand when demand begins to outpace supply. The Beech Island Rural Community Water & Sewer District has developed triggers for use during drought or demand water shortages that describe when specific phases of the Drought Response Ordinance are implemented. The system triggers are as follows:

**Incipient Drought Phase**

1. Drought Response Committee declaration  
(Considering droughts can be localized)

**Moderate Drought Phase**

1. Drought Response Committee declaration  
(Considering droughts can be localized)
2. Average system storage levels fall below 60% for 48 hours
3. Well pumping levels less than 100' above pump in one or more wells
4. Less than 35 psi in part of the service area for an extended period

**Severe Drought Phase**

1. Drought Response Committee declaration  
(Considering droughts can be localized)
2. Average system storage levels fall below 40% for 48 hours
3. Well pumping levels less than 75' above pump in one or more wells
4. Less than 30 psi in part of the service area for an extended period

**Extreme Drought Phase**

1. Drought Response Committee declaration  
(Considering droughts can be localized)
2. Average system storage levels fall below 20% for 48 hours
3. Well pumping levels less than 50' above pump in one or more wells
4. Less than 25 psi in part of the service area for an extended period

**E. Cooperative Agreements and Alternative Water Supply Sources:** Successful drought/supply management requires a comprehensive program by the water utility. In many situations administrative agreements are required with other agencies to fully implement the Plan. Agreements with other water purveyors may be necessary for alternative water supply sources. Other agreements that strengthen conservation efforts by large users may be necessary. Beech Island Rural Community Water & Sewer District does not have any purchase agreements in place.

Agreements that are being negotiated or considered with other entities are:

Possible connection to Valley Public Service Authority or the Town of Jackson during an emergency.

**Description of Pre-Drought Planning Efforts:** Before the occurrence of a water supply shortage and the need to implement the emergency provisions of the Plan, it is important that certain pre-response measures be taken with the aim of conserving the system's source water, as well as the water distributed to the customer. In regards to the conservation measures listed below; Beech Island Rural Community Water & Sewer District has taken the following actions:

1. Identification of all major water users of the system (*top 10%, include wholesale customers*):

Kimberly Clark's average use:	16-18 million gallons per month;
Pactiv Corp's average use:	1.5 million gallons per month;
Aiken County PSA's average use:	1.37 million gallons per month;
Dominion Energy's average use:	689,200 gallons per month;
American Concrete average use:	278,908 gallons per month; and
VPSA's average use:	15,350 gallons per month.

2. Identification of those users with whom there are conservation agreements: One agreement with Dominion Energy limiting pulling capacity.
3. A vigorous public education program is critical for achieving substantial water use reductions. An effective public outreach program will keep the public informed about the water supply situation, what actions will mitigate drought emergency problems, and how well the public is doing in terms of meeting the program goals. Keeping the public involved, informed, and participating in the decision-making process is key to implementing an effective Drought Management Plan. Beech Island Rural Community Water & Sewer District issues announcements on monthly bills, issuing monthly bills helps identify problems in a timely manner, and posts the Annual Consumer Confidence Report (CCR) on our website.

**F. Description of Capital Planning and Investment for System Reliability and Demand Forecasting:** Water utilities routinely find that capital improvements to the system strongly enhance their ability to get through times of drought. It is important that every water utility aggressively plan and build for future needs. The utility must continue to provide for system operation flexibility, improved pumping and storage capacity and new technologies to meet the demands of tomorrow. Beech Island Rural Community Water & Sewer District monitors capacity availability annually and limits willingness to serve to developers.

In order to prepare for future droughts and increasing water demands, BIRCWD received funding thru an SRF Loan to drill a cap use well and will build a new 500,000-gallon elevated storage tank thru a revenue bond.

## **Drought/Supply Response Ordinance**

- A. Declaration of Policy and Authority:** The objective of this Drought Response Ordinance is to establish authority, policy and procedure by which the Beech Island Rural Community Water & Sewer District will take the proper actions to manage water demand during a drought-related shortage. The Ordinance satisfies the requirements of the Drought Response Act of 2000 and has the goal of achieving the greatest public benefit from limited supplies of water needed for domestic water use, sanitation, and fire protection and of allocating water for other purposes in an equitable manner.

This Ordinance outlines the actions to be taken for the conservation of water supplied by the BIRCWSD. These actions are directed both towards an overall reduction in water usage and the optimization of supply. To satisfy these goals, the BIRCWSD hereby adopts the following regulations and restrictions on the delivery and consumption of water. This Ordinance is hereby declared necessary for the protection of public health, safety and welfare and shall take effect upon its adoption by the Beech Island Rural Community Water & Sewer District.

If it becomes necessary to conserve water in its service area due to drought or other loss of system capability, the Beech Island Rural Community Water & Sewer District is authorized to issue a proclamation (a “Proclamation”) that existing 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 becomes endangered.

Immediately upon issuance of such a Proclamation, regulations and restrictions set forth under this Ordinance shall become effective and remain in effect until the water supply shortage has ended and the Proclamation rescinded.

Water uses that are regulated or prohibited under this Ordinance are considered to be non-essential and continuation of such uses during times of water supply shortages is deemed to constitute a waste of water, subjecting the offender(s) to penalties.

The Drought Management Plan as outlined in Section I - III is hereby approved.

## Drought/Supply Response Phases and Activities

The following activities will be implemented at each phase of the drought/supply shortage.

Well Pump Levels Feet above pump		System Storage Levels
-	<b>Normal</b>	- 100%
-		- 90%
-	<b>Incipient</b>	- 80%
-		- 70%
100'	<b>Moderate</b> <i>Voluntary Restrictions</i>	- 60%
-		- 50%
75'	<b>Severe</b> <i>Mandatory Restrictions</i>	- 40%
-		- 30%
50'	<b>Extreme</b> <i>Rationing</i>	- 20%
-		- 10%
0'		- 0%

Managing water shortages involves temporarily reducing demand and finding alternative water sources to temporarily meet demand. Initial and on-going focus areas should be irrigation and Top 10% of water users. Irrigation is the typical reason causing increased demand. The activities described in the four drought phases below will guide these activities.

- B. Incipient Drought/Supply Phase:** Beech Island Rural Community Water & Sewer District will monitor conditions.

### **Triggers:**

1. Drought Response Committee (DRC) declaration.

### **Goals:**

1. No reduction in service.



### **C. Moderate Drought/Supply Phase:**

#### **Triggers:**

1. Drought Response Committee (DRC) declaration, or
2. Average system storage levels fall below 60% for 48 hours
3. Well pumping levels less than 100' above pump in one or more wells
4. Less than 35 psi in any part of the service area for an extended period

**Goals:** To be implemented at Trigger #2, #3, or #4 above

1. 20% Reduction of all water use
2. Voluntary reductions from customers in the use of water for all purposes
3. Voluntary reductions on non-essential usage and/or on times when certain water usage is allowed

#### **Actions:**

- 1) Issue a Proclamation to be released to local media, Beech Island Rural Community Water & Sewer District customers and to the South Carolina Department of Natural Resources Drought Information Center at [drought@scdnr.gov](mailto:drought@scdnr.gov) that Moderate drought conditions are present.
- 2) Provide written notification to the South Carolina Department of Natural Resources Drought Information Center at [drought@scdnr.gov](mailto:drought@scdnr.gov) and routinely publish in the service area of the water system the voluntary conservation measures that the customers are requested to follow during Moderate drought conditions, including:
  - a. Reduce residential water use to 75 gallons per person per day and a maximum of 200 gallons per household or REU per day;
  - b. Eliminate the washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas. ;
  - c. Eliminate the washing down of buildings for purposes other than immediate fire protection;
  - d. Eliminate the flushing of gutters;
  - e. Eliminate the domestic washing of motorbikes, boats, cars, etc.;
  - f. Eliminate the use of water to maintain fountains, reflection ponds and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life;
  - g. Reduce watering of lawns, plants, trees, gardens, shrubbery and flora on private or public property to the minimum necessary. Encourage outdoor watering to be done during off-peak hours;
  - h. Reduce the amount of water obtained from fire hydrants for construction purposes, fire drills or for any purpose other than fire-fighting or flushing necessary to maintain water quality; and
  - i. Limit normal water use by commercial and individual customers including, but not limited to, the following:

- i. Stop serving water in addition to another beverage routinely in restaurants;
  - ii. Stop maintaining water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support aquatic life; and
  - iii. Cease water service to customers who have been given a 10-day notice to repair one or more leaks and have failed to do so.
- 3) Intensify maintenance efforts to identify and correct water leaks in the distribution system;
- 4) Cease to install new irrigation taps on the water system; and
- 5) Continue to encourage and educate customers to comply with voluntary water conservation.

**C. Severe Drought Phase:**

**Triggers:**

- 1. Drought Response Committee (DRC) declaration, or
- 2. Average system storage levels fall below 40% for 48 hours
- 3. Well pumping levels less than 75' above pump in one or more wells
- 4. Less than 30 psi in any part of the service area for an extended period

**Goals:** To be implemented at Trigger #2, #3, or #4 above

- 1. 30% Reduction of all water use
- 2. Voluntary reductions from customers in the use of water for all purposes
- 3. Mandatory restrictions on non-essential usage and/or times when certain water usage is allowed

**Actions:**

- 1) Issue a Proclamation to be released to the local media, Beech Island Rural Community Water & Sewer District customers and to the South Carolina Department of Natural Resources Drought Information Center at [drought@scdnr.gov](mailto:drought@scdnr.gov) that Severe drought conditions are present.
- 2) Provide written notification to the South Carolina Department of Natural Resources Drought Information Center at [drought@scdnr.gov](mailto:drought@scdnr.gov) and routinely publish in the service area of the water system the voluntary conservation measures and mandatory restrictions to be placed on the use of water supplied by the utility, including:

- a. Voluntary reduction of residential water use by the utility's customers to 65 gallons per person per day and a maximum of 175 gallons per household or REU per day.
  - b. Control landscape irrigation by the utility's customers by staggering watering times.
  - c. Mandatory restrictions on the use of water supplied by the utility for activities including:
    - i. Eliminate the washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas;
    - ii. Eliminate the washing down of buildings for purposes other than immediate fire protection;
    - iii. Eliminate the flushing of gutters;
    - iv. Eliminate domestic washing of motorbikes, boats, cars, etc.;
    - v. Eliminate use of water to maintain fountains, reflection ponds and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life;
    - vi. Eliminate filling or maintaining of public or private swimming pools;
    - vii. Eliminate obtaining of water from fire hydrants for construction purposes, fire drills or any purpose other than fire-fighting or flushing necessary to maintain water quality; and
  - d. Limit use of water by commercial and individual customers including, but not limited to, the following:
    - i. Stop serving water in addition to another beverage routinely in restaurants;
    - ii. Stop maintaining water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support aquatic life;
    - iii. Limit irrigating golf courses and any portion of its grounds;
    - iv. Cease water service to customers who have been given a 10-day notice to repair one or more leaks and have failed to do so; and
    - v. Limit expanding commercial nursery facilities, placing new irrigated agricultural land in production or planting or landscaping when required by site design review process.
- 3) Intensify maintenance efforts to identify and correct water leaks in the distribution system.
  - 4) Continue to cease installation of new irrigation taps on the water system.
  - 5) Publicize widely the penalties to be imposed for violations of mandatory restrictions and the procedures to be followed if a variance in the restrictions is requested.

- 6) Expand the use of education and public relations efforts and emphasize the penalties associated with violating the mandatory restrictions.
- 7) Provide written notification monthly to the South Carolina Department of Natural Resources Drought Information Center regarding the success of the voluntary and mandatory restrictions.

**D. Extreme Drought Phase:**

**Triggers:**

1. Drought Response Committee (DRC) declaration, or
2. Average system storage levels fall below 20% for 48 hours
3. Well pumping levels less than 50' above pump in one or more wells
4. Less than 25 psi in any part of the service area for an extended period

**Goals:** To be implemented at Trigger #2, #3, or #4 above

1. 40% Reduction of all water use
2. Mandatory restrictions in the use of water for all purposes and on the times when certain water usage is allowed

**Actions:**

- 1) Issue a Proclamation to be released to the local media, Beech Island Rural Community Water & Sewer District customers and to the South Carolina Department of Natural Resources Drought Information Center at [drought@scdnr.gov](mailto:drought@scdnr.gov) that Severe drought conditions are present.
- 2) Provide written notification to the South Carolina Department of Natural Resources Drought Information Center at [drought@scdnr.gov](mailto:drought@scdnr.gov) and routinely publish in the service area of the water system the voluntary conservation measures and mandatory restrictions to be placed on the use of water supplied by the utility, including:
  - a. Limiting residential water use to 55 gallons per person per day and a maximum of 150 gallons per household or REU per day.
  - b. Eliminate landscape irrigation by the utility's customers.
  - c. Mandatory restrictions on the use of water supplied by the utility for activities including:
    - i. Eliminate the washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas;

- ii. Eliminate the washing down of buildings for purposes other than immediate fire protection;
    - iii. Eliminate the flushing of gutters;
    - iv. Eliminate domestic washing of motorbikes, boats, cars, etc.;
    - v. Eliminate use of water to maintain fountains, reflection ponds and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life;
    - vi. Eliminate filling or maintaining of public or private swimming pools;
    - vii. Eliminate obtaining of water from fire hydrants for construction purposes, fire drills or any purpose other than fire-fighting or flushing necessary to maintain water quality; and
  - d. Limit normal water use by commercial and individual customers including, but not limited to, the following:
    - i. Stop serving water in addition to another beverage routinely in restaurants;
    - ii. Stop maintaining water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support fish and wildlife;
    - iii. Limit irrigating golf courses and any portion of their grounds;
    - iv. Cease water service to customers who have been given a 10-day notice to repair one or more leaks and have failed to do so; and
    - v. Limit expanding commercial nursery facilities, placing new irrigated agricultural land in production, or planting or landscaping when required by site design review process.
- 3) Intensify maintenance efforts to identify and correct water leaks in the distribution system.
- 4) Continue to cease installation of new irrigation taps on the water system.
- 5) Outline other conservation measures, examples are:
- a. Place a moratorium on the issuance of all new water service connections and contracts for all new water main extensions. As part of the public information process, provide notice to developers of the moratorium;
  - b. Encourage all residential water customers to voluntarily reduce overall monthly water usage to 40% of the customer's monthly average. If voluntary reduction of usage is not successful, the Beech Island Rural Community Water & Sewer District may, at its option, implement the following excessive use rate schedule for water:

Tier I	0 – 2,000 gallons/REU	regular rate
Tier II	2,000 – 10,000 gallons/REU	2 times regular rate
Tier III	Over 10,000 gallons/REU	3 times regular rate

- c. Impose a drought surcharge per thousand gallons of water that increases with higher usage. The general principle behind the drought surcharge is that the fee is imposed on water use in excess of 15% of normal commercial or industrial use. The drought surcharge is a temporary fee imposed during the current water supply shortage and is not a cost-based rate. The drought surcharge is temporary and will be terminated at such time as the Beech Island Rural Community Water & Sewer District determines the water supply is above the trigger levels.
- d. If the conservation measures of the Ordinance prove inadequate to mitigate the effects of the drought conditions or water supply availability, the Beech Island Rural Community Water & Sewer District may take additional actions including, but not limited to:
  - i. Decreasing the gallon/REU limits in the different tiers; and
  - ii. Reduction of water system pressure as needed.
- 6) Publicize widely the penalties to be imposed for violations of mandatory restrictions and the procedures to be followed if a variance in the restrictions is requested.
- 7) Expand the use of education and public relations efforts as conducted under the Moderate and Severe drought phase and emphasize the penalties associated with violating the mandatory restrictions.
- 8) Provide written notification monthly to the South Carolina Department of Natural Resources Drought Information Center regarding the success of the mandatory restrictions.

#### **E. Rationing**

If a drought threatens the protection of public health and safety, the Beech Island Rural Community Water & Sewer District is hereby authorized to ration water.

#### **F. Enforcement of Restrictions**

If any customer of the Beech Island Rural Community Water & Sewer District fails to comply with the mandatory water use restrictions of this Ordinance, the customer shall be given a written notice of such failure to comply, which cites the date of said violation, and shall be assessed surcharges in accordance with the following schedule:

**First violation:** \$50.00 surcharge shall be added to the customer's water bill;

- Second violation:** an additional \$150.00 surcharge shall be added to the customer's water bill;
- Third violation:** an additional \$300.00 surcharge shall be added to the customer's water bill; and
- Fourth violation:** the customer's meter will be pulled and payment of a tap fee including all previous violations will need to be paid in full.

Law enforcement agencies and other authorized agencies or designated employees in the respective jurisdiction which is being supplied water by the Beech Island Rural Community Water & Sewer District shall diligently enforce the provisions of the Drought Response Ordinance.

#### **G. Variances**

Customers, who in their belief are unable to comply with the mandatory water use restrictions of this Drought Response Ordinance, may petition for a variance from restrictions by filing a petition with the Beech Island Rural Community Water & Sewer District within ten (10) working days after the issuance of the Proclamation requiring water use restrictions.

All petitions for variance shall contain the following information:

- 1) Name and address of the petitioner;
- 2) Purpose of water usage;
- 3) Special provision from which the petitioner is requesting relief;
- 4) Detailed statement as to how the curtailment declaration adversely affects the petitioner;
- 5) Description of the relief desired;
- 6) Period of time for which the variance is sought;
- 7) Economic value of the water use;
- 8) Damage or harm to the petitioner or others if petitioner complies with the Ordinance;
- 9) Restrictions with which the petitioner is expected to comply and the compliance date;
- 10) Steps the petitioner is taking to meet the restrictions from which the variance is sought and the expected date of compliance; and
- 11) Other information as needed.

In order for the variance to be granted, the petitioner must demonstrate clearly that compliance with the Ordinance cannot be technically accomplished during the duration of the water supply shortage without having an adverse impact upon the best interests of the community. The Beech Island Rural Community Water & Sewer District is authorized to grant the request for variance.

In addition, the Beech Island Rural Community Water & Sewer District is authorized to grant temporary variances for existing water uses otherwise prohibited under the Ordinance if it is determined that failure to grant such variances could cause an emergency condition adversely affecting health, sanitation and fire protection for the public. No such variance shall be retroactive or otherwise justify any violation of this Ordinance occurring prior to the issuance of the variance. Variances granted by the Beech Island Rural Community Water & Sewer District shall include a timetable for compliance and shall expire when the water supply shortage no longer exists, unless the petitioner has failed to meet specified requirements.

#### **H. Status of the Ordinance**

- 1) If any portion of this Ordinance is held to be unconstitutional for any reason, the remaining portions of the Drought Response Ordinance shall not be affected.
- 2) The provisions of this Ordinance shall prevail and control in the event of any inconsistency between this Ordinance and other rules and regulations of the Beech Island Rural Community Water & Sewer District.
- 3) Nothing in this Ordinance shall be deemed to invalidate or be interpreted in a manner inconsistent with any covenants now in effect and given as security to holders of bonds secured by revenues of the system.

ENACTED this 14th day of January, 2025.