

TITLE V: PUBLIC WORKS

Chapter

50. DROUGHT RESPONSE

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§ 50.01 SHORT TITLE.

This chapter shall be known and may be cited as the “Drought Response Ordinance.”
(Ord. passed - -)

§ 50.02 PURPOSE.

The purpose of this chapter is to provide for the voluntary and mandatory restriction of use of the town’s water supplier system (Aqua Virginia, Inc.) during declared water shortages or water emergencies.

(Ord. passed - -)

§ 50.03 SCOPE.

This chapter shall apply to all town residents and businesses which are served by the town’s water supplier system (Aqua Virginia, Inc.).

(Ord. passed - -)

§ 50.04 AUTHORITY TO DECLARE A POTENTIAL SHORTAGE OF WATER AND TO IMPOSE WATER CONSERVATION METHODS.

The Town Manager is authorized to take special measures of prudent management to prevent a critical water shortage when a potential shortage and/or emergency condition exists in the water system and to declare a drought watch, drought warning or drought emergency conditions within the jurisdiction. Drought emergency condition may also be declared by the jurisdiction in the event of equipment failure, contamination or other nondrought related events that prevents short-term provision of adequate water supplies.

(Ord. passed - -)

§ 50.05 AUTHORITY GRANTED TO LOCAL JURISDICTIONS BY THE VIRGINIA CODE.

VA Code § 15.2-924 states that localities have the power to declare water supply emergency, and to restrict citizen's water use for the prevention of or the duration of a water supply emergency. When such restrictions are put in place, any local water supply system may apply to the State Water Control Board for assistance if they are able to provide evidence that they have exhausted their available means. Water can be brought from one water supplier for the benefit of another to alleviate local water shortages; in such cases, water will be paid for at the established rate of the supplier.

(Ord. passed - -)

§ 50.06 CONDITIONS FOR THE DECLARATION OF POTENTIAL SHORTAGE OF WATER.

(A) The Drought Contingency and Response Plan, being 9 VAC 25-780-120, included in the Northern Neck Regional Water Supply Plan (WSP), provides guidance for evaluating the potential for, or existence of, drought conditions and implementation of response and contingency activities.

(B) Upon a determination by the Town Manager of the existence of the following conditions, the Town Manager shall take the following actions.

(1) *Drought watch.* Drought watch stage targets increased monitoring or drought conditions and increased public awareness of incipient drought conditions. Required actions under drought watch include notifying the public of incipient drought via newspaper, public service announcement, notices with water bills and to request voluntary reduction in nonessential water use.

(2) *Drought warning.* Drought warning target is to increase public awareness, and reduce water withdrawals by 10% through voluntary water conservation. Required actions include notifying the public of the drought warning, and requesting voluntary reduction in the following nonessential water use:

(a) Water to wash down streets, sidewalks, walkways, driveways, parking lots, service station aprons, tennis courts, other hard surface areas, buildings and structures, except as required for safety concerns;

(b) Water to wash automobiles, trucks, trailers and any other types of mobile equipment, except as required to meet air quality standards;

(c) Watering of shrubbery, trees, lawns, grass, plants and other vegetation;

(d) Water from fire hydrants for construction purposes or any other purpose other than fire suppression or other public emergency;

(e) Water to fill or refill swimming pools;

(f) Customer not served drinking water in restaurant unless requested;

(g) Urge customers to refrain from outdoor watering with sprinklers or irrigation systems between 10:00 a.m. and 6:00 p.m.; and

(h) Implement alternate-day use schedules based on last digit of residential or commercial address: odd-number addressed - Tuesday, Thursday and Saturday; even numbered addressed - Wednesday, Friday and Sunday; watering by hand (with cans, wands, hand-held hoses) is allowed any day of the week.

(3) *Drought emergency.* Drought emergency target is to increase public awareness and reduce water withdrawals by 15%. Required actions include notifying the public of the drought emergency, and implementing mandatory reduction in the following nonessential water uses:

(a) Water to wash down streets, sidewalks, walkways, driveways, parking lots, service station aprons, tennis courts, other hard surface areas, buildings and structures, except as required for safety concerns;

(b) Water to wash automobiles, trucks, trailers and any other types of mobile equipment, except as required to meet air quality standards;

(c) Watering of shrubbery, trees, lawns, grass, plants and other vegetation (exception: customers may water first-year foundations, trees and shrubs up to two hours a day by a hand-held or soaker hose, and new planting of grass within the first 30 days up to one hour a day by any means; restrictions do not apply to locations using wastewater effluent for irrigation);

(d) Water from fire hydrants for construction purposes or any other purpose other than fire suppression or other public emergency;

(e) Water to fill or refill swimming pools;

(f) Customer not served drinking water in restaurant unless requested;

(g) Urge customers to refrain from outdoor watering with sprinklers or irrigation systems between 10:00 a.m. and 6:00 p.m.; and

(h) Implement alternate-day use schedules based on last digit of residential or commercial address: odd-number addressed - Tuesday, Thursday and Saturday; even numbered addressed - Wednesday, Friday and Sunday; watering by hand (with cans, wands, hand-held hoses) is allowed any day of the week.

(Ord. passed - -) Penalty, see § 50.99

§ 50.07 APPEALS AND EXCEPTIONS.

(A) *Generally.* Upon implementation of a drought emergency stage (above), the Town Manager shall appoint an Appeals Board consisting of three representatives from the jurisdiction under which the drought emergency is declared. The jurisdiction attorney or designee shall serve as legal counsel to the Appeals Board. The Appeals Board shall be empowered to review customer applications for exemptions from the provisions of the mandatory conservation on a case-by-case basis and, if warranted, to make equitable adjustments to such provisions. The Board shall also be empowered to establish regulations governing the granting of temporary exemptions applicable to all or some of the uses of water supply as set forth. The Board shall, in deciding application, balance economic and other hardships to the applicant resulting from the imposition of the water restrictions or allocations against the individual and cumulative impacts to the water supply resulting from the granting of exemptions. Individual applications shall be decided by the Board within two weeks of receipt of an application in proper form and containing all necessary information.

(B) *Rescinding orders.* Nothing in this section shall be construed to prohibit the Town Manager from rescinding any orders issued hereunder when the conditions creating the need for such orders have abated.

(Ord. passed - -)

§ 50.99 PENALTY.

Violations of this chapter when a drought emergency stage is declared may result in penalties being assessed to the customer:

(A) First offense: written warning;

(B) Second offense: fine amount set by Council from time to time;

(C) Third offense: amount set by Council from time to time; and

(D) Fourth offense: amount set by Council from time to time.
(Ord. passed - -)

