

ORDINANCE NO. 188

AN ORDINANCE TO SUPERSEDE AND AMEND ORDINANCE NO. 178
TO ESTABLISH RULES AND REGULATIONS FOR
WATER CONSERVATION UNDER NORMAL CONDITIONS AND
WATER EMERGENCIES AND CONSERVATION

[State Law References: Va-Code §§15.2-923; 15.2-924; 15.2-1429]

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EXMORE,
VIRGINIA THAT:

I. WATER CONSERVATION UNDER NORMAL CONDITIONS

To address water issues during times of normal usage, and in recognition of the growing demand for water in the service area and the importance of conservation as a means of ensuring that future water supplies will be sufficient to meet these demands, the following practices are required.

- (a) *Flow rates for plumbing fixtures.* In all new construction and all remodeling and/or replacement of plumbing fixtures, only fixtures conforming to the flow specifications of the Virginia Uniform Statewide Building Code shall be installed in buildings served by town water.
- (b) *Car washes.* All drive through car wash installations using town water that are put in operation after June 1, 2010, shall be equipped with a water recycling system. Drive through car wash installations, which cannot install or maintain in good repair a water recycling system, shall use an alternate source of water. Self-serve wash installations and mobile car wash systems shall maintain their pressure spray equipment according to the manufacturer's specifications for minimum water use.
- (c) *Waste of water, generally.* No person shall permit or cause uncontrolled flow of water from any hydrant, meter, or other fixture without taking proper care to prevent waste.
- (d) *Waste of water, leak repairs.* No owner of any residential unit or commercial or industrial establishment shall cause an excessive amount of water to be used due to leakage from water lines or plumbing fixtures on the premises.
- (e) *Continuous flow equipment.* In all new construction and when any continuous flow devices are repaired or replaced, any water connector device or appliance requiring a continuous flow of five (5) gallons per minute or more and not covered by the Virginia Uniform Statewide Building Code, shall be equipped with a water recycling system.

II. WATER EMERGENCIES

- (a). *Purpose and authority to declare water emergencies.* For purposes of this ordinance, unless the context clearly requires a contrary meaning, the term “water” shall mean potable water withdrawn from any water utility system that is owned and/or operated by the Town of Exmore.

In the event of an actual or anticipated shortage of potable water due to climatic, hydrological, mechanical and/or other extraordinary conditions, the Town Council may determine that certain uses of water should be reduced, restricted, curtailed and/or prohibited. These reductions, restrictions, curtailments and/or prohibitions are intended to protect the health, safety and welfare of the residents of the Town of Exmore.

The Town Manager, with the approval of the Mayor and Council, or its subsequent ratification within forty-eight (48) hours is authorized to declare water emergencies in the town, as a whole or portions thereof, affecting the use of water.

- (b) *Water conservation measures.* After the declaration of a water emergency and upon a determination by the Town Manager of the existence of the following one or more conditions, the Town Manager shall take the following actions which shall apply to any person whose water supply is furnished from the Town of Exmore public water utility system:

- (1) *Condition 1.* When moderate but limited supplies of water are available, the Town Manager shall, through appropriate means, call upon the affected population and entities to employ prudent restraint in water usage and to conserve water voluntarily by whatever methods available.
- (2) *Condition 2.* The Town Manager is hereby further authorized during the duration of a water emergency for which voluntary measures would be insufficient to order the restriction or prohibition of any or all of the following uses of the water supply.
 - a. Watering of outside shrubbery, trees, lawns, grass, plants, home vegetable gardens, or any other vegetation except from a watering can or other container not exceeding five (5) gallons in capacity. This limitation shall not apply to commercial greenhouses, nursery stocks and sod growing, which may be watered in the minimum amount required to preserve plant life between 6:00 pm and 8:00 am.
 - b. Washing of automobiles, trucks, trailers, or any other type of mobile equipment, except in licensed commercial vehicle wash facilities.
 - c. Washing of sidewalks, streets, driveways, parking lots, service station aprons, exteriors of homes or apartments, commercial or industrial buildings or any other outdoor surface, except where mandated by federal, state or local law.

- d. The operation of any ornamental fountain or other structure making a similar use of water.
- e. The filling of swimming or wading pools requiring more than five (5) gallons of water, or the refilling of swimming or wading pools that were drained after the effective date of the declaration of emergency, except that pools may be filled to a level of two (2) feet below normal, or water may be added to bring the level to two (2) feet below normal, or as necessary to protect the structure from hydrostatic damage.
- f. The use of water during outdoor recreational activities. This limitation shall not apply to water utilized for drinking and sanitary purposes during such activities.
- g. The use of water from fire hydrants for any purposes other than fire suppression and related training exercises, unless otherwise approved by the Town Manager.
- h. The serving of drinking water in restaurants, except upon request.
- i. The operation of any water-cooled comfort air conditioning that does not have water-conserving equipment in operation.

(3) Condition 3. In addition to the restrictions and prohibitions authorized under subsection 2 above, the Town Manager is hereby further authorized during the duration of a water emergency to implement any or all of the following.

- a. Industrial, institutional, commercial, governmental, wholesale and all other nonresidential customers shall be allotted a percentage reduction based on that customers' average monthly water consumption for the same billing period of the previous calendar years' consumption.
- b. Individual residential customers shall be limited to a specific volume or percentage reduction of water per month.
- c. Declaration of a moratorium on new and expanded connections to the public water utility system, unless such connections are primarily intended and designed to provide fire protection and/or potable drinking water to lawfully permitted residential or nonresidential buildings that are existing or substantially constructed at the time that a water emergency is declared.

(4) Condition 4. When crucially limited supplies of water are available, the Town Manager shall restrict the use of water to purposes, which are absolutely essential to life, health and safety. Such permitted uses of water may include, but may not be

limited to, the provision of limited quantities of water for drinking and sanitation purposes to residents, health care facility patients and/or emergency shelter evacuees, who are unable to utilize their potable water supplies due to the loss of electrical power, storm events or other natural or man-made causes.

- (5) *Failure to address leaks.* It shall be unlawful for the owner of any residential Unit or units or the owner of any commercial or industrial establishment, which is found to be an excessive user of water due to leakage from waterlines or plumbing fixtures on the premises, to fail to take immediate action to repair and to stop such leakage after being so ordered by the Town Manager or his agent.
- (6) *Effective date.* The imposition of the restrictions above shall become effective upon their being printed in any newspaper of general circulation in the Town of Exmore, or broadcast upon any radio or television station serving the Town of Exmore.
- (7) *Appeals for exemptions.* Upon implementation of subsections (2), (3) or (4) above, the Town Manager shall establish an appeals procedure to review customer applications for exemptions from the provisions of subsections (2), (3) or (4) on a case-by-case basis and, if warranted, to make equitable adjustments to such provisions. The Town Manager shall also be empowered to establish regulations governing the granting of temporary exemptions applicable to all or some of the uses of the water supply set forth in subsections (2), (3) or (4). The Town Manager shall, in rendering a decision on such applications, balance economic and other hardships to the applicant resulting from the imposition of water use restrictions or allocations against the individual and cumulative impacts to the water supply resulting from the granting of such exemptions and may impose reasonable conditions to ensure compliance with the terms of the exemption.
- Any person subject to a decision rendered by the Town Manager under this section may appeal such decision to the Mayor and Council. The appeal shall be in writing and shall be submitted to the Town Manager, as agent for and clerk to the Mayor and Council.

The Town Manager may issue temporary waivers or exemptions within the provisions of this section for such periods of time as may be necessary for the Mayor and Council to formally consider action on the appeal.

The Mayor and Council shall render on the appeal and may: affirm, with or without modification, the Town Manager's decision; or approve the requested exemption, with or without modification. The Mayor and Council may impose reasonable conditions to ensure compliance with the terms of any exemption granted hereunder.

Any decision rendered by the Mayor and Council shall be subject to remedies provided by statute.

(a.) *Penalty for violation.* Any person who shall violate any of the provisions of this ordinance, or of any of the conservation regulations promulgated by the Town of Exmore pursuant thereto, shall, upon conviction thereof, be subject to a fine of \$250.00. Each act or each day's continuation of a violation shall be deemed a separate offense.

In addition to the foregoing, the Town Manager may suspend public water utility service to any person continuing to violate the provisions of this ordinance or the regulations promulgated hereunder.

If such public water utility service is terminated, the person shall pay a reconnection fee of fifty (\$50.00) before service is restored.

(b.) *Declaration of end of water emergencies.* The Town Manager shall notify the Mayor and Council when, in his opinion, the water emergency situation no longer exists. Upon concurrence of the Mayor and Council, the water emergency shall be declared to have ended.

ORDAINED by the Mayor and Council at its regular meeting held on October 4, 2010.

APPROVED: _____
William M. Moore, Jr., Mayor

At the meeting held on October 4, 2010, by the motion made by Councilman Ward and seconded by Councilman Massey to adopt Ordinance No. 188 by the following vote:

AYES: Charles G. Ward, Sr.
Charles D. Massey, Sr.
T. Bradley Doughty
Douglas W. Greer, Sr.
John C. Metz
David J. Scanlan

NAYS: None

Ethel Parks, Town Clerk