

The following ordinance proposed by the Board of Supervisors of Patrick County at a regular business meeting on September 12, 2011 on motion by Lock Boyce, seconded by Ben Knight and carried, is hereby adopted as the Drought and Water Emergencies Ordinance:

## **“THE DROUGHT AND WATER EMERGENCIES ORDINANCE”**

- 1. Authority to declare water emergencies.** During the continued existence of climatic, hydrological, and other extraordinary conditions, the protection of the health, safety and welfare of the residents of Patrick County may require that certain users of water, not essential to public health, safety and welfare, be reduced, restricted or curtailed. As the shortage of raw or potable water becomes increasingly more critical, conservation measures to reduce consumption or curtail nonessential water use may be necessary. The definitions, water emergency criteria, and water use restrictions referenced in this ordinance are presented in greater detail in the Patrick County Drought Response and Contingency Plan, which is incorporated herein by reference. The County Administrator is authorized to declare a water emergency in the county restricting the use of water in any area of the county. The County Administrator will work closely with the Patrick County Public Service Authority to designate the appropriate stage of water emergency. All water stages are built upon and require compliance with previous water stages. For example, when a Drought Emergency –Stage 1 is declared all provisions of a Drought Warning are in effect. Also the County Administrator may declare any of the four stages; they do not have to be declared sequentially.
- 2. Publication of declaration:** Upon the declaration of a water emergency, the County Administrator shall immediately post a written notice of the emergency at the front door of the county administration building and shall place a notice in a newspaper of general circulation in the area in which such emergency has been declared.
- 3. Water use considerations:** Upon the declaration of a water shortage or emergency, the County Administrator is authorized and directed to implement conservation measures by ordering the restricted use or

absolute curtailment of the use of water for certain nonessential purposes for the duration of the water shortage or emergency in the manner hereinafter set out. In exercising this discretionary authority, and making the determinations set forth, the County Administrator shall give consideration to streamflow conditions, water levels, available/usable storage on hand, draw down rates and the projected supply capability in the county; system purification and pumping capacity; daily water forecast weather conditions; fire service requirements; pipeline conditions including breakages, stoppages and leaks; supplementary source data; estimates of minimum essential supplies to preserve public health and safety and such other data pertinent to the past, current and projected water demands.

4. **Limitation of restrictions:** The provisions of this article shall not apply to any governmental activity, institution, business or industry which shall be declared by the County Administrator, upon a proper showing, to be necessary for the public health, safety and welfare or the prevention of severe economic hardship or the substantial loss of employment. Any activity, institution, business or industry aggrieved by the finding of the County Administrator may appeal that decision to the County Board of Supervisors.

### **WATER CONSERVATION GUIDELINES**

1. **Water conservation measures:** Upon a determination by the County Administrator of the existence of the following conditions, the County Administrator shall take the following actions that shall apply to all water users in the County:
  - a. **Drought Watch:** When moderate but limited supplies of water are available and a drought watch is declared in accordance with the Drought Response and Contingency Plan, the County Administrator shall, through appropriate means, call upon the general population to employ prudent restraint in water usage. Public outreach activities shall be identified to inform the general population of the potential for drought conditions to intensify and potential water conservation activities that may be utilized.
  - b. **Drought Warning:** The drought warning stage includes voluntary water conservation actions due to imminent onset of a

significant drought event. When a drought warning exists, the following voluntary water restrictions are requested.

- c. Voluntary, commercial, manufacturing, institutional and residential conservation measures will be strongly encouraged and recommended including the following:
  - i. Inspection and repair all faulty and defective parts of faucets and toilets.
  - ii. Use shower for bathing rather than bathtub and limit shower to no more than five minutes.
  - iii. Do not leave faucets running while shaving, rinsing dishes, or brushing teeth.
  - iv. Limit use of clothes washers and dishwashers and when used, operate fully loaded.
  - v. Limit lawn watering to that necessary for plant survival.
  - vi. Water shrubbery the minimum required, reusing household water when possible.
  - vii. Limit vehicle washing.
  - viii. Do not wash down outside areas such as sidewalks, patios, driveways, etc.
  - ix. Install water flow restrictions in showerheads and other water saving devices.
  - x. Use disposable and biodegradable dishes where possible.
  - xi. Install water saving devices in toilets, such as early closing flapper valves.
  - xii. Do not fill swimming pools.
- d. An extensive publicity campaign will be initiated using public media and specialized methods to inform the public of an impending water shortage.
- e. Water supply line pressure should be reduced where feasible to reduce water consumption if it will not affect operation of fixtures, equipment or public safety devices.
- f. Conservation in public buildings, institutions, dormitories, and similar facilities is encouraged by reducing pressure at plumbing fixtures and by installation of restriction devices.
- g. All residents, business, and institutions are requested to delay new landscape work until the water shortage has ended.
- h. Water conservation should be followed during all phases of construction related activities. Where appropriate, water needed should be obtained from supplemental sources and construction

related activities, which require water, should be delayed until such time as the water emergency has ended.

All industrial, manufacturing, and commercial enterprises shall reduce consumption to any degree feasible with a goal of a reduction of 10%.

2. **Drought Emergency - Stage 1:** As drought conditions continue to worsen, a drought emergency – stage 1 may be declared by the County Administrator, or their designee, in accordance with the Drought Response and Contingency Plan. When a drought emergency – stage 1 exists, the following will be prohibited:
  - a. Watering lawns, grass, shrubbery, trees, flowers, and vegetable gardens except by hand held hose, container, or drip irrigation systems, except persons regularly engaged in the sale of plants will be permitted to use water for irrigation of their commercial stock and the golf courses may water greens.
  - b. Filling of newly constructed swimming pools and/or wading pools or refill swimming and/or wading pools, which have been drained.
  - c. Operating water-cooled air conditioners or other equipment that does not recycle cooling water, except when health and safety are adversely affected.
  - d. Washing automobiles, trucks, trailers, boats, airplanes, or any other type of mobile equipment, except persons regularly engaged in the business of washing motor vehicles and any commercial car wash facility will be permitted to use water for such purposes.
  - e. Washing down outside areas such as streets, driveways, service station aprons, parking lots, office buildings, exteriors or existing or newly constructed homes or apartments, sidewalks, or patios or to use water for similar purposes.
  - f. Operation of ornamental fountain, pool, or pond or other structure making similar use of water.
  - g. Serving drinking water in restaurants, cafeterias, or other food establishments, except as requested by customer.
  - h. Using public or private fire hydrants for any purpose other than fire suppression or other public emergency or Utility Department need.
  - i. Using water for dust control or compaction.
  - j. Using water for any unnecessary purpose or intentionally waste water.

3. **Drought Emergency – Stage 2:** As drought conditions continue to worsen, a drought emergency – stage 2 may be declared by the County Administrator, or their designee, in accordance with the Drought Response and Contingency Plan. When a drought emergency – stage 2 exists, in addition to the restrictions imposed under the drought emergency – stage 1, the following will be prohibited:
- a. Watering lawns, grass, shrubbery, trees, flowers except persons regularly engaged in the sale of plants shall be permitted to use water for irrigation of their commercial stock and the golf courses may water greens.
  - b. Watering any vegetable garden, except by hand held hose, container, or drip irrigation system.
  - c. All nonessential use of water for commercial or public use.
  - d. Using water outside a structure for any use other than an emergency use involving fire or as needed by the water utility to maintain the water system.
  - e. Operating an evaporative air conditioning unit which recycles water, except as may be required for health and safety.
  - f. Other restrictions as may deemed appropriate and adopted by the Board of Supervisors.

All industrial, manufacturing, and commercial enterprises shall reduce consumption to any degree feasible with a goal of a reduction of at least 15% to 25%.

### **PENALTY AND ENFORCEMENT**

Any person who violates any provision of this article shall be subject to the following civil penalties:

1. For the first offense, violators shall receive a written warning delivered in person or posted by a representative of the County.
2. For the second offense, violators shall be assessed a civil penalty of fifty dollars (\$50.00), the penalty to be imposed on the violator's next water bill, or in the case of violators not on the public water system, in a written notice.
3. For the third and each subsequent offense, violators shall be assessed a civil penalty of one hundred dollars (\$100.00) for each offense, the penalty to be imposed on the violator's next water bill,

or in the case of violators not on the public water system, in a written notice.

4. Each violation by a person shall be counted as a separate violation by that person, irrespective of the location at which the violation occurs.
5. Persons who have been assessed a penalty shall have the right to challenge the assessment by providing a written notice to the County Administrator within ten days of the date of the assessment of the penalty. The County Administrator shall determine whether the penalty was properly assessed and notify the complaining person in writing of his determination.
6. The County Administrator may waive the penalty if he determines that the violation occurred due to no fault of the person.
7. The County Administrator, his designee, or the representative of the County issuing the notices described in this section may file an action in the General District Court of Patrick County to obtain a judgment in the accrued amount of such penalties against a person who has not paid the assessed penalties as determined by the County Administrator pursuant to this section.

### **DECLARATION OF END OF WATER EMERGENCY**

1. **Notification of end of water emergency:** The County Administrator, following discussions with the Authority, shall notify the County Board of Supervisors when, in his opinion, the water emergency situation no longer exists. Upon concurrence of the County Board of Supervisors, the water emergency shall be declared to have ended. When this declaration is made, the information shall be conveyed to the general public through the news media.

This Policy Rules and Regulations shall be effective immediately.

Adopted this the 12<sup>th</sup> day of September, 2011.

Voting Aye: 4

Voting Nay: 0

Absent: 1