

**PART 5
Municipal Utilities**

**CHAPTER 1
Water Supply and Distribution**

**ARTICLE C
WATER SHORTAGES AND CONSERVATION**

§5-1031 Water Shortage and Conservation Measures

- (a) The purpose of this water shortage and conservation ordinance is:
- (1) To implement permanent seasonal water conservation measures;
 - (2) To provide for the declaration of increasingly serious stages of water shortages when the Town is notified by our major water suppliers that they have implemented water conservation requirements; and
 - (3) To define mandatory water conservation measures to be implemented during these various stages.

The water shortage and conservation provisions of this ordinance are intended to preserve the water resources of the Town under specific conditions so that the water demands for human consumption, sanitation, and fire protection of its customers can be met as cost-efficiently as possible throughout the service area of the Town.

- (b) This ordinance shall apply to all users connected directly or indirectly to the Town public potable water supply, regardless of whether the user is located within the Town corporate limits or outside of the Town corporate limits.
- (c) The specific objectives of the water shortage and conservation provisions of this ordinance are as follows:
- (1) To establish the authority of the Town Board to declare water shortage conditions and to implement and enforce the procedures established in this ordinance;
 - (2) To establish mandatory water conservation measures;
 - (3) To establish enforcement protocol for violations of mandatory water conservation measures outlined in this ordinance.

§5-1032 Definitions

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Contamination means the addition to any watershed area, reservoir, storage tank, or distribution system of any substance or material that appears in an above-normal concentration or has high nuisance or harmful effect on the consumer or the system.

Essential use means:

- (1) Use of water to sustain normal life and the lives of domestic pets, and to maintain minimum standards of hygiene and sanitation;
- (2) Use of water for patient health care and rehabilitation;
- (3) Firefighting, including certain testing and drills by the fire department if conducted in the interest of public safety and if approved by the Town Manager;
- (4) Health and public protection purposes, if specifically approved by health officials and the Town Manager, including flushing of water lines and hydrants.

Hand watering means the use of a hand-held watering device. The device can be attached to the end of a garden hose, but must be attended (and held in the hand of a person) at all times that watering is taking place.

Mandatory conservation means that conservation measures are not voluntary, and that if users fail to comply, they are subject to the penalties outlined in this ordinance.

Potable water means the water in the Town water distribution system.

Rationing means procedures established by the Town to provide for the equitable distribution of critically limited treated water supplies, in order to balance demand and limited availability, and to ensure that sufficient treated water is available to preserve public health and safety.

User means any person using water for any purpose from the Town water distribution system (either directly or indirectly).

Water shortage means that conditions exist when the demands and requirements of water customers served by the Town cannot be satisfied without depleting the available supply of potable water or the available water supply to or below a critical level, i.e., the level at which the continued availability of water for human consumption, sanitation, and fire protection is jeopardized. Conditions contributing to a water shortage may include but are not limited to the following:

- (1) Water supplies are below the level necessary to meet needs;
- (2) Water quality has been threatened due to a contamination situation;

- (3) Power outages or equipment malfunction;
- (4) Peak customer demands on the water system;
- (5) Inability to maintain adequate pressure and/or water supply throughout every portion of the Town water distribution system;
- (6) Natural disasters.

§5- 1033 Annual Water Conservation Measures

Every Town customer shall comply with the following schedule for the automated irrigation (sprinklers and irrigation systems) of outdoor landscaping (such as grass, shrubbery, trees, flowers and vegetable gardens) from May 1 through October 31 annually:

- (1) For customers whose address numbers end in an even digit, such watering shall be restricted to Tuesdays, Thursdays and Saturdays.
- (2) For customers whose address numbers end in an odd digit, such watering shall be restricted to Wednesdays, Fridays and Sundays.
- (3) Exceptions to these restrictions (on a temporary 45-day basis, with the payment of a permit fee) may be granted for landscapers or property owners engaged in establishing new grass seed, sod or landscaping on a site-by-site basis, by permit issued by the Town. Any person regularly engaged in the sale of plants shall be permitted to use water for such purposes. These annual restrictions do not apply to any citizens that utilize a drip irrigation system.

§5-1034 Water Conservation Stage I: Water Shortage Warning

- (a) Whenever the Town experiences a potential Stage I water shortage, the Town Board shall be empowered to declare a water shortage warning. The goal of Stage I conservation measures is to reduce overall consumption by a total of 10 percent.
- (b) An extensive publicity campaign will be initiated with conservation efforts publicized through the general news media or any other appropriate method for making such notification public. When water shortage warning conditions are declared, the following mandatory conservation measures shall be imposed.
- (c) It shall be unlawful to use water from the public water system supplied by the Town:
 - (1) To water lawns, grass, shrubbery, trees, flowers and vegetable gardens except by the schedule outlined under Annual Water Conservation Measures.
 - (2) To wash down outside areas such as streets, driveways, service station aprons, parking lots, office buildings, exteriors of existing or newly constructed homes or apartments, sidewalks, or

patios, or to use water for other similar purposes. Provided, however, that any person regularly engaged in the business of washing such areas shall be permitted to use water for such purposes.

(3) To wash vehicles at home on days others than Saturday or Sunday.

(4) To fill new pools or completely refill existing pools.

§5-1035 Water Conservation Stage II: Water Shortage Emergency

(a) When the Town experiences a shortage of treated water, or when the water supply is not adequate to meet normal needs, the Town Board shall be empowered to declare a Stage II water shortage emergency. The declaration shall exist for the duration of the shortage or until it is declared to have ended by the Town. The goal of Stage II conservation measures is to reduce overall consumption by a total of 20 percent.

(b) In the event of a Stage II water shortage emergency, in addition to the restrictions heretofore imposed, the following mandatory water conservation measures shall apply. It shall be unlawful to use water from the public water system supplied by the Town for the following purposes:

(1) To water lawns, grass, shrubbery, trees, flower and vegetable gardens except by the following schedule:

(a) Odd-numbered addresses may irrigate lawns and landscapes only between midnight and 10 a.m. on Tuesdays.

(b) Even-numbered addresses may irrigate lawns and landscapes only between midnight and 10 a.m. on Wednesdays.

(2) To wash any vehicle and equipment, except at a commercial facility that recycles its wash water.

(3) Non-Fire fighting hydrant use is prohibited.

(4) Any use of potable water in topping off swimming pools is prohibited.

(5) No new water 45 day permits for grass or sod will be issued.

(c) Exceptions to these restrictions are as follows:

(1) Agricultural irrigation is allowed for the production of food or the maintenance of livestock.

(2) Irrigation is allowed for commercial nurseries at a minimum level necessary to maintain stock.

(3) Pools used by health care facilities can be filled.

§5-1036 Water Conservation Stage III: Water Shortage Crisis

Whenever the Town Board has declared a water shortage crisis and finds a need to provide for the equitable distribution of critically-limited treated water or water supplies to ensure that sufficient treated water is available to preserve public health and safety of the citizens, the Town may enforce a water rationing policy. Such rationing policy shall be approved by the Town Board at the time of the declaration of the water shortage crisis and should be reflective of the following criteria:

- (1) It is imperative that water customers achieve an immediate further reduction in water use in order to extend existing water supplies and, at the same time, assure that sufficient water is available to preserve the public health and sanitation and to provide fire protection service. This immediate further reduction in water usage is another step along a continuum of responses to any water shortage crisis. Should the crisis continue further reductions in water usage may be required. It must be emphasized that additional usage reductions in the rationed area is a valid and attainable goal reflective of the conditions of the crisis. The goal of stage III conservation measures is to reduce overall consumption by a total of 30 percent.
- (2) The policy must provide for equitable reductions in water usage and for equal sacrifice on the part of each water customer. The success of this policy depends on the cooperation of all water customers in the emergency area.
- (3) The policy must ensure that fire protection is maintained.
- (4) The policy shall make it unlawful to fail to act in accordance with the restrictions on potable water use or to attempt to evade or avoid such water rationing restrictions.
- (5) The policy may include additional measures of mandatory conservation controls such as a percentage reduction in consumption, termination of service to specific areas in the water system on a rotating basis, prohibition of all industrial uses of potable water, etc., or whatever is necessary to protect the health and safety of the customers of the water system.
- (6) In the event of a Stage III water shortage crisis, the following mandatory water conservation measures shall apply. It will be unlawful to use water from the public water system supplied by the Town for the following purposes:
 - (a) To water or sprinkle any lawn, grass, shrubbery, trees, or flowers with potable water supplied by the Town.
 - (b) To wash automobiles, trucks, boats, airplanes, or any other type of mobile equipment, even at commercial facilities that recycle water.
 - (c) All 45 day grass or sod permits are suspended.

§5-1037 Regulations

(a) During the effective period of any Stage I water shortage, Stage II warning, emergency, or Stage III crisis, the Town is empowered to promulgate such regulations or policies as may be necessary to carry out the provisions of this ordinance. The Town Manager of the Town, or his duly authorized agent charged with implementation and enforcement of this ordinance, shall be and is hereby granted the authority to implement and enforce any of the treated water use restrictions.

(b) The Town Board may implement, maintain and rescind any one or more of the above restrictions and to make them applicable during various times of the day as they deem appropriate to protect the public health, safety and welfare until he determines that the conditions requiring their imposition no longer exist.

§5-1038 Enforcement

Any person who violates the provisions of this ordinance, who fails to carry out the duties and responsibilities imposed by this ordinance, or who impedes or interferes with any action undertaken or ordered pursuant to this ordinance (hereinafter “violation”) shall be subject to enforcement actions.

For the first violation, the following enforcement action shall apply:

Warning. Whenever the Town finds that any user has violated or is violating this ordinance or any prohibition, limitation, or requirement contained in the ordinance, that user may be contacted in person, by phone or by means of a door hanger stating the nature of the violation and to discontinue such violation immediately.

For the second violation or a continuation of a violation following a warning, the following enforcement action shall apply:

Citation. Whenever the Town finds that any user has committed a second violation (within one year of the first violation) or is continuing to violate this ordinance or any prohibition, limitation, or requirement contained in this ordinance following a warning (given within one year of the first violation), the Town Manager or his duly authorized agent is authorized to issue a citation to the violator. The citation will carry with it a \$50.00 fine for such violation. A subsequent or continuation of a violation that results in the issuance of another citation will carry with it a \$100.00 fine.

For the third and subsequent violation, the following enforcement actions shall apply:

Suspensions of service. Whenever the Town finds that any user has violated or is continuing to violate this ordinance or any prohibition, limitation or requirement contained in the ordinance for a third or subsequent time, then the Town Manager may terminate or restrict the water service at such place or premise where the violation occurs and may in addition thereto or in the alternative take such other appropriate legal action as provided by law.

At such time as the Town Manager is satisfied that the person is no longer in violation of any treated water use restrictions, the Town Manager shall reinstate the person's water service pursuant to the following:

- (1) After payment of a suspension/reconnection charge of \$200.00 following the first termination of service;
- (2) After payment of a suspension/reconnection charge of \$300.00 following the second termination of service;
- (3) After payment of a suspension/reconnection charge of \$500.00 following the third or subsequent termination of service;

In addition to the aforementioned enforcement action, the Town Board may discontinue treated water service indefinitely at such place or premises where four (4) or more violations of this ordinance occur.