

ORDINANCE NO. 2205

AN ORDINANCE authorizing the City Council to encourage water conservation efforts; authorizing the city council, upon a declaration by the Governor of Virginia of a local emergency arising out of a water shortage and the delegation of necessary powers, to direct the city manager to prohibit or curtail the use of water for certain purposes for the duration of the water shortage or for a lesser period; defining the terms pertaining thereto; providing various stages of water use restriction or curtailment; providing for the termination of emergency restrictions on water use; imposing penalties for violations; and providing separability clause.

WHEREAS, situations periodically may arise whereby a shortage of water may occur in the City of Alexandria due to climatic, hydrological or other extraordinary conditions, including but not limited to failure or disruption of the public water supply system or elements thereof serving the city; and

WHEREAS, during such conditions the protection of the health, safety and welfare of the residents of the City of Alexandria may require that certain uses of water, not essential to the public health, safety and welfare, be reduced, restricted or curtailed; and

WHEREAS, the emergency caused by a shortage of water may require immediate governmental action pursuant to a declaration by the Governor of Virginia of a local emergency arising from a water shortage directed toward the mandatory curtailment of certain water uses in the City of Alexandria; therefore

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. Definitions.

For the purposes of this ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The word "shall" is always mandatory and not merely directory.

- (a) "City" is the City of Alexandria.
- (b) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.
- (c) "Water" is water taken from any public water supply or distribution system within the boundaries of the city.

Section 2. Restriction of water use.

Stage I. Voluntary conservation measures. Upon a determination by the city council based upon receipt of information from the city manager, water system operators and other pertinent sources that there exists a shortage in the city water supply, and after notice has been given to the general public, the mayor may be authorized by the city council to call on the general population to employ prudent restraint in water usage and to conserve water voluntarily by whatever methods available.

Stage II. Mandatory conservation measures. Upon a determination by the city council that the severity of the water shortage shall require mandatory conservation measures, the city council shall petition the Governor, pursuant to Section 44-146.16, Code of Virginia (1950), as amended, to declare a local emergency and to delegate necessary powers enabling the city council to take action, including the delegation of such authority to the city manager as the city council may deem necessary, to prevent or alleviate the hardship or suffering threatened by the water shortage including but not limited to the imposition of mandatory water use restrictions or curtailments. Upon notification that the Governor has declared a local emergency and that the requisite powers have been delegated to the city council, a state of emergency shall be considered to exist within the city. The city council may thereupon authorize the city manager, after notice has been given to the general public, to order the restricted use or absolute curtailment of the use of water for certain purposes for the duration of the water shortage, or for a lesser period, in the stages set forth below.

In making any determination or finding as to the severity of the water shortage under this section, the city council shall give due consideration to the water level in the Occoquan reservoir; the availability of supplementary water resources; prevailing and forecast weather conditions; daily water consumption rates and consumption projections and such other data pertinent to the past, current and projected water demands upon the source of the city's water supply. In exercising authority granted under this section, the city council shall give due consideration to applying use restrictions or absolute curtailments only to the users of those water supply systems, or elements thereof, which are affected by the water shortage or which can assist the affected systems in mitigating adverse effects of such shortage.

Stage II-A. Upon finding that very limited supplies of water are available the city council may authorize the city manager to order restricted use or absolute curtailment of certain uses of water including but not limited to one or more of the following as may be determined by the city council.

(1) The washing of automobiles, trucks, trailers or any other type of mobile equipment except in vehicle wash facilities operating with a water recycling system approved by the city with a prominently displayed sign in public view so stating, or from a bucket or other container not exceeding three (3) gallon capacity.

(2) The washing of streets, driveways, parking lots, service station aprons, office buildings, exteriors of homes or apartments or other outdoor surfaces.

(3) Watering of outside shrubbery, trees, lawns, grass, plants or any other vegetation, except from a watering can or other container not exceeding three (3) gallon capacity. This limitation shall not apply to vegetable gardens, greenhouse or nursery stocks and newly established lawns or sod less than five (5) weeks old, which may be watered in the minimum amount required to preserve plant life before 8:00 a.m. or after 6:00 p.m.

(4) The operation of any ornamental fountain or other structure making a similar use of water.

(5) The filling of swimming or wading pools requiring more than five (5) gallons of water, or the refilling of swimming or wading pools which were drained after the effective date of the order, except that pools may be filled to a level two feet below normal, or water may be added to bring the level to two feet below normal, or as necessary to protect the structure from hydrostatic damage, as to pools constructed or contracted for on or before September 17, 1977.

(6) The service of drinking water in restaurants except upon request.

(7) The use of water from fire hydrants for any purpose other than fire suppression unless otherwise specifically provided by the city manager.

(8) The operation of any water cooled comfort air conditioning which does not have water conserving equipment in operation.

(9) In addition to the foregoing water use restrictions or curtailments, any owner of any residential unit(s) or any owner of any commercial or industrial establishment which is found to be an excessive user of water due to leakage from water lines or plumbing fixtures on the premises and who fails to take immediate action to repair and stop such leakage after notice by the city, shall be subject to those penalties provided under Section 3, infra.

#### Stage II-B.

Upon finding that the foregoing measures in Stage II-A do not result in an appreciable alleviation of the water supply shortage, the city council may authorize the city manager to order further restrictions or absolute curtailments in the uses of water including but not limited to the following:

(1) The operation of any industrial or commercial activity or process, including construction activity, which uses water beyond the sanitary or drinking needs of employees, customers and visitors. This provision shall not apply to the operation of residential rental buildings.

#### Stage III.

Upon finding that available supplies of water are critically limited, the city council may authorize the city manager to restrict the use of water to purposes which are absolutely essential to life, health and safety.

#### Section 3. Penalties.

Any person violating any provision of this ordinance or any order of the city manager implementing this ordinance shall upon conviction be subject to a fine of not more than \$500.00. In addition, the city manager may seek suspension of the water service to any violator.

#### Section 4. Appeals.

Whenever the city manager shall issue an order directing restriction or curtailment of the use of water as provided herein or shall seek suspension of water service as a result of a violation of any provision of this ordinance or of any order implementing this ordinance, any person subject to such order or suspension may appeal to the city council. The city council shall act as a board of appeal on such matters. The city council shall grant an appellant the opportunity to present in writing or, at the option of the appellant, in a public hearing, arguments against the decision of the city manager. Additionally, the city council may, on written application, permit an exemption or less than full compliance with any order of the city manager issued pursuant to this ordinance when, in its judgment, compliance or full compliance would work an exceptional and unjustifiable hardship. All applications for appeals or exemptions must be in writing. The city manager shall be authorized to issue in writing temporary waivers or exceptions within the provisions of this ordinance for such periods of time as may be necessary for the city council to formally consider such exemptions or take appropriate action.

Section 5. Termination of emergency restrictions.

Based upon receipt of information from the city manager, water system operators and other pertinent sources, and upon its determination that sufficient water supplies exist to warrant termination of emergency restrictions or curtailments on water usage, or in any event upon its determination that the level of the Occoquan reservoir has reached 107 feet, the city council may terminate, in whole or in part, such restrictions or curtailments on water usage heretofore imposed by the city manager pursuant to this ordinance, and shall so notify the Governor and the general public.

Section 6. Separability.

In the event that any section or provision of this ordinance or any portion, paragraph, sentence or word thereof be declared by a court of competent jurisdiction to be invalid, such decision should not affect the remainder hereof.

Section 7. Enforcement.

For a period of four (4) days following the effective date of this ordinance, city enforcement personnel may issue warnings to violators.

Section 8. That the title of and an informal memorandum explaining this ordinance shall be published in a newspaper of general circulation published in the city not later than five days following its introduction together with a notice containing the time and place for a public hearing. The city clerk shall have the full text of this ordinance printed in sufficient numbers to supply copies to meet request. The city clerk shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

FRANK E. MANN  
Mayor

Final Passage: September 17, 1977