

ORDINANCE NO. 4747

AN ORDINANCE to amend and reordain Article A (WATER), Chapter 6 (WATER AND SEWER) of Title 5 (TRANSPORTATION & ENVIRONMENTAL SERVICES), all of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Title 5, Chapter 6, Article A of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained by the creation of 2 Divisions, the deletion of current Section 5-6-1, the renumbering of Sections 5-6-2 through -4 and the addition of new Section 5-6-4 through -10, to read as follows:

**Division 1 – Stagnant Water**

**~~Sec. 5-6-1 – Use in emergencies.~~**

~~It shall be unlawful for any person, when an emergency has been declared to exist in the water supply of the city by published printed notice by the city manager, to use water obtained from the mains supplying the city, for the watering of lawns, plants or flowers, except plants or flowers grown by a duly licensed florist, the washing of automobiles, sidewalks or porches or any other unnecessary or wasteful use. Any violation of this section shall be subject to a fine of not less than \$10 nor more than \$50. (Code 1963, Sec. 40-1)~~

**Sec. 5-6-~~1~~2 - Stagnant water—owner to fill in place of collection.**

(a) It shall be the duty of the owner of any lot or parcel of land located in the city which, because of the contour of the surface of the land, catches and holds rain and surface water, so that pools or ponds of stagnant water result, to fill in the lots, or parcels of land with earth to a grade as will prevent the collection of pools or ponds of stagnant water. In cases where the basin formed by the contour of the land in which the water collects is composed of two or more lots or parcels of land in separate ownership, the owners shall be responsible for the filling in of the portions of their respective lots or parcels of land as may be affected. At the request of any owner, the city engineer shall furnish the proper grade to which the fill should be made.

(b) The provisions of this section shall be applicable in all cases where stagnant water collects, whether the result of abandoned excavations, establishments of street grades or otherwise.

**Sec. 5-6-~~3~~2 - Same—action by city when owner refuses to fill in.**

(a) In the event that any owner shall fail or refuse to fill in any lot or parcel of land as provided in the preceding section, within 10 days of receipt of written notice from the city

manager to do so, the notice to be sent by registered mail, the city manager may cause the lot or parcel of land to be filled in with earth to the proper grade, and the cost thereof shall be a charge against the owner and the amount thereof shall be certified by the city manager to the director of finance to be added to the current tax bill against the land, which shall constitute a lien thereon as a part of the current tax bill, and the charges shall bear interest at the rate of six percent commencing 30 days after completion of this work.

(b) In addition to certifying the amount of the charges to the director of finance, the city manager may certify same to the city attorney for any appropriate action at law to recover that as may be deemed proper.

**Sec. 5-6-4 ~~3~~ - Same—penalty for violation of two preceding sections.**

Any violation of the provisions of the two preceding sections shall be subject to a fine of not less than \$5 nor more than \$100, and each day that any owner fails or refuses to comply after 10 days from receipt of the written notice from the city manager as provided in the preceding section, shall constitute a separate offense, but the notice shall not be prerequisite to liability for violation of the provisions of section 5-6-2 of this code.

[The following is all new text]

**DIVISION 2 – WATER SUPPLY EMERGENCY**

**Sec. 5-6-4 – Purpose.**

The purpose of this division is to provide for the necessary reduction and curtailment of water usage through voluntary and/or mandatory restrictions during a water shortage condition or water supply emergency affecting the City and its residents and businesses.

**Sec. 5-6-5 – Definitions.**

(a) Water shortage condition. A state wherein the Potomac River Basin is experiencing unusually dry weather, or a state wherein there exists the potential for a water supply emergency if water demands are not reduced.

(b) Water supply emergency. A condition wherein the present or expected future ability of the City to deliver adequate supplies of water to customers to enable normal levels of potable water usage is endangered due to an extended drought and/or disruption in the City’s water supply system.

**Sec. 5-6-6 – Declaration of Water Shortage Condition.**

(a) Whenever the City Manager, or designated agent, determines that a water shortage condition exists, a water shortage condition may be declared by the City Manager. The City

Manager, or designated agent, shall notify the general public that a water shortage condition has been declared and that more specific voluntary restrictions of water usage by residents and businesses are requested in order to help preserve the supply of potable water to the City.

(b) Upon the declaration of a water shortage condition, the City Manager, or designated agent, may issue voluntary restrictions or recommend water conservation practices to help preserve the supply of potable water to the City. Such voluntary restrictions or conservation practices may include, but shall not be limited to, voluntary restriction of one (1) or more of the following:

- (1) Watering of shrubbery, trees, lawns, grass, plants, or other vegetation, except plants of flowers grown by a duly licensed florist;
- (2) Washing of automobiles, trucks, trailers or other mobile equipment, except in a vehicle wash facility with an effective and efficient water recycling system;
- (3) Washing of streets, driveways, parking lots, service station aprons, the exterior of commercial or residential buildings, or any other outdoor surfaces unless such washing is required to eliminate a hazard;
- (4) Operation of any ornamental fountain or other structure making similar use of water;
- (5) Serving water to customers in restaurants, cafeterias, or any other establishment, unless specifically requested;
- (6) Filling of swimming and/or wading pools and use of water for outdoor recreation;
- (7) Use of water from fire hydrants, except for health and safety purposes;
- (8) Request water users to inspect all plumbing and repair leaks; and
- (9) Suggestion of a maximum daily consumption goal for residents to strive and achieve.

(c) At any time after the declaration of a water shortage condition, if the City Manager determines that such a condition no longer exists, then he or she may declare the rescission of the water shortage condition and the termination of all associated voluntary restrictions and recommended water conservation practices.

## **Sec. 5-6-7 – Declaration of Water Supply Emergency**

(a) Whenever the City Manager finds that a water supply emergency exists, or is reasonably likely to occur if water conservation measures are not taken, he or she may declare a water supply emergency restricting or prohibiting the use of water by residents and businesses for the duration of such emergency or for a period of time necessary to prevent the occurrence of a water supply emergency. Such a condition may be determined from information obtained by the City Manager through the City's water supplier (Virginia American Water Company), information obtained from a recognized authority, or from other sources as determined appropriate and prudent by the City Manager.

(b) Upon the declaration by the City Manager of a water supply emergency he or she is authorized to promulgate and implement, in writing, mandatory water consumption restrictions or prohibitions necessary to preserve the ability of the City to provide adequate and acceptable levels of potable water to preserve the public health, safety and welfare. Water restrictions or prohibitions promulgated by the City Manager may include, but shall not be limited to, restriction or prohibition of one (1) or more of the following activities as provided in Section 5-6-6 (b).

(c) If, at any time after the City Manager declares a water supply emergency and the City Manager finds that a water supply emergency no longer exists, then the City Manager may declare that the water supply emergency has ended. At any time during a water supply emergency, the City Manager may, by written declaration, declare the rescission, in whole or in part, of any restrictions or prohibitions promulgated and implemented under Section 5-6-7 (b). Such declarations by the City Manager shall be based upon a factual finding that the ability of the City to deliver acceptable quantities of potable water is no longer limited, or that the extent of the declared emergency is reduced and that the existing restrictions or prohibitions, or some part thereof, are no longer required to protect the public health, safety and welfare.

(d) The City Manager, or designated agent, shall notify the general public, and the City Council, when the City Manager promulgates, or rescinds, mandatory restrictions or prohibitions authorized by this Section or by any ordinance adopted hereafter. Such notification shall describe the mandatory restrictions and prohibitions promulgated or rescinded by the City Manager, the effective date or dates thereof, and the penalties for noncompliance. Such a notice to the general public shall be published in a newspaper of general circulation within the City and posted in a public space in the City Manager's office. Such notice shall be deemed due and proper notice to every customer supplied with water by the City.

**Sec. 5-6-8 – Exemptions of Essential Uses for Public Health, Safety and Welfare.**

The provisions of any declaration by the City Manager of a water supply emergency, and any restrictions or prohibitions implemented by the City Manager, shall not apply to any governmental, business, or industrial use which is deemed by the City Manager to be essential to the preservation of the public health, safety and/or welfare.

**Sec. 5-6-9 – Appeals.**

Upon receipt of a written request by an individual customer of water supplied by the City, the City Manager, for good cause shown, including evidence that the applicant is affected in a substantial manner not common to other persons or businesses generally, may permit less than full compliance with any of the water restrictions or prohibitions promulgated during a declared water supply emergency. No waiver shall be granted by the City Manager unless he or she determines that the public health, safety and welfare will not be adversely affected by the waiver.

**Sec. 5-6-10 – Penalties.**

(a) Any person who violates or fails to comply with any of the mandatory provisions of this Division may be charged with a Class Five Civil Violation and may be fined as provided in Section 1-1-11(b)(5) of this Code.

(b) The imposition of a fine or penalty for violating any of the mandatory provisions of this Division shall not excuse the violation or permit it to continue.

(c) The City Manager, or designated agent, may seek suspension of water service to any violator of the mandatory provisions of this Division by injunction, abatement or other appropriate legal remedy, if the City Manager determines that such action is necessary to prevent any continued or future violation.

**Secs. 5-6-11 through 5-6-20 – Reserved.**

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE  
Mayor

Final Passage: January 21, 2012