

WATER SUPPLY SHORTAGE

§ 50.120 ISSUANCE OF WATER SHORTAGE PROCLAMATION.

In the event of an existing or threatening state of emergency endangering the safety, health or welfare of the people of the town, or threatening damage or destruction of property, arising from the shortage or threatened shortage of water, the Mayor is hereby authorized and empowered to issue a **public** proclamation declaring the existence of such state of emergency, and to define and impose such appropriate prohibitions and restrictions resulting from the water shortage applicable to all persons within the jurisdiction of the town in order to meet the exigencies of the predetermined state of emergency.

(Ord. 1422, passed 8-8-02)

§ 50.121 CONDITIONS DEEMED EMERGENCY.

A state of emergency shall be deemed to exist whenever, in the opinion of the Mayor, the availability and supply of water is critical so that a mechanical malfunction or breakdown of the town's pumps, a rapid drawdown of the water supply (aquifer), or salt water intrusion would so deplete the water supply and availability of water as to threaten, or cause to threaten, the availability of water for human consumption, for firefighting purposes and other protection of lives and property, and the conservation of water is necessary in order to protect lives, safety and property within the town.

(Ord. 1422, passed 8-8-02)

§ 50.122 RESTRICTIONS, LIMITATIONS IMPOSED.

(A) The Mayor is hereby authorized and empowered to issue a **public** proclamation declaring to all persons the existence of such state of emergency.

(B) Such proclamation may specify the authorized uses of water within the town, and may place limitations, prohibitions and restrictions upon the usage of water for residential, business, commercial, industrial and municipal uses. Such proclamation may limit the use of water for non crucial uses such as the watering of lawns, washing of automobiles, and similar activities and may be expanded thereafter to include other activities. Specifically exempted from restrictions are those activities by the **Public**

Works Department deemed necessary to maintain water quality to necessary standards. The proclamation will use predetermined stages of water restrictions found in § 50.126.

(Ord. 1422, passed 8-8-02)

§ 50.123 PROCLAMATION, RESTRICTIONS, AND THE LIKE SHALL BE WRITTEN.

Upon the declaration of a proclaimed state of emergency arising from the availability or shortage of water, such proclamation and all restrictions, prohibitions, and limitations on the use of water shall be in writing and duly signed by the Mayor or any person authorized to act in his or her stead. All restrictions, prohibitions, and limitations upon the use of water during the proclaimed state of emergency shall be in writing and specifically described and identified so that the citizens and the residents of the town shall have available the specific activities authorized and the specific activities prohibited.

(Ord. 1422, passed 8-8-02)

§ 50.124 END OF EMERGENCY; LIFTING OR MODIFICATION OF RESTRICTIONS.

The Mayor shall proclaim the end of such state of emergency and shall have the authority to modify, lift or suspend any restrictions, limitations or prohibitions stated in such proclamation of emergency as soon as the circumstances warrant.

(Ord. 1422, passed 8-8-02)

§ 50.125 (RESERVED).

§ 50.126 STAGES OF CONSERVATION MEASURES IN RESPONSE TO WATER SHORTAGE.

The Mayor may initiate the following stages of water conservation measures to avoid or lessen the impact of a water shortage. The Mayor shall base his or her action upon a review of all factors that affect the town's water supply, including, but not limited to, current water supply, seasonal effect on water supply and current consumption rates. The Mayor or his or her designee may initiate one of five escalating stages of water conservation, which shall be effective upon being signed and posted on the town web site

and a copy placed with the Town Clerk. Such proclamation shall also be provided as a **public** service announcement to available media outlets.

(A) Stage I - Voluntary Conservation. In Stage I of water conservation, the town shall publicize and encourage the **public** voluntarily to comply with the following water conservation measures:

- (1) Limit lawn watering to that which is necessary for plants to survive;
- (2) Water shrubbery the minimum amount required, reusing household water when possible;
- (3) Limit vehicle washing to the minimum;
- (4) Refrain from washing down outside areas such as sidewalks, patios, and the like;
- (5) Use showers for bathing rather than bathtubs, and limit showers to no more than four minutes;
- (6) Refrain from leaving faucets running while shaving or while rinsing dishes;
- (7) Limit use of clothes washers and dishwashers and when used, operate fully loaded;
- (8) Install water-flow restrictive devices in showerheads;
- (9) Use disposable and biodegradable dishes;
- (10) Install water-saving devices such as bricks, plastics, bottles or commercial units in toilet tanks.

(B) Stage II - Moderate Mandatory Conservation. In Stage II of water conservation, the town shall continue all recommendations of Stage I and the following measures shall be mandatory:

- (1) No watering of lawns, grass, shrubbery, trees, flowers or vegetable gardens except between the hours of 6:00 p.m. and 9:00 p.m. Monday through Thursday;
- (2) No filling of newly constructed swimming and/or wading pools and existing pools which have been drained. A minimal amount of water may be added to maintain continued operation of pools which are in operation at the time the provisions of Stage II are placed into effect;
- (3) No washing of automobiles, trucks, trailers, boats, or any other type of mobile equipment;
- (4) No washing down of outside areas such as streets, driveways, service station aprons, parking lots, office buildings, exterior of existing or newly constructed homes or apartments, sidewalks or patios, or use of water for other similar purposes;

(5) No introducing water into any ornamental fountain, pool or pond or other structure making similar use of water;

(6) No serving of drinking water in restaurants, cafeterias or other food establishments, except upon request;

(7) No using water from **public** or private fire hydrants for any purpose other than fire suppression or other **public** emergency;

(8) No using water for dust control or compaction;

(9) No using water for any unnecessary purpose or intentionally wasting water.

(C) Stage III - Severe Mandatory Conservation. In Stage III of water conservation, all the provisions of Stages I and II apply and, in addition, the following measures shall be mandatory:

(1) No watering of lawns, grass, shrubbery, trees, flowers or vegetable gardens;

(2) No nonessential use of water for commercial or **public** use, and the use of single service plates and utensils is encouraged and recommended in restaurants.

(D) Stage IV - Stringent Mandatory Conservation. In Stage IV of water conservation, all the provisions of Stages I through III apply and, in addition, the following measures shall be mandatory:

(1) No using water outside of structures for any use other than emergencies involving fire;

(2) No introducing water into swimming pools.

(E) Stage V - Rationing. In Stage V of water conservation, all provisions of Stages I through IV apply and, in addition, the following measures are mandatory:

(1) Fire protection will be maintained;

(2) All other uses of water will be limited to those uses necessary to meet essential health and safety needs of customers.

(Ord. 1422, passed 8-8-02)

§ 50.999 PENALTY.

(A) Any person violating any provision of this chapter shall be subject to the penalties set forth in this section. If the violation is continued, each day's violation shall be a separate offense.

(B) Any violation of this chapter shall subject the offender to a civil penalty to be recovered by the town in a civil action in the nature of a debt if the offender does not pay

any penalty called for hereunder within the prescribed period of time after notice of violation of the chapter. Penalties shall be as prescribed herein but in no case less than \$10 per day.

(C) This chapter may be enforced by an appropriate equitable remedy such as an injunction or order of abatement issuing from any court of competent jurisdiction.

(D) This chapter may be enforced by any, all, or a combination of the remedies as authorized and prescribed above.

(E) Violation. It shall be unlawful for any person to violate any provision of §§ 50.120 et seq., including any mandatory water conservation measure.

(1) Civil penalties. Any person who violates §§ 50.120 et seq. is subject to a civil penalty as described below in division (E)(6) per violation, per day, for as long as the violation exists. The town, through the Police Department, shall serve a written citation on the violator and the customer, if different, by personal delivery or by certified or registered mail, return receipt requested. The citation shall describe the violation and shall specify the amount of the civil penalty levied. If a person fails to pay a civil penalty within ten days after receiving written notice of such violation, then the town may recover the penalty through a civil action in the nature of a debt, including all further accruing penalties for continuing violations.

(2) Continuing violation. Each day that a violation continues shall constitute an additional and separate offense for the purpose of criminal and civil

(3) Discontinuance of service. The town may discontinue service to a customer upon a determination by the **Public Works** and Utilities Director that the customer violated a provision of this article. Prior to discontinuance of service, the **Public Works** and Utilities Director shall give the customer written notice of the violation and an opportunity to contest the discontinuance of service within 48 hours.

(4) Multiple remedies. The town may seek to enforce §§ 50.120 et seq. through any appropriate equitable or legal action or through any combination of the remedies set forth in §§ 50.120 et seq.

(5) Appeal. A person who is assessed civil penalties or whose service is discontinued may appeal to the Board of Aldermen by serving written notice on the Town Manager or his or her designee within ten days of the person being served with a citation or notice of discontinuance. An order of discontinuance is not stayed pending appeal to the Board.

(6) Fines. Civil penalties for violations to §§ 50.120 et seq. will result in fines as set forth: Stage I - no fines; Stage II - \$50; Stage III - \$100; Stage IV - \$250; Stage V - \$500.

(Ord., passed 7-28-83; Am. Ord. 1422, passed 8-8-02)

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