

**ORDINANCE NO 2010-1
DROUGHT ORDINANCE
OF
WYTHE COUNTY, VIRGINIA**

ARTICLE I - TITLE, AUTHORITY AND JURISDICTION

- 1.1 Title. This ordinance shall be known as the “Drought Ordinance of Wythe County, Virginia”, Ordinance 2010-1.
- 1.2 Authority. This ordinance is adopted pursuant to the Code of Virginia, Title 62.1-44.38.1.
- 1.3 Jurisdiction. The provisions of this ordinance shall apply to all land within the County of Wythe, Virginia, excluding incorporated towns.

ARTICLE II – AUTHORITY TO DECLARE WATER EMERGENCIES

- 2.1 During the continued existence of climatic, hydrological and other extraordinary conditions the protection of the health, safety and welfare of the residents of Wythe County may require that certain uses 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 Mount Rogers Planning District Commission Drought Response and Contingency Plan, which is incorporated herein by reference.

The Wythe County Administrator or his or her designee is authorized to declare a water emergency in Wythe County restricting the use of water in any area of the county. All water stages are built upon and require compliance with previous water stages. For example when a Drought Emergency is declared all provisions of a Drought Warning are in effect. Also the Wythe County Administrator or his or her designee may declare any of the three stages; they do not have to be declared sequentially.

ARTICLE III – PUBLICATION OF DECLARATION

- 3.1 Upon the declaration of a water emergency, the Wythe County Administrator or his or her designee 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.

ARTICLE IV – WATER USE CONSIDERATIONS

- 4.1 Upon the declaration of a water shortage or emergency, the Wythe County Administrator or his or her designee 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 hereof, the Wythe County Administrator or his or her designee shall give due consideration to stream flow conditions, water levels, available/usable storage on hand, draw down rates and the projected supply capability in the town; system purification and pumping capacity; daily water consumption and consumption projections of the system’s customers; prevailing and 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.

ARTICLE V – LIMITATIONS OF RESTRICTIONS

- 5.1 The provisions of this article shall not apply to any governmental activity, institution, business or industry which shall be declared by the Wythe County Administrator or his or her designee, 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 Wythe County Administrator or his or her designee may appeal the decision to the Wythe County Board of Supervisors.

ARTICLE VI – WATER CONSERVATION MEASURES

- 6.1 Upon a determination by the Wythe County Administrator or his or her designee of the existence of the following conditions, the County Administrator shall take the following actions that shall apply to all water users in Wythe 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 Wythe County Administrator or his or her designee 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 any potential water conservation activities that may be utilized.
 - b) Drought Warning: The drought warning stage includes voluntary water conservation actions due to the imminent onset of a significant drought event. Customers will be asked to reduce outdoor water use by only using water before 10 a.m. and after 7 p.m. and by:
 - ◆ Reducing turf watering;
 - ◆ Using a broom, not the hose, to clean driveways and sidewalks;
 - ◆ Reducing vehicle washing;
 - ◆ Using bucket watering instead of hose watering when possible; and
 - ◆ Turning off ornamental fountains.

Customers will be asked to reduce indoor water use by:

- ◆ Identifying and repairing leaks;
 - ◆ Turning off the water while shaving, brushing teeth, etc;
 - ◆ Reducing shower time to five minutes or taking baths with less water;
 - ◆ Only using the clothes washer and dishwasher machines when there are full loads;
 - ◆ Storing water in the refrigerator instead of running it to get it cold; and
 - ◆ Installing water-saver devices in the home, such as low-flow toilets and showerheads.
- c) Drought Emergency: As drought conditions continue to worsen, a drought emergency may be declared by the Wythe County Administrator or his or her designee. When a drought emergency is declared, the following mandatory water restrictions are imposed:
- ◆ All public water uses not required for health or safety will be prohibited;

- ◆ Watering outdoor vegetation will be prohibited, except from a watering can or other, container not exceeding three-gallons in capacity or with recycled water. Any person regularly engaged in the sale of plants will be permitted to irrigate only in amounts necessary to prevent the loss of nursery stock;
- ◆ Washing vehicles except from a bucket or other container not exceeding three-gallons in capacity or with recycled water will be prohibited;
- ◆ Washing driveways, sidewalks, exteriors of homes or other outdoor surfaces will be prohibited; however, any person regularly engaged in the business of washing such areas shall be permitted to use water for such purposes as long as the amount of water being used is minimized;
- ◆ The operation of any ornamental fountain or similar structure using water will be prohibited;
- ◆ The filling or refilling of swimming pools or wading pools will be prohibited;
- ◆ Restaurants and similar establishments will be prohibited from serving water unless specifically requested by the customer; and
- ◆ Fire hydrant use will only be permitted for fire protection.

ARTICLE VII – PENALTY AND ENFORCEMENT

- 7.1 Any person who violates any provision of the drought warning stage may be subject to the following civil penalties:
- a) For the first offense, violators shall receive a written warning delivered in person or posted by a representative of Wythe County.
 - b) For the second offense, violators shall be fined fifty dollars (\$50.00), the fine 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.
 - c) For the third offense, violators shall be fined one hundred dollars (\$100.00) for each offense, the fine 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.
 - d) For each subsequent offense, violators will be subject to water service termination and reconnection fees.
 - e) Each violation by a person shall be counted as a separate violation by that person, irrespective of the location at which the violation occurs.
- 7.2 Any person who violates any provision of the drought emergency stage may be subject to the following penalties:
- a) Residential customers who exceed the greater of 5,000 gallons of water per month of consumption or use more than their base usage for the same period in the previous twelve (12) months will be charged two-times the rate.
 - b) Residential customers who continue to use more than 5,000 gallons of water per month of consumption or use more than their base usage for the same period in the previous twelve (12) months will be subject to water service termination and reconnection fees.
- 7.3 Persons who have been assessed a penalty shall have the right to challenge the assessment by providing a written notice to the Wythe County Administrator or his or her designee shall determine that the penalty was properly assessed and notify the complaining person in writing of their determination.

- 7.4 The Wythe County Administrator or his or her designee may waive the penalty if they determine that the violation occurred due to no fault of the person.

ARTICLE VIII – NOTFICATION OF END OF WATER EMERGENCY

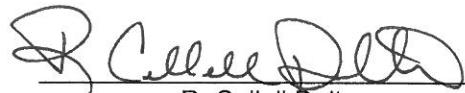
- 8.1 The Wythe County Administrator or his or her designee shall notify the Wythe County Board of Supervisors when, in their opinion, the water emergency situation no longer exists. Upon concurrence of the Wythe County Board of Supervisors, the water emergency shall be declared to have ended. When this declaration is made, the information shall be conveyed to the general public through the news media.

ARTICLE IX – LEGAL STATUS PROVISIONS

- 9.1 Certified Copies of Ordinances. Certified copies of this ordinance and all amendments thereto shall be filed in the office of the Planning Commission and in the office of the Clerk or Circuit Court of Wythe County, Virginia.
- 9.2 Validity. Should any article, section, subsection, or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this ordinance as a whole or any part thereof other than the part declared invalid or unconstitutional. Should this ordinance be in conflict with any other County Ordinance or policy this ordinance shall prevail.
- 9.3 Effective Date. This ordinance was duly considered following the required public hearing held on April 13, 2010, and was adopted by the Board of Supervisors of Wythe County, Virginia at its regular meeting held on April 13, 2010. The ordinance shall become effective on 12:01 a.m. on April 14, 2010. The Board of Supervisors voted in the following manner:

<u>NAME</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSENT</u>
Wythe B. Sharitz	X		
Danny C. McDaniel	X		
Margaret O. Poole	X		
Martha P. Umberger	X		
Coy L. McRoberts	X		
B.G. Horney	X		
Gary M. Houseman			X

I certify that this is a true and correct copy taken from the April 13, 2010, minutes of the Wythe County Board of Supervisors meeting.



 R. Cellel Dalton
 County Administrator/Clerk