Ord. 2011-__

AN ORDINANCE AMENDING CHAPTER 29 "WATER AND SEWERS" OF THE *CHRISTIANSBURG TOWN CODE* IN REGARDS TO PROVISIONS FOR WARNING (VOLUNTARY) AND EMERGENCY (MANDATORY) WATER CONSERVATION

WHEREAS, the Council of the Town of Christiansburg has studied amendments to the Water and Sewers Ordinance of the Town of Christiansburg in regards to provisions for warning (voluntary) and emergency (mandatory) water conservation; and,

WHEREAS, notice of the intention of the Town Council to pass said ordinance was published two consecutive weeks (September 6, 2011 and September 13, 2011) in The Roanoke Times – New River Current, a newspaper published in and having general circulation in the Town of Christiansburg; and,

WHEREAS, a public hearing of Council of the Town was held September 20, 2011; and,

WHEREAS, Council deems proper so to do,

Be it ordained by the Council of the Town of Christiansburg, Virginia that Chapter 29 "Water and Sewers" of the *Christiansburg Town Code* be amended by the addition of Article VIII. Water Conservation. Sections 29-174—29-179 as follows:

ARTICLE VIII. WATER CONSERVATION

Sec. 29-174. Authority.

The Town Manager, after notifying Town Council has authority to declare drought or emergency water supply conditions and impose voluntary and mandatory water conservation measures as set forth in this plan.

Sec. 29-175. Water supply and drought stages.

The following section explains the indicators or triggers that the Town Manager may consider when implementing a specific stage and the actions that would be initiated for each stage.

Stage 1- Watch
The drought and water supply watch stage is intended to increase public awareness of climatic conditions that are likely to precede the occurrence of a significant drought event.

Indicators that may trigger a *watch* are as follows:

1. Monitoring and comparing water intake and treatment with water usage.
2. Precipitation deficits (% of normal precipitation) < 75.0-85.0% depending on time of year - determined using comparisons based on data compiled by the Office of the State Climatologist.

3. Representative daily stream flows for source water fall between the 10th and 25th percentile for return flow frequencies. Stream flows are monitored by utilizing the USGS gauging station (03171000) located at Radford, Va.
4. NOAA Drought Index D1, moderate drought.
5. Utilize additional drought indicators such as Standardized Precipitation Index, Palmer Drought Index, and NOAA monthly and seasonal precipitation outlooks.

When a drought watch declaration is warranted, the following actions may be initiated:

1. Public Outreach to inform customers of potential drought conditions and water conservation activities that may be utilized. (bill inserts, Town of Christiansburg Face Book and/or web pages, newspaper, etc.)
2. Monitor USGS data for in-stream flows daily
3. Limit non-essential government use
4. Notify major water users of the drought condition
5. Increase resources to identify and correct water leaks
6. Encourage use of water recyclers (rain barrels, gray water, etc.) for non-potable uses

Stage 2- Warning (Voluntary)

The drought and water supply warning stage is declared when the onset of a significant drought event is imminent. The Town will request voluntary water conservation activities with a goal of reducing water use 5-10%.

Indicators that may trigger a *warning* are as follows:

1. Precipitation deficits (< 65.0-75.0% depending on time of year) - determined using comparisons based on data compiled by the Office of the State Climatologist.
2. Representative daily stream flows fall between the 5th and 10th percentile for return flow frequencies. Stream flows are monitored by utilizing the USGS gauging station (03171000) located at Radford, Va.
3. NOAA Drought Index D2, severe drought
4. Continue to monitor drought indicators listed above.
5. Continue to monitor and compare water intake and treatment with water usage.

When a drought warning declaration is warranted, the following actions may be initiated:

1. Continue measures from stage 1
2. Implement voluntary water use restrictions for all non-essential outdoor water use. (Examples- irrigation, washing car, washing sidewalks and driveways, etc.)
3. Limit water use for recreational activities (examples- swimming pools, golf courses, etc.)

Stage 3- Emergency (Mandatory)

The drought and water supply emergency stage is declared during the height of a significant drought event or loss of water supply due to emergency situations. Mandatory water conservation activities will be identified with a goal of reducing water use 10-15%. Indicators that may trigger an *emergency* are as follows:

1. Emergency situation that significantly affects (or may affect) the Town's water supply (which includes the water treatment plant, source water, or distribution system).
2. Precipitation deficits (< 55.0-65.0% depending on time of year) - determined using comparisons based on data compiled by the Office of the State Climatologist.
3. Representative daily stream flows below the 5th percentile for return flow frequencies. Stream flows are monitored by utilizing the USGS gauging station (03171000) located at Radford, Va.
4. NOAA Drought Index D3, extreme drought, or greater
5. Continue to monitor drought indicators listed above.
6. Water Authority notifies the Town that source water level is near or below water intake.
7. Water intake and treatment is less than historical water demand

When a drought or water supply emergency declaration is warranted the following actions may be initiated:

1. Continue measures from stages 1 and 2
2. Prohibit all non-essential outdoor water use including:
    a. washing vehicles
    b. irrigation for lawns, gardens, and plantings
    c. recreational uses, including refilling swimming pools
    d. Washing decks, sidewalks, and driveways
3. Require mandatory water use restrictions on major water users for non-essential functions.

Sec. 29-176. Additional measures.

If measures outlined in this Article are insufficient to reduce demand and preserve sufficient supplies of water for citizens, this section outlines additional measures that may be implemented during critical periods.

1. Limit new water mains and water taps.
2. Implement conservation water rate.
3. Implement a water restrictions hotline.
4. Encourage use of non-potable water sources for construction activities and bulk water uses.

Sec. 29-177. Violations and penalties.

The following summarizes those actions and penalties that will be imposed upon violators of the declared emergency stage of the drought and water supply management ordinance:

1. For the first offense, a violator shall receive a written warning delivered in person or posted by a Town employee.
2. For the second offense, a violator shall be assessed a civil penalty of one hundred dollars, to be imposed on the violator's next water bill, or, in the case of violators not on the public water system, to be assessed by a written notice.
3. For the third offense, a violator shall be assessed a civil penalty of two hundred and fifty dollars for each offense, to be imposed on the violator's next water bill, or, in the case of violators not on the public water system, to be assessed by a written notice.
4. Each violation by a person shall be counted as a separate violation by that person, regardless of the location at which the violation occurs.

Sec. 29-178. Appeals.

Upon declaration of a drought emergency or water supply emergency, the Town Council shall establish an appeals review board to review applications for exemptions from required conservation measures and appeals of fines and to consider appeals of penalties assessed.

Sec. 29-179. Public notice and duration of restrictions.

Declaration of drought stages, a water supply emergency, or conservation measures by the Town Manager or the Manager's designee shall become effective upon notification being printed in newspaper of general circulation within locality, Town of Christiansburg social media and/or web page, and/or broadcast upon radio or television station serving the locality. Any prohibitions or restrictions shall remain in effect until the Town Manager determines that a water emergency in the locality no longer exists.

This ordinance shall become effective upon adoption. If any part of this ordinance is deemed unlawful by a court of competent jurisdiction all remaining parts shall be deemed valid. Ordinances or parts of any ordinances of the Town whose provisions are in conflict herewith are hereby repealed.

Upon a call for an aye and nay vote on the foregoing ordinance at a regular meeting of the Council of the Town of Christiansburg, Virginia held _____, 2011, the members of the Council of the Town of Christiansburg, Virginia present throughout all deliberations on the foregoing and voting or abstaining, stood as indicated opposite their names as follows:

	Aye	Nay	Abstain	Absent
Mayor Richard G. Ballengee*				
D. Michael Barber				
Cord Hall				
Steve Huppert				
Henry Showalter				
Bradford J. Stipes				
James W. "Jim" Vanhoozier				

*Votes only in the event of a tie vote by Council.

SEAL:

_____ _____

Michele M. Stipes, Town Clerk Richard G. Ballengee, Mayor