

Sec. 31-125. - Conservation of water during emergencies.

- (a) *Drought warning stage restrictions:* The following drought warning stage restrictions on the use of water drawn from the city's public water supply shall be in effect upon adoption of an implementing resolution by city council:
- (1) Watering of established outside shrubbery, trees, lawns, grass, plants, homegardens, or any other established vegetation, shall only be conducted manually by means of a non-leaking hand held hose with an automatic shutoff nozzle and using the minimum amount required to preserve plant life.
  - (2) New plantings, commercial greenhouses or nursery stocks, newly seeded and sodded lawns, and athletic fields and courts shall only be watered as follows:
    - (i) Athletic fields and courts and commercial greenhouses or nursery stocks may be watered by automatic irrigation systems, or manually by the means described in subsection (a)(1), between the hours of 9:00 p.m. and 10:00 a.m., using the minimum amount of water required to preserve plant life.
    - (ii) Newly seeded lawns and new plantings are required to be installed by a licensed contractor and shall have a forty-five-day establishment period from the date of installation. Sodded lawns are required to be installed by a licensed contractor, shall have a twenty-day establishment period, and shall use no more than ½ inch of water over the sodded area daily. Automatic irrigation or manual watering, by the means described in subsection (a)(1), of newly installed plantings and seeded and sodded lawns shall be conducted only between the hours of 9:00 p.m. and 10:00 a.m. and only as necessary to preserve plant life. Prior to installation, the customer shall provide the director of public works with a written estimate of the amount of water to be used during the establishment period, a dated licensed contractor receipt, and the irrigation method to be used. Failure to provide the required information or initiating installation prior to receipt of written approval shall be deemed a violation pursuant to section (g). Testing and servicing of outside, automatic irrigation systems may be performed during the drought warning stage only if the contract to install the system is dated prior to the council's declaration of the drought warning stage, and a copy of the contract is provided to the director of public works.
  - (3) Washing of automobiles, trucks, trailers, or any other type of mobile equipment, except in licensed commercial vehicle wash facilities, is prohibited.
  - (4) Washing of sidewalks, streets, driveways, parking lots, service station aprons, exteriors of homes or apartments, commercial or industrial buildings or any other outdoor surface, except where mandated by federal, state or local law, is prohibited.
  - (5) The operation of any ornamental fountain or other structure making a similar use of water is prohibited.
  - (6) The filling or refilling of swimming or wading pools requiring more than five (5) gallons of water shall require written approval from the director of public works. Approval shall only be considered for those swimming or wading pools contracted to be installed or constructed prior to the declaration of the drought warning stage. The director of public works shall balance the need for filling the pool against the public's interest in the conservation of water to determine if approval shall be granted. As used herein, the phrase "filling or refilling" shall mean the addition of any water to the pool from the public water supply after the adoption of this amended ordinance.
  - (7) The use of water from fire hydrants for any purpose other than fire suppression, unless otherwise approved by the director of public works, is prohibited.
  - (8) The serving of drinking water in restaurants, except upon request, is prohibited.
  - (9) The operation of any water-cooled comfort air conditioning that does not have water conserving equipment in operation is prohibited.

- (10) All commercial lodging establishments shall adopt a policy which limits the daily changing of washable linens and towels, and communicate that policy to employees and guests. At a minimum all sheets, pillowcases, towels, washcloths and bathmats shall only be changed and washed (i) upon request by an occupant; (ii) upon a change in occupancy; or (iii) once every three (3) days if used by the same occupant. As used herein, "commercial lodging establishment" shall include any establishment offering to the public for compensation lodging or sleeping accommodations, including but not limited to hotels, motels, travel lodges, tourist homes and bed and breakfast establishments.
- (b) *Drought emergency stage restrictions:* The following drought emergency stage mandatory restrictions on the use of water drawn from the city's public water supply shall become effective at such time as the Rivanna Water and Sewer Authority (RWSA) certifies, in writing, that a drought emergency stage exists, and shall add to or supersede, where appropriate, the restrictions already in place pursuant to subsection (a) above:
- (1) All water leaks must be repaired within three (3) business days after notification by the city. If a water leak is not repaired within three (3) business days after notification by the city, the director of finance shall terminate water service to the address where the leak is located until such time as the leak is repaired.
  - (2) Watering of athletic fields is prohibited.
  - (3) All businesses, institutions and governmental entities must develop and implement a written plan, available for inspection by the city within fourteen (14) days of notice of the drought emergency stage, which will reduce the current use of water by that business or institution by twenty (20) percent, other than what is necessary for the sanitary and drinking needs of its employees and invitees. Usage will be based on the customer's average monthly use for the twelve-month period prior to the notice of the drought emergency stage. The public utilities director shall establish a monthly usage benchmark for all businesses, institutions and governmental entities without a twelve-month billing history using criteria established by the department of public works.
  - (4) All businesses, institutions and governmental entities must place signs at each main entrance and in each restroom and shower indicating the existence of a water supply emergency and encouraging the conservation of water.
  - (5) All outdoor watering is prohibited.
  - (6) The use of showers in health, fitness and athletic clubs is prohibited, except showers equipped with low flow or flow reducing equipment.
  - (7) The filling or refilling of swimming or wading pools of any size is prohibited. As used herein, the phrase "filling or refilling" shall mean the addition of any water to the pool from the public water supply after the adoption of this amended ordinance.
  - (8) Exemptions granted during the drought warning stage are no longer valid. Customers may reapply for an exemption during the drought emergency stage.
- None of the restrictions set forth herein shall be construed to authorize the violation of any health or safety regulation promulgated by the state department of health.
- (c) *Notice and enforcement:* The above restrictions shall be enforced upon their being printed in any newspaper of general circulation in the City of Charlottesville, or broadcast upon any radio or television station serving the City of Charlottesville.
- (d) *Duration.* Drought warning stage restrictions shall remain in full force and effect until city council determines that a water emergency in the City of Charlottesville no longer exists. Drought emergency stage restrictions shall remain in full force and effect until such time as the Executive Director of the Rivanna Water and Sewer Authority certifies in writing to the Director of Public Works of the City of Charlottesville that a drought emergency stage no longer exists.

- (e) *Appeals*: The city manager shall establish an appeals procedure to review customer applications for exemptions from the provisions of subsections (a) and (b) on a case by case basis and, if warranted, to make equitable adjustments to such provisions. The city manager shall also be empowered to establish regulations governing the granting of temporary exemptions applicable to all or some of the uses of the water supply set forth in subsections (a) and (b). The city manager or designee shall, in deciding applications, balance economic and other hardships to the applicant resulting from the imposition of water use restrictions or allocations against the individual and cumulative impacts to the water supply resulting from the granting of exemptions.
- (f) *Additional restrictions*: Should measures taken pursuant to subsections (a) and (b) of this section prove insufficient to preserve sufficient supplies of water for the citizens of the city, with prior council approval, the city manager and director of public works are hereby further authorized to implement additional restrictions, including but not limited to the following:
- (1) Impose temporary rate increases or surcharges on the consumption of water;
  - (2) Restrict or discontinue the supply of water to any industrial or commercial activity which uses water beyond the sanitary and drinking needs of its employees and invitees; and
  - (3) Declare a moratorium on new water connections to buildings issued a building permit after the date of declaration of emergency and to restrict water use to basic human needs only.
- (g) *Violation and penalties*: It shall be a violation of this section for any person to use water, or allow or cause the use of water, in violation of the provisions of this section after publication of the restrictions as required by paragraph (c). Any person who violates any provision of this section shall be subject to the following penalties:
- (1) For the first offense, violators shall receive a written warning delivered in person or posted at the site of the violation by a representative of the City of Charlottesville Department of Public Works.
  - (2) For the second offense, violators shall be fined five hundred dollars (\$500.00), which penalty shall be added to the violator's next city water bill;
  - (3) For the third offense, violators shall be fined one thousand dollars (\$1,000.00), which penalty shall be added to the violator's next city water bill;
  - (4) For the fourth and each subsequent offense, the violator shall be guilty of a Class I misdemeanor.
  - (5) Each violation by a person shall be counted as a separate violation by that person, irrespective of the location at which the violation occurs.

In addition, the public works director is hereby authorized to terminate the water service, for the duration of the emergency, to any person convicted of such violation.

Any person assessed a penalty pursuant to paragraphs (g)(2) or (3) of this section shall have the right to challenge the assessment by invoking the appeals procedure established pursuant to paragraph (e). The imposition of the penalty may be waived if it is determined that the violation occurred due to no fault of the person assessed the penalty.

- (h) Nothing in this section shall be construed to prohibit the city manager and the public works director from rescinding any orders issued thereunder when the conditions creating the need for such orders have abated.

(6-19-00(6); 9-16-02(2); 10-7-02(1); 10-7-02(2), § 1; 11-20-06(4); 11-3-08(2))