

**TOWN OF PURCELLVILLE  
IN  
LOUDOUN COUNTY, VIRGINIA**

**ORDINANCE NO. 06-02-01**

**PRESENTED: February 14, 2006**

**ADOPTED: March 14, 2006**

**An Ordinance: AMENDING CHAPTER 82, ARTICLE IV, SECTIONS 236 THROUGH 241; OF THE TOWN CODE OF THE TOWN OF PURCELLVILLE**

**BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE TOWN OF PURCELLVILLE THAT CHAPTER 82, ARTICLE IV, SECTIONS 236 THROUGH 241 OF THE TOWN CODE OF THE TOWN OF PURCELLVILLE BE AMENDED AS FOLLOWS:**

**ARTICLE IV. WATER EMERGENCY ORDINANCE**

*Sec. 82-236. Purpose.*

The purpose of this Ordinance is to provide for the reduction and curtailment of water usage through voluntary and mandatory restrictions as outlined in the Town of Purcellville Water Conservation and Curtailment Plan during water supply emergencies.

*Sec. 82-237. Scope.*

This Ordinance shall apply to all Town of Purcellville water system customers and water users.

*Sec. 82-238. Definitions.*

For the purposes of this Ordinance, the following words and phrases shall have the following meanings:

**Table I. Definitions and Triggers**

<p><b>WATER CURTAILMENT LEVEL</b></p>	<p><b>TRIGGERS</b></p>
<p><b>Normal</b> Wise Water Use</p>	<ul style="list-style-type: none"> <li>• Water supply adequate to meet all demands (demand &gt;75% of capacity)</li> <li>• NOAA drought index neutral to DO</li> <li>• All Town Facilities operating within normal parameters</li> </ul>
<p><b>Watch</b> Voluntary Water Conservation</p>	<ul style="list-style-type: none"> <li>• Level in Hirst Reservoir – Back lake draining to front lake 4.5 feet below normal pools and front lake full with no overflow</li> <li>• All wells functioning properly at normal levels</li> <li>• NOAA drought index D1, moderate drought</li> <li>• Current demand between 75% and 85% of system capacity on average for a week</li> <li>• Current demand requires the use of any Town water supplies above the safe yield capacity for more than two consecutive days</li> <li>• Announce voluntary water conservation recommendations</li> </ul>
<p><b>Warning</b> Voluntary Water Conservation and some Mandatory Restrictions</p>	<ul style="list-style-type: none"> <li>• Level in Hirst Reservoir – Back Lake draining to front lake 4.5 feet below normal pool and front lake 1.5 feet below spillway and/or some wells not functioning properly or with moderate draw-down</li> <li>• Tank out of service for maintenance</li> <li>• NOAA drought index D2, severe drought</li> <li>• Current demand between 85% and 95% of system safe yield on average for a week</li> <li>• Current demand requires the use of any Town water supplies above the safe yield capacity for more than two consecutive days.</li> </ul>
<p><b>Emergency</b> Mandatory Water Restrictions</p>	<ul style="list-style-type: none"> <li>• Level in Hirst Reservoir – Back lake draining to front lake 4.5 feet below normal pools and front lake 3 feet below spillway</li> <li>• One or more wells not functioning properly or with extreme draw-down</li> <li>• Storage drawn below 65% of total capacity</li> <li>• Major waterline break</li> <li>• Current Demand at or above 95% of system safe yield on average for a week</li> <li>• NOAA drought index D3, extreme drought, or greater</li> </ul>

Table II. Categories and Restriction

Category	Restrictions/Actions
<p><b>Normal</b> Wise Water Use</p>	<ul style="list-style-type: none"> <li>• Public/businesses asked to use water wisely.</li> <li>• Focus on Wise Water Use</li> </ul>
<p><b>Watch</b> Voluntary Water Conservation</p>	<ul style="list-style-type: none"> <li>• Public/businesses asked to review their water usage and be aware of and limit high water use practices that needlessly waste water, e.g., over watering lawns, washing sidewalks, and driveways. If they haven't fully implemented the Wise Water Use Program, they are asked to do so.</li> <li>• Residents are asked to water on even or odd days based on their address. If their address is an even number they should water on even numbered days of the month, if their address is odd, they should water on odd numbered days of the month.</li> <li>• Daily and weekly water levels checked at the reservoir and monthly drought outlook.</li> <li>• Emphasis on water conservation outside the home or office.</li> <li>• Reminders about year round wise water uses.</li> </ul>
<p><b>Warning</b> Voluntary Water Conservation and some Mandatory Restrictions</p>	<ul style="list-style-type: none"> <li>• Public/businesses should conserve water on both a voluntary and Mandatory Restriction basis. There are no penalties or sanctions for failure to follow the voluntary measures, however, if conditions worsen one or more of these measures could become mandatory and enforceable. The mandatory restrictions will be enforced if necessary. Signs may be posted in public locations with notification of "Voluntary and Mandatory water restrictions in effect" and press releases will be issued to the media.</li> <li>• Reservoir and wells will be monitored daily and reports generated weekly</li> <li>• Mandatory Restrictions include:               <ul style="list-style-type: none"> <li>⇒ Residents are required to water on even or odd days based on their address. If their address is an even number they should water on even numbered days of the month, if their address is odd, they should water on odd numbered days of the month.</li> <li>⇒ Developers and/or residents will not be permitted to install seed or sod during the "Warning" level unless they have committed to providing regular lawn watering without Town water even after the establishment of the lawn for the duration of the Town being at Warning or Emergency Ordinance Levels. Drought bond is in an amount designated by the Fee Schedule.</li> <li>⇒ No use of non-potable water meters. (meters will be turned off)</li> <li>⇒ No community car washes.</li> <li>⇒ No watering of lawns on rainy days.</li> <li>⇒ Pool "topping off" should follow the odd/even day program listed above and pool should be covered when not in use.</li> <li>⇒ High water users, those that consistently use more than 1,000 gal/day, shall prepare curtailment plans demonstrating how they shall respond to emergency situations and present to Town.</li> <li>⇒ No use of any outside fountains, or decorative water structures.</li> <li>⇒ Requested Conservation elements include: No watering lawns, washing cars or other outside objects during Voluntary Water Restrictions.</li> <li>⇒ Restaurants/cafeteria/other food establishments shall provide water only by the patron's request.</li> <li>⇒ No use of fire hydrants except for health and public service use.</li> <li>⇒ No fire department training and no flushing of lines for development purposes unless determined necessary by Town Council or their representatives.</li> </ul> </li> <li>• Voluntary Restrictions include:               <ul style="list-style-type: none"> <li>⇒ Reduce or stop non-essential washing such as washing cars, homes, driveways, sidewalks, etc.</li> <li>⇒ Reduce of stop watering lawns</li> <li>⇒ Limit watering of bushes and other plants carefully and conservatively or use gray water</li> <li>⇒ Reduce other non-essential water uses as much as possible</li> </ul> </li> </ul>
<p><b>Emergency</b> Mandatory Water</p>	<ul style="list-style-type: none"> <li>• Public/businesses are required to conserve. Penalties/sanctions are enforceable pursuant to Town Ordinance for failure to comply with restrictions as listed.</li> <li>• Signs may be posted in public with notification of "Mandatory water restrictions in effect" and</li> </ul>

Restrictions	<p>press releases will be issued to the media.</p> <ul style="list-style-type: none"> <li>• Reservoir and wells will be monitored daily and reports generated weekly</li> <li>• Mandatory Restrictions include:               <ul style="list-style-type: none"> <li>⇒ All Mandatory Restrictions listed for the Warning Level</li> <li>⇒ High water users, those that consistently use more than 1,000 gal/day, shall have prepared curtailment plans demonstrating how they shall respond to emergency situations and shall implement it (as provided in the Town Water Conservation and Curtailment Plan)</li> <li>⇒ No car washing or outside washing. Commercial carwashes will be permitted to operate if they can demonstrate that they recycle at least 50% of the water used during the car washing process.</li> <li>⇒ No lawn watering, including school ball fields. Limit watering to vegetable gardens and use gray water for water shrubs and plants.</li> <li>⇒ No “topping off” of swimming pools. Cover when not in use.</li> </ul> </li> </ul>
--------------	---

Sec. 82-239. Waiver of restrictions.

Upon prior written request by an individual, business or other water customer or user, the Town Council or their assigned representatives, may permit less than full compliance with any of the provisions of this Ordinance if good cause can be shown, including evidence that the applicant is affected in a substantial manner not common to other businesses or persons generally. No waiver shall be granted by the Town Council or their assigned representatives unless the Council determines that the public health, safety and welfare will not be adversely affected by the waiver. All waivers granted by the Town Council or their assigned representatives shall be reported at its next regular or special meeting.

Sec. 82-240. Application of restrictions and prohibitions; termination.

Nothing in this Ordinance shall require the Town Council to invoke the voluntary restrictions or mandatory prohibitions of the water shortage alert, water shortage restriction, or water shortage emergency in any specific order. Any alert, restriction, or emergency declared by the Town Council, or the Town Manager for any of the triggers as discussed above shall be in effect from the time stated and shall continue in effect until terminated by the Town Council or Public Works Committee, respectively.

Any level of the Water Curtailment Plan shall be implemented by the Town Manager or Director of Utilities when any of the appropriate triggers are met with appropriate notice to Town Council. The Town Council and Public Works may enforce restrictions outside the trigger points when these restrictions are found necessary to conserve, extend or replenish the Town water supply to protect health, safety or welfare of the public. The Town Council or Public Works Committee or their assigned representatives will determine when the Emergency, Warning and Watch levels will be lifted.

Sec. 82-241. Penalties; Injunction.

- (a) Any person who violates or fails to comply with any of the mandatory provisions of the current Town of Purcellville Water Conservation and Curtailment Plan and this Ordinance shall be charged with a class 3 misdemeanor as provided by law.

- (b) The fine for violation of this ordinance shall be no less than \$100 for the first offence, \$200 for the second offence, and \$300 for the third offence or a fine to be determined at the courts discretion.
- (c) At the discretion of the Town Council, individual residential customers shall be limited to three hundred gallons of water per day (300gpd), or their average water use during the winter months, whichever is higher. Excess water use will be billed at twice that of the regularly charged rate.
- (d) Each day that one or more of the provisions in the Town's "Water Emergency Ordinance" is violated shall constitute a separate offense.

If any individual is convicted of three or more distinct violations of any of the provisions of the "Water Emergency Ordinance" the Town Council and/or their designee, shall, upon due notice to the customer, discontinue water service to the premises where such violation occurs. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge, hereby established at \$200.00, and other costs incurred by the Town of Purcellville in discontinuing service. In addition, suitable assurance must be given to the Town Council and/or their designee, that the same action shall not be repeated while the "Water Emergency Ordinance" is in effect. Compliance with this Ordinance may also be sought through injunctive relief in the district court.

- (e) Any police officer of the Town of Purcellville may issue a summons to a person he/she reasonably believes to be in violation of this Ordinance.
- (f) The imposition of a fine or penalty for a violation of any of the mandatory provisions of this Ordinance shall not excuse the violation or permit the violation to continue.
- (g) Any violation of this Ordinance may be restrained, corrected or abated by injunction or other appropriate proceeding.

*Sec. 242 – 243 are hereby reserved.*

**PASSED THIS 14<sup>th</sup> DAY OF MARCH 2006.**

\_\_\_\_\_  
William T. Druhan, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Jennifer Helbert, Clerk of Council