

Adopted: 11-3-11

ORDINANCE NO. 10-01-11

ORDINANCE NO. 10-01-11 AMENDS ARTICLE I, "PUBLIC UTILITIES," IN CHAPTER 5, "PUBLIC FACILITIES" OF THE BOWLING GREEN TOWN CODE TO ADD DIVISION 4, "DROUGHT MANAGEMENT," SECTION 5-196, "DEFINITIONS;" SECTION 5-197, "VOLUNTARY WATER CONSERVATION MEASURES;" SECTION 5-198, "NOTIFICATION AND DURATION/WATER RESTRICTIONS" (LEVEL 1 DROUGHT WATCH/LEVELS 2-4 DROUGHT WARNINGS/LEVEL 5 DROUGHT EMERGENCY WATER RESTRICTIONS); SECTION 5-199, "VIOLATIONS AND PENALTIES/ EXEMPTIONS AND APPEALS." VIOLATIONS OF ORDINANCE NO. 10-01-11 CONSTITUTE A MISDEMEANOR (FINE OF NOT LESS THAN \$ 100 AND NOT MORE THAN \$ 500) AND ORDINANCE NO. 10-01-11 PROVIDES FOR A RECONNECTION FEE OF \$25.00 TO RESTORE WATER SERVICE. ORDINANCE NO. 10-01-11 IS CONSIDERED PURSUANT TO THE GRANTS OF AUTHORITY CONTAINED IN VA CODE SECTIONS 15.2-923 AND 15.2-924.

WHEREAS as provided in Virginia Code sections 15.2-923 and 15.2-924, the governing body of any locality may, by ordinance, restrict the use of water by the citizens of such locality for the duration of a water supply emergency or for a period of time necessary to prevent the occurrence of a water supply emergency and otherwise restrict the nonessential use of public water and ground water during declared water shortages or water emergencies; and

WHEREAS declarations of water supply emergencies will be based upon the water management actions listed in Section 6 of the Regional Water Supply Plan, dated October 5,2011, and adopted on (November 3, 2011.

NOW THEREFORE be it ordained by the Bowling Green Town Council, for the purpose of general welfare of the public and of further accomplishing the objectives of Virginia Code sections 15.2-923 and 15.2-924, that Article I, "Public Utilities," in Chapter 5, "Public Facilities" of the Bowling Green Town Code be amended to add Division 4, "Drought Management" to read in its entirety as follows:

"Division 4, Drought Management.

Section 5-196. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purposes of these regulations, have the meaning indicated:

- Words in the singular include the plural and those in the plural include the singular.
- Words in the present tense include the future tense.
- The word “person,” shall include a corporation, unincorporated association, a partnership, or other legal entity as well as an individual.
- The words “should” and “may” are permissive; the words “shall” and “will” are mandatory and directive.
- The word “town” means the Town of Bowling Green, Virginia.
- The term “council” means the Town Council of the Town of Bowling Green.

A “fountain” is a water display where water is sprayed into the air for ornamental purposes.

A “swimming pool” is any structure or artificial basin containing water for swimming or recreational uses.

A “lawn” is any stretch of open, grass-covered land, in a park, golf course, or near a home.

A “garden” is a section or sections of ground where flowers, shrubs, vegetables, fruits, or herbs are cultivated. For the purposes of this ordinance, the definition of a “garden” includes any bedding plants, trees, shrubs, or other landscape materials.

“Alternating days” means that odd-numbered addresses can water on the odd days of the month (1st, 3rd, 5th, etc.) and even-numbered addresses can water on the even days of the month (2nd, 4th, 6th, etc.). Properties with no associated address are considered even-numbered.

“Watering systems” consist of sprinkler or drip irrigation systems.

Section 5-197. Voluntary Water Conservation Measures

Under normal conditions, the Town of Bowling Green shall provide notification to citizens to voluntarily conserve water through signage and message boards at public buildings; fliers included in billing statements; and newspaper and website postings. By these notification methods, the Town of Bowling Green will advertise voluntary water conservation measures, such as:

- Check toilets, faucets, hoses and couplings for leaks and repair.

- Install a water-saving showerhead.
- Take shorter showers, and turn off the water when shampooing, shaving, or brushing your teeth.
- Reduce outdoor use, and water your lawn and shrubs only between the hours of 6 PM and 6 AM to minimize evaporation.
- Use mulch to save on evaporation around plants, and store rainwater for using on plants.
- Use a broom instead of a hose to clean off porches, stairs, driveways, and sidewalks.
- Check sprinkler systems to make sure you are watering the lawn and not the pavement.
- Wash only full loads in the washing machine or use the appropriate water level selection.
- Reduce vehicle washing.
- Cool drinking water in the refrigerator instead of running the tap.
- Scrape - don't rinse – dishes before putting them in the dishwasher. Wash only full loads.
- Wash vegetables and fruits in a basin of water, not allowing the water to run while washing.
- Install moisture sensors on sprinkler systems.

Section 5-198. Notification and Duration/Water Restrictions

Level 1 Drought Watch

Upon declaration of a Level 1 Drought Watch by the Town of Bowling Green Department of Public Works, restrictions shall be applied in accordance with the Drought Management Response Plan.

Levels 2-4 Drought Warnings

Upon declaration of a Level 2, Level 3 or Level 4 Drought Warning by the Town of Bowling Green Department of Public Works, restrictions shall be applied in accordance with the Drought Management Response Plan dated October 5, 2011 which is hereby

incorporated by reference.

Level 5 Drought Emergency Water Restrictions

Upon declaration of a Level 5 Drought Emergency by the Town of Bowling Green Department of Public Works, all non-essential water use shall be prohibited. If at any time in this sequence of drought stages the Governor issues an executive order declaring a statewide drought emergency (or a regional drought emergency including the Northern Coastal Plain Drought Evaluation Region), The Town of Bowling Green will evaluate the status of the drought indicators to determine if a change in status to the drought emergency stage is warranted. Restrictions shall also be applied in accordance with the Drought Management Response Plan.

Additional Measures

During drought warning and emergency stages, all residential, business and industrial water users - whether supplied by public water supplies, self-supplied sources, or private water wells - who do not normally utilize water for any of the listed prohibited uses are requested to voluntarily reduce water consumption by at least 10%. This reduction may be the result of elimination of other nonessential water uses, application of water conservation practices, or reduction in essential water uses.

Should the measures in this section prove insufficient to preserve sufficient water supplies, the Town of Bowling Green Department of Public Works may implement additional restrictions as deemed necessary.

Section 5-199. Violations and Penalties/ Exemptions and Appeals

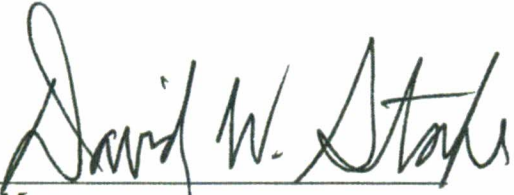
Any violation of this ordinance shall constitute a misdemeanor, punishable by a fine of not less than one hundred dollars (\$100) and not more than five hundred dollars (\$500) as levied by the Town of Bowling Green. Each act or each day's continuation of a violation shall be considered a separate offense. The Town of Bowling Green Department of Public Works may also enact higher water rates during a drought warning or a drought emergency and may terminate water service to any person that continues to violate provisions of this ordinance. A reconnection fee of \$25.00 will be applicable to restore service.

Any person penalized with a fine levied by the Town of Bowling Green under this ordinance shall have the right to challenge this penalty by providing written notice to the Mayor or Town Manager within ten (10) days after an assessment of the penalty. Any notices to appeal determinations by the Town Council shall be made in writing and filed within five (5) days after the date of the determination.

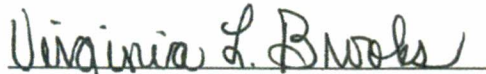
An appeal review board shall be established upon declaration of a drought warning. It shall be composed of three members appointed by the Town of

Bowling Green Town Council.”

Adopted this 3rd day of November, 2011.

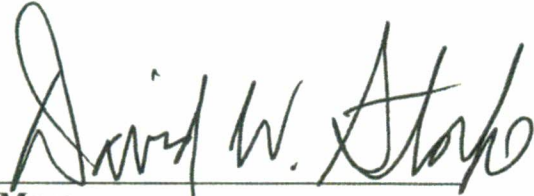


Mayor



Clerk

Approved this 3rd day of November, 2011



Mayor