

## DECLARATION OF A WATER SUPPLY EMERGENCY

The Town Manager hereby declares pursuant to Section 15.2-924 and Section 44-146.21 of the Code of Virginia, 1950, as amended and Section 58-291 of the Town of Rocky Mount Code as amended that a water supply emergency exists, due to extreme drought conditions in the Town and the surrounding area and throughout the Commonwealth, and due to the current water levels of the Town's water supply source for its public water system and the anticipated demand in the immediate future, and that there is a need to control and restrict the use of water within the Town and the Town water supply system during this emergency.

### **Emergency Restrictions**

A) The following mandatory water restrictions shall apply immediately and shall remain in effect until modified or changed under the provisions set forth herein or by further action of the Town Manager:

Lawns, flowers, trees, shrubs and gardens: Watering shrubbery, trees, lawns, grass, flower gardens, and other vegetation is prohibited, except (a) indoor plantings may be watered; (b) greenhouse or nursery stock may be watered; (c) new plants may be watered at the time of planting and once a week for five weeks afterwards; (d) plants and shrubs may be watered as needed to sustain plant life utilizing watering cans or similar containers that have a capacity of five or fewer gallons; and (e) vegetable gardens may be watered once a week, prior to 10:00 a.m. in order to avoid evaporation.

Fountains: Operation of or introduction of water into any ornamental fountain, pool or pond, or other structure making a similar use of water, except as needed to maintain aquatic life, is prohibited.

Paved areas and buildings: The washing of outside areas such as streets, driveways, parking lots, or service station aprons, and the washing of the exterior of office buildings, houses, apartments or similar outdoor structures is prohibited except where required for health and safety. Washing exterior surfaces of a building for the purpose of preparing for painting by hand washing or by licensed commercial pressure washers is permitted.

Vehicle Washing: The washing of automobiles, trucks, trailers, boats, airplanes, or any other type of mobile equipment is prohibited, except for commercial washing facilities approved by the Town Manager which operate with high pressure, low consumption equipment or with a recycling system. The Town Manager may curtail the hours of operation of commercial enterprises offering such services or washing their own equipment.

Swimming pools: Filling of swimming pools is prohibited at all times, with the exception of pools used by health care facilities for patient care and rehabilitation, which are permitted to operate under normal conditions. New or repaired pools may be filled as needed to maintain the structural integrity of the pool. Indoor pools may be filled as necessary to ensure swimmer health and safety.

Fire hydrants: The use of water from fire hydrants for any purpose other than fire suppression or other public emergencies is prohibited.

Restaurants: Drinking water shall not be served in restaurants, cafeterias or any other food establishment unless requested by the patron.

(B) The provisions of this declaration shall apply to all users and customers of water supplied and distributed by the Town of Rocky Mount. The restrictions also shall apply to all other users of surface and ground water in the Town of Rocky Mount, including water drawn from wells on private property.

(C) The provisions of this Declaration shall not apply to any governmental activity, institution, business, or industry which shall be declared by the Town Manager, upon a proper showing, to be necessary for the public health, safety and welfare or for the prevention of severe economic hardship or the substantial loss of employment. Any activity, institution, business or industry aggrieved by the finding of the Town Manager may appeal his decision to the Town Council.

### **Violations, penalties and enforcement**

A) It shall be a violation of this Declaration for any individual, corporation, partnership, association, company, business, trust, joint venture or other legal entity to use water or to allow or to cause the use of water in violation of

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the provisions of this Declaration. The provisions herein for conservation, restriction upon use, allocations and penalties may be imposed on any water user or customer in whose name the water service is listed and in appropriate circumstances on the person or entity in control of the property in question.

B) The provisions of this Declaration shall be enforced by members of the police department. The Town Manager may also designate such specified employees of the Department of Community Development and of the Town Public Works Department as water conservation officers as may be necessary for patrolling, issuing warnings and notices to water users who are in violation of restrictions and conditions set forth in this Declaration.

C) For the first offense, violators within the Town of Rocky Mount, or connected to the Rocky Mount Municipal Water System, shall receive a written warning delivered in person or posted at the front door of the residence. A civil fine of \$250 per violation is hereby imposed for second and subsequent violations of this Declaration after delivery or posting of the written warning. Each violation by a person, including a second or subsequent violation on the same day following an earlier notification of the same violation, shall constitute a separate violation.

D) Civil penalties shall be assessed by delivering or mailing to the water customer or user a Notice of Violation, which Notice shall provide an opportunity for the water customer or user to appeal the civil penalty. All appeals shall be delivered in writing to the Director of Finance within five days of the date of service of the Notice of Violation. The Director shall determine whether the penalty was properly assessed and within five days of the appeal, notify the complaining person in writing of his determination. The customer or user may appeal the decision of the Director by delivering a written appeal to the Town Manager within five business days of the decision of the Director. The Town Manager shall review any appeal and shall render a final decision within five days of receipt of the appeal to him. The decision of the Town Manager shall be final, but the Town Manager may waive the penalty if he determines that the violation occurred due to no fault of the person assessed with the penalty.

E) All civil penalties imposed hereunder shall be due and payable within ten days of delivery of the Notice of Violation or within ten days of the conclusion of appeals set forth herein above; unpaid fines shall be billed and collected as additional water charges on the violator's next water bill.

F) Failure to pay any civil penalty after thirty (30) days or multiple (more than one) violations of this Declaration may subject the user to immediate cut off of water service and that service will not be resumed until all bills and civil penalties, plus, a \$50 service restoration fee, are paid.

**Notification of End of Water Emergency**

When the Town Manager has made a determination that there has been significant rainfall resulting in an increase in the water levels of the streams supplying the Town Water System and, in his opinion, the water emergency no longer exists, he shall rescind the declaration of an emergency. When this occurs, the information shall be conveyed to the general public through the news media and the Town website.

**Severability**

The provisions of this Declaration are severable, and the unenforceability of any provision in this Declaration, as determined by a Court of competent jurisdiction, shall not affect the enforceability of any other provisions in this Declaration.

**Effective Date**

The Town Manager declares that an emergency exists, that this Declaration shall take effect without publication or posting pursuant to Section 58-291 of the Town Code, and this Declaration shall be in full force and effect after its adoption, except the provisions authorizing enforcement by civil penalties shall not be affected until one week has elapsed after the Declaration has been published pursuant to the requirements of the Town Charter.