

WATER ORDINANCE – As amended August 10, 2009

ARTICLE I. IN GENERAL

- Sec. 1-1 Adequate supply required for buildings.
- Sec. 1-2 Rules and regulations.
- Sec. 1-3 Unauthorized sale of water.
- Sec. 1-4 Damage or obstruction; cross-connections; unauthorized connection taps.
- Sec. 1-5 Supplies, prohibited use, etc.

ARTICLE II. TOWN WATERWORKS GENERALLY.

- Sec. 2-1 Specifications for mains, etc.
- Sec. 2-2 Compliance with specifications and regulations for construction of mains and appurtenances.
- Sec. 2-3 Approval of extensions.
- Sec. 2-4 Permit to uncover lines, make connections, etc.
- Sec. 2-5 Form of application for extension permit.
- Sec. 2-6 Connection fee-within corporate limits.
- Sec. 2-7 Connection fee-without corporate limits.
- Sec. 2-8 Connections-Construction requirements.
- Sec. 2-9 Availability charges for water service.
- Sec. 2-10 Connections-Time limit.
- Sec. 2-11 Connection of internal fire protection systems.
- Sec. 2-12 Separate meters required; exceptions.
- Sec. 2-13 Ownership, inspection, etc., of meters.

Sec. 2-14 Renewal or repair of meter at expense of property owner or occupant.

Sec. 2-15 Repair and Maintenance of Private Water Lines

ARTICLE III. WATERWORKS USE AND SERVICE CHARGES.

Sec. 3-1 Generally.

Sec. 3-2 Deposit for new accounts.

Sec. 3-3 Service charge for new accounts.

Sec. 3-4 Rates established.

Sec. 3-5 Swimming pools.

Sec. 3-6 Rates apply to each meter; each meter to be separate account.

Sec. 3-7 Estimates of water consumption.

Sec. 3-8 Meters read and bills rendered monthly

Sec. 3-9 Bills to be a charge against user; exception.

Sec. 3-10 All water shall be charged for; unoccupied premises.

Sec. 3-11 Adjustment of bill for underground leaks.

Sec. 3-12 When due and payable; notice and second billing to delinquent accounts; discontinuance of service to delinquent accounts.

Sec. 3-13 Delinquent charges as lien.

ARTICLE IV. MISCELLANEOUS.

Sec. 4-1 Fire hydrants.

ARTICLE V. WATER CONSERVATION

Sec. 5-1 Water Conservation and Curtailment Plan

Sec. 5-2 Application

- Sec. 5-3 Definitions
- Sec. 5-4 Waiver of Restrictions
- Sec. 5-5 Application of restriction and prohibitions; termination
- Sec. 5-6 Penalties; injunction
- Sec. 5-7 Implementation of responses for water conservation

WATER ORDINANCE

ARTICLE I. IN GENERAL

Sec. 1-1. Adequate supply required for buildings.

(a) It shall be unlawful for the owner of any house or other building where human beings congregate or are employed to use or lease such house or building for human occupancy unless and until the premises shall have been connected to an adequate water supply.

(b) For the purpose of this section, a water supply shall be deemed adequate when provided:

- (1) By connection to a public water supply system; or
- (2) By connection to a private water supply capable of furnishing a flow of 50 gallons per capita per day at pressures equivalent to the town public water supply system.

(c) If a private water supply fails health department requirements and a water system owned by the Town abuts the parcel of property, connection to the Town system is required, if water is available.

(d) Buildings which are located on parcels of property three and zero-tenths acres or greater in size that would require private water laterals of 200 feet or greater are not required to connect to the town's water system.

(e) Variance to Section 1 (a) through 1 (c) shall be given only upon permission granted by the town council and such variance shall require renewal semi-annually.

Section 1-2. Rules and regulations.

(a) Rules and regulations as are necessary and reasonable for the proper operation of the water system may be promulgated by the council from time to time.

(b) The provisions of this chapter and any rules and regulations adopted as provided herein shall be part of the contract with every consumer supplied with water by the water system and every such consumer shall be considered to have expressed his consent to such rules and regulations.

Sec. 1-3. Unauthorized sale of water.

No person shall sell water from the water system to another person for any purpose, but this section shall not be construed to prohibit the payment of water charges by one person for the benefit of another.

Sec. 1-4. Damage or obstruction, cross-connections; unauthorized connection taps.

No person shall obstruct the water system or make any cross-connection between the water system and any other source of water. No person shall make any connection tap or draw from the water system without first having received the permits to do so required in this ordinance.

Sec. 1-5. Supplies, prohibited use, etc.

(a) No consumer shall draw water from the water system in amounts in excess of what can be provided by the water system without limitation of our restriction of other consumers' use.

(b) Because variable conditions may arise in the operation and maintenance of the water system, the supply of water to consumers is without guarantee of a fixed

quantity, quality, purity or temperature.

(c) When the supply of water to the water system is inadequate for any reason to meet the demand for water for health and sanitation purposes the mayor, with the advice and consent of the council, shall declare that the use of water for lawn or garden, commercial laundries, swimming pools, manufacturing, cooling, vehicle washing or other purposes not essential to the health, safety and welfare of the residents of the Town, is prohibited during specific hours, during a specified time period or until notice is given that such use is permitted.

No person shall use water from the water system for lawn or garden, commercial laundries, swimming pools, manufacturing, agriculture, cooling, vehicle washing or other purposes not essential to the health, safety and welfare of the residents of the Town when the use has been prohibited as provided herein.

(d) Water supply through the Town's water mains may be shut off without notice to consumers if breaks in mains, pumping equipment breakdown, reservoir failure, construction, reconstruction, repair, replacement, cleaning, extending or tapping of mains requires, and no claims for damages of any nature whatsoever arising from such action will be paid.

## ARTICLE II. TOWN WATERWORKS GENERALLY

### Sec. 2-1. Specifications for mains, etc.

Nothing in this ordinance shall affect any other ordinance prescribing or otherwise relating to specifications for construction of water mains and appurtenances, and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this ordinance.

### Sec. 2-2. Compliance with specifications and regulations for construction of mains

and appurtenances.

It shall be unlawful for any person to fail, neglect or refuse to comply with those specifications and requirements for the construction of public water mains and appurtenances on file in the office of the Town of Hamilton and the County of Loudoun.

Sec. 2-3. Approval of extensions.

(a) No extension of the Town waterworks shall be made for the purpose of serving users located within or without the Town, except upon the approval of such extension by the council. Any person desiring such an extension shall make application to the council for the approval thereof. Such application for approval shall be filed with the Town Secretary/Treasurer and shall be accompanied by plans and specifications which meet the standards of the Town.

(b) The approval of an extension of the Town waterworks shall be conditioned as follows:

- (1) The waterworks shall be installed in accordance with plans and specifications approved by the council, and in accordance with the officially adopted sewer and water extension and connection charge policy.
- (2) The applicant has secured such easements or fee simple title, free of defects, as are necessary, prior to construction; and upon completion, will convey; by appropriate instrument, the completed system, easements and fee simple title to the Town free of costs.
- (3) Water service connections to lots served by the extension shall be available only when not restricted by the state health department or by the town council.

- (4) The extension shall be completed within one year from the date of approval unless such period is extended by the Council.
- (5) Applicants for permission to construct water main pipes to serve two or more residences, business establishments or other uses shall furnish a reasonable estimate from a licensed engineer of the cost to install such proposed addition or additions to the Town water system with his or their application; and approval, if given by the council, shall be contingent upon the furnishing by the Applicant of a performance bond in a minimum amount of a not less than the aforementioned cost estimate plus ten per cent to assure proper completion, according to specifications, of the proposed addition or additions. Such performance bond shall be posted prior to the start of any actual excavation; otherwise, approval under this section shall be null and void.
- (6) Such addition or additions to the town waterworks shall be approved by the Virginia State Health Department.

Sec. 2-4. Permit to uncover lines, make connections, etc.

No unauthorized person shall uncover, make any connection with, use, alter or disturb any public water line or meter box and appurtenances or use, alter, disturb or molest any meter valve, cock, pipe or other property of the municipal waterworks, without first obtaining a written permit from the Town secretary/treasurer.

Sec. 2-5. Form of application for extension permit.

The form for application for permission to connect with and extend the municipal public water works shall be as follows:

TO THE TOWN OF HAMILTON, VIRGINIA

The undersigned, being the \_\_\_\_\_  
(owner, lessee, tenant, etc.)

of the property herein described \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Does hereby request a permit to connect with and extend the water works of the  
Town of Hamilton, Virginia.

1. A plat of the property is attached hereunto as Exhibit 'A'.
2. Plans and specifications covering all work proposed to be performed under this permit is attached hereunto as Exhibit 'B'.
3. The name and address of the person or firm who will perform the work covered by this permit is \_\_\_\_\_. In consideration of granting of this permit the undersigned agrees:
  - a. To accept and abide by the provisions of the water ordinance of the Municipality of Hamilton, Virginia, and all other pertinent ordinances or regulations;
  - b. To install all facilities in strict accordance with the approved plans;
  - c. To post a bond or cash deposit, if at any time required by the municipality, in a sum deemed to be sufficient by the municipality to guarantee the satisfactory installation of the facilities and  
satisfactory compliance with the provisions of this application;
  - d. To extend the water line and appurtenances at his expense;
  - e. To size the water line to serve the developer's land and any other land beyond the developer's land that the municipality considers

necessary;

- f. To maintain such water works extended by him in a clean and normal operating condition until such time as the facilities are accepted by the municipality;
- g. To make all new and existing valve boxes and other appurtenances accessible and properly adjust them to final street surface elevations upon completion of roadway surfacing operations;
- h. To assume liability for any and all claims arising out of or in connection with damages to the property to be served by the facilities, to other properties and to the facilities of the municipality incurred by reason of the installation, operation and use of the facilities until such time as the facilities are accepted by the municipality;
- i. To furnish the municipality detailed plans, prepared by a Certified Professional Engineer, showing all facilities as actually built and easements as recorded, prior to acceptance of such facilities by the municipality;
- j. To convey, by appropriate instrument at the time of completion, the completed water works, all permanent easements and fee simple title to the municipality;
- k. To make no service connection without first obtaining a written permit therefore from the Mayor as required by this ordinance of the Municipality of Hamilton, Virginia;
- l. To pay for any and all charges for the use of the public water

works

of the municipality when and as due until such time as he arranges for the transfer of the water service accounts entered in his name to the name of the person or persons who acquired title to the above described property; and, in order to effectuate the transfer of such accounts, he will arrange for the processing of such transfers at the time of the sale, rental or lease of each parcel of the above described property.

Date	Applicant
	Title
	Address

Date Approved By Council	Recorder of the Council

Sec. 2-6. Connection fee - within corporate limits.

Before any person connects with or withdraws water from the town water system, a fee for the connection permit issued under Section 2-4 shall be paid in amounts provided below:

(a) **The fee for a three-quarter inch diameter connection within the town shall be \$15,000. per single service.** The Town shall provide the meter, corporation stop, yoke, box, lid, and labor for setting the meter. All other materials and labor shall be at the applicant's expense.

(b) In the case of any connection larger than three-quarter inch diameter within the town, the fee shall be as in Section 2-6 (a), and, in addition the applicant shall

bear the expense of the difference in cost between the materials furnished by the town for a three-quarter inch connection, and the cost for materials furnished by the town for the larger diameter connection.

(c) Connection permit fees shall be paid prior to connection to the town water system.

Sec. 2-7. Connection fee-without corporate limits.

Before any person connects with or withdraws water from the town water system, a fee for the connection permit issued under Section 2-4 be paid in amounts provided below:

(a) **The fee for a three-quarter inch connection outside the Town shall be \$15,000 per single service.** The Town shall provide the meter, corporation stop, yoke, box, lid, and labor for setting the meter. All other materials and labor shall be at the applicant's expense.

(b) In the case of any connection larger than three-quarter inch diameter outside the town, the fee shall be as in Section 2-7 (a), and, in addition, the applicant shall bear the expense of the difference in cost between the materials furnished by the town for a three-quarter inch connection, and the cost for materials furnished by the town for the larger diameter connection.

(c) Connection permit fees shall be paid prior to connection to the town water system.

Sec. 2-8. Connection-Construction requirements.

Before the water meter and box for any connection are set, the applicant or his contractor must have the grading finished so the meter and box are at the final grade line. All meters are to be placed at the front edge of the property line bordering the street.

Service lines to the Town’s meters from the supply line must be of heavy gauged copper. All extensions of the Town waterworks shall be inspected by agents of the Town and or the County of Loudoun.

Sec. 2-9. Availability charges for water service.

(a) Before any person connects with or withdraws water from the town water system or extends water use on any premises to any additional dwelling, commercial or industrial use, a water service availability fee shall be paid in amounts provided below in addition to fees prescribed in Sections 2-6 and 2-7.

(b) The water service availability fees shall be paid prior to the issuance of a zoning permit or, where no zoning permit is required, before extension of water service to any new or additional use on the premises. The Secretary/Treasurer shall discontinue water service to premises for which the fees required in this article remain unpaid for ten days from the date of notice of the amount of such fees to the owner.

(c) The abandonment or discontinuance of a water system or the reduction of water system use does not entitle any person to refund of fees paid.

**(d) Water system availability fees shall be as follows:**

- (1) In town, per hookup . . . . . \$15,000.**
- (2) Out of town, per hook up. . . . . \$15,000.**

Sec. 2-10. Connections-Time limit.

The right of any applicant to water service and the availability fee shall be forfeited unless the applicant avails himself of the service within six months (months/years) of the issuance of the zoning permit or the payment of the required fees by the applicant, whichever occurred earlier unless extended by the council.

Sec. 2-11. Connection of internal fire protection systems.

The owner or installer of approved internal fire protection systems, such as sprinkler systems, shall have the right, at his own expense and subject to the supervision and prior approval of the plans and specifications of the installation by the Town, to connect to the Town water mains wherever such mains are situated, without payment of any fees to the Town for connection to the Town water system or for use of the Town water, when required for the testing or operation of such fire protection system.

Sec. 2-12. Separate meters required; exceptions.

A separate water meter shall be required for each connection to serve each dwelling, building, structure, mobile home and swimming pool of greater than 50,000 gallons capacity, provided that, permission may be given to a property owner, in writing, by the Town Secretary/Treasurer to connect to one meter a building containing apartment units; a mobile home park containing mobile homes; or a building and a swimming pool having a capacity of less than 50,000 gallons.

Sec. 2-13. Ownership, inspection, etc., of meters.

Water meters are the property of the Town and at all times subject to its control and inspection. Where any meter is located on any private property, building or premises, the agents of the Town may enter into or upon such private property, building or premises, at all reasonable hours, for the purpose of inspecting, repairing, replacing or removing such meter or of taking meter readings.

Sec. 2-14. Renewal or repair of meter at expense of property owner or occupant.

Any water meter or water box injured from any cause directly or indirectly attributable to the negligence of the owner or occupant of the premises shall be renewed

or repaired by the Town at the expense of the owner or occupant in question.

Sec. 2-15      Repair and Maintenance of Private Water Lines

The property owner shall be responsible for the repair and maintenance and all costs of same, of any and all water lines and appurtenances that extend from the lines owned by the Town unless the lines and appurtenances are within a recorded easement wherein the Town has agreed to maintain and repair the lines and appurtenances or the Town has accepted the lines and appurtenances into the municipal system. Notwithstanding the foregoing, the Town shall be responsible for the repair and maintenance of lines located within a public right of way.

ARTICLE III.    WATERWORKS USE AND SERVICE CHARGES

Sec. 3-1.      Generally.

Rates and fees for the use of the public waterworks of the Town shall be as provided in this article.

Sec. 3-2.      Deposit for new accounts.

(a)      The Secretary/Treasurer shall require of all new water accounts a cash deposit of one month's minimum bill, as set forth in Section 3-4.

(b)      The deposit will be refunded, without interest, when service has been discontinued, after deducting any charges due on final settlement of the customer's account.

Sec. 3-3.      Service charge for new and transferred accounts.

A service charge of \$10.00 shall be made for all new and transferred water accounts.

Sec. 3-4. Rates established. (Effective August 10, 2009)

(a) The town council shall, at its discretion, set appropriate fees for water service to residential and nonresidential users. The town council, at its discretion, shall also set additional fees, if deemed appropriate, should an applicant request a change in existing water use. In addition to a one-time payment for initial water service or for a change in water service, the council may elect to assess a dollar amount per foot frontage, per lot for the service connection. The fees enacted by the town council shall be set forth on schedules and incorporated by reference into this Ordinance. At its discretion, the town council may amend the fees set forth on the schedules and upon adoption, such amended schedules shall be incorporated and effective as part of the Ordinance.

(b) The water rates for all properties served by the Town of Hamilton shall be based upon water consumption, measured through the water meter, rounded to the nearest 10 (ten) gallons. The bill shall be rendered bimonthly and in accordance with the rate schedule established by the council from time to time as set forth on schedules and incorporated by reference into this Ordinance.

Sec. 3-5. Swimming pools.

Any citizen who is connected to the town water and sewer system who wishes to use public water to fill a private swimming pool shall be charged the prevailing rate for water consumption only and shall not be charged for sewer usage. The following requirements shall govern the filling of swimming pools:

(a) The citizen must contact the town office at least twenty-four (24) hours in advance of the time the pool is to be filled.

(b) The citizen shall pay to the town a service charge of ten dollars (\$10.00).

The town will read the water meter before and after the filling of the pool to determine the number of gallons of water used.

(c) A total of six (6) gallons per each hour the pool is being filled shall be deducted from the water meter reading to allow for normal household usage. The remainder shall constitute the number of gallons used to fill the pool and the citizen shall be billed on the normal billing date for this water.

Sec. 3-6. Rates apply to each meter; each meter to be separate account.

The water rates prescribed in this article shall apply to each separate water meter and each meter shall be considered as a separate water account.

Sec. 3-7. Estimates of water consumption.

If at any time a water meter shall be found to have been tampered with or, for any reason, a meter shall fail to register, shall be found defective in registering, or cannot be read because of inclement weather or other conditions, since the last previous reading, the water consumption for such period may be estimated from other similar meters and the average of such readings through the same period or taken from past readings or from similar connections, in the discretion of the Town.

Sec. 3-8 Meters read and bills rendered bimonthly

Each water meter shall be read bimonthly and bills for the water shall be rendered bimonthly.

Sec. 3-9. Bills to be a charge against user; exception.

All bills for the use of water shall be a charge against the user; provided that, where water is supplied to more than one owner, family, occupant or user through a

single service pipe line on which there is only one meter, the owner of the property through which such service pipe line first passes shall be charged for all water passing through such meter.

Sec 3-10. Adjustment of bill for underground leaks.

When a leak develops in an underground water pipe between a water meter and a house or place where water is used and the property owner or tenant cannot, by the use of ordinary diligence, discover such leak, the town treasurer may adjust the water bill of the user at such house, by first charging the minimum rate and charging one-half of the usual rate for the rest of the water which goes through the meter at such premises. Such adjustment shall be made by billing the user for the full amount of the bill and issuing a credit for the deduction, less the minimum charge. No credit shall be allowed after ten days from the date the user has knowledge of such leak.

Ordinance Changes adding late fees Adopted April 14, 2008  
Effective Date of Ordinance July 1, 2008.

**AN ORDINANCE  
 AMENDING AND REENACTING CHAPTER 3 – WATER ORDINANCE  
 OF THE TOWN OF HAMILTON**

Amend Sections 3-12 and 3-13 of the Water Ordinance to read as follows:

**Sec. 3-12. When due and payable; notice and second billing to delinquent accounts; discontinuance of service to delinquent accounts.**

Water bills are due and payable within 30 days from the date of billing. If at the end of thirty (30) days from the date of billing the water bill remains unpaid, a ten percent (10%) late payment penalty will be added to the total amount due and payable. A past due “final” notice stating the total amount due will be mailed to user, with a copy to the owner of the premises if the user is known not to be the owner of the premises. At any time that the charges for water services to certain premises have been delinquent for a period of two months or more, the Secretary/Treasurer shall so advise the Town Council, which may direct in accordance with the Water Ordinance that the water service be discontinued if not paid. When service is so discontinued, a fee for the resumption of service in the amount of \$50.00 (fifty dollars) shall be charged. The Town may refuse to introduce water into any premises until all arrears due from such premises have been paid.

**Sec. 3-13. Delinquent charges as lien.**

(a) There shall be a lien upon the real estate for the amount of any rates, fees and other charges, including but not limited to interest thereon at the highest rate provided by law, for water services rendered by the Town to such real estate, from and after the time the bill therefore becomes delinquent. A delinquent bill, under this section,

shall be defined as any bill that has not been paid within ten (10) days from the final notice given pursuant to Section 3-12. For the purpose of calculating the amount of the lien, interest shall accrue from the date the bill became due and payable.

(b) The Secretary/Treasurer shall certify the amount of delinquent water charges, and forward a request to the Clerk of the Circuit Court for Loudoun County that the lien for delinquent water charges be docketed, together with the fee to be paid for each entry on the lien records by the Clerk.

(c) The Secretary/Treasurer shall advise the Town Council when delinquent charges for water service for any user exceed \$200.00. The Town Council may at any time direct the Town Attorney or another agent of the Town to initiate proceedings in a court of competent jurisdiction for the collection of the delinquent charges, including interest thereon accruing from the date each delinquent bill became due and payable, and for such other relief as appropriate. The user of the water services shall be liable for the costs and attorney's fees incurred by the Town in such proceedings.

\* \* \*

Sections 3-12 and 3-13 as they were enacted prior to the effective date of this ordinance are hereby repealed.

The effective date of this ordinance is July 1, 2008.

ARTICLE IV. MISCELLANEOUS

Sec. 4-1. Fire hydrants.

Fire hydrants shall not be opened without the written consent of the Mayor, except for use in extinguishing a fire.

**ADMENDMENTS TO HAMILTON CODIFIED ORDINANCES CHAPTER 3,  
WATER ORDINACE, BY ENACTMENT OF A NEW ARTICLE V, WATER  
CONSERVATION**

**Adopted by Hamilton Town Council – January 9, 2006**

ARTICLE V. WATER CONSERVATION

Sec. 5-1 The purpose of this article is to provide for the conservation and curtailment of water usage through voluntary and mandatory restrictions as set forth in the Town of Hamilton Water Conservation and Curtailment Plan during water supply emergency situations and potential water supply reductions.

Sec. 5-2 This article shall apply to all Town water system customers and water Users.

Sec. 5-3 Definitions

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

Table I. Definitions and Triggers

<u>Definition</u>	<u>Restrictions</u>
Normal Wise Water Use	(a) None-Water supply adequate to meet all demands.
	(b) NOAA drought index neutral to DO, abnormally Dry-See Year round water conservation program.
	(c) Routine reporting. Monthly water and drought outlook.
	(d) Focus on Wise Water Use.
Water Voluntary	(a) All wells function properly at normal levels.
Water Conservation	(b) NOAA drought index D1, moderate drought.
	(c) Current demand at or below 100% of system safe yield.

- (d) Announce voluntary water conservation recommendations.
  - (e) Routine reporting. Daily and weekly well levels and monthly drought outlook.
  - (f) Emphasis on water conservation outside the home or office.
  - (g) Reminders about year round wise water uses.
  - (h) Some wells not functioning properly or with moderate draw-down.
  - (i) Reminders about year round wise water uses.
- Warning Voluntary
- (a) Tank out of service for maintenance.
- Water Restrictions
- (b) NOAA drought index D2, severe drought.
  - (c) Current demand at or near 100% of system safe yield for five (5) or more consecutive days.
  - (d) Announcement of voluntary water restrictions.
  - (e) Detailed water supply and drought outlook.
  - (f) Public businesses asked to voluntarily implement water restrictions to help ensure adequate water supply and maintain reservoir levels.
  - (g) Detailed list of voluntary water restrictions issued.
- Mandatory Water Restrictions
- (a) Public and business required to take specific measures to conserve. Penalties/sanctions are identified for these measures and are enforceable pursuant to town ordinance. Signs may be posted in public with notification of “Mandatory water restrictions in effect” along with a list of measures and sanctions. For example:
    1. Establishment of a new lawn by using sod shall be prohibited until town council has returned the Town

to “Normal” level. For new developments in which new lawns/stabilization is required prior to occupancy, the town shall require a cash bond or other form of security subject to the approval of the town from the developer, a minimum, seeding and stabilization of a new lawn is required accordance with the “Subdivision and Land Development ordinances: The bond will be placed in an account in which the interest shall accrue to the developer, a minimum, seeding and stabilization of a new lawn is required in accordance with Cap. 8 of the State of Virginia “Erosion and Sediment Control Handbook: and should be considered during “Emergency” level conditions.

2. High water users, those that consistently use more than 1,000 gallons a 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).
3. Prohibit all car washing, and all 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.
4. Prohibit lawn watering, including school ball fields.

Limit watering to vegetable gardens and plant washing. Use gray water for watering shrubs.

5. Cover swimming pools when not in use. No “topping off”.
6. Prohibit use of all outside fountains, or decorative water structures.
7. Prohibit serving drinking water in restaurants, cafeterias and other food establishments unless requested by the patron.
8. Prohibit use of fire hydrants except for health and public service uses, fire department training and no flushing of lines for development purposes.

Warning Voluntary Water Restrictions

- (a) Public and businesses are asked to take specific measures to conserve water on a voluntary basis. There are not penalties or sanctions for failure to Follow such measures, however, the public and businesses will be informed that should conditions worsen, one or more of these measures could become mandatory and enforceable. Signs may be posted in public locations with notifications of “Voluntary water restrictions in effect” along with a list of measures. For example:
  1. Developers and/or residents are encouraged to not install sod during the “Warning” level as it is possible that an “Emergency” level

could be implemented. As an alternative developers and/or residents can provide a drought bond in an amount designated by the town zoning administrator. If an “Emergency” level is implemented, lawn watering will not be permitted and the person(s) who chose to install sod or seed will be responsible for repair or replacement of the sod or seed once the level has returned to “Normal”.

2. No community car washes.
3. Ban use of fire hydrants except for health and public service use.
4. Limit pool “topping off” to once a week, and cover when not in use.
5. Residents are encouraged to please not water lawns, or wash cars during Voluntary Water Restrictions.
6. High water users, those that consistently use more than 1,000 gallons a day, shall prepare curtailment plans demonstrating how they shall respond to emergency situations (as provided in the town water conservations and curtailment plan).
7. No watering of lawns on raining days.
8. Restaurants/cafeterias/other food

establishments requested to provide water only by the patron’s request.

- |   |   |
|---|---|
| Emergency Mandatory<br>Water Restrictions | <ul style="list-style-type: none"> <li>(a) Some wells not functioning properly or with extreme draw-down.</li> <li>(b) Loss of storage.</li> <li>(c) Major waterline break.</li> <li>(d) Loss of treatment ability in town’s system.</li> <li>(e) Contamination of a portion of the supply requiring shut down.</li> <li>(f) NOAA drought index D3, extreme drought, or greater.</li> <li>(g) Current demand at or above 100% of system safe yield for 20 or more consecutive days.</li> <li>(h) Announcement of mandatory water restrictions.</li> <li>(i) Detailed water supply, drought and system status reporting. Daily water and drought outlook.</li> <li>(j) Public and businesses required to implement water restrictions to maintain water supplies.</li> <li>(k) Detailed list of mandatory water supplies.</li> </ul> |
|---|---|

Table II. Categories and Restrictions

<u>Category</u>	<u>Restrictions</u>
Normal Water Use	(a) Public and business asked to use water wisely. Wise water use is the basic program of conservation.
Watch Voluntary Water Conservation	(a) Public and businesses asked to review their water usage, be aware of, and limit high water use practices that needlessly waste water, e.g., watering lawns, washing

sidewalks, and driveways. If they have not fully implemented the Wise Water Use Program, they are asked to do so.

Sec. 5-4      Waiver of Restrictions

Upon prior written request by an individual, business or other water customer or user, the town council, for good cause shown, including evidence that the applicant is affected in a substantial manner not common to other business or persons generally may permit less than full compliance with any of the provisions of this article. No waiver shall be granted by the town council 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 shall be reported at its next regular or special meeting.

Sec 5-5      Application of restriction and prohibitions; termination

Noting in this article 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 a specific order. Any alert, restriction, or emergency declared by the town council, or the town manager for “non drought situations” pursuant to this article shall be effective at the time stated and shall continue in effect until terminated by the town council or public works committee, respectively.

Sec 5-6      Penalties; injunction

- (a) Any person who violates or fails to comply with any of the mandatory provisions of the current Town of Hamilton Water Conservation and Curtailment Plan and this article shall be charged with a class 3 misdemeanor as provided by law.
- (b) The fine for violation of this article shall be no less than \$100.00 for the first offense, \$200.00 for the second offense, and \$300.00 for the third offense 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 300 gallons of water per day, 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.
- (e) If an 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 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 article may also be sought through injunctive relief in the district court.
- (f) Any police officer of the town may issue a summons to a person he/she reasonably believes to be in violation of this article.
- (g) The imposition of a fine or penalty for a violation of any of the mandatory provisions of this article shall not excuse the violation or permit the violation to continue.
- (h) Any violation of this article may be restrained, corrected or abated by injunction or other appropriate proceeding.

Sec. 5-7      Implementation of responses for water conservation

When the town council finds, based upon the recommendations of the public

works committee, that the town water supply is limited and water conservation actions are necessary to conserve, extend or replenish the town water supply to protect health, safety or welfare, the council may, by ordinance, declare that there exists a water shortage. The council may authorize the public works committee to implement, in whole or in part, the four levels of response to drought outlined in the table below.

The mayor has the authority to declare a “Water Shortage Emergency” when based upon information from town staff that one of the following has occurred:

1. There has been a loss of water storage capacity.
2. A major waterline break has occurred,
3. A loss of water treatment capability at the water treatment plant or own wells, has occurred or,
4. A portion of the water supply is contaminated.