

ARLINGTON COUNTY CODE

Chapter 38.1

WATER SUPPLY EMERGENCIES*

* **Editors Note:** Ord. No. 02-5, adopted April 20, 2002, repealed Ch. 38, in its entirety, which pertained to the water supply emergency and enacted provisions designated as Ch. 38.1 to read as herein set out.

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ARTICLE I.

GENERAL

§ 38.1-1. Title.

This chapter shall be referred to as the "Water Supply Emergency Ordinance of Arlington County, Virginia."
(Ord. No. 02-5, § 1, 4-20-02)

§ 38.1-2. Purpose

The purpose of this chapter is to provide for the necessary curtailment of water usage through voluntary and/or mandatory restrictions or prohibitions during a water shortage condition or water supply emergency affecting

the County and its citizens.
(Ord. No. 02-5, § 1, 4-20-02)

ARTICLE II.

DEFINITIONS

§ 38.1-3. Water Shortage Condition.

A state wherein the Potomac River Basin is experiencing unusually dry weather, or a state wherein there exists the potential for a water supply emergency if water demands are not reduced.
(Ord. No. 02-5, § 1, 4-20-02)

§ 38.1-4. Water Supply Emergency.

A condition wherein the present or expected future ability of the County to deliver adequate supplies of potable water to customers to enable normal levels of potable water usage is endangered due to an extended drought and/or disruption in the County's water supply system.
(Ord. No. 02-5, § 1, 4-20-02)

ARTICLE III.

WATER SHORTAGE CONDITIONS

§ 38.1-5. Declaration of a Water Shortage Condition.

Whenever the County Manager determines that a water shortage condition exists, a water shortage condition may be declared by the County Manager. The County Manager, or his designee, shall give reasonable notice to the general public that the County is entering this condition, and notify the citizens of appropriate recommended voluntary restrictions and recommended conservation practices to conserve water and curtail water usage.
(Ord. No. 02-5, § 1, 4-20-02)

§ 38.1-6. Issuance of Voluntary Restrictions or Recommended Water Conservation Practices.

Upon the declaration of a water shortage condition, the County Manager, or his designee, may issue voluntary restrictions or recommended water conservation practices to help preserve the supply of potable water to Arlington County. Such voluntary restrictions or conservation practices may include, but shall not be limited to, voluntary restriction of one (1) or more of the following:

- A. Watering of shrubbery, trees, lawns, grass, plants, or other vegetation;
- B. Washing of automobiles, trucks, trailers, or other mobile equipment, except in vehicle wash facilities operating with an effective and efficient water recycling system with a prominently displayed sign in public view so stating;
- C. Washing of streets, driveways, parking lots, service station aprons, the exterior of commercial or residential buildings, or any other outdoor surfaces unless such washing is required to eliminate a hazard;
- D. Operation of any ornamental fountain or other structure making similar use of water;
- E. Filling (from an empty or less than three-quarters (3/4) full condition) of swimming and/or wading pools;
- F. Service of drinking water in restaurants, except upon request;

- G. Use of water from fire hydrants, except for health and safety purposes;
- H. Use of water for outdoor recreation;
- I. Request water users to inspect all plumbing and repair all leaks;
- J. Suggestion of a maximum daily consumption goal for citizens to strive to achieve.
(Ord. No. 02-5, § 1, 4-20-02)

§ 38.1-7. Rescission of a Water Shortage Condition.

At any time after the declaration of a water shortage condition, if the County Manager determines that such a condition no longer exists, then he may declare the rescission of the water shortage condition and the termination of all associated voluntary restrictions and recommended water conservation practices.
(Ord. No. 02-5, § 1, 4-20-02)

ARTICLE IV.

WATER SUPPLY EMERGENCIES

§ 38.1-8. Declaration of a Water Supply Emergency.

Whenever the County Board finds that a water supply emergency exists, or is reasonably likely to occur if water conservation measures are not taken, the County Board may adopt an ordinance declaring an emergency and restricting or prohibiting the use of water by County citizens for the duration of such emergency or for a period of time necessary to prevent the occurrence of a water supply emergency. Such a condition may be determined from information obtained by the County Board through the water supplier(s) of the County, information obtained from a recognized authority, recommendations from the County Manager to the County Board, or from other sources as determined appropriate and prudent by the County Board.
(Ord. No. 02-5, § 1, 4-20-02)

§ 38.1-9. Application of Water Supply Emergency Restrictions.

A water supply emergency may be declared by the County Board for the entire County water distribution system service area, or for portions thereof, as determined appropriate by the County Board.
(Ord. No. 02-5, § 1, 4-20-02)

§ 38.1-10. Exemption of Essential Uses for Public Health, Safety or Welfare.

The provisions of any ordinance enacted by the County Board declaring a water supply emergency, and any restrictions or prohibitions implemented by the County Manager, shall not apply to any governmental, business, or industrial use which is deemed by the County Manager to be essential to the preservation of the public health, safety, or welfare.
(Ord. No. 02-5, § 1, 4-20-02)

§ 38.1-11. Restrictions or Prohibitions to Address a Water Supply Emergency.

Upon the adoption of an ordinance by the County Board declaring a water supply emergency, the County Manager is authorized to promulgate and implement, in writing, voluntary or mandatory water consumption restrictions or prohibitions necessary to preserve the ability of the County to provide adequate and acceptable levels of potable water to preserve the public health, safety, and welfare. Water restrictions or prohibitions promulgated by the County Manager may include, but shall not be limited to, restriction or prohibition of one (1) or more of the following activities:

- A. Watering of shrubbery, trees, lawns, grass, plants, or other vegetation;
- B. Washing of automobiles, trucks, trailers, or other mobile equipment, except in vehicle wash facilities operating with an effective and efficient water recycling system with a prominently displayed sign in public view so stating;
- C. Washing of streets, driveways, parking lots, service station aprons, the exterior of commercial or residential buildings, or any other outdoor surfaces unless such washing is required to eliminate a hazard;
- D. Operation of any ornamental fountain or other structure making similar use of water;
- E. Filling (from an empty or less than three-quarters (3/4) full condition) of swimming and/or wading pools;
- F. Service of drinking water in restaurants, except upon request;
- G. Use of water from fire hydrants, except for health and safety purposes;
- H. Use of water for outdoor recreation;
- I. Air conditioning with units requiring the use of water, with the exception of facilities with heat-sensitive materials or equipment, or where such prohibition would endanger the life or health of the occupants;
- J. Use of water for construction purposes, including filling or flushing of water mains for new developments;
- K. Use of automatic ice-making machines in hotels and motels;
- L. Production or bottling of beverages; and
- M. Temporary cessation of public water service.
(Ord. No. 02-5, § 1, 4-20-02)

§ 38.1-12. Rescission of Restrictions or Prohibitions.

If, at any time after the County Board adopts an ordinance declaring a water supply emergency and the County Board finds that a water supply emergency no longer exists, then the County Board may, by ordinance, declare the water supply emergency ended. At any time during a water supply emergency, the County Manager may, by written declaration, declare the rescission, in whole or in part, of any restrictions or prohibitions promulgated and implemented under § 38.1-11. Such declarations by the County Board or the County Manager shall be based upon a factual finding that the ability of the County to deliver acceptable quantities of potable water is no longer limited, or that the extent of the declared emergency is reduced and that the existing restrictions or prohibitions, or some part thereof, are no longer required to protect the public health, safety, and welfare.
(Ord. No. 02-5, § 1, 4-20-02)

§ 38.1-13. Notification of Promulgation or Rescission of Mandatory Restrictions and Prohibitions.

The County Manager shall notify the general public, and the County Board, when the County Manager promulgates, or rescinds, mandatory restrictions or prohibitions authorized by this chapter or by any ordinance adopted hereunder. Such notification shall describe the mandatory restrictions and prohibitions promulgated or rescinded by the County Manager, the effective date or dates thereof, and the penalties for noncompliance. Such notice to the general public shall be published in a newspaper of general circulation within the County and posted in a public place in the County Manager's office. Such notice shall be deemed due and proper notice to every customer supplied with water by the County.
(Ord. No. 02-5, § 1, 4-20-02)

§ 38.1-14. Waiver of Restrictions or Prohibitions.

Upon receipt of a specific written request by an individual customer of water supplied by the County, the County Manager, for good cause shown, including written evidence that the customer is adversely affected in a significant manner not common to other businesses or persons generally, may grant, at such times and upon such terms as the County Manager deems appropriate, a waiver to the customer, which waiver may permit less than full compliance with any of the restrictions or prohibitions promulgated hereunder. No waiver shall be granted unless the County Manager first determines that the public health, safety, and welfare will not be adversely affected by such waiver. All waivers granted by the County Manager shall be reported to the County Board prior to, or at, its next regularly scheduled meeting.

(Ord. No. 02-5, § 1, 4-20-02)

§ 38.1-15. Violations of this Chapter.

After adoption by the County Board of an ordinance declaring a water supply emergency, and after promulgation of any mandatory restrictions or prohibitions authorized by this chapter, or by such ordinance, it shall be unlawful for any person to violate any provision of such ordinance, restrictions or prohibitions.

(Ord. No. 02-5, § 1, 4-20-02)

§ 38.1-16. Penalties.

A. Any person who violates or fails to comply with any of the provisions of this chapter, or any ordinance enacted hereunder, or any mandatory restrictions or prohibitions promulgated pursuant to this chapter, or pursuant to any ordinance enacted hereunder, may be charged with a Class 3 misdemeanor and, upon conviction, may be fined as provided in § 1-9 of this Code.

B. A separate offense shall be deemed committed each day during which, or on which, a violation of, or noncompliance with, this chapter, or any ordinance enacted hereunder, or any such mandatory restrictions or prohibitions promulgated hereunder, occurs or continues. The imposition of a fine or penalty for a violation of any provision of this chapter, or any ordinance enacted hereunder, or any mandatory restrictions or prohibitions promulgated hereunder shall not excuse the violation or permit it to continue.

C. The County Manager may seek suspension of water service to any violator of this chapter, or any ordinance enacted hereunder, or any mandatory prohibitions or restrictions promulgated hereunder, by injunction, abatement, or other appropriate legal remedy, if the County Manager determines that such action is necessary to prevent any continued or future violation.

(Ord. No. 02-5, § 1, 4-20-02)