

Summary – Proposed Drought Response and Contingency Ordinance

The ordinance applies to public and privately-owned water utility systems “*owned and/or operated by a locality, authority, or company distributing water for a fee or charge.*” Private wells are not specifically exempted from 9 VAC 25-780 Local and Regional Water Supply Planning; however, the recommended ordinance only addresses community systems.

The appointed local executive is given the responsibility to act in the event of an actual or anticipated shortage of potable water due to climatic, hydrological, mechanical, and/or other extraordinary conditions. The appointed executive is authorized to act, but the approval of elected officials must follow.

The appointed executive may order voluntary or mandatory restrictions on water use in community systems in response to specific conditions. The official may intervene to declare a drought emergency for privately-owned community systems if the private system operator is unable to restrict water usage when necessary.

The local official can mandate water conservation measures according to four condition levels:

- (1) *Condition 1 (Drought Warning)* - call upon the affected population and entities using the community system to use restraint in water usage and to conserve water voluntarily.
- (2) *Condition 2 (Drought Emergency)* – require residents and businesses using community systems to curtail non-essential uses, such as watering of lawns, washing vehicles, washing sidewalks and streets, and other non-essential uses.
- (3) *Condition 3* - require reductions during a *continuing* water emergency by allowing utilities to charge additional costs for high water usage.
- (4) *Condition 4* - when water supply to a system is *crucially limited*, restrict the use of water from any affected water system to purposes which are absolutely essential to life, health and safety.

The ordinance does not:

- Affect the use of private wells developed according to the regulations of the Virginia Department of Health (12 VAC 5-630);
- Impose any additional requirements on the development or use of new wells;
- Require monitoring or reporting of water usage by residents;
- Penalize the use of water for essential purposes.

The ordinance does:

- Enable local officials to respond to droughts by encouraging responsible use of community water systems;
- Provide a range of options to achieve needed reductions in use during water emergencies at the least cost to citizens and businesses;
- Enable local officials to intervene in privately-owned community water systems if the need arises;
- Provide for penalties for excessive water usage during water emergencies.