

ORDINANCE NO. 7614-20

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 42, WATER SUPPLY, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE VI., EMERGENCY WATER CONSERVATION

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newport News, Virginia:

1. That Chapter 42, Water Supply, of the Code of the City of Newport News, Virginia, Article VI., Emergency Water Conservation, be, and the same hereby is, amended and reordained as follows:

**CHAPTER 42**

**WATER SUPPLY**

**ARTICLE VI. EMERGENCY WATER CONSERVATION**

**Sec. 42-90. General.**

(a) *Purpose and intent.* Water conservation provides a public benefit through the reduction of non-essential water use and water losses. To ensure the continued availability of a safe and adequate water supply for the customers of the Newport News Waterworks System, it is necessary to control the demand for water. During prolonged or extended periods of high temperatures and below average rainfall and streamflow, or in acute emergencies impacting the water supply, it will be necessary to reduce, restrict or curtail potable water use in order to conserve the water supply to protect the welfare, safety, and health of the public.

(b) *Definitions.* The following words and terms used in this article shall have the following meanings:

- (1) *Alternate water source.* A well or well system, which delivers ground water of suitable quantity and quality for the desired application.
- (2) *City water.* Water supplied by the city's waterworks department.
- (3) *Minimize.* Reduce water consumption to the lowest level technologically and economically feasible.
- (4) *Recycling system.* A water system that captures and reuses a minimum of

fifteen (15) percent wastewater.

**Sec. 42-91. Water conservation, generally.**

(a) *Flow rates for plumbing fixtures and public lavatories.* In recognition of the growing demand for water in the service area and the importance of conservation as a means of ensuring that future water supplies will be sufficient to meet these demands, only fixtures conforming to the flow specifications of the Virginia Uniform Statewide Building Code shall be installed in buildings served by city water.

(b) *Car washes.* All drive through car wash installations using city water that are put in operation after July 1, 2020, shall be equipped with a water recycling system. Drive through car wash installations, which cannot install or maintain in good repair a water recycling system, shall use an alternate water source. Self-serve wash installations and mobile car wash systems shall maintain their pressure spray equipment according to the manufacturer's specifications for minimum water use.

(c) *Waste of water, generally.* No person shall permit or cause uncontrolled flow of water from any hydrant, meter, or other fixture without taking proper care to prevent waste.

(d) *Waste of water, leak repairs.* No owner of any residential unit or commercial or industrial establishment shall cause an excessive amount of water to be used due to leakage from water lines or plumbing fixtures on the premises.

(e) *Continuous flow equipment.* In all new construction and when any continuous flow devices are repaired or replaced, any water connector device or appliance requiring a continuous flow of five (5) gallons per minute or more and not covered by section 42-91(a), shall be equipped with a water recycling system.

**Sec. 42-92. Declaration of drought stages.**

(a) Upon review of drought level indicators, including those contained in the Virginia Drought Assessment and Response Plan, such as precipitation deficits, streamflows, groundwater levels, reservoir levels, or such other indicators as may be specified in a policy promulgated by the director, the director may recommend to the city manager that a specific drought stage be declared.

(b) A Drought Watch (Stage 1) or Drought Warning (Stage 2) may be declared by the city manager upon a determination by the city manager that drought level indicators support such a declaration. A Drought Emergency (Stage 3) may only be declared by ordinance adopted by the Newport News City Council in accordance with section 15.2-924 of the Code of Virginia, 1950, as amended.

(c) Prior to the declaration of a Drought Emergency by the Newport News

City Council, the director shall report to the city manager and to the Newport News City Council the condition of the city water supply, stating the criteria utilized and the data relied upon in the report and shall recommend adoption of an ordinance declaring a Drought Emergency. The report shall be filed with the city clerk. The city clerk shall forthwith transmit a copy of each such report to the city manager or county administrator of each jurisdiction for which Newport News provides treated water or with which Newport News has a raw water agreement.

**Sec. 42-93. Stage 1, Drought Watch.**

Upon declaration of a Stage 1 Drought Watch, the director shall disseminate information throughout the waterworks system service area indicating that a Drought Watch is in effect and that if the prevailing conditions persist, a significant drought event may occur. Drought Watch notices are intended only to increase awareness of the existing climactic conditions and to prepare customers for the possibility of future management measures, if needed.

**Sec. 42-94. Stage 2, Drought Warning.**

Upon the declaration of a Stage 2 Drought Warning, the director shall disseminate information throughout the waterworks system service area advising that a Drought Warning is in effect and requesting that all customers voluntarily restrict or eliminate non-essential uses of city water, including, but not limited to, the following:

- (1) The use of city water to wash down paved surfaces such as streets, sidewalks, walkways, driveways, garages, parking areas, service station aprons, tennis courts, patios and other hard surfaced areas, buildings, and structures, except as required for public health, safety and welfare concerns.
- (2) The use of city water to wash automobiles, trucks, trailers, boats, and any other type of mobile equipment, except in facilities operating with an alternate water source or with an approved water recycling system. Any facility operating with an approved recycling system must prominently display a sign stating such a recycling system is in operation.
- (3) The use of city water for watering of shrubbery, trees, lawns, grass, plants, and other vegetation, except when using an alternate water source, recycled water, or a hand-held container not exceeding three (3) gallons in capacity. Any such watering shall be limited to the hours between 8:00 p.m. and 10:00 a.m.
- (4) The use of city water in the operation of any ornamental fountains, artificial waterfalls, misting machines, reflecting pools, or for scenic or recreational ponds or lakes, except for fountains and other means of aeration used to support aquatic life.

- (5) The use of city water from fire hydrants for construction purposes or any purpose other than fire suppression or other public emergency.
- (6) The use of city water to fill or refill residential swimming pools except to protect structural integrity and public health, safety and welfare.
- (7) The use of city water for the serving of drinking water in restaurants, clubs, and other eating establishments, unless requested by a customer.

**Sec. 42-95. Stage 3, Drought Emergency.**

(a) Following the adoption of an ordinance by the Newport News City Council declaring a Drought Emergency the restrictions on non-essential water uses listed in section 42-94 shall become mandatory for the duration of the Drought Emergency.

(b) The activation of mandatory water use restrictions in accordance with section 42-95(a) shall apply to water customers in all jurisdictions served by the waterworks system and shall become effective upon the same being printed in a newspaper of general circulation in the Newport News Waterworks System service area unless a later date is provided therein. In addition, notification of the imposition of water use restrictions shall be broadcast over one (1) or more radio or television stations serving the Newport News Waterworks System service area. The city clerk shall forthwith transmit to the city manager or county administrator of each jurisdiction served by the waterworks system information on the restrictions to be imposed. These restrictions shall be terminated upon a finding by the Newport News City Council that the water shortage is over and that the emergency measures are no longer required.

(c) Penalties. Any person charged with violating any provision of this section shall be assessed a penalty in accordance with section 42-96(d).

(d) The following exceptions to the mandatory non-essential water use restrictions shall be allowed:

- (1) Newly sodded and seeded areas may be irrigated with city water to establish cover on bare ground at the minimum rate necessary for no more than a period of 30 days, provided such activity was initiated prior to the declaration of the Drought Emergency by the Newport News City Council. Irrigation rates may not exceed one inch of applied water in any seven-day period. Irrigation allowed pursuant to this exception must take place between the hours of 9:00 p.m. and 10:00 a.m.
- (2) Athletic fields may be irrigated with city water between the hours of 9:00 p.m. and 10:00 a.m. at the minimum rate necessary, not to exceed one inch of applied water in any ten-day period. All city water used as irrigation water

must fall on playing surfaces with no outlying areas receiving irrigation water directly from irrigation heads, and all irrigation pursuant to this exception must be applied in a manner to assure that no runoff, puddling, or excessive watering occurs. Irrigation pursuant to this exception is not permitted on athletic fields that are not scheduled for use within the next 120-day period. City water may be used for maintenance of pitching mounds, home plate areas, and base areas at the minimum rate necessary, with the use of hand-held containers not exceeding three (3) gallons. Skinned infield areas may use city water to control dust and improve playing surface conditions utilizing hand-held containers or hand-held hoses equipped with an automatic shutoff device at the minimum rate necessary no earlier than two hours prior to the official start time of any game.

- (3) Golf courses, including tees, greens, and fairways, may be irrigated with city water between the hours of 9:00 p.m. and 10:00 a.m. at the minimum rate necessary, not to exceed one inch of applied water in any ten-day period. Rough areas may not be irrigated. All irrigation pursuant to this exception must be applied in a manner to assure that no runoff, puddling, or excessive watering occurs.
- (4) Tennis courts composed of clay or similar materials may be wetted with city water by means of a hand-held hose equipped with an automatic shutoff device at the minimum rate necessary for maintenance, between the hours of 9:00 p.m. and 10:00 a.m.
- (5) Construction, emergency, and public transportation vehicles may be washed with city water as necessary to preserve the proper functioning and safe operation of the vehicle. Automobile dealers and automobile rental agencies may wash cars with city water no more than once per week, utilizing hand-held containers and hoses equipped with automatic shutoff devices or automatic facilities operating with an approved water recycling system.
- (6) Marine engines may be flushed with city water for a period not to exceed five (5) minutes after each use.
- (7) Outdoor swimming pools operated by commercial ventures, community associations, recreation associations, and similar institutions, open to the public, may be refilled with city water as long as:
  - (i) The pool is covered when not in operation to reduce losses due to evaporation;
  - (ii) Water levels are maintained at mid-skimmer depth or lower;

- (iii) Any visible leaks are immediately repaired;
  - (iv) Backwashing occurs only when necessary to assure proper filter operation;
  - (v) Deck areas are washed with city water no more than once per calendar month (except where chemical spills or other health hazards occur);
  - (vi) All water features, other than slides, that increase losses due to evaporation are eliminated; and
  - (vii) Any slides are turned off when the pool is not in operation.
- (8) Indoor pools and swimming pools operated by health care facilities used in relation to patient care and rehabilitation may be filled or refilled with city water as necessary.

**Sec. 42-96. Water rates and penalties during declared Drought Emergencies.**

(a) If authorized by Newport News City Council in its ordinance declaring a Drought Emergency, at any point during a Drought Emergency the city manager, or when so authorized by him, the director, may impose higher water rates to further reduce water use.

(b) The activation of higher water rates shall apply to water customers in all jurisdictions served by the waterworks system and shall become effective upon the same being printed in a newspaper of general circulation in the Newport News Waterworks System service area unless a later date is provided therein. The city clerk shall forthwith transmit to the city manager or county administrator of each jurisdiction served by the waterworks system information on the higher water rates to be imposed. The higher water rates shall be in effect for the duration of the Drought Emergency, which shall be terminated upon a finding by the Newport News City Council that the water shortage is over and that the emergency measures are no longer required.

(c) Effective with meter readings beginning on the first business day following the imposition of higher water rates, a drought surcharge of forty percent (40%) shall be applied to all water consumption in all rate categories except the low usage lifeline block, which shall continue to be billed at the current lifeline rate.

(d) Penalties. A civil penalty shall be charged to any customer account and added to the water bill upon the occurrence at the service address of a violation of any mandatory water use restriction declared pursuant to section 42-95(a). Penalties for such violations shall be assessed as follows:

<b>Violation</b>	<b>Penalty</b>
First offense	Written warning
Second offense	\$50.00 fine
Third offense	\$100.00 fine
Fourth offense	\$250.00 fine and water service suspension

(e) Exemptions. Water customers who are engaged in activities in which water is essential for public health, such as health care facilities (including but not limited to hospitals, minor emergency centers, health care practices, dialysis centers, nursing homes, and convalescent centers), will be exempt from the higher water rates imposed during a Drought Emergency.

**Sec. 42-97. Suspension of water service.**

In addition to the foregoing, water service may be suspended to any person who continues to violate the provisions of section 42-95, or any regulations promulgated hereunder during a Drought Emergency. If such water service is suspended by operation of this article, the person shall pay a reconnection fee and all outstanding charges before service is restored.

**Sec. 42-98. Appeals.**

(a) Any person aggrieved by the issuance of a violation under section 42-96 may appeal the decision in writing to the city manager or his designee.

(b) An informal hearing shall be conducted unless the aggrieved person does not desire a hearing. All decisions shall be in writing and shall be mailed or delivered to the aggrieved person. All decisions are final.

**Sec. 42-99. Non-drought related water supply emergency.**

(a) In the event of an immediate and sustained loss of the source of supply or major damage to critical water system infrastructure, including, but not limited to, failure of a main transmission line, intake, dam, or water treatment plant; a chemical spill into the waterworks system; or a malevolent attack that introduces a contaminant into the waterworks system, the city manager may call for immediate voluntary conservation measures.

(b) If the emergency causes or is expected to cause a water shortage for more than seven (7) days, the Newport News City Council may declare a water supply emergency by adopting an ordinance pursuant to section 15.2-924 of the Code of Virginia, 1950, as amended. Following the adoption of such an ordinance, all provisions of sections 42-95 through 42-98 shall be in effect for the duration of the water supply emergency.

2. That this ordinance shall be in effect on and after July 1, 2020.

Ordinance No. 7614-20

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON APRIL 14, 2020

Mabel Washington Jenkins, MMC  
City Clerk

McKinley L. Price, DDS  
Mayor

A true copy, teste:

City Clerk