

## PUBLIC HEARING NOTICE

Pursuant to the Code of Virginia, the Gloucester County Board of Supervisors will conduct a Public Hearing on September 1, 2009 beginning at 8:00 p.m. in the Colonial Courthouse, 6504 Main Street Gloucester, Virginia to consider the following:

**AN ORDINANCE TO AMEND THE GLOUCESTER COUNTY CODE,  
CHAPTER 19 “WATER, SEWERS AND SEWAGE”,  
ARTICLE II, “SANITARY DISTRICTS, COUNTY SEWER AND COUNTY WATER  
SYSTEM”, DIVISION 2, “EMERGENCY WATER CONSERVATION”,  
SECTION 19-9.1, “EMERGENCY WATER CONSERVATION PROCEDURES”**

The proposed changes to Chapter 19 of the Gloucester County Code will amend the section to add a Drought Response Plan consisting of three (3) graduated states of drought response (Drought Watch; Drought Warning; and Drought Emergency) to the Gloucester County Code.

A complete copy of draft ordinance amendment is available and may be reviewed at the Gloucester County Administrator’s office at 6467 Main Street, Gloucester, Virginia, at both branches of the Gloucester County Library - Main Branch: 6920 Main Street, Gloucester, Virginia - Gloucester Point Branch: 1720 George Washington Memorial Hwy, Gloucester Point, Virginia and on the County’s website at [www.gloucesterva.info](http://www.gloucesterva.info).

All interested parties are invited to attend the hearing to express their views. Persons requiring assistance to attend the hearing should contact the Gloucester County Administrator’s office at (804) 693-4042.

Brenda G. Garton  
County Administrator

AT A REGULAR MEETING OF THE GLOUCESTER COUNTY BOARD OF SUPERVISORS, HELD ON TUESDAY, SEPTEMBER 1, 2009 AT 7:00 P.M., IN THE BOARD ROOM IN THE COLONIAL COURTHOUSE, COURT CIRCLE, 6504 MAIN STREET, GLOUCESTER, VIRGINIA: ON A MOTION DULY MADE BY \_\_\_\_\_, AND SECONDED BY \_\_\_\_\_, THE FOLLOWING ORDINANCE WAS ADOPTED BY THE FOLLOWING VOTE:

Charles R. Allen, Jr., \_\_\_\_;  
Teresa L. Altemus, \_\_\_\_;  
Robert A. Crewe, \_\_\_\_;  
Michelle R. Ressler, \_\_\_\_;  
Christian D. Rilee, \_\_\_\_;  
Louise D. Theberge, \_\_\_\_;  
Gregory Woodard, \_\_\_\_;

**AN ORDINANCE TO AMEND THE GLOUCESTER COUNTY CODE,  
CHAPTER 19 “WATER, SEWERS AND SEWAGE”,  
ARTICLE II, “SANITARY DISTRICTS, COUNTY SEWER AND COUNTY WATER SYSTEM”,  
DIVISION 2, “EMERGENCY WATER CONSERVATION”,  
SECTION 19-9.1, “EMERGENCY WATER CONSERVATION PROCEDURES”.**

WHEREAS, Virginia Regulations (Title 9 25-780) require that all counties submit a local water supply plan or participate in a regional water supply plan; and

WHEREAS, staff has informed the Board that Gloucester County has elected to participate in the Regional Water Supply Plan with Hampton Roads Planning District Committee by a Memorandum of Agreement. This regional Plan has been under development since 2006; and

WHEREAS, regulations (9VAC 25-780-120) require that community water systems, such as the Gloucester County Department of Public Utilities, prepare drought response and contingency plans. This section requires that such Drought Response plans contain three (3) graduated stages of responses to the onset of drought conditions: watch, warning and emergency stages. These stages are described as: Drought Watch – intended to increase public awareness, includes public outreach activities; Drought Warning – required when the onset of a drought is imminent, and includes a goal of voluntary reduction in water use of 5 to 10%; and Drought Emergency – mandatory conservation efforts with a goal of reduction in water use of 10-15%; and

WHEREAS, staff has advised the Board that at the present time, our County Code does not meet these requirements, and has therefore submitted an ordinance amendment for the Board’s consideration; and

WHEREAS, the Board has held a duly advertised public hearing on this matter.

NOW THEREFORE BE IT ORDAINED by the Gloucester County Board of Supervisors this 1st day of September, 2009, that Chapter 19, “Water, Sewers and Sewage”, Article II, “Sanitary Districts, County Sewer and County Water System”, Division 2, “Emergency Water Conservation”, Section 19-9.1, “Emergency water conservation procedures” of the Gloucester County Code is hereby amended as follows:

## Chapter 19 - Water, Sewers and Sewage

### Article II - Sanitary Districts, County Sewer and County Water System

#### Division 2 - Emergency Water Conservation

Sec. 19-9.1. Emergency water conservation procedures.

(a) For the purposes of this section, unless the context clearly requires a contrary meaning, the term "water" shall mean potable water withdrawn from any sanitary district or the county water distribution system.

(b) **Drought Watch - Water Conservation Alert:** The county administrator ~~may~~ **shall** proclaim a water conservation alert ~~or for the county water system,~~ when the level of water in the Beaverdam Reservoir ~~reaches seventy (70)~~ **decreases to ninety (90)** percent of its operating volume, which occurs when the reservoir is at an elevation of ~~thirty-eight (38)~~ **thirty-nine and eight tenths (39.8)** feet. Such **an** alert shall be rescinded when the level in the Beaverdam Reservoir has been raised to ~~ninety (90)~~ **ninety-five (95)** percent of its operating volume, which occurs when the reservoir is at an elevation of ~~(39.8)~~ **forty and two tenths (40.2)** feet. **During a drought watch alert, the county administrator shall instruct the county staff to issue public announcements detailing the conditions and encouraging the public to conserve water. Those announcements shall include, but shall not be limited to, announcements over radio and other media.**

(c) **Drought Warning:** **The county administrator shall proclaim a drought warning when the level of water in the Beaverdam Reservoir decreases to eighty (80%) percent of its operating volume, which occurs when the reservoir is at an elevation of thirty-eight and nine tenths (38.9) feet. The drought warning shall be rescinded when the level in the reservoir has been raised to ninety (90) percent of**

its operating volume, which occurs when the reservoir is at an elevation of thirty-nine and eight tenths (39.8) feet. During a drought warning, the county administrator and staff shall request that the public, including residents and commercial, industrial, and institutional facilities, conserve water. The goal of activities conducted during a drought warning shall be the voluntary reduction in community usage of five to ten percent (5% - 10%).

(d) Drought Emergency: The county administrator shall proclaim a drought emergency when the level of water in the Beaverdam Reservoir decreases to seventy (70) percent of its operating volume, which occurs when the reservoir has been lowered to an elevation of thirty-eight (38) feet. The drought emergency shall be rescinded when the level in the reservoir has been raised to eighty (80) percent of its operating volume, which occurs when the reservoir is at an elevation of thirty-eight and nine tenths (38.9) feet. During a ~~water conservation alert period~~ drought emergency, it shall be unlawful for any person to use water for any of the following purposes:

(1) The washing of automobiles, trucks, trailers, or any other type of mobile equipment except in vehicle wash facilities operating with a water recycling system approved by the county with a prominently displayed sign in public view so stating.

(2) The washing of streets, driveways, parking lots, service station aprons, office buildings, exteriors of homes or apartments or other outdoor surfaces.

(3) Watering of outside shrubbery, trees, lawns, grass, plants or any other vegetation, except from a watering can or other container not exceeding three (3)

gallons' capacity. This limitation shall not apply to greenhouses or nursery stocks which may be watered in the minimum amount required to preserve plant life between 6:00 p.m. and 8:00 a.m.

(4) The operation of any ornamental fountain or other structure making a similar use of water.

(5) The filling of swimming or wading pools requiring more than five (5) gallons of water, or the filling or refilling of swimming or wading pools requiring more than five (5) gallons of water which were drained after commencement of a water conservation alert period, except that pools contracted **to be filled** prior to commencement of a water conservation alert may be filled to a level of two (2) feet below normal to protect the structure from hydrostatic damage.

(6) The service of drinking water in restaurants except upon request.

(7) The use of water from fire hydrants for any purpose other than fire suppression unless otherwise specifically **provided approved** by the county administrator.

~~(d)~~**(e) During a drought emergency,** it shall be unlawful for any owner of any residential unit or units or any owner of any commercial or industrial establishment ~~which is found to be an excessive user of water due to leakage from waterlines or plumbing fixtures on the premises~~ to fail to take immediate action to repair and stop **water leakage from waterlines or plumbing fixtures on the premises** ~~such leakage~~ after being so ordered by the county administrator.

~~(e)~~**(f)** Exemptions.

(1) Any person subject to this section may apply to the board for an exemption. Such application shall be in writing and filed with the county administrator.

(2) The board may, upon written application, permit an exemption or less than full compliance with any terms of this section when, in its judgment, full compliance or compliance to any extent would create an unjust hardship.

(3) The county administrator shall be authorized to issue temporary waivers or exemptions within the provisions of this section for such periods of time as may be necessary for the board formally to consider such or for the board to take appropriate action.

~~(f)~~**(g)** Every decision of the board under this section shall be final, subject to such remedy as any aggrieved party might have at law or in equity.

~~(g)~~**(h)** The county sheriff shall issue summonses to effect compliance with this section.

~~(h)~~**(i)** Any violation of this section shall be punishable as set forth in section 19-4.2.

A copy teste:

---

Brenda G. Garton  
County Administrator