

ADOPTED

AUG 13 1996.

ORDINANCE NO. 116A-30

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 8, HEALTH AND SANITATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY ADDING ARTICLE VI, DROUGHT MANAGEMENT, BY ADDING SECTION 8-51, SHORT TITLE; SECTION 8-52, AUTHORITY TO DECLARE A POTENTIAL SHORTAGE OF WATER AND TO IMPOSE WATER CONSERVATION MEASURES; SECTION 8-53, CONDITIONS FOR THE DECLARATION OF POTENTIAL SHORTAGE OF WATER; SECTION 8-54, VIOLATION OF STAGE III WATER RESTRICTIONS; SECTION 8-55, NOTICE TO THE PUBLIC; SECTION 8-56, APPEALS; AND SECTION 8-57, REPEAL OF OTHER COUNTY ORDINANCES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 8, Health and Sanitation, is hereby amended and reordained by adding Article VI, Drought Management, Section 8-51, Short Title; Section 8-52, Authority to declare a potential shortage of water and to impose water conservation measures; Section 8-53, Conditions for the declaration of potential shortage of water; Section 8-54, Violation of stage III water restrictions; Section 8-55, Notice to the public; Section 8-56, Appeals; and Section 8-57, Repeal of other county ordinances.

Chapter 8. Health and Sanitation

Article VI. Drought Management

Sec. 8-51. Short title.

This Article shall be known and may be cited as the Drought Management Ordinance.

Sec. 8-52. Authority to declare a potential shortage of water and to impose water conservation measures.

The county administrator is authorized to take special measures of prudent management to prevent a critical water shortage when a potential shortage and/or emergency condition exists in James City County's water system(s).

Sec. 8-53. Conditions for the declaration of potential shortage of water.

Upon a determination by the county administrator of the existence of the following conditions, the county administrator shall take the following actions:

- (a) Stage I: When one or more of the parameters described in Section 2.E.1 of the Water Conservation and Drought Management Plan (Plan) adopted by the James City Service Authority (JCSA) are met, the county administrator shall, through appropriate means, call upon the general population to employ prudent restraint in water usage, and to conserve water voluntarily by the means described in Section 2.G.1. of the Plan.*
- (b) Stage II: When one or more of the parameters described in Section 2.E.2 of the Plan adopted by the JCSA are met, the county administrator shall order curtailment of less essential usage of water, including but not limited to, the measures described in Section 2.G.2 one or more of the Plan.*
- (c) Stage III: When one or more of the parameters described in Section 2.E.3 of the Plan adopted by the JCSA are met, the County Administrator shall institute mandatory reductions on each customer which*

include, but are not limited to, those restrictions applicable to Stage II as well as reductions of water to each customer as described in Section 2.G.3 of the Plan.

The county administrator or his designee may authorize exceptions to the restrictions imposed by Stages I and II.

- (d) Stage IV: When Stage III has been in effect for 30 days and demand has not stabilized at the Stage III trigger level or has not declined, the board of supervisors, county administrator, or his designee may implement additional restrictions as are determined necessary.*

Sec. 8-54. Violation of Stage III water restrictions.

Upon implementation of Stage III, the board of supervisors, county administrator, or his designee may impose appropriate fines and penalties for excess water usage. The additional charges for excess water usage shall be applicable to bills for service periods beginning on or after the declaration that a potential shortage of water exists.

Sec. 8-55. Notice to the public.

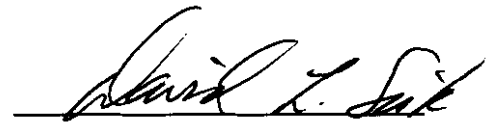
The determination of Stages II, III, and IV by the board of supervisors, county administrator, or his designee shall be accompanied by a written report which shall set out the criteria utilized and data relied upon in making such determination including a narrative summary reporting the determination. Each report shall be promptly filed with the County Clerk who shall make the same available for public inspection. The county clerk shall transmit a copy of each report to the board of supervisors.

Sec. 8-56. Appeals.

An appeal review board shall be established upon declaration of Stage II. It shall be composed of three members appointed by the board of supervisors. One of the three members shall be a representative of the James City Service Authority. The appeals board shall hear appeals from determinations as to allocation of water and additional charges of excessive usage and shall have the power by the vote of two members to approve, modify, or revoke such determinations. The action of the appeals review board shall be final.

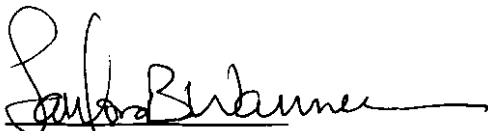
Sec. 8-57. Repeal of other county ordinances.

All other county ordinances inconsistent with this ordinance are hereby repealed; provided, however, that no enforcement action or prosecution of any sort now pending shall be abated because of the adoption of this ordinance.



David L. Sisk
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
TAYLOR	AYE
MAGOON	AYE
DEPUE	AYE
EDWARDS	AYE
SISK	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of August, 1996.