

Draft July 29, 2011

**AMENDMENT TO
CHAPTER 170
WATER AND SEWERS
of the Code of the Town of Elkton**

Adding new article or section

**TO MANAGE WATER RESOURCES
DURING DROUGHT SITUATIONS**

WHEREAS, the Elkton Town Council has determined it to be in the best interest of the Town to be prepared for future potential water shortages or emergencies.

NOW THEREFORE, BE IT ORDAINED by the Elkton Town Council that the Town Code be and is hereby amended by the addition of the following:

I. Short title.

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

II. Purpose.

The purpose of this Article is to provide for the voluntary and mandatory restriction of use of the Town of Elkton public water supply system during declared water shortages or water emergencies.

III. Scope.

This Article shall apply to all Town of Elkton residents and businesses which are served by the public water system.

IV. Drought Response Plan.

The Town Council has adopted by resolution the Upper Shenandoah River Basin Drought Preparedness and Response Plan.

V. Drought Indicators.

The indicators used to indicate drought severity shall be defined in the Upper Shenandoah River Basin Drought Preparedness and Response Plan Drought Response Plan.

VI. Drought Stages.

The drought stages shall be Drought Watch, Drought Warning, and Drought Emergency, as determined by the Council, pursuant to the Upper Shenandoah River Basin Drought Preparedness and Response Plan and State Water Control Board regulation 9 VAC 25-120.

VII. Declaration.

Upon notification to the Council that a drought stage exists, as defined in this Ordinance, the Council may issue a declaration of a drought stage. The Town may declare a drought stage in the absence of a declaration by the Commonwealth of Virginia. The Town must declare a drought stage upon declaration by the Commonwealth of Virginia.

VIII. Drought Stage Responses.

Upon declaration by the Council of a Drought Watch or Drought Warning, voluntary conservation measures will be requested of residents and businesses as set forth in the Upper Shenandoah River Basin Drought Preparedness and Response Plan Drought Response Plan. Upon declaration of a Drought Emergency, mandatory restrictions shall apply as set forth in the Plan.

IV. Waiver Restrictions.

Upon prior written request by an individual, business, or other water user, the Council, or its designee, may permit less than full compliance with any drought restrictions if good cause can be shown, including evidence that the applicant is affected in a substantial manner not common to other businesses or persons generally. No waiver shall be granted by the Council or its designee unless the Council or its designee determines that the public health, safety, and welfare will not be adversely affected by the waiver. All waivers granted by the Council or its designee shall be reported at the Council's next regular or special meeting.

X. Penalties.

Any person who shall violate any of the provisions of this Article shall, upon conviction thereof, be fined not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00). Each act or day's continuation of the violation shall be considered a separate offense.

ADOPTED AND APPROVED this _____ day of _____, 2011.

Roy Eugene Davis
Mayor, Town of Elkton

Atteste:

Denise R. Monger
Clerk of the Council