**REPEAL AND REPLACE ARTICLE V. SURFACE AND GROUNDWATER RESTRICTIONS**

**38-161. Finding of an emergency.**

Should the Louisa County Board of Supervisors, at any time, declare there to be an emergency in the County arising wholly or substantially out of a shortage of water supply, the Louisa County Water Authority (LCWA) and its General Manager, the Town of Louisa and its Town Manager, the Town of Mineral and its Town Manager, and the County Administrator acting on behalf of the Board are hereby authorized during continuation of the water emergency to order the restriction or prohibition of any or all uses of the surface water and groundwater supply.

**38-162. Definitions.**

The following words and phrases, when used in this article, shall have the meaning ascribed to them below, except in those instances where the context clearly indicates a different meaning:

*Fountain*: A water display where water is sprayed strictly for ornamental purposes.

*Lawn*: Grass areas of any property, including residential, commercial or industrial areas, but excluding agricultural fields and athletic fields.

*Person*: Any individual, corporation, partnership, association, company, business, trust, joint venture or other legal entity.

*Vegetable garden*: Any "non-commercial" vegetable garden planted primarily for household use; "non-commercial" includes incidental direct selling of produce from such a vegetable garden to the public.

(Res. Of 10-21-02(02.153), § 2)

**38-163. Mandatory surface and groundwater restriction measures.**

The mandatory surface and groundwater restriction measures include but are not limited to:

1. Watering of outside shrubbery, trees, lawn, grass, plants, home vegetable gardens, or any other vegetation, except from a watering can or other container not exceeding three (3) gallons in capacity. This limitation shall not apply to commercial greenhouses or nursery stocks, which may be watered in the minimum amount required to preserve plant life before 7:00 a.m. or after 8:00 p.m.

2. Washing of automobiles, trucks, trailers, or any other type of mobile equipment, except in licensed commercial vehicle wash facilities.

3. Washing of sidewalks, streets, driveways, parking lots, service station aprons, exteriors of homes or apartments, commercial or industrial buildings or any other outdoor surface, except where mandated by federal, state, or local law.

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 gallons of water, or the refilling of swimming or wading pools which were drained after the effective date of the declaration of emergency, except that pools may be filled to a level of two feet below normal, or water may be added to bring the level to two feet below normal, or as necessary to protect the structure from hydrostatic damage, for pools constructed or contracted for on or before the effective date the declaration of emergency restrictions.

6. The use of water from fire hydrants for any purpose other than fire suppression, unless otherwise approved by the County Administrator.

7. The serving of drinking water in restaurants, except upon request.

8. The operation of any water-cooled comfort air conditioning that does not have water-conserving equipment in operation.

9. Any additional water use restriction deemed necessary.

**38-164. Effective Date and Notice.**

The mandatory surface and groundwater restriction measures in this section, or any of them, shall become effective upon their being printed in any newspaper of general circulation in the county, or broadcast upon any radio or television station serving the county.

**38-164. Administration and Appeals Process from Applicability.** Upon implementation of this section, the County Administrator shall establish an appeals procedure to review customer applications for exemptions from the provisions of subsections 38-163, on a case by case basis and, if warranted, to make equitable adjustments to such provisions. The County Administrator shall also be empowered to establish regulations governing the granting of temporary exemptions applicable to all or some of the uses of the water supply set forth in section 38-163. The County Administrator shall, in deciding applications, balance economic and other hardships to the applicant resulting from the imposition of water use restrictions or allocations against the individual and cumulative impacts to the water supply resulting from the granting of exemptions.

Should measures taken pursuant to section 38-163, prove insufficient to preserve sufficient supplies of water for the citizens of the County, the Louisa County Water Authority (LCWA) and its General Manager, the Town of Louisa and its Town Manager, the Town of Mineral and its Town Manager, and the County Administrator acting on behalf of the Board of Supervisors are hereby further authorized to impose temporary rate increases or surcharges on the consumption of water, to restrict or discontinue the supply of water to any industrial or commercial activity which uses water beyond the sanitary and drinking needs of its employees and invitees, to declare a moratorium on new water connections to buildings issued a building permit after the date of declaration of emergency, and to restrict water use to basic human needs only.

**38-165. Violations of this Section Prosecuted as a Class 3 Misdemeanor.**

Any person violating any provision of this section, or any order of the Louisa County Water Authority (LCWA) and its General Manager, the Town of Louisa and its Town Manager, the Town of Mineral and its Town Manager, and the County Administrator acting on behalf of the Board, issued pursuant to the authority granted hereunder shall be guilty of a class 3 misdemeanor.

**38-166. Termination of Service.**

In addition, the Louisa County Water Authority (LCWA) and its General Manager, the Town of Louisa and its Town Manager, the Town of Mineral and its Town Manager, and the County Administrator acting on behalf of the Board are hereby authorized to terminate the water service, for the duration of the emergency, to any person convicted of such violation.

**38-167. Penalties, Sanctions, Appeal and General Provisions.**

In addition to the penalties set forth in subsection 38-165 and 38-166, the Louisa County Water Authority (LCWA) and its General Manager, the Town of Louisa and its Town Manager, the Town of Mineral and its Town Manager, and the County Administrator acting on behalf of the Board, may impose penalty charges on any person violating any provision of this section. Such penalty charges shall be in an amount determined by the Louisa County Water Authority (LCWA) and its General Manager, the Town of Louisa and its Town Manager, the Town of Mineral and its Town Manager, and the County Administrator acting on behalf of the Board, and shall be imposed on the violator’s next water bill. If a violation continues after a notice of violation has been issued, or if such penalty charges are not paid when due, the Louisa County Water Authority (LCWA) and its General Manager, the Town of Louisa and its Town Manager, the Town of Mineral and its Town Manager, and the County Administrator acting on behalf of the Board, are authorized to terminate the water service and take any additional measures authorized by law. Persons who have been assessed a penalty charge shall have the right to challenge the assessed charge by providing a written notice within ten (10) days of the date of the assessment of the penalty charge. The Louisa County Water Authority (LCWA) and its General Manager, the Town of Louisa and its Town Manager, the Town of Mineral and its Town Manager, and the County Administrator acting on behalf of the Board, or his designee shall determine whether the penalty charge was properly assessed and notify the complaining person in writing of his determination. Any person aggrieved by the decision may appeal that decision to a committee of the Louisa County Water Authority, the Town Council of the Town of Louisa, the Town Council of the Town of Mineral, or the County Board of Supervisors, by filing an appeal in writing within five (5) days of notice of the decision by the Louisa County Water Authority (LCWA) and its General Manager, the Town of Louisa and its Town Manager, the Town of Mineral and its Town Manager, and the County Administrator acting on behalf of the Board. The penalty charge may be waived if it is determined that the violation occurred due to no fault of the person. Water service shall not be terminated during the pendancy of any appeal.

Nothing in this section shall be construed to prohibit the Louisa County Water Authority (LCWA) and its General Manager, the Town of Louisa and its Town Manager, the Town of Mineral and its Town Manager, and the County Administrator acting on behalf of the Board, from rescinding any orders issued thereunder when the conditions creating the need for such orders have abated.

Nothing in this section shall be construed to prohibit the Louisa County Water Authority (LCWA) and its General Manager, the Town of Louisa and its Town Manager, the Town of Mineral and its Town Manager, and the County Administrator acting on behalf of the Board, from exercising any and all powers and taking any and all actions authorized by the Virginia Water and Waste Authorities Act, Virginia Code §§ 15.2-5100, et seq.

(State law reference--Va. Code §15.2-924)