

MEMORANDUM

DATE: October 22, 2002

TO: The Board of Supervisors

FROM: Larry M. Foster, General Manager, James City Service Authority

SUBJECT: An Ordinance to Amend and Reordain Emergency Ordinance No. 196 Implementing the Governor of Virginia's Executive Order 33

Because the Commonwealth is experiencing one of the most severe droughts in over 100 years, on August 30, 2002, the Governor issued Executive Order 33. The Order implements water use restrictions that cover most of the State of Virginia. The restrictions prohibit the watering of lawns and golf courses, filling of swimming pools, and washing cars from any water source. This includes private wells or a public water system. The Governor delegated the enforcement of the Order to local governments. This requires the approval of a local ordinance establishing the requirement of the Governor's Order. To implement the Order in an expedient manner, an Emergency Ordinance was approved by the Board on September 10, 2002. Because it was approved under the Emergency Provisions of the Code of Virginia, the Ordinance must be reenacted within 60 days of its original approval. This meeting has been advertised as a public hearing on the Ordinance.

The official Emergency Ordinance includes the following provisions:

- New and repaired swimming pools may be filled as needed to maintain the structural integrity of the pool.
- New and refurbished lawns may be watered for a period not to exceed 30 days. "Refurbished" is defined as a physically disturbed area of an existing lawn.
- Commercial car washes are exempt including car washing for the automotive industry. Corporate fleets are not exempt.
- Golf Courses are allowed to water tees and greens between 8 p.m. and 8 a.m., and to hand-water greens with an automatic cut-off between 8 a.m. and 8 p.m.

Attached is a copy of the permanent Ordinance implementing Executive Order 33 in James City County. The Ordinance incorporates the provisions and exemptions described above. It also includes a system of penalties that includes:

- Warning
 - 1st Offense - \$100 penalty
 - 2nd Offense - \$250 penalty
 - 3rd Offense - \$500 penalty
- \$250 for each additional offense with a single offense not to exceed \$2,500.

To date, only a few warnings and no penalties have been issued in the enforcement effort of the Emergency Ordinance. The Ordinance will remain in effect until the Governor lifts Executive Order 33 and the Board repeals this Ordinance.

Staff recommends approval of the Ordinance as presented.

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Larry M. Foster

CONCUR:

Sanford B. Wanner

LMF/gs
OrdExec33.mem

Attachment