

RESOLUTION

Adoption of the Upper James Basin Water Supply Plan

WHAREAS, the Virginia General Assembly has mandated the development of local and regional water supply programs throughout the Commonwealth and the State Water Control Board has developed regulations 9 VAC 25-780, Local and Regional Water Supply Planning, to implement this planning process; and

WHEREAS, based upon these regulations, counties, cities, and towns are required to complete a water supply program that fulfills the regulations by deadlines based on population.

WHEREAS, local governments may elect to join one or more other local governments to develop a regional water supply program for which a deadline of November 2, 2011 has been established.

WHEREAS, the following elements must be included in all local or regional water supply programs:

- A description of existing water sources;
- A description of existing water use;
- A description of existing water resource conditions;
- An assessment of projected water demand;
- A description of water management actions;
- A statement of need;
- An alternatives analysis that identifies potential alternatives to address projected deficits in water supplies;
- A map or maps identifying important elements of the program that may include existing environmental resources, existing water sources, significant existing water uses, and proposed new sources;
- A copy of the adopted program documents including any local plans or ordinances or amendments that incorporate local programs elements required by this chapter;
- A resolution approving the plan from each local government that is party to the plan; and
- A record of the local public hearing, a copy of all written comments and the submitter's response to all written comments received, and

WHEREAS, it is reasonable and prudent for the following local governments to coordinate and collaborate in the development of a regional water supply program:

Bath County
Highland County
Rockbridge County
Alleghany County
City of Buena Vista
City of Covington

City of Lexington
Town of Clifton Forge
Town of Goshen
Town of Glasgow
Town of Iron Gate
Town of Monterey

WHEREAS, the Town of Iron Gate is part of the Upper James Basin Water Supply Plan which includes 12 localities listed above;


WHEREAS, the Upper James Basin Regional Supply Plan was developed in accordance with Virginia Regulation 9 VAC 25-780-70 through 9 VAC 25-780-130; and


WHEREAS, on October 27, 2011 beginning at 7:00 PM the Iron Gate Town Council held a public hearing to accept public comment on the Upper James Basin Water Supply Plan and all written comments submitted have received a written response as required; and

NOW, THEREFORE BE IT RESOLVED that the Iron Gate Town Council of the Town of Iron Gate hereby, adopts the Upper James Basin Water Supply Plan. Approved and adoption of this regional program indicates support for the Regional Drought Response and Contingency Plan; and

BE IT FURTHER RESOLVED that the Iron Gate Town Council of the Town of Iron Gate intends that the Upper James Basin Water Supply Plan shall be revised to reflect changes in relevant data at least every five years and shall be revised and resubmitted to DEQ every ten years in accordance with the regulation and sound planning practice.

PASSED, APPROVED AND ADOPTED by the Iron Gate Town Council of the town of Iron Gate at a meeting held on October 27, 2011.


Alan P. Williams, Sr., Mayor


Joyce N. Aldridge, Clerk

**DROUGH ORDINANCE
JULY, 2011**

ARTICLE 10-2011. DROUGHT MANAGEMENT

Sec. 1. Short Title.

This article shall be known and may be cited as the Drought Management Ordinance No.10-2011.

Sec. 2. Purpose.

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

Sec. 3. Scope.

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

Sec. 4. Drought Response Plan.

The Iron Gate Town council shall adopt by resolution the Upper James River Basin Drought Preparedness and Response Plan.

Sec. 5. Drought Indicators.

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

Sec. 6. Drought Stages.

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

Sec. 7. Declaration.

Upon notification to the Iron Gate Town Council that a drought stage exists, as defined in Sec. 6 of this ordinance, the Iron Gate Town Council may issue a declaration of a drought stage. The Iron Gate Town Council may declare a drought stage in the absence of a declaration by the Commonwealth of Virginia. The Iron Gate Town Council must

declare a drought stage upon declaration by the Commonwealth of Virginia.

Sec. 8. Drought Stage Responses.

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


Sec. 9. Waiver of Restrictions.

Upon prior written request by an individual, business, or other water user, the Iron Gate Town 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 an substantial manner not common to other businesses or persons generally. No waiver shall be granted by the Iron Gate Town Council or its designee unless the Iron Gate Town 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 Iron Gate Town Council or its designee shall be reported at the Iron Gate Town Council's next regular or special meeting.


Sec. 10. Penalties.

Any person who shall violate any of the provisions of this Article shall, upon conviction thereof, be fined not less than two hundred dollars (\$200.00), nor more than five hundred dollars (\$500.00). Each act or each day's continuation of the violation shall be considered a separate offense.

Adopted: October 27, 2011


Alan P. Williams, Sr., Mayor

ATTEST:


Joyce N. Aldridge, Clerk

**TOWN OF IRON GATE
P.O. BOX 199
401 COMMERCE AVENUE
IRON GATE, VA 24448
Telephone: 540-862-0770
Fax: 540-862-1299**

At the February 28, 2008 regular meeting of the Iron Gate Town Council, on a motion made by Councilperson Jennifer Tyler seconded by Councilperson Richard Erskine, the following ordinance was approved by unanimous roll call vote.

Roll call vote as follows:

Councilman Charles Simmons – Yes
Councilwoman Kawahna Persinger - Absent
Councilman Richard Erskine – Yes
Vice-Mayor Robert Daniel – Absent
Councilwoman Jennifer Tyree – Yes
Councilwoman Dorothy Johnson –Yes

Roll call vote carried unanimously.

WATER USE ORDINANCE

WHEREAS, drought conditions persist and are forecasted to worsen in 2008 by the National Weather Service and the Mayor is advising that the water level at lake Moomaw was 1562.9' msl on 19 December 2007; normal conservation pool at Lake Moomaw is 1565' msl; this level signifies drought watch state for the Upper James River Basin according to the Virginia Drought Assessment and Monitoring Plan; and

WHEREAS, the water surface elevation level at Lake Moomaw was observed as low as 1559.2' during the fall of 2007; this level indicating a drought emergency according to the Virginia Drought Assessment and Monitoring Plan; and

WHEREAS, the persistence of drought conditions in 2008 coupled with current low water levels could have negative impacts on public water source and supply; and

WHEREAS, the Town recognizes the need to control and restrict the use of the public water supply for the protection of the health, safety, and general welfare of the citizens of the Town.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Iron Gate:

1. That the following ordinance is hereby adopted:

Sec. 1. Finding of need.

Due to continuing and forecasted drought conditions through 2008, it is hereby determined and found that a water supply emergency exists which necessitates the adoption of the ordinance mandating restrictions of the use of public water in the Town under the terms and conditions set forth in this ordinance.

Sec. 2. Definitions.

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

Assessment date: The date of the water bill on which a fine for violation of this ordinance is imposed.

Established landscaping: Landscaping plantings or lawns existing in an area after such period of time as to accomplish an establishment and maintenance of growth.

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

Golf course: An irrigated and landscaped playing area made up of greens, tees, fairways, roughs, and related areas used for the playing of golf.

New landscaping: Any landscaping or lawns made up of plants or seeds planted in or transplanted to an area within such period of time as to accomplish a reasonable establishment and maintenance of growth. **This does not include aeration and seeding, dethatching and seeding, or power overseeding of established lawns.**

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

Swimming pool: Any structure, basin, chamber, or tank including hot tubs, containing an artificial body of water for swimming, diving, or recreational bathing and having a depth of two feet or more at any point.

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.

Sec. 3. Mandatory public water use restrictions.

The use of the public water system shall be limited as follows:

- a. *Fountains.* Water use is prohibited.

- b. *Paved areas.* Washing is prohibited except for health and safety requirements.
- c. *Swimming pools.* Filling and replenishing to maintain health and safety is permitted. All other uses are prohibited.
- d. *Vehicle washing.* Non-commercial washing of vehicles is prohibited. Commercial vehicle washing businesses are permitted to operate under normal conditions.
- e. *Established landscaping, vegetable gardens.* Water is prohibited except for watering by buckets of up to five (5) gallons in size per day.
- f. *New landscaping.* All watering is permitted for the first 30 days after planting. Thereafter, the restriction for established landscaping shall apply.
- g. *Restaurants.* Water shall be served to customers only upon request.
- h. *Golf courses.* Water is prohibited from 6:00 a.m. to 8:00 p.m. except for the water of greens or watering by hand-held hoses that are one inch or smaller in diameter.
- i. *All other businesses.* Water is limited to uses essential for business use and human hygiene.

Sec. 4. When restrictions go into effect.

The water use restrictions set forth in this ordinance shall take effect when the water surface elevation at Lake Moomaw drops below 1562.5'; which indicates the Upper James Basin is under a drought warning. At that time the Mayor will notify the Town Council in writing of the need for mandatory water conservation for the Town. The water use restrictions will be lifted when the water surface elevation at Lake Moomaw is sustained above 1562.5' for a consecutive period of 30 days.

Sec. 5. Notice.

Notice of these public water use restrictions shall be published in the *Virginian Review* for a period of one day per week each week during which the restrictions are in effect.

Sec. 6. Violation.

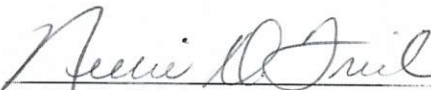
It shall be a violation of this ordinance for any person to use water, or allow or cause the use of water, in violation of the provisions of this ordinance after the first publication required by Section 5 of this ordinance.

Sec. 7. Penalty.

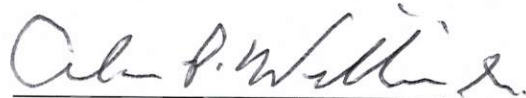
1. a. Any person who violates any provision of this ordinance after publication of notice pursuant to Section 5 above shall be subject to the following penalties:
 1. For the first offense, violators shall receive a written warning delivered in person or posted by a representative of the Iron Gate Department of Public Works.
 2. For the second offense, violators shall be fined \$50.00, the fine to be imposed on the violator's next water bill.
 3. For the third and each subsequent offense, violators shall be fined \$100.00 for each offense, the fine to be imposed on the violator's next water bill.
 4. Each violation by a person shall be counted as a separate violation by that person, irrespective of the location at which the violation occurs.
 - b. Persons who have been assessed a penalty shall have the right to challenge the assessment by providing a written notice to the Mayor within ten (10) days of the assessment date. The Mayor shall determine whether the penalty was properly assessed and notify the complaining person in writing of his determination. Should the Mayor determine that the penalty was properly assessed, the person may appeal that determination by providing written notice to the Town Council within ten (10) days of receiving notice of determination. The Town Council shall determine whether the penalty was properly assessed and notify the complaining person in writing of their determination.
 - c. The Mayor may waive the penalty if he determines that the violation occurred due to no fault of the person.
2. That this Ordinance shall not be set out in the Code of the Town of Iron Gate, VA.
 3. That this Ordinance shall take effect immediately and is adopted on an emergency basis pursuant to Virginia Code § 15.2-1427 (F).

Adopted: February 28, 2008

Attest:



Nellie D. Friel, Clerk



Alan P. Williams, Sr., Mayor