

ORDINANCE NO. 715

AN ORDINANCE PROHIBITING, UPON DECLARATION OF AN EMERGENCY BY THE MAYOR, CERTAIN USES OF WATER IN THE CITY OF ROANOKE, ALABAMA, THEREOF SUPPLIED BY THE UTILITIES BOARD OF THE CITY OF ROANOKE, NOT ESSENTIAL TO MAINTAIN ADEQUATE HEALTH AND SANITATION STANDARDS: AUTHORIZING THE UTILITIES BOARD OF THE CITY OF ROANOKE TO TERMINATE OR CAUSE TO BE TERMINATED WATER SERVICE FOR VIOLATION: PRESCRIBING PENALTIES FOR ITS VIOLATION.

WHEREAS, severe drought conditions can cause an emergency to exist in the City of Roanoke, because of any impending shortage of water due to a prolonged drought; and

WHEREAS, it is imperative to the public welfare in the event of such an emergency that certain uses of water, not essential to the health, welfare and safety of the City be restricted in order to assure the availability of water supplies essential to sanitation and fire protection in the City of Roanoke.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROANOKE as follows:

SECTION 1 Definitions. For the purpose of this Ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

1. "Board" means the Utilities Board of the City of Roanoke
2. "City" is the City of Roanoke.
3. "City Council" is the City Council of the City of Roanoke.
4. "Mayor" is the Mayor of the City of Roanoke.
5. "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.
6. "Water" is water supplied by the Utilities Board of the City of Roanoke either directly or indirectly by the Board through another entity.

SECTION 2 Effective upon Declaration of Emergency by the Mayor. Whenever, upon request by the Board or upon other determination by her in consultation with such officials as she deems appropriate, the Mayor determines that a water service emergency exists in the City of Roanoke, and the Mayor issues and publishes a declaration of the existence of such a water emergency, this Ordinance shall become immediately effective upon publication of such declaration in a daily newspaper generally circulated in the City of Roanoke.

SECTION 3. Application of Ordinance. Upon the publication of declaration of a water service emergency under Section 2 hereof, the provision of this Ordinance shall apply to

all persons, using water both in the City and outside the City, within the police jurisdiction thereof.

SECTION 4. Certain Uses Prohibited. The use and with-drawl of water by any person for the following purposes is hereby prohibited:

1. Watering Yards. The sprinkling, watering, or irrigating of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers, or any other vegetation.
2. Washing Mobile Equipment. The washing of automobiles, trucks, trailers, trailer-houses, railroad cars, or any other type of mobile equipment, except as to motor vehicles where such washing is accomplished by a commercial automatic car wash, supplied with water supply from a well or other source not being the Utilities Board service, engaged in the business of washing motor vehicles.
3. Cleaning Outdoor Surfaces. The washing of sidewalks, driveways, porches and other outdoor surfaces.
4. Cleaning Buildings. The washing of the outside of dwellings; the washing of the inside and outside of office buildings.
5. Cleaning Equipment and Machinery. The washing and cleaning of any business or industrial equipment and machinery.
6. Ornamental Fountains. The operation of any ornamental fountain or other structure making a similar use of water.
7. Swimming Pools. Swimming and wading pools not employing a filter and re-circulating system.
8. Escape Through Defective Plumbing. The escape of water through defective plumbing, which shall mean the knowing permission for defective plumbing to remain out of repair.

SECTION 5. Exception to Maintain Sanitation. The health Officer shall have the authority to permit a reasonable use of water in any case necessary to maintain adequate health and sanitation standards, but such reasonable use shall not include any use prohibited by Section 4 of this Ordinance.

SECTION 6. Enforcement. Upon publication of a declaration of a water service emergency by the Mayor under Section 2.

- A. Police Officers Enforce. Every Police Officer of the City of Roanoke shall, in connection with his duties imposed by law, diligently enforce the provisions of this Ordinance.
- B. Discontinuance of Service. The Board shall have the authority to enforce the provisions of this Ordinance by the discontinuance of water service subject to the immediately preceding Section 5 in the event of violation hereof.

SECTION 7 Penalties. Any person who shall violate any provisions of this Ordinance or shall do any act prohibited hereby shall upon conviction thereof be punished by a fine

not to exceed Two Hundred Dollars(\$200.00) or by imprisonment not to exceed 180 days or by both such fine and imprisonment. Each day on which a violation occurs or continues shall be deemed a separate offense.

SECTION 8. Severability. If any provisions of this Ordinance be declared unconstitutional or held invalid by a court of competent jurisdiction, such shall not affect any other provision thereof, but the same shall remain in force and effect.

ADOPTED and APPROVED This \_\_\_\_\_ day of October 2000.

ATTEST:

Ellen Farmer  
City Clerk

Betty Day Zygler  
Mayor

James J. Valley  
Councilmember

Buster Robinson  
Councilmember

Walter Sudduth  
Councilmember

Ken [Signature]  
Councilmember

Mack A. Bell  
Councilmember

### CERTIFICATION

I, Ellen Farmer, City Clerk of the City of Roanoke, Alabama, hereby certify the above to be a true and correct copy of an Ordinance adopted by the City Council of the City of Roanoke, Alabama at a Special Call Meeting held on October 25, 2000, as same appears in the minutes of record of said meeting and published and posting copies thereof on October 26, 2000 at the following public places, which copies remained posted for five days as provided by law:

City Hall, 809 Main Street  
U.S. Post Office, 3078 Highway 431  
Annie L. Awbrey Library, 736 College Street  
Roanoke Utilities Board, 1169 US Highway 431

Ellen Farmer  
City Clerk