

AN ORDINANCE AUTHORIZING THE DECLARATION OF WATER SHORTAGES;
ESTABLISHING PROCEDURES AND MEASURES FOR THE ESSENTIAL CONSERVATION
OF WATER RESOURCES; AUTHORIZING THE ISSUANCE OF ADMINISTRATIVE REGULATIONS;
AND PRESCRIBING CERTAIN PENALTIES.

BE IT ORDAINED BY THE OWEN FISCAL COURT OF OWEN COUNTY, KENTUCKY:

Section 1: The purpose of the ordinance is to provide for the declaration of water supply shortage situations and implementation of voluntary and mandatory water conservation measures throughout the County of Owen and its water customers, in the event a water shortage is declared. Nothing in this ordinance shall be construed to interfere with common law riparian or statutory water rights.

Section 2: Declaration of a water shortage advisory. Whenever the governing body of the Owen Fiscal Court finds that a potential shortage of water is indicated, it shall be empowered to declare by resolution that a water shortage advisory exists, and the water supply and the demand on that supply shall be monitored on a daily basis. In addition the County Judge/Executive or his or her designated agent, which is the Tri-Village Water Commission is authorized to call upon all water customers to employ voluntary water conservation measures to limit water use and eliminate the waste of water. Any resolution adopted pursuant to this section shall be published in the Owen County News Herald and may be publicized through any other appropriate method for making such resolution known to the public.

Section 3: Declaration of a water shortage alert. Whenever the governing body of the County finds, that treated waters supplied by the city, consistently below seasonal averages indicating that the water supply may be inadequate to meet normal needs, the Owen Fiscal Court shall be empowered to declare by resolution that a water shortage alert exists. The Owen Fiscal Court shall continue to encourage voluntary water conservation measures as may be set forth in such resolution and it shall further impose a ban on the following water uses for the duration of the shortage:

1. Any use of water for ornamental purposes, including, but not limited to, fountains, reflecting pools and artificial water falls.
2. Watering of public or private gardens, lawns, flowers, shrubs, or trees.
3. Watering of parks, golf courses (except greens), playing fields or other recreational areas.
4. The filling and or operation of swimming pools except pools used by health care facilities for patient care or rehabilitation or other pools specifically designated as exempt by resolution.
5. Washing of motor vehicles including, but not limited to, automobiles, trucks, boats, and trailers. Commercial car and truck washes shall be exempt from this restriction during a water shortage alert.
6. Serving water in restaurants, clubs or other eating places except upon a specific request by a customer.

Section 4: Declaration of a water shortage emergency. Whenever the Owen Fiscal Court determines that treated waters supplied by the City, are below the level necessary to meet the normal needs of the population and that serious shortages exist, it shall be empowered to declare by resolution that a water shortage emergency exists. In the event that a water shortage emergency is declared, all water uses set fourth in Section 3 shall continue to be prohibited and in addition, the following water uses shall be prohibited:

1. All domestic uses of water shall be prohibited except water necessary to sustain human life and lives of domestic pets and to maintain minimum standards of hygiene and sanitation.
2. The use of water for any swimming pool.
3. The washing of any motor vehicle including commercial car and truck washes.
4. The use of water in any automated clothes washing or dish washing device including commercial laundramats.
5. The watering of golf courses including golf course greens.

Section 5: Declaration of water rationing. Whenever the Owen Fiscal Court finds a need to provide for the equitable distribution of a critically limited water supply, and in order to assure that limited water supplies are used to perserve public health and safety, it shall be empowered to declare by resolution the adoption of mandatory water rationing. Such water rationing shall be under terms and conditions which are appropriate under the circumstances and shall be set forth specifically in any resolution declaring the rationing of water.

Section 6: Any declaration of a water shortage advisory, water shortage alert, water shortage emergency, or water rationing shall be considered as ongoing until the condition so declared has been officially ended by a resolution of the Owen Fiscal Court. Any declaration made pursuant to this ordinance shall be published in the Owen County News Herald and through any other appropriate method for making such resolutions public. Any declaration made pursuant to this ordinance shall be effective immediately upon passage, however, no criminal penalty shall be imposed upon any person for violating the terms of any declaration hereunder until the resolution authorizing such declaration has been published.

Section 7: Penalties. Any person who violates the provisions of this ordinance or who fails to carry out the duties and responsibilities imposed by this ordinance or who impedes or interferes with any action undertaken or ordered pursuant to this ordinance shall be subject to the following penalties:

1. A written notice of any violation shall be affixed to the property where the violation occurred. In addition, a copy of the notice shall be mailed to the person responsible for the violation. The notice shall describe the violation and shall order that it be corrected or abated immediately or within such specified time as set forth in the notice. If the violation is not abated or corrected immediately or within the time specified, the County may terminate water service to the property or to the violator upon the following procedures:

(a) The Tri-Village Water Commission shall notify the customer by mail that due to the violation water services will be discontinued within a specified time and that the violator will have the opportunity to appeal the termination by requesting a hearing before the Tri-Village Commission.

(b) If a hearing is requested by the customer charged with the violation, he or she shall be given full opportunity to be heard.

(c) The Tri-Village Water Commission shall make findings of fact and shall enter an order determining whether service should continue or be terminated.

2. In addition to or in lieu of the termination of water service, any customer found to be in violation of this ordinance may be prosecuted in the appropriate court of law. Any person so charged and found guilty in the appropriate court of law of violating the provisions of this ordinance shall be subject to a fine of not less than \$ 100.00 and not more than \$ 500.00 or confinement in the county jail for a period to be fixed by the court not to exceed thirty days, or both fine and confinement.

Section 8: As used in this ordinance, the term "water" shall mean any water which has been treated by the City of Owenton Water Treatment Plant or which has passed through any portion of the City of Owenton water distribution system.

As used in this ordinance the term customer shall include any person, group of persons, corporation, association, partnership or other entity or organization purchasing or using water for any purpose.

Section 9: Severability. If any provision of this ordinance is declared unconstitutional, or the application thereof to any person or circumstance is held invalid or unenforceable, the constitutionality or enforceability of the remainder of the ordinance and its applicability to other persons or circumstances shall not be affected thereby.

Section 10: Effective date: This ordinance shall take effect immediately upon approval, passage and publication as required by law.

First Reading approved by the Owen County Fiscal Court the 12 day of July, 1988

Horace O West
County Judge/Executive

Second Reading and adopted by the Owen county fiscal court the 29 day of July 1988.

ATTEST:

Horace O West

[Signature]
Fiscal Court Clerk