

ORDINANCE NO. 06-04-01

AN ORDINANCE TO AMEND TITLE 13, SECTION 13.04.010 OF THE MIDDLETOWN MUNICIPAL CODE TO PROHIBIT THE WATERING OF LAWNS OR GRASSY AREAS OF PROPERTY BETWEEN THE HOURS OF 9:00 A.M. AND 6:00 P.M. EXCEPT UNDER LIMITED CIRCUMSTANCES; TO AUTHORIZE THE TOWN ADMINISTRATOR TO DEVELOP AND ESTABLISH A WATER CONSERVATION PUBLIC ALERT SYSTEM OR OTHER SYSTEM OF CODES TO ANNOUNCE DIFFERING LEVELS OF WATER RESTRICTIONS; TO MAKE STYLISTIC REVISIONS TO THE PENALTIES SECTION.

SECTION I. BE IT RESOLVED, ENACTED AND ORDAINED by the Town of Middletown that Title 13, Section 13.04.010 of the Middletown Municipal Code be, and hereby is, amended as follows. New language is designated by being in **BOLD CAPITAL LETTERS**, and language being deleted is designated by being in.

13.04.010 Restrictions on water use.

A. The burgess and commissioners may impose reasonable restrictions on the use of water from the municipal water system during periods of short supply, protracted drought, excessive demand or other scarcity of water. Such restrictions may include, but are not limited to, limitations on or prohibitions against the use of water from the municipal water system as determined by the burgess and commissioners. **THE TOWN ADMINISTRATOR MAY, WITH THE APPROVAL OF THE BURGESS AND COMMISSIONERS, DEVELOP AND ESTABLISH A WATER CONSERVATION PUBLIC ALERT SYSTEM OR OTHER SYSTEM OF CODES TO ANNOUNCE TO THE PUBLIC DIFFERING LEVELS OF WATER RESTRICTIONS.**

B. Any water use restriction imposed pursuant to this section shall be determined and announced at a regular or special meeting of the burgess and commissioners and shall be published in a newspaper of general circulation in the town.

C. THE WATERING OF LAWNS OR GRASSY AREAS OF PROPERTY IS PROHIBITED AT ANY TIME BETWEEN THE HOURS OF 9:00 A.M. AND 6:00 P.M. DURING THE LEAST RESTRICTIVE PERIODS OF WATER USE UNDER THE WATER CONSERVATION PUBLIC ALERT SYSTEM (CURRENTLY “CODE BLUE”), AND UPON WRITTEN APPLICATION TO THE TOWN ADMINISTRATOR, THE WATERING OF LAWNS OR GRASSY AREAS DURING THESE HOURS SHALL BE PERMITTED FOR THE PURPOSE OF WATERING NEWLY SEEDDED OR SODDED LAWNS FOR UP TO SEVEN (7) DAYS AFTER SUCH SEEDING OR AFTER THE INSTALLATION OF SOD.

D. Penalties for violating water restrictions:

1. Any person detected connecting to a town fire hydrant for any non-emergency purpose will be subject to a one thousand dollar (\$1000.00) fine for each offense.

2. Any landlord, tenant, or other individual in possession of real property violating the terms and conditions of any water restriction shall be subject to the following:

a. Filling or topping off of pools or outdoor hot tubs **DURING A WATER RESTRICTION PERIOD ESTABLISHED PURSUANT TO SUB-SECTION A WILL CONSTITUTE A MUNICIPAL INFRACTION PUNISHABLE BY A FINE OF** five hundred dollars (\$500.00) and disconnection of water service.

b. For all other violations **OF THIS SECTION**, a written warning and notification to refrain from any further violation **WILL BE ISSUED FOR A FIRST OFFENSE**. Each subsequent offense will **CONSTITUTE A MUNICIPAL INFRACTION PUNISHABLE BY A FINE OF** one hundred dollars (\$100.00) and disconnection of water service.

E. Any landowner, tenant or individual in possession who has had service disconnected to his or her property pursuant to this section shall not have such service reconnected until the current re-connection fee established by the town is paid. Any further violation of the water restriction by that individual after re-connection of water service shall result in water service again being disconnected to such property, and service shall not be reconnected until the currently established re-connection fee is paid to the town.

SECTION II. BE IT FURTHER RESOLVED, ENACTED AND ORDAINED

that this Ordinance shall take effect twenty (20) calendar days following its approval by the Burgess and Commissioners.

INTRODUCED ON THE 13th DAY OF March, 2006.

PASSED ON THE 10th DAY OF April, 2006.

EFFECTIVE DATE: April 30, 2006.

ATTEST:

TOWN OF MIDDLETOWN

Andrew J. Bowen, Town Administrator

By: _____
John D. Miller, Burgess