

Chapter E – Health Protection and Disease Prevention

Article I – Health and General Welfare

Section 1. Authority of the Village

The Village has the authority and the duty to protect the health and general welfare of the citizens of the Village of Whispering Pines and its Extraterritorial Area. In fulfilling these obligations, the Manager, or his or her designee, shall have the authority to investigate anything, which may be brought to the attention of Village staff or the Council that is alleged to be dangerous or prejudicial to the public health at any place within the Village of Whispering Pines and its Extraterritorial Area. The Council may direct the Village Manager to take such action as may be necessary to summarily remove, abate, or remedy anything that is determined to be dangerous or prejudicial to the public health in said areas in accordance with the provisions of Code of Ordinances Chapter E, Article II.

Section 2. Cooperation with County and State Health Officials

When necessary, the Manager, or his or her designee, shall work in cooperation and coordination with the County and State Health Officials in all matters relating to the violation of the Public Health Laws within the Village of Whispering Pines and its Extraterritorial Area, in accordance with policies established by the Village Council of the Village of Whispering Pines, Ordinances of the County of Moore and the General Statutes and Rules and Regulations of the State of North Carolina pertaining thereto.

Article II – ABATEMENT OF PUBLIC NUISANCES

Section 1. The Code Enforcement Official

The Code Enforcement Official within the Planning and Zoning Department has full power and authority imposed by this chapter and is hereby authorized and directed to proceed to carry out its provisions.

Section 2. Unlawful to Hinder Village Official

It shall be unlawful for any person to hinder, obstruct, or delay a Village Official in the lawful discharge of his duties pursuant to this Article.

Section 3. Right to Enter

The Village Official shall have the right to enter, at any reasonable time, any premises for the purpose of making the inspections or investigations as required by this Chapter. The Village Official shall have the right, on his or her own authority, to apply for, and receive administrative search warrants in order to carry out an investigation into a violation of this Article.

Section 4. Nuisances Prohibited, Enumeration

The following enumerated and described conditions are hereby found, deemed and declared to constitute a detriment, danger and hazard to the health, safety, morals, and general welfare of the inhabitants of the Village and the area one mile from the borders of the Village, and are found,

deemed and declared to be public nuisances wherever the same may exist and the creation, maintenance, or failure to abate any nuisances is hereby declared unlawful:

a. Any condition which is an open place of collection of stagnant water and is a breeding ground or harbor for mosquitoes or a breeding ground or harbor for rats or other pests, or

b. Is a place of growth of poison sumac (*Rhus vemix*), poison ivy (*Rhus radicans*), or poison oak (*Rhus toxicodendron*) and other noxious vegetation; or

c. Weeds (a plant that tends to overgrow or choke out more desirable plants) or grass in excess of eight (8) inches in height

d. Any concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags, or any other combustible materials or objects of a like nature, or

e. Any concentration of building materials including piles of dirt, rock, sand, concrete, steel or masonry which are in open places; or

f. Any open place of collections of garbage, food waste, animal waste or any other rotten or putrescible matter of any kind; however, nothing in this subsection shall be construed to prevent the generally accepted use of a properly maintained compost pile or storage of animal manure being used as fertilizer for lawns and gardens and for other agricultural or horticultural purposes; or

g. Any privy on a property with the exception of those required for construction activities, provided by the Village in park areas, on golf courses and where permission has been granted for their use at special events conducted in the Village, or

h. Any furnishing, appliances or equipment intended for interior household use which are visible from the road or adjoining properties: or

i. Any products which have jagged edges of metal or glass or areas of confinement such as exist in appliances which are kept in open places; or

j. Any open place of concentration of discarded bottles, cans or medical supplies; or

k. Any collection of water for which no adequate natural drainage is provided and which is or is likely to become a nuisance and a menace to health; or

l. Any structure in a major state of disrepair for a period that exceeds ninety (90) days from date of notice, by the Administrator, found to have:

(i) Broken windows; or

(ii) Peeling or unfinished wood surfaces (excluding decks) visible from the road or adjoining properties; or

(iii) Tarps, sheets, plastic or other temporary repair measures covering portions of the

home; or

(iv) Any other structure specifically declared to be a public nuisance by the Village Council

m. Any unlicensed and unregistered motor vehicle or equipment on private property that is determined and declared to be a health or safety hazard, including a vehicle found to be:

(i). A breeding ground or harbor for mosquitoes or other disease carrying insects or a breeding ground or harbor for rats or other disease bearing animals; or

(ii). A point of concentration of combustible items such as gasoline, oil, other flammable or explosive materials including but not limited to boxes, paper, old clothes, rags, refuse, or any other combustible materials or objects of a like nature; or

(iii). One which has parts thereof which may fall and injure members of the public or one which may have parts which fall or be closed and become an area of confinement which may not be released for opening from the inside; or

(iv). One which is so situated and located that there is a danger of the vehicle falling, rolling, turning over, or creating an unsafe movement such as unattended, blocked or jacked vehicles; or

(v). One which is a point of collection of garbage, food waste, animal waste, or any other rotten matter of any kind; or

(vi). One which has parts thereof which are jagged or contain sharp edges of metal or glass; or

(vii). Any other vehicle specifically declared to be a public nuisance by the Village Council.

n. Any structure damaged by fire or other causes to the extent the structure cannot be safely occupied. It shall be the property owner's responsibility to document and report to the Planning and Zoning Administrator the status of the fire damaged property with reference to investigations, insurance claims, and plans for reconstruction or demolition within 30 days after the damage occurs and each month thereafter until the damage is abated; provided however:

(i) Such structure shall not be declared a nuisance if reconstruction or demolition cannot be initiated due to ongoing investigations or until insurance claims are paid. The property owner shall be responsible to provide written documentation of any conditions preventing initiation of reconstruction or demolition.

(ii). Such structure shall not be declared a nuisance if reconstruction or demolition is initiated within six months of the damage and completed in a timely manner.

o. Any other condition specifically declared to be a public nuisance by the Village Council, provided such condition is recognized by law as a public nuisance.

Section 5. Nuisance Abatement Procedures.

When any public nuisance as set out in this Article is found to exist on any property, including rights-of-way and easements within the Village and one (1) mile beyond the Village limits, the following procedures shall be followed:

(a) The Code Enforcement Official shall immediately notify, in writing the owner of the premises, and occupant if different than the owner, where the nuisance is located that:

1. The conditions identified in the notice of violation exist which constitute a public nuisance;
2. The Ordinance provision(s) identified by Ordinance section number are violated by the stated conditions on the property;
3. The property may have been posted on the date of the nuisance notice of violation, in a prominent location on the street facing facade of any building, with a placard or other appropriate means of notice declaring the property is a public nuisance property;
4. If the nuisance is not abated within ten business days, the Code Enforcement Official will begin assessing civil penalties in accordance with Chapter L, Section 4(c).
5. Unless the public nuisance is abated within ten (10) business days from the mailing of the notice, the Code Enforcement Official may also, in addition to or as an alternative to levying civil penalties, initiate the procedures to abate the conditions constituting a nuisance, including, but not limited to retaining outside contractors to abate the conditions constituting the nuisance.;
6. The cost of abatement, including an administrative fee of one hundred seventy-five dollars (\$175.00), also including the cost, if any to restore areas which were formerly a nuisance, shall constitute a lien against the premises.
7. The Property Owner has ten business days in which to file with the Village Clerk a notice of appeal to the Board of Adjustment.

(b) The Code Enforcement Official shall post the notice on the front door of the property and send a copy of the notice by first class mail to the address of the owner, as shown on the tax scrolls, and a copy to the address of the property.

(c) The Village Council, upon the recommendation of the Planning and Zoning Administrator shall make, and may from time to time alter and amend, guidelines to be used by the Code Enforcement Official in the implementation of the procedures to be used for posting nuisance notices of violation. The Code Enforcement Official, to the extent required by law, shall make application for and obtain any permit required prior to undertaking the activities to abate the nuisance.

(d) The Code Enforcement Official is hereby given full power and authority to enter upon the premises involved for the purpose of posting the property as a public nuisance and to abate the nuisance found to exist as herein set out. Within the ten-day period mentioned in subsection (a) hereof the owner or the occupant of the property where the nuisance exists may appeal the findings of the Code Enforcement Official made pursuant to subsection (a) hereof to the Board Of Adjustment by giving written notice of appeal to the Village Clerk, The appeal will stay the levying of civil penalties or the abatement of the nuisances by the Code Enforcement Official until a final determination by the Board of Adjustment. The Board of Adjustment shall hear the appeal expeditiously. In the event no appeal is taken, the Code Enforcement Official may proceed to levy civil penalties or abate the nuisance or both.

(e) In the event an appeal is taken as provided herein, the Board of Adjustment may, after hearing all interested persons and reviewing the findings of the Code Enforcement Official, reverse the finding made pursuant to subsection (a) hereof. If the Board of Adjustment shall determine that the findings of the Code Enforcement Official are correct and proper it shall specifically declare the provisions of this ordinance on which the Board has relied in rendering its decision and direct the Code Enforcement Official to issue civil penalties to enforce the ordinance, or cause the conditions to be abated, or both, subject to such reasonable conditions or time requirements as the Board may provide.

(f) After the abatement of the nuisance as provided for herein, the Code Enforcement Official shall prepare an affidavit of costs, which shall include the \$175 administrative fee, and shall send a copy of this affidavit to the owner of the premises where the nuisance existed. Such owner may appeal the amount of such costs to the Board of Adjustment by giving written notice of appeal to the Village Clerk not later than ten days after the date the affidavit of costs was sent. The Board of Adjustment shall hear the appeal expeditiously, following reasonable notice to the appellant and the Code Enforcement Official, and may confirm or modify the statement of costs as it deems appropriate based upon the evidence presented in the appeal. If no notice of appeal is filed, then the costs stated in the affidavit of costs shall become a lien as provided in G.S. 160A-193, effective on the date and time provided in the affidavit, and the Code Enforcement Official shall record a Claim of Lien with the Registrar of Deeds. In the event of an appeal, then the amount of costs determined to be appropriate by the Board of Adjustment shall become a lien as provided in G.S. 160A-193, effective on the date and time of the Board's decision as recorded in the Board's minutes, and the Code Enforcement Official shall record a Claim of Lien with the Registrar of Deeds.

(g) In any abatement of a nuisance involving a motor vehicle, the Code Enforcement Official shall follow the procedures for disposal of such vehicle as are set forth in Chapter D of the Village's Code of Ordinances.

Section 6. Civil Penalty.

Any owner of a property within the Village and in the area extending one (1) mile beyond the Village boundary who is notified pursuant to Chapter E, Article II, Section 5 (a) that the property is a public nuisance as provided in Chapter E, Article II, Section 4 of this Code shall be subject to a civil penalty of fifty dollars (\$50.00), per day for each day that the nuisance has been found to have existed.

Section 7. Sales of Foods – Eating Establishments

All persons, firms or corporations selling food of any kind or serving prepared meals shall comply with all requirements pertaining thereto of the North Carolina Division of Health Services.

Section 8. Debris from Clearing of Property and from Construction

All trees, brush, trash and debris resulting from clearing of property and all building materials including piles of dirt, rock and sand, concrete, steel or masonry, lumber, refuse, lumber, trash, debris, or junk remaining either as a result of the repair of any building, or the erection and completion of any new buildings, shall be removed by the property owner within 10 days from and after the completion of the aforesaid work:

Section 9. Water Wells

It shall be unlawful for any person, firm or corporation to dig or drill a well on any private property within the Village of Whispering Pines without first complying with the following:

a. Private Wells.

1. Filing with the Village a site plan of the property showing the location of septic tanks and all drainage lines and the proposed locations of such private well;
2. Obtaining the approval for such a well by the Moore County Health Department, certifying that the proposed location is in accordance with all its requirements, will not interfere with or be affected by the installation of septic tanks or drainage fields on adjacent property and will not be detrimental to the health and safety of the property owner or anyone else;
3. Obtaining a permit from the Village and paying a fee as specified in Chapter A, Article III, Section 3 of this Code of Ordinances;
4. The water shall be used solely for irrigation or heat pump circulation and may not under any circumstances, be used for drinking water, household purposes or swimming pools.

Section 10. Emergency Operations Plan

The provisions of the Village of Whispering Pines Emergency Operations Plan, adopted January 9, 2013, and the Moore County Emergency Operations Plan, Multi-Hazards: dated July, 1993, together with any amendment hereafter enacted thereto, are hereby incorporated by reference and made a part of this Code of Ordinances the same as if set forth herein verbatim.

Article III – Solid Waste Collection

Section 1. Definitions

Solid waste is defined as one of five types:

Household Waste shall be held to mean and include all solid waste resulting from handling, preparation, cooking and maintenance of the household and packaging, except aluminum cans.

Recycled items shall be items on the acceptable list. (List of acceptable items is available at Village Hall)

Construction Waste shall be held to mean any and all new waste resulting from construction, remodeling, repair or demolition operations on pavements, buildings and other structures.

Yard Waste shall be held to mean solid waste of a vegetative matter produced by gardening, yard maintenance, and tree and brush pruning.

Hazardous Waste shall mean waste which because of its quantity, concentration or physical, chemical or infectious characteristics may pose a substantial present or potential hazard to human health or the environment.

Section 2. Waste Required to be Promptly Removed

No waste that has become decayed or that shall otherwise be a menace to health or cleanliness shall be allowed to remain in any building or on any premises or property longer than is reasonably necessary to deposit the same in a trash container(s) and set it out for pick-up by the waste collection contractor.

Section 3. Trash Cans

The occupant of every building, premises or place where waste does or may exist, shall provide such facilities with trash can(s) in which said occupant shall deposit all waste. Such cans shall be provided with handles or bails with a tight-fitting cover made of the same material as the can. All trash cans shall be water tight. They shall be of a size not to exceed holding capacity of 45 gallons for household waste and 32 gallons for recycling and yard waste, except that 45 gallon cans may be used for yard waste if they are properly marked at the 32 gallon level and not filled over this mark. All waste/recycling cans may not weigh over 50 pounds filled or the contents will not be removed by the waste collection contractor.

When not placed outside for collection of waste, trash cans shall be placed inside, or screened from view from the street or stored at or near the rear side or rear entrance of the residence, providing the entrance selected does not abut a street.

Section 4. Waste Collection

Household waste – All household waste shall be placed in plastic bags tied closed, and shall be placed by 7:00 AM on the day of the collection near or adjacent to the front of the garage or house. No loose un-bagged garbage will be removed from the cans by the contractor. Trash cans may not be placed within view from the street prior to 3:00 PM the day before scheduled pick-up and must be removed the day of pick-up. Garage front or curb side placement of waste filled plastic bags (not in can) is permissible so long as they are not left exposed overnight.

Recycling – All accepted recyclable items shall be placed loose and co-mingled in a container or trash can not to exceed 32 gallon capacity. Recycling cans shall be placed by 7:00 AM on the day of collection near or adjacent to the front of the garage or house. Trash cans may not be placed within view from the street prior to 3:00 PM the day before scheduled pick-up and must be removed the day of pick-up. Recycling containers may not weigh over 50 pounds filled or the contents will not be removed by the waste collection contractor.

Construction Waste – Disposal of construction waste from any premises shall be the responsibility of the homeowner/occupant and/or construction contractor.

Yard Waste - Yard waste gathered by the occupant of premises or his/her employees shall either be placed in trash cans or cut into four-foot lengths and tied in bundles. Tree trunks, limbs and branches shall not exceed four inches in diameter AND four feet in length. Debris placed in cans may not exceed the top of the can, and each can, may not weigh over 50 pounds filled. Cans containing yard waste may not exceed 32 gal. capacity except waste presented in appropriately marked and presented 45 gallon cans, will be picked up. On the day of pick-up a maximum of seven cans and seven bundles will be picked up from any residence. All yard waste for disposal in accordance with this paragraph shall be placed curb side. Yard waste containers may not be placed within view from the street prior to 3 PM the day before the scheduled pick-up and must

be removed from the street side the day of pick-up. Yard waste presented for pick-up must have originated naturally on the resident's property within the Village of Whispering Pines. Debris from outside of the Village will not be picked up by the contractor.

Hazardous Waste – This waste will not be picked up by the waste collection contractor.

Section 5. Deposit of Waste in Public Places and on Private Property

No person shall throw, place or deposit any waste in any street, alley, public place or private property within the Village limits, except in trash cans or trash vehicles as provided for in this Ordinance.

Section 6. Enforcement: The Village Manager, or his or her designee, will decide solid waste collection disputes based on compliance with the contract and this ordinance. Solid waste which does not comply with conditions outlined above will not be picked up. When the contractor refuses to pick up solid waste due to non-compliance with conditions outlined above, a note will be left for the resident explaining the reason for the refused pick-up.

Residents who have a complaint may call Village Hall. If solid waste has been set out before 7 AM and the contractor missed the pick-up, and the resident calls Village Hall before the contractor finishes the route, the contractor will be called and asked to go back and pick up that resident's solid waste. If such waste has been set out before 7 AM and the contractor missed the pick-up, and the resident calls Village Hall after the contractor has finished the route and left the Village, that resident's solid waste will be picked up the next business day.

Article IV – Water Shortage Conservation Measures (Adopted 9/8/10)

Section 1. Purpose and Scope

(a) The Village of Whispering Pines does not operate a public water supply system. Utilities, Inc., a privately owned utility company operates the public water supply system that serves most of the Village, using water supplied by the Town of Southern Pines, and a few areas are served directly by Southern Pines. The purpose of this policy is to provide for the implementation within the Village of water conservation measures comparable to those imposed within the Town of Southern Pines under circumstances where water shortage conditions warrant the imposition of such measures within that town.

(b) This policy shall be applicable within the corporate limits of the Village of Whispering Pines, and shall apply only to the use of water supplied by a public water supply system within the Village.

Section 2. Word Interpretation and Definitions

The following terms and phrases shall have the meanings hereinafter designated:

(1) Drip irrigation. The application of irrigation water through drip emitter devices at low pressure, volume, and velocity near or at ground level in order to minimize runoff and evaporative losses. Drip irrigation emitters are typically used for irrigating non-turf vegetation and release water in the range of 0.04 to 0.40 gallons per minute.

(2) Water waste. The non-beneficial use of water under the following circumstances:

- Landscape water applied in such a manner, rate and/or quantity that it overflows the landscaped area being watered and runs onto adjacent property or public right-of-way; or landscape water applied during periods of rainfall or when soil moisture is already adequate.
- The use of water for washing vehicles, equipment, or hard surfaces, such as parking lots, aprons, pads, and driveways in such quantities that substantial water flows onto adjacent property or the public right-of-way.
- Water applied in sufficient quantity to cause ponding on impervious surfaces.
- Water lost through plumbing leaks that can be readily identified and corrected.

Section 3. Stages of Conservation Measures

(a) This ordinance provides for six stages of water conservation measures, with increasingly more restrictive measures to become applicable in each successive stage. The six stages are as follows:

Stage 1 – Alert

Stage 2 – Warning

Stage 3 – Danger

Stage 4 – Emergency

Stage 5 – Crisis

Stage 6 – Rationing

(b) Each stage shall become effective within the Village when, after the Southern Pines Town Manager notifies the Village Manager in writing that a particular stage of conservation measures has been placed into effect within Southern Pines, the Village Manager declares that the comparable stage of conservation measures set forth in this article is being implemented within the Village as of a specified date and time. The Southern Pines Town Manager's decision to place into effect a particular stage of conservation measures will be based upon the level of water supply available in Drowning Creek and the amount of daily water demand as a percentage of system capacity

(c) Notice of the imposition of a particular stage of conservation measures shall be given by public press announcements, web page advisories and/or other means designed and intended to disseminate notice as broadly as possible.

(d) The restrictions of a particular stage of conservation measures shall remain in place until the Village Manager declares that the circumstances warranting the imposition of those measures no longer exist. Generally, the Village Manager shall make this determination upon receiving notification from the Southern Pines Town Manager that the restrictions applicable to the comparable stage in that town have been cancelled. Notice of the cancellation of the restrictive measures applicable to a particular stage shall be given by the Village Manager as provided in subsection (c) of this section.

(e) As each successively more restrictive stage of conservation measures is imposed, the restrictions applicable to the prior stage shall remain in effect except to the extent that the successive stage imposes more restrictive measures covering the same subject matter.

Section 4 Conservation Measures

(a) Stage 1 – Alert. When Stage 1 conservation measures are declared to be in effect, all water customers are encouraged to employ the following voluntary conservation measures:

- (1) Seek to reduce water usage by twenty percent (20%) in comparison with the same billing period for the prior year.
- (2) Irrigation and sprinkling of established lawns, trees, shrubs, flowers or plants should be limited to three (3) days per week. Even numbered addresses may irrigate on even number days and odd number addresses may irrigate on odd numbered days but no more than three (3) days per week.
- (3) Do not establish new plantings.
- (4) No washing motor vehicles, except at commercial car washes.
- (5) Do not wash down exterior paved surfaces such as streets, driveways, service station aprons, parking lots, sidewalks, patios, etc.
- (6) Do not fill swimming pools. Only refill pools or water features due to evaporation.
- (7) Use disposable and biodegradable dishes as much as possible.
- (8) Limit the use of garbage disposals.
- (9) Limit using clothes washers and dishwashers and when used, operate fully loaded.
- (10) Take showers instead of using the bathtub, and limit showers to no more than five (5) minutes.
- (11) Where feasible, reduce pressure on water supply line, if it will not affect operations of equipment, public safety, or health devices.
- (12) Reduce pressure at plumbing fixtures and install flow restricting devices within public buildings, institutions, dormitories and similar facilities.
- (13) All phases of construction related activities should conserve water and locate additional sources of water.
- (14) Check for and repair leaks within homes and businesses.
- (15) Install a water flow restriction device in showerheads and other water saving devices such as early closing flapper valves in toilets.

- (16) Engage in water conservation practices relating to lawns and landscaping such as removing weeds from gardens, mulching around plants, avoiding over-fertilization, planting native and drought tolerant grasses, ground covers, and shrubs, raising mower blades to a height of 3-inches, and catching and using rainwater for outside uses.

(b) **Stage 2 – Warning.** When Stage 2 conservation measures are declared to be in effect, all water customers shall seek to reduce water usage by at least twenty-five percent (25%) in comparison with the same billing period in the prior year. In addition, it shall be unlawful to:

- (1) Water or sprinkle any lawn, grass, shrubbery, trees, flowers or vegetable gardens, except by hand-held hose, container, or drip irrigation system; provided that newly established plantings may be watered by hand-held hose, container, or drip irrigation system; or by automatic sprinkling at the minimum necessary to keep plants alive, but not more than every fourth (4th) day. Even numbered addresses may irrigate on even numbered days and odd numbered addresses may irrigate on odd numbered days but no more than once every fourth (4th) day. Notwithstanding the foregoing, persons regularly engaged in the sale of plants shall be permitted to water, by any method at any time, for irrigation of their commercial stock in trade, and licensed landscape contractors may continue to water plantings that are under written warranty by any method at any time.
- (2) Water parks and other recreational areas except by hand-held hose, container, or drip irrigation.
- (3) Wash automobiles, trucks, trailers, boats, airplanes or any other type of mobile equipment; except parts of vehicles may be washed when required by federal, State or local laws or for safety reasons; provided that any commercial or business operated car wash facility shall be permitted to use water for such purposes.
- (4) Wash down outside areas such as streets, driveways, service station aprons, parking lots, office building exteriors, or newly constructed homes or apartments, sidewalks, or patios or to use water for similar purposes; provided that hand washing of exterior surfaces of a building for preparing them for painting shall be permitted; provided further that licensed commercial pressure washers shall be permitted to operate.
- (5) Introduce water into any ornamental fountain or pool not containing plants or fish.
- (6) Fill or replenish any swimming or wading pool serving less than twenty-five (25) dwellings or families except to maintain the minimum level required to operate chemical feed equipment.
- (7) Serve drinking water in restaurants, cafeterias, or other food establishments, except as specifically requested by patrons.
- (8) Use water from any public or private fire hydrant for any purpose other than by the Fire Department for fire suppression, testing and drills, Public Works Department

need or other public emergency.

(9) Use water for dust control or compaction.

(10) Intentionally waste water.

(c) **Stage 3 – Danger.** When Stage 3 conservation measures are declared to be in effect, all water customers shall seek to reduce water usage by at least thirty percent (30%) in comparison with the same billing period in the prior year. In addition, it shall be unlawful to:

- (1) Water or sprinkle any lawn, grass, shrubbery, trees, or flowers except from a watering can or other container exceeding three (3) gallons in capacity with used water from inside a structure except that newly planted shrubbery, trees or flowers may be watered by hand-held hose; provided that persons regularly engaged in the sale of plants shall be permitted to use water for irrigation of their commercial stock in trade, and licensed landscape contractors may continue to water plantings that are under written warranty by hand-held hose, container or drip irrigation.
- (2) Water any vegetable garden except by hand-held hose, container or drip irrigation.
- (3) Fill or refill any swimming or wading pool or water any tennis court.
- (4) Use water for any other purpose, whether commercial, public, or otherwise, that is not necessary for health and safety.
- (5) Make any water service connections to a public water supply line, except to connect buildings or lots for which a valid building permit has been issued prior to the implementation of Stage 3 Conservation Measures, or to connect public facilities such as schools, hospitals, police or fire stations, or other governmental buildings or the facilities of public service companies.

(d) **Stage 4 – Emergency.** When Stage 4 conservation measures are declared to be in effect, all water customers shall seek to reduce water usage by at least thirty-five percent (35%) in comparison with the same billing period in the prior year. In addition, it shall be unlawful to:

- (1) Use water outside a structure for any use other than emergencies involving fire or as needed by the public water supply system operator to maintain the system, except that flowers, plants and shrubs may be watered from watering cans or other container not exceeding three (3) gallons in capacity with used wash water from inside a structure.
- (2) Operate an evaporative air conditioning unit which recycles water except during the operating hours of the business.
- (3) Wash any vehicle for any purpose, whether inside or outside a structure, except that commercial and business operated car washes may do so provided that their hours of daylight operation shall be reduced by fifty –percent (50%), and parts of vehicles may be washed when required by federal, State or local laws for health or safety reasons.

(e) Stage 5 – Crisis. When Stage 5 conservation measures are declared to be in effect, all water customers shall seek to reduce water usage by at least forty percent (40%) in comparison with the same billing period in the prior year. In addition, it shall be unlawful to:

- (1) Serve food or beverages in restaurants, clubs, and other eating places to customers using anything other than disposable plates, cups, saucers, eating utensils, napkins, and tablecloths, etc.
- (2) Wash any vehicle for any purpose, whether inside or outside a structure, except those parts of vehicles may be washed when required by federal, State or local laws for health or safety.
- (4) Operate, start-up or maintain a water-cooled air conditioning unit or equipment which does not recycle its cooling water, unless required for health and safety reasons, and approved by the Village Manager.
- (5) Use water outside a structure for any use other than emergencies involving Fire Department or as needed by the public water system operator to maintain the public water system.

(f) Stage 6 – Rationing. When Stage 6 conservation measures are declared to be in effect:

- (1) All residential water customers shall reduce consumption by fifty percent (50%) of their usual usage during the most recent twelve (12) month period in which no water restriction was in effect.
- (2) All non-residential customers shall reduce consumption by eighty percent (80%) of their usual usage during the most recent twelve (12) month period in which no water restriction was in effect.
- (3) All water customers are responsible for meeting the established water rationing limits in whatever manner possible.
- (4) If the water rationing limits established cannot be obtained without threatening health or safety, or if there has been a significant change in circumstances, the customer may apply to the Village Manager for a variance to these limits. A variance may also be granted if mandatory water rationing will be cause for a closure of a business on a permanent basis and the business can demonstrate that it can still meet Stage 5 conservation measures while in operation

Section 5. Compliance

(a) Compliance with the provisions of this policy shall be enforced by the Village Police Department, personnel of the Public Works Department and other such Village employees designated by the Village Manager.

(b) Hospitals, nursing homes and health care facilities shall comply with all restrictions imposed to the extent compliance will not endanger the health of the patients or residents of the institution. These facilities shall survey their water usage patterns and requirements and implement such additional conservation measures to further reduce water usage.

Section 6. Enforcement

This Article shall be enforced in accordance with the provisions of Chapter L of this Code.

Section 7. Appeals

Appeals from the Village Manager's decision on any variance request shall be to the Village Council.