

ORDINANCE NO. 237AN ORDINANCE ESTABLISHING WATER CONSERVATION POLICIES
FOR THE TOWN OF YOUNGSVILLE

WHEREAS, the Town of Youngsville has in the past experienced water shortages as a result of drought conditions and other unusual weather phenomena; and

WHEREAS, in meeting the public demand for water, the priorities of the Town of Youngsville are: first, to provide sufficient supplies of potable water for human consumption, health, and sewerage purposes; second, to provide adequate water supplies for fire protection purposes; and thereafter, to provide adequate water for the conduct of business operations, for the watering of lawns, plants, and shrubbery, and for other uses;

WHEREAS, the shortage in rainfall has caused public demand for water produced by the Town of Youngsville to significantly increase, which increase has been identified by the Town of Youngsville as being attributable to consumer and business use of water for purposes of watering lawns, plants, gardens, and shrubbery, especially during late afternoon and early evening;

WHEREAS, the increase in the demand for water during these peak usage periods has caused seriously low water pressures throughout the area served by the Town of Youngsville and has exceeded the capacity of the water system to meet the demands of adequate water pressure for all uses;

WHEREAS, low water pressures recorded during these peak usage periods could jeopardize the ability of the Youngsville Fire Department and volunteer fire departments to fight fires in the Town of Youngsville during such peak usage periods and the period thereafter required for the system to recover capacity;

WHEREAS, the State Public Health Officer has advised that water pressures below fifteen pounds per square inch require the boiling of water to insure potability, and thus it is necessary to insure sufficient reserve capacity be maintained to maintain the system above that pressure level even in the event of emergency needs such as fire protection;

WHEREAS, water conservation measures are needed in order to sustain sufficient and acceptable water levels in the Chicot water aquifer;

WHEREAS, in order to make sure that the Town of Youngsville has sufficient reserve capacity in order to provide an adequate supply of potable water to meet the critical needs set forth above, it is necessary that water conservation policies and procedures be established for properties and residents situated in the Town of Youngsville;

BE IT ORDAINED by the Mayor and Board of Aldermen of the Town of Youngsville:

SECTION I - DEFINITIONS

A. DRIP IRRIGATION - Low pressure, low volume irrigation applied slowly, near or at ground level to minimize runoff and loss to evaporation, including, but not limited to, watering of lawns, gardens, and properties through use of soaker hoses.

B. EMERGENCY -

1. The actual or threatened condition which has been or may be created by a disaster; or

2. Any natural or man-made event which results or may result in an interruption in the delivery of utility services to any consumer of such services and which affects the safety, health, or welfare of a resident of the Town of Youngsville, or any instance in which a utility's property is damaged and such damage creates a dangerous condition to the public.

C. FLOW RESTRICTION DEVICE - Device applied by the water utility to the customer's meter that restricts the volume of flow to the customer.

D. HAND WATERING - The application of water for irrigation purposes through a hand-held hose. Hoses shall be equipped with a shut-off nozzle.

E. **INSPECTION** - An entry into and examination of premises for the purpose of ascertaining the existence or nonexistence of violations of this article.

F. **MANDATORY WATER CONSERVATION RESTRICTIONS** - Water conservation restrictions imposed upon businesses and residents in the Town of Youngsville in accordance with the provisions of this ordinance which, if violated, can result in the imposition of the penalties set forth in Section III of this Ordinance.

G. **OUTDOOR AND RECREATIONAL USE OF WATER** - The use of water for outdoor and/or recreational purposes, including, but not limited to, the following:

1. Spray irrigation;
2. Washing of vehicles, equipment, or hard surfaces such as parking lots, aprons, pads, driveways, or other surfaced areas;
3. Recreational watering, including filling of swimming pools, recreational use of water hoses, and other similar types of watering.

H. **RESPONSIBLE PARTY** - The owner, manager, supervisor, or person who receives the water bill, or person in charge of the property, facility, or operations during the period of time the violation(s) is observed.

I. **SHUT-OFF NOZZLE** - Device attached to end of hose that completely shuts off the flow, even if left unattended.

J. **SPRAY IRRIGATION** - The application of water to lawns, gardens, and other landscape areas by means of a device that projects water through the air in the form of small particles or droplets.

K. **STATIC WATER PRESSURE** - Water supply pressures measured by the Town of Youngsville at points where water is not being intentionally released or flowing.

L. **VOLUNTARY WATER CONSERVATION MEASURES** - Water conservation restrictions imposed upon businesses and residents in the Town of Youngsville in accordance with the provisions of this Ordinance without the imposition of penalties as set forth herein in the event of non-compliance.

SECTION II - WATER CONSERVATION MEASURES

A. The following water conservation measures shall apply to all persons and/or properties situated within the corporate limits of the Town of Youngsville.

1. Mandatory water conservation restrictions shall be in effect from May 1st to September 30th of each year.

2. Mandatory water conservation restrictions shall include the implementation of the following water conservation schedule:

a. Owners and occupiers of residences and businesses with odd numbered street addresses shall be permitted to water their lawns and gardens only on Tuesdays, Thursdays and Saturdays between midnight and 2:00 p.m.

b. Owners and occupiers of residences and businesses with even numbered street addresses shall be permitted to water their lawns and gardens only on Wednesdays, Fridays and Sundays between midnight and 2:00 p.m.

c. Except as otherwise provided in this subsection and in subsection 6. of this section, watering of lawns and gardens of residences and businesses affected by this ordinance from May 1st to September 30th of each year shall be prohibited.

d. Owners and occupiers of residences and businesses that do not have street addresses shall be permitted to water their lawns and gardens only on Tuesdays, Thursdays and Saturdays between midnight and 2:00 p.m.

3. Voluntary or mandatory water conservation measures may be implemented at any other time during the year in the event of an emergency situation as declared by the Mayor and Board of Aldermen of the Town of Youngsville in accordance with the provisions of LSA R.S. 29:721, et seq (the "Louisiana Emergency Assistance and Disaster Act").

4. The Town of Youngsville shall also have authority to implement voluntary or mandatory water conservation measures at any other time of the year where the Mayor and Board of Aldermen of the Town of Youngsville reasonably determines, based upon sound utility practices, that water conservation measures are necessary.

5. Water conservation measures which may be implemented include, but are not limited to:

a. Limitations and restrictions on the time of day that residents, consumers, and businesses can engage in the outdoor and recreational use of water;

b. Requirements that shutoff nozzles be used on any hoses used for hand watering of lawns and gardens, car washing, or other outdoor uses.

c. Imposition of outdoor watering schedules setting forth the days of the week that businesses and residents in the Town of Youngsville currently being served with potable water furnished by the Town of Youngsville can engage in the outdoor and recreational use of water.

6. The restrictions above do not apply to the following:

a. Watering of golf courses, athletic fields, and public parks that are in regular use and that use does not use potable water furnished by the Town of Youngsville.

b. Watering of lawns and gardens by hand watering or through use of drip irrigation methods.

c. Flow resulting from temporary water supply system failures or malfunctions. These failures or malfunctions shall be repaired within a reasonable period of time.

d. Flow resulting from fire fighting, routine inspection of fire hydrants, or fire training activities.

e. Water applied to abate spills of flammable or otherwise hazardous materials, where water is the appropriate method of abatement.

f. Water applied to prevent or abate health, safety, or accident hazards when alternate methods are not available.

g. Flow resulting from routine inspection, operation, or maintenance of the Town of Youngsville's water supply system.

h. Outdoor and recreational use of water obtained from a private water well or water source other than water produced and distributed by the Town of Youngsville.

i. Commercial businesses and entities whose primary business activity requires the use of potable water furnished by the Town of Youngsville, including, but not limited to, plant nurseries and commercial car wash establishments.

j. Watering of commercial and/or residential property upon which there has been placed substantial newly planted grass, sod, grass seed, and/or natural landscaping. Watering of these newly planted areas only shall be permitted as an exception to the limitations contained in this Ordinance within the first thirty days after planting or placement thereof. Watering may occur under these circumstances only between midnight and 2:00 p.m., but may be performed on a daily basis during the thirty day period. The property owner shall be responsible for notifying the Town of Youngsville of the planting and/or placement of grass, sod, grass seed and/or landscaping to qualify for this exception.

SECTION III - MANDATORY WATER CONSERVATION PENALTIES

A. Penalties for violation of mandatory water conservation measures as set forth herein shall be as follows:

1. First offense - written warning
2. Second offense - \$50.00 fine
3. Third offense - \$100.00 fine and publication of the name of the responsible party in the official journal of the Town of Youngsville.
4. Fourth offense - \$200.00 fine and publication of the name of the responsible party in the official journal of the Town of Youngsville.
5. Fifth and subsequent offense - \$500.00 fine and publication of the name of the responsible party in the official journal of the Town of Youngsville.
6. For purposes of the progressive fines set forth in this Section, prior offenses will be counted for a period of three years from the date of the offense, and will not be counted after the lapse of three years from the date of the offense.
7. The Town of Youngsville shall also have the right to seek and obtain injunctive relief as may be deemed reasonable and necessary in order to prevent further violations of the water conservation restrictions set forth in this Ordinance.
8. During the first full calendar month following the effective date of this Ordinance only, the fines and penalties set forth in this section hereinabove will not be in force and effect, but responsible parties will be issued warnings for violations of the provisions hereof in lieu of such fines and penalties. The fines and penalties set forth above will become effective on the first day of the month immediately following the first full calendar month after the effective date of this Ordinance.
9. Fines imposed in accordance with this Ordinance shall be deemed to be civil fines and shall be charged to the responsible party. Fines will not appear on the responsible party's utility bills unless (1) fifteen days have elapsed from the date of the citation and the responsible party has not filed an appeal as provided in Section IV; or (2) the appeals procedures provided for in Section IV have been exhausted and the fine is upheld. Where fines are assessed to The Town of Youngsville customers, such fines shall appear on such responsible party's regular monthly utility bill. Failure of a property owner to pay a fine on a utility bill will be treated as the non-payment of a utility bill and may subject the property owner to disconnection of utility services.
10. Individuals designated by the Mayor and Board of Aldermen shall be authorized to conduct inspections of residential and commercial properties situated in the Town of Youngsville in order to determine compliance with the provisions of this Ordinance and with any mandatory or voluntary water restrictions imposed under the authority thereof and to issue citations to property owners deemed to be in violation thereof.

SECTION IV - APPEALS OF FINES FOR VIOLATIONS OF THIS ORDINANCE

A. Any person claiming to have been issued a civil fine improperly for violation of this Ordinance may appeal the assessment of such fine to the Mayor and Board of Aldermen of the Town of Youngsville for an administrative adjudication of the charges. The Mayor and Board of Aldermen shall have original administrative jurisdiction over all claims related to alleged violations of the provisions of this Ordinance.

B. Any person seeking to appeal a civil fine issued under this Ordinance shall notify the Mayor and Board of Aldermen of the Town of Youngsville within fifteen days of receipt of the citation notifying them of the assessment of the fine. Delivery of a citation notifying a property owner of a violation of this Ordinance shall be deemed to have taken place by virtue of personal delivery thereof to an individual eighteen years or older at the property site or by attached the citation to a door or entrance to the property.

C. Every hearing for the adjudication of a challenge to a fine levied under this section shall be held before the Mayor and Board of Aldermen of the Town of Youngsville. The person alleging to have been assessed a fine in violation of this Ordinance shall have the burden of proving that the fine was improperly assessed by a preponderance of evidence.

D. The Mayor and Board of Aldermen of the Town of Youngsville shall have the authority with regard to claims brought before it under this section.

1. To hear contests of fines issued to persons for alleged violations of this Ordinance.

2. To issue subpoenas to compel the attendance of a person to give testimony at hearings and to compel the production of relevant books, papers and other things.

3. To adjudicate all alleged violations of the provisions of this Ordinance.

SECTION V - EFFECTIVE DATE

This Ordinance shall become effective immediately upon the signature of the Mayor of the Town of Youngsville, the lapse of ten days after receipt by the Mayor without signature or veto, or upon override of any veto, whichever occurs first.

SECTION 7 - PREVAILING ORDINANCE

Any Town ordinance or parts thereof in conflict herewith are hereby repealed.

This ordinance is hereby introduced/adopted at a regularly/specially scheduled meeting of the Mayor and Board of Aldermen of the Town of Youngsville on this 12th day of July, 2001.

Youngsville, Louisiana, this 13th day of July, 2001.



LUCAS S. DENAIS - MAYOR

I, Rebecca Langlinais, duly appointed Clerk of the Town of Youngsville, do hereby certify that the above and foregoing is a true and correct copy of Ordinance introduced/adopted by the Town Council of the Town of Youngsville at a regular/special meeting held on the 12th day of July, 2001.

Youngsville, Louisiana, this 13th day of July, 2001.



REBECCA LANGLINAIS-Town of Youngsville, LA

Acadiana's Daily Newspaper

THE ADVERTISER

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I, ROSE PENFOLD, do solemnly swear that I am the LEGAL CLERK of THE ADVERTISER, a newspaper printed and published at Lafayette, in the Parish of Lafayette, State of Louisiana, and that from my personal knowledge and reference to the files of said publication, the advertisement of

**(ADOPTION)
ORDINANCE NO. 237**

was published in THE ADVERTISER on the following dates:

② WEDNESDAY, JULY 18, 2001

Rose Penfold

ROSE PENFOLD
Legal Clerk

Sworn to and subscribed before me this 18 day of July, 2001.

Christine [Signature]

NOTARY PUBLIC