

WATER EMERGENCIES

ORDINANCE REGULATING THE USE OF WATER WITHIN THE WATER DISTRICTS OF THE TOWN OF KIRKWOOD DURING THE EXISTENCE OF EMERGENCIES

Adopted July 2, 1968

The Town of Kirkwood, acting through its duly constituted Town Board, and pursuant to the provisions of Section One Hundred Thirty, Subdivision Fifteen and Section One Hundred Thirty-five of the Town Law, ordains as follows:

SECTION 1. The purpose and intent of this ordinance is to conserve and protect the water supply of the Town of Kirkwood Water Districts by limiting, restricting and/or prohibiting its use for certain purposes during periods of emergency as hereinafter defined, in the interest of public health, safety and welfare.

SECTION 2. The word emergency, as used herein, shall cover and include an actual or threatened shortage of water caused by drought, by the breakdown of the pumping system or the filtration plant or any part of the distribution system, by a power shortage or failure, by the declaration of a Civil Defense alert, or by any other similar occurrence deemed by the Town Board to justify its action as hereinafter set forth.

SECTION 3. Whenever, in the opinion of the Town Board, it becomes necessary because of the existence of an emergency as hereinbefore defined, to conserve the water supply of the said district by limiting, restricting, or prohibiting its use, the Town Board may at a regular or special meeting thereof, adopt a resolution declaring such emergency.

SECTION 4. Such resolution may

a. Direct the Supervisor to prepare a proclamation prohibiting all users of said water supply from using the same or any part thereof for the sprinkling or irrigation of lawns, ornamental plants, shrubs or trees, or domestic gardens, washing motor vehicles, or limiting such use to certain hours of the day or certain days of the week, and/or

b. Direct the said Supervisor to prepare a proclamation limiting, prohibiting or restricting the use of said water by a specified customer, by specified classes or groups of customers, or by customers located within a certain specified area of the district, for the same purposes as set forth in clause (a) of this section, and/or for the purpose of filling swimming pools, operating air-conditioning installments, or in connection with the operation of any commercial or manufacturing processes.

SECTION 5. Such proclamation shall specify the duration of the limitation, prohibition or restriction, if practical; otherwise such limitation, prohibition or restriction shall continue in full force and effect until the Town Board shall by appropriate resolution declare that the emergency no longer exists.

SECTION 6. If such resolution declares a general emergency to exist, such proclamation shall be published in two or more newspapers having general circulation throughout the district and copies thereof shall be posted in at least ten public places within the district.

SECTION 7. If such resolution declares a local or limited emergency to exist, within the purview of Section Four, Subdivision (b) of this ordinance, and but a small or limited number of customers are affected thereby, the preparation, publication and posting of such proclamation may be dispensed with, in which case the service upon the customers affected by such prohibition, limitation or restriction of a certified copy of the resolution declaring such emergency shall be sufficient notice thereof.

SECTION 8. Upon the Town Board declaring that an emergency as to which a proclamation has been published and posted has ceased to exist, as provided in Section Five hereof, a copy of such resolution shall be published and posted in the manner provided in Section Six hereof.

SECTION 9. Upon the Town Board declaring by resolution that an emergency, as to which a proclamation has not been published and posted has ceased to exist, as provided in Section Five hereof, a copy of such resolution shall be served upon the customers affected thereby in the manner provided in Section Seven hereof.

SECTION 10. From and after the date of such publication and posting, or personal service, as the case may be and during the period specified therein, or until the publication and posting, or personal service, of notice of the termination of the emergency previously declared, it shall be unlawful for any person, firm or corporation having the use of the said water supply of the said districts to use any part of the water so supplied for the purpose or purposes described in said resolution and proclamation or notice in violation of the prohibitions, limitations, or restrictions therein set forth.

SECTION 11.
(Amended May 4, 2004 by LL No. 21-2004)

- A. A violation of this ordinance is an offense, punishable as follows:
 - 1. For conviction of a first offense: A fine not exceeding fifty dollars.
 - 2. For conviction of a second or subsequent offense: A fine not exceeding one hundred dollars or imprisonment for a period not to exceed 10 days, or both.

B. A first violation shall be deemed to have occurred from the date of written notification of violation issued by the Building Inspector or Enforcement Officer or from such date as may be designated in such written notice.

- C. Each day's continued violation shall constitute a separate additional violation.

D. In addition to the above prescribed penalties, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with this ordinance by injunction, abatement or otherwise compel cessation of each violation, and obtain restitution to the Town for costs incurred by the Town in remedying each violation, including but not limited to reasonable attorney's fees.

SECTION 12. If any provision of this ordinance or the application thereof to any person, firm, corporation, or circumstance shall be held invalid, the remainder of this ordinance or the application of such provision to persons, firms, corporations or circumstances other than those as to which it shall have been held invalid, shall not be affected thereby.

SECTION 13. This ordinance shall take effect ten days after its publication and posting in accordance with law.