***PROPOSED ORDINANCE** — presented to the Town Council on October 21, 2026; Sections 4(c) and 6(a) revised October 23, 2026 to state the intake reading in feet, as the staff gauge is read. Public hearing Wednesday, November 18, 2026, at 6:00 p.m., Stuart Town Office, on notice published as provided by Va. Code §§ 15.2-107 and 15.2-1427(F). Not for adoption on October 21. An ordinance imposing a penalty takes effect only after publication (Charter § 18).*

ORDINANCE NO. _____-26
TOWN OF STUART, VIRGINIA

AN ORDINANCE ESTABLISHING A WATER CONSERVATION AND DROUGHT RESPONSE PROGRAM FOR THE TOWN WATERWORKS; PROVIDING FOR STAGED RESPONSE TO DECLINING RAW WATER SUPPLY, RESTRICTIONS ON THE USE OF WATER, CURTAILMENT OF LARGE AND WHOLESALE USERS, VARIANCES, AND ENFORCEMENT; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE

WHEREAS, the Town of Stuart owns and operates a community waterworks under Virginia Department of Health Waterworks Operation Permit No. 5141640, serving approximately 1,500 persons within and without the corporate limits, including deliveries to the Patrick County Public Service Authority; and

WHEREAS, the sole source of raw water for the Town waterworks is the Town's intake on the South Mayo River; the Town's permitted auxiliary sources, Wells No. 2 and No. 3, are out of service; and the Town has no interconnection with any other waterworks from which water can be received; and

WHEREAS, Town operators measure the depth of flow over the crest of the intake check dam at a staff gauge, convert each reading to a rate of flow by the rating chart maintained at the water treatment plant, and report the readings to the Virginia Department of Health, Office of Drinking Water; and

WHEREAS, on August 31, 2026 the Town furnished the Office of Drinking Water a schedule of response stages keyed to those readings; the Roanoke River drought evaluation region, which includes Patrick County, was placed under a drought emergency advisory by the Commonwealth in July 2026; the reading of September 14, 2026, one and five-eighths inches, was the lowest since the Town began keeping the record; and the Town issued a voluntary water conservation request to its customers the same day; and

WHEREAS, by motion adopted October 21, 2026 the Town Council set this ordinance for public hearing and directed that notice of its intention to adopt this ordinance be published as provided by Va. Code §§ 15.2-107 and 15.2-1427(F); the notice was published in The Enterprise on _____ and _____, 2026; and the public hearing was held on November 18, 2026; and

WHEREAS, 9VAC25-780-120 requires that the drought response and contingency plan prepared for a community water system under the Commonwealth's local and regional water supply planning regulation provide graduated drought watch, drought warning, and drought emergency stages, each with specific triggers designed to address the particular vulnerabilities of the water source, together with references to local ordinances and procedures for their implementation and enforcement; and

WHEREAS, Section 8(8) of the Charter of the Town of Stuart (Acts 1952, c. 582, as amended) and Va. Code §§ 15.2-1102 and 15.2-2109 authorize the Town to establish, maintain, and operate its waterworks and to adopt such regulations as are necessary to its operation and to the protection of the public health, safety, and welfare; Va. Code § 15.2-924 authorizes the Town Council, whenever a water supply emergency exists or is reasonably likely to occur, to restrict by ordinance the use of water supplied by the Town and to prescribe penalties; Va. Code § 15.2-2119 authorizes the Town to fix and collect charges for water service; and Section 14 of the Charter and Va. Code § 15.2-1429 authorize the Town to prescribe penalties for the violation of its ordinances;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Stuart, Virginia, as follows:

Section 1. Short title.

This ordinance may be cited as the Water Conservation and Drought Response Ordinance of the Town of Stuart.

Section 2. Purpose.

The purpose of this ordinance is to protect the public health, safety, and welfare by conserving the water supply of the Town waterworks during periods of drought or other water shortage; to establish in advance

the conditions under which the Town will request, and then require, reductions in water use, so that customers know what to expect and the Town acts on a published schedule rather than by improvisation; to give priority to the essential uses of water for drinking, sanitation, fire protection, and health care; and to satisfy the drought response and contingency planning requirements of 9VAC25-780-120.

Section 3. Applicability.

(a) This ordinance applies to every person who uses water supplied by the Town waterworks, wherever the water is used, within or without the corporate limits, including water delivered to and redistributed by a wholesale customer. As to a customer served outside the corporate limits, the restrictions of this ordinance are conditions of water service and are enforced by the utility remedies of Section 13(a) through (e).

(b) This ordinance does not restrict the use of water drawn from a private well, cistern, rainwater collection system, or reclaimed or gray water source that is not connected to the Town system, provided that a person irrigating or washing with water from such a source during a declared Stage 3 or Stage 4 displays a sign, visible from the street, stating the source of the water.

Section 4. Definitions.

For the purposes of this ordinance:

(a) *Customer* means any person receiving water from the Town system, whether or not the person is the account holder, and includes the owner and the occupant of the premises.

(b) *Essential use* means water used for drinking, cooking, bathing, laundry, and sanitation; for fire protection; by a licensed hospital, nursing facility, dialysis provider, or other health care facility to the extent required for patient care; by the Town for the treatment and distribution of water and for flushing that the Operator in Responsible Charge determines to be necessary to protect public health; and by any customer to the minimum extent necessary to prevent an imminent threat to health or safety.

(c) *Intake reading* means the depth of flow over the crest of the intake check dam on the South Mayo River, measured in feet to the nearest 0.01 foot at the staff gauge installed at the intake, as recorded in the water treatment plant log.

(d) *Large user* means (1) any customer whose metered consumption averaged 5,000 gallons per day or more during any billing period within the preceding twelve months, (2) any customer identified on the priority user list maintained under Section 5 of the Town's Source Water Protection Plan, and (3) any wholesale customer.

(e) *Non-essential use* means any use of water that is not an essential use, including the uses listed in Sections 7 through 9.

(f) *Person* means any individual, firm, partnership, corporation, association, authority, or other entity, public or private.

(g) *Rating chart* means the calculation of flow over the intake check dam maintained at the water treatment plant, by which an intake reading is converted to a rate of flow, and any successor rating adopted by the Town Manager after consultation with the Office of Drinking Water.

(h) *Stage* means a stage of drought response declared under Section 6.

(i) *Town Manager* means the Town Manager of the Town of Stuart or the Town Manager's designee.

(j) *Town system* means the Town waterworks, including its intake, treatment plant, storage, and distribution system, and all water supplied through it.

(k) *Wholesale customer* means any person that purchases water from the Town system for resale or redistribution to its own customers, including the Patrick County Public Service Authority.

Section 5. Monitoring and reporting.

(a) The Operator in Responsible Charge or another operator designated by the Town Manager shall take the intake reading at the staff gauge and record it, with the date, time, and observer, in the water treatment plant log: not less than weekly under ordinary conditions; not less than twice weekly

during Stage 1; on each business day during Stage 2; and daily, including weekends, during Stage 3 and Stage 4.

(b) Each reading shall be converted to a rate of flow by the rating chart. Where the treatment plant is operating at the time of the reading, the plant's rate of withdrawal shall be added to the flow over the crest in stating the total flow arriving at the intake.

(c) The Town Manager shall report intake readings to the Office of Drinking Water at the intervals the Town has committed to, shall report to the Town Council at each regular meeting during any declared stage, and shall respond to the Office of Drinking Water's drought impact surveys.

(d) In addition to the intake reading, the Town Manager may consider the stage of the South Mayo River at the United States Geological Survey gage nearest the intake, drought stage declarations by the Virginia Drought Monitoring Task Force or the Department of Environmental Quality for the Roanoke River drought evaluation region, the volume of finished water in storage, weather forecasts, the condition of intake, treatment, and distribution equipment, and any directive of the Office of Drinking Water.

Section 6. Stages of response; triggers; declaration.

(a) The stages of drought response, the intake reading at which each is triggered, and the approximate rate of flow over the crest corresponding to each trigger, computed from the dimensions of the check dam measured October 23, 2026, are as follows. The rate of flow is stated for reference; the intake reading governs.

Stage	Intake reading (feet over the crest)	Approximate flow over the crest	Ratio to the plant's 670 gpm design withdrawal	Character of response
Stage 1 Drought Watch	0.19 or less	1,315 gpm 1.89 MGD	2.0	Public information; increased monitoring; Town operations curtailed
Stage 2 Drought Warning	0.17 or less	1,113 gpm 1.60 MGD	1.7	Voluntary conservation; goal of a 5 to 10 percent reduction in use
Stage 3 Drought Emergency	0.15 or less	922 gpm 1.33 MGD	1.4	Mandatory restrictions on non-essential use; large-user curtailment; pressure reduction; goal of a reduction of 10 to 15 percent or more
Stage 4 Water Supply Emergency	0.12 or less, or loss of the intake	660 gpm 0.95 MGD	1.0	All outdoor use prohibited; allocation among users; emergency supply measures; local emergency declaration as needed

(b) A stage is declared by the Town Manager by written declaration upon an intake reading at or below the trigger for that stage. The Town Manager may also declare Stage 1 or Stage 2 upon a drought watch, warning, or emergency declaration for the Roanoke River drought evaluation region by the Commonwealth, and may declare any stage upon a finding, stated in the declaration, that a failure of intake, treatment, storage, or distribution facilities, a contamination event, a directive of the Office of Drinking Water, or another condition threatens the ability of the Town system to meet essential use. Stage 4 shall be declared whenever the intake is unable to supply the treatment plant regardless of the intake reading.

(c) A stage may be declared directly, without passing through a lower stage, where the intake reading or the condition found warrants it. A stage remains in effect until the Town Manager declares a lower

stage or terminates the declaration, which the Town Manager shall do when every intake reading taken during a period of fourteen consecutive days has been above the trigger for that stage, or sooner upon a finding that the condition that warranted the declaration has abated.

(d) Each declaration and each change of stage shall be posted at the Town Office and on the Town website and social media accounts, furnished to the newspaper of general circulation in the Town, and transmitted to the Office of Drinking Water, to the Patrick County Emergency Management Coordinator, and to each wholesale customer and large user. A declaration of Stage 3 or Stage 4 shall also be published in the newspaper as soon as practicable. A declaration takes effect upon posting at the Town Office and on the Town website, and each posting and notice shall state the date and hour it took effect.

(e) The Town Manager shall report each declaration of Stage 3 or Stage 4 to the Town Council at its next regular meeting. The Town Council may at any time, by resolution, declare, modify, or terminate any stage.

Section 7. Stage 1 and Stage 2 measures.

(a) During Stage 1, the Town shall inform customers of the condition of the water supply and of the measures that will follow if it declines, shall increase monitoring as provided in Section 5, and shall curtail its own non-essential use as provided in Section 11.

(b) During Stage 2, every customer is requested to reduce non-essential use, and in particular to defer irrigation of lawns and landscaping; washing of vehicles, buildings, sidewalks, driveways, and other exterior surfaces; filling or topping off of swimming pools, hot tubs, and ornamental ponds and fountains; and any other discretionary outdoor use; to repair leaks promptly; and to report leaks observed on Town facilities to the Town Office. The Town Manager shall contact each large user and wholesale customer as provided in Section 10. No penalty attaches to a Stage 2 request.

Section 8. Stage 3 mandatory restrictions.

During Stage 3 the following restrictions apply to every customer and shall be enforced as provided in Section 13:

(a) Irrigation of lawns and turf is prohibited. Vegetable gardens, trees, shrubs, and plantings installed within the preceding ninety days may be watered only by hand-held hose with an automatic shutoff nozzle, watering can, or drip irrigation, and only before 9:00 a.m. or after 7:00 p.m. A commercial nursery or greenhouse may water plant stock by the least wasteful practical means to the minimum extent necessary to preserve it.

(b) Washing of motor vehicles, trailers, boats, and equipment is prohibited, except at a commercial vehicle-washing facility that recirculates its wash water, and except to the extent required by law or necessary to protect public health or safety, as for emergency vehicles and vehicles used to transport food.

(c) Washing of buildings, siding, decks, sidewalks, driveways, parking areas, streets, and other exterior surfaces is prohibited, except where required by law or by the Town for public health or safety.

(d) Filling, refilling, or topping off of swimming pools, wading pools, hot tubs, and spas is prohibited, except for a public pool to the extent required for health by the operating permit issued to it.

(e) Operation of ornamental fountains, waterfalls, and ponds is prohibited unless the water is recirculated and the feature supports aquatic life.

(f) Use of water from a fire hydrant is prohibited except for fire suppression and for flushing that the Operator in Responsible Charge determines to be necessary to protect public health.

(g) A restaurant or other food service establishment shall serve drinking water only on request.

(h) Every customer shall repair any leak in the customer’s plumbing, fixtures, or service line within forty-eight hours after receiving notice of it from the Town, and shall not allow water to run to waste onto streets, sidewalks, or adjoining property.

(i) Each large user shall curtail its non-essential use as provided in Section 10.

Section 9. Stage 4 water supply emergency measures.

During Stage 4 the restrictions of Section 8 remain in effect and, in addition:

(a) All outdoor use of water from the Town system is prohibited, including the hand watering permitted by Section 8(a) and the commercial vehicle washing permitted by Section 8(b), except to the minimum extent necessary to protect public health or safety or to preserve commercial nursery stock under a variance issued under Section 12.

(b) Each large user shall reduce its consumption as provided in Section 10(d), and the Town Manager may by the declaration allocate water among customer classes and set for each class a maximum daily or billing-period consumption, giving priority to essential use.

(c) The Town Manager may reduce system pressure, may operate the distribution system by zone or by schedule, may suspend the approval of new service connections, and may arrange for the hauling of water from another approved source, all in consultation with the Office of Drinking Water and subject to the minimum pressure and water quality requirements of 12VAC5-590.

(d) The Town Manager shall recommend to the Mayor and the Town Council whether a local emergency should be declared under Va. Code § 44-146.21, and the Town's Emergency Operations Plan shall be activated upon any such declaration.

Section 10. Large users and wholesale customers.

(a) The Town Manager shall maintain a list of large users, with a contact for each, and shall review it at least annually and upon each declaration of Stage 2. The priority user list maintained under Section 5 of the Town's Source Water Protection Plan shall be updated to conform to this list.

(b) Upon the declaration of Stage 2, the Town Manager shall notify each large user and wholesale customer, shall request a voluntary reduction in non-essential use, and shall ask each large user to identify the uses it could curtail at Stage 3 and Stage 4.

(c) During Stage 3, each large user shall curtail its non-essential use and, upon request of the Town Manager, shall submit within five business days a written curtailment plan stating the measures taken and the reduction expected. Water used in a manufacturing or food-processing operation to the extent necessary to prevent the loss of product or damage to equipment is treated as essential use during Stage 3 but shall be reported in the curtailment plan.

(d) During Stage 4, each large user shall reduce its metered consumption to not more than eighty percent of its base consumption, or to such lower percentage as the declaration states, with priority to essential use. Base consumption is the customer's average daily metered consumption during the corresponding billing period of the preceding year or during the ninety days preceding the declaration, whichever the Town Manager designates in the declaration. A health care facility, and a food processor to the extent necessary to protect the safety of food in process, may apply for a variance under Section 12.

(e) A wholesale customer shall be notified of each declaration and change of stage and shall, during Stage 3 and Stage 4, implement within the area it serves from the Town system restrictions at least equivalent to those then in effect for the Town's retail customers. During Stage 4 the Town may limit deliveries to a wholesale customer to the extent necessary to preserve essential use throughout the Town system, consistent with the Town's agreement with that customer, and shall give the wholesale customer as much notice of any limitation as the circumstances allow.

Section 11. Town operations.

(a) During Stage 1 and thereafter, the Town shall not irrigate Town-owned lawns or landscaping, wash Town vehicles except as required for safety, or wash streets, sidewalks, or Town buildings, and shall limit hydrant and main flushing to that which the Operator in Responsible Charge determines to be necessary to protect public health.

(b) During Stage 3 and Stage 4, the Town Manager may reduce distribution system pressure to the extent practicable, but not below the minimum pressure required by 12VAC5-590 at any service connection, and shall coordinate any such reduction with the Stuart Volunteer Fire Department.

(c) The Town shall maintain a public list of the measures the Town itself has taken under this section during any declared stage.

Section 12. Exemptions and variances.

(a) Essential use is not restricted by this ordinance at any stage.

(b) The Town Manager may grant a written variance from a restriction of Section 8, 9, or 10, upon written application, upon finding that the restriction would create a threat to health or safety, would impose an undue hardship on the applicant that is not shared by customers generally, would cause the loss of commercial nursery or agricultural stock or of livestock, or would prevent the establishment of vegetation required by an approved erosion and sediment control plan and the use cannot reasonably be deferred. A variance shall state the use permitted, its conditions, and its duration; may be revoked upon a change of stage or a violation of its conditions; and shall be reported to the Town Council at its next regular meeting.

(c) During Stage 4, a variance may be granted only where necessary to protect health or safety or to preserve commercial nursery or agricultural stock or livestock.

(d) The denial or revocation of a variance may be appealed to the Town Council by written notice delivered to the Town Office within ten days, and the Council shall hear the appeal at its next regular meeting.

Section 13. Enforcement; surcharges; disconnection; penalties; appeals.

(a) The Town Manager, the Public Works Director, the Operator in Responsible Charge, and the employees of the Town designated by the Town Manager, and any law-enforcement officer having jurisdiction within the Town, may enforce this ordinance. A violation may be established by the observation of an enforcing officer or employee from a public way or from property the officer or employee is otherwise entitled to be upon, by meter data, or by a written and signed complaint that the enforcing officer or employee has verified.

(b) Notice of a violation shall be in writing, shall identify the premises, the restriction violated, and the date and time observed, and shall be left at the premises or mailed to the customer of record. Each notice shall be recorded against the customer's account.

(c) Violations of Section 8, 9, or 10 by or on behalf of a customer are counted per account within any period of twelve months, and shall be addressed as follows:

  (1) First violation: a written warning.

  (2) Second violation: a water conservation surcharge of $50.00 added to the customer's next water bill.

  (3) Third violation: a water conservation surcharge of $100.00 added to the customer's next water bill.

  (4) Fourth and each subsequent violation: a water conservation surcharge of $100.00 added to the customer's next water bill, and discontinuance of water service to the premises upon forty-eight hours' written notice. Service shall be restored upon payment of all surcharges then due and of the Town's standard reconnection fee, and upon the customer's written assurance of compliance. Service shall not be discontinued where the Town Manager finds that discontinuance would endanger the health of an occupant of the premises.

(d) A water conservation surcharge is a charge for water service under Va. Code § 15.2-2119, is billed and collected in the same manner as other charges for water service, and if unpaid is subject to the same remedies, including discontinuance of service and lien, as any other unpaid charge for water service.

(e) A customer may appeal a notice of violation or a surcharge by written notice delivered to the Town Office within ten days after the date of the notice or bill. The Town Manager shall decide the appeal in writing within ten business days, and the customer may appeal the Town Manager's decision to the Town Council by written notice delivered within ten days thereafter, in which case the Council shall hear the appeal at its next regular meeting. A surcharge is stayed pending decision of the appeal; discontinuance of service under subsection (c)(4) is not stayed unless the Town Manager so orders.

(f) Any person who, within the corporate limits, willfully violates Section 8, 9, or 10 after having received two written notices under this section within the preceding twelve months, who restores water service that has been discontinued under this section, or who uses water from a fire hydrant in

violation of Section 8(f), is guilty of a Class 4 misdemeanor. Each day on which a violation continues is a separate offense. This penalty is in addition to, and not in place of, the surcharges and discontinuance of service provided in subsection (c).

Section 14. Operating plan; relation to other law.

(a) The Town Manager shall maintain a Drought Response and Contingency Plan implementing this ordinance, which shall include the monitoring procedure and rating chart, the notification roster, the list of large users and wholesale customers, model public notices for each stage, the measures available to the Town at each stage, and the arrangements for emergency supply, and shall furnish the plan to the Office of Drinking Water and to the regional water supply planning unit of which the Town is a member for inclusion in the regional water supply plan prepared under 9VAC25-780.

(b) Nothing in this ordinance limits the powers of the Town Council or of the Town's director of emergency management under Va. Code § 44-146.21, any order or directive of the Virginia Department of Health, or the Town's other regulations governing water service. In the event of a conflict between this ordinance and any other ordinance or regulation of the Town during a declared stage, this ordinance controls. Nothing in this ordinance amends any agreement between the Town and a wholesale customer.

Section 15. Severability.

If any section, subsection, sentence, clause, or provision of this ordinance is held invalid, the invalidity shall not affect the other provisions of this ordinance, which shall remain in full force and effect, and to that end the provisions of this ordinance are declared to be severable.

Section 16. Publication and effective date.

The Clerk is directed to publish this ordinance in at least one issue of a newspaper published in or having general circulation in the Town, as provided by Section 18 of the Charter of the Town of Stuart. This ordinance takes effect upon that publication and remains in effect until amended or repealed. Any stage of drought response declared by the Town Manager before the effective date of this ordinance under a resolution of the Town Council adopting interim stages of drought response continues in effect as a declaration under Section 6 until changed as provided in that section.

Presented to the Town Council on October 21, 2026. Public hearing held November 18, 2026.

Adopted this _____ day of _____, 2026.

Members present: _____ of 6. Recorded vote: Ayes _____ Nays _____ Abstain _____

Ayes: _____. Nays: _____. Abstaining: _____. Absent: _____.

_____ Attest: _____

Terry Dalton, Mayor Misty Raines, Clerk/Treasurer

Published in The Enterprise on _____, 2026, as provided by Section 18 of the Charter of the Town of Stuart.