12-3-361 Regulations and Restrictions on Water Use.

a. Purpose. The purpose of this section is to promote water conservation and the efficient use of potable water furnished by the Town of Windsor by eliminating all intentional or unintentional water waste when a reasonable alternative solution is available, and by prohibiting use of equipment which is wasteful. Customers of the Town of Windsor shall comply with the following regulations and restrictions on water use:

b. Nonessential Uses. No customer of the Town of Windsor shall engage in or permit the following nonessential uses of potable water from the Town, regardless of whether the purpose is residential, commercial, institutional, industrial, agricultural or other:

1. The washing of sidewalks, walkways, driveways, parking lots and other hard-surfaced areas by direct hosing, except as may be necessary to properly dispose of flammable or other dangerous liquids or substances, to wash away spills that present a trip and fall hazard, or to prevent or eliminate materials dangerous to the public health and safety;

2. The escape of water through breaks or leaks within the customer's plumbing or private distribution system for any substantial period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of seventy-two (72) hours after the customer discovers such a break or leak or receives notice from the Town, is a reasonable time within which to correct such break or leak or, as a minimum, to stop the flow of water from such break or leak;

3. Irrigation in a manner or to an extent which allows excessive runoff of water or unreasonable over spray of the areas being watered. Every customer is deemed to have his water system under control at all times, to know the manner and extent of his water use and any runoff, and to employ available alternatives to apply irrigation water in a reasonably efficient manner;

4. Washing cars, boats, trailers or other vehicles and machinery directly with a hose not equipped with a shutoff nozzle;

5. Water for non-recycling decorative water fountains;

6. Water for single pass evaporative cooling systems for air conditioning in all new installations unless required for health or safety reasons;

7. Water for new non-recirculating conveyor car wash systems;

8. Water for new non-recirculating industrial clothes wash systems.

c. Exempt Water Use. All water use associated with the operation and maintenance of fire suppression equipment or employed by the Town for water quality flushing and sanitation purposes shall be exempt from the provisions of this section. Use of water

supplied by private well or from reclaimed water, grey water or rainwater utilization system is also exempt.

d. Variances. Any customer of the Town may make written application for a variance. Such application shall describe in detail why applicant believes a variance is justified.

1. The Town Manager or his/her designee may grant variances for the use of water otherwise prohibited by this section upon finding and determining that failure to do so would cause an emergency condition affecting the health, sanitation, fire protection or safety of the applicant or public, or that denial would cause an unnecessary and undue hardship on applicant or public, including but not limited to, adverse economic impacts, such as loss of production or jobs.

2. The decision of the Town Manager may be appealed to the Town Council by submitting a written appeal to the Town Clerk within fifteen (15) calendar days of the date of the Town Manager's decision. Upon granting any variance on appeal, the Town Council may impose any conditions it determines to be just and proper. Variances granted by the Town Council shall be prepared in writing and the Town Council may require the variance be recorded at applicant's expense.

e. Enforcement and Fees. Depending on the extent of the water waste the Town may, after written notification to the customer and a reasonable time to correct the violation, as solely determined by the Town, take some or all of the following actions. Penalties, fees and charges noted below shall be established by resolution of the Town:

1. Written notice to the customer of the waste water violation including a specified period of time from notification to correct the violation;

2. Personal contact with the customer at the address of the water service. If personal contact is unsuccessful, written notice of the violation including a date by which the violation is to be corrected may be left on the premises and a copy of the notice sent by certified mail to the customer;

3. The Town may install a flow-restricting device on the customer's service line;

4. The Town may levy a water waste fee on the customer, which after service of written notice of the fee, as provided for above shall become a special assessment against the property on which the waste occurred and be collected at the same time and in the same manner as ordinance Town taxes. The procedure for such assessment shall be as provided for Title 3, Chapter 8, Article 3 of this Code;

5. The Town may cause termination of water service and the charge for same shall be billed to the customer. Except in some cases of extreme emergency as solely determined by the Town Manager, service shall not be restored until the Town verifies that the violation has been corrected and all charges and fees have been paid.