

ORDINANCE NO. 1781

**AN ORDINANCE TO AMEND ORDINANCE NO. 1682:
AN EMERGENCY WATER CONSERVATION PLAN FOR THE
CITY OF FAIRHOPE FOR CUSTOMERS OR PERSONS
WHO USE THE CITY OF FAIRHOPE WATER SYSTEM**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA, as follows:

Section 1. The Code of Ordinance, City of Fairhope, Alabama, Article II, Sections 10.5-54, 10.5-55, and 10.5-56, are hereby amended to reflect the following changes and additions:

Section 10.5-54 WATER CONSERVATION PHASES

The onset of an emergency situation or anticipated onset of drought and the necessary adjustment and management techniques depend on the severity of the water emergency. Therefore, upon a declaration of an emergency by the Governing Body of the City of Fairhope, water conservation phases will be implemented on following criteria:

- Phase I: When water demand reaches an average of 80% capacity for 7 out of 10 days
- Phase II: When water demand reaches an average of 90% capacity for 7 out of 10 days
- Phase III: When water demand reaches an average of 95% capacity for 7 out of 10 days

Section 10.5-55 WATER CONSERVATION RESPONSE

Specific conservation management responses are listed according to the conservation phase. The phases are dependent on the ability of City of Fairhope to foresee conditions which would affect water allotments or water availability. After declaration of the drought or water emergency stage by Governing Body, the City Council is to authorize the Mayor to implement any or all the following:

New lawns and landscaping would be exempt for 30 days from the date of planting.

Phase I: WATER ALERT – Voluntary. All customers or persons who use City of Fairhope water system are requested to voluntarily limit the amount of water to the amount that is absolutely necessary for health, business, and outdoor use. The Alert will remain in effect until lifted by the Governing Body or until demand averages at or below 80% of capacity for 7 out of 10 days. No emergency declaration by the Governing Body is needed to implement Phase I.

Phase II: WATER WARNING – Mandatory Compliance. Beginning at a time deemed necessary by City of Fairhope and after public notification, the following restrictions shall apply to all residential customers or persons who use City of Fairhope water system. Phase II restrictions will remain in effect until lifted by the Governing Body or until demand averages at or below 90% of capacity for 7 out of 10 days:

Irrigation utilizing individual sprinklers from hoses or buried sprinkler systems for the purpose of watering lawns, gardens, landscaped areas, trees, shrubs, and other plants is prohibited, except on designated water-use days which shall be as follows:

- Odd-numbered street addresses will water on Monday and Wednesday
- Even-numbered street addresses will water on Tuesday and Thursday
- No irrigation shall be performed between the hours 5:00 a.m. - 9:00 a.m. and 5:00 p.m. - 9:00 p.m.
- No watering will be allowed on Friday, Saturday, and Sunday

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Odd	Even	Odd	Even	No	No	No
Addresses	Addresses	Addresses	Addresses	Watering	Watering	Watering
Water	Water	Water	Water	Allowed	Allowed	Allowed

Phase III: WATER EMERGENCY – Mandatory Compliance. Upon implementation by City of Fairhope and after public notification, the following restrictions shall be imposed in place of Phase II restrictions (until further notice) to all residential City of Fairhope water system customers or persons who use City of Fairhope water system:

- Irrigation utilizing individual sprinklers from hoses or buried sprinkler systems for the purpose of watering lawns, gardens, landscaped areas, trees, shrubs, and other plants is prohibited.
- Washing of private vehicles is prohibited.
- Commercial car washes and service stations are exempt from this restriction.
- Topping off of swimming pools by users of water at street addresses containing odd numbers on Monday and Wednesday; and by users of water at street addresses containing even numbers on Tuesday and Thursday. Empty swimming pools may be filled only with City of Fairhope approval.
- Washing of sidewalks, streets, driveways, parking areas, tennis courts, patios or other paved areas is absolutely prohibited except by the street department and fire department to alleviate health or fire hazard.
- Taking water from a fire hydrant is prohibited without written permission from City of Fairhope. The water system, street department, and fire department are exempt from this condition in order to properly maintain the water system and provide for public health and safety.

Phase III restrictions will remain in effect until lifted by the Governing Body or until demand averages at or below 95% of capacity for 7 out of 10 days and 1.5 inches of rain are received within a 7 day period.

When easing Phase III restrictions, the new Phase will be determined by the demand average. If demand average is 90-94%, the new Phase will be Phase II. If the demand average is 80-89%, the Phase will be Phase I. If the demand average is less than 80%, no Phase will be in effect.

VI. VIOLATIONS

Violations of this Ordinance shall be punished as follows:

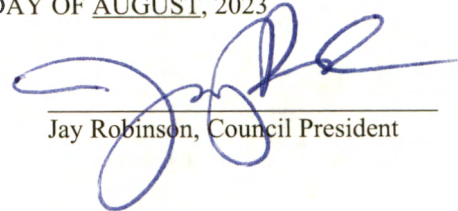
First Time Offense	Warning
Second Time Offense	\$300.00 Fine
Third and Subsequent Offenses	\$500.00 Fine

The Balance of Chapter 10.5 – Article II. – Emergency Water Conservation Plan remains as written and codified in the City of Fairhope Code of Ordinances.

Severability. The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, then such ruling shall not affect any other paragraphs and sections, since the same would have been enacted by the municipality council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph or section.

Effective Date. This ordinance shall take effect upon its due adoption and publication as required by law.

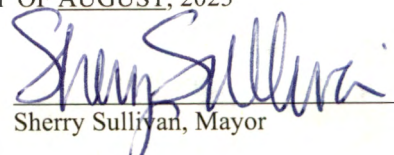
ADOPTED THIS 14TH DAY OF AUGUST, 2023



Jay Robinson, Council President

ATTEST:


Lisa A. Hanks, MMC
City Clerk

ADOPTED THIS 14TH DAY OF AUGUST, 2023


Sherry Sullivan, Mayor

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 City Clerk