

WATER RULES AND REGULATIONS RESTRICTING WATER USE

Whereas, due to a significant shortfall of precipitation, major leak, a system failure, or excessive consumption beyond the capacity of the system, etc., and

Whereas, as a result of the above, unless consumption of water in the water system is substantially reduced, the system will be unable to supply sufficient potable water to meet the basic needs of the customers of the Kingston Water Department; and

Whereas, the Board of Water Commissioners of the Kingston Water Department has, in light of these conditions, found the Kingston Water Department to be in a state of emergency; and

Whereas, the Board of Water Commissioners of the Kingston Water Department must accordingly exercise due authority to mandate such measures as are necessary to reduce consumption of water within its service area to a level sufficient to preserve an adequate supply of water to meet the customers basic water needs;

Now therefore, find that an imminent peril to the public health and safety exists and adopts the following regulations as emergency measures to prevent the waste of water;

STAGE I

- A. No person or entity shall cause, permit or allow;
1. The continuing of any leak or waste from any water pipe, valve, faucet, conduit, equipment, facility, or device connected to the water system of the Kingston Water Department, or which utilizes water, on or in any premises owned, leased, managed, operated, or controlled by such person or entity.
 2. The washing of any vehicle by means of a hose, fire hydrant, or other active source connected to the water system, except that a commercial vehicle washing operation if equipment has been installed and is utilized so that at least 50 % of the water used is recirculated by means of a system approved by the Kingston Water Department.
 3. The washing of any street, sidewalk, driveway, outdoor areaway, outdoor steps, building exterior or other structures by means of a hose, fire hydrant, or other active source connected to the water system of the Kingston Water Department or which utilizes water.
 4. The use of water from any source for any ornamental purpose, including but not limited to use in fountains, artificial waterfalls, reflecting pools, lakes and ponds.
 5. The use of water from the Kingston Water Department to water any lawn, golf course, ornamental shrub, plant, or tree, except that:

- a) water may be used to water any lawn, tree, shrub, or garden, or golf course greens and tees only, from 9:00 PM to 10:00 PM;
 - b) water may be used at any time to irrigate from a hand held container, vegetables or fruits grown for human consumption; and
 - c) plant nurseries and other commercial users engaged in the business of growing, distributing, or selling plants may use such water on their business premises for watering ornamental shrubs, plants or trees, provided that each such user reduces its use of water by 15% or such other percentage as may be prescribed for nonresidential water users;
6. The opening or use of any fire hydrant, or of the water therefrom, for any purpose other than fire protection except in accordance with a permit obtained from the Superintendent of the Kingston Water Department and only for the period of and the purpose authorized by such permit and in strict adherence to all of the terms and conditions set forth herein;
 7. The operation of an air conditioning system utilizing water from the Kingston Water Department in a cooling tower, unless within 30 days from the effective date of this regulation, a separate meter is installed, at the property owners expense, to continuously measure the flow of water to the cooling tower.
 8. Operate any air conditioning system in excess of two tons of rated capacity or greater or any refrigeration unit rated at 10 horsepower or greater using water from the Kingston Water Department, unless such air conditioning system or refrigeration unit is equipped with a water recirculating device approved by the Superintendent; and
 9. The use of water from the Kingston Water Department to fill or maintain the water level in any pool, except that, provided the pool is operated with recirculating equipment, water may be used to fill the pool once during each calendar year, and thereafter may be used as necessary to maintain the water level in such pool.
 10. No water will be trucked outside of the City of Kingston.
 11. Each nonresidential user of water from the Kingston Water Department shall prepare and retain a water consumption reduction plan, enabling it to reduce its use of water in stages of 15%, 20%, and 25%, based upon its water consumption during the calendar year. Such plans shall be designed to achieve and maintain the 15% reduction promptly, and to achieve the 20% and 25% reduction immediately upon the declaration of a Stage II and Stage III. emergency, respectively. Each user shall promptly implement the first phase of its plan during Stage I, and shall reduce its consumption by 15%. On and after 30 days from the effective date of this regulation, each user shall have its water consumption reduction plan available at all times for inspection and copying by employees of the Kingston Water Department.

STAGE II

If, at any time the Superintendent of the Kingston Water department determines that the measures set forth under Stage I of this regulation have not resulted in a sufficient level of conservation in light of existing water supply conditions, a Stage II emergency shall be declared. Upon declaration of a Stage II emergency, in addition to these measures set forth hereinabove:

A. No person or entity shall cause, permit or allow:

1. The use of water from the Kingston Water Department to fill or maintain the water level in any swimming pool;
2. The use of water from the Kingston Water Department to water any lawn, golf course, ornamental shrub or plant, except that water may be used to irrigate, from a hand held container only, vegetables or fruits grown for human consumption.

B. Each nonresidential user of water from the Kingston Water Department shall fully implement its Stage II water consumption plan and shall immediately reduce use of water by no less than 20%.

STAGE III

If, after the imposition of measures set forth in Stage II of this regulation, the Superintendent of the Kingston Water Department finds that water consumption must be further reduced, a Stage III. emergency shall be declared. Upon declaration of a Stage III. emergency, in addition to these measures set forth hereinabove:

A. All nonresidential users of water from the Kingston Water Department shall reduce their consumption by no less than 25%.

B. All users, both residential and nonresidential, shall install water flow restricting devices on all shower heads; and

C. All air conditioning systems utilizing water from the Kingston Water Department shall be operated only in accordance with hourly restrictions established by the Superintendent.

SANCTIONS

A. Violations of this regulation shall be punishable by fines and penalties.

B. In addition to any penalties which may be imposed where a leak and waste notice has been served and the condition to which such notice relates has not been corrected, a penalty of up to fifty dollars per day may be imposed by the Superintendent and added to the water rents relieved on the tax roll.

C. Water service may be terminated for violations of any provision of this regulation or for any waste of water.

VARIANCE

Upon the application of any person or entity, the Board of Water Commissioners may, at their discretion, grant a variance relieving such person or entity from compliance with any of the requirements of this regulation, if such person or entity demonstrates to the satisfaction of the Water Superintendent (1) that undue hardship would otherwise result; (2) that there were no possible alternatives; (3) that the applicant has taken and will take all possible measures to conserve water, with a complete description of such measures and the water savings to be effected; and (4) that such variance is not inconsistent with the purposes of this regulation. In connection with any variance that may be granted, the Board of Water Commissioners may impose such terms and conditions as they deem appropriate.