

CHAPTER 38: WATER CONSERVATION ORDINANCE

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Section 38-101 Definitions

- 1. Commercial.** Any type of building other than residential.
- 2. Construction.** The erection of a new building or the alteration of an existing building in connection with its repair or renovation or in connection with making an addition to an existing building and shall include the replacement of a malfunctioning, unserviceable, or obsolete faucet, showerhead, toilet, or urinal in an existing building.
- 3. Residential.** Any building or unit of a building intended for occupancy as a dwelling but shall not include a hotel or motel.

Section 38-102 Residential Building Construction

No construction may be initiated within the Town of Maxeys for any residential building of any type which:

- 1.** Employs a gravity tank-type, flushometer-valve, or flushometer-tank toilet that uses more than an average of one and six-tenths (1.6) gallons of water per flush;
- 2.** Employs a shower head that allows a flow of more than an average of two and five-tenths (2.5) gallons of water per minute at sixty (60) pounds per square inch of pressure;
- 3.** Employs a urinal that uses more than an average of one (1.0) gallon of water per flush;
- 4.** Employs a lavatory faucet or lavatory replacement aerator that allows a flow of more than two (2.0) gallons of water per minute; or
- 5.** Employs a kitchen faucet or kitchen replacement aerator that allows a flow of more than two and five-tenths (2.5) gallons of water per minute.

Section 38-103 Commercial Building Construction

There shall be no construction of any commercial building initiated within the Town of Maxeys for any commercial building of any type which does not meet the requirements of Section 38-102.

Section 38-104 Residential/Commercial Construction

The requirements of Section 38-102 shall apply to any residential construction and any commercial construction, which involves the repair or renovation of or addition to any existing building when such repair or renovation of or addition to such existing building includes replacement of toilets or showers or both.

Section 38-105 Exemptions

New construction and the repair or renovation of an existing building shall be exempt from the requirements of Sections 38-102, 103, and 104 of this Chapter when:

- 1.** The repair or renovation of the existing building does not include the replacement of the plumbing or sewage system servicing toilets, faucets or showerheads within such existing buildings; or

2. When such plumbing or sewage system within such existing building, because of its capacity, design, or installation would not function properly if the toilets, faucets or showerheads required by this Chapter were installed; or
3. Such system is a well or gravity flow from a spring and is owned privately by an individual for use in such individual's personal residence; or
4. Units to be installed are:
 - A. Specifically designed for use by the handicapped;
 - B. Specifically designed to withstand unusual abuse or installation in a penal institution; or
 - C. Specifically designed as toilets for juveniles.

The owner, or his agent, of a building undergoing new construction or repair or renovation who is entitled to an exemption as specified in subparagraphs 2, 3, or 4 of this Section shall obtain the exemption by applying to the Mayor and Council. A fee as determined by the Mayor and Council shall be charged for the inspection and issuance of such exemption.

Section 38-106 Enforcement; Penalty

This Chapter shall be enforced by the Mayor and Council. Citations for violations may be issued by the Sheriff.

Any person, corporation, partnership or other entity violating this Chapter shall be tried before the Town of Maxeys Municipal Court. Upon conviction, a violation of this Chapter may be punished by a fine not to exceed one hundred dollars (\$100.00) or imprisonment not to exceed ten (10) days.