

**RESOLUTION APPROVING THE WATER SHORTAGE RESPONSE PLAN  
FOR THE TOWN OF WEAVERVILLE**

**WHEREAS**, North Carolina General Statute § 143-355(l) requires each unit of local government that provides public water service to develop water conservation measures to respond to drought or other water shortage conditions and submit the same to the Department of Environmental Quality for review and approval; and

**WHEREAS**, as required by the statute and in the interests of sound local planning the attached Water Shortage Response Plan for the Town of Weaverville has been developed and submitted to Town Council for approval; and

**WHEREAS**, Town Council of the Town of Weaverville finds that the attached Water Shortage Response Plan, codified as Division 5 of Chapter 30 of the Weaverville Code of Ordinance, as the same was amended on May 22, 2023, is in accordance with the provisions of North Carolina General Statute § 143-355(l) and that it will provide appropriate guidance for the future management of water supplies for the Town of Weaverville, as well as useful information to the Department of Environmental Quality for the development of a state water supply plan as required by statute;

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF WEAVERVILLE HEREBY RESOLVES**, that the Water Shortage Response Plan that is attached hereto is hereby approved and adopted and staff is directed to submit the same to the Department of Environmental Quality, Division of Water Resources, along with a copy of this resolution; and

**BE IT FURTHER RESOLVED** that Town Council intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years, or as otherwise requested by the Department of Environmental Quality, in accordance with the North Carolina law and sound planning practice.

**ADOPTED** this the 22nd day of May, 2023.

  
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**PATRICK FITZSIMMONS**, Mayor

**ATTESTED BY:**

  
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**JAMES ELLER**, Town Clerk



*CHAPTER 30 – UTILITIES*  
*DIVISION 5. WATER SHORTAGE RESPONSE PLAN*

**Sec. 30-151. Purpose.**

Publicly and privately owned water systems in North Carolina that are required to prepare a local water supply plan under N.C.G.S. 143-355(l) shall include a water shortage response plan (WSRP) outlining how the system will respond to drought or other water shortage emergencies and continue to meet essential public water supply needs during the emergency.

**Sec. 30-152. Definitions.**

In addition to the definitions provided in article I, the words defined in this section shall have the meaning herein ascribed:

*Available stream flow:* The flow at the Ivy River Raw Water Intake that will flow into the intake wet well. This is the total river flow minus any amount of said flow that cannot or will not flow freely into the intake wet well due to the topography of the stream bed.

*Controlled watering:* Minimal watering required to conserve ornamental plants or vegetables by hand watering or manually operated fixed systems where such watering is fully supervised to prevent excess watering, runoff or waste during the watering process.

*Emergency use restrictions:* This is the most restrictive phase of the WSRP and is to be implemented when water supply shortages reach critically low levels. Only water uses that are absolutely essential are permitted during emergency use restrictions. Penalties, fines and disconnection of water service apply to violations of emergency use restrictions as outlined herein.

*Mandatory use restrictions:* This is Phase II of the WSRP and is divided into two sub-phases, Stage 1 and Stage 2 in order to provide flexibility in the application of mandatory water restrictions. Penalties, fines and disconnection of water service may apply to violations of mandatory conservation as outlined herein. Conservation measures taken during mandatory conservation are intended to reduce water use by ten to 25 percent.

*Total production capacity:* The total amount of water that can be produced by the water system from all sources. This does not include water purchased from another system under any agreement or in emergency circumstances.

*Voluntary conservation:* This Phase I of the WSRP is to be implemented when conditions indicate the potential for water supply shortages. Measures taken during this phase are intended to reduce water use by five to ten percent. Although there is no penalty for violations, voluntary conservation measures are to be strongly encouraged or more stringent mandatory conservation may be imposed.

**Sec. 30-153. Applicability.**

The provision of this article shall be applicable if and when a potable water shortage exists or is imminent, or if any other situation exists that threatens seriously to disrupt or diminish the municipal water supply including, but not limited to, drought, waterline breaks or other large losses of water, contamination of the raw water supply, and extended power outages or other interruption in treatment plant operations.

### **Sec. 30-154. Authority to implement.**

If the availability of water so limits the water supply of the Weaverville Water System that unrestricted use of water may endanger the adequacy of water available to customers of the system the public works director or, in the absence of the public works director, the operator in responsible charge (ORC) of the Ivy River Treatment Plant shall make a recommendation to the town manager or in the absence the town manager, the mayor and he or she shall be responsible for enacting the water shortage response plan as outlined herein.

### **Sec. 30-155. Three-phase response program.**

In the event of a water shortage or impending shortage as outlined herein the town will respond based on the severity of the shortage and expected duration with the goal of bringing demand for drinking water in line with available supply.

The following three-phase program is established for conservation purposes:

Phase I - Voluntary Conservation

Phase II - Mandatory Use Restrictions (MUR)

Stage 1 Mandatory Use Restrictions

Stage 2 Mandatory Use Restrictions

Phase III - Emergency Use Restrictions

### **Sec. 30-156. Implementation triggers and response.**

Each phase shall be implemented as follows:

#### *(1) Phase I - Voluntary Conservation*

##### *Triggers*

Average daily use exceeds 80 percent of total production capacity for a period of seven consecutive days within a 30-day period and supplemental supply from Mars Hill is restricted or not available, or

System failure such as a water leak limits the ability to fill system reservoirs. Reservoir levels are maintained but not declining, or

Water plant operation is interrupted or limited on a temporary basis due to mechanical failure and adequate supplemental water is available from Mars Hill subject to voluntary conservation by the Mars Hill system, or

Any condition when the town manager and public works director are in agreement that conditions warrant voluntary use restrictions.

##### *Response*

Public works director to report to town manager per section 30-154.

Town manager implements WSRP.

Town manager to inform town council of situation.

Notify local news media (Asheville Citizen-Times, WLOS-TV, etc.) and ask for public announcements.

Post notice at town hall.

Notify NCDENR that WSRP has been implemented.

Notify Weaverville, Reems Creek and Jupiter fire departments of WSRP implementation.

All notices listed above shall include the WSRP Phase of restriction and measures to be taken by the public to conserve water.

Utilize water use reduction educational materials such as handouts and website if conditions are expected to continue for more than 30 days.

Begin monitoring per section 30-160.

*(2) Phase II - Stage 1 Mandatory Use Restriction.*

*Triggers*

Voluntary conservation measures have been in place for at least seven days and have failed to measurably reduce average daily consumption, or

Any condition when the town manager, public works director and water treatment ORC are in agreement that conditions warrant Stage 1 Mandatory Use Restrictions.

*Response*

Same response as Phase I Voluntary Restrictions, plus

Town Manager will use an emergency notification system or mailing to inform customers of the Step 1, MUR and may repeat announcements as necessary.

Update all posted notices to include details of Step 1 MUR provisions and list schedule of penalties.

*(3) Phase II - Stage 2 Mandatory Use Restriction*

*Triggers*

Average daily use exceeds 90 percent of total production capacity for a period of five consecutive days and supplemental supply from Mars Hill is restricted or not available and voluntary conservation measures or Stage 1 Mandatory Use Restrictions have been in place for at least 7 days, or

Water demand from the Ivy River Treatment Plant exceeds 50 percent available stream flow at the Ivy River Gage 03453000 near Marshall, NC, for two consecutive days after Stage 1 Mandatory Use Restrictions have been in place for seven days, or

System failure such as a water leak limits the ability to fill system reservoirs and reservoirs are declining. System failure is not expected to be corrected before system reservoirs drop below a one-day supply at current daily demand rate, or

Water plant operation is interrupted or limited on a temporary basis due to mechanical failure and water is available from Mars Hill but subject to mandatory use restrictions by the Mars Hill system, or

Any condition when the town manager, public works director and water treatment ORC are in agreement that conditions warrant Stage 1 Mandatory Use Restrictions.

*Response*

Same response as Phase I Voluntary Restrictions, plus

Town manager will use an emergency notification system or mailing to inform customers of the Stage 2 Mandatory Use Restrictions and will repeat announcements on weekly basis.

Update all posted notices to include details of Stage 2 Mandatory Use Restrictions provisions and list schedule of penalties.

Contact all commercial and industrial users by personal visits or telephone and advise them of the details of Stage 2 Mandatory Use Restrictions and penalties.

Contact local homeowner's associations and ask them to include notice of water use restrictions in newsletters and e-mails to members.

*(4) Phase III - Emergency Use Restriction*

*Triggers*

Average daily use exceeds 95 percent of total production capacity for a period of three consecutive days and supplemental supply from Mars Hill is restricted or not available and Stage 2 Mandatory Use Restrictions have been in place for at least seven days, or

Water demand from the Ivy River Treatment Plant exceeds 75 percent available stream flow the Ivy River Gage 03453000 near Marshall, NC, for two consecutive days after Phase II, Step 2 Mandatory Use Restrictions have been in place for five days, or

Any condition that limits the ability to fill system reservoirs and system reservoir levels have dropped below a one-day supply, or

Water plant operation is interrupted or limited by mechanical failure, interruption time is undetermined and supplemental water is not available from Mars Hill or emergency use restrictions are in place on the Mars Hill system, or

Any condition by majority vote of town council in regular or special session upon recommendation by the town manager.

*Response*

Same response as Phase I Voluntary Restrictions, plus

Town manager will use an emergency notification system or mailing to inform customers of the emergency use restrictions and will repeat announcements on weekly basis.

Update all posted notices to include details of emergency use restrictions provisions and list schedule of penalties.

Contact all commercial and industrial users and advise them of the details of Step 2 MUR provisions.

Contact local homeowners' associations and ask them to include notice of water use restrictions in newsletters and e-mails to members.

### **Sec. 30-157. Establishment of use classifications.**

In order to facilitate a fair and equitable WSRP, every water use will be classified into one of three classifications as follows:

#### *(1) Class I - Essential Water Uses*

Table 5.7.1 - Essential Water Uses			
a.	Domestic	•	Water necessary to sustain human life and the lives of domestic pets, and to maintain minimum standards of hygiene and sanitation, including necessary food preparation.
b.	Health Care	•	Patient care and rehabilitation.
		•	The filling and operation of swimming pools for health care and rehabilitation purposes.
c.	Public Use	•	Firefighting.
		•	Water system flushing for health and public protection purposes.
d.	All	•	The use of a minimal amount of water necessary to clean any surface which a health official has determined to be contaminated in a manner effecting health and safety.
		•	The washing of vehicles where the health and safety of the public requires frequent cleaning such as those that transport food and other perishables and vehicles used to transport sick or injured persons such as ambulances.

#### *(2) Class II - Socially or Economically Important Uses*

Table 5.7.2 - Socially or Economically Important Uses			
a.	Domestic	•	Home water use including kitchen, bathroom and laundry use.
		•	Controlled watering or drip irrigation of vegetable gardens.
		•	Watering of trees, shrubs and flowering plants where necessary to preserve them by controlled watering or drip irrigation.
b.	Commercial	•	Commercial vehicle washes and laundromats.
		•	Restaurants and hotels.
		•	Irrigation for commercial nurseries at a minimum level necessary to maintain stock.
		•	Controlled watering at a minimum rate necessary to establish vegetation following grading/building where such vegetation is required by law or regulation.
		•	Minimum amount required to maintain essential cooling operations.
c.	Public Use	•	Filling and operation of public swimming pools which serve more than 25 residents.
		•	Testing and drills by the fire department performed in the interest of public safety when specifically approved by the town manager.
d.	Industrial	•	Minimum use necessary to operate production facilities and maintain jobs.
		•	Minimum amount required to maintain essential cooling operations.
e.	All	•	The cleaning or power washing of building exteriors prior to painting or repair and not solely for aesthetic purposes.

(3) *Class III - Non-Essential Uses*

Table 5.7.3 - Non-Essential Uses			
a.	All	•	Ornamental uses such as fountains and artificial waterfalls.
		•	Filling and operation for recreational swimming pools which serving fewer than 25 residents and which are not open to the general public.
		•	Washdown of driveway and other impervious surfaces except as provided for in subsection 30-156(1).
		•	Noncommercial washing of motor vehicles, campers, boats, etc., except as provided for in subsection 30-156(1).
		•	Allowing any tap, hose or pipe to run open for any purpose.
b.	Residential	•	Lawn irrigation.
		•	Automatic irrigation of trees, shrubs, and ornamental plants except when limited to one watering per week between the hours of 4:00 a.m. and 7:00 a.m.
c.	Commercial	•	Serving water in restaurants except by request.
		•	Cooling systems that rely solely on evaporation.
d.	Public use	•	Irrigation of lawns, gardens, parks, playing fields and recreational areas.

**Sec. 30-158. Use restrictions.**

Upon implementation of water restrictions Phase I through Phase III as outlined herein, all water usage by customers of the Weaverville Water System shall immediately respond by conserving water according to the following table. Any water system purchasing water from the Weaverville Water System shall implement similar conservation measures on said system or immediately discontinue using Weaverville water.

Use Class	Phase I Voluntary Conservation	Phase II Step 1 Mandatory Use Restrictions	Phase II Step 2 Mandatory Use Restrictions	Phase III Emergency Use Restrictions
Class 1. Essential	Voluntary conservation	Voluntary conservation	Voluntary conservation	Additional conservation
Class 2. Socially or economically important	Voluntary conservation	Voluntary conservation	Additional conservation	Prohibited
Class 3. Nonessential	Voluntary conservation	Prohibited	Prohibited	Prohibited

**Sec. 30-159. Enforcement penalties.**

- (1) *Penalties.* The following penalties outlined in the following table shall be imposed for violations of the provisions of this article:

Table 5.9.1 Penalties			
Offence	Phase I Voluntary Conservation	Phase II Steps 1 and 2 Mandatory Use Restrictions	Phase III Emergency Use Restrictions

First	Issue public awareness notice	Notice of violation	\$100.00 fine
Second	Issue public awareness notice	\$100.00 fine	\$500.00 fine
Third	Issue public awareness notice	\$250.00 fine	Disconnection of service
More than three offenses	Issue public awareness notice	Disconnection of service	N/A

- (2) *Fines, disconnection and reinstatement.* The town manager is hereby authorized to disconnect water service to any customer who repeatedly violates the provisions of this article in accordance with the penalties outlined herein.

All fines prescribed for violations of this water shortage response plan shall be enforceable in the same manner as any other fees and charges for water service from the town.

Should it become necessary to disconnect the water service from any premises in accordance with Table 5.9.1 said water service will not be restored until that phase of the water restrictions have been lifted. Said service shall be subject to a reconnection fee in the same manner as a water service that has been terminated for nonpayment.

### **Sec. 30-160. Monitoring.**

The Weaverville Water System is equipped with supervisory control and data acquisition systems (SCADA) which continuously monitor critical data, including all system reservoirs, the level of the Ivy River at the intake, and water production and pumping flow rates. Monitored data is retained in historical files readily available for review and trending. The SCADA systems will be used as the primary source of data for monitoring of water supply conditions.

During any stage of implementation of the WSRP the public works director and the Ivy River Treatment ORC shall monitor the effectiveness of any Phase of the WSRP by reviewing water demand, weather forecasts, system reservoir levels, etc., in accordance with the following table:

Table 5.9 - System Monitoring	
WSRP Restriction Level	Review Schedule
Voluntary conservation	Weekly
Stage 1 Mandatory Use Restrictions	Weekly
Stage 2 Mandatory Use Restrictions	Daily
Emergency Use Restrictions	Twice Daily



**Sec. 30-161. Duration.**

Any water shortage declaration as provided herein shall remain in effect until it has been determined that water supplies and service conditions have returned to normal. The decision to issue, upgrade, downgrade or withdraw the level of declaration will be made in the same manner as described in section 30-154 of this article.

**Sec. 30-162. Public input.**

Prior to the initial adoption of division 5 of this article or any amendment thereto, the town council shall designate a time to receive public comment on the water shortage response plan or amendment thereto, provided further that the WSRP, or any amendment thereto shall be available for public inspection at Weaverville Town Hall for a period of at least seven days prior to receiving public comment, and that notice of the public comment meeting has been made in accordance with G.S. 160A-71.

**Sec. 30-163. Variances and variance criteria.**

Any person, company or corporation (applicant) requesting a variance from the requirements of the WSRP as contained in this division may do so in accordance with section 30-33 of this chapter.

Variances from the provision of this article may be granted if the hearing authority, as determined in section 30-33, determines that there are special conditions specific to the applicant with regard to use class that are not applicable to the use class as a whole and that granting a variance will not adversely effect other users of the system or cause the triggering of a more restrictive phase of the WSRP. In no case however, shall a nonessential use of water be permitted during any period of Phase III - Emergency Use Restrictions.

Any variance granted under this section shall become null and void if a more restrictive stage of the WSRP is implemented. Nothing in this section shall prevent any applicant from reapplying for the same or a different variance after any change in the WSRP to a more or less restrictive phase.

**Sec. 30-164. Revisions and review.**

The town manager shall be responsible for reviewing the provisions of this article and making recommendations to the town council for amendments thereto. Such review shall take place after implementation of any emergency restrictions, upon changes in available water supply such as water plant expansion or new interconnections with other approved systems, and otherwise at intervals not to exceed five years.