

WATER SHORTAGE RESPONSE SUMMARY

Recently enacted rules governing water use during droughts and water supply emergencies (15A NCAC 02E .607) require water systems that have to prepare a Local Water Supply Plan to address the following points in the Water Shortage Response Plan.

A. Who (Name and Title) is responsible for implementing the water shortage protocols?
Chuck Smith, Interim Water Resources Director
B. How will water users and system employees be notified when the water shortage response protocols are activated?
By Radio, TV, Local Newspaper, City Website, and any other available resources
C. How will water users be informed of required response measures?
By Radio, TV, Local Newspaper, City Website, and any other available resources
D. What specific measurements of available supply, demand, and system conditions will be used to determine the severity of a drinking water shortage?
Announcements by the Drought Management Advisory Groups (DMAG) will relay current basin information to its members and determine the Stage 0-5 the providers are to follow. Depending on the Stage the DMAG group can call for reductions in withdrawals and reducing of system use to maintain adequate river flow. The NCDMAC would also be a driver if reductions of 3-5% are triggered by Ordinance.
E. What specific conditions will be used to trigger drinking water use reduction measures and the movement to more restrictive measures?
Different levels of restrictions are triggered by any reductions requests generated by DMAG, NCDMAC, or as the result of a local supply shortage due to operational disruptions.
F. What levels of response are required?
See Ordinance on pages 8 and 9.
G. How will the provisions of the water shortage response protocols be enforced?
Monitoring and Civil penalties

H. How will your customers be given opportunities to review and comment on the water shortage response protocols before they are finalized?
A public hearing was held before the Ordinance Water Shortage Response Procedures and the Water Shortage Plan was approved by Council. Any changes in the Ordinance will require a public hearing.
I. How will variance requests be processed?
The Ordinance, on page 14, gives the Director authority to grant variances in certain circumstances as stated in the Ordinance.
J. What criteria will be used to decide if a variance will be granted?
Guidelines are stated in the Ordinance on page 14 and a variance form has been developed. It has been attached to the Water Shortage Plan.
K. How will the effectiveness of the water shortage protocols be measured?
Effectiveness will be monitored by daily treatment demands. Specific data points will also be monitored that effect these restrictions when practical.
L. How will the protocols be revised when needed?
We will conduct Public Hearings and seek Council Action based on the results of the Hearings.
M. Does the system depend on water storage in an impoundment not owned by the system?
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
N. If yes, are the water shortage response protocols consistent with the Water Shortage Response Plan provisions established by the owner of the impoundment?
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>



Water Shortage Monitoring and Management Plan

General

Terms used in this plan have definitions provided in the Water Shortage Response Ordinance, Statesville Code of Ordinances Section 23-67. The Ordinance has primacy over this document if anything in this document conflicts any way with the Ordinance.

Water Systems and Sources Monitoring

Objective

Monitor the Water System and the water sources to identify and anticipate circumstances that may make operational adjustments or a water shortage declaration appropriate and report these conditions to the Manager.

Actions and Assignments

- I. The Director shall identify and monitor communications from NCDMAC, DMAG, and pertinent data relative to the water systems and sources that may indicate or predict water shortages.
- II. The Director shall keep the Manager advised of the occurrence of conditions that indicative or predictive of water shortages.

Operational Adjustments

Objective

Achieve consistency of the Water System with the Catawba River Low-Inflow Protocol water use reduction goals and achieve other objectives consistent with the Ordinance.

Actions and Assignments

The Director may make operational adjustments in the water system, not limited to, increasing the amount of water withdrawn from sources other than the Catawba basin sources and make corresponding decreases in the amount of water withdrawn through the intake on the Catawba River basin.

The Director may make other additional operational adjustments based on water shortage(s) or other circumstances to include the following:

- Make water distribution available through hydrants that are equipped to dispense potable water.
- Make water available for fire suppression and protection where possible and through appropriate means.

- Ensure that Medical Facilities are placed at the highest priority to ensure adequate water supplies to maintain public health.
- Close valves in the Distribution System to direct water to meet essential priority needs.

Communications

Objectives

- Maintain effective communications to the Manager and relay current water storage information.
- Maintain effective communications to the General Public, System Customers, City Personnel, NCDMAC, and DMAG of any Declaration of Water Shortages and any other related water conservation stages, goals, current conservation measures, and water usage trends.

Actions and Assignments

- I. The Director will provide the Manager with regular updates on water shortage information.
- II. The Director and the Public Information Officer will complete the following in the event a Water Shortage Declaration has been issued:
 - a. Make any and all communications and notifications as required by the Ordinance or Declaration.
 - b. Publish the Water Shortage Declaration and current conditions through Electronic Media, Local Newspaper, Mailings, Television Ads, and Emails to all City Departments.
 - c. Send a notice to Parks and Recreation Department regarding maintenance of Athletic Fields.
 - d. Notify Customers, Wholesale Customers, and Large Customers of the Water Shortage Declaration and current conditions.
 - e. Publish water use goals and provide adequate explanation of said goals.
 - f. Provide updates related to current status to the DMAG group on actual water withdrawals and input for changing current Stage.
 - g. Issue any pertinent Advisories to our Customers whenever required, e.g. Boil Water Advisories.
 - h. Convene a meeting with Wholesale and Bulk Customers to request individual plans for each Customer to reduce water use consumption.
 - i. Convene and provide appropriate training for personnel in Water Resources, Electric, Planning, Parks and Recreation, Finance, Human Resources, Fire, Public Works, Police, and Administration.

Compliance Monitoring and Enforcement

Objective

Promote compliance with Declarations and the Ordinance by patrolling the system to monitor for compliance, directing violators to comply, issue citations for violations; by assessing civil penalties and by recommending additional enforcement actions when appropriate.

Actions and Assignments

Staff will take the following actions when a Water Shortage Declaration has been issued:

- I. The Director shall convene the initial meeting of the Water Shortage Leadership Team (Water and Wastewater Supervisors, Public Information Officer, Human Resources Director, Representative from Finance, Water Resources Director, Assistant Water Resources Director, and a Representative from the Police Department.
- II. The Director will convene the initial meeting of the Water Shortage Leadership Team with the enforcement team members from the Collections and Distribution Department, Water Plant Supervisor, Police Department, Meter Readers, Water Plant Staff, Water Resources Staff, and other City Personnel if required. The purpose of this meeting will consist of training, equipping, and mobilization the Enforcement Team members to patrol the system to monitor compliance with the Plan, direct violators to comply with the Declaration and Ordinance and issue citations for violations.
- III. The Water Shortage Leadership Team shall convene weekly meetings to discuss the following:
 - a. Schedule patrols to maximize compliance. Schedules may be changed to monitor the system during peak times and to monitor for irrigation violations.
 - b. Update water shortage data.
 - c. Create, modify, and distribute data and related forms to the Enforcement Team members.
 - d. Train Enforcement Team Members to conduct compliance monitoring, to direct violators into compliance with the Declaration and Ordinance, and issue citations when necessary. Training may include the following:
 - i. A citation for a violation is warranted when an Enforcement Team Member observes watering or sees that watering is evident during prohibited days or times, including but not limited to, sprinkler spray pattern on driveway, sidewalk, street, or parking lot; runoff from sprinkler or hose use; wet turf in the absence of rain.
 - ii. Prior to issuing the citation the Enforcement Team member should review the data sheet containing the list of variances granted, previous citations issued, and if a well water user. Well water is not subject to mandatory water conservation measures.
 - iii. Customers given a variance must comply with the stated conditions on the variance form and must post the variance form onsite.
 - iv. When a violation is determined to have occurred the authorized employee should:
 1. Confirm all appropriate meter and street information.
 2. Leave a copy of the citation at the site of the violation which contains information about the mandatory water conservation measures and the violations.
 3. Maintain a copy of the citation and turn it into a team leader at the end of patrol shift.
 4. Offer the customer a brochure with conservation information.
 5. Refer all questions about the violation to the Water Resources Office number.
 - v. If a customer refuses to stop his water use, after being informed of the violation, authorized employees should alert Water Resources Office for further directions.
 - vi. City Employees should not attempt to operate a customer's automatic sprinkler timer.

- vii. Employees are to refer to the provided information sheets if questioned about the mandatory water conservation measures or civil penalties.
 - viii. In the event that a customer becomes hostile or threatening the employee should leave the customer's property and contact the Water Resources Office for further support and directions.
 - ix. Team members should turn in all violation notices and variance lists to their Team Leaders at the end of their shift.
 - x. Team Leaders must submit all updated monitoring results to Water Resources Office at the end of their shift.
- IV. Under the supervision of the Director and the Water Shortage Leadership Team will direct Enforcement Team Members to perform the following after a Water Shortage Declaration has been issued:
- a. Patrol for monitoring for compliance and identifying violations of the Declaration and Ordinance.
 - b. Direct violators to comply with the Declaration and Ordinance.
 - c. Issue citations to violators.
 - d. Meet weekly with the Water Shortage Leadership Team for training and updates.
- V. The Director shall be responsible for the assessment of civil penalties against violators who have been issued citations and for the referral to the Manager of appropriate cases for additional enforcement actions.

Appeals

Appeals shall be considered and decide as provided in the Ordinance.

Variations

A variance from the water conservations measures pursuant to a Water Shortage Declaration may be granted by the Director as provided in the Ordinance.

In order to qualify for a variance, an applicant must apply in writing on a Variance Request Form provided by the Director and produce all necessary information for consideration. The Variance Form, once signed by the Director, will be returned to the customer and must be displayed onsite. All variance expire as provided in the Ordinance.



MANDATORY WATER CONSERVATION VARIANCE REQUEST FORM

APPLICANT'S NAME: _____

APPLICANT'S ADDRESS: _____

APPLICANT'S PHONE NUMBER: _____

APPLICANT'S ACCOUNT NUMBER: _____

DATE SUBMITTED TO DIRECTOR: _____

GROUND FOR VARIANCE TO ALLOW WATER USE IN A MANNER THAT WOULD OTHERWISE BE PROHIBITED:

DECISION BY DIRECTOR: ___ DENIED ___ GRANTED

CONDITIONS OF VARIANCE ONCE GRANTED: _____

DIRECTOR'S SIGNATURE: _____

DATE: _____

If variance is granted, this form must be prominently displayed during water use that is authorized by such variance.

**AN ORDINANCE OF THE CITY OF STATESVILLE
ESTABLISHING WATER SHORTAGE RESPONSE PROCEDURES**

WHEREAS, the City of Statesville owns and operates a water treatment and distribution system that provides potable water and fire fighting flows to an extensive service area that includes all of the City of Statesville and large adjoining areas of Iredell County; and

WHEREAS, the reliable operation of the system is essential to the health, safety, and welfare of the North Carolinians in its service area; and

WHEREAS, reliable operation of the system requires effective, flexible, and prompt proactive and reactive responses to the water shortages that can be caused by drought and other climatic events, mechanical failures, operational disruptions, accidental or intentional damages to infrastructure, and other adverse circumstances; and

WHEREAS, the City of Statesville is required by North Carolina General Statutes § 143-355(l) to include in its Local Water Supply Plan a Water Shortage Response Plan; and

WHEREAS, this Ordinance and the City of Statesville Water Shortage Monitoring and Management Plan will constitute Statesville's Water Shortage Response Plan; and

WHEREAS, the City of Statesville relies on a raw water intake on the Catawba River, located on land owned by Duke Energy, LLC pursuant to an easement, a raw water intake located on the South Yadkin River, a potable water supply interconnection with the City of Salisbury, and wells to satisfy the needs of the system's service area; and

WHEREAS, the City of Statesville coordinates its overall water shortage response with the State of North Carolina, and, in addition, coordinates with the Catawba-Wateree Drought Management Advisory Group regarding the Catawba River Basin:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Statesville:

1. That Division 2 of Article III of Chapter 23 of the Code of the City of Statesville is repealed and a new Division 2 of Article III of Chapter 23 of the Code of the City of Statesville is enacted, is titled "Water Shortage Response Procedures", and reads as follows:

Section 23-67. Purpose.

The purpose of Division 2 of Article III of Chapter 23 (referred to herein as "this Division" is to provide sufficient authority to the City Manager and the Director of Water Resources under the supervision of the City Manager to develop and implement measures that respond to water shortages in a manner that is reasonably expected to: minimize harmful impacts on the public health, safety, and welfare, including the local economy; be consistent with state law and guidance from state drought management authorities; and, when appropriate, reduce Statesville's Catawba River water use consistent with the Catawba River Low Inflow Protocol. This Division shall be liberally construed to affect such purpose.

Section 23-68. Definitions.

The purpose of this Division, the following terms, phrases, words and their derivations shall have the meanings stated herein; and words not defined in this Division shall have the meanings stated in Chapter 1 of the Code of the City of Statesville.

Catawba River Low Inflow Protocol or *Catawba LIP* shall mean the written set of procedures for reductions in water use during periods of droughts and other emergency conditions published by DMAG.

Customer shall mean any person in whose name the City maintains an account for water use.

Director shall mean the Director of Water Resources for the City of Statesville.

Drought Advisory shall mean an advisory issued by the NCDMAC that delineates the geographic extent and severity of a drought as follows: Abnormally Dry, Moderate Drought, Severe Drought, Extreme Drought, or Exceptional Drought.

Drought Management Group or *DMAG* shall mean the team of owners of large water intakes in the Catawba-Wateree River Basin, state, federal agencies, and Duke Energies, LLC that has formulated a basin-wide, shared response for low inflow conditions that may affect the Reservoirs of the hydropower developments operated by Duke Energies, LLC on the Catawba River Basin.

Enforcement Team Member shall mean a City Employee or other person authorized by the Manager to monitor compliance, issue citations to users and other persons for violations, and direct users and other persons to cease violations.

Manager shall mean the City Manager of the City of Statesville, North Carolina.

NCDMAC shall mean the North Carolina Drought Management Advisory Council.

Noncompliant Water Use shall mean any use or release of water from the water system in a manner that does not comply with the mandatory water conservation measure in a water shortage declaration or with a variance pursuant to this Division.

User shall mean any person, including a Customer, who, with or without the City's knowledge; receives or releases or is capable of receiving or releasing water from the water system; or owns, controls, or is otherwise responsible for, personal or real property that receives or releases or is capable of receiving or releasing water from the water system.

Water Shortage Factors shall mean relevant water quantity and quality information; the water conservation stages, water use goals, water shortage criteria, and water conservation measures listed in Table 1 and Table 2 of this Division; recommendations from the Director of Water Resources; available pressures at various points in the water system; the water system's ability to maintain adequate storage tank levels; downstream conditions including water shortages for other public water suppliers; and other relevant factors.

Water Sources shall mean the multiple water sources that supply the water system, including but not limited to the intake on the Catawba River, the intake of the South Yadkin River, and the Statesville-Salisbury water supply interconnection.

Water System shall mean the City of Statesville's potable water treatment and distribution system.

Section 23-69. Operational Adjustments by Director

The Director shall have the authority to make operational adjustments in the water system, including but not limited to, adjusting the relative amounts of water being received by the water system from the water sources in order to achieve consistency of the water system with the Catawba Low Inflow Protocol, a drought advisory, or for other appropriate purposes consistent with this Division. Operational adjustments may be made without a declaration of water shortage pursuant to Section 23-70.

Section 23-70. Declaration of Water Shortage

The Manager, or in absence of the Manager, the Director, after careful consideration of the water shortage factors, may declare a water shortage for the entire water system or for a portion of the water system by signing a Declaration of Water Shortage ("Declaration"). Upon signing the declaration, the water conservation measures identified in Table 1 and Table 2, and any additional measures or modifications of measures stated in the declaration, shall be in effect. A Declaration shall include the following information:

1. The date and time the declaration is to take effect;
2. The expiration date and time, if any;
3. Facts supporting the Declaration;
4. A statement that the area served by the entire water system is affected by the declaration or, alternatively, that an area served by a portion of the water system is affected by the Declaration;
5. The water conservation stage and water use goal;
6. Any voluntary conservation measures;
7. Any mandatory water conservation measures;
8. Notice that violations of mandatory water conservation measures are subject to civil penalty assessments and other enforcement actions; and
9. Notice that a procedure for requesting a waiver of requirements under some limited circumstances.

Table 1. Water Use Goals, Water Shortage Criteria, and Water Conservation Measures

Water Use Goal	Water Shortage Criteria	Water Conservation Measures
1A: Reduce Catawba River water use 3% to 5% (below normal use)	DMAG declares Stage 1 and water use goal not achieved through use of sources other than Catawba.	Stage 1 conservation measures, as specified in Table 2 of this Division, except as otherwise provided in a Declaration
1B: Reduce system or portion of system water use 3% to 5% (below normal use)	NCDMAC Drought Advisory, water system operational disruption, or other factors warrant reduction of use by 3% to 5%.	
2A: Reduce Catawba River water use 5% to 10% (below normal use)	DMAG declares Stage 2 and water use goal not achieved through the use of sources other than Catawba.	Stage 2 conservation measures, as specified in Table 2 of the Division, except as otherwise provided in a declaration.
2B: Reduce system or portion of system water use 5% to 10% (below normal use)	NCDMAC drought advisory, water system operational disruption, or other factors warrant reduction of use by 5% to 10%.	
3A: Reduce Catawba River water use by 10% to 20% (below normal use)	DMAG declares Stage 3 and water use goal not achieved through the use of sources other than the Catawba.	Stage 3 conservation measures, as specified in Table 2 of this Division, except as otherwise provided in a Declaration.
3B: Reduce system or a portion of system water use 10% to 20% (below normal use)	NCDMAC drought advisory, water system operational disruption, or other factors warrant reduction of use by 10% to 20%.	
4A: Reduce Catawba River water use 20% to 30% (below normal use)	DMAG declares Stage 4 and water use goal not achieved through the use of sources other than the Catawba.	Stage 4 conservation measures, as specified in Table 2 of this Division, except as otherwise provided in a Declaration.
4B: Reduce system or portion of system water use 20% to 30% (below normal use) or other reduction as specified in a declaration	NCDMAC drought advisory, water system operational disruption, or other factors warrant reduction of use by 20% to 30%.	

Table 2. Stage 1, Stage2, Stage 3, and Stage 4 Water Conservation Measures

Water Conservation Stage	Water Conservation Measures
Stage 1	Voluntary limitation of lawn and landscape irrigation to the following times and locations: <ol style="list-style-type: none"> 1. At odd-numbered street addresses from Tuesday 8 PM to Wednesday 8 AM and Saturday 8 PM to Sunday 8 AM. 2. At even-numbered street addresses and unnumbered addresses from Thursday 8 PM to Friday 8 AM and Sunday 8 PM to Monday 8 AM.
	Voluntary reduction in residential vehicle washing.
	If the Director determines the need for additional measures to better achieve the water use goal, the Director may publish additional voluntary water conservation measures and may impose mandatory water conservation measures at City facilities.
Stage 2	Irrigation is prohibited except as follows: <ol style="list-style-type: none"> 1. Lawn and Landscape irrigation at the following times and locations: <ol style="list-style-type: none"> a) At odd-numbered street addresses from Tuesday 8 PM to Wednesday 8 AM and Saturday 8 PM to Sunday 8 AM. b) At even-numbered street addresses and unnumbered addresses from Thursday 8 PM to Friday 8 AM and Sunday 8 PM to Monday 8 AM. 2. Tree and Bed irrigation by bubble, drip, or hand irrigation only 3. Watering of Athletic Fields and Golf Course fairways in compliance with an alternative watering plan approved by the Director.
	Residential vehicle washing is prohibited
	Voluntary reduction of all water consumption and deferral of non-essential water uses to early morning or late evening hours.
	The washing of public buildings, sidewalks, and streets are prohibited except as required for safety and for compliance with safety and health regulations.
	If the Director determines the need for additional measures to better achieve the water use goal, the Director may publish additional voluntary measures and may impose mandatory water conservation measures at City facilities.
Stage 3	Irrigation is prohibited except as follows: <ol style="list-style-type: none"> 1. Tree and Bed irrigation by bubble, drip, or hand irrigation methods only at the following times and locations: <ol style="list-style-type: none"> a) At odd-numbered street addresses from Saturday 8 PM to Sunday 8 AM. b) At even-numbered street addresses and unnumbered street addresses from Sunday 8 PM to Monday 8 AM. 2. Watering of Athletic Fields and Golf Course fairways in compliance with an alternative watering plan approved by the Director.
	Residential vehicle washing is prohibited.
	Voluntary reduction of all water consumption and deferral of non-essential water uses to early morning or late evening hours.
	The washing of public buildings, sidewalks, and streets are prohibited except as required for safety and for compliance with safety and health regulations.
	Outdoor ornamental water use (fountains and ponds without fish) is prohibited.
	Filling and refilling swimming pools is prohibited (top-offs are allowed)
	Dust suppression, street washing, and hydrant flushing are prohibited except to maintain safety, water quality, and regulatory compliance.
	Voluntary Industrial water use reductions through process changes; Employers are asked to educate their employees about water conservation.
	If the Director determines the need for additional measures to better achieve the water use goal, the Director may publish additional voluntary measures and may impose mandatory water conservation measures at City facilities.

Table 2. (Continued)

Stage 4	All irrigation is prohibited.
	Residential vehicle washing is prohibited.
	Outdoor ornamental water use (fountains and ponds) is prohibited.
	Filling, refilling, and topping-off swimming pools, hot tubs, and similar uses is prohibited.
	Voluntary reduction of all water consumption and deferral of non-essential water uses to early morning or late evening hours.
	The washing of public buildings, sidewalks, and streets is prohibited except as required for safety and for compliance with safety and health regulations.
	Dust suppression, street washing, and hydrant flushing are prohibited except to maintain safety, water quality, and regulatory compliance.
	Voluntary industrial water use reductions through process changes; employers are asked to educate their employees about water conservation.
	Users who have essential water uses (Hospitals, Nursing Homes, Emergency Care Providers, etc.) are asked to monitor their water use and implement measures to conserve water.
	If the Director determines the need for additional measures to better achieve the water use goal, the Director may publish additional voluntary measures and may impose mandatory water conservation measures at City facilities.

Section 23-71. Declaration Amendment, Suspension, and Termination.

The Manager, or in the absence of the Manager, the Director, after consideration of water shortage factors, may amend, suspend, or terminate a declaration a declaration at any time by signing a written instrument stating such action. City Council may issue, amend, suspend, or terminate a Declaration.

Section 23-72. Water Shortage Monitoring and Management Plan.

The Manager shall develop and implement a water shortage monitoring and management plan that includes, but is not limited to, plans for the following City actions to anticipate and respond to water shortages:

- a) Monitor the water system and water sources in order to identify and anticipate circumstances that may make a declaration appropriate, to evaluate water shortage factors, to determine the need of operational adjustments, to address the appropriateness of a declaration or the appropriateness of amending, suspending, or terminating the declaration, to review or determine compliance with a declaration, to assess the need to revise or amend this Division or the water shortage monitoring and management plan, or for other purposes consistent with this Division.
- b) Communications to City personnel, customers, users, the public, NCDMAC, DMAG, City of Salisbury, and any other water supply interconnection partners, and other appropriate parties identified by the Manager.
- c) Monitoring, including enforcement team members patrolling the water system, to identify violations of water conservation measures while the Declaration is in effect.
- d) Issuance by Enforcement Team Members of citations to users and other persons for violations of mandatory water conservation measures, assessment of civil penalties by the Director, and recommendation by the Director to the Manager of cases for additional enforcement actions.
- e) Other management needs identified by the Manager.

Section 23-73. Suspension of Issuance of Other Permits/Approvals.

After consideration of the water shortage factors, the Manager, or in absence of the Manager, the Director, may suspend, or direct the appropriate City Official to suspend the issuance of zoning permits and other approvals that involve waterline connections or extensions or any upgrade in capacity for water usage, for the period or a portion of the period that a declaration imposes mandatory water conservation measures.

Section 23-74. Suspension of Water Service.

After consideration of the water shortage factors, the Manager, or in absence of the Manager, the Director, may suspend service to a specific user connected to the water system, including a bulk user, for the period or a portion of the period that a declaration imposes mandatory water conservation measures. Whenever circumstances allow, the user shall be provided notice of suspension twenty-four hours in advance of the suspension of service. Approval of City Council is required before suspending service to a Public School satisfying compulsory education requirements of the State, a public facility for the Police Department, Sheriff, Fire Department, or other Emergency Services including Hospitals.

Section 23-75. Variances.

General. After considering the stage of water conservation, the type of mandatory limitations required for that stage, the anticipate quantity of water to be used and any other appropriate factors, the Director may grant a variance that permits a user to use water in a matter that would otherwise be prohibited by a declaration then in effect, in the following circumstances:

1. A public of volunteer Fire Department during any training exercise reasonably necessary to maintain effective fire fighting capabilities.
2. A user undertaking an activity required by law.
3. Any user or other person proposing to eliminate or reduce unsanitary or unsafe conditions that pose a substantial risk of injury or disease.
4. During Stage 2, a user seeking water, during specified hours and under special conditions for outdoor water use, a new lawn and/or newly landscaped area on the day of installation and thirty days thereafter; and if requested and warranted, an additional thirty days.
5. During Stage 3, a user seeking to water, during specified hours and under special conditions for outdoor water use, a new lawn and/or newly landscaped area that was installed prior to Stage 3, for a period of thirty days. No new landscape installations installed after a Stage 3 declaration takes effect will be granted a variance.
6. Unusually severe circumstances that make it both appropriate and necessary to allow water use that is otherwise prohibited.

Variance Conditions. In granting a variance, the Director may impose such conditions as the Director determines are reasonably necessary to minimize any adverse effect the variance may have on the purposes or effects of the Declaration.

Variance Expiration. Any variance shall contain an expiration date at which time the variance shall no longer apply. In the event a variance is limited to a particular water conservation stage, then such variance shall automatically expire when the stage expires.

Section 23-76. Enforcement.

(a) Violations. During the period that a declaration is in effect each of following shall constitute a separate violation of the Division and shall be unlawful:

1. Causing or contributing to a noncompliant water use;
2. Failure by any person causing or contributing to a noncompliant water use to immediately cause such noncompliant water use to cease upon notification by an Enforcement Team Member that the noncompliant water use is prohibited; and
3. Failure by any person who owns, operates, or otherwise controls pipes, fixtures, or other plumbing to repair a leak in such pipes, fixtures, or other plumbing within five calendar days of receiving notice from the Director to repair the leak.

(b) Separate Violations. Each day that a violation of the Division occurs shall constitute a separate violation. In addition, if a person, after receiving a citation pursuant to this Division and ceasing such violation, resumes the same violation on the same day, the resumption of the violation shall constitute an additional, separate violation.

(c) Issuance of Citations for Violations. The Director and Enforcement Team Members, under the direction and supervision of the Director, shall monitor compliance with a declaration and this Division and shall issue written citations to any person who commits a violation identified by Section 23-76(a)-(b). The Manager is authorized to approve citation forms that may be used by Enforcement Team Members for the issuance of citations. Citations may be issued without the use of such forms, but citations must be in writing and reasonably identify the violation.

(d) Enforcement Actions. Any violation of this Division may be enforced by the assessment of a civil penalty by the Director as provided by this Division, suspension of service, an action for injunction, order of abatement or equitable relief, and by any and all other remedies authorized by law for noncompliance with municipal ordinances.

(e) Civil Penalties. Any person who commits a violation identified by Section 23-76(a)-(b) or any person who otherwise causes or contributes to a violation of this Division shall be subject to assessment by the Director of a civil penalty and shall be required to pay to the City of Statesville the amount of the civil penalty. Civil penalties shall be assessed and paid according to the following schedule of penalties:

PENALTIES FOR VIOLATIONS OF STAGES 2A and 2B MANDATORY WATER CONSERVATION MEASURES OR VARIANCES AND FOR OTHER VIOLATIONS OF A DECLARATION OR THIS DIVISION EXCEPT VIOLATION OF STAGES 3A, 3B, 4A, and 4B MANDATORY WATER CONSERVATION MEASURES OR VARIANCES:

First Violation	\$100
Second Violation	\$200
Third or Subsequent Violation	\$300

PENALTIES FOR VIOLATION OF STAGES 3A, 3B, 4A and 4B MANDATORY WATER CONSERVATION MEASURES OR VARIANCES:

First Violation	\$200
Second Violation	\$400
Third or Subsequent Violations	\$600

(f) Assessment of Civil Penalties. A civil penalty assessment shall be in writing and shall describe the appeal rights of the person against whom the civil penalty is assessed.

(g) Collection of Civil Penalty Assessed Against Customers. No sooner than ten days after receipt by a customer of written notice of a civil penalty assessment, or at the conclusion of any appeals, whichever is later, the assessment shall be added to customer’s water bill, shall be paid in the same manner as set forth in this chapter for the payment of water bills, and shall be subject to the same remedies available to the City for failure to timely pay a water bill.

(h) Collection of Civil Penalty Assessed Against Persons Other Than Customers. No later than thirty days after receipt by a person other than a customer of written notice of a civil penalty assessment or at the conclusion of any appeals, whichever is later, the amount assessment shall be paid to the City by the person responsible for payment of the civil penalty. If payment is not timely made, the city may use any and all remedies available to it pursuant to ordinance, statute, and common law for collection of the amount of the assessment.

Section 23-77. Appeal of Civil Penalty Assessment.

(a) Based on Erroneous Citation. A person assessed a civil penalty may appeal the assessment on the grounds that the citation on which the assessment was based was issued for circumstances that did not constitute an actual violation by delivering to the Manager, no later than ten days after receiving notice of assessment, which attaches a copy of the citation and provides all of the information indicated in a notice of appeal of civil penalty assessment form, as follows:

NOTICE OF APPEAL OF CIVIL PENALTY ASSESSMENT

Your Name: _____

Date of Citation for violating Water Shortage Response Procedures Ordinance: _____

Is a copy of the citation attached as required for this appeal? _____

Date that you received notice of civil penalty assessment: _____

State your grounds for asserting that you did not violate the Water Shortage Response Procedures Ordinance: _____

(Attach pages if additional space is needed)

Once an appeal is filed, the Manager may modify or rescind the citation and the assessment if the Manager determines that the citation on which the assessment was based was issued for circumstances that did not constitute an actual violation.

(b) Based on Other Grounds. An appeal of a denial of an appeal pursuant to Section 23-77(a) or an appeal of a civil penalty assessment on grounds other than the grounds provided in Section 23-77(a) may only be made pursuant to Section 5-1 of the Code of the City of Statesville.

Section 23-78. Appeal of Service Suspension.

A user whose service is suspended or who receive notice of suspension may appeal the suspension or notice of suspension pursuant to Section 5-1 of the Code of the City of Statesville.

Section 23-79. Use of Water from Sources Other than the Water System.

The use of water from sources other than the water system shall be subject to this Division in the same manner as the use of water from the water system, except as follows:

(a) Private Wells. The use of water from private wells shall be subject to this Division unless the use satisfies all of the following requirements:

1. **Posting of Sign.** During the period that a declaration is in effect, there shall be a sign conspicuously posted at the location of the private well water use sign provided by the Director for that purpose.
2. **Verification.** Upon request by an Enforcement Team Member, any person claiming to be using water that is from a private well and not the water system shall demonstrate to the satisfaction of the Enforcement Team Member that the water being used is from a private well and not the water system and shall fully cooperate with any Enforcement Team Member in the sampling and analysis of the water being used.
3. **Further Restrictions.** The Manager may impose additional and further restrictions if the Manager determines that conditions warrant such restrictions and provides to the private well user a written statement of the additional or further restrictions and the reason for such restrictions.

(b) Tanker Service. The use of water delivered by a Tanker Service from a source other than the water system shall be subject to the Division unless the use satisfies all of the following requirements:

1. **Posting of Sign.** During the period that a declaration is in effect, there shall be a sign conspicuously posted at the location of the water use a sign provided by the Director for that purpose.
2. **Verification.** Upon request by an Enforcement Team Member, any person claiming to be using water delivered by a tanker service from a source other than the water system shall provide documentation that demonstrates to the satisfaction of a Enforcement Team Member all of the following regarding such water:
 - a) Source other than the water system;
 - b) Location, Time, and Volume of loading of the Tanker;
 - c) Identity, Street Address, and Telephone Number of the Tanker Service that loaded and delivered the water and the identity of the Tanker Driver involved in the delivery; and
 - d) Location, Date, time, and Volume of Delivery.
3. **Further Restrictions.** The Manager may impose additional and further restrictions if the Manager determines that conditions warrant such restrictions.

Section 23-80. Applicability.

This Division shall be binding upon and enforceable against, among others, all customers and users. This Division shall be deemed to be incorporated in any and all contracts for water service to which the City of Statesville is a party. Compliance with this Division and compliance with declarations pursuant to this Division are and shall be a condition of service inside and outside the municipal limits for all customers, water corporations, and units of government purchasing water from the City, and any other persons supplied by the City. This Section shall not narrow or limit and shall not be interpreted as narrowing or limiting the applicability of any section or provision of this Division or any declaration pursuant to this Division.

Section 23-81 --- 23-150. Reserved.

2. it is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances for the City of Statesville and to accomplish such intention, provisions of this Ordinance may be numbered, cations added, sections retitled, section references corrected, and repealed provisions deleted.

Adopted this the ___ day of _____, 2007.

Mayor

Attest:

Clerk

NORTH CAROLINA

IREDELL COUNTY

CERTIFICATION

I hereby certify that the foregoing is a true and accurate copy of an Ordinance adopted by the City Council of the City of Statesville at a duly convened and held Council Meeting on _____, 2007, at _____ p.m. in the Council Chambers in the City Hall of the City of Statesville.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official corporate seal of the City to be affixed, this the _____, day of _____, 2007.

CITY OF STATESVILLE

(SEAL)

By: _____

City Clerk

NORTH CAROLINA

IREDELL COUNTY

ACKNOWLEDGEMENT

I, _____, being a Notary Public of Iredell County, North Carolina, do hereby certify that Brenda Fuggett, City Clerk to the City of Statesville appeared before me on this day and acknowledged the due execution of the foregoing instrument.

IN WITNESS WHEREOF, I hereunto set my hand and notarial seal this the _____ day of _____, 2007

Notary Public

My Commission Expires: _____