



CITY OF STATESVILLE  
WATER SHORTAGE RESPONSE PLAN

April 2023

City of Statesville  
Water Shortage Response Plan  
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Enclosure 1

Water Shortage Response Summary



## Water Shortage Response Summary

City of Statesville Water Shortage Response Plan (April 2023)

<b>A. Who (Name and Title) is responsible for implementing the water shortage protocols?</b>
William Vaughan, PE, Public Utilities Director.
<b>B. How will water users and system employees be notified when the water shortage response protocols are activated?</b>
By Radio, TV, Local Newspaper, City Website, and any other available resources.
<b>C. How will water users be informed of required response measures?</b>
By Radio, TV, Local Newspaper, City Website, and any other available resources.
<b>D. What specific measurements of available supply, demand, and system conditions will be used to determine the severity of a drinking water shortage?</b>
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.
<b>E. What specific conditions will be used to trigger drinking water use reduction measures and the movement to more restrictive measures?</b>
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.
<b>F. What levels of response are required?</b>
Given at § 23-69 of City Ordinance.
<b>G. How will the provisions of the water shortage response protocols be enforced?</b>
Given at § 23-72 (monitoring) and § 23-76 (enforcement) of City Ordinance.

<b>H. How will your customers be given opportunities to review and comment on the water shortage response protocols before they are finalized?</b>
A public hearing was held before the Ordinance Water Shortage Response Procedures and the Water Shortage Response Plan was approved by City Council. Any changes in the Ordinance will require a public hearing.
<b>I. How will variance requests be processed?</b>
The Public Utilities Director may grant variances in certain circumstances per § 23-75 of the City Ordinance.
<b>J. What criteria will be used to decide if a variance will be granted?</b>
Per § 23-75 of the City Ordinance. A variance request form is included with the Water Shortage Response Plan.
<b>K. How will the effectiveness of the water shortage protocols be measured?</b>
Effectiveness will be monitored by daily water treatment demand. Specific data points will also be monitored that effect these restrictions when practical.
<b>L. How will the protocols be revised when needed?</b>
We will conduct Public Hearings and seek Council Action based on the results of the Hearings.
<b>M. Does the system depend on water storage in an impoundment not owned by the system?</b>
Yes X    No ____
<b>N. If yes, are the water shortage response protocols consistent with the Water Shortage Response Plan provisions established by the owner of the impoundment?</b>
Yes X No ____

Enclosure 2

Water Shortage Response Plan



## Water Shortage Response Plan

The purpose of the Water Shortage Response Plan (WSRP) is to provide procedures to be utilized by City of Statesville staff in implementing the City's Water Shortage Response Procedures (City Ordinance Section 23, Division 2) as directed at Section 23-72 of the Ordinance. Terms used in this plan follow the definitions provided in Section 23-68 of the City Ordinance. The Ordinance has primacy over this document if anything in this document conflicts in with the Ordinance.

### Public Utilities Department Actions

The City of Statesville Public Utilities Director (PUD) <sup>(1)</sup> shall monitor communications from the North Carolina Drought Management Council (NCDMAC), Drought Management Advisory Group (DMAG), and other pertinent data sources relative to water systems and sources that may indicate or predict water shortages to achieve consistency with the Catawba River Low-Inflow Protocol water use reduction goals and to achieve other objectives consistent with the City Ordinance. The PUD shall keep the CM advised of the occurrence of conditions that are indicative or predictive of water shortages.

The PUD may make operational adjustments in the water treatment system to include, but not be limited to the following:

- Increase the amount of water withdrawn from sources other than the Catawba basin and make corresponding decreases in the amount of water withdrawn through the intake on the Catawba River basin.
- 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.

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(1) As used in this plan, the Public Utilities Director is the Director of Water Resources referenced in the City Ordinance.

## **Communications**

### **Objective**

Maintain effective communications with the CM concerning water storage information. Also, maintain effective communications to the general public, customers, city personnel, NCDMAC, and DMAG resultant of any declaration of water shortages and any other related water conservation stages, goals, current conservation measures, and water usage trends affecting the City water system.

### **Actions and Assignments**

The PUD will provide the CM with regular updates on water shortage information. The PUD and Public Information Officer will complete the following when a water shortage declaration has been issued:

- Make notifications as required by City Ordinance or the declaration.
- Publish the water shortage declaration and current conditions through electronic media, local newspaper, mailings, television advertisements, and emails to all City Departments.
- Send a notice to Parks and Recreation Department regarding maintenance of athletic fields.
- Notify customers, wholesale Customers, and large customers of the water shortage declaration and current conditions.
- Publish water use goals and provide adequate explanation of goals.
- Provide updates on status, actual water withdrawals, and input for changing current stage to the DMAG.
- Issue any pertinent advisories to customers whenever required (e.g., boil water advisories).
- Convene a meeting with wholesale and bulk customers to request individual plans for water use consumption reduction.
- Convene and provide appropriate training for personnel in Water Resources, Electric, Planning, Parks and Recreation, Finance, Human Resources, Fire, Public Works, Police, and Administration departments.

## **Compliance, Monitoring, and Enforcement**

### **Objective**

Promote compliance with declarations and the City Ordinance by patrolling the system to monitor for compliance, directing violators to comply through the issuance of citations for violations, the assessment of civil penalties, and the recommendation of additional enforcement actions when appropriate.

### **Actions and Assignments**

City staff will take the following actions when a water shortage declaration has been issued.



### ***Public Utilities Director***

The PUD shall convene the initial meeting of the Water Shortage Leadership Team Steering Committee. The team consists of water and wastewater operations supervisors, the Public Information Officer, the Human Resources Director, the Finance Director, the Water Operations Manager, Water Treatment Plant Supervisor, and a representative from the Police and Fire Departments.

The PUD shall convene an initial meeting of the Water Shortage Leadership Enforcement Team. The Enforcement Team shall consist of representatives from Collections, meter readers, the Water Resources Department, and other City personnel as required. The purpose of this meeting is to provide training for, the equipping of, and the mobilization of the Enforcement Team members to facilitate compliance with the Water Shortage Response Plan (WSRP). The Enforcement Team directs violators to comply with the declaration and City Ordinance and issues citations for violations as applicable.

### ***Water Shortage Leadership Team***

The Water Shortage Leadership Team will direct Enforcement Team Members to perform the following after a Water Shortage Declaration has been issued:

- Establish monitoring teams for compliance and identifying violations of the declaration and City Ordinance.
- Direct violators to comply with the declaration and City Ordinance.
- Issue citations to violators.
- Conduct weekly meetings for training and updates.
- Apprise the CM of violations and make civil penalty and service suspension recommendations.

The Water Shortage Leadership Team shall convene weekly meetings to monitor and discuss the following:

- Schedule patrols to maximize compliance. Schedules may be changed to monitor the system during peak times and to monitor for irrigation violations.
- Update water shortage data.
- Create, modify, and distribute data and related forms to the Enforcement Team members.
- Train Enforcement Team Members on procedures for compliance monitoring, violator compliance with the declaration and City Ordinance, and citation issuance.
- Assessment applicable civil penalties and suspension of service recommendations for referral to the CM for implementation decision. Civil penalty assessment, including appeals, processes are outlined in the

### **Enforcement Procedures**

A citation for a violation is warranted when an Enforcement Team Member observes a violation (e.g., 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, and wet turf in the absence of rain).

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 the location is a well water user. Well water is not subject to mandatory water conservation measures.

### ***Observed Violations***

When a violation is determined to have occurred the authorized employee should:

- Confirm all appropriate meter and street information.
- Leave a copy of the citation at the site of the violation which contains information about the mandatory water conservation measures and the violations.
- Maintain a copy of the citation and turn it into a team leader at the end of patrol shift.
- Offer the customer a brochure with conservation information.
- Employees are to refer to the provided information sheets if questioned about the mandatory water conservation measures or civil penalties.
- Refer all questions about the violation to the Water Operations Office.

### ***Enforcement Team Member Actions***

- If a customer refuses to stop the water usage after being informed of the violation, the Enforcement Team member or authorized employee should alert the Water Operations Office.
- City employees should not attempt to operate a customer's automatic sprinkler timer.
- In the event that a customer becomes hostile or threatening the employee should leave the customer's property and contact the Water Operations Office for further support and directions.
- Team members should turn in all violation notices and variance lists to their Team Leaders at the end of their shift.
- Team Leaders must submit all updated monitoring results to Water Operations Office at the end of their shift.

### **Appeals**

Appeals shall be considered as provided for in the Ordinance.

### **Variances**

A variance from the water conservations measures pursuant to a Water Shortage Declaration may be granted by the PUD as provided in the City Ordinance. In order to qualify for a variance, an applicant must apply in writing on a Variance Request Form provided by the PUD and

produce all necessary information for consideration. The Variance Form, once signed by the PUD, will be returned to the requester and must be prominently displayed onsite. Customers given a variance must comply with all stated conditions on the variance form. All variances expire as provided in the City Ordinance.

### **References**

North Carolina General Statute 143-355(1).

City of Statesville Ordinances Section 23, Division 2 (§ 23-67 - § 23-80).

**MANDATORY WATER CONSERVATION VARIANCE REQUEST FORM**

**APPLICANTS NAME:** \_\_\_\_\_

**APPLICANTS ADDRESS:** \_\_\_\_\_

**APPLICANTS PHONE NUMBER:** \_\_\_\_\_

**APPLICANTS ACCOUNT NUMBER:** \_\_\_\_\_

**DATE SUBMITTED TO PUBLIC UTILITIES DIRECTOR:** \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**DECISION BY PUBLIC UTILITIES DIRECTOR:** \_\_\_\_\_ **DENIED** \_\_\_\_\_ **GRANTED**

**CONDITIONS OF VARIANCE ONCE GRANTED**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PUBLIC UTILITY DIRECTOR'S SIGNATURE:**

\_\_\_\_\_

**DATE:** \_\_\_\_\_

**IF VARIANCE IS GRANTED THIS FORM MUST PROMINENTLY DISPLAYED DURING WATER USE THAT IS AUTHORIZED BY SUCH VARIANCE**

Enclosure 3

City Council Minutes

Enclosure 4

City of Statesville Ordinance Section 23, Division 2

## DIVISION 2. - WATER SHORTAGE RESPONSE PROCEDURES

*Footnotes:*

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**Editor's note—** Ord. No. 9-08, § 1, adopted March 17, 2008, repealed Art. III, §§ 23-67.1—23-67.6 and §§ 23-68—23-78, and enacted new provisions as set out herein. The former Art. III pertained to the emergency water conservation and restriction plan and derived from Ord. No. 42-2000, §§ 23A-1—23A-6, adopted June 29, 2000; Ord. No. 33-02, adopted Aug. 9, 2002; Ord. No. 35-02, adopted Aug. 20, 2002; Ord. No. 39-02, adopted Sept. 20, 2002; Ord. No. 40-02, adopted Sept. 20, 2002; Ord. No. 41-02, adopted Sept. 26, 2002; Ord. No. 42-02, adopted Sept. 27, 2002; and Ord. No. 53-02, adopted Oct. 14, 2002.

## Sec. 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 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 LIP. This division shall be liberally construed to effect such purpose.

(Ord. No. 9-08, § 1, 3-17-08)

## Sec. 23-68. - Definitions.

For 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 this Code.

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

*Drought advisory* shall mean an advisory issued by the NCDMAC that delineates the geographic extent and severity of a water as follows: abnormally dry, moderate drought, severe drought, extreme drought, or exceptional drought.

*Drought management advisory group* or *DMAG* shall mean the team of owners of large water intakes in the Catawba-Wateree River basin, state and federal agencies and Duke Energy Carolinas, 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 Energy Carolinas, 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 a mandatory water conservation measure in a water shortage declaration or with a variance granted 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 water 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 on the South Yadkin River, and the Statesville-Salisbury water supply interconnection.

*Water system* shall mean the city's potable water treatment and distribution system.

(Ord. No. 9-08, § 1, 3-17-08)

#### Sec. 23-69. - Operational adjustments by director.

The director shall have 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 LIP, 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.

(Ord. No. 9-08, § 1, 3-17-08)

#### Sec. 23-70. - Declaration of water shortage.



The manager, or in the 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 is available 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 non-Catawba River sources	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 factor warrants 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 use of non-Catawba River sources	Stage 2 conservation measures, as specified in Table 2 of this 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 factor warrants reduction of use by 5% to 10%	
3A: Reduce Catawba River water use 10% to 20% (below normal use)	DMAG declares Stage 3 and water use goal not achieved through use of non-Catawba River sources	Stage 3 conservation measures, as specified in Table 2 of this Division, except as otherwise provided in a declaration
3B: Reduce system or portion of system water use 10% to 20% (below normal use)	NCDMAC drought advisory, water system operational disruption, or other factor warrants 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 use of non-Catawba River sources	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 factor warrants reduction of use by 20% to 30%	

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

Water Conservation Stage	Water Conservation Measures
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Stage 1	Voluntary limitation of lawn and landscape irrigation to the following times and locations:	
		- At odd-numbered street addresses from Tuesday 8 p.m. to Wednesday 8 a.m. and Saturday 8 p.m. to Sunday 8 a.m.
		- At even-numbered street addresses and unnumbered addresses from Thursday 8 p.m. to Friday 8 a.m. and Sunday 8 p.m. to Monday 8 a.m.
	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:	
		- Lawn and landscape irrigation at the following times and locations:
		• At odd-numbered street addresses from Tuesday 8 p.m. to Wednesday 8 a.m. and Saturday 8 p.m. to Sunday 8 a.m.
		• At even-numbered street addresses and unnumbered addresses from Thursday 8 p.m. to Friday 8 a.m. and Sunday 8 p.m. to Monday 8 a.m.
		- Tree and bed irrigation by bubble, drip, or hand irrigation only
		- 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 is 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 water conservation measures and may impose mandatory water conservation measures at city facilities.	

Stage 3	Irrigation is prohibited except as follows:	
		- Tree and bed irrigation by bubble, drip, or hand irrigation methods only at the following times and locations:
		• At odd-numbered street addresses from Saturday 8 p.m. to Sunday 8 a.m.
		• At even-numbered street addresses and unnumbered addresses from Sunday 8 p.m. to Monday 8 a.m.
		- 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 is 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 or refilling swimming pools is prohibited (top-offs 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 water conservation measures and may impose mandatory water conservation measures at city facilities.	

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 are 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 water conservation measures and may impose mandatory water conservation measures at city facilities.

(Ord. No. 9-08, § 1, 3-17-08)

Sec. 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 at any time by signing a written instrument stating such action. City council may issue, amend, suspend, or terminate a declaration.

(Ord. No. 9-08, § 1, 3-17-08)

Sec. 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 for operational adjustments, to address the appropriateness of a declaration or the appropriateness of amending, suspending, or terminating a 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 a 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.

(Ord. No. 9-08, § 1, 3-17-08)

#### Sec. 23-73. - Suspension of issuance of other permits/approvals.

After consideration of the water shortage factors, the manager, or in the 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.

(Ord. No. 9-08, § 1, 3-17-08)

#### Sec. 23-74. - Suspension of water service.

After consideration of the water shortage factors, the manager, or in the 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 (24) 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 police, sheriff, fire or other emergency medical services, or a hospital.

(Ord. No. 9-08, § 1, 3-17-08)

#### Sec. 23-75. - Variances.

- (a) *General.* After considering the stage of water conservation, the type of mandatory limitations required for that stage, the anticipated 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 manner that

would otherwise be prohibited by a declaration then in effect, in the following circumstances:

- (1) A public or 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 to 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 (30) days thereafter; and if requested and warranted, an additional thirty (30) 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 (30) 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 a water use that is otherwise prohibited.
- (b) *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.
- (c) *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.

(Ord. No. 9-08, § 1, 3-17-08)

#### Sec. 23-76. - Enforcement.

- (a) *Violations.* During the period that a declaration is in effect each of the following shall constitute a separate violation of this 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 (5) calendar days of receiving notice from the director to repair the leak.
- (b)

*Separate violations.* Each day that a violation of this 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 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 must 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 in this division, suspension of service, an action for injunction, order of abatement or other 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 the amount of the civil penalty. Civil penalties shall be assessed and paid according to the following schedule of penalties:

Penalties for Violation 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 .....\$100.00

Second violation .....200.00

Third or subsequent violation .....300.00

Penalties for Violation of Stages 3A, 3B, 4A, and 4B Mandatory Water Conservation Measures or Variances:

First violation .....\$200.00

Second violation .....400.00

Third or subsequent violation .....600.00

- (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 (10) 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 the 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 (30) 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 assessed 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 of the remedies available to it pursuant to ordinance, statute, and common law for collection of the amount of the assessment.

(Ord. No. 9-08, § 1, 3-17-08)

Sec. 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 (10) days after receiving notice of the assessment, a completed notice of appeal of civil penalty 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 the civil penalty assessment: \_\_\_\_

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

Ordinance: \_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Attach pages if additional space 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 this Code.

(Ord. No. 9-08, § 1, 3-17-08)

Sec. 23-78. - Appeal of service suspension.

A user whose service is suspended or who receives notice of suspension may appeal the suspension or notice of suspension pursuant to section 5-1 of this Code.

(Ord. No. 9-08, § 1, 3-17-08)

Sec. 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 conspicuously posted at the location of the private well 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 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 of reasons 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 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 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 the enforcement team member all of the following regarding such water:

- a. Source other than the water system;
- b. Location, date, time, and volume of loading of 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.

(Ord. No. 9-08, § 1, 3-17-08)

#### Sec. 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 water 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.

(Ord. No. 9-08, § 1, 3-17-08)

Secs. 23-81—23-150. - Reserved.



Enclosure 5

15A NCAC 02E.0607

**15A NCAC 02E .0607 PUBLICLY AND PRIVATELY OWNED WATER SYSTEM WATER SHORTAGE RESPONSE PLANNING REQUIREMENTS**

(a) Units of local governments and large community water systems that are required to prepare a Local Water Supply Plan under G.S. 143-355(l) shall include the following information in their local Water Shortage Response Plans for review by the Division of Water Resources:

- (1) The designation of a staff position or organizational unit responsible for the implementation of their Water Shortage Response Plan;
- (2) Notification procedures that will be used to inform employees and water users about the implementation of the plan and required water conservation response measures;
- (3) Tiered levels of response actions to be taken to reduce water use based on the severity of water shortage conditions;
- (4) Specific measurements of available water supply, water demand, and system conditions that will be used to determine the severity of water shortage conditions and to initiate water use reduction measures and the movement between various levels;
- (5) Procedures that will be used to regulate compliance with the provisions of the plan;
- (6) Procedures for affected parties to review and comment on the plan prior to final adoption;
- (7) Procedures to receive and review applications for variances from specific requirements of the plan and the criteria that will be considered in the determination to issue a variance;
- (8) An evaluation method to determine the actual water savings accomplished and the effectiveness of the Water Shortage Response Plan when implemented; and
- (9) Procedures for revising and updating Water Shortage Response Plans to improve plan effectiveness and adapt to new circumstances.

(b) Units of local governments and large community water systems that are required to prepare a Local Water Supply Plan shall submit a copy of their Water Shortage Response Plan and any subsequent revisions of the plan to the Division of Water Resources for review every five years with the full Local Water Supply Plan, as required by G.S. 143-355(l).

(c) Publicly and privately owned water systems not required to prepare a Local Water Supply Plan shall:

- (1) Assess their vulnerability to drought and water shortage emergencies; and
- (2) Prepare a written plan for responding to water shortage emergencies and drought using the provisions of Paragraph (a) of this Rule.

(d) Publicly and privately owned water systems that depend on the water storage in a private or public impoundment that they do not own and operate under a contract for the withdrawal of water issued by the owner of an impoundment shall prepare a written plan for responding to water shortages that is consistent with the provisions of the contract and shall comply with all Water Shortage Response Plan provisions established by the owner of the impoundment.

(e) Water Shortage Response Plans shall provide for water users who have made improvements to maximize water use efficiency in their daily operations and may face hardships when making further water use reductions. Water Shortage Response Plans shall avoid restricting efficient water users in ways that would undermine incentives for water users to seek continued improvements in water use efficiency and shall honor locally approved certification programs that recognize efficient water users who meet industry standards for water use efficiency and water conservation.

(f) When the NCDMAC issues a drought advisory designating an area of the state as currently suffering from drought, publicly and privately owned water systems that depend on water from the designated area shall for the duration of the designation:

- (1) Implement the provisions of their Water Shortage Response Plan, as determined by the specific indicators established in the plan for initiating response measures;
- (2) Monitor and document water supply conditions;
- (3) Educate customers and employees on the need to conserve water and how to prepare for potential drought conditions;
- (4) Inspect water delivery system components and ensure that existing equipment is operating as efficiently as possible;
- (5) Stay informed on drought and water shortage emergency conditions and participate in regional coordination for the management of water resources; and
- (6) Evaluate the feasibility of reclaiming and recycling water to meet water needs.

*History Note: Authority G.S. 143-354(a)(1); 143-355(l); S.L. 2002-167;*

*Eff. March 19, 2007;*  
*Readopted Eff. January 1, 2022.*