

An Ordinance Amending
Chapter 19 Water Conservation, Articles II-Classes of Use
and Article V. Water Shortage Response Plan
of the Foxfire Village Code of Ordinances
#2025-08

THE FOXFIRE VILLAGE COUNCIL ORDAINS:

SECTION 1

Article II Classes of Use; Sec. 19-23. Class 1: Essential water uses, (b) Public use

is amended to read as follows:

(b) Public use. Use of water from fire hydrants and other sources for firefighting and certain testing and drills by the fire department, if performed in the interest of public safety and if approved by the water director. This use also includes the flushing of storm sewers and hydrants as needed to ensure public health and safety if approved by the water director.

SECTION 2

Article V. Water Shortage Response Plan; Sec. 19-121. Authority to implement

is amended to read as follows:

When conditions dictate, the Village of Foxfire councilmember responsible for the administration of the water department, or if given written directions by the village mayor, will implement a water shortage response plan (WSRP). Notifications to the public will be sent via telephone alert, email, or notice in the local newspaper. This plan is available for review at the village administration office. The original water shortage response plan was adopted by unanimous vote of the Foxfire Village Council on August 23, 2007. The original WSRP has been replaced with the most current Water Shortage Response Plan, effective March 16, 2023.

Conditions which will require the WSRP to be enacted are outlined in section 19-122.

Sec. 19-122. Factors requiring implementation of the water shortage response plan

Paragraph two is repealed and replaced with the following:

If the factors listed above reduce well-water levels or pump run times or by any event or combination of events prevent the water system from delivering water, WSRP stages will be enacted in the following order:

Stage 1 are voluntary reductions and water users are encouraged to reduce their water use and improve water use efficiency; however, no penalties apply for noncompliance. Water supply conditions indicate a potential for shortage.

- *Pumping Times >10 hours*
- *20% reduction in seasonal normal distance from static water level and pump intake*
- *20% increase pumping time for same output*

Stage 2 are mandatory reductions (1) and water users must abide by the required water use reduction and efficiency measures: penalties apply for noncompliance. Water supply conditions are significantly lower than the seasonal norm and water shortage conditions are expected to persist.

- *Pumping Times >12 hours*
- *40% reduction in distance from static water level and pump intake*
- *40% increase pumping time for same output*

Stage 3 are mandatory reductions (2) and water users must abide required water use reduction and efficiency measures: penalties apply for noncompliance. Water supply conditions are significantly lower than the seasonal norm and water shortage conditions are expected to persist.

- *Pumping Times >14 hours*
- *60% reduction in distance from static water level and pump intake*
- *60% increase pumping time for same output*

Stage 4 is emergency reductions and water supply conditions are substantially diminished and pose an imminent threat to human health or environmental integrity.

- *Pumping Times >20 hours*
- *80% reduction in distance from static water level and pump intake*

Stage 5 is water rationing and water supply conditions are substantially diminished, and remaining supplies must be allocated to preserve human health and environmental integrity

- *Water level at pump intake elevation*

Paragraph three is amended to read:

Whereas every day voluntary water conservation restrictions and voluntary water use measures and best management practices have not resulted in sufficient reduction of the average day customer water demand from the Village of Foxfire public water supply

Sec. 19-123. Phase 1 mandatory water conservation

is deleted in its entirety and replaced with the following:

Sec. 19-123. Stage 1 voluntary water conservation

In stage 1 voluntary water conservation, all water users will be asked to reduce their normal water usage by 5%. Customer education and outreach programs will encourage water conservation and efficiency measures including: irrigating landscapes a maximum of one inch per week preventing water waste, runoff and watering impervious surfaces watering plants deeply to encourage root growth, washing only full loads in clothes and dishwashers; using high spring-loaded nozzles on garden hoses, and identifying and repairing all water leaks.

Sec. 19-124. Phase 1 violation – Penalty

is deleted in its entirety and replaced with the following:

Sec. 19-124. Stage 2 mandatory water conservation

Stage 2 mandatory water conservation restrictions and rules are in effect for Foxfire Village's water customers as follows:

Mandatory Reductions (1), all customers are expected to reduce their water use by 10% in comparison to their previous month's water bill. In addition to continuing to encourage all voluntary reduction actions, the following restrictions will apply:

- *Irrigation is limited to half an inch per week between 8 PM and 8 AM*
- *Outdoor use of drinking water for washing impervious surfaces is prohibited*
- *All testing and training purposes requiring drinking water (e.g. fire protection) will be limited.*

Sec. 19-125 Phase II mandatory water conservation

is deleted in its entirety and replaced with the following:

Sec. 19-124. Stage 2 violation—Penalty

Violation of the ordinance from which this article was derived may be punished by any of the means available to the Village of Foxfire through provisions of G.S. 160A-175. Prior to the issuance of a civil penalty, a warning will be issued either verbally or in writing. The civil penalty amount for the first violation of the ordinance from which this article was derived is \$250.00 the second violation of the ordinance from which this article is derived shall result in interruption of water service to the offending customer. The village will issue written notification to the customer and occupant of intent to interrupt water service and 24 hours later will interrupt water service unless the violation has ceased. Each day shall constitute a separate violation. If the water service has been interrupted due to repeat violation of the ordinance from which this article was derived, the service will not be reinstated until the director of the water department has determined that the risk to the village water supply has been alleviated or the water department director is otherwise assured of compliance.

Sec. 19-126 Phase II violation – Penalty

is deleted in its entirety and replaced with the following:

Sec. 19-126 Stage 3 mandatory water conservation (2)

Customers must continue actions from all previous stages and further reduce water use by 20% compared to their previous month's water bill. All non-essential uses of drinking water are banned, and garden and landscape irrigation must be reduced to the minimum amount necessary for survival of vegetation.

Water conservation restrictions are in place until further notice.

Sec. 19-127 Phase 3 mandatory water conservation

is deleted in its entirety and replaced with the following:

Sec. 19-127 Stage 3 violation - Penalty

Violation of the ordinance from which this article was derived may be punished by any of the means available to the Village of Foxfire through provisions of G.S. 160A-175. Prior to the issuance of a civil penalty, a warning will be issued either verbally or in writing. The civil penalty amount for the first violation of the ordinance from which this article was derived is \$250.00 the second violation of the ordinance from which this article is derived shall result in interruption of water service to the offending customer. The village will issue written notification to the customer and occupant of intent to interrupt water service and 24 hours later will interrupt water service unless the violation has ceased. Each day shall constitute a separate violation. If the water service has been interrupted due to repeat violation of the ordinance from which this article was derived, the service will not be reinstated until the director of the water department has determined that the risk to the village water supply has been alleviated or the water department director is otherwise assured of compliance.

Sec. 19-128 Phase III violation - Penalty

is deleted in its entirety and replaced with the following:

Sec. 19-128 Stage 4 and Stage 5 emergency reductions and water rationing respectfully

Stage 4 emergency reductions and Stage 5 water rationing and rules are in effect for Foxfire Village's water customers as follows:

In stage 4 customers must continue all actions from previous stages and further reduce their water use by 25% compared to their previous month's water bill. A ban on all use of drinking

water except to protect public health and safety is implemented. The goal of Stage 5 water rationing is to provide drinking water to protect public health (e.g. residences, residential health care facilities and correctional facilities). In Stage 5 all customers are only permitted to use water at the minimum required for public health protection. Firefighting is the only allowable outdoor water use and pickup locations for distributing potable water will be announced according to Foxfire Village's Emergency Response Plan.

Sec. 19-129 Effectiveness of measure

is deleted in its entirety and replaced with the following:

Sec. 19-129 Stage 4 violation – Penalty

Violation of the ordinance from which this article was derived may be punished by any of the means available to the Village of Foxfire through provisions of G.S 160A-175. The civil penalty amount for the first violation of the ordinance from which this article was derived is \$250.00 Stage 4 and \$500.00 Stage 5, and a second violation of the ordinance from which this article was derived may result in interruption of water service to the offending customer. The village will issue written notification to the customer and occupant of intent to interrupt water service and 24 hours later will interrupt water service unless the violation has ceased. Each day shall constitute a separate violation. If water service has been interrupted due to repeat violation of the ordinance from which this article was derived, the service will not be re-instated until the director of the water department has determined that the risk to the village water supply has been alleviated or the water department director is otherwise assured of compliance.

Sec. 19-130 – Water shortage plan review

is deleted in its entirety and replaced with the following:

Sec. 19-130 – Effectiveness of measures

The effectiveness of the Foxfire Village water shortage response plan will be determined by comparing the stated water conservation goals with the observed water use reduction data. Other factors to be considered include frequency of plan activation, any problem periods without activation, total number of violation citations, desired reductions attained, and evaluation of demand reductions compared to the previous year's seasonal data

A new section be added to read as follows:

Sec. 19-131 – Water shortage response plan review

The water shortage plan will be reviewed for possible revision based on evaluation of the effectiveness of measures implemented as stated in section 19-130. The plan will be reviewed at a minimum of every five years.

SECTION 3

This ordinance shall become effective upon adoption.

Adopted this _____ day of _____, 2025.

Janice Gregorich
Mayor

ATTEST:

Lisa A. Kivett, *MMC, NCCMC, CZO*
Village Administrator/ Clerk