



AGENDA

Monday, June 28, 2021: 3:00 PM

Town Council Work Session

**C. Michael Haney Community Room: Southern Pines Police Department
450 W. Pennsylvania Ave**

1. CALL TO ORDER

2. TOWN MANAGER'S COMMENTS

3. ACTION ITEMS

- a. **Written Decision for PD-02-21: Planned Development – Preliminary Development Plan for expansion of the Multi-family Legends Apartment Community**
Council conducted a quasi-judicial hearing and approved this application on June 8, 2021. Staff has prepared a written decision summarizing the findings of fact and Council decision.
- b. **Written Decision for PD-03-21: Planned Development – Preliminary Development Plan for a new four-phased development of Brad Halling American Whiskey**
Council conducted a quasi-judicial hearing and approved this application on June 8, 2021. Staff has prepared a written decision summarizing the findings of fact and Council decision.
- c. **CU-04-21: Minor Amendment to CU-07-20 to Deviate from the Local Street Standards**
Town Council approved CU-07-20 in January 2021 for the Camp Easter Cottages project located at Niagara-Carthage Road and Camp Easter Road. The project is currently proceeding through development review and the applicant proposes to install asphalt wedge curbing. This deviation from the UDO standards requires Council approval as a minor amendment to the original approval.
- d. **Approve Consent Agenda**
All items listed below are considered routine and will be enacted by one motion and without discussion.
 - i. **Approve Resolution to Direct the Clerk to Investigate AX 03-21 Annexation Petition**
Robert and Tracy Currie have petitioned the Town for a voluntary annexation of a contiguous +.459-acre parcel, located at 260 Saunders Blvd. State law requires that Council direct the Town Clerk to investigate the sufficiency of the petition before proceeding further.
 - ii. **Approve Resolution to Accept American Rescue Plan Funds**
The Town is eligible for funding from the American Rescue Plan Act of 2021. Before receiving a payment, the Town Council is required to formally accept the funds.

iii. Approve Amendments to the FY 20-21 Budget and Fund 43

Staff recommends implementing CivicClerk, an agenda and meeting management platform that is part of the CivicPlus suite the Town uses. Staff has identified available funding in the FY 20-21 budget that can be transferred to Fund 43 EIDMS to implement this project.

4. COUNCIL UPDATES AND DISCUSSION

a. Recreation & Parks Update

New director, Cindi King, has been with the Town for approximately two months and will update on her department's current activities.

b. Proposed Revisions to Town Code Chapter 50, Water and Sewer Use Ordinance

Staff has reviewed the current Water and Sewer Use Ordinance and would like to discuss a number of proposed revisions for Council review and input prior to adopting changes. Staff will prepare a final resolution incorporating Council recommendations to be considered at a future meeting.

c. Public Works Annex Update

Staff will provide a status update regarding the project that is currently underway to upfit the Public Works Annex.

5. CLOSED SESSION UNDER NC GENERAL STATUTE 143-318.11(a) (4) TO DISCUSS POTENTIAL INCENTIVES RELATED TO AN ECONOMIC DEVELOPMENT PROJECT (if necessary)

6. ADJOURNMENT

Work Session Agenda Item

To: Reagan Parsons, Town Manager

From: Suzy Russell, Planner II

Subject: Written Decision of the Board for PD-02-21: Planned Development - Preliminary Development Plan for expansion of the Legends multi-family apartment community; Applicant: Morganton Park II, LLC; Authorized Agent, Bob Koontz of Koontz Jones Design PLLC,

Date: June 28, 2021

I. PURPOSE:

Per UDO §2.14.6(F)(11), “A written decision must be approved for every quasi-judicial application, either by entering the decision at the end of the hearing or at a subsequent meeting of the hearing body, which shall generally be the next scheduled meeting. As part of the written decision, the hearing body must make findings of fact and conclusions as to applicable standards and any conditions. The chair may direct the planning director or town attorney to draft a written decision for approval by the hearing body at its next regularly scheduled meeting, which approval may be on a consent agenda.”

Staff has prepared a draft of the written decision of the board document for the application PD-02-21 that was heard by the Town Council at the regular meeting on June 8, 2021 and that the Town Council may now wish to adopt. If the Town Council approves the written decision of the board document, the Mayor will sign the document. The original signed version will be delivered to the petitioner, with staff maintaining a copy of the signed document in the file.

II. SUMMARY OF APPLICATION REQUEST:

Morganton Park II, LLC., has submitted an application for a Planned Development - Preliminary Development Plan pursuant to Section 2.18.5 of the Town of Southern Pines Unified Development Ordinance (UDO) for the purpose of expanding the Legends multi-family apartment community located on the northern side of the Carlisle Street extension, on the eastern property, adjacent to the existing Legends multi-family community. Access to the proposed new portion of development will be provided via full-motion entrances/exits on the north side of South Carlisle Street. All parking will be provided on-site, and the development will be served by the Town of Southern Pines water and sewer facilities. The subject parcels are zoned PD (Planned Development) and they are identified for Parcel 1 as PIN: 857200502304 (PARID: 20190146) and per the Moore County tax records, the property owners are listed as Robert W VanCamp Trustee and for Parcel 3 as PIN: 857100392796 (PARID: 20150046) and per Moore County tax records, the property owners are listed as Robert W & Julie M VanCamp Trustee.

III. TOWN COUNCIL PUBLIC HEARING AND ACTION:

A public hearing for this request was held at the June 8, 2021 regular business meeting of the Town Council. All public notice requirements were met for that hearing date. The Town Council had five (5) members present. The Town Council opened the quasi-judicial public hearing and received evidence from those in attendance regarding preliminary development plan application PD-02-21. Planner II, Ms. Suzy Russell, Planning Department staff, entered the staff report into the record as Exhibit A and provided an overview of the project and applicable criteria for review.

Mr. Bob Koontz of Koontz Jones Design presented the case for the approval of PDP application PD-02-21. Mr. Koontz provided a detailed report describing the location of the parcel, existing conditions, existing utility infrastructure and addressed modification requests for parking and height requirements. The applicant's presentation was entered into the record as Exhibit B. After presenting details of the development Mr. Bob Koontz answered questions from members of the Town Council. The Town Council opened up the meeting to public comment. A member of the general public, Mr. Marsh Smith, stated that he would like the Town Council to be mindful of our town's natural resources and that once they are gone we cannot replace them.

There was no testimony from the general public and the town council closed the public hearing and voted on Preliminary Development Plan application PD-02-21.

The town council voted 5-0 to adopt Attachment A to staff report PD-02-21 as findings of fact. Attachment A included findings of fact that the application is complete, the facts submitted were relevant to the case, and that the application complies with Section 2.18.5(H) criteria for a preliminary development plan, criteria 1-4. Attachment A included a description of the manner in which each of the four criteria are met. The Town Council then voted 5-0 to approve the Preliminary Development Plan under application PD-02-21.

IV. ATTACHMENTS:

1. Written Decision for PD-02-21 (DRAFT)

V. TOWN COUNCIL ACTION:

The Town Council may wish to take one of the following actions:

1. No action;
2. Accept the Written Decision for PD-02-21 as prepared by the Town staff;
3. An action listed above with the following conditions...
4. Action not listed above...

TOWN OF SOUTHERN PINES

REGULAR BUSINESS MEETING OF THE TOWN COUCIL

June 8, 2021

6:00 pm

The Douglas Community Center

1185 West Pennsylvania Avenue, Southern Pines, NC 28387

DECISION OF THE BOARD

Case Number: PD-02-21

A public hearing regarding the proposed Planned Development Preliminary Development Plan was called to order with all five (5) members present. The Mayor administered the oath to all witnesses choosing to speak. Ms. Suzy Russell, Planner II for the Town of Southern Pines, presented the staff report. Mr. Bob Koontz of Koontz Jones Design presented on behalf of the petitioner.

Matter at Issue:

PD-02-21: For the expansion of the multi-family Legends Apartment Community; Petitioner: Morganton Park II, LLC.

Morganton Park II, LLC., has submitted an application for a Planned Development - Preliminary Development Plan pursuant to Section 2.18.5 of the Town of Southern Pines Unified Development Ordinance (UDO) for the purpose of expanding the Legends multi-family apartment community located on the northern side of the Carlisle Street extension, on the eastern property, adjacent to the existing Legends multi-family community. Access to the proposed new portion of development will be provided via full-motion entrances/exits on the north side of South Carlisle Street. All parking will be provided on-site, and the development will be served by the Town of Southern Pines water and sewer facilities. The subject parcels are zoned PD (Planned Development) and they are identified for Parcel 1 as PIN: 857200502304 (PARID: 20190146) and per the Moore County tax records, the property owners are listed as Robert W VanCamp Trustee and for Parcel 3 as PIN: 857100392796 (PARID: 20150046) and per Moore County tax records, the property owners are listed as Robert W & Julie M VanCamp Trustee.

Ms. Suzy Russell presented the Town of Southern Pines staff report (Exhibit A) and reviewed compliance with the recently approved CDP and applicable sections of the Unified

Development Ordinance. Ms. Russell addressed the modifications that have been included in the PDP.

Mr. Bob Koontz of Koontz Jones Design presented the case for the approval of PDP application PD-02-21 (Exhibit B). Mr. Koontz provided an explanation of the request to build 144 units and presented the request to deviate from the height requirement to allow for a 50' building height allowance. Mr. Lancaster asked Mr. Koontz what the height of the first portion of Legends was approved at and Mr. Koontz responded that they were three story buildings just over 40'. Mr. Saulnier asked Mr. Koontz about the TIA and if it is sufficient and Mr. Koontz responded that it was and that it includes all of the new buildings being built in the Morganton Park North Planned Development. Mr. Pate asked what would trigger the next portion of Carlisle Street to be built and Mr. Koontz responded when development starts on the western side of Brucewood Road. Mr. Parsons agreed with that statement. Mr. Murphy asked if the entrance from the multi-family community onto Carlisle would be a right turn only and Mr. Koontz responded that it would be a right turn only. Mr. Koontz ended his presentation stating that the overall density is for the overall development at 16 dwelling units per acre.

No additional testimony was provided by Town staff, the applicant or members of the public.

Town Council Action:

Therefore, having heard all evidence submitted by those wishing to speak, the Town Council then closed the public hearing. After closing the public hearing, the Town Council made the following findings of fact on the application:

The Council voted on the following Findings of Fact and Conclusions of Law as required by UDO Section 2.18.5(H) and as presented in Attachment A in staff report PD-02-21:

Finding of Fact #1: By a vote of 5-0 The Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Preliminary Development Plan approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices, the applicants have submitted adequate evidence addressing criteria for a Preliminary Development Plan, and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.

Finding of Fact #2: By a vote of 5-0, the Town Council finds that the application complies with Section 2.18.5(H) Criteria for a Preliminary Development Plan, Criteria 1-4, in that:

1. The application demonstrates that it will achieve the purposes of the PDD and this section;

Town Council finds that the Preliminary Development Plan (PDP) for a multi-family community that has been submitted as Phase 7 of the Morganton Park North Conceptual Development Plan (CDP) will achieve the purposes of the PD-Planned Development zoning district with the applicants requested deviations related to allowing for a 50' building height, a total of 432 du building density for Parcel 1, 2 and 3, and specifically 144 du on Parcel 1, Parcel 1 not to include a play area for school aged children, the removal of the existing dog park and the allowance of

parking on Parcel 2 along with new ingress /egress locations to and from the existing parking lot and the proposed parking lot and the addition of one ingress/egress location onto Carlisle Street, because the Town of Southern Pines Town Council finds these requests to be in the public interest and are not contrary to the health, safety and welfare considerations.

2. The Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of this UDO;

Town Council finds the PDP to be generally consistent with the CDP and the request to increase the building height to 50' conforms to the applicable UDO standard because the increased height does not negatively affect surrounding properties as required by UDO 3.5.14 (O) (2).

3. The proposed Development is located in an area of the Town that is appropriate;

Town Council finds that the proposed PDP is located in an appropriate area of Town because the proposed multi-family community within the Morganton Park North Planned Development is served by existing public utilities and is accessed by an existing Town roadway. The proposed addition of multi-family residences to the already existing multi-family community will provide easy access to throughout the multi-family development and surrounding shopping and employment centers. Furthermore, development of the site will not remove critical wildlife habitat or add impervious surface in a High-Quality Watershed.

4. The proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities and services.

Town Council finds that the proposed PDP includes efficient extensions of public facilities, utilities and services because sewer and water facilities exist near the proposed lot and the development is to be accessed by existing Town roadways. Municipal public services are presently provided to adjoining land uses so the proposed multi-family community is not creating a new location of public service delivery demand.

Decision of the Council:

By a vote of 5-0, the Town Council then voted to approve the Preliminary Development Plan Application PD-02-21 as requested by the applicant.

This is the 28th day of June, 2021.

FOR THE TOWN COUNCIL:

Carol Haney, Mayor

cc: Robert & Julie VanCamp thomasv@vancamplaw.com
Watson Caviness watson@cavinessandcates.com
Bob Koontz, Koontz Jones Design bkoontz@koontzjones.com

Work Session Agenda Item

To: Reagan Parsons, Town Manager

From: Suzy Russell, Planner II

Subject: Written Decision of the Board for PD-03-21: Planned Development - Preliminary Development Plan for the development of a new four-phased whiskey distillery; Applicant: Rickhouse Properties, LLC.; Authorized Agent, Neal Smith of Neal Smith Engineering, LLC.

Date: June 28, 2021

I. PURPOSE:

Per UDO §2.14.6(F)(11), “A written decision must be approved for every quasi-judicial application, either by entering the decision at the end of the hearing or at a subsequent meeting of the hearing body, which shall generally be the next scheduled meeting. As part of the written decision, the hearing body must make findings of fact and conclusions as to applicable standards and any conditions. The chair may direct the planning director or town attorney to draft a written decision for approval by the hearing body at its next regularly scheduled meeting, which approval may be on a consent agenda.”

Staff has prepared a draft of the written decision of the board document for the application PD-03-21 that was heard by the Town Council at the regular meeting on June 8, 2021 and that the Town Council may now wish to adopt. If the Town Council approves the written decision of the board document, the Mayor will sign the document. The original signed version will be delivered to the petitioner, with staff maintaining a copy of the signed document in the file.

II. SUMMARY OF APPLICATION REQUEST:

Mr. Neal Smith of Neal Smith Engineering, Inc., on behalf of Rickhouse Properties, LLC., has submitted an application for a Planned Development - Preliminary Development Plan pursuant to Section 2.18.5 of the Town of Southern Pines Unified Development Ordinance (UDO) for a new four-phased whiskey distillery. The applicant is proposing to construct a mixed-use development to include a whiskey distillery along with retail, office, restaurant, bar, storage, special events and manufacturing with onsite sales. This subject property is an undeveloped 15.04-acre parcel located on the North side of Yadkin Road between Trimble Plant Road and US HWY #1. The subject property is currently zoned PD and has an approved CDP, but the zoning map has not been updated in GIS and still shows the property as I (Industrial). The subject property is identified as PIN: 858200642631 (PARID: 00036849) and per the Moore County tax records, the property owner is listed as Rickhouse Properties, LLC.

III. TOWN COUNCIL PUBLIC HEARING AND ACTION:

A public hearing for this request was held at the June 8, 2021 regular business meeting of the Town Council. All public notice requirements were met for that hearing date. The Town Council had five (5) members present. The Town Council opened the quasi-judicial public hearing and received evidence from those in attendance regarding preliminary development plan application PD-03-21. Planner II, Ms. Suzy Russell, Planning Department staff, entered the staff report into the record as Exhibit A and provided an overview of the project and applicable criteria for review.

Ms. Halling of Rickhouse Properties presented the case for the approval of PDP application PD-03-21. Ms. Halling provided a detailed report describing the location of the parcel, existing conditions, the phasing plan and the request to allow parking aisle widths and parking surfaces to be determined at site plan review with the Technical Review Committee. The applicant's presentation was entered into the record as Exhibit B. After presenting details of the development Ms. Halling answered questions from members of the Town Council. The applicant's agent Mr. Neal Smith of Neal Smith Engineering stated that this is the same presentation as the CDP and that grading will happen during permitting and the entire site will be graded at one time. The Town Council opened up the meeting to public comment. No comment was received.

There was no testimony from the general public and the town council closed the public hearing and voted on Preliminary Development Plan application PD-03-21.

The town council voted 5-0 to adopt Attachment A to staff report PD-03-21 as findings of fact. Attachment A included findings of fact that the application is complete, the facts submitted were relevant to the case, and that the application complies with Section 2.18.5(H) criteria for a preliminary development plan, criteria 1-4. Attachment A included a description of the manner in which each of the four criteria are met. The Town Council then voted 5-0 to approve the Preliminary Development Plan under application PD-03-21 with the following conditions:

- The applicant shall be allowed a parking reduction, based on the parking analysis provided by the applicant, and to meet the parking requirements for 147 parking spaces.
- Parking will comply with the UDO regulations and requirements put forth at site plan review with the Technical Review Committee and specifically:
 - Aisle widths will be approved at TRC review.
 - Surface material will be approved at TRC review.
 - Per UDO 3.5.14 (M) (4) the applicant shall meet off street loading requirements.
- The applicant will comply with the Town of Southern Pines landscape code found in the UDO § 4.3 and specifically:
 - Landscape screening for the parking lot shall be provided in Phase 2 or when the 75th parking space is proposed.

IV. ATTACHMENTS:

1. Written Decision for PD-03-21 (DRAFT)

V. TOWN COUNCIL ACTION:

The Town Council may wish to take one of the following actions:

1. No action;
2. Accept the Written Decision for PD-03-21 as prepared by the Town staff;
3. An action listed above with the following conditions...
4. Action not listed above...

TOWN OF SOUTHERN PINES

REGULAR BUSINESS MEETING OF THE TOWN COUCIL

June 8, 2021

6:00 pm

The Douglas Community Center

1185 West Pennsylvania Avenue, Southern Pines, NC 28387

DECISION OF THE BOARD

Case Number: PD-03-21

A public hearing regarding the proposed Planned Development Preliminary Development Plan was called to order with all five (5) members present. The Mayor administered the oath to all witnesses choosing to speak. Ms. Suzy Russell, Planner II for the Town of Southern Pines, presented the staff report. Ms. Jessica Halling of Rickhouse Properties, LLC., presented as the petitioner.

Matter at Issue:

PD-03-21: For the expansion of the multi-family Legends Apartment Community; Petitioner: Rickhouse Properties, LLC.

Mr. Neal Smith of Neal Smith Engineering, Inc., on behalf of Rickhouse Properties, LLC., has submitted an application for a Planned Development - Preliminary Development Plan pursuant to Section 2.18.5 of the Town of Southern Pines Unified Development Ordinance (UDO) for a new four-phased whiskey distillery. The applicant is proposing to construct a mixed-use development to include a whiskey distillery along with retail, office, restaurant, bar, storage, special events and manufacturing with onsite sales. This subject property is an undeveloped 15.04-acre parcel located on the North side of Yadkin Road between Trimble Plant Road and US HWY #1. The subject property is currently zoned PD and has an approved CDP, but the zoning map has not been updated in GIS and still shows the property as I (Industrial). The subject property is identified as PIN: 858200642631 (PARID: 00036849) and per the Moore County tax records, the property owner is listed as Rickhouse Properties, LLC.

Ms. Suzy Russell presented the Town of Southern Pines staff report (Exhibit A) and reviewed compliance with the recently approved CDP and applicable sections of the Unified Development Ordinance. Ms. Russell addressed the modifications that have been included in the PDP.

Ms. Jessica Halling presented the case for the approval of PDP application PD-03-21 (Exhibit B). Ms. Halling provided an explanation of the request to build the whiskey distillery and the phased development of the supportive mixed uses over a 10-year phasing plan. Mr. Halling spoke about the phasing plan, and that certain approved uses may be built before others, but that the phasing plan would remain. Mr. Pate stated the phasing plan shown on the site plan did not match what uses were described in the report. Ms. Halling presented the request to be allowed to have a parking aisle widths and parking surfaces be determined at site plan review with the Technical Review Committee. Mr. Parsons stated that this is what TRC is for. Mr. Saulnier stated to pay attention to the fire lanes and Ms. Halling responded that fire prevention is preventative and that they will treat it seriously.

Mr. Neal Smith of Neal Smith Engineering stated that this is the same presentation as the CDP and that grading will happen during permitting and that the entire site will be graded at one time.

No additional testimony was provided by Town staff, the applicant or members of the public.

Town Council Action:

Therefore, having heard all evidence submitted by those wishing to speak, the Town Council then closed the public hearing. After closing the public hearing, the Town Council made the following findings of fact on the application:

The Council voted on the following Findings of Fact and Conclusions of Law as required by UDO Section 2.18.5(H) and as presented in Attachment A in staff report PD-02-21:

Finding of Fact #1: By a vote of 5-0 The Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Preliminary Development Plan approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices, the applicants have submitted adequate evidence addressing criteria for a Preliminary Development Plan, and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.

Finding of Fact #2: By a vote of 5-0, the Town Council finds that the application complies with Section 2.18.5(H) Criteria for a Preliminary Development Plan, Criteria 1-4, in that:

1. The application demonstrates that it will achieve the purposes of the PDD and this section;

Town Council finds that the Preliminary Development Plan (PDP) to develop a whiskey distillery with supportive uses in four phases is generally consistent with the purposes of the PD-Planned Development zoning district. The land use mix is consistent with the CLRP and incorporates a variety of uses which is a standard of the traditional mixed-use category.

2. The Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of this UDO;

Town Council finds that the PDP is consistent with the Conceptual Development Plan (CDP) because the PDP maintains the mix and intensity of land uses as well as the phasing plan set forth, evaluated and approved with the CDP. The applicant has requested a parking reduction for 147 parking spaces to be the minimum required and provided a parking analysis as conditioned with the CDP. Town Council finds that the 147-parking space request is adequate because the parking analysis illustrates the parking standards within the UDO do not accurately apply to the proposed whiskey distillery and an inflexible application of the parking standards would result in an excess of parking spaces. The applicant also requested to deviate from the standards set forth for parking aisle width in their parking analysis on page 3. Because the site contains 10 or more parking spaces, Town Council finds that the applicant shall comply with the review for site plan with the Technical Review Committee (TRC). The applicant requested to deviate from vehicle use area material standards and because the Town of Southern Pines staff has specifically commented that the current standards should be met, Town Council finds that the applicant will comply with the applicable standards as administered by the Technical Review Committee at site plan review. Town Council finds that the loading and unloading area shall comply with the UDO in order to accommodate loading and unloading in a safe and convenient manner. Town Council finds that the applicant will meet the landscaping standards found within the UDO and specifically will provide landscape screening for the parking lot in Phase 2, or when the 75th parking space is proposed. The applicant is providing 74 parking spaces in phase 1 and therefore does not trigger this standard until they provide the 75th parking space.

3. The proposed Development is located in an area of the Town that is appropriate;

Town Council finds that the PDP is in an area of the Town that is appropriate because the proposed mixed-use development establishes a compatible transition into the surrounding Industrial zoned land. With a distilled spirit plant being an allowed land use in the Industrial zoning district the distilled spirit plant along with the mutually supportive uses will behave as a transition to the surrounding Industrial (I) zoned properties.

4. The proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities and services.

Town Council finds that the PDP is consistent with the Conceptual Development Plan and this development is served by existing public utilities and they are located in a manner that is respectful of existing natural features and environmentally sensitive areas.

Decision of the Council:

By a vote of 5-0, the Town Council then voted to approve the Preliminary Development Plan Application PD-02-21 as requested by the applicant, with the following conditions:

- The applicant shall be allowed a parking reduction, based on the parking analysis provided by the applicant, and to meet the parking requirements for 147 parking spaces.

- Parking will comply with the UDO regulations and requirements put forth at site plan review with the Technical Review Committee and specifically:
 - Aisle widths will be approved at TRC review.
 - Surface material will be approved at TRC review.
 - Per UDO 3.5.14 (M) (4) the applicant shall meet off street loading requirements.

- The applicant will comply with the Town of Southern Pines landscape code found in the UDO § 4.3 and specifically:
 - Landscape screening for the parking lot shall be provided in Phase 2 or when the 75th parking space is proposed.

This is the 28th day of June, 2021.

FOR THE TOWN COUNCIL:

Carol Haney, Mayor

cc: Jessica and Brad Halling, Rickhouse Properties jhalling@yahoo.com
Neal Smith, Neal Smith Engineering nsmith@nsengineering.com

Work Session Agenda Item

To: Reagan Parsons, Town Manager
From: Lauren Long, Planner I
Subject: CU-04-21: Minor Amendment to CU-07-20 to Deviate from the Local Street Standards of UDO Exhibit 4-16 and Appendix I
Date: June 28, 2021

I. SUMMARY:

The subdivision of Camp Easter Cottages, CU-07-20 and S-16-20, was approved on January 6, 2021 at the Agenda Meeting of the Town Council. When the application for a major subdivision was reviewed, no deviation was requested to the local street standards found in UDO Exhibit 4-16 and the street cross sections shown in Appendix I. The applicant is now requesting a deviation from these standards, as provided for in UDO § 4.11.10 (B), to propose a cross section with asphalt wedge. The request may be reviewed as a Minor Amendment to CU-07-20, per UDO 2.21.13(B)(2). The applicant has provided a justification for this request and it is attached to this memo. The applicant has also included in their request a roadway cross-section design with asphalt wedge curb.

II. PROJECT INFORMATION:

Physical Address:

Located east of Niagara-Carthage Road and north of Camp Easter Road and may also be identified by Moore County PIN 859310277006 (PARID 00031884) and PIN 859310279384 (PARID 00038672).

Owner:

Marcel Goneau
Silver Ridge Holdings, LLC
PO Box 4839
Pinehurst, NC 28374

Authorized Agent and Applicant:

Tim Carpenter
LKC Engineering
130 Aqua Shed
Aberdeen, NC 28315

III. ATTACHMENTS:

1. Local Street Standard Ditch Section Without Curb and Gutter (I-9 of Appendix I)
2. Applicant Proposed Cross-Section with Asphalt Curb
3. Applicant's Request and Justification

IV. TOWN COUNCIL ACTION:

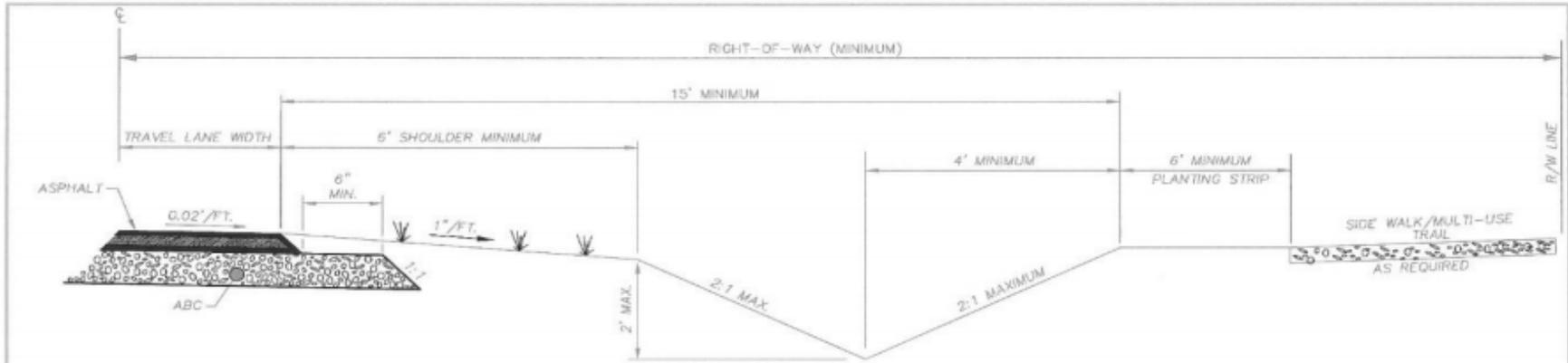
Town Council is being asked to approve a Minor Amendment to CU-07-20 to grant a waiver to the standards for local streets found in UDO Exhibit 4-16 and the local street cross-sections shown in Appendix I of the UDO based upon the provisions outlined in UDO § 4.11.10 (B).

To either approve or deny a Conditional Use Permit minor amendment application, the Town Council may choose one of the following motions or any alternative they wish:

I move to:

1. Approve CU-04-21
2. Deny CU-04-21
3. Approve CU-04-21 with the following conditions...

Local Street Standard Ditch Section Without Curb and Gutter (I-9 of Appendix I)



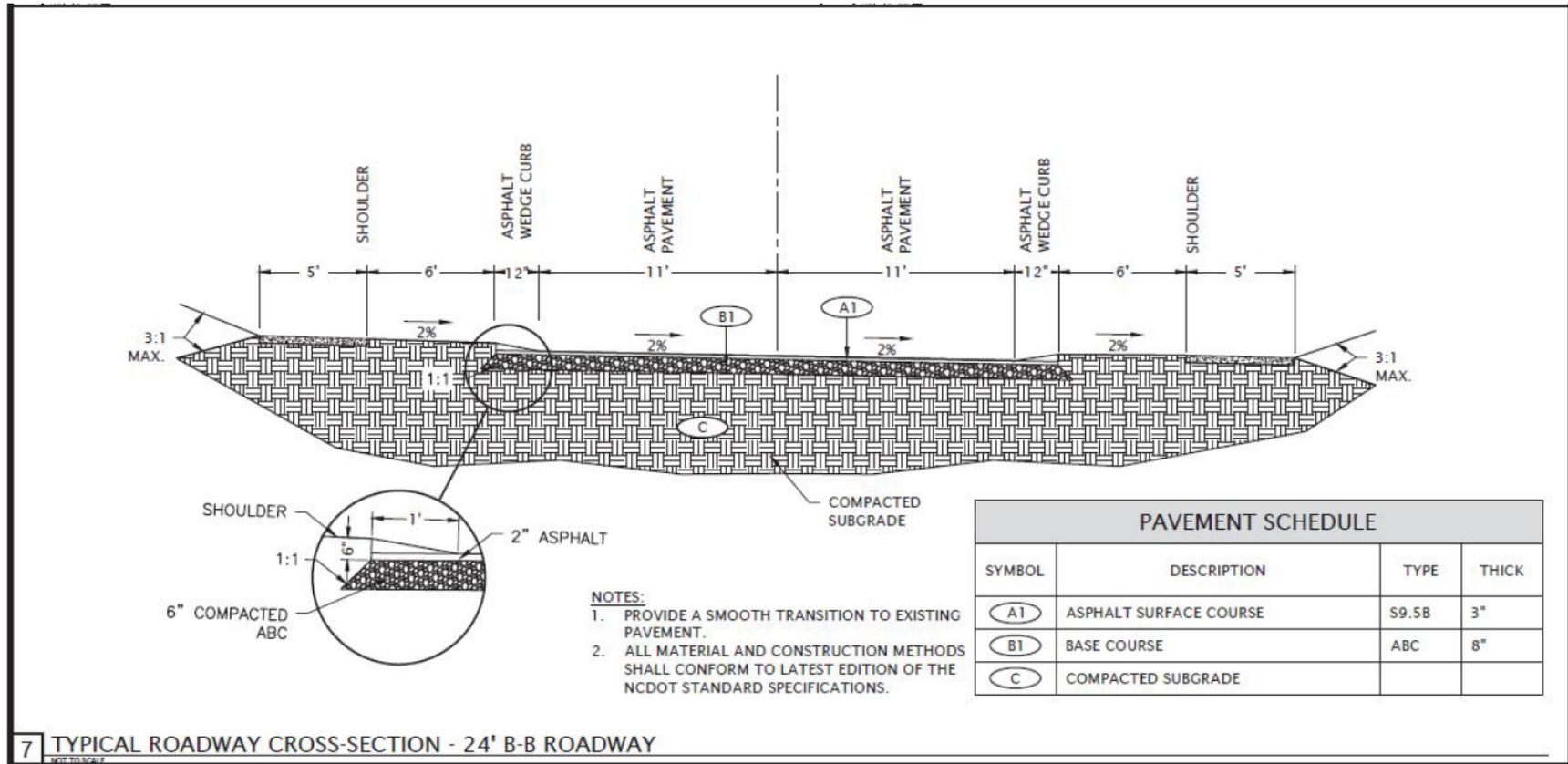
OPTION	ROW WIDTH (FT)	TRAVEL LANE(S) (FT)	SHOULDER WIDTH (FT)	TOP WIDTH OF DITCH MIN. (FT)	MULTI-USE TRAIL (FT)	SIDEWALK (FT)
MINOR & LOCAL	80	11	6	8	0	5
MINOR & LOCAL W/ MULTI-USE	100	11	6	8	10	0
MINOR & LOCAL W/ MULTI-USE & S/W	100	11	6	8	10	5

- NOTE:**
- THIS SECTION MAY ONLY BE USED WHEN ALL OF THE FOLLOWING CONDITIONS ARE MET:
 - STREET IS EITHER A LOCAL RESIDENTIAL STREET PRIOR APPROVAL FROM COUNCIL REQUIRED
 - STREET VERTICAL GRADE SHALL NOT EXCEED 5% AT ANY POINT.
 - SWALE SYSTEM DESIGNED TO CARRY AT LEAST THE 10 YEAR STORM.
 - VELOCITY WITHIN THE SWALE SHALL BE NON-EROSIVE.
 - DETAILED DRAINAGE CALCULATIONS REQUIRED.
 - 5' SIDEWALK MAY BE USED IN LIEU OF THE MULTI-USE TRAIL W/ PRIOR APPROVAL OF THE COUNCIL, HOWEVER THE MIN R/W SHALL NOT BE LESS THAN 80'

TOWN OF SOUTHERN PINES	LOCAL STREETS	7
DATE: MAY 2018	SCALE: NTS	

STANDARD DITCH SECTION WITHOUT CURB & GUTTER

Applicant Proposed Cross-Section with Asphalt Curb



REQUEST FOR MINOR AMENDMENT
OF
CAMP EASTER COTTAGES - CU-07-20 RR-CD
PROJECT NARRATIVE

A Narrative explaining how this application complies with the Town of Southern Pines' Unified Development Ordinance (UDO) Section 2.21.7 Conditional District Re-zonings and Comprehensive Long Range Plan (CLRP) is hereafter provided.

GENERAL DESCRIPTION:

Pursuant to the Town of Southern Pines Uniform Development Ordinance (UDO) Section 2.21.13 CUP Amendments Section B (2) Minor Amendments and the referenced project Camp Easter Cottages was previously approved through the Conditional Use Permit CU-07-20. LKC Engineering, PLLC is hereby submitting a request for a Minor Amendment of the CUP on behalf of Silver Ridge Holdings, LLC.

Pursuant to UDO 2.21.13(B)(2) this Minor Amendment is being submitted for the specific purpose of modifying the Residential Local/Cul-de-sac Street as described in 4.11.2 (B)(2) and as shown in the UDO Appendices Figure 6 Local Streets and Residential Sub-Collector with Rolled Curb. This request is specifically pointed to the Local Streets of the afore mentioned street cross section. The request is to use an asphalt wedge curb as permissible with the consent of Town Council as outlined in UDO Section 4.11.10(B).

The original street design from the approved Preliminary Plat was intended to utilize the Local Street Standard with ditch sections and no curb and gutter, Figure 7 of the UDO Appendices. The proposed street connects to an existing NCDOT Roadway (Camp Easter Rd.) that is also a standard ditch section with no roadways adjacent to or near the subject property that have a curb and gutter section. As the detailed design of the project progressed, it was determined that utilizing a ditch cross section is not feasible given the topography of the site - thus making a curb section necessary to convey stormwater from the lots and roadway into the drainage swales, and then to the stormwater management area. The stormwater management area is designed for a 25-year storm as required in the CUP Conditions that the Applicant agreed to.

The requested variation (e.g. Minor Amendment) to the street section is to utilize an Asphalt Wedge Curb as allowable by approval of Town Council as stated in UDO Section 4.11.10 (B). The proposed cross-section of the roadway and change to the curbing design is attached with this request.

UDO Section 2.21.13 CUP Amendments – Additional Criteria

(A) An amendment or modification is a request for any enlargement, expansion, increase in intensity, relocation, or modification of any condition of a previously approved and currently valid CUP. There is no change to the project layout or intensity associated with this request.

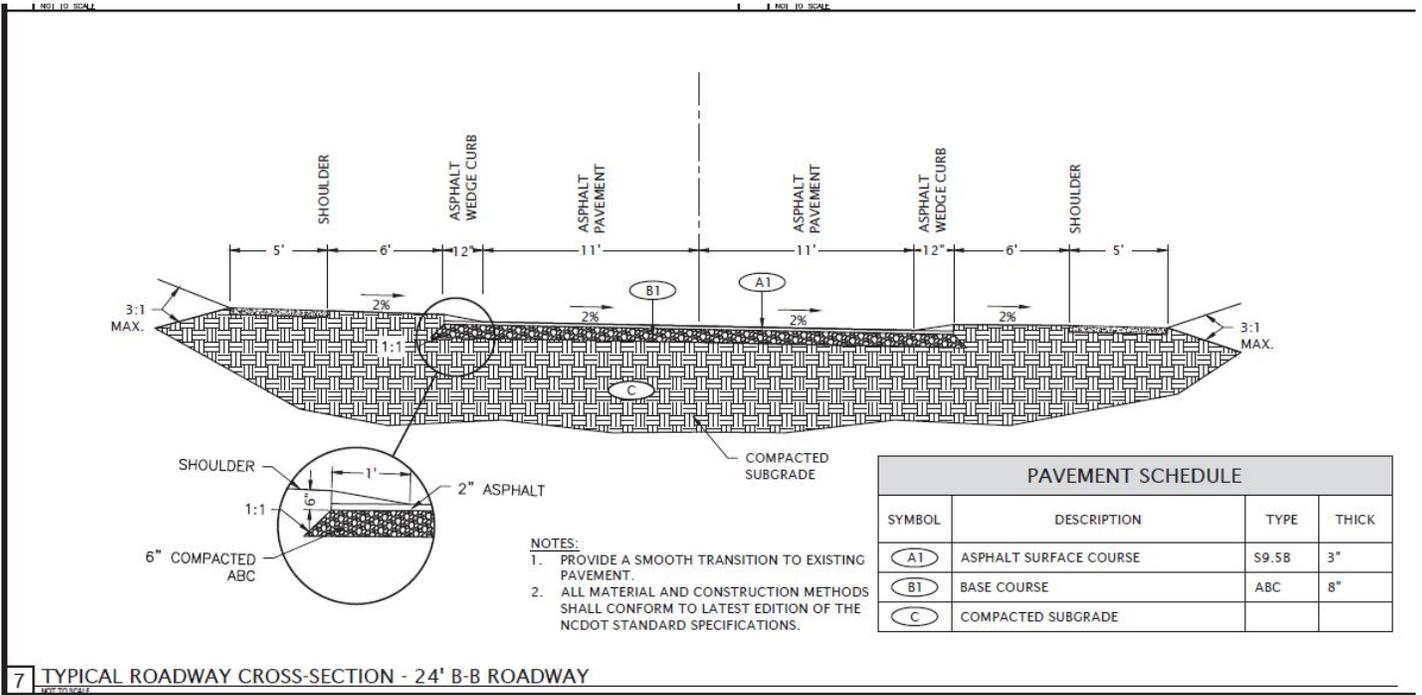
(B) Amendments to an approved Conditional Use Permit approval may follow one of three tracts: 1. insignificant amendments, 2. minor amendments, or 3. major amendments. The Planning Director shall review a request for a modification and shall determine whether the process for amending an approved Conditional Use Permit is insignificant, minor, or major. In addition to a Conditional Use Permit application, a developer requesting approval of modifications shall also submit a written request, and plans or drawings as necessary, identifying and detailing the requested changes. Approval or denial of a request and any changes shall be provided to the applicant in writing. This request anticipates that the subject request meets the Minor Amendment criteria as follows:

(2) Minor amendments are permissible with the approval of the Town Council. For purposes of this section, minor design modifications or changes are those that have not substantial impact on neighboring properties, the general public or those intended to occupy or use the proposed development. Such permission may be obtained without a public hearing or payment of any additional fee; however, a formal application for the requested modification should be filed with the Planning Director.

(C) Amendments shall have no detrimental impact on any adjacent property caused by significant change in the appearance or use of the property or any other contributing factor. We believe that the change from the design standard from a no curb option to a curb utilizing asphalt wedge curb in lieu of concrete curb in this setting is appropriate and should pose no detrimental impacts to neighboring properties.

(D) An amendment shall only be approved if the proposal conforms to the UDO and is in keeping with the spirit and intent of any adopted Comprehensive Plan and nothing in the currently valid Conditional Use Permit precludes or otherwise limits such amendment. We feel that the requested amendment is consistent with the previous approval of CU-07-20 as this request does not change the intent, use, or general aesthetic nature of the development but only improves stormwater conveyance and the curbing material is more consistent with the surroundings.

Proposed roadway cross-section with asphalt curb



Agenda Item

To: Reagan Parsons, Town Manager

From: Cindy Williams, Planning Technician

Subject: AX-03-21: Investigate the Sufficiency of a Request for Voluntary Annexation of Property Contiguous to the Corporate Limits of the Town of Southern Pines; ±.459 Acres; Petitioners: Robert Currie and Tracy Currie

Date: June 28, 2021

I. SUMMARY OF APPLICATION REQUEST:

Robert Currie and Tracy Currie are requesting voluntary annexation of a contiguous parcel that is currently outside of the corporate limits of the Town of Southern Pines. The subject parcel is identified PIN 857116830984 (PARID 00052214). Per the Moore County tax records, the property owners are listed as Robert Allen Currie and Tracy Wyatte Currie.

II. PROJECT INFORMATION:

A. Physical Addresses:

260 Saunders Boulevard
Southern Pines, NC 28387

B. Property Owners/Applicants:

Robert Currie and Tracy Currie
260 Saunders Boulevard
Southern Pines, NC 28387

C. Property Identification Number (PIN) & Parcel Identification:

PIN: 857116830984; PARID: 00052214

D. Size of Property:

Total Current Acreage: ±.459 acres

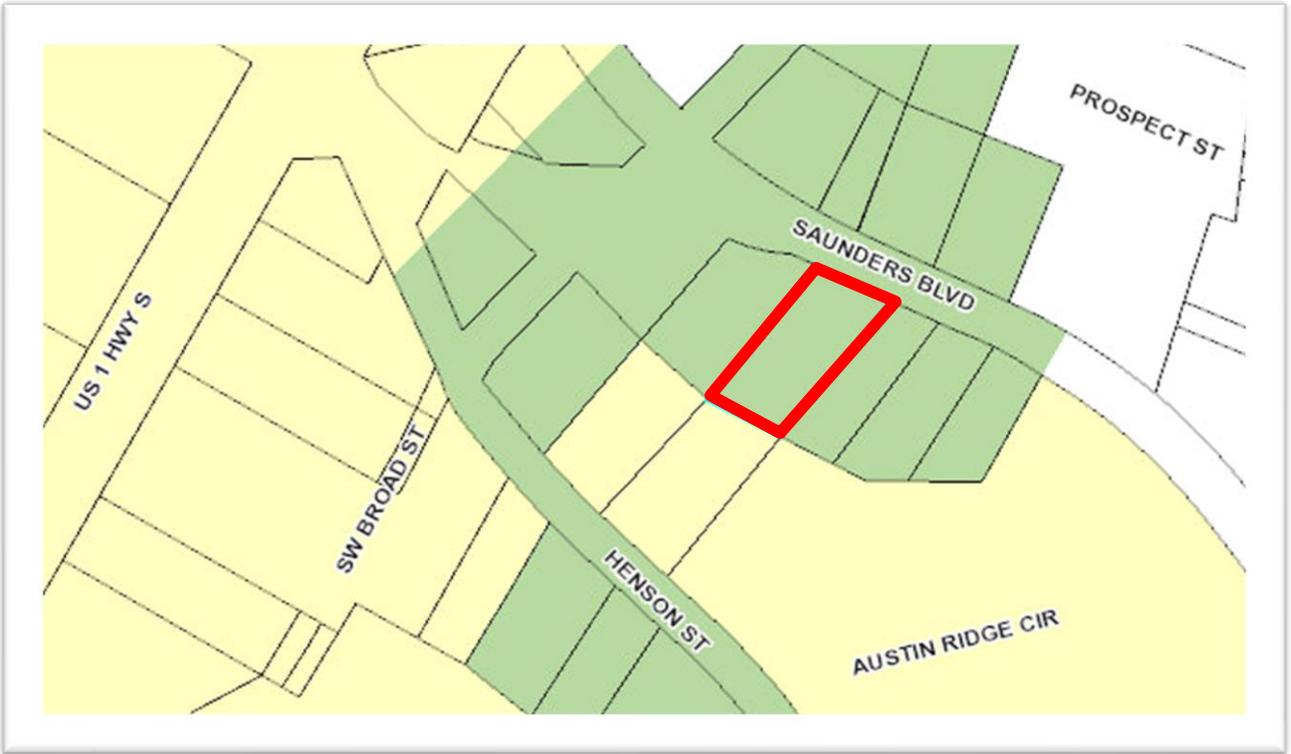
III. STAFF COMMENTS:

- The applicants have submitted an annexation petition accompanied by a map and a written metes and bounds description of the subject property.
- The request is a voluntary request for a contiguous annexation as the adjacent property to the South is within the corporate limits of the Town of Southern Pines (see Figure 1).

- The subject property is presently zoned RS-1 (Residential Single-Family) and the adjacent properties are also presently zoned RS-1.
- The purpose of this agenda item is for the Town Council to first take action at the Work Session to direct the Town Clerk to investigate the sufficiency of the petition for annexation. Then, following investigation, if the Town Clerk certifies the sufficiency of the petition, a resolution to fix a date for a public hearing will be before the Town Council at the July 7, 2021 Agenda Meeting pursuant to N.C.G.S. §160A-31(c).
- **Comprehensive Long Range Plan Analysis:**
 - The subject property is identified as “Residential” on the Comprehensive Long Range Plan (CLRP) Future Land Use Map (see Figure 3). Per the CLRP 2015-2016 update:

“Residential. This designation encompasses the majority of Southern Pines’ residential land, providing for single-family and attached housing at development densities ranging from one unit per acre in areas that are less intensively developed to up to twelve units per acre that are clearly more urban. Elementary schools, civic uses, parks and neighborhood scale commercial services may be authorized through the rezoning process without amending the future land use map.”

Figure 1: Adjacent Property (Area to be Annexed Outlined in Red)



□ Town of Southern Pines Corporate Limits

□ Town of Southern Pines ETJ

Figure 2: Zoning Map (Area to be Annexed Outlined in Black)

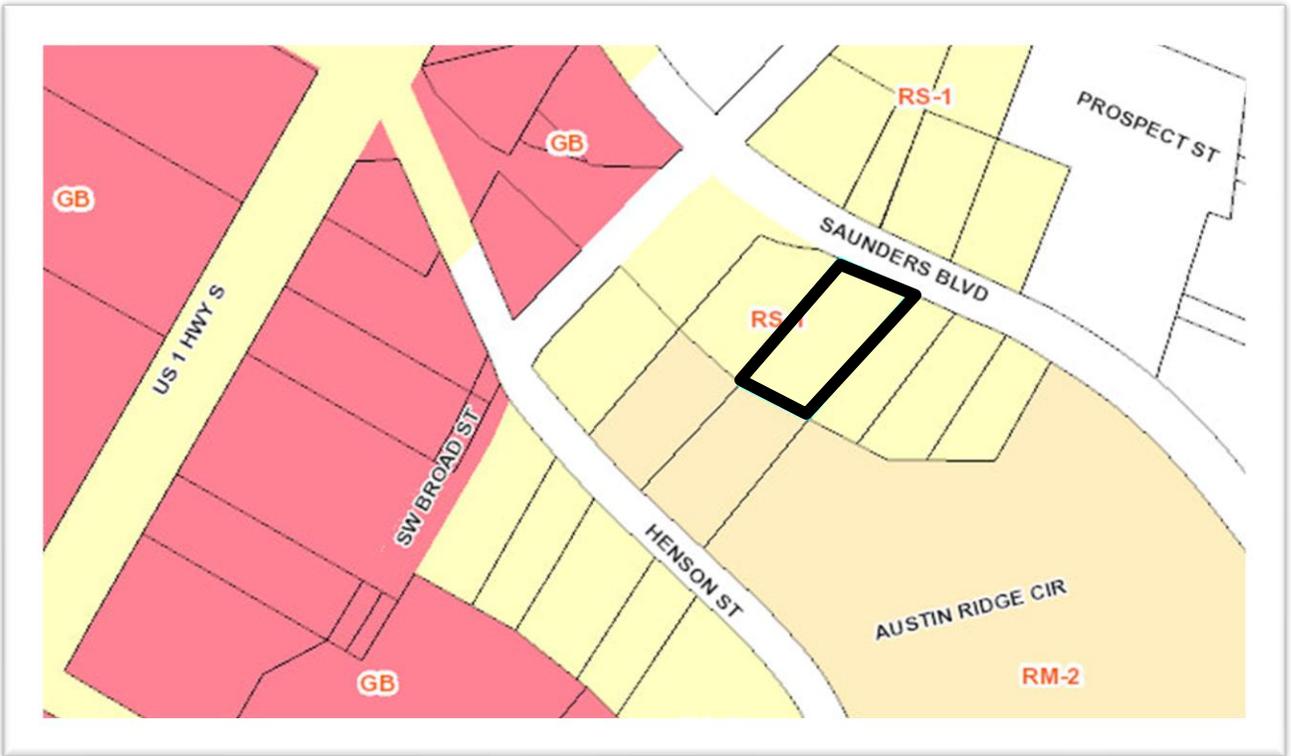
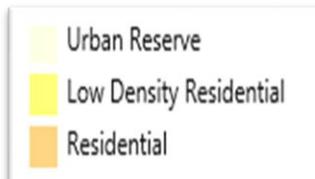


Figure 3: CLRP Future Land Use Map (Area to be Annexed Outlined in Blue)



IV. ATTACHMENTS:

1. Petition
2. Written metes and bounds description
3. Survey of subject property

V. TOWN COUNCIL ACTION:

Before holding a public hearing and deciding upon a *voluntary annexation* request, the Town Council must first direct the Town Clerk to investigate the request. Upon receiving a Certificate of Sufficiency from the Town Clerk, the Council may then fix a date for the public hearing for the annexation request. The Town Council may choose one of the following motions, or any alternative they wish:

- 1) I move to adopt a Resolution directing the Town Clerk to investigate a petition received for the voluntary annexation of property as defined in the submitted written metes and bounds description under application AX-03-21.

-or-

- 2) I move to not adopt a Resolution directing the Town Clerk to investigate a petition received for the voluntary annexation of property as defined in the submitted written metes and bounds description under application AX-03-21.

Metes & Bounds Description of Property Petitioning for Annexation:

Being Lot No. 12, Block H, according to a map of Pine Ridge, Southern Pines, N.C., recorded in Book of Maps 2A, page 59, Moore County Registry, and BEGINNING at a point in the southwestern line of Magnolia Drive, said point being the southeast corner of Lot No. 13; runs thence along the common dividing line of Lots 12, 13, 2 and 3; thence along the common dividing line between Lots 3 and 12, 100 feet; thence along the common dividing line between Lots 11 and 12, 210 feet in a northeasterly direction to a point in the southwestern boundary of Magnolia Drive; thence in a northwestern direction along said boundary 100 feet to the point of beginning.

**PETITION FOR VOLUNTARY ANNEXATION OF REAL
PROPERTY CONTIGUOUS TO THE
TOWN OF SOUTHERN PINES, NORTH CAROLINA**

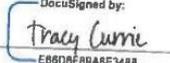
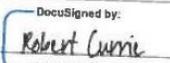
_____ May 24 _____, 2021 _____

TO THE TOWN COUNCIL OF THE TOWN OF SOUTHERN PINES, NORTH CAROLINA:

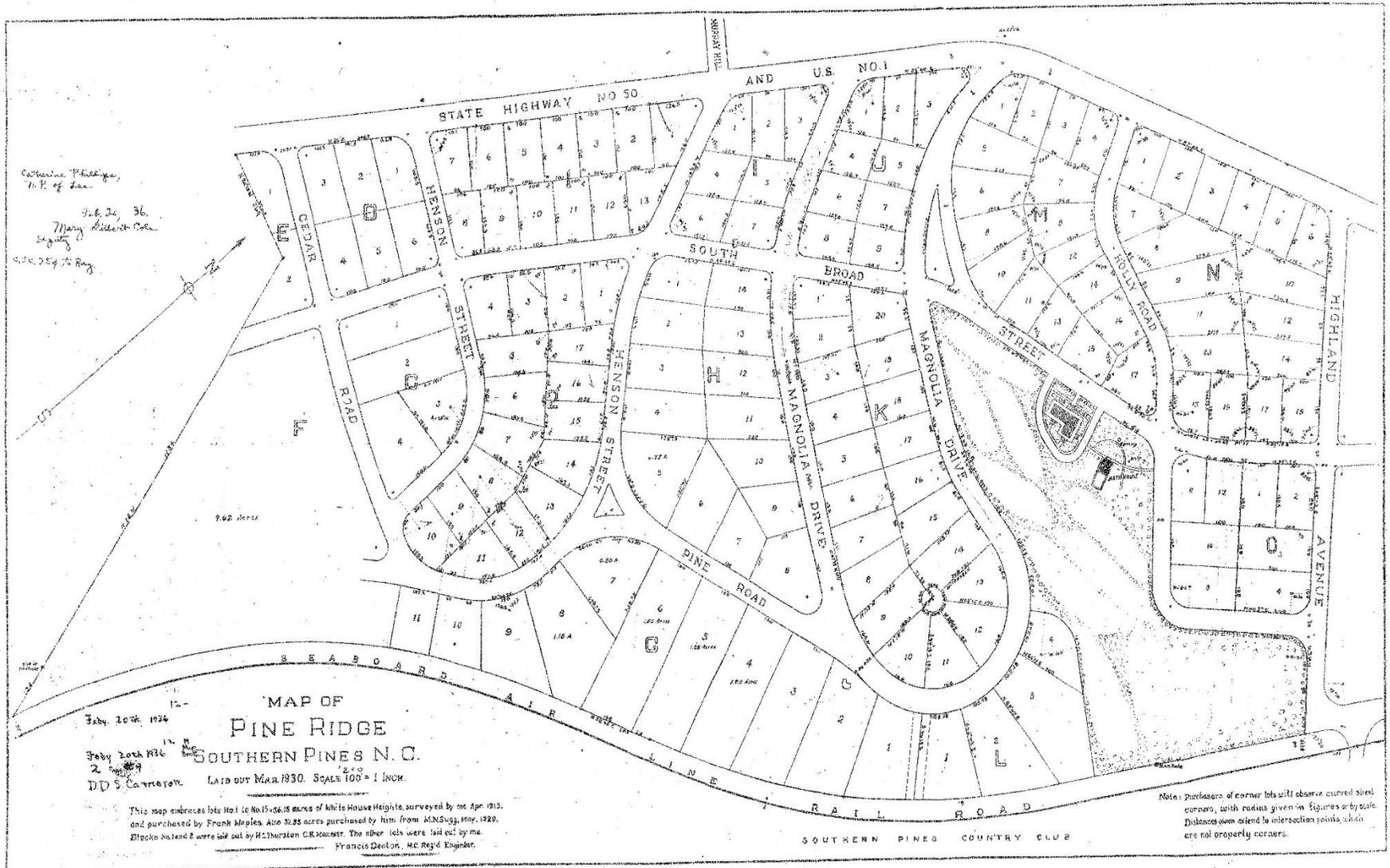
1. We the undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Southern Pines, North Carolina, pursuant to G. S. 160A-31.

2. The area requested to be annexed is contiguous to the Town of Southern Pines, and the boundary of such territory is described by metes and bounds as follows:

A legal metes and bounds description of boundaries of annexation, or a legal metes and bounds description of boundaries must be included.

<u>Name & Signature of Owner</u>	<u>Address of Owner</u>
Tracy Currie  <small>DocuSigned by: E86D8F88A8F3488 5/25/2021 12:29 PM EDT</small>	92 Gibbs Road, Hendersonville, NC 28792 _____ _____
Robert Currie  <small>DocuSigned by: 7B048684D9874C8 5/25/2021 12:44 PM PDT</small>	5518 Cyrus Lee Lane, Monroe, NC 28110 _____ _____ _____ _____

Two copies of the petition, an 11" x 17" map showing location and boundaries of the area requested to be annexed, a legal metes and bounds description and physical address for the property (new projects or properties that are being subdivided are to obtain address numbers from the Southern Pines Planning office while properties with existing structures are to obtain/confirm those addresses through the Southern Pines Fire Department) are to be filed with the Town Clerk, 125 S. E. Broad Street, Southern Pines, NC 28387.



RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31
AX-03-21

WHEREAS, a petition requesting annexation of an area described in said petition was received on May 24, 2021 by the Town Council of the Town of Southern Pines; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Southern Pines deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southern Pines that:

The Town Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the Town Council the result of her investigation.

ATTEST:

TOWN OF SOUTHERN PINES

Elizabeth Robertson, Deputy Town Clerk

Carol R. Haney, Mayor

TOWN OF SOUTHERN PINES
RESOLUTION TO ACCEPT AMERICAN RESCUE PLAN FUNDS

WHEREAS, the Town of Southern Pines is eligible for funding from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (CSLRF).

WHEREAS, the North Carolina General Assembly will provide for the distribution of funds to eligible North Carolina municipalities; and

WHEREAS, before receiving a payment, the Town Council is required to formally accept the CSLRF funds;

WHEREAS, revenue received under the CSLRF must only be spent for purposes authorized by the CSLRF, and applicable regulations, and by state law;

WHEREAS, revenue received under the CSLRF must be accounted for in a separate fund and not co-mingled with other revenue for accounting purposes; and

WHEREAS, the Town of Southern Pines must comply with all applicable budgeting, accounting, contracting, reporting, and other compliance requirements for CSLRF funds.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southern Pines that we do hereby accept and request CSLRF funding to be distributed by the State of North Carolina; and

FURTHER RESOLVED that the Town of Southern Pines affirms that the CSLRF revenue will only be used for the purposes prescribed in the CSLRF, and in US Treasury guidance in 31 CFR, Part 35, and any applicable regulations, and in accordance with state law; and

FUTHER RESOLVED that the Town of Southern Pines will comply with procedures created by the North Carolina General Assembly and the US Treasury Department to receive funds under the act; and

FURTHER RESOLVED that the Town of Southern Pines will account for CSLRF in a separate fund and not co-mingle it with other revenues for accounting purposes and will comply with all applicable federal and state budgeting, accounting, contracting, reporting, and other compliance requirements for CSLRF funds; and

FURTHER RESOLVED that the Town Council of the Town of Southern Pines designates and directs the Town Manager to take all actions necessary on behalf of the town council to receive the CSLRF funds.

ADOPTED, this the 28th day of June, 2021.

Carol Haney, Mayor

Elizabeth Robertson, Deputy Town Clerk

MEMORANDUM

To: Reagan Parsons, Town Manager
CC: Tess Brubaker-Speis, Finance Director
From: Nedra Norton, Director of Information Technology & GIS
Re: Request for Budget Amendment: FY 20-21 General Fund IT Operation to Fund 43 EIDMS
Date: June 24, 2021

I would like to request amending the FY 20-21 General Fund (IT operation) budget to transfer funds to Fund 43 EIDMS, an existing Capital Project Fund used for software and technology implementation, upgrades, and similar in the amount of \$45,874. Throughout FY 20-21 our IT team has worked diligently to deliver planned projects on budget and on schedule. As a result of the pandemic we continued to experienced unanticipated delays in project implementations resulting from vendor resource allocation, sourcing and scheduling. For example our Springbrook Enterprise Resource System upgrade to the most current version go-live date is currently scheduled for July from an original May schedule. The delay in Springbrook upgrade has a direct impact on scheduling of post upgrade projects such as on-line utility payments, purchase order automation, time and attendance interfaces, security application and town website mobile application. Transferring the operating funds to Fund 43 EIDMS would allow continuation of funding for pending projects.

Thank you in advance for your consideration.

Best Regards,
Nedra Norton



MEMORANDUM

To: Reagan Parsons, Town Manager
Cc: Nedra Norton, IT Director
From: Jessica Roth, Assistant Town Manager
Re: Civic Clerk Implementation
Date: June 24, 2021

Staff has identified the need to streamline the processes surrounding agenda creation and post-meeting tasks. Staff evaluated a number of options and recommends purchasing and implementing CivicClerk, an agenda and meeting management platform that is part of the CivicPlus suite the Town uses for other functions, such as the website, human resources, and recreation. CivicClerk offers a number of benefits and efficiencies, which will be experienced both internally and externally. Some of these include:

- A streamlined, online platform that improves the agenda creation, review, and approval process. There are a number of staff members involved in the agenda process, including the Town Manager, Assistant Town Manager, department directors, Clerk, Deputy Clerk, and other senior staff, so these improved efficiencies will be experienced in all departments.
- The Council will have access to a secure portal, giving them the ability to review and take notes on meeting agendas and supporting documents. The portal also provides easy access to archived meeting minutes and other media.
- The CivicPlus Media function allows the Town to share video (either live and/or on-demand) that can be synced with the minutes.
- Agendas and supporting materials will be standardized and offer full text searches, allowing Council and other readers to easily navigate complex and lengthy packets. Citizens and others can subscribe to receive e-mail notifications of agenda postings.
- CivicClerk can be expanded for use by other Town boards and committees.

The costs for implementation and the first year of use are \$13,594. The costs for year two and beyond are estimated around \$11,000 annually. Staff has identified funding in the IT operations budget for FY 20-21 to pay for year one. Staff recommends amending the FY 20-21 General Fund budget to transfer these funds to Fund 43 EIDMS, an existing Capital Project Fund used for software and technology implementation, upgrades, and similar.

Staff hopes to begin work on this implementation in summer, with a targeted launch in late 2021 or early 2022.



**AN ORDINANCE AMENDING
THE ENTERPRISE INFORMATION AND DOCUMENT MANAGEMENT BUDGET**

BE IT ORDAINED, by the Town of Southern Pines Town Council, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital reserve project budget is hereby amended:

Section 1: The project authorized is for the purpose of obtaining an integrated electronic solution for all Town departments and systems.

Section 2: The officers of this unit are hereby directed to proceed with the capital reserve fund within the terms of the budget contained herein.

Section 3: The following additional amount is appropriated for the project:

ERP Expenditures	<u>\$ 45,874.00</u>
Total Additional Project Appropriation	<u>\$ 45,874.00</u>

Section 4: The following additional revenue is anticipated to be available to complete this project:

Transfer in – General Fund	<u>\$ 45,874.00</u>
Total Additional Project Revenues	<u>\$ 45,874.00</u>

Section 5: Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Finance Officer for direction in carrying out this project.

Section 6: This amended ordinance becomes effective June 28, 2021.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of June 28, 2021 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Deputy Clerk

**AN ORDINANCE
AMENDING THE 2020/2021 FISCAL YEAR BUDGET**

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 28th day of June, 2021 that the Operating Budget for the Fiscal Year 2020/2021 be and hereby is amended as follows:

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
General Fund	Transfer to – CP Enterprise Information and Document Management System (EIDMS)	10-670-4300	\$45,874.00	
Information Technology	Contractual Services	10-430-4500		\$45,874.00

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of June 28, 2021 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Deputy Town Clerk

MEMORANDUM

To: Reagan Parsons, Town Manager
From: James Michel, PE, MBA, Town Engineer/Assistant Public Works Director
Re: Title V: Public Works Chapter 50, Water and Sewer Use Ordinance Revisions
Date: June 22, 2021

BACKGROUND

Staff has reviewed the current Chapter 50, Water and Sewer Use Ordinance. A number of revisions are being brought before Council for review and input prior to adoption of any changes. Many of the changes are simply grammatical or clerical in nature and have no real impact on the Town's prior policies. Examples of these changes are the clarification of the Operator in Responsible Charge's responsibilities, references to Appendix A in lieu of stating fees in specific sections, etc. This memo will focus on the significant changes.

§ 50.008 WORK TO BE DONE BY TOWN OR LICENSED UTILITY CONTRACTOR.

This section originally stated that the Town will perform all work to make connections to the water or sewer system. With the pace of construction in Moore County, the lead time for the Town to make a tap has grown to over 30 days and the Town has allowed builders to contract with a licensed utility contractor to make the connections for their project. The new language clarifies this and removes restricting language from the previous ordinance. The new language also clarifies that on projects which require a utility contractor for other parts of the work, for example installation of a fire line or new mains in a subdivision, that the Town may require that the utility contractor also complete the domestic water and sewer taps.

§ 50.035 MANDATORY CONNECTIONS.

This section has been revised to clarify that only Town Council may waive the requirement to connect to the water system. This is in keeping with a recent Council decision to waive the requirement for several lots on McNeil Road.

§ 50.039 CROSS-CONNECTION CONTROL (BACKFLOW PREVENTION)

The two major changes in this section impact how the Town will enforce the cross-connection control program. The first change is an expansion of Section (H)(2) requiring existing commercial properties to install a backflow prevention device relative to the level of potential hazard the property presents. This change will require staff to evaluate existing commercial properties to determine the level of hazard present and provide direction to the customers. Once the initial assessment are complete and any required backflow devices are installed, the properties will have to be re-assessed during any change of use or ownership to ensure that no changes have occurred.

The second major change is the inclusion of the (H)(2)(i) Exemptions which will allow for the Town's ORC to create a process by which customers can apply for exemptions from some of the requirements spelled out in the ordinance. This change will provide flexibility to address special circumstances where meeting the letter of the ordinance would create a hardship while still allowing for Staff to review the situation and ensure that appropriate protections for the water system are in place. For example, the arrangement of downtown businesses along Broad Street is anticipated to present hardships for proper installation as the backflows cannot be installed in the sidewalks without then creating issues for pedestrian mobility and ADA compliance. The exemption language would allow for staff to address situations like this.



§ 50.040 WATER SYSTEM DEVELOPMENT FEE and § 50.066 SEWER SYSTEM DEVELOPMENT FEE

This language change clarifies that the Town will collect the any System Development Fees (SDF) owed at the time of payment for the tap fee or a certificate of occupancy. The new language brings the Code into alignment with current practices and General Statute. The original language stated that SDF would be collected at the time of plat which historically has proven to be impractical and a challenge to properly track.

§ 50.059 MANDATORY CONNECTIONS (Sewer)

This change reduces the minimum distance from an existing sewer that triggers a mandatory connection from 300 feet to 200 feet, in line with Council's recent decision. This only applies to single lots and does not change the requirement for new subdivisions.

§ 50.060 TOWN MAINTENANCE OF SEPTIC SYSTEMS

This section is being deleted as the Town no longer provides this service to properties with septic tanks. All known accounts that were on septic and still being charged for sewer service have been changed to water only customers.

§ 50.083, § 50.084, § 50.087, § 50.101, § 50.102, § 50.103

All of these sections deal with different aspects of the Town's water and sewer extension policies. The changes are intended to clarify current Town policies for determining when extensions are required, how the extensions are made, and who is responsible for the cost. The only item that may be considered a change in policy is for individual single-family residential lots that request Town water will be required to annex into Town when the annexation would be contiguous.

Next Steps

Staff is seeking input from Council on the recommended changes presented in the draft resolution. Staff will take Council recommendations and make necessary revisions to bring a final resolution before the board at a future meeting. Staff is also discussing the cross-connection programs with several of the local utilities who are also reviewing and revising their ordinances. Staff believes there is a benefit to the public and those wishing to do business or develop in the area for these ordinances to have some level of consistencies. As these discussions continue, staff may come back to council for further discussion about the cross-connection ordinance prior to the final adoption.

**AMENDMENT TO THE
TOWN CODE OF ORDINANCES
FOR THE TOWN OF SOUTHERN PINES**

BE IT ORDAINED by the Town Council of the Town of Southern Pines, North Carolina, in regular session assembled this 8th day of September, 2020 that Chapter 50, Water and Sewer Use of the Code of Ordinances be amended as follows:

1. Revise TITLE V: PUBLIC WORKS § 50.001 DEFINITIONS. by adding the with the following:

OPERATOR IN RESPONSIBLE CHARGE (ORC). The individual designated as the certified operator of record of the system who has primary responsibility for the operation of water distribution, cross-connection control, and wastewater collection systems.

2. Revise TITLE V: PUBLIC WORKS § 50.003 APPLICATION FOR SERVICE by replacing the current Section (B)(7) with the following:

(7) When there is any potential, however remote, for a cross connection to the water system from any source which may be pressurized, hazardous materials, or toxic substances, the ORC may require visual confirmation that the cross-connection potential has been eliminated, or that cross-connection control devices, as specified by the Town, are in place and functional before the water can be turned on. Lawn irrigation systems shall be protected against backflow by a reduced pressure principle backflow prevention device (RPZ), which shall conform to ASSE 1013, AWWA C511, or CSA CAN/CSA 864.3, with a relief opening that discharges by air gap above grade; (see § 50.039, Cross-Connection Control) and/or

3. Revise TITLE V: PUBLIC WORKS § 50.005 RATES, FEES, AND CHARGES by replacing the current Section (B) with the following:

(B) All bills are due and payable upon receipt and are delinquent after the tenth of each month, and the service will be cut off after the twenty-fifth of each month, in accordance with § 50.013. There will be a late charge for all bills delinquent and an additional service charge for reconnection service during normal business hours, or a service charge for reconnection at other than normal business hours (see Appendix). If a customer's history shows no previous cut-offs in the last 12 months, the cut-off fee will be waived and the water not turned off. A customer will not be cut-off for a late fee balance of \$6 or less. A customer who will be out-of-Town may request in writing that his or her water be turned off. When the meter is turned back on, an administrative fee as shown in Appendix A of this Chapter will be charged to the account.

4. Revise TITLE V: PUBLIC WORKS § 50.006 LINES TO BE DEDICATED TO THE TOWN PRIOR TO CONNECTION by replacing the current Section with the following:

§ 50.006 LINES TO BE DEDICATED TO THE TOWN PRIOR TO CONNECTION.

No water or sewer lines connected to the Town system will be accepted and maintained by the Town until the lines are dedicated to and become the property of the Town along with a recorded exclusive easement for inspection, maintenance and repair. No connection or extension may be made to the Town water or sewer system except with proper notice to, and approval of, the Town. No connection or extension shall be accepted by the Town unless the connection or extension meets Town standards and the property tied on complies with the Town's subdivision ordinance.

5. Revise TITLE V: PUBLIC WORKS § 50.008 WORK TO BE DONE BY TOWN OR LICENSED UTILITY CONTRACTOR by replacing the current Section with the following:

§ 50.008 WORK TO BE DONE BY TOWN OR LICENSED UTILITY CONTRACTOR.

(A) Upon approval of any application for a sewer or water connection, the Town shall do the excavating, lay the pipe, install a meter where necessary, make the connection to the main, fill the excavation and replace the surface of the street. The construction of the lateral for the connection of sewers or water pipes on any lot with sewer or water pipes in any street, and the necessary excavation therefor shall be done only by the Town.

(B) An exception to this provision may be approved by the Town Engineer and/or ORC where the installation of lines and laterals is done by a developer or his or her agent and where detailed plans and specifications have been approved by the Town Engineer and/or ORC. The connection work will be subject to inspection by the Town Engineer or his or her agents and shall not be accepted by the Town unless approved by the Town Engineer. All cost of inspection shall be borne by the developer. No work shall commence without prior notification being given to the Town Engineer and/or ORC. All work not done by the Town shall be done by a licensed utility contractor.

(C) In cases where a project requires a licensed utility contractor for work other than making the water or sewer connections, the Town Engineer and/or ORC may require that the water and/or sewer connections be completed by the developer or his or her agent. Detailed plans and specifications shall be approved by the Town Engineer and/or ORC. The connection work will be subject to inspection by the Town Engineer or his or her agents and shall not be accepted by the Town unless approved by the Town Engineer. All cost of inspection shall be borne by the developer. No work shall commence without prior notification being given to the Town Engineer and/or ORC. All work shall be done by a licensed utility contractor.

6. Revise TITLE V: PUBLIC WORKS § 50.009 METER, PIPES, AND OTHER CONNECTION EQUIPMENT TO REMAIN PROPERTY OF TOWN by replacing the current Section with the following:

§ 50.009 METER, PIPES, AND OTHER CONNECTION EQUIPMENT TO BE PROPERTY OF TOWN

All meters, meter boxes, pipes and other equipment furnished and used in installing any water or sewer connection shall be and remain the property of the Town.

7. Revise TITLE V: PUBLIC WORKS § 50.013 COMPLAINTS; ADJUSTMENT by replacing the current Section (A)(3) with the following:

(A)(3) When it becomes necessary for the Town to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge as listed in Appendix A of this Chapter. All provisions of this division, including the turn-on charge, shall apply to any past due bill not paid by 5:00 p.m. of the last business day before the cut-off day.

8. Revise TITLE V: PUBLIC WORKS § 50.016 WATER SHORTAGE CONSERVATION MEASURES by replacing the current Section (B)(2) with the following:

(B)(2) Class 2: Socially or economically important uses of water.

9. Revise TITLE V: PUBLIC WORKS § 50.035 MANDATORY CONNECTIONS by replacing the current Section with the following:

§ 50.035 MANDATORY CONNECTIONS.

Any new house, lot, or subdivision in the Town limits or extraterritorial jurisdictional limits, whether developed or not, shall be required to provide water to the lot and/or each lot, unless the closest Town distribution pipe to any point on the property, without regard to dwelling location, is further than 300 feet for first dwelling, plus 100 feet, multiplied by the number of additional dwellings, residential, or commercial units planned or future. Only Town Council may waive this requirement.

10. Revise TITLE V: PUBLIC WORKS § 50.038 LIMITS OR PROHIBITIONS FOR POLICE PURPOSES by replacing the current Section with the following:

§ 50.038 LIMITS OR PROHIBITIONS FOR POLICE PURPOSES.

During any period in which an ordinance is in effect limiting or prohibiting certain types of water usage, the limitations shall apply to all users connected to the Town water system. Whoever is found to be violating the limits or prohibitions in effect shall have the water service to the property where the violation took place turned off. The water service shall not be reinstated until payment in full of the reconnection charge listed in Appendix A of this Chapter has been made. The Town Manager is hereby authorized to terminate service completely to any property whose owner repeatedly violates the limits or prohibitions of this section.

11. Delete TITLE V: PUBLIC WORKS § 50.039 CROSS-CONNECTION CONTROL (BACKFLOW PREVENTION) Section (E)(2):

12. Revise TITLE V: PUBLIC WORKS § 50.039 CROSS-CONNECTION CONTROL (BACKFLOW PREVENTION) by replacing the current Section (F)(8) with the following:

(F)(8) The installer shall insure the backflow prevention assembly is working properly upon installation.

13. Revise TITLE V: PUBLIC WORKS § 50.039 CROSS-CONNECTION CONTROL (BACKFLOW PREVENTION) by replacing the current Section (F)(9) with the following:

(F)(9) The installer shall provide the following information to the Town's Utilities Superintendent within 10 days after installation at the point of delivery of an approved backflow prevention assembly:

14. Revise TITLE V: PUBLIC WORKS § 50.039 CROSS-CONNECTION CONTROL (BACKFLOW PREVENTION) by replacing the current Section (F)(12) with the following:

(F)(12) All approved backflow prevention assemblies shall be tested by a certified backflow prevention assembly tester within 10 days of installation.

15. Revise TITLE V: PUBLIC WORKS § 50.039 CROSS-CONNECTION CONTROL (BACKFLOW PREVENTION) by replacing the current Section (F)(13)(c) with the following:

(F)(13)(c) All new BFP on fire suppression systems shall be installed within 10 feet of the meter. In some instances, where installation within 10 feet is not feasible due to facility design, exceptions may be approved by the ORC. All exceptions will be reviewed by Town officials to make final determination.

16. Revise TITLE V: PUBLIC WORKS § 50.039 CROSS-CONNECTION CONTROL (BACKFLOW PREVENTION) by replacing the current Section (F)(13)(d) with the following:

(F)(13)(d) Housing organizations that have a formal review board or committee may apply for a waiver, provided there is codified verbiage specific to BFP installation, modification or installation of systems requiring BFP, and member responsibilities within the organizational governing documentation. Potential waivers will be reviewed by the ORC to make final determination.

17. Revise TITLE V: PUBLIC WORKS § 50.039 CROSS-CONNECTION CONTROL (BACKFLOW PREVENTION) by replacing the current Section (H) with the following:

(H) Facilities requiring protection.

(1) Approved backflow prevention assemblies/devices shall be installed in accordance with this section and the latest editions of the North Carolina Plumbing Code and North Carolina

State Building Code, Town Unified Development Ordinance, or Town Code of Ordinances, whichever is more stringent.

(2) All facilities and/or connections to the public water system, due to a potential for backflow of non-potable water into the public water supply system, shall install an approved backflow prevention assembly according to the degree of hazard present, unless exempted, pursuant to the divisions listed below:

- (a) One-family and two-family dwelling (single-family detached, single-family attached and duplexes) domestic services: exempt;
- (b) All industrial domestic connections: reduced pressure principle assembly;
- (c) All new commercial domestic connections: reduced pressure principle assembly;
- (d) All existing commercial domestic connections:
 - 1. Health hazard: reduced pressure principle assembly;
 - 2. Non-health hazard: double check valve assembly;
 - 3. No hazard: exempted
- (e) Fire suppression (sprinkler) systems:
 - 1. Health hazard: reduced pressure principle (detector) assembly;
 - 2. Non-health hazard: double check valve (detector) assembly;
- (f) Non-regulated water supply systems:
 - 1. Reduced pressure principle assembly at primary connection point;
 - 2. Double check valve assembly at primary connection point and all other individual connections within the unregulated water supply system shall be fitted with approved backflow prevention assembly consistent with division (H)(2).
- (g) Regulated public water systems when permitted in accordance with Section .0300 of Chapter 15A of the North Carolina Administrative Code: exempt.
- (h) Irrigation systems: reduced pressure principle assembly.
- (i) Exemptions. The owner of a property that agrees to use the property only for uses that do not present a severe hazard may apply to the ORC or his designee for an exemption to install an approved backflow prevention assembly, to the type of backflow prevention assembly to be installed, or the location of the installed assembly as required by § 50.039. An application for an exemption shall be made pursuant to the procedures set forth by the ORC. Any exemption from the requirement to install an approved backflow assembly that is granted to an applicant shall be in effect only as long as the property is used for the purposes described in the application for exemption. If any conditions or uses of the property for which an exemption is granted change, or if a change in the account owner occurs, the owner of the property shall re-apply for an exemption pursuant to this paragraph.

18. Revise TITLE V: PUBLIC WORKS § 50.039 CROSS-CONNECTION CONTROL (BACKFLOW PREVENTION) by replacing the current Section (J)(6) with the following:

(J)(6) Enforcement of this program shall be administered by the ORC, or designee.

19. Revise TITLE V: PUBLIC WORKS § 50.039 CROSS-CONNECTION CONTROL (BACKFLOW PREVENTION) by replacing the current Section (J)(7) with the following:

(J)(7) Requests for extension of time shall be made in writing to the ORC, or designee.

20. Revise TITLE V: PUBLIC WORKS § 50.040 WATER SYSTEM DEVELOPMENT FEE by replacing the current Section (D) with the following:

(D)(1) One hundred percent of the water system development fee shall be paid at the earliest or next occurrence of any one of the following:

- (a) Payment of tap fee; and
- (b) Certificate of occupancy.

(2) Customers requesting to change from a smaller to a larger meter size shall pay the difference between the then current system development fees for the two meter sizes. The current fees shall be as listed in Appendix A of this Chapter at the time of payment for the new meter. Payment of the system development fee shall be made at the same time as payment for the new meter.

21. Revise TITLE V: PUBLIC WORKS § 50.059 MANDATORY CONNECTIONS by replacing the current Section (C)(1) with the following:

(C)(1) It is not in a subdivision and no point on its lot is within 200 feet of a gravity connection pipe;

22. Revise TITLE V: PUBLIC WORKS § 50.059 MANDATORY CONNECTIONS by replacing the current Section (C)(6) with the following:

(C)(6) County approved septic system is available and connection to the town's sewer system would require both 200 feet or more of the sewer connection be in wetlands and that installation of a privately owned and operated sewer grinder pump would be required.

23. Delete TITLE V: PUBLIC WORKS § 50.060 TOWN MAINTENANCE OF SEPTIC SYSTEMS

24. Revise TITLE V: PUBLIC WORKS § 50.066 SEWER SYSTEM DEVELOPMENT FEE by replacing the current Section (C) with the following:

(C)(1) One hundred percent of the water system development fee shall be paid at the earliest or next occurrence of any one of the following:

- (a) Payment of tap fee; and
- (b) Certificate of occupancy.

(2) Customers requesting to change from a smaller to a larger meter size shall pay the difference between the then current system development fees for the two meter sizes. The current fees shall be as listed in Appendix A of this Chapter at the time of payment for the new meter. Payment of the system development fee shall be made at the same time as payment for the new meter.

25. Revise TITLE V: PUBLIC WORKS § 50.083 IN TOWN by replacing the current Section with the following:

§ 50.083 IN TOWN.

- (A) Extensions of the water system shall be required when a mandatory connection is required by § 50.036 and water is not available to the property. The cost of the extension shall be at the developer's expense.
- (B) Previous agreements for paychecks under the previous ordinance of 1977 Section 20-15 will be honored. No new agreements will be made from the date of this chapter.
- (C) The Town will also make water extensions under authority of G.S. Ch. 160A, Art. 10. The extensions may be made following receipt of a petition from abutting property owners, or by action of the Town Council. Assessments levied under this authority may be payable over a period of up to 10 years.
- (D) Failing all of the above, extensions may be made upon request to the Town at the applicant's expense.
- (E) The Town may require that lines larger than 6 inch diameter or larger than otherwise required to serve the applicant be installed. In such a case, the Town will pay the difference in costs.

26. Revise TITLE V: PUBLIC § 50.084 EXTENSIONS IN EXTRATERRITORIAL ZONING AREA by replacing the current Section (A) with the following:

(A) The Town Manager is authorized to approve extensions to the Town water system in the Town's extraterritorial zoning jurisdictional area. All costs will be borne by the applicant. Any line extension or subdivision will meet all applicable provisions of this chapter and the Town Subdivision Ordinance including separate meters. When required by the Town Manager, the systems will be dedicated to the Town and the Town will maintain the systems. The Town personnel will be given unrestricted access whether the roads are public or private in such cases.

27. Revise TITLE V: PUBLIC § 50.087 EXTENSIONS BEYOND MUNICIPAL LIMITS by replacing the current Section (C)(1) with the following:

(C) Exceptions to these requirements are as follows:

- (1) Individual single-family residential lots would require a non-contiguous or satellite annexation;

28. Delete TITLE V: PUBLIC WORKS § 50.101 AVAILABILITY Section (D)

29. Revise TITLE V: PUBLIC § 50.102 EXTENSION BEYOND MUNICIPAL LIMITS by renumbering to § 50.103 EXTENSION BEYOND MUNICIPAL LIMITS:
30. Revise TITLE V: PUBLIC § 50.102 EXTENSION BEYOND MUNICIPAL LIMITS with the following:

§ 50.102 IN TOWN.

- (A) Extensions of the sewer system shall be required when a mandatory connection is required by § 50.059 and sewer is not available to the property. The cost of the extension shall be at the developer's expense.
- (B) The Town will also make sewer extensions under authority of G.S. Ch. 160A, Art. 10. The extensions may be made following receipt of a petition from abutting property owners, or by action of the Town Council. Assessments levied under this authority may be payable over a period of up to 10 years.
- (C) Failing all of the above, extensions may be made upon request to the Town at the applicant's expense.
- (D) The Town may require that lines larger than 8 inch diameter or larger than otherwise required to serve the applicant be installed. In such a case, the Town will pay the difference in costs.

31. Revise TITLE V: PUBLIC § 50.999 PENALTY by replacing the current Section with the following:

§ 50.999 PENALTY.

- (A) It shall be unlawful for any person, firm, or corporation to violate any provision of § 50.016 or § 50.011. Any person may be charged with violation of this section, or policy adopted hereunder, and prosecuted in District Court. Any person so charged and found guilty of violating § 50.016 or § 50.011 shall be guilty of a misdemeanor. The penalty for violation shall be a maximum fine of \$50 per occurrence, or imprisonment for not more than 30 days. Each day's violation shall constitute a separate offense. The imposition of 1 or more penalties for any violation shall not excuse any violation or permit it to continue.
- (B) In addition to or in lieu of criminal prosecution in division (A) above, violation of § 50.016 or § 50.011 may subject the violator or customer to a civil penalty of up to \$500 per violation per day for so long as the violation exists. Each day on which a violation occurs or continues shall constitute a separate and distinct violation. In determining the amount of the civil penalty, the Manager shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, efforts to correct the violation, the compliance history of the person against whom the violation is assessed, the cost of enforcement to the Town, whether the violation was willful or intentional and any other factor as justice requires. The Town shall serve a written citation on the violator, and the customer, if different, by personal delivery or by certified or registered mail, return receipt requested. The citation shall describe the violation and shall specify the amount of the civil penalty levied. The civil penalty is collectible in a civil action in the nature of debt. The

imposition of 1 or more penalties for a violation shall not excuse any violation or permit it to continue.

32. Revise TITLE V: PUBLIC WORKS APPENDIX A: RATES, FEES, AND CHARGES § 1. SCHEDULE OF RATES, FEES AND CHARGES by replacing the current Section (C) with the following:

(C) Connection Charges (Tap Fees and Meter Only Fees). These fees are subject to increase automatically on October 1 each year, proportional to the annual average increase in the United States Bureau of Labor Statistics, Consumer Price Index for all urban consumers (CPI-U), U.S. city average, detailed expenditure category, for water and sewerage maintenance for the time period between July of the previous calendar year to July of the current calendar year. In all cases, the town will furnish the meter.

TAP AND METER ONLY FEES		
SEWER		
	<i>In Town</i>	<i>Out of Town</i>
4" Connection	\$1,605	\$1,978
6" Connection	\$1,977	\$2,472
Mats/Labor Furnished	\$122	\$309
WATER		
	<i>In Town</i>	<i>Out of Town</i>
3/4" Water Tap	\$1,605	\$1,978
3/4" Split Service	\$740	\$927
3/4" Meter Only (preset)	\$345	\$432
1" Water Tap	\$1,854	\$2,349
1" Meter Only (preset)	\$589	\$686
1½" Water Tap	\$2,779	\$3,521
1½" Meter Only (preset)	\$889	\$1,037
2" Water Tap	\$3,151	\$3,831
2" Meter Only (preset)	\$1,119	\$1,304

These amendments shall become effective on October 1, 2020.

Effective October 1, 2020.

Adopted this 8th day of September, 2020.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of September 8, 2020 as shown in the minutes of the Town Council for that date.

Carol R. Haney, Mayor

Peggy K. Smith, Town Clerk

APPROVED AS TO FORM:

Douglas R. Gill, Town Attorney

Moore County, North Carolina Cross Connection Control Ordinance



- (a) The purpose of this cross connection control article is to define the authority of **Moore County** as the water purveyor in the elimination of all cross connections within its public potable water supply.
- (b) This article shall apply to all users connected to **Moore County** public potable water supply regardless of whether the user is located within the town limits or outside of the town limits.
- (c) This article will comply with the Federal Safe Drinking Water Act (PL 93-523), the North Carolina State Administrative Code (15A NCAC 18C), and the North Carolina State Building Code (Volume II) as they pertain to cross connections with the public water supply.

Sec. 15-392. Objectives of article

The specific objectives of this cross connection control article for **Moore County** are as follows:

- (1) To protect the public potable water supply of **County** against actual or potential contamination by isolating within the consumer's water system contaminants or pollutants which could, under adverse conditions, backflow through uncontrolled cross connections into the public water system.
- (2) To eliminate or control existing cross connections, actual or potential, between the consumer's potable water system and nonpotable or industrial piping system.
- (3) To provide a continuing inspection program of cross connection control which will systematically and effectively control all actual or potential cross connections which may be installed in the future.

Ordinance Amendment

Pursuant to an affirmative vote of _____ yeas to _____ nays the Board of Commissioners of **Moore County** at its regular meeting on the **16th day of April, 2021** and an affirmative vote of _____ yeas to _____ nays by the Board of Commissioners at its regular meeting on the _____ day of _____, 20____ if required, the following ordinances are hereby AMENDED:

(Proposed Amendments in Italics, Showing additions)

Sec. 15-393. Responsibilities

(a) *Health agency*

The state department of environment and natural resources has the responsibility for promulgating and enforcing laws, rules, regulations, and policies to be followed in carrying out an effective cross connection control program. The state department of environment and natural resources also has the primary responsibility of insuring that the water purveyor operates the public potable water system free of actual or potential sanitary hazards, including unprotected cross connections. The state department of environment and natural resources has the further responsibility of insuring that the water purveyor provides an approved water supply at the service connection to the consumer's water system and, further, that he requires the installation, testing, and maintenance of an approved backflow prevention assembly on the service connection when required.

(b) *Water purveyor*

Except as otherwise provided in this article, the water purveyor's **Moore County** responsibility to ensure a safe water supply begins at the source and includes all of the public water distribution system, including the service connection, and ends at the point of delivery to the consumer's water system. In addition, the water purveyor shall exercise reasonable vigilance to insure that the consumer has taken the proper steps to protect the public potable water system. To insure that the proper precautions are taken, **Moore County** is required to determine the degree of hazard or potential hazard to the public potable water system; to determine the degree of protection required; and to ensure proper containment protection through an on-going inspection program. When it is determined that a backflow prevention assembly is required for the protection of the public system, **Moore County** shall require the consumer, at the consumer's expense, to install an approved backflow prevention assembly at each service connection, to test immediately upon installation and thereafter at a frequency as determined by **Moore County**, to properly repair and maintain such assembly or assemblies and to keep adequate records of each test and subsequent maintenance and repair, including materials and/or replacement parts.

(c) *Plumbing inspection*

The plumbing inspection departments have the responsibility to not only review building plans and inspect plumbing as it is installed; but, they have the explicit responsibility of preventing cross connections from being designed and built into the plumbing system within its jurisdiction. Where the review of building plans suggests or detects the potential for cross connections being made an integral part of the plumbing system, the plumbing inspector has the responsibility, under the state building code, for requiring that such cross connections be either eliminated or provided with backflow prevention equipment approved by the state building code. The plumbing inspector's responsibility begins at the point of delivery, downstream of the first installed backflow prevention assembly, and continues throughout the entire length of the consumer's water system. The plan inspector should inquire about the intended use of water at any point where it is suspected that a cross connection might be made or where one is actually called for by the plans. When such is discovered it shall be mandatory that a suitable, approved backflow prevention assembly approved by the state building code be required by the plans and be properly installed. The primary protection assembly for containment purposes only shall have approval from **Moore County**, the state building code, and the state department of environment and natural resources.

(d) *Consumer*

The consumer has the primary responsibility of preventing pollutants and contaminants from entering his potable water system or the public potable water system. The consumer's responsibility starts at the point of delivery from the public potable water system and includes all of his water system. The consumer, at his own expense, shall install, operate, test, and maintain approved backflow prevention assemblies as directed by **Moore County**. The consumer shall maintain accurate records of tests and repairs made to backflow prevention assemblies and shall maintain such records for a minimum period of three years. The records shall be on forms approved by **Moore County** and shall include the list of materials or replacement parts used. Following any repair, overhaul, repiping or relocation of an assembly, the consumer shall have it tested to insure that it is in good operating condition and will prevent backflow. Tests, maintenance and repairs of backflow prevention assemblies shall be made by a certified backflow prevention assembly tester.

(e) *Certified backflow prevention assembly testers*

When employed by the consumer to test, repair, overhaul, or maintain backflow prevention assemblies, a backflow prevention assembly tester will have the following responsibilities: The tester will be responsible for making competent inspections and for repairing or overhauling backflow prevention assemblies and making reports of such repair to the consumer and responsible authorities on forms approved by **Moore County**. The tester shall include the list of materials or replacement parts used. The tester shall be equipped with and be competent to use all the necessary tools, gauges, manometers and other equipment necessary to properly test, repair, and maintain backflow prevention assemblies. It will be the tester's responsibility to insure that original manufactured parts are used in the repair of or replacement of parts in a backflow prevention assembly. It will be the tester's further responsibility not to change the design, material or operational characteristics of an assembly during repair or maintenance without prior approval of **Moore County**. A certified tester shall perform the work and be responsible for the competency and accuracy of all tests and reports. A certified tester shall provide a copy of all test and repair reports to the consumer and to **Moore County** cross connection control department within ten business days of any completed test or repair work. A certified tester shall maintain such records for a minimum period of three years. All certified backflow prevention assembly testers must obtain and employ backflow prevention assembly test equipment which has been evaluated and/or approved by **Moore County**. All test equipment shall be registered with **Moore County** cross connection control department. All test equipment shall be checked for accuracy annually, at a minimum, calibrated, if necessary, and certified to **Moore County** as to such calibration, employing an accuracy/calibration method acceptable to **Moore County**. All certified backflow prevention assembly testers must become re-certified every two years through an approved backflow prevention certification program.

Sec.15-394. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Air-gap separation means a physical separation between the free flowing discharge end of a potable water supply pipeline and an open or nonpressure receiving vessel. An approved air-gap separation shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the receiving vessel, in no case less than one inch (2.54 cm).

Approved means, as used in reference to a water supply, a water supply that has been approved by the state department of environment and natural resources; or, as used in reference to air-gap separation, a pressure vacuum breaker, a double check valve assembly, a double check detector assembly, a reduced pressure principle backflow prevention assembly, a reduced pressure principle detector assembly, or other backflow prevention assemblies or methods means an approval by **Moore County**.

Backflow means the undesirable reversal of flow of water or mixtures of water and other liquids, gases, or other substances into the distribution pipes of the consumer or public potable water system from any source or sources.

Backflow prevention assembly--Approved. The term "approved backflow prevention assembly" means an assembly used for containment and/or isolation purposes that has been investigated and approved by **Moore County** and has been shown to meet the design and performance standards of the American Society of Sanitary Engineers (ASSE), the American Water Works Association (AWWA), or the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California. The approval of backflow prevention assemblies by **Moore County** is based on a favorable report by the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California, recommending such an approval. To be approved, an assembly must be readily accessible for in-line testing and maintenance. **Moore County** reserves the right to evaluate any backflow prevention assembly through a field evaluation process for approval if necessary for a period of time established by the town.

Backflow prevention assembly--Unapproved. The term "unapproved backflow prevention assembly" means an assembly that has been investigated by **Moore County** and has been determined to be unacceptable for installation within **Moore County** water system. Consideration for disapproval and removal from the "approved list" shall be based upon, but not limited to, the following criteria: (i) Due to poor performance standards (i.e., significant failure rate); (ii) lack of or unavailability of repair parts; and/or, (iii) poor service or response from assembly's factory representative.

Backflow prevention assembly--Type means an assembly used to prevent backflow into a consumer or public potable water system. The type of assembly used should be based on the degree of hazard either existing or potential. The types are:

- (1) Double check valve assembly (DCVA).
- (2) Double check detector assembly (fire system) (DCDA).
- (3) Pressure vacuum breaker (PVB).
- (4) Atmospheric vacuum breaker (AVB)
- (5) Reduced pressure principle assembly (RP).
- (6) Reduced pressure principle detector assembly (fire system). (RPDA).

Backflow prevention assembly tester--Certified. The term "certified backflow prevention assembly tester" means a person who has proven his competency to the satisfaction of **Moore County**. Each person who is certified to make competent tests, or to repair, overhaul, and make reports on backflow prevention assemblies shall be knowledgeable of applicable laws, rules, and regulations, shall be a licensed plumber or have at least two years' experience under and be employed by a state licensed plumber or plumbing contractor, or have equivalent qualifications acceptable to **Moore County**, and must hold a certificate of completion from an approved training program in the testing and repair of backflow prevention assemblies. Backflow assembly testers who hold a certificate of completion from an approved training program shall be required to successfully complete a practical examination administered by **Moore County** prior to conducting test and repair work on backflow prevention assemblies in **Moore County** water system. Backflow assembly testers who hold a certificate of completion from a nonapproved training program shall be required to successfully complete a written and practical examination administered by **Moore County** prior to conducting test and repair work on backflow prevention assemblies in **Moore County** water system.

Backflow prevention device--Approved. The term "approved backflow prevention device" means a device used for isolation purposes that has been shown to meet the design and performance standards of the American Society of Sanitary Engineers (ASSE) and the American Water Works Association (AWWA)

Back-pressure backflow means any elevation in the consumer water system, by pump, elevation of piping, or steam and/or air pressure, above the supply pressure at the point of delivery which would cause, or tend to cause, a reversal of the normal direction of flow.

Back-siphonage backflow means a reversal of the normal direction of flow in the pipeline due to a negative pressure (vacuum) being created in the supply line with the backflow source subject to atmospheric pressure.

Check valve--Approved. The term "approved check valve" means a check valve that is drip-tight in the normal direction of flow when the inlet pressure is at least one psi and the outlet pressure is zero. The check valve shall permit no leakage in a direction reverse to the normal flow. The closure element (e.g. clapper, poppet, or other design) shall be internally loaded to promote rapid and positive closure. An approved check valve is only one component of an approved backflow prevention assembly, i.e., pressure vacuum breaker, double check valve assembly, double check detector assembly, reduced pressure principle assembly, or reduced pressure detector assembly.

Consumer means any person, firm, or corporation using or receiving water from **Moore County** water system.

Consumer's potable water system means that portion of the privately owned potable water system lying between the point of delivery and point of use and/or isolation protection. This system will include all pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, store, or use potable water.

Consumer's water system means any water system commencing at the point of delivery and continuing throughout the consumer's plumbing system, located on the consumer's premises, whether supplied by public potable water or an auxiliary water supply. The system or systems may be either a potable water system or an industrial piping system.

Containment means preventing the impairment of the public potable water supply by installing an approved backflow prevention assembly at the service connection.

Contamination means an impairment of the quality of the water which creates a potential or actual hazard to the public health through the introduction of hazardous or toxic substances or through the spread of disease by sewage, industrial fluids, or waste.

Cross connection means any unprotected actual or potential connection or structural arrangement between a public or a consumer's water system and any other source or system through which it is possible to introduce any contamination or pollution, other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices, and other temporary or permanent devices through which or because of which "backflow" can or may occur are considered to be cross connections.

Double check detector assembly means a specially designed assembly composed of a line-size approved double check valve assembly with a specific bypass water meter and a meter-sized approved double check valve assembly. The meter shall register (in U.S. gallons or cubic feet) accurately for only very low rates of flow and shall show a registration for all rates of flow. This assembly shall only be used to protect against a nonhealth hazard (i.e., pollutant).

Double check valve assembly means an assembly composed of two independently acting, approved check valves, including tightly closing shutoff valves attached at each end of the assembly and fitted with properly located test cocks. This assembly shall only be used to protect against a nonhealth hazard (i.e., pollutant).

Hazard--Degree of. The term "degree of hazard" is derived from the evaluation of conditions within a system which can be classified as either a "pollutional" (nonhealth) or a "contamination" (health) hazard.

Hazard--Health. The term "health hazard" means an actual or potential threat of contamination of a physical, hazardous or toxic nature to the public or consumer's potable water system to such a degree or intensity that there would be a danger to health.

Hazard--Nonhealth. The term "nonhealth hazard" means an actual or potential threat to the quality of the public or the consumer's potable water system. A nonhealth hazard is one that, if introduced into the public water supply system, could be a nuisance to water customers, but would not adversely affect human health.

Hazard--Pollutional. The term "pollutional hazard" means an actual or potential threat to the quality or the potability of the public or the consumer's potable water system but which would not constitute a health or a system hazard, as defined. The maximum degree or intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances.

Health agency means the state department of environment and natural resources.

Industrial fluids means any fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration such as would constitute a health or nonhealth hazard if introduced into a public or consumer potable water system. Such fluids may include, but are not limited to: process waters; chemicals in fluid form; acids and alkalis; oils, gases; etc.

Industrial piping system--Consumer's. The term "consumer's industrial piping system" means any system used by the consumer for transmission of or to confine or store any fluid, solid or gaseous substance other than an approved water supply. Such a system would include all pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, or store substances which are or may be polluted or contaminated

Isolation means the act of confining a localized hazard within a consumer's water system by installing approved backflow prevention assemblies. Disclaimer: **Moore County** may make recommendations, upon facility inspection, as to the usages of isolation devices/assemblies, but does not assume or have responsibility whatsoever for such installations.

Point of delivery means generally at the property line of the customer, adjacent to the public street where **Moore County** mains are located, or at a point on the customer's property where the meter is located. The customer shall be responsible for all water piping and control devices located on the customer's side of the point of delivery.

Pollution means an impairment of the quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect the aesthetic qualities of such waters for domestic use.

Potable water means water from any source which has been investigated by the state department of environment and natural resources and which has been approved for human consumption.

Public potable water system means any publicly or privately owned water system operated as a public utility, under a current state department of environment and natural resources permit, to supply water for public consumption or use. This system will include all sources, facilities, and appurtenances between the source and the point of delivery such as valves, pumps, pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, treat, or store potable water for public consumption or use.

Reduced pressure principle backflow prevention assembly means an assembly containing within its structure a minimum of two independently acting, approved check valves, together with a hydraulically operating, mechanically independent, pressure differential relief valve located between the check valves and at the same time below the first check valve. The first check valve reduces the supply pressure a predetermined amount so that during normal flow and at cessation of normal flow, the pressure between the checks is less than the supply pressure. In case of leakage of either check valve, the pressure differential relief valve, by discharge to atmosphere, shall operate to maintain the pressure between the checks less than the supply pressure. The unit shall include tightly closing shutoff valves located at each end of the assembly and each assembly shall be fitted with properly located test cocks. The assembly is designed to protect against a health hazard (i.e., contaminant).

Reduced pressure principle detector assembly means a specially designed assembly composed of a line-size approved reduced pressure principle backflow prevention assembly with a specific bypass water meter and a meter-sized approved reduced pressure principle backflow prevention assembly. The meter shall register, in U.S. gallons or cubic feet, accurately for only very low rates of flow and shall show a registration for all rates of flow. This assembly shall be used to protect against a health hazard (i.e., contaminant).

Service connections means the terminal end of a service connection from the public potable water system, i.e., where **Moore County** loses jurisdiction and sanitary control over the water at its point of delivery to the consumer's water system.

Vacuum breaker--Atmospheric type. The term "atmospheric vacuum breaker," also known as the "nonpressure type vacuum breaker," means a device containing a float-check, a check seat, and an air inlet port. The flow of water into the body causes the float to close the air inlet port. When the flow of water stops, the float falls and forms a check valve against back-siphonage and at the same time opens the air inlet port to allow air to enter and satisfy the vacuum. Shutoff valves downstream of AVBs are not allowed. AVB's must always be installed at a minimum of 6" above the highest outlet. An atmospheric vacuum breaker is designed to protect against health hazards, isolation protection only, under a backsiphonage condition only.

Vacuum breaker--Pressure type. The term "pressure vacuum breaker" means an assembly containing an independently operating internally loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve. The assembly is to be equipped with properly located test cocks and tightly closing shutoff valves attached at each end of the assembly. PVB's must always be installed at a minimum of 12" above the highest outlet. This assembly is designed to protect against a health hazard (i.e., contaminant) under a backsiphonage condition only.

Water purveyor means the owner or operator of a public potable water system, providing an approved water supply to the public.

Water supply--Approved. The term "approved water supply" means any public potable water supply which has been investigated and approved by the permit. In determining what constitutes an approved water supply, the state department of environment and natural resources has reserved the final judgment as to its safety and potability.

Water supply--Auxiliary. The term "auxiliary water supply" means any water supply on or available to the premises other than the purveyor's approved public potable water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source such as a well, spring, river, stream, etc., "used water", or industrial fluids. These waters may be polluted, contaminated, or objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

Water supply--Unapproved. The term "unapproved water supply" means a water supply which has not been approved for human consumption by the state department of environment and natural resources.

Water--Used. The term "used water" means any water supplied by a water purveyor from a public water system to a consumer's water system after it has passed through the point of delivery and is no longer under the control of the water purveyor.

Sec. 15-395. Right of entry

- (a) Authorized representatives from **Moore County** shall have the right to enter, upon presentation of proper credentials and identification, any building, structure, or premises during normal business hours, or at any time during the event of an emergency, to perform any duty imposed by this article. Those duties may include sampling and testing of water, or inspections and observations of all piping systems connected to the public water supply. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with the security guards so that upon presentation of suitable identification, **Moore County** personnel will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Refusal to allow entry for these purposes may result in discontinuance of water service.
- (b) On request, the consumer shall furnish to the commission any pertinent information regarding the water supply system on such property where cross connections and backflow are deemed possible.

Sec. 15-396. Elimination of cross connections; degree of hazard

- (a) When cross connections are found to exist, the owner, his agent, occupant, or tenant will be notified in writing to disconnect the cross connection within the time limit established by **Moore County**. Degree of protection required and maximum time allowed for compliance will be based upon the potential degree of hazard to the public water supply system. The maximum time limits are as follows:
- (1) Cross connections with private wells or other auxiliary water supplies--immediate disconnection.
 - (2) All facilities which pose a health hazard to the potable water system must have a containment assembly in the form of a reduced pressure principle backflow prevention assembly within 60 days.
 - (3) All industrial and commercial facilities not identified as a health hazard shall be considered nonhealth hazard facilities. All nonhealth hazard facilities must install, as a minimum containment assembly, a double check valve assembly within 90 days
 - (4) If, in the judgment of **Moore County**, an imminent health hazard exists, water service to the building or premises where a cross connection exists may be terminated unless an air gap is immediately provided, or the cross connection is immediately eliminated.
 - (5) Based upon recommendation from **Moore County**, the consumer is responsible for installing sufficient internal isolation backflow prevention assemblies and/or methods (i.e., air gap, pressure vacuum breakers, reduced pressure principle backflow prevention assembly, double check valve assembly).
 - (6) Water mains served by **Moore County** but not maintained by **Moore County** should be considered cross connections, with degree of hazard to be determined by **Moore County**. Degree of protection shall be based upon the degree of hazard, as determined by **Moore County**.
 - (7) In the event that **Moore County's** cross connection control inspector does not have sufficient access to every portion of a private water system (e.g., classified research and development facilities; federal government property) to allow a complete evaluation of the degree of hazard associated with such private water systems, an approved reduced pressure principle assembly shall be required as a minimum of protection.
- (b) No person shall fill special use tanks or tankers containing pesticides, fertilizers, other toxic chemicals or their residues from the public water system except at a location equipped with an air gap or an approved reduced pressure principle backflow prevention assembly properly installed on the public water supply.

Sec. 15-397. Installation of assemblies.

- (a) All backflow prevention assemblies shall be installed in accordance with the specifications furnished by **Moore County** and/or the manufacturer's installation instructions and/or in the latest edition of the state building code, whichever is most restrictive. All assemblies installed above ground outside must be protected from freezing with an above ground enclosure that meets the ASSE 1060 standard. If the assembly is installed outside and intended for commercial domestic water use, a heat source must be readily available at the assembly.
- (b) All new construction plans and specifications, when required by the state building code and the state department of environment and natural resources, shall be made available to **Moore County** for review and approval, and to determine the degree of hazard.
- (c) Ownership, testing, and maintenance of the assembly shall be the responsibility of the customer.

- (d) All double check valve assemblies must be installed in accordance with detailed specifications provided by **Moore County**. Double check valve assemblies may be installed in a vertical position provided they have been specifically approved by the manufacture and with prior approval from **Moore County** Cross Connection Control Department provided the flow of water is in an upward direction. All double check valve assemblies 2 1/2" and larger must be installed above ground covered by an above ground enclosure that meets the ASSE 1060 standard if they are installed outside. Inside installations must meet North Carolina Plumbing Code.
- (e) Reduced pressure principle assemblies must be installed in a horizontal position and in a location in which no portion of the assembly can become submerged in any substance under any circumstances. The further most bottom portion of the body must be at a minimum of 12" above grade, no more than 4'. Pit and/or below grade installations are prohibited.
- (f) The installation of a backflow prevention assembly which is not approved must be replaced with an approved backflow prevention assembly.
- (g) The installer is responsible to make sure a backflow prevention assembly is working properly upon installation and is required to furnish the following information to **Moore County** Cross Connection Control Department within 15 days after a reduced pressure principle backflow preventer (RP), double check valve assembly (DCVA), pressure vacuum breaker (PVB), double check detector assembly (DCDA), or reduced pressure principle detector assembly (RPDA) is installed:
 - (1) Service address where assembly is located.
 - (2) Owner and address, if different from service address.
 - (3) Description of assembly's location.
 - (4) Date of installation.
 - (5) Installer, include name, plumbing company represented, plumber's license number, and project permit number.
 - (6) Type of assembly, size of assembly.
 - (7) Manufacturer, model number, serial number.
 - (8) Test results/report.
- (h) When it is not possible to interrupt water service, provisions shall be made for a parallel installation of backflow prevention assemblies. **Moore County** will not accept an unprotected bypass around a backflow preventer when the assembly is in need of testing, repair, or replacement.
- (i) The consumer shall, upon notification, install the appropriate containment assembly not to exceed the following time frame:
 - Health hazard . . . 60 days
 - Nonhealth hazard . . . 90 days
- (j) Following installation, all reduced pressure principle backflow preventers (RP), double check valve assemblies (DCVA), pressure vacuum breakers (PVB), double check detector assemblies (DCDA), or reduced pressure principle detector assemblies (RPDA) are required to be tested by a certified backflow prevention assembly tester within ten days.

Sec. 15-398. Testing and repair of assemblies

- (a) Testing of backflow prevention assemblies shall be made by a certified backflow prevention assembly tester or may be contracted out to **Moore County** cross connection control department at the customer's expense. Such tests are to be conducted upon installation and annually thereafter or at a frequency established by **Moore County** regulations. A record of all testing and repairs is to be retained by the customer. Copies of the records must be provided to **Moore County** cross connection control department within **ten** business days after the completion of any testing and/or repair work.

- (b) Any time that repairs to backflow prevention assemblies are deemed necessary, whether through annual or required testing or routine inspection by the owner or by **Moore County**, these repairs must be completed within a specified time in accordance with the degree of hazard. In no case shall this time period exceed:
- (1) Health hazard facilities . . . 14 days
 - (2) Non-health hazard facilities . . . 21 days
- (c) All backflow prevention assemblies with test cocks are required to be tested annually or at frequency established by **Moore County** regulations. Testing requires a water shutdown usually lasting five to 20 minutes. For facilities that require an uninterrupted supply of water, and when it is not possible to provide water service from two separate meters, provisions shall be made for a parallel installation of backflow prevention assemblies.
- (d) All certified backflow prevention assembly testers must obtain and employ backflow prevention assembly test equipment which has been evaluated and/or approved by **Moore County**. All test equipment shall be registered with **Moore County** cross connection control department. All test equipment shall be checked for accuracy annually, at a minimum, calibrated, if necessary, and certified to **Moore County** as to such accuracy/calibration, employing a calibration method acceptable to **Moore County**. Ref. Sec. 15-393 (e)
- (e) It shall be unlawful for any customer or certified tester to submit any record to **Moore County** which is false or incomplete in any material respect. It shall be unlawful for any customer or certified tester to fail to submit to **Moore County** any record which is required by this article. Such violations may result in any of the enforcement actions outlined in section. 15-402. Enforcement

Sec. 15-399. Facilities requiring protection

- (a) Approved backflow prevention assemblies shall be installed on the service line to any premises that **Moore County** has identified as having a potential for backflow.
- (b) The following types of facilities or services have been identified by **Moore County** as having a potential for backflow of nonpotable water into the public water supply system. Therefore, an approved backflow prevention assembly will be required on all such services according to the degree of hazard present. Other types of facilities or services not listed below may also be required to install approved backflow prevention assemblies if determined necessary by **Moore County**. As a minimum requirement, all commercial services will be required to install a double check valve assembly, unless otherwise listed in this subsection.

DCVA = Double check valve assembly
 RP = Reduced pressure principle assembly
 DCDA = Double check detector assembly
 RPDA = Reduced pressure detector assembly
 AG = Air gap
 PVB = Pressure vacuum breaker

- (1) Aircraft and missile plants: RP
- (2) Automotive services stations, dealerships, etc.
 - a. No health hazard: DCVA
 - b. Health hazard: RP
- (3) Automotive plants: RP
- (4) Auxiliary water systems:
 - a. Approved public/private water supply: DCVA
 - b. Unapproved public/private water supply: AG
 - c. Used water and industrial fluids: RP

- (5) Bakeries:
 - a. No health hazard: DCVA
 - b. Health hazard: RP

- (6) Beauty shops/barber shops:
 - a. No health hazard: DCVA
 - b. Health hazard: RP

- (7) Beverage bottling plants: RP

- (8) Breweries: RP

- (9) Buildings--Hotels, apartment houses, public and private buildings, or other structures having unprotected cross connections.
 - a. (Under five stories) no health hazard: DCVA
 - b. (Under five stories) health hazard: RP
 - c. (Over five stories) all: RP

- (10) Canneries, packing houses, and rendering plants: RP

- (11) Chemical plants--Manufacturing, processing, compounding or treatment: RP

- (12) Chemically contaminated water systems: RP

- (13) Commercial car-wash facilities: RP

- (14) Commercial greenhouses: RP

- (15) Commercial sales establishments (department stores, malls, etc.)
 - a. No health hazard: DCVA
 - b. Health hazard: RP

- (16) Concrete/asphalt plants: RP

- (17) Dairies and cold storage plants: RP

- (18) Dye works: RP

- (19) Film laboratories: RP

- (20) Fire systems:
 - a. Systems three-fourths inch to two inches:
 - 1. No health hazard: DCVA
 - 2. Health hazard: (booster pumps, foam, antifreeze solution, etc.): RP

 - b. Systems 2 1/2 inches to ten inches or larger:
 - 1. No health hazard: DCDA
 - 2. Health hazard (booster pumps, foam, antifreeze solution, etc.): RPDA

- (21) Hospitals, medical buildings, sanitariums, morgues, mortuaries, autopsy facilities, nursing and convalescent homes, medical clinics, and veterinary hospitals: RP

- (22) Industrial facilities:
 - a. No health hazard: DCVA
 - b. Health hazard: RP

- (23) Laundries:
 - a. No health hazard: DCVA
 - b. Health hazard: (i.e., dry cleaners): RP

- (24) Lawn irrigation systems (split taps): RP
 - (25) Metal manufacturing, cleaning, processing, and fabricating plants: RP
 - (26) Mobile home parks:
 - a. No health hazard: DCVA
 - b. Health hazard: RP
 - (27) Oil and gas production, storage or transmission properties: RP
 - (28) Paper and paper products plants: RP
 - (29) Pest control (exterminating and fumigating): RP
 - (30) Plating plants: RP
 - (31) Power plants: RP
 - (32) Radioactive materials or substances plants or facilities handling: RP
 - (33) Restaurants:
 - a. No health hazard: DCVA
 - b. Health hazard: RP
 - (34) Restricted, classified, or other closed facilities: RP
 - (35) Rubber plants (natural or synthetic): RP
 - (36) Sand and gravel plants: RP
 - (37) Schools and colleges: RP
 - (38) Sewage and storm drain facilities: RP
 - (39) Swimming pools: RP
 - (40) Waterfront facilities and industries: RP
- (c) All assemblies and installations shall be subject to inspection and approval by **Moore County**.

Sec. 15-400. Connections with unapproved sources of supply

- (a) No person shall connect or cause to be connected any supply of water not approved by the state department of environment and natural resources to the water system supplied by **Moore County**. Any such connections allowed by **Moore County** must be in conformance with the backflow prevention requirements of this article.
- (b) In the event of contamination or pollution of a public or consumer potable water system, the consumer shall notify **Moore County** immediately in order that appropriate measures may be taken to overcome and eliminate the contamination or pollution.

Sec. 15-401. Fire protection systems

- (a) All connections for fire protection systems connected with the public water system, two inches and smaller, shall be protected with an approved double check valve assembly as a minimum requirement. All fire systems using toxic additives or booster pumps shall be protected by an approved reduced pressure principle assembly at the main service connection.

- (b) All connections for fire protection systems connected with the public water system greater than two inches shall be protected with an approved double check detector assembly as a minimum requirement. All fire protection systems using toxic or hazardous additives or booster pumps shall be protected by an approved reduced pressure principle detector assembly at the main service connection.
- (c) All existing backflow prevention assemblies 2 1/2 inches and larger installed on fire protection systems that were initially approved by **Moore County** shall be allowed to remain on the premises, as long as they are being properly maintained, tested and repaired as required by this article. If, however, the existing assembly must be replaced once it can no longer be repaired, or in the event of proven water theft through an unmetered source, the consumer shall be required to install an approved double check detector assembly or reduced pressure principle detector assembly as required by Sec. 15-399. Facilities requiring protection

Sec. 15-402. Enforcement.

- (a) The owner, manager, supervisor, or person in charge of any installation found not to be in compliance with the provisions of this article shall be notified in writing with regard to the corrective action to be taken. The time for compliance shall be in accordance with sections Sec. 15-402 (g) (1-4)
- (b) The owner, manager, supervisor, or person in charge of any installation which remains in noncompliance after the time prescribed in the initial notification, as outlined in section Sec. 15-402 (g) (1-4), shall be considered in violation of this article, and may be issued a civil citation by **Moore County**. The citation shall specify the nature of the violation and the provision of this article violated, and further notify the offender that the civil penalty for such violation is as set forth in subsection (c) of this section and is to be paid to **Moore County** within 30 days. If the penalty prescribed in this subsection is not paid within the time allowed, **Moore County** may initiate a civil action in the nature of a debt and recover the sums set forth in subsection (c) of this section plus the cost of the action.
- (c) Any offender who shall continue any violation beyond the time limit provided for in the aforementioned notification shall be subject to a civil penalty of up to \$1,000.00 per violation. Each day in which a violation of any provision of this article shall occur or continue shall constitute a separate and distinct offense.
- (d) If, in the judgment of **Moore County**, any owner, manager, supervisor, or person in charge of any installation found to be in noncompliance with the provisions of this article neglects his responsibility to correct any violation, such neglect may result in discontinuance of water service until compliance is achieved.
- (e) Failure of a customer or certified tester to submit any record required by this article, or the submission of falsified reports/records may result in a civil penalty of up to \$1,000.00 per violation. If a certified backflow prevention assembly tester submits falsified records to **Moore County**, **Moore County** shall take the necessary actions to revoke certification to test backflow prevention assemblies within the potable water system for a time period not to exceed one year. The tester will then be required to complete an approved certification course to acquire a new certification. Falsification made to records/reports after becoming recertified shall result in the permanent revocation of backflow testing certification, in addition to a civil penalty as provided for in this subsection.
- (f) Enforcement of this program shall be administered by the Public Works Director of **Moore County** or his authorized representative.
- (g) Requests for extension of time shall be made in writing to the Public Works Director of **Moore County** or his authorized representative. All other appeals shall be made in accordance with the following procedures:
 - (1) Adjudicatory hearings. A customer assessed a civil penalty under this section shall have the right to an adjudicatory hearing before a hearing officer designated by the Public Works Director of **Moore County** upon making written demand, identifying the specific issues to be contended, to the Public Works Director of **Moore County** within 30 days following notice of final decision to assess a civil penalty. Unless such demand is made within the time specified in this subsection, the decision on the civil penalty assessment shall be final and binding.

- (2) Appeal hearings. Any decision of **Moore County** hearing officer made as a result of an adjudicatory hearing held under subsection (g)(1) of this section may be appealed by any party to **Moore County** board of **Commissioners** upon filing a written demand within ten days of receipt of notice of the decision. Hearings held under this section shall be conducted in accordance with **Moore County** hearing procedures. Failure to make written demand within the time specified in this subsection shall bar further appeal. **Moore County** shall make a decision on the appeal within 90 days of the date the appeal was filed and shall transmit a written copy of its decision by registered or certified mail.
- (3) Official record. When a final decision is issued under Sec. 15-402 (g)(2) of this section, **Moore County** shall prepare an official record of the case that includes:
- a. All notices, motions, and other like pleadings;
 - b. A copy of all documentary evidence introduced;
 - c. A certified transcript of all testimony taken, if testimony is transcribed. If testimony is taken and not transcribed, then a narrative summary of any testimony taken;
 - d. A copy of the final decision of **Moore County**.
- (4) Judicial review. Any customer against whom a final decision of **Moore County** is entered, pursuant to the hearing procedure under subsection Sec. 15-402 (g)(2) of this section, may appeal the order or decision by filing a written petition for judicial review within 30 days after receipt of notice by certified mail of the order or decision to the general court of justice of the county or of the county where the order or decision is effective, along with a copy to **Moore County**. Within 30 days after receipt of the copy of the petition of judicial review, **Moore County** shall transmit to the reviewing court the original or a certified copy of the official record, as outlined in subsection (g)(3) of this section.

Sec. 15-403. Severability

If any section, subsection, sentence, or clause of this article is adjudged to be unconstitutional or otherwise invalid, such adjudication shall not affect the validity of the remaining portion of this article. It is hereby declared that this article would have been passed, and each section, sentence, or clause thereof, irrespective of the fact that any one or more sections, subsections, sentences, or clauses might be adjudged to be unconstitutional, for any other reason invalid.

Adopted this the **16th day of April, 2021**

Mayor

Attest:

Town Clerk

Approved as to form:

Town Attorney