CODE OF ORDINANCES

MOORE COUNTY,

NORTH CAROLINA

GENERAL ORDINANCES OF THE COUNTY

Published in 2006 by Order of the Board of County Commissioners

Municipal Code Corporation | P.O. Box 2235 Tallahassee, FL 32316
info@municode.com | 800.262.2633
www.municode.com

OFFICIALS

of

MOORE COUNTY, NORTH CAROLINA

AT THE TIME OF THIS CODIFICATION

David M. Harris
Chairman

Paul S. Helms
Robert S. Ewing
Eugene B. Cook
Malcolm W. Owings
Commissioners

James E. Holshouser
County Attorney

W. David McNeill, Jr.
County Manager

Allison Dandar
Clerk to the Board of Commissioners

OFFICIALS

of

MOORE COUNTY, NORTH CAROLINA

AT THE TIME OF THIS REPUBLICATION

David J. Cummings
Chairman

Virginia W. Saunders
Michael R. Holden
Colin W. McKenzie, Jr.
Robert T. Lea
Commissioners

Lesley F. Moxley
County Attorney

Steven D. Wyatt
County Manager

Carol T. Thomas
Clerk to the Board of Commissioners

PREFACE

This Code is a codification of the ordinances of Moore County, North Carolina of a general and permanent nature.

Source materials used in the preparation of the Code were the ordinances adopted by the board of commissioners. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this volume, the reader can locate any section and any ordinance included herein.

This 2006 republication includes all amendatory legislation through ordinances of Aug. 21, 2006, and was accomplished under the supervision of Mary Summers, Editor.

The chapters of the Code have been conveniently arranged in alphabetical order and the various sections within each chapter have been catchlined to facilitate usage. Footnotes which tie related sections of the Code together and which refer to relevant state laws have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this volume.

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included by using one of the reserved chapter numbers. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon

indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

CODE	CD1:1
CODE APPENDIX	CDA:1
CODE COMPARATIVE TABLES	CCT:1
STATE LAW REFERENCE TABLE	SLR:1
CODE INDEX	CDi:1

Index

The index of the Code has been prepared with the greatest of care. Each particular item has been placed under several headings, some of the headings being couched in lay phraseology, others in legal terminology, and still others in language generally used by county officers and employees. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which he is interested.

Looseleaf Supplements

A special feature of this Code to which the attention of the user is especially directed is the looseleaf system of binding and supplemental servicing for the Code. With this system, the Code will be kept up-to-date periodically. Upon the final passage of amendatory ordinances,they will be properly edited and the appropriate page or pages affected will be reprinted. These new pages will be distributed to holders of copies of the Code, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Successfully keeping this Code up-to-date at all times will depend largely upon the holder of the volume. As revised sheets are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

The publication of this Code was under the direct supervision of James S. Vaught, Supervising Editor, and Robert Coutre′, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Ms. Allison Dandar, Clerk to the Board, Mr. E. John Maguire, former Clerk to the Board, and James E. Holshouser, Jr., County Attorney, for their cooperation and assistance during the progress of the work on this Code. It is hoped that their efforts and those of the publisher has resulted in a Code of Ordinances which will make the active law of the county readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the county's affairs.

MUNICIPAL CODE CORPORATION
Tallahassee, Florida

ADOPTING ORDINANCE

An Ordinance Adopting and Enacting a New Code For Moore County, North Carolina; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When Such Code and this Ordinance Shall Become Effective.

Be It Ordained by the Board of County Commissioners of the County of Moore, as follows:

Section 1. The Code entitled "Code of Ordinances, Moore County, North Carolina" published by Municipal Code Corporation consisting of Chapters 1 through 13, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before April 16, 1990, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine of not more than fifty dollars ($50.00) or by imprisonment for not more than thirty (30) days. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided shall apply to the amendment of any Code section whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the county may pursue other remedies including, but not limited to, abatement of nuisances, injunctive relief, and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed hereafter in the form as to indicate the intention of the board of county commissioners to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after April 16, 1990, that amend or refer to ordinances that have been codified in the Code, shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This ordinance shall become effective November 5, 1990.

Adopted this 5th day of November 1990.

/s/ _____
Davis M. Harris, Chairman
Moore County Board
of Commissioners

/s/ _____
Allison Dandar, Clerk
Moore County Board of
Commissioners

Certificate of Adoption

I hereby certify that the foregoing is a true copy of the ordinance passed at the regular meeting of the Board of Commissioners of Moore County, North Carolina held on the 5th day of November, 1990.

/s/ _____
Allison Dander
Clerk to the Board

TABLE OF CONTENTS

	Page
Officials of the County at the Time of this Codification	iii
Officials of the County at the Time of this Republication	v
Preface	vii
Adopting Ordinance	xi
Checklist of Up-to-Date Pages	[1]
Supplement History Table	SH:1

CODE OF ORDINANCES

1. General Provisions	CD1:1
2. Administration	CD2:1
Art. I. In General	CD2:3
Art. II. Boards, Committees, Commissions and Councils	CD2:3
Art. III. Finances	CD2:5
Div. 1. Generally	CD2:5
Div. 2. Reserved	CD2:5
3. Airports	CD3:1
Art. I. In General	CD3:3
Art. II. Motor Vehicles	CD3:7
Art. III. Aircraft Operations	CD3:8
Art. IV. Ultralight Aircraft	CD3:11
Art. V. Minimum Requirements for Fixed Base Operators or Commercial Enterprises	CD3:13
4. Animal Control	CD4:1
Art. I. In General	CD4:3
Art. II. Rabies Control	CD4:15
Art. III. Impoundment and Redemption	CD4:18
Art. IV. Permits	CD4:21
5. Buildings and Building Regulations	CD5:1
Art. I. In General	CD5:3
Art. II. Building Code	CD5:3
Art. III. Electrical Code	CD5:3
Art. IV. Fire Prevention and Protection Code	CD5:3
Art. V. Gas Code	CD5:8
Art. VI. Heating and Air Conditioning Code	CD5:8
Art. VII. Reserved	CD5:8
Art. VIII. Plumbing Code	CD5:8
Art. IX. Control of Cross-Connections	CD5:9
6. Cable Television Regulations	CD6:1
Art. I. In General	CD6:3
Art. II. Franchise	CD6:12

Chapter Page

Art. III. Construction Standards CD6:24
Art. IV. General Financial and Insurance Provisions CD6:28

6.5. Public Safety CD6.5:1
Art. I. In General CD6.5:3
Art. II. Emergency Management Agency CD6.5:5
Art. III. State of Emergency CD6.5:11
Art. IV. Hazardous Materials CD6.5:13
Art. V. Emergency Telephone Service (911) CD6.5:14
Art. VI. Fire Prevention Code CD6.5:15
Art. VII. Ambulance, Emergency Medical Services, First Responder, Rescue Services and Granting of Franchise and Contract to the Operations in Moore County CD6.5:19

6.75. Farmland Protection CD6.75:1
Art. I. In General CD6.75:3
Art. II. Farmland Protection Program CD6.75:3

7. Reserved CD7:1

8. Health and Sanitation CD8:1
Art. I. In General CD8:5
Art. II. Ambulance and Other Prehospital Emergency Medical Services CD8:5
Div. 1. Generally CD8:5
Div. 2. Franchise CD8:9
Art. III. Hazardous Waste and/or Low-Level Radioactive Waste Management CD8:12
Div. 1. Generally CD8:12
Div. 2. Board CD8:24
Div. 3. Permit CD8:25
Art. IV. Solid Waste CD8:33
Div. 1. Generally CD8:33
Div. 2. Solid Waste Container Regulations CD8:37
Subdiv. I. In General CD8:37
Subdiv. II. Use of Container Sites CD8:39
Art. V. Land Clearing and Inert Debris Landfills CD8:41
Div. 1. Title CD8:41
Div. 2. General Provisions, Administration and Enforcement CD8:41
Div. 3. Land Clearing and Inert Debris Landfills CD8:42
Div. 4. Procedure for Securing Approval of a Land Clearing and Inert Debris Landfill CD8:43
Div. 5. Other Legal Provisions CD8:45
Art. VI. Mining Regulations CD8:46
Div. 1. Purpose and Intent CD8:46
Div. 2. General Provisions and Administration CD8:46
Div. 3. Procedure for Securing Approval for a Mine or Mining Operation CD8:48
Div. 4. Procedure for Reviewing a Mining Application and Issuance of a Permit CD8:50

Chapter	Page
Div. 5. Enforcement and Other Legal Provisions	CD8:51
Art. VII. Water Conservation	CD8:53
9. Licenses, Permits and Miscellaneous Business Regulations	CD9:1
Art. I. In General	CD9:3
Art. II. Pine Straw Purchasers	CD9:3
Art. III. Massage Therapy Regulations	CD9:4
Art. IV. Privilege License	CD9:13
9.5. Reserved	CD9.5:1
10. Offenses and Miscellaneous Provisions	CD10:1
Art. I. In General	CD10:3
Art. II. Noise Control	CD10:3
10.5. Parks and Recreation	CD10.5:1
Art. I. In General	CD10.5:3
Art. II. Use of Public Recreation Areas	CD10.5:3
11. Roads	CD11:1
Art. I. In General	CD11:3
Art. II. Road Name and Addressing	CD11:3
12. Taxation	CD12:1
Art. I. In General	CD12:3
Art. II. Room Occupancy and Tourism Development Tax	CD12:3
13. Utilities	CD13:1
Art. I. In General	CD13:5
Art. II. Sewer Use Ordinance	CD13:5
Div. 1. General Provisions	CD13:5
Div. 2. General Sewer Use Requirements	CD13:13
Div. 3. Fees	CD13:21
Div. 4. Wastewater Discharge Permit Application and Issuance	CD13:22
Div. 5. Reporting Requirements	CD13:27
Div. 6. Compliance Monitoring	CD13:34
Div. 7. Enforcement	CD13:36
Div. 8. Affirmative Defenses to Discharge Violations	CD13:41
Art. III. Public Works Department Water Ordinance	CD13:43
14. Reserved	CD14:1
Appendix A. Reserved	CDA:1
Appendix B. Reserved	CDB:1
Code Comparative Table	CCT:1
State Law Reference Table	SLT:1
Code Index	CDi:1

Checklist of Up-to-Date Pages

(This checklist will be updated with the printing of each Supplement)

From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

In the first column all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. The letters "OC" indicate the pages have not been reprinted in the Supplement Service and appear as published for the original Code. When a page has been reprinted or printed in the Supplement Service, this column reflects the identification number or Supplement Number printed on the bottom of the page.

In addition to assisting existing holders of the Code, this list may be used in compiling an up-to-date copy from the original Code and subsequent Supplements.

Page No.	Supp. No.	Page No.	Supp. No.
Title page	4	CD3:11, CD3:12	OC
iii	OC	CD3:13, CD3:14	OC
v	OC	CD3:15, CD3:16	OC
vii, viii	OC	CD3:17, CD3:18	OC
ix	OC	CD4:1, CD4:2	2
xi, xii	OC	CD4:3, CD4:4	2
xiii, xiv	5	CD4:5, CD4:6	4
xv	3	CD4:7, CD4:8	4
SH:1, SH:2	5, Add.	CD4:9, CD4:10	2
CD1:1	2	CD4:11, CD4:12	2
CD1:3, CD1:4	OC	CD4:13, CD4:14	4
CD1:5, CD1:6	OC	CD4:15, CD4:16	2
CD1:7, CD1:8	2	CD4:17, CD4:18	2
CD2:1	OC	CD4:19, CD4:20	4
CD2:3, CD2:4	OC	CD4:21, CD4:22	4
CD2:5	OC	CD5:1, CD5:2	5
CD3:1, CD3:2	OC	CD5:3, CD5:4	1
CD3:3, CD3:4	OC	CD5:5, CD5:6	1
CD3:5, CD3:6	OC	CD5:7, CD5:8	2
CD3:7, CD3:8	OC	CD5:9, CD5:10	5
CD3:9, CD3:10	OC	CD5:11, CD5:12	5

Page No.	Supp. No.	Page No.	Supp. No.
CD5:13, CD5:14	5	CD6.75:1	1
CD5:15, CD5:16	5	CD6.75:3, CD6.75:4	4
CD5:17, CD5:18	5	CD6.75:5, CD6.75:6	4
CD5:19, CD5:20	5	CD6.75:7, CD6.75:8	4
CD5:21, CD5:22	5	CD6.75:9, CD6.75:10	4
CD5:23	5	CD6.75:11	4
CD6:1, CD6:2	OC	CD7:1	2
CD6:3, CD6:4	OC	CD8:1, CD8:2	OC
CD6:5, CD6:6	OC	CD8:3, CD8:4	1
CD6:7, CD6:8	OC	CD8:5, CD8:6	OC
CD6:9, CD6:10	OC	CD8:7, CD8:8	OC
CD6:11, CD6:12	OC	CD8:9, CD8:10	OC
CD6:13, CD6:14	OC	CD8:11, CD8:12	OC
CD6:15, CD6:16	OC	CD8:13, CD8:14	OC
CD6:17, CD6:18	OC	CD8:15, CD8:16	OC
CD6:19, CD6:20	OC	CD8:17, CD8:18	OC
CD6:21, CD6:22	OC	CD8:19, CD8:20	OC
CD6:23, CD6:24	OC	CD8:21, CD8:22	OC
CD6:25, CD6:26	OC	CD8:23, CD8:24	OC
CD6:27, CD6:28	OC	CD8:25, CD8:26	OC
CD6:29, CD6:30	OC	CD8:27, CD8:28	OC
CD6:31, CD6:32	OC	CD8:29, CD8:30	OC
CD6:33, CD6:34	OC	CD8:31, CD8:32	OC
CD6:35, CD6:36	OC	CD8:33, CD8:34	OC
CD6.5:1, CD6.5:2	3	CD8:35, CD8:36	OC
CD6.5:3, CD6.5:4	3	CD8:37, CD8:38	OC
CD6.5:5, CD6.5:6	3	CD8:39, CD8:40	OC
CD6.5:7, CD6.5:8	3	CD8:41, CD8:42	OC
CD6.5:9, CD6.5:10	3	CD8:43, CD8:44	OC
CD6.5:11, CD6.5:12	3	CD8:45, CD8:46	OC
CD6.5:13, CD6.5:14	3	CD8:47, CD8:48	OC
CD6.5:15, CD6.5:16	3	CD8:49, CD8:50	OC
CD6.5:17, CD6.5:18	3	CD8:51, CD8:52	1
CD6.5:19, CD6.5:20	3	CD8:53, CD8:54	1
CD6.5:21, CD6.5:22	3	CD8:55, CD8:56	1
CD6.5:23, CD6.5:24	3	CD8:57, CD8:58	1
CD6.5:25, CD6.5:26	3	CD8:59, CD8:60	1
CD6.5:27, CD6.5:28	3	CD8:61, CD8:62	1

Page No.	Supp. No.	Page No.	Supp. No.
CD8:63, CD8:64	1	CD11:3, CD11:4	2
CD8:65, CD8:66	1	CD11:5, CD11:6	4
CD8:67, CD8:68	1	CD11:7, CD11:8	4
CD8:69, CD8:70	1	CD11:9, CD11:10	4
CD8:71, CD8:72	1	CD11:11	4
CD8:73, CD8:74	1	CD12:1	OC
CD8:75, CD8:76	1	CD12:3, CD12:4	OC
CD8:77, CD8:78	1	CD12:5	OC
CD8:79, CD8:80	1	CD13:1, CD13:2	2
CD8:81, CD8:82	1	CD13:3	2
CD8:83, CD8:84	1	CD13:5, CD13:6	2
CD8:85, CD8:86	1	CD13:7, CD13:8	2
CD8:87, CD8:88	1	CD13:9, CD13:10	2
CD8:89, CD8:90	1	CD13:11, CD13:12	2
CD8:91, CD8:92	1	CD13:13, CD13:14	2
CD8:93, CD8:94	1	CD13:15, CD13:16	2
CD8:95	1	CD13:17, CD13:18	2
CD9:1	5, Add.	CD13:19, CD13:20	2
CD9:3, CD9:4	5, Add.	CD13:21, CD13:22	2
CD9:4.1	5, Add.	CD13:23, CD13:24	2
CD9:5, CD9:6	OC	CD13:25, CD13:26	2
CD9:7, CD9:8	OC	CD13:27, CD13:28	2
CD9:9, CD9:10	OC	CD13:29, CD13:30	2
CD9:11, CD9:12	OC	CD13:31, CD13:32	2
CD9:13, CD9:14	OC	CD13:33, CD13:34	2
CD9:15, CD9:16	OC	CD13:35, CD13:36	2
CD9:17, CD9:18	OC	CD13:37, CD13:38	2
CD9:19	OC	CD13:39, CD13:40	2
CD9.5:1	2	CD13:41, CD13:42	2
CD10:1	OC	CD13:43, CD13:44	2
CD10:3, CD10:4	4	CD13:45, CD13:46	2
CD10:5, CD10:6	4	CD13:47, CD13:48	2
CD10:7, CD10:8	OC	CD13:49, CD13:50	2
CD10.5:1	OC	CD14:1	2
CD10.5:3, CD10.5:4	OC	CDA:1	2
CD10.5:5, CD10.5:6	OC	CDB:1	2
CD10.5:7, CD10.5:8	OC	CCT:1, CCT:2	OC
CD11:1	2	CCT:3, CCT:4	OC

Page No.	Supp. No.
CCT:5, CCT:6	5, Add.
SLR:1, SLR:2	5, Add.
SLR:3	5, Add.
CDi:1, CDi:2	1
CDi:3, CDi:4	5, Add.
CDi:5, CDi:6	5
CDi:7, CDi:8	2
CDi:9, CDi:10	2
CDi:11, CDi:12	5
CDi:12.1	5
CDi:13, CDi:14	3
CDi:15, CDi:16	5, Add.
CDi:16.1	5, Add.
CDi:17, CDi:18	1
CDi:19, CDi:20	3
CDi:21, CDi:22	3
CDi:23, CDi:24	3
CDi:25, CDi:26	3
CDi:27, CDi:28	3
CDi:29, CDi:30	3
CDi:31	3

SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code and are considered "Included." Ordinances that are not of a general and permanent nature are not codified in the Code and are considered "Omitted."

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the Code's historical evolution.

Date Adopted	Subject	Included/ Omitted	Supplement Number
8- 7-06(Ord.)	Flood damage prevention	Omitted	1
2-19-07(Amend.)	Subdivision regulations	Omitted	1
11-19-07(Amend.)	Subdivision regulations	Omitted	1
2-18-08(Ord.)	Fire prevention and protection	Included	1
4-21-08(Amend.)	Subdivision regulations	Omitted	1
10- 1-08(Ord.)	Animal control	Included	1
3- 2-09(Ord.)	Animal control	Included	1
10- 5-10(Ord.)	Water conservation	Included	1
10- 5-10(Res.)	Water districts	Omitted	1
3- 1-11(Ord.)	Zoning	Omitted	1
4- 5-11(Amend.)	Water conservation	Included	1
12-19-11(Amend.)	Building codes	Included	1
6- 5-12(Ord.)	Voluntary farmland protection	Included	1
11-20-12(Ord.)	Sewer use	Included	1
4- 2-13(Ord.)	Sewer use	Included	2
4-16-13(Ord.)	Road name and addressing	Included	2
5- 7-13(Ord.)	Animal operations	Included	2
9-17-13(Ord.)	Backflow and cross-connection control	Included	2
11-19-13(Ord.)	Water ordinance	Included	2
11-19-13(Ord.)	Water district	Omitted	2
2- 4-14(Amend.)	Posting of signs	Included	2
2-18-14(Amend.)	Voluntary agriculture advisory board	Omitted	2
2-18-14(Ord.)	Unified Development Ordinance	Included	2
1-19-16(Ord.)	Public safety	Included	3
7-19-16(Ord.)	Farmland protection	Included	4
10- 4-16(Amend.)	Offences and miscellaneous provisions	Included	4

Date Adopted	Subject	Included/ Omitted	Supplement Number
2-21-17(Amend.)	Animal control	Included	4
2-21-17(Amend.)	Road name and ad-dressing	Included	4
1-21-17(Ord.)	Sunday alcohol sales	Included	5
1- 9-18(Ord.)	Cross-connections	Included	5

CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

Sec. 1-1. How Code designated and cited.
Sec. 1-2. Definitions and rules of construction.
Sec. 1-3. Catchlines of sections.
Sec. 1-4. Severability of parts of Code.
Sec. 1-5. Provisions of Code considered as continuations of existing ordinances.
Sec. 1-6. Code and new ordinances do not affect prior offenses, rights, etc.
Sec. 1-7. Repeal of ordinance not to revive former ordinance.
Sec. 1-8. Amendments or additions to Code.
Sec. 1-9. Supplementation of Code.
Sec. 1-10. Copies of Code and supplements to be available for public inspection.
Sec. 1-11. General penalty; continuing violations.
Sec. 1-12. Alternate remedies for enforcement.
Sec. 1-13. Certain ordinances not affected by Code.
Sec. 1-14. Adoption of Unified Development Ordinance by reference.

Sec. 1-1. How Code designated and cited.

The provisions in the following chapters and sections shall constitute and be designated as the "Code of Ordinances, Moore County, North Carolina", and may be so cited.

State law references—Authority of county to adopt and issue a code of its ordinance, G.S. 153A-49; general ordinance-making power, G.S. 153A-121; territorial jurisdiction of ordinances, G.S. 153A-122; authority not limited by enumeration of powers, G.S. 153A-124.

Sec. 1-2. Definitions and rules of construction.

In the construction of this Code and of all ordinances of the board of commissioners, the following definitions and rules shall be observed, unless inconsistent with the manifest intent of the board, or unless the context clearly requires otherwise. The rules of construction given in sections 12-3 and 153A-1 of the general statutes shall govern, so far as applicable, the construction of words not defined in this section or other sections of this Code.

And, or. "And" may be construed to include "or", and "or" may be construed to include "and", when such construction is not incompatible with the context.

Board, etc. The terms "board", "board of county commissioners" and "board of commissioners" shall mean the board of commissioners of Moore County, North Carolina.

Bond. When a bond is required, an undertaking in writing shall be sufficient.

Code. The term "Code" or "this Code" shall mean the "Code of Ordinances, Moore County, North Carolina", as designated in section 1-1.

Computation of time. The time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Sunday or a legal holiday, that day shall be excluded.

County. The words "the county" or "this county" shall mean the County of Moore, State of North Carolina.

Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships, associations and corporations, as well as to males.

G.S. The designation "G.S." appearing in the text or in the state law references shall refer to the General Statutes of North Carolina, as amended.

Highway. The word "highway" shall include any street, alley, highway, avenue or public square, bridge, viaduct, tunnel, causeway and sidewalk lying within the highway right-of-way, dedicated or devoted to public use.

Joint authority. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

May, shall. The word "may" is permissive; the word "shall" is mandatory.

Minor. The word "minor" shall mean any person who has not reached the age of 18 years.

Month. The word "month" shall mean a calendar month.

Nontechnical and technical words. Words and phrases shall be construed according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

Number. Any word importing the singular number only may extend and be applied to several persons and things as well as to one person or thing.

Oath. The word "oath" shall be construed to include an affirmation in all cases in which by law an affirmation may be substituted for an oath, and in like cases the words "affirm" and "affirmed" shall be equivalent to the words, "swear" and "sworn".

Occupant, tenant. The word "occupant", or "tenant", applied to a building or land, shall mean any person who holds a written or oral lease of or who actually occupies the whole or a part of such building or land, either alone or with others.

Officers, boards, etc. Whenever reference is made to a particular officer, department, board, commission or other agency, without further qualification, it shall be construed as if followed by the words, "of the County of Moore", unless otherwise specifically provided. Any reference to an officer shall include his designated representative.

Official time standard. Whenever certain hours are named in this Code, they shall mean standard time or daylight saving time as may be in current use in the county.

Owner. The word "owner", applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or a part of such building or land.

Person. The word "person" shall extend and be applied to associations, corporations, firms, partnerships and bodies politic and corporate, as well as to individuals.

Personal property. The words "personal property" shall include every species of property except real property as defined in this Code.

Preceding/following. The words "preceding" and "following" shall mean next before and next after respectively.

Property. The word "property" shall include real and personal property.

Real property. The term "real property" shall include lands, tenements and hereditaments.

Signature, subscription. The word "signature" or "subscription" shall include a mark properly witnessed when a person cannot write.

State. The words "the state" or "this state" shall be construed to mean the State of North Carolina.

Street. The term "street" shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, squares, bridges, viaducts, tunnels, causeways, sidewalks lying within the street right-of-way, and all other public highways.

Swear, sworn. The word "swear" or "sworn" shall be equivalent to the word "affirm" or "affirmed" in all cases in which, by law, an affirmation may be substituted for an oath.

Tenant, occupant. The word "tenant" or "occupant", applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

Tense. Words used in the past or present tense shall include the future as well as the past and present.

Written, in writing. The term "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

Year. The word "year" shall mean a calendar year.

State law reference—Similar rules of construction, G.S. §§ 12-3, 48A-2, 153A-1.

Sec. 1-3. Catchlines of sections.

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of the sections, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

Sec. 1-4. Severability of parts of Code.

It is hereby declared to be the intention of the board of county commissioners that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since the same would have been enacted by the board of county commissioners without the incorporation into this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Sec. 1-5. Provisions of Code considered as continuations of existing ordinances.

The provisions appearing in this Code, so far as they are the same as those of prior county ordinances and included herein, shall be considered as continuations thereof and not as new enactments.

State law reference—Similar provisions applicable to state statutes, G.S. 153A-2.

Sec. 1-6. Code and new ordinances do not affect prior offenses, rights, etc.

(a) Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing, or any prosecution, suit or proceeding pending or any judgment rendered, before the effective date of this Code.

(b) No new ordinance shall be construed to repeal a former ordinance as to any offense committed against the former ordinance or as to any act done, any penalty, forfeiture or punishment incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or done, or any penalty, forfeiture or punishment so incurred, or any right accrued, or claim arising before the new ordinance takes effect, save only that the proceedings thereafter had shall conform, so far as practicable, to the ordinance in force at the time of such proceedings.

State law reference—Similar provisions applicable to state statutes, G.S. §§ 153A-2, 164-3 et seq.

Sec. 1-7. Repeal of ordinance not to revive former ordinance.

When any ordinance which has repealed another shall itself be repealed, the previous ordinance shall not be revived without express words to that effect.

State law reference—Similar provisions applicable to state statutes, G.S. 164-2.

Sec. 1-8. Amendments or additions to Code.

(a) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language: "That section _____ of the Code of Ordinances, Moore County, North Carolina, is hereby amended to read as follows: . . . ." The new provisions shall then be set out in full as desired.

(b) In the event a new section not heretofore existing in the Code is to be added, the following language shall be used: "That the Code of Ordinances, Moore County, North Carolina, is hereby amended by adding a section, to be numbered _____, which section reads as follows: . . . ." The new section shall then be set out in full as desired.

Sec. 1-9. Supplementation of Code.

(a) By contract or by county personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the board of county commissioners. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the board of county commissioners during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In the preparation of a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified Code. For example, the codifier may:

(1) Organize the ordinance material into appropriate subdivisions;

(2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;

(3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;

(4) Change the words "this ordinance" or words of the same meaning to "this chapter", "this article", "this division", etc., as the case may be, or to "sections _____ to _____" (inserting sections numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and

(5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but, in no case, shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

State law reference—Authority to maintain code by replacement pages, G.S. 153A-49.

Sec. 1-10. Copies of Code and supplements to be available for public inspection.

At least three copies of this Code and every supplement thereto shall be kept in the office of the clerk of the board of county commissioners and shall be available there for public inspection during normal business hours.

Sec. 1-11. General penalty; continuing violations.

Wherever in this Code or in any ordinance of the county any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided, the violation of any such provision of this Code or any such ordinance shall be punished by a fine of not more than $50.00 or by imprisonment for not more than 30 days for each separate violation. Each day any violation of this Code or any ordinance shall continue shall constitute a separate offense, unless otherwise specified.

State law references—Violations of county ordinances deemed misdemeanors punishable as prescribed above, G.S. 14-4. See also, G.S. 153A-123, prescribing alternate methods for enforcement of ordinances and authorizing the making of each day's continuing violation a separate offense; injunction, G.S. 1-485 et seq.

Sec. 1-12. Alternate remedies for enforcement.

In addition to the provisions of section 1-11, any provision of this Code or other ordinance of the county may be enforced by any one or more of the remedies authorized by G.S. 153A-123.

Sec. 1-13. Certain ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following ordinances which are not included in this Code:

(1) Any ordinance promising or guaranteeing the payment of money for the county, or authorizing the issuance of any bonds of the county or any evidence of the county's indebtedness;

(2) Any appropriation ordinance or ordinance providing for the levy of taxes or for an annual budget, or prescribing salaries for county officers and employees;

(3) Any ordinance granting any franchise, permit or other right;

(4) Any ordinance approving, authorizing or otherwise relating to any contract, agreement, lease, deed or other instrument;

(5) Any ordinance authorizing or otherwise relating to any public improvement project or work;

(6) Any ordinance, or portion thereof, providing employee position descriptions or pay scales;

(7) Any ordinance making any assessment;

(8) Any ordinance whose purposes have been accomplished;

(9) Any temporary or special ordinance;

(10) Any ordinance enacted after April 16, 1990;

and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

State law reference—Authority of board to omit ordinances of the types enumerated above from the code, G.S. 153A-49.

Sec. 1-14. Adoption of Unified Development Ordinance by reference.

Moore County does hereby adopt the Unified Development Ordinance, adopted February 18, 2014, by reference, as if set out in full. Said Unified Development Ordinance is on file with the county. (Ord. of 2-18-14)

Chapter 2

ADMINISTRATION*

Article I. In General

Secs. 2-1—2-25. Reserved.

Article II. Boards, Committees, Commissions and Councils

Sec. 2-26. Appointment policy.
Sec. 2-27. Appointment procedures.
Secs. 2-28—2-45. Reserved.

Article III. Finances

Division 1. Generally

Secs. 2-46—2-55. Reserved.

Division 2. Reserved

Secs. 2-56—2-66. Reserved.

***Cross references—**Administration of flood damage prevention and control regulations, § 7-31; personnel regulations, Ch. 10; taxation, Ch. 12; utilities, Ch. 13; subdivision regulations, App. A; zoning regulations, App. B.

State law references—Corporate powers of county, G.S. 153A-11 et seq.; form of government and general provisions, G.S. 153A-25 et seq.; organization and procedures of board of commissioners, G.S. 153A-39 et seq.; adoption of ordinances, G.S. 153A-45; administration of county government, G.S. 153A-76 et seq.; defense of officers, employees and others, G.S. 153A-97; board authority to direct fiscal policy, G.S. 153A-101; power to fix fees, G.S. 153A-102; general ordinance-making power, G.S. 153A-121.

ARTICLE I. IN GENERAL

Secs. 2-1—2-25. Reserved.

ARTICLE II. BOARDS, COMMITTEES, COMMISSIONS AND COUNCILS*

Sec. 2-26. Appointment policy.

(a) Any citizen of the county is eligible to serve on the appointed boards, committees, commissions or councils of the county when the appointment is not prohibited by state statute.

(b) All appointments will be made in accordance with the statute, ordinance, resolution or policy that governs the board, committee, commission or council.

(c) No citizen may serve in more than two appointed positions unless required by the nature of the position that individual may hold in governmental service.

(d) No citizen may serve more than two consecutive terms in any one appointment. The length of one term is considered to be three years with terms staggered so that continuity of function is not disrupted. An individual whose initial appointment is to fill an unexpired term is eligible to serve the remaining portion of that term and one additional term. This policy may be waived by the board of commissioners if it determines that loss of the expertise of individuals made ineligible by this policy would be detrimental to the functioning of a board, committee, commission or council.

(e) The board of commissioners shall appoint the chairman of all boards, committees, commissions or councils except those which by statute are selected other ways.

(f) The chairman of a board, committee, commission or council may recommend the replacement of a member if the appointee fails to attend three consecutive meetings without absences caused by extraordinary events. This action must be recommended if the appointee does not feel obligated to resign.

(g) The chairman of each board, committee, commission or council shall ensure that bylaws are kept current with applicable directives, laws and regulations. A dated copy will be provided to the clerk of the board.

(h) Each county commissioner will be provided with an appointment book containing this policy and all information pertaining to the various boards, committees, commissions, or councils. The master copy will be maintained by the clerk to the board.
(Res. of 9-2-87, § 1)

***Cross references—**County hazardous and/or low-level radioactive waste management board, § 8-101 et seq.; tourism development authority, § 12-30.

Sec. 2-27. Appointment procedures.

(a) *Vacancies.* Vacancies in appointed boards, committees, commissions or councils shall be filled in the following manner:

(1) Not less than 30 days prior to an expiring term, the chairman of a board, committee, commission or council shall provide the clerk to the board with a letter stating that each person listed who is eligible for reappointment has been contacted regarding his interest in continuing to serve, and is or is not recommended for reappointment. If an individual is not recommended for reappointment, a reason shall be provided. A chairman may recommend his own replacement.

(2) If an appointed member resigns or is otherwise unable to be reappointed or retained as a member, the chairman of a board, committee, commission or council shall notify the clerk to the board in writing. Any resignation shall be in writing and submitted by the individual concerned as an attachment to the chairman's letter.

(b) *Selections.* Selections for appointed boards, committees, commissions and councils shall be made in the following manner:

(1) Application forms will be available upon request of interested citizens at the county administration building. All application forms must be completed by the individual who is interested in serving. If an individual is recommended by a chairman, such recommendation must include the form completed by the individual.

(2) Fifteen days prior to the date a vacancy occurs, all applications for a particular position will be checked for eligibility by the clerk to the board. The clerk to the board shall submit to each member of the board of commissioners a list of vacancies to be filled with the applications of all applicants attached.

(3) The list of applicants sent to the board of commissioners shall note those who are ineligible and reasons for ineligibility shall be given.

(4) The board of commissioners, on its own initiative, shall name appointees to a particular position in the event that qualified citizens have not applied for a position on a particular board, committee, commission or council.

(5) The board of commissioners reserves the right to select the most qualified persons for appointment either from the application list or those nominated by the board of commissioners.

(6) The agenda for the next meeting of the board of commissioners shall include a request for appointment or reappointment as appropriate.

(c) *Notification.* Notification of appointments shall be made as follows:

(1) The clerk to the board shall prepare letters of appointment notification to include a congratulatory statement, position to which appointed, and location/time he is to be sworn

in if this is required. Letters shall be signed by the clerk to the board. A copy shall be provided to the appropriate chairman of the board, committee, commission or council who will notify the appointee of the next scheduled meeting.

(2) If an individual is unable to be reappointed, the clerk to the board shall prepare a letter of appreciation for past service rendered to be signed by the clerk to the board.

(d) *Applications.* Applications from individuals requesting appointment shall be retained by the clerk to the board for a minimum of two years. Applications from individuals appointed by the board of commissioners shall be retained until the appointment is no longer effective.
(Res. of 9-2-87, § 2)

Secs. 2-28—2-45. Reserved.

ARTICLE III. FINANCES*

DIVISION 1. GENERALLY

Secs. 2-46—2-55. Reserved.

DIVISION 2. RESERVED†

Secs. 2-56—2-66. Reserved.

***Cross reference—**Taxation generally, Ch. 12.

†Per county's instruction, Div. 2, which consisted of §§ 2-56—2-66, has been deleted. Former Div. 2, pertained to purchasing policies and derived from an ordinance of July 1, 1985; a resolution of October 30, 1988; and an ordinance of April 16, 1990.

Chapter 3

AIRPORTS*

Article I. In General

Sec. 3-1. Definitions.
Sec. 3-2. Authority of manager.
Sec. 3-3. General regulations.
Sec. 3-4. Fueling.
Sec. 3-5. Fire regulations.
Sec. 3-6. Weapons.
Sec. 3-7. Explosives.
Sec. 3-8. Toxic and radioactive substances.
Sec. 3-9. Personal conduct.
Sec. 3-10. Operation of aircraft while impaired; damaging aircraft or airport facilities; trespassing.
Secs. 3-11—3-30. Reserved.

Article II. Motor Vehicles

Sec. 3-31. Operation, parking restricted to certain areas.
Sec. 3-32. Driving between aircraft and loading gate or fence.
Sec. 3-33. Required markings.
Sec. 3-34. Accidents to be reported.
Sec. 3-35. Safe operation required; insurance.
Secs. 3-36—3-55. Reserved.

Article III. Aircraft Operations

Sec. 3-56. FAA rules adopted.
Sec. 3-57. Taxing, parking between gasoline pumps and flight operations area.
Sec. 3-58. Starting, running up engines.
Sec. 3-59. Parking and storage areas.
Sec. 3-60. Manager may require movement or move aircraft to another area.
Sec. 3-61. Accident reports.
Sec. 3-62. Aircraft owners responsible for damages to airport property.
Sec. 3-63. Taxiing restricted.
Sec. 3-64. Take-offs and landings—Generally.
Sec. 3-65. Same—Helicopters.
Sec. 3-66. Hours of operation.
Sec. 3-67. Noise abatement.
Sec. 3-68. Consideration to be given to aircraft wake and helicopter rotor turbulence effect on ultralight aircraft.
Sec. 3-69. Landing fees.
Sec. 3-70. Trespassing.
Secs. 3-71—3-85. Reserved.

***Cross reference—**Buildings and building regulations, Ch. 5.
State law reference—Authority to establish, operate and regulate, G.S. 63-3.

Article IV. Ultralight Aircraft

Sec. 3-86. Purpose, applicability and general procedures.
Sec. 3-87. Operation on airport and in airport air space.
Sec. 3-88. Safety restrictions.
Sec. 3-89. Enforcement of regulations.
Secs. 3-90—3-110. Reserved.

Article V. Minimum Requirements for Fixed Base Operators or Commercial Enterprises

Sec. 3-111. Compliance with article required.
Sec. 3-112. Categories of fixed base operators and minimum services and requirements.
Sec. 3-113. Sale of fuel oil and transient aircraft services.
Sec. 3-114. Aircraft, engine and accessory maintenance repair service.
Sec. 3-115. Aircraft charter and taxi service.
Sec. 3-116. Flight training.
Sec. 3-117. Aircraft rental and lease service.
Sec. 3-118. Aircraft sales.
Sec. 3-119. Minimum floor and land space area standards for fixed base operators.
Sec. 3-120. Miscellaneous operations.
Sec. 3-121. Business operation application—Contents.
Sec. 3-122. Same—Evaluation; decision thereon.
Sec. 3-123. Written agreement required.
Sec. 3-124. Exempted persons.

ARTICLE I. IN GENERAL

Sec. 3-1. Definitions.

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

Airport means the Moore County Airport.

Airport manager means the representative of the airport committee having immediate charge of the airport.

Chairman means the chairman of the county board of commissioners.

FAA means the Federal Aviation Administration.

FBO means the fixed base operator on the effective date of the Ordinance of October 10, 1986.
(Ord. of 10-6-86, § 1.1)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 3-2. Authority of manager.

The airport manager shall at all times have authority to take such action as may be necessary in the handling, conduct, and management of the public in attendance at the airport and to enforce these regulations. In any contingencies not specifically covered by this chapter the airport manager shall be authorized to make such rules and orders and render such decisions as to him may seem proper.
(Ord. of 10-6-86, § 2.1)

Sec. 3-3. General regulations.

(a) *Commercial enterprises regulated.* The county has the right to and does hereby regulate all commercial enterprises using the airport as a basis of operation, whether such operation is aeronautical or nonaeronautical in nature. No commercial operation of any kind or type shall be conducted on the airport unless specifically authorized by the county.

(b) *Flying clubs.* A flying club is recognized as a plan for the joint ownership of aircraft and the fair distribution of the cost of maintaining and operating such aircraft. Such operation is not considered to be commercial in nature when so operated. Neither is flight instruction by club members for other club members considered to be commercial in nature so long as there is no profit or for-hire motive involved in the operation. In all cases the county will determine if the operation of a flying club or other such organization is commercial. If determined to be commercial, the club shall conform to the requirements set forth herein for commercial fixed base operators. If determined not to be a commercial venture, the flying club will conform to the rules and regulations for privately owned aircraft.

(c) *Compliance with regulations required.* The use of the airport or any of its facilities in any manner shall create an obligation on the part of the user thereof to obey all the regulations herein provided and adopted by the county.

(d) *Use of airport conditioned on assumption of responsibility and risk.* The privilege of using the airport and its facilities shall be conditioned on the assumption of full responsibility and risk by the user thereof, and he shall release and hold harmless and indemnify the county, its officers and employees from any liability of loss resulting from such use, as well as claims of third persons using the airport.

(e) *Use conditioned on insurance.* The privilege of using the airport shall be upon the further condition that any person who contracts with the county to use the same, shall furnish a policy of indemnity against personal injury and property damage in such sum as the county shall require.

(f) *Denial of use for violations.* Any person violating any of the airport rules and regulations may be deprived of the use of the airport facilities for such period of time as may be necessary to be effective.

(g) *Solicitation of funds, advertising prohibited.* No person shall solicit funds for any purpose and no signs, advertisements or circulars may be posted or distributed at the airport without permission of the county.

(h) *Garbage, trash.* Garbage, refuse and other waste material shall be placed in receptacles provided for such purposes, and no person shall destroy, remove or disturb in any way buildings, signs, equipment, markers or other property on the airport.
(Ord. of 10-6-86, § 3)

Sec. 3-4. Fueling.

(a) No aircraft shall be fueled or drained while the aircraft engine is running or while the aircraft is in a hangar or an enclosed area.

(b) During all fuel operations the aircraft shall be grounded by an approved method.

(c) Smoking or lighting of an open flame shall be prohibited within 50 feet of any fueling operation.

(d) Fueling operations shall be conducted and fuel trucks shall be parked at least 50 feet from any hangar or building.

(e) All fuel dispensing equipment shall be of a modern design and shall be kept in safe and nonleaking condition.

(f) All aviation fuels will be dispensed on the airport property only by the FBO or by vendors holding a permit issued by the airport manager. No company or individual shall transport flammable liquids into any aircraft on any portion of the airport property. At no time will any individual or company refuel or permit refueling of an aircraft with automotive type fuel.
(Ord. of 10-6-86, § 7)

Sec. 3-5. Fire regulations.

(a) Smoking or lighting of an open flame is prohibited at places with posted signs, within 50 feet of any aircraft and within 50 feet of hangars, fuel trucks, fuel loading stations, and tank farms.

(b) No person shall start an open fire any place on the airport without permission of the airport manager.

(c) No person shall store material or equipment, use inflammable liquids or gases, or allow their premises to become in such condition so as to violate, in any manner, the fire code in force in the area of the airport.

(d) Tenants of all hangars and buildings shall provide suitable fire extinguishers and equipment, they shall be kept in good condition as recommended by the fire marshal and inspected at least every 12 months by trained personnel.

(e) Tenants and persons are required to keep their premises clean and clear of all rubbish, junk, debris, old aircraft and vehicles, and any other unsightly objects. If after warning by the airport manager, the area is not cleaned; cleaning will be done by the airport manager and billed to the tenant or person.
(Ord. of 10-6-86, § 8)

Sec. 3-6. Weapons.

No person, except law enforcement officers, duly authorized government agencies or members of the armed forces of the United States on official duty, shall carry weapons on the airport. Cased sporting guns carried for transshipment are exempted.
(Ord. of 10-6-86, § 9.1)

Sec. 3-7. Explosives.

No person shall store, keep, handle, use, dispense or transport at, in or upon the airport, any Class A or Class B explosives (as defined in the Interstate Commerce Commission Regulations for Transportation of Explosives and Other Dangerous Articles), or any dynamite, nitroglycerine, plastic explosives (C-4), black powder, fireworks, fire arms, ammunition, blasting caps or other easily flammable solids.
(Ord. of 10-6-86, § 9.2)

Sec. 3-8. Toxic and radioactive substances.

No person shall store, keep, handle, use, dispense or transport at, in or upon the airport any Class A poisons or toxic substances (as defined in the Interstate Commerce Commission Regulations for Transportation of Explosives and Other Dangerous Articles), or any other poisonous substances, liquid or gases, compressed gas, or any radioactive article, substance or material.
(Ord. of 10-6-86, § 9.3)

Sec. 3-9. Personal conduct.

(a) Loud, drunk or disorderly conduct is prohibited on airport premises and in any area of the airport leased to a tenant.

(b) The open display and use of alcoholic beverages is prohibited on airport premises and in any area of the airport leased to a tenant.

(c) Loitering on and interference with the operations of the airport and airport personnel are prohibited.

(d) Gambling is prohibited on airport premises and in any area of the airport leased to a tenant.

(e) Tenants and their employees shall conduct themselves with decorum and with deference to the public at all times. The airport is a public facility for the people of the county and the lease arrangement had by tenants does not give the tenant or its employees the right to act discourteously to the public or do any acts which would bring discredit to the county.
(Ord. of 10-6-86, § 11; Ord. of 2-1-88)

Sec. 3-10. Operation of aircraft while impaired; damaging aircraft or airport facilities; trespassing.

(a) *Generally.* This section is to provide for effective measures to combat the operation of aircraft while impaired and to combat tampering with aircraft or airport facilities.

(b) A person who commits any of the following acts commits a criminal offense:

(1) Operation of an aircraft, whether on the ground, on the water, or in the air while under the influence of any impairing substance; or after having consumed sufficient alcohol to have a blood alcohol concentration of 0.04 or more.

(2) Infliction of serious bodily injury by operating an aircraft while impaired.

(3) Without permission of the owner, tampering with or damaging any airplane or other aircraft, or any personal property under the control of or being used by any public or private airport or aircraft landing facility.

(4) Without permission, entering enclosed or posted airport property that is under the control of or is being used by any public or private airport or aircraft landing facility.

(c) *Penalties.* Penalties for violation of this section are as follows:

(1) An individual operating an aircraft is presumed impaired if he has a blood alcohol concentration of 0.04 or more. The first conviction constitutes a misdemeanor punishable as provided in section 1-11 of this Code. Any subsequent conviction is designated as a class J felony.

(2) Any person who, without permission of the owner, tampers with or damages any airplane or other aircraft is subject to punishment as provided in section 1-11 of this Code.

(3) Any person who enters onto enclosed or posted aircraft property without permission is subject to punishment as provided in section 1-11 of this Code.

(d) *Enforcement.* This section shall be enforced as follows:

(1) The FBO shall notify the sheriff's department as soon as an individual is identified as displaying symptoms of impairment on the airport or in the air. In the event of an accident or incident as a result of suspected impairment, the FBO shall notify the law enforcement official accordingly. Also an appropriate report in all cases shall be rendered to FAA by the FBO.

(2) The FBO shall notify the sheriff's department immediately upon becoming aware of any tampering with any aircraft located on the airport or of any person who has unlawfully entered onto the airport.

(3) The FBO shall notify the airport manager of all actions taken as specified in subsections (d)(1) and (2) of this section.

(e) *Action by the sheriff's department.* Immediately upon being notified by the FBO of an individual suspected to be operating an aircraft while impaired, the sheriff's department shall dispatch a law enforcement official to the airport for the necessary investigation and/or arrest. That official will request consent of the suspected impaired individual to a chemical analysis of his blood and if granted, the test will be administered. Should the individual refuse to cooperate, the FAA shall be notified immediately. The law enforcement official will dispose of the case as applicable.

(f) *Public assistance in enforcement.* Persons having personal knowledge of an individual operating, or attempting to operate, an aircraft while impaired are encouraged to report the same immediately to either the FBO or the sheriff's department. Anyone observing suspicious activity in and around aircraft parked on the airport should make no effort to investigate the activity, but report the same to the FBO during duty hours or to the sheriff's department when FBO personnel are not on duty.
(Ord. of 10-6-86, § 12; Ord. of 2-1-88)

Secs. 3-11—3-30. Reserved.

ARTICLE II. MOTOR VEHICLES

Sec. 3-31. Operation, parking restricted to certain areas.

(a) Unless authorized by the airport manager, no highway or automotive vehicle shall be operated on the airport except on roadways, parking areas, and other areas that are specifically designated for such vehicles. Such vehicles shall be parked in the manner prescribed by the airport manager while on the airport and as indicated by posted signs.

(b) Fixed base operator or commercial enterprise customers shall park in areas designated by the airport manager.

(c) The area marked "Loading Zone" is designated a temporary parking zone with a one-half-hour time limit.
(Ord. of 10-6-86, §§ 4.1—4.3)

Sec. 3-32. Driving between aircraft and loading gate or fence.

When aircraft are parked on the ramp or apron for the purpose of loading or unloading, no vehicle shall be driven between the aircraft and the loading gate or fence.
(Ord. of 10-6-86, § 4.4)

Sec. 3-33. Required markings.

All vehicles operating within the landing area shall be painted a bright yellow or international orange, or display an international orange and white checkered flag of not less than three feet square, with one-foot squares. Flags may be obtained from the FBO for those vehicles operating within the landing area on an infrequent basis.
(Ord. of 10-6-86, § 4.5)

Sec. 3-34. Accidents to be reported.

Every accident involving injury or property damage shall be reported to the airport manager immediately, or within 12 hours of such accident.
(Ord. of 10-6-86, § 4.6)

Sec. 3-35. Safe operation required; insurance.

No vehicle shall be operated on the airport in a careless or negligent manner, or in disregard for the safety of others, or in excess of posted speed traffic signs. Any person operating a vehicle on the airport must carry liability insurance on such vehicle of at least $1,000,000.00.
(Ord. of 10-6-86, § 4.7)

Secs. 3-36—3-55. Reserved.

ARTICLE III. AIRCRAFT OPERATIONS

Sec. 3-56. FAA rules adopted.

The air traffic rules and aircraft operations regulations of the FAA are in effect and all additions thereto are made a part of these airport rules and regulations as fully as if set forth herein.
(Ord. of 10-6-86, § 5.1)

Sec. 3-57. Taxing, parking between gasoline pumps and flight operations area.

Aircraft shall not be parked or taxied between the gasoline pumps and the flight operations area.
(Ord. of 10-6-86, § 5.2)

Sec. 3-58. Starting, running up engines.

Aircraft engines shall be started and run up only in the places designated for such purposes. At no time shall engines be run up when hangars, shops, airplanes, or any buildings or persons are in the path of the propeller stream or jet exhaust. Testing of engines, other than prior to take off, shall not be accomplished on Whispering Pines end of the airport.
(Ord. of 10-6-86, § 5.3)

Sec. 3-59. Parking and storage areas.

No aircraft shall be parked, stored, or repaired at the airport except in the areas designated for such use.
(Ord. of 10-6-86, § 5.4)

Sec. 3-60. Manager may require movement or move aircraft to another area.

(a) The airport manager may require an operator or owner of an aircraft on the airport to move it from the place where it is parked or stored, to any other place designated on the airport. If such individual refuses to comply, the airport manager, may tow the aircraft to such place, at the expense of the owner or operator, as appropriate, and without liability for damage that may result from such moving.

(b) In the event of an accident, the owner, through the airport manager, may move damaged aircraft from the landing areas, ramps, aprons, or other areas at the expense of the owner and without liability for damage resulting from such moving.
(Ord. of 10-6-86, §§ 5.5, 5.6)

Sec. 3-61. Accident reports.

The pilot of an aircraft involved in an accident on the airport, causing personal injury or property damage, shall report the accident to the airport manager immediately. In the event that he is unable to do so, the FBO shall make such report. An accident occurring near the airport should be reported by the pilot if able to do so, or by anyone having knowledge thereof, to the sheriff's department and/or to the civilian authorities having jurisdiction over the area.
(Ord. of 10-6-86, § 5.7)

Sec. 3-62. Aircraft owners responsible for damages to airport property.

Airport property damaged or destroyed, by an accident or other causes, shall be paid for by the parties responsible.
(Ord. of 10-6-86, § 5.8)

Sec. 3-63. Taxiing restricted.

(a) No person shall taxi an aircraft until he has ascertained, by visual inspection of the area, that there will be no danger of collision with any person or object in the immediate area.

(b) Aircraft shall be taxied at a safe and reasonable speed with due respect for other aircraft, persons and property.
(Ord. of 10-6-86, §§ 5.9, 5.10)

Sec. 3-64. Take-offs and landings—Generally.

All take-offs and landings shall be confined to the runways and all movement of aircraft shall be limited to the hard surface areas. This restriction does not apply to aircraft using Runways 14—32 or while taxiing to and from those runways.
(Ord. of 10-6-86, § 5.11)

Sec. 3-65. Same—Helicopters.

Helicopters using the airport will land and take off on Runway 14 or 32. Straight in approaches are authorized, however, if a pattern is flown, left hand turns will be made for Runway 32 and right hand turns for Runway 14. Traffic pattern altitudes will be below that of normal fixed wing traffic. This restriction does not apply to approaches and landings when weather conditions are below Visual Flight Rules (VFR) minimums. In such cases, helicopters will conform to approaches and landings as specified in the Jeppesen Approach Chart.
(Ord. of 10-6-86, § 5.12)

Sec. 3-66. Hours of operation.

The airport is open 24 hours each day for use by the public; however, FBO personnel to operate the Unicom, assist in parking planes and refueling will be available only during daylight hours. Prior arrangements can be made with the FBO for nighttime services. Lights and navigation aids which are not normally in operation 24 hours daily, will be activated by the pilot as specified in the approach charts.
(Ord. of 10-6-86, § 5.13)

Sec. 3-67. Noise abatement.

Noise abatement procedures will be followed by all multi-engine aircraft operating from the airport. Upon takeoff from Runway 5 or 23, multi-engine aircraft will maintain takeoff headings until reaching 1,500 feet above mean sea level (MSL), at which time turns may be made to departure or assigned headings. An aircraft, failing to meet the noise standards of the Federal Air Regulations (FAR) Part 36, shall not take off or land between 10:00 p.m. and dawn, except that nothing herein shall be construed to prevent an emergency landing.
(Ord. of 10-6-86, § 5.14)

Sec. 3-68. Consideration to be given to aircraft wake and helicopter rotor turbulence effect on ultralight aircraft.

All pilots should be aware of aircraft wake and helicopter rotor turbulence on ultralight aircraft and the separation criteria to be observed. The FBO, when possible, will advise conventional aircraft operators on Unicom 122.7 whenever ultralight aircraft are operating in the area.
(Ord. of 10-6-86, § 5.15)

Sec. 3-69. Landing fees.

(a) A landing fee shall be imposed on all operators providing air service to the airport in accordance with a published schedule. The fee will be computed at the rate of $0.20 per 1,000 pounds of gross weight of the aircraft used times the number of published flights each month. Additionally, all operators of certified charter services will pay a fee of $25.00 per flight.

(b) A landing fee shall be imposed on operators whose double wheeled aircraft exceeds the gross weight, as shown on the airport master record, by more than 5,000 pounds. Such fee will be based on the certified maximum landing weight of the affected aircraft. An aircraft weighing between

5,000 and 20,000 pounds in excess of the weight shown on the airport master record shall pay $25.00. An aircraft weighing more than 20,000 pounds in excess of that weight shown on the airport master record shall pay $25.00, plus $25.00 for each 1,000 pounds or fraction thereof in excess of 20,000 pounds.
(Ord. of 10-6-86, §§ 5.16, 5.17)

Sec. 3-70. Trespassing.

No persons except airmen, duly authorized personnel, passengers going to and from aircraft, or persons being personally conducted by airport attendants shall be permitted to enter the landing area proper, taxi space, or aprons. However, this does not give any person so excepted the privilege of unrestricted use of the airport. These privileges are confined to the necessary use of these spaces in connection with the flights, inspections and routine duties.
(Ord. of 10-6-86, § 5.18)

Secs. 3-71—3-85. Reserved.

ARTICLE IV. ULTRALIGHT AIRCRAFT

Sec. 3-86. Purpose, applicability and general procedures.

(a) Operators of aircraft defined as ultralight in the FAR Part 103 (14CFR 103) shall be subject to these regulations. The provisions contained herein are designed to promote a safe, orderly and efficient ultralight operation. Any persons or organization desiring to change or modify these regulations may do so by submitting their proposal to the county airport committee.

(b) Operators of ultralight aircraft at the airport are responsible for complying with these regulations to the extent that safety is not jeopardized. Violation of any portion of these regulations in the interest of safety shall be reported immediately to the FBO and to the airport manager.

(c) All ultralight aircraft pilots, examiners, and vehicles shall be registered with the FAA approved AOPA Air Safety Foundation Ultralight Aircraft Registration Program. The vehicles shall be marked in accordance with the ASF's program. Prior to operating an ultralight vehicle at the airport, the operator shall also register with the airport manager, or a designated person of the FBO. This registration is free of charge, valid for one year and may be renewed upon request. Check in and out can be accomplished in person or by use of Unicom 122.7. Transient operators do not require registration with the airport, however, transients shall notify the airport by radio or telephone in advance. Ultralight aircraft operators shall, at the request of the airport manager, present registration certificates on vehicles for inspection.

(d) All operators are encouraged to carry at least $1,000,000.00 liability insurance.
(Ord. of 10-6-86, § 6.1)

Sec. 3-87. Operation on airport and in airport air space.

(a) *Hours of operation.* Hours of operation of ultralight aircraft will be from sunup to sundown. The exception shall be any ultralight vehicle deemed excessively noisy by the airport manager who may then, in the interest of noise abatement, restrict the operation of that ultralight aircraft until the problem is corrected.

(b) *Take-offs and landings.* Operators shall normally take off and land on the designated portion at the northwest end of Runways 14—32 and shall avoid approaching or extending his pattern to a point closer than 300 feet of the taxiway for Runways 05—23.

(c) *Traffic patterns.* Operators of ultralight aircraft shall fly traffic patterns at one-half the conventional aircraft traffic pattern altitude. Right hand traffic shall be flown for Runway 14 and left hand traffic for Runway 32. A light weight windsox is provided in the ultralight area for reference before each take off and landing.

(d) *Traffic spacing.* Operators shall closely observe for operation of conventional aircraft on Runways 14—32 and space themselves in the traffic pattern and during ground operations in a manner that results in the maximum safety possible.

(e) *Area of operation.* An area shall be designated for persons operating ultralight aircraft. A portion of this area shall be bound by yellow markers. Children and pets in this area shall be under the supervision of an adult at all times when they are in this given area. Pets shall be on a leash. No person, other than the operator of an ultralight aircraft, shall depart the area and enter the area of the runway or clear area adjacent to the runway. Automotive vehicles shall be parked in designated airport lots; however, parking in a hangar being rented by the operator is permissible.

(f) *Transient operators.* Operators of transient ultralight aircraft shall comply with these rules and regulations to the extent possible and should notify the airport of expected arrival time by radio or telephone.
(Ord. of 10-6-86, § 6.2)

Sec. 3-88. Safety restrictions.

(a) Ultralight vehicle pilots should demonstrate to the fixed base operator management a knowledge of appropriate airspace regulations and the guidelines as found in the Airmen's Information Manual. All persons, whether they are FAA certified airmen or not, are responsible for compliance with the FAR. Unsafe or potentially unsafe practices shall be reported to the FBO and the airport manager when they occur, but not later than 12 hours after the incident.

(b) Before operating from the airport, each ultralight aircraft operator shall be briefed by a representative of the fixed base operator on airport policy traffic pattern procedures for various wind conditions, population areas to be avoided, local weather phenomena and area terrain features significant to ultralight aircraft safety.

(c) Ultralight pilots should be familiar with local Instrument Flight Rules (IFR) procedures and the nonstandard patterns flown by aircraft operating IFR.

(d) Ultralight aircraft pilots should be aware of the effect of wake and helicopter rotor turbulence on ultralight aircraft and the separation criteria to be observed. The first solo flight from the airport by an ultralight pilot shall be conducted under the supervision of an experienced ultralight instructor who has taken appropriate precautions to ensure there will be no conflict with other traffic.

(e) An ultralight operator involved in an accident on the airport shall report such accident immediately, if able to do so, to the airport manager. Ultralight aircraft accidents occurring within two miles of the airport shall be reported in writing to the AOPA Air Safety Foundation within 24 hours of the occurrence. Reportable accidents are those involving serious injuries, fatalities, or substantial damage. In addition to the written report, such accidents shall be reported to the airport manager as soon as possible.
(Ord. of 10-6-86, § 6.3)

Sec. 3-89. Enforcement of regulations.

(a) The airport manager, or the FBO when so designated, has the power to enforce the provisions of these regulations. Violation of any of these rules or of FAR Part 103 may cause suspension of operating privileges.

(b) The airport manager may make exceptions to the regulations governing runway use by prior arrangements with the ultralight aircraft operator. For example the operator may, during a period of minimum traffic, request to practice hard surface take offs and landings on Runways 5—23. The airport manager or a representative of the FBO may approve this request as long as a system is established, such as flashing the runway lights, to notify the operator to terminate the use of the runway.
(Ord. of 10-6-86, § 6.4)

Secs. 3-90—3-110. Reserved.

ARTICLE V. MINIMUM REQUIREMENTS FOR FIXED BASE OPERATORS OR COMMERCIAL ENTERPRISES

Sec. 3-111. Compliance with article required.

A fixed base operator or commercial enterprise who wishes to engage in the business of providing general aviation services at the airport, in addition to complying with the other sections of this chapter, and other local, state, and federal laws and regulations, shall comply with the standards, requirements and procedures established by this article.
(Ord. of 10-6-86, § 10.1)

Sec. 3-112. Categories of fixed base operators and minimum services and requirements.

There shall be two categories of fixed base operators with each providing the minimum standards for services and requirements as follows:

(1) General fixed base operators shall provide for:

a. The sale of aviation petroleum products;

b. Transient aircraft storage, parking and tie-down;

c. Aircraft, engine and accessory maintenance and repair; and

d. Meet the minimum standards and requirements listed in sections 3-113 and 3-114; and

(2) Specialized fixed base operators may provide any of the services listed in sections 3-113 through 3-118 in compliance with the minimum standards and requirements listed in such sections, but shall not engage in the sale of aviation petroleum products or provide transient aircraft parking, tie-down or storage service unless the operator also meets all the requirements of a general fixed base operator.

(Ord. of 10-6-86, § 10.2)

Sec. 3-113. Sale of fuel oil and transient aircraft services.

Sale of fuel and oil and transient aircraft services shall include:

(1) The sale of appropriate aviation gasoline, jet fuel and oil;

(2) Proper mobile fuel dispensing equipment to service aircraft;

(3) The capability of performing minor repairs on a standby basis during hours that the maintenance and repair facilities are closed;

(4) An adequate number of qualified personnel to render competent service to general aviation customers between the hours of 7:00 a.m. and 9:00 p.m. as a minimum during the months of April, May, June, July, August, September, October, and November. During the remaining months, the operation will be open from 8:00 a.m. until 8:00 p.m. as a minimum;

(5) Adequate ground support equipment, to include, but not limited to, ground power units, portable compressed air, tools, jacks and towing equipment as necessary for servicing of general aviation aircraft;

(6) Adequate facilities for general aviation customers, to include, but not limited to, a waiting lounge, restrooms, public telephone facilities and a flight service information telephone;

(7) Adequate underground storage facilities with suitable pumping equipment for each type of fuel offered; and

(8) Adequate parking, tie-down and storage facilities for transient aircraft.

(Ord. of 10-6-86, § 10.2.1)

Sec. 3-114. Aircraft, engine and accessory maintenance repair service.

Aircraft, engine and accessory maintenance and repair service shall include:

(1) The operator maintaining an FAA approved and certified repair station for class necessary to adequately carry on the function; and

(2) Adequate facilities for washing and cleaning aircraft.

(Ord. of 10-6-86, § 10.2.2)

Sec. 3-115. Aircraft charter and taxi service.

Aircraft charter and taxi service shall require the operator to:

(1) Possess a FAA air taxi certificate;

(2) Have available a minimum of one four-place single engine aircraft and one multi-engine aircraft, or one three-place helicopter; and

(3) Have an adequate number of qualified personnel to provide the service when requested.

(Ord. of 10-6-86, § 10.2.3)

Sec. 3-116. Flight training.

Flight training shall be conducted with qualified instructors and adequate aircraft for training aircraft pilots.

(Ord. of 10-6-86, § 10.2.4)

Sec. 3-117. Aircraft rental and lease service.

Aircraft rental and lease service shall be supported by two four-place aircraft (one of which shall be operator owned) or one three-place helicopter.

(Ord. of 10-6-86, § 10.2.5)

Sec. 3-118. Aircraft sales.

Aircraft sales shall include:

(1) The maintaining of a sales or distribution franchise from an aircraft manufacturer for new aircraft; and

(2) A minimum stock of spare parts and adequate repair service to meet any guarantee or warranty for the type of aircraft for which sales privileges are granted.

(Ord. of 10-6-86, § 10.2.6)

Sec. 3-119. Minimum floor and land space area standards for fixed base operators.

(a) Minimum standards for floor and land space areas are hereby established for all fixed base operators in accordance with this section.

(b) The minimum land space areas and floor space areas for each service offered are as follows:

	Floor space square feet	*Land space square feet*
Category (A)		
Sale of fuel, oil and transient aircraft services	11,000	75,000
Aircraft, engine & accessory maintenance and repairs	7,000	20,000

	Floor space square feet	*Land space square feet*
Category (B)		
Flight instruction	500	8,000
Aircraft charter and taxi service	500	8,000
Aircraft rental and lease	500	8,000
Aircraft sales	600	8,000

(c) Each fixed base operator, who provides two or more of the services set forth in category B, shall be permitted to combine the land and floor space area minimum requirements for such services, except that the aggregate of such minimum land space area requirements for said services shall be not less than 75 percent of the sum of land required for the combined services nor less than 50 percent of the floor space required for the combined services.
(Ord. of 10-6-86, § 10.3)

Sec. 3-120. Miscellaneous operations.

Miscellaneous operations such as radio and instrument repairs, aerial advertising, crop dusting and other aeronautical activities, not hereinbefore provided, may be conducted by any person upon application to and approval of the county. Reasonable terms and conditions for the privileges of engaging in these various services will be established by the county commensurate with the nature and scope of the activities involved.
(Ord. of 10-6-86, § 10.4)

Sec. 3-121. Business operation application—Contents.

Any person desiring to do business at the airport as a fixed base operator or commercial enterprise shall make a written application to the chairman, board of commissioners. Such application shall include the following:

(1) The name, address, and telephone number of the applicant;

(2) The professional qualifications of the personnel who will manage and/or operate the proposed fixed base operation or commercial enterprise;

(3) Evidence of financial responsibility of the applicant to include but not limited to a minimum of three references from principal creditors and/or financial institutions and a certified statement prepared by a certified public accountant of the applicant's financial condition;

(4) A detailed description of the proposed fixed base operation or commercial enterprise to include a proposed location and proposed date of commencement;

(5) Any proposed capital improvements to the proposed location by the fixed base operator or commercial enterprise including preliminary plans and specifications for any structure to be erected;

(6) A signed statement authorizing the chairman or his designee to verify the information contained in the application and to request such additional information from other sources relative to the applicant as the chairman may deem necessary in order to properly evaluate the application; and

(7) Any additional information relevant to the application which the applicant desires to submit in support of his application.

(Ord. of 10-6-86, § 10.5)

Sec. 3-122. Same—Evaluation; decision thereon.

(a) Each application submitted by a prospective fixed base operator or commercial enterprise shall be evaluated by the chairman, board of commissioners.

(b) The chairman shall have 45 days to review and verify the information contained in the application and shall make a written report and recommendation to the board of commissioners prior to the expiration of the forty-five-day evaluation period. If the chairman needs additional time to consider the application, the board of commissioners may extend the evaluation period to a maximum of 90 days.

(c) Upon receipt of the written report and recommendation of the chairman, the board of commissioners shall approve, modify or reject the chairman's recommendation and shall advise the applicant of its decision.

(Ord. of 10-6-86, § 10.5)

Sec. 3-123. Written agreement required.

(a) A prospective fixed base operator or commercial enterprise who has been approved to do business on the airport must enter into a written agreement with the county and provide complete plans and specifications, as an addendum thereto, before the commencement of construction or operation.

(b) The terms and conditions of the written agreement should include but not be limited to the following:

(1) The term of the agreement;

(2) A reasonable rental rate to be charged by the county, which rate shall be negotiated and shall be dependent on any proposed capital improvements of the fixed base operation site and/or the use by the fixed base operator or commercial enterprise of existing county structures;

(3) A legal description of the area desired to be leased;

(4) A provision, if deemed necessary by the county, for a performance bond;

(5) A provision requiring the fixed base operator or commercial enterprise to provide a certificate of insurance for public liability insurance, showing the fixed base operator or commercial enterprise and the county as the named insureds, in amounts commensurate

with the activities and services to be provided by the fixed base operator or commercial enterprise and, if deemed necessary by the county, to provide a certificate of insurance for fire and/or extended coverage insurance;

(6) A provision that any rates to be established by the fixed base operator or commercial enterprise shall be reasonable and shall be subject to approval of the county.

(c) The plans and specifications must be sufficiently complete to depict the type, size and architectural design of the building or buildings to be erected. Mobile home type structures will not be permitted on airport property.

(d) After the execution of the agreement, approval of the plans and specifications and an agreement reached on the location, the terms of the land lease may be entered into. The county owned land at the airport will not be subordinated to any loan contracted by any fixed base operator or commercial enterprise, either present or future.
(Ord. of 10-6-86, § 10.6)

Sec. 3-124. Exempted persons.

Any fixed base operator or commercial enterprise doing business at the airport on the effective date of the Ordinance of October 6, 1986, shall be exempt from the provisions contained in this article. However, after the effective date of the Ordinance of October 6, 1986, any fixed base operator whose lease expires or any commercial enterprise whose concession agreement expires or who wishes to increase or expand his services shall comply with the appropriate provisions of this article.
(Ord. of 10-6-86, § 10.7)

Chapter 4

ANIMAL CONTROL*

Article I. In General

Sec. 4-1. Definitions.
Sec. 4-2. Agency authority and responsibility.
Sec. 4-3. Cruelty to animals.
Sec. 4-4. Confinement and control of vicious or dangerous domestic animals.
Sec. 4-5. Animals creating nuisance prohibited.
Sec. 4-6. Luring, enticing, and seizing an animal.
Sec. 4-7. Immediate placement for adoption or destruction of animals surrendered by owner.
Sec. 4-8. Nondomestic animals prohibited.
Sec. 4-9. Interference with enforcement.
Sec. 4-10. Penalty for violation.
Sec. 4-11. Feral cats colonies.
Secs. 4-12—4-30. Reserved.

Article II. Rabies Control

Sec. 4-31. Compliance with state laws; article is supplemental to state rabies laws.
Sec. 4-32. Vaccination of dogs, cats and equine.
Sec. 4-33. Rabies tag and certificate.
Sec. 4-34. Notice to health director or designated representative when person bitten; confinement of animal.
Sec. 4-35. Destruction or confinement of animal bitten by a known rabid animal.
Sec. 4-36. Area-wide emergency quarantine.
Sec. 4-37. Postmortem diagnosis.
Sec. 4-38. Unlawful killing or releasing of certain animals.
Sec. 4-39. Failure to surrender animal for confinement or destruction.
Sec. 4-40. Failure to report/submit suspected rabies cases for evaluation.
Secs. 4-41—4-60. Reserved.

Article III. Impoundment and Redemption

Sec. 4-61. Impoundment.
Sec. 4-62. Notice to owner or keeper.
Sec. 4-63. Redemption by owner or keeper generally.

***Editor's note—**An ordinance adopted on May 7, 2013, amended ch. 4 in its entirety to read as herein set out. Former ch. 4 pertained to the same subject matter, and derived from an ordinance adopted October 1, 2008.

Cross reference—Health and sanitation, Ch. 8.

State law references—Authority of county to levy taxes to provide animal protection and control programs, G.S. 153A-149(c)(6); animal license tax, G.S. 153A-153; animal shelters, G.S. 153A-442; dogs, G.S. Ch. 67; power to define and prohibit animal abuse, G.S. 153A-127; power of county to regulate, restrict or prohibit the possession or harboring of dangerous animals, G.S. 153A-131; wildlife resources commission, G.S. 143-237 et seq.; rabies, G.S. 130A-184 et seq; ordinance making power, G.S. 153A-121.

Sec. 4-64. Destruction or adoption of unredeemed animal generally.
Sec. 4-65. Procedure for redemption or adoption of unvaccinated dog or cat.
Sec. 4-66. Destruction of wounded, diseased or unweaned animals.
Sec. 4-67. Destruction of animals which cannot be seized by reasonable means.
Sec. 4-68. Keeping stray animals; requirements; failure to surrender.
Secs. 4-69—4-85. Reserved.

Article IV. Permits

Sec. 4-86. Security dogs.
Sec. 4-87. Repealed.
Sec. 4-88. Mandatory spay/neuter of adopted animals.

ARTICLE I. IN GENERAL

Sec. 4-1. Definitions.

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

Abandonment means the willful discarding or deserting of a live animal, leaving an animal for a period in excess of 12 hours without providing adequate food, water or shelter for the duration of the absence or releasing or dumping an animal from a vehicle without demonstrating intent to recover the animal.

Animal means every living creature, domestic or nondomestic, but does not include humans.

Animal shelter means any premises designated by the animal operations director for the purpose of impounding and caring for animals.

At large means an animal that is off the property of its owner or keeper and not under physical restraint.

Boarding means providing for profit land and/or structure for the care of an animal.

Commercial animal establishment means any for profit pet shop, grooming shop, riding school, stable, zoological park, circus, animal exhibition/show or kennel.

Commercial breeder means one who breeds animals for the primary purpose of offering their offspring for sale to other breeders, pet shops, laboratories, or individuals. (By contrast, a hobby breeder is one who breeds purebred animals occasionally to justifiably improve the breed and not primarily for the purposes of income).

Commission means the North Carolina Health Services Commission.

Confinement means restricted interaction.

Domestic animal means any of various animals, such as dogs, cats, equine, sheep, cattle, goats, hogs, poultry, ferrets, llamas, emus, and/or other animals domesticated by man so as to live and/or breed in a tame condition.

Exotic animal means any living animal, which is strikingly or excitingly different or unusual and not ordinarily kept as a pet or domesticated animal. By way of example, exotic animals shall include, but are not limited to, lions, tigers, apes, monkeys, poisonous reptiles, and poisonous spiders. A hybrid of any animal listed in the example above, regardless of genetic percentages, shall be deemed exotic.

Exotic mammal means any mammal designated by the Centers for Disease Control and Prevention, Department of Agriculture or other national or state public health protection agencies as embargoed or prohibited under legal protection orders.

Exotic reptile means any reptile not native to North Carolina.

Exposed to rabies means an animal that has been bitten by, or been in the presence of, any animal known or suspected to have been infected with rabies.

Feral cat means a cat that is unsocialized to humans and has a temperament of extreme fear of and resistance to contact with humans.

Feral cat caregiver means any person who, in accordance with a trap neuter return program, will trap neuter and return, vaccinate for rabies, ear tip, provide care, including food and water, or has temporary custody of a feral cat(s).

Grooming shop means any establishment, whether operated separately or in connection with another business enterprise that provides hair and nail clipping, bathing and other cosmetic services for animals.

Health department means the Moore County Health Department.

Health director means the health director of the Moore County Health Department.

Humanely destroyed means that destruction of an animal must comply with guidelines set forth by American Veterinary Medical Association (AVMA), the Humane Society of the Unites States (HSUS) or the American Humane Association (AHA).

Impoundment means any animal in custody of a person or animal shelter duly authorized by the animal operations director.

Keeper means a person having custody of an animal, who keeps or harbors an animal, or who knowingly permits an animal to remain on or about any premises occupied or controlled by such person. Keeper does not include a person keeping a feral cat as a feral cat caregiver.

Kennel means any premises wherein a person boards, lets for hire, trains/hunts for a fee, breeds, buys or sells dogs or cats. This shall not include the ownership of dogs/cats which are part of the household or which are maintained adjoining a private residence for commercial hunting.

Law enforcement dog means any dog used by a law enforcement agency in the investigation of crimes or as otherwise necessary in the enforcement of the law. These animals are excluded from general requirements of this chapter with the exception that they are regulated by the provisions of sections 4-31 through 4-39 and 4-61.

Nonprofit animal establishment means therapeutic facility, humane society, animal shelter, The American Society for the Prevention of Cruelty to Animals (ASPCA), animal rescue or welfare groups or assistance animal training facilities. (Recognized by federal or state law as nonprofit.)

Nondomestic animal means any carnivore, primate, bird, reptile or other venomous animals, regardless of whether it is indigenous to this state, and not included in the definition of domestic animal, and shall include any hybrid animal.

Nuisance means an animal or group of animals which:

(1) Damages, soils, or defiles private or public property; or

(2) Interferes with, molests, or attacks persons or other animals; or

(3) Is/are repeatedly at large, with the exception of feral cats; or

(4) Causes unsanitary, dangerous or offensive conditions; or

(5) Chases, snaps at, harasses or impedes pedestrians, bicyclists or vehicles; or

(6) By virtue of number of assertive tendencies is offensive or dangerous to the public health, safety, or welfare; or

(7) Is diseased or dangerous to the public health; or

(8) Habitually makes disturbing noises, including but not limited to, continued and repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbance or discomfort to reasonable persons of ordinary sensibilities in close proximity to the premises where the animal is kept or harbored.

Owner means any person, group of persons, firm, partnership, corporation, organization or association that keeps or harbors an animal, assumes care of an animal or acts as a custodian of an animal, unless the animal is being boarded for a fee. The owner has the right of property in the animal and is responsible for the care, actions and behavior of his/her animal(s) at all times. Owner does not include a person keeping a feral cat as a feral cat caregiver.

Patrol dog means a dog that is trained or conditioned to attack or otherwise respond aggressively, but only upon command from a handler either off or on lead.

Person means any individual, corporation, partnership, organization, or institution commonly recognized by law as a unit.

Pet means any domestic animal kept for pleasure rather than utility.

Pet shop means any commercial establishment whether operated separately or in connection with another business enterprise, except for a licensed kennel, that buys, sells or boards any species of animal.

Restraint means that the condition or behavior of an animal is:

(1) Controlled by means of a leash or other like device; or

(2) Sufficiently near the owner or handler to be under his/her direct control and is obedient to that person's commands; or

(3) Within a vehicle being driven or parked; or

(4) Within a secure enclosure; or

(5) Within the property limits of its owner or keeper.

Riding school or stable means any place which has available for hire, boarding and/or riding/driving instruction for any horse, pony, donkey or burro.

Security dog means any dog used, kept or maintained within the county for the purpose of protecting any person or property. Any such dog may be further classified as a patrol dog, sentry dog or watch dog, as defined in this section.

Sentry dog means a dog that is trained or conditioned to attack or otherwise respond aggressively without command.

Stray means any domestic animal without identification and rabies tags, that is not under restraint, nor on the property of its owner or keeper.

Suspected of having rabies means an animal which is unvaccinated against rabies, has bitten a person or is known or believed to have been exposed to rabies.

Trap Neuter Return (TNR) is a feral cat program that is viewed as a viable alternative to euthanasia.

Veterinary hospital means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, treatment of injuries and prevention of diseases in animals.

Vicious dog or other animal means a dog or other animal that constitutes a physical threat to humans, domestic animals or livestock, or that approaches any person in an attitude of attack off the owner's property without being teased, molested, provoked, beaten, tortured or otherwise harmed, or that has a known tendency of unprovoked attack, or that is trained or being trained for fighting.

Watch dog means a dog that barks and/or threatens to bite any intruder and that has been specially trained or conditioned for that purpose.
(Ord. of 5-7-13)

Sec. 4-2. Agency authority and responsibility.

(a) The board of commissioners shall be responsible for an animal shelter or the designation of an organization to operate a shelter.

(b) Authority is hereby granted to the Moore County Sheriff's Office to establish and maintain an animal control program, to employ animal control officers and such other employees as shall be determined necessary by the board of commissioners and to appoint and compensate animal control officers and such other employees in accordance with Moore County policy.

(c) The employees of the animal control program shall:

(1) Have the responsibility along with law enforcement agencies to enforce all laws of the state and all ordinances of the county pertaining to animals and shall cooperate with all law enforcement officers within the county in fulfilling this duty; and

(2) Enforce and carry out all laws of the state and all ordinances of the county pertaining to rabies control; and

(3) Be responsible for the investigation of all reported animal bites, the quarantine of any domestic animal involved and suspected of having rabies, for a period of not less than ten days, and for reporting to the health director as soon as practical, the occurrence of any such animal bite and the condition of any quarantined animal; and

(4) Be responsible for the seizure and impoundment, where deemed necessary, of any dog or other animal in the county involved in a violation of this chapter or any other county ordinance or state law; and

(5) Investigate cruelty or abuse with regard to animals; and

(6) Make such canvasses of the county, including homes within the county, as necessary for the purpose of ascertaining compliance with this chapter or state statute; and

(7) Keep, or cause to be kept, accurate and detailed records of the following:

a. Seizure, impoundment, and disposition of all animals coming into the custody of the animal control program; and

b. Bite cases, violations, complaints and investigations of same; and

c. All money belonging to the animal operations department and/or county which were derived from fees, penalties, license tags, the sale of animals or sources other than taxes; and

d. Any other matters deemed necessary by the animal operations director.

(8) Be empowered to issue notices of violation of this chapter in such form as the animal operations director may prescribe.

(Ord. of 5-7-13; Amend. of 2-21-17)

Sec. 4-3. Cruelty to animals.

(a) It shall be unlawful for any person to maliciously molest, torture, torment, deprive of necessary sustenance, cruelly beat in any manner, mutilate, kill, wound, maim, disfigure, injure, poison, burn or scald with any substance, drown, abandon or subject to conditions detrimental to its health or general welfare, any animal, or to cause or procure such action. The words "torture" and "torment" shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted; but such terms shall not be construed to prohibit the lawful taking of animals under the jurisdiction and regulation of the North Carolina Wildlife Resources Commission, nor to prohibit the animal control officers, or persons duly authorized by the animal operations director or veterinarians from destroying dangerous, unwanted or injured animals in a humane manner, nor to prohibit the lawful use of animals for scientific research.

(b) It shall be unlawful for any person to in any manner tease, annoy, disturb, molest, or irritate an animal that is confined to the owner's premises.

(c) It shall be unlawful for any owner or keeper to fail to provide his/her animal(s), or an animal entrusted to his/her care, with proper shelter and protection from the weather, sufficient and wholesome food and water to keep his/her animals, or an animal entrusted to his/her care, in good health and comfort, with the opportunity for vigorous daily exercise, humane care, veterinary treatment and care when needed to prevent the spread of infectious diseases, injury or suffering.

(d) Proper food, drink, shade, shelter and care shall require:

(1) That each animal shall, at suitable intervals, and at least once every 24 hours, receive a quantity of wholesome foodstuff suitable for the species' physical condition and age, and sufficient to maintain an adequate level of nutrition for the animal; and

(2) That each animal shall have continuous access to a supply of clean, fresh, potable water, and such water shall be either free-flowing or in a receptacle. If water pans or dishes are used, such pans or dishes shall have weighted bottoms or be mounted or secured in a manner that prevents tipping; and

(3) That each animal shall have convenient access to shelter appropriate to the species throughout the year. Any artificial shelter shall be structurally sound and maintained in good repair to protect the animal from injury and from the elements, and shall be of sufficient size to permit the animal to enter, stand, turn around and lie down in a natural manner. (See section 4-3, subsection (g) for details on shelter size requirements.) Any shelter which does not protect the animal from temperature extremes or precipitation, or which does not provide adequate ventilation or drainage, does not comply with this section. The shelter and any other spaces accessible to the animal and all bedding for the animal shall be dry and maintained in a manner which minimizes the risk of the animal contracting diseases, being injured or becoming infested with parasites. Examples of unacceptable shelter include, but are not limited to, the following: Underneath outside steps; decks or stoops; underneath houses; inside or underneath motor vehicles; inside cardboard boxes; inside metal barrels; inside temporary animal carriers or crates; shelters located in flood-prone areas; or shelters surrounded by waste, debris, obstructions or impediments that may endanger an animal. Acceptable adequate shelter means an enclosure having at least three solid sides, a roof and a solid floor; and

(4) That each animal shall receive care and medical treatment for debilitating injuries, parasites and disease, sufficient to maintain the animal in good health and to minimize suffering; and

(5) That the living area for each animal being kept confined or restrained shall have adequate drainage such that the animal shall be free to walk or lie down without coming in contact with standing water.

(e) It shall be unlawful for any person to tether, chain or fasten any animal in such a manner as to permit it to be upon any public sidewalk or street, or to leave it unattended while tethered, chained or fastened on public property. It shall be unlawful to tether, chain or fasten an animal in such a manner as to cause it injury or pain, or not permit it to reach shelter, food and water.

Tethers shall be fastened to a collar (not choke chain or pinch collar) or harness on the animal and snapped to a D-Ring on the collar or harness. The tether must have a swivel at the collar to prevent entanglement and shall be of appropriate length and weight for the size of the animal, as determined by the animal operations director or his/her designee.

(f) Declawed cats (cats with front and/or hind claws removed) shall not be permitted as outdoor pets and shall be kept strictly indoors.

(g) An animal's primary enclosure shall be constructed of such material, and in such a manner as to minimize the risk of injury to the animal, and shall encompass sufficient usable space to keep the animal in good condition. When an animal is confined, the following minimum space requirements shall be used:

Size of Dog	*Pen Size (Square feet)*
Extra large: > 26" at withers or > 75 lbs.	48
Large: > 20" Up to 26" at withers or not > 75 lbs.	40
Medium: > 12" Up to 20" at withers or not > 50 lbs.	32
Small: 12" or less at withers or not > 20 lbs.	24

Primary enclosures for cats shall be structurally sound, maintained in good repair and in a manner to prevent injury to cats and to keep other animals out. Each feline older than six months housed in any primary enclosure shall be provided a minimum of four square feet of floor space which may include elevated resting surfaces. Each feline younger than six months shall be provided one and one-half square feet. In all cat enclosures, a receptacle containing clean litter shall be provided for waste. A minimum of one receptacle per three cats is required. No more than 12 cats shall be housed in the same primary enclosure.

(h) Equine:

(1) *Housing.* Each animal shall have reasonable access to shelter appropriate for its state of health. Animals in a normal state of health, as determined by the animal operations director or his/her designee, may be maintained in a pasture environment where natural shelter provides sufficient protection from sun, wind, rain and other inclement weather. Where this is not available, or for animals in a debilitated state of health, access to a man-made shelter is required. These shelters are to be maintained so as to minimize the opportunity for injury.

Outdoor shelters shall have a minimum of three sides and a waterproof roof sufficient to allow two feet of clearance from the animal's head in an erect position. Space requirements are 150 square feet per horse. Drainage must be sufficient to maintain the animal's feet in a dry condition.

(2) *Fencing.* Fencing is to be maintained to ensure that the animal is securely enclosed at all times and that the opportunity for injury is minimized.

(3) *Food and water.* Each animal shall have unlimited access to a source of clean water. Each animal shall have sufficient hay, grain, pasture or other feedstuff available on a continuous basis to maintain its normal body weight as determined by the animal operations director or his/her designee.

(4) *Preventative care.*

a. Each animal's hooves shall be maintained on a regular basis to avoid malformation. Animals with specific hoof conditions requiring specialized treatment shall be provided that service on a regular basis.

b. Each animal shall receive deworming products sufficient to avoid malnourishment as a result of parasite infestation.

c. Minimum vaccination requirements shall include but are not limited to, rabies vaccination.

d. Animals in a debilitated state shall have access to appropriate veterinary care and treatment in order to minimize pain and suffering.

e. In the event that it is determined that the animal can no longer live a productive pain free life, it is the responsibility of the owner to ensure that the animal is disposed of, or euthanized, in a humane manner.

f. If the animal is euthanized on the owner's property, it is the responsibility of the owner to see that the animal is buried within 24 hours of its death, at least 100 feet away from any water source, and that the carcass is covered with at least three feet of earth.

g. If the owner of the animal is not able to euthanize and/or dispose of the carcass, Moore County Animal Operations may make those arrangements for the owner and bill the owner for expenses incurred.

h. The driver of any vehicle which injures or kills an equine domestic animal should inform the owner of the animal or, failing that, should inform local law enforcement or Moore County Animal Operations.

(i) When an animal is transported in a motor vehicle, the owner or driver is responsible for maintaining control of the animal at all times during transport, which shall include having the animal under the owner's or driver's restraint when released from the vehicle in a public place, with the exception of law enforcement dogs or hunting dogs being released on public game lands.

(j) It shall be unlawful for any person to place or confine or allow such animal to be confined in such a manner that it must remain in a motor vehicle or trailer under such conditions or for such periods of time as may endanger the health or well-being of the animal due to heat, lack of food or water, or any circumstance which might cause suffering, disability or death.

(k) An animal found confined in a motor vehicle in a public place under weather conditions that endanger its life, as determined by the supervisor of animal operations, an animal control officer, an animal cruelty officer or law enforcement officer, is a violation of this section. Any law enforcement or animal control officer is hereby authorized to enter such vehicle and rescue such animal and impound it in accordance with section 4-61. A prominent written notice shall be left on or in the vehicle advising that the animal has been removed under the authority of this section and impounded in accordance with section 4-61 at the animal shelter.

(l) The driver of any vehicle which injures or kills a domestic animal should inform the owner of the animal or, failing that, should inform local law enforcement or Moore County Animal Operations.

(m) It shall be unlawful for any person to tether any fowl. Fowl used in the training or demonstration of hunting dogs are exempt from this provision.

(n) If any person, firm or corporation shall sell, or offer for sale, barter or give away as premiums living baby chicks, ducklings, or other fowl or rabbits under eight weeks of age as pets or novelties, such person, firm or corporation shall be guilty of a Class 3 misdemeanor, pursuant to G.S. 14-363.

However, this section shall not be construed to prohibit the sale of nondomesticated species of chicks, ducklings, or other fowl, or of other fowl from proper brooder facilities by hatcheries or stores engaged in the business of selling them for purposes other than for pets or novelties.

(o) It shall be unlawful to color, dye, stain or otherwise change the natural color of baby chickens, other fowl or rabbits.

(p) Trapping:

(1) It shall be unlawful to set traps such as Leg Hold, Soft Leg Hold, Offset Leg Hold, Conibear, and Spring Wire Traps within a residential community or within 1,000 feet of a rural residence where domestic animals might run loose, without the permission of the property owner. The owner of such trap shall have his/her name and contact information permanently affixed to the trap.

(2) It shall be unlawful for any person to willfully set a trap for the sole purpose of trapping domestic animals (dogs, cats, puppies, kittens) with the exception of live, humane traps.

(Ord. of 5-7-13)

Sec. 4-4. Confinement and control of vicious or dangerous domestic animals.

(a) It shall be unlawful for any person to keep any vicious, fierce or dangerous domestic animal within the county unless it is confined within a secure building or enclosure, or is restrained by means of a leash or other like device and firmly under control at all times.

(b) A dog is determined to be vicious at the discretion of the animal operations director or his/her designee as defined in section 4-1, "vicious dog."

(c) If a dog is determined to be vicious, its owner is required to:

(1) Keep the animal in a secure enclosure with a fence at least six feet high, with an enclosed top and a concrete bottom with wire set in concrete and a secure, lockable door or gate; and

(2) Post a warning sign with international symbols that is visible on all four sides of the property when there is a vicious dog on the premises; and

(3) Notify the animal control officer immediately if the vicious dog gets loose or attacks a person or another animal.

(Ord. of 5-7-13)

Sec. 4-5. Animals creating nuisance prohibited.

(a) It shall be unlawful for an owner or keeper to permit an animal or animals in his/her care to create a nuisance.

(b) Compliance shall be required as follows:

(1) When an animal control officer, law enforcement officer or person duly authorized by the animal operations director observes a violation, the owner or keeper will be provided written notification of such violation and be given 48 hours from the time of notification to abate the nuisance.

(2) Upon receipt of a written detailed and signed complaint being made to the animal operations director or the animal operations office by any person, that any other person is maintaining an animal which is creating a nuisance as defined in this chapter, the animal operations director shall cause the owner or keeper of the animal in question to be notified that a complaint has been received, and shall investigate the complaint, and a report and findings thereon shall be reduced to writing.

(3) If the written findings indicate that the complaint is justified, then the animal operations director, or his/her designee, shall notify in writing the owner or keeper of the animal or animals in question, and said owner or keeper shall be ordered to abate such nuisance within 48 hours.

(4) In the event the owner or keeper of the animal or animals is unknown and cannot be identified, the animal(s) will be impounded.

(c) It shall be unlawful for a person to fail or refuse to abate the nuisance as required by this chapter. Such person will be subject to penalty as stated in section 4-10.
(Ord. of 5-7-13)

Sec. 4-6. Luring, enticing, and seizing an animal.

It shall be unlawful for any person to entice or lure any animal out of an enclosure or off the property of its owner or keeper, or to seize any animal while the animal is held or controlled by its owner or keeper or while the animal is on the property of its owner or keeper.
(Ord. of 5-7-13)

Sec. 4-7. Immediate placement for adoption or destruction of animals surrendered by owner.

(a) Any animal surrendered by its owner to Moore County Animal Operations or Moore County Animal Shelter, or its designee, may be immediately placed for adoption or humanely destroyed when:

(1) The owner affirmatively represents in writing that he/she is in fact the legal owner of such animal; and

(2) The owner directs in writing that the animal may be placed for adoption or humanely destroyed; and

(3) The owner agrees to hold the animal control officer, the animal operations director, Moore County Animal Operations Department, and Moore County, its designee or animal shelter harmless from any loss or damage it may sustain, including attorney's fees, by reason of the destruction or placement for adoption of such animal; and

(4) The owner transfers ownership of such animal to animal operations or its designee or animal shelter, and the owner releases animal operations, its designee, or animal shelter from any and all future claims with respect to the animal; and

(5) The owner shall certify in writing that the animal has not bitten any person within the preceding ten days.

(b) Upon receiving such assurances, the animal shelter may rely on the same and place such animal for adoption, or destroy such animal, as it sees fit. The waiting periods provided in sections 4-62 through 4-64 shall not apply to immediate adoption or destruction as provided for in this section.
(Ord. of 5-7-13)

Sec. 4-8. Nondomestic animals prohibited.

(a) No person shall possess or harbor any nondomestic animal that is dangerous to persons or property or which has the potential for being dangerous to persons or property. This section shall not apply to bona fide circuses or petting zoos.

(b) No person shall possess a wolf or wolf hybrid or a coyote or coyote hybrid except as permitted by the North Carolina Wildlife Resources Commission.

(c) All animals under our dominion, whether kept as household pets or service companions or as animals raised for food, work or sport, shall be maintained in accordance with the requirements of this chapter for each species regarding sufficient food, water, shelter and space; and in such instances in which this chapter does not address a specific species, shall be maintained in accordance with accepted veterinary standards for that species.
(Ord. of 5-7-13)

Sec. 4-9. Interference with enforcement.

It shall be unlawful for any person to interfere with, hinder or molest the employees of the animal operations department or persons duly authorized by this chapter in performing their duties, or to release any animal in the custody of such persons.
(Ord. of 5-7-13)

Sec. 4-10. Penalty for violation.

(a) The violation of any provision of this chapter shall be a misdemeanor and any such violation shall be punishable as provided in G.S. 14-4. Each day's violation of this chapter shall be a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this subsection does not relieve a person of liability for taxes or fees imposed under this chapter.

(b) In addition, enforcement of this chapter may be by appropriate equitable remedy, injunction or order of abatement issuing from a court of competent jurisdiction pursuant to G.S. 153A-123(d) and (e).

(c) In addition to, and not in lieu of, the criminal penalties and other sanctions provided in this chapter, a violation of this chapter may also subject the offender to the civil penalties hereinafter set forth:

(1) Such civil penalties may be recovered by the county in a civil action in the nature of a debt or may be collected in such other amounts as prescribed herein within the prescribed time following the issuance of notice for such violation.

(2) Such notice shall, among other things:

a. State upon its face the amount of the penalty and any fines that may accrue.

b. Notify such offender that a failure to pay the penalties within the prescribed time shall subject such offender to a civil action in the nature of debt for stated penalty plus an additional penalty in the amount of $25.00 together with the cost of the action to be taxed by the court.

c. Provide that such offender may answer the notice by mailing the notice and stated penalty to the animal operations director, Moore County Animal Operations Department at its mailing address, or by making payment to the animal operations director, Moore County Animal Operations Department at the appropriate address, and that upon payment, such case or claim and right of action by the county will be deemed compromised and settled.

d. State that such penalties must be paid within 72 hours from issuance of such notice. Such notice shall further state that if such notice of violation is not paid within 72 hours, a civil complaint for collection of such penalty may be filed by the county.

(3) The animal operations director or his/her designee is authorized to accept such payments in full and as final settlement of the claim or claims, right or rights of action which the county may utilize to enforce such penalty by civil action in the nature of a debt. Acceptance of such penalty shall be deemed a full and final release of any and all such claims, or rights of action arising out of such alleged violation or violations.

(4) The civil penalty for any offense in violation of this chapter is set forth within the County of Moore Budget Ordinance, Animal Operations Fee Schedule, for the current fiscal year.

Such penalty shall be paid within 72 hours from the issuance of the notice referred to above. After the 72-hour period, the civil penalty will increase by $25.00 and an additional $25.00 for every five-work-day period in which the fine is not paid, not to exceed $1,000.00.

(5) The notice of violation referred to herein may be delivered to the person violating the provisions of this chapter in person, or may be mailed to such person at his/her last known address.

(6) All penalties paid to the animal operations director or recovered in a civil action in the nature of a debt, as herein provided, shall be paid into the general fund of the county.

(Ord. of 5-7-13; Amend. of 2-21-17)

Sec. 4-11. Feral cats colonies.

(a) Caregivers of feral cat colonies shall implement proper management to include as follows:

(1) Neuter adult cats; and

(2) Vaccinate cats against rabies; and

(3) Notch left ear of all vaccinated cats; and

(4) Manage the health of the colony.

(b) Animal operations will notify a feral cat caregiver prior to removal of any feral cat(s) and caregiver will be given a reasonable period of time to resolve any complaint.

(c) Animal operations will notify a feral cat caregiver of any feral cat trapped by animal operations that has a notched ear prior to euthanasia, with the exception of the provisions set forth by section 4-66 of this chapter.
(Ord. of 5-7-13)

Secs. 4-12—4-30. Reserved.

ARTICLE II. RABIES CONTROL

Sec. 4-31. Compliance with state laws; article is supplemental to state rabies laws.

(a) It shall be unlawful for any animal owner or other person to fail to comply with the state laws relating to the control of rabies.

(b) The purpose of this article is to supplement the state laws by providing Moore County a procedure for the enforcement of state laws relating to rabies control, in addition to the criminal penalties also provided by state law.
(Ord. of 5-7-13)

Sec. 4-32. Vaccination of dogs, cats and equine.

(a) It shall be unlawful for an owner or keeper to fail to provide current vaccination against rabies for any dog or cat four months of age or older and equine six months of age or older. Should it be deemed necessary by the health director that other animals be vaccinated in order to prevent a threatened epidemic or to control an existing epidemic, it shall be unlawful for an owner or keeper to fail to provide current vaccination against rabies for that animal. The time or times of vaccination shall be established by the commission for public health. Rabies vaccine shall be administered only by a licensed veterinarian or by a certified rabies vaccinator.

(b) Only animal rabies vaccine licensed by the United States Department of Agriculture and approved by the commission for public health shall be used on animals in this state.
(Ord. of 5-7-13)

Sec. 4-33. Rabies tag and certificate.

(a) Upon complying with the provisions of section 4-32, a rabies tag shall be issued to the owner or keeper of the dog or cat vaccinated pursuant to G.S. 130A-190. An owner or keeper of equine shall be issued a rabies vaccination certificate.

(b) It shall be unlawful for any dog or cat owner or keeper to fail to provide the animal with a collar or harness to which are securely attached a current rabies tag as issued under this section and identification tag bearing owner's name and/or telephone number. The collar or harness, with attached tag, must be worn at all times. Cats and equine shall not be required to wear the metallic tag, but the owner of the cat or equine shall maintain the rabies vaccination certificate, with a physical description of the animal, as written evidence to prove that the animal has a current rabies vaccination.

(c) Any equine residing in or entering Moore County shall be required to show proof of current rabies vaccination.

(d) In addition to all other penalties for violations as prescribed by law, the animal is subject to impoundment in accordance with the provisions of this chapter. If an animal control officer can identify the owner of an animal not wearing a rabies tag, he/she may provide the owner with a written notification of such violation and the owner shall be given 48 hours from the time of notification to obtain and/or show proof of current vaccination. Failure to show proof of current vaccination may result in fines and penalties reflected in section 4-10 and/or the impoundment of the animal.

(e) If an animal control officer can identify the owner of an animal not wearing a rabies tag, he/she may provide the owner with a warning citation to show proof of current vaccination within 48 hours without automatically impounding the animal.

(f) It shall be unlawful for any person to use for any animal a rabies vaccination tag/certificate issued for any other animal.
(Ord. of 5-7-13)

Sec. 4-34. Notice to health director or designated representative when person bitten; confinement of animal.

(a) When a person has been bitten by an animal, it shall be the duty of such person, or his/her parent, guardian or person standing in loco parentis of such person if such person is a minor, and the person owning such animal or having the same in his/her possession or under his/her control, to notify the health director or person duly authorized by the health director immediately and give their name, address and phone number, age and sex of the person bitten; and the owner or person having such animal in his/her possession or under his/her control shall immediately securely confine the animal for ten days at the expense of the owner in such place as may be designated by the health director. It shall be the duty of every physician, after his/her first professional attendance upon a person bitten by any animal having rabies or suspected of having rabies, to report to the health director the name, age and sex of the person bitten, and precise location of the bite wound, within 24 hours after first having knowledge that the person was bitten. If the owner of, or a person who has in his/her possession or under his/her control, an animal having rabies or suspected of having rabies refuses to confine the animal as required by this chapter or by G.S. 130A-196 and 130A-198, the health director may order seizure of the animal and its confinement for ten days in such place as the health director designates.

(b) Law enforcement agencies investigating animal bites shall report such bites immediately to the health director or his/her designee and give the names and addresses of persons bitten and owner of animal.

(c) Animals confined pursuant to subsection (a) of this section shall not be released from confinement except after a visual inspection of the animal by an animal control officer following a ten-day period of confinement or by permission from the health director or his/her designee.

(d) Animals confined pursuant to subsection (a) of this section shall be confined at the expense of the owner or keeper.

(e) In the case of an animal whose owner or keeper is not known or cannot be identified, the animal shall be kept for the supervised confinement period of ten days at a place designated and authorized by the health director.

(f) Badly wounded, diseased, or suffering animals which are suspected of having rabies may be humanely destroyed immediately and the head forwarded for examination in accordance with the latest guidelines set forth by the State of North Carolina Department of Health and Human Services, Division of Laboratory Services for rabies diagnosis.
(Ord. of 5-7-13)

Sec. 4-35. Destruction or confinement of animal bitten by a known rabid animal.

Animals not vaccinated against rabies which are bitten by a known rabid animal, or by an animal suspected of having rabies, shall be immediately destroyed unless the owner or keeper agrees to strict isolation of the animal at a veterinary hospital for a period of six months at the owner's or keeper's expense. If the animal has a current rabies vaccination, it shall be revaccinated within 72 hours and returned to the owner or keeper within seven calendar days.
(Ord. of 5-7-13)

Sec. 4-36. Area-wide emergency quarantine.

(a) When reports indicate a positive diagnosis of rabies to the extent that lives of persons are endangered, the health director may declare an area-wide quarantine for such period as he/she deems necessary. Upon invoking such emergency quarantine, no dog, cat or equine may be taken or shipped from the county without written permission of the health director. During such quarantine, the health director, law enforcement officers, or persons duly authorized by the health director, may seize and impound any dog, cat or equine found running at large in the county. During the quarantine period, the health director shall be empowered to provide for a program of mass immunization by the establishment of temporary emergency rabies vaccination facilities strategically located throughout the county.

(b) In the event there are additional positive cases of rabies occurring during the period of quarantine, such period of quarantine may be extended at the discretion of the health director.
(Ord. of 5-7-13)

Sec. 4-37. Postmortem diagnosis.

(a) If an animal dies while under observation for rabies, the head of such animal shall be submitted to the animal operations office for shipment to the state laboratory in accordance with the latest guidelines set forth by the North Carolina Department of Health and Human Services, Division of Laboratory Services for rabies diagnosis.

(b) The head of any animal suspected of dying of rabies or showing neurological signs consistent with rabies shall be surrendered to the animal operations office for shipment to the state laboratory in accordance with the latest guidelines set forth by the North Carolina Department of Health and Human Services, Division of Laboratory Services for rabies diagnosis.
(Ord. of 5-7-13)

Sec. 4-38. Unlawful killing or releasing of certain animals.

It shall be unlawful for any person to kill or release any animal under observation for rabies, or any animal under observation for biting a human, or to remove such animal from the county without written permission from the health director, provided that a licensed veterinarian, or the health director, or persons duly authorized by the health director, may authorize any animal to be destroyed for rabies diagnosis.
(Ord. of 5-7-13)

Sec. 4-39. Failure to surrender animal for confinement or destruction.

It shall be unlawful for any person to fail or refuse to surrender any animal for confinement or destruction as required in this chapter when such demand is made by the health director.
(Ord. of 5-7-13)

Sec. 4-40. Failure to report/submit suspected rabies cases for evaluation.

It shall be unlawful for any person to fail to report/submit to a licensed veterinarian or animal control officer any domestic or wild animal with symptoms compatible with rabies. Failure to comply with this provision may result in the said person being liable for financial expenses incurred as a result of his/her negligence.
(Ord. of 5-7-13)

Secs. 4-41—4-60. Reserved.

ARTICLE III. IMPOUNDMENT AND REDEMPTION

Sec. 4-61. Impoundment.

(a) Any animal which appears to be lost, stray or abandoned, rescued from a manner of care considered to be cruel (see section 4-3, cruelty to animals) or not wearing a currently valid rabies vaccination tag, as required by state law or this chapter, or not under restraint in violation of this chapter, may be seized, impounded and confined in a humane manner in an animal shelter.

(b) Impoundment of such an animal shall not relieve the owner or keeper thereof from any penalty which may be imposed for violation of this chapter.
(Ord. of 5-7-13)

Sec. 4-62. Notice to owner or keeper.

(a) Upon impounding an animal, notice of such impoundment shall be posted at the end of the workday on which the animal enters the animal shelter, and until the animal is redeemed, adopted or disposed of. Reasonable efforts shall be made to identify the owner or keeper and inform such owner or keeper of the conditions under which the animal may be redeemed.

(b) Such notice shall be prominently displayed with public access or by other public means at the animal shelter, and shall include a physical description (species, breed, color, sex, weight, age and any distinguishing features) and the time and place of the taking of such animal, together with the time and date of posting.

(c) Such notice for livestock shall be prominently displayed with public access or by other public means in addition to the county courthouse, and shall include a physical description (species, breed, color, sex, weight, approximate age and other distinguishing features) and the time and place of the taking of such animal, together with the time and date of posting.
(Ord. of 5-7-13)

Sec. 4-63. Redemption by owner or keeper generally.

(a) The owner or keeper of an animal impounded pursuant to sections 4-61 and 4-62 of this chapter may redeem the animal and regain possession thereof within 72 hours after notice of impoundment is posted as required by this chapter and complying with all applicable provisions of this chapter by paying any applicable fees as determined by the board of commissioners.

(b) Any animal held or impounded in the animal shelter because of being found running at large shall be released to its owner by the animal operations director or his/her designee, upon presentation of the following:

(1) Proof of ownership of such animal; and

(2) Proof of current rabies vaccination; and

(3) Payment of the daily boarding cost plus the impoundment fee, as set forth within the County of Moore Budget Ordinance, Animal Operations Fee Schedule, for the current fiscal year.

(c) Any animal held or impounded in the animal shelter because of violation of any provision of this chapter, except running at large, shall be released to its owner thereof by the animal operations director or his/her designee upon proof of ownership of such animal. The owner of such animal shall remain liable for payment of the daily boarding cost plus the impoundment fee as set forth above.

(d) Payment of the daily boarding cost and impoundment fee shall not relieve the owner from the responsibility for all penalties which may be imposed for a violation of any of the provisions of this chapter.

(e) All animals with proper identification shall be held a minimum of seven days and all exhaustive measures will be taken to reunite the animal with its owner.

(f) The owner or keeper of an animal or livestock impounded pursuant to sections 4-61 and 4-62 of this chapter may redeem the animal and regain possession thereof within 30 days after notice of impoundment is posted.

(g) The provisions of this section shall have no application with respect to animals surrendered by the owner or keeper to animal operations or to an animal shelter for immediate adoption or destruction as provided for in section 4-7.
(Ord. of 5-7-13; Amend. of 2-21-17)

Sec. 4-64. Destruction or adoption of unredeemed animal generally.

(a) If an impounded animal is not redeemed by the owner or his/her designee within the period prescribed in section 4-63, it may be destroyed in a humane manner as approved by the American Veterinary Medical Association, the Humane Society of the United States or the American Humane Association, or it shall become the property of the animal shelter.

(b) No animal which has been impounded for being a stray or unclaimed by its owner may be adopted from the animal shelter during a period of emergency rabies quarantine invoked pursuant to this chapter, except by special authorization of the health director or his/her designee.
(Ord. of 5-7-13)

Sec. 4-65. Procedure for redemption or adoption of unvaccinated dog or cat.

(a) Unless proof of a current rabies vaccination can be furnished, every animal will be vaccinated for rabies if it is at least four months of age or older. Every person who either adopts or redeems a dog or cat at the animal shelter will be given a "proof of rabies vaccination notice" at the time of the redemption or adoption. For animals less than four months of age, a notice will be stamped with a date stating the maximum time limit allowed to take the dog or cat to a veterinarian for rabies vaccination.

(b) The "proof of rabies vaccination notice" will be completed by the veterinarian and returned to the shelter issuing the notice.

(c) Payment for rabies vaccination provided for in this section will be the responsibility of the person redeeming or adopting the animal.
(Ord. of 5-7-13)

Sec. 4-66. Destruction of wounded, diseased or unweaned animals.

Notwithstanding any other provision of this chapter, any animal seized and impounded which is badly wounded or diseased (and not a rabies suspect), and has no identification may be destroyed immediately in a humane manner. Unweaned animals may be humanely destroyed after significant attempts to contact local animal shelters and/or individual rescuers have failed. If the animal has identification, the animal shelter and/or animal operations shall attempt to notify the owner before

disposing of such animal. If the owner cannot be reached readily, and the animal is suffering, the animal shelter, animal operations or any law enforcement officer may destroy the animal at its discretion in a humane manner.
(Ord. of 5-7-13)

Sec. 4-67. Destruction of animals which cannot be seized by reasonable means.

Notwithstanding any other provision of this chapter, an animal which cannot be seized by reasonable means may be humanely destroyed by order of the animal operations director or person duly authorized by the animal operations director.
(Ord. of 5-7-13)

Sec. 4-68. Keeping stray animals; requirements; failure to surrender.

(a) It shall be unlawful for any person in the county knowingly and intentionally to harbor, feed, keep in possession by confinement or otherwise allow to remain on his/her property, any animal which does not belong to him/her, unless he/she has, within 72 hours from the time such animal came into his/her possession, notified the animal operations department. Upon receiving such notice, the animal operations staff may take such animal and place it in an animal shelter and shall deal with it as provided by the animal shelter policy.

(b) It shall be unlawful for any person to refuse to surrender any such stray animal to animal control or any person duly authorized by the animal operations director or his/her designee upon demand.

(c) Any person or organization who fails to notify the county animal operations officer, or any person designated by the animal operations director, within 72 hours of coming into possession of an animal that does not belong to him, shall be deemed the temporary custodian of said animal, and shall be subject to compliance with all provisions of this chapter.
(Ord. of 5-7-13)

Secs. 4-69—4-85. Reserved.

ARTICLE IV. PERMITS*

Sec. 4-86. Security dogs.

(a) It shall be unlawful to keep, maintain or use any dog in the county for the purpose of protecting any commercial or industrial property, or person on such property, unless a permit has first been obtained from the animal operations director, in accordance with the provisions of this section, and unless such permit shall remain unsuspended and unrevoked. A warning sign shall be posted near entrances and exits to property declaring a security dog is present.

***Cross reference—**Licenses, permits and miscellaneous business regulations, ch. 9.

(b) It shall be unlawful to keep, maintain or use any patrol or security dog in the county for the purpose of protecting any residential property, or person on such property, unless a permit has first been obtained from the animal operations director, in accordance with the provisions of this section, and unless such permit shall remain unsuspended and unrevoked.

(c) The animal operations director may revoke any permit if the person holding the permit refuses or fails to comply with this chapter, or any other applicable law.

(d) The animal must be kept in an enclosure with a fence six feet high, or higher, if the animal control officer, considering the history, size and strength of the dog, determines a higher fence is necessary.

(e) A warning sign (i.e., "Security Dog On Premises") must be posted, which must be visible from 20 feet on all sides of the fence. The owner is required to notify the animal control officer immediately if the dog gets loose or attacks a person or another animal.
(Ord. of 5-7-13)

Sec. 4-87. Repealed.

Sec. 4-88. Mandatory spay/neuter of adopted animals.

Any group, organization or entity offering animals for adoption in Moore County must provide proof of sterilization for every animal, six months of age or over, and prior to adoption, or make prepaid arrangements for a spay/neuter surgery prior to the animal being placed into a home.
(Ord. of 5-7-13)

Chapter 5

BUILDINGS AND BUILDING REGULATIONS*

Article I. In General

Sec. 5-1. Reserved.
Secs. 5-2—5-25. Reserved.

Article II. Building Code

Sec. 5-26. State building code adopted.
Secs. 5-27—5-40. Reserved.

Article III. Electrical Code

Sec. 5-41. Adopted.
Secs. 5-42—5-60. Reserved.

Article IV. Fire Prevention and Protection Code

Sec. 5-61. Adopted.
Sec. 5-62. Enforcement of fire prevention code.
Sec. 5-63. Duties.
Sec. 5-64. Annual report.
Sec. 5-65. Appeals.
Sec. 5-66. Permits.
Sec. 5-67. Special fees.
Sec. 5-68. Violations.
Sec. 5-69. Service of orders or notices.
Sec. 5-70. Penalties.
Sec. 5-71. Removal of obstructions; prohibited parking.
Secs. 5-72—5-80. Reserved.

Article V. Gas Code

Sec. 5-81. Adopted.
Secs. 5-82—5-100. Reserved.

Article VI. Heating and Air Conditioning Code

Sec. 5-101. Adopted.
Secs. 5-102—5-115. Reserved.

***Cross references—**Airports, Ch. 3; cable television regulations, Ch. 6; utilities, Ch. 13.

State law references—Technical code promulgated by public agency may be adopted by reference by county, G.S. 153A-47; state building code applicable throughout the state, G.S. 143-138.

Article VII. Reserved

Secs. 5-116—5-150. Reserved.

Article VIII. Plumbing Code

Sec. 5-151. Adopted.
Secs. 5-152—5-164. Reserved.

Article IX. Control of Cross-Connections

Sec. 5-165. Cross-connection control—General policy.
Sec. 5-166. Definitions.
Sec. 5-167. Right of entry.
Sec. 5-168. Elimination of cross-connections: Degree of hazard.
Sec. 5-169. Installation of assemblies.
Sec. 5-170. Testing and repair of assemblies.
Sec. 5-171. Facilities requiring protection.
Sec. 5-172. Connections with unapproved sources of supply.
Sec. 5-173. Fire protection systems.
Sec. 5-174. Enforcement.

ARTICLE I. IN GENERAL

Sec. 5-1. Reserved.

Editor's note—Per the county's instruction, § 5-1, which pertained to permit fees and derived from a motion of Nov. 10, 1977, has been removed.

Secs. 5-2—5-25. Reserved.

ARTICLE II. BUILDING CODE

Sec. 5-26. State building code adopted.

The most current edition of the North Carolina State Building Code as adopted by the North Carolina Building Code Council and as amended is adopted by reference as fully as though set forth herein as the building code of the County of Moore.
(Mo. of 11-10-77(2); Amend. of 12-19-11)

Secs. 5-27—5-40. Reserved.

ARTICLE III. ELECTRICAL CODE

Sec. 5-41. Adopted.

The most current edition of the North Carolina Electrical Code, adopting by reference the most current edition of the National Electrical Code as adopted by the North Carolina Building Code Council and as amended, is adopted by reference as fully as though set forth herein as the electrical code of the County of Moore.
(Mo. of 11-10-77(1); Amend. of 12-19-11)

Secs. 5-42—5-60. Reserved.

ARTICLE IV. FIRE PREVENTION AND PROTECTION CODE

Sec. 5-61. Adopted.

There is adopted by the Moore County Board of Commissioners for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion that a certain code known as the North Carolina Fire Code as approved by the North Carolina Building Code Council, including such subsequent amendments as adopted pursuant to state law. An official copy of the code shall be filed in the office of the fire marshal. The code is adopted and incorporated as if fully set out at length in this article, and the provisions thereof shall be controlling in all areas of the county not governed by a city or town and as otherwise provided for through agreements with participating municipalities within the county.
(Ord. of 1-5-76, § 1; Ord. of 2-18-08; Amend. of 12-19-11)

Sec. 5-62. Enforcement of fire prevention code.

The fire prevention code shall be enforced by the Moore County Fire Marshal's Office, which is established and which shall be operated under the supervision of the Moore County Fire Marshal. (Ord. of 2-18-08)

Sec. 5-63. Duties.

The fire marshal's duties include but are not limited to the following:

(1) Keeping the Moore County Board of Commissioners informed of the purpose and development of rural fire departments;

(2) Acting as liaison between fire departments and the Moore County Board of Commissioners;

(3) Aiding in the organization and development of new fire departments, including providing assistance with records retention;

(4) Acting as advisor to the Moore County Board of Commissioners concerning the requirements of the state department of insurance and insurance service office;

(5) Providing assistance with training programs for fire departments, upon request;

(6) Advising fire departments on the availability of surplus equipment of a special nature;

(7) Making periodic inspections of all fire departments within the county to see that they conform to the minimum standards of the State Department of Insurance and the Insurance Service Office;

(8) Making fire inspections in schools as required by G.S., Chapter 115 and day care facilities as required by G.S., Chapter 110;

(9) Making inspections of public occupancies relative to fire protection and fire prevention codes that may be enforced;

(10) Investigating, along with other fire and law enforcement officials, fires of an unknown nature to determine their origin and cause;

(11) Assisting fire departments in developing and delivering fire prevention and fire education programs throughout the county;

(12) Coordinating all fire departments in a mutual aid program within the county;

(13) Administering the North Carolina Fire Code as adopted by the county and any other safety ordinances that may apply. It shall be the duty of the fire marshal's office to inspect or to cause to be inspected, as often as deemed necessary or appropriate, all buildings, structures, and premises within its jurisdiction for the purpose of ascertaining and causing to be corrected any condition which may cause fire or explosion, endanger life from fire or explosion, or be in violation of the provisions of the code; and

(14) Determining the most appropriate fire department to be the primary responder when a property line lies within more than one fire district.

(Ord. of 2-18-08)

Sec. 5-64. Annual report.

A report of the fire marshal's office shall be made annually and submitted to the director of public safety, who in turn shall submit the report to the county manager. The report shall contain all proceedings under the fire prevention code, with such statistics as are necessary to provide relevant information. The fire marshal shall also recommend any amendments to the fire prevention code which, in his/her judgment, shall be desirable.
(Ord. of 2-18-08)

Sec. 5-65. Appeals.

Whenever the fire marshal and/or his/her authorized representative shall disapprove an application or refuse to grant a permit applied for or when his/her claim that the provisions of the fire prevention code do not apply or that the true intent and meaning of the fire prevention code have been misconstrued or wrongly interpreted, the applicant is permitted to appeal in writing from the decision of the fire marshal and/or his/her authorized representative to the Moore County Fire Marshal, P.O. Box 905, Carthage, NC 28327 or the Commissioner of Insurance, NC Department of Insurance, Raleigh, NC 27611 within ten days from the date of the decision appealed.
(Ord. of 2-18-08)

Sec. 5-66. Permits.

(a) This code shall require permits from the fire marshal as set forth in the North Carolina Fire Code.

(b) It shall be the duty of the fire marshal and/or his/her authorized representative to evaluate applications and, if approved, issue all permits for those conditions as prescribed in the North Carolina Fire Code.

(c) No person shall maintain, store, handle materials, and conduct processes which produce conditions hazardous to life or property or install equipment used in conjunction with such activities without a permit as required by the fire marshal and prescribed in the North Carolina Fire Code as adopted by the state. Before a permit may be issued, the fire marshal and/or his/her authorized representative, shall inspect and approve the receptacles, vehicles, buildings, structures, storage areas, devices, processes, and conditions related to the permit.
(Ord. of 2-18-08)

Sec. 5-67. Special fees.

The fee for fire inspections and permits shall be set forth by the Moore County Board of Commissioners in the County's Annual Budget Ordinance.
(Ord. of 2-18-08)

Sec. 5-68. Violations.

(a) Any person shall be subject to all penalties allowed by law if the person:

(1) Violates or fails to comply with the provisions of the fire prevention code;

(2) Violates or fails to comply with any order made under the fire prevention code;

(3) Builds in violation of any detailed statement of specifications or plans submitted and approved under the fire prevention code or any certificate or permit issued thereunder; or

(4) Shall fail to comply with such an order as affirmed or modified by the fire marshal and/or his/her authorized representative, or by a court of a competent jurisdiction, within the time affixed.

(b) In addition to any civil penalties that may apply, violators are subject to criminal penalties pursuant to G.S. 153A-123 and any other criminal laws that may be applicable.
(Ord. of 2-18-08)

Sec. 5-69. Service of orders or notices.

The service of orders or notices for the correction of violations of this chapter shall be made upon the owner, occupant, or other person responsible for the conditions, either by personally delivering a copy of same to such person or by delivering the same to and leaving it with any person in charge of the premises or by sending a copy of the order or notice by certified mail with return receipt requested to the owner's last known address.
(Ord. of 2-18-08)

Sec. 5-70. Penalties.

(a) The minimum penalty for a violation of this article shall be a civil penalty of $50.00 and the maximum civil penalty shall be $500.00. Each violation, as well as each day a violation exists, shall constitute a separate and distinct offense.

(b) If a person has not been cited within the previous 12 months and the violations are corrected within 72 hours, the fine shall be waived, with the exception of Type 3 violations. The citation and penalties shall be in writing, signed by the fire marshal or his/her authorized representative, and shall be delivered in person or by certified mail with return receipt requested to the offender at the place where the violation occurred. The failure of the offender to make payment of all civil penalties within 15 days from the date of the citation will result in further legal action and fines.

(c) The types of violations and the related civil penalties are as follows:

(1) *Type 1 violations ($50.00).* These violations generally increase the likelihood of a fire or injury. They include, but are not limited to, failure to:

a. Obtain proper permits for required uses as listed under the permit fees,

b. Maintain properly operating exit or emergency lights.

c. Maintain a clear, unobstructed access to fire protection equipment,

d. Properly cover or close electrical junction boxes,

e. Restrict use of electrical extension cords improperly used.

(2) *Type 2 violations ($100.00).* These violations represent a general threat to property. They include, but are not limited to, failure to:

a. Safely maintain proper storage of combustibles outside of a business,

b. Maintain a clear, unobstructed access to electric panels,

c. Properly maintain automatic closing fire and smoke doors,

d. Properly maintain and inspect portable fire extinguishers,

e. Properly maintain unobstructed accesses to hydrants, risers and fire department connections.

(3) *Type 3 violations ($250.00).* These violations directly affect the safety of persons within an occupancy or the probability of heavy property loss if a fire occurs, therefore fines shall be issued upon discovering violations of this type that are not immediately rectified. They include, but are not limited to, failure to:

a. Maintain a clear, unobstructed access to and from exit doors, both inside and outside,

b. Install, test or properly maintain smoke and fire alarm systems,

c. Install or properly maintain or test automatic sprinkler systems and extinguishing systems,

d. Properly store or use flammable, combustible, or hazardous materials,

e. Limit the number of persons in a place of assembly to the maximum posted number allowed,

f. Failure to evacuate upon activation of a manual or automatic fire alarm system.

(4) *Type 4 violations ($500.00).* These violations are where, despite prior notice, corrections have not been made and/or previous fines have not been paid.

(d) The application of the penalties in subsection (c) of this section shall not be held to prevent the enforcement of or removal of the prohibited conditions.
(Ord. of 2-18-08)

Sec. 5-71. Removal of obstructions; prohibited parking.

The fire marshal and/or his/her authorized representative may issue a citation which subjects the offender to a civil penalty of $50.00 for obstructing any fire hydrant, designated fire protection equipment, designated fire lanes, and/or fire station. In addition the vehicle may be removed or towed away by or under the direction of the fire marshal and/or his/her authorized representative to a storage area or garage. The owner of such vehicle shall be deemed to have appointed the fire marshal and/or his/her authorized representative as his/her agent for the purpose of arranging for the transportation and storage of the vehicle. The owner of such vehicle, before obtaining possession thereof, shall pay all reasonable costs incidental to the removal and storage of the vehicle due for the violation of prohibited parking.
(Ord. of 2-18-08)

Secs. 5-72—5-80. Reserved.

ARTICLE V. GAS CODE

Sec. 5-81. Adopted.

The most current edition of the North Carolina Gas Code as adopted by the North Carolina Building Code Council and as amended is adopted by reference as fully as though set forth herein as the gas code of the County of Moore.
(Mo. of 11-10-77(3); Amend. of 12-19-11)

Secs. 5-82—5-100. Reserved.

ARTICLE VI. HEATING AND AIR CONDITIONING CODE

Sec. 5-101. Adopted.

The most current edition of the North Carolina Heating and Air Conditioning Code as adopted by the North Carolina Building Code Council and as amended is adopted by reference as fully as though set forth herein as the heating and air conditioning code of the County of Moore.
(Mo. of 11-10-77(3); Amend. of 12-19-11)

Secs. 5-102—5-115. Reserved.

ARTICLE VII. RESERVED*

Secs. 5-116—5-150. Reserved.

ARTICLE VIII. PLUMBING CODE†

Sec. 5-151. Adopted.

The most current edition of the North Carolina Plumbing Code as adopted by the North Carolina Building Code Council and as amended is adopted by reference as fully as though set forth herein as the plumbing code of the County of Moore.
(Mo. of 11-10-77(3); Amend. of 12-19-11)

Secs. 5-152—5-164. Reserved.

***Editor's note—**Per the county's instruction, art. VII, which pertained to insulation, consisted of §§ 5-116, 5-126—5-134, and derived from a motion of November 10, 1977; and an ordinance adopted December 13, 1977, has been removed.

†Cross reference—Health and sanitation, Ch. 8.

ARTICLE IX. CONTROL OF CROSS-CONNECTIONS*

Sec. 5-165. Cross-connection control—General policy.

(1) *Introduction.* The purpose of this cross-connection control ordinance (hereinafter the "article") is to eliminate all cross-connections within the public potable water supply operated by or under the authority of the County of Moore (hereinafter the "county").

This article shall apply to all consumers connected to any water system operated by or under the authority of the county.

This article complies with the Federal Safe Drinking Water Act (P.L. 93-523), the North Carolina State Administrative Code (Title 15A, Subchapter 8C.0709), and the North Carolina State Building Code (Volume II), as they pertain to cross-connection within the public water supply.

In accordance with G.S. 162A-9.1, the county is authorized and empowered to adopt this article.

(2) *Objective of article.* The specific objectives of the article are as follows:

(a) To protect the public potable water supply of Moore County from the possibility of contamination or pollution by isolating within its consumers' water systems such contaminants, waterborne health hazards and other significant pollutants that could backflow into the public water system;

(b) To eliminate or control existing cross-connections, actual or potential, between the consumers' potable water system(s) and non-potable water systems, plumbing fixtures and industrial piping systems; and

(c) To provide a continuing inspection program of cross-connection control that will systematically and effectively control all actual or potential cross-connections that are installed in the future.

(3) *Designation of responsibility.*

(a) *Health agency's responsibility.* The North Carolina Department of Environmental Quality (Division of Water Resources) has the responsibility for promulgating and enforcing laws, rules, regulations, and policies applicable to all water purveyors in the State of North Carolina in carrying out an effective cross-connection control program.

The Division of Water Resources also has the primary responsibility of ensuring that the water purveyor operates a public potable water system free of actual or potential hazards including unprotected cross-connections. The Division of Water Resources also has the responsibility of ensuring that the water purveyor provides an approved water supply at the service connection to the consumer's water system and, further, that the purveyor requires the installation, testing and maintenance of an approved backflow prevention assembly on the service connection when required.

***Editor's note—**An ordinance adopted January 9, 2018 amended art. IX in its entirety to read as herein set out. Former art. IX pertained to a similar subject matter, consisted of §§ 5-165—5-175, and derived from an ordinance adopted September 17, 2013.

(b) *Moore County['s responsibility].* Except as otherwise provided herein, the county is the water purveyor and is responsible for ensuring 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 (meter) to the consumer's water system. In addition, the county shall exercise reasonable vigilance to ensure that the consumer has taken the proper steps to protect the public water system. The county will determine the degree of hazard or potential hazard to the public potable water system, the degree of protection required and will ensure proper cross-connection protection through an ongoing inspection program. The county will identify all facilities where approved backflow protection assemblies are required to be installed.

When it is determined that a backflow prevention assembly is required for the protection of the public system, the county shall require the consumer, at the consumer's expense, to install an approved backflow prevention assembly at the service connection, to test immediately upon installation and thereafter at a frequency determined by the county, to properly repair and maintain assembly or assemblies and to keep adequate records of each test and subsequent maintenance and repair, including materials and/or replacement parts.

(c) *Plumbing inspector's responsibility.* The plumbing inspections department of the county shall have the responsibility to review building plans, inspect plumbing as it is installed and shall have the explicit responsibility of preventing cross-connections from being designed and built into the plumbing system within the county. Within the Village of Pinehurst (hereinafter the "village"), the village shall have the responsibility to review building plans, inspect plumbing as it is installed and shall have the explicit responsibility of preventing cross-connections from being designed and built into the plumbing system. Where the review of building plans suggests or detects the potential for cross-connection being made an integral part of the plumbing system, the plumbing inspector has the responsibility, under the North Carolina Building Code, for requiring that such cross-connections be either eliminated or provided with backflow prevention assembly approved by the North Carolina State Building Code. Furthermore, any cross-connections must meet the requirements of this article.

The plumbing inspector's responsibility begins at the point of delivery (meter), on the downstream side, and continues throughout the entire length of the consumer's water system. The 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 a cross-connection is discovered, it shall be mandatory that a suitable, approved backflow prevention assembly approved by the North Carolina Building Code, North Carolina Department of Environmental Quality and the county be required and be properly installed.

(d) *Consumer's responsibility.* The consumer has the primary responsibility of preventing pollutants and contaminants from entering his/her potable water system or the public potable water system. The consumer's responsibility starts at the point of delivery (meter), on the downstream side, from the public potable water system and includes all of his/her water system. The consumer, at his/her expense, shall install, operate, test and maintain all

approved backflow prevention assemblies as directed by the 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 the county and shall include the list of materials or replacement parts used. Following any repair, overhaul, or relocation of an assembly, the consumer shall have it tested to ensure 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 tester responsibility.* When employed by the consumer to test, repair, overhaul or maintain backflow prevention assemblies, a certified backflow prevention assembly tester (tester) will have the following responsibilities:

(i) The tester will be responsible for making competent inspections and for repairing or overhauling backflow prevention assemblies and making reports of such repairs to the consumer and the county on forms approved by the county.

(ii) The tester shall include the list of materials or replacement parts used.

(iii) 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.

(iv) It will be the tester's responsibility to ensure that original manufactured parts are used in the repair of or replacement of parts in a backflow prevention assembly.

(v) 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 the county.

(vi) The tester shall perform the work and be responsible for the competency and accuracy of all tests and reports.

(vii) The tester shall submit a copy of all test and repair reports to the consumer and to the county within ten business days of any completed test or repair work. The tester shall submit a copy of the test and repair reports to any agency if required by the county.

(viii) The 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 approved by the county. All test equipment shall be registered with the county. All test equipment shall be checked for accuracy annually, calibrated if necessary, and certified to the county as to the calibration employing a method acceptable to the county.

(Ord. of 1-9-18, § A)

Sec. 5-166. Definitions.

(1) *Air gap (AG):* The term "air gap" shall mean a physical separation between the free-flowing discharge end of a water supply pipeline and an open or non-pressure receiving vessel. An "approved air gap" shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the vessel in no case less than one inch (2.54 cm).

(2) *Auxiliary water supply:* Any water supply on or available to the premises other than the purveyor's approved public water supply will be considered as an auxiliary water supply. These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

(3) *Backflow:* The term "backflow" shall mean 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 (as defined herein). The types are:

(a) Double-check valve assembly (DCVA).

(b) Double check detector assembly (fire system) (DCDA).

(c) Reduced pressure principle assembly (RP).

(d) Reduced pressure principle-detector assembly (fire system) (RPDA).

(4) *Certified backflow prevention assembly tester:* The term "certified backflow prevention assembly tester" shall mean a person who has proven their competency to the satisfaction of the 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 North Carolina licensed plumber or plumbing contractor, or have equivalent qualifications acceptable to the county, and must hold a valid "certificate of completion" from an approved training program in the testing and repair of backflow prevention assemblies recognized by the county.

(5) *Backpressure:* The term "backpressure" shall mean any elevation of pressure in the downstream piping system (by pump, elevation of piping, or steam and/or air pressure) above the supply pressure at the point of consideration (delivery) which would cause, tend to cause, a reversal of the normal direction of flow.

(6) *Backsiphonage:* The term "backsiphonage" shall mean a reversal of the normal direction of flow in the pipeline due to a reduction in system pressure which causes a sub atmospheric pressure to exist at a site in the water system.

(7) *Approved check valve:* The term "approved check valve" shall mean 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 reversed 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 principle detector assembly. These devices must have met the design performance standards of the American Society of Sanitary Engineers (ASSE), the American Water Works Association (AWWA), or the Foundation for Cross Connection Control and the Hydraulic Research of the University of Southern California and approved by the county.

(8) *Consumer:* The term "consumer" shall mean any person, firm, or corporation using or receiving water from the county.

(9) *Consumer's water system:* The term "consumer's water system" shall include any water system commencing at the point of delivery (meter), on the downstream side, and continuing throughout the consumer's plumbing system located on the consumer's premises, whether supplied by the public potable water or an auxiliary water supply. The system may be either a potable water system or an industrial piping system.

(10) *Consumer's potable water system:* The term "consumer's potable water system" shall mean that portion of the privately owned potable water system lying between the point of delivery (meter), on the downstream side, and the point of use. The system will include all pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, store, or use potable water.

(11) *Containment:* The term "containment" shall mean preventing the impairment of the public potable water supply by installing an approved backflow prevention assembly at the service connection.

(12) *Contamination:* The term "contamination" shall mean 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 waterborne health hazards in the form of physical or chemical contaminants or biological organisms and pathogens.

(13) *Cross-connection:* The term "cross-connection" shall mean 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 changeover devices and other temporary or permanent devices through which or because of which "backflow" can or may occur are considered to be cross-connections.

(14) *Double-check valve assembly (DCVA):* The term "double-check valve assembly" shall mean an assembly composed of two independently acting, approved check valves, including tightly closing shut-off valves attached at each end of the assembly and fitted with properly located test cocks. The assembly shall only be used to protect against a non-health hazard (i.e., pollutant). Device must be approved by Foundation for Cross-Connection Control and Hydraulic Research.

(15) *Double-check detector assembly (DCDA):* The term "double-check detector assembly" shall mean 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) accurately for 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 non-health hazard (i.e., pollutant). Device must be approved by Foundation for Cross-Connection Control and Hydraulic Research.

(16) *Degree of hazard:* The term "degree of hazard" shall be derived from the evaluation of conditions within a system which can be classified as either a "pollutant" (non-health) or a contaminant (health) hazard.

(17) *Health hazard:* The term "health hazard" shall mean an actual or potential threat of contamination of a physical, chemical, biological, pathogenic or toxic nature to the public of consumer's potable water system to such a degree or intensity that there would be a danger to health. Examples of waterborne health hazards include but are not limited to:

(a) *Physical:* Radioisotopes/radionuclides;

(b) *Chemical:* Lead, mercury and other heavy metals, organic compounds, other toxins and hazardous substances;

(c) *Biological:* Microorganisms and pathogens like cryptosporidium, typhoid, cholera and E. Coli.

(18) *Non-health hazard:* The term "non-health hazard" shall mean an actual or potential threat of polluting the quality of the public or the consumer's water system. A non-health 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.

(19) *Health agency:* The term "health agency" shall mean the North Carolina Department of Environmental Quality.

(20) *Industrial fluids:* The term "industrial fluids" shall mean 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 non-health 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, alkalis, oils, gases, etc.

(21) *Industrial piping system:* The term "industrial piping system" shall mean a system used by the consumer for transmission, conveyance or storage of 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 pollutant or contaminant.

(22) *Point of delivery:* The term "point of delivery" shall generally be at the downstream side of the meter, where the meter or backflow prevention assembly is located. The consumer shall be responsible for all water piping and control devices located on the consumer's side of the point of delivery.

(23) *Pollution:* The term "pollution" shall mean 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 water for domestic use.

(24) *Potable water:* The term "potable water" shall mean water from any source which has been approved for human consumption by the North Carolina Department of Environmental Quality (NCDEQ).

(25) *Public potable water system:* The term "public potable water system" shall mean any publicly or privately owned water system operated as a public utility, under a current NCDQ 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 convey, treat or store potable water for public consumption or use.

(26) *Reduced pressure principle backflow prevention assembly (RPZ):* The term "reduced pressure principle backflow prevention assembly" shall mean 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 to a predetermined amount so that during normal flow and at cessation of normal flow, the pressure between the checks shall be less than the supply pressure. In case of leakage of either check valve, the pressure differential relief valve, by discharging to atmosphere, shall operate to maintain the pressure between the check less than the supply pressure.

The unit shall include tightly closing 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) or a non-health (i.e., pollutant). This assembly must be approved by Foundation for Cross-Connection Control and Hydraulic Research.

(27) *Reduced pressure principle-detector assembly (RPDA):* The term "reduced pressure principle-detector assembly" shall mean 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) accurately for 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) or a non-health (i.e., pollutant). This assembly must be approved by Foundation for Cross-Connection Control and Hydraulic Research.

(28) *Service connections:* The term "service connections" shall mean the terminal end of a service connection from the public potable water system, i.e., where the county loses jurisdiction and control over the water at its point of delivery to the consumer's water system. Specifically this is the downstream side of the meter.

(29) *Water purveyor:* The term "water purveyor" shall mean the owner, operator or grantor of authority to operate a public potable water system approved and permitted by NCDEQ.

(30) *Unapproved water supply:* The term "unapproved water supply" shall mean a water supply which has not been approved for human consumption by NCDEQ.

(31) *Used water:* The term "used water" shall mean 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.
(Ord. of 1-9-18, § B)

Sec. 5-167. Right of entry.

(1) Upon presentation of proper credentials and identification, authorized representatives from the county shall have the right to enter 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 system. Where a consumer has security measures in force which would require proper identification and clearance before entry into their premises, the consumer shall make necessary arrangements with security so that upon presentation of suitable identification, county personnel will be permitted to enter without delay for the purpose of performing specific responsibilities. Refusal to allow entry for these purposes may result in discontinuance of water service.

(2) On request, the consumer shall furnish to the county any pertinent information regarding the water supply system on such property where cross-connections and backflows are deemed possible.
(Ord. of 1-9-18, § C)

Sec. 5-168. Elimination of cross-connections: Degree of hazard.

(1) When cross-connections are found to exist, the owner, his/her agent, occupant or tenant will be notified in writing to disconnect the same within the time limit established by the county. The 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.

(2) If, in the judgment of the 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.

(3) Cross-connections with private wells or other auxiliary water supplies require immediate disconnection.

(4) All facilities that pose a potential health hazard to the potable water system must have a reduced pressure principle backflow prevention assembly within 60 days of notification by the county.

(5) All industrial and commercial facilities not identified as a "health hazard" shall be considered non-health hazard facilities. All non-health hazard facilities must install a double-check valve assembly within 90 days of notification by the county.

(6) Water mains served by the county, but not maintained by the county, shall be considered cross-connections, with degree of hazard to be determined by the county. Degree of protection shall be based upon the degree of hazard, as determined by the county.

(7) In the event that the county cross connection control representative does not have sufficient access to every portion of a private water system (i.e. 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 backflow prevention assembly shall be required as a minimum protection.

(8) 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 county approved location equipped with an air gap or an approved reduced pressure principle backflow prevention assembly properly installed on the public water system.
(Ord. of 1-9-18, § D)

Sec. 5-169. Installation of assemblies.

(1) All backflow prevention assemblies shall be installed in accordance with the specifications furnished by the county, the manufacturer's installation instructions and in the latest edition of the North Carolina Building Code (particularly Table 608.1 of the N.C. Plumbing Code), whichever is most restrictive.

(2) All new construction plans and specifications, when required by the North Carolina Building Code and the North Carolina Division of Water Resources, shall be made available to the county for review and approval and to determine the degree of hazard.

(3) Ownership, testing and maintenance of the assembly shall be the responsibility of the consumer.

(4) All double-check valve assemblies must be installed in drainable pits wherever below ground installation is necessary, in accordance with detailed specifications provided by the county. Double-check valve assemblies may be installed in a vertical position with prior approval from the county, provided the flow of water is in an upward direction.

(5) Reduced pressure principle backflow prevention assemblies must be installed in a horizontal position (unless specifically designed for vertical installation) and in a location in which no portion of the assembly can become submerged in any substance under any circumstance. Pit or below grade installations are prohibited.

(6) The installation of any backflow prevention assembly which is not approved by the county must be replaced by one which is approved.

(7) The consumer shall make sure all backflow prevention assemblies are working properly upon installation and must furnish to the county and submit to county designated agency the following information within 15 days after a reduced pressure principle backflow preventer (RPZ), double-check valve assembly (DCVA), double-check detector assembly (DCDA) or reduced pressure principle detector assembly (RPDA) is installed:

(a) Service address where assembly is located.

(b) Owner (and address, if different from service address).

(c) Description of assembly's location.

(d) Date of installation.

(e) Installer (include name, company represented, plumbers license number).

(f) Type of assembly and size of assembly.

(g) Manufacturer, model number and serial number.

(h) Test results/report.

(8) When it is not possible to interrupt water service, provisions shall be made for a "parallel installation" of backflow prevention assemblies. The county will not accept an unprotected bypass around a backflow preventer. Bypass lines will have at least the same degree of protection as the backflow preventer being bypassed.

(9) Upon notification by the county, the consumer shall install the appropriate backflow prevention assembly not to exceed the following time frame:

Health hazard. . . . . 60 days

Non-health hazard. . . . . 90 days

(10) Following installation, all RPZ, DCVA, DCDA, and RPDA are required to be tested by a certified backflow prevention assembly tester within ten days.
(Ord. of 1-9-18, § E)

Sec. 5-170. Testing and repair of assemblies.

(1) Testing of backflow prevention assemblies shall be made by a certified backflow prevention assembly tester that has been approved by the county. Such tests are to be conducted upon installation and annually thereafter. A record of all testing and repairs is to be retained by the consumer for a minimum of three years. Copies of the records must be provided to the county and submitted to the county designated agency within ten business days after the completion of any testing and repair work.

(2) Any time that repairs to backflow prevention assemblies are deemed necessary, whether through annual or required testing, routine inspection by the consumer or by the county, such repairs must be completed within a specified time in accordance with the degree of hazard. In no case shall this time period exceed:

Health hazard facilities . . . . . 7 days

Non-health hazard facilities . . . . . 21 days

(3) All backflow prevention assemblies with test cocks are required to be tested annually.

(4) All certified backflow prevention assembly testers must obtain and employ backflow prevention assembly test equipment which has been evaluated and approved by the county. All test equipment shall be registered with the county. All test equipment shall be checked for accuracy annually, calibrated if necessary, and certified to the county as to the calibration employing a method acceptable to the county.

(5) It shall be unlawful for any consumer or certified backflow prevention assembly tester to submit any record to the county, or the county designated agency, that is false or incomplete in any respect. It shall be unlawful for any consumer or certified tester to fail to submit to the county any record which is required by this article. Such violations may result in the enforcement actions outlined in this article.
(Ord. of 1-9-18, § F)

Sec. 5-171. Facilities requiring protection.

Approved backflow prevention assemblies shall be installed on the service line to any facility that the county has identified as having a potential for backflow.

The following types of facilities or services have been identified by the county as having a potential for backflow of non-potable water into the public water supply system. Therefore, an approved backflow prevention assembly may 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 the county. As a minimum requirement, all commercial services will be required to install a double-check valve assembly, unless otherwise listed below.

Abbreviations:

DCVA = Double-check valve assembly

RPZ = Reduced pressure principle assembly

DCDA = Double-check detector assembly

RPDA = Reduced pressure detector assembly

AG = Air gap

(1) Automotive service stations, dealerships, etc.:

(a) Non-health hazard: DCVA

(b) Health hazard: RPZ or RPDA

(2) Auxiliary water system:

(a) Approved public/private water system: DCVA

(b) Unapproved public/private water system: AG

(c) Used water and industrial fluids: RPZ

(3) Bakeries:

(a) Non-health hazard: DCVA

(b) Health hazard: RPZ

(4) Beauty shops/barber shops:

(a) Non-health hazard: DCVA

(b) Health hazard: RPZ

(5) Beverage bottling plants: RPZ

(6) Breweries: RPZ

(7) Buildings: Hotels, apartment houses, public and private buildings or other structures having unprotected cross-connections.

(a) (Under five stories) non-health hazard: DCVA

(b) (Under five stories) health hazard: RPZ or RPDA

(c) (Over five stories) all: RPZ or RPDA

(8) Canneries, packing houses, and rendering plants: RPZ

(9) Chemical plants—Manufacturing, processing, compounding or treatment: RPZ or RPDA

(10) Chemically contaminated water systems: RPZ or RPDA

(11) Commercial carwash facilities: RPZ or RPDA

(12) Commercial greenhouses: RPZ or RPDA

(13) Commercial sales establishments (department stores, malls, etc.)

(a) Non-health hazard: DCVA

(b) Health hazard: RPZ

(14) Concrete/asphalt plants: RPZ or RPDA

(15) Dairies and cold storage plants: RPZ or RPDA

(16) Dye works: RPZ or RPDA

(17) Film laboratories: RPZ or RPDA

(18) Fire systems ¾ inch to two-inch: RPZ

(19) Fire systems 2½-inch to ten-inch: RPDA

(20) Fire trucks: RPZ or RPDA

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

(22) Industrial facilities:

(a) Non-health hazard: DCVA

(b) Health hazard: RPZ or RPDA

(23) Laundries:

(a) Non-health hazard: DCVA

(b) Health hazard: (i.e., dry cleaners): RPZ or RPDA

(24) Lawn irrigation systems:

(a) Non-health hazard: DCVA

(b) Health hazard (booster pumps, chemical systems): RPZ

(25) Metal manufacturing, cleaning, processing, and fabrication plants: RPZ or RPDA

(26) Mobile home parks:

(a) Non-health hazard: DCVA

(b) Health hazard: RPZ or RPDA

(27) Nail salons: RPZ

(28) Oil and gas production, storage or transmission properties: RPZ or RPDA

(29) Pest control (extermination and fumigating): RPZ or RPDA

(30) Power plants: RPZ or RPDA

(31) Radioactive materials of substance-plants or handling facilities: RPZ or RPDA

(32) Residential (this is only for residential facilities that are deemed to have a hazard by the county; i.e. swimming pools, etc.):

(a) Non-health hazard: DCVA

(b) Health hazard: RPZ

(33) Restaurants:

(a) Non-health hazard: DCVA

(b) Health hazard: RPZ or RPDA

(34) Restricted, classified, or other closed facilities: RPZ or RPDA

(35) Sand and gravel plants: RPZ or RPDA

(36) Schools and colleges: RPZ or RPDA

(37) Sewage and storm drain facilities: RPZ or RPDA

(38) Swimming pools: RPZ

(39) Water facilities and industries: RPZ or RPDA

All assemblies and installations shall be subject to inspection and approval by the county.
(Ord. of 1-9-18)

Sec. 5-172. Connections with unapproved sources of supply.

(1) No person shall connect or cause to be connected any supply of water not approved by the NCDEQ to the water system supplied by the county. Any connections allowed by the county must be in conformance with the backflow prevention requirements of this article.

(2) In the event of contamination or pollution of a public or consumer's potable water system, the consumer shall notify the county immediately in order that appropriate measures may be taken to overcome and eliminate the contamination or pollution.
(Ord. of 1-9-18, § H)

Sec. 5-173. Irrigation systems.

All existing backflow prevention assemblies installed on irrigation systems that were initially approved by the 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. However, if the existing assembly must be replaced (once it can no longer be repaired), or in the event of proven water theft through an un-metered source, the consumer shall be required to install an approved RPZ assembly as required by this provision.
(Ord. of 1-9-18, § I)

Sec. 5-174. Fire protection systems.

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

(2) All connections for fire protection systems connected with the public water system greater than two inches shall be protected with an approved RPZ assembly as a minimum requirement. All fire protection systems using toxic or hazardous additives or booster pumps shall be protected by an approved RPZ assembly at the main service connection.

(3) All existing backflow prevention assemblies two and one-half inches and larger installed on fire protection systems that were initially approved by the 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. However, if the existing assembly must be replaced (once it can no longer be repaired), or in the event of proven water theft through an un-metered source, the consumer shall be required to install an approved RPZ assembly as required by this provision.
(Ord. of 1-9-18, § J)

Sec. 5-175. Enforcements.

(1) The consumer 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(s) to be taken.

(2) Such notice must explain the violation and give the time period within which the violation must be corrected. The time period set to correct a violation shall not exceed 30 days after receiving notice unless otherwise specified in this article. If the violation has been determined by the county to be an imminent hazard, the service will be disconnected and the consumer shall be required to correct the violation immediately.

(3) In the event a consumer is found in violation of this ordinance and fails to correct the violation in a timely manner or to pay any civil penalty or expense assessed, water service may be terminated and shall be reestablished when the violation is corrected and any applicable civil penalties and re-connect fees are paid.

(4) The violation of any section of this ordinance may be punished by a civil penalty listed as follows:

(a) Unprotected cross-connection involving a private water system which creates an imminent hazard - $1,000.00 per day not to exceed $10,000.00.

(b) Unprotected cross-connection involving a private water system which is of a moderate or high hazard - $500.00 per day not to exceed $5,000.00.

(c) If in the judgment of the county any consumer, manager, supervisor or person in charge of any installation is found to be in noncompliance with the provisions of this article and

neglects their responsibility to correct a violation, water service will be discontinued. After the violation is corrected, civil penalties and re-connect fees have been paid, service will be restored.

(d) Failure of a consumer or certified backflow prevention assembly tester to submit any record required by this article, or the submission of falsified reports or records, may result in a civil penalty of up to $500.00 per violation. If a tester submits falsified records to the county, the county shall permanently revoke that tester's privileges to test any backflow prevention assembly within the jurisdiction of the county.

(e) Failure of a consumer to test or maintain backflow prevention assemblies as required shall be subject to a civil penalty of $200.00 per day.

(5) Enforcement of this program shall be administered by the director of Moore County Public Works or the authorized representative of the director.

(Ord. of 1-9-18, § K)

Chapter 6

CABLE TELEVISION REGULATIONS*

Article 1. In General

Sec. 6-1. Statement of intent and purpose.
Sec. 6-2. Short title.
Sec. 6-3. Definitions.
Sec. 6-4. Discriminatory practices prohibited.
Sec. 6-5. Subscriber privacy.
Sec. 6-6. Rate regulation.
Sec. 6-7. Rights reserved to grantor.
Sec. 6-8. Non-enforcement by the county.
Sec. 6-9. Governing law and choice of forum.
Sec. 6-10. Severability.
Sec. 6-11. Publication of notices.
Secs. 6-12—6-21. Reserved.

Article II. Franchise

Sec. 6-22. Unlawful to operate without a franchise.
Sec. 6-23. Franchises non-exclusive.
Sec. 6-24. Franchises competitively neutral and non-discriminatory.
Sec. 6-25. Term of the franchise.
Sec. 6-26. Federal, state, and county jurisdiction.
Sec. 6-27. Rights reserved to grantor.
Sec. 6-28. Franchise agreement.
Sec. 6-29. Initial franchise applications.
Sec. 6-30. Consideration of initial applications.
Sec. 6-31. Franchise renewal.
Sec. 6-32. Grant of additional franchise and competing service.
Sec. 6-33. Permits for non-franchised entities.
Sec. 6-34. Review for competition.
Sec. 6-35. Application and renewal fees.
Sec. 6-36. System design.
Sec. 6-37. The system.
Sec. 6-38. Drops to public buildings.
Sec. 6-39. Use of grantee facilities.
Sec. 6-40. Upgrade of system.
Sec. 6-41 Non-discriminatory access to cable system.
Sec. 6-42. Institutional network, access channels.
Sec. 6-43. General technical standards and customer service practices.
Sec. 6-44. Books and records available to the grantor.

***Editor's note—**This chapter consists of the county's cable television regulations as adopted February 6, 1989, revised November 6, 2000, and amended as of October 17, 2005.

Cross references—Buildings and building regulations, Ch. 5; licenses, permits and miscellaneous business regulations, Ch. 9; roads, Ch. 11; utilities, Ch. 13; subdivision regulations, App. A; zoning regulations, App. B.

Sec. 6-45. Reports required.
Sec. 6-46. Technical standards.
Sec. 6-47. Test and compliance procedure.
Sec. 6-48. Emergency requirements.
Sec. 6-49. Programming decisions.
Sec. 6-50. Cable system office hours and telephone availability.
Sec. 6-51. Parental control.
Sec. 6-52. Installations exceeding standard installation.
Sec. 6-53. Service area and line extension policy.
Sec. 6-54. County monitoring.
Sec. 6-55. Access to inside wiring.
Secs. 6-56—6-66. Reserved.

Article III. Construction Standards

Sec. 6-67. Right-of-way construction.
Sec. 6-68. Compliance with laws.
Sec. 6-69. Minimum interference.
Sec. 6-70. Repair of property.
Sec. 6-71. Erection of poles.
Sec. 6-72. Reservations of street rights.
Sec. 6-73. Underground installation.
Sec. 6-74. Conduit.
Sec. 6-75. Clearing poles and cables.
Sec. 6-76. Moving facilities.
Sec. 6-77. Work performed by others.
Sec. 6-78. Duty to grantee.
Sec. 6-79. System construction capabilities and schedule.
Secs. 6-80—6-89. Reserved.

Article IV. General Financial and Insurance Provisions

Sec. 6-90. Franchise fee.
Sec. 6-91. Performance bond.
Sec. 6-92. Penalties procedure.
Sec. 6-93. Bonds, indemnification, and insurance.
Sec. 6-94. Grounds for revocation.
Sec. 6-95. Procedure.
Sec. 6-96. Foreclosure.
Sec. 6-97. Receivership.
Sec. 6-98. Purchase by grantor upon termination or revocation of franchise.
Sec. 6-99. Sale or transfer of franchise.
Appendix A. Customer service standards.

ARTICLE 1. IN GENERAL

Sec. 6-1. Statement of intent and purpose.

(a) The County of Moore, North Carolina, pursuant to applicable federal and state law, is authorized to grant one or more nonexclusive franchises to construct, operate, maintain, and reconstruct cable systems within the unincorporated areas of the county.

(b) The county board of commissioners finds that cable service has become an integral part of its citizens' lives, and that evolving cable systems have the potential to play an even more dramatic role in the future, providing great benefits and advanced capabilities to the county. At the same time, the board further finds that the public convenience, safety, and general welfare can best be served by establishing regulatory powers that are vested in the county or such persons as the county designates.

(c) In order to ensure that the county and its residents receive state-of-the-art cable services and capabilities as this technology further evolves, all franchises granted pursuant to this chapter will be subject to periodic review and modifications to keep current with changing law, technology, and services. It is the intent of this chapter to help ensure that local cable operators provide the best possible cable service to residents of the county, and any franchises issued pursuant to this chapter shall be deemed to include this finding as an integral part thereof.

(d) Further, it is recognized that cable systems have the capacity to provide entertainment and information services to the county's residents, and may have the capacity to provide a variety of broadband, interactive communications services to institutions and individuals. For these purposes, the following goals underlie the regulations contained herein:

(1) Cable television services should be made available to all of the county's residents at the lowest reasonable cost.

(2) The system should be capable of accommodating both the present and reasonably foreseeable future state-of-the-art cable television needs of the county.

(3) The systems authorized by this chapter shall be responsive to the needs and interests of the local community, and shall provide the widest possible diversity of information sources and services to the public.

(4) Each of the above-enumerated goals shall be sought to the maximum extent, taking into account the costs and benefits to the residents of the County of Moore.

(e) The board further finds that on-going industry consolidation could result in less local accountability, and that, therefore, stringent customer service standards, including liquidated damages provisions, may be the only practical means of ensuring compliance and approximating the costs of franchise agreement noncompliance to the county and its residents.
(Ord. of 10-17-05)

Sec. 6-2. Short title.

This chapter shall be known and may be cited as "County of Moore Cable Ordinance" (hereinafter referred to as the "ordinance") and it shall become a part of the ordinances of the County. This chapter shall take effect and be in force from and after its adoption for the grant of any new franchise agreement or renewal of any franchise existing at the time of adoption. All ordinances or parts of the County of Moore Code in conflict with the provisions of this chapter are hereby repealed.
(Ord. of 10-17-05)

Sec. 6-3. Definitions.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

"Additional service" means any cable service other than basic service provided over the system.

"Basic cable service" means any cable service tier that includes the lawful retransmission of local television broadcast signals and any public, educational, and governmental access programming required by this chapter or a franchise agreement to be carried on the basic tier. Basic cable service as defined herein shall be consistent with 47 U.S.C. § 543(b)(7) (1997), and shall include any signal of any television broadcast station that is provided by a grantee to any subscriber, except a signal which is secondarily transmitted by a satellite carrier beyond the local service area of such station. Additional signals may be added to the basic tier by the grantee.

"Board" means the County Board of Commissioners of the County of Moore, North Carolina or its delegates.

"Cable Act" means the Cable Communications Policy Act of 1984, Pub. L. No. 98-549, (codified at 47 U.S.C. §§ 521-611 (1982 & Supp. V. 1987) as amended by the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, and the Telecommunications Act of 1996, Pub. L. No. 104-104 (1996) as may, from time to time, be amended.

"Cable Internet service" means any service offered by a grantee whereby persons receive access to the Internet or high-speed data information services through the cable system.

"Cable service" or "service" means:

(a) The one-way transmission to subscribers of (i) video programming, or (ii) other programming service,

(b) Subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service; and

(c) For purposes of this chapter, Cable Internet service shall be considered an information service unless determined otherwise by applicable state or federal law.

"Cable television system" or "cable system" means a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service to multiple subscribers within the franchise area, but such term does not include:

(a) A facility that serves only to retransmit the television signals of one or more television broadcast stations;

(b) A facility that serves subscribers without using any public right-of-way; or

(c) A facility of a common carrier which is subject, in whole or in part, to the provisions of 47 U.S.C. §§ 201-226, except that such facility shall be considered an information service to the extent such facility, whether on a common carrier basis or otherwise, is used in the transmission of video programming directly to subscribers.

"Capital contribution" means a contribution provided by a grantee as determined in a franchise agreement that may at the county's discretion be utilized for the capital costs of the municipal access channel facilities, or to help defray the costs of an I-Net.

"Capital costs" means costs associated with the purchase of assets, products or other resources that are designed to provide service for more than one year, whether incurred during initial construction or throughout the life of the system.

"Channel" means a portion of the electromagnetic frequency spectrum that is capable of carrying one standard video signal, in either analog or digital form. Consistent with future changes in technology and/or applicable law, the parties may mutually agree to a different definition in an individual franchise agreement.

"County" means the County of Moore, North Carolina, as it is now, or may in the future be, constituted.

"County administrator" means a person designated by the county manager to represent the county in all business with the grantee.

"Community access corporation" or "CAC" means a nonprofit access corporation serving the county, or any other person designated by the grantor whose duties shall include the financing, management, and programming of public access channels, and whatever other duties with respect to the public access channels that the grantor from time to time may delegate.

"Complaint" means any written or electronic inquiry, allegation, or assertion, made by a person regarding service.

"Control" means the holding of legal or financial control of or over the holder of the franchise, regardless of whether such control is direct or indirect, or is exercised or is permitted to be exercised directly or indirectly through other persons, holdings or entities. Control shall always be deemed to rest in the hands of any person that has the right or authority to establish or change any policy or practice of the holder of the franchise, whether such control may be exercised directly, or indirectly through other persons.

"Converter" means an electronic device that converts signals to a frequency not susceptible to interference within the television receiver of a subscriber and, through the use of an appropriate channel selector, permits a subscriber to view all authorized subscriber signals delivered at designated converter dial locations.

"Direct incremental costs" means the costs actually incurred by grantee in meeting an obligation under its franchise which grantee would not otherwise have incurred in order to either operate and conduct the business of its cable system or meet another obligation of the franchise.

"Downstream signal" means a signal originating from or provided by a system to a subscriber terminal or other terminal including video, audio, or digital signals or any other type of data or information for either programs or other uses such as security alert services, etc.

"Drop" means the cable or cables that connect users of the system to the distribution system in order to receive service.

"Educational access channels" means channels specially designated for locally produced non-commercial educational access programming use.

"Effective date" means the date a franchise becomes effective in accordance with the franchise and the rules and procedures of the county.

"Fair market value" means the price that a willing buyer would pay to a willing seller for a going concern based on the system valuation prevailing in the industry at the time.

"FCC" means the Federal Communications Commission or its designated representative.

"Franchise" means the rights and obligations extended by the County of Moore pursuant to an initial authorization or a renewal thereof, to a person to own, lease, construct, maintain, or operate a cable system in the right-of-way within the franchise area for the purpose of providing cable services. Any such authorization, in whatever form granted, shall not mean or include: (i) any other permit or authorization required for the privilege of transacting and carrying on a business within the county required by the ordinances and laws of the county, including the provision of telecommunications services; (ii) any generally applicable non-discriminatory permit, agreement, or authorization required in connection with operations in the right-of-way including, without limitation, permits and agreements for placing devices on or in poles, conduits, or other structures, whether owned by the county or a private entity, or for excavating or performing other work in or along the right-of-way.

"Franchise agreement" means that document which grants a franchise pursuant to this chapter.

"Franchise area" means the geographic area for which a franchise is granted under the authority of this chapter. If not otherwise specifically stated in the franchise agreement, the franchise area shall be the entire geographic area within the county as it is now, or may in the future be, constituted.

"Franchise fee" includes any tax, fee, or assessment of any kind imposed by the county or other governmental entity on a grantee or cable subscriber or both solely because of their status as such. The term "franchise fee" does not include: (i) any tax, fee, or assessment of general applicability (including any such tax, fee, or assessment imposed on both utilities and cable operators or their services but not including a tax, fee, or assessment that is unduly discriminatory against cable

operators or cable subscribers); (ii) capital costs that are required by a franchise agreement to be incurred by a grantee for public access channels equipment and facilities; (iii) requirements or charges incidental to the award or enforcement of a franchise, including payments for bonds, security funds, letters of credit, insurance, indemnification, penalties, or liquidated damages; or (v) any fee imposed under Title 17 of the United States Code.

"Government access channels" means channels specially designated for locally produced noncommercial governmental access programming use.

"Grantee" means a person who is granted a franchise or that person's lawful successors, transferees, or assignees.

"Grantor" means the county.

"Gross revenues" means any and all revenue of any kind, arising from, attributable to, or in any way derived by the grantee from the operation of a grantee's system to provide cable service (it being agreed that for purposes of this franchise agreement the term "cable service" shall be defined by reference to fcc regulations), whether such revenue is received by the grantee, its affiliates, or any person in which the grantee has a financial interest, or by any other person who operates the system, directly or indirectly. Gross revenue includes, by way of illustration and not limitation, amounts charged for basic service; optional premium, per-channel, per-program services; cable programming services; audio services; launch fees; channel guide subscriptions; installation, disconnection, reconnection, and changes-in-service; equipment sales or rentals; leased channel fees; late fees and administrative charges of any type; consideration received from programmers; advertising revenue; and revenue from the sale of subscriber names and addresses. To the extent that Grantee receives revenue from cable services provided to a subscriber for a fixed price that also includes non-cable services (i.e., those services are "bundled"), grantee shall allocate an appropriate portion of those revenues for inclusion in gross revenues. If the fixed price of the bundled services is lower than the aggregate of the prices of those services if purchased individually, then the appropriate amount of the revenue to be allocated to each service shall be proportional to the individual price of that service when compared to the aggregate of the individual prices of those services when unbundled. Gross revenues shall not include:

(a) Deposits, refunds and credits made to subscribers and bad debt except to the extent that bad debt is recovered.

(b) The revenue of any person including, without limitation, a supplier of programming to the grantee to the extent that said revenue is also included in gross revenue of the grantee.

(c) Pass-through payments received by the grantee from third-party programmers to purchase services from entities other than the grantee, which services benefit, only the third-party programmers and for which the grantee neither received nor provides any consideration.

(d) Any taxes on services furnished by the grantee which are imposed directly on any subscriber by the state, the county or other governmental unit and which are collected by the grantee on behalf of said governmental unit.

(e) Any franchise fees collected by grantee under the terms of this agreement.

To the extent the scope of gross revenues is limited by federal law or judicial action, the definitions herein shall be so amended.

"Headend" means the electronic control center of the system including components that amplify, filter, and convert incoming broadcast and other television and electronic signals for distribution over the cable system.

"Institutional network" or "I-Net" means capacity, fibers or both, from both within the primary cable network and/or separately constructed networks that are dedicated to municipal users or other governmental and educational users as determined by the county for two-way, broadband, noncommercial, noncompetitive, not for profit communications. The I-Net includes all equipment and maintenance of equipment required to make the capacity available including but not limited to fiber, cable modems, coaxial cable, and all switching, routing, transmitting and receiving equipment necessary for the use of the I-Net as determined in the individual franchise agreement.

"Institutional network services" means the provision of an I-Net by a grantee to municipal users and other governmental and educational users as determined by the county, pursuant to the terms of a franchise agreement for noncommercial, non-competitive, not for profit applications including but not limited to, two-way dedicated voice, data, video, internet and telephony channels connecting and interconnecting user facilities; computerized traffic control systems; gis systems; and the interconnection of facilities serving police, fire and other public safety systems.

"Lockout device" means a mechanical or electrical accessory to a subscriber's terminal that inhibits the video or audio portions of a certain program or certain channel(s) provided by way of a cable system.

"Noncommercial" means channels or programming that is operated on a not-for-profit basis.

"Normal business hours" means those hours during which most similar businesses in the community are open to serve customers. In all cases, "normal business hours" must include some evening hours at least one night per week and/or some weekend hours.

"Normal operating conditions" means those service conditions which are within the control of the franchisee. Those conditions which are not within the control of the franchisee include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages and severe or unusual weather conditions. Those conditions which are ordinarily within the control of the franchisee include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the cable system.

"Other programming service" means information that a grantee makes available to all subscribers generally.

"Person" means any corporation, partnership, proprietorship, individual, organization, company, governmental entity or any natural person.

"Public access channels" means channels specially designated for locally produced noncommercial public access programming use.

"Public building" means a building, or any portion thereof, owned, leased, or otherwise occupied, by the county.

"Reasonable notice" means written notice addressed to the county or grantee at such location as the parties have designated in the franchise agreement as the address to which notice shall be transmitted to it, which notice shall be sent by certified mail and postmarked not less than seven business days prior to that day in which the party giving such notice shall commence any action which requires the giving of notice. In computing said seven days, holidays recognized by the county shall be excluded.

"Resident" means any person residing in the county.

"Right-of-way" means each of the following which have been, or are hereafter, dedicated to the public and maintained by any public authority or by others and located within the county, including without limitation, the surface and space within, above and below any real property in which the county has an interest in law or equity, whether held in fee, or other estate or interest, or as a trustee for the public, including, but not limited to, any public street, boulevard, road, highway, freeway, lane, alley, court, sidewalk, parkway, swale, river, tunnel, viaduct, bridge, park, or any other place, area, easements, rights-of-way and similar public property and areas, or real property owned by or under the control of the county.

"School" means any state-accredited public or nonprofit educational institution including primary and secondary schools, both public and private.

"Service interruption" means the loss of picture or sound on one or more cable channels.

"Standard installation" means any service drop not exceeding 150 feet from a single point or pedestal attachment to the subscriber's residence.

"State-of-the-art" means the addition of new services and associated equipment as they are developed, available and when economically feasible and marketable to subscribers as specifically required under the terms of a franchise agreement.

"Subscriber" means any person who or which elects to subscribe for any purpose to cable service provided by a grantee by means of, or in connection with, the cable system, and whose premises or facilities are physically wired and lawfully activated to receive cable service from grantee's cable system.

"System" means a grantee's cable system operated pursuant to a franchise agreement within the franchise area.

"Trained representative" means employees of the grantee who have the authority and capability while speaking with a subscriber to, among other things, answer billing questions, adjust bills, and schedule service and installation calls.

"Upstream signal" means a signal originating from a subscriber's terminal to the headend of the system including video, audio, or digital signals or any other type of data or information for either programs or other uses such as security alert services, etc.
(Ord. of 10-17-05)

Sec. 6-4. Discriminatory practices prohibited.

No grantee shall deny service, deny access, or otherwise discriminate against subscribers, programmers, or general citizens on the basis of race, color, religion, national origin, sex, disability, or age. Every grantee shall strictly adhere to the equal employment opportunity requirements of state and federal law. Each grantee shall comply at all times with all other applicable federal, state, and local laws, and all executive and administrative orders relating to non-discrimination.
(Ord. of 10-17-05)

Sec. 6-5. Subscriber privacy.

Grantees shall at all times comply with the federal subscriber privacy requirements codified at 47 U.S.C. § 551.
(Ord. of 10-17-05)

Sec. 6-6. Rate regulation.

The county reserves the right to regulate rates for basic cable service and any other services offered over the cable system, to the extent permitted by federal or state law. Grantee shall be subject to the rate regulation provisions provided for herein, and those of the Federal Communications Commission (FCC) at 47 C.F.R., Part 76.900, Subpart N. The county shall follow the rules relating to cable rate regulation promulgated by the FCC at 47 C.F.R., Part 76.900, Subpart N. To the extent required by applicable federal or state law, grantee shall establish rates that are nondiscriminatory within the same general class of subscribers and which must be applied fairly and uniformly to all subscribers in the franchise area for all services. Nothing contained herein shall prohibit the grantee from offering (i) discounts to commercial and multiple family dwelling subscribers billed on a bulk basis; (ii) promotional discounts; (iii) reduced installation rates for subscribers who have multiple services; or (iv) discounts for senior citizens and/or low income residents; or (v) reduced rates to subscribers who receive non-cable services in addition to cable services.
(Ord. of 10-17-05)

Sec. 6-7. Rights reserved to grantor.

(A) Upon either the expiration or revocation of a franchise, grantor may permit and/or require a grantee to continue to operate the cable system for an extended period of time not to exceed three months from the date of such expiration or revocation. A grantee shall continue to operate the system under the terms and conditions of this chapter and the applicable franchise agreement and to provide cable service and any and all other services which grantee had been providing.

(b) The grantor shall have the right to compel continued operation of the cable system whether by the grantee or a trustee or receiver or by the grantor, and to ensure that such operation is consistent with public interest as determined by a court of competent jurisdiction. The grantee may not remove equipment or documents necessary for continued operation of the system.

(c) At all reasonable times, grantee shall permit examination by the county of the system, together with any appurtenant property of grantee situated within or without the county when necessary to ascertain the grantee's compliance with this ordinance, the franchise agreement, and all applicable laws.

(d) The county shall have the right of intervention in any suit or proceeding to which the grantee is a party relative to grantee's operations in the county, and the grantee shall not oppose such intervention by the county.

(e) Except as otherwise provided by applicable law, the grantee shall have no recourse whatsoever against the county or its officials, boards, commissions, agents, or employees for any loss, cost, expense, or damage arising out of any provision or requirements of this chapter or the franchise agreement, or of their enforcement.
(Ord. of 10-17-05)

Sec. 6-8. Non-enforcement by the county.

Grantee shall not be relieved of its obligation to comply with any of the provisions of this chapter or the franchise agreement by reason of any failure of the county to enforce prompt compliance.
(Ord. of 10-17-05)

Sec. 6-9. Governing law and choice of forum.

Any dispute arising with respect to this chapter or a franchise agreement granted pursuant to it, shall be subject to review by the state and federal courts having primary jurisdiction in Moore, North Carolina.
(Ord. of 10-17-05)

Sec. 6-10. Severability.

If any material portion of this chapter, or a franchise agreement adopted pursuant to it, is held by an authority of competent jurisdiction, to be invalid or unlawful as conflicting with applicable laws now or hereafter in effect, or is held by a court or competent governmental authority to be modified in any way in order to conform to the requirements of any such applicable laws, such provision shall be considered a separate, distinct, and independent part of this chapter or franchise agreement, and, to the extent possible, such holding shall not affect the validity and enforceability of all other provisions thereof.
(Ord. of 10-17-05)

Sec. 6-11. Publication of notices.

All public notices required to be published by grantor under this chapter or any franchise agreement shall be published in a manner consistent with the public notice laws of the State of North Carolina.
(Ord. of 10-17-05)

Secs. 6-12—6-21. Reserved.

ARTICLE II. FRANCHISE*

Sec. 6-22. Unlawful to operate without a franchise.

It shall be unlawful for any person to construct, operate or maintain a cable system or to provide cable service in the county without a franchise. Any such person shall be subject to a fine of $500.00 per day. The payment of such fine notwithstanding, all such violators shall be subject to all other applicable provisions of this chapter, including but not limited to the payment of a franchise fee.
(Ord. of 10-17-05, § 6-12)

Sec. 6-23. Franchises non-exclusive.

Any franchise granted pursuant to this article shall be nonexclusive. The grantor specifically reserves the right to grant, at any time, such additional franchises for a cable system or any component thereof, to any other person including itself, as it deems appropriate, subject to applicable federal and state law.
(Ord. of 10-17-05, § 6-13)

Sec. 6-24. Franchises competitively neutral and non-discriminatory.

(a) The county shall grant franchises on terms that are competitively neutral and non-discriminatory and shall include similar terms pertaining to:

(1) Term.

(2) Franchise fees.

(3) Public, educational, and governmental ("PEG") access channels.

(4) PEG Access capital and operating support.

Any franchise granted, when evaluated as a whole, shall not be more favorable or less burdensome than any other franchise granted under this article.

(b) Procedure for review and equal requirements.

(1) The county will notify existing grantees in writing at least 30 days in advance, with a copy of a proposed additional franchise, of its intent to grant an additional franchise for cable services.

(2) Within ten days after receipt, existing grantees may give written notice to county that the proposed additional franchise is inconsistent with (a) above.

(3) The county shall, prior to approving the additional franchise, notify existing grantees of the county's determination related to notice under the terms of this chapter.

***Editor's note—**In an ordinance dated October 17, 2005, new provisions were designated as §§ 6-12—6-46. In order to allow for future legislation, said provisions have been redesignated as §§ 6-22—6-55. Original numbering has been maintained in the history notes following each section.

(4) If the county determines that the terms of an additional franchise are more favorable or less burdensome than those imposed upon the grantees, then:

a. Except for PEG capital and operating grant requirements:

1. The county may make such modifications as it deems necessary to ensure that the terms of the additional franchise are no more favorable or less burdensome than those imposed upon existing grantees; or

2. The county may modify the terms and requirements of existing franchises as mutually agreed to by existing grantees, and if the existing grantees do not reasonably so agree the county shall be deemed to have fulfilled its obligations under (a) above.

b. The county may adjust the PEG capital and operating grant requirements to ensure the total dollars contributed by a new grantee are the same as required of existing grantees. In the event existing grantees have paid county amounts in excess of the amounts required of the new grantee, the county will refund the difference to existing grantees.

(5) The county shall provide notice to existing grantees of the date, time, and place of its proceedings relating to the approval of the proposed franchise.

(Ord. of 10-17-05, § 6-14)

Sec. 6-25. Term of the franchise.

A franchise agreement shall establish the term of each individual franchise.

(Ord. of 10-17-05, § 6-15)

Sec. 6-26. Federal, state, and county jurisdiction.

(a) The county shall exercise appropriate regulatory authority under the provisions of this chapater, the Cable Act, and all applicable laws. This authority shall be vested in the County of Moore County Board and administered through the county manager or his/her designee in order to provide day-to-day administration and enforcement of the provisions of this chapter and any franchise granted hereunder, and to carry out the county's responsibilities with regard to cable service.

(b) This chapter shall be construed in a manner consistent with all applicable federal and state laws.

(c) In the event that the federal or state government discontinues preemption in any area of cable communications over which it currently exercises jurisdiction in such manner as to expand rather than limit municipal regulatory authority, grantor may, if it so elects, adopt rules and regulations in these areas to the extent permitted by law, provided the same do not materially alter the rights and obligations of a grantee under any existing franchise.

(d) Grantee's rights are subject to the police powers of the county to adopt and enforce ordinances necessary to the health, safety, and welfare of the public. Grantee shall comply with all applicable general laws and ordinances enacted by the county pursuant to that power.

(e) The provisions of this article shall apply to all franchises granted or renewed after the effective date of this chapter. This article shall also apply to all existing franchises, to the extent not inconsistent with the terms of any such franchise or applicable law. In the event of any conflict between the terms and conditions of a franchise agreement and the provisions of this article, and other generally applicable regulatory ordinances of the county, the specific terms of the franchise agreement shall control. A franchise agreement (including all of grantee's particular rights, powers, protections, privileges, immunities and obligations associated therewith as the same exist on the date hereof) shall constitute a legally binding contract between the county and grantee, and as such, cannot be amended, modified or changed by the county without the consent of grantee in any manner whatsoever, whether by ordinance, rule, regulation or otherwise, to impose on grantee more stringent or burdensome requirements or conditions; provided, however, that nothing herein contained shall preclude the county from the proper exercise of its police powers, or its powers of eminent domain.

(f) In the event of a change in state or federal law which by its terms would require the county to amend this chapter, the parties shall modify the existing franchise in a mutually agreed upon manner.

(g) Grantee shall not be relieved of its obligation to comply with any of the provisions of this chapter or a franchise agreement by reason of any failure of the county to enforce prompt compliance.
(Ord. of 10-17-05, § 6-16)

Sec. 6-27. Rights reserved to grantor.

In addition to any rights specifically reserved to grantor by this chapter or a franchise agreement, grantor reserves to itself every right and power that is required to be reserved by a provision of any other ordinance or under any other franchise.
(Ord. of 10-17-05, § 6-17)

Sec. 6-28. Franchise agreement.

(a) Every grantee shall agree to the terms and provisions of a franchise agreement as negotiated between the grantee and the grantor.

(b) In addition to those matters required elsewhere in this chapter to be included in the franchise agreement, each franchise agreement must contain the following express representations by each grantee:

(1) Grantee has examined all of the provisions of this chapter and accepts and agrees to all of the provisions of this chapter, as it exists as of the effective date of the grantee's franchise agreement, except as set forth in this chapter and any supplementary specifications as to construction, operation, or maintenance of the system which the county may include in the franchise agreement, unless otherwise agreed in the applicable franchise agreement.

(2) Grantee recognizes, unless otherwise agreed in the applicable franchise agreement, the right of the county to adopt such additional regulations of general applicability as it shall find necessary in the exercise of its police power.

(c) Every franchise agreement shall contain such further conditions or provisions as may be negotiated between the county and a grantee, except that no such conditions or provisions shall be such as to conflict with any provisions of state or federal law. In case of any conflict or of any ambiguity between any terms or provisions of a franchise agreement and this chapter, the provisions of the franchise agreement shall control.
(Ord. of 10-17-05, § 6-18)

Sec. 6-29. Initial franchise applications.

Any person desiring an initial franchise for a cable system shall file an application with the county. An application for an initial franchise for a cable television system shall contain, where applicable:

(a) A statement as to the proposed franchise area;

(b) Resume of prior history of applicant, including the legal, technical, and financial expertise of applicant in the cable television field;

(c) List of the partners, general and limited, of the applicant, if a partnership, or a list of the principals of the applicant, if a limited liability company, or the percentage of stock owned or controlled by shareholders holding ten percent or greater, if a corporation;

(d) List of officers, directors, and managing employees of applicant, together with a description of the background of each such person;

(e) The names and addresses of any parent or subsidiary of applicant or any other business entity owning or in control of applicant, in whole or in part, or owned or controlled in whole or in part by applicant;

(f) A current financial statement of applicant verified by a CPA audit or otherwise certified to be true, complete, and correct to the reasonable satisfaction of the county;

(g) Proposed preliminary construction and cable service schedule; and

(h) Any additional information that the county may require for the administration of the franchise.

(Ord. of 10-17-05, § 6-19)

Sec. 6-30. Consideration of initial applications.

Upon receipt of any application and application fee for an initial franchise, the county administrator shall prepare a report and make his or her recommendations respecting such application to the board.
(Ord. of 10-17-05, § 6-20)

Sec. 6-31. Franchise renewal.

Franchise renewals shall be in accordance with applicable law including, but not limited to, the Cable Communications Policy Act of 1984, as amended. Grantor and a grantee, by mutual consent, may enter into renewal negotiations at any time during the term of the franchise.
(Ord. of 10-17-05, § 6-21)

Sec. 6-32. Grant of additional franchise and competing service.

Competing or overlapping franchises may have an adverse impact on the public rights-of-way and on the quality and availability of services to the public. In considering whether to grant one or more additional franchises, the county shall specifically consider, and address in a written report or in provisions of the franchise agreement, the following issues:

(a) The positive and/or negative impact of an additional franchise on the community.

(b) The ability and willingness of the specific applicant in question to provide cable services to the franchise area.

(c) The amount of time it will take the applicant to complete construction of the proposed system and activate service in the franchise area; and, whether the applicant can complete construction and activation of its system in a timely manner.

(d) The financial capabilities of the applicant and its guaranteed commitment to make the necessary investment to erect, maintain, and operate the proposed cable system for the duration of the franchise term. In order to ensure that any prospective grantee does have the requisite current financial capabilities, the county may request equity and debt financing commitment letters, current audited financial statements, bonds, letters of credit, or other documentation to demonstrate to the county's satisfaction that the requisite funds to construct and operate the proposed system are available.

(e) The quality and technical reliability of the proposed system, based upon the applicant's plan of construction and the method of distribution of signals, and the applicant's technical qualifications to construct and operate such system.

(f) The experience of the applicant in the erection, maintenance, and operation of a cable system.

(g) The capacity of the public rights-of-way to accommodate one or more additional cable systems and the potential disruption of those public rights-of-way and private property that may occur if one or more additional franchises are granted.

(h) The likelihood and ability of the applicant to continue to provide competing cable service to subscribers within the franchise area for the duration of the franchise.

(i) Such other information as the county may deem appropriate to be considered prior to granting any competing or overlapping franchise.

(j) The purpose of this section is to ensure that any competition which may occur among grantees will be on terms which when taken as a whole are non-discriminatory according to federal law.

(Ord. of 10-17-05, § 6-22)

Sec. 6-33. Permits for non-franchised entities.

(a) The county may issue a license, easement, or other permit to a person other than the grantee to permit that person to traverse any portion of the grantee's franchise area within the county in order to provide service outside, but not within the county. Such license or easement, absent a grant of a franchise in accordance with this article, shall not authorize nor permit said person to provide cable service to any subscriber within the county nor render any other service within the county.

(b) The granting of such license, easement or permit shall be conditioned upon the payment of fee for occupancy of the public right-of-way to the extent permitted by applicable law.
(Ord. of 10-17-05, § 6-23)

Sec. 6-34. Review for competition.

The county recognizes that the cable television and telecommunications industries are in a period of convergence, that the technologies and services provided by these industries are rapidly changing, and that the Telecommunications Act of 1996 promoted and encouraged competition between and among these formally discrete industries. At this time it is premature to know fully the extent to which there will be changes in law, technology or services that may impact entities that have been or may be granted franchises or licenses to use the county's rights-of-way. It is the desire of the county to be a communications friendly county that encourages the development of competitive advanced communications capabilities for the benefit of all its citizens. For this reason the regulatory ordinances and franchises of the county should not impede or restrict the fair opportunity to compete, but rather are intended to provide uniform and consistent requirements for all similarly situated providers.
(Ord. of 10-17-05, § 6-24)

Sec. 6-35. Application and renewal fees.

(a) An application fee shall not be deemed to be "franchise fees" within the meaning of Section 622 of the Cable Act (47 U.S.C. § 542), and such payments shall not be deemed to be (i) "payments in kind" or any involuntary payments chargeable against the compensation to be paid to the county by grantee, or (ii) part of the compensation to be paid to the county by grantee pursuant to this chapter or a franchise agreement.

(b) All applicants for an initial franchise grant shall submit an application fee of $6,500.00 to compensate the county for its costs in reviewing, preparing and awarding a franchise, including the costs of outside consultants. Upon grant of a franchise the county may request the payment of an additional fee to the extent that the reasonable costs of the franchise review and negotiation process exceed the initial application fee amount. Consistent with the Cable Act, all such fees shall not constitute or be credited towards a grantee's franchise fee obligations. Reasonable costs include staff time, professional fees, and administrative costs as determined by the county to be necessary.

(c) The county reserves the right, unless prohibited by applicable law, to require a grantee to pay the reasonable costs of the franchise renewal and negotiation process. Reasonable costs include staff time, professional fees, and administrative costs determined by the county to be necessary and generally will not exceed $10,000.00.
(Ord. of 10-17-05, § 6-25)

Sec. 6-36. System design.

(a) Every grantee shall offer service that meets the current and future needs of the county, taking into account the costs of meeting those needs. The franchise agreement shall incorporate a description of the grantee's proposal including the general design and capabilities of the system to identify for the county how the system will meet the current and future cable service needs of the county.

(b) State-of-the-art review. The grantee shall ensure that cable service and the cable system is compatible with changes in law, technology, and programming and services to maintain a state-of-the-art system throughout the franchise term in accordance with the provisions contained in the franchise agreement.
(Ord. of 10-17-05, § 6-26)

Sec. 6-37. The system.

Every system shall pass by every single-family dwelling unit and multiple-family dwelling unit within the franchise area in accordance with line extension policies set forth in this chapter. Service shall be provided to subscribers in accordance with the schedules and line extension policies. Unless specified otherwise, service shall also be extended to commercial buildings on a consistent basis with the residential line extension policies.
(Ord. of 10-17-05, § 6-27)

Sec. 6-38. Drops to public buildings.

(a) Every grantee shall provide installation of at least one cable drop, and provide monthly basic and tier cable service, without charge, to public buildings in accordance with the line extension policies of this chapter, or as otherwise specified in the applicable franchise agreement. Schools shall also receive one cable drop and basic and tier cable service at no charge. Following the county's designation of additional public buildings(s) to receive cable service, and upon the county's request, a grantee shall complete construction of the drop and outlet within 30 days to that new building.

(b) All such cable service outlets shall not be utilized for commercial purposes.

(c) In instances where the drop to the public building exceeds 150 feet, the grantee may charge for the actual and reasonable cost of its labor and materials.
(Ord. of 10-17-05, § 6-28)

Sec. 6-39. Use of grantee facilities.

The county shall have the right to install and maintain county equipment upon the poles and conduit owned by the grantee, at the actual cost of the space and on terms mutually agreeable to the county and the grantee. Installed county equipment shall not unreasonably interfere with the operation of the cable system. The county shall relinquish its use of such poles and conduit upon 90 days' notice from grantee that county's use interferes with the grantee's actual or anticipated use of same.
(Ord. of 10-17-05, § 6-29)

Sec. 6-40. Upgrade of system.

Every grantee shall upgrade its system (herein referred to as the "system upgrade"), if required, as set forth in its respective franchise agreement.
(Ord. of 10-17-05, § 6-30)

Sec. 6-41 Non-discriminatory access to cable system.

Grantee may be required to allow non-discriminatory access to its cable system if such shall be required by federal law. Prior to the enactment of any such requirement, a grantee shall be provided with reasonable notice and an opportunity to be heard, including the right to present evidence with respect to the need for such a requirement. Grantee reserves, and has not waived, any right it may have, or may later be determined to have, to challenge the county's implementation of an open access requirement.
(Ord. of 10-17-05, § 6-31)

Sec. 6-42. Institutional network, access channels.

(a) Every grantee shall, to the extent required by the franchise agreement, provide institutional networks as a condition of an initial grant or renewal, or transfer of a franchise. To the extent that a grantee is obligated to provide such support pursuant to its franchise agreement, such obligation will be implemented in a competitively neutral manner, on a per subscriber basis with respect to any other franchises granted after the adoption of this chapter. Costs associated with construction and operation of an I-Net shall not be a franchise fee unless otherwise specified in the franchise agreement.

(b) Every grantee shall provide a channel or channels, bandwidth capacity, service, and funding for public, educational, and government ("PEG") access channels, as specified in its franchise agreement. Such PEG access channel(s) shall be available to all subscribers as part of basic cable service, unless mutually agreed upon by the county and the grantee or as per state or federal law.

(c) Oversight and administration of the PEG access channel(s) shall be set forth in the franchise agreement. The county may designate a community access corporation or similar entity to administer one or more of the PEG access channel(s).
(Ord. of 10-17-05, § 6-32)

Sec. 6-43. General technical standards and customer service practices.

(a) This chapter incorporates technical standards and establishes customer service practices with which a grantee must comply. In addition, a grantee shall comply with any additional or stricter requirements established by FCC regulations, or other federal regulation that may be adopted or amended from time to time.

(b) A grantee shall maintain such equipment and keep such records as are required to enable the grantor to determine whether the grantee is in compliance with all standards required by these regulations and other applicable laws.
(Ord. of 10-17-05, § 6-33)

Sec. 6-44. Books and records available to the grantor.

(a) The grantee shall maintain an office within the county. The county shall have the right, upon reasonable request, to inspect and copy or transcribe at any time during normal business hours, all books, records, maps, plans, financial records, service complaint logs, performance test results and

other like materials of the grantee kept or maintained by grantee or under its control concerning the operations, finances, affairs, transactions or property of grantee when necessary to ascertain the grantee's compliance with this chapter or the franchise agreement. Access to the aforementioned records shall not be denied by the grantee on the basis that said records contain "proprietary" information.

(b) If any of such maps or records are not kept in the county, or upon reasonable request made available in the county, and if the county shall determine that an examination of such records is necessary or appropriate, all reasonable expenses necessarily incurred in making such examination shall be paid by grantee.
(Ord. of 10-17-05, § 6-35)

Sec. 6-45. Reports required.

The grantee shall file with the county, upon reasonable request by the county, unless otherwise noted:

(a) *Regulatory communications.* All reports required by the federal communications commission (FCC) including, but not limited to annual proof of performance tests and results, equal employment opportunity (EEO) reports, and all petitions, applications and communications of all types submitted by grantee to the FCC, the security and exchange commission (SEC), or any other federal or state regulatory commission or agency, having jurisdiction over any matter affecting operation of grantee's system.

(b) *Facilities report.* An annual report setting forth the physical miles of plant construction and plant in operation at the end of the fiscal year will be made available at the local office of the grantee for review by the county.

(c) *Rebuild/upgrade/construction reports.* Such reports shall be sent to the county 30 days after the initial franchise agreement is awarded and monthly thereafter until construction is completed as specified in this chapter or the franchise agreement.

(d) *Proof of performance tests.* Proof of performance test results performed as required by the FCC shall be supplied to the county.

(e) *Test required by county.* Tests required by county as specified in this chapter shall be submitted within 30 days of notification.

(f) *Grantee rules.* The grantee's schedule of charges, regular subscriber service policy regarding the processing of subscriber complaints, delinquent subscriber disconnect and reconnect procedures and any other terms and conditions adopted as the grantee's policy in connection with its subscribers. All such charges and policies shall be in accordance with applicable state and federal laws, rules or regulations.

(g) *Proof of bonds and insurance.* Grantee shall submit to the county the required performance bond, or a certified copy thereof, and insurance certificates as required under the terms and conditions described in this chapter.

(h) *Financial and ownership reports.* The following financial reports for the franchise area shall be submitted to the county, upon reasonable notice and as required by the county:

(1) A statement verifying the amount of gross annual revenues derived from the franchise, certified by the vice president for finance or a duly authorized officer or manager of the grantee.

(2) An annual list of officers and members of the board of directors of grantee and of grantee's parent corporation, if applicable.

(i) *Additional reports.* The grantee shall prepare and furnish to the county at the times and in the form prepared by grantee in the ordinary course of business, such additional reports with respect to its operation, affairs, transactions or property, as may be reasonably necessary and appropriate to ascertain grantee's compliance with this chapter or the franchise agreement.

(Ord. of 10-17-05, § 6-36)

Sec. 6-46. Technical standards.

The technical standards used in the operation of a system shall comply, at a minimum, with the technical standards promulgated by the FCC relating to cable systems pursuant to the FCC's rules and regulations found in Title 47, Sections 76.601 to 76.617, as may be amended or modified from time to time, which regulations are expressly incorporated herein by reference. The results of any tests required by the FCC, or a franchise agreement shall be made available to the county within 30 days of written request.

(Ord. of 10-17-05, § 6-37)

Sec. 6-47. Test and compliance procedure.

(a) *[Tests.]* Tests for a system shall be performed periodically in a manner so as to conform with FCC specifications. The county shall notify the grantee of its desire to witness such tests for a period of 90 days beyond the date of request. Grantee shall notify the county at least three business days prior to conducting such tests. Representatives of the county may witness the tests and written test reports shall be made available to the county upon request. If any test locations fail to meet such specifications, the grantee shall be required to indicate what corrective measures have been or will be taken. Grantee shall have the site re-tested on a timely basis as needed.

(b) *Complaints.* Whenever there have been similar complaints made or when there exists other evidence, which, in the reasonable judgment of the county, casts doubt on the reliability or quality of the grantee's system, the county shall have the right and authority to compel the grantee to test, analyze, and report on the performance of its system. The county may require additional tests, full or partial repeat tests, different test procedures, or tests involving a specific subscriber's terminal. Reports on such tests shall be delivered to the county no later than 30 days after the county formally requests the tests and shall include the following information: the nature of the complaints which precipitated the special tests; what system component was tested; the equipment used, and procedures employed in said testing; the results of such tests; and methods by which said complaints were resolved. Said tests and analyses shall be supervised by an engineer or other

trained technical specialist who shall sign all records of the special tests and forward same to the county with a report interpreting the results of the tests and recommending what actions should be taken by the county. All such tests conducted by grantee shall be at the expense of the grantee.

(c) *Consultants.* The county shall have the right to employ or contract with qualified consultants and attorneys if necessary or desirable, to assist in the administration of this, or any other section of this chapter or the franchise agreement. If an independent qualified consultant makes a finding that grantee's test results differ by more than ten percent from the FCC technical standard, the grantee shall reimburse the county for its reasonable costs associated with the testing.
(Ord. of 10-17-05, § 6-38)

Sec. 6-48. Emergency requirements.

Each grantee must provide emergency alert override capabilities in a manner consistent with the FCC's emergency alert system ("EAS") rules and consistent with any state and/or regional emergency alert system plans adopted in response to the FCC's EAS rules that are applicable to the franchise area.
(Ord. of 10-17-05, § 6-39)

Sec. 6-49. Programming decisions.

Each grantee shall provide programming from each of the broad programming categories identified in its franchise agreement. All programming decisions remain within the sole discretion of each grantee provided that each grantee complies with federal law regarding notice to grantor and subscribers prior to any channel additions, deletions, or realignments, and further subject to the grantee's signal carriage obligations pursuant to 47 U.S.C. §§ 531-536, as may be amended and subject to the county's rights pursuant to 47 U.S.C. § 545, as may be amended. The grantee shall use its good faith efforts to ensure diversity of programming.
(Ord. of 10-17-05, § 6-40)

Sec. 6-50. Cable system office hours and telephone availability.

Attached as Appendix A are the Federal Communication Commission (FCC) customer service standards with which grantee must comply.
(Ord. of 10-17-05, § 6-41)

Editor's note—Appendix A, hereinabove referred to, can be located at the end of this chapter.

Sec. 6-51. Parental control.

Every grantee shall make available to any subscriber upon request a "lockout" device for blocking both video and audio portions of any channel(s) of programming entering the subscriber's premises. Such device shall be provided at a reasonable charge, except to the extent that federal law specifically provides otherwise. The grantee may, however, require a reasonable security deposit for

the use of such a device. This section shall not apply to channels that are on the basic or expanded basic tier of programming unless the subscriber receives service via a programmable terminal device, such as a converter.
(Ord. of 10-17-05, § 6-42)

Sec. 6-52. Installations exceeding standard installation.

Service drops in excess of 150 feet and concealed wiring in the home shall be charged to the subscriber based upon time and material. The desire of the subscriber as to the point of entry into the residence shall be observed whenever possible. Runs in building interiors shall be as unobtrusive as possible. The grantee shall use due care in the process of installation and shall repair any damage to the subscriber's property caused by said installation. Such restoration shall be undertaken within no more than ten days after the damage is incurred and shall be completed as soon as possible thereafter.
(Ord. of 10-17-05, § 6-43)

Sec. 6-53. Service area and line extension policy.

(a) No grantee may discriminate in the build-out of its system to a particular area of the county in providing service to an individual or groups of residents on the basis of race, creed, religion or economic condition. Unless the franchise agreement provides otherwise, every grantee shall serve all areas of the county equally with populations of at least 15 residential dwelling units per cable mile as measured from a grantee's existing distribution system, including areas annexed subsequent to the grant of the franchise. The franchise agreement shall provide a schedule of the areas to be served, and the specific build-out requirements of the grantee, and shall also describe the process for extending service to areas that will meet minimum density requirements at some future date. Unless the franchise agreement provides otherwise, every grantee shall extend service to commercial areas at no additional cost where the cost to do so does not exceed the same cost of providing service in a residential area with a density of 15 homes per mile.

(b) During the initial construction phase of a new system, a grantee may implement its system in stages pursuant to a schedule and line extension policy established in its franchise agreement that serves all areas of the county equally, provided that any deviation from the service and line extension requirements of this chapter do not discriminate between different areas of the county on the basis of race, creed, religion or economic condition. A grantee of any such new franchise shall comply with all customer service obligations with respect to customers whose premises are passed by portions of the grantee's network which are fully activated, tested and available for service.

(c) Cost-sharing. In areas with less than 15 homes per proposed cable mile, grantee shall offer a cost-sharing arrangement to residents. Grantee shall bear its pro rata share of the current construction costs based upon the actual number of homes per mile. The cost-sharing arrangement shall consist of the following: On the request of a resident desiring service, grantee shall prepare, at its cost, an engineering survey and cost analysis to determine the cost of the plant extension required to provide service to the resident from the closest usable point on the cable system. The cost of construction shall be allocated based on the following formula: If a request for extension into

a residential area requires the construction of cable plant which does not pass at least 15 homes per cable mile, a proportionate share of construction costs shall be borne by grantee and by the subscribers. For example, if there are ten dwelling units per mile, grantee's share will equal 10/15ths of the construction cost. The remaining cost will be shared equally by each subscriber in the area to be constructed. The line extension formula shall also be applied to a portion of a cable mile meeting proportionate density requirements. For example, if there are seven dwelling units per one-half mile, the grantee shall construct the plant. The cost sharing described above would be utilized if there were less than the proportionate share of dwelling units per the portion of a mile needed to reach the dwelling units. Should additional subscribers request cable service, subscribers utilizing the cost-sharing plan for extension shall be reimbursed pro-rata for their contribution or a proportional share thereof. In such case, the pro-rata shares shall be recalculated and each new subscriber shall pay the new pro-rata share, and all prior subscribers shall receive refunds. In any event, at the end of 24 months from completion of the project, the subscribers are no longer eligible for refunds, and the amounts paid by subscribers will be credited to the plant account of the grantee. The average cost of the line extension shall be recalculated annually based upon the current costs of labor and material. Each subscriber contributing toward the direct cost of the line extension shall waive all ownership interest in the line extension. All equipment and components of the line extension, including, but not limited to, cable wire, electronics and pedestals shall at all times remain the exclusive property of the grantee.
(Ord. of 10-17-05, § 6-44)

Sec. 6-54. County monitoring.

In addition to free cable service required by the ordinance, grantee shall provide one service feed to county hall (unless otherwise specified by county) that shall receive without charge all basic and expanded basic cable programming provided by grantee. Such service shall be provided in such a manner that the county may monitor the programming and use of the cable system for compliance with the franchise agreement and this ordinance. The service provided pursuant to this requirement shall be in a secure office location, and not in a location open to public viewing.
(Ord. of 10-17-05, § 6-45)

Sec. 6-55. Access to inside wiring.

Access to, and ownership of, inside wiring shall be in accordance with section 76.800, et seq., of the FCC rules and regulations as the same may be amended from time to time.
(Ord. of 10-17-05, § 6-46)

Secs. 6-56—6-66. Reserved.

ARTICLE III. CONSTRUCTION STANDARDS*

Sec. 6-67. Right-of-way construction.

Prior to commencing any construction in the county, a grantee must obtain all necessary permits and licenses required by federal, state and generally applicable county laws, ordinances and rules,

---

***Editor's note—**An ordinance dated October 17, 2005, enacted new provisions to be designated as §§ 6-47—6-59. In order to allow for future legislation, said provisions have been redesignated as §§ 6-67—6-79. Original numbering has been maintained in the history notes following each section.

and pay all associated non-discriminatory fees. Further, a grantee shall comply with all applicable laws, ordinances, rules, and standards relating to the construction, operation and maintenance of a cable system.
(Ord. of 10-17-05, § 6-47)

Sec. 6-68. Compliance with laws.

The construction, installation, and maintenance of the cable system shall be effectuated by grantee in a manner that is consistent with the laws, ordinances and construction standards of the State of North Carolina, the Occupational Safety and Health Administration, the National Electrical Safety Code, National Electrical Code and the FCC, to the extent applicable, as well as all other laws, rules, regulations and ordinances that are generally applicable and promulgated pursuant to the county's lawful police power. All open connections on splitters, couplers and other devices shall be properly terminated.
(Ord. of 10-17-05, § 6-48)

Sec. 6-69. Minimum interference.

All of grantee's construction, installation, operation, repair and maintenance, and the arrangement of its lines, cables and other appurtenances, on public or private property, shall be conducted in such a manner as to not unreasonably interfere with the rights and reasonable convenience of property owners that may be affected. In the event such work is not in accordance with applicable rules and regulations, the county may require the removal, within such period of time after notice as is reasonable under the circumstances, of grantee's lines, cables and appurtenances from the rights-of-way in question, at the sole expense of the grantee.
(Ord. of 10-17-05, § 6-49)

Sec. 6-70. Repair of property.

Grantee shall promptly repair and restore any county or private property which may be damaged as a result of the construction, installation, operation, repair, maintenance or removal of the cable system. Any such property damaged or destroyed shall be promptly repaired and restored by grantee, at grantee's sole cost and expense to the reasonable satisfaction of the county, to its condition prior to being damaged, or shall be replaced by grantee with equivalent property. The county may inspect and approve the condition of the right-of-ways and cables, wires, attachments, and poles after restoration. The liability, indemnity, insurance and performance bond as provided herein shall continue in full force and effect during the period of any removal and until the grantee has fully complied with the terms and conditions of this chapter and the franchise agreement. In the event of a failure by the grantee to complete any restoration work required by the county within the time as may be established by the county and to the reasonable satisfaction of the county, the county may, following reasonable notice to the grantee, cause such work to be done and the grantee shall reimburse the county the cost thereof within 30 days after receipt of an itemized list of such costs,

or the county may at its option recover such costs through the performance bond provided by grantee. The county shall be permitted to seek legal and equitable relief to enforce the provisions of this section.
(Ord. of 10-17-05, § 6-50)

Sec. 6-71. Erection of poles.

Grantee shall not erect any pole on or along any rights-of-way in an existing aerial utility system without the advance written approval of the county. If additional poles in an existing aerial route are required, grantee shall negotiate, as needed, with the owners thereof for the installation of the needed poles. Grantee shall negotiate the lease of pole space and facilities from the existing pole owners for all aerial construction, under mutually acceptable terms and conditions.
(Ord. of 10-17-05, § 6-51)

Sec. 6-72. Reservations of street rights.

Nothing in this chapter shall be construed to prevent the county from constructing storm or sanitary sewers, grading, paving, repairing or altering any rights-of-way, or laying down, repairing or removing water mains, traffic signal control systems, county fiber plant, or constructing or establishing any public utility, service or other public work that the county may operate or undertake now or in the future. All such work shall be done, insofar as practicable, in such manner as not to obstruct, injure or prevent the free use and operation of poles, wires, conduits, conductors, pipes or appurtenances of grantee. If county in its reasonable judgment shall determine that grantee's facilities interfere with the construction location or repair of any rights-of-way or public improvement, then all such facilities of grantee shall be removed or replaced, or temporarily disconnected, in such manner as shall be directed by the county so that the same shall not interfere with the public works of the county. Such removal or replacement shall be at the expense of grantee; provided, however, that nothing in this chapter shall preclude grantee from seeking reimbursement for removal or replacement costs from any public funds generally available to rights-of-way users for the reimbursement of such costs.
(Ord. of 10-17-05, § 6-52)

Sec. 6-73. Underground installation.

In those areas within the county where cable television, telephone, or electrical facilities are currently placed underground, all cable system facilities shall remain or be placed underground. In areas where either telephone or electric utility facilities are above ground at the time of installation, grantee may install its cable system facilities above ground, provided that at such time as both electric and telephone utility facilities are placed underground, grantee shall likewise place its cable system facilities underground without cost to the county. Nothing contained in this section shall require a grantee to construct, operate and maintain underground any ground-mounted appurtenances, except that grantee shall take steps to minimize the number and visual impact of such facilities. If the grantor reimburses any utility for such relocation, grantee shall be similarly reimbursed. This section shall not prevent the county or any of its agencies or joint agencies from

requiring the installation or relocation of cable services facilities underground pursuant to a separate ordinance or regulation or requirement imposed in accordance with the exercise of the general police power or regulatory function of such agency or joint agency.
(Ord. of 10-17-05, § 6-53)

Sec. 6-74. Conduit.

(a) The county shall not be responsible for any cuts or damage to buried or underground facilities of a grantee that are not clearly marked or cannot be located through the North Carolina "one-call" service.

(b) Grantee shall provide strand and trench maps without detailed measurement calculations in a format mutually agreeable to both the county and grantee. Such information shall be subject to and not restrict any other county ordinances. County agrees to treat the maps as proprietary information to the extent provided under law, or as may be indicated in county ordinances.

(c) Grantee shall provide a contact number for the county to call in emergency situations requiring an immediate response on the part of the county. If the grantee does not properly and effectively identify the precise location of its facilities within a reasonable period of time taking into account the circumstance of an emergency call from the county, the county shall not be responsible for damage to the grantee's facilities.
(Ord. of 10-17-05, § 6-54)

Sec. 6-75. Clearing poles and cables.

Grantee shall have the right to remove, trim, cut and to keep clear of its poles, cables, underground conduits and related equipment the trees in and along the rights-of-way, but, in the exercise of such right, grantee shall not cut such trees to any greater extent that is reasonably necessary for the construction, erection, installation, maintenance and use of cable system equipment. Except in emergency situations, grantee shall not remove, trim or cut such trees from any rights-of-way without first providing reasonable notice to the county of its intention to do so, such notice to be delivered not less than ten days in advance. The grantee shall compensate the county or any private owners of such trees for any damage proximately caused by grantee's negligent conduct.
(Ord. of 10-17-05, § 6-55)

Sec. 6-76. Moving facilities.

Grantee, on the request of the county, or any person holding a building permit issued by the county, or any permit issued by an appropriate state agency, shall temporarily move its wires, cables, poles or other cable system facilities to permit the moving of large objects, vehicles, buildings or other structures. The expense of such temporary moves shall be paid to grantee by the person requesting the same and grantee shall have the authority to require such payment in advance. Grantee shall be given not less than 30 days advance notice to arrange for such temporary moves.
(Ord. of 10-17-05, § 6-56)

Sec. 6-77. Work performed by others.

To the extent applicable, all provisions of this chapter shall apply to any subcontractors or others performing any work or services pursuant to the provisions of a franchise agreement on behalf of a grantee.
(Ord. of 10-17-05, § 6-57)

Sec. 6-78. Duty to grantee.

Nothing contained in this chapter shall relieve any person from liability arising out of the failure to exercise reasonable care to avoid injuring grantee's facilities while performing any work connected with grading, regarding or changing the line of any rights-of-way or with the construction or reconstruction of any sewer or water system or utility system.
(Ord. of 10-17-05, § 6-58)

Sec. 6-79. System construction capabilities and schedule.

(a) The cable system shall generally conform to the system design and channel capacity specifications set forth by the grantee in its application for a franchise submitted to the county. The grantee is permitted to modify its design and implementation plan, pursuant to the conditions provided herein, to accommodate technological innovations and refinements, which enhance system reliability and capacity.

(b) The initial construction required under initial franchise agreement shall be completed in compliance with a schedule specified therein. If the grantee shows that, notwithstanding its due diligence, that it has been unable to extend service to a specified area because the acts or omissions of a third party (excluding the grantee's subcontractors or agents) or other factors have caused a delay in construction beyond that reasonably expected during the course of construction, and the grantee proposes a reasonable alternative deadline for extension of service to that area, the county shall grant reasonable extensions of time to complete construction.
(Ord. of 10-17-05, § 6-59)

Secs. 6-80—6-89. Reserved.

ARTICLE IV. GENERAL FINANCIAL AND INSURANCE PROVISIONS*

Sec. 6-90. Franchise fee.

(a) The administration of this ordinance or the franchise agreement imposes upon the county additional regulatory responsibility and expense, and in consideration of permission to use the rights-of-way of the county for the construction, operation and maintenance, of a cable system within the county, a grantee of any franchise hereunder shall pay to the county a franchise fee in an amount as designated in the franchise agreement, up to the maximum amount allowed by applicable law. To

---

***Editor's note—**An ordinance dated October 17, 2005, enacted new provisions to be designated as §§ 6-60—6-69. In order to allow for future legislation, said provisions have been redesignated as §§ 6-90—6-99. Original numbering has been maintained in the history notes following each section.

the extent that applicable law changes the maximum authorized franchise fee, the county reserves the right to change the franchise fee as stated in the franchise agreement, by adopting an ordinance establishing the new franchise fee rate and allowing reasonable notice to the grantee for administration of the change. The county shall hold a public hearing prior to adopting any change in the franchise fee.

(b) Payments due grantor under this section shall be computed quarterly, for the preceding quarter. Each quarterly payment shall be due and payable no later than 30 days after the end of the preceding quarter. Each payment shall be accompanied by a brief report by a grantee showing the basis for the computation and a "franchise fee worksheet" listing all of the sources of revenues attributable to the operation of grantee's system in the county. All such payments shall be certified as correct by an officer of the grantee.

(c) No acceptance of any payment shall be construed as an accord that the amount paid is in fact the correct amount, nor shall such acceptance of payment be construed as a release of any claim grantor may have for further sums payable under the provisions of this chapter or a franchise agreement. All amounts paid shall be subject to audit and re-computation by grantor or its designee at any time during any calendar year (but not more than once per calendar year) upon 20-calendar day's notice, which shall include a request for any documents sought to be reviewed. Audits shall be at the expense of the grantee if the additional amount due is greater than two percent of the amount paid. Any additional amount due to the county as a result of the audit shall be paid within 60 days following written notice to the grantee by the county which notice shall include a copy of the audit report. Grantor's right to audit and grantee's obligation to retain records related to the franchise fee audit shall expire three years from the date on which the most recent franchise fee payment by the grantee was due from the time of written notice of request of audit.

(d) In the event that any franchise payment or recomputed amount is not made on or before the dates specified herein, grantee shall pay as additional compensation an interest charge, computed from such due date, at the annual rate equal to the commercial prime interest rate of the county's primary depository bank during the period that such unpaid amount is owed.
(Ord. of 10-17-05, § 6-60)

Sec. 6-91. Performance bond.

Each grantee shall maintain a performance bond with the county to ensure compliance with this chapter and the applicable franchise agreement, in an amount and in a manner as set forth in the grantee's franchise agreement.
(Ord. of 10-17-05, § 6-61)

Sec. 6-92. Penalties procedure.

(a) Whenever grantor has reason to believe that a grantee has violated any material provision of a franchise agreement or this chapter, grantor shall first notify the grantee of the material violation and demand correction within a reasonable time, which shall not be less than 20 days in the case of the failure of a grantee to pay any sum or other amount due the grantor under a franchise agreement, and 30 days in all other cases. If a grantee fails to correct the violation within the time prescribed, or

if a grantee is unable to correct the violation and fails to commence corrective action within the time prescribed and to diligently remedy such violation thereafter, the grantee shall then be given written notice of not less than 20 days for public comment. Said notice shall indicate with reasonable specificity the violation alleged to have occurred.

(b) At the public hearing, the board shall hear and consider all relevant evidence and thereafter render findings and a decision based upon the evidence. Any such hearing must, at a minimum, provide the grantee a full and fair opportunity to be heard by the board.

(c) In the event the board finds that a grantee has corrected the violation or promptly commenced correction of such violation after notice thereof from grantor and is diligently proceeding to fully remedy the violation, or that no violation has occurred, the proceedings shall terminate and no penalty or other sanction shall be imposed.

(d) In the event the board finds that a violation exists and that a grantee has not corrected the same in a satisfactory manner or did not promptly commence and diligently proceed to correct the violation, the board may impose liquidated damages to be collected from the security fund, as set out in the franchise agreement.

(e) If the board elects to assess liquidated damages, then such election shall constitute grantor's exclusive remedy for a period of 60 days. Thereafter, if a grantee remains in noncompliance, the grantor may pursue any other available remedy.

(f) In the event that a franchise is cancelled or terminated by reason of the default of a grantee, the security fund deposited pursuant to a franchise agreement shall remain in effect and available to the grantor until all pending claims or penalties are resolved or settled, after which point any remaining amounts in the security fund shall revert to the grantee.

(g) The rights reserved to grantor with respect to the security fund are in addition to all other rights of grantor, whether reserved by a franchise agreement, this chapter, or authorized by law, and no action, proceeding, or exercise of a right with respect to such security fund shall affect any other right grantor may have.

(h) In instances of repeated violations, whether remedied or not, the grantor shall serve special notice outlining additional remediation requirements. Failure to cure, as measured by repeated instances of the same violation, is evidence of an evasive practice and may lead to revocation under section 10 [6-94].

(i) Grantee acknowledges that noncompliance with the provisions of the franchise agreement and this chapter will harm subscribers and the county and the amounts of actual damages will be difficult or impossible to ascertain. The county may therefore assess the following liquidated damages against grantee for unexcused noncompliance with the requirements of the franchise agreement and this chapter. Grantee acknowledges that the liquidated damages set forth below are a reasonable approximation of actual damages and that this provision is intended to provide compensation and is not a penalty. All damages provided shall be cumulative, unless expressly stated.

(1) For failure to materially complete construction or extend service in accordance with the ordinance and the franchise agreement: $250.00/calendar day for each day the violation continues;

(2) For failure to materially comply with requirements for public access channels: $250.00/calendar day for each day the violation continues;

(3) For failure to comply with the material requirements of the I-Net provisions of the ordinance/franchise agreement: $250.00/calendar day for each day the violation continues;

(4) For repeated, willful or continuing failure to submit reports, maintain records, provide documents or information: $250.00/calendar day for each day the violation continues;

(5) For failure to comply with the material requirements of the customer service standards: $250.00/calendar quarter the violation continues;

(6) For failure to comply with the transfer provisions: $250.00/calendar day for each day the violation continues;

(7) For violation of other material provisions of the ordinance and the franchise agreement: up to $250.00/calendar day for each day the violation continues.

(Ord. of 10-17-05, § 6-62)

Sec. 6-93. Bonds, indemnification, and insurance.

Each grantee shall maintain bonds and insurance with the county in amounts and in a manner as set forth in the grantee's franchise agreement. Each grantee also shall be required to indemnify the county in a manner as set forth in the grantee's franchise agreement.

(Ord. of 10-17-05, § 6-63)

Sec. 6-94. Grounds for revocation.

Grantor reserves the right to revoke the franchise, and all rights and privileges pertaining thereto, in the event that:

(a) A grantee substantially violates any material provision of this chapter or a franchise agreement;

(b) A grantee attempts to evade any of the material provisions of this chpater or a franchise agreement;

(c) A grantee practices an act of fraud or deceit upon the grantor;

(d) A grantee becomes insolvent, unable or unwilling to pay its debts, or is adjudged bankrupt;

(e) A grantee fails to provide or maintain in full force and effect the liability and indemnification coverage or the performance bond as required pursuant to its franchise; or

(f) A grantee violates any orders or rulings of any regulatory body having jurisdiction over the grantee relative to this chapter or the franchise and after notice thereof, shall continue the violation and not remedy the same within 60 days.

(Ord. of 10-17-05, § 6-64)

Sec. 6-95. Procedure.

(a) Whenever grantor has reason to believe that there may be grounds for revocation of a franchise, grantor shall first notify the grantee in writing of its basis for believing grounds for revocation exist. Such notice shall indicate with reasonable specificity the grounds for revocation that are believed to exist so that the grantee may have a reasonable opportunity to cure or otherwise address the same. If a grantee fails to adequately cure or address the purported grounds for revocation within 30 days of such notice, then the grantor may, upon 30 days written notice to the grantee, commence a public administrative hearing to determine whether there exists any ground for revocation.

(b) The administrative hearing shall be conducted so as to protect the full due process rights of the parties and provide for, at a minimum, the right to have counsel, the right to call and cross examine witnesses, and the right to a full transcript of the proceedings.

(c) After the close of the hearing, grantor or the designated hearing officer shall issue a written decision based on the record of the proceedings, stating with specificity the findings and reasons supporting the decision.

(d) Upon revocation, a grantee shall have a period of 120 days subsequent to the date of the formal adoption of a revocation of the franchise by the county within which to file an appeal with a court of competent jurisdiction.

(e) During the appeal period, the franchise shall remain in full force and effect.
(Ord. of 10-17-05, § 6-65)

Sec. 6-96. Foreclosure.

Upon the foreclosure or other judicial sale of all or a part of a system, a grantee shall notify grantor of such fact and such notification shall be treated as a notification that a change in control of the grantee has taken place, and the provisions of this chapter governing the consent to transfer or change in ownership shall apply without regard to how such transfer or change in ownership occurred.
(Ord. of 10-17-05, § 6-66)

Sec. 6-97. Receivership.

Apart from and supplemental to the right to revoke a franchise, grantor shall have the right to cancel a franchise agreement 120 days after the appointment of a receiver or trustee to take over and conduct the business of a grantee, whether in receivership, reorganization, bankruptcy, or other action or proceeding, unless such receivership or trusteeship shall have been vacated prior to the expiration of said 120 days, or unless:

(a) Within 120 days after its election or appointment, the receiver or trustee has fully complied with all the provisions of grantee's franchise agreement and this chapter and remedied all defaults thereunder; and

(b) Such receiver or trustee, within said 120 days, has executed an agreement, duly approved by a court having jurisdiction, whereby such receiver or trustee assumes and agrees to be bound by each and every provision of this chapter and the applicable franchise agreement.

(Ord. of 10-17-05, § 6-67)

Sec. 6-98. Purchase by grantor upon termination or revocation of franchise.

The grantor may, in accordance with and to the extent permitted by 47 U.S.C. § 547, upon the payment of a fair valuation, purchase, condemn, acquire, take over, and hold the property and plant of a grantee, in whole or in part, on the following conditions:

(a) Upon revocation of a franchise, a fair valuation shall be an equitable value that shall not include any sum attributable to the value of the franchise itself, and plant and property shall be valued according to its book value at the time of revocation, or the system's initial cost less depreciation and salvage.

(b) At the expiration of a franchise agreement and following a denial of renewal of the franchise agreement, a fair valuation shall be the fair market value of the plant and property, exclusive of the value attributed to the franchise itself.

(c) In the event grantor shall acquire a franchise pursuant to the provisions of this chapter or a franchise agreement, and commence operation of the system, grantor shall reimburse the grantee for the fair market value of the system.

(Ord. of 10-17-05, § 6-68)

Sec. 6-99. Sale or transfer of franchise.

(a) No grantee shall sell, transfer, lease, assign, sublet, or dispose of, in whole or in part, an interest in or control of a franchise or cable system or any of the rights or privileges granted by a franchise agreement, without the prior consent of the grantor, which consent shall not be unreasonably denied or delayed and may be denied only upon a good faith finding by the grantor that the proposed transferee lacks the legal, technical, or financial qualifications to consummate the transaction and operate the system so as to perform its obligations under this chapter and the applicable franchise agreement. This section shall not apply to sales of property or equipment in the normal course of business. Consent from the grantor shall not be required for a transfer in trust, mortgage, or other instrument of hypothecation, in whole or in part, to secure indebtedness, or for a transfer to a person controlling, controlled by, or under common control with a grantee.

(b) The following additional events shall be deemed to be a sale, assignment, or other transfer of an interest in or control of a grantee or its franchise or cable system requiring compliance with this section: (i) the sale, assignment, or other transfer of all or a majority of a grantee's assets; (ii) the sale, assignment, or other transfer of capital stock or partnership, membership, or other equity interests in a grantee by one or more of its existing shareholders, partners, members, or other equity owners so as to create a new controlling interest in a grantee; (iii) the issuance of additional capital stock or partnership, membership or other equity interest by a grantee so as to create a new

controlling interest in a grantee; and (iv) a grantee's agreement to transfer management or operation of the grantee or the system. The term "controlling interest" as used herein is not limited to major stockholders but includes actual working control in whatever manner exercised.

(c) In the case of any sale or transfer of ownership of an interest in or control of a grantee or its franchise or cable system, the county shall have 120 days to act upon any request for approval of such sale or transfer that contains or is accompanied by such information as is required in accordance with FCC Regulations and the requirements of this chapter and the applicable franchise agreement, including information related to the legal, technical and financial qualifications, and the proposed transferee's ability to operate the system in accord with this chapter and the franchise agreement. Failure to provide all information reasonably requested by the county as part of its review may be grounds for a denial of the proposed transfer. If the county fails to render a final decision on the request within 120 days after receipt by the county of all required information, such request shall be deemed granted unless the grantee and the county agree to an extension of the 120 day period.

(d) The consent or approval of the county to any transfer of the grantee shall not constitute a waiver or release of the rights of the county in and to the rights-of-way, and any transfer shall, by its terms, be expressly subject to the terms and conditions of this chapter and the franchise agreement.

(e) In the absence of extraordinary circumstances, the county will not approve any transfer or assignment of the franchise prior to completion of construction of the proposed initial system.

(f) Any approval by the county of a transfer shall be contingent upon the prospective new grantee becoming a signatory to the franchise agreement.
(Ord. of 10-17-05, § 6-69)

Appendix A. Customer service standards.

(a) Grantee will at all times comply with the county's customer service standards in addition to compliance with the FCC standards (Title 47 CFR, Part 76.309 (Cable Television Service), Subpart H (General Operating Requirements) as amended.

(b) The county's customer service standards are:

(1) The customer service standards as set forth below are the standards set for all affected cable operators. This provision is the county's notice of its intent to enforce the standards.

(2) Effective with adoption of this chapter, a cable operator shall be subject to the following customer service standards:

a. Cable system office hours and telephone availability.

1. The cable operator will maintain a local, toll-free or collect call telephone access line which will be available to its subscribers 24 hours a day, seven days a week.

(i) Trained representatives will be available to respond to customer telephone inquiries during normal business hours.

(ii) After normal business hours, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received after normal business hours must be responded to by a trained representative on the next business day.

2. Under normal operating conditions, telephone answer time by a trained representative, including wait time, shall not exceed 30 seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed 30 seconds. These standards shall be met no less than 90 percent of the time under normal operating conditions, measured on a quarterly basis.

3. The cable operator will not be required to acquire equipment or perform surveys to measure compliance with the telephone answering standards above, unless an historical record of complaints indicates a clear failure to comply.

4. Under normal operating conditions, the customer will receive a busy signal less than three percent of the time.

5. Customer service center and bill payment locations will be open at least during normal business hours and will be conveniently located.

b. Installations, outages and service calls. Under normal operating conditions, each of the following four standards will be met no less than 95 percent of the time measured on a quarterly basis:

1. Standard installations will be performed within seven business days after an order has been placed.

2. Excluding conditions beyond the control of the cable operator, the cable operator will begin working on "service interruptions" promptly and in no event later than 24 hours after the interruption becomes known. The cable operator must begin actions to correct other service problems the next business day after notification of the service problem.

3. The "appointment window" alternatives for installations, service calls and other installation activities will be either a specific time or, at maximum, a four-hour time block during normal business hours. (The cable operator may schedule service calls and other installation activities outside of normal business hours for the express convenience of the customer.)

4. A cable operator may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment.

5. If a cable operator representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer will be contacted. The appointment will be rescheduled, as necessary, at a time that is convenient for the customer.

c. Communications between cable operators and cable subscribers.

1. Notifications to subscribers.

i. The cable operator shall provide written information on each of the following areas at the time of installation of service, at least annually to all subscribers, and at any time upon request:

(i) Products and services offered;

(ii) Prices and options for programming services and conditions of subscription to programming and other services;

(iii) Installation and service maintenance policies;

(iv) Instruction on how to use the cable service;

(v) Channel positions of programming carried on the system; and

(vi) Billing and complaint procedures, including the address and telephone number of the local franchise authority's cable office.

ii. Customers will be notified of any changes in rates, programming service or channel positions as soon as possible in writing. Notice must be given to subscribers a minimum of 30 days in advance of such changes if the change is within the control of the cable operator. In addition, the cable operator shall notify subscribers 30 days in advance of any significant changes in the other information required by paragraph (c)(3)(i)(A) [sic]. Notwithstanding any other provision of Part 76, a cable operator shall not be required to provide prior notice of any rate change that is the result of a regulatory fee, franchise fee, or any other fee, tax, assessment, or charge of any kind imposed by any federal agency, state or franchising authority on the transaction between the operator and the subscriber.

2. Billing.

i. Bills will be clear, concise and understandable. Bills must be fully itemized, with itemizations, including, but not limited to, basic and premium service charges and equipment charges. Bills will also clearly delineate all activity during the billing period, including optional charges, rebates and credits.

ii. In case of a billing dispute, the cable operator must respond to a written complaint from a subscriber within 30 days.

3. Refunds. Refund checks will be issued promptly, but no later than either:

i. The customer's next billing cycle following resolution or the request of 30 days, whichever is earlier; or

ii. The return of the equipment supplied by the cable operator if service is terminated.

4. Credits. Credits for service will be issued no later than the customer's next billing cycle following the determination that a credit is warranted.

(Ord. of 10-17-05, App. A)

Chapter 6.5

PUBLIC SAFETY*

Article I. In General

Sec. 6.5-1. Title.
Sec. 6.5-2. Intent and purpose statement.
Sec. 6.5-3. Definitions.
Sec. 6.5-4. Violations.

Article II. Emergency Management Agency

Sec. 6.5-5. Authority.
Sec. 6.5-6. Establishment; coordinator.
Sec. 6.5-7. Government immunity and exemption.
Sec. 6.5-8. No private liability.
Sec. 6.5-9. Duties and responsibilities of coordinator.
Sec. 6.5-10. Emergency operations plans.
Sec. 6.5-11. Planning related to special needs facilities.
Sec. 6.5-12. Hazardous facility planning.
Sec. 6.5-13. Liability.
Sec. 6.5-14. County departmental continuity plans.
Sec. 6.5-15. Territorial applicability.
Sec. 6.5-16. Severability.

Article III. State of Emergency

Sec. 6.5-17. Authority.
Sec. 6.5-18. Prohibitions and restrictions authorized.
Sec. 6.5-19. Superseding and amendatory proclamations.
Sec. 6.5-20. Termination of proclamation.
Sec. 6.5-21. Absence or disability of chairperson.

Article IV. Hazardous Materials

Sec. 6.5-22. Authority.
Sec. 6.5-23. Intent and purpose.
Sec. 6.5-24. Right of entry.
Sec. 6.5-25. Liability, cost, clean-up and disposal.

Article V. Emergency Telephone Service (911)

Sec. 6.5-26. Purpose.

***Editor's note—**An ordinance adopted January 19, 2016, amended ch. 6.5 in its entirety to read as herein set out. Former ch. 6.5 was titled emergency management, consisted of §§ 6.5-1—6.5-43, and derived from an ordinance adopted May 21, 1990; and two ordinances adopted August 2, 1993.

Article VI. Fire Prevention Code

Sec. 6.5-27. Adopted.
Sec. 6.5-28. Enforcement of fire prevention code.
Sec. 6.5-29. Annual report.
Sec. 6.5-30. Appeals.
Sec. 6.5-31. Permits.
Sec. 6.5-32. Special fees.
Sec. 6.5-33. Service of orders or notices.
Sec. 6.5-34. Penalties.
Sec. 6.5-35. Removal of obstructions; prohibited parking.
Sec. 6.5-36. Severability clause.

Article VII. Ambulance, Emergency Medical Services, First Responder, Rescue Services and Granting of Franchise and Contract to the Operations in Moore County

Sec. 6.5-37. Definitions.
Sec. 6.5-38. Standards for personnel.
Sec. 6.5-39. Standards for vehicles and equipment.
Sec. 6.5-40. Communications.
Sec. 6.5-41. Insurance requirements.
Sec. 6.5-42. Records.
Sec. 6.5-43. Rates and charges.
Sec. 6.5-44. Enforcement.
Sec. 6.5-45. Emergency services peer review committee (quality assurance/improvement).
Sec. 6.5-46. Franchise required.
Sec. 6.5-47. Application.
Sec. 6.5-48. Granting of franchise.
Sec. 6.5-49. Term.

ARTICLE I. IN GENERAL

Sec. 6.5-1. Title.

This chapter shall be known and may be cited and referred to as the "Moore County Public Safety Ordinance," including its municipalities.
(Ord. of 1-19-16)

Sec. 6.5-2. Intent and purpose statement.

The purposes of this article are to establish an emergency management agency to ensure the complete and efficient utilization of all resources of the county and its municipalities in the event of an emergency or disaster; set forth the authority and responsibility of the local governments in prevention of, preparation for, response to, and recovery from natural or manmade emergencies or hostile military or paramilitary action and to do the following:

(1) Reduce vulnerability of people and property of this county to damage, injury, and loss of life and property.

(2) Prepare for prompt and efficient rescue, care, and treatment of threatened or affected persons.

(3) Coordinate with state and federal agencies for the orderly rehabilitation of persons and restoration of property.

(4) Provide for cooperation and coordination of activities relating to emergency mitigation, preparedness, response, and recovery among agencies and officials of this county and with similar agencies and officials of other counties, with state and federal governments, with interstate organizations, and with other private and quasi-official organizations.

The emergency management agency shall be the coordinating entity for all activity in connection with emergency management within the county. It will be the agency through which the board of commissioners and city/town councils will exercise the authority and discharge the responsibilities vested in them during states of disaster or local emergency.

This chapter does not relieve any county department or agency of the responsibilities or authority given to it by state law or by local chapter, nor will it adversely affect the work of any volunteer agency organized for relief in disaster situations. It shall not abridge or modify the authority of the governor or his or her delegates to implement emergency measures during declared states of disaster.

The emergency management agency shall be the central coordinating agency for activities and programs relating to emergency and disaster mitigation, preparedness, response and recovery among agencies and officials for the county and with similar agencies and officials of other counties, the state and federal agencies, and with other private and quasi-official organizations.
(Ord. of 1-19-16)

Sec. 6.5-3. 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:

Chair of the board of county commissioners: The chair of the board of county commissioners or, in case of the chair's absence or disability, the person authorized to act in the chair's stead. Unless the governing body of the county has specified who is to act in lieu of the chair with respect to a particular power or duty set out in this chapter, this term shall mean the person generally authorized to act in lieu of the chair.

County-authorized emergency management personnel: Any person duly registered, identified and appointed by the coordinator of the county emergency management agency and assigned to participate in the emergency management activity.

County-authorized first responder: Any person duly registered, identified and appointed by the coordinator of the county emergency management division and assigned to participate in the emergency management activity.

Disaster: An occasion or an instance caused by any natural means (including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm or drought), and, regardless of cause, any fire, flood or explosion, where local efforts and capabilities are maximized to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophic situation in any part of the county including alleviating the damage, loss, hardship or suffering caused by the event.

Emergency: An incident or occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made accidental, military, paramilitary, weather-related, or riot-related cause, which requires responsive action to protect life or property.

Emergency area: The geographical area covered by a state of emergency.

Emergency management:

(1) The basic government functions of maintaining the public peace, health and safety during an emergency. This term includes plans and preparation for protection, relief and recovery from the effects of an emergency, disaster or hostile action as defined in this section. It shall not, however, include any activity that is the primary responsibility of the military forces of the United States.

(2) The employees, equipment and facilities of all county departments, boards, councils, institutions and commissions; and in addition it includes all volunteer personnel, equipment and facilities contributed by or obtained from, volunteer persons or agencies.

Emergency management agency: The local governmental agency charged with coordination of all emergency management activities for its jurisdiction.

Hazardous materials emergency response team or hazmat team: An organized group of persons specially trained and equipped to respond to and control actual or potential leaks or spills of hazardous materials.

Hazardous materials: Any material defined as a hazardous substance under 29 Code of Federal Regulations, 1910.120(a)(3).

Hazardous materials incident or hazardous materials emergency: An uncontrolled release or threatened release of a hazardous substance requiring outside assistance by a local fire department or hazmat team to contain and control.

Local emergency manager (LEM): The coordinator of the county emergency management division, appointed as prescribed in this article.

Political subdivision: Incorporated cities, towns and villages.

Regulations: The plan, programs and other emergency procedures deemed essential to emergency management.

Responsible party: A person or entity who causes directly or indirectly the release of a hazardous material creating a hazardous materials incident shall be liable for all reasonable costs incurred in responding to and mitigating the incident pursuant to the Moore County Fee Schedule. In the event that the responsible party cannot be determined or is unable to pay, the owner of or person in possession of hazardous materials at the time of the incident is liable for the costs.

State of emergency: A finding and declaration by the governing body of a county or the chair of the board of commissioners of a county, acting under the authority of G.S. 166A-19.22, that an emergency exists.
(Ord. of 1-19-16)

Sec. 6.5-4. Violations.

It shall be a misdemeanor for any person to violate any of the provisions of this chapter or of the regulations or plans promulgated pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the emergency management forces, as herein defined, in the enforcement of the provisions of this chapter or any regulations or plan issued hereunder.
(Ord. of 1-19-16)

ARTICLE II. EMERGENCY MANAGEMENT AGENCY*

Sec. 6.5-5. Authority.

Pursuant to G.S. 166A, the North Carolina Emergency Management Act, a county emergency management agency is hereby established.
(Ord. of 1-19-16)

***State law references—**County emergency management, G.S. 166A-7; local emergency authorizations, G.S. 166A-8; county power to adopt ordinances to address states of emergency, G.S. 14-288.13; ordinance may be effective if state of emergency exists or is imminent, G.S. 14-288.17.

Sec. 6.5-6. Establishment; coordinator.

(a) The county director of public safety serves as the coordinator of the emergency management agency.

(b) The coordinator shall designate and appoint deputy coordinators to assume the duties of the coordinator in his absence or inability to act.
(Ord. of 1-19-16)

Sec. 6.5-7. Government immunity and exemption.

This article is an exercise by the county/municipalities of its governmental functions for the protection of the public peace, health and safety as required by G.S. 166A-19.60 which provides the following immunities and exemptions:

(a) Neither the state nor any political subdivision thereof, nor, except in cases of willful misconduct, gross negligence, or bad faith, any emergency management worker, firm, partnership, association or corporation complying with or reasonably attempting to comply with this article or any order, rule or regulation promulgated pursuant to the provisions of this article or pursuant to any ordinance relating to any emergency management measures enacted by any political subdivision of the state, shall be liable for the death or injury to persons, or for damage to property as a result of any such activity. G.S. 166A-19.60(a).

(b) The rights of any person to receive benefits to which the person would otherwise be entitled under this article or under the Workers' Compensation Law or under any pension law and the right of any such person to receive any benefits or compensation under any act of Congress shall not be affected by performance of emergency management functions. G.S. 166A-19.60(c).

(c) Any requirement for a license to practice any professional, mechanical or other skill shall not apply to any authorized emergency management worker who shall, in the course of performing the worker's duties as such, practice such professional, mechanical or other skill during a state of emergency. G.S. 166A-19.60(d).

(Ord. of 1-19-16)

Sec. 6.5-8. No private liability.

Any person, firm or corporation, together with any successors in interest, if any, owning or controlling real or personal property who, voluntarily or involuntarily, knowingly or unknowingly, with or without compensation, grants a license or privilege or otherwise permits or allows the designation or use of the whole or any part or parts of such real or personal property for the purpose of activities or functions relating to emergency management as provided for in this chapter shall not be civilly liable for the death of or injury to any person or the loss of or damage to the property of any persons where such death, injury, loss or damage resulted from, through, or because of the use of the said

real or personal property for any of the above purposes, provided that the use of said property is subject to the order or control of or pursuant to a request of the state government or any political subdivision thereof. G.S. 166A-19.61.
(Ord. of 1-19-16)

Sec. 6.5-9. Duties and responsibilities of coordinator.

(a) For the purposes of this article, the coordinator shall:

(1) Be responsible to the board of commissioners in regard to all phases of emergency management activity.

(2) Be responsible for the planning, coordination and operation of the emergency management activities in the county.

(3) Maintain liaison with the state and federal authorities and the authorities of other political subdivisions to ensure the most effective operation of the emergency management plans.

(b) The coordinator's duties shall include, but not be limited to, the following:

(1) Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the county for emergency management purposes. Such services from persons outside of government may be accepted by local government on a volunteer basis.

(2) Developing and coordinating plans for the immediate use of all facilities, equipment, manpower and other resources of the county for the purpose of minimizing or preventing damage to persons and property; and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety, and welfare.

(3) Enter into agreements with owners or persons in control of buildings or other property for the use of such buildings or other property for the emergency management purposes and designating suitable buildings as public shelters.

(4) Through public informational programs, educating the populace as to actions necessary and required for the protection of their persons and property in an emergency, either impending or present.

(5) Conducting drills and exercises to ensure the efficient operation of the emergency management forces and to familiarize residents with emergency management regulations, procedures and operations.

(6) Coordinating the activity of all other public and private agencies engaged in any emergency management activities.

(7) When personnel, equipment, or supplies for an emergency function are not available within the local government, the coordinator is authorized to seek assistance from other governments or from persons outside of government.

(8) The assignment of duties, when of a supervisory nature, shall also include the granting of authority for the persons to carry out duties prior to, during, and after the occurrence of an emergency.

(9) The invoicing of persons liable for hazardous materials release, and, in the event of non-payment, the discretion to proceed with legal action to recover costs.

(Ord. of 1-19-16)

Sec. 6.5-10. Emergency operations plans.

(a) Comprehensive emergency operations plans shall be adopted by resolution of the board of commissioners. In the preparation of these plans as they pertain to county organization, it is intended that the services, equipment, facilities, and personnel of all existing departments and agencies shall be utilized to the fullest extent. All departments and agencies have the responsibility to perform the functions assigned by these plans and to be in a current state of readiness at all times. The emergency operations plan shall have the full effect of law whenever an emergency, as defined in this article, has been declared or when a disaster occurs.

(b) The coordinator shall prescribe those positions within the emergency organizational structure for which lines of succession are necessary. In each instance, the responsible person will designate and keep on file with the coordinator a current list of three persons as successors to his position. The list will be in order of succession and will designate persons best capable of carrying out all assigned duties and functions.

(c) Any individual assigned responsibility in the plans shall be responsible for carrying out all assigned duties and functions. Duties include the organization and training of assigned employees and, where needed, volunteers. Each individual shall formulate the standing operating procedure to implement the plans.

(d) Supporting plans shall be maintained by the emergency management agency to ensure coordinated activities in the mitigation, preparedness, response, and recovery phases of emergency management. In the preparation of these plans, the services, equipment, facilities and personnel of all existing departments and agencies shall be utilized to the fullest extent. When the plans are published, each department or agency shall perform those functions assigned to it by the plan.

(e) The agency shall describe in emergency plans those positions within the disaster organization, in addition to the agency head, for which lines of succession are necessary. In each instance, the responsible person shall designate and file with the emergency management agency a current list of three persons to be successors to each key position. The list shall be in order of succession and shall designate persons most capable of carrying out all duties and functions assigned to the position.

(f) Each department designated in emergency plans shall be responsible for carrying our all duties and functions designated by the plan. Duties will include organization and training of assigned employees and volunteers. Each department shall formulate procedures to implement the plan for the organization.

(g) When a skill required for a disaster relief function is not available within local government, the coordinator shall be authorized to seek assistance beyond local government resources.

(h) The coordinator may submit recommended changes to the board of commissioners.

(Ord. of 1-19-16)

Sec. 6.5-11. Planning related to special needs facilities.

(a) Special facilities are those institutions or organizations whose populations are dependent upon the institution for transportation or care.

(b) Special needs facilities are required to have a plan in place to be self-sufficient in an emergency that would require shelter in place or evacuation of their facility due to a natural or other disaster.

(1) Self-sufficient status would include generator power, food, water and essential supplies and equipment.

(c) These institutions include, but are not limited to, assisted living facilities, hospitals, schools (public and private), day care centers, elderly centers or other organizations.

(d) The institutions shall submit copies of their disaster plan to the emergency management agency for review on an annual basis as defined by the emergency management agency.

(e) Any facility required to submit special facility disaster plans shall pay to the county the fees set forth in a schedule approved by the board of commissioners.

(f) The emergency management agency shall review the fee schedule every year and make recommendations to the board of commissioners as to any suggested alterations.

(g) Any fees collected pursuant to this article shall be applied to support staffing, operations, equipment, supplies and programming efforts emergency management purposes.
(Ord. of 1-19-16)

Sec. 6.5-12. Hazardous facility planning.

(a) Any person required by law to annually submit a chemical inventory on forms approved by the North Carolina Environmental Protection Agency shall pay to the county the fees set forth in a schedule approved by the board of commissioners.

(b) The emergency management agency shall review the fee schedule every year and make recommendations to the board of commissioners as to any suggested alterations.

(c) Any fees collected pursuant to this article shall be applied to support staffing, operations, equipment, supplies and programming efforts emergency management purposes.
(Ord. of 1-19-16)

Sec. 6.5-13. Liability.

(a) All functions and other activities relating to emergency management as provided for in this chapter or elsewhere in the Moore County Code of Ordinances are hereby declared to be governmental functions. Except in cases of willful misconduct, gross negligence, or bad faith, any emergency management worker, firm, partnership, association, corporation, or agent complying with or reasonably attempting to comply with this article or any order, rule, or regulation promulgated

pursuant to the provisions of this article or pursuant to any ordinance relating to any emergency management measures enacted by the county, shall not be liable for the death of or injury to persons, or for damage to real or personal property as a result of any such activity.

(b) Any person, firm, or corporation, together with any successors in interest, if any, owning or controlling real or personal property who, voluntarily or involuntarily, knowingly or unknowingly, with or without compensation, grants a license or privilege or otherwise permits or allows the designation or use of the whole or any part or parts of such real or personal property for the purpose of activities or functions relating to emergency management as provided for in this chapter or elsewhere in the Moore County Code of Ordinances shall not be civilly liable for the death of or injury to any person or the loss of or damage to the property of any persons where such death, injury, loss, or damage resulted from, through, or because of the use of the real or personal property for any of the above purposes, provided that the use of the property is subject to the order or control of or pursuant to a request of the county government.
(Ord. of 1-19-16)

Sec. 6.5-14. County departmental continuity plans.

To facilitate emergency preparedness planning for Moore County, all Moore County departments, authorities, independent agencies, and constitutional officers shall prepare and periodically revise continuity of operations plans pursuant to directions and guidelines from the emergency management agency. These continuity plans must establish a comprehensive and effective program that maintains the continuity of essential departmental functions during any emergency or other situation that disrupts normal operations. Moore County shall ensure that such contingency plans are consistent with other emergency and disaster plans within Moore County.

(a) These continuity of operations plans shall be submitted to the emergency management agency by the last day of December each year in an emergency management approved format and shall address at a minimum the following areas:

(1) Assignment of personnel as the continuity of operations program manager.

(2) Direction and control including authorities and responsibilities of key personnel, the succession of key departmental leadership, and delegations of authority.

(3) Identification of essential and non-essential departmental functions and staffing capabilities required to continue providing essential functions.

(4) Activation, mobilization, relocation, alert, notification and implementation plans for activating the continuity of operations plan.

(5) Alternate facility operations.

(6) Communications (primary and back-up) systems that will be used to keep employees, on-duty and off-duty, informed of departmental response activities, to coordinate employees in order to carry out departmental missions, to keep in contact with customers and suppliers, and to coordinate with the Moore County Emergency Operations Center.

(7) Protection of facilities, equipment, supplies, and vital records.

(8) Recovery and restoration of services including employee support, critical asset repair/replacement, and the continuity of operations.

(9) Administration and logistics.

(10) Departments will update the Employee Emergency Notification System list quarterly at a minimum.

(Ord. of 1-19-16)

Sec. 6.5-15. Territorial applicability.

The emergency management agency shall perform emergency management, mitigation, preparedness, disaster response, and recovery functions within the territorial limits of Moore County including incorporated municipalities, and shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of North Carolina General Statutes, mutual aid agreements, and in accordance with state and Moore County comprehensive emergency management planning.
(Ord. of 1-19-16)

Sec. 6.5-16. Severability.

Should any provisions of this subchapter [article] be declared invalid for any reason, by any court of competent jurisdiction, such declaration of invalidity shall not affect the validity of the provisions or of this subchapter [article] as a whole.
(Ord. of 1-19-16)

ARTICLE III. STATE OF EMERGENCY

Sec. 6.5-17. Authority.

(a) A state of emergency shall be deemed to exist whenever, during times of public crisis, disaster or catastrophic emergency when, for any reason, public safety authorities are unable to maintain public order or afford adequate protection for lives, safety or property, or whenever the occurrence of any such condition is imminent.

(b) A state of emergency may be declared by the chairperson of the board of commissioners when he or she finds that an emergency exists. The proclamation shall be in writing. The chairperson shall take reasonable steps to give notice to the public of the terms of the proclamation. The chairperson shall send reports of the substance of the proclamation to the mass communications media which serve the affected area. The chairperson shall retain a text of the proclamation and provide copies upon request.

(c) The proclamation declaring a state of emergency shall include a definition of the area constituting the emergency area. The emergency area of a state of emergency declared by a county shall not include any area within the corporate limits of any municipality, or within any area of the

county over which a municipality has jurisdiction to enact general police-power ordinances, unless the municipality's governing body or mayor consents to or requests the state of emergency's application.
(Ord. of 1-19-16)

Sec. 6.5-18. Prohibitions and restrictions authorized.

(a) The proclamation declaring a state of emergency may, or may not include any or all of the following prohibitions and restrictions:

(1) Movements of people in public places, including imposing a curfew; directing and compelling the voluntary or mandatory evacuation of all or part of the population from any stricken or threatened area within the governing body's jurisdiction; prescribing routes, modes of transportation, and destinations in connection with evacuation; and controlling ingress and egress of an emergency area, and the movement of persons within the area.

(2) The operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate.

(3) The possession, transportation, sale, purchase, and consumption of alcoholic beverages.

(4) Upon the possession, transportation, sale, purchase, storage, and use of gasoline, and dangerous weapons and substances, except that this subdivision does not authorize prohibitions or restrictions on lawfully possessed firearms or ammunition. As used in this subdivision [chapter], the term "dangerous weapons and substances" has the same meaning as it does under G.S. 14-288.1. As used in this subdivision, the term "firearm" has the same meaning as it does under G.S. 14-409.39(2).

(5) Other activities or conditions the control of which may be reasonably necessary to maintain order and protect lives or property during the state of emergency.

(b) The proclamation declaring state of emergency may, or may not, exempt from all or any part of prohibitions and restrictions the following persons or groups of persons while acting in the line of and within the scope of their respective duties:

(1) Law enforcement officers, firefighters and other public employees, rescue squad members, doctors, nurses, employees of hospitals and other medical facilities;

(2) On-duty military personnel, whether state or federal;

(3) On-duty employees of public utilities, public transportation companies, and newspaper, magazine, radio broadcasting, and television broadcasting corporations operated for profit; and

(4) Such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health, and welfare needs of people within the county.

(c) Prohibitions and restrictions imposed pursuant to this section shall expire upon the earliest occurrence of any of the following:

(1) The prohibition or restriction is terminated by the official that imposed the prohibition or restriction.

(2) The state of emergency is terminated.

(d) This section is intended to supplement and confirm the powers conferred by G.S. 153A-121(a), G.S. 160A-174(a), and all other general and local laws authorizing counties to enact ordinances for the protection of the public health and safety in times of riot or other grave civil disturbance or emergency.

(e) Any person who violates any provision of an ordinance or a declaration enacted or declared pursuant to this section shall be guilty of a Class 2 misdemeanor in accordance with N.C.G.S. 14-288.20A.
(Ord. of 1-19-16)

Sec. 6.5-19. Superseding and amendatory proclamations.

The chairperson may invoke the restrictions authorized by this article in separate proclamations and may amend any proclamation by means of a superseding proclamation in accordance with the procedures set forth in sections 6.5-13 and 6.5-14 pertaining to the prohibitions and restrictions authorized.
(Ord. of 1-19-16)

Sec. 6.5-20. Termination of proclamation.

A state of emergency declared under this article shall expire when terminated by the authority who issued it following the same procedures set forth in section 6.5-14.
(Ord. of 1-19-16)

Sec. 6.5-21. Absence or disability of chairperson.

In the absence or disability of the chairperson, the vice-chairperson of the board of commissioners or such other commissioner as may be designated by the board of commissioners shall have and exercise all of the powers given the chairperson in this article.
(Ord. of 1-19-16)

ARTICLE IV. HAZARDOUS MATERIALS

Sec. 6.5-22. Authority.

The public safety director may designate a hazardous materials coordinator(s) to coordinate operations of the county hazardous materials team.
(Ord. of 1-19-16)

Sec. 6.5-23. Intent and purpose.

The intent and purpose of this article is to establish the duties of the county emergency management agency as it relates to hazardous materials emergencies. Such incidents include, but are not limited to, spills, accidents, illegal dumping and other releases or threatened releases of hazardous materials requiring control. The emergency management agency shall have the authority to summarily remove, abate, or remedy hazardous material emergencies within the jurisdiction of the county that are, or potentially are, a threat to public safety.
(Ord. of 1-19-16)

Sec. 6.5-24. Right of entry.

When responding to a release or threatened release of hazardous materials the county emergency management agency, along with any agencies it calls in to provide assistance, may enter onto any private or public property or any adjacent or surrounding property where the release or threatened release occurred.
(Ord. of 1-19-16)

Sec. 6.5-25. Liability, cost, clean-up and disposal.

Liability for a hazardous material incident lies with the responsible party who shall be responsible for all reasonable costs and fees incurred in responding to and mitigating the incident, including clean-up and disposal in a manner approved by the jurisdictional authority, i.e. county, municipality, North Carolina Department of Environment and Natural Resources, United States Environmental Protection Agency.
(Ord. of 1-19-16)

ARTICLE V. EMERGENCY TELEPHONE SERVICE (911)

Sec. 6.5-26. Purpose.

The purpose of this article is to establish a public safety telephone service in Moore County and to provide the financial resources needed to purchase, install, operate, and maintain it. This program is hereby undertaken in order to reduce the response time of important public safety agencies, thereby providing improved emergency medical services, law enforcement and fire protection services. It is the intent of Moore County government to cooperate fully with the municipalities of Aberdeen, Cameron, Carthage, Foxfire, Pinebluff, Pinehurst, Robbins, Southern Pines, Taylortown, Vass and Whispering Pines, North Carolina.

The Moore County Board of Commissioners will adopt G.S. Article 3, Chapter 62A-40, Emergency Telephone Service as the Code of Ordinance for the Moore County Public Safety Telephone Service (911).
(Ord. of 1-19-16)

ARTICLE VI. FIRE PREVENTION CODE

Sec. 6.5-27. Adopted.

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the Moore County Board of Commissioners adopted a certain code known as the North Carolina Fire Code, as approved by the North Carolina Building Code Council and shall include subsequent amendments that are adopted pursuant to state law. An official copy of the code shall be filed in the office of the fire marshal. The code is adopted and incorporated as if fully set forth at length in this article, and the provisions thereof shall be controlling in all areas of the county not governed by a city or town, and as otherwise provided for through agreements with participating municipalities within the county.
(Ord. of 1-19-16)

Sec. 6.5-28. Enforcement of fire prevention code.

The Moore County fire prevention code shall be enforced by the Moore County Fire Marshal's Office, which is established and which shall be operated under the supervision of the Moore County Fire Marshal.

Duties: The fire marshal's duties include but are not limited to the following:

(1) Keeping the Moore County Board of Commissioners informed of the purpose and development of rural fire departments;

(2) Acting as liaison between fire departments and the Moore County Board of Commissioners;

(3) Aiding in the organization and development of new fire departments, including providing assistance with records retention;

(4) Acting as advisor to the Moore County Board of Commissioners concerning the requirements of the state department of insurance;

(5) Providing assistance with training programs for fire departments, upon request;

(6) Advising fire departments of the availability of surplus equipment of a special nature;

(7) Making periodic inspections of all fire departments within the county to see that they conform to the minimum standards of the North Carolina Department of Insurance;

(8) Making fire inspections in schools as required by G.S. 115C-525(b) and day care facilities as required by G.S. 110-91(5);

(9) Making inspections of public occupancies relative to fire protection and fire prevention codes that may be enforced;

(10) Investigating, along with other fire and law enforcement officials, fires of an unknown nature to determine their origin and cause;

(11) Assisting fire departments in developing and delivering fire prevention and fire education programs throughout the county;

(12) Coordinating all fire departments in a mutual aid program within the county;

(13) Administering the North Carolina Fire Code as adopted by the county and any other safety ordinances that may apply. It shall be the duty of the fire marshal's office to inspect or to cause to be inspected, as often as deemed necessary or appropriate, all buildings, structures, and premises within its jurisdiction for the purpose of ascertaining and causing to be corrected any condition which may cause fire or explosion, endanger life from fire or explosion, or be in violation of the provisions of the code; and

(14) Determining the most appropriate fire department to be the primary responder when a property line lies within more than one fire district.

(Ord. of 1-19-16)

Sec. 6.5-29. Annual report.

A report of the fire marshal's office shall be made annually and submitted to the director of public safety, who in turn shall submit the report to the county manager. The report shall contain all proceedings under the fire prevention code, with such statistics as are necessary to provide relevant information. The fire marshal shall also recommend any amendments to the fire prevention code which, in his/her judgment, shall be desirable.

(Ord. of 1-19-16)

Sec. 6.5-30. Appeals.

Whenever the fire marshal and/or his/her authorized representative shall disapprove an application or refuse to grant a permit or when his/her claim that the provisions of the fire prevention code do not apply or that the true intent and meaning of the fire prevention code has been misconstrued or wrongly interpreted, the applicant is permitted to appeal the decision of the fire marshal in writing and/or his/her authorized representative to the Moore County Fire Marshal, P.O. Box 905, Carthage, NC 28327 or the North Carolina Commissioner of Insurance, North Carolina Department of Insurance, Raleigh, NC 27611 within ten days from the date of the decision appealed.

(Ord. of 1-19-16)

Sec. 6.5-31. Permits.

(a) This code shall require permits from the fire marshal as set forth in the North Carolina Fire Code.

(b) It shall be the duty of the fire marshal and/or his/her authorized representative to evaluate applications and, if approved, issue all permits for those conditions as prescribed in the North Carolina Fire Code.

(c) No person shall maintain, store, handle materials, and conduct processes which produce conditions hazardous to life or property, or install equipment used in conjunction with such activities, without a permit as required by the fire marshal and prescribed in the North Carolina Fire Code as adopted by the state. Before a permit may be issued, the fire marshal and/or his/her authorized representative, shall inspect and approve the receptacles, vehicles, buildings, structures, storage areas, devices, processes and conditions related to the permit.

(Ord. of 1-19-16)

Sec. 6.5-32. Special fees.

The fee for fire inspections and permits shall be set forth by the Moore County Board of Commissioners in the county's annual budget ordinance.

Violations:

(a) Any person shall be subject to all penalties allowed by law if the person:

(1) Violates or fails to comply with the provisions of the fire prevention code;

(2) Violates or fails to comply with any order made under the fire prevention code;

(3) Builds in violation of any detailed statement of specifications or plans submitted and approved under the fire prevention code or any certificate or permit issued hereunder; or

(4) Fails to comply with such an order as affirmed or modified by the fire marshal and/or his/her authorized representative, or by a court of competent jurisdiction, within the time affixed.

(b) In addition to any civil penalties that may apply, violators are subject to criminal penalties pursuant to G.S. 153A-123 and any other criminal laws that may be applicable.

(Ord. of 1-19-16)

Sec. 6.5-33. Service of orders or notices.

The service of orders or notices for the correction of violations of this chapter shall be made upon the owner, occupant, or other person responsible for the conditions, either by personally delivering a copy of same to such person or by delivering the same to, and leaving it with, any person in charge of the premises, or by sending a copy of the order or notice by certified mail with return receipt requested to the owner's last known address.

(Ord. of 1-19-16)

Sec. 6.5-34. Penalties.

(a) The minimum penalty for a violation of this article shall be a civil penalty of $50.00 and the maximum civil penalty shall be $500.00. Each violation, as well as each day a violation exists, shall constitute a separate and distinct offense.

(b) If a person has not been cited within the previous 12 months and the violations are corrected within 72 hours, the fine shall be waived, with the exception of type 3 violations. The citation and penalties shall be in writing, signed by the fire marshal or his/her authorized representative, and shall be delivered in person or by certified mail with return receipt requested to the offender at the place where the violation occurred. The failure of the offender to make payment of all civil penalties within 15 days from the date of the citation will result in further legal action and fines.

(c) The types of violations and the related civil penalties are as follows:

(1) *Type 1 violations ($50.00).* These violations generally increase the likelihood of a fire or injury. They include, but are not limited to, failure to:

a. Obtain proper permits for required uses as listed under the permit fees.

b. Maintain properly operating exit or emergency lights.

c. Maintain a clear, unobstructed access to fire protection equipment.

d. Properly cover or close electrical junction boxes.

e. Restrict use of electrical extension cords improperly used.

(2) *Type 2 violations ($100.00).* These violations represent a general threat to property. They include, but are not limited to, failure to:

a. Safely maintain proper storage of combustibles outside of a business.

b. Maintain a clear, unobstructed access to electric panels.

c. Properly maintain automatic closing fire and smoke doors.

d. Properly maintain and inspect portable fire extinguishers.

e. Properly maintain unobstructed accesses to hydrants, risers and fire department connections.

(3) *Type 3 violations ($250.00).* These violations directly affect the safety of persons within an occupancy or the probability of heavy property loss if a fire occurs. Therefore fines shall be issued upon discovering violations of this type that are not immediately rectified. They include, but are not limited to, failure to:

a. Maintain a clear, unobstructed access to and from exit doors, both inside and outside.

b. Install, test or properly maintain smoke and fire alarm systems.

c. Install or properly maintain or test automatic sprinkler systems and extinguishing systems.

d. Properly store or use flammable, combustible, or hazardous materials.

e. Limit the number of persons in a place of assembly to the maximum posted number allowed.

f. Failure to evacuate upon activation of a manual or automatic fire alarm system.

(4) Type 4 violations ($500.00). These violations occur when, despite prior notice, corrections have not been made and/or previous fines have not been paid.

(d) The application of the penalties in subsection (c) of this section shall not be held to prevent the enforcement of, or removal of, the prohibited conditions.
(Ord. of 1-19-16)

Sec. 6.5-35. Removal of obstructions; prohibited parking.

The fire marshal and/or his/her authorized representative may issue a citation which subjects the offender to a civil penalty of $50.00 for obstructing any fire hydrant, designated fire protection equipment, designated fire lanes, and/or fire station. Any obstruction may be removed or towed away by, or under the direction of, the fire marshal and/or his/her authorized representative to a storage area or garage. The owner of any such vehicle shall be deemed to have appointed the fire marshal and/or his/her authorized representative as his/her agent for the purpose of arranging for the transportation and storage of the vehicle. The owner of any such vehicle, before obtaining possession thereof, shall pay all reasonable costs incidental to the removal and storage of the vehicle due for the violation of prohibited parking.
(Ord. of 1-19-16)

Sec. 6.5-36. Severability clause.

Should any section or provision of the fire prevention and protection ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or a part thereof other than the part so declared to be unconstitutional or invalid.
(Ord. of 1-19-16)

ARTICLE VII. AMBULANCE, EMERGENCY MEDICAL SERVICES, FIRST RESPONDER, RESCUE SERVICES AND GRANTING OF FRANCHISE AND CONTRACT TO THE OPERATIONS IN MOORE COUNTY

Sec. 6.5-37. 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:

Ambulance means any privately or publicly owned motor vehicle, aircraft, or vessel that is specially designed, constructed, or modified and equipped and is intended to be used for, and is maintained or operated for, the transportation on the streets or highways, waterways or airways of this state for persons who are sick, injured, wounded or otherwise incapacitated or helpless.

Ambulance provider means an individual, firm, corporation or association which engages or professes to engage in the business or service of transporting patients in an ambulance.

Approved means approved by the North Carolina Medical Care Commission pursuant to its rules and regulations promulgated under G.S. 143B-165.

Committee means the county emergency services advisory committee.

County shall mean Moore County and its board of commissioners or their designated representative(s).

Emergency medical dispatcher or telecommunicator shall mean an emergency telecommunicator who has completed educational requirements and been credentialed by the North Carolina

Department of Health and Human Services as an emergency medical dispatcher and who is available to receive requests for emergency services, to dispatch emergency services, and to advise local law enforcement agencies, fire departments, rescue squads, first or medical responder units and emergency medical services and facilities of any existing or threatened emergency.

Emergency medical services means services rendered by emergency medical services personnel in responding to improve the health and wellness of the community and to address the individual's need for emergency medical care within the scope of practice as defined by the North Carolina Medical Board, in accordance with G.S. 143-514, and the Moore County Medical Director in order to prevent loss of life or further aggravation of physiological or psychological illness or injury.

Emergency medical services instructor means an individual who has completed educational requirements approved by the North Carolina Department of Health and Human Services and has been credentialed by that department as an emergency medical services instructor.

Emergency medical services peer review committee (quality assurance committee) means a panel composed of EMS program representatives responsible for analyzing patient care data and outcome measures to evaluate the ongoing quality of patient care, system performance, and medical direction within the EMS system. The committee may include physicians, nurses, EMS personnel, medical facility personnel and county government staff as determined by the public safety director in consultation with the county medical director.

Emergency medical technician (EMT) means an individual who has completed a training program in emergency medical care that has been approved for legal recognition by the North Carolina Department of Health and Human Services, in accordance with rules promulgated by the North Carolina Medical Care Commission, has been certified as an EMT by the State of North Carolina Office of Emergency Medical Services, and approved by the county medical director to perform services as an EMT in the Moore County EMS system.

Emergency medical technician—Intermediate means an individual who has completed a training program in emergency medical care at the intermediate level that has been approved for legal recognition by the North Carolina Department of Health and Human Services, in accordance with rules promulgated by the North Carolina Medical Care Commission, has been certified as an EMT—Intermediate by the State of North Carolina Office of Emergency Medical Services, and approved by the county medical director to perform services at the EMT—Intermediate level in the Moore County EMS system.

Emergency medical technician—Paramedic means an individual who has completed a training program in emergency medical care at the paramedic level that has been approved for legal recognition by the North Carolina Department of Health and Human Services, in accordance with rules promulgated by the North Carolina Medical Care Commission, has been certified as an EMT—Paramedic by the State of North Carolina Office of Emergency Medical Services, and approved by the county medical director to perform services as an EMT—Paramedic in the Moore County EMS system.

Public safety director shall mean the person designated by the Moore County Board of Commissioners to manage the overall public safety division in Moore County.

First responder shall mean an organization with personnel trained in emergency medical care that is dispatched to the scene of a medical emergency for the primary purpose of providing emergency medical assistance to a patient until the ambulance and additional medical aid arrives.

Franchise shall mean a permit issued by the county to a person or entity for the operation of an ambulance service, rescue squad or first responder unit.

Franchisee means any person or entity having been issued a franchise by the county for the operation of an ambulance service.

License means any valid driver's license or permit to operate a motor vehicle issued under or granted by the laws of the state.

Medical director shall mean the physician appointed, either directly or by written delegation, by the county and have the responsibilities as provided by 10A North Carolina Administrative Code 13P.0403 and 10A North Carolina Administrative Code 13P.0404. The county may, in addition, appoint an assistant medical director. The medical director and the assistant medical director shall meet the criteria defined in the North Carolina College of Emergency Physicians: Standards of Medical Oversight and Data Collection, which is incorporated by reference in accordance with G.S. 150B-21.6, including subsequent amendments and editions.

Medical responder means an individual who has completed a training program in emergency medical care and first aid approved by the North Carolina Department of Health and Human Services, Office of Emergency Medical Services.

Nonemergency transportation services means the operation of an ambulance for any purpose other than transporting emergency patients.

Operation protocols shall mean the administrative policies and procedures of EMS that provides guidance for the day-to-day operations of the system.

Operator means a person in actual physical control of an ambulance which is in motion or which has the engine running.

Owner means any person or entity who owns an ambulance.

Patient means an individual who is sick, injured, wounded, or otherwise incapacitated or helpless such that the need for some medical assistance might be anticipated while being transported to or from a medical facility.

Practical examination means a test where an applicant for credentialing as an emergency medical technician, or medical responder, emergency medical technician - intermediate, or emergency medical technician - paramedic demonstrates the ability to perform specified emergency medical care skills.

Person means any individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose, or organization of any kind, including any governmental agency of the United States.

Rescue means a situation where the victim cannot escape an area through the normal exit or under his/her own ability.

Secondary ambulance provider means the system of personnel and equipment meeting the same criteria as a primary ambulance provider, but not normally dispatched on first call response.

Service shall mean the same as owner.

Treatment protocols shall mean a document approved by the medical director and the North Carolina Office of Emergency Medical Services specifying the diagnostic procedures, treatment procedures, medication administration, and patient-care-related policies that shall be completed by emergency service personnel based upon the assessment of the patient.

Victim shall mean any patient or potential patient that is entrapped, entangled, pinned, fallen, suspended, or otherwise in need of rescue services.
(Ord. of 1-19-16)

Sec. 6.5-38. Standards for personnel.

(a) Ambulance drivers and attendants shall comply with the standards for ambulance drivers and attendants as developed by the North Carolina Medical Care Commission as requirements for certification of emergency medical technicians pursuant to G.S. Article 7, Chapter 131E-158, and G.S. 143-53, and rules and regulations promulgated by the North Carolina Medical Care Commission and North Carolina Medical Board which are incorporated herein by reference.

(b) All personnel of emergency medical service providers shall be approved by the Moore County Emergency Medical Services Medical Director prior to providing medical care in Moore County. Each submission for approval shall be accompanied by the submission of a driver's license, criminal records history and letter outlining the applicant's credentials and training. The Moore County Department of Public Safety may designate a form to be used by applicants.

(c) All emergency service personnel shall adhere to the standards set by state law, regulations and the Moore County Medical Services, Emergency Medical Practice Protocols and any amendments thereto. A practical examination may be given on the Moore County Practice Protocols before permission is granted by the medical director to practice in Moore County.

(d) Emergency medical practice standards of care shall be reviewed by the emergency service peer review committee.
(Ord. of 1-19-16)

Sec. 6.5-39. Standards for vehicles and equipment.

Vehicle and equipment standards shall be as developed by the North Carolina Medical Care Commission pursuant to G.S. Article 7, Chapter 131E-157, and G.S. 143-56, and shall be applied and the same are incorporated herein by reference.
(Ord. of 1-19-16)

Sec. 6.5-40. Communications.

(a) Each ambulance vehicle shall be equipped with an operational two-way radio as provided by 10A North Carolina Administrative Code 13P.0207 through 10A North Carolina Administrative Code 13P.0213. This section shall not apply to privately owned vehicles of the members.

(b) Each provider shall maintain current authorizations or Federal Communication Commission licenses for all frequencies and radio transmitters operated by that provider. Copies of all authorizations and licenses shall be provided to the public safety department and on display and available for inspection per Federal Communication Commission's Rules and Regulations.

(c) Each base of operations must have at least one open telephone line. Telephone numbers must be registered with each law enforcement agency and the public safety communications center in Moore County.

(d) Each franchise shall be dispatched from the public safety communication center or an acceptable and approved alternative as long as they are in compliance with the terms of this chapter and their franchise agreement as determined by the public safety director.
(Ord. of 1-19-16)

Sec. 6.5-41. Insurance requirements.

No ambulance franchise shall be issued under this article, nor shall such franchise be valid after issuance, nor shall any ambulance be operated in the county unless the franchisee has at all times in force and in effect insurance coverage issued by an insurance company licensed to do business in the state, for each and every ambulance owned and/or operated by or for the ambulance service providing for the payment of damages:

(1) In the sum of $1,000,000.00 for injury to or death of individuals in accidents resulting from any cause for which the owner of said vehicle would be liable on account of liability imposed on him by law, regardless of whether the ambulance was being driven by the owner/operator of his agency; and, provided that greater insurance sums may be required by the state or the county.

(2) In the sum of $500,000.00 for the loss of or damage to the property of another, including personal property, under the circumstances, or such greater sums as may be required by the state or the county.

(3) In the sum of $100,000.00 for uninsured motorist.

(4) In the sum of not less than $1,000,000.00 for professional liability.
(Ord. of 1-19-16)

Sec. 6.5-42. Records.

(a) Each franchise shall maintain the following records:

(1) Records of dispatch shall show the time the call was received, time dispatched, time arrived on scene, time arrived at destination, time in service, and time returned to base.

(2) Trip record shall state all information required in subsection (a) in addition to information on a form approved by the county. The trip record shall be so designed as to provide the patient with a copy thereof containing all required information.

(3) Personnel checklist and inspection report shall list contents and description of operation for each vehicle, signed by the individual verifying vehicle operations and equipment.

(4) Any other records required by state law, rules or regulations or deemed by the department of public safety as relevant to the effective and efficient operations of the emergency management system.

(5) All of the records identified in (1) through (4) above shall be maintained for a minimum three-year period unless a longer retention period is otherwise required.

(6) Confidentiality of patient records. Each franchise shall maintain confidentiality of patient records as provided by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191, G.S. 143-518 and all other state and federal law.

(7) Each franchise shall submit a monthly report to the public safety director, or his/her designee, providing the number of calls and runs during the month. The report shall contain the number of emergency calls, the number of convalescent calls, the total number of calls and the total number of patients transported. This information shall be submitted in an approved electronic format.

(Ord. of 1-19-16)

Sec. 6.5-43. Rates and charges.

(a) Each franchisee who charges for services shall submit a schedule of rates to the county for approval and shall not charge more or less than the approved rates without specific approval by the board of commissioners.

(b) An ambulance service which charges for services shall not attempt to collect on emergency calls until the patient has reached the point of destination, has received medical attention, and is in a condition deemed by the physician fit to consult with the ambulance service, but such service may attempt to collect charges from family or guardian of the patient once the patient is in the process of receiving medical attention.

(c) On convalescent calls or calls where a person requires transportation to a non-emergency facility, attempts to collect payment may be made before the ambulance begins its trip.

(Ord. of 1-19-16)

Sec. 6.5-44. Enforcement.

(a) The office of the county manager shall be the enforcing agency for the regulations contained in this article. Such office will:

(1) Receive all franchise proposals from potential providers.

(2) Study each proposal for conformance to this article.

(3) Recommend to the board of commissioners the award of the franchises to the applicants submitting the most appropriate proposals.

(4) Recommend to the board of commissioners the temporary or permanent suspension of a franchise in the event of noncompliance with the franchise terms of this article; recommend the imposition of misdemeanor or civil penalties for noncompliance.

(5) Ensure by cooperative agreement with other ambulance services the continued service in a district where an ambulance service franchise has been suspended.

(6) Develop monthly reports from ambulance service records and consolidate the same into a quarterly summary for review by a county emergency services advisory committee.

(7) Receive complaints from the public, other enforcing agencies, and ambulance services regarding franchise infractions; review the complaints with the captain of the rescue squad or director of the ambulance service; follow-up to ensure that the appropriate action has been taken. If the infraction still persists, obtain corrective action.

(8) Recommend to the county improvements which will ensure better medical transportation.

(9) Maintain all records required by this article and other applicable county regulations.

(10) Perform the above functions as may be requested by any municipality within the county.

(11) Serve as staff to the county emergency services advisory committee on all matters that pertain to the committee.

(b) The North Carolina Office of Emergency Medical Services will inspect the premises, vehicles, equipment, and personnel of franchises to ensure compliance with state regulations.
(Ord. of 1-19-16)

Sec. 6.5-45. Emergency services peer review committee (quality assurance/improvement).

(a) In accordance with G.S. 131E-155(6b), the public safety director shall provide an emergency medical service peer review committee composed of emergency medical service program representatives responsible for analyzing patient care data and outcome measures to evaluate the ongoing quality of patient care, system performance, and medical direction within the EMS system.

(b) The committee shall include physicians, nurses, EMS personnel, medical facility personnel and county government staff as determined by the public safety director in consultation with the county medical director.

(c) Review of medical records by the emergency service peer review committee is confidential and protected under G.S. 143-518. An emergency service peer review committee, its members, proceedings, records and materials produced, and materials considered shall be afforded the same protection afforded the medical review committees, their members, proceedings, records, and materials under G.S. 131E-95.
(Ord. of 1-19-16)

Sec. 6.5-46. Franchise required.

(a) No person either as owner, agent, or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business or service of emergency and/or nonemergency transportation of patients within the county unless the person holds a valid permit for each ambulance used in such business or service issued by the North Carolina Department of Health and Human Services, Division of Human Resources, and the North Carolina Office of Emergency Medical Services, and has been granted a franchise for the operation of such business or service by the county.

(b) Every ambulance, except those specifically excluded from the operation of this section, when operated on an emergency mission in this state shall be occupied by at least one certified emergency medical technician who shall be responsible for the medical aspects of the mission prior to arrival at the hospital and assuming no other person of higher certification or license is available for the operation of the vehicle and rendering assistance to the emergency medical technician during the emergency mission.

(c) No franchise shall be required for:

(1) Any entity rendering assistance to a franchised ambulance service in the case of a major catastrophe, mutual aid or emergency with which the service franchised by the county, are insufficient or unable to cope.

(2) Any entity operated from a location or headquarters outside of the county in order to transport patients who are picked up beyond the limits of the county, to facilities located within the county, or to pick up patients within the county for transporting to locations outside the county.

(3) Ambulance owned and operated by an agency of the United States government.

(4) Vehicles owned and operated by rescue squads chartered by the state as nonprofit corporations or associations or by rescue squads authorized by G.S.160A-487 which are not regularly used to transport sick, injured, wounded, or otherwise incapacitated or helpless persons except as a part of rescue operations are excluded

(d) If a person is providing ambulance services in the county or any portion thereof, on the effective date of the adoption of the ordinance of January 19, 2016 the person is also entitled to a franchise to continue to service that part of the county in which the service is being provided. The board of commissioners shall determine whether the person so entitled for consideration for a franchise is in compliance with G.S. Article 7, Chapter 131E, and if that is the case, the board shall grant the franchise, if the firm has provided evidence of insurance.
(Ord. of 1-19-16)

Sec. 6.5-47. Application.

The county will receive application for ambulance services only when the need for services has been identified and procurement is made in accordance with Moore County's Purchasing Policy and Procedures which is governed by North Carolina General Statutes.

Application for a franchise to operate an ambulance in the county shall be made by the ambulance provider upon such forms as may be prepared or prescribed by the county and shall contain:

(1) The name and address of the ambulance provider and of the owner of ambulances.

(2) The trade or other fictitious names, if any, under which the applicant does business, along with a certified copy of an assumed name certificate stating such names or articles of incorporation stating such names.

(3) A résumé of the training and experience of the applicant in the transportation and care of patients.

(4) A full description of the type and level of service to be provided including the location of the place or places from which it intends to operate, the manner in which the public will be able to obtain assistance and how the vehicles will be dispatched; an audited financial statement of the applicant as the same pertains to the operations in the county with said financial statement to be provided in such form and detail as the county may require.

(5) A description of the applicant's capability to provide 24-hour coverage, seven days a week, for the districts covered by the franchise applied for, and an accurate estimate of the minimum and maximum times for a response to calls within such districts.

(6) Any such information the county shall deem reasonably necessary for a fair determination of the capability of the applicant to provide ambulance services in the county in accordance with requirements of state laws and the provision of this article.

(Ord. of 1-19-16)

Sec. 6.5-48. Granting of franchise.

(a) Prior to accepting applications for the operation of an ambulance service, the board of commissioners may designate specific service areas as franchise districts. Such districts will be established using criteria that include geographic size, road access, location of existing medical transportation services, population, and response time. The county shall have the authority to redistrict or rearrange existing districts at any time at its discretion.

(b) An applicant may apply for a franchise to operate either emergency transportation service or nonemergency transportation service or both. If both types of service are to be provided, separate applications must be filed.

(c) Upon receipt of an application for a franchise, the county shall schedule a time and place for hearing the applicant prior to an investigation. Within 30 days after such hearing, the county shall cause such investigation to be made of the applicant and his/her proposed operations, as the county may deem necessary.

(d) A franchise may be granted if the county finds that:

(1) The applicant meets state standards and standards outlined in this division;

(2) A need exists for the proposed service in order to improve the level of ambulance services available to residents of the county and that this is a reasonable and cost effective manner of meeting the need. Where a franchise is to be issued to an existing service, the county must find that there will be a need to maintain the existing level of service.

(e) Each franchised ambulance service, its equipment, the premises designated in the application, and all records relating to its maintenance and operation shall be open to inspection by the state.
(Ord. of 1-19-16)

Sec. 6.5-49. Term.

(a) The county may issue a franchise under this division to an ambulance provider. Either party, at its option, may terminate the franchise upon 120 days' prior written notice to the other party. After a notice of service termination is given, the ambulance provider may reapply for a franchise if continued service is desired.

(b) Upon suspension, revocation, or termination of a franchise granted hereby, such franchised ambulance service immediately shall cease operations. Upon suspension, revocation, or termination of a driver's license or attendant's certificate or emergency medical technician certificate, such persons shall cease to drive an ambulance or provide medical care in conjunction with an ambulance service, or attend an ambulance or provide medical care in conjunction with the ambulance service.

(c) Each franchised ambulance service shall comply at all times with all standards and regulations and the requirements of this article, the franchise granted hereby, and all applicable state and local laws relating to health, sanitation, safety, equipment, and ambulance design and all other laws and ordinances.

(d) Prior approval of the county shall be required where ownership or control of more than ten percent of the right of control of franchisee is acquired by a person or group of persons acting in concert, none of whom own or control ten percent or more of such right of control, singularly or collectively, at the date of the franchise. By its acceptance of the franchise, the franchisee specifically agrees that any such acquisition occurring without prior approval of the county shall constitute a violation of the franchise by the franchisee and shall be cause for termination at the option of the county.

(e) Upon any changes of ownership of a franchised ambulance service without prior approval of the county, the county has the option to terminate the franchise. No franchise may be sold, assigned, mortgaged, or otherwise transferred without the prior approval of the county. The county shall have the option to terminate the franchise, in either case, requiring a new application to be submitted, and a finding of conformance with all requirements of this article as upon original franchising.
(Ord. of 1-19-16)

Chapter 6.75

FARMLAND PROTECTION

Article I. In General

Secs. 6.75-1—6.75-25. Reserved.

Article II. Farmland Protection Program

Sec. 6.75-26. Title.
Sec. 6.75-27. Authority.
Sec. 6.75-28. Purpose.
Sec. 6.75-29. Definitions.
Sec. 6.75-30. Agricultural advisory board.
Sec. 6.75-31. Creation of voluntary agricultural districts (VADs).
Sec. 6.75-32. Qualifications and certification of farmland.
Sec. 6.75-33. Application, approval and appeal procedure.
Sec. 6.75-34. Revocation of conservation agreement.
Sec. 6.75-35. Public hearings.
Sec. 6.75-36. Public notice.
Sec. 6.75-37. Subdivision ordinance and zoning ordinance review.
Sec. 6.75-38. Reserved.
Sec. 6.75-39. County land-use planning.
Sec. 6.75-40. Consultation authority.
Sec. 6.75-41. North Carolina agency notification.
Sec. 6.75-42. Legal provisions.

ARTICLE I. IN GENERAL

Secs. 6.75-1—6.75-25. Reserved.

ARTICLE II. FARMLAND PROTECTION PROGRAM*

Sec. 6.75-26. Title.

An ordinance of the Board of County Commissioners of Moore County, North Carolina, entitled "Voluntary Forestry, Open Land and Farmland Protection Program Ordinance" [is hereby set out in this article].
(Ord. of 7-19-16)

Sec. 6.75-27. Authority.

The articles and sections of this article are adopted pursuant to the authority conferred by G.S. 106-735 through 106-743; and G.S. ch. 153A.
(Ord. of 7-19-16)

Sec. 6.75-28. Purpose.

The purpose of this article is to promote agricultural values and the general welfare of the county and more specifically, increase identity and pride in the agricultural community and its way of life; encourage the economic and financial health of agriculture; and increase protection from non-farm development and other negative impacts on properly managed farms and properties.

This article establishes a voluntary agricultural district program that provides the following benefits for participating farmers and other county residents:

The program preserves and maintains agriculture, horticulture, silviculture, or open land areas within the county;

The program informs non-farming neighbors and potential land purchasers that the participating farm may emit noise, dust and smells (a feature which may assist in avoiding conflicts between neighbors and potential nuisance claims);

The program gives the farming community a better voice in Moore County Commissioners' decisions affecting farmland;

Landowner participation in the program is voluntary and the farmer may terminate his/her participation at any time;

The program requires the Moore County Commissioners to use agriculture, horticulture, silviculture or open land areas as "a last resort" if they are attempting to condemn county lands;

***Editor's note—**An ordinance adopted July 19, 2016, amended art. II in its entirety to read as herein set out. Former art. II pertained to the same subject manner and derived from ordinance adopted August 21, 2006; and June 5, 2012.

The program would protect greenspace and natural resources as the county's population increases and development expands;

The program maintains opportunities to produce locally grown food and fiber.
(Ord. of 7-19-16)

Sec. 6.75-29. Definitions.

The following are defined for purposes of this article:

Advisory board means the Moore County Agricultural Advisory Board.

Chairman means the chairman of the Moore County Agricultural Advisory Board.

District means voluntary agricultural district as established by this article.

Board of commissioners means the Moore County Board of Commissioners.
(Ord. of 7-19-16)

Sec. 6.75-30. Agricultural advisory board.

(a) *Creation.* The board of commissioners establishes the Moore County Agricultural Advisory Board to implement the provisions of this program.

(b) *Appointments and membership.* The agricultural advisory board shall consist of seven members appointed by the Moore County Board of Commissioners. The board of commissioners may expand the agricultural advisory board if the need arises.

(1) *Requirements.*

a. Each board member shall be a county resident and registered to vote in Moore County.

b. The seven board members shall be selected for appointment by the board of commissioners from the names of individuals submitted to the board of commissioners by the agricultural advisory board, or by application.

(2) *Tenure.* The members are to serve for terms of three years, with a maximum of six consecutive years. Thereafter, any member must be off of the board for at least one year before being reappointed.

(3) *Vacancies.* Any vacancy on the agricultural advisory board is to be filled by the board of commissioners for the remainder of the unexpired term.

(4) *Removal for cause.* Any member of the agricultural advisory board may be removed for cause by the board of commissioners.

(c) *Advisory board procedures.*

(1) *Chairman and vice-chairman.* The advisory board shall elect a chairman and vice-chairman each year at its first meeting of the fiscal year. The chairman shall preside over all regular or special meetings of the advisory board. In the absence or disability of the chairman, the vice-chairman shall preside and shall exercise all the powers of the chairman. Additional officers may be elected as needed.

(2) *Jurisdiction.* The advisory board may adopt rules of procedure consistent with this article or with other provisions of state law.

(3) *Advisory board year.* The advisory board shall adopt the Moore County fiscal year as its meeting year.

(4) *Meetings.* Meetings of the advisory board shall be held pursuant to the meeting schedule adopted by the advisory board, or at the call of the chairman and at such other times as the advisory board may specify in its rules of procedure. A meeting shall be held at least quarterly, and in no case more than 90 days since the previous meeting. Notice of any meetings should be in writing unless otherwise agreed to by alt advisory board members. Meetings shall follow open meetings law. Agenda item preparation and public notice shall be the responsibility of the staff of the soil and water conservation district who performs those duties at the pleasure of the chairman of the advisory board. An annual schedule of meetings shall be adopted at the final meeting of each calendar year.

(5) *Majority vote.* All issues shall be decided by majority vote of the members of the advisory board present at any meeting.

(6) *Records.* The advisory board shall keep minutes of the proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall keep records of the official actions, which shall be filed in the office of the advisory board, and shall be public record.

(d) *Duties.* The advisory board shall:

(1) Review and approve or disapprove applications for compliance with the ordinance for membership in a voluntary agricultural district (hereafter VAD) and make recommendations concerning the establishment and modification of any VAD.

(2) Conduct public hearings.

(3} Advise the board of commissioners on projects, programs or issues affecting the agricultural economy or activities within the county which may affect agricultural districts.

(4) Review and make recommendations concerning proposed amendments to this article.

(5) Study additional methods of farmland protection and make recommendations to the board of commissioners,

(6) Perform other agricultural related tasks or duties assigned by the board of commissioners.

(7) At the request of the board of commissioners, the advisory board shall produce a written report to the board of commissioners that shall include the status, progress and activities of the county's VAD program.

(8) Advisory board members hold their positions for the benefit of the general public and Moore County. Conflicts may arise in situations in which an advisory board member's duty to act in the public interest conflicts with a potential desire to advance his/her own interest. These conflicts of interest may Include financial, associative, and personal bias. Each member

shall disclose any conflict of interest and refrain from taking part in discussing or voting on such matters, if his/her situation might reasonably call into question the impartiality or fairness of such discussions.

(Ord. of 7-19-16)

Sec. 6.75-31. Creation of voluntary agricultural districts (VADs).

(a) *Implementation.* In order to implement the purposes stated in this article, this program provides for the creation of VADS which meet the following standards:

(1) The district, when initially established, shall contain the minimum amount of land required for taxation based on farm use evaluation, which is: Five acres for horticultural use; ten acres for agricultural use; and 20 acres for forestry use,

(2) The landowner(s) requesting inclusion in the VAD shall execute an agreement with the county to sustain agriculture in the VAD in accordance with subsection "qualifications and certification of farmland" of this program. Said agreement shall be in a form which is reviewed and approved by the advisory board.

(b) *Purpose.* The purpose of this section Is to help meet the needs of agriculture as an industry and prevent conflicts between VAD participants and non-farm landowners in proximity to said districts.

(c) *Procedure of notification.* The advisory board, in cooperation with the county, shall provide notification to property owners, residents and other interested persons within one-half mile and adjacent to any designated VAD. See G.S. 106-741(a). The purpose of such notification is to inform current and potential residents and property owners in and adjacent to a VAD that farming and agricultural activities may take place In this district any time during the day or night. These activities may include, but are not limited to, the following: Pesticide spraying, manure spreading, machinery, truck or tractor operations, livestock operations, sawing, and similar activities.

(1) *Types of notification.*

a. Signs identifying approved agricultural districts shall be placed on private property adjacent to major roads adjoining the VAD In such a manner so that current and potential residents and property owners are made aware that farming and agricultural activities may occur at any time. Specific location of the signs, including the number of signs necessary to provide adequate notice of the specific district, shall be approved by the county planning director.

b. Maps identifying approved VADS shall be provided to the register of deeds office, the soil and water conservation district office, the cooperative extension office, the farm service agency, the natural resources conservation service, the Moore County Planning Department, and county GIS.

c. The following notice shall be made available to everyone recording a deed or plat with the register of deeds:

"NOTICE TO REAL ESTATE PURCHASERS IN MOORE COUNTY MOORE COUNTY AGRICULTURAL DISTRICTS

Moore County has established Agricultural Districts to protect and preserve agricultural lands and activities. These districts have been developed and mapped by the County to Inform all purchasers of real property that certain agricultural activities including, but not limited to, pesticide spraying, manure spreading, machinery, tractor or truck operations, livestock operations, sawing and similar activities may take place in those districts. This map may be obtained from the Register of Deeds Office, Soil and Water Conservation District Office, Cooperative Extension Office, Farm Service Agency, the Natural Resources Conservation Service, and the Moore County Planning Department."

(Ord. of 7-19-16)

Sec. 6.75-32. Qualifications and certification of farmland.

Requirements. In order for farmland to qualify for inclusion in a VAD to participate under the terms of this program. It shall meet the following requirements;

(1) The farmland shall be real property.

(2) The farmland must be engaged in agriculture as that word is defined in G.S. 106-581.1 which includes:

a. The cultivation of soil for production and harvesting of crops, including, but not limited to fruits, vegetables, sod, flowers and ornamental plants;

b. The planting and production of trees and timber;

c. Dairying and the raising, management, care, and training of livestock, including horses, bees, poultry, and other animals for individual and public use, consumption, and marketing;

d. Aquaculture, as defined in G.S. 106-758;

e. The operation, management, conservation, improvement, and maintenance of a farm and the structures and buildings on the farm, including building and structure repair, replacement, expansion, and construction incident to the farming operation;

f. When performed on the farm "agriculture," "agricultural," and "farming" also include the marketing and selling of agricultural products, agritourlsm, the storage and use of materials for agricultural purposes, packing, treating, processing, sorting, storage and other activities performed to add value to crops, livestock, and agricultural items produced on the farm, and similar activities incident to the operation of a farm;

g. A public or private grain warehouse or warehouse operation where grain is held ten days or longer and includes, but is not limited to, all buildings, elevators, equipment, and warehouses consisting of one or more warehouse sections and considered a single delivery point with the capability to receive, load out, weigh, dry, and store grain. (1991, c,81, s. 1; 2005-390, s. 18; 2006-255, s. 6; 2013-347, s. 2.)

(3) The farmland must be managed in accordance with the natural resource conservation service defined erosion control practices that are addressed to highly erodible land.

(4) The farmland must be the subject of a conservation agreement, as defined in G.S. 121-35, between the county and the owner of such land that prohibits nonfarm use or development of such land for a period of at least ten years, except for the creation of not more than three lots that meet applicable county and municipal zoning and subdivision regulations.

(5) A conservation agreement entered into for the purpose of enrolling real property in a voluntary agricultural district pursuant to this article and G.S. 106-737(4) shall be recorded by the Moore County Register of Deeds.

(Ord. of 7-19-16)

Sec. 6.75-33. Application, approval and appeal procedure.

(1) *Application procedure.*

(a) A landowner may apply to participate in the program by making application to the chairman of the advisory board or a designated staff person. The application shall be on forms provided by the advisory board. The application to participate in a VAD may be filed with the certification for qualifying farmland.

(b) An agreement to sustain, encourage, and promote agriculture must be executed by the landowner and recorded with the advisory board.

(2) *Approval process.* Upon submission of the application to the advisory board, the advisory board shall meet within 90 days to approve or disapprove the application. The chairman shall notify the applicant by first class mail of approval or disapproval of participation in the VAD. Upon receipt of an application, the chairman shall forward copies immediately to the Moore County Soil and Water Conservation District which shall review, complete and return their copies to the chairman within 30 days of receipt.

(3) *Appeal.* If an application is denied by the advisory board, the applicant has 30 days within which to appeal the decision to the board of commissioners. Such appeal shall be presented in writing. The decision of the board of commissioner shall be final.

(Ord. of 7-19-16)

Sec. 6.75-34. Revocation of conservation agreement.

By written notice to the advisory board, a landowner of qualifying farmland may revoke the conservation agreement, or the advisory board may revoke the conservation agreement based upon noncompliance by the landowner subject to the same provisions as contained in section [6.75-33,] "application, approval and appeal procedure" for appealing denials of applications. Such revocation shall result in loss of qualifying farm status and loss of eligibility to participate in a VAD. The process will be completed within 30 days of receipt of written notification. The planning board and the register of deeds shall be notified of any revocation.

(Ord. of 7-19-16)

Sec. 6.75-35. Public hearings.

(1) *Purpose.* Pursuant to G.S. 106-740. which provides that no state or local public agency or governmental unit may formally initiate any action to condemn any interest in a VAD until such agency or unit has requested the advisory board to hold a public hearing on the proposed condemnation. This article provides for such a hearing.

(2) *Procedure.*

(a) Upon receiving a request, the advisory board shall publish notice describing the proposed action in a newspaper of general circulation In Moore County within five business days of the request, and will in the same notice notify the public of a public hearing on the proposed condemnation to be held within 30 business days of receipt of the request.

(b) The advisory board shall meet to review:

1. Whether the need for the project has been satisfactorily established by the agency or unit of government involved, Including a review of any fiscal impact analysis conducted by the agency involved;

2. Alternatives to the proposed action that have less impact and are less disruptive to the agricultural activities of the district within which the proposed action is to take place.

(c) The advisory board shall consult with the cooperative extension agent, Moore County Forest Service, USDA-NRCS District Conservationist, the Moore County Farm Bureau and my consult with any other individuals, agencies or organizations deemed by the advisory board to be necessary for its review of the proposed action. Land value will not be a factor in the selection between properties under consideration for the proposed action.

(d) Within ten business days after the public hearings, the advisory board shall make a report containing its findings and recommendations regarding the proposed action. The report shall be made available to the public for comment prior to its being conveyed to the decision-making body of the agency proposing acquisition.

(e) Pursuant to G.S. 106-740(3}, the board of commissioners shall not permit any formal initiation of condemnation by local a agencies while the proposed condemnation is properly before the advisory board within these time limitations.

(Ord. of 7-19-16)

Sec. 6.75-36. Public notice.

(1) *Procedure.* Pursuant to G.S. 106-741(a), upon certification of qualifying farmland and designation of real property as a VAD, the Moore County Land Records System shall be changed to include a notice reasonably calculated to alert a person researching the title of a particular tract that such a tract Is located within one-half mile of a poultry, swine, or dairy qualifying farm or within 600 feet of any other qualifying farm or within one-half mile of a voluntary agricultural district.

(2) *Limit of liability.* Pursuant to G.S. I06-74i(b), in no event shall the county or any of its officers, employees, or agents be held liable in damages for any misfeasance, malfeasance, or nonfeasance occurring in good faith in connection with the duties or obligations imposed by this article.

(3) *No cause of action.* Pursuant to G.S, 106-741(c), In no event shall any cause of action arise out of the failure of a person researching the title of a particular tract to report to any person the proximity of the tract to a qualifying farm or VAD as defined in this article.
(Ord. of 7-19-16)

Sec. 6.75-37. Subdivision ordinance and zoning ordinance review.

Developers of major subdivision or planned unit developments shall designate on preliminary and final site developments plans, the existence of the VADs within one-half mile of the proposed development.
(Ord. of 7-19-16)

Sec. 6.75-38. Reserved.

Sec. 6.75-39. County land-use planning.

(1) *Signed registration.* Moore County shall require persons applying for a building permit or persons registering a deed to sign the following statement, a record of which shall be maintained at the office of the planning department:

> "I certify that I have reviewed the most current Moore County Agricultural Districting Map found in the Register of Deeds and/or Planning Office. I have noted the proximity of Agricultural District Boundaries to my property. I understand that activities such as pesticide spraying, manure spreading, machine operation, livestock operations and or other common farming activities may occur at any time in these areas."

(Ord. of 7-19-16)

Sec. 6.75-40. Consultation authority.

The advisory board may consult with the cooperative extension office, the Moore County Soil and Water Conservation Office, the natural resources conservation service, the forestry service, the Moore County Farm Bureau, the North Carolina Farm Bureau, and any other such agency the advisory board deems necessary to properly conduct its business.
(Ord. of 7-19-16)

Sec. 6.75-41. North Carolina agency notification.

(1) *Record annually with the department of agriculture.* A record of this article shall be recorded with the office of the North Carolina Commissioner of Agriculture after adoption and after any amendment or modification. At least once per year the office of the advisory board shall submit a written report to the commissioner of agriculture concerning the status, progress and activities of the county's farmland protection program including the VAD information regarding the following:

(a) Number of landowners enrolled;

(b) Number of acres for which applications are pending;

(c) Date and number of acres certified or de certified; and

(d) Number of acres denied.
(Ord. of 7-19-16)

Sec. 6.75-42. Legal provisions.

(1) *Severability.* If any section, subsection, clause, phrase or portion of this article is for any reason determined to be invalid or unconstitutional as determined by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this article.

(2) *Conflict with other ordinances and statutes.* Whenever the provisions of this article conflict with other ordinances of Moore County, those ordinances shall govern. Whenever the provisions of any federal or state statute require more restrictive provisions than are required by this article, the provisions of such statute shall govern.

(3) *Amendments.* This article may be amended from time to time upon recommendation by the advisory board to the board of commissioners. Upon receipt from the advisory board of a recommended amendment, the board of commissioners shall conduct a public hearing to consider the amendment. Any amendment(s) shall be filed with the commissioner of agriculture upon adoption pursuant to G.S. 106-743. See also section [6.75-41,] "North Carolina agency notification."
(Ord. of 7-19-16)

Chapter 7

RESERVED*

***Editor's note—**Per the county's instruction, Ch. 7, which pertained to flood damage prevention and control, and derived from an ordinance adopted Nov. 27, 1989 as amended on Aug. 7, 2006, has been removed.

Provisions pertaining to flood damage prevention and control have been incorporated into the Unified Development Ordinance which is on file with the county.

Chapter 8

HEALTH AND SANITATION*

Article I. In General

Secs. 8-1—8-25. Reserved.

Article II. Ambulance and Other Prehospital Emergency Medical Services

Division 1. Generally

Sec. 8-26. Definitions.
Sec. 8-27. Drivers and attendants.
Sec. 8-28. Vehicles and equipment.
Sec. 8-29. Communications.
Sec. 8-30. Insurance requirements.
Sec. 8-31. Records.
Sec. 8-32. Rates and charges.
Sec. 8-33. Enforcement.
Sec. 8-34. Addendum to article.
Secs. 8-35—8-50. Reserved.

Division 2. Franchise

Sec. 8-51. Required; exemptions.
Sec. 8-52. Application.
Sec. 8-53. Granting of franchise.
Sec. 8-54. Term.
Secs. 8-55—8-75. Reserved.

Article III. Hazardous Waste And/Or Low-Level Radioactive Waste Management

Division 1. Generally

Sec. 8-76. Title.
Sec. 8-77. Purpose.
Sec. 8-78. Definitions.
Sec. 8-79. Monitoring and safety.
Sec. 8-80. Operation.
Sec. 8-81. Privilege license tax.
Sec. 8-82. Waste clean-up fund.
Sec. 8-83. Enforcement.
Sec. 8-84. Liability.
Secs. 8-85—8-100. Reserved.

***Cross references—**Animal control, Ch. 4; plumbing, § 5-151 et seq.; sewers and sewage disposal, § 13-26 et seq.

Division 2. Board

Sec. 8-101. Formation; composition.
Sec. 8-102. Terms.
Sec. 8-103. Chairperson.
Sec. 8-104. Meetings; quorum.
Sec. 8-105. Functions and powers.
Sec. 8-106. Compensation.
Secs. 8-107—8-125. Reserved.

Division 3. Permit

Sec. 8-126. Required.
Sec. 8-127. Application—Generally.
Sec. 8-128. Same—Procedure.
Sec. 8-129. Fees.
Sec. 8-130. Conditions.
Sec. 8-131. Revocation.
Secs. 8-132—8-150. Reserved.

Article IV. Solid Waste

Division 1. Generally

Sec. 8-151. Purpose.
Sec. 8-152. Authority.
Sec. 8-153. Scope.
Sec. 8-154. Definitions.
Sec. 8-155. Storage.
Sec. 8-156. Collection.
Sec. 8-157. Transportation.
Sec. 8-158. Disposal.
Sec. 8-159. Reserved.
Sec. 8-160. Collector permits—Required; exemptions.
Sec. 8-161. Same—Revocation.
Sec. 8-162. Enforcement.
Sec. 8-163. Penalties.
Secs. 8-164—8-170. Reserved.

Division 2. Solid Waste Container Regulations

Subdivision I. In General

Sec. 8-171. Title.
Sec. 8-172. Preamble.
Sec. 8-173. Purpose.
Sec. 8-174. Authority.
Sec. 8-175. Jurisdiction.
Sec. 8-176. Definitions.
Sec. 8-177. Penalties.
Secs. 8-178—8-180. Reserved.

Subdivision II. Use of Container Sites

Sec. 8-181. Residential waste.
Sec. 8-182. Unacceptable materials.
Sec. 8-183. Fire prevention.
Sec. 8-184. Scavenging.
Sec. 8-185. Loitering.
Sec. 8-186. Littering.
Secs. 8-187—8-200. Reserved.

Article V. Land Clearing and Inert Debris Landfills

Division 1. Title

Sec. 8-201. Title.
Secs. 8-202—8-210. Reserved.

Division 2. General Provisions, Administration and Enforcement

Sec. 8-211. Definition of land clearing and inert debris landfill.
Sec. 8-212. Exemptions.
Sec. 8-213. Administration.
Sec. 8-214. Penalties for violations.
Sec. 8-215. Fees.
Secs. 8-216—8-220. Reserved.

Division 3. Land Clearing and Inert Debris Landfills

Sec. 8-221. Size.
Sec. 8-222. Access.
Sec. 8-223. Buffer.
Secs. 8-224—8-230. Reserved.

Division 4. Procedure for Securing Approval of a Land Clearing and Inert Debris Landfill

Sec. 8-231. Land clearing and inert debris landfill permit application procedure.
Sec. 8-232. Review of the proposed landfill plan.
Sec. 8-233. Issuance of compliance or permit.
Secs. 8-234—8-240. Reserved.

Division 5. Other Legal Provisions

Sec. 8-241. Jurisdiction.
Sec. 8-242. Severability.
Sec. 8-243. Amendments.
Sec. 8-244. Abrogation and conflicting regulations.
Sec. 8-245. Effective date.
Secs. 8-246—8-275. Reserved.

Article VI. Mining Regulations

Division 1. Purpose and Intent

Sec. 8-276. Purpose.
Sec. 8-277. Title.
Secs. 8-278—8-280. Reserved.

Division 2. General Provisions and Administration

Sec. 8-284. Jurisdiction.
Sec. 8-182. Definition of mine or mining operation.
Sec. 8-283. Size.
Sec. 8-284. Administration.
Sec. 8-285. Fees.
Secs. 8-286—8-300. Reserved.

Division 3. Procedure for Securing Approval for a Mine or Mining Operation

Sec. 8-301. Mining special use permit application procedure.
Sec. 8-302. Access.
Sec. 8-303. Buffer.
Secs. 8-304—8-310. Reserved.

Division 4. Procedure for Reviewing A Mining Application and Issuance of A Permit

Sec. 8-311. Review of the proposed mining application.
Sec. 8-312. Issuance of permit.
Secs. 8-313—8-320. Reserved.

Division 5. Enforcement and Other Legal Provisions

Sec. 8-321. Penalties for violations.
Sec. 8-322. Separability.
Sec. 8-323. Amendments.
Sec. 8-324. Abrogation and conflicting regulations.
Sec. 8-325. Zoning.
Sec. 8-326. Effective date.
Secs. 8-327—8-350. Reserved.

Article VII. Water Conservation

Sec. 8-351. Water Shortage Response Plan—Addor.
Sec. 8-352. Same—The Carolina.
Sec. 8-353. Same—High Falls.
Sec. 8-354. Same—Hyland Hills/Niagara.
Sec. 8-355. Same—Pinehurst.
Sec. 8-356. Same—Robbins.
Sec. 8-357. Same—Seven Lakes
Sec. 8-358. Same—Vass.

ARTICLE I. IN GENERAL

Secs. 8-1—8-25. Reserved.

ARTICLE II. AMBULANCE AND OTHER PREHOSPITAL EMERGENCY MEDICAL SERVICES*

DIVISION 1. GENERALLY

Sec. 8-26. 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:

Ambulance means any privately or publicly owned motor vehicle, aircraft, or vessel that is specially designed, constructed, or modified and equipped and is intended to be used for and is maintained or operated for the transportation on the streets or highways, waterways or airways of this state for persons who are sick, injured, wounded or otherwise incapacitated or helpless.

State law reference—Similar provisions, G.S. 131E-155(1).

Ambulance attendant means an individual who has completed a training program in emergency medical care and first aid approved by the state's department of human resources, office of emergency medical services.

State law reference—Similar provisions, G.S. 131E-155(2).

Ambulance provider means an individual, firm, corporation or association who engages or professes to engage in the business or service of transporting patients in an ambulance.

Approved means approved by the state's medical care commission pursuant to its rules and regulations promulgated under section 143B-165 of the general statutes.

Committee means the county emergency services advisory committee.

County refers to the board of commissioners or its designated representative.

Dispatcher means a person who is available at all times to receive requests for emergency services, to dispatch emergency services, and to advise fire departments, law enforcement agencies and emergency medical facilities of any existing or threatened emergency.

***State law references—**Lights on ambulances, G.S. 20-130(d); speed limit as to ambulances, G.S. 20-145; yielding right-of-way to ambulances, G.S. 20-156; approach of ambulances, G.S. 20-157; ambulance services in fire protection districts, G.S. 153A-309; authority of counties to franchise ambulance services, G.S. 153A-250; making false ambulance request, G.S. 14-286.1; regulation of ambulance services, G.S. 131E-155 et seq.; emergency medical services, G.S. 143-507 et seq.; liens for ambulance service, G.S. 44-51.1 et seq.

Emergency and *emergency transportation service* mean the use of an ambulance, the equipment and personnel to provide medical care transportation of a patient who is in need of immediate medical treatment in order to prevent loss of life or further aggravation of physiological or psychological illness or injury.

Emergency medical technician (EMT) means an individual who has completed a training program in emergency medical care at least equal to the National Standard Training Program for emergency medical technicians as defined by the United States Department of Transportation and has been certified as an emergency medical technician by the state department of human resources, office of emergency medical services.

State law reference—Similar provisions, G.S. 131E-155(5).

First responder means an organization with personnel trained in emergency medical care that is dispatched to the scene of a medical emergency for the primary purpose of providing emergency medical assistance to a patient until the ambulance and additional medical aid arrives.

Franchisee means any person having been issued a franchise by the county for the operation of an ambulance service.

License means any valid driver's license or permit to operate a motor vehicle issued under or granted by the laws of the state.

Nonemergency transportation services means the operation of an ambulance for any purpose other than transporting emergency patients.

Operator means a person in actual physical control of an ambulance which is in motion or which has the engine running.

Owner means any person or entity who owns an ambulance.

Patient means an individual who is sick, injured, wounded, or otherwise incapacitated or helpless such that the need for some medical assistance might be anticipated while being transported to or from a medical facility.

State law reference—Similar provisions, G.S. 131E-155(6).

Person means any individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose, or organization of any kind, including any governmental agency of the United States.

Rescue means a situation where the victim cannot escape an area through the normal exit or under his own ability.

Secondary ambulance provider means the system of personnel and equipment meeting the same criteria as a primary ambulance provider, but not normally dispatched on first call response. (Ord. of 12-19-88, § I)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 8-27. Drivers and attendants.

Standards for drivers and attendants shall be as developed by the state medical care commission as required for certification of ambulance attendants and emergency medical technicians pursuant to article 7, chapter 131E-158, and article 56, chapter 143, of the general statutes, and shall be applied to the same as incorporated hereby in reference.
(Ord. of 12-19-88, § VI)

Sec. 8-28. Vehicles and equipment.

Vehicle and equipment standards shall be as developed by the state medical care commission pursuant to article 7, chapter 131E-157, and article 56, chapter 143, of the general statutes, and shall be applied and the same are incorporated herein by reference.
(Ord. of 12-19-88, § VII)

Sec. 8-29. Communications.

(a) Each ambulance vehicle shall be equipped with an operational two-way radio capable of establishing good quality voice communications from within the geographic confines of the county to each hospital department in the county in which the ambulance is based and to the emergency communications center. Each ambulance vehicle shall be equipped with two-way radio communications capabilities compatible with all hospital emergency departments to which transportation of patients is made on a regular or routine basis anywhere within the state.

(b) Each ambulance provider shall maintain current authorizations of Federal Communications Commission licenses for all frequencies and radio transmitters operated by that provider. Copies of all authorizations and licenses shall be on display and available for inspection pursuant to Federal Communications Commission's rules and regulations.

(c) Each ambulance provider, at its base of operation, must have at least one operative telephone line. Telephone numbers must be registered with each law enforcement agency and communications center in the county.

(d) Each ambulance may be dispatched from the County Emergency Communications Center or other communications centers within the county in which dispatch capabilities are provided. The ambulance operator shall notify the Emergency Communications Center of this dispatch and availability on call.
(Ord. of 12-19-88, § VIII)

Sec. 8-30. Insurance requirements.

No ambulance franchise shall be issued under this article, nor shall such franchise be valid after issuance, nor shall any ambulance be operated in the county unless the franchisee has at all times

in force and effect insurance coverage issued by an insurance company licensed to do business in the state, for each and every ambulance owner and/or operated by or for the ambulance service providing for the payment of damages:

(1) In the sum of $1,000,000.00 for injury to or death of individuals in accidents resulting from any cause for which the owner of said vehicle would be liable on account of liability imposed on him by law, regardless of whether the ambulance was being driven by the owner/operator of his agency; and, provided that greater insurance sums may be required by the state or the county.

(2) In the sum of $500,000.00 for the loss of or damage to the property of another, including personal property, under the circumstances, or such greater sums as may be required by the state or the county.

(3) In the sum of $100,000.00 for uninsured motorist.

(4) In the sum of not less than $1,000,000.00 for professional liability.

(Ord. of 12-19-88, § IX)

Sec. 8-31. Records.

Each franchisee under division 2 of this article shall complete and maintain copies of the current state office of emergency medical service ambulance call report for each and every emergency call dispatched.

(Ord. of 12-19-88, § X)

Sec. 8-32. Rates and charges.

(a) Each franchisee who charges for services shall submit a schedule of rates to the county for approval and shall not charge more nor less than the approved rates without specific approval by the board of commissioners.

(b) An ambulance service which charges for services shall not attempt to collect on emergency calls until the patient has reached the point of destination, has received medical attention, and is in a condition deemed by the physician fit to consult with the ambulance service, but such service may attempt to collect charges from family or guardian of the patient once the patient is in the process of receiving medical attention.

(c) Request for collection may be made prior to transporting nonemergency patients to a nonemergency facility.

(Ord. of 12-19-88, § XI)

Sec. 8-33. Enforcement.

(a) The office of the county manager shall be the enforcing agency for the regulations contained in this article. Such office will:

(1) Receive all franchise proposals from potential providers;

(2) Study each proposal for conformance to this article;

(3) Recommend to the board of commissioners the award of the franchises to the applicants submitting the most appropriate proposals;

(4) Recommend to the board of commissioners the temporary or permanent suspension of a franchise in the event of noncompliance with the franchise terms of this article. Recommend the imposition of misdemeanor or civil penalties for noncompliance;

(5) Ensure by cooperative agreement with other ambulance services the continued service in a district where an ambulance service franchise has been suspended;

(6) Develop monthly reports from ambulance service records and consolidate the same into a quarterly summary for review by a county emergency services advisory committee;

(7) Receive complaints from the public, other enforcing agencies, and ambulance services regarding franchise infractions. Review the complaints with the captain of the rescue squad or director of the ambulance service. Follow-up to ensure that the appropriate action has been taken. If the infraction still persists, obtain corrective action;

(8) Recommend improvements to the county which will ensure better medical transportation;

(9) Maintain all records required by this article and other applicable county regulations;

(10) Perform the above functions as may be requested by any municipality within the county;

(11) Serve as staff to the county emergency services advisory committee on all matters that pertain to the committee.

(b) The state office of emergency medical services will inspect the premises, vehicles, equipment, and personnel of franchises to ensure compliance with state regulations.
(Ord. of 12-19-88, § XII)

Sec. 8-34. Addendum to article.

The county board of commissioners may, through appropriate actions, amend or expand this article.
(Ord. of 12-19-88, § XIII)

Secs. 8-35—8-50. Reserved.

DIVISION 2. FRANCHISE

Sec. 8-51. Required; exemptions.

(a) No person either as owner, agent, or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business or service of emergency and/or nonemergency transportation of patients within the county unless the person holds a valid permit for each ambulance used in such business or service issued by the state department of human resources, office of emergency medical services, and has been granted a franchise for the operation of such business or service by the county.

(b) Every ambulance, except those specifically excluded from the operation of this section, when operated on an emergency mission in this state shall be occupied by at least one certified emergency medical technician who shall be responsible for the medical aspects of the mission prior to arrival at the hospital and assuming no other person of higher certification or license is available for the operation of the vehicle and rendering assistance to the emergency medical technician during the emergency mission.

(c) No franchise shall be required for:

(1) Any entity rendering assistance to a franchised ambulance service in the case of a major catastrophe, mutual aid or emergency with which the service franchised by the county are insufficient or unable to cope;

(2) Any entity operated from a location or headquarters outside of the county in order to transport patients who are picked up beyond the limits of the county, to facilities located within the county, or to pick up patients within the county for transporting to locations outside the county;

(3) Ambulance owned and operated by an agency of the United States Government;

(4) Vehicles owned and operated by rescue squads chartered by the state as nonprofit corporations or associations or by rescue squads authorized by section 160A-487 of the general statutes which are not regularly used to transport sick, injured, wounded, or otherwise incapacitated or helpless persons except as a part of rescue operations are excluded.

(d) If a person is providing ambulance services in the county or any portion thereof, on the effective date of the adoption of the Ordinance of December 19, 1988, the person is also entitled to a franchise to continue to service that part of the county in which the service is being provided. The board of commissioners shall determine whether the person so entitled for consideration for a franchise is in compliance with article 7, chapter 131E, of the general statutes, and if that is the case, the board shall grant the franchise, if the firm has provided evidence of insurance.
(Ord. of 12-19-88, § II)

Sec. 8-52. Application.

Application for a franchise to operate an ambulance in the county shall be made by the ambulance provider upon such forms as may be prepared or prescribed by the county and shall contain:

(1) The name and address of the ambulance provider and of the owner of ambulances;

(2) The trade or other fictitious names, if any, under which the applicant does business, along with a certified copy of an assumed name certificate stating such names or articles of incorporation stating such names;

(3) A resume of the training and experience of the applicant in the transportation and care of patients;

(4) A full description of the type and level of service to be provided including the location of the place or places from which it intends to operate, the manner in which the public will be able

to obtain assistance and how the vehicles will be dispatched. An audited financial statement of the applicant as the same pertains to the operations in the county, such financial statement to be in such forms and in such detail as the county may require;

(5) A description of the applicant's capability to provide twenty-four-hour coverage, seven days a week, for the districts covered by the franchise applied for, and an accurate estimate of the minimum and maximum times for a response to calls within such districts;

(6) Any such information the county shall deem reasonably necessary for a fair determination of the capability of the applicant to provide ambulance services in the county in accordance with requirements of state laws and the provision of this article.

(Ord. of 12-19-88, § III)

Sec. 8-53. Granting of franchise.

(a) Prior to accepting applications for the operation of an ambulance service, the board of commissioners may designate specific service areas as franchise districts. Such districts will be established using criteria that includes geographic size, road access, the location of existing medical transportation services, population, and response time. The county shall have the authority to redistrict or rearrange existing districts at any time at their discretion.

(b) An applicant may apply for a franchise to operate either emergency transportation service or nonemergency transportation service or both. If both types of service are to be provided, separate applications must be filed.

(c) Upon receipt of an application for a franchise, the county shall schedule a time and place for hearing the applicant prior to an investigation. Within 30 days after such hearing, the county shall cause such investigation as it may deem necessary to be made of the applicant and his proposed operations.

(d) A franchise may be granted if the county finds that:

(1) The applicant meets state standards and standards outlined in this division;

(2) A need exists for the proposed service in order to improve the level of ambulance services available to residents of the county and that this is a reasonable and cost effective manner of meeting the need. Where a franchise is to be issued to an existing service, there will be a need to maintain the existing level of service.

(e) Each franchised ambulance service, its equipment and the premises designated in the application and all records relating to its maintenance and operation, as such, shall be open to inspection by the state.

(Ord. of 12-19-88, § IV)

Sec. 8-54. Term.

(a) The county may issue a franchise under this division to an ambulance provider. Either party, at its option, may terminate the franchise upon 120 days' prior written notice to the other party. After a notice of service termination is given, the ambulance provider may reapply for a franchise if continued service is desired.

(b) Upon suspension, revocation, or termination of a franchise granted hereby, such franchised ambulance service immediately shall cease operations. Upon suspension, revocation, or termination of a driver's license or attendant's certificate or emergency medical technician certificate, such persons shall cease to drive an ambulance or provide medical care in conjunction with an ambulance service, or attend an ambulance or provide medical care in conjunction with the ambulance service. Upon acceptance of a franchise by an operator, that shall be in agreement to comply with required standards at all times.

(c) Each franchised ambulance service shall comply at all times with the requirements of this article, the franchise granted hereby, and all applicable state and local laws relating to health, sanitation, safety, equipment, and ambulance design and all other laws and ordinances.

(d) Prior approval of the county shall be required where ownership or control of more than ten percent of the right of control of franchisee is acquired by a person or group of persons acting in concert, none of whom own or control ten percent or more of such right of control, singularly or collectively, at the date of the franchise. By its acceptance of the franchise, the franchisee specifically agrees that any such acquisition occurring without prior approval of the county shall constitute a violation of the franchise by the franchisee and shall be cause for termination at the option of the county.

(e) Upon any changes of ownership of a franchised ambulance service without prior approval of the county, the county has the option to terminate the franchise. No franchise may be sold, assigned, mortgaged, or otherwise transferred without the prior approval of the county. The county shall have the option to terminate the franchise, in either case, requiring a new application to be submitted, and a finding of conformance with all requirements of this article as upon original franchising.
(Ord. of 12-19-88, § V)

Secs. 8-55—8-75. Reserved.

ARTICLE III. HAZARDOUS WASTE AND/OR LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT*

DIVISION 1. GENERALLY

Sec. 8-76. Title.

This article shall be known and may be cited as the "Moore County Hazardous Waste and/or Low-Level Radioactive Waste Management Ordinance".
(Ord. of 5-3-82, § 1)

***State law reference—**Hazardous waste management rules, 15A N.C. Admin. Code 13A.0101 et seq.

Sec. 8-77. Purpose.

The purpose of this article is to:

(1) Regulate the location, operation and care of hazardous and/or low-level radioactive waste management facilities dealing with the storage, transfer, treatment or disposal of hazardous and/or low-level radioactive waste within the county.

(2) Ensure that the best management practices are used in handling such hazardous and/or low-level radioactive waste.

(3) Ensure that before such hazardous and/or low-level radioactive waste is placed into permanent or long-term storage, the best available technology is used in treating such waste including reuse, recycling, neutralization, detoxification, incineration and maximum volume reduction. When these alternatives are not technologically feasible, retrievable above-ground storage (or below-ground if such hazardous and/or low-level radioactive wastes are explosive or flammable) is preferable to other means of disposal until appropriate methods for recycling or detoxification of the stored hazardous and/or low-level radioactive wastes are found, as directed by the N.C. Waste Management Act, 1981 North Carolina Sessions Laws, Chapter 704.

(Ord. of 5-3-82, § 2)

Sec. 8-78. 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:

Acute hazardous waste means the same as defined in 40 CFR Part 261.

Best available technology means waste management and treatment technology equal in performance to the best treatment technology available in the marketplace which serves to render the waste to its least harmful form and most reduced volume.

Disposal means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous and/or low-level radioactive waste into or on any land so that such waste or any constituent thereof may enter the environment or be emitted into the air or discharge into any waters, including ground waters.

Facility means all land, structures, personnel and equipment used for the treatment, storage of more than 90 days, or more than one month in the case of acute hazardous waste, and/or disposal of hazardous and/or low-level radioactive waste whether on site or off site.

Generator means any person, by site, whose act or process produces low-level radioactive waste as defined above, or hazardous waste identified or listed in 40 CFR Part 261.

Hazardous and/or low-level radioactive waste board refers to the county waste management board as described in division 2 of this article.

Hazardous waste means solid or liquid waste, or a combination of solid and liquid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause

or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise managed.

Low-level radioactive waste means radioactive waste not classified as high-level radioactive waste, spent nuclear fuel as defined by the U.S. Nuclear Regulatory Commission, transuranic waste, or by-product material as defined in section 11E(2) of the Atomic Energy Act of 1954, as amended (68 Statute 923).

Management practices means methods of systematic collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous and/or low-level radioactive wastes.

On-site means the same as defined in 40 CFR Part 260.

Person means any individual, corporation, partnership, firm/association, trust, estate, public or private institution, group, agency or other entity or any successor, subsidiary, or division thereof.

Storage means containment for a period of over 90 days (or over one month in the case of acute hazardous waste) in such a manner as not to constitute disposal.

Strict liability means that persons storing, transferring, treating or disposing of hazardous waste or low-level radioactive waste shall be liable for all emergency cleanup costs, cleanup costs in general, damages to persons and property, and other costs resulting from discharges or contamination, regardless of fault, or regardless of whether the discharge or contamination was the result of intentional or negligent conduct, accident, or other cause.

Transfer means handling significant amounts (greater than 1,000 kilograms per month) of hazardous waste and/or low-level radioactive wastes that are not generated on site or stored over 90 days.

Treatment is defined as any method, technique, or process including neutralization, designed to change the physical, chemical or biological character or composition of any hazard and/or low-level radioactive waste so as to neutralize such waste or so as to render such waste nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste or low-level radioactive waste so as to render it nonhazardous.
(Ord. of 5-3-82, §§ 3, 15(A))

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 8-79. Monitoring and safety.

(a) *Purpose.* The purpose of this section is to supplement and complete the monitoring and safety activities of the federal and state governments. The county commissioners recognize the primary responsibility of the federal and state governments in this area. However, they also recognize that appropriations and manpower to fulfill this responsibility have often been inadequate, and that county responsibility is therefore necessary and lawful. The duties described herein shall begin upon receipt of a permit application.

(b) *Duties of health department* (or the commissioners' designee, hereafter referred to as the "health department"). The health department is hereby directed to undertake the following monitoring and safety duties:

(1) To monitor the air, surface water, and ground water during the operation of the facility.

(2) To monitor soil, plant, microbial, viral, and animal samples during the operation of the facility.

(3) To conduct human health surveys and monitoring in the area around the facility including statistical surveys, blood samples, and other surveys which may be necessary to determine the effect of exposure to trace any accidental discharges of hazardous or low-level radioactive waste.

(4) To verify the content of shipments and storage of hazardous and/or low-level radioactive waste against shipping manifests and other records.

(5) To inspect the interiors of structures located on the waste facility site for hazardous, unhealthy, or otherwise unlawful conditions.

(6) To inspect and take samples within the site boundaries of any hazardous and/or low-level waste facility in the county.

(7) To verify, by laboratory analysis, that samples taken by facility operators are in fact what they are claimed to be, and to check the accuracy of any laboratory facilities within the county which regularly test hazardous or low-level radioactive waste samples.

(8) To prepare an emergency response plan, and prepare adequate emergency medical equipment and personnel to handle emergencies arising out of the transportation, storage, treatment, or disposal of hazardous or low-level radioactive waste in the county, to the extent that such measures are not otherwise undertaken by the facility operator or the state and federal governments.

(9) To monitor traffic flows near facilities and on approach routes within the county, and design measures to minimize traffic disruption and accidents, with special consideration for the routing of school buses and the safety of the county's school children.

(10) To perform such other duties as the county commissioners or the hazardous and/or low-level radioactive waste board may find necessary from time to time to safeguard the public health and welfare.

(c) *Authorization of health department.* In order to carry out the duties specified in subsection (b) above, the health department is authorized to do the following:

(1) Immediately upon issuance of the first permit in the county, hire or designate an individual or individuals trained to identify unsafe, unsanitary, or otherwise hazardous conditions in waste facility structures. The building inspector is charged with making periodic inspections for such unsafe, unsanitary, or otherwise hazardous and unlawful conditions during the construction and/or operation of any and all hazardous and/or low-level radioactive waste management facilities in the county. The building inspector shall also make unannounced inspections, by presenting his credentials at a reasonable hour, when he has reason to believe that hazardous or unlawful conditions may exist anywhere in such a structure.

(2) Immediately upon issuance of the first permit in the county, hire or designate persons capable of performing a background health study on the people of the county and of outlining before the county hazardous and/or low-level radioactive waste board a plan for monitoring the people of the county in order that health effects of any hazardous and/or low-level radioactive waste management facility in the county could be detected sufficiently early in their development and in order that appropriate legal action could be taken. Personnel and laboratory facilities are available to the county through the health department. The county hazardous and/or low-level radioactive waste board shall recommend to the board of commissioners plans it feels sufficient for this task within six months and the board of commissioners shall have one month thereafter to approve the plan and hire the appropriate services.

(3) Hire or designate an engineer to review the certificates of need.

(4) Hire or designate a chemist or radiation specialist qualified to sample wastes at the gate to the facility and to visually inspect the truck, the manifest forms and a copy of the certificate of need and the condition of the waste before the waste enters the facility. The county commissioners shall provide contract lab services sufficient to analyze such within a four-day period from the time of sample collection.

(5) Hire or designate an individual or individuals trained to safely handle and sample hazardous waste and low-level radioactive wastes and also to collect and safely handle and transport environmental samples for site monitoring and also for environmental monitoring off-site. This person shall make regular announced and unannounced inspections, by presenting his credentials at a reasonable hour, for the purpose of collecting such samples as the health department, following the recommendations of the county hazardous and/or low-level radioactive waste board shall deem necessary to adequately monitor the site.

(6) Hire or designate an emergency medical technician who shall be fully trained to deal with emergency medical situations arising out of the operation of hazardous and low-level radioactive waste facilities and transportation of waste to and from such facilities.

(7) Require from the facility operator a list of trained emergency personnel at the facility, particularly persons trained in emergency response to spills or discharges of ultrahazardous wastes.

(8) Request administrative support from the county, including secretarial time, paper, telephone time, copying, and other support as may be necessary to carry out these functions.

(9) Purchase such equipment as may be necessary to carry out the monitoring and emergency preparedness duties of this section.

(10) Prepare and disseminate educational materials and consult with adjoining landowners to the facility, farmers, schools, and other groups which may be affected concerning health effects of hazardous or low-level radioactive waste.

(11) The health department is authorized to carry out such other duties as it or the hazardous and/or low-level radioactive waste board may find necessary from time to time to ensure the public health, safety and welfare.

(d) *Duties of county finance officer.* The county finance officer is directed to arrange suitable bonding, insurance, and other protective measures as described in subsections 8-81(a)(7), (8) and (d)(2)f. and section 8-82 of this article below, and to report such arrangements to the county commissioners.

(e) *Duties of county attorney.* The county attorney is directed to provide legal advice, drafting, and other assistance as described in subsections 8-82(c)(2), (5) and (6) of this article.

(f) *Other duties.* The county commissioners shall direct responsible officials of the county to undertake such other monitoring and safety actions as may be required by this and other sections of this article.
(Ord. of 5-3-82, § 10)

Sec. 8-80. Operation.

(a) *Certificate of need.* All persons who operate facilities to handle, treat, transfer, store or dispose of hazardous or low-level radioactive waste in the county, other than on-site storage and/or treatment at the point of generation, must provide the hazardous and/or low-level radioactive waste board or its designee a certificate of need for each shipment of waste. This certificate must detail the generator's effort to reuse, recycle, reduce in volume, detoxify, neutralize, incinerate, or appropriately dispose of the waste at the point of generation, or subsequent efforts at some other waste management facility, before shipment to the county or within the county to such facilities. Such persons must also specify how treatment, handling or disposal in the county employs best available technology for the disposal of such waste. The certificate must also include information regarding the condition and contents of the shipment, and proper visible labeling of acute hazardous wastes on the vehicle, before the shipment enters the county. The certificate must be on file with the county and a reply from the hazardous and/or low-level radioactive waste board or its designee must be received by the facility operator before the shipment may enter the county. If, upon recommendation of its designee, the hazardous and/or low-level radioactive waste board finds by majority vote that the shipment of waste does not conform to the waste management practices for which the county facility is permitted, the hazardous and/or low-level radioactive waste board is empowered to deny the shipment admittance to the facility. The facility operator may request a hearing before the county commissioners to challenge the hazardous and/or low-level radioactive waste board's decision. The county commissioners shall schedule a public hearing within ten days to hear such challenge. The facility operator shall have the burden of proof in any such hearing. All incoming waste must be stored on the facility site, in an area using best management practices for the proper storage of such wastes, for four days while laboratory analysis as described in subsection 8-79(b)(7) is being performed. No waste may be otherwise handled, treated or disposed of on site until the laboratory analysis is complete and the chemist verifies in writing to the site manager that the shipment may be processed.

(b) *Management practices orders.* The hazardous and/or low-level radioactive waste board as described in division 2 of this article, shall keep abreast of developments in waste management technology and developing management practices. If the hazardous and/or low-level radioactive waste board discovers a new management practice, not currently in use at facilities within the county

covered by this article, which could be employed to recycle, reuse, neutralize, detoxify, incinerate, or reduce the volume of hazardous or low-level radioactive waste generated, stored, disposed, or transferred in the county, it shall prepare a report to that effect. It shall include in the report a summary of the benefits and costs of the practice, the wastes affected by the practice, and a proposal for implementing it at facilities within the county. It shall then submit the report to all affected facility operators within the county. The facility operator shall reply in writing to the hazardous or low-level radioactive waste board within 45 days, specifying plans to implement the practice, or reasons why the facility operator believes the practice should not be implemented. If after the exchange of reports, the hazardous and/or low-level radioactive waste board, by majority vote, finds that the practice should be implemented at facilities in the county, it shall prepare a report and order to that effect and submit them to the board of commissioners. The board of commissioners shall approve and publish the order, which shall be effective as an amendment to the permit. The facility operator may appeal the order within 30 days, by so requesting in writing to the county commissioners. The commissioners shall announce a public hearing within 30 days thereafter at which the hazardous and/or low-level radioactive waste board and the facility operator shall present their cases, and at which the facility operator shall be assigned the burden of proof. The county commissioners shall then either reaffirm the order or remit the matter to the hazardous and/or low-level radioactive waste board for further study.

(c) *Other duties.* The county commissioners shall direct responsible officials of the county to undertake such other duties as may be required by this or other sections of this article.
(Ord. of 5-3-82, § 11)

Sec. 8-81. Privilege license tax.

(a) *Purpose of section.* The facility operator shall be assessed the following tax for such reasonable expenses that the county may incur for the following emergency services:

(1) *Equipment acquisition.* The acquisition of special emergency equipment for dealing with hazardous and radioactive substances, to include protective clothing, detoxification equipment, breathing apparatus, collection apparatus, alarm systems, direct telephone or radio connection equipment, Geiger counters, special medical vehicles, and other such equipment as the county may reasonably require.

(2) *Equipment maintenance.* The cost of necessary maintenance and replacement of equipment as described in subsection (a)(1).

(3) *Evacuation plans.* The cost of preparing, testing, disseminating, and implementing both on-site and off-site emergency evacuation plans, the cost of keeping such plans current, and the cost of carrying them out should the need arise.

(4) *Initial training.* The cost of initial training for the county's emergency response personnel, to include psychological preparedness training, to deal with emergency situations involving hazardous or low-level radioactive waste, and the cost of expanding such training as necessary.

(5) *Updating training.* The cost of updating such training as described in subsection (a)(4) from time to time, and the cost of training new personnel.

(6) *Hospital preparedness.* Additional costs to the county's hospitals as a result of the need for special emergency units at those hospitals to handle hazardous and low-level radioactive waste emergencies.

(7) *Transportation emergency fund.* An additional amount to purchase insurance to cover the costs of emergencies caused by accidents involving the transportation of hazardous or low-level radioactive waste to or from such facilities, for accidents occurring between the site boundary and the county line.

(8) *Post-closure emergency fund.* An additional amount to purchase insurance to cover the costs of emergency services required to handle emergencies caused by hazardous or low-level radioactive waste facilities after such facilities have closed.

(9) *Other.* The cost of other emergency services and preparedness which shall be required from time to time.

(b) *Monitoring.* Monitoring is subject to the following:

(1) *Purpose.* The purpose of this subsection is to ensure that adequate funds are available to fully monitor the environmental and health effects of the location of hazardous or low-level radioactive waste facilities in the county, and to ensure that such monitoring is in fact carried out. The county commissioners recognize that the state and federal governments have primary responsibility in this area, but they also recognize that the resources of these governments are limited, and that the data generated by this county monitoring program is intended to supplement and complete the data generated by the state and federal monitoring programs.

(2) *Monitoring costs.* The facility operator shall be assessed a privilege license tax to compensate for the monitoring functions undertaken by the county pursuant to section 8-79. This tax shall include:

a. Salaries of county personnel needed to carry out any of such monitoring functions.

b. Administrative support costs which are reasonably necessary to fulfill the duties of the county monitoring personnel, to include office supplies, secretarial time, maintenance of a public document room, and other such costs.

c. The costs of training inspection and monitoring personnel and of updating such training from time to time.

d. Costs incurred in hiring consultants to assist the county in monitoring.

e. An additional sum, to be agreed upon by the facility operator and the board of commissioners, for maintaining monitoring of the environment and human health effects for perpetuity. This money shall be placed into a nonreverting fund, with interest to accrue to the fund, which shall be managed by the county finance officer, who shall give an annual accounting of the fund to the board of commissioners.

f. Other reasonable costs of monitoring as may be necessary.

(c) *Other costs.* The board of commissioners finds that the following costs are associated with hazardous or low-level radioactive waste facilities and their operations, and that the county is not otherwise compensated for such costs; and that such costs shall therefore properly be assessed under section 153A-152.1(a) of the general statutes to the facility operator:

(1) *Recordation.* It should be a matter of public record that property is located within a five-mile radius of a hazardous or low-level radioactive waste facility, operating or closed. The costs incurred by the registrar of deeds for placing notations to that effect on all deeds, grants, indexes, plats, and other relevant affected documents shall therefore be assessed to the facility operator.

(2) *Public information.* The location of a waste facility is a matter of which the public should be completely informed and concerning which the public should have ready access to the relevant information. Therefore, the following costs shall be assessed to the facility operator:

a. *Consultation with adjoining landowners.* The cost of advising adjoining landowners as to their legal rights with respect to the facility, and as to health precautions.

b. *Consultation with farmers.* The cost of advising farmers in the surrounding area as to health precautionary measures in the event of accidents or spills for their livestock and crops.

c. *School educational programs.* Cost incurred, to the extent not already provided for by county or state school budgets, in presenting instructional materials to county school children on the facility, its potential hazards, and emergency preparedness.

d. *Health information.* Cost incurred by the county health department in disseminating information concerning the facility and its effect on the public health.

(3) *Construction and maintenance of roads.* To the extent that the county is not otherwise compensated therefor by the federal or state governments, costs incurred in improving or maintaining existing roads and rights-of-way, acquiring new rights-of-way, and constructing access roads, building parking areas, erecting warning signs or signals, and other such expenses as the county may demonstrate are associated with the facility and the increased traffic associated with it.

(4) *Loss of ad valorem taxes.* To the extent that off-site contamination, regardless of negligence on the part of the facility operator, reduces ad valorem revenues to the county, the loss to the county shall be compensated by the facility operator.

(5) *Annual legal advice.* The cost to the county of an annual review of these ordinances and other laws and regulations in the field of waste management.

(6) *Attorney's fees.* The cost to the county of reasonable legal representation in all cases arising out of the operation of the facilities in the county, or arising out of challenges to this article; provided that, the county is the prevailing party, or the county has had substantial justification for its position, and has not litigated vexatiously.

(7) *Bonding.* The cost to the county of arranging suitable bonding or insurance or other financial security arrangements to cover the costs arising out of the location of facilities within the county.

(8) *Other.* Other costs the county may incur, and which the county may demonstrate are associated with the operation of the facility, and for which the county is not otherwise compensated.

(d) *How tax calculated.* The tax shall be calculated as follows:

(1) *Annual.* The annual tax shall be calculated by adding together the above enumerated expenses at the end of the calendar year.

(2) *Quarterly payments.* The facility operator may arrange to make estimated quarterly payments in advance.

(3) *More than one facility.* If there is more than one hazardous or low-level radioactive waste facility in the county subject to this article, the total tax for each facility shall be prorated among the various facility operators according to the percentage of the total weight of such wastes each operator has generated, treated, stored, or disposed of in the county for that calendar year.

(4) *Negotiation.* Should the facility operator have reason to believe that this privilege license tax would prohibit or have the effect of prohibiting the operation or continued operation of the facility, he shall specify in writing in a report to the hazardous and/or low-level radioactive waste board, setting forth the grounds for such belief with particularity, and stating the level of tax which would enable such operation. The hazardous and/or low-level radioactive waste board is empowered to negotiate the total tax, provided that all such negotiations shall include at least one public meeting, and that any decision be reported in writing to the county commissioners, with the reasons therefore, and that such agreement must be approved by the county commissioners before becoming final.

(Ord. of 5-3-82, § 12)

Sec. 8-82. Waste clean-up fund.

(a) *Purpose.* The county commissioners share the North Carolina General Assembly's great concern for the safe and effective disposal of hazardous and low-level radioactive waste, and have in addition a great concern for the economic and public health costs resulting from inefficient cleanup of past accidents. The county commissioners recognize the benefit of speedy cleanup, manifested in monetary savings and in the prevention of permanent damage to life and property. The county commissioners also recognize that the cleanup fund established under section 130-166.19A of the general statutes only covers on-site cleanup and care, and that the federal response fund established under the Comprehensive Emergency Response, Compensation, and Liability Act, P.L. 96-510, 42 U.S.C. § 9601 et seq. is inadequate to ensure speedy and adequate compensation, particularly for damages to individuals. The purpose of this section is to establish an emergency response fund, to be funded by an additional privilege license tax, particularly for individual medical

and property damages, off-site contamination, and transportation accidents, and other costs arising out of the location and operation of hazardous and low-level radioactive waste facilities in the county.

(b) *Establishment.* There is hereby established, pursuant to the authority vested in the county commission by sections 153A-121, 153A-152.1 and 143B-216.10 of the general statutes, a special hazardous waste cleanup fund, to be disbursed liberally and speedily upon notification of any dangerous spill or leakage that is not immediately remedied by the party responsible or by the federal or state governments. The fund will supplement the state fund established under section 130-166.19A of the general statutes, and it is the intent of the county commissioners that it should be used first to cover personal injury costs and off-site contamination costs. Should the fund be found to be invalid for whatever reason, the monies collected and accrued interest shall be returned to the facility operator in the same shares as it was paid in; otherwise, the fund shall be nonreverting.

(c) *How collected.* The privilege license tax collected under this section shall be two percent of the gross annual receipts of all hazardous and low-level radioactive waste facilities in the county subject to this article, until the principal of the fund shall reach $25,000,000.00 with all interest to accrue to the fund.

(d) *Management.* The county finance officer and one member of the county commissioners shall be appointed managers of the fund. They shall give an annual accounting of the fund to the county commissioners and to all subject facility operators in the county. The county finance officer shall pursuant to this section prepare a report on the best means of investing these tax revenues within 30 days of the receipt of an application for a major hazardous or low-level radioactive waste facility in the county. It is the intent of the county commissioners that these revenues shall not be invested in the securities, obligations, or other instruments of industries which are major producers of hazardous or low-level radioactive waste.

(e) *Procedure for disbursement.* The county attorney is directed to draw up a plan and procedures for disbursement, which shall be designed to ensure:

(1) Prompt response to individual claims and cleanup actions,

(2) That all disbursements are made in accordance with state and federal laws, and

(3) That there is provision for periodic disbursements where the nature of the injury so requires.

(f) *Authority to disburse.* The hazardous and/or low-level radioactive waste board, by majority vote, shall be the disbursing authority for payments made from the fund. The hazardous and/or low-level radioactive waste board shall prepare a written report of any meeting at which such vote is taken, including the names of persons voting for and against, amount voted, and reasons. The county commissioners shall review such report at its next meeting.

(g) *Collection of expenditures.* The county attorney shall prepare a plan for collecting expenditures from the fund from parties responsible for discharges requiring such expenditures.

(h) *Procedure for closing of fund.* The county finance officer shall prepare a plan for the closing of the fund within a reasonable time after the closure of the facility in the county.
(Ord. of 5-3-82, § 13)

Sec. 8-83. Enforcement.

(a) *In general.* Pursuant to the power vested in the county commissioners by sections 153A-121, 153A-123, and 143B-216.10 of the general statutes, the county through its responsible officers shall enforce the provisions of this article to ensure and safeguard the public health, safety and welfare.

(b) *Violation.* Any noncompliance with conditions of a county permit or operation of a facility without a permit, any release of hazardous or low-level radioactive waste in amounts sufficient to constitute a hazard to the public health and safety, any noncompliance with the procedural requirements of this article or refusal to permit county officials designated under this article to enter buildings, structures, enclosed areas or other areas in the performance of their lawful duties, any refusal to pay taxes and fees as provided for by this article, and any failure or refusal to provide information or apply for amendment to a permit as may be required by this article upon proper notice shall be a misdemeanor, which may be punished as indicated in title 14 of the general statutes.

(c) *Injunction.* The county may seek injunctions in the appropriate court of competent jurisdiction, when the operation of a hazardous or low-level radioactive waste facility is in the judgment of the health department creating an imminent hazard to the health, safety, and welfare of the public. The county may also seek any appropriate equitable relief that it deems necessary to ensure the public health and welfare.

(d) *Management practice enforcement.* Any waste facility operator who, having received a final order from the county commissioners to implement a management practice as described in section 8-80, fails to implement such a practice within the time prescribed, shall pay a management practices fee of ten percent of the gross receipts accepted by such facility operator for such wastes as are covered by the order. The facility operator shall continue to pay such fee until such time as he can satisfactorily demonstrate to the hazardous and/or low-level radioactive waste board that the management practice in question has indeed been implemented.
(Ord. of 5-3-82, § 14(A), (B), (D), (E))

Sec. 8-84. Liability.

(a) *Generally.* By authority vested in them in sections 153A-121, 153A-136, and 143B-216.10 of the general statutes, the hazardous and/or low-level radioactive waste board does hereby ordain that all persons storing, treating, or disposing of hazardous waste or low-level radioactive waste in the county shall be held to a standard of strict liability for spills, accidents, contamination or other discharges and hazards arising from this facility.

(b) *Duration.* It is the intent of the hazardous and/or low-level radioactive waste board that this section shall be temporary in nature, to remain in effect until such time as the General Assembly addresses the issue directly, as it is its stated intention to do.

(c) *Transportation.* It is further ordained that persons transporting hazardous waste or low-level radioactive waste to destinations in this county shall be held to the same standard of strict liability for all emergency cleanup costs, cleanup costs in general, damages and other costs resulting from discharges or contamination caused by spills or accidents or intentional releases during transpor-

tation within the county, or such discharges or contamination occurring while the transportation vehicle is anywhere within the county except within the boundaries of the actual facility site for which it is destined, at which time it shall be considered stored by the facility operator.
(Ord. of 5-3-82, § 15(B), (C))

Secs. 8-85—8-100. Reserved.

DIVISION 2. BOARD*

Sec. 8-101. Formation; composition.

The county hazardous and/or low-level radioactive waste management board shall be formed and shall be composed of 11 members. The waste board shall be constituted as follows:

(1) Two members from county government, one from the health department and one from the planning board;

(2) Four members to be appointed by the county commissioners from the following categories: two from the public at large representing citizens involved in environmental matters, and two from industry;

(3) Each of the five county commissioners shall select one citizen from his representative district.

(Ord. of 5-3-82, § 4(A))

Sec. 8-102. Terms.

Each member of the board created pursuant to this division shall serve a three-year term.
(Ord. of 5-3-82, § 4(B))

Sec. 8-103. Chairperson.

The chairperson of the hazardous and/or low-level radioactive waste board shall be selected by the board at its first meeting.
(Ord. of 5-3-82, § 4(C))

Sec. 8-104. Meetings; quorum.

(a) The board created pursuant to this division shall meet at least twice a year but as often as necessary at some central location in the county. The staff of the planning department shall act as support staff for the board.

(b) A majority of the board shall constitute a quorum for the transaction of business.
(Ord. of 5-3-82, § 4(D), (E))

***Cross reference—**County boards, committees, commissions and councils generally, § 2-26 et seq.

Sec. 8-105. Functions and powers.

The functions and powers of the hazardous and/or low-level radioactive waste board shall be as follows:

(1) To review the county's waste management program and make recommendations to the county commissioners on ways to improve the program.

(2) To carry out the functions designated in this article, including but not limited to the application process (section 8-127), recommending management practice orders (subsection 8-80(b)), approving certificates of need (subsection 8-80(a)), and provide information to the public.

(3) To promote safety and health in the management of wastes.

(4) To maintain contact with the state waste management board and other bodies concerned with hazardous waste management.

(5) To provide a forum for citizens and industry in the regulatory process.

(6) To keep itself informed about advances in the technology of hazardous waste and low-level radioactive waste management and to make recommendations to the county commissioners about ways to keep the county's regulations and management practices in tune with the use of both best available technology and best management practices in the field of hazardous and low-level radioactive waste management.

(7) To review the practices of hazardous waste generators and low-level radioactive waste generators in the county not currently covered by federal and state regulations to determine if the county should require these generators to obtain permits for continued production and management of these wastes.

(Ord. of 5-3-82, § 4(F))

Sec. 8-106. Compensation.

The members of the hazardous and/or low-level radioactive waste board shall be compensated at a rate to be determined by the county commissioners and shall be provided with insurance against liability for any actions taken in performance of their duties.

(Ord. of 5-3-82, § 4(G))

Secs. 8-107—8-125. Reserved.

DIVISION 3. PERMIT

Sec. 8-126. Required.

(a) All hazardous waste and/or low-level radioactive waste facilities shall be required to obtain a permit to operate in the county, except generators who store hazardous and/or low-level wastes on site for less than 90 days, or acute hazardous waste for less than one month.

(b) No construction or site preparation for a new hazardous waste and/or low-level radioactive waste facility shall begin until a permit has been issued by the county commissioners.

(c) If the county commissioners finds that a permitted facility has significantly changed the amounts or types of waste entering the facility, or that the facility has significantly increased its site, the county commissioners may require the facility operator to amend its application and obtain a new permit.
(Ord. of 5-3-82, § 5)

Sec. 8-127. Application—Generally.

(a) A permit applicant shall prepare and file a hazardous waste permit application with the county commissioners for any hazardous waste and/or low-level radioactive waste facility as described in section 8-126. The permit application shall include all related documents submitted to the federal government and the state. Where subsections (b), (c) and (d) of this section and section 8-130 are included in documents submitted to federal and state governments, these need not be duplicated for the county permit; however, additional information as to how these items directly impact the county as well as cross references to state and federal documents shall be included.

(b) The application shall contain the following information:

(1) A description of the company, full information on its financial capability, and a detailed history of all its past activities in the field of hazardous and/or low-level radioactive waste management, including a synopsis of every other facility it has operated.

(2) Evidence of liability insurance including environmental impact liability insurance and a history of any claims against the company at any site, including the parent company or any subsidiaries of the parent company.

(3) Justification for and anticipated benefits from the project.

(4) A description of the scope of the proposed project including a schedule of how much and what kinds of hazardous and/or low-level radioactive material the facility will accept, where the material will come from, what pretreatment will be required of wastes unacceptable to the facility without such pretreatment, and how long the facility is expected to operate.

(5) The estimated project costs, including information on: the construction costs for the facility; the yearly site operation expenses; and an estimate of the costs for the lifetime of the project.

(6) The proposed method of financing the project, including development, operation and closure stages.

(7) The proposed number of employees and types of positions, including information on the training and experience required for each position, salaries to be paid, and safety precautions to be undertaken.

(8) The anticipated date to begin construction.

(9) The anticipated date to begin operation.

(10) A detailed estimate of the types and amounts of municipal and county services local government will need to provide each year for the facility.

(11) A description of emergency procedures and safety and security precautions that will be in place at the facility; this information should include details on emergency assistance that will be required from the surrounding community.

(12) A description of the environmental protection measures to be taken by the applicant to prevent contamination on and around the facility site and a description of planned monitoring systems, with an estimated annual budget for each of these items.

(13) A description of environmental protection measures to be used during transportation of materials to and from the facility, with an estimated annual budget for these arrangements and an estimate of the volume of material to be transported during each year of the facility's operation.

(14) A description of the site closure plan for the facility, the anticipated date of closure and an estimate of the site closure costs.

(15) A description of anticipated need for post-closure care.

(c) A map attached to the application shall include, but are not limited to, the following information:

(1) *Ownership.*

a. Name, address and telephone number of the legal owner and/or the agent of the property.

b. Name, address and telephone number of professional persons responsible for design and for surveys.

c. Description of any existing legal rights-of-way or easements affecting the property.

d. Reference to existing restrictive covenants on the property, if any.

(2) *Description.* Location of property by tax map and parcel number. The warranty deed book number and page reference or other evidence of title of the current owner.

(3) *Features.* Each map shall show the following information:

a. The map shall be drawn to a scale of not less than 200 feet to an inch.

b. Location sketch map showing relationship of the project site to the surrounding area.

c. Graphic scale, date, approximate north arrow, legend.

d. The location of property with respect to surrounding property and streets, the names of all adjacent property and streets, or the names of adjacent developments. The name and address of adjacent property owners according to the county tax records.

e. Zoning classification of proposed project and adjacent property.

f. The location of all boundary lines of the property.

g. The total acreage of land in the project in this county and any other county if applicable.

h. The location of existing and/or platted streets, easements, buildings (including mobile homes), railroads, parks, cemeteries, bridges, sewers, water mains, culverts, water wells, and gas and electric lines.

i. The location of water bodies, watercourses (including sinkholes, dry stream beds and pond overflow streams), groundwater aquifers, springs and other pertinent features.

j. The location and width of all existing and proposed street rights-of-way and easements, and other public ways.

k. The location, dimensions and acreage of all property proposed to be set aside for various uses on the applicant's property.

l. The location of all test wells and/or borings.

m. The location of the one hundred-year floodplain, flood of record, standard project flood, and inundation due to a dam break.

n. The location of faults, dikes, sills, and other pertinent geologic structures.

(4) *Topographic map.* A topographic map with contours at vertical intervals of not more than five feet, at the same scale as the project site map. The date and method of preparing the topographic survey shall be stated.

(5) *Transportation route map.* A map showing proposed transportation routes to and from the facility site, including location of towns and emergency and safety facilities, and an estimate of the volume of material to travel on each route.

(d) The application shall address the following factors as they apply to the specific type of facility. Because each facility is unique, the county commissioners may request, as they deem necessary, additional information, similar to that addressed below to complete the application:

(1) Contaminant flow to water table including leachate monitoring, collecting and withdrawal systems; clay and synthetic lines (extra thickness, multiple liners); spill prevention and containment measures.

(2) Contaminant movement with groundwater, including groundwater monitoring systems at the site and in potentially affected area; subsurface "slurry wall" barriers' controls on other groundwater withdrawals in area.

(3) Predictability of contaminant movement, based on preconstruction borings and groundwater modeling.

(4) Potential effect on surface waters; planned collection systems for surface water run-off; planned exclusion systems for surface water run-on.

(5) Potential effect on aquifers; planned provisions for alternate water supply systems and facilities for immediate pumping and treatment of contaminated water.

(6) Potential effect on public water supplies; planned run-off collection and treatment and provisions for alternate supply systems.

(7) Possibility of site flooding; planned special facility design, special control dikes, and buffer zone setback in area of standard project flood area.

(8) Potential human exposure to treated wastewater, including planned safety procedures, clothing, instruction, and practice for employees; planned oversized or redundant treatment capacity, effluent monitoring and automatic shutdown systems.

(9) Nature and predictability of pollution movement, including planned stack height for incinerators with continuous stack and plume monitoring and recording, until emission levels are predictable; planned segregation of incompatible wastes.

(10) Potential human exposure to air pollution, including planned pollution control equipment, special combustion monitoring and automatic shutdown systems and special air monitoring arrangements.

(11) Safety of transportation route, including evacuation and rerouting plans, planned training and certification of truck drivers and other waste handling personnel and truck safety features.

(12) Potential for noise impact, including limitations on hours for delivery and muffler installation.

(13) Potential for impact on environmentally significant lands, planned bonding, insurance, financial responsibility and monitoring.

(14) Proximity to residential areas or sensitive sites, including planned purchase of buffer zones on adjacent lands, reduction in facility size and distance limitation between similar facilities.

(15) Compatibility with existing land uses, including orientation and layout of site plans; planned buffer zone setback from use area to facility owner's exterior property line, referred to as "minimum interior buffer setback"; planned aesthetic design of facility and landscaping.

(16) Compatibility with land use plans.

(17) Impact on existing or future economic activity, including predicted tax base expansion and privilege license tax.

(18) Potential for earthquake activity, including special facility design and evacuation plans to deal with such occurrences.

(19) Post-use problems, including bonding, liability, financial responsibility, and monitoring community and environmental health.

(e) Hazardous and/or low-level radioactive waste generators filing permit applications to store and/or treat wastes on site at the point of generation shall submit to the county commissioners an application that also includes the following:

(1) A summary of all spills at the site and the resultant cleanup operation.

(2) A detailed description of the company's in-house monitoring and safety programs.

(3) Any additional information the county commissioners may deem relevant to assessing the facility's impact on the health and welfare of the county's citizens.

(Ord. of 5-3-82, § 6)

Sec. 8-128. Same—Procedure.

(a) The applicant for a permit under this division shall submit to the county commissioners two copies of all information required by federal and state agencies for the facility for which it requests a county permit at the same time such information is submitted to the state and federal government except facilities already located in the county which shall file such documents when they initiate the application process. The review procedure shall not begin nor shall the application be designated as complete until such time as all required data are submitted and the appropriate fees are paid, or suitable arrangements for payment have been approved by the county commissioners.

(b) A designee of the county commissioners shall compile copies of all reports, applications, minutes of planning board and hazardous and/or low-level radioactive waste board meetings, reports by consultants, and similar material. These shall be placed in one location with free access by the public and availability of copying any portion or all of any document at cost.

(c) Within 45 days of the submission of the application the commissioners' designee shall hold a public hearing so that the applicant can present its plans to the public and answer questions.

(d) After the hearing, the commissioners' designee, after consultation with the hazardous and low-level radioactive waste board shall have 60 days in which to determine if the application is complete and shall mail notice of its determination to the applicant. If it is not complete the applicant shall have six months to complete the application. However, the applicant may, at the end of six months, make a showing of cause to the county commissioners, and if the commissioners find that the delay is justified and in good faith, they can grant the applicant a maximum three-month extension.

(e) Each application shall require an analysis conducted by the county staff and a consultant or consultants selected by the county commissioners upon the recommendation of the hazardous and low-level radioactive waste board. The analysis shall be completed within 120 days from the day the application is determined to be complete. In certain instances where the complexity of the application requires more than the usual 120 days, the county staff and/or the consultant may request an additional 60 days from the county commissioners, and the proponent has the option of requesting the county commissioners to extend the analysis period to allow time for responding to staff and/or consultant requests for additional information on a completed application.

(f) The commissioners' designee and each consultant shall make reports on the application to the hazardous and/or low-level radioactive waste board at their meetings.

(g) The hazardous and/or low-level radioactive waste board shall call a public meeting for public comment on the completed application along with the analysis by county staff and consultants. The purpose of this meeting shall be for public review of the application. The staff shall give notice by regular mail of the time and place of the public meeting to the owner and adjacent property owners as specified on the map. Such notice shall be mailed not less than 14 days prior to the date specified thereon. Notice of the public meeting shall be posted by the applicant on the proposed facility property on each and every street of access, not less than 14 days prior to the date specified

thereon. Such posted notices shall be at intervals of not greater than 1,500 feet. Notice shall also be placed by the applicant in each county newspaper not less than 14 days prior to the date specified thereon.

(h) Within 45 days after review of the final analysis, completed application and public comment, the hazardous and/or low-level radioactive waste board shall make a recommendation to the county commissioners at a public meeting whether to accept the application, deny it, or accept it with modifications. This recommendation shall be made to the full commission. However, before making a recommendation to the county commissioners to accept the proposal or accept it with modifications, the waste board shall make the following determinations:

(1) That the construction and operation of the facility will not pose an unreasonable health or environmental risk to the surrounding locality.

(2) That the applicant (or facility operator) has the capability, and financial resources to construct, operate and maintain the facility.

(3) That the applicant or operator has taken or consented in writing to take any and all reasonable measures to comply with applicable federal, state and local regulations and ordinances.

(4) That the applicant's plan represents the best available technology for handling the wastes for which the applicant will be permitted, and that the applicant has demonstrated that it will employ the best management practices in handling the wastes at the proposed facility to achieve the goal of maximizing reuse, recycling, neutralization, detoxification, incineration, and volume reduction before long-term storage. In the case of generators storing or treating their wastes on site at the point of generation in the county as of May 3, 1982, these facilities shall be held to the standard of best management practices and may be exempted from the standard of best available technology on that site until such time as they may file a permit application as in subsection 8-126(c).

(i) At its next scheduled meeting, the county commissioners shall make its decision to grant the permit, deny it, or grant it with specified conditions.

(j) A permit shall be valid for no more than 18 months from the date it is granted by the county commissioners unless the applicant begins construction of the facility prior to the expiration of the permit and continues to operate the facility according to specified conditions. If a permit becomes invalid and the application is unchanged from when the permit was granted, it shall follow the procedure of this section and the filing fee of section 8-129.
(Ord. of 5-3-82, § 8)

Sec. 8-129. Fees.

(a) The county commissioners, upon the recommendation of the hazardous and/or low-level radioactive waste board, shall from time to time assess permit applicants fees as the commissioners shall find necessary and sufficient to reimburse the county for the cost of any needed professional assistance that may be required by the county to evaluate the permit application and amendments, verify its contents and evaluate the impact of such a permit on the community, public health and the

environment. This assistance may include but shall not be limited to the assistance of lawyers, biologists, geologists, engineers, chemists, hydrologist, emergency response, transportation and public health experts, land appraisers, and professional testing laboratories.

(b) Failure to provide these funds within 30 days of demand therefor shall result in termination of the permit process or cancellation of the permit. The county commissioners may take legal action against the applicant for any costs incurred to the county up to the point of termination.
(Ord. of 5-3-82, § 7)

Sec. 8-130. Conditions.

(a) The county commissioners, upon the recommendation of the hazardous and/or low-level radioactive waste board, may specify conditions on granting a permit, as will, in their opinion, assure that the facility in its proposed location will meet the findings required in section 8-128(h). All such specified conditions shall be entered in the minutes of the meeting at which the permit request is approved. All specified conditions shall run with the permit and shall also be binding on the original applicants, their heirs, successors and assigns. Any noncompliance with the specified conditions constitutes violation of this article and may invalidate the permit.

(b) The county commissioners may limit or restrict the amounts and types of wastes entering the proposed site, may limit or restrict the type of treatment, handling and/or disposal activities or may require additional treatment or handling of the wastes before entering, leaving or being disposed of on the site.

(c) In addition to conditions regarding the appropriateness of the proposed waste management scheme to the nature of the wastes handled, certain other conditions must be met by the proposed waste management facility. These include, but are not limited to:

(1) Low-level radioactive waste and hazardous waste shall not be stored in the same facility.

(2) No two waste management facilities, either hazardous or low-level radioactive waste management facilities, shall adjoin, and no more than one facility of either type shall be located per township with the exception of on-site storage and/or treatment at the point of generation.

(3) All wastes, hazardous or low-level radioactive, placed into any form of storage shall be retrievable and identifiable using best management practices.

(Ord. of 5-3-82, § 9)

Sec. 8-131. Revocation.

For any facility operator who has committed a violation, as defined in section 8-83(b), or for whom the continued operation of the facility poses an unreasonable hazard to the health and welfare of the public, the hazardous and/or low-level radioactive waste board may publicly announce its intention to recommend revocation of its permit. The facility operator may request a hearing, and the hazardous and/or low-level radioactive waste board shall grant such a hearing within ten days of the decision. The facility operator may present evidence to the hazardous and/or low-level radioactive waste board in mitigation, to demonstrate subsequent remedial action, etc. If the hazardous and/or

low-level radioactive waste board recommends that the permit be revoked, it shall so report to the board of commissioners in writing. Within ten days of the receipt of the recommendation, the county commissioners shall hold a public hearing after which they shall continue or revoke the permit. The board of commissioners may continue the permit upon finding that the facility operator has made a good faith effort to comply with the permit and to remedy violations, that reinstatement of the permit would not endanger the public health and welfare, and the facility operator has proposed a plan to remedy any other hazardous conditions on the facility site as expeditiously as possible.
(Ord. of 5-3-82, § 14(F))

Secs. 8-132—8-150. Reserved.

ARTICLE IV. SOLID WASTE*

DIVISION 1. GENERALLY

Sec. 8-151. Purpose.

The purpose of this article is to promote the public safety, health and welfare of the citizens of the county in the storage, collection, transportation and disposal of solid waste throughout the county, and in the use of solid waste container sites located throughout the county. These sites contain equipment which could prove injurious to the public and this article is designed to protect the public as well as the property of the county.
(Ord. of 10-5-87(1), Art. III; Ord. of 10-5-87(2), Art. III)

Sec. 8-152. Authority.

Under provisions pursuant to sections 153A-121, 153A-135, 153A-136 and 153A-292 of the general statutes, the county hereby exercises its authority to enact the regulations set out in this article.
(Ord. of 10-5-87(1), Art. IV; Ord. of 10-5-87(2), Art. IV)

Sec. 8-153. Scope.

The regulations set out in this article shall govern the storage, collection, transportation and disposal of solid waste in the county, and the use of solid waste container sites operated and maintained by the county solid waste department.
(Ord. of 10-5-87(1), Art. V; Ord. of 10-5-87(2), Art. V)

***State law references—**Solid waste management, G.S. 130-166.16 et seq.; local government solid waste responsibilities, G.S. 130A-309.09A; county may establish and operate solid waste collection and disposal facilities outside city corporate limits, G.S. 153A-292; location of garbage collection containers on highway rights-of-way, G.S. 136-18.3; authority to levy taxes to provide solid waste collection and disposal services, G.S. 153A-149(c)(312); solid waste management, 15A N.C. Admin. Code 13B.0101 et seq.

Sec. 8-154. 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:

Garbage means all putrescible wastes, including animal and vegetable matter, animal offal and carcasses and recognizable industrial byproducts, but excluding sewage and human wastes.

Health director means the director of the county health department or his authorized representative.

Refuse means all nonputrescible wastes.

Solid waste means garbage, refuse, rubbish, trash and other discarded solid materials, including solid waste materials resulting from industrial, commercial and agricultural operations and from community activities, but does not include solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows or other common water pollutants.

Solid waste collector means any person who collects or transports solid waste.

Solid waste container site means any site designated, operated and maintained by the county for the purpose of collecting solid waste.

Solid waste director or *director of solid waste* means the director of the county solid waste department or his authorized representative.

Solid waste disposal site means any place at which solid wastes are disposed of by incineration, sanitary landfill or any other authorized methods.
(Ord. of 10-5-87(1), Art. VI; Ord. of 10-5-87(2), Art. VI)
Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 8-155. Storage.

(a) No owner, occupant, tenant or lessee of any premises shall permit any garbage or other refuse to accumulate upon such premises that is not stored in a manner approved by the health director or the director of solid waste.

(b) Garbage shall be stored in a container of a type approved by the health director or director of solid waste. Every such container shall be constructed of metal, or equally durable material, in such a manner as to be strong, watertight, not easily corrodible, flyproof and rodentproof; shall have handles designed for lifting and shall have fly-tight covers which shall be kept in place at all times except when garbage or other refuse is being deposited in or removed from such container. The health director shall have the authority to approve the use of containers not meeting these specific standards when it can be shown that such containers meet applicable health standards. A sufficient number of containers shall be provided to hold at least one week's accumulation of garbage. Each garbage container shall be kept clean so that no odor or other nuisance will exist.

(c) Refuse shall be stored in such a manner that it will not provide harborage to rats nor cause a fire hazard.
(Ord. of 10-5-87(1), Art. VII)

Sec. 8-156. Collection.

The owner, occupant, tenant or lessee of any premises upon which garbage is stored shall remove, or cause to be removed, all garbage from such premises at least once a week. Solid waste collectors shall remove all solid waste from the premises, when they receive compensation for this service, at least once a week. The work shall be done in a clean and orderly manner, without causing damage to the container. Any solid waste that is spilled shall be cleaned up, and the premises left in a sanitary condition.
(Ord. of 10-5-87(1), Art. VIII)

Sec. 8-157. Transportation.

No solid waste collector shall transport solid waste in a conveyance which has not been approved in accordance with the provisions of this article. Vehicles or containers used for the collection and transportation of garbage or refuse containing garbage, shall be covered, leakproof, durable and of easily cleanable construction. These shall be cleaned as often as necessary to prevent a nuisance or insect breeding, and shall be maintained in good repair. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak or spill therefrom, and shall be covered in such a manner as to prevent blowing of material. If spillage should occur, the material shall be picked up immediately by the solid waste collector and returned to the vehicle or container and the area properly cleaned.
(Ord. of 10-5-87(1), Art. IX)

Sec. 8-158. Disposal.

No solid waste collector, or other person, shall dispose of solid waste, except by one of the following methods; provided that, this section shall not be construed to prevent any person from properly disposing of solid waste from his own residence on his own property in a safe and sanitary manner approved by the health director or director of solid waste:

(1) Sanitary landfill which has been approved by the division of health services as meeting all the requirements of the division of health services Rules and Regulations Providing Standards for Solid Waste Disposal.

(2) Solid waste container sites operated by the county which have been approved by the department of health services as meeting all the requirements of the department of health services.

(3) Incinerator which meets all requirements of the local, state and federal air pollution standards.

(4) By any other method including reclaiming or recycling processes which has been approved by the department of health services and the solid waste director.

(Ord. of 10-5-87(1), Art. X)

Sec. 8-159. Reserved.

Editor's note—At the request of the county, § 8-159, which pertained to use of container sites, has been deleted. Said provisions derived from Ord. of Oct. 5, 1987(2), Art. VII, §§ 1—6. See the Code Comparative Table.

Sec. 8-160. Collector permits—Required; exemptions.

No person shall for profit collect, transport or dispose of solid waste without a written permit from the county health department; provided that, this section shall not apply to any person disposing of solid waste from his own residence or business, unless he hires a person to do so. The health director shall issue such permit only when, upon inspection by appropriate personnel including those stated in section 8-162, that the facilities, equipment and proposed operating methods of the applicant are in compliance with the requirements of these regulations.
(Ord. of 10-5-87(1), Art. XI)

Sec. 8-161. Same—Revocation.

(a) Whenever upon the inspection of facilities, equipment or operating methods of any person holding a permit to collect, transport or dispose of solid waste, the health director, solid waste director or other enforcement officer finds that conditions or practices exist which are in violation of the provisions of these regulations, the health director shall give notice in writing to such person that unless such conditions or practices are corrected within ten days, the permit will be revoked. At the end of such ten-day period, the health director shall make a reinspection, and if he finds that such conditions or practices have not been corrected, he shall give notice in writing to such person that his permit has been revoked. Upon the receipt of this notice, such person shall immediately cease to collect, transport or dispose of solid waste. No such permit shall be reinstated by the health director until he finds, upon inspection that all provisions of these regulations have been complied with, except that following a hearing, as hereinafter provided, such permit may be reinstated by order of the board of commissioners.

(b) Upon written petition from a person whose permit to collect, transport or dispose of solid waste has been denied or revoked, the board of commissioners shall hold a hearing at which time such person shall be given an opportunity to show that his permit should not have been denied or revoked. No such hearing shall be held unless written petition therefore shall have been filed in the office of the health director on or before the tenth day following the day on which such permit was denied or revoked. The health director shall convey the request for a hearing to the chairman of the board of commissioners as soon as practicable. Such hearing shall be held within 30 days following the receipt of such petition by the chairman. After such hearing, the board of commissioners may either approve the denial or revocation of such permit or order that it be issued or reinstated, depending upon its findings as to whether or not these regulations have been complied with.
(Ord. of 10-5-87(1), Art. XII)

Sec. 8-162. Enforcement.

The rules and regulations prescribed in this article shall be enforced by the appropriate county agencies having duties and responsibilities in the areas of health, solid waste disposal and law enforcement. The agencies with enforcement powers shall include, but not be limited to, the county health department, county solid waste department and the county sheriff's department.
(Ord. of 10-5-87(1), Art. XIII)

Sec. 8-163. Penalties.

Any person who violates the rules and regulations set forth in this article shall be guilty of a misdemeanor and shall be subject to a fine of not more than $50.00 or imprisonment of not more than 30 days, as specified by section 14-4 of the general statutes.
(Ord. of 10-5-87(1), Art. XIV; Ord. of 10-5-87(2), Art. VIII)

Secs. 8-164—8-170. Reserved.

DIVISION 2. SOLID WASTE CONTAINER REGULATIONS

Subdivision I. In General

Sec. 8-171. Title.

This division shall be known and may be cited as the Solid Waste Container Ordinance of Moore County, North Carolina.
(Ord. of 10-5-89, Art. I)

Sec. 8-172. Preamble.

Whereas, the Moore County Board of Commissioners is authorized by the General Statutes of the State of North Carolina to enact an ordinance regulating solid waste collection, storage and transportation within Moore County, Now, therefore, be it ordained that the following regulations shall apply to Moore County, North Carolina.
(Ord. of 10-5-89, Art. II)

Sec. 8-173. Purpose.

The purpose of this division is to promote the public safety, health and welfare of the citizens of Moore County in the use of solid waste container sites located throughout the county. These sites contain equipment which could prove injurious to the public and this division is designed to protect the public as well as the property of Moore County.
(Ord. of 10-5-89, Art. III)

Sec. 8-174. Authority.

Under provisions pursuant to Chapters 153A-121 and 153A-136 of the North Carolina General Statutes, Moore County hereby exercises its authority to enact these regulations.
(Ord. of 10-5-89, Art. IV)

Sec. 8-175. Jurisdiction.

On and after the date of approval by the board of commissioners, these regulations shall govern the use of solid waste container sites operated and maintained by the Moore County Solid Waste Department.
(Ord. of 10-5-89, Art. V)

Sec. 8-176. Definitions.

The following definitions shall apply in the interpretation and enforcement of these regulations:

Director of solid waste means the director of the Moore County Solid Waste Department or his authorized representative.

Garbage shall mean all putrescible wastes, including animal and vegetable matter, animal offal and carcasses and recognizable industrial by-products, but excluding sewage and human wastes.

Person means any individual, firm, governmental unit, organization, partnership, corporation or company.

Refuse means all non-putrescible wastes.

Solid waste means garbage, refuse, rubbish, trash and other discarded solid materials, including solid waste materials resulting from industrial, commercial and agricultural operations and from community activities, but does not include solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows or other common water pollutants.

Solid waste collector means any person who collects or transports solid waste.

Solid waste container site any place owned, leased, rented or otherwise operated by the Moore County Solid Waste Department at which refuse, garbage or solid waste is collected, transported or disposed of.
(Ord. of 10-5-89, Art. VI)

Sec. 8-177. Penalties.

Any person who violates the rules and regulations set forth in this division shall be guilty of a misdemeanor and shall be subject to a fine of not more than $50.00 or imprisonment of not more than 30 days, as specified. by G. S. 14-4. Each day a violation occurs is a separate violation.
(Ord. of 10-5-89, Art. VIII)

Secs. 8-178—8-180. Reserved.

Subdivision II. Use of Container Sites

Sec. 8-181. Residential waste.

The container sites located throughout Moore County that are owned and operated by the county are for the use of the citizens of the county for the purpose of disposal of residential waste only and for the collection of designated recyclable materials. These sites are to be used only during operating hours.

Contract solid waste carriers and privately hired carriers shall not use the county container system. The contractors will use the landfill for construction and demolition waste and shall use the transfer station for other solid waste unless such waste is transported outside the county.
(Ord. of 10-5-89, Art. VII, § 1; Mo. of 1-4-88)

Sec. 8-182. Unacceptable materials.

No person shall place in a solid waste container site:

Fire or embers;

Oil and other liquids;

Poisons;

Chemicals;

Herbicides and pesticides;

Stumps and/or logs;

Tires;

Infectious waste;

Lead acid batteries;

Brush;

Yard waste;

Animals;

Concrete;

Construction material;

Radioactive waste;

Other materials as identified by the State of North Carolina or Moore County's contractor for ultimate disposal.
(Ord. of 10-5-89, Art. VII, § 2; Mo. of 1-4-88)

Sec. 8-183. Fire prevention.

It shall be unlawful for any person to set or cause to be set any fire in a solid waste container. No person shall place in a container embers, ashes or other material which would create a fire hazard. The county offers a $500.00 reward for the arrest and conviction of anyone found guilty of a burning solid waste container.
(Ord. of 10-5-89, Art. VII, § 3)

Sec. 8-184. Scavenging.

It shall be unlawful for any person to remove any item from a solid waste container. No person shall climb on, around or inside a container. No person shall open or attempt to open any solid waste container. No person shall cause any damage to be inflicted upon a solid waste container.
(Ord. of 10-5-89, Art. VII, § 4)

Sec. 8-185. Loitering.

No person or persons shall loiter and/or congregate on any container site property and no vehicle shall be left unattended on said property. Any vehicle left unattended shall be towed away at the owner's expense.
(Ord. of 10-5-89, Art. VII, § 5)

Sec. 8-186. Littering.

Solid waste shall be placed in and not around a container.
(Ord. of 10-5-89, Art. VII, § 6)

ACCEPTABILITY OF MATERIAL FOR LANDFILL

Acceptable	*Conditional Acceptance*	*Not Acceptable*
1. Garbage and rubbish from routine collection services at residences and commercial establishments	1. Dead animals	1. Any liquid or semi-liquid waste or sludge
2. Household appliances, furniture bedding	2. Metal and cardboard drums containing residues of chemicals	2. Any chemicals that may be dangerous to employees or equipment or that may pollute the ground water
3. Brush, tree trimmings, leaves and general refuse from residences	3. Metal filings, cuttings, trimmings	3. Any fire or highly inflammable material
4. Cardboard and wooden containers from business and industry	4. Plastic cuttings and trimmings	4. Demolition and construction waste in large quantities
5. Demolition and construction waste in small quantities	5. Plastic items or wrappers in quantities	5. Waste from major land clearing operations

Acceptable	*Conditional Acceptance*	*Not Acceptable*
6. Cardboard drums (empty)	6. Textile waste not boxed or bagged, particularly long thread waste	
7. Textile waste when boxed or baled	7. Metal bands in quantities	
8. Textile cones and tubes	8. Tires	
9. Street refuse and litter	9. Stumps and logs	
	10. Metal drums	
	11. Wire in quantities	
	12. Junk cars or vehicles	

NOTE: DIRECTOR OF SOLID WASTE TO DETERMINE HOW AND WHERE THESE MAY BE ACCEPTED

Secs. 8-187—8-200. Reserved.

ARTICLE V. LAND CLEARING AND INERT DEBRIS LANDFILLS

DIVISION 1. TITLE

Sec. 8-201. Title.

This article shall be known as the Land Clearing and Inert Debris Landfill Ordinance of the County of Moore, North Carolina and may be cited or referred to as the Landfill Ordinance.
(Ord. of 5-19-97(1), Art. I, § 1.1; Ord. of 11-17-97(1),Art. I, § 1.1)

Secs. 8-202—8-210. Reserved.

DIVISION 2. GENERAL PROVISIONS, ADMINISTRATION AND ENFORCEMENT

Sec. 8-211. Definition of land clearing and inert debris landfill.

A lot, plot, parcel or area of land upon or in which stumps, trees, limbs, brush, grass and other naturally occurring vegetation material, concrete, brick, concrete block, uncontaminated soil, gravel, rock, untreated wood, unpainted wood only can be placed.
(Ord. of 5-19-97(1), Art. II, § 2.1; Ord. of 11-17-97(1),Art. II, § 2.1)

Sec. 8-212. Exemptions.

Notwithstanding any other provisions of this article the placing of any land clearing or inert debris materials on a lot, plot or parcel that was generated on or came from the property on which it was placed, by the owner of the property is exempt from the provision of this article.
(Ord. of 5-19-97(1), Art. II, § 2.2 Ord. of 11-17-97(1),Art. II, § 2.2)

Sec. 8-213. Administration.

The planning and zoning administrator is hereby designated as the administrative official of this article.
(Ord. of 5-19-97(1), Art. II, § 2.3 Ord. of 11-17-97(1),Art. II, § 2.3)

Sec. 8-214. Penalties for violations.

(a) *Misdemeanor.* After the effective date of this article, any person who, being the owner of any land located within the jurisdiction of this article, who thereafter develops or uses or allows the development or use of his or her land in violation of this article shall be guilty of a Class 3 misdemeanor. Moore County, through its attorney or other official designated by the Moore County Board of Commissioners, may enjoin illegal development or use of property as a land clearing and inert debris landfill by action for injunction. Further, violators of this article shall be subject, upon convictions, to fine and/or imprisonment as provided by G.S. 14.4.

(b) *Continuing violation.* Each day's continuing violation of this article shall be separate and distinct offense.

(c) *Civil penalty.* The violation of any provision of this article shall subject the offender to a civil penalty in the amount of $100.00 per day to be recovered by the county. Violators shall be issued a written citation which must be paid within ten days.

(d) *Equitable remedies.* This article may also be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.

(e) *Combination of remedies.* Nothing in this section shall be construed to limit the use of remedies available to the county, which may seek to enforce this article by using any one, all, or a combination of remedies.
(Ord. of 5-19-97(1), Art. II, § 2.4 Ord. of 11-17-97(1),Art. II, § 2.4)

Sec. 8-215. Fees.

The property owner or developer or operator shall pay to the county a nonrefundable fee, at the time of submitting an application for a proposed land clearing and inert debris landfill for approval, in the amount of $100.00 or as the board of commissioners may establish, from time to time, in a schedule of fees.
(Ord. of 5-19-97(1), Art. II, § 2.5 Ord. of 11-17-97(1),Art. II, § 2.5)

Secs. 8-216—8-220. Reserved.

DIVISION 3. LAND CLEARING AND INERT DEBRIS LANDFILLS

Sec. 8-221. Size.

A land clearing and inert debris landfill may not be less than two acres in size.
(Ord. of 5-19-97(1), Art. III, § 3.1; Ord. of 11-17-97(1),Art. III, § 3.1)

Sec. 8-222. Access.

Access to a land clearing and inert debris landfill must be from a road, street etc., that is a state department of transportation maintained road or a private road, that has a right-of-way width of at least 30 feet and a cleared or driveable area of not less than 20 feet. Any ingress or egress that does not abut one of the above road, entrance, etc. must also have a row width of not less than 30 feet and a cleared and driveable area that is adequately maintained of at all times and that is at least 20 feet in width.
(Ord. of 5-19-97(1), Art. III, § 3.2; Ord. of 11-17-97(1),Art. III, § 3.2)

Sec. 8-223. Buffer.

A densely planted vegetative or dense naturally vegetative strip or a combination of the two that is not less than 50 feet in width, of continuous evergreen composition or other approved plants, trees, or shrubs native to the area, which must be not less than six feet in height within one year, shall be provided along all property lines (except for an ingress and/or egress that shall be not more than 30 feet in width). The planted and/or natural buffer must be maintained in a natural living condition at all times.
(Ord. of 5-19-97(1), Art. III, § 3.3; Ord. of 11-17-97(1),Art. III, § 3.3)

Secs. 8-224—8-230. Reserved.

DIVISION 4. PROCEDURE FOR SECURING APPROVAL OF A LAND CLEARING AND INERT DEBRIS LANDFILL

Sec. 8-231. Land clearing and inert debris landfill permit application procedure.

(a) Prior to developing, opening or operating or expanding a land clearing and inert debris landfill the property owner, developer or operator shall make application to the Moore County Planning Board for a permit to develop, open, operate or expand such a landfill.

The applicant shall submit to the Moore County Planning Board no less than 15 business days prior to a regularly scheduled meeting, at least 15 black or blue line prints of the proposed landfill that has been prepared in accordance with the requirements of this article.

The applicant shall provide a list of the names and addresses of all adjacent property owners along with one set of business (#10) envelopes with typed addresses to each person on the list. These addressed envelopes and the list shall be submitted at least ten work days prior to the planning board public meeting at which the plan is to be reviewed. Certified mail with a return receipt requested must be attached to each prepared letter/envelope to insure property owner notification. These fees and all postage shall be paid by the applicant.

(b) The application shall contain a plan, drawn to a scale of 50 feet to one inch or larger and shall include the following:

(1) The names and addresses of the property owner(s), operator(s) or developer(s) and the designer or registered surveyor or professional engineer, if the plans are drawn other than by the property owner, operator or developer.

(2) Date, scale and approximate north arrow.

(3) Boundaries of the tract, parcel, plot or lot shown with bearing and distances.

(4) The site plan shall also show buffers, ingress and egress, surrounding land usage and any other specific information pertinent to the parcel, plot or lot.

(5) A vicinity map showing the location of the parcel, plot or lot.

(6) The names for each adjoining property owners shown on the parcel, plot or lot they own.

(7) Land contours with vertical intervals of not less than ten feet.

(8) When an expansion is being applied for, the size and location of any existing area that is being, operated as a land clearing and inert debris landfill.

(9) A letter or other certification of approval must be submitted from the North Carolina Department of Transportation, as to the safety and design of the access or entrance on to a state maintained street or road from the landfill.

(Ord. of 5-19-97(1), Art. IV, § 4.1; Ord. of 11-17-97(1),Art. IV, § 4.1)

Sec. 8-232. Review of the proposed landfill plan.

(a) The Moore County Planning Board shall review the proposed landfill plan to determine if it is in accordance with the requirements set forth in this article.

(b) If the Moore County Planning Board, finds after, review that all requirements have been met, the plan shall be approved, approved with modifications or conditions or denied. If the plan is approved with modifications or conditions the modifications or conditions are to be attached in writing to the plan. Once approval, approval with modifications or conditions or the application is denied a copy of the plan with any modifications, conditions or reasons for denial shall be given in writing to the owner, operator or developer.

(c) In the case of denial because all the requirements of this article were not met, the plan maybe resubmitted when all requirements have been met, with no additional fee required, provided the plan is resubmitted within 90 days of the notice of rejection or denial.

(Ord. of 5-19-97(1), Art. IV, § 4.2; Ord. of 11-17-97(1),Art. IV, § 4.2)

Sec. 8-233. Issuance of compliance or permit.

(a) After approval has been given by the Moore County Planning Board the administrative official is authorized to issue a temporary land clearing and inert debris landfill compliance. The intent of this temporary land clearing and inert debris landfill compliance is to enable the property owner, developer or operator to secure a permit from all appropriate departments of the State of North Carolina and to enable the construction of any ingress, egress, buffer or other modification or conditions attached to the plan.

(b) If the proper permit has not been or is not obtained from all appropriate departments of the State of North Carolina and/or compliance with all the terms of approval by the Moore County Planning Board have not been completed within and 180 calendar days from the date of approval of the plan by the Moore County Planning Board, the plan and temporary land clearing and inert debris landfill compliance shall be null and void and a new application must be submitted.

(c) When the property owner, developer or operator has secured all the appropriate departments of the State of North Carolina permits and has completed all requirements for the plan, he shall apply to the administrative official for a landfill clearing and inert debris landfill compliance permit. The administrative official shall make an on-site inspection to insure that all requirements have been complied with before issuing such a permit.

(d) The land clearing and inert debris landfill permit issued to the applicant shall constitute the authority from Moore County to operate the landfill.

(e) Violation of any the requirements or provisions of this article or the permit constitutes grounds for refusing to issue or to revoke the land clearing and inert debris landfill permit. Operating a land clearing and inert debris landfill that is created, developed or expanded, as elsewhere provided in this article, after the adoption of this article, without a valid land clearing, and inert debris landfill permit is a Class 3 misdemeanor punishable by fine or imprisonment as provided by G.S. 14.4., subsection 8-214(a) and/or as elsewhere provided in this article.
(Ord. of 5-19-97(1), Art. IV, § 4.3; Ord. of 11-17-97(1),Art. IV, § 4.3)

Secs. 8-234—8-240. Reserved.

DIVISION 5. OTHER LEGAL PROVISIONS

Sec. 8-241. Jurisdiction.

Upon and after the adoption of this article these regulations shall govern each and every created, built, developed or expanded land clearing and inert debris landfill within the jurisdiction of the County of Moore, outside of the jurisdiction of any incorporated municipality.
(Ord. of 5-19-97(1), Art. V, § 5.1; Ord. of 11-17-97(1),Art. V, § 5.1)

Sec. 8-242. Severability.

Should any section or provision of this article be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this article as a whole or of any other section or provision thereof which is not itself declared unconstitutional or invalid.
(Ord. of 5-19-97(1), Art. V, § 5.2; Ord. of 11-17-97(1),Art. V, § 5.2)

Sec. 8-243. Amendments.

The board of county commissioners may from time to time amend this article. No amendment shall be adopted by the board of county commissioners until it has held a public hearing which has been duly advertised according to state law.
(Ord. of 5-19-97(1), Art. V, § 5.3; Ord. of 11-17-97(1),Art. V, § 5.3)

Sec. 8-244. Abrogation and conflicting regulations.

It is not intended that this article repeal, abrogate, annul, impair or interfere with any other existing casements, covenants, deed restriction, agreements, rules, regulations, ordinance or permits previously adopted or issued pursuant to law. However, where this article imposes greater restrictions, the provision of this article shall govern.
(Ord. of 5-19-97(1), Art. V, § 5.4; Ord. of 11-17-97(1),Art. V, § 5.4)

Sec. 8-245. Effective date.

This article is hereby adopted by the Board of County Commissioners of Moore County, North Carolina, and declared to take effect and be in force this the 17th day of November, 1997.
(Ord. of 5-19-97(1), Art. V, § 5.5; Ord. of 11-17-97(1),Art. V, § 5.5)

Secs. 8-246—8-275. Reserved.

ARTICLE VI. MINING REGULATIONS

DIVISION 1. PURPOSE AND INTENT

Sec. 8-276. Purpose.

In addition to the foregoing preamble, it is the purpose of this article to ensure local citizen participation and adequate protection at the Moore County Government Level; to have an ordinance that is fair and reasonable, that protects the way of life of the citizens of Moore County and to protect the future growth of Moore County. No part of this article is intended to usurp or weaken the North Carolina Mining Act of 1971, or any state regulations pertaining thereto.
(Ord. of 9-2-97, § 1.1)

Sec. 8-277. Title.

This article shall be known as the Mining Ordinance of the County of Moore, North Carolina and may be cited or referred to as the Mine Ordinance.
(Ord. of 9-2-97, § 1.2)

Secs. 8-278—8-280. Reserved.

DIVISION 2. GENERAL PROVISIONS AND ADMINISTRATION

Sec. 8-284. Jurisdiction.

Upon and after the adoption of this article these regulations shall govern each and every created, built, developed or expanded mine and mining operation within the jurisdiction of the County of Moore, except in zoned areas of the County of Moore, outside of the jurisdiction of any incorporated municipality.
(Ord. of 9-2-97, § 2.1)

Sec. 8-182. Definition of mine or mining operation.

(a) Mining means:

(1) The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores or other solid matter.

(2) Any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, soils, and other solid matter from their original location.

(3) The preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial or construction use.

(b) Mining does not include:

(1) Those aspects of deep mining not having significant effect on the surface, where the affected land does not exceed one acre in area.

(2) Excavation or grading when conducted solely in aid of on-site farming or of on-site construction for purposes other than mining, such as constructing a residence, garage, commercial or industrial building.

(3) Mining operations where the affected land does not exceed one acre in area.

(4) Plants engaged in processing minerals produced elsewhere and whose refuse does not affect more than one acre of land.

(5) Removal of overburden and mining of limited amounts of any ores or mineral solids when done only for the purpose and to the extent necessary to determine the location, quantity, or quality of any natural deposit, provided that no ores or mineral solids removed during exploratory excavation or mining are sold, processed for sale, or consumed in the regular operation of a business, and provided further that the affected land resulting from any exploratory excavation does not exceed one acre in area.

(c) "Affected land" means the surface area of land that is mined, the surface area of land associated with a mining activity so that soil is exposed to accelerated erosion, the surface area of land on which overburden and waste is deposited, and the surface area of land used for processing or treatment plant, stockpiles, nonpublic roads, and settling ponds.
(Ord. of 9-2-97, § 2.2)

Sec. 8-283. Size.

Consistent with the North Carolina Mining Act of 1971, this article applies to any mine or mining operation site with an affected land area of one acre or more. Affected land is any area as defined in Article II 2.2.C.
(Ord. of 9-2-97, § 2.3)

Sec. 8-284. Administration.

The planning and zoning administrator is hereby designated as the administrative official of this article.
(Ord. of 9-2-97, § 2.4)

Sec. 8-285. Fees.

The property owner, developer or operator shall pay to the county a non-refundable fee, at the time of submitting an application for a proposed mine or mining operation for approval, in the amount of $100.00 or as the board of commissioners may establish, from time to time, in a schedule of fees.
(Ord. of 9-2-97, § 2.5)

Secs. 8-286—8-300. Reserved.

DIVISION 3. PROCEDURE FOR SECURING APPROVAL FOR A MINE OR MINING OPERATION

Sec. 8-301. Mining special use permit application procedure.

(a) Prior to developing, opening, operating or expanding a mine or mining operation beyond the boundaries of any area permitted by the State of North Carolina for any mine or mining operation in use or operating at the time of the adoption of this article, the property owner, developer or operator shall make application to the Moore County Planning Board for a permit to develop, open, operate or expand such a mine or mining operation.

Any existing permitted mine, as of the date of adoption of this article, which must be renewed because of an expiring State of North Carolina Mining Permit and the renewal does not go beyond the boundaries of the original permitted area shall only be required to file the same letter for renewal required by the State of North Carolina with the administrator for the county files. A copy of the approval by the state for renewal shall also be provided to the county. No other application requirements of this article are necessary, provide no expansion of the original State of North Carolina Mining Permit has occurred.

The applicant shall submit to the Moore County Planning Board not less than 15 business days prior to a regularly scheduled meeting, at least 15 copies of the map of the proposed mine or mining operation that has been prepared in accordance with the requirements of this article.

The applicant shall provide a list of the names and addresses of all adjacent property owners along with one set of business (#10) envelopes with typed addresses to each person on the list. These addressed envelopes and the list shall be submitted at least ten workdays prior to the planning board public meeting at which the plan is to be reviewed. Certified mail with a return receipt requested must be attached to each prepared letter/envelope to insure property owner notification. These fees and all postage shall be paid by the applicant.

(b) The application shall contain a map, drawn to a scale of sufficient size (at the determination of the administrator) to be able to clearly show and read all the following required information:

(1) The names and addresses of the property owner(s), operator(s) or developer(s) and the designer or registered surveyor or professional engineer, if the plans are drawn other than by the property owner, operator or developer.

(2) Date, scale and approximate north arrow.

(3) Boundaries of the tract, parcel, plot or lot shown with bearing and distances.

(4) Boundaries of the area requesting to be permitted, if different from (3) above.

(5) The site plan shall also show buffers, ingress and egress, surrounding land usage and any other specific information pertinent to the parcel, plot or lot.

(6) A vicinity map showing the location of the parcel, plot or lot.

(7) The names for each adjoining property owner, shown on the parcel, plot or lot they own.

(8) Land contours with vertical intervals of not less than ten feet. U.S.G.S. 7.5 Minute Topographical Quadrangle Maps are acceptable.

(9) When an expansion is being applied for, the size and location of any existing area that is being operated as a mine or mining operation.

(10) A letter or other certification of approval must be submitted from the North Carolina Department of Transportation, as to the safety and design of the access or entrance on to a state maintained street or road from the mine.

In place of (1)—(9) above the applicant may submit a completed application as required by the State of North Carolina for a Mining Permit.

(Ord. of 9-2-97, § 3.1)

Sec. 8-302. Access.

Access to a mine or mining operation must be from a road, street etc, that is a North Carolina State Department of Transportation maintained road or a private road, that has a right-of-way width of not less than 30 feet and a cleared or driveable area of not less than 20 feet. Any ingress or egress that does not abut one of the above road(s), entrance, etc. must also have a right-of-way width of not less than 30 feet and a cleared and driveable area that is adequately maintained at all times for vehicular travel and that is at least 20 feet in width.

(Ord. of 9-2-97, § 3.2)

Sec. 8-303. Buffer.

An area of land, which shall be not less than 50 feet in width (unless a lesser width is approved by the planning board) shall be provided along all boundaries of the affected land. This buffer area must be left at all times in a natural vegetative state or if not left in a natural vegetative state then planted with trees, shrubs or plants that create a visual screen. Trees and plants must be native to the area

and trees shall be not less than six feet in height within six years. If an earthern berm or berms are to be used within the buffer for visual screening they shall be planted with vegetation and shall not be less than six feet in height at the crown and with slopes sufficient to minimize erosion.
(Ord. of 9-2-97, § 3.3)

Secs. 8-304—8-310. Reserved.

DIVISION 4. PROCEDURE FOR REVIEWING A MINING APPLICATION AND ISSUANCE OF A PERMIT

Sec. 8-311. Review of the proposed mining application.

(a) The Moore County Planning Board shall review the proposed mining application to determine if it is in accordance with the requirements set forth in this article.

The planning board, in considering the application, shall review any findings by the applicant or other citizens, that with due regard to nature and state of local uses and structures fulfill all the following:

(1) The requested use will not impair the integrity or character of the surrounding or adjoining area, nor adversely affect the safety, health, morals, or welfare of the community or the immediate neighbors of the property;

(2) The requested use is essential or desirable to the public convenience or welfare;

(3) Adequate utilities, access roads, drainage, sanitation or other necessary facilities have been or are being provided;

(4) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize the traffic congestion in the public streets.

(b) If the Moore County Planning Board, finds after review that all requirements have been met or not, the application shall be approved, approved with modifications or conditions or denied. If the application is approved with modifications or conditions the modifications or conditions to be attached in writing to the application. Once approval, approval with modifications or conditions, or the application is denied, a copy of the application with any modifications, conditions, or reasons for denial shall be given in writing to the owner, operator or developer.

(c) Written notice of the planning board's decision concerning the application shall be provided to the applicant within 60 days of the date of submission to the board.

(d) In the case of denial because all the requirements of this article were not met, the application maybe resubmitted, when all requirements have been met, with no additional fee required, provided the plan is resubmitted within 180 days of the notice of rejection or denial.
(Ord. of 9-2-97, § 4.1)

Sec. 8-312. Issuance of permit.

(a) After approval has been given by the Moore County Planning Board the administrative official is authorized to issue a special use mining permit. No site disturbing activities are allowed until a mining permit has been issued by the State of North Carolina.

(b) If the proper permit has not been or is not obtained from all appropriate departments of the State of North Carolina and/or compliance with all the terms of approval by the Moore County Planning Board have not been completed within 365 calendar days from the date of approval of the application by the Moore County Planning Board, the approval of the application and special use mining permit shall be null and void and a new application must be submitted.

(c) The special use mining permit issued to the applicant shall constitute the authority from Moore County to operate the mine or mining operation and shall be valid for the same length of time as a State of North Carolina Mining Permit.

(d) Violation of any of the requirements or provisions of the article or the special use mining permit constitutes grounds for refusing to issue or to revoke the special use mining permit. Operating a mine or mining operation that is created, developed or expanded, as elsewhere provided in this article, after the adoption of this article, without a valid special use mining permit is a Class #3 misdemeanor punishable by fine or imprisonment as provided by G.S. 14.4.(a) and/or as elsewhere provided in this article.
(Ord. of 9-2-97, § 4.2)

Secs. 8-313—8-320. Reserved.

DIVISION 5. ENFORCEMENT AND OTHER LEGAL PROVISIONS

Sec. 8-321. Penalties for violations.

(a) *Misdemeanor.* After the effective date of this article, any person who, being the owner of any land located within the jurisdiction of this article, who thereafter develops or uses or allows the development or use of his or her land in violation of this article shall be guilty of a Class #3 misdemeanor. Moore County, through its attorney or other official designated by the Moore County Board of Commissioners, may enjoin illegal development or use of property as a mine and mining operation by action for injunction. Further, violators of this article shall be subject, upon conviction, to a fine and/or imprisonment as provided by G.S. 14.4.(a).

(b) *Continuing violations.* Each day's continuing violation of this article shall be a separate and distinct offense.

(c) *Civil penalty.* The violation of any provision of this article shall subject the offender to a civil penalty in the amount of $100.00 per day to be recovered by the county. Violators shall be issued a written citation which must be paid within ten days.

(d) *Equitable remedies.* This article may also be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.

(e) *Combination of remedies.* Nothing in this section shall be construed to limit the use of remedies available to the county, which may seek to enforce this article by using any one, all, or a combination of remedies.
(Ord. of 9-2-97, § 5.1)

Sec. 8-322. Separability.

Should any section or provision of this article be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or of any other section or provision thereof which is not itself declared unconstitutional or invalid.
(Ord. of 9-2-97, § 5.2)

Sec. 8-323. Amendments.

The board of county commissioners may from time to time amend this article. No amendment shall be adopted by the board of county commissioners until it has held a public hearing which has been duly advertised according to state law.
(Ord. of 9-2-97, § 5.3)

Sec. 8-324. Abrogation and conflicting regulations.

It is not intended that this article repeal, abrogate, annul, impair or interfere with any other existing easements, covenants, deed restriction, agreements, rules, regulations, ordinance or permits previously adopted or issued pursuant to law. However, where this article imposes greater restrictions, the provision of this article shall govern.
(Ord. of 9-2-97, § 5.4)

Sec. 8-325. Zoning.

It is intended that this article remain in effect until such time as the Moore County Board of Commissioners adopts countywide zoning. At such time this article will be deemed null and void.
(Ord. of 9-2-97, § 5.5)

Sec. 8-326. Effective date.

This article is hereby adopted by the Board of County Commissioners of Moore County, North Carolina, and declared to take effect and be in force this the 2nd day of September, 1997.
(Ord. of 9-2-97, § 5.6)

Secs. 8-327—8-350. Reserved.

ARTICLE VII. WATER CONSERVATION*

Sec. 8-351. Water Shortage Response Plan—Addor.

The procedures herein are written to reduce potable water demand and supplement existing drinking water supplies whenever existing water supply sources are inadequate to meet current demands for potable water.

(1) *Authorization.* The Moore County Manager shall enact the following water shortage response provisions whenever the trigger conditions outlined in subsection (4) are met. In his absence, the director of public works will assume this role.

(2) *Notification.* The following notification methods will be used to inform water system employees and customers of a water shortage declaration: employee e-mail announcements, notices at municipal buildings, notices in water bills. Required water shortage response measures will be communicated through the County of Moore Public Information Officer for distribution to all media outlets such as local newspapers, PSA announcements on local radio and cable stations and on the County's website http://www.moorecountync.gov/. Declaration of emergency water restrictions or water rationing will be communicated to all customers by telephone via reverse E911.

(3) *Levels of response.* Five levels of water shortage response are outlined in the table below. The five levels of water shortage response are: voluntary conservation, moderate and severe mandatory conservation, emergency mandatory conservation and water rationing. A detailed description of each response level and corresponding water conservation measures follow below.

Stage	*Response*	*Description*
1	Voluntary conservation	Water users are encouraged to reduce their water use and improve water use efficiency; however, no penalties apply for noncompliance. Water supply conditions indicate a potential for shortage.
2	Moderate mandatory conservation	Water users must abide required water use reduction and efficiency measures; penalties apply for noncompliance. Water supply conditions are significantly lower than the seasonal norm and water shortage conditions are expected to persist.

***Editor's note—**An ordinance adopted April 5, 2011 amended art. VII in its entirety to read as herein set out. Former art. VII pertained to the same subject, consisted of §§ 8-351—8-356, and derived from ordinances adopted Aug. 19, 2002, and Oct. 5, 2010.

State law reference—Local governments providing water services must prepare local water supply plan, G.S. 143-355(l).

Stage	*Response*	*Description*
3	Severe mandatory conservation	Same as in Stage 2
4	Emergency mandatory conservation	Water supply conditions are substantially diminished and pose an imminent threat to human health or environmental integrity.
5	Water rationing	Water supply conditions are substantially diminished and remaining supplies must be allocated to preserve human health and environmental integrity.

In *Stage I, voluntary conservation,* all water users will be encouraged to reduce their normal water use by 20 percent. Customer education and outreach programs will encourage water conservation and efficiency measures including:

a. Check plumbing, faucets and toilets for leaks, and if necessary repair.

b. Store drinking water in the refrigerator to avoid trying to run it cool at the tap.

c. Use shower for bathing purposes or reduce the depth of water used for tub baths. Limit showers to five (5) minutes where possible.

d. Refrain from running faucets while shaving, rinsing dishes or brushing teeth.

e. Install water flow restrictive devices in faucets and showerheads.

f. Install water-saving devices such as plastic bottles or commercial units in toilet tanks of older model toilets or retrofit older model toilets to low flow type.

g. Review water uses and where feasible install recycle systems, particularly commercial and industrial customers.

h. Limit the use of clothes washers and dishwashers, and when used, operate fully loaded.

i. Reduce the flushing of toilets to the minimum whenever practical.

j. Limit lawn watering to only when grass shows signs of withering and apply water as slow as possible to achieve deep penetration to encourage root growth; preventing water waste, runoff and watering impervious surfaces. Irrigate landscapes a maximum of one inch per week.

k. Limit shrubbery watering to the minimum using spring-loaded nozzles on garden hoses only.

l. Limit car washing to the minimum using spring-loaded nozzles on garden hoses only.

m. Limit wash downs of outside areas such as sidewalks, patios, driveways, or other similar purposes unless for health or safety reasons.

n. Limit hours of operation of water-cooled air conditioners where possible.

o. Use biodegradable disposable dishes and utensils, both for residential and commercial purposes, where feasible.

In *Stage 2, moderate mandatory conservation,* all customers are expected to reduce their water use by 30 percent in comparison to their previous month's water bill. In addition to continuing to encourage all voluntary reduction actions, the level of the conservation effort shall be increased to require the following mandatory measures. No person shall:

a. Water lawns, grass, trees, shrubbery, flowers, golf greens or vegetable gardens except between the hours of 5:00 p.m. and 12:00 midnight, twice weekly with even-numbered addresses allowed to irrigate on Mondays and Thursdays; and odd-numbered addresses allowed to irrigate on Tuesdays and Fridays. Total irrigation is limited to a half inch per week.

b. Introduce water into wading pools or swimming pools except to the extent necessary to replenish losses due to evaporation or spillage, and maintain operation of chemical feed equipment.

c. Use drinking water for washing impervious surfaces such as sidewalks, patios, driveways, or for other similar purposes unless for health or safety reasons.

d. Introduce water into any decorative fountain, pool or pond except where the water is recycled.

e. Serve water in a restaurant or similar establishment, except upon request.

f. Use drinking water for any unnecessary purpose or intentionally waste drinking water.

g. Wash the exterior of a motor vehicle except for commercial washing or where a private well system is used.

h. Use drinking water for testing and training purposes (e.g. fire protection).

All industrial, manufacturing and commercial enterprises shall reduce consumption with a goal reduction of at least 30 percent. Such enterprises shall document the specific efforts they have made to reduce consumption.

In *Stage 3, severe mandatory conservation,* customers shall be encouraged to observe the conservation measures in Stage 1 and required to continue observing the mandatory requirements in Stage 2. The level of the conservation effort shall increase to require the following additional mandatory measures. All non-essential uses of drinking water are banned. Additionally, in Stage 3, a drought surcharge of one and one-half times the normal water rate applies. Customers must reduce water use by 40 percent compared to their previous month's water bill. No person shall:

a. Use drinking water to irrigate any lawn, grass, trees, or golf greens beyond the minimum amount necessary for survival.

b. Use drinking water to irrigate any vegetable garden or ornamental shrubs beyond the minimum amount necessary for survival.

c. Use drinking water to fill any wading pool or swimming pool or replenish any filled pool.

d. Make nonessential use of water for commercial or public use.

e. Operate water-cooled air conditioners or other equipment that do not recycle cooling water, except when health and safety are adversely affected.

All industrial, manufacturing and commercial enterprises shall reduce consumption with a goal of reduction of at least 40 percent. Such enterprises shall document the specific efforts they have made to reduce consumption.

In *Stage 4, emergency mandatory conservation,* customers shall be encouraged to observe the conservation measures in Stage 1 and required to continue observing the mandatory requirements in Stages 2 and 3. The level of the conservation effort shall increase to require the following additional mandatory measures. Customers must continue all actions from previous stages and further reduce their water use by 50 percent compared to their previous month's water bill. A ban on all use of drinking water except to protect public health and safety is implemented and drought surcharges increase to two times the normal water rate. No person shall:

a. Use water outside a structure except in an emergency involving fire.

b. Operate evaporative air conditioning units which recycle water except during the operating hours of the business.

c. Use any swimming pool or wading pool.

d. Wash any motor vehicle, including commercial washing unless a private well is used. In addition to the conservation measures enumerated above, customers shall use plates, glasses, cups and eating utensils that are disposable and biodegradable.

The goal of *Stage 5, water rationing,* is to provide drinking water to protect public health (e.g. residences, residential health care facilities and correctional facilities). Customers shall be encouraged to observe the conservation measures in Stage 1 and required to continue observing the mandatory requirements of Stages 2, 3 and 4. In Stage 5, all customers are only permitted to use water at the minimum required for public health protection. Drought surcharges increase to five times the normal water rate. The level of the conservation effort shall increase to require the following mandatory measures:

a. Fire protection in the MCPU - Addor's water system will be maintained, but where possible, tank trucks shall use raw water.

b. All industrial uses of water shall be prohibited.

c. All other uses of water will be limited to those necessary to meet minimum health and safety needs of the customers as determined by the county manager upon consultation with the director of public utilities in light of conditions present.

Pickup locations for distributing potable water will be announced according to Moore County Public Utilities (Addor)'s Emergency Response Plan. Failure to act in accordance therewith or use of water in any manner or attempt to evade or avoid water-rationing restrictions, shall be unlawful.

(4) *Triggers.* Moore County Public Utilities (Addor) is provided water solely by purchase from the Town of Southern Pines. When the Town of Southern Pines declares a water shortage Moore County Public Utilities (Addor) is required to do so as well. During this time Moore County Public Utilities (Addor) Director of Public Works will stay in close contact with the Town of Southern Pines and follow their triggers.

Return to normal. When water shortage conditions have abated and the situation is returning to normal, water conservation measures employed during each phase should be decreased in reverse order of implementation. Permanent measures directed toward long-term monitoring and conservation should be implemented or continued so that the community will be in a better position to prevent shortages and respond to recurring water shortage conditions.

(5) *Enforcement.* The provisions of the water shortage response plan will be enforced by Moore County Public Utilities personnel and local law enforcement. Violators may be reported to the county's phone line. Citations are assessed according to the following schedule depending on the number of prior violations and current level of water shortage.

Water Shortage Level	*First Violation*	*Second Violation*	*Third Violation*
Voluntary conservation	N/A	N/A	N/A
Moderate and severe mandatory conservation (Stages 2 and 3)	Warning	$250	Discontinuation of service
Emergency Mandatory Conservation	$250.00	Discontinuation of service	Discontinuation of service
Water rationing	$500.00	Discontinuation of service	Discontinuation of service

Drought surcharge rates are effective in Stages 3, 4 and 5.

(6) *Public comment.* Customers will have multiple opportunities to comment on the provisions of the water shortage response plan. First, a draft plan will be available at County Offices for customers to view. A notice will be included in customer water bill notifying them of such. Also, notice of the draft plan will be published in The Southern Pines Pilot. Additionally, notices of all subsequent revisions to the draft plan will be published at least 30 days prior to an adoption vote by Moore County Commissioners.

(7) *Variance protocols.* Applications for water use variance requests are available from the county offices. All applications must be submitted to the county office for review by the county manager or his designee. A decision to approve or deny individual variance requests will be determined within two weeks of submittal after careful consideration of the following criteria: impact on water demand, expected duration, alternative source options, social and economic importance, purpose (i.e. necessary use of drinking water) and the prevention of structural damage.

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

(9) *Revision.* The water shortage response plan will be reviewed and revised as needed to adapt to new circumstances affecting water supply and demand, following implementation of emergency restrictions, and at a minimum of every five years in conjunction with the updating of our local water supply Plan. Further, a water shortage response planning work group will review procedures following each emergency or rationing stage to recommend any necessary improvements to the plan to Moore County Board of Commissioners. The Director of Moore County Public Works is responsible for initiating all subsequent revisions.

(Amend. of 4-5-11)

Sec. 8-352. Same—The Carolina.

The procedures herein are written to reduce potable water demand and supplement existing drinking water supplies whenever existing water supply sources are inadequate to meet current demands for potable water.

(1) *Authorization.* The Moore County Manager shall enact the following water shortage response provisions whenever the trigger conditions outlined in subsection (4) are met. In his absence, the director of public works will assume this role.

(2) *Notification.* The following notification methods will be used to inform water system employees and customers of a water shortage declaration: employee e-mail announcements, notices at municipal buildings, notices in water bills. Required water shortage response measures will be communicated through the County of Moore Public Information Officer for distribution to all media outlets such as local newspapers, PSA announcements on local radio and cable stations and on the county's website http://www.moorecountync.gov/. Declaration of emergency water restrictions or water rationing will be communicated to all customers by telephone via reverse E911.

(3) *Levels of response.* Five levels of water shortage response are outlined in the table below. The five levels of water shortage response are: voluntary conservation, moderate and severe mandatory conservation, emergency mandatory conservation and water rationing. A detailed description of each response level and corresponding water conservation measures follow below.

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

Stage	*Response*	*Description*
2	Moderate mandatory conservation	Water users must abide required water use reduction and efficiency measures; penalties apply for noncompliance. Water supply conditions are significantly lower than the seasonal norm and water shortage conditions are expected to persist.
3	Severe mandatory conservation	Same as in Stage 2
4	Emergency mandatory conservation	Water supply conditions are substantially diminished and pose an imminent threat to human health or environmental integrity.
5	Water rationing	Water supply conditions are substantially diminished and remaining supplies must be allocated to preserve human health and environmental integrity.

In *Stage 1, voluntary conservation,* all water users will be encouraged to reduce their normal water use by 20 percent. Customer education and outreach programs will encourage water conservation and efficiency measures including:

a. Check plumbing, faucets and toilets for leaks, and if necessary repair.

b. Store drinking water in the refrigerator to avoid trying to run it cool at the tap.

c. Use shower for bathing purposes or reduce the depth of water used for tub baths. Limit showers to five minutes where possible.

d. Refrain from running faucets while shaving, rinsing dishes or brushing teeth.

e. Install water flow restrictive devices in faucets and showerheads.

f. Install water-saving devices such as plastic bottles or commercial units in toilet tanks of older model toilets or retrofit older model toilets to low flow type.

g. Review water uses and where feasible install recycle systems, particularly commercial and industrial customers.

h. Limit the use of clothes washers and dishwashers, and when used, operate fully loaded.

i. Reduce the flushing of toilets to the minimum whenever practical.

j. Limit lawn watering to only when grass shows signs of withering and apply water as slow as possible to achieve deep penetration to encourage root growth; preventing water waste, runoff and watering impervious surfaces. Irrigate landscapes a maximum of one inch per week.

k. Limit shrubbery watering to the minimum using spring-loaded nozzles on garden hoses only.

l. Limit car washing to the minimum using spring-loaded nozzles on garden hoses only.

m. Limit wash downs of outside areas such as sidewalks, patios, driveways, or other similar purposes unless for health or safety reasons.

n. Limit hours of operation of water-cooled air conditioners where possible.

o. Use biodegradable disposable dishes and utensils, both for residential and commercial purposes, where feasible.

In *Stage 2, moderate mandatory conservation,* all customers are expected to reduce their water use by 30 percent in comparison to their previous month's water bill. In addition to continuing to encourage all voluntary reduction actions, the level of the conservation effort shall be increased to require the following mandatory measures. No person shall:

a. Water lawns, grass, trees, shrubbery, flowers, golf greens or vegetable gardens except between the hours of 5:00 p.m. and 12:00 midnight, twice weekly with even-numbered addresses allowed to irrigate on Mondays and Thursdays; and odd-numbered addresses allowed to irrigate on Tuesdays and Fridays. Total irrigation is limited to a half inch per week.

b. Introduce water into wading pools or swimming pools except to the extent necessary to replenish losses due to evaporation or spillage, and maintain operation of chemical feed equipment.

c. Use drinking water for washing impervious surfaces such as sidewalks, patios, driveways, or for other similar purposes unless for health or safety reasons.

d. Introduce water into any decorative fountain, pool or pond except where the water is recycled.

e. Serve water in a restaurant or similar establishment, except upon request.

f. Use drinking water for any unnecessary purpose or intentionally waste drinking water.

g. Wash the exterior of a motor vehicle except for commercial washing or where a private well system is used.

h. Use drinking water for testing and training purposes (e.g. fire protection).

All industrial, manufacturing and commercial enterprises shall reduce consumption with a goal reduction of at least 30 percent. Such enterprises shall document the specific efforts they have made to reduce consumption.

In *Stage 3, severe mandatory conservation,* customers shall be encouraged to observe the conservation measures in Stage 1 and required to continue observing the mandatory requirements in Stage 2. The level of the conservation effort shall increase to require the following additional mandatory measures. All nonessential uses of drinking water are banned. Additionally, in Stage 3, a drought surcharge of one and one-half times the normal water rate applies. Customers must reduce water use by 40 percent compared to their previous month's water bill. No person shall:

a. Use drinking water to irrigate any lawn, grass, trees, or golf greens beyond the minimum amount necessary for survival.

b. Use drinking water to irrigate any vegetable garden or ornamental shrubs beyond the minimum amount necessary for survival.

c. Use drinking water to fill any wading pool or swimming pool or replenish any filled pool.

d. Make nonessential use of water for commercial or public use.

e. Operate water-cooled air conditioners or other equipment that do not recycle cooling water, except when health and safety are adversely affected.

All industrial, manufacturing and commercial enterprises shall reduce consumption with a goal of reduction of at least 40 percent. Such enterprises shall document the specific efforts they have made to reduce consumption.

In *Stage 4, emergency mandatory conservation,* customers shall be encouraged to observe the conservation measures in Stage 1 and required to continue observing the mandatory requirements in Stages 2 and 3. The level of the conservation effort shall increase to require the following additional mandatory measures. Customers must continue all actions from previous stages and further reduce their water use by 50 percent compared to their previous month's water bill. A ban on all use of drinking water except to protect public health and safety is implemented and drought surcharges increase to two times the normal water rate. No person shall:

a. Use water outside a structure except in an emergency involving fire.

b. Operate evaporative air conditioning units which recycle water except during the operating hours of the business.

c. Use any swimming pool or wading pool.

d. Wash any motor vehicle, including commercial washing unless a private well is used. In addition to the conservation measures enumerated above, customers shall use plates, glasses, cups and eating utensils that are disposable and biodegradable.

The goal of *Stage 5, water rationing,* is to provide drinking water to protect public health (e.g. residences, residential health care facilities and correctional facilities). Customers shall be encouraged to observe the conservation measures in Stage 1 and required to continue observing the mandatory requirements of Stages 2, 3 and 4. In Stage 5, all customers are only permitted to use water at the minimum required for public health protection. Drought surcharges increase to five times the normal water rate. The level of the conservation effort shall increase to require the following mandatory measures:

a. Fire protection in the MCPU - The Carolina's water system will be maintained, but where possible, tank trucks shall use raw water.

b. All industrial uses of water shall be prohibited.

c. All other uses of water will be limited to those necessary to meet minimum health and safety needs of the customers as determined by the county manager upon consultation with the director of public utilities in light of conditions present.

Pickup locations for distributing potable water will be announced according to Moore County Public Utilities (The Carolina)'s Emergency Response Plan. Failure to act in accordance therewith or use of water in any manner or attempt to evade or avoid water rationing restrictions shall be unlawful.

(4) *Triggers.* Moore County Public Utilities (The Carolina) is provided water solely by purchase from the Town of Southern Pines. When the Town of Southern Pines declares a water shortage Moore County Public Utilities (The Carolina) is required to do so as well. During this time Moore County Public Utilities (The Carolina) Director of Public Works will stay in close contact with the Town of Southern Pines and follow their triggers.

Return to normal. When water shortage conditions have abated and the situation is returning to normal, water conservation measures employed during each phase should be decreased in reverse order of implementation. Permanent measures directed toward long-term monitoring and conservation should be implemented or continued so that the community will be in a better position to prevent shortages and respond to recurring water shortage conditions.

(5) *Enforcement.* The provisions of the water shortage response plan will be enforced by Moore County Public Utilities personnel and local law enforcement. Violators may be reported to the county's phone line. Citations are assessed according to the following schedule depending on the number of prior violations and current level of water shortage.

Water Shortage Level	*First Violation*	*Second Violation*	*Third Violation*
Voluntary conservation	N/A	N/A	N/A
Moderate and severe mandatory conservation (Stages 2 and 3)	Warning	$250	Discontinuation of service
Emergency Mandatory Conservation	$250.00	Discontinuation of service	Discontinuation of service
Water rationing	$500.00	Discontinuation of service	Discontinuation of service

Drought surcharge rates are effective in Stages 3, 4 and 5.

(6) *Public comment.* Customers will have multiple opportunities to comment on the provisions of the water shortage response plan. First, a draft plan will be available at county offices for customers to view. A notice will be included in customer water bill notifying them of such. Also, notice of the draft plan will be published in The Southern Pines Pilot. Additionally, notices of all subsequent revisions to the draft plan will be published at least 30 days prior to an adoption vote by Moore County Commissioners.

(7) *Variance protocols.* Applications for water use variance requests are available from the county offices. All applications must be submitted to the county office for review by the county manager or his designee. A decision to approve or deny individual variance requests will be determined within two weeks of submittal after careful consideration of the following

criteria: impact on water demand, expected duration, alternative source options, social and economic importance, purpose (i.e., necessary use of drinking water) and the prevention of structural damage.

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

(9) *Revision.* The water shortage response plan will be reviewed and revised as needed to adapt to new circumstances affecting water supply and demand, following implementation of emergency restrictions, and at a minimum of every five years in conjunction with the updating of our local water supply plan. Further, a water shortage response planning work group will review procedures following each emergency or rationing stage to recommend any necessary improvements to the plan to Moore County Board of Commissioners. The Director of Moore County Public Works is responsible for initiating all subsequent revisions.

(Amend. of 4-5-11)

Sec. 8-353. Same—High Falls.

The procedures herein are written to reduce potable water demand and supplement existing drinking water supplies whenever existing water supply sources are inadequate to meet current demands for potable water.

(1) *Authorization.* The Moore County Manager shall enact the following water shortage response provisions whenever the trigger conditions outlined in subsection (4) are met. In his absence, the director of public works will assume this role.

(2) *Notification.* The following notification methods will be used to inform water system employees and customers of a water shortage declaration: employee e-mail announcements, notices at municipal buildings, notices in water bills. Required water shortage response measures will be communicated through the County of Moore Public Information Officer for distribution to all media outlets such as local newspapers, PSA announcements on local radio and cable stations and on the county's website http://www.moorecountync.gov. Declaration of emergency water restrictions or water rationing will be communicated to all customers by telephone via reverse E911.

(3) *Levels of response.* Five levels of water shortage response are outlined in the table below. The five levels of water shortage response are: voluntary conservation, moderate and severe mandatory conservation, emergency mandatory conservation and water rationing. A detailed description of each response level and corresponding water conservation measures follow below.

Stage	*Response*	*Description*
1	Voluntary conservation	Water users are encouraged to reduce their water use and improve water use efficiency; however, no penalties apply for noncompliance. Water supply conditions indicate a potential for shortage.
2	Moderate mandatory conservation	Water users must abide required water use reduction and efficiency measures; penalties apply for noncompliance. Water supply conditions are significantly lower than the seasonal norm and water shortage conditions are expected to persist.
3	Severe mandatory conservation	Same as in Stage 2
4	Emergency mandatory conservation	Water supply conditions are substantially diminished and pose an imminent threat to human health or environmental integrity.
5	Water rationing	Water supply conditions are substantially diminished and remaining supplies must be allocated to preserve human health and environmental integrity.

In *Stage 1, voluntary conservation,* all water users will be encouraged to reduce their normal water use by 20 percent. Customer education and outreach programs will encourage water conservation and efficiency measures including:

a. Check plumbing, faucets and toilets for leaks, and if necessary repair.

b. Store drinking water in the refrigerator to avoid trying to run it cool at the tap.

c. Use shower for bathing purposes or reduce the depth of water used for tub baths. Limit showers to five minutes where possible.

d. Refrain from running faucets while shaving, rinsing dishes or brushing teeth.

e. Install water flow restrictive devices in faucets and showerheads.

f Install water-saving devices such as plastic bottles or commercial units in toilet tanks of older model toilets or retrofit older model toilets to low flow type.

g. Review water uses and where feasible install recycle systems, particularly commercial and industrial customers.

h. Limit the use of clothes washers and dishwashers, and when used, operate fully loaded.

i. Reduce the flushing of toilets to the minimum whenever practical.

j. Limit lawn watering to only when grass shows signs of withering and apply water as slow as possible to achieve deep penetration to encourage root growth; preventing water waste, runoff and watering impervious surfaces. Irrigate landscapes a maximum of one inch per week.

k. Limit shrubbery watering to the minimum using spring-loaded nozzles on garden hoses only.

l. Limit car washing to the minimum using spring-loaded nozzles on garden hoses only.

m. Limit wash downs of outside areas such as sidewalks, patios, driveways, or other similar purposes unless for health or safety reasons.

n. Limit hours of operation of water-cooled air conditioners where possible.

o. Use biodegradable disposable dishes and utensils, both for residential and commercial purposes, where feasible.

In *Stage 2, moderate mandatory conservation,* all customers are expected to reduce their water use by 30 percent in comparison to their previous month's water bill. In addition to continuing to encourage all voluntary reduction actions, the level of the conservation effort shall be increased to require the following mandatory measures. No person shall:

a. Water lawns, grass, trees, shrubbery, flowers, golf greens or vegetable gardens except between the hours of 5:00 p.m. and 12:00 midnight, twice weekly with even-numbered addresses allowed to irrigate on Mondays and Thursdays; and odd-numbered addresses allowed to irrigate on Tuesdays and Fridays. Total irrigation is limited to a half inch per week.

b. Introduce water into wading pools or swimming pools except to the extent necessary to replenish losses due to evaporation or spillage, and maintain operation of chemical feed equipment.

c. Use drinking water for washing impervious surfaces such as sidewalks, patios, driveways, or for other similar purposes unless for health or safety reasons.

d. Introduce water into any decorative fountain, pool or pond except where the water is recycled.

e. Serve water in a restaurant or similar establishment, except upon request.

f. Use drinking water for any unnecessary purpose or intentionally waste drinking water.

g. Wash the exterior of a motor vehicle except for commercial washing or where a private well system is used.

h. Use drinking water for testing and training purposes (e.g., fire protection).

All industrial, manufacturing and commercial enterprises shall reduce consumption with a goal reduction of at least 30 percent. Such enterprises shall document the specific efforts they have made to reduce consumption.

In *Stage 3, severe mandatory conservation,* customers shall be encouraged to observe the conservation measures in Stage 1 and required to continue observing the mandatory requirements in Stage 2. The level of the conservation effort shall increase to require the following additional mandatory measures. All nonessential uses of drinking water are banned. Additionally, in Stage 3, a drought surcharge of one and one-half times the normal water rate applies. Customers must reduce water use by 40 percent compared to their previous month's water bill. No person shall:

a. Use drinking water to irrigate any lawn, grass, trees, or golf greens beyond the minimum amount necessary for survival.

b. Use drinking water to irrigate any vegetable garden or ornamental shrubs beyond the minimum amount necessary for survival.

c. Use drinking water to fill any wading pool or swimming pool or replenish any filled pool.

d. Make nonessential use of water for commercial or public use.

e. Operate water-cooled air conditioners or other equipment that do not recycle cooling water, except when health and safety are adversely affected.

All industrial, manufacturing and commercial enterprises shall reduce consumption with a goal of reduction of at least 40 percent. Such enterprises shall document the specific efforts they have made to reduce consumption.

In *Stage 4, emergency mandatory conservation,* customers shall be encouraged to observe the conservation measures in Stage 1 and required to continue observing the mandatory requirements in Stages 2 and 3. The level of the conservation effort shall increase to require the following additional mandatory measures. Customers must continue all actions from previous stages and further reduce their water use by 50 percent compared to their previous month's water bill. A ban on all use of drinking water except to protect public health and safety is implemented and drought surcharges increase to two times the normal water rate. No person shall:

a. Use water outside a structure except in an emergency involving fire.

b. Operate evaporative air conditioning units which recycle water except during the operating hours of the business.

c. Use any swimming pool or wading pool.

d. Wash any motor vehicle, including commercial washing unless a private well is used. In addition to the conservation measures enumerated above, customers shall use plates, glasses, cups and eating utensils that are disposable and biodegradable.

The goal of *Stage 5, water rationing,* is to provide drinking water to protect public health (e.g., residences, residential health care facilities and correctional facilities). Customers shall be encouraged to observe the conservation measures in Stage 1 and required to continue observing the mandatory requirements of Stages 2, 3 and 4. In Stage 5, all

customers are only permitted to use water at the minimum required for public health protection. Drought surcharges increase to five times the normal water rate. The level of the conservation effort shall increase to require the following mandatory measures:

a. Fire protection in the water system will be maintained, but where possible, tank trucks shall use raw water.

b. All industrial uses of water shall be prohibited.

c. All other uses of water will be limited to those necessary to meet minimum health and safety needs of the customers as determined by the county manager upon consultation with the director of public utilities in light of conditions present.

Pickup locations for distributing potable water will be announced according to Moore County Public Utilities (High Falls) Emergency Response Plan. Failure to act in accordance therewith or use of water in any manner or attempt to evade or avoid water rationing restrictions, shall be unlawful.

(4) *Triggers.* Moore County Public Utilities (High Falls) is provided water solely by purchase from the Chatham County. When Chatham County declares a water shortage Moore County Public Utilities (High Falls) is required to do so as well. During this time Moore County Public Utilities (High Falls) Director of Public Works will stay in close contact with Chatham County and follow their triggers.

Return to normal. When water shortage conditions have abated and the situation is returning to normal, water conservation measures employed during each phase should be decreased in reverse order of implementation. Permanent measures directed toward long-term monitoring and conservation should be implemented or continued so that the community will be in a better position to prevent shortages and respond to recurring water shortage conditions.

(5) *Enforcement.* The provisions of the water shortage response plan will be enforced by Moore County Public Utilities personnel and local law enforcement. Violators may be reported to the county's phone line. Citations are assessed according to the following schedule depending on the number of prior violations and current level of water shortage.

Water Shortage Level	*First Violation*	*Second Violation*	*Third Violation*
Voluntary conservation	N/A	N/A	N/A
Moderate and severe mandatory conservation (Stages 2 and 3)	Warning	$250	Discontinuation of service
Emergency Mandatory Conservation	$250.00	Discontinuation of service	Discontinuation of service
Water rationing	$500.00	Discontinuation of service	Discontinuation of service

Drought surcharge rates are effective in Stages 3, 4 and 5.

(6) *Public comment.* Customers will have multiple opportunities to comment on the provisions of the water shortage response plan. First, a draft plan will be available at county offices for customers to view. A notice will be included in customer water bill notifying them of such. Also, notice of the draft plan will be published in The Southern Pines Pilot.

Additionally, notices of all subsequent revisions to the draft plan will be published at least 30 days prior to an adoption vote by Moore County Commissioners.

(7) *Variance protocols.* Applications for water use variance requests are available from the county offices. All applications must be submitted to the county office for review by the county manager or his designee. A decision to approve or deny individual variance requests will be determined within two weeks of submittal after careful consideration of the following criteria: impact on water demand, expected duration, alternative source options, social and economic importance, purpose (i.e., necessary use of drinking water) and the prevention of structural damage.

(8) *Effectiveness.* The effectiveness of the Moore County Public Utilities (High Falls) water shortage response plan will be determined by comparing the stated water conservation goals with observed water use reduction data. Other factors to be considered include frequency of plan activation, any problem periods without activation, total number of violation citations, desired reductions attained and evaluation of demand reductions compared to the previous year's seasonal data.

(9) *Revision.* The water shortage response plan will be reviewed and revised as needed to adapt to new circumstances affecting water supply and demand, following implementation of emergency restrictions, and at a minimum of every five years in conjunction with the updating of our local water supply plan. Further, a water shortage response planning work group will review procedures following each emergency or rationing stage to recommend any necessary improvements to the plan to Moore County Board of Commissioners. The Director of Moore County Public Works is responsible for initiating all subsequent revisions.

(Amend. of 4-5-11)

Sec. 8-354. Same—Hyland Hills/Niagara.

The procedures herein are written to reduce potable water demand and supplement existing drinking water supplies whenever existing water supply sources are inadequate to meet current demands for potable water.

1. *Authorization.* The Moore County Manager shall enact the following water shortage response provisions whenever the trigger conditions outlined in subsection (4) are met. In his absence, the director of public works will assume this role.

(2) *Notification.* The following notification methods will be used to inform water system employees and customers of a water shortage declaration: employee e-mail announcements, notices at municipal buildings, notices in water bills. Required water shortage response measures will be communicated through the County of Moore Public Information Officer for distribution to all media outlets such as local newspapers, PSA announcements on local

radio and cable stations and on the county's website http://www.moorecountync.gov/. Declaration of emergency water restrictions or water rationing will be communicated to all customers by telephone via reverse E911.

(3) *Levels of response.* Five levels of water shortage response are outlined in the table below. The five levels of water shortage response are: voluntary conservation, moderate and severe mandatory conservation, emergency mandatory conservation and water rationing. A detailed description of each response level and corresponding water conservation measures follow below.

Stage	*Response*	*Description*
1	Voluntary conservation	Water users are encouraged to reduce their water use and improve water use efficiency; however, no penalties apply for noncompliance. Water supply conditions indicate a potential for shortage.
2	Moderate mandatory conservation	Water users must abide required water use reduction and efficiency measures; penalties apply for noncompliance. Water supply conditions are significantly lower than the seasonal norm and water shortage conditions are expected to persist.
3	Severe mandatory conservation	Same as in Stage 2.
4	Emergency mandatory conservation	Water supply conditions are substantially diminished and pose an imminent threat to human health or environmental integrity.
5	Water rationing	Water supply conditions are substantially diminished and remaining supplies must be allocated to preserve human health and environmental integrity.

In *Stage 1, voluntary conservation,* all water users will be encouraged to reduce their normal water use by 20 percent. Customer education and outreach programs will encourage water conservation and efficiency measures including:

a. Check plumbing, faucets and toilets for leaks, and if necessary repair.

b. Store drinking water in the refrigerator to avoid trying to run it cool at the tap.

c. Use shower for bathing purposes or reduce the depth of water used for tub baths. Limit showers to five minutes where possible.

d. Refrain from running faucets while shaving, rinsing dishes or brushing teeth.

e. Install water flow restrictive devices in faucets and showerheads.

f. Install water-saving devices such as plastic bottles or commercial units in toilet tanks of older model toilets or retrofit older model toilets to low flow type.

g. Review water uses and where feasible install recycle systems, particularly commercial and industrial customers.

h. Limit the use of clothes washers and dishwashers, and when used, operate fully loaded.

i. Reduce the flushing of toilets to the minimum whenever practical.

j. Limit lawn watering to only when grass shows signs of withering and apply water as slow as possible to achieve deep penetration to encourage root growth; preventing water waste, runoff and watering impervious surfaces. Irrigate landscapes a maximum of one inch per week.

k. Limit shrubbery watering to the minimum using spring-loaded nozzles on garden hoses only.

l. Limit car washing to the minimum using spring-loaded nozzles on garden hoses only.

m. Limit wash downs of outside areas such as sidewalks, patios, driveways, or other similar purposes unless for health or safety reasons.

n. Limit hours of operation of water-cooled air conditioners where possible.

o. Use biodegradable disposable dishes and utensils, both for residential and commercial purposes, where feasible.

In *Stage 2, moderate mandatory conservation,* all customers are expected to reduce their water use by 30 percent in comparison to their previous month's water bill. In addition to continuing to encourage all voluntary reduction actions, the level of the conservation effort shall be increased to require the following mandatory measures. No person shall:

a. Water lawns, grass, trees, shrubbery, flowers, golf greens or vegetable gardens except between the hours of 5:00 p.m. and 12:00 midnight, twice weekly with even-numbered addresses allowed to irrigate on Mondays and Thursdays; and odd-numbered addresses allowed to irrigate on Tuesdays and Fridays. Total irrigation is limited to one-half inch per week.

b. Introduce water into wading pools or swimming pools except to the extent necessary to replenish losses due to evaporation or spillage, and maintain operation of chemical feed equipment.

c. Use drinking water for washing impervious surfaces such as sidewalks, patios, driveways, or for other similar purposes unless for health or safety reasons.

d. Introduce water into any decorative fountain, pool or pond except where the water is recycled.

e. Serve water in a restaurant or similar establishment, except upon request.

f. Use drinking water for any unnecessary purpose or intentionally waste drinking water.

g. Wash the exterior of a motor vehicle except for commercial washing or where a private well system is used.

h. Use drinking water for testing and training purposes (e.g., fire protection).

All industrial, manufacturing and commercial enterprises shall reduce consumption with a goal reduction of at least 30 percent. Such enterprises shall document the specific efforts they have made to reduce consumption.

In *Stage 3, severe mandatory conservation,* customers shall be encouraged to observe the conservation measures in Stage 1 and required to continue observing the mandatory requirements in Stage 2. The level of the conservation effort shall increase to require the following additional mandatory measures. All non-essential uses of drinking water are banned. Additionally, in Stage 3, a drought surcharge of one and one-half times the normal water rate applies. Customers must reduce water use by 40 percent compared to their previous month's water bill. No person shall:

a. Use drinking water to irrigate any lawn, grass, trees, or golf greens beyond the minimum amount necessary for survival.

b. Use drinking water to irrigate any vegetable garden or ornamental shrubs beyond the minimum amount necessary for survival.

c. Use drinking water to fill any wading pool or swimming pool or replenish any filled pool.

d. Make nonessential use of water for commercial or public use.

e. Operate water-cooled air conditioners or other equipment that do not recycle cooling water, except when health and safety are adversely affected.

All industrial, manufacturing and commercial enterprises shall reduce consumption with a goal of reduction of at least 40 percent. Such enterprises shall document the specific efforts they have made to reduce consumption.

In *Stage 4, emergency mandatory conservation,* Customers shall be encouraged to observe the conservation measures in Stage 1 and required to continue observing the mandatory requirements in Stages 2 and 3. The level of the conservation effort shall increase to require the following additional mandatory measures. Customers must continue all actions from previous stages and further reduce their water use by 50 percent compared to their previous month's water bill. A ban on all use of drinking water except to protect public health and safety is implemented and drought surcharges increase to two times the normal water rate. No person shall:

a. Use water outside a structure except in an emergency involving fire.

b. Operate evaporative air conditioning units which recycle water except during the operating hours of the business.

c. Use any swimming pool or wading pool.

d. Wash any motor vehicle, including commercial washing unless a private well is used. In addition to the conservation measures enumerated above, customers shall use plates, glasses, cups and eating utensils that are disposable and biodegradable.

The goal of *Stage 5, water rationing,* is to provide drinking water to protect public health (e.g., residences, residential health care facilities and correctional facilities). Customers shall be encouraged to observe the conservation measures in Stage 1 and required to continue observing the mandatory requirements of Stages 2, 3 and 4. In Stage 5, all customers are only permitted to use water at the minimum required for public health protection. Drought surcharges increase to five times the normal water rate. The level of the conservation effort shall increase to require the following mandatory measures:

a. Fire protection in the East Moore Water District will be maintained, but where possible, tank trucks shall use raw water.

b. All industrial uses of water shall be prohibited.

c. All other uses of water will be limited to those necessary to meet minimum health and safety needs of the customers as determined by the county manager upon consultation with the director of public utilities in light of conditions present.

Pickup locations for distributing potable water will be announced according to Moore County Public Utilities (Hyland Hills/Niagara)'s Emergency Response Plan. Failure to act in accordance therewith or use of water in any manner or attempt to evade or avoid water rationing restrictions, shall be unlawful.

(4) *Triggers.* Moore County Public Utilities (Hyland Hills/Niagara) is provided water solely by purchase from East Moore Water District. When the East Moore Water District declares a water shortage Moore County Public Utilities (Hyland Hills/Niagara) is required to do so as well. During this time Moore County Public Utilities (Hyland Hills/Niagara) Director of Public Works will stay in close contact with the East Moore Water District and follow their triggers.

Return to normal. When water shortage conditions have abated and the situation is returning to normal, water conservation measures employed during each phase should be decreased in reverse order of implementation. Permanent measures directed toward long-term monitoring and conservation should be implemented or continued so that the community will be in a better position to prevent shortages and respond to recurring water shortage conditions.

(5) *Enforcement.* The provisions of the water shortage response plan will be enforced by Moore County Public Utilities personnel and local law enforcement. Violators may be reported to the county's phone line. Citations are assessed according to the following schedule depending on the number of prior violations and current level of water shortage.

Water Shortage Level	*First Violation*	*Second Violation*	*Third Violation*
Voluntary conservation	N/A	N/A	N/A

Water Shortage Level	*First Violation*	*Second Violation*	*Third Violation*
Moderate and severe mandatory conservation (Stages 2 and 3)	Warning	$250	Discontinuation of service
Emergency Mandatory Conservation	$250.00	Discontinuation of service	Discontinuation of service
Water rationing	$500.00	Discontinuation of service	Discontinuation of service

Drought surcharge rates are effective in Stages 3, 4 and 5.

(6) *Public comment.* Customers will have multiple opportunities to comment on the provisions of the water shortage response plan. First, a draft plan will be available at county offices for customers to view. A notice will be included in customer water bill notifying them of such. Also, notice of the draft plan will be published in The Southern Pines Pilot. Additionally, notices of all subsequent revisions to the draft plan will be published at least 30 days prior to an adoption vote by Moore County Commissioners.

(7) *Variance protocols.* Applications for water use variance requests are available from the county offices. All applications must be submitted to the county office for review by the county manager or his designee. A decision to approve or deny individual variance requests will be determined within two weeks of submittal after careful consideration of the following criteria: impact on water demand, expected duration, alternative source options, social and economic importance, purpose (i.e., necessary use of drinking water) and the prevention of structural damage.

(8) *Effectiveness.* The effectiveness of the Moore County Public Utilities (Hyland Hills/Niagara) water shortage response plan will be determined by comparing the stated water conservation goals with observed water use reduction data. Other factors to be considered include frequency of plan activation, any problem periods without activation, total number of violation citations, desired reductions attained and evaluation of demand reductions compared to the previous year's seasonal data.

(9) *Revision.* The water shortage response plan will be reviewed and revised as needed to adapt to new circumstances affecting water supply and demand, following implementation of emergency restrictions, and at a minimum of every five years in conjunction with the updating of our local water supply plan. Further, a water shortage response planning work group will review procedures following each emergency or rationing stage to recommend any necessary improvements to the plan to Moore County Board of Commissioners. The Director of Moore County Public Works is responsible for initiating all subsequent revisions.

(Amend. of 4-5-11)

Sec. 8-355. Same—Pinehurst.

The procedures herein are written to reduce potable water demand and supplement existing drinking water supplies whenever existing water supply sources are inadequate to meet current demands for potable water.

(1) *Authorization.* The Moore County Manager shall enact the following water shortage response provisions whenever the trigger conditions outlined in subsection (4) are met. In his absence, the director of public works will assume this role.

(2) *Notification.* The following notification methods will be used to inform water system employees and customers of a water shortage declaration: employee e-mail announcements, notices at municipal buildings, notices in water bills. Required water shortage response measures will be communicated through the County of Moore Public Information Officer for distribution to all media outlets such as local newspapers, PSA announcements on local radio and cable stations and on the county's website http://www.moorecountync.gov/. Declaration of emergency water restrictions or water rationing will be communicated to all customers by telephone via reverse E911.

(3) *Levels of response.* Five levels of water shortage response are outlined in the table below. The five levels of water shortage response are: voluntary conservation, moderate and severe mandatory conservation, emergency mandatory conservation and water rationing. A detailed description of each response level and corresponding water conservation measures follow below.

Stage	*Response*	*Description*
1	Voluntary conservation	Water users are encouraged to reduce their water use and improve water use efficiency; however, no penalties apply for noncompliance. Water supply conditions indicate a potential for shortage.
2	Moderate mandatory conservation	Water users must abide required water use reduction and efficiency measures; penalties apply for noncompliance. Water supply conditions are significantly lower than the seasonal norm and water shortage conditions are expected to persist.
3	Severe mandatory conservation	Same as in Stage 2
4	Emergency mandatory conservation	Water supply conditions are substantially diminished and pose an imminent threat to human health or environmental integrity.

Stage	*Response*	*Description*
5	Water rationing	Water supply conditions are substantially diminished and remaining supplies must be allocated to preserve human health and environmental integrity.

In *Stage 1, voluntary conservation,* all water users will be encouraged to reduce their normal water use by 20 percent. Customer education and outreach programs will encourage water conservation and efficiency measures including:

a. Check plumbing, faucets and toilets for leaks, and if necessary repair.

b. Store drinking water in the refrigerator to avoid trying to run it cool at the tap.

c. Use shower for bathing purposes or reduce the depth of water used for tub baths. Limit showers to five minutes where possible.

d. Refrain from running faucets while shaving, rinsing dishes or brushing teeth.

e. Install water flow restrictive devices in faucets and showerheads.

f. Install water-saving devices such as plastic bottles or commercial units in toilet tanks of older model toilets or retrofit older model toilets to low flow type.

g. Review water uses and where feasible install recycle systems, particularly commercial and industrial customers.

h. Limit the use of clothes washers and dishwashers, and when used, operate fully loaded.

i. Reduce the flushing of toilets to the minimum whenever practical.

j. Limit lawn watering to only when grass shows signs of withering and apply water as slowly as possible to achieve deep penetration to encourage root growth; preventing water waste, runoff and watering impervious surfaces. Irrigate landscapes a maximum of one inch per week.

k. Limit shrubbery watering to the minimum using spring-loaded nozzles on garden hoses only.

l. Limit car washing to the minimum using spring-loaded nozzles on garden hoses only.

m. Limit wash downs of outside areas such as sidewalks, patios, driveways, or other similar purposes unless for health or safety reasons.

n. Limit hours of operation of water-cooled air conditioners where possible.

o. Use biodegradable disposable dishes and utensils, both for residential and commercial purposes, where feasible.

In *Stage 2, moderate mandatory conservation,* all customers are expected to reduce their water use by 30 percent in comparison to their previous month's water bill. In addition to continuing to encourage all voluntary reduction actions, the level of the conservation effort shall be increased to require the following mandatory measures. No person shall:

a. Water lawns, grass, trees, shrubbery, flowers, golf greens or vegetable gardens except between the hours of 5:00 p.m. and 12:00 midnight, twice weekly with

even-numbered addresses allowed to irrigate on Mondays and Thursdays; and odd-numbered addresses allowed to irrigate on Tuesdays and Fridays. Total irrigation is limited to a half inch per week.

b. Introduce water into wading pools or swimming pools except to the extent necessary to replenish losses due to evaporation or spillage, and maintain operation of chemical feed equipment.

c. Use drinking water for washing impervious surfaces such as sidewalks, patios, driveways, or for other similar purposes unless for health or safety reasons.

d. Introduce water into any decorative fountain, pool or pond except where the water is recycled.

e. Serve water in a restaurant or similar establishment, except upon request.

f. Use drinking water for any unnecessary purpose or intentionally waste drinking water.

g. Wash the exterior of a motor vehicle except for commercial washing or where a private well system is used.

h. Use drinking water for testing and training purposes (e.g. fire protection).

All industrial, manufacturing and commercial enterprises shall reduce consumption with a goal reduction of at least 30 percent. Such enterprises shall document the specific efforts they have made to reduce consumption.

In *Stage 3, severe mandatory conservation,* customers shall be encouraged to observe the conservation measures in Stage 1 and required to continue observing the mandatory requirements in Stage 2. The level of the conservation effort shall increase to require the following additional mandatory measures. All nonessential uses of drinking water are banned. Additionally, in Stage 3, a drought surcharge of one and one-half times the normal water rate applies. Customers must reduce water use by 40 percent compared to their previous month's water bill. No person shall:

a. Use drinking water to irrigate any lawn, grass, trees, or golf greens beyond the minimum amount necessary for survival.

b. Use drinking water to irrigate any vegetable garden or ornamental shrubs beyond the minimum amount necessary for survival.

c. Use drinking water to fill any wading pool or swimming pool or replenish any filled pool.

d. Make nonessential use of water for commercial or public use.

e. Operate water-cooled air conditioners or other equipment that do not recycle cooling water, except when health and safety are adversely affected.

All industrial, manufacturing and commercial enterprises shall reduce consumption with a goal of reduction of at least 40 percent. Such enterprises shall document the specific efforts they have made to reduce consumption.

In *Stage 4, emergency mandatory conservation,* customers shall be encouraged to observe the conservation measures in Stage 1 and required to continue observing the mandatory requirements in Stages 2 and 3. The level of the conservation effort shall increase to require the following additional mandatory measures. Customers must continue all actions from previous stages and further reduce their water use by 50% compared to their previous month's water bill. A ban on all use of drinking water except to protect public health and safety is implemented and drought surcharges increase to two times the normal water rate. No person shall:

a. Use water outside a structure except in an emergency involving fire.

b. Operate evaporative air conditioning units which recycle water except during the operating hours of the business.

c. Use any swimming pool or wading pool.

d. Wash any motor vehicle, including commercial washing unless a private well is used. In addition to the conservation measures enumerated above, customers shall use plates, glasses, cups and eating utensils that are disposable and biodegradable.

The goal of *Stage 5, water rationing,* is to provide drinking water to protect public health (e.g. residences, residential health care facilities and correctional facilities). Customers shall be encouraged to observe the conservation measures in Stage 1 and required to continue observing the mandatory requirements of Stages 2, 3 and 4. In Stage 5, all customers are only permitted to use water at the minimum required for public health protection. Drought surcharges increase to five times the normal water rate. The level of the conservation effort shall increase to require the following mandatory measures:

a. Fire protection will be maintained, but where possible, tank trucks shall use raw water.

b. All industrial uses of water shall be prohibited.

c. All other uses of water will be limited to those necessary to meet minimum health and safety needs of the customers as determined by the county manager upon consultation with the director of public utilities in light of conditions present.

Pickup locations for distributing potable water will be announced according to Moore County Public Utilities (Pinehurst)'s Emergency Response Plan. Failure to act in accordance therewith or use of water in any manner or attempt to evade or avoid water rationing restrictions, shall be unlawful.

(4) *Triggers.*

a. *Ground water.* Moore County Public Utilities (Pinehurst)'s primary water source is groundwater from the Middendorf Aquifer. The following measurements of aquifer static water levels, in conjunction with the NC Drought Monitor drought classification, the US Seasonal Drought Outlook for the Moore County area of North Carolina and USGS Streamflow conditions of Moore County area streams, creeks and rivers and local precipitation amounts trigger entry into corresponding water conservation stages.

Stage	*Water Conservation Triggers*
1	1. Static Water Levels greater than 53 feet below casing level
	2. NC Drought Monitor drought classification = None, D0, D1
	3. US Seasonal Drought Outlook classification = None, Drought Development Likely
	4. Drowning Creek USGS Streamflow conditions = Moderate hydrologic drought
	5. Local precipitation amounts below normal for three consecutive months.
2	1. Static Water Levels greater than 55 feet below casing level
	2. NC Drought Monitor drought classification = D2
	3. US Seasonal Drought Outlook classification = Drought ongoing, drought to persist or intensify.
	4. Drowning Creek USGS Streamflow conditions = Severe hydrologic drought
	5. Local precipitation amounts below normal for six consecutive months.
3	1. Static Water Levels greater than 57 feet below casing level
	2. NC Drought Monitor drought classification = D3
	3. US Seasonal Drought Outlook classification = Drought ongoing, drought to persist or intensify.
	4. Drowning Creek USGS Streamflow conditions = Extreme hydrologic drought.
	5. Local precipitation amounts below normal for nine consecutive months.
4	1. Static Water Levels greater than 59 feet below casing level.
	2. NC Drought Monitor drought classification = D4
	3. US Seasonal Drought Outlook classification = Drought ongoing, drought to persist or intensify.
	4. Drowning Creek USGS Streamflow conditions =Extreme hydrologic drought
	5. Local precipitation amounts below normal for 12 consecutive months.
5	1. Static Water Levels greater than 61 feet below casing level.
	2. NC Drought Monitor drought classification = D4
	3. US Seasonal Drought Outlook classification = Drought ongoing, drought to persist
	4. Drowning Creek USGS Streamflow conditions = Extreme hydrologic drought
	5. Local precipitation amounts below normal for 15 consecutive months

(b) *Purchase water.* Moore County Public Utilities (Pinehurst)'s purchase water sources are as follows:

1. East Moore Water District
2. Town of Southern Pines
3. Town of Aberdeen

When a purchase water purveyor declares a water shortage Moore County Public Utilities (Pinehurst) will reduce the amount of water purchased from each purveyor according to the purveyor's designated conservation stage requirements.

During this time, Moore County Public Utilities (Pinehurst) Director of Public Works and Utility Operations Manager will closely monitor the Middendorf Aquifer and all purchase water sources and follow the required triggers.

Return to normal. When water shortage conditions have abated and the situation is returning to normal, water conservation measures employed during each phase should be decreased in reverse order of implementation. Permanent measures directed toward long-term monitoring and conservation should be implemented or continued so that the community will be in a better position to prevent shortages and respond to recurring water shortage conditions.

(5) *Enforcement.* The provisions of the water shortage response plan will be enforced by Moore County Public Utilities personnel and local law enforcement. Violators may be reported to the county's phone line. Citations are assessed according to the following schedule depending on the number of prior violations and current level of water shortage.

Water Shortage Level	*First Violation*	*Second Violation*	*Third Violation*
Voluntary conservation	N/A	N/A	N/A
Moderate and severe mandatory conservation (Stages 2 and 3)	Warning	$250.00	Discontinuation of service
Emergency Mandatory Conservation	$250.00	Discontinuation of service	Discontinuation of service
Water rationing	$500.00	Discontinuation of service	Discontinuation of service

(6) *Public comment.* Customers will have multiple opportunities to comment on the provisions of the water shortage response plan. First, a draft plan will be available at county offices for customers to view. A notice will be included in customer water bill notifying them of such. Also, notice of the draft plan will be published in The Southern Pines Pilot. Additionally, notices of all subsequent revisions to the draft plan will be published at least 30 days prior to an adoption vote by Moore County Commissioners.

(7) *Variance protocols.* Applications for water use variance requests are available from the county offices. All applications must be submitted to the county office for review by the county manager or his designee. A decision to approve or deny individual variance requests will be determined within two weeks of submittal after careful consideration. of the following criteria: impact on water demand, expected duration, alternative source options, social and economic importance, purpose (i.e. necessary use of drinking water) and the prevention of structural damage.

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

(9) *Revision.* The water shortage response plan will be reviewed and revised as needed to adapt to new circumstances affecting water supply and demand, following implementation of emergency restrictions, and at a minimum of every five years in conjunction with the updating of our local water supply plan. Further, a water shortage response planning work group will review procedures following each emergency or rationing stage to recommend any necessary improvements to the plan to Moore County Board of Commissioners. The Director of Moore County Public Works is responsible for initiating all subsequent revisions.

(Amend. of 4-5-11)

Sec. 8-356. Same—Robbins.

The procedures herein are written to reduce potable water demand and supplement existing drinking water supplies whenever existing water supply sources are inadequate to meet current demands for potable water.

(1) *Authorization.* The Moore County Manager shall enact the following water shortage response provisions whenever the trigger conditions outlined in subsection (4) are met. In his absence, the director of public works will assume this role.

(2) *Notification.* The following notification methods will be used to inform water system employees and customers of a water shortage declaration: employee e-mail announcements, notices at municipal buildings, notices in water bills. Required water shortage response measures will be communicated through the County of Moore Public Information Officer for distribution to all media outlets such as local newspapers, PSA announcements on local radio and cable stations and on the county's website http://www.moorecountync.gov/. Declaration of emergency water restrictions or water rationing will be communicated to all customers by telephone via reverse E911.

(3) *Levels of response.* Five levels of water shortage response are outlined in the table below. The five levels of water shortage response are: voluntary conservation, moderate and severe mandatory conservation, emergency mandatory conservation and water rationing. A detailed description of each response level and corresponding water conservation measures follow below.

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

Stage	*Response*	*Description*
2	Moderate mandatory conservation	Water users must abide required water use reduction and efficiency measures; penalties apply for noncompliance. Water supply conditions are significantly lower than the seasonal norm and water shortage conditions are expected to persist.
3	Severe mandatory conservation	Same as in Stage 2
4	Emergency mandatory conservation	Water supply conditions are substantially diminished and pose an imminent threat to human health or environmental integrity.
5	Water rationing	Water supply conditions are substantially diminished and remaining supplies must be allocated to preserve human health and environmental integrity.

In *Stage 1, voluntary conservation,* all water users will be encouraged to reduce their normal water use by 20 percent. Customer education and outreach programs will encourage water conservation and efficiency measures including:

a. Check plumbing, faucets and toilets for leaks, and if necessary repair.

b. Store drinking water in the refrigerator to avoid trying to run it cool at the tap.

c. Use shower for bathing purposes or reduce the depth of water used for tub baths. Limit showers to five minutes where possible.

d. Refrain from running faucets while shaving, rinsing dishes or brushing teeth.

e. Install water flow restrictive devices in faucets and showerheads.

f. Install water-saving devices such as plastic bottles or commercial units in toilet tanks of older model toilets or retrofit older model toilets to low flow type.

g. Review water uses and where feasible install recycle systems, particularly commercial and industrial customers.

h. Limit the use of clothes washers and dishwashers, and when used, operate fully loaded.

i. Reduce the flushing of toilets to the minimum whenever practical.

j. Limit lawn watering to only when grass shows signs of withering and apply water as slow as possible to achieve deep penetration to encourage root growth; preventing water waste, runoff and watering impervious surfaces. Irrigate landscapes a maximum of one inch per week.

k. Limit shrubbery watering to the minimum using spring-loaded nozzles on garden hoses only.

l. Limit car washing to the minimum using spring-loaded nozzles on garden hoses only.

m. Limit wash downs of outside areas such as sidewalks, patios, driveways, or other similar purposes unless for health or safety reasons.

n. Limit hours of operation of water-cooled air conditioners where possible.

o. Use biodegradable disposable dishes and utensils, both for residential and commercial purposes, where feasible.

In *Stage 2, moderate mandatory conservation,* all customers are expected to reduce their water use by 30 percent in comparison to their previous month's water bill. In addition to continuing to encourage all voluntary reduction actions, the level of the conservation effort shall be increased to require the following mandatory measures. No person shall:

a. Water lawns, grass, trees, shrubbery, flowers, golf greens or vegetable gardens except between the hours of 5:00 p.m. and 12:00 midnight, twice weekly with even-numbered addresses allowed to irrigate on Mondays and Thursdays; and odd-numbered addresses allowed to irrigate on Tuesdays and Fridays. Total irrigation is limited to one-half inch per week.

b. Introduce water into wading pools or swimming pools except to the extent necessary to replenish losses due to evaporation or spillage, and maintain operation of chemical feed equipment.

c. Use drinking water for washing impervious surfaces such as sidewalks, patios, driveways, or for other similar purposes unless for health or safety reasons.

d. Introduce water into any decorative fountain, pool or pond except where the water is recycled.

e. Serve water in a restaurant or similar establishment, except upon request.

f. Use drinking water for any unnecessary purpose or intentionally waste drinking water.

g. Wash the exterior of a motor vehicle except for commercial washing or where a private well system is used.

h. Use drinking water for testing and training purposes (e.g. fire protection).

All industrial, manufacturing and commercial enterprises shall reduce consumption with a goal reduction of at least 30 percent. Such enterprises shall document the specific efforts they have made to reduce consumption.

In *Stage 3, severe mandatory conservation,* customers shall be encouraged to observe the conservation measures in Stage 1 and required to continue observing the mandatory requirements in Stage 2. The level of the conservation effort shall increase to require the following additional mandatory measures. All non-essential uses of drinking water are banned. Additionally, in Stage 3, a drought surcharge of one and one-half times the normal water rate applies. Customers must reduce water use by 40 percent compared to their previous month's water bill. No person shall:

a. Use drinking water to irrigate any lawn, grass, trees, or golf greens beyond the minimum amount necessary for survival.

b. Use drinking water to irrigate any vegetable garden or ornamental shrubs beyond the minimum amount necessary for survival.

c. Use drinking water to fill any wading pool or swimming pool or replenish any filled pool.

d. Make nonessential use of water for commercial or public use.

e. Operate water-cooled air conditioners or other equipment that do not recycle cooling water, except when health and safety are adversely affected.

All industrial, manufacturing and commercial enterprises shall reduce consumption with a goal of reduction of at least 40 percent. Such enterprises shall document the specific efforts they have made to reduce consumption.

In *Stage 4, emergency mandatory conservation,* customers shall be encouraged to observe the conservation measures in Stage 1 and required to continue observing the mandatory requirements in Stages 2 and 3. The level of the conservation effort shall increase to require the following additional mandatory measures. Customers must continue all actions from previous stages and further reduce their water use by 50 percent compared to their previous month's water bill. A ban on all use of drinking water except to protect public health and safety is implemented and drought surcharges increase to two times the normal water rate. No person shall:

a. Use water outside a structure except in an emergency involving fire.

b. Operate evaporative air conditioning units which recycle water except during the operating hours of the business.

c. Use any swimming pool or wading pool.

d. Wash any motor vehicle, including commercial washing unless a private well is used. In addition to the conservation measures enumerated above, customers shall use plates, glasses, cups and eating utensils that are disposable and biodegradable.

The goal of *Stage 5, water rationing,* is to provide drinking water to protect public health (e.g. residences, residential health care facilities and correctional facilities). Customers shall be encouraged to observe the conservation measures in Stage 1 and required to continue observing the mandatory requirements of Stages 2, 3 and 4. In Stage 5, all customers are only permitted to use water at the minimum required for public health protection. Drought surcharges increase to five times the normal water rate. The level of the conservation effort shall increase to require the following mandatory measures:

a. Fire protection in the water system will be maintained, but where possible, tank trucks shall use raw water.

b. All industrial uses of water shall be prohibited.

c. All other uses of water will be limited to those necessary to meet minimum health and safety needs of the customers as determined by the county manager upon consultation with the director of public utilities in light of conditions present.

Pickup locations for distributing potable water will be announced according to Moore County Public Utilities (Robbins)'s Emergency Response Plan. Failure to act in accordance therewith or use of water in any manner or attempt to evade or avoid water rationing restrictions, shall be unlawful.

(4) *Triggers.* Moore County Public Utilities (Robbins) is provided water solely by purchase from the Town of Robbins. When the Town of Robbins declares a water shortage Moore County Public Utilities (Robbins) is required to do so as well. During this time Moore County Public Utilities (Robbins) Director of Public Works will stay in close contact with the Town of Robbins and follow their triggers.

Return to normal. When water shortage conditions have abated and the situation is returning to normal, water conservation measures employed during each phase should be decreased in reverse order of implementation. Permanent measures directed toward long-term monitoring and conservation should be implemented or continued so that the community will be in a better position to prevent shortages and respond to recurring water shortage conditions.

(5) *Enforcement.* The provisions of the water shortage response plan will be enforced by Moore County Public Utilities personnel and local law enforcement. Violators may be reported to the County's phone line. Citations are assessed according to the following schedule depending on the number of prior violations and current level of water shortage.

Water Shortage Level	*First Violation*	*Second Violation*	*Third Violation*
Voluntary conservation	N/A	N/A	N/A
Moderate and severe mandatory conservation (Stages 2 and 3)	Warning	$250	Discontinuation of service
Emergency Mandatory Conservation	$250.00	Discontinuation of service	Discontinuation of service
Water rationing	$500.00	Discontinuation of service	Discontinuation of service

Drought surcharge rates are effective in Stages 3, 4 and 5.

(6) *Public comment.* Customers will have multiple opportunities to comment on the provisions of the water shortage response plan. First, a draft plan will be available at county offices for customers to view. A notice will be included in customer water bill notifying them of such. Also, notice of the draft plan will be published in The Southern Pines Pilot. Additionally, notices of all subsequent revisions to the draft plan will be published at least 30 days prior to an adoption vote by Moore County Commissioners.

(7) *Variance protocols.* Applications for water use variance requests are available from the county offices. All applications must be submitted to the county office for review by the county manager or his designee. A decision to approve or deny individual variance requests will be determined within two weeks of submittal after careful consideration of the following

criteria: impact on water demand, expected duration, alternative source options, social and economic importance, purpose (i.e. necessary use of drinking water) and the prevention of structural damage.

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

(9) *Revision.* The water shortage response plan will be reviewed and revised as needed to adapt to new circumstances affecting water supply and demand, following implementation of emergency restrictions, and at a minimum of every five years in conjunction with the updating of our local water supply plan. Further, a water shortage response planning work group will review procedures following each emergency or rationing stage to recommend any necessary improvements to the plan to Moore County Board of Commissioners. The Director of Moore County Public Works is responsible for initiating all subsequent revisions.

(Amend. of 4-5-11)

Sec. 8-357. Same—Seven Lakes

The procedures herein are written to reduce potable water demand and supplement existing drinking water supplies whenever existing water supply sources are inadequate to meet current demands for potable water.

(1) *Authorization.* The Moore County Manager shall enact the following water shortage response provisions whenever the trigger conditions outlined in subsection (4) are met. In his absence, the director of public works will assume this role.

(2) *Notification.* The following notification methods will be used to inform water system employees and customers of a water shortage declaration: employee e-mail announcements, notices at municipal buildings, notices in water bills. Required water shortage response measures will be communicated through the County of Moore Public Information Officer for distribution to all media outlets such as local newspapers, PSA announcements on local radio and cable stations and on the county's website http://www.moorecountync.gov/. Declaration of emergency water restrictions or water rationing will be communicated to all customers by telephone via reverse E911.

(3) *Levels of response.* Five levels of water shortage response are outlined in the table below. The five levels of water shortage response are: voluntary conservation, moderate and severe mandatory conservation, emergency mandatory conservation and water rationing. A detailed description of each response level and corresponding water conservation measures follow below.

Stage	*Response*	*Description*
1	Voluntary conservation	Water users are encouraged to reduce their water use and improve water use efficiency; however, no penalties apply for noncompliance. Water supply conditions indicate a potential for shortage.
2	Moderate mandatory conservation	Water users must abide required water use reduction and efficiency measures; penalties apply for noncompliance. Water supply conditions are significantly lower than the seasonal norm and water shortage conditions are expected to persist.
3	Severe mandatory conservation	Same as in Stage 2
4	Emergency mandatory conservation	Water supply conditions are substantially diminished and pose an imminent threat to human health or environmental integrity.
5	Water rationing	Water supply conditions are substantially diminished and remaining supplies must be allocated to preserve human health and environmental integrity.

In *Stage 1, voluntary conservation,* all water users will be encouraged to reduce their normal water use by 20 percent. Customer education and outreach programs will encourage water conservation and efficiency measures including:

a. Check plumbing, faucets and toilets for leaks, and if necessary repair.

b. Store drinking water in the refrigerator to avoid trying to run it cool at the tap.

c. Use shower for bathing purposes or reduce the depth of water used for tub baths. Limit showers to five minutes where possible.

d. Refrain from running faucets while shaving, rinsing dishes or brushing teeth.

e. Install water flow restrictive devices in faucets and showerheads.

f. Install water-saving devices such as plastic bottles or commercial units in toilet tanks of older model toilets or retrofit older model toilets to low flow type.

g. Review water uses and where feasible install recycle systems, particularly commercial and industrial customers.

h. Limit the use of clothes washers and dishwashers, and when used, operate fully loaded.

i. Reduce the flushing of toilets to the minimum whenever practical.

j. Limit lawn watering to only when grass shows signs of withering and apply water as slow as possible to achieve deep penetration to encourage root growth; preventing water waste, runoff and watering impervious surfaces. Irrigate landscapes a maximum of one inch per week.

k. Limit shrubbery watering to the minimum using spring-loaded nozzles on garden hoses only.

l. Limit car-washing to the minimum using spring-loaded nozzles on garden hoses only.

m. Limit wash downs of outside areas such as sidewalks, patios, driveways, or other similar purposes unless for health or safety reasons.

n. Limit hours of operation of water-cooled air conditioners where possible.

o. Use biodegradable disposable dishes and utensils, both for residential and commercial purposes, where feasible.

In *Stage 2, moderate mandatory conservation,* all customers are expected to reduce their water use by 30 percent in comparison to their previous month's water bill. In addition to continuing to encourage all voluntary reduction actions, the level of the conservation effort shall be increased to require the following mandatory measures. No person shall:

a. Water lawns, grass, trees, shrubbery, flowers, golf greens or vegetable gardens except between the hours of 5:00 p.m. and 12:00 midnight, twice weekly with even-numbered addresses allowed to irrigate on Mondays and Thursdays; and odd-numbered addresses allowed to irrigate on Tuesdays and Fridays. Total irrigation is limited to a half inch per week.

b. Introduce water into wading pools or swimming pools except to the extent necessary to replenish losses due to evaporation or spillage, and maintain operation of chemical feed equipment.

c. Use drinking water for washing impervious surfaces such as sidewalks, patios, driveways, or for other similar purposes unless for health or safety reasons.

d. Introduce water into any decorative fountain, pool or pond except where the water is recycled.

e. Serve water in a restaurant or similar establishment, except upon request.

f. Use drinking water for any unnecessary purpose or intentionally waste drinking water.

g. Wash the exterior of a motor vehicle except for commercial washing or where a private well system is used.

h. Use drinking water for testing and training purposes (e.g. fire protection).

All industrial, manufacturing and commercial enterprises shall reduce consumption with a goal reduction of at least 30 percent. Such enterprises shall document the specific efforts they have made to reduce consumption.

In *Stage 3, severe mandatory conservation,* customers shall be encouraged to observe the conservation measures in Stage 1 and required to continue observing the mandatory requirements in Stage 2. The level of the conservation effort shall increase to require the following additional mandatory measures. All non-essential uses of drinking water are banned. Additionally, in Stage 3, a drought surcharge of one and one-half times the normal water rate applies. Customers must reduce water use by 40 percent compared to their previous month's water bill. No person shall:

a. Use drinking water to irrigate any lawn, grass, trees, or golf greens beyond the minimum amount necessary for survival.

b. Use drinking water to irrigate any vegetable garden or ornamental shrubs beyond the minimum amount necessary for survival.

c. Use drinking water to fill any wading pool or swimming pool or replenish any filled pool.

d. Make nonessential use of water for commercial or public use.

e. Operate water-cooled air conditioners or other equipment that do not recycle cooling water, except when health and safety are adversely affected.

All industrial, manufacturing and commercial enterprises shall reduce consumption with a goal of reduction of at least 40 percent. Such enterprises shall document the specific efforts they have made to reduce consumption.

In *Stage 4, emergency mandatory conservation,* customers shall be encouraged to observe the conservation measures in Stage 1 and required to continue observing the mandatory requirements in Stages 2 and 3. The level of the conservation effort shall increase to require the following additional mandatory measures. Customers must continue all actions from previous stages and further reduce their water use by 50 percent compared to their previous month's water bill. A ban on all use of drinking water except to protect public health and safety is implemented and drought surcharges increase to two times the normal water rate. No person shall:

a. Use water outside a structure except in an emergency involving fire.

b. Operate evaporative air conditioning units which recycle water except during the operating hours of the business.

c. Use any swimming pool or wading pool.

d. Wash any motor vehicle, including commercial washing unless a private well is used. In addition to the conservation measures enumerated above, customers shall use plates, glasses, cups and eating utensils that are disposable and biodegradable.

The goal of *Stage 5, water rationing,* is to provide drinking water to protect public health (e.g. residences, residential health care facilities and correctional facilities). Customers shall be encouraged to observe the conservation measures in Stage 1 and required to continue observing the mandatory requirements of Stages 2, 3 and 4. In Stage 5, all customers are

only permitted to use water at the minimum required for public health protection. Drought surcharges increase to five times the normal water rate. The level of the conservation effort shall increase to require the following mandatory measures:

a. Fire protection in the water system will be maintained, but where possible, tank trucks shall use raw water.

b. All industrial uses of water shall be prohibited.

c. All other uses of water will be limited to those necessary to meet minimum health and safety needs of the customers as determined by the county manager upon consultation with the director of public utilities in light of conditions present.

Pickup locations for distributing potable water will be announced according to Moore County Public Utilities (Seven Lakes) Emergency Response Plan. Failure to act in accordance therewith or use of water in any manner or attempt to evade or avoid water rationing restrictions, shall be unlawful.

(4) *Triggers.* Moore County Public Utilities (Seven Lakes) is provided water primarily by transfer from Moore County Public Utilities - Pinehurst. When Moore County Public Utilities - Pinehurst declares a water shortage Moore County Public Utilities (Seven Lakes) is required to do so as well. During this time Moore County Public Utilities (Seven Lakes) Director of Public Works will stay in close contact with Moore County Public Utilities - Pinehurst and follow their triggers.

Return to normal. When water shortage conditions have abated and the situation is returning to normal, water conservation measures employed during each phase should be decreased in reverse order of implementation. Permanent measures directed toward long-term monitoring and conservation should be implemented or continued so that the community will be in a better position to prevent shortages and respond to recurring water shortage conditions.

(5) *Enforcement.* The provisions of the water shortage response plan will be enforced by Moore County Public Utilities personnel and local law enforcement. Violators may be reported to the county's phone line. Citations are assessed according to the following schedule depending on the number of prior violations and current level of water shortage.

Water Shortage Level	*First Violation*	*Second Violation*	*Third Violation*
Voluntary conservation	N/A	N/A	N/A
Moderate and severe mandatory conservation (Stages 2 and 3)	Warning	$250	Discontinuation of service
Emergency Mandatory Conservation	$250.00	Discontinuation of service	Discontinuation of service
Water rationing	$500.00	Discontinuation of service	Discontinuation of service

Drought surcharge rates are effective in Stages 3, 4 and 5.

(6) *Public comment.* Customers will have multiple opportunities to comment on the provisions of the water shortage response plan. First, a draft plan will be available at county offices for customers to view. A notice will be included in customer's water bill notifying them of such. Also, notice of the draft plan will be published in The Southern Pines Pilot. Additionally, notices of all subsequent revisions to the draft plan will be published at least 30 days prior to an adoption vote by Moore County Commissioners.

(7) *Variance protocols.* Applications for water use variance requests are available from the county offices. All applications must be submitted to the county office for review by the county manager or his designee. A decision to approve or deny individual variance requests will be determined within two weeks of submittal after careful consideration of the following criteria: impact on water demand, expected duration, alternative source options, social and economic importance, purpose (i.e. necessary use of drinking water) and the prevention of structural damage.

(8) *Effectiveness.* The effectiveness of the Moore County Public Utilities (Seven Lakes) water shortage response plan will be determined by comparing the stated water conservation goals with observed water use reduction data. Other factors to be considered include frequency of plan activation, any problem periods without activation, total number of violation citations, desired reductions attained and evaluation of demand reductions compared to the previous year's seasonal data.

(9) *Revision.* The water shortage response plan will be reviewed and revised as needed to adapt to new circumstances affecting water supply and demand, following implementation of emergency restrictions, and at a minimum of every five years in conjunction with the updating of our Local Water Supply Plan. Further, a water shortage response planning work group will review procedures following each emergency or rationing stage to recommend any necessary improvements to the plan to Moore County Board of Commissioners. The Director of Moore County Public Works is responsible for initiating all subsequent revisions.

(Amend. of 4-5-11)

Sec. 8-358. Same—Vass.

The procedures herein are written to reduce potable water demand and supplement existing drinking water supplies whenever existing water supply sources are inadequate to meet current demands for potable water.

(1) *Authorization.* The Moore County Manager shall enact the following water shortage response provisions whenever the trigger conditions outlined in subsection (4) are met. In his absence, the director of public works will assume this role.

(2) *Notification.* The following notification methods will be used to inform water system employees and customers of a water shortage declaration: employee e-mail announcements, notices at municipal buildings, notices in water bills. Required water shortage response measures will be communicated through the County of Moore Public Information Officer for distribution to all media outlets such as local newspapers, PSA announcements on local

radio and cable stations and on the county's website http://www.moorecountync.gov/. Declaration of emergency water restrictions or water rationing will be communicated to all customers by telephone via reverse E911.

(3) *Levels of response.* Five levels of water shortage response are outlined in the table below. The five levels of water shortage response are: voluntary conservation, moderate and severe mandatory conservation, emergency mandatory conservation and water rationing. A detailed description of each response level and corresponding water conservation measures follow below.

Stage	*Response*	*Description*
1	Voluntary conservation	Water users are encouraged to reduce their water use and improve water use efficiency; however, no penalties apply for noncompliance. Water supply conditions indicate a potential for shortage.
2	Moderate mandatory conservation	Water users must abide required water use reduction and efficiency measures; penalties apply for noncompliance. Water supply conditions are significantly lower than the seasonal norm and water shortage conditions are expected to persist.
3	Severe mandatory conservation	Same as in Stage 2
4	Emergency mandatory conservation	Water supply conditions are substantially diminished and pose an imminent threat to human health or environmental integrity.
5	Water rationing	Water supply conditions are substantially diminished and remaining supplies must be allocated to preserve human health and environmental integrity.

In *Stage 1, voluntary conservation,* all water users will be encouraged to reduce their normal water use by 20 percent. Customer education and outreach programs will encourage water conservation and efficiency measures including:

a. Check plumbing, faucets and toilets for leaks, and if necessary repair.

b. Store drinking water in the refrigerator to avoid trying to run it cool at the tap.

c. Use shower for bathing purposes or reduce the depth of water used for tub baths. Limit showers to five minutes where possible.

d. Refrain from running faucets while shaving, rinsing dishes or brushing teeth.

e. Install water flow restrictive devices in faucets and showerheads.

f. Install water-saving devices such as plastic bottles or commercial units in toilet tanks of older model toilets or retrofit older model toilets to low flow type.

g. Review water uses and where feasible install recycle systems, particularly commercial and industrial customers.

h. Limit the use of clothes washers and dishwashers, and when used, operate fully loaded.

i. Reduce the flushing of toilets to the minimum whenever practical.

j. Limit lawn watering to only when grass shows signs of withering and apply water as slow as possible to achieve deep penetration to encourage root growth; preventing water waste, runoff and watering impervious surfaces. Irrigate landscapes a maximum of one inch per week.

k. Limit shrubbery watering to the minimum using spring-loaded nozzles on garden hoses only.

l. Limit car washing to the minimum using spring-loaded nozzles on garden hoses only.

m. Limit wash downs of outside areas such as sidewalks, patios, driveways, or other similar purposes unless for health or safety reasons.

n. Limit hours of operation of water-cooled air conditioners where possible.

o. Use biodegradable disposable dishes and utensils, both for residential and commercial purposes, where feasible.

In *Stage 2, moderate mandatory conservation,* all customers are expected to reduce their water use by 30 percent in comparison to their previous month's water bill. In addition to continuing to encourage all voluntary reduction actions, the level of the conservation effort shall be increased to require the following mandatory measures. No person shall:

a. Water lawns, grass, trees, shrubbery, flowers, golf greens or vegetable gardens except between the hours of 5:00 p.m. and 12:00 midnight, twice weekly with even-numbered addresses allowed to irrigate on Mondays and Thursdays; and odd-numbered addresses allowed to irrigate on Tuesdays and Fridays. Total irrigation is limited to a half inch per week.

b. Introduce water into wading pools or swimming pools except to the extent necessary to replenish losses due to evaporation or spillage, and maintain operation of chemical feed equipment.

c. Use drinking water for washing impervious surfaces such as sidewalks, patios, driveways, or for other similar purposes unless for health or safety reasons.

d. Introduce water into any decorative fountain, pool or pond except where the water is recycled.

e. Serve water in a restaurant or similar establishment, except upon request.

f. Use drinking water for any unnecessary purpose or intentionally waste drinking water.

g. Wash the exterior of a motor vehicle except for commercial washing or where a private well system is used.

h. Use drinking water for testing and training purposes (e.g. fire protection).

All industrial, manufacturing and commercial enterprises shall reduce consumption with a goal reduction of at least 30 percent. Such enterprises shall document the specific efforts they have made to reduce consumption.

In *Stage 3, severe mandatory conservation,* customers shall be encouraged to observe the conservation measures in Stage 1 and required to continue observing the mandatory requirements in Stage 2. The level of the conservation effort shall increase to require the following additional mandatory measures. All non-essential uses of drinking water are banned. Additionally, in Stage 3, a drought surcharge of one and one-half times the normal water rate applies. Customers must reduce water use by 40 percent compared to their previous month's water bill. No person shall:

a. Use drinking water to irrigate any lawn, grass, trees, or golf greens beyond the minimum amount necessary for survival.

b. Use drinking water to irrigate any vegetable garden or ornamental shrubs beyond the minimum amount necessary for survival.

c. Use drinking water to fill any wading pool or swimming pool or replenish any filled pool.

d. Make nonessential use of water for commercial or public use.

e. Operate water-cooled air conditioners or other equipment that do not recycle cooling water, except when health and safety are adversely affected.

All industrial, manufacturing and commercial enterprises shall reduce consumption with a goal of reduction of at least 40 percent. Such enterprises shall document the specific efforts they have made to reduce consumption.

In *Stage 4, emergency mandatory conservation,* customers shall be encouraged to observe the conservation measures in Stage 1 and required to continue observing the mandatory requirements in Stages 2 and 3. The level of the conservation effort shall increase to require the following additional mandatory measures. Customers must continue all actions from previous stages and further reduce their water use by 50 percent compared to their previous month's water bill. A ban on all use of drinking water except to protect public health and safety is implemented and drought surcharges increase to two times the normal water rate. No person shall:

a. Use water outside a structure except in an emergency involving fire.

b. Operate evaporative air conditioning units which recycle water except during the operating hours of the business.

c. Use any swimming pool or wading pool.

d. Wash any motor vehicle, including commercial washing unless a private well is used. In addition to the conservation measures enumerated above, customers shall use plates, glasses, cups and eating utensils that are disposable and biodegradable.

The goal of *Stage 5, water rationing,* is to provide drinking water to protect public health (e.g. residences, residential health care facilities and correctional facilities). Customers shall be encouraged to observe the conservation measures in Stage 1 and required to continue observing the mandatory requirements of Stages 2, 3 and 4. In Stage 5, all customers are only permitted to use water at the minimum required for public health protection. Drought surcharges increase to five times the normal water rate. The level of the conservation effort shall increase to require the following mandatory measures:

a. Fire protection will be maintained, but where possible, tank trucks shall use raw water.

b. All industrial uses of water shall be prohibited.

c. All other uses of water will be limited to those necessary to meet minimum health and safety needs of the customers as determined by the county manager upon consultation with the director of public utilities in light of conditions present.

Pickup locations for distributing potable water will be announced according to Moore County Public Utilities (Vass)'s Emergency Response Plan. Failure to act in accordance therewith or use of water in any manner or attempt to evade or avoid water rationing restrictions, shall be unlawful.

(4) *Triggers.* Moore County Public Utilities (Vass) is provided water solely by purchase from East Moore Water District. When the East Moore Water District declares a water shortage Moore County Public Utilities (Vass) is required to do so as well. During this time Moore County Public Utilities (Vass) Director of Public Works will stay in close contact with the East Moore Water District and follow their triggers.

Return to normal. When water shortage conditions have abated and the situation is returning to normal, water conservation measures employed during each phase should be decreased in reverse order of implementation. Permanent measures directed toward long-term monitoring and conservation should be implemented or continued so that the community will be in a better position to prevent shortages and respond to recurring water shortage conditions.

(5) *Enforcement.* The provisions of the water shortage response plan will be enforced by Moore County Public Utilities personnel and local law enforcement. Violators may be reported to the county's phone line. Citations are assessed according to the following schedule depending on the number of prior violations and current level of water shortage.

Water Shortage Level	*First Violation*	*Second Violation*	*Third Violation*
Voluntary conservation	N/A	N/A	N/A

Water Shortage Level	*First Violation*	*Second Violation*	*Third Violation*
Moderate and severe mandatory conservation (Stages 2 and 3)	Warning	$250	Discontinuation of service
Emergency Mandatory Conservation	$250.00	Discontinuation of service	Discontinuation of service
Water rationing	$500.00	Discontinuation of service	Discontinuation of service

Drought surcharge rates are effective in Stages 3, 4 and 5.

(6) Public comment. Customers will have multiple opportunities to comment on the provisions of the water shortage response plan. First, a draft plan will be available at county offices for customers to view. A notice will be included in customer water bill notifying them of such. Also, notice of the draft plan will be published in The Southern Pines Pilot. Additionally, notices of all subsequent revisions to the draft plan will be published at least 30 days prior to an adoption vote by Moore County Commissioners.

(7) *Variance protocols.* Applications for water use variance requests are available from the county offices. All applications must be submitted to the county office for review by the county manager or his designee. A decision to approve or deny individual variance requests will be determined within two weeks of submittal after careful consideration of the following criteria: impact on water demand, expected duration, alternative source options, social and economic importance, purpose (i.e. necessary use of drinking water) and the prevention of structural damage.

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

(9) *Revision.* The water shortage response plan will be reviewed and revised as needed to adapt to new circumstances affecting water supply and demand, following implementation of emergency restrictions, and at a minimum of every five years in conjunction with the updating of our local water supply plan. Further, a water shortage response planning work group will review procedures following each emergency or rationing stage to recommend any necessary improvements to the plan to Moore County Board of Commissioners. The Director of Moore County Public Works is responsible for initiating all subsequent revisions.

(Amend. of 4-5-11)

Chapter 9

LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS*

Article I. In General

Sec. 9-1. Hours of sales of alcohol on Sundays.
Secs. 9-2—9-25. Reserved.

Article II. Pine Straw Purchasers

Sec. 9-26. Record book required; information; to be made available to law enforcement officers on request.
Sec. 9-27. Purchasers to require certain information of sellers.
Sec. 9-28. Sellers to furnish vehicle information to purchasers.
Sec. 9-29. Penalties.
Secs. 9-30—9-40. Reserved.

Article III. Massage Therapy Regulations

Sec. 9-41. Purpose and objective.
Sec. 9-42. Definitions.
Sec. 9-43. Massage of private parts prohibited.
Sec. 9-44. Sexual arousal or stimulation prohibited.
Sec. 9-45. Exemptions.
Sec. 9-46. Licensing of massage therapists.
Sec. 9-47. Licensing of massage therapy establishments.
Sec. 9-48. Posting of license.
Sec. 9-49. Revocation of license.
Sec. 9-50. Employees.
Sec. 9-51. Fees.
Sec. 9-52. Annual privilege license.
Sec. 9-53. Enforcement and revocation of license.
Sec. 9-54. Grandfather clause.
Sec. 9-55. Penalties.
Secs. 9-56—9-60. Reserved.

Article IV. Privilege License

Sec. 9-61. In general.
Sec. 9-62. Tax levy.
Sec. 9-63. Licenses.
Sec. 9-64. Enforcement and collection.

***Cross references—**Animal control permits, § 4-86 et seq.; required permits for cable television franchisees, § 6-4; flood control development permit, § 7-51 et seq.; taxation, Ch. 12.

ARTICLE I. IN GENERAL

Sec. 9-1. Hours of sales of alcohol on Sundays.

(a) This section is enacted pursuant to the authority of Session Law 2017-87 (G.S. 153A-145.7) and G.S. 18B-1004(c).

(b) The sale of malt beverages, unfortified wine, fortified wine, and mixed beverages is allowed in Moore County beginning at 10:00 a.m. on Sunday pursuant to the licensed premises' permit issued under G.S. 18B-1001.

(c) Any policy, resolution, or ordinance conflicting with this section is repealed.

(d) This section is effective when adopted.
(Ord. of 1-21-17)

Secs. 9-2—9-25. Reserved.

ARTICLE II. PINE STRAW PURCHASERS

Sec. 9-26. Record book required; information; to be made available to law enforcement officers on request.

(a) Every person engaged in the purchase of pine straw in the county shall keep a book in which shall be legibly written, at the time of each transaction, the following information:

(1) An account of each transaction, including the quantity of pine straw purchased, which shall include the number of bales purchased if in that form or, if not, by truckload quantity or any other conveyance used for transporting the pine straw to the place of business of the purchaser.

(2) The amount of money paid for the pine straw.

(3) The date of the transaction.

(4) The name and place of business or residence of the person selling the pine straw to the purchaser.

(b) Such book shall be a permanent record to be kept at all times on the premises of the place of business of the purchaser and shall be made available, during regular business hours, to any law enforcement officer who requests to inspect the book.
(Ord. of 10-20-87, § 1(a)—(d), (g))

Sec. 9-27. Purchasers to require certain information of sellers.

The purchaser or his employee or agent pursuant to this article shall require the person selling straw to present two forms of positive identification, identifying the person as the case may be; provided, however, that the presentation of any one state or federal government issued identification containing a photographic representation imprinted thereon shall constitute compliance with the

identification requirements of this section. The purchaser or his employee or agent shall legibly record this identification information next to the person's name and residence in the book heretofore required to be kept.
(Ord. of 10-20-87, § 1(e))

Sec. 9-28. Sellers to furnish vehicle information to purchasers.

Sellers of pine straw shall be required to make available to the purchaser the license number and registration information of the vehicle used to transport such pine straw.
(Ord. of 10-20-87, § 1(f))

Sec. 9-29. Penalties.

Any purchaser who fails to keep and maintain records as required by this article shall be guilty of committing a misdemeanor and upon conviction, shall be punished as provided by section 1-11 of this Code.
(Ord. of 10-20-87, § 1(h))

Secs. 9-30—9-40. Reserved.

ARTICLE III. MASSAGE THERAPY REGULATIONS*

Sec. 9-41. Purpose and objective.

The therapeutic application of massage is one of the oldest healing arts known to humankind, a practice which can provide many benefits to an individual's state of health and well-being. In the interest of public health, safety and welfare and to protect the public against the unprofessional, unauthorized and unqualified practice of massage therapy, including unprofessional conduct by persons licensed to practice massage and bodywork in this county, the following privilege license provisions and regulations are hereby adopted.
(Ord. of 10-20-97, § I)

Sec. 9-42. Definitions.

As used in this article, the terms defined in this section shall have the following meanings ascribed to them:

Bodywork therapies. The application of pressure, friction, stroking, rocking, tapping, percussion, kneading and passive or active stretching of the tissues within the normal physiologic range of movement; complimentary methods including the external application of water, heat, cold, lubricants, or other topical preparations.

***Editor's note—**An ordinance dated October 20, 1997, amended art. III, §§ 9-41—9-55, in its entirety to read as herein set out. Former art. III pertained to similar subject matter and derived from an ordinance dated May 20, 1996.

State law reference—Local governments prohibited from regulating licensed massage therapists in manner inconsistent with Massage and Bodywork Therapy Practice Act, G.S. 90-636.

Bodywork therapist. Any person, whether male or female, who is engaged in the practice of bodywork therapy and should receive compensation for his or her services.

Business or profession of massage therapy. Includes the massage or treatment of any person for a fee or for other good or valuable consideration.

County manager. Includes the county manager or his/her designee.

Massage, therapeutic massage, bodywork. Synonymous with massage therapy.

Massage therapist. Any person, whether male or female, who is engaged in the practice of massage therapy and should receive compensation for his or her services.

Massage therapy. Any form of manipulation of the muscles, skin or other soft tissues of the body, by kneading, stroking, pressing, tapping or movement of extremities, whether applied manually or assisted by mechanical device.

Massage therapy establishment. Any business or establishment wherein massage therapy is offered, including establishments commonly known as health clubs, physical culture studios, massage clinics, or similar establishment by whatever name designated.

Private parts. means the penis, scrotum, mons veneris, vulva, or vaginal area.
(Ord. of 10-20-97, § II)

Sec. 9-43. Massage of private parts prohibited.

(a) No person licensed as a massagist under section 9-46 hereof shall massage or offer to massage the private parts of another person upon the licensed premises.

(b) No person, corporation, partnership or association licensed under section 9-47 hereof shall allow, permit or condone any person to massage or offer to massage the private parts of another person upon the licensed premises.
(Ord. of 10-20-97, § III)

Sec. 9-44. Sexual arousal or stimulation prohibited.

(a) No person licensed under section 9-46 hereof shall massage any individual in a manner which is reasonably calculated to sexually stimulate or arouse the person being massaged. Intentional touching of the private parts of a person being massaged constitutes prime facie evidence of an attempt to sexually arouse or stimulate such person.

(b) No person, corporation, partnership or association licensed under section 9-47 hereof shall allow, permit or condone any person to massage any individual in a manner which is reasonably calculated to sexually stimulate or arouse the person being massaged. Intentional touching of the private parts of a person being massaged constitutes prime facie evidence of an attempt to sexually arouse or stimulate such person.
(Ord. of 10-20-97, § IV)

Sec. 9-45. Exemptions.

Requirements of this article shall have no application to or effect upon:

(a) Physicians, surgeons, chiropractors, osteopaths, physical therapists or podiatrists duly licensed to practice in this state, registered or licensed practical nurses governed by the North Carolina Nursing Practices Act, and individuals employed by any of the aforementioned to perform massage therapy. Certification of said authorization and employment must be given to the county manager by the physician, surgeon, chiropractor, osteopath, physical therapist, podiatrist or registered or practical nurse employing the massage therapist.

(b) Athletic directors or trainers who are affiliated with an accredited educational institution or professional sports team, and whose work is limited to athletic team members.

(c) Licensed cosmetologists, barbers or beauty culturists who do not give, or hold themselves out to give massage treatments other than are customarily given in such establishments, solely for the purpose of beautification.

(d) Employees of regularly established and licensed hospital, sanitarium or nursing home.

No other persons not duly qualified and licensed as a massage therapist under this article may render massage therapy.
(Ord. of 10-20-97, § V)

Sec. 9-46. Licensing of massage therapists.

(a) No person shall engage in the business of massage therapy unless such person shall have first applied for and received a privilege license as required by this section.

(b) Applicants must be at least 18 years of age and must satisfy at least one of the following requirements:

(1) The applicant must have graduated from an institute or school of massage therapy which offers a curriculum of at least 500 hours of supervised classroom instruction, and is:

a. Licensed by the North Carolina Department of Community Colleges or the equivalent educational licensing authority of another state; or

b. Accredited by an accreditation commission which is recognized by the United States Department of Education; or

c. Designated as curriculum-approved by the American Massage Therapy Association - Commission on Massage Training Approval/Accreditation; or

(2) The applicant is presently nationally certified in Therapeutic Massage and Bodywork, by the National Certification Board for Therapeutic Massage and Bodywork.

These requirements shall apply to all applicants and no individual seeking to practice massage therapy in Moore County shall be exempted therefrom except as expressly provided in section 9-45 or section 9-54 of this article.

(c) The application for the license required by this section shall be upon a form provided and approved by the county manager and shall be filed with the tax collector for the county. Such application shall be given under oath and shall contain the following information:

(1) The name, age and residence address of the applicant; and

(2) A diploma or certificate of graduation, and transcript from an institute or school described in subsection (b)(1) above; or a valid certificate from the National Certification Board for Therapeutic Massage and Bodywork; and

(3) A complete statement of the previous businesses or occupations of the applicant for the two years immediately preceding the date of the application, including any massage therapy experience; and

(4) The date and place of applicant's birth and the residence address or addresses of the applicant for the three years immediately preceding the date of application; and

(5) A complete statement of all convictions of the applicant for violation of any statute, law, ordinance, regulation of any governmental unit concerning or related to the business or profession of massage therapy, or felony, or any offense involving sexual misconduct, prostitution or any violation of any law relative to prostitution whether in this jurisdiction or any other, or any federal statute relating to prostitution; and

(6) A complete statement of any revocation of any license granted by any governmental unit to the applicant to engage in the business or profession of massage therapy.

(7) The applicant shall submit, as part of the application required in this section, the following:

a. Fingerprints of the applicant taken by the sheriff's department; and

b. Two recent photographs of the applicant's head and shoulders; and

The additional information required by this subsection shall be provided at the applicant's expense.

(d) Upon payment of the application fee, as set out in section 9-51 herein and upon submission of all the information required by the application under this article, the tax collector shall transmit a copy of the application to the sheriff for an investigative report. The sheriff shall report the results of the investigation within a reasonable time, not to exceed 45 days, to the county manager. Upon approval of the application by the county manager and upon the tax department's receipt of a $50.00 application fee, the county manager shall issue a license to the applicant.

(e) The county manager shall provide ten days notice and shall conduct a hearing prior to denying an application for a license for a massage therapist. An application will be denied for violation of any section of this article and/or the falsification of any information required in the application pursuant to section 9-46 of this article. The notice of hearing shall state the name of the applicant for license, the grounds of the denial against the applicant, and shall designate the time and place where such hearing will be held.

(f) Nothing herein shall be construed to restrict a massage therapist from engaging in the business of massage therapy in his or her own home or at the home or business of a potential client; provided, however, the massage therapist must post, or have in his or her possession at all times while engaged in the practice of massage therapy, the privilege license required by this article.
(Ord. of 10-20-97, § VI)

Sec. 9-47. Licensing of massage therapy establishments.

(a) No person, partnership, corporation, or association shall operate a massage therapy establishment as herein defined unless such person, partnership, corporation or association shall have first applied for and received the privilege license provided by this section.

(b) The application for the privilege license prescribed herein shall be upon a form provided and approved by the county manager and filed with the tax collector. Such application shall be given under oath and shall contain the following information:

(1) If the applicant is a person, the name and residence address of such person. If the applicant is a partnership, corporation, or association, the name and residence address of all principal officers of said partnership, corporation or association; and

(2) The address of the premises where the massage therapy establishment shall be located; and

(3) A complete statement of all convictions of any person whose name is required to be given in subsection (b)(1) above for violation of any statute, law, ordinance, or regulation of any government concerning the operation of a massage therapy business or the business or profession of massage therapy, or felony, or any offense involving sexual misconduct, prostitution, or any violation of any law relative to prostitution whether in this jurisdiction or any other, or any federal statute relating to prostitution; and

(4) A complete statement of any revocation of any license granted by any governmental unit to operate a massage therapy establishment or to engage in the business of massage therapy held by any person whose name is required to be given in subsection (b)(1) above; and

(5) The name, address and description of any massage therapy establishment or other establishment owned, operated or controlled by the applicant.

(c) The tax collector shall transmit a copy of the application to the sheriff for an investigative report, to the planning department to determine if the proposed establishment is in compliance with all zoning and building regulations and ordinances, and to the county fire marshal to determine compliance with any law relating to fire protection. The sheriff, the planning department, code enforcement division, and the fire marshal shall, within a reasonable time, not to exceed 45 days, report the results of their examinations to the county manager. The application in proper form, accompanied by all reports required by this section and by the application fee as set out in section 9-49 herein, shall be submitted to the county manager who shall approve such application if the manager determines that:

(1) The application contains no misstatement of fact; and

(2) The applicant, and/or any person having legal or beneficial ownership interest in the proposed establishment is over the age of 18 years and has not been convicted of any crime involving sexual misconduct, including but not limited to North Carolina General Statutes regarding offenses against public morality and decency and prostitution, or any federal statute relating to prostitution or any violation of any law or ordinance of any governmental unit concerning or related to the business or profession of massage therapy as set forth herein; and

(3) The proposed establishment conforms to all requirements of applicable zoning, building, and fire prevention codes; and

(4) The applicant or any person having a legal or beneficial ownership interest in the proposed establishment has not, for the three-year period preceding the application, had a previously-issued license for engaging in the business of massage or a license to operate a massage business revoked; and

(5) The applicant has not been previously convicted of any violation of any provision of this article.

(d) Upon approval of the application by the county manager and upon the tax department's receipt of a $100.00 application fee as provided in section 9-51, the county manager shall issue a license to the applicant.

(e) The county manager shall provide notice within 30 days of receipt of the report from the sheriff's department, planning department and fire marshal's office, and shall conduct a hearing prior to denying an application for a license for a massage therapy establishment. An application will be denied for violation of any section of this article and/or the falsification of any information required in the application pursuant to this section of this article. The notice of hearing shall state the name of the applicant for license, the grounds of the denial against the applicant, and shall designate the time and place where such hearing will be held.
(Ord. of 10-20-97, § VII)

Sec. 9-48. Posting of license.

(a) Every massage therapist licensed under section 9-46 herein shall post the license required by this ordinance in his or her work area at all times.

(b) Every person, corporation, partnership or association licensed under section 9-47 herein as a massage therapy establishment shall post such license in a prominent place at all times.
(Ord. of 10-20-97, § VIII)

Sec. 9-49. Revocation of license.

(a) No license under this article shall be revoked until after due notice has been given and a hearing shall have been held before the county manager for determination of grounds for revocation. The burden of providing the grounds for revocation shall be on the county. Notice of such hearing shall be given in writing and served at least ten days prior to the date of the hearing thereon. The notice shall state the grounds of the complaint against the holder of such license, and shall designate the time and place where such hearing will be held.

(b) Said notice shall be served by the sheriff upon the license holder by delivering the same personally or by leaving such notice at the place of business or residence of the license holder in the custody of a person of suitable age and discretion. In the event the license holder cannot be found, and the service of such notice cannot be otherwise made in the manner herein provided, a copy of such notice shall be mailed, registered, postage fully prepaid, addressed to the license holder at this place of business or residence at least ten days prior to the date of such hearing.

(c) The license of a massage therapist, issued pursuant to this ordinance may be revoked by the county manager upon one or more of the following grounds:

(1) The licensee has violated any provision of this article;

(2) The licensee, or the legal or beneficial owner of any interest in the licensee, has been convicted of a crime involving sexual misconduct, including those set out in section 9-46 herein, and including but not limited to, North Carolina General Statutes regarding offenses against public morality and decency, or prostitution;

(3) The licensee is guilty of fraudulent, false, misleading or deceptive advertising, including the use of the term "massage" or any synonymous terms to describe, promote or advertise any type of business activity or service offered which is expressly not massage therapy as defined in section 9-42 herein, or has otherwise fraudulently engaged in practicing massage therapy;

(4) The licensee has fraudulently obtained a license pursuant to the provisions of this article;

(5) The licensee allows the use of his or her license by an unlicensed person;

(6) The licensee is addicted to the habitual use of alcohol, narcotics or other drugs, to such an extent as to incapacitate such person for the safe and normal performance of his or her professional duties.

(d) A license of a massage therapy establishment issued pursuant to this article may be revoked by the county manager upon one or more of the following grounds:

(1) The licensee has violated any provision of this article;

(2) The licensee, or any agent of the licensee, employs and/or permits any individual to perform massage therapy on the premises of the licensee's massage therapy establishment when said individual has not been issued the privilege license required by section 9-46 herein, or whose license under section 9-46 has been revoked;

(3) The licensee, or the legal or beneficial owner of any interest in the licensee is convicted of any crime involving sexual misconduct, including but not limited to, those set out in section 9-46 herein;

(4) Any employee of the licensee is convicted of any crime involving sexual misconduct, convicted of any felony in connection with his or her employment, or has violated any provision of this article, including but not limited to, those set out in section 9-46 herein;

(5) The licensee is guilty of fraudulent, false, misleading or deceptive advertising, including the use of the term "massage" or any synonymous terms to describe, promote or advertise any type of business activity or service offered which is expressly not massage therapy as defined in section 9-42 herein, or has otherwise fraudulently engage in the business of massage therapy;

(6) The licensee violates any zoning, building or fire prevention ordinance;

(7) The licensee moves or ceases operating a massage therapy business at the location required to be stated in the application for the licensee pursuant to section 9-47, without a notice delivered by certified mail to the county.

(Ord. of 10-20-97, § IX)

Sec. 9-50. Employees.

(a) No person, corporation, partnership or association licensed under section 9-47 herein as a massage therapy establishment shall allow or permit any person to massage or treat any person upon the premises operated by the licensee, or in any other location under their authority, or at their direction unless the person giving such massage or treatment is licensed under this ordinance pursuant to section 9-46.

(b) No person, corporation, partnership or association licensed pursuant to section 9-47 herein shall employ any person under the age of 18 years in the operation of a massage therapy business, unless said person is enrolled in coursework related to massage therapy at an accredited and licensed educational facility. The person cannot be employed for more than two years at the massage therapy business while enrolled.

(c) Violation of this section shall be grounds for revocation of the license issued to such violator.
(Ord. of 10-20-97, § X)

Sec. 9-51. Fees.

(a) The initial application fee for a privilege license for a massage therapy establishment shall be $100.00.

(b) The initial application fee for a privilege license for a massage therapist shall be $50.00.

(c) Under this article, a massage therapist in business as a sole practitioner shall only be required to pay the initial application fee set out in subsection (a) above.
(Ord. of 10-20-97, § XI)

Sec. 9-52. Annual privilege license.

(a) The licenses required under this article shall be renewed annually. License fees shall be due and payable in the same manner as prescribed for their privilege licenses issued by the tax collector.

(b) The annual privilege license fee shall be as follows: $15.00 for massage therapists, and $25.00 for massage therapy establishments or sole practioners herein.

(c) Each license shall be valid for the fiscal year in which issued, expiring on the 30th day of June of the year issued. However, if the original application is issued on or after the 31st day of January, the license shall be valid and pro-rated until the 30th day of June of the same fiscal year, with renewal of the license on the 1st of July.

(d) Each license may be renewed from calendar year to calendar year by submission of a renewal application to the county manager's office at least 30 days prior to the expiration date of the license. After approval of said application by the county manager, and upon payment to the tax collector of the renewal application fee in the same amount as the initial application, the county manager shall issue to the applicant a renewal certificate which shall validate the applicant's license for an additional calendar year.

(e) If the business to be licensed pursuant to this ordinance is carried on at two or more separate places, a separate county license for each place or location of such business shall be required.

(f) The county license issued under this ordinance shall be for the purposes of conducting the profession or business named in the license and shall not be transferable to any other person.

(g) Every license and renewal of license issued shall show on the face thereof the name of the licensee, the nature of the business, the location thereof, the date it was issued.
(Ord. of 10-20-97, § XII)

Sec. 9-53. Enforcement and revocation of license.

(a) It shall be the duty of the Moore County Sheriff's Department to inspect periodically the premises licensed under this article, to determine any violations of its provisions and to otherwise enforce said article.

(b) Upon acquiring substantial and reasonable evidence that an establishment requiring licensing under this article or an owner, officer, or employee of such establishment has violated a provision of this article, that a crime involving violence or moral turpitude has been committed by owners, officers, employees, customers, members, or guests on the premises of such establishment, or that an act defined as nuisances under state or local statute has occurred on or about the premises of such establishment, and upon acquiring information of a conviction of any owner, officer, employee, customer, member or guest of such establishment for the aforementioned violations, crimes and acts of nuisance, the sheriff shall notify the county manager of such evidence or conviction. The county manager may suspend the license pending a conviction.

(c) Revocation of a license shall not be cause for a refund of any fee paid for issuance or renewal of a license.
(Ord. of 10-20-97, § XIII)

Sec. 9-54. Grandfather clause.

(a) Any person who has been engaged in the business of massage therapy in this county for three or more continuous years shall be subject to the requirements of section 9-46 of this article, with the exception of the education/certification requirement of subsection (b) herein, and may be granted a massage therapist license pursuant to the provisions of this article, provided that:

(1) Proof of such continuous service is provided to the tax collector; and

(2) Three letters of reference from massage therapists licensed under this article or other licensed health care professionals, attesting to the sound moral character, professional qualifications and the competence of said person are provided to the tax collector; and

(3) An appropriate application is submitted under this article and the individual pays the required license fee.

(b) This section shall expire one year from the date this artilce takes effect.
(Ord. of 10-20-97, § XIV)

Sec. 9-55. Penalties.

Any person convicted of violating any provision of this article shall be guilty of a misdemeanor punishable by a fine of up to $500.00 or 30 days in jail, or both. Each separate violation shall constitute a separate offense.
(Ord. of 10-20-97, § XV)

Secs. 9-56—9-60. Reserved.

ARTICLE IV. PRIVILEGE LICENSE

Sec. 9-61. In general.

(a) *Definitions.* When used in this article (unless the context requires a different meaning):

"Person" includes any individual, trustee, executor, other fiduciary, corporation, unincorporated association, partnership, sole proprietorship, company, firm, or other legal entity.

"Business" includes each trade, occupation, profession, business, and franchise taxed under this article.

A business is *"seasonal"* in nature when it is conducted for profit six months out of the year or less.

(b) *Construction of this article.* This article is enacted for revenue purposes only. Therefore, it should be construed to require payment of the maximum tax permitted under its terms. In addition, issuance of a license in accordance with this article does not excuse a licensee from compliance with any other applicable ordinance or statute. This article does not prevent the county from imposing license taxes on additional businesses, from increasing or decreasing the amount of any license tax, or from regulating any business taxed.
(Ord. of 6-18-01, art. I)

Sec. 9-62. Tax levy.

(a) *Levy of tax.* An annual privilege license tax is hereby levied on each business conducted within this county according to the following list. The statute number in parenthesis indicates the former statute that levied this tax.

General Statute 105-37.1

Animal show, circuses, menageries, etc. (105-38)	$25.00 (per day)

General Statute 153A-152

Peddler of farm products only (105-53)	25.00
Peddler on foot (105-53)	10.00
Peddler with vehicle (105-53)	25.00
Itinerant merchants (105-53)	100.00
Specialty market operator (105-53)	200.00
Automatic sprinkler systems, sale or installation (105-55)	100.00
Elevators, sale or installation (105-55)	100.00
Fortune tellers (105-58)	200.00
Music machines, per machine (105-65)	5.00
Electronic video games, per machine (105-66.1)	5.00
Firearm dealer (105-80)	50.00

Sale of Bowie knives, metallic knuckles, daggers, leaded canes, etc. (105-80)	200.00
Service stations (105-89)	12.50
Wholesale supply dealers (automobile) (105-89)	37.50
Automobile dealers (105-89)	25.00
Motorcycle dealers (105-89.1)	12.50
Emigrant and employment agents (105-90)	100.00
Pool tables (105-102.5)	25.00
Bowling alleys (105-102.5)	25.00
Pinball machines and similar amusements (105-102.5)	25.00

General Statute 105-88

Loan agencies (no change)	100.00
Check cashing businesses (no change)	100.00
Pawnbrokers (no change)	275.00

The amounts listed are subject to change by virtue of the North Carolina General Assembly.

(b) *Who must pay tax.* Each person who conducts a business within this county is subject to this article. A person "conducts business" when he engages in one act of business taxed under this ordinance. He conducts business "within the county" if he maintains a business location within the county; or if, either personally or through agents, he:

(1) Solicits business within the county limits; or

(2) Picks up or delivers goods or services with the county limits.

(c) *Period of license; due date.*

(1) *Annual licenses.* Unless the section of this article levying the privilege license tax applicable to a particular business provides otherwise, a license issued in accordance with this article is good for the twelve-month period beginning July I and ending June 30. The tax is due on July I of each year. However, if a person begins a business after July I of a year, the tax for that year is due before the business is begun.

(2) Licenses for periods shorter than one year. If the section of this ordinance levying the privilege license tax applicable to a particular business so provides, a license may be issued for a period of one day, one week, or some comparable period of less than a full license year. A person may not commence a business conducted within the county and taxed under such a provision, until the privilege license tax due is paid, and may not continue such a business beyond the period for which the license is issued.

(d) *Proration of tax.* If a business is begun after January 31 and before July 1, the amount of tax due is half the amount otherwise due. If a business is seasonal in nature, the amount of tax due is half the amount otherwise due.

(e) *Refunds.* If for any reason a licensee discontinues his or her business during the license year, he or she is not entitled to a refund.

(f) *Separate businesses.* A separate license is required and a separate privilege license tax must be paid for each place of business, unless two or more places of business under common ownership are contiguous to each other, communicate directly with and open into each other, and are operated as a unit. In addition, a separate privilege license tax must be paid for each business taxable under this article conducted by the taxpayer at any one location; however, the tax collector may issue a single license for all taxable business conducted at one location by a single taxpayer.

(g) *Exemptions.*

(1) *Generally.* Except as otherwise provided in this section or by state law, no person is exempt from the payment of a privilege license tax levied by this article.

(2) *Charitable organizations.* A person, who operates a business for a religious, educational, civic, patriotic, charitable, or fraternal purpose, when the entire gross income of the business is used for such a purpose, is exempt from paying any privilege license tax levied by this article.

(3) *Blind persons and members of the armed forces and merchant marine.* Blind persons and persons who serve in the United States armed forces or the merchant marine are exempt from paying any privilege license tax levied by this ordinance to the extent provided by and G.S. 105-249.1.

(4) *Must obtain license.* A person exempt from paying a privilege license tax levied by this article shall nevertheless obtain a license from the tax collector. The license shall state that the licensee is exempt from paying the privilege license tax.

(Ord. of 6-18-01, art. II)

State law reference—County may levy privilege licenses tax upon certain businesses to the extent formerly authorized by state law before repeal, G.S. 153A-152.

Sec. 9-63. Licenses.

(a) *Application.* A person shall apply to the tax collector for each license required by this article no less than 30 days before the date the tax is due. The application, which shall be submitted on forms provided by the tax collector, shall contain:

(1) The name of the applicant and whether the applicant is an individual, a partnership, a corporation, or some other entity.

(2) The nature of the business.

(3) Where the business is conducted.

(4) An address where notices and statements may be mailed to as required by this article.

(5) Whether the business is regulated by a state occupational licensing board subject to G.S. Chapter 93B, and if so, the serial number of the state license the applicant currently holds.

(6) Any other information the tax collector determines to be necessary to compute the amount of tax due.

(b) *Reasons for refusal or revocation of a license.* The tax collector shall refuse to issue a license or shall revoke a license for either of the following reasons:

(1) The applicant misrepresents a fact relevant to the amount of tax due or his or her qualifications for a license.

(2) The applicant refuses to provide information necessary to compute the amount of tax due.

(c) *Unqualified applicants; right to a conference.* After receipt of the completed application, if the tax collector believes that a reason exists for refusing a license under section 9-62 of this article, the tax collector shall refuse to accept payment of the tax and shall not issue the license. At the applicant's request, the tax collector shall, in accordance with subsection (l) of this section, give the applicant a written statement of the reason for refusing the license. The applicant may, within ten days after the day the statement is received, request a conference to discuss the refusal. In the request the applicant shall specify why the application for a license should not be refused. The tax collector shall arrange the conference within a reasonable time. If the collector refused to issue a license, the applicant may reapply for a license at any time thereafter. If the reason for which the application was refused no longer exists, and if no other reason exists for refusing to issue a license, the tax collector shall issue the license in compliance with subsection (d) of this section.

(d) *Tax collector to issue license; payment of tax a prerequisite.* After receipt of the completed application, if the tax collector believes that no reason exists for refusal of a license under subsection (b) of this section, the tax collector shall determine the amount of tax due and notify the applicant of that amount. The tax collector shall not issue a license until the tax is paid.

(e) *Amount of tax disputed.* If disputes arise over the amount the tax collector determines to be due, the applicant may either refuse to pay and request a conference with the tax collector to discuss the determination, or pay the amount and request a conference to discuss the right to a refund. If a conference is requested, the tax collector shall arrange it within a reasonable time.

(f) *Revocation.* The tax collector shall revoke a license if a reason exists to revoke it as set forth in section II of this ordinance. Before revoking a license, the tax collector shall give the licensee written notice of the grounds for revocation, in accordance with subsection (l) of this section. The licensee may within ten days after the day on which the notice is served request a conference with the tax collector in writing. The request shall specify the reasons why the license should not be revoked. The tax collector shall arrange the conference within a reasonable time. If the licensee fails to request a conference within ten days after the day on which notice is served, the tax collector shall revoke the license. If the licensee requests a conference, the tax collector may not revoke the license until after the conference. If the tax collector revokes a license, the former licensee may apply for a new license at any time thereafter. If the reason for which the license was revoked no longer exists, and if no other reason exists for refusing to issue a license, the tax collector shall issue the license in accordance with subsection (d) of this section.

(g) *Form and contents of license.* A license shall show the name of the person licensed, the place where the business is conducted (if it is to be conducted at one place), the nature of the business licensed, the period for which the license is issued, and the amount of tax paid. The tax collector shall keep a copy of each license issued.

(h) *Assignments.* A license may be assigned if (1) a business licensed under this article and carried on at a fixed place is sold as a unit to any person, and (2) the purchaser is to carry on the same business at the same place. Such a change shall be reported to the tax collector in accordance with subsection (i) of this section. Otherwise, each license issued under this article is a personal privilege, and is not assignable.

(i) *Changes in the business conducted by licensee during the tax year.* A licensee or an assignee shall report a change in the information contained in the license application to the tax collector within ten days after the change occurs. If information shown on the license itself is affected, the licensee or assignee shall surrender the license to the tax collector when reporting the change.

(1) Changes affecting the amount of tax due. If there are no reasons for revoking the license under subsection (b) of this section, and the change results in the imposition of a separate or additional tax, the tax collector shall reissue a license reflecting the change upon payment of the separate or additional tax.

(2) Changes not affecting the amount of tax due. If there are no reasons for revoking the license under subsection (b) of this section, and the change does not result in an imposition of a separate or additional tax, the tax collector shall reissue a license reflecting the change at no charge.

(3) Change requiring refusal of a license. If there is reason for revoking the license under subsection (b) of this section, the tax collector shall refuse to reissue a license, and shall instead begin proceedings to revoke the license in accordance with subsection (b) of this section.

(j) *Tax collector to furnish duplicates.* Upon satisfactory proof that a license has been lost or destroyed, the tax collector shall furnish a duplicate at no charge.

(k) *Record of conferences.* The tax collector shall maintain for three years a record of each conference held in accordance with this article. The record shall contain the applicant's or licensee's name, the date of the conference, and a brief statement of the issues discussed and the result reached. After three years, the tax collector shall dispose of the record in accordance with G.S. 121-5.

(l) *Providing notice to an applicant or licensee.* Whenever this article requires the tax collector to give a written statement or notice to an applicant or licensee, the tax collector may do so in one of three ways:

(1) By personally delivering the statement or notice to the applicant or licensee;

(2) By mailing the statement or notice by registered or certified mail, and returning the receipt requested to the address specified for that purpose in the license application; or

(3) By causing the statement or notice to be served on the applicant or licensee in accordance with the procedures for service of process under Rule 4, North Carolina Rules of Civil Procedure.

(Ord. of 6-18-01, art. III)

Sec. 9-64. Enforcement and collection.

(a) *Duty to determine whether tax due.* Each person has the duty to determine whether the business he or she conducts is taxed under this article, and if so, whether that tax has been paid for the current tax year.

(b) *Tax collector to investigate.* If the tax collector has reason to believe that a person is conducting a business in the county in violation of this article, the tax collector shall conduct an investigation to determine the person's tax liability.

(c) *Duty to keep books.* Each person who conducts a business taxed under this article shall keep a record and books necessary to compute the tax liability. If a person fails to keep books and records as required, the tax collector shall make a determination of that person's tax liability from the information available.

(d) *Duty to permit inspection.* Each person who conducts business in the county shall permit the tax collector to inspect the business premises during normal business hours to determine the nature of the business conducted there, and to examine the books and records to determine the nature and amount of business transacted.

(e) *Duty to post license.* A licensee shall post the license or licenses conspicuously in the place of business licensed. If the licensee has no regular place of business, the license must be kept where it may be inspected at all times by the proper county officials. If a machine is licensed, the license shall be affixed to the machine.

(f) *Notice of deficiency.* If the tax collector determines that a person has not paid the full amount of tax due under this article, either for the current license year or for a prior license year, the tax collector shall give the person written notice of the deficiency, in accordance with subsection 9-63(l) of this article. The notice of deficiency shall specify the total amount of tax due; the section of this article upon which the tax is based; the amount of tax paid; any interest due; the balance owed; the manner and time period in which the person may respond to the notice of the deficiency; and the consequences of failing to respond as specified.

(g) *Request for a conference.* The person may, within ten days after the day on which notice is served, request a conference in writing. The request shall specify the person's objections to the notice of deficiency. By way of illustration, but not limitation, a person who receives notice of a deficiency may object on the following grounds:

(1) That the tax due has already been paid;

(2) That the tax collector miscalculated the amount of tax due;

(3) That the tax collector based his calculation on incorrect or insufficient information concerning either the nature or the amount of business conducted; or

(4) That the tax collector based the determination on an erroneous interpretation of a section of this article that establishes a category of business subject to a particular tax.

(h) *Deficiency to become final.* If the taxpayer fails to request a conference under subsection (g) of this section, the deficiency becomes final and the tax collector shall proceed to collect the deficiency.

(i) *Conference held.* If the taxpayer requests a conference, the tax collector shall not proceed to collect the deficiency until hearing the taxpayer's objections and determining that the deficiency should become final. The tax collector shall maintain a record of each conference held for three years in accordance with subsection (g) of this section. The record shall contain the name of the taxpayer, the date of the conference, a brief statement of the issues discussed, and the results of the discussion. After three years, the tax collector shall dispose of the record in compliance with G.S. 121-5.

(j) *Collection of deficiency.*

(1) The tax collector may use any of the following methods to collect a deficiency:

a. The remedies of levy, sale, attachment and garnishment in accordance with G.S. 153A-147; or

b. The remedies of levy and sale of real and personal property of the taxpayer within the county in accordance with provisions of G.S. 105-109.

(2) Any person who commences or continues to conduct a business taxed under G.S. 105-88, without payment of the tax is liable for an additional tax of five percent every 30 days as imposed by G.S. 105-109, with a maximum of 25 percent and a minimum of $5.00. (These businesses include: loan agencies, pawnbrokers, and check-cashing businesses.)

(Ord. of 6-18-01, art. IV)

Chapter 9.5

RESERVED*

***Editor's note—**Per the county's instruction, ch. 9.5, manufactured homes which derived from an ordinance adopted Sept. 16, 1996, as amended by ordinances adopted April 21, 1997; and Nov. 17, 1997, has been removed.

Provisions pertaining to manufactured homes have been incorporated into the Unified Development Ordinance which is on file with the county.

Chapter 10

OFFENSES AND MISCELLANEOUS PROVISIONS*

Article I. In General

Sec. 10-1. Posting of signs to prohibit the carrying of concealed handguns on certain county property.
Secs. 10-2—10-40. Reserved.

Article II. Noise Control

Sec. 10-41. Loud, raucous, disturbing or unnecessary noise.
Sec. 10-42. Exemptions.
Sec. 10-43. Burden of persuasion.
Sec. 10-44. Enforcement; injunction; penalties.
Sec. 10-45. Disposition of monetary penalties, fines and forfeitures.
Sec. 10-46. Permits.

***State law reference—**Violation of local ordinance a misdemeanor, G.S. 14-4.

ARTICLE I. IN GENERAL

Sec. 10-1. Posting of signs to prohibit the carrying of concealed handguns on certain county property.

(a) *Posting of signs required.* The county manager is hereby ordered to post appropriate signage on each recreational facility, building or portion of a building now or hereafter owned, leased as lessee, operated, occupied, managed or controlled by Moore County, as well as the appurtenant premised to such buildings, indicating that concealed handguns are prohibited therein in accordance with G.S. 14-415.11(c) and G.S. 14-415.23.

(b) *Location of signs.* Said signs shall be visibly posted on the exterior of each entrance by which the general public can access the building, appurtenant premises, or recreational facility. The county manager shall exercise discretion in determining the necessity and appropriate location for other signs posted on the interior of the building, appurtenance premises, or recreational facility as defined under G.S. 14-415.23.
(Ord. of 10-16-95, §§ 1, 2; Amend. of 2-4-14)

Secs. 10-2—10-40. Reserved.

ARTICLE II. NOISE CONTROL*

Sec. 10-41. Loud, raucous, disturbing or unnecessary noise.

(a) It shall be unlawful for any person or group of persons, regardless of numbers, to willfully make, continue or cause to be made or continue any loud, raucous, disturbing or unnecessary noise, which term shall mean any sound which, because of its volume, duration or character, annoys, disturbs, injures or endangers the comfort, health, peace, or safety of reasonable persons or ordinary sensibilities within the limits of the County of Moore. The term loud, raucous, disturbing or unnecessary noise shall be limited to loud, raucous, disturbing or unnecessary noise heard upon the public streets, in any public park, in any school or public building or upon the grounds thereof, in any church or hospital or upon the grounds thereof, upon any parking lot open to members of the public as invitees or licensees, of any occupied residential unit which is not the source of the noise or upon the grounds thereof.

(b) In addition to the common meanings of words, the following definitions shall be used in interpreting this article and the following acts, among others, are declared to be loud, raucous, disturbing or unnecessary noises in violation of this article, but said enumeration shall not be deemed to be exclusive:

(1) *Language.* Using any unreasonably loud, raucous, disturbing, offensive, or insulting language or shouting so as to annoy or disturb that quiet, comfort, or response of any person within the area of audibility.

***State law reference—**County authority to regulate noise, G.S. 153A-133.

(2) *Blowing horns.* The sounding of any horn, whistle or signal device on any automobile, motorcycle, bus, or other vehicle or railroad train, except as a danger signal or as required by law, so as to create any unreasonable, loud, raucous, disturbing or unnecessary sound or the sounding of such devices whether mounted on a vehicle or not, intermittently or continuously, for a period in excess of 30 seconds.

(3) *Radios, phonographs, CD player, tape player, television.* The playing of any radio, phonograph, CD player, tape player, television set or other machine or device for the producing of sound, a musical instrument, or a performing band, in such manner or with such volume so as to annoy or disturb the quiet, comfort or repose of any person in any dwelling, hotel, motel or other type of residence within the area of audibility.

(4) *Sirens.* The use of any gong, bell or siren upon any vehicle or upon any property other than by police, sheriff, fire, ambulance or other emergency vehicles.

(5) *Noise to attract attention.* The use of any drum, loudspeaker, sound amplifying device, or other instrument for the purpose of attracting attention, by creation of a loud, raucous or disturbing noise, to any performance, show, sale display, or advertisement of merchandise or any business or activity for any other purpose, unless a permit for such sound amplification has been obtained from the sheriff.

(6) *Blowers, engines.* The operating of any noise-creating blowers, power fan, or any internal combustion engine or the repairing, rebuilding, or testing of any such device, machine, or vehicle, the operation of which causes noise in such a manner as to disturb the peace, quiet and comfort of the residents of any residential area between the hours of 10:00 p.m. and 6:00 a.m., except for such emergency repairs as may be necessary in order to return the vehicle to proper working order for immediate use.

(7) *Operation of vehicles.* All noises coming from any motor vehicles or internal combustion engines not properly equipped with the manufacturers' standard mufflers or noise reducing equipment in use or not in proper operating condition, or the operating of a motor vehicle in any manner which creates loud or unnecessary grating, grinding, rattling or noise other than normal designed operation.

(8) *Fireworks.* The explosion of any fireworks unless under a written permit obtained from the County of Moore.

(9) *Hawking, peddling or soliciting.* The unreasonably loud, raucous, jarring or disturbing, shouting, crying or singing of peddlers, hawkers, or vendors, which creates a nuisance to persons within the area of audibility.

(10) *Violent acts.* Engaging in any act in a violent and tumultuous manner by two or more persons.

(11) *Construction operations.* The erection (including excavation), demolition, alteration, or repair of any building or other structure other than between the hours of 6:00 a.m. and 10:00 p.m.

(12) *Schools, churches, etc.* The creating of any loud, raucous, jarring or disturbing noise on any street or property adjacent to any school, institution of learning, church, or any public building while the same is in use, which unreasonably interferes with the normal operations or workings of such institution.

(13) The commission of any other act in such a manner so as to cause a loud, raucous, disturbing or unnecessary noise as set forth in this section.

(Ord. of 3-17-97, § 1; Amend. of 10-4-16)

Sec. 10-42. Exemptions.

The following uses and activities shall be exempt from the noise regulations set forth in this article:

(1) Any bell or chime from any building clock, school or church.

(2) Warning devices required by OSHA or any local, county, state or federal safety regulations.

(3) Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm systems used in an emergency situation; provided, however, that burglar alarms not terminating within 30 minutes after the responsible person has been notified, shall be unlawful.

(4) Agriculture and horticultural operations conducted in a reasonable manner on property classified as bona fide farms for ad valorem tax purposes, including but not limited to, noise generated by machinery, equipment or farm animals.

(5) Noise caused by any type of construction equipment while it is being used for the purpose for which it is designed and for which it was purchased, or the normal operation of any construction site, except during the hours from 10:00 p.m. to 6:00 a.m.

(6) The operation of a vehicular racetrack except between the hours of 11:30 p.m. and 6:00 a.m.

(7) Any county or public school-sponsored athletic event, except between the hours of 11:30 p.m. and 6:00 a.m.

(8) Noise relating to aircraft operations at the county airport.

(9) Noises resulting from emergency work, to be construed as work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from an imminent exposure to danger.

(10) Noises resulting from the normal operations of any industrial enterprise.

(11) Noises resulting from the normal operations of any commercial enterprise.

(12) Noise resulting from the normal operations of any governmental facility.

(13) Noises resulting from an auction being conducted for the purpose of land sales, estate property or any like auction.

(14) Noises from lawn care equipment between 6:00 a.m. and 10:00 p.m.

(15) Noises resulting from normal operations of any hotel of motel.

(16) Noises resulting from the operation originating on the premises of any firearm club, organization or association.

(17) Noises relating to any event which is a community celebration, or national, state, county or municipal event, or public festival.

(18) Nothing herein shall be constructed to hold a landlord liable, responsible or in violation of this article unless the landlord sponsors or in any way participates in the activity that violates any provision of this article.

(Ord. of 3-17-97, § 2)

Sec. 10-43. Burden of persuasion.

In any proceeding pursuant to this article, if an exception may be applicable to limit an obligation to comply with the regulation herein, the person who would benefit from the application of the exception shall have the burden of persuasion that the exception applies and that the terms of the exception have been met.

(Ord. of 3-17-97, § 3)

Sec. 10-44. Enforcement; injunction; penalties.

(a) The violation of any provision of this article shall be a Class 3 misdemeanor and any person convicted of such violation shall be fined not less than $100.00 and not more than $500.00. Payment of a fine imposed in criminal proceeding pursuant to this subsection does not relieve a person of his liability for taxes or fees imposed under this article.

(b) In addition, enforcement of this article may be by appropriate equitable remedy, injunction or order of abatement issuing from a court of competent jurisdiction pursuant to G.S. 153A-123(d) and (e).

(c) In addition to and not in lieu of the criminal penalties, other sanctions in this article may also subject the offender to the civil penalties hereinafter set forth.

(1) The civil penalty for violation of this article is $200.00. Such penalty shall be paid within ten calendar days from and after the issuance of the notice referred to above.

(2) In addition to the penalty prescribed in subsection (1) above, a $300.00 penalty shall be imposed in all cases in which the above penalty has not been paid within the authorized ten calendar day period and it becomes necessary to institute a civil action to collect any penalty hereunder.

(3) Such civil penalties may be recovered by the county in a civil action in the nature of debt or may be collected in such other amounts as prescribed herein within the prescribed time following the issuance of notice for such violation.

(4) Such notice shall, among other things:

a. State upon its face the amount of the penalty ($200.00) if such penalty is paid within ten calendar days from and after the issuances of the notice.

b. State that such penalty must be paid within ten calendar days from issuances of such notice of violation and if not paid within such ten-calendar-day period, court action by the filing of a civil complaint for collection of such penalty may be taken. Such civil action shall be in the nature of a debt for the stated penalty plus an additional penalty in the amount of $300.00, together with the cost of the action to be taxed by the court.

c. Further provide that such offender may answer the notice by mailing the notice, and stated penalty, to the Sheriff, Moore County Sheriff Department at his mailing address, or by making payment to the Sheriff, Moore County Sheriff Department at the appropriate address, and that upon payment, such case or claim and right of action by the county will be deemed compromised and settled.

(5) The sheriff is authorized to accept such payments in full and final settlement of the claim or right of action which the county may have to enforce such penalty by civil action in the nature of debt. Acceptance of such penalty shall be deemed a full and final release of any and all claims or rights of action arising out of such contended violation.

(6) The notice of violation referred to herein may be delivered to the person violating the provisions of this article in person, or may be mailed to such person at his last known address.

(7) Each violation shall be considered a separate offense.

(d) This article shall be enforced by the Moore County Sheriff or his deputy.

(e) The complaint of two or more persons, at least one of whom reside in a different home from the other complaining person or persons, when combined with the complaint of a duly authorized investigating officer or with the complain of a duly authorized investigating officer alone, shall be prima facie evidence that such sound is an unnecessary and unreasonably loud, disturbing or annoying noise.

(f) The Moore County Sheriff or his deputy shall enforce this article by any one of the following or by any other manner provided by law:

(1) The Moore County Sheriff or his deputy may issue a warning citation, informing the offender that the noise violates the noise control ordinance and ordering the offender to immediately cease the unreasonable noise.

(2) The Moore County Sheriff or his deputy may issue a citation which subjects the offender to the civil penalty of $200.00 as set out herein.

(3) The Moore County Sheriff or his deputy may initiate a civil action seeking an injunction and order of abatement to be directed toward any person creating or allowing the creation of any unlawful noise, including the owner or person otherwise having legal or actual control of the premises from which it emanates.

(4) The Moore County Sheriff or his deputy may issue a misdemeanor warrant immediately.

(5) Following the issuance of a citation and the violator's failure to pay the same within ten calendar days, the Moore County Sheriff or his deputy may issue a misdemeanor warrant.

(Ord. of 3-17-97, § 4)

Sec. 10-45. Disposition of monetary penalties, fines and forfeitures.

All monetary penalties, fines and forfeitures paid to the sheriff or other representatives of the county shall be forwarded to the public schools in accordance with state law.

(Ord. of 3-17-97, § 5)

Sec. 10-46. Permits.

Other provisions of this article notwithstanding, an application for a permit to conduct any noise which would otherwise violate the article, may be submitted to the Moore County Sheriff or his deputy at least 15 working days in advance of the planned use, except in case of emergency. The application shall state the location of the planned use, the length of time requested for conducting the noise, the type of noise, and shall designate the individual person or persons who shall be in control of any noise making equipment, and the individual person or person who will assume the responsibility that the use of the noise making equipment will be operated in compliance with the terms of the permit. Such permit shall be granted or denied at the discretion of the Moore County Sheriff or his deputy, after payment of a $25.00 nonrefundable fee.

(Ord. of 3-17-97, § 6)

CHAPTER 10.5

PARKS AND RECREATION*

Article 1. In General

Sec. 10.5-1. Authority.
Sec. 10.5-2. Definitions.
Sec. 10.5-3. Scope.
Secs. 10.5-4—10.5-10. Reserved.

Article 2. Use of Public Recreation Areas

Sec. 10.5-11. Hours of operation.
Sec. 10.5-12. Vehicles in public recreation areas.
Sec. 10.5-13. Personal conduct.
Sec. 10.5-14. Destruction of public recreation area property.
Sec. 10.5-15. Fires.
Sec. 10.5-16. Selling items prohibited.
Sec. 10.5-17. Exhibition shows.
Sec. 10.5-18. Dogs and other animals.
Sec. 10.5-19. Picnic area; camping; hunting; fishing; swimming.
Sec. 10.5-20. Littering.
Sec. 10.5-21. Alcoholic beverages.
Sec. 10.5-22. Firearms, golf balls, fireworks, etc.
Sec. 10.5-23. Advertising, etc.
Sec. 10.5-24. General regulations.
Sec. 10.5-25. Closing when necessary.
Sec. 10.5-26. Authority of director to eject disorderly persons.
Sec. 10.5-27. Enforcement.

***State law reference—**Counties may establish parks and recreational programs, G.S. 153A-444.

ARTICLE 1. IN GENERAL

Sec. 10.5-1. Authority.

This chapter is enacted pursuant to Chapter 153A, Article 23 of the General Statutes of the State of North Carolina.
(Ord. of 7-2-01, art. 1, § 1)

Sec. 10.5-2. 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:

Alcoholic beverage means any beer, malt, wine, spirit, liquor or other beverage whose sale is regulated and licensed by the state alcoholic beverage control board.

Department means the county parks and recreation department.

Footpath means any path or trail maintained for pedestrians.

Motor vehicle means any motorized conveyance including automobiles, trucks, motorcycles, motorbikes, all-terrain vehicles, minibikes, go-carts, recreational vehicles, or any other self-propelled motorized vehicle.

Pedestrian means a person afoot.

Permit means any written license issued by or under the authority of the department, permitting the performance of a specified act.

Public recreation area means any public park, recreation center, playground, swimming pool, swimming area, ball field, tennis court, or any other recreation facility and their parking facilities owned or controlled by the county.
(Ord. of 7-2-01, art. 1, § 2)

Sec. 10.5-3. Scope.

This chapter shall regulate the use and occupancy and the conduct of persons in or upon all public recreation areas owned by the county.
(Ord. of 7-2-01, art. 1, § 3)

Secs. 10.5-4—10.5-10. Reserved.

ARTICLE 2. USE OF PUBLIC RECREATION AREAS

Sec. 10.5-11. Hours of operation.

It shall be unlawful for any person to enter or remain in any public recreation area except during those hours of operation that it is open to the general public, unless express permission has been obtained from the county.
(Ord. of 7-2-01, art. 2, § 1)

Sec. 10.5-12. Vehicles in public recreation areas.

It shall be unlawful for any person to:

(a) Drive any motor vehicle on any area except designated roads or parking areas, or such areas as may on occasion be specifically designated as temporary areas.

(b) Park a motor vehicle in other than a designated or established parking area.

(c) Leave a motor vehicle standing or parked in designated or established parking areas or elsewhere in the public recreation areas during hours when the public recreation area is closed.

(d) Fail to obey all traffic officers and department employees, such persons being authorized and instructed to direct traffic whenever and whenever needed in the parks.

(e) Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping or parking and all others posted for proper control and to safeguard life and property.

(f) Leave a bicycle in a place other than a bicycle rack when such is provided and there is space available.

(g) Ride a bicycle without reasonable regard for the safety of others.

(h) Ride a bicycle in any area except designated roads or parking areas, designated bicycle trails or such areas as may on occasion be specifically designated as temporary areas.

(i) Leave a bicycle lying on the ground or paving or set against trees, or in any place or position where other persons may trip over or be injured by it.

(Ord. of 7-2-01, art. 2, § 2)

Sec. 10.5-13. Personal conduct.

It shall be unlawful for any person to:

(a) Engage in disorderly conduct of any kind within a public recreation area.

(b) Engage in any activity which may constitute a hazard to the safety of himself or other persons.

(c) Dispose of lighted or unlighted matches, cigars, cigarettes or any flammable material or substance in other than trash receptacles or ash cans.

(d) Engage in threatening language or in excessively noisy conduct of any kind at any time within the public recreation area such that it unreasonably disturbs other patrons.

(d) Throw rocks or objects of any kind. This does not include balls or games used in athletic events when used in a reasonable manner and in such a way that they do not become hazards to other park patrons.

(f) Interfere with or in any manner hinder any county employee in the performance of his duties.

(Ord. of 7-2-01, art. 2, § 3)

Sec. 10.5-14. Destruction of public recreation area property.

It shall be unlawful for any person to remove, destroy, mutilate, damage or deface any structure, monument, planter, fountain, wall, fence, railing, vehicle, bench, tree, plant, pavings or paving materials, signs, notices or placards, whether temporary or permanent, stakes, posts, or other boundary markers, or other structures or equipment, facilities or property or appurtenances whatsoever, either real or personal. It shall be unlawful for any person to dig or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.
(Ord. of 7-2-01, art. 2, § 4)

Sec. 10.5-15. Fires.

It shall be unlawful for any person to make or kindle a fire in any public recreation area, except in a regularly constructed fireplace or grill provided by the county. It shall be unlawful for any person to leave any fire unattended, or to fail to completely extinguish a fire and all the embers thereof before leaving such fire.
(Ord. of 7-2-01, art. 2, § 5)

Sec. 10.5-16. Selling items prohibited.

Except as part of an approved event, it shall be unlawful for any person to solicit, peddle or beg within any park or sell any merchandise or wares, provided that this section shall not apply to (a) any concession granted by the county or department for a recreation facility; or (b) any solicitation or sale of goods by nonprofit or civic groups, provided that a permit is obtained in advance from the department.
(Ord. of 7-2-01, art. 2, § 6)

Sec. 10.5-17. Exhibition shows.

Exhibition shows may be allowed in designated park areas upon approval from the county. The sponsoring organization obtaining the permit shall be responsible for all license fees as may be applicable.
(Ord. of 7-2-01, art. 2, § 7)

Sec. 10.5-18. Dogs and other animals.

(a) It shall be unlawful for any person to keep or retain in a public recreation area a noisy, vicious or dangerous dog or other animal.

(b) Dogs and other pets must be on a leash and under the control of the owner at all times while in the public recreation area.

(c) Dogs and other pets are permitted only in established or designated parking areas and on designated footpaths or trails.

(d) Owners are responsible for cleaning up after their dogs or other pets.

(e) Horses are not permitted in any public recreation area except upon designated and marked bridle trails.
(Ord. of 7-2-01, art. 2, § 8)

Sec. 10.5-19. Picnic area; camping; hunting; fishing; swimming.

It shall be unlawful to:

(a) Picnic in a place other than one designated for that purpose.

(b) Leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in receptacles provided. If no such trash receptacles are available, refuse and trash shall be carried away from the park area by the user to be properly disposed of elsewhere.

(c) Camp in any area without permission of the director of the parks and recreation department. No person shall set up tents, shacks or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in any park after closing hours any movable structure or special vehicle to be used or that could be used for such purpose, such as a camper-trailer, house trailer or the like without permission of the director of the parks and recreation department.

(d) Hunt, trap, shoot, kill, wound, molest, capture, chase, willfully frighten, or attempt to harm any wildlife within a public recreation area, except as undertaken by authorized personnel in the exercise of a bona fide wildlife management practice.

(e) Fish in a public recreation area without a state fishing license, except as provided for in state fishing regulations.

(f) Swim or wade in a public recreation area, except when permitted as a special program or by posted regulation.

(Ord. of 7-2-01, art. 2, § 9)

Sec. 10.5-20. Littering.

It shall be unlawful for any person to bring in, dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, wastes, garbage or refuse, or other trash in a public recreation area. Such refuse, rubbish and waste shall be deposited in receptacles so provided. Where receptacles are not provided, all such refuse, rubbish or waste shall be carried away from the public recreation area by the person responsible for its presence and properly disposed of elsewhere.
(Ord. of 7-2-01, art. 2, § 10)

Sec. 10.5-21. Alcoholic beverages.

It shall be unlawful for any person to possess, consume, display or sell any alcoholic beverage upon the premises of or within a public recreation area.
(Ord. of 7-2-01, art. 2, § 11)

Sec. 10.5-22. Firearms, golf balls, fireworks, etc.

(a) It shall be unlawful for any person, except law enforcement officers or duly authorized county employees in the course of their duty, to carry, use or possess a firearm or other dangerous weapon of any nature, including but not limited to archery equipment, air rifles, toy pistols, toy guns, or other toy arms designed to forcibly hurl a projectile or missile at any time or under any circumstances, within a public recreation area.

(b) It shall be unlawful for any person to hit golf balls within any public recreation area, except at designated driving ranges or during permitted events.

(c) The use of fireworks of any type is expressly prohibited except at approved and permitted events.
(Ord. of 7-2-01, art. 2, § 12)

Sec. 10.5-23. Advertising, etc.

It shall be unlawful for any person to place or erect any structure, sign, bulletin board, post, pole, or advertising device of any kind whatever in any public recreation area, or to attach any notice, bill, poster, sign, wire, rod or cord to any tree; shrub, fence, railing, post or structure within any public recreation area, except such persons as are authorized by the director of the parks and recreation department.
(Ord. of 7-2-01, art. 2, § 13)

Sec. 10.5-24. General regulations.

(a) *Misuse of facilities.* Flagrant misuse of parks and recreational facilities will result in forfeiture of future reservation privileges.

(b) *Establishment, enforcement of rules, regulations.*

(1) The Moore County Parks and Recreation Advisory Committee has the authority and responsibility to establish and enforce rules and regulations governing use of public recreational areas, including hours of operation, proper activities, scheduling of events, activities and exhibitions, and designation of activity areas.

(2) A copy of the rules and regulations governing the use of public recreational areas may be obtained from the parks and recreation department. A violation of any rules and regulations established by the Moore County Parks and Recreation Advisory Board shall constitute a violation of this chapter.

(Ord. of 7-2-01, art. 2, § 14)

Sec. 10.5-25. Closing when necessary.

Any section or part of any public recreation area may be declared closed to the public by the director of the parks and recreation department at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise), and to certain uses.
(Ord. of 7-2-01, art. 2, § 15)

Sec. 10.5-26. Authority of director to eject disorderly persons.

The director of the parks and recreation department and any authorized department employee shall have the authority to eject from any public recreation area any person acting in violation of this chapter or in violation of rules and regulations enacted pursuant to this chapter.
(Ord. of 7-2-01, art. 2, § 16)

Sec. 10.5-27. Enforcement.

This chapter may be enforced by any and all remedies authorized by G.S. 153A-123 or other applicable law. In addition, anyone violating any of these provisions may be asked to leave immediately and may be subject to trespass for failing to do so.
(Ord. of 7-2-01, art. 2, § 17)

Chapter 11

ROADS*

Article I. In General

Sec. 11-1. Fishing from Crains Creek McLauchlin Road bridge prohibited.
Sec. 11-2. Fishing from Niagara-Carthage Road bridge prohibited.
Secs. 11-3—11-15. Reserved.

Article II. Road Name and Addressing

Sec. 11-16. In general.
Sec. 11-17. Address administrator responsibilities.
Sec. 11-18. Road naming.
Sec. 11-19. Addressing.
Sec. 11-20. Public hearing and notice required.
Sec. 11-21. Violations.
Sec. 11-22. Enforcement.
Sec. 11-23. Penalties.
Sec. 11-24. Appeals.
Sec. 11-25. Limitation of liability.

***Cross references—**Airports, Ch. 3; buildings and building regulations, Ch. 5; cable television regulations, Ch. 6; utilities, Ch. 13.

State law references—Public road defined for counties, G.S. 153A-238; naming roads and assigning street numbers in counties, G.S. 153A-239.1; counties relieved of responsibility for roads and bridges in state highway system, G.S. 136-97; county may regulate fishing from bridges, G.S. 153A-242.

ARTICLE I. IN GENERAL

Sec. 11-1. Fishing from Crains Creek McLauchlin Road bridge prohibited.

Pursuant to the authority granted by G.S. 153A-121, it shall henceforth be unlawful to fish from the bridge over Crains Creek on McLauchlin Road (SR 2014) or from the road or creek banks 100 feet either side of said bridge.
(Ord. of 11-27-89(2), § 1)

Sec. 11-2. Fishing from Niagara-Carthage Road bridge prohibited.

Pursuant to the authority granted by G.S. 153A-121, it shall henceforth be unlawful to fish from the bridge over Little River on Niagara-Carthage Road (SR 1802) or from the road or creek banks 100 feet either side of said bridge.
(Ord. of 5-21-90(1), § 1)

Editor's note—Ord. of May 21, 1990(1), § 1, did not specifically amend the Code; hence, inclusion herein as § 11-2 was at the discretion of the editor.

Secs. 11-3—11-15. Reserved.

ARTICLE II. ROAD NAME AND ADDRESSING*

Sec. 11-16. In general.

(a) *Title.* The name of this article is "Moore County Road Name and Addressing Ordinance" and may be cited as an ordinance establishing the names of roads, a procedure for the future naming or renaming of roads and the numbering of all houses, mobile homes, commercial and industrial buildings (hereinafter referred to as the "ordinance [article]").

(b) *Authority.* This article is hereby adopted under the authority and provisions of G.S. 153A-238 and 153A-239.1(a) and 147-54.7, and the police powers of the county to protect the health, safety and welfare of its citizens.

(c) *Jurisdictional coverage.* All public and private roads in the unincorporated portions of the county are included within the jurisdiction of this article, unless the municipalities within the county elect to be covered by the article. Every addressable structure within the unincorporated area in the county shall be included within the jurisdiction of this article.

(d) *Purpose and intent.* The purpose and intent of this article is to hereby establish a uniform system of addressing and numbering all houses and buildings within the jurisdiction of the county and to establish a process for changing existing addresses, streets and road names so that street, road and highway names are not duplicated in the county. This article provides a method to correct inaccurate addresses, ensure that road name identification signs are placed at all road intersections,

---

***Editor's note—**An ordinance adopted April 16, 2013, amended art. II in its entirety to read as herein set out. Former art. II consisted of §§ 11-16—11-21, pertained to similar subject matter, and derived from an ordinance adopted June 19, 2000.

State law reference—Naming roads within counties, G.S. 153A-239.1.

establish a procedure for reviewing road names and provide an enforcement mechanism to ensure compliance with the uniform system of addressing and numbering. This article is necessary to facilitate the provision of adequate public safety and emergency services and to minimize the difficulty in locating properties and buildings for postal delivery, public service agencies and the general public.

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

(1) *Address administrator* or *administrator.* The official designated by the county manager to administer this article, including his/her authorized representatives.

(2) *Addressable structure.* Any structure requiring the installation of a dedicated, permanent electrical meter or that serves as a utility route management location.

(3) *Driveway.* A private way beginning at the property line of a lot abutting a public road, private road, easement or private right-of-way that will give access from public road, recorded easement, recorded private road or private right-of-way, and serves not more than two habitable structures.

(4) *Habitable structure.* Any structure the meets the minimum housing standards. Standards include but are not limited to the current North Carolina State Building Codes, National Electrical Code, and applicable ADA codes.

(5) *Public/private road.* Any road, street, highway, thoroughfare or other way of passage that has been dedicated for ingress and/or egress that serves three or more habitable structures.

(6) *Subdivision road.* Any dedicated and accepted public right-of-way for vehicular traffic, or a private road, either of which were established pursuant to the Moore County subdivision regulations.

(Ord. of 4-16-13, § I)

Sec. 11-17. Address administrator responsibilities.

(a) *Responsibilities.* The address administrator shall be responsible for the administration of this article, including, but not limited to:

(1) Maintaining a system and assigning all numbers for addressable structures; and

(2) Approval of change of existing addresses when necessary to facilitate sequential house number assignments along existing roads; and

(3) Establishment of interdepartmental infrastructure to insure continued operation of addressing system to meet the spirit and the intent of this article; and

(4) Notification to appropriate citizens, governments, agencies, and post offices as required by law.

(b) *Clerical or administrative errors.* The address administrator is authorized to correct such clerical or administrative errors that may from time to time occur in keeping with the overall plan and the intent of this article and to approve alternate methods of displaying house numbers which meet the intent of this article when strict adherence to these standards cannot be reasonably met.

(c) That, pursuant to G.S. 153A-239.1, after naming or renaming a road or assigning or reassigning street numbers on a road the county shall cause notice of its action to be given to the local postmaster with jurisdiction over the road, to the board of transportation and to any city within five miles of the road.
(Ord. of 4-16-13, § II)

Sec. 11-18. Road naming.

Roads located within the unincorporated areas of Moore County, whether public and private, shall not be named or renamed by any method except those set forth in this article. All existing, proposed, or constructed public or private roads or driveways that provides access to three or more habitable structures use the road for access from the main road shall have a street name and address range assigned.

In naming or renaming a public road, the county may not change the name of any road name designation provided by the North Carolina Board of Transportation or the Moore County Board of County Commissioners unless the respective body agrees to such change. Numbers assigned to a road by the North Carolina Board of Transportation shall not be changed. However, the Moore County Board of County Commissioners may name the road in addition to the number given to it by the North Carolina Board of Transportation. G.S. 153A-239.1(a).

(a) *New road naming.*

(1) No new roads outside of municipal limits in the County of Moore, whether a part of the state secondary road system or private, shall be named without approval of the Moore County Board of County Commissioners.

(2) The name of any new road, whether it is public or private, shall not duplicate or be phonetically similar to any other road already named within Moore County. This subsection shall not apply to the extension of existing roads, which should whenever possible be given the same name.

(3) New subdivision roads, whether public or private, shall be named prior to the approval of any proposed subdivision or plat, including, but not limited to, apartment and condominium complexes. The approval of a subdivision plat by the Moore County Planning Department and/or the recordation of a plat at the register of deeds, will not guarantee that a road name is in compliance with this article, or that a road name will be approved by the board of commissioners. With regards to the initial assignment of subdivision road names, see subsection (d) below.

(4) Property owner(s) who want to have a public or private road named for personal reasons must comply with items below:

i. A petition should include the proposed road name, the reason why the person(s) are requesting the name, and the signatures of 100 percent of those persons owning property adjacent to the road; and

ii. Name requests shall conform to this article; and

iii. The name request shall only be approved after a public hearing is held on the matter as provided in section 11-20 and the Moore County Board of County Commissioners have approved the petition for a road name.

(b) *Renaming roads.*

(1) *Renaming by address administrator.* Road names may be changed by the address administrator when the road name is a duplicate of another road name within a designated postal area or within Moore County and interferes with the accurate dispatch of emergency service or postal delivery. The renaming of any road must be approved by the Moore County Board of County Commissioners.

(2) *Renaming request by property owners.* Property owners who want to have the name of a public or private road changed for personal reasons must comply with items below:

i. A petition should include the existing road name, the proposed road name, the reason why the person(s) are requesting the name change, and the signatures of 100 percent of those persons owning property adjacent to the road; and

ii. Name changes requests shall conform to this article; and

iii. The name change request shall only be approved after a public hearing is held on the matter as provided in section 11-20 and the Moore County Board of County Commissioners have approved the petition for a road name change; and

iv. A fee for each road shall accompany any petition requesting that an existing road name be changed. Refer to Moore County Budget Ordinance for the fee amount; and

v. In the event that the board of commissioners approves the petition, the petitioners shall reimburse the County of Moore, in advance, for the cost of purchasing and installing the new signs.

(c) *Removing roads.*

(1) *Removing road names by address administrator.* The addressing administrator may remove a road name previously approved by the Moore County Board of Commissioners if the road name was approved pursuant to a preliminary subdivision plat approved by the Moore County Planning Department Subdivision Review Board, the road does not exist, and the subdivision review board's approval of the preliminary subdivision plat has expired. The removal must be approved by the Moore County Board of Commissioners.

(2) *Removing request by property owners.* Roads that currently serve not more than two habitable structures may be considered for the road name to be removed. Property owners who want to have the name of a road removed for personal reasons must comply with items below:

(i) A petition should include the existing road name, the reason why the person(s) are requesting the removal, and the signatures of 100 percent of those persons owning property adjacent to the road; and

ii) The name removal request shall only be approved after a public hearing is held on the matter as provided in section 11-20 and the board of county commissioners have approved the petition for a road name removal; and

(iii) A fee for each road shall accompany any petition requesting that an existing road name be removed. Refer to Moore County Budget Ordinance for fee amount; and

(iv) In the event that the board of commissioners approves the petition, the petitioners shall reimburse the County of Moore, in advance, for the cost of removing the existing road signs.

(d) *Initial assignment of subdivision road names.* Pursuant to G.S. 153A-239.1, road names may be initially assigned to new roads by recordation of an approved subdivision plat. Therefore, upon approval of a preliminary subdivision plat by the Moore County Planning Department Subdivision Review Board, recordation of the plat with the Moore County Register of Deeds, and a copy of the plat submitted to the addressing administrator, the addressing administrator will reserve any road name upon the plat that is not in use and that is in compliance with this article. Upon expiration of the subdivision review board's approval of the preliminary subdivision plat, the addressing administrator will remove the reserved status of any unused road name and make it available for others to use. The initial assignment of a road name only serves to reserve the road name and does not require the approval of the Moore County Board of Commissioners; however, the road name must be approved by the board of commissioners prior to or during construction of the road.

(e) *Content of road names.*

(1) No road shall be named that duplicates the name of an existing road. No road shall be phonetically similar to all existing road names. Municipalities are strongly encouraged to notify the County of Moore IT Department GIS Division when naming or renaming a road.

(2) No road shall be named that duplicates the name of an existing road across county lines in which are in the same U.S. Postal District.

(3) Road names must use common spelling found in a standard dictionary, i.e., Webster's Dictionary, current edition.

(4) North, south, east and west are intended to be directional features of the address system and will be used only when necessary, such as for distinguishing regions of a

continuous road traversing several municipalities. A directional word should not be contained within the name of a new road and shall be placed ahead of the road name. A street or road may have no more than one directional prefix.

(5) Only letters of the alphabet and blank spaces should be included in a road name. Road names that are numbers (i.e., First Street) must be expressed using alphabetical characters and not numbers. Road names should not contain the following:

- Symbols or punctuation; or
- Abbreviations of the main title of the street or road name; or
- Initials; or
- A single alphabetical character; or
- Words that begin with "old" or "new"; or
- Offensive words or language in accordance with G.S. 147-54.7; or
- More than 24 letters including spaces.

(6) All road names shall contain one road name suffix designation. Double suffixes within a road name will be denied. Suffix designations of roads include, but are not limited to, the following terms: Avenue (Ave.), boulevard (Blvd.), circle (Cir.), court (Ct.), lane (Ln.), loop (Loop), place (Pl.), road (Rd.), square (Sq.), street (St.), trail (Trl.) or way (Way). All street suffix designations may be abbreviated in compliance with United States Postal Service (USPS) Publication 28, Appendix C - Street abbreviations.

(7) The County of Moore has the right to deny any road name that, in the sole opinion of the county, is inappropriate or would interfere with public safety and emergency services.

(f) *Physical standards for road name signs.*

(1) Signs for public or private roads or drives shall conform to the physical standards set forth in the United States Department of Transportation's Manual on Uniform Traffic Control Devices (MUTCD).

(2) Identifying street markers should be located at each intersection of roads throughout the County of Moore, except for those areas lying within the corporate limits of Aberdeen, Cameron, Candor, Carthage, Foxfire, Pinebluff, Pinehurst, Robbins, Southern Pines, Taylortown, Vass and Whispering Pines and private subdivisions desiring to erect and maintain their own street sign system.

(Ord. of 4-16-13, § III; Amend. of 2-21-17, § III)

Sec. 11-19. Addressing.

(a) *Use of assigned number required.* No person may display or cause to be displayed on any house, building or box any number other than the number assigned by the address administrator.

(b) *Removal, obliteration and destruction prohibited.* No person may remove, obliterate or destroy any number displayed in accordance with this article.

(c) *Road address number assignment.* The administrator shall assign house and building road address numbers in accordance with a system that adheres as closely as possible to the principles set forth in this section.

(d) *Methodology.* The methodology used to determine the assignment of house and building address numbers shall be:

(1) Addresses shall be assigned at ten feet intervals along the length of the road. The intent of this practice is to ensure there are available addresses between addressable structures that can be assigned at a later date; and

(2) The range of addresses shall begin with the lowest number in the range being closest to the road of origin with the numbers increasing as the distance from the road of origin increases. If the road to be addressed does not have an immediately discernible origin but connects two roads, the road closest to the intersection of the aforementioned axis shall be deemed the road of origin.

(3) The addresses will be numbered from the beginning point of the road, assign addresses as odd numbers to the left and even numbers to the right, based upon the driveway.

(e) *Apartment and condominium complexes.*

(1) The address administrator shall assign apartment complexes a number to each building. Numbers are then assigned to individual apartments.

(2) Streets within the complex shall be named.

(f) *Display of road address numbers.* Once assigned, road address numbers must be clearly displayed so the location can be easily identified from the road.

(1) Residential properties guidelines are located 2012 North Carolina Residential Code, section R319, site address, R319.1, address numbers.

(2) Commercial properties guidelines are located 2012 North Carolina State Fire Code, section 505, premises identification, 505.1, address identification.

(g) *Address corrections.* The address administrator is authorized to correct any errors in a numeric address or street range. This includes:

(1) Addresses that are out of sequence with other addresses on the same road; and

(2) Addresses that are not inside the range of values assigned to the street of origin; and

(3) Address ranges assigned to street segments that are not sequential or are out of sequence with preceding or succeeding segments of the same street; and

(4) Area where no addresses were left for vacant lot(s); and

(5) Street name change approved by Moore County Board of Commissioners; and

(6) Person unknowingly displaying the wrong address; and

(7) Change from rural route and box number to urban street address number.

The address administrator shall provide written notice to the owner of this article which shall include the reason for the error, the new numeric address and that the address change will be effective 30 days from receipt of the notice. A resident who does not display the new address after the effective date shall be in violation of this article. The County of Moore does not provide physical address numbers to display on structures nor assumes addressing or readdressing costs for addressable structures.
(Ord. of 4-16-13, § IV; Amend. of 2-21-17, § IV)

Sec. 11-20. Public hearing and notice required.

(a) *Public hearing.* The County of Moore IT Department - GIS division shall advertise the public hearing pertaining to the petition before the Moore County Board of Commissioners pursuant to G.S. 153A-239.1.

(b) *Naming, renaming or removing public roads.* Prior to naming, renaming or removing a road, the address administrator shall request a public hearing date be set by the Moore County Board of Commissioners and provide notice in accordance with G.S. 153A-239.1(a).

(c) *Adoption of ordinance.* Prior to adopting an ordinance to establish a procedure to assign or reassign street numbers on the road, the Moore County Board of Commissioners shall provide notice and hold a public hearing in accordance with G.S. 153A-239.1(a).

(d) *Notice.* After naming or renaming a public or private road, or assigning or reassigning street numbers on a public or private road, the address administrator shall provide notice to be given to the local postmaster with jurisdiction over the road and to the North Carolina Department of Transportation.
(Ord. of 4-16-13, § V; Amend. of 2-21-17, § V)

Sec. 11-21. Violations.

(a) Upon discovery of a condition in violation of this article, the administrator shall provide a written notice and description of the violation to the owner or occupant, of legal age, or other responsible entity or party, specifying that, the condition must be brought to compliance of this article within 30 days.

(b) If the owner, occupant, or other responsible entity or party fails to bring the condition described in the notice to compliance of this article within 30 days of receiving written notice of violation, the owner, occupant, or other responsible entity or party shall be in violation of this article.

(c) Means of notice deemed sufficient and property include, but are not limited to, registered or certified mail sent to the last known address of an owner or occupant as ascertained from Moore County tax records, posting on the front door of an addressable structure, or hand-delivery to an occupant of legal age found at the addressable structure.

(d) Written notice of violation and citations pursuant to this section shall be deemed delivered and properly served upon depositing said notice and/or citation into a receptacle of the United States Postal Service, posting on the front door of the offending addressable structure, or hand-delivery to an occupant of legal age found at the offending addressable structure.
(Ord. of 4-16-13, § VI)

Sec. 11-22. Enforcement.

If an owner, occupant, or other responsible party or entity does not bring the violating condition or conditions into compliance with this article after proper written notice (subsection 11-21(a)) and 30 days from delivery (as defined in subsection 11-21(d)) have elapsed, the county attorney may enforce this article by any one or more of the remedies in law or in equity authorized by G.S. 153A-123.
(Ord. of 4-16-13, § VII)

Sec. 11-23. Penalties.

(a) After the effective date of this article, any person, firm, or agent thereof who intentionally, purposely, or knowingly violates or causes violation of any provision of this article shall be guilty of a misdemeanor Class 3 misdemeanor pursuant to G.S. 14-4(a), upon conviction of which, the maximum penalty by law may be imposed.

(b) In addition to criminal penalties provided by G.S. 153A-123, 14-4, violation of any provision of this article shall also subject the owner or occupant to a civil penalty in the amount of $50.00 for each violation, to be recovered by the county in a civil action in the nature of a debt. Each day's continuing violation is a separate and distinct offense.

(c) Where a person, firm, corporation or other entity is found guilty of removing, destroying, and/or defacing a road sign, the person, firm, corporation, or other entity shall reimburse the County of Moore for all replacement costs associated with replacing said road sign(s).
(Ord. of 4-16-13, § VIII)

Sec. 11-24. Appeals.

The provisions of this article shall be held to be minimum requirements adopted for the promotion of the public health, safety, and general welfare. Wherever the requirements of this article vary from the requirements any other adopted county, state, or federal regulations, the most restrictive or that imposing the highest standard shall govern.
(Ord. of 4-16-13, § IX)

Sec. 11-25. Limitation of liability.

The county, directors, officers, and agents are not liable for any damages in a civil action for injuries, death, or loss to persons or property incurred by any person as a result of any act or omission of any of its employees, directors, officers, or agents.
(Ord. of 4-16-13, § X)

Chapter 12

TAXATION*

Article I. In General

Secs. 12-1—12-25. Reserved.

Article II. Room Occupancy and Tourism Development Tax

Sec. 12-26. Levied.
Sec. 12-27. Payment, due date.
Sec. 12-28. Collection.
Sec. 12-29. Disposition of revenues.
Sec. 12-30. Tourism development authority.

***Cross reference—**County finances generally, § 2-46 et seq.

State law references—General authority to impose taxes, G.S. 153A-146; county may levy local sales and use tax, G.S. 153A-151; First One-Cent Local Government Sales and Use Tax Act, G.S. 105-463 et seq.

ARTICLE I. IN GENERAL

Secs. 12-1—12-25. Reserved.

ARTICLE II. ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX*

Sec. 12-26. Levied.

(a) There is hereby imposed and levied within the county a three-percent room occupancy tax upon the gross receipts charged the occupant of such room as authorized by chapter 188 of the 1987 Session Laws, senate bill 138, ratified and effective May 14, 1987. The tax imposed and levied shall apply to the same extent and be subject to the limitations as are set forth in such enabling legislation.

(b) The county room occupancy and tourism development tax that may be levied under this article shall be three percent of the gross receipts derived from the rental of any room, lodging, or similar accommodation furnished by any hotel, motel, inn, tourist camp, or other similar place within the county now subject to the three-percent sales tax imposed by the state under G.S. 105-164.4(3) of the general statutes. This tax is in addition to any local sales tax. This tax does not apply to gross receipts derived by the following entities from accommodations furnished by them:

(1) Religious organizations;

(2) Educational organizations;

(3) Any business that offers to rent fewer than five units; and

(4) Summer camps.

(Res. of 5-21-87, §§ 1, 2)

Sec. 12-27. Payment, due date.

(a) Any tax levied under this article is due and payable to the county in monthly installments on or before the 15th day of the month following the month in which the tax accrues. Every person liable for the tax shall, on or before the 15th day of each month, prepare and render a return on a form prescribed by the county. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied.

(b) Any person who fails or refuses to file the return required by this article shall pay a penalty of $10.00 for each day's omission.

(c) In case of failure or refusal to file the return or pay the tax for a period of 30 days after the time required for filing the return or for paying the tax, there shall be an additional tax, as a penalty, of five percent of the tax due in addition to the penalty prescribed in subsection (b) of this section, with an additional tax of five percent for each additional month or fraction thereof until the occupancy tax is paid.

***State law reference—**Act authorizing Moore County to levy room occupancy tax, S.L. 1987-188. [This act was not codified in North Carolina statutes.]

(d) Any person who willfully attempts in any manner to evade the occupancy tax imposed under this article or who willfully fails to pay the tax or make and file a return shall, in addition to all other penalties provided by law, be guilty of a misdemeanor and shall be punished by a fine not to exceed $1,000.00, imprisonment not to exceed six months, or both.
(Res. of 5-21-87, § 3)

Sec. 12-28. Collection.

Every operator of a business subject to a tax levied under this article shall, on and after the effective date of the levy of the tax, collect the three-percent room occupancy tax. This tax shall be collected as part of the charge for the furnishing of any taxable accommodation. The tax shall be stated and charged separately from the sales records, and shall be paid by the purchaser to the operator of the business as trustee for and on account of the county. The room occupancy tax levied pursuant to this article shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of business. The county shall design, print, and furnish to all appropriate businesses in the county the necessary forms for filing returns and instructions to ensure the full collection of the tax. An operator of a business who collects the occupancy tax levied under this article may deduct from the amount remitted to the county a discount of three percent of the amount collected.
(Res. of 5-21-87, § 4)

Sec. 12-29. Disposition of revenues.

(a) The county shall remit the net proceeds of the occupancy tax to the county tourism development authority in the county. "Net proceeds" means gross proceeds less the cost to the county of administering and collecting the tax, which may not exceed three percent of the collected tax.

(b) The tourism development authority may expend any funds distributed to it pursuant to subsection (a) of this section only to further the development of travel, tourism, and conventions in the county through state, national, and international advertising and promotion. The authority may not use more than 25 percent of the funds distributed to it pursuant to subsection (a) of this section for administrative expenses of the authority.
(Res. of 5-21-87, § 5)

Sec. 12-30. Tourism development authority.

(a) When the board of commissioners adopts a resolution levying a room occupancy tax pursuant to this article, it shall also adopt a resolution creating a county tourism development authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act and shall be composed of the following nine members:

(1) A county commissioner appointed by the board of commissioners;

(2) Five owners or operators of hotels, motels or other taxable tourist accommodations, two of which own or operate the largest hotels, motels or other accommodations in the county by rental unit count and three of which own or operate other hotels, motels or other accommodations in the county, all of whom shall be appointed by the board of commissioners;

(3) The executive vice president of the Sandhills Area Chamber of Commerce; and

(4) Two individuals interested in the tourist business who have demonstrated an interest in tourist development, but do not own or operate a hotel, motel or other taxable tourist accommodation, who shall be appointed by the board of commissioners.

(b) All members of the authority shall serve without compensation.

(c) Vacancies in the authority shall be filled in the same manner as the initial appointments. Members appointed to fill vacancies shall serve for the remainder of the unexpired term for which they are appointed to fill. Members shall serve terms as provided in the rules of procedure and by-laws of the authority.

(d) The members shall elect a chairman. The authority shall meet at the call of the chairman and shall adopt rules of procedure and by-laws to govern its meetings and activities. The finance officer for the county shall be the ex officio finance officer of the authority.

(e) The tourism development authority may contract with any person to advise and assist it in the promotion of travel, tourism, and conventions.

(f) The tourism development authority shall report quarterly and at the close of the fiscal year to the board of commissioners on its receipts and expenditures for the preceding quarter and for the year in such detail as the board may require.

(Res. of 5-21-87, § 6)

Cross reference—County boards, committees, commissions and councils generally, § 2-26 et seq.

Chapter 13

UTILITIES*

Article I. In General

Secs. 13-1—13-25. Reserved.

Article II. Sewer Use Ordinance

Division 1. General Provisions

Sec. 13-26. Purpose and policy.
Sec. 13-27. Definitions and abbreviations.
Secs. 13-28—13-30. Reserved.

Division 2. General Sewer Use Requirements

Sec. 13-31. Prohibited discharge standards.
Sec. 13-32. National Categorical Pretreatment Standards.
Sec. 13-33. Local limits.
Sec. 13-34. State requirements.
Sec. 13-35. Right of revision.
Sec. 13-36. Dilution.
Sec. 13-37. Pretreatment of wastewater.
Sec. 13-38. Accidental discharge/slug control plans.
Sec. 13-39. Hauled wastewater.
Secs. 13-40—13-50. Reserved.

Division 3. Fees

Sec. 13-51. Purpose.
Sec. 13-52. User charges.
Sec. 13-53. Surcharges.
Sec. 13-54. Pretreatment program administration charges.
Secs. 13-55—13-60. Reserved.

Division 4. Wastewater Discharge Permit Application And Issuance

Sec. 13-61. Wastewater dischargers.
Sec. 13-62. Wastewater permits.
Secs. 13-63—13-70. Reserved.

***Cross references—**Airports, Ch. 3; buildings and building regulations, Ch. 5; cable television regulations, Ch. 6; roads, Ch. 11.

State law references—Authority to operate public enterprises, G.S. 153A-275; authority to fix and enforce rates, G.S. 153A-277; special provisions for water and sewer services, G.S. 153A-283 et seq.

Division 5. Reporting Requirements

Sec. 13-71. Baseline monitoring reports.
Sec. 13-72. Compliance schedule progress reports.
Sec. 13-73. Reports on compliance with categorical pretreatment standard, deadline.
Sec. 13-74. Periodic compliance reports.
Sec. 13-75. Reports of changed conditions.
Sec. 13-76. Reports of potential problems.
Sec. 13-77. Reports from unpermitted users.
Sec. 13-78. Notice of violation/repeat sampling and reporting.
Sec. 13-79. Notification of the discharge of hazardous waste.
Sec. 13-80. Analytical requirements.
Sec. 13-81. Grab and composite sample collection.
Sec. 13-82. Timing.
Sec. 13-83. Record keeping.
Secs. 13-84—13-90. Reserved.

Division 6. Compliance Monitoring

Sec. 13-91. Monitoring facilities.
Sec. 13-92. Inspection and sampling.
Sec. 13-93. Search warrants.
Sec. 13-94. Confidential information.
Secs. 13-95—13-100. Reserved.

Division 7. Enforcement

Sec. 13-101. Administrative remedies.
Sec. 13-102. Civil penalties.
Sec. 13-103. Other available remedies.
Sec. 13-104. Remedies nonexclusive.
Sec. 13-105. Annual publication of significant noncompliance.
Sec. 13-106. Adjudicatory hearings.
Secs. 13-107—13-110. Reserved.

Division 8. Affirmative Defenses to Discharge Violations

Sec. 13-111. Upset.
Sec. 13-112. Prohibited discharge standards defense.
Sec. 13-113. Bypass.
Secs. 13-114—13-150. Reserved.

Article III. Public Works Department Water Ordinance

Sec. 13-151. Authority.
Sec. 13-152. Water taps.
Sec. 13-153. Establishing a utility account.
Sec. 13-154. Account deposits.
Sec. 13-155. Unpaid balances and balance transfer.
Sec. 13-156. Deposit refunds.
Sec. 13-157. Landlord/tenant relationship for rental properties.
Sec. 13-158. Access to meter, meter box and premises.

Sec. 13-159. Billing.
Sec. 13-160. Disconnection of service.
Sec. 13-161. Reconnection of service.
Sec. 13-162. Complaints.
Sec. 13-163. Adjustments due to over billing or under billing.
Sec. 13-164. Leak and unexplained usage adjustments.
Sec. 13-165. Returned payments and reversed payments.
Sec. 13-166. Voluntary termination of service due to relocation.
Sec. 13-167. Voluntary disconnect and reconnect due to vacancy.
Sec. 13-168. Meter verification.
Sec. 13-169. Meter tampering and water theft.
Sec. 13-170. Property/equipment damage.
Sec. 13-171. Meter reading.
Sec. 13-172. Base rate and usage charges.
Sec. 13-173. Modification of fees, rates or regulations.

ARTICLE I. IN GENERAL

Secs. 13-1—13-25. Reserved.

ARTICLE II. SEWER USE ORDINANCE*

DIVISION 1. GENERAL PROVISIONS

Sec. 13-26. Purpose and policy.

This article sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the County of Moore, hereafter referred to as the county, and enables the county to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code § 1251 et seq.) and the General Pretreatment Regulations (40 CFR 403).

The objectives of this article are:

(a) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;

(b) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into any waters of the state or otherwise be incompatible with the system;

(c) To promote reuse and recycling of industrial wastewater and sludges from the municipal system;

(d) To protect both municipal personnel who may be affected by sewage, sludge, and effluent in the course of their employment, as well as protecting the general public;

(e) To provide for equitable distribution of the cost of operation, maintenance and improvement of the municipal wastewater system; and

(f) To ensure that the municipality complies with its NPDES or non-discharge permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the municipal wastewater system is subject.

This article provides for the regulation of direct and indirect contributors to the municipal wastewater system, through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

***Editor's note—**An ordinance adopted April 2, 2013, amended art. II in its entirety to read as herein set out. Former art. II pertained to the same subject matter, and derived from an ordinance adopted November 20, 2012.

Cross references—Plumbing code, § 5-151 et seq.; health and sanitation, Ch. 8.

This article shall apply to all users of the municipal wastewater system, as authorized by G.S. 160A-312 and/or 153A-275. The county shall designate an administrator of the publicly owned treatment works or POTW and pretreatment program hereafter referred to as the POTW director. Except as otherwise provided herein, the POTW director shall administer, implement, and enforce the provisions of this article. Any powers granted to or imposed upon the POTW director may be delegated by the POTW director to other county personnel. By discharging wastewater into the municipal wastewater system, industrial users located outside the county limits agree to comply with the terms and conditions established in this article, as well as any permits, enforcement actions, or orders issued hereunder.
(Ord. of 4-2-13, § 1.1)

Sec. 13-27. Definitions and abbreviations.

(a) Unless the context specifically indicates otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated:

(1) *Act* or *the Act.* The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251, et seq.

(2) *Approval authority.* The director of the Division of Water Quality of the North Carolina Department of Environment and Natural Resources or his designee.

(3) *Authorized representative of the industrial user.*

(i) If the industrial user is a corporation, authorized representative shall mean:

A. The president, secretary, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or

B. The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25,000,000.00 (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(ii) If the industrial user is a partnership or sole proprietorship, an authorized representative shall mean a general partner or the proprietor, respectively.

(iii) If the industrial user is a federal, state or local government facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(iv) The individuals described in paragraphs (i)—(iii) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the county.

(v) If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this section must be submitted to the POTW director prior to or together with any reports to be signed by an authorized representative.

(4) *Biochemical oxygen demand (BOD).* The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

(5) *Building sewer.* A sewer conveying wastewater from the premises of a user to the POTW.

(6) *Bypass.* The intentional diversion of wastestreams from any portion of a user's treatment facility.

(7) *Categorical standards.* National Categorical Pretreatment Standards or pretreatment standard.

(8) *Control authority.* Refers to the POTW organization if the POTW organization's pretreatment program approval has not been withdrawn.

(9) *Environmental Protection Agency* or *EPA.* The U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.

(10) *Grab sample.* A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

(11) *Holding tank waste.* Any waste from holding tanks, including, but not limited to, such holding tanks as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(12) *Indirect discharge* or *discharge.* The discharge or the introduction from any nondomestic source regulated under section 307(b), (c), or (d) of the Act, (33 U.S.C. § 1317), into the POTW (including holding tank waste discharged into the system).

(13) *Industrial user* or *user.* Any person which is a source of indirect discharge.

(14) *Interference.* The inhibition, or disruption of the POTW collection system, treatment processes, operations, or its sludge process, use, or disposal, which causes or contributes to a violation of any requirement of the control authority's (and/or POTW's, if different from the control authority) NPDES, collection system, or non-discharge permit, or prevents sewage sludge use or disposal in compliance with specified applicable state and federal statutes, regulations, or permits. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with section 405 of the Act, (33 U.S.C. § 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA)(42 U.S.C. § 6901, et seq.), the Clean Air Act, the Toxic Substances Control Act, the Marine Protection Research and Sanctuary Act (MPRSA) or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

(15) *Medical waste.* Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

(16) *National Categorical Pretreatment Standard* or *categorical standard.* Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which applies to a specific category of industrial users, and which appears in 40 CFR Chapter 1, Subchapter N, Parts 405—471.

(17) *National Prohibitive Discharge Standard* or *prohibitive discharge standard.* Absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 13-31 of this article and are developed under the authority of [section] 307(b) of the Act and 40 CFR 403.5.

(18) *New source.*

(i) Any building, structure, facility, or installation from which there may be a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with section 307(c), provided that:

A. The building, structure, facility, or installation is constructed at a site at which no other source is located; or

B. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

C. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(ii) Construction on a site at which an existing source is located results in a modification other than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of paragraph (18)(i)B. or C. above but otherwise alters, replaces, or adds to existing process or production equipment.

(iii) For purposes of this definition, construction of a new source has commenced if the owner or operator has:

A. Begun, or caused to begin, as part of a continuous on-site construction program:

1. Any placement, assembly, or installation of facilities or equipment; or

2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

B. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

(19) *Noncontact cooling water.* Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

(20) *National Pollution Discharge Elimination System Permit* or *NPDES permit.* A permit issued pursuant to section 402 of the Act (33 U.S.C. § 1342), or pursuant to G.S. 143-215.1 by the state under delegation from EPA.

(21) *Non-discharge permit.* A permit issued by the state pursuant to G.S. 143-215.1(d) for a waste which is not discharged directly to surface waters of the state or for a wastewater treatment works which does not discharge directly to surface waters of the state.

(22) *Pass through.* A discharge which exits the POTW into waters of the state in quantities or concentrations which, alone or with discharges from other sources, causes a violation, including an increase in the magnitude or duration of a violation, of the control authority's (and/or POTW's, if different from the control authority) NPDES, collection system, or non-discharge permit, or a downstream water quality standard even if not included in the permit.

(23) *Person.* Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state, and local government entities.

(24) *pH.* A measure of the acidity or alkalinity of a substance, expressed as standard units (S.U.), and calculated as the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(25) *Pollutant.* Any "waste" as defined in G.S. 143-213(18) and dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, metals, BOD, COD, toxicity, and odor).

(26) *POTW director.* The county administrator designated with the responsibility for the pretreatment program and enforcement of this sewer use ordinance. See also "superintendent."

(27) *POTW treatment plant.* That portion of the POTW designed to provide treatment to wastewater.

(28) *Pretreatment* or *treatment.* The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollution into a POTW. The reduction or

alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

(29) *Pretreatment program.* The program for the control of pollutants introduced into the POTW from non-domestic sources which was developed by the county in compliance with 40 CFR 403.8 and approved by the approval authority as authorized by G.S. 143-215.3(a)(14) in accordance with 40 CFR 403.11.

(30) *Pretreatment requirements.* Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard.

(31) *Pretreatment standards.* Any prohibited discharge standard, categorical standard, or local limit which applies to an industrial user.

(32) *Publicly owned treatment works (POTW)* or *municipal wastewater system.* A treatment works as defined by section 212 of the Act, (33 U.S.C. § 1292) which is owned in this instance by the county. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to the POTW treatment plant. For the purposes of this article, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the county who are, by contract or agreement with the county, or in any other way, users of the POTW of the county.

(33) *Severe property damage.* Substantial physical damage to property, damage to the user's treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(34) *Significant industrial user* or *SIU.* An industrial user that discharges wastewater into a publicly owned treatment works and that:

(i) Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewaters); or

(ii) Contributes more than five percent of any design or treatment capacity (i.e., allowable pollutant load) of the wastewater treatment plant receiving the indirect discharge; or

(iii) Is required to meet a National Categorical Pretreatment Standard; or

(iv) Is found by the county, the division of water quality or the U.S. Environmental Protection Agency (EPA) to have the potential for impact, either singly or in combination with other contributing industrial users, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or compliance with any pretreatment standards or requirements.

(v) Subject to division approval under 15A NCAC 02H .0907(b), the control authority may determine that an industrial user meeting the criteria in paragraphs (i) and (ii) above has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standards or requirement, or for contributing to violations of the POTW's effluent limitations and conditions in its NPDES or non-discharge permit, or for limiting the POTW's sludge disposal options, and thus is not a significant industrial user.

(35) *Significant noncompliance* or *SNC* is the status of noncompliance of a significant industrial user when one or more of the following criteria are met. Additionally, any industrial user which meets the criteria in subparagraph (b)(35), parts (iii), (iv), or (viii) shall also be SNC.

(i) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all measurements taken for the same pollutant parameter (not including flow) during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR Part 403.3(l);

(ii) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits as defined by 40 CFR Part 403.3(l) multiplied by the applicable TRC; (TRC=1.4 for BOD, TSS, fats oil and grease, 1.2 for all other pollutants (except flow and pH));

(iii) Any other violation(s) of a pretreatment standard or requirement as defined by 40 CFR Part 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the control authority (and/or POTW, if different from control authority), determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(iv) Any discharge of a pollutant or wastewater that has caused imminent endangerment to human health, welfare or to the environment or has resulted in either the control authority's (and/or the POTW's, if different from the control authority), exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B) and subsection 13-101(e) of this SUO to halt or prevent such a discharge;

(v) Violations of compliance schedule milestones, contained in a pretreatment permit or enforcement order, for starting construction, completing construction, and attaining final compliance by 90 days or more after the schedule date;

(vi) Failure to provide reports for compliance schedule, self-monitoring data, baseline monitoring reports, 90-day compliance reports, and compliance reports within 30 days from the due date;

(vii) Failure to accurately report noncompliance; or

(viii) Any other violation or group of violations that the control authority (and/or POTW, if different from control authority) determines will adversely affect the operation or implementation of the local pretreatment program.

(36) *Slug load or discharge.* Any discharge at a flow rate or concentration which has a reasonable potential to cause interference or pass-through, or in any other way violates the POTW's regulations, local limits, or industrial user permit conditions. This can include, but is not limited to, spills and other accidental discharges; discharges of a non-routine, episodic nature; a non-customary batch discharge; or any other discharges that can cause a violation of the prohibited discharge standards in section 13-31 of this article.

(37) *Standard industrial classification (SIC).* A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.

(38) *Stormwater.* Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(39) *Superintendent* or *director/superintendent.* The person designated by the county to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.

(40) *Suspended solids.* The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

(41) *Upset.* An exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(42) *Wastewater.* The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, mobile sources, treatment facilities and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which are contributed into or permitted to enter the POTW.

(43) *Wastewater permit.* As set forth in section 13-62 of this article.

(44) *Waters of the state.* All streams, rivers, brooks, swamps, sounds, tidal estuaries, bays, creeks, lakes, waterways, reservoirs and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

(b) This article is gender neutral and the masculine gender shall include the feminine and vice-versa.

(c) Shall is mandatory; may is permissive or discretionary.

(d) The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

(e) The following abbreviations when used in this article, shall have the designated meanings:

(1) BOD - Biochemical oxygen demand

(2) CFR - Code of Federal Regulations

(3) COD - Chemical oxygen demand

(4) EPA - Environmental Protection Agency

(5) gpd - Gallons per day

(6) FOG - Fats, oils and greases

(7) l - Liter

(8) mg - Milligrams

(9) mg/l - Milligrams per liter

(10) N - Nitrogen

(11) G.S. - North Carolina General Statutes

(12) NPDES - National Pollution Discharge Elimination System

(13) O & M - Operation and maintenance

(14) POTW - Publicly owned treatment works

(15) RCRA - Resource Conservation and Recovery Act

(16) SIC - Standard industrial classification

(17) SWDA - Solid Waste Disposal Act

(18) TSS - Total suspended solids

(19) TKN - Total kjeldahl nitrogen

(20) U.S.C. - United States Code

(Ord. of 4-2-13, § 1.2)

Secs. 13-28—13-30. Reserved.

DIVISION 2. GENERAL SEWER USE REQUIREMENTS

Sec. 13-31. Prohibited discharge standards.

(a) *General prohibitions.* No user shall contribute or cause to be contributed into the POTW, directly or indirectly, any pollutant or wastewater which causes interference or pass through. These general prohibitions apply to all users of a POTW whether or not the user is a significant industrial user or subject to any national, state, or local pretreatment standards or requirements.

(b) *Specific prohibitions.* No user shall contribute or cause to be contributed into the POTW the following pollutants, substances, or wastewater:

(1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21.

(2) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than one-half inch in any dimension.

(3) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.

(4) Any wastewater having a pH less than 5.0 or more than 10.5 or wastewater having any other corrosive property capable of causing damage to the POTW or equipment.

(5) Any wastewater containing pollutants, including oxygen-demanding pollutants, (BOD, etc) in sufficient quantity, (flow or concentration) either singly or by interaction with other pollutants, to cause interference with the POTW.

(6) Any wastewater having a temperature greater than 150 degrees F (66 degrees C), or which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C).

(7) Any pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(8) Any trucked or hauled pollutants, except at discharge points designated by the POTW director in accordance with section 13-39 of this article.

(9) Any noxious or malodorous liquids, gases, or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

(10) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal regulations or permits issued under section 405 of the Act; the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.

(11) Any wastewater which imparts color which cannot be removed by the treatment process, including, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts sufficient color to the treatment plant's effluent to render the waters injurious to public health or secondary recreation or to aquatic life and wildlife or to adversely affect the palatability of fish or aesthetic quality or impair the receiving waters for any designated uses.

(12) Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the POTW director in compliance with applicable state or federal regulations.

(13) Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water and unpolluted industrial wastewater, unless specifically authorized by the POTW director.

(14) Fats, oils, or greases of animal or vegetable origin unless authorized by the POTW director.

(15) Any sludges, screenings or other residues from the pretreatment of industrial wastes.

(16) Any medical wastes, except as specifically authorized by the POTW director in a wastewater discharge permit.

(17) Any material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfere with the municipal wastewater system.

(18) Any material that would be identified as hazardous waste according to 40 CFR 261 if not disposed of in a sewer except as may be specifically authorized by the POTW director.

(19) Any wastewater causing the treatment plant effluent to violate State Water Quality Standards for toxic substances as described in 15A NCAC 2B .0200.

(20) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.

(21) Recognizable portions of the human or animal anatomy.

(22) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the municipal wastewater system.

(23) At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent nor any single reading over ten percent of the lower explosive limit (LEL) of the meter.

(c) Pollutants, substances, wastewater, or other wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the municipal wastewater system. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the system.

(d) When the POTW director determines that a user(s) is contributing to the POTW, any of the above-enumerated substances in such amounts which may cause or contribute to interference of POTW operation or pass through, the POTW director shall:

(1) Advise the user(s) of the potential impact of the contribution on the POTW in accordance with section 13-101; and

(2) Take appropriate actions in accordance with division 4 for such user to protect the POTW from interference or pass through.

(Ord. of 4-2-13, § 2.1)

Sec. 13-32. National Categorical Pretreatment Standards.

Users subject to categorical pretreatment standards are required to comply with applicable standards as set out in 40 CFR Chapter 1, Subchapter N, Parts 405-471 and incorporated herein.

(a) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the POTW director may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

(b) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the POTW director shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).

(c) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

(d) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

(e) A user may obtain a removal credit adjustment to a categorical standard in accordance with 40 CFR 403.7.

(Ord. of 4-2-13, § 2.2)

Sec. 13-33. Local limits.

An industrial waste survey (IWS) is required prior to a user discharging wastewater containing in excess of the following average discharge limits:

BOD - 250 mg/l

COD - 500 mg/l

Chlorides - 22 mg/l

Ammonia, N - 12 mg/l

TSS - 250 mg/l

TKN - 40 mg/l

Arsenic - 0.003 mg/l

Cadmium - 0.003 mg/l

Chromium - 0.05 mg/l (total chromium)

Copper - 0.061 mg/l

Cyanide - 0.015 mg/l

Lead - 0.049 mg/l

Mercury - 0.0003 mg/l

Nickel - 0.021 mg/l

Selenium - 0.003 mg/l

Silver - 0.005 mg/l

Zinc - 0.175 mg/l

Oil and grease - 40 mg/l

Industrial waste survey information will be used to develop user-specific local limits when necessary to ensure that the POTW's maximum allowable headworks loading is not exceeded for particular pollutants of concern. User-specific local limits for appropriate pollutants of concern shall be included in wastewater permits. The POTW director may impose mass based limits in addition to, or in place of concentration based limits.
(Ord. of 4-2-13, § 2.3)

Sec. 13-34. State requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this article.
(Ord. of 4-2-13, § 2.4)

Sec. 13-35. Right of revision.

The county reserves the right to establish limitations and requirements which are more stringent than those required by either state or federal regulation if deemed necessary to comply with the objectives presented in section 13-26 of this article or the general and specific prohibitions in section 13-31 of this article, as is allowed by 40 CFR 403.4.
(Ord. of 4-2-13, § 2.5)

Sec. 13-36. Dilution.

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards, unless expressly authorized by an applicable pretreatment standard, or in any other pollutant-specific limitation developed by the county or state.
(Ord. of 4-2-13, § 2.6)

Sec. 13-37. Pretreatment of wastewater.

(a) *Pretreatment facilities.* Users shall provide wastewater treatment as necessary to comply with this article and wastewater permits issued under section 13-62 of this article and shall achieve compliance with all National Categorical Pretreatment Standards, local limits, and the prohibitions set out in section 13-31 of this article within the time limitations as specified by the EPA, the state, or the POTW director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the county for review, and shall be approved

by the POTW director before construction of the facility. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the county under the provisions of this article. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the POTW director prior to the user's initiation of the changes.

(b) *Additional pretreatment measures.*

(1) Whenever deemed necessary, the POTW director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this article.

(2) The POTW director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

(3) Grease and oil removal.

(i) Grease and oil traps or other interceptors shall be provided at the user's expense, when such user operates an establishment preparing, processing or serving food and/or food products; except that such interceptors shall not be required for private living quarters or dwelling units. At minimum, all food preparatory sinks, dishwashers, etc. shall be connected to the trap or interceptor.

(ii) All such traps or interceptors shall be of a type and capacity accessible for cleaning and inspection. All such traps or interceptors shall be serviced and emptied of the waste content as required in order to maintain their minimum capability to intercept oils and grease from the wastewater discharge to the public sewer. For grease traps, the service shall be completed and documented at an interval not to exceed 90 days. The POTW director may at any time require that grease traps be cleaned more often if the trap is not functioning properly. The POTW director may also extend the pumping if upon investigation it is shown that in doing so the business, grease trap, collection system, and/or POTW are not negatively impacted in any way. Service shall be completed and documented daily or at a frequency recommended by the manufacturer for under-the-sink interceptors. If an under-the-sink interceptor is not serviced daily, it shall be the responsibility of the user to demonstrate compliance.

(iii) Users who are required to pass water through a grease trap or similar interceptor will provide for a minimum detention period of 20 minutes between the influent and effluent baffles with 20 percent of the total volume of the grease trap or interceptor being allowed for a sludge pocket.

(iv) Where installed, all traps or interceptors shall be maintained by the user at his expense in continuously efficient operation at all times.

(v) During trap maintenance, all inorganic and organic solids shall be removed from the sludge pocket. In addition, all floating material shall be skimmed from the trap or basin tank to avoid accumulation of scum covering the surface of the liquid. There shall be no reintroduction of the water removed from the trap either to the trap itself or to the sanitary sewer system without prior written approval from Moore County Public Works. The user shall be responsible for the removal and disposal by appropriate means of captured material in accordance with local regulations.

(vi) The user shall maintain a written record, on site, of trap or interceptor maintenance for three years. A copy of each service record shall be sent to the Grease Trap Coordinator, Moore County WPCP, 1094 Addor Road, Aberdeen, NC 28315, no later than 15 days after the end of the month during which the maintenance occurred.

(vii) Penalties shall be assessed based on the severity of the violation and/or any factors contributing to a sanitary sewer blockage and/or overflow. Enforcement may include, but is not limited to:

A. Written notice of violation (NOV);

B. Order to comply;

C. Civil penalties not exceeding $25,000.00 per day per violation; and

D. Discontinuance of water services.

(viii) An inspection fee may be charged annually to each user for services rendered.

(4) Users with the potential to discharge flammable substances may be required to install and maintain approved combustible gas detection meter.

(5) Sand interceptors shall be provided when, in the opinion of the POTW director, they are necessary for the proper handling of wastewater containing excessive amounts of sand; except that such interceptors shall not be required for residential users. All sand interception units shall be of type and capacity approved by the POTW director and shall be so located to be easily accessible for cleaning and inspection. Such sand interceptors shall be inspected, cleaned and repaired regularly as needed, by the user at their expense.

(Ord. of 4-2-13, § 2.7)

Sec. 13-38. Accidental discharge/slug control plans.

(a) The POTW director shall evaluate whether each significant industrial user needs a plan or other action to control and prevent slug discharges and accidental discharges as defined in subsection 13-27(a)(36). All SIUs must be evaluated within one year of being designated an SIU. The POTW director may require any user to develop, submit for approval, and implement such a plan or other specific action. Alternatively, the POTW director may develop such a plan for any user.

(b) All SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a non-routine, episodic nature, a noncustomary batch discharge, or a slug load. Also see sections 13-75 and 13-76.

(c) An accidental discharge/slug control plan shall address, at a minimum, the following:

(1) Description of discharge practices, including non-routine batch discharges;

(2) Description of stored chemicals;

(3) Procedures for immediately notifying the POTW director of any accidental or slug discharge, as required by section 13-76 of this article; and

(4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(Ord. of 4-2-13, § 2.8)

Sec. 13-39. Hauled wastewater.

(a) Septic tank waste may be introduced into the POTW only at locations designated by the POTW director and at such times as are established by the POTW director. Such waste shall not violate division 2 of this article or any other requirements established by the county. The POTW director may require septic tank waste haulers to obtain wastewater discharge permits.

(b) The POTW director shall require haulers of industrial waste to obtain wastewater discharge permits. The POTW director may require generators of hauled industrial waste to obtain wastewater discharge permits. The POTW director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this article.

(c) Industrial waste haulers may discharge loads only at locations designated by the POTW director. No load may be discharged without prior consent of the POTW director. The POTW director may collect samples of each hauled load to ensure compliance with applicable standards. The POTW director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(d) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

(Ord. of 4-2-13, § 2.9)

Secs. 13-40—13-50. Reserved.

DIVISION 3. FEES

Sec. 13-51. Purpose.

It is the purpose of this chapter to provide for the recovery of costs from users of the wastewater disposal system of the county for the implementation of the program established herein. The applicable charges or fees shall be set forth in a schedule of sewer use charges and fees by the POTW director and approved by the county board of commissioners. A copy of these charges and fees will be made available from the POTW director.
(Ord. of 4-2-13, § 3.1)

Sec. 13-52. User charges.

A user charge shall be levied on all users including, but not limited to, persons, firms, corporations or governmental entities that discharge, cause or permit the discharge of sewage into the POTW.

(a) The user charge shall reflect, at least, the cost of debt service, operation and maintenance (including replacement) of the POTW.

(b) Each user shall pay its proportionate cost based on volume of flow.

(c) The manager of the county shall review annually the sewage contributions of users, the total costs of debt service, operation and maintenance of the POTW and will make recommendations to the board of commissioners serving the county for adjustments in the schedule of charges and fees as necessary.

(d) Charges for flow to the POTW not directly attributable to the users shall be distributed among all users of the POTW based upon the volume of flow of the users.

(Ord. of 4-2-13, § 3.2)

Sec. 13-53. Surcharges.

The amount of the surcharges will be based upon the volume of flow and the character and concentration of the constituents of the wastewater:

(a) The volume of flow used in determining the total discharge of wastewater for payment of user charges and surcharges shall be based on the following:

(1) Metered water consumption as shown in the records of meter readings maintained by the county; or

(2) If required by the county or at the individual discharger's option, other flow monitoring devices which measure the actual volume of wastewater discharged to the sewer. Such devices shall be accessible and safely located, and the measuring system shall be installed in accordance with plans approved by the county. The metering system shall be installed and maintained at the user's expense according to arrangements that may be made with the county. Calibration requirements shall be set forth by the county and included in wastewater permits.

(3) Where any user procures all or part of his water supply from sources other than the county, the user shall install and maintain at his own expense a flow measuring device of a type approved by the county.

(b) The character and concentration of the constituents of the wastewater used in determining surcharges shall be determined by samples collected and analyzed by the county. Samples shall be collected in such a manner as to be representative of the actual discharge and shall be analyzed using procedures set forth in 40 CFR 136.

(c) The determination of the character and concentration of the constituents of the wastewater discharge by the POTW director, or his duly appointed representatives, shall be binding as a basis for charges.

(Ord. of 4-2-13, § 3.3)

Sec. 13-54. Pretreatment program administration charges.

The schedule of charges and fees adopted by the county may include charges and fees for:

(a) Reimbursement of costs of setting up and operating the pretreatment program;

(b) Monitoring, inspections and surveillance procedures;

(c) Reviewing slug control plans, including accidental and/or slug load discharge procedures and construction plans and specifications;

(d) Permitting;

(e) Other fees as the county may deem necessary to carry out the requirements of the pretreatment program.

(Ord. of 4-2-13, § 3.4)

Secs. 13-55—13-60. Reserved.

DIVISION 4. WASTEWATER DISCHARGE PERMIT APPLICATION AND ISSUANCE

Sec. 13-61. Wastewater dischargers.

It shall be unlawful for any person to connect or discharge to the POTW without first obtaining the permission of the county. When requested by the POTW director, a user must submit information on the nature and characteristics of its wastewater within 30 days of the request. The POTW director is authorized to prepare a form for this purpose and may periodically require users to update this information.

(Ord. of 4-2-13, § 4.1)

Sec. 13-62. Wastewater permits.

All significant industrial users shall obtain a significant industrial user permit prior to the commencement of discharge to the POTW. Existing industrial users who are determined by the POTW director to be significant industrial users shall obtain a significant industrial user permit within 180

days of receiving notification of the POTW director's determination. Industrial users who do not fit the significant industrial user criteria may at the discretion of the POTW director be required to obtain a wastewater discharge permit for non-significant industrial users.

(a) *Significant industrial user determination.* All persons proposing to discharge non-domestic wastewater, or proposing to change the volume or characteristics of an existing discharge of non-domestic wastewater shall request from the POTW director a significant industrial user determination. If the POTW director determines or suspects that the proposed discharge fits the significant industrial user criteria, he will require that a significant industrial user permit application be filed.

(b) *Significant industrial user permit application.* Users required to obtain a significant industrial user permit shall complete and file with the county, an application in the form prescribed by the POTW director, and accompanied by an application fee in the amount prescribed in the schedule of charges and fees. Significant industrial users shall apply for a significant industrial user permit within 90 days after notification of the POTW director's determination in subsection (a) above. The application shall include at a minimum:

(1) Name of industrial user;

(2) Address of industrial user;

(3) Standard industrial classification (SIC) code(s) or expected classification and industrial user category;

(4) Wastewater flow;

(5) Types and concentrations (or mass) of pollutants contained in the discharge;

(6) Major products manufactured or services supplied;

(7) Description of existing on-site pretreatment facilities and practices;

(8) Locations of discharge points;

(9) Raw materials used or stored at the site;

(10) Flow diagram or sewer map for the industrial user;

(11) Number of employees;

(12) Operation and production schedules;

(13) Description of current and projected waste reduction activities in accordance with G.S. 143-215.1(g); and

(14) Any other information as may be deemed by the POTW director to be necessary to evaluate the permit application.

(c) *Application signatories and certification.* All wastewater discharge permit applications and user reports must be signed by the current authorized representative of the user on file with the control authority and/or Moore County as defined in subsection 13-27(a)(3) and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified

personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(d) *Application review and evaluation.* The POTW director will evaluate the data furnished by the user and may require additional information.

(1) The POTW director is authorized to accept applications for the county and shall refer all applications to the POTW staff for review and evaluation.

(2) Within 30 days of receipt, the POTW director shall acknowledge and accept the complete application; or if not complete, shall return the application to the applicant with a statement of what additional information is required.

(e) *Tentative determination and draft permit.*

(1) The POTW staff shall conduct a review of the application and an on-site inspection of the significant industrial user, including any pretreatment facilities, and shall prepare a written evaluation and tentative determination to issue or deny the significant industrial user permit.

(2) If the staff's tentative determination in paragraph (1) above is to issue the permit, the following additional determinations shall be made in writing:

(i) Proposed discharge limitations for those pollutants proposed to be limited;

(ii) A proposed schedule of compliance, including interim dates and requirements, for meeting the proposed limitations; and

(iii) A brief description of any other proposed special conditions which will have significant impact upon the discharge described in the application.

(3) The staff shall organize the determinations made pursuant to paragraphs (1) and (2) above and the general permit conditions of the county into a significant industrial user permit.

(f) *Permit supporting documentation.* The control authority staff shall prepare the following documents for all significant industrial user permits:

(1) An allocation table (AT) listing permit information for all significant industrial users, including, but not limited to, permit limits, permit effective and expiration dates, and a comparison of total permitted flows and loads with division approved maximum allowable loadings of the POTW, including flow, on forms or in a format approved by the division. The AT shall be updated as permits are issued or renewed, and as permits are modified where the permitted limits or other AT information is revised.

(2) The basis, or rationale, for the pretreatment limitations including the following:

(i) Documentation of categorical determination, including documentation of any calculations used in applying categorical pretreatment standards; and

(ii) Documentation of the rationale of any parameters for which monitoring has been waived under 40 CFR 403.12(e)(2).

(g) *Final action on significant industrial user permit applications.*

(1) The POTW director shall take final action on all applications no later than 90 days following receipt of a complete application.

(2) The POTW director is authorized to:

(i) Issue a significant industrial user permit containing such conditions as are necessary to effectuate the purposes of this article and G.S. 143-215.1;

(ii) Issue a significant industrial user permit containing time schedules for achieving compliance with applicable pretreatment standards and requirements;

(iii) Modify any permit upon no less than 60 days notice and pursuant to subsection 13-62(i) of this article;

(iv) Revoke any permit pursuant to section 13-101 of this article;

(v) Suspend a permit pursuant to section 13-101 of this article; and/or

(vi) Deny a permit application when in the opinion of the POTW director such discharge may cause or contribute to pass-through or interference of the wastewater treatment plant or where necessary to effectuate the purposes of G.S. 143-215.1.

(h) *Permit modification.*

(1) Modifications of permits shall be subject to the same procedural requirements as the issuance of permits except as listed below. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(i) Changes in the ownership of the discharge when no other change in the permit is indicated;

(ii) A single modification of any compliance schedule not in excess of four months; or

(iii) Modification of compliance schedules (construction schedules) in permits for new sources where the new source will not begin to discharge until control facilities are operational.

(2) Within nine months of the promulgation of a National Categorical Pretreatment Standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a wastewater discharge permit as required by subsection 13-62(b), the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard.

(3) A request for a modification by the permittee shall constitute a waiver of the 60-day notice required by G.S. 143-215.1(b) for modifications.

(i) *Permit conditions.*

(1) The POTW director shall have the authority to grant a permit with such conditions attached as he believes necessary to achieve the purpose of this article and G.S. 143-215.1. Wastewater permits shall contain, but are not limited to, the following:

(i) A statement of duration (in no case more than five years);

(ii) A statement of nontransferability;

(iii) Applicable effluent limits based on categorical standards or local limits or both;

(iv) Applicable monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state and local law;

(v) Requirements for notifying the POTW in the event of an accidental discharge or slug load as defined in subsection 13-27(a)(36);

(vi) Requirements to implement a plan or other controls for the prevention of accidental discharges and/or slug loads as defined in subsection 13-27(a)(36), if determined by the POTW director to be necessary for the user;

(vii) Requirements for immediately notifying the POTW of any changes at its facility affecting the potential for spills and other accidental discharges, or slug load as defined in subsection 13-27(a)(36). Also see sections 13-75 and 13-76; and

(viii) A statement of applicable civil and/or criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule.

(2) In addition, permits may contain, but are not limited to, the following:

(i) Limits on the average and/or maximum rate of discharge, and/or requirements for flow regulation and equalization;

(ii) Limits on the instantaneous, daily and/or monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties;

(iii) Requirements for the installation of pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

(iv) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the municipal wastewater system;

(v) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the system;

(vi) Requirements for installation and maintenance of inspection and sampling facilities and equipment;

(vii) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests, and reporting schedules;

(viii) Requirements for immediate reporting of any instance of noncompliance and for automatic resampling and reporting within 30 days where self-monitoring indicates a violation(s);

(ix) Compliance schedules for meeting pretreatment standards and requirements;

(x) Requirements for submission of periodic self-monitoring or special notification reports;

(xi) Requirements for maintaining and retaining plans and records relating to wastewater discharges as specified in section 13-83 and affording the POTW director, or his representative access thereto;

(xii) Requirements for prior notification and approval by the POTW director of any new introduction of wastewater pollutants or of any significant change in the volume or character of the wastewater prior to introduction in the system;

(xiii) Requirements for the prior notification and approval by the POTW director of any change in the manufacturing and/or pretreatment process used by the permittee;

(xiv) A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the terms of the permit; and

(xv) Other conditions as deemed appropriate by the POTW director to ensure compliance with this article, and state and federal laws, rules, and regulations.

(j) *Permit duration.* Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than one year or may be stated to expire on a specific date.

(k) *Permit transfer.* Wastewater permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.

(l) *Permit reissuance.* A significant industrial user shall apply for permit reissuance by submitting a complete permit application in accordance with section 13-62 a minimum of 180 days prior to the expiration of the existing permit.

(Ord. of 4-2-13, § 4.2)

Secs. 13-63—13-70. Reserved.

DIVISION 5. REPORTING REQUIREMENTS

Sec. 13-71. Baseline monitoring reports.

(a) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall

submit to the POTW director a report which contains the information listed in paragraph (b), below. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the POTW director a report which contains the information listed in paragraph (b), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(b) Users described above shall submit the information set forth below.

(1) *Identifying information.* The name and address of the facility, including the name of the operator and owner.

(2) *Environmental permits.* A list of any environmental control permits held by or for the facility.

(3) *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(4) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

(5) *Measurement of pollutants.*

(i) The categorical pretreatment standards applicable to each regulated process.

(ii) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the POTW director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 13-80 of this article.

(iii) Sampling must be performed in accordance with procedures set out in section 13-81 of this article and 40 CFR 403.12(b) and (g), including 40 CFR 403.12(g)(4).

(6) *Certification.* A statement, reviewed by the user's current authorized representative as defined in subsection 13-27(a)(3) and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(7) *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in section 13-72 of this article.

(8) *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with subsection 13-62(c) of this article.

(Ord. of 4-2-13, § 5.1)

Sec. 13-72. Compliance schedule progress reports.

The following conditions shall apply to the compliance schedule required by subsection 13-71(b)(7) of this article:

(a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(b) No increment referred to above shall exceed nine months;

(c) The user shall submit a progress report to the POTW director no later than 14 days following each date in the schedule and the final date of compliance including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

(d) In no event shall more than nine months elapse between such progress reports to the POTW director.

(Ord. of 4-2-13, § 5.2)

Sec. 13-73. Reports on compliance with categorical pretreatment standard, deadline.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the POTW director a report containing the information described in subsection 13-72(b)(4)—(6) of this article. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with subsection 13-62(c) of this article.

(Ord. of 4-2-13, § 5.3)

Sec. 13-74. Periodic compliance reports.

Municipalities may sample and analyze user discharges in lieu of requiring the users to conduct sampling and analysis.

(a) All significant industrial users shall, at a frequency determined by the POTW director but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the applicable flows for the reporting period. Sampling and analysis must be performed in accordance with procedures set out in section 13-80 and 13-81 of this article. All periodic compliance reports must be signed and certified in accordance with subsection 13-62(c) of this article.

(b) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the POTW director, using the procedures prescribed in section 13-80 and 13-81 of this article, the results of this monitoring shall be included in the report.
(Ord. of 4-2-13, § 5.4)

Sec. 13-75. Reports of changed conditions.

Each user must notify the POTW director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 30 days before the change. The permittee shall not begin the changes until receiving written approval from the control authority and/or municipality. See subsection 13-76(d) for other reporting requirements.

(a) The POTW director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 13-62 of this article.

(b) The POTW director may issue a wastewater discharge permit under section 13-62 of this article or modify an existing wastewater discharge permit under section 13-62 of this article in response to changed conditions or anticipated changed conditions.

(c) For purposes of this requirement, significant changes include, but are not limited to, flow or pollutant increases of 20 percent or greater, discharge of any previously unreported pollutants, increases or decreases to production; increases in discharge of previously reported pollutants; discharge of pollutants not previously reported to the control authority and/or municipality; new or changed product lines; new or changed manufacturing processes and/or chemicals; or new or changed customers.

(Ord. of 4-2-13, § 5.5)

Sec. 13-76. Reports of potential problems.

(a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load as defined in subsection 13-27(a)(36), that may cause potential problems for the POTW, the user shall immediately telephone and notify the POTW director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(b) Within five days following such discharge, the user shall, unless waived by the POTW director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this article.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (a), above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

(d) All SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a non-routine, episodic nature, a non-customary batch discharge, or a slug load as defined in subsection 13-27(a)(36).
(Ord. of 4-2-13, § 5.6)

Sec. 13-77. Reports from unpermitted users.

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the POTW director as the POTW director may require.
(Ord. of 4-2-13, § 5.7)

Sec. 13-78. Notice of violation/repeat sampling and reporting.

(a) If sampling performed by a user indicates a violation, the user must notify the POTW director within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the POTW director within 30 days after becoming aware of the violation. If allowed by the POTW director, the user is not required to resample:

(1) If the POTW director monitors at the user's facility at least once a month; or

(2) If the POTW director samples between the user's initial sampling and when the user receives the results of this sampling.

(b) If the POTW director has performed the sampling and analysis in lieu of the industrial user and the POTW sampling of the user indicates a violation, the POTW director shall repeat the sampling and obtain the results of the repeat analysis within 30 days after becoming aware of the violations, unless one of the following occurs:

(1) The POTW director monitors at the user's facility at least once a month; or

(2) The POTW director samples the user between their initial sampling and when the POTW receives the results of this initial sampling; or

(3) The POTW director requires the user to perform sampling and submit the results to the POTW director within the 30-day deadline of the POTW becoming aware of the violation.

(Ord. of 4-2-13, § 5.8)

Sec. 13-79. Notification of the discharge of hazardous waste.

The county prohibits the discharge of any hazardous wastes without notification to and approval by the POTW director.

(a) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing of any discharge into the POTW of a substance which, if otherwise disposed of would be a hazardous waste under 40 CFR 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user:

an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharge during the calendar month, and an estimation of the mass and concentration of such constituents in the wastestream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days before the discharge commences. The user shall not begin the discharge until receiving written approval from the county. Any notification under this paragraph need be submitted only once for each hazardous waste discharge. However, notifications of changed conditions must be submitted under section 13-75 of this article. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of sections 13-71, 13-73, and 13-74 of this article.

(b) Dischargers are exempt from the requirements of paragraph (a), above, during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specific in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(c) In the case of any new regulation under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the POTW director, the EPA regional waste management waste division director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(d) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this article, a permit issued thereunder, or any applicable federal or state law.

(Ord. of 4-2-13, § 5.9)

Sec. 13-80. Analytical requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA and county. Analyses must be performed by a state-certified lab for each parameter analyzed, if such certification exists for that parameter.

(Ord. of 4-2-13, § 5.10)

Sec. 13-81. Grab and composite sample collection.

(a) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of the user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(b) Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, volatile organic compounds, and any other pollutants as required by 40 CFR 136. The POTW shall determine the number of grabs necessary to be representative of the user's discharge. See 40 CFR 403.12(g)(5) for additional grab sample number requirements for BMR and 90-day compliance reports. Additionally, the POTW director may allow collection of multiple grabs during a 24-hour period with are composited prior to analysis as allowed under 40 CFR 136.

(c) Composite samples. All wastewater composite samples shall be collected with a minimum of hourly aliquots or grabs for each hour that there is a discharge. All wastewater composite samples shall be collected using flow proportional composite collection techniques, unless time-proportional composite sampling or grab sampling is authorized by the POTW director. When authorizing time-proportional composites or grabs, the samples must be representative and the decision to allow the alternative sampling must be documented.

(Ord. of 4-2-13, § 5.11)

Sec. 13-82. Timing.

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.
(Ord. of 4-2-13, § 5.12)

Sec. 13-83. Record keeping.

Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the county, or where the user has been specifically notified of a longer retention period by the POTW director.
(Ord. of 4-2-13, § 5.13)

Secs. 13-84—13-90. Reserved.

DIVISION 6. COMPLIANCE MONITORING

Sec. 13-91. Monitoring facilities.

The county requires the user to provide and operate at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the county may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the requirements of the county and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the county.
(Ord. of 4-2-13, § 6.1)

Sec. 13-92. Inspection and sampling.

The county will inspect the facilities of any user to ascertain whether the purpose of this article is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the county, approval authority and EPA or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying or in the performance of any of their duties. The county, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. 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 their security guards so that upon presentation of suitable identification, personnel from the county, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Denial of the county's, approval authority's, or EPA's access to the user's premises shall be a violation of this article. Unreasonable delays may constitute denial of access.
(Ord. of 4-2-13, § 6.2)

Sec. 13-93. Search warrants.

If the county, approval authority, or EPA has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the county designed to verify compliance with this article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the county, approval authority, or EPA may seek issuance of a search warrant from the general court with jurisdiction of the county.
(Ord. of 4-2-13, § 6.3)

Sec. 13-94. Confidential information.

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the POTW director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this article, the National Pollutant Discharge Elimination System (NPDES) permit, non-discharge permit and/or the pretreatment programs provided; however, that such portions of a report shall be available for use

by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

All records relating to compliance with pretreatment standards shall be made available to officials of the approval authority and EPA upon request.
(Ord. of 4-2-13, § 7)

Secs. 13-95—13-100. Reserved.

DIVISION 7. ENFORCEMENT

Sec. 13-101. Administrative remedies.

(a) *Notification of violation.* Whenever the POTW director finds that any industrial user has violated or is violating this article, wastewater permit, or any prohibition, limitation or requirements contained therein or any other pretreatment requirement, the POTW director may serve upon such a person a written notice stating the nature of the violation. Within 30 days from the date of this notice, an explanation for the violation and a plan for the satisfactory correction thereof shall be submitted to the county by the user. Submission of this plan does not relieve the discharger of liability for any violations occurring before or after receipt of the notice of violation.

(b) *Consent orders.* The POTW director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the discharger to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as an administrative order issued pursuant to subsection 13-101(d), below.

(c) *Show cause hearing.* The POTW director may order any industrial user who causes or is responsible for an unauthorized discharge, has violated this article, or is in noncompliance with a wastewater discharge permit, to show cause why a proposed enforcement action should not be taken. In the event the POTW director determines that a show cause order should be issued, a notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of a corporation.

The POTW director shall review the evidence presented at the hearing and determine whether the proposed enforcement action is appropriate.

A show cause hearing under this section is not a prerequisite to the assessment of a civil penalty under section 13-102 nor is any action or inaction taken by the POTW director under this section subject to an administrative appeal under section 13-106.

(d) *Administrative orders.* When the POTW director finds that an industrial user has violated or continues to violate this article, permits or orders issued hereunder, or any other pretreatment requirement, the POTW director may issue an order to cease and desist all such violations and direct those persons in noncompliance to do any of the following:

(1) Immediately comply with all requirements;

(2) Comply in accordance with a compliance time schedule set forth in the order;

(3) Take appropriate remedial or preventive action in the event of a continuing or threatened violation; and/or

(4) Disconnect unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated within a specified time period.

(e) *Emergency suspensions.* The POTW director may suspend the wastewater treatment service and/or wastewater permit when such suspension is necessary in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, interferes with the POTW or causes the POTW to violate any condition of its NPDES or non-discharge permit.

Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate the contribution. A hearing will be held within 15 days of the notice of suspension to determine whether the suspension may be lifted or the user's waste discharge permit terminated. In the event of a failure to comply voluntarily with the suspension order, the POTW director shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The POTW director shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the noncompliant discharge. The industrial user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the POTW director prior to the date of the above-described hearing.

(f) *Termination of permit or permission to discharge.* The POTW director may revoke a wastewater discharge permit or permission to discharge for good cause, including, but not limited to, the following reasons:

(1) Failure to accurately report the wastewater constituents and characteristics of his discharge;

(2) Failure to report significant changes in operations, or wastewater constituents and characteristics;

(3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or

(4) Violation of conditions of the permit or permission to discharge, conditions of this article, or any applicable state and federal regulations.

Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show cause under section 13-101 of this article why the proposed action should not be taken.
(Ord. of 4-2-13, § 8.1)

Sec. 13-102. Civil penalties.

(a) Any user who is found to have failed to comply with any provision of this article, or the orders, rules, regulations and permits issued hereunder, may be assessed a civil penalty up to $25,000.00 per day per violation.

(1) Penalties between $10,000.00 and $25,000.00 per day per violation may be assessed against a violator only if:

(i) For any class of violation, only if a civil penalty has been imposed against the violator within the five years preceding the violation, or

(ii) In the case of failure to file, submit, or make available, as the case may be, any documents, data, or reports required by this article, or the orders, rules, regulations and permits issued hereunder, only if the POTW director determines that the violation was intentional and a civil penalty has been imposed against the violator with the five years preceding the violation.

(b) In determining the amount of the civil penalty, the POTW director shall consider the following:

(1) The degree and extent of the harm to the natural resources, to the public health, or to public or private property resulting from the violation;

(2) The duration and gravity of the violation;

(3) The effect on ground or surface water quantity or quality or on air quality;

(4) The cost of rectifying the damage;

(5) The amount of money saved by noncompliance;

(6) Whether the violation was committed willfully or intentionally;

(7) The prior record of the violator in complying or failing to comply with the pretreatment program; and

(8) The costs of enforcement to the county.

(c) Appeals of civil penalties assessed in accordance with this section shall be as provided in section 13-106.
(Ord. of 4-2-13, § 8.2)

Sec. 13-103. Other available remedies.

Remedies, in addition to those previously mentioned in this article, are available to the POTW director who may use any single one or combination against a noncompliant user. Additional available remedies include, but are not limited to:

(a) *Criminal violations.* The district attorney for judicial district #19B may, at the request of the county, prosecute noncompliant users who violate the provisions of G.S. 143-215.6B. [Note: Under North Carolina law, it is a crime to negligently violate any term, condition, or requirement of a pretreatment permit, or negligently fail to apply for a pretreatment permit, issued by local governments (G.S. 143-215.6B(f)), to knowingly and willfully violate any term, condition, or requirement of a pretreatment permit, or knowingly and willfully fail to apply for a pretreatment permit, issued by local governments (G.S. 143-215.6B(g)), to knowingly violate any term, condition, or requirement of a pretreatment permit issued by local governments, or knowingly fail to apply for a pretreatment permit, knowing at the time that a person is placed in imminent danger of death or serious bodily injury, (G.S. 143-215.6B(h)), and to falsify information required under Article 21 of Chapter 143 of the General Statutes (G.S. 143-215.6B(i)).]

(b) *Injunctive relief.* Whenever a user is in violation of the provisions of this article or an order or permit issued hereunder, the POTW director, through the county attorney, may petition the superior court of justice for the issuance of a restraining order or a preliminary and permanent injunction which restrains or compels the activities in question.

(c) *Water supply severance.* Whenever an industrial user is in violation of the provisions of this article or an order or permit issued hereunder, water service to the industrial user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated ability to comply.

(d) *Public nuisances.* Any violation of the prohibitions or effluent limitations of this article or of a permit or order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the POTW director. Any person(s) creating a public nuisance shall be subject to the provisions of the appropriate ordinances of the county governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating or remedying said nuisance.

(Ord. of 4-2-13, § 8.3)

Sec. 13-104. Remedies nonexclusive.

The remedies provided for in this article are not exclusive. The POTW director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the enforcement response plan of the county. However, the POTW director may take other action against any user when the circumstances warrant. Further, the POTW director is empowered to take more than one enforcement action against any noncompliant user.

(Ord. of 4-2-13, § 8.4)

Sec. 13-105. Annual publication of significant noncompliance.

At least annually, the POTW director shall publish in the largest daily newspaper circulated in the service area, a list of those industrial users which were found to be in significant noncompliance, also referred to as reportable noncompliance in 15A NCAC 2H .0903(b)(10), with applicable pretreatment standards and requirements, during the previous 12 months.
(Ord. of 4-2-13, § 9)

Sec. 13-106. Adjudicatory hearings.

Hearings: The local government may conduct hearings in accordance with its regular hearing procedure.

(a) *Adjudicatory hearing.* An applicant whose permit is denied, or is granted subject to conditions he deems unacceptable, a permittee/user assessed a civil penalty under section 13-102, or one issued an administrative order under section 13-101 shall have the right to an adjudicatory hearing before the POTW director or other hearing officer appointed by the POTW director upon making written demand, identifying the specific issues to be contested, to the POTW director within 30 days following receipt of the significant industrial user permit, civil penalty assessment, or administrative order. Unless such written demand is made within the time specified herein, the action shall be final and binding and further appeal is barred. For modified permits, only those parts of the permit being modified may be adjudicated.

The hearing officer shall make a final decision on the contested permit, penalty, or order within 45 days of the receipt of the written demand for a hearing.

The POTW director shall transmit a copy of the hearing officer's decision by registered or certified mail as described in paragraph (b) below. The decision is a final decision for the purposes of seeking judicial review. The terms and conditions of a permit under appeal shall be as follows:

(1) *New permits.* Upon appeal, including judicial review in the general courts of justice, of the terms or conditions of a newly issued permit, the terms and conditions of the entire permit are stayed and the permit is not in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.

(2) *Renewed permits.* Upon appeal, including judicial review in the general courts of justice, of the terms or conditions of a renewed permit, the terms and conditions of the existing permit remain in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.

(3) *Terminated permits.* Upon appeal, including judicial review in the general courts of justice, of a terminated permit, no permit is in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.

(b) *Official record.* When a final decision is issued under paragraph (a) above, the hearing officer shall prepare an official record of the case that includes:

(1) All notices, motions, and other like pleadings;

(2) A copy of all documentary evidence introduced;

(3) 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; and

(4) A copy of the final decision of the hearing officer.

(c) *Judicial review.* Any person against whom a final order or decision of the hearing officer is entered, pursuant to the hearing conducted under paragraph (a) above, may seek judicial review of the order or decision by filing a written request for review by the superior court of Moore County within 30 days after receipt of notice by registered or certified mail of the order or decision, but not thereafter, along with a copy to the county. Within 30 days after receipt of the copy of written request for review by the court, the hearing officer shall transmit to the reviewing court the original or a certified copy of the official record.

(Ord. of 4-2-13, § 10)

Secs. 13-107—13-110. Reserved.

DIVISION 8. AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

Sec. 13-111. Upset.

(a) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (b), below, are met.

(b) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and the user can identify the cause(s) of the upset;

(2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

(3) The user has submitted the following information to the POTW director within 24 hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five days]:

(i) A description of the indirect discharge and cause of noncompliance;

(ii) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(iii) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(c) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(d) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(e) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.
(Ord. of 4-2-13, § 11.1)

Sec. 13-112. Prohibited discharge standards defense.

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in subsection 13-31(a) of this article or the specific prohibitions in subsections 13-31(b)(2), (3), (5)—(7), and (9)—(23) of this article if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

(a) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

(b) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the county was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

Pursuant to 40 CFR section 403.5(a)(2), the affirmative defense outlined in section 13-112 cannot apply to the specific prohibitions in subsections 13-31(b)(1) and (4), and (8).
(Ord. of 4-2-13, § 11.2)

Sec. 13-113. Bypass.

(a) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (b) and (c) of this section.

(b) (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the POTW director, at least ten days before the date of the bypass, if possible.

(2) A user shall submit oral notice to the POTW director of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of this time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The POTW director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(c) (1) Bypass is prohibited, and the POTW director may take an enforcement action against a user for a bypass, unless:

(i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(iii) The user submitted notices as required under paragraph (b) of this section.

(2) The POTW director may approve an anticipated bypass, after considering its adverse effects, if the POTW director determines that it will meet the three conditions listed in paragraph (c)(1) of this section.

(Ord. of 4-2-13, § 11.3)

Secs. 13-114—13-150. Reserved.

ARTICLE III. PUBLIC WORKS DEPARTMENT WATER ORDINANCE

Sec. 13-151. Authority.

This article is adopted pursuant to G.S. 153A-275 and for the purpose of providing adequate and reasonable rules and regulations to protect and regulate water supply and distribution systems owned or operated by Moore County Department of Public Works (MCDPW). The ordinance is also adopted pursuant to G.S. 153A-277 for the purpose of establishing a schedule of rents, rates, fees, charges and penalties for the use of services furnished by water supply and distribution systems owned or operated by MCDPW.

(Ord. of 11-19-13, § 1)

Sec. 13-152. Water taps.

Water taps will be installed only at the request of the customer or his agent after payment of the tap fee and account deposit. Additionally, the tap application must be received and approved by MCDPW and water or sewer deemed available to serve the property or premise.

(Ord. of 11-19-13, § 2)

Sec. 13-153. Establishing a utility account.

Customers who wish to establish a water and/or sewer account must complete a written application and submit to MCDPW and provide valid government issued identification. The customer will be requested to provide his Social Security Number for debt collection purposes.

Customers will also be assessed a service charge in accordance with the fee schedule for the fiscal year during which the account service is to begin.
(Ord. of 11-19-13, § 3)

Sec. 13-154. Account deposits.

A $100.00 deposit is required for all newly established accounts with government issued identification, unless satisfactory credit has been established and approved by an authorized representative of MCDPW. If government issued identification is not provided, the customer will be required to pay a deposit of $150.00. In order to establish satisfactory credit and have the deposit requirement waived, at least one of the following conditions must be met:

(1) Customer has had 12 months of service with MCDPW or East Moore Water District (EMWD) with no late payments, returned checks or disconnects due to nonpayment; or

(2) Customer provides three letters from other utility providers on letterhead that show service in the applicant's name for at least 12 months with no late payments, returned checks or disconnects due to nonpayment.

Deposits shall not accrue interest. A separate deposit is required for each service address requested and must be received prior to beginning service.
(Ord. of 11-19-13, § 4)

Sec. 13-155. Unpaid balances and balance transfer.

Any balance owed to MCDPW or EMWD must be paid prior to beginning service at a new address or same address; otherwise, MCDPW reserves the right to reject service to the applicant. Customers with multiple accounts are subject to any unpaid MCDPW or EMWD balance(s) being transferred to another MCDPW account. The balance transfer may cause the new account to be disconnected if payment is not received.
(Ord. of 11-19-13, § 5)

Sec. 13-156. Deposit refunds.

Customers are eligible for a refund of their deposit if all of the following conditions are met:

(1) Customer submits written request;

(2) Customer is not currently delinquent in the payment of bills, nor has any outstanding account balance;

(3) Customer has had no past due bills or incurred any late fees in the most recent consecutive 12 months of service;

(4) Customer has left no unpaid debt on a previous MCDPW or EMWD account.

Any deposits paid at service connection will be applied to the final bill. Overages will be refunded to the customer.
(Ord. of 11-19-13, § 6)

Sec. 13-157. Landlord/tenant relationship for rental properties.

Once a tenant provides notice that he will be terminating service, the landlord or new tenant must call to begin service; otherwise, the connection will remain off.

After two defaults on utility fee payments at a rental property or premise, the owner of the property or premise will be required to become the contracting party for utility service.
(Ord. of 11-19-13, § 7)

Sec. 13-158. Access to meter, meter box and premises.

Customer will provide the required access of the premises at all reasonable hours for the purpose of installing or removing property owned or controlled by MCDPW, inspecting piping, reading or testing meters, or for any other purpose in connection with MCDPW's service and facilities.

Should access be limited or obstructed, service may be disconnected immediately without notice until access is fully restored.

No person, except an employee of MCDPW, shall operate the valve installed in each meter box except as approved by an authorized representative of MCDPW. The fact that the water is turned on to any premises by a person without the prior knowledge of either MCDPW or the customer shall not relieve the customer of liability for such unauthorized use of water. A minimum fee as established in the current fiscal year fee schedule shall be imposed upon the costumer where tampering or unauthorized use of water has occurred.
(Ord. of 11-19-13, § 8)

Sec. 13-159. Billing.

Payment in full is due 21 days from the bill date. Any balance equal to or greater than $5.00 carried forward will incur a late fee in accordance with the adopted fee schedule for the current fiscal year.

The county will be not responsible for late, undeliverable bills, or payments delayed by the United States Postal Service or other delivery services or means.
(Ord. of 11-19-13, § 9)

Sec. 13-160. Disconnection of service.

Services are subject to disconnection once the account balance of $20.00 or more remains delinquent for more than ten days, which is a total of 31 days beyond the bill date. Separate notice is not required to customers before their service is disconnected; however, if an email address is on file, MCDPW will attempt to notify the customer via email.

MCDPW reserves the right to discontinue service without notice for the following additional reasons:

(1) To prevent fraud or abuse;

(2) Customer's willful disregard for MCDPW's rules and ordinances;

(3) Emergency repairs;

(4) Insufficiency of supply due to circumstances beyond MCDPW's control;

(5) Legal processes;

(6) Strike, riot, flood, accident or any unavoidable cause.

(Ord. of 11-19-13, § 10)

Sec. 13-161. Reconnection of service.

Once disconnected for nonpayment, the customer must pay the total balance owed on the account. If a deposit is not on the account, the current deposit amount at the time of reconnection will also be required. Additionally, a reconnect fee must be paid prior to reconnection of service.

If a customer is disconnected and has not been late on any payments in the most recent consecutive 12 months of history, a one-time waiver of the deposit may be granted by the public works director or his designee. The reconnection fee is still required to be paid prior to reconnection.

If a different customer requests service at an address that has been disconnected for non-payment, at least one of the following requirements must be met in addition to those detailed in other sections of this article:

(1) Customer must provide copy of lease agreement or deed to the property with the customer's name listed on the document provided; or

(2) If no lease agreement exists, the customer must provide a notarized letter containing the landlord's signature signifying that the tenant is authorized to begin service at the specific address requested.

No reconnections will be made after normal business hours.

(Ord. of 11-19-13, § 11)

Sec. 13-162. Complaints.

Customer must present his claim, in writing, before the bill becomes delinquent. If a claim is made after the bill has become delinquent, it will not be effective in preventing disconnection of service nor will it waive any late fees. Customer may pay bill under protest and said payment will not prejudice his claim.

(Ord. of 11-19-13, § 12)

Sec. 13-163. Adjustments due to over billing or under billing.

MCDPW will collect any deficiencies in utility payments due to under billing for a maximum period of 12 months.

MCDPW will refund any excess money collected in utility payments due to over billing in accordance with the current North Carolina General Statute.

(Ord. of 11-19-13, § 13)

Sec. 13-164. Leak and unexplained usage adjustments.

The purpose of this section is to provide for a credit adjustment to the water and/or sewer account of a customer who has experienced a loss of metered water as a result of conditions beyond normal and reasonable control of the customer or other parties responsible for the use, care and maintenance of the metered water system.

Adjustments may also be made for unexplainable high usage. When a bill is either unpaid or paid under protest and not resolved, MCDPW may reduce the amount of the bill for water lost to known or unknown causes.

All metered water lost due to negligence on the part of the user will be charged at the normal rate and no adjustment of the bill will be made.

Conditions: It is the customer's responsibility to promptly discover and immediately repair the cause of any unusual situation or condition that may result in loss of metered water. There must be no evidence of undue delay by the customer in stopping the water loss and in making repairs. This adjustment policy does not apply where loss is due to lack of maintenance or repair of facilities or improper operation of devices including, but not limited to, faucets, toilet flush controls, fill valves, hose bibs and similar water control mechanisms.

Customer responsibility:

(1) The customer must be able to provide reasonable evidence of the type of loss and the period of time the loss occurred;

(2) The customer must show that the loss was of a nature that was not foreseeable and controllable in the course of customary and prudent use and care of the metered water system;

(3) The customer must show that diligent effort was made to stop the flow of water to minimize the loss in a timely manner;

(4) The customer must show that permanent repairs have been made to prevent a recurrence.

Adjustment procedure:

(1) Customer must submit a written request for an adjustment and a copy of the repair bill, if applicable, within six months of the occurrence. Once received, MCDPW will evaluate the information provided as to the applicability of an adjustment under this article.

(2) Average usage is calculated using the average of total gallons used in the same billing month of the previous year and the billing months immediately before and after the billing month of the previous year.

(3) To qualify for an adjustment, the usage must be 50 percent higher than the customer's monthly average usage for the three corresponding months of the previous year.

Example: If a customer requests an adjustment for the month of October 2012, the total gallons for the month of October 2012 must be 50 percent higher than the average of the total gallons for the months of September, October and November 2011.

(4) Average usage will be charged at the regular water and sewer rates.

(5) All water usage above the average usage is charged at MCDPW's lowest water commodity charge, except where the leak occurred on meter legs. Refer to step (7) for adjustment information where the loss occurred on meter legs.

(6) If lost water did not enter the sewer system, the sewer portion of the bill is reduced to average monthly usage. If the adjustment request is for unexplained usage, all sewer usage above the average usage is charged at MCDPW's lowest sewer commodity charge.

(7) Meter leg leaks will be adjusted by charging the customer the same amount as the bill for the same month of the previous year.

(8) The above calculations will be made by MCDPW staff on the form* provided on the subsequent page and shall include complete and adequate justification for each adjustment.

(9) Each proposed adjustment must be reviewed and approved by the administrative services manager before a credit adjustment is made to the customer's account.

(10) Only one adjustment is allowed in any 12-month period. The customer may buy back a smaller loss, within the same year, in order to receive an adjustment for a larger loss.

(11) Adjustments can be applied to two consecutive billing periods if the water loss occurred over two consecutive billing periods.

(Ord. of 11-19-13, § 14)

* The form referred to herein is provided by the MCDPW.

Sec. 13-165. Returned payments and reversed payments.

A returned check fee as approved by the board of commissioners in the current fiscal year fee schedule will be applied to all returned payments, including but not limited to automatic bank drafts, electronic check payments and written checks. If the returned payment makes the accounts more than ten days delinquent, the account will be disconnected without further notice. Once disconnected for returned check payment, the reconnection procedure is the same as those accounts disconnected for nonpayment.

If the returned payment is from the automatic draft service provided by MCDPW, the account will be removed from draft and only authorized to be re-established on draft once written permission from the customer is received.

If the returned payment is a deposit payment for beginning service, the account will be disconnected without further notice. Once disconnected for returned check payment, the reconnection procedure is the same as those accounts disconnected for nonpayment.

(Ord. of 11-19-13, § 15)

Sec. 13-166. Voluntary termination of service due to relocation.

Customer must provide notice of not less than one day, in person or in writing, to discontinue service for a change in occupancy. The outgoing account holder will be responsible for all water

consumed up to the time of departure or the time specified for departure, whichever is longer. If the customer fails to notify MCDPW that he has vacated a particular property or premise, the customer will be responsible for all consumption through the date that MCDPW has been notified of the change.
(Ord. of 11-19-13, § 16)

Sec. 13-167. Voluntary disconnect and reconnect due to vacancy.

Customer must provide notice of not less than one day when they wish to have the service voluntarily disconnected and reconnected. Customer will not be assessed any base rate charges while the meter is voluntarily disconnected and locked by MCDPW. The customer will be assessed a voluntary disconnect/reconnect fee in accordance with the fee schedule for the fiscal year in which the reconnect is to occur. The fee must be paid prior to MCDPW reinstating service to the property.
(Ord. of 11-19-13, § 17)

Sec. 13-168. Meter verification.

If a customer believes his/her meter to be inaccurate, a representative of MCDPW will perform a field test on the meter. The customer, or his/her representative, must be present to witness the test. There is no fee for this service.

If, after the field test is performed and the meter is found to be within the acceptable accuracy parameters set by the American Water Works Association (AWWA), the customer may elect to have the meter tested at a separate facility. If, after additional testing, the meter is found to be within the AWWA's acceptable accuracy parameters, the customer will be assessed a meter verification fee in accordance with the current fiscal year fee schedule. The meter verification fee is due immediately.
(Ord. of 11-19-13, § 18)

Sec. 13-169. Meter tampering and water theft.

Meter tampering and water theft includes, but is not limited to, removing and/or cutting a lock after the meter has been disconnected, straight piping water into the property or premise without a meter, or turning the meter on or off. Each occurrence of meter tampering or water theft will be assessed a meter tampering and water theft charge, as established in the fiscal year during which the meter tampering or water theft came to the attention of MCDPW. Additionally, the customer will be assessed the applicable base rate as follows:

	Base Rate
¾" meter	$30.00
1" meter	50.00
1½" meter	70.00
2" meter	90.00
3" meter	110.00
4" meter	130.00
6" meter	150.00

Meter tampering and water theft usage will be calculated at $7.00 per thousand gallons. If the water is straight piped into the property or premise, MCDPW will estimate the quantity of water used based on the best available data and assess the customer.

All meter tampering and water theft charges must be paid in addition to the other disconnect and deposit fees prior to MCDPW restoring service. MCDPW may, in addition to prosecution by law, permanently refuse service to any consumer who tampers with a meter or other measuring device.
(Ord. of 11-19-13, § 19)

Sec. 13-170. Property/equipment damage.

Any property or equipment owned by MCDPW that is damaged will be invoiced directly to the account holder or building contractor. Invoices are due within 30 days of the invoice date. If the invoice remains delinquent for more than 30 days, MCDPW will terminate the service and may begin legal action. Once disconnected for failure to pay the invoice for the property or equipment damage, the reconnection procedure is the same as those accounts disconnected for nonpayment of utility bills.
(Ord. of 11-19-13, § 20)

Sec. 13-171. Meter reading.

All meters will be read and billed monthly.
(Ord. of 11-19-13, § 21)

Sec. 13-172. Base rate and usage charges.

Base rate charges will be made for each meter installed in accordance with the current fiscal year fee schedule. Water furnished to a specific property shall be used on that property only. Each service must be separately metered at a single delivery and metering point. Customers are responsible for paying the base rate charges regardless of whether water is used during a month.
(Ord. of 11-19-13, § 22)

Sec. 13-173. Modification of fees, rates or regulations.

No modification of rates or any rules or regulations contained within this article may be made by any employee of the County of Moore, except as defined in this article. Modifications may only be made upon majority vote of the Moore County Board of Commissioners.
(Ord. of 11-19-13, § 23)

Chapter 14

RESERVED*

***Editor's note—**Per the county's instruction, ch. 14, watershed protection, which was derived from an ordinance adopted Dec. 6, 1993, has been removed.

Provisions pertaining to watershed protection have been incorporated into the Unified Development Ordinance which is on file with the county.

APPENDIX A

RESERVED*

***Editor's note—**Per the county's instruction, App. A, which pertained to subdivision regulations and derived from an ordinance adopted Jan. 19, 1987 as amended through Aug. 11, 2003, has been removed.

Provisions pertaining to subdivision regulations have been incorporated into the Unified Development Ordinance which is on file with the county.

APPENDIX B

RESERVED*

***Editor's note—**Per the county's instruction, App. B, which pertained to zoning regulations and derived from an ordinance adopted Jan. 19, 1987 as amended through Feb. 24, 2006, has been removed.

Provisions pertaining to zoning have been incorporated into the Unified Development Ordinance which is on file with the county.

CODE COMPARATIVE TABLE

This is a chronological listing of the ordinances, resolutions and motions of the county used in this Code. Repealed or superseded laws and any omitted materials are not reflected in this table.

Legend:
Ord.=Ordinance
Mo.=Motions
Res.=Resolutions

Adoption Date	Section	Section this Code
1- 5-76 (Ord.)	1	5-61
11-10-77(1) (Mo.)		5-41
11-10-77(2) (Mo.)		5-26
11-10-77(3) (Mo.)		5-81
		5-101
		5-116
		5-151
11-10-77(4) (Mo.)		5-1
12-13-77 (Ord.)	1—4	5-126—5-129
	5	5-131
	6	5-130
	7—9	5-132—5-134
5- 3-82 (Ord.)	1—3	8-76—8-78
	4(A)—4(C)	8-101—8-103
	4(D), (E)	8-104
	4(F), 4(G)	8-105, 8-106
	5, 6	8-126, 8-127
	7	8-129
	8	8-128
	9	8-130
	10—13	8-79—8-82
	14(A), 14(B)	8-83
	14(D), 14(E)	8-83
	14(F)	8-131
	15(A)	8-78
	15(B), (C)	8-84
7- 1-85(1) (Ord.)	I—XI	2-56—2-66
10- 6-86 (Ord.)	1.1	3-1
	2.1	3-2
	3	3-3
	4.1—4.3	3-31
	4.4—4.7	3-32—3-35
	5.1—5.4	3-56—3-59
	5.5, 5.6	3-60
	5.7, 5.8	3-61, 3-62
	5.9, 5.10	3-63

Adoption Date	Section	Section this Code
	5.11—5.15	3-64—3-68
	5.16, 5.17	3-69
	5.18	3-70
	6.1—6.4	3-86—3-89
	7, 8	3-4, 3-5
	9.1—9.3	3-6—3-8
	10.1, 10.2	3-111, 3-112
	10.2.1—10.2.6	3-113—3-118
	10.3, 10.4	3-119, 3-120
	10.5	3-121, 3-122
	10.6, 10.7	3-123, 3-124
	11, 12	3-9, 3-10
5-21-87 (Res.)	1, 2	12-26
	3—6	12-27—12-30
9- 2-87 (Res.)	1, 2	2-26, 2-27
10- 5-87(1) (Ord.)	Art. III—Art. X	8-151—8-158
	Art. XI—Art. XIV	8-160—8-163
10- 5-87(2) (Ord.)	Art. III—Art. VI	8-151—8-154
	Art. VII, §§ 1—6	8-159
	Art. VIII	8-163
10-20-87 (Ord.)	1(a)—(d)	9-26
	1(e), 1(f)	9-27, 9-28
	1(g)	9-26
	1(h)	9-29
1- 4-88(Mo.)		8-181, 8-182
2- 1-88 (Ord.)		3-9, 3-10
5-20-88 (Ord.)	I—VI	4-1—4-6
	VII—XV	4-31—4-39
	XVI—XX	4-61—4-65
	XXI	4-7
	XXII, XXIII	4-66, 4-67
	XXIV	4-8
	XXV	4-68
	XXVI, XXVII	4-86, 4-87
	XXVIII	4-9
	XXIX	4-88
	XXX, XXXI	4-10, 4-11
10-30-88 (Res.)	1, 2	2-61
12-19-88 (Ord.)	I	8-26
	II—V	8-51—8-54
	VI—XIII	8-27—8-34
2- 6-89 (Ord.)	1, 2	6-1, 6-2
	3—7	6-26—6-30
	8—10	6-3—6-5
	11, 12	6-8, 6-9
	13	6-7
	14	6-6

Adoption Date	Section	Section this Code
	15	6-31
7-10-89 (Ord.)	1(a)	11-16
	1(c), 1(d)	11-16
	2—4	11-17—11-19
10- 5-89 (Ord.)	Arts. I—VI	8-171—8-176
	Art. VII, §§ 1—6	8-181—8-186
	Art. VIII	8-177
11-27-89(2) (Ord.)	1	11-1
11-27-89 (Ord.)	Art. 1, § A—Art. 1, § D	7-1—7-4
	Art. 2	7-5
	Art. 3, § A, Art. 3, § B	7-6, 7-7
	Art. 3, § D—Art. 3, § H	7-8—7-12
	Art. 4, § A(1), Art. 4, § A(2)	7-51, 7-52
	Art. 4, § B	7-31
	Art. 4, § C(1)—(15)	7-32
	Art. 4, § E	7-34
	Art. 5, § A—Art. 5, § C	7-71—7-73
	Art. 5, § E	7-74
2-20-90(2) (Ord.)	1.1, 1.2	13-26, 13-27
	2.1—2.7	13-81—13-87
	3.1—3.4	13-101—13-104
	4.1—4.4	13-41—13-44
	4.6, 4.7	13-45, 13-46
	5.1—5.4	13-61—13-64
	6.0	13-65
4-16-90 (Ord.)		2-61
5-21-90(1)(Ord.)	1	11-2
5-21-90(2)(Ord.)	1—7	6.5-21—6.5-27
11- 5-90(Ord.)	1—7	Adopting Ordinance, p. vii
8- 2-93(1)(Ord.)	1—8	6.5-1—6.5-8
8- 2-93(2)(Ord.)	1—13	6.5-30—6.5-43
12- 6-93	Art. 100, §§ 101—107	14-1—14-7
	Art. 200, §§ 201—205	14-21-14-25
	Art. 300, §§ 301—312	14-41—14-52
	Art. 400, §§ 401, 402	14-71, 14-72
	Art. 500, §§ 501—508	14-91—14-98
	Art. 600, §§ 601, 602	14-111, 14-112
4-18-94	Rpld	App. A, § 5.2 Q., R.
	Added	App. A, § 5.2 Q.
	Rpld	App. A, § 6.3 34.(g), (h)
	Added	App. A, § 6.3 34.(g)
7-10-95(1)		App. B, § 5.1 A., B.
7-10-95(2)		App. B, § 5.2 A., B.
7-10-95(3)		App. B, § 13.4
7-10-95(4)		App. B, § 13.10 D.7.

Adoption Date	Section		Section this Code
10-16-95	1, 2		10-1
2- 5-96			App. A, §§ 1.2, 2.2, 2.2A, 2.3, 2.4 5.2 G.3., 4.
4-15-96			App. B, § 5.9 A.
5-20-96(1)	1—15		9-41—9-55
5-20-96(2)			App. A, § 4.8 5.
5-20-96(3)			App. A, §§ 5.2 G.5 6.3 15A
5-20-96(4)			App. A, § 6.2(5)—(8)
5-20-96(5)			App. A, §§ 5.2 G.5., 6.3 15A
6-17-96			App. B, §§ 4.7 J., 5.13
9-16-96	Art. I, § 1.1		9.5-1
	Art. II, §§ 2.1—2.5		9.5-2—9.5-6
	Art. III, §§ 3.1—3.6		9.5-21—9.5-26
	Art. IV, §s; 4.1—4.3		9.5-41—9.5-43
	Art. V, §§ 5.1—5.5		9.5-51—9.5-55
2-17-97			App. A, §§ 4.5 A., E., 4.7, 5.2 G.5.
3-17-97	1—6		10-41—10-46
4-21-97			9.5-21(e), (g), 9.5-22(1), 9.5-23(a)(3), 9.5-41(a), (b)(12), 9.5-42, 9.5-43(a)
5-19-97(1)	Art. I, § 1.1		8-201
	Art. II, §§ 2.1—2.5		8-211—8-215
	Art. III, §§ 3.1—3.3		8-221—8-223
	Art. IV, §§ 4.1—4.3		8-231—8-233
	Art. V, §§ 5.1—5.5		8-241—8-245
5-19-97(2)			App. B, § 5.9 A., B.
9- 2-97		Added	8-276—8-326
10-20-97	I—XV		9-41—9-55
11-17-97(1)			8-201—2-245
11-17-97(2)	1.1—5.5	Added	9.5-61—9.5-95
1- 5-98		Rpld	13-26—13-104
		Added	13-26—13-113
6-19-00	1—4		11-16—11-19
	5, 6	Added	11-20, 11-21
11- 6-00(Amend.)			6-29(d)
6-18-01	I—IV	Added	9-61—9-64
7- 2-01	Arts. 1, 2	Added	10.5-1—10.5-27
8-19-02(Res.)	1—6	Added	8-351—8-356
7-21-03			13-37(b)(3)
		Added	13-37(b)(5)
8-11-03(Amend.)			App. A
10-17-05		Dltd	6-1—6-31

Adoption Date	Section		Section this Code
		Added	6-1—6-11
	6-12—6-46	Added	6-22—6-55
	6-47—6-59	Added	6-67—6-79
	6-60—6-69	Added	6-90—6-99
2-24-06(Amend.)			App. B
8- 7-06(Amend.)	Arts. 1—3		7-1—7-12
	Art. 3, § C		7-51
	Art. 4, §§ A, B		7-31, 7-32
	Art. 4, § C—E		7-32—7-34
	Art. 5, §§ A, B		7-71, 7-72
	Art. 5, § C	Rpld	7-73
	Art. 5, § D		7-74
	Art. 5, §§ E—G	Added	7-75—7-77
	Art. 6, § A, B	Added	7-101, 7-102
8-21-06(Ord.)	Arts. I—XVII	Added	Ch. 6.75
2-18-08(Ord.)			5-61
		Added	5-62—5-71
10- 1-08(Ord.)		Rpld	4-1—4-11, 4-31—4-39, 4-61—4-68, 4-86—4-88
		Added	4-1—4-11, 4-31—4-40, 4-61—4-68, 4-86—4-88
3- 2-09(Ord.)		Rpld	4-87
10- 5-10(Ord.)		Rpld	8-351—8-356
		Added	8-351—8-358
4- 5-11(Amend.)			8-351—8-358
12-19-11(Amend.)		Rpld	5-1, 5-116, 5-126—5-134 5-26, 5-41, 5-61, 5-81, 5-101, 5-151
6- 5-12(Ord.)			6.75-26—6.75-42
11-20-12(Ord.)		Rpld	13-26, 13-27, 13-31—13-39, 13-51—13-54, 13-61, 13-62, 13-71—13-83, 13-91—13-94, 13-101—13-105, 13-111—13-113
		Added	13-26, 13-27, 13-31—13-39, 13-51—13-54, 13-61, 13-62, 13-71—13-83, 13-91—13-94, 13-101—13-106, 13-111—-13-113

Adoption Date	Section		Section this Code
4- 2-13(Ord.)	1—11		13-26, 13-27, 13-31—13-39, 13-51—13-54, 13-61, 13-62, 13-71—13-83, 13-91—13-94, 13-101—13-106, 13-111—13-113
4-16-13(Ord.)	I—X	Added	11-16—11-26
	XI	Rpld	11-16—11-21
5- 7-13(Ord.)			4-1—4-11, 4-31—4-40, 4-61—4-68, 4-86—4-88
9-17-13(Ord.)	A.—J.	Added	5-165—5-174
11-19-13(Ord.)	1—23	Added	13-151—13-173
2- 4-14(Amend.)			10-1
2-18-14(Ord.)		Added	1-14
1-19-16(Ord.)		Rpld	6.5-1—6.5-43
		Added	6.5-1—6.5-49
10- 4-16(Amend.)			10-41(b)(3)
7-19-16(Ord.)			6.75-26—6.75-42
1-21-17(Ord.)		Added	9-1
2-21-17(Amend.)			4-2(b), 4-10(c)(4), 4-63(b)
2-21-17(Amend.)	III		11-18
	IV		11-19(f), (g)
	V		11-20(a), (b)
1- 9-18(Ord.)	A		5-165
	B		5-166
	C		5-167
	D		5-168
	E		5-169
	F		5-170
	G		5-171
	H		5-172
	I	Added	5-173
	J	Rnbd	5-173
		as	5-174
	K	Rnbd	5-174
		as	5-175

STATE LAW REFERENCE TABLE

This table shows the location within this Code, either in the text or notes following the text, of references to the state law or related matters.

G.S. Section	Section this Code
1-485 et seq.	1-11
12-3	1-2
tit. 14	8-83
14-4	1-11
	4-1
	8-214
	8-233
	Ch. 10
14-4(a)	8-312
	8-321
	11-23
14-286.1	Ch. 8, Art. II
14-288.1	6.5-18
14-288.13	Ch. 6.5, Art. II
14-288.17	Ch. 6.5, Art. II
14-288.20A	6.5-18
14-409.39(2)	6.5-18
14-363.1	4-3
14-415.11(c)	10-1
14-415.23	10-1
18B-1001	9-1
18B-1004(c)	9-1
ch. 19A	Ch. 4
20-130(d)	Ch. 8, Art. II
20-145	Ch. 8, Art. II
20-156	Ch. 8, Art. II
20-157	Ch. 8, Art. II
44-51.1 et seq.	Ch. 8, Art. II
48A-2	1-2
art. 3, ch. 62A-40	6.5-26
63-3	Ch. 3
ch. 67	Ch. 4
ch. 87	5-127
90-636	Ch. 9, Art. III
ch. 93B	9-63
105-88	9-64
105-109	9-64
105-164.4(3)	12-26
105-249.1	9-62
105-463 et seq.	Ch. 12
106-471(a)	6.75-31
	6.75-36
106-471(b)	6.75-36
106-471(c)	6.75.36
106-581.1	6.75-32
106-735—106-743	6.75-27
106-740	6.75-35
106-740(a)	6.75-35
ch. 110	5-63
110-91(5)	6.5-28
ch. 115	5-63
115-525(b)	6.5-28
121-5	9-63
	9-64
130-166.16 et seq.	Ch. 8, Art. IV
130-166.19A	8-82
130-309.09A	Ch. 8, Art. IV
130A-184 et seq.	Ch. 4
130A-185	4-32
	Ch. 4, Art. II
130A-190	Ch. 4, Art. II
	4-33
130A-196	4-34
130A-198	4-34
ch. 131E-7	8-51
131E-95	6.5-45
131E-155 et seq.	Ch. 8, Art. II
131E-155(bb)	6.5-45
131E-155(1), (2)	8-26
131E-155(5), (6)	8-26
ch. 131E-157, art. 7	6.5-39
	6.5-46
131E-157(7)	8-28
ch. 131E-158, art. 7	6.5-38
131E-158(7)	8-27
136-18.3	Ch. 8, Art. IV
136-97	Ch. 11
ch. 145, art. 56	6.5-38
	6.5-39
143-56	8-27
	8-28
143-138	Ch. 5
143-213(18)	13-27
143-215.1	13-27

G.S. Section	Section this Code
	13-62
143-215.1(b)	13-62
143-215.1(d)	13-27
143-215.3(a)(14)	13-27
143-215.6B	13-103
143-215.6B(f)—(i)	13-103
143-237 et seq.	Ch. 4
143-355(l)	Ch. 8, Art. IV
143-507 et seq.	Ch. 8, Art. II
143-514	6.5-37
143-518	6.5-42
	6.5-45
143B-165	6.5-37
	8-26
143B-216.10	8-82
	8-83
	8-84
147-54.7	11-16
	11-18
150B-21.6	6.5-37
ch. 153A	6.75-27
ch. 153A, art. 23	10.5-1
153A-1	1-2
153A-11	Ch. 2
153A-2	1-5
	1-6
153A-25 et seq.	Ch. 2
153A-39 et seq.	Ch. 2
153A-45	Ch. 2
153A-47	Ch. 5
153A-49	1-1
	1-9
	1-13
153A-76 et seq.	Ch. 2
153A-97	Ch. 2
153A-101	Ch. 2
153A-102	Ch. 2
153A-121	1-1
	Ch. 2
	Ch. 4
	8-82
	8-83
	8-84
	8-152
	8-174
	11-1
	11-2
153A-121(a)	6.5-18
153A-122	1-1
153A-123	1-11

G.S. Section	Section this Code
	1-12
	5-68
	6.5-32
	8-83
	10.5-27
	11-23
153A-123(d), (e)	4-10
	10-44
153A-124	1-1
153A-127	Ch. 4
153A-131	Ch. 4
153A-133	Ch. 10, Art. II
153A-135	8-152
153A-136	8-84
	8-152
	8-174
	Ch. 8, Art. IV
153A-144	Ch. 10.5
153A-145.7	9-1
153A-146	Ch. 12
153A-147	9-64
153A-149(c)(6)	Ch. 4
153A-149(c)(312)	Ch. 8, Art. IV
153A-151	Ch. 12
153A-152	9-62
153A-152.1	8-82
153A-152.1(a)	8-81
153A-153	Ch. 4
153A-238	Ch. 11
	11-16
153A-239.1	Ch. 11, Art. II
	11-17
	11-18
	11-20
153A-239.1(a)	11-16
	11-18
	11-20
153A-240	11-16
	11-18
153A-242	Ch. 11
153A-250	Ch. 8, Art. II
153A-275	Ch. 13
	11-151
153A-277	Ch. 13
	11-151
153A-283 et seq.	Ch. 13
153A-292	Ch. 8, Art. IV
	8-152
153A-309	Ch. 8, Art. II
153A-442	Ch. 4

G.S. Section	Section this Code
160A-174(a)	6.5-18
160A-312	13-26
160A-487	6.5-46
	8-51
162A-91	5-165
164-2	1-7
164-3 et seq.	1-6
166A	6.5-5
166A-7	Ch. 6.5, Art. II
166A-8	Ch. 6.5, Art. II
166A-19.22	6.5-3
166A-19.60	6.5-7
166A-19.60(a)	6.5-7
166A-19.60(c)	6.5-7
166A-19.60(d)	6.5-7
166A-19.61	6.5-8

CODE INDEX

Section

A

ACCESS
Land clearing and inert debris landfills 8-222
Mine or mining operation 8-302

ACCIDENTS
Aircraft operations
Accident reports 3-61
Airport motor vehicles
Accidents to be reported 3-34

ADMINISTRATION
Boards, committees, commissions and councils ..... 2-26 et seq.
See: BOARDS, COMMITTEES, COMMISSIONS AND COUNCILS

ADVERTISING AND ADVERTISEMENTS
Airports
Solicitation of funds, advertising prohibited ..... 3-3(g)
Parks and recreation 10.5-23

AGREEMENTS. See: CONTRACTS AND AGREEMENTS

AIRPLANES. See: AIRPORTS

AIRPORTS
Aircraft operations
Accident reports 3-61
Aircraft owners responsible for damages to airport property . 3-62
Consideration to be given to aircraft wake and helicopter rotor turbulence effect on ultralight aircraft 3-68
FAA rules adopted 3-56
Hours of operation 3-66
Landing fees 3-69
Manager may require movement or move aircraft to another area 3-60
Noise abatement 3-67
Parking and storage areas 3-59
Starting, running up engines 3-58
Take-offs and landings
Generally 3-64
Helicopters 3-65
Taxiing restricted 3-63
Taxing, parking between gasoline pumps and flight operations area 3-57
Trespassing 3-70
Authority of manager 3-2
Definitions 3-1
Explosives 3-7
Fire regulations 3-5
Fueling 3-4

	Section
AIRPORTS (Cont'd.)	
General regulations	3-3
Commercial enterprises regulated	3-3(a)
Compliance with regulations required	3-3(c)
Denial of use for violations	3-3(f)
Flying clubs	3-3(b)
Garbage, trash	3-3(h)
Solicitation of funds, advertising prohibited	3-3(g)
Use conditioned on insurance	3-3(e)
Use of airport conditioned on assumption of responsibility and risk	3-3(d)
Minimum requirements for fixed base operators or commercial enterprises	
Aircraft charter and taxi service	3-115
Aircraft, engine and accessory maintenance repair service	3-114
Aircraft rental and lease service	3-117
Aircraft sales	3-118
Business operation application	
Contents	3-121
Evaluation; decision thereon	3-122
Categories of fixed base operators and minimum services and requirements	3-112
Compliance with article required	3-111
Exempted persons	3-124
Flight training	3-116
Minimum floor and land space area standards for fixed base operators	3-119
Miscellaneous operations	3-120
Sale of fuel oil and transient aircraft services	3-113
Written agreement required	3-123
Motor vehicles	
Accidents to be reported	3-34
Driving between aircraft and loading gate or fence	3-32
Operation, parking restricted to certain areas	3-31
Required markings	3-33
Safe operation required; insurance	3-35
Operation of aircraft while impaired; damaging aircraft or airport facilities; trespassing	3-10
Action by the sheriff's department	3-10(e)
Enforcement	3-10(d)
Generally	3-10(a)
Penalties	3-10(c)
Public assistance in enforcement	3-10(f)
Personal conduct	3-9
Toxic and radioactive substances	3-8
Ultralight aircraft	
Enforcement of regulations	3-89
Operation on airport and in airport air space	3-87
Area of operation	3-87(e)
Hours of operation	3-87(a)

Section

AIRPORTS (Cont'd.)
Take-offs and landings ..... 3-87(b)
Traffic patterns ..... 3-87(c)
Traffic spacing ..... 3-87(d)
Transient operators ..... 3-87(f)
Purpose, applicability and general procedures 3-86
Safety restrictions 3-88
Weapons 3-6

ALCOHOLIC BEVERAGES
Hours of sales of alcohol on Sundays 9-1
Parks and recreation 10.5-21

AMBULANCE SERVICES
Ambulance and other prehospital emergency medical services
Addendum to article 8-34
Communications 8-29
Definitions 8-26
Drivers and attendants 8-27
Enforcement 8-33
Franchise
Application 8-52
Granting of franchise 8-53
Required; exemptions 8-51
Term 8-54
Insurance requirements 8-30
Rates and charges 8-32
Records 8-31
Vehicles and equipment 8-28

ANIMAL CONTROL
Agency authority and responsibility 4-2
Animals creating nuisance prohibited 4-5
Cats
Impoundment and redemption
Procedure with respect to redemption or adoption of unvaccinated dog or cat 4-65
Rabies control
Vaccination of dogs, cats and equine
Rabies tag and certificate 4-33
Required 4-32
Confinement and control of vicious or dangerous domestic animals 4-4
Cruelty to animals 4-3
Definitions 4-1
Dogs
Impoundment and redemption
Procedure with respect to redemption or adoption of unvaccinated dog or cat 4-65
Permits
Security dogs 4-86

Section

ANIMAL CONTROL (Cont'd.)
Rabies control
Vaccination of dogs, cats and equine
Rabies tag and certificate 4-33
Required 4-32
Feral cats colonies 4-11
Immediate placement for adoption or destruction of animals surrendered by owner 4-7
Impoundment and redemption
Destruction of animals which cannot be seized by reasonable means 4-67
Destruction of wounded, diseased, or unweaned animals 4-66
Destruction or adoption of unredeemed animal generally 4-64
Impoundment 4-61
Keeping stray animals; requirements, failure to surrender 4-68
Notice to owner or keeper 4-62
Procedure with respect to redemption or adoption of unvaccinated dog or cat 4-65
Redemption by owner or keeper generally 4-63
Interference with enforcement 4-9
Luring, enticing, seizing an animal 4-6
Nondomestic animals prohibited 4-8
Parks and recreation 10.5-18
Penalty for violation 4-10
Permits
Mandatory spay/neuter of adopted animals 4-88
Security dogs 4-86
Rabies control
Area-wide emergency quarantine 4-36
Compliance with state laws; article is supplemental to state rabies laws 4-31
Destruction or confinement of animal bitten by a known rabid animal 4-35
Failure to report/submit suspected rabies cases for evaluation 4-40
Failure to surrender animal for confinement or destruction 4-39
Notice to health director or designated representative when person bitten; confinement of animal 4-34
Postmortem diagnosis 4-37
Unlawful killing or releasing of certain animals 4-38
Vaccination of dogs, cats and equine
Rabies tag and certificate 4-33
Required 4-32

ARMED FORCES
Licenses, permits and miscellaneous business regulations
Privilege license
Tax levy exemptions ..... 9-62(g)(3)

AVIATION. See: AIRPORTS

Section

B

BILLBOARDS. See: SIGNS AND BILLBOARDS

BLIND PERSONS
Licenses, permits and miscellaneous business regulations
Privilege license
Tax levy exemptions ..... 9-62(g)(3)

BLOWERS, ENGINES
Loud, raucous, disturbing or unnecessary noise ..... 10.5-41(6)

BOARD, ETC.
Defined 1-2

BOARDS, COMMITTEES, COMMISSIONS AND COUNCILS
Appointment policy 2-26
Appointment procedures 2-27
Applications ..... 2-27(d)
Notification ..... 2-27(c)
Selections ..... 2-27(b)
Vacancies ..... 2-27(a)
Farmland protection program
Agricultural advisory board 6.75-30
Hazardous waste and/or low-level radioactive waste management board ..... 8-101 et seq.
See: HAZARDOUS AND RADIOACTIVE WASTE

BONDS
Cable television 6-93
Defined 1-2

BUFFERS
Land clearing and inert debris landfills 8-223
Mine or mining operation 8-303

BUILDINGS AND BUILDING REGULATIONS
Building Code
State building code adopted 5-26
Codes
Building Code 5-26
Electrical Code 5-41
Fire prevention and protection code ..... 5-61 et seq.
Gas Code 5-81
Heating and air conditioning Code 5-101
Plumbing Code 5-151
Cross-connections, control of ..... 5-165 et seq.
See: CROSS-CONNECTIONS, CONTROL OF
Permit fees 5-1

BUSINESSES
Licenses, permits and miscellaneous business regulations
Massage therapy regulations ..... 9-41 et seq.
See: MASSAGE PARLORS AND MASSAGE THERAPY

Section

BUSINESSES (Cont'd.)
Pine straw purchasers ..... 9-26 et seq.
See: PINE STRAW
Privilege license
Enforcement and collection 9-64
Collection of deficiency ..... 9-64(j)
Deficiency to become final ..... 9-64(h)
Duty to determine whether tax due ..... 9-64(a)
Duty to keep books ..... 9-64(c)
Duty to permit inspection ..... 9-64(d)
Duty to post license ..... 9-64(e)
Notice of deficiency ..... 9-64(f)
Request for a conference ..... 9-64(g)
Tax collector to investigate ..... 9-64(b)
In general 9-61
Construction of this article ..... 9-61(b)
Definitions ..... 9-61(a)
Licenses 9-63
Amount of tax disputed ..... 9-63(e)
Application ..... 9-63(a)
Assignments ..... 9-63(h)
Changes in the business conducted by licensee during the tax year ..... 9-63(i)
Form and contents of license ..... 9-63(g)
Providing notice to an applicant or licensee ..... 9-63(l)

Section

BUSINESSES (Cont'd.)
Reasons for refusal or revocation of a license ..... 9-63(b)
Record of conferences ..... 9-63(k)
Revocation ..... 9-63(f)
Tax collector to furnish duplicates ..... 9-63(j)
Tax collector to issue license; payment of tax a prerequisite ..... 9-63(d)
Unqualified applicants; right to a conference ..... 9-63(c)
Tax levy 9-62
Exemptions ..... 9-62(g)
Blind persons and members of the armed forces and merchant marine ..... 9-62(g)(3)
Charitable organizations ..... 9-62(g)(2)
Generally ..... 9-62(g)(1)
Must obtain license ..... 9-62(g)(4)
Levy of tax ..... 9-62(a)
Period of license; due date ..... 9-62(c)
Proration of tax ..... 9-62(d)
Refunds ..... 9-62(e)
Separate businesses ..... 9-62(f)
Who must pay tax ..... 9-62(b)

C

CABLE TELEVISION
Construction standards
Clearing poles and cables 6-75
Compliance with laws 6-68
Conduit 6-74
Duty to grantee 6-78
Erection of poles 6-71
Minimum interference 6-69
Moving facilities 6-76
Repair of property 6-70
Reservations of street rights 6-72
Right-of-way construction 6-67
System construction capabilities and schedule 6-79
Underground installation 6-73
Work performed by others 6-77
Definitions 6-3
Discriminatory practices prohibited 6-4
Franchise
Access to inside wiring 6-55
Application and renewal fees 6-35

Section

CABLE TELEVISION (Cont'd.)

Books and records available to the grantor 6-44
Cable system office hours and telephone availability 6-50
Consideration of initial applications 6-30
County monitoring..... 6-54
Drops to public buildings..... 6-38
Emergency requirements 6-48
Federal, state, and county jurisdiction 6-26
Franchise agreement 6-28
Franchise renewal 6-31
Franchises competitively neutral and non-discriminatory 6-24
Franchises non-exclusive..... 6-23
General technical standards and customer service practices 6-43
Grant of additional franchise and competing service..... 6-32
Initial franchise applications 6-29
Installations exceeding standard installation..... 6-52
Institutional network, access channels..... 6-42
Non-discriminatory access to cable system 6-41
Parental control 6-51
Permits for non-franchised entities 6-33
Programming decisions..... 6-49
Reports required 6-45
Additional reports..... 6-45(i)
Facilities report ..... 6-45(b)
Financial and ownership reports..... 6-45(h)
Grantee rules ..... 6-45(f)
Proof of bonds and insurance ..... 6-45(g)
Proof of performance tests ..... 6-45(d)
Rebuild/upgrade/construction reports ..... 6-45(c)
Regulatory communications ..... 6-45(a)
Test required by county..... 6-45(e)
Review for competition..... 6-34
Rights reserved to grantor..... 6-27
Service area and line extension policy..... 6-53
System design 6-36
Technical standards..... 6-46
Term of the franchise 6-25
Test and compliance procedure 6-47
Complaints..... 6-47(b)
Consultants ..... 6-47(c)
Tests ..... 6-47(a)
The system..... 6-37
Unlawful to operate without a franchise..... 6-22

Section

CABLE TELEVISION (Cont'd.)
Upgrade of system..... 6-40
Use of grantee facilities..... 6-39
General financial and insurance provisions
Bonds, indemnification, and insurance..... 6-93
Customer service standards. See Appendix A of Chapter 6
Foreclosure..... 6-96
Franchise fee..... 6-90
Grounds for revocation..... 6-94
Penalties procedure..... 6-92
Performance bond 6-91
Procedure 6-95
Purchase by grantor upon termination or revocation of franchise 6-98
Receivership..... 6-97
Sale or transfer of franchise 6-99
Governing law and choice of forum 6-9
Non-enforcement by the county..... 6-8
Publication of notices 6-11
Rate regulation 6-6
Rights reserved to grantor 6-7
Severability..... 6-10
Short title..... 6-2
Statement of intent and purpose 6-1
Subscriber privacy..... 6-5

CABLES. See: POLES, CABLES AND WIRES

CAMPING
Parks and recreation 10.5-19

CATS. See: ANIMAL CONTROL

CD PLAYERS
Loud, raucous, disturbing or unnecessary noise..... 10.5-41(3)

CHARITABLE ORGANIZATIONS
Licenses, permits and miscellaneous business regulations
Privilege license
Tax levy exemptions ..... 9-62(g)(2)

CHURCHES
Loud, raucous, disturbing or unnecessary noise..... 10.5-41(12)

CODE
Defined..... 1-2

Section

CODE OF ORDINANCES*

Alternate remedies for enforcement 1-12
Amendments or additions to Code..... 1-8
Catchlines of sections..... 1-3
Certain ordinances not affected by Code 1-13
Code and new ordinances do not affect prior offenses, rights, etc. 1-6
Copies of Code and supplements to be available for public inspection 1-10
Definitions and rules of construction 1-2
Board, etc..... 1-2
Bond 1-2
Code 1-2
Computation of time 1-2
County 1-2
Gender 1-2
G.S. 1-2
Highway 1-2
Joint authority 1-2
May, shall 1-2
Minor..... 1-2
Month 1-2
Nontechnical and technical words..... 1-2
Number 1-2
Oath 1-2
Occupant, tenant..... 1-2
Officers, boards, etc..... 1-2
Official time standard 1-2
Owner 1-2
Person 1-2
Personal property 1-2
Preceding/following 1-2
Property 1-2
Real property..... 1-2
Signature, subscription 1-2
State 1-2
Street 1-2
Swear, sworn 1-2
Tenant, occupant..... 1-2

***Note—**The adoption, amendment, repeal, omissions, effective date, explanation of numbering system and other matters pertaining to the use, construction and interpretation of this Code are contained in the adopting ordinance and preface which are to be found in the preliminary pages of this volume.

Section

CODE OF ORDINANCES (Cont'd.)
Tense 1-2
Written, in writing 1-2
Year 1-2
General penalty; continuing violations 1-11
How Code designated and cited 1-1
Provisions of Code considered as continuations of existing ordinances 1-5
Repeal of ordinance not to revive former ordinance 1-7
Severability of parts of Code 1-4
Supplementation of Code 1-9
Unified Development Ordinance by reference, adoption of 1-14

COMMUNICATIONS
Ambulance and other prehospital emergency medical services 8-29

COMPUTATION OF TIME
Defined 1-2

CONDUCT
Personal conduct
Airports 3-9

CONSTRUCTION
Construction operations
Loud, raucous, disturbing or unnecessary noise ..... 10.5-41(11)

CONTRACTS AND AGREEMENTS
Airports
Minimum requirements for fixed base operators or commercial enterprises 3-123
Cable television
Franchise agreement 6-28
Farmland protection program
Revocation of conservation agreement 6.75-34

COUNTY
Defined 1-2

COUNTY ATTORNEY
Hazardous waste and/or low-level radioactive waste management
Monitoring and safety ..... 8-79(e)

COUNTY FINANCE OFFICER
Hazardous waste and/or low-level radioactive waste management
Monitoring and safety ..... 8-79(d)

CROSS-CONNECTIONS, CONTROL OF
Connections with unapproved sources of supply 5-172
Cross-connection control—General policy 5-165
Definitions 5-166
Elimination of cross-connections: Degree of hazard 5-168

Section

CROSS-CONNECTIONS, CONTROL OF (Cont'd.)
Enforcements 5-174
Facilities requiring protection 5-171
Fire protection systems 5-173
Installation of assemblies 5-169
Right of entry 5-167
Testing and repair of assemblies 5-170

D

DANGEROUS ANIMALS. See: ANIMAL CONTROL

DANGEROUS WEAPONS. See: FIREARMS AND WEAPONS

DISCRIMINATION
Cable television discriminatory practices ..... 6-4 et seq.
See: CABLE TELEVISION

DOGS. See: ANIMAL CONTROL

E

ELECTRICAL CODE
Adopted 5-41

EMERGENCIES
Ambulance and other prehospital emergency medical services 8-26 et seq.
See: AMBULANCE SERVICES
Cable television franchises
Emergency requirements 6-48
Public safety ..... 6-5.1 et seq.
See: PUBLIC SAFETY
Water shortage; declaration of water shortage and conservation measures, response to 8-353

EMPLOYEES. See: OFFICERS AND EMPLOYEES

EQUIPMENT
Ambulance and other prehospital emergency medical services 8-28

EXHIBITION SHOWS
Parks and recreation 10.5-17

EXPLOSIVES
Airports 3-7

F

FARMLAND PROTECTION
Farmland protection program
Agricultural advisory board 6.75-30
Application, approval and appeal procedure 6.75-33
Authority 6.75-27
Consultation authority 6.75-40
County land-use planning 6.75-39

Section

FARMLAND PROTECTION (Cont'd.)
Creation of voluntary agricultural districts (VADs) 6.75-31
Definitions 6.75-29
Legal provisions 6.75-42
North Carolina agency notification 6.75-41
Public hearings 6.75-35
Public notice 6.75-36
Purpose 6.75-28
Qualifications and certification of farmland 6.75-32
Revocation of conservation agreement 6.75-34
Subdivision ordinance and zoning ordinance review 6.75-37
Title 6.75-26

Section

FEES
Airports
Landing fees 3-69

FINANCES
Cable television
General financial and insurance provisions ..... 6-90 et seq
See: CABLE TELEVISION

FIRE PREVENTION AND PROTECTION
Fire prevention and protection code ..... 5-61 et seq.
See: FIRE PREVENTION AND PROTECTION CODE
Fire regulations
Airports 3-5
Solid waste container sites 8-183

FIRE PREVENTION AND PROTECTION CODE
Adopted 5-61
Annual report 5-64
Appeals 5-65
Duties 5-63
Enforcement of fire prevention code 5-62
Penalties 5-70
Permits 5-66
Removal of obstructions; prohibited parking 5-71
Service of orders or notices 5-69
Special fees 5-67
Violations 5-68

FIREARMS AND WEAPONS
Airports 3-6
Parks and recreation 10.5-22
Posting of signs to prohibit the carrying of concealed handguns on certain county property 10-1

FIRES
Parks and recreation 10.5-15

FIREWORKS
Loud, raucous, disturbing or unnecessary noise ..... 10.5-41(8)
Parks and recreation 10.5-22

FISHING
Parks and recreation 10.5-19
Roads
Fishing from
Crains Creek McLauchlin Road bridge prohibited 11-1
Niagara-Carthage Road bridge prohibited 11-2

FLYING CLUBS (Airports)
General regulations ..... 3-3(b)

Section

FRANCHISES
Ambulance and other prehospital emergency medical services 8-51 et seq.
See: AMBULANCE SERVICES
Cable television ..... 6-22 et seq.
See: CABLE TELEVISION

FUELS AND FUELING
Airports 3-4

FUNDS AND FUNDING
Hazardous waste and/or low-level radioactive waste management
Waste clean-up fund 8-82

G

GARBAGE AND TRASH
Airports ..... 3-3(h)

GAS CODE
Adopted 5-81

GENDER
Defined 1-2

GOLF BALLS
Parks and recreation 10.5-22

G.S.
Defined 1-2

H

HAWKING, PEDDLING OR SOLICITING. See also: SOLICITING AND SOLICITATION
Loud, raucous, disturbing or unnecessary noise ..... 10.5-41(9)
Parks and recreation
Selling items prohibited 10.5-16

HAZARDOUS AND RADIOACTIVE WASTE
Hazardous waste and/or low-level radioactive waste management
Board
Chairperson 8-103
Compensation 8-106
Formation; composition 8-101
Functions and powers 8-105
Meetings; quorum 8-104
Terms 8-102
Definitions 8-78
Enforcement 8-83
In general ..... 8-83(a)
Injunction ..... 8-83(c)
Management practice enforcement ..... 8-83(d)

Section

HAZARDOUS AND RADIOACTIVE WASTE (Cont'd.)
Violation ..... 8-83(b)
Liability 8-84
Duration ..... 8-84(b)
Generally ..... 8-84(a)
Transportation ..... 8-84(c)
Monitoring and safety 8-79
Authorization of health department ..... 8-79(c)
Duties of county attorney ..... 8-79(e)
Duties of county finance officer ..... 8-79(d)
Other duties ..... 8-79(f)
Purpose ..... 8-79(a)
Operation 8-80
Certificate of need ..... 8-80(a)
Management practices orders ..... 8-80(b)
Other duties ..... 8-80(c)
Permit
Application
Generally 8-127
Description ..... 8-127(2)
Features ..... 8-127(3)
Ownership ..... 8-127(1)
Topographic map ..... 8-127(4)
Transportation route map ..... 8-127(5)
Procedure 8-128
Conditions 8-130
Fees 8-129
Required 8-126
Revocation 8-131
Privilege license tax 8-81
How tax calculated ..... 8-81(d)
Annual ..... 8-81(d)(1)
More than one facility ..... 8-81(d)(3)
Negotiation ..... 8-81(d)(4)
Quarterly payments ..... 8-81(d)(2)
Monitoring ..... 8-81(b)
Monitoring costs ..... 8-81(b)(2)
Purpose ..... 8-81(b)(1)
Other costs ..... 8-81(c)
Annual legal advice ..... 8-81(c)(5)
Attorney's fees ..... 8-81(c)(6)
Bonding ..... 8-81(c)(7)
Construction and maintenance of roads ..... 8-81(c)(3)
Loss of ad valorem taxes ..... 8-81(c)(4)
Other ..... 8-81(c)(8)
Public information ..... 8-81(c)(2)
Recordation ..... 8-81(c)(1)
Purpose of section ..... 8-81(a)
Equipment acquisition ..... 8-81(a)(1)
Equipment maintenance ..... 8-81(a)(2)

Section

HAZARDOUS AND RADIOACTIVE WASTE (Cont'd.)
Evacuation plans ..... 8-81(a)(3)
Hospital preparedness ..... 8-81(a)(6)
Initial training ..... 8-81(a)(4)
Other ..... 8-81(a)(9)
Post-closure emergency fund ..... 8-81(a)(8)
Transportation emergency fund ..... 8-81(a)(7)
Updating training ..... 8-81(a)(5)
Purpose 8-77
Title 8-76
Waste clean-up fund 8-82
Authority to disburse ..... 8-82(f)
Collection of expenditures ..... 8-82(g)
Establishment ..... 8-82(b)
How collected ..... 8-82(c)
Management ..... 8-82(d)
Procedure for closing of fund ..... 8-82(h)
Procedure for disbursement ..... 8-82(e)
Purpose ..... 8-82(a)

HEALTH AND SANITATION
Ambulance and other prehospital emergency medical services 8-26 et seq.
See: AMBULANCE SERVICES
Hazardous waste and/or low-level radioactive waste management ..... 8-76 et seq.
See: HAZARDOUS AND RADIOACTIVE WASTE
Land clearing and inert debris landfills ..... 8-201 et seq.
See: LAND CLEARING AND INERT DEBRIS LANDFILLS
Mining regulations ..... 8-276 et seq.
See: MINES AND MINING
Solid waste ..... 8-151 et seq.
See: SOLID WASTE
Water conservation ..... 8-352 et seq.
See: WATER CONSERVATION

HEATING AND AIR CONDITIONING
Heating and air conditioning Code
Adopted 5-101

HELICOPTERS
Consideration to be given to aircraft wake and helicopter rotor turbulence effect on ultralight aircraft 3-68
Take-offs and landings 3-65

HIGHWAY
Defined 1-2

HORNS
Blowing horns
Loud, raucous, disturbing or unnecessary noise ..... 10.5-41(2)

Section

HOSPITALS
Ambulance and other prehospital emergency medical services 8-26 et seq.
See: AMBULANCE SERVICES

HOTELS/MOTELS
Room occupancy and tourism development tax ..... 12-26 et seq.
See: TAXATION

HOURS OF OPERATION
Airports..... 3-66
Cable system office hours..... 6-50
Hours of sales of alcohol on Sundays 9-1
Parks and recreation 10.5-11

HUNTING
Parks and recreation 10.5-19

I

IMPOUNDMENT
Animals ..... 4-61 et seq.
See: ANIMAL CONTROL

INDEMNIFICATION
Cable television..... 6-93

Section

INSURANCE
Airports
Motor vehicles 3-35
Use conditioned on insurance ..... 3-3(e)
Ambulance and other prehospital emergency medical services 8-30
Cable television
General financial and insurance provisions ..... 6-90 et seq
See: CABLE TELEVISION

J

JOINT AUTHORITY
Defined 1-2

L

LAND CLEARING AND INERT DEBRIS LANDFILLS
General provisions, administration and enforcement
Administration 8-213
Definition of land clearing and inert debris landfill 8-211
Exemptions 8-212
Fees 8-215
Penalties for violations 8-214
Civil penalty ..... 8-214(c)
Combination of remedies ..... 8-214(e)
Continuing violation ..... 8-214(b)
Equitable remedies ..... 8-214(d)
Misdemeanor ..... 8-214(a)
Land clearing and inert debris landfills
Access 8-222
Buffer 8-223
Size 8-221
Other legal provisions
Abrogation and conflicting regulations 8-244
Amendments 8-243
Effective date 8-245
Jurisdiction 8-241
Severability 8-242
Procedure for securing approval of a land clearing and inert debris landfill
Issuance of compliance or permit 8-233
Land clearing and inert debris landfill permit application procedure 8-231
Review of the proposed landfill plan 8-232
Title 8-201

LANDSCAPING
Land clearing and inert debris landfills ..... 8-201 et seq.
See: LAND CLEARING AND INERT DEBRIS LANDFILLS

LANGUAGE
Loud, raucous, disturbing or unnecessary noise ..... 10.5-41(1)

Section

LEASES. See: RENTALS AND LEASES

LIABILITIES
Hazardous waste and/or low-level radioactive waste management 8-84

LICENSES AND PERMITS
Animals ..... 4-86 et seq.
See: ANIMAL CONTROL
Cable television franchises
Permits for non-franchised entities 6-33
Hazardous waste and/or low-level radioactive waste management
Permit ..... 8-126 et seq.
See: HAZARDOUS AND RADIOACTIVE WASTE
Privilege license tax 8-81
Land clearing and inert debris landfill permit ..... 8-231 et seq.
See: LAND CLEARING AND INERT DEBRIS LANDFILLS
Licenses, permits and miscellaneous business regulations ..... 9-1 et seq.
See: BUSINESSES
Mining permits ..... 8-301 et seq.
See: MINES AND MINING
Noise permits 10-46
Sewer use ordinance
Wastewater discharge permit application and issuance
Wastewater permits 13-62
Solid waste collector permits ..... 8-160 et seq.
See: SOLID WASTE

LITTERING
Parks and recreation 10.5-20
Solid waste container sites 8-186

LODGES AND LODGING
Room occupancy and tourism development tax ..... 12-26 et seq.
See: TAXATION

LOITERING
Solid waste container sites 8-185

M

MAINTENANCE
Aircraft, engine and accessory maintenance repair service 3-114

MANUFACTURED HOMES AND MANUFACTURED HOMES PARKS
Manufactured homes
Other legal provisions
Abrogation and conflicting regulations 9-94
Amendments 9-93
Jurisdiction 9-91
Separability 9-92

Section

MANUFACTURED HOMES AND MANUFACTURED HOMES PARKS (Cont'd.)
Procedure for securing approval to locate a manufactured home
Application procedure 11-81
Standards
Hardship extensions 9-72
Penalty waived 9-73
Requirements for manufactured homes 9-71

MASSAGE PARLORS AND MASSAGE THERAPY
Massage therapy regulations
Annual privilege license 9-52
Definitions 9-42
Employees 9-50
Enforcement and revocation of license 9-53
Exemptions 9-45
Fees 9-51
Grandfather clause 9-54
Licensing of massage therapists 9-46
Licensing of massage therapy establishments 9-47
Massage of private parts prohibited 9-43
Penalties 9-55
Posting of license 9-48
Purpose and objective 9-41
Revocation of license 9-49
Sexual arousal or stimulation prohibited 9-44

MAY, SHALL
Defined 1-2

MERCHANT MARINES
Licenses, permits and miscellaneous business regulations
Privilege license
Tax levy exemptions ..... 9-62(g)(3)

MINES AND MINING
Mining regulations
Enforcement and other legal provisions
Abrogation and conflicting regulations 8-324
Amendments 8-323
Effective date 8-326
Penalties for violations 8-321
Civil penalty ..... 8-321(c)
Combination of remedies ..... 8-321(e)
Continuing violations ..... 8-321(b)
Equitable remedies ..... 8-321(d)
Misdemeanor ..... 8-321(a)
Separability 8-322
Zoning 8-325
General provisions and administration
Administration 8-284

Section

MINES AND MINING (Cont'd.)
Definition of mine or mining operation 8-182
Fees 8-285
Jurisdiction 8-284
Size 8-283
Procedure for reviewing a mining application and issuance of a permit
Issuance of permit 8-312
Review of the proposed mining application 8-311
Procedure for securing approval for a mine or mining operation
Access 8-302
Buffer 8-303
Mining special use permit application procedure 8-301
Purpose and intent
Purpose 8-276
Title 8-277

MINOR
Defined 1-2

MONTH
Defined 1-2

MOTELS. See: HOTELS/MOTELS

MOTOR VEHICLES AND OTHER VEHICLES
Airport motor vehicles ..... 3-31 et seq.
See: AIRPORTS
Ambulance and other prehospital emergency medical services 8-28
Operation of vehicles
Loud, raucous, disturbing or unnecessary noise ..... 10.5-41(7)
Parks and recreation
Vehicles in public recreation areas 10.5-12
Pine straw purchasers
Sellers to furnish vehicle information to purchasers 9-28

N

NOISE
Airports
Noise abatement 3-67
Noise control
Burden of persuasion 10-43
Disposition of monetary penalties, fines and forfeitures 10-45
Enforcement; injunction; penalties 10-44
Exemptions 10-42
Loud, raucous, disturbing or unnecessary noise 10-41
Blowers, engines ..... 10.5-41(6)
Blowing horns ..... 10.5-41(2)
Construction operations ..... 10.5-41(11)
Fireworks ..... 10.5-41(8)

Section

NOISE (Cont'd.)
Hawking, peddling or soliciting ..... 10.5-41(9)
Language ..... 10.5-41(1)
Noise to attract attention ..... 10.5-41(5)
Operation of vehicles ..... 10.5-41(7)
Radios, phonographs, CD player, tape player, television ... 10.5-41(3)
Schools, churches, etc. ..... 10.5-41(12)
Sirens ..... 10.5-41(4)
Violent acts ..... 10.5-41(10)
Permits 10-46

NONTECHNICAL AND TECHNICAL WORDS
Defined 1-2

NUISANCES
Animals creating nuisance prohibited 4-5

NUMBER
Defined 1-2

O

OATH
Defined 1-2

OCCUPANT, TENANT
Defined 1-2

OFFENSES AND MISCELLANEOUS PROVISIONS
Noise control ..... 10-41 et seq.
See: NOISE
Posting of signs to prohibit the carrying of concealed handguns on certain county property 10-1
Location of signs ..... 10.5-1(b)
Posting of signs required ..... 10.5-1(a)

OFFICERS AND EMPLOYEES
Hazardous waste and/or low-level radioactive waste management board ..... 8-101 et seq.
See: HAZARDOUS AND RADIOACTIVE WASTE

OFFICERS, BOARDS, ETC.
Defined 1-2

OFFICIAL TIME STANDARD
Defined 1-2

OWNER
Defined 1-2

Section
PARKING

Airports
Motor vehicles
Operation, parking restricted to certain areas 3-31
Parking and storage areas 3-59

P

PARKS AND RECREATION
Authority 10.5-1
Definitions 10.5-2
Scope 10.5-3
Use of public recreation areas
Advertising, etc. 10.5-23
Alcoholic beverages 10.5-21
Authority of director to eject disorderly persons 10.5-26
Closing when necessary 10.5-25
Destruction of public recreation area property 10.5-14
Dogs and other animals 10.5-18
Enforcement 10.5-27
Exhibition shows 10.5-17
Firearms, golf balls, fireworks, etc. 10.5-22
Fires 10.5-15
General regulations 10.5-24
Establishment, enforcement of rules, regulations ..... 10.5-24(b)
Misuse of facilities ..... 10.5-24(a)
Hours of operation 10.5-11
Littering 10.5-20
Personal conduct 10.5-13
Picnic area; camping; hunting; fishing; swimming 10.5-19
Selling items prohibited 10.5-16
Vehicles in public recreation areas 10.5-12

PEDDLING. See: HAWKING, PEDDLING OR SOLICITING

PERMITS. See: LICENSES AND PERMITS

PERSON
Defined 1-2

PERSONAL PROPERTY
Defined 1-2

PETS. See: ANIMALS CONTROL

PHONOGRAPHS
Loud, raucous, disturbing or unnecessary noise ..... 10.5-41(3)

PICNIC AREA
Parks and recreation 10.5-19

PINE STRAW
Pine straw purchasers
Penalties 9-29

Section

PINE STRAW (Cont'd.)
Purchasers to require certain information of sellers 9-27
Record book required; information; to be made available to law enforcement officers on request 9-26
Sellers to furnish vehicle information to purchasers 9-28

PLATS. See: MAPS, PLATS AND SURVEYS

PLUMBING
Plumbing Code
Adopted 5-151

POLES, CABLES AND WIRES
Cable televisions construction standards ..... 6-71 et seq.
See: CABLE TELEVISION

PRECEDING/FOLLOWING
Defined 1-2

PROPERTY
Aircraft operations
Aircraft owners responsible for damages to airport property .. 3-62
Defined 1-2
Land clearing and inert debris landfills ..... 8-201 et seq.
See: LAND CLEARING AND INERT DEBRIS LANDFILLS

PUBLIC SAFETY
Ambulance, emergency medical services, first responder, rescue services and granting of franchise and contract to the operations in Moore County
Application 6-5.47
Communications 6-5.40
Definitions 6-5.37
Emergency services peer review committee (quality assurance/improvement) 6-5.45
Enforcement 6-5.44
Franchise required 6-5.46
Granting of franchise 6-5.48
Insurance requirements 6-5.41
Rates and charges 6-5.43
Records 6-5.42
Standards for
Personnel 6-5.38
Vehicles and equipment 6-5.39
Term 6-5.49
Definitions 6-5.3
Emergency management agency
Authority 6-5.5
County departmental continuity plans 6-5.14
Duties and responsibilities of coordinator 6-5.9
Emergency operations plans 6-5.10
Establishment; coordinator 6-5.6
Government immunity and exemption 6-5.7

Section

PUBLIC SAFETY (Cont'd.)
Hazardous facility planning 6-5.12
Liability 6-5.13
No private liability 6-5.8
Planning related to special needs facilities 6-5.11
Severability 6-5.16
Territorial applicability 6-5.15
Emergency telephone service (911)
Purpose 6-5.26
Fire prevention code
Adopted 6-5.27
Annual report 6-5.29
Appeals 6-5.30
Enforcement of fire prevention code 6-5.28
Penalties 6-5.34
Permits 6-5.31
Removal of obstructions; prohibited parking 6-5.35
Service of orders or notices 6-5.33
Severability clause 6-5.36
Special fees 6-5.32
Hazardous materials
Authority 6-5.22
Intent and purpose 6-5.23
Liability, cost, clean-up and disposal 6-5.25
Right of entry 6-5.24
Intent and purpose statement 6-5.2
State of emergency
Absence or disability of chairperson 6-5.21
Authority 6-5.17
Prohibitions and restrictions authorized 6-5.18
Superseding and amendatory proclamations 6-5.19
Termination of proclamation 6-5.20
Title 6-5.1
Violations 6-5.4

PUBLIC WORKS DEPARTMENT WATER ORDINANCE
Account deposits 13-154
Authority 13-151
Billing
Adjustments due to over billing or under billing 13-163
Provisions, re 13-159
Complaints 13-162
Deposit refunds 13-156
Establishing a utility account 13-153
Landlord/tenant relationship for rental properties 13-157
Leak and unexplained usage adjustments 13-164
Meter
Access to meter, meter box and premises 13-158
Reading 13-171
Tampering and water theft 13-169

Section

PUBLIC WORKS DEPARTMENT WATER ORDINANCE (Cont'd.)
Verification 13-168
Property/equipment damage 13-170
Rates
Base rate and usage charges 13-172
Modification of fees, rates or regulations 13-173
Returned payments and reversed payments 13-165
Service
Disconnection of 13-160
Reconnection of 13-161
Voluntary termination of service due to relocation 13-166
Unpaid balances and balance transfer 13-155
Voluntary disconnect and reconnect due to vacancy 13-167
Water taps 13-152

R

RABIES
Rabies control ..... 4-31 et seq.
See: ANIMALS CONTROL

RADIOACTIVE WASTE. See: HAZARDOUS AND RADIOACTIVE WASTE

RADIOS
Loud, raucous, disturbing or unnecessary noise ..... 10.5-41(3)

REAL PROPERTY
Defined 1-2

RECORDS AND REPORTS
Aircraft operations
Accident reports 3-61
Airport motor vehicles
Accidents to be reported 3-34
Ambulance and other prehospital emergency medical services 8-31
Cable television franchises ..... 6-44 et seq.
See: CABLE TELEVISION
Pine straw purchasers 9-26

RENTALS AND LEASES
Aircraft rental and lease service 3-117

REPORTS. See: RECORDS AND REPORTS

RIGHT-OF-WAYS
Cable televisions construction standards
Right-of-way construction 6-67

ROADS. See: STREETS, SIDEWALKS AND OTHER PUBLIC WAYS

Section

S

SALES
Aircraft sales 3-118
Animals ..... 4-1 et seq.
See: ANIMAL CONTROL
Parks and recreation
Selling items prohibited 10.5-16
Sale of fuel oil and transient aircraft services 3-113

SCAVENGING
Solid waste container sites 8-184

SCHOOLS
Loud, raucous, disturbing or unnecessary noise ..... 10.5-41(12)

SEWER USE ORDINANCE
Affirmative defenses to discharge violations
Bypass 13-113
Prohibited discharge standards defense 13-112
Upset 13-111
Compliance monitoring
Confidential information 13-94
Inspection and sampling 13-92
Monitoring facilities 13-91
Search warrants 13-93
Definitions and abbreviations 13-27
Enforcement
Adjudicatory hearings 13-106
Adjudicatory hearing ..... 13-106(a)
Judicial review ..... 13-106(c)
Official record ..... 13-106(b)
Administrative remedies 13-101
Administrative orders ..... 13-101(d)
Consent orders ..... 13-101(b)
Emergency suspensions ..... 13-101(e)
Notification of violation ..... 13-101(a)
Show cause hearing ..... 13-101(c)
Termination of permit or permission to discharge ..... 13-101(f)
Annual publication of significant noncompliance 13-105
Civil penalties 13-102
Other available remedies 13-103
Criminal violations ..... 13-103(a)
Injunctive relief ..... 13-103(b)
Public nuisances ..... 13-103(d)
Water supply severance ..... 13-103(c)
Remedies nonexclusive 13-104
Fees
Pretreatment program administration charges 13-54
Purpose 13-51
Surcharges 13-53
User charges 13-52

Section

SEWER USE ORDINANCE (Cont'd.)
Purpose and policy 13-26
Reporting requirements
Analytical requirements 13-80
Baseline monitoring reports 13-71
Compliance schedule progress reports 13-72
Grab and composite sample collection 13-81
Notice of violation/repeat sampling and reporting 13-78
Notification of the discharge of hazardous waste 13-79
Periodic compliance reports 13-74
Recordkeeping 13-83
Reports of
Changed conditions 13-75
From unpermitted users 13-77
Potential problems 13-76
Reports on compliance with categorical pretreatment standard, deadline 13-73
Timing 13-82
Sewer use requirements, generally
Accidental discharge/slug control plans 13-38
Dilution 13-36
Hauled wastewater 13-39
Local limits 13-33
National Categorical Pretreatment Standards 13-32
Pretreatment of wastewater 13-37
Prohibited discharge standards 13-31
Right of revision 13-35
State requirements 13-34
Wastewater discharge permit application and issuance
Wastewater dischargers 13-61
Wastewater permits
Significant industrial user
Application ..... 13-62(b)
Application review and evaluation ..... 13-62(d)
Application signatories and certification ..... 13-62(c)
Determination ..... 13-62(a)
Final action on significant industrial user permit applications ..... 13-62(g)
Permit
Conditions ..... 13-62(i)
Duration ..... 13-62(j)
Modification ..... 13-62(h)
Reissuance ..... 13-62(l)
Supporting documentation ..... 13-62(f)
Transfer ..... 13-62(k)
Tentative determination and draft permit ..... 13-62(e)

SEX AND SEXUAL BEHAVIOR
Massage therapy regulations
Massage of private parts prohibited 9-43

Section

SEX AND SEXUAL BEHAVIOR (Cont'd.)
Sexual arousal or stimulation prohibited 9-44

SHERIFF'S DEPARTMENT
Operation of aircraft while impaired; damaging aircraft or airport facilities; trespassing
Action by the sheriff's department ..... 3-10(e)

SIGNATURE, SUBSCRIPTION
Defined 1-2

SIGNS AND BILLBOARDS
Posting of signs to prohibit the carrying of concealed handguns on certain county property 10-1

SIRENS
Loud, raucous, disturbing or unnecessary noise ..... 10.5-41(4)

SOLICITING AND SOLICITATION. See also: HAWKING, PEDDLING OR SOLICITING
Airports
Solicitation of funds, advertising prohibited ..... 3-3(g)

SOLID WASTE
Authority 8-152
Collection 8-156
Collector permits
Required; exemptions 8-160
Revocation 8-161
Definitions 8-154
Disposal 8-158
Enforcement 8-162
Hazardous waste and/or low-level radioactive waste management ..... 8-76 et seq.
See: HAZARDOUS AND RADIOACTIVE WASTE
Penalties 8-163
Purpose 8-151
Scope 8-153
Solid waste container regulations
Authority 8-174
Definitions 8-176
Jurisdiction 8-175
Penalties 8-177
Preamble 8-172
Purpose 8-173
Title 8-171
Storage 8-155
Transportation 8-157
Use of container sites
Fire prevention 8-183
Littering 8-186
Loitering 8-185
Residential waste 8-181

Section

SOLID WASTE (Cont'd.)
Scavenging 8-184
Unacceptable materials 8-182

STATE
Defined 1-2

STORAGE
Solid waste 8-155

STREETS, SIDEWALKS AND OTHER PUBLIC WAYS
Cable televisions construction standards
Reservations of street rights 6-72
Roads
Fishing from
Crains Creek McLauchlin Road bridge prohibited 11-1
Niagara-Carthage Road bridge prohibited 11-2
Road name and addressing
Address administrator responsibilities 11-17
Addressing 11-19
Appeals 11-24
Enforcement 11-22
In general 11-16
Limitation of liability 11-25
Penalties 11-23
Public hearing and notice required 11-20
Road naming 11-18
Violations 11-21
Street
Defined 1-2

SUBDIVISIONS
Farmland protection program
Subdivision ordinance and zoning ordinance review 6.75-37

SWEAR, SWORN
Defined 1-2

SWIMMING
Parks and recreation 10.5-19

T

TAPE PLAYERS
Loud, raucous, disturbing or unnecessary noise ..... 10.5-41(3)

TAXATION
Hazardous waste and/or low-level radioactive waste management
Privilege license tax 8-81
Licenses, permits and miscellaneous business regulations
Privilege license
Tax levy 9-62

Section

TAXATION (Cont'd.)
Room occupancy and tourism development tax
Collection 12-28
Disposition of revenues 12-29
Levied 12-26
Payment, due date 12-27
Tourism development authority 12-30

TAXI CABS
Aircraft charter and taxi service 3-115

TELEPHONES
Cable system office telephone availability 6-50

TELEVISION
Cable television regulations ..... 6-1 et seq.
See: CABLE TELEVISION
Loud, raucous, disturbing or unnecessary noise ..... 10.5-41(3)

TENANT, OCCUPANT
Defined 1-2

TENSE
Defined 1-2

TOURISM DEVELOPMENT
Room occupancy and tourism development tax ..... 12-26 et seq.
See: TAXATION

TOXIC AND RADIOACTIVE SUBSTANCES
Airports 3-8

TRANSPORTATION
Solid waste 8-157

TRESPASSING
Airports 3-70

U

UNIFIED DEVELOPMENT ORDINANCE
(Note—Provisions pertaining to flood damage prevention and control; manufactured homes have been incorporated into the Unified Development Ordinance which is on file with the County)
Unified Development Ordinance by reference, adoption of 1-14

UTILITIES
Public works department water ordinance ..... 13-151 et seq.
See: PUBLIC WORKS DEPARTMENT WATER ORDINANCE
Sewer use ordinance ..... 13-26 et seq.
See: SEWER USE ORDINANCE

Section

V

VEHICLES FOR HIRE
Aircraft charter and taxi service 3-115

VEHICLES. See: MOTOR VEHICLES AND OTHER VEHICLES

VICIOUS ANIMALS. See: ANIMAL CONTROL

VIOLENT ACTS
Loud, raucous, disturbing or unnecessary noise ..... 10.5-41(10)

W

WATER CONSERVATION
Water Shortage Response Plan
Addor 8-351
High Falls 8-353
Hyland Hills/Niagara 8-354
Pinehurst 8-355
Robbins 8-356
Seven Lakes 8-357
The Carolina 8-352
Vass 8-358

WEAPONS. See: FIREARMS AND WEAPONS

WIRES. See: POLES, CABLES AND WIRES

WRITTEN, IN WRITING
Defined 1-2

Y

YEAR
Defined 1-2

Z

ZONING
Farmland protection program
Subdivision ordinance and zoning ordinance review 6.75-37
Mining regulations 8-325