

Location of Yard Sale

1. Yard sales shall be permitted on individual's property or at any other location with written permission being granted, in writing, prior to a permit being issued.
2. No sidewalks may be blocked for the display of goods.

Effective Date

The provisions of this ordinance shall be in effect beginning the 16th of June, 2014.

Penalty

Yard sales are subject to be checked by law enforcement officers. The first violation the individual shall receive a warning. Any individual violating any of the provisions of this Ordinance after the initial warning, may be prohibited from future yard sale permits and shall be deemed guilty of a misdemeanor, and upon conviction shall be fined a sum not exceeding \$50.00, or sentenced to 30 days in jail, or both.

YARD SALE PERMIT

This gives _____ permission to conduct a yard sale on the day of _____, and date _____, and at _____ at this time: _____.

Signature of Clerk's Office Employee

Date

Please review the rules for holding a Yard Sale as listed on this permit.

Yard Sales are subject to be checked by law enforcement officers.

Please make sure you have a permit with you during the sale.

Town of Brunswick

P.O. Box 68
Brunswick, NC 28424

Identity Theft Prevention Program

Effective beginning October 20, 2008

I. Program Adoption

The Town of Brunswick Utility developed this Identity Theft Prevention Program (“Program”) pursuant to the Federal Trade Commission’s Red Flags Rule (“Rule”), which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003. 16 C. F. R. & 681.2. This Program was developed with oversight and approval of the [Program Administrator (defined below) OR Utility Commission OR Utility Commission OR Town Council]. After consideration of the size and complexity of the Utility’s operations and account systems, and the nature and scope of the Utility’s activities, the [Program Administrator OR Utility Commission OR Town Council] determined that this Program was appropriate for the [Town of Brunswick], and therefore approved this Program on _____, 2008.

II. Program Purpose and Definitions

A. Fulfilling requirement of the Red Flags Rule

Under the Red Flag Rule, every financial institution and creditor is required to establish an “Identity Theft Prevention Program” tailored to its size, complexity and the nature of its operation. Each program must contain reasonable policies and procedures to:

1. Identify relevant Red Flags for new and existing covered accounts and incorporate those Red Flags into the Program;
2. Detect Red Flags that have been incorporated into the Program;
3. Respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft; and
4. Ensure the Program is updated periodically, to reflect changes in risks to customers or to the safety and soundness of the creditor from Identity Theft.

B. Red Flags Rule definitions used in this Program

The Red Flags Rule defines “Identity Theft” as “fraud committed using the identifying information of another person” and a “Red Flag” as “a pattern, practice, or specific activity that indicates the possible existence of Identity Theft.”

According to the Rule, a municipal utility is a creditor subject to the Rule requirements. The Rule defines creditors “to include finance companies, automobile dealers, mortgage brokers, utility companies, and telecommunications companies. Where non-profit and government entities defer payment for goods or services, they, too, are to be considered creditors.”

All the Utility’s accounts that are individual utility service accounts held by customers of the utility whether residential, commercial or industrial are covered by the Rule. Under the Rule, a “covered account” is:

1. Any account the Utility offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions; and
2. Any other account the Utility offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the Utility from Identity Theft.

“Identifying information” is defined under the Rule as “any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, “including: name, address, telephone number, alien registration number, government issued driver’s license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer’s Internet Protocol address, or routing code.

III. IDENTIFICATION OF RED FLAGS

In order to identify relevant Red Flags, the Utility considers the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its accounts, and its previous experiences with Identify Theft. The Utility identifies the following red flags, in each of the listed categories:

A. Notifications and Warnings From Credit Reporting Agencies

Red Flags

- 1) Report a fraud accompanying a credit report;
- 2) Notice of report from a credit agency of a credit freeze on a customer or applicant;
- 3) Notice of report from a credit agency of an active duty alert for an applicant; and
- 4) Indication from a credit report of activity that is inconsistent with a customer’s usual pattern of activity.

B. Suspicious Documents

Red Flags

1. Identification document or card that appears to be forged, altered or inauthentic;
2. Identification document or card on which a person’s photograph or physical description is not consistent with the person presenting the document.
3. Other document with information that is not consistent with existing customer information (such as if a person’s signature on a check appears forged); and
4. Application for service that appears to have been altered or forged.

C. Suspicious Personal Identifying Information

Red Flags

1. Identifying information that is inconsistent with other information the customer provides (example: inconsistent birth dates);
2. Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report);
3. Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
4. Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
5. Social security number presented that is the same as one given by another person;
6. An address or phone number presented that is the same as one given by another customer;
7. A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law social security numbers must not be required); and
8. A person's identifying information is not consistent with the information that is on file for the customer.

D. Suspicious Account Activity or Unusual Use of Account

Red Flags

1. Change of address for an account followed by a request to change the account holder's name;
2. Payments stop on an otherwise consistently up-to-date account;
3. Account used in a way that is not consistent with prior use (example: (very high activity));
4. Mail sent to the account holder is repeatedly returned as undeliverable;
5. Notice to the Utility that a customer is not receiving mail sent by the utility;
6. Notice to the Utility that an account has unauthorized activity;
7. Breach in the Utility's computer system; and
8. Unauthorized access to or use of customer account information.

D. Alerts from Others

Red Flags

1. Notice to the Utility from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

IV. DETECTING RED FLAGS.

A. New Accounts

In order to detect any of the Red Flags identified above associated with the opening of a **new account**, Utility personnel will take the following steps to obtain and verify the identity of the person opening the account:

Detect

1. Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;
2. Verify the customer's identity (for instance, review a driver's license or other identification card);
3. Review documentation showing the existence of a business entity; and
4. Independently contact the customer.

B. Existing Accounts

In order to detect any of the Red Flags identified above for an **existing account**, Utility personnel will take the following steps to monitor transactions with an account;

Detect

1. Verify the identification of customers if they request information (in person, via telephone, via facsimile, via email);
2. Verify the validity of requests to change billing addresses; and
3. Verify changes in banking information given for billing and payment purposes.

V. PREVENTING AND MITIGATING IDENTITY THEFT

In the event Utility personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

Prevent and Mitigate

1. Continue to monitor an account for evidence of identity theft;
2. Contact the customer;
3. Change any passwords or other security devices that permit access to accounts;
4. Not open a new account;
5. Close an existing account;
6. Reopen an account with a new number;
7. Notify the Program Administrator for determination of the appropriate step(s) to

- take;
- 8. Notify law enforcement; or
- 9. Determination that no response is warranted under the particular circumstances:

Protect customer identifying information

In order to further prevent the likelihood of Identity Theft occurring with respect to Utility accounts, the Utility will take the following steps with respect to its internal operating procedures to protect customer identifying information:

1. Ensure that its website is secure or provide clear notice that the website is not secure;
2. Ensure complete and secure destruction of paper documents and computer files containing customer information;
3. Ensure that office computers are password protected and that computer screens lock after a set period of time;
4. Keep offices clear of papers containing information;
5. Request only the last 4 digits of social security numbers (if any);
6. Ensure computer virus protection is up to date; and
7. Require and keep only the kinds of customer information that are necessary for utility purposes.

VI. PROGRAM UPDATES

The Program Administrator will periodically review and update this Program to reflect changes in risks to customers and the soundness of the Utility from Identity Theft. In doing so, the Program Administrator will consider the Utility's experiences with Identity Theft situations, changes in Identity Theft methods, changes in Identity Theft and prevention methods, and changes in the Utility's business arrangements with other entities. After considering these factors, the Program Administrator will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Program Administrator will update the Program or present the [Utility Commission OR Town Council] with his or her recommended changes and the [Utility Commission OR the Town Council] will make a determination of whether to accept, modify or reject those changes to the Program.

VII. PROGRAM ADMINISTRATION

A. Oversight

Responsibility for developing, implementing and updating this Program lies with an Identity Theft Committee for the Utility. The Committee is headed by a Program Administrator who may be the head of the Utility or his or her appointee. Two or more other individuals appointed by the head of the Utility or the Program Administrator comprise the remainder of the committee membership. The Program Administrator will

be responsible for the Program administration , for ensuring appropriate training of Utility staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.

B. Staff Training and Reports

Utility staff responsible for implementing the Program shall be trained either by or under the direction of the Program Administrator in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected. *(The Utility may include in its Program how often training is to occur. The Program may also require staff to provide reports to the Program Administrator on incidents of Identity Theft, the Utility's compliance with the Program and the effectiveness of the Program.)*

C. Service Provider Arrangements

In the event the Utility engages a service provider to perform an activity in connection with one or more accounts, the Utility will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.

1. Require, by contract, that service providers have such policies and procedures in place; and
2. Require, by contract, that service providers review the Utility's Program and report any Red Flags to the Program Administrator.

Town of Brunswick

P. O. BOX 68
BRUNSWICK, NORTH CAROLINA 28424

DeLone, Duncan
Mayor

DEBORAH S. JOHNSON
Town Clerk

ANIMALS AND FOWL

Section 14 -

Running at large - Generally:

No person shall permit any dog owned or harbored by him to be at large within the Town unless accompanied by and under the control of a responsible person at all times and unless such dog is wearing a collar with vaccination tag as required by this article.

Section 15 -

Biting, dangerous and vicious dogs:

Any person who owns, controls or harbors a dog which has bitten or attempted to bite any person, or is known to be vicious or dangerous, shall keep such dog confined on his own premises, and it shall be unlawful for him to cause or permit such dog to run at large.

Section 16 -

Female dogs in heat:

It shall be unlawful for any person who owns or harbors any female dog to cause or permit such dog to run at large within the Town while in the oestrus or sexual heat period.

Section 17 -

Penalty:

Failure to comply with any part of the above ordinances shall be subject to a \$ 10.00 penalty for each offense payable to the Town of Brunswick.

The above ordinance was passed this 18th day of April 1978 and will become effective July 1, 1978. Donce J. Powell made the motion to adopt the above ordinance seconded by Robert H. Hardie. (Unanimous)

Deborah S. Johnson
ATTEST TOWN CLERK

DeLone Duncan
MAYOR

ORDINANCE #92-6
ORDINANCE ESTABLISHING A NON-DISCRIMINATION
POLICY FOR THE TOWN OF BRUNSWICK

WHEREAS, it is the intent of the Town of Brunswick to provide services to the citizens of the Town of Brunswick in a non-discriminatory manner; and

WHEREAS, it is the intent of the Town of Brunswick to provide equal employment opportunities in the Town's employment practices;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Brunswick, North Carolina, that a non-discrimination policy is hereby adopted as follows:

It is the policy of the Town of Brunswick that services provided by the Town and employment with the Town shall be on the basis of fair treatment without regard to age, sex, race, color, religion, national origin, non-job related disability, political affiliation or marital status.

This the 23rd day of November, 1992.

Attest: Margaret Williams Moved by: Nancy Hie
Town Clerk

Seconded by: Clay McGlothlin

Bennett J. Williams
Mayor

Approved as to Form: William H. Harper
Town Attorney

AN ORDINANCE AMENDING THE ORDINANCES
THE TOWN OF BRUNSWICK

BE IT ORDAINED by the Town Council of the Town of Brunswick, North Carolina, that the Code of Ordinances of the Town of Brunswick be amended as follows:

Part 1. That the Minimum Housing Code, is hereby amended and rewritten in its entirety to read as follows:

"MINIMUM HOUSING STANDARDS

Section 1. Findings; Purpose; Authority.

Pursuant to Section 160A-441 of the General Statutes of North Carolina, it is hereby found and declared that there exist in the Town and its Extraterritorial Jurisdiction dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents and other calamities, lack of ventilation, light and sanitary facilities, and due to other conditions rendering such dwellings unsafe and unsanitary, and dangerous and detrimental to the health, safety and morals, and otherwise inimical to the welfare of the residents of Brunswick.

In order to protect the health, safety and welfare of the residents of the Town, as authorized by Part 6 of Article 19, Chapter 160A of the General Statutes of North Carolina, it is the purpose of this Chapter to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by Section 160A-444 of the General Statutes of North Carolina.

In addition, it is hereby found and declared, under the authority of North Carolina General Statutes 160A-174, that there exist in the Town dwellings which, although not meeting the classification as unfit for human habitation, fail to fully comply with all the minimum standards for housing fitness as established herein and therefore have present one or more conditions which are inimical to the public health, safety and general welfare. Such conditions, if not corrected can lead to deterioration and dilapidation of dwellings which render them unfit for human habitation.

Section 2. Scope.

- (a) This Chapter is hereby declared to be remedial and shall be construed to secure the beneficial interests and purposes thereof which are public safety, health and general welfare through structural strength, stability, sanitation, adequate light and ventilation and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of dwellings, apartment houses, rooming houses or buildings, structures or premises used or intended for use as such.

- (b) The provisions of this Chapter shall apply to all existing housing and to all housing hereafter constructed within the Town. Portable, mobile or demountable buildings or structures, including trailers, manufactured homes and mobile homes when used or intended for use for housing within the jurisdiction, shall be subject to the applicable provisions of this Chapter. This Chapter establishes minimum requirements for the initial and continued occupancy of all buildings used for human habitation and does not replace or modify requirements otherwise established for the construction, repair, alteration or use of buildings, equipment or facilities except as provided in this Chapter.
- (c) The provisions of this Chapter shall also apply to abandoned structures which are found by the Town Council to be a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children or frequent use by vagrants as living quarters in the absence of sanitary conditions.

Section 3. Definitions.

The following definitions shall apply in the interpretation and enforcement of this Chapter:

Abandoned Structure. Any structure, whether designed and intended for residential or other uses, which has been vacant or not in active use, regardless of purpose or reason, for the past two-year period and which is determined by the Housing Inspector to be unfit for human habitation or occupancy based upon the standards as set forth in this Chapter.

Basement. A portion of a building which is located partly underground, having access to light and air from windows located above the level of the adjoining ground.

Cellar. A portion of a building located partly or wholly underground having inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.

Deteriorated Dwelling. A dwelling that is unfit for human habitation and can be repaired, altered or improved to comply with all of the minimum standards established by this Chapter, *at a cost not in excess of fifty percent of its value*, as determined by finding of the Housing Inspector.

Dilapidated Dwelling. A dwelling that is unfit for human habitation and cannot be repaired, altered or improved to comply with all of the minimum standards established by this Chapter, *at a cost not in excess of fifty percent of its value*, as determined by finding of the Housing Inspector.

Dwelling. Any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any accessory buildings and structures and appurtenances belonging thereto or usually enjoyed therewith, except that it does not include any manufactured home or mobile home, which is used solely for a seasonal vacation purpose.

Dwelling Unit. Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

Extermination. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods approved by the Housing Inspector.

Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Habitable room. A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, heater rooms, foyers or communicating corridors, closets and storage spaces.

Housing Inspector. The person appointed by the Town Manager to carry out the administration and enforcement of this Chapter.

Infestation. The presence, within or around a dwelling, of any insects, rodents or other pests in such number as to constitute a menace to the health, safety or welfare of the occupants or to the public.

Manufactured Home (Mobile Home). A structure as defined in G.S. 143-145(7).

Multiple Dwelling. Any dwelling containing more than two dwelling units.

Occupant. Any person over one year of age living, sleeping, cooking or eating in, or having actual possession of, a dwelling unit or rooming unit.

Operator. Any person who has charge, care or control of a building or part thereof, in which dwelling units or rooming units are let.

Owner. The holder of the title in fee simple and every mortgagee of record.

Parties in Interest. All individuals, associations and corporations who have interests of record in a dwelling and any who are in possession thereof.

Public Authority. Any housing authority or any officer who is in charge of any department or branch of the government of the Town, County, or State relating to health, fire, building regulations, or other activities concerning dwellings in the Town.

Rooming House. Any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not husband and wife, son or daughter, mother or father or sister or brother of, the owner or operator.

Rooming Unit. Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Rubbish. Combustible and noncombustible waste materials except garbage and ashes, and the term shall include, but not be limited to, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery and dust.

Supplied. Paid for, furnished or provided by, or under the control of, the owner or operator.

Whenever the words "dwelling", "dwelling unit", "rooming house", "rooming unit" or "premises" are used in this Article, they shall be construed as though they were followed by the words "or any part thereof".

Section 4. Office of Housing Inspector Created; Powers and Duties.

For the purposes of administering and enforcing the provisions of this Chapter the office of Housing Inspector is hereby created. The Housing Inspector shall be appointed by the Town Manager, and shall have such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this Chapter, including, without limiting the generality of the foregoing, in addition to others herein granted, the following powers:

(a) Investigations

To investigate the dwelling and building conditions in the Town in order to determine which dwellings therein are unfit for human habitation and dangerous, being guided in such examination of dwellings and buildings by the requirements set forth in this Chapter.

(b) Oaths, witnesses, etc.

To administer oaths and affirmations and to examine witnesses and receive evidence.

(c) Right of Entry

To enter upon and within premises and dwellings for the purpose of making examinations and investigations; provided, that such entries shall be made in such a manner as to cause the least possible inconvenience to the persons in possession.

(d) Warrants; Citations, etc.

To swear criminal warrants, issue civil citations and to take such other actions as may be necessary to carry out the enforcement procedures of this Chapter.

(e) Delegation of functions, etc.

To delegate any of his functions and powers under this Chapter to such officers and agents as he may designate.

Section 5. Inspections.

For the purpose of carrying out the intent of this Chapter, the Housing Inspector, upon proper identification, is hereby authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming houses, rooming units and premises, including abandoned structures. The owners or occupants of every dwelling, dwelling unit, rooming unit, or rooming house, or the person in charge thereof, shall give the Housing Inspector free access to such dwelling, dwelling unit, rooming house or rooming unit, and its premises, at all reasonable times for the purposes of such inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, and its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this Chapter or with any lawful order issued pursuant to the provisions of this Chapter.

Section 6. Preliminary Investigations; Notices; Hearings.

Whenever a petition is filed with the Housing Inspector by a public authority or by at least five (5) residents of the Town charging that any dwelling is unfit for human habitation or whenever it appears to the Housing Inspector (on his own motion) that any dwelling is unfit for human habitation, the Housing Inspector shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner and parties in interest in such dwellings a complaint stating the charges in that respect and containing a notice that a hearing will be held before the Housing Inspector (or his designated agent) at a place within the Town therein fixed not less than 10 days nor more than 30 days after the serving of the complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Housing Inspector.

Upon the issuance of a complaint and notice of hearing pursuant to this Section, the Inspector may cause the filing of a notice of lis pendens, with a copy of the complaint and notice of hearing attached thereto, in the Office of the Clerk of Superior Court of Columbus County, to be indexed and cross-indexed in accordance with the indexing procedures of the North Carolina General Statutes. The Inspector shall cause a copy of the notice of lis pendens to be served upon the owners and parties in interest in the dwelling at the time of filing in accordance with Section 160A-445 of the North Carolina General Statutes, as applicable. Upon compliance with the requirements of any order issued based upon such complaint and hearing, the Inspector shall direct the Clerk of Superior Court to cancel the notice of lis pendens.

Section 7. Dwelling Unfit for Human Habitation.

The Housing Inspector shall determine that a dwelling is unfit for human habitation if he finds that any one of the following conditions exist in such dwelling:

- (a) Interior walls or vertical studs which seriously list, lean or buckle to such an extent as to render the dwelling unsafe.
- (b) Supporting member or members which show thirty-three (33) percent or more damage or deterioration, or non-supporting, enclosing or outside walls or covering which shows fifty (50) percent or more of damage or deterioration.
- (c) Floors or roofs which have improperly distributed loads, which are overloaded or which have insufficient strength to be reasonably safe for the purpose used.
- (d) Such damage by fire, wind or other causes as to render the dwelling unsafe.
- (e) Dilapidation, decay, unsanitary conditions or disrepair which is dangerous to the health, safety or welfare of the occupants or other people in the Town.
- (f) Inadequate facilities for egress in case of fire or panic.
- (g) Defects significantly increasing the hazards of fire, accident or other calamities.
- (h) Lack of adequate ventilation, light, heating or sanitary facilities to such extent as to endanger the health, safety or general welfare of the occupants or other residents of the Town.
- (i) Lack of proper electrical, heating or plumbing facilities required by this Chapter which constitutes a definite health or safety hazard.
- (j) Lack of connection to a potable water supply and/or to the public sewer or other approved sewage disposal system, the lack of either one of which renders a dwelling unfit for human habitation. For the purposes of this standard, a dwelling is not connected to a potable water supply if the water supply has been "cut off" because of nonpayment of the water bill or otherwise or if the system for any reason is not receiving a flow of potable water to the tap.

In addition to the ten (10) conditions stated above, any one of which renders a dwelling unfit for human habitation, the Housing Inspector shall determine that a dwelling is unfit for human habitation if he finds that a dwelling fails to fully comply with seven (7) or more of the following enumerated standards of dwelling fitness:

STRUCTURAL STANDARDS

Structural Integrity

- (1) Walls, partitions, supporting members, sills, joists, rafters or other structural members shall not list, lean or buckle, shall not be rotted, deteriorated or damaged, and shall not have holes or cracks which might admit rodents.

Supports

- (2) Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used.

Foundations

- (3) Foundations, foundation walls, piers or other foundation supports shall not be deteriorated or damaged.

Steps

- (4) Steps, stairs, landings, porches or other parts or appurtenances shall be maintained in such condition that they will not fail or collapse.

Egress

- (5) Adequate facilities for egress in case of fire or panic shall be provided.

Interior Materials

- (6) Interior walls and ceilings of all rooms, closets and hallways shall be furnished of suitable materials which will, by use of reasonable household methods, promote sanitation and cleanliness, and shall be maintained in such a manner so as to enable the occupants to maintain reasonable privacy between various spaces.

Weatherization

- (7) The roof, flashings, exterior walls, basement walls, floors and all doors and windows exposed to the weather shall be constructed and maintained so as to be weather and watertight.

Chimneys

- (8) There shall be no chimneys or parts thereof which are defective, deteriorated or in danger of falling, or in such condition or location as to constitute a fire hazard.

Floors

- (9) There shall be no use of the ground for floors, or wood floors on the ground.

PLUMBING STANDARDS

Facilities

- (10) Each dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, water closet, and an adequate supply of both cold water and hot water. All water shall be supplied through an approved pipe distribution system connected to a potable water supply. For the purposes of this standard, a dwelling is not connected to a potable water supply if the water supply has been "cut off" because of non-payment of the water bill or otherwise or if the system for any reason is not receiving a flow of potable water to the tap.

Maintenance

- (11) All plumbing fixtures shall meet the standards of the Town Plumbing Code and shall be maintained in a state of good repair and in good working order.

Accessible

- (12) All required plumbing fixtures shall be located within the dwelling and be accessible to the occupants of the same. The water closet and tub or shower shall be located in a room or rooms affording privacy to the user.

HEATING STANDARDS

Generally

- (13) Every dwelling shall have facilities for providing heat in accordance with either paragraph (a) or (b) below. Such facilities shall be maintained in a state of good repair and good working order.
- (a) Central and electrical heating systems. Every central or electric heating system shall be of sufficient capacity so as to heat all habitable rooms, bathrooms and water closet compartments in every dwelling to which it is connected with a minimum temperature of seventy (70) degrees Fahrenheit measured at a point three (3) feet above the floor during average winter conditions.
- (b) Other heating facilities. Where a central or electric heating system is not provided, each dwelling shall be provided with sufficient electrical receptacles, fireplaces, chimneys, flues or gas vents whereby heating appliances may be connected so as to heat all habitable rooms, bathrooms and water closet compartments with a minimum temperature of seventy (70) degrees Fahrenheit measured three (3) feet above the floor during average winter conditions.

ELECTRICAL STANDARDS

Wiring

- (14) Every dwelling shall be wired for electric lights and convenience receptacles. Every habitable room shall contain at least two floor or wall type electrical convenience

receptacles, connected in such manner as determined by the Town Electric Code. There shall be installed in every bathroom, water closet room, laundry room and furnace room at least one supplied ceiling or wall type electric light fixture. In the event wall or ceiling light fixtures are not provided in any habitable room, then each such habitable room shall contain at least three floor or wall type electric convenience receptacles.

Hall Lights

- (15) Every public hall and stairway in every multiple dwelling shall be adequately lighted by electric lights at all times when natural light is not sufficient.

Maintenance

- (16) All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, capable of being used, and installed in accordance with the Town Electric Code.

VENTILATION STANDARDS

Generally

- (17) Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be ten percent of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light obstructions are located less than five feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight type window in the top of such a room, the total window area of such skylight shall equal at least fifteen percent of the total floor area of such room.

Habitable rooms

- (18) Every habitable room shall have at least one window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total openable window area in every habitable room, shall be equal to at least forty-five percent of the minimum window area size or minimum skylight type window size as required, or shall have other approved equivalent ventilation.

Bathroom and water closet room

- (19) Every bathroom equipped with more than one water closet compartment shall comply with the light and ventilation requirements for habitable rooms.

SPACE, USE AND LOCATION STANDARDS

Room sizes

- (20) Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the Town Residential Building Code. (Floor area shall be calculated on the basis of habitable room area. However, closet area and wall area within the dwelling may count for not more than ten percent of the required habitable floor area. The floor area of any part of any room where the ceiling height is less than four and one-half feet shall not be considered as a part of the floor area in computing the total area of the room to determine maximum permissible occupancy.) Every dwelling unit shall contain at least one hundred fifty (150) square feet of habitable floor area for the first occupant, at least one hundred (100) square feet of additional habitable area for each of the next three (3) occupants, and at least seventy-five (75) square feet of additional habitable floor area for each additional occupant. In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty (50) square feet of floor area for each occupant twelve (12) years of age and over, and at least thirty-five (35) square feet of floor area for each occupant under twelve (12) years of age.

Ceiling Height

- (21) At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven feet and six inches.

Cellar

- (22) No cellar shall be used for living purposes unless:
- (a) the floor and walls are substantially watertight;
 - (b) the total window area, total openable window area and ceiling height are equal to those required for a habitable room;
 - (c) the required minimum window area of every habitable room is entirely above the grade adjoining such window area, except where the windows face a stairwell, window well or access way.

SAFE AND SANITARY MAINTENANCE STANDARDS

Exterior foundation, walls and roofs

- (23) Every foundation wall, exterior wall and exterior roof shall be substantially weather tight and rodent proof; shall be kept in sound condition and good repair; shall be capable of affording privacy; shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon. Every exterior wall shall be protected with paint or

other protective covering to prevent the entrance or penetration of moisture or the weather.

Interior floors, walls and ceilings

- (24) Every floor, interior wall and ceiling shall be substantially rodent proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

Windows and doors

- (25) Every window, exterior door, basement or cellar door and hatchway shall be substantially weather tight, water tight and rodent proof; and shall be kept in sound working condition and good repair.

Stairs porches and appurtenances

- (26) Every inside and outside stair, porch and any appurtenances thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.

Bathroom and kitchen floors

- (27) Every bathroom and kitchen floor surface and water closet compartment floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in sound condition and good repair.

Supplied facilities

- (28) Every supplied facility, piece of equipment or utility which is required under this Chapter shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.

Drainage

- (29) Every yard shall be properly graded so as to obtain thorough drainage and so as to prevent the accumulation of stagnant water.

Smoke Detector Systems

- (30) Every dwelling unit shall be provided with an approved listed smoke detector installed in accordance with the manufacturer's recommendations and listing. When activated, the detector shall provide an audible alarm. The detector shall be tested in accordance with and meet the requirements of UL 217, Single and Multiple Station Smoke Detectors.

INSECT, RODENT AND INFESTATION CONTROL STANDARDS

Screens

- (31) For protection against mosquitoes, flies and other insects every dwelling shall have:
- (a) Supplied and installed screens on every door opening leading directly from the dwelling to outdoor space. Except, that sliding doors, doors with self closing devices, doors on mobile homes with self closing devices and doors that open into rooms of living spaces that are artificially ventilated or air conditioned are exempt from this provision.
 - (b) Supplied and installed screens on every window or other device with an opening to outdoor space, except that this requirement shall not apply for any room or rooms of a dwelling that are ventilated year round with an operable and installed heating and air conditioning system.

Rodent control

- (32) Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be supplied with screens installed or such other approved device as will effectively prevent their entrance.

Infestation

- (33) Every dwelling shall be maintained in a manner to be free of any infestations of insects, rodents or other pests. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Whenever infestation exists in two or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner.

Rubbish storage and disposal

- (34) Every dwelling shall be supplied with approved containers and covers for storage of rubbish as required by Town ordinances, and the owner, operator or agent in control of such dwelling or dwelling unit shall be responsible for the removal of rubbish.

Garbage storage and disposal

- (35) Every dwelling shall be supplied with an approved garbage disposal facility, which may be an adequate mechanical garbage disposal unit (mechanical sink grinder) in each

dwelling unit or an incinerator unit, to be approved by the Inspector, in the structure for the use of the occupants of each dwelling unit, or an approved outside garbage container as required by Town ordinances.

ROOMING HOUSE STANDARDS

All of the provisions of this Chapter, and all of the minimum standards and requirements of this Article, shall be applicable to rooming houses, and to every person who operates a rooming house or who occupies or lets to another for occupancy any rooming unit in any rooming house, except as provided in the following Subsections:

Water closet, hand lavatory and bath facilities

- (36) At least one water closet, lavatory basin and bathtub or shower, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each four rooms within a rooming house wherever such facilities are shared. All such facilities shall be located within the residence building served, shall be directly accessible from a common hall or passageway and shall not be more than one story removed from any of the persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. Such required facilities shall not be located in a cellar.

Minimum floor area for sleeping purposes

- (37) Every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty (50) square feet of floor area for each occupant twelve (12) years of age and over and at least thirty-five (35) square feet of floor area for each occupant under twelve (12) years of age.

Sanitary conditions

- (38) The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for the sanitary maintenance of every other part of the rooming house; and shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the rooming house is contained is leased or occupied by the operator.

Sanitary facilities

- (39) Every water closet, flush urinal, lavatory basin and bathtub or shower required by Subsection (36) of this Section shall be located within the rooming house and within a room or rooms which afford privacy and are separate from the habitable rooms, and which are accessible from a common hall and without going outside the rooming house or through any other room therein.

[Note: Full compliance with a standard means that if any part of the stated standard is not complied with by a particular dwelling then that dwelling has failed to fully comply with the enumerated standard. For example, in regard to standard #10, if all standards are met in a dwelling except that a supply of hot water is not provided then the dwelling fails to fully comply with standard #10.]

Section 8. Dwellings Not in Compliance But Not Unfit for Human Habitation.

In any case where the Housing Inspector determines that a dwelling fails to fully comply with one or more but less than seven (7) of the above enumerated standards of dwelling fitness, such dwelling shall not be found to be unfit for human habitation and shall not be subject to the procedures and remedies as provided for in this Ordinance for dwellings unfit for human habitation. Each such failure or noncompliance, however, shall constitute a violation of the terms of this Ordinance and shall subject the violator to the penalties and enforcement procedures, civil or criminal or both, of General Penalties Ordinance. In making the determination as described in this Section, the Housing Inspector shall not be required to make notice and hold the hearing as called for in Section 88-06, but the Housing Inspector may do so if the determination of the severity and classification of dwelling fitness is not clear to the Housing Inspector upon preliminary investigation.

Section 9. Procedure After Hearing; Order.

If, after notice and hearing, the Housing Inspector determines that the dwelling under consideration is unfit for human habitation in accordance with the standards set forth above, he shall state in writing his findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order:

- (a) If the repair, alteration or improvement of the dwelling can be made at a cost of less than fifty (50) percent of the value of the dwelling, requiring the owner, within the time specified, to repair, alter or improve the dwelling in order to render it fit for human habitation or to vacate and close the dwelling as a human habitation, based upon the Housing Inspector's standards for closing dwellings;

OR

- (b) If the repair, alteration or improvement of the dwelling cannot be made at a cost of less than fifty (50) percent of the value of the dwelling, requiring the owner, within the time specified in the order, to remove or demolish such dwelling.

If, after notice and hearing the Housing Inspector determines that the dwelling under consideration is not unfit for human habitation but is not in full compliance with one or more standards of dwelling fitness as set forth above, he may proceed with the enforcement procedures of General Penalties Provisions Ordinance, either civil or criminal or both.

Whenever a determination is made pursuant to Subsections (a) or (b) of this Section that a dwelling must be vacated and closed, or removed or demolished, under the provisions of the

Section, notice of the order shall be given by first-class mail to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notices. A minimum period of forty-five (45) days from the mailing of such notice shall be given before removal or demolition by action of the Inspector, to allow the opportunity for any organization to negotiate with the owner to make repairs, lease, or purchase the property for the purpose of providing affordable housing. The Inspector shall certify the mailing of the notices, and the certifications shall be conclusive in the absence of fraud. Only an organization that has filed a written request for such notices may raise the issue of failure to mail such notices, and the sole remedy shall be an order requiring the Inspector to wait forty-five (45) days before causing removal or demolition.

Section 10. Failure to Comply with Order.

- (a) If the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the Housing Inspector may:
 - (1) Cause the dwelling to be repaired, altered or improved or to be vacated and closed.
 - (2) Cause to be posted on the main entrance of any such dwelling, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a violation of this Chapter.
- (b) If the owner fails to comply with an order to repair, alter or improve or to remove or demolish the dwelling, the Housing Inspector may:
 - (1) Cause such dwelling to be vacated and removed or demolished.
 - (2) Cause to be posted on the main entrance of any such dwelling, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a violation of this Chapter.
- (c) The duties of the Housing Inspector set forth in Subsections (a) and (b) shall not be exercised until the Town Council shall have by ordinance ordered the Housing Inspector to proceed to effectuate the purpose of this Chapter with respect to the particular property or properties which the Housing Inspector shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with the Housing Code. For the purposes of this subsection, a period of ninety (90) days following the date of the Housing Inspector's order shall constitute a reasonable opportunity. This ordinance shall be recorded in the Office of the Register of Deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index.

The consumer shall guarantee proper protection for the Town's improvements placed at the consumer's property line or curb line and shall permit access to it only by authorized representatives of the Town.

In the event that any loss or damage to the property of the Town or any accident or injury to persons or property is caused by or results from the negligence or wrongful act of the consumer, his agents or employees, the cost of the necessary repairs or replacement shall be paid by the consumer to the Town; and any other liability otherwise resulting shall be assumed by the consumer.

The amount of such loss or damage or the cost of repairs will be added to the consumer's bill; and if not paid, service may be discontinued by the Town.

Duly authorized agents of the Town shall have access at all reasonable hours to the premises of the consumer for the purpose of installing or removing Town property, inspecting, piping, reading or testing or for any other purpose in connection with the Town's sewer service and facilities.

Each consumer shall grant or convey or shall cause to be granted or conveyed, to the Town a perpetual easement and right-of-way across any property owned or controlled by the consumers wherever said perpetual easement and right-of-way is necessary for the Town's sewer facilities and lines so as to be able to furnish sewer service to the customer.

PROHIBITED ACTIVITIES

It shall be unlawful for any person to:

- A. Remove, damage or interfere with the functioning of any pipe, main, manhole, manhole cover, building, apparatus or equipment used in the collection, conveyance or treatment of sewage or industrial waste.
- B. Place or cause to be placed in any manhole or sewer pipe or main any material which results, or is likely to result, in the stopping or obstructing of the normal flow of sewage or waste.
- C. Introduce any substance, either solid, liquid, or gaseous, into the sewer system of the Town, at manholes or in any other way, except through a proper connection, under specific permit or as hereinafter provided.
- D. Discharge into the sewer system or cause to be discharged into the sewer system the sludge resulting from pre-treatment of waters or waste waters.
- E. Discharge or cause to be discharged into any sanitary sewer any storm water, surface water, ground water, roof runoff, subsurfacing drainage, or other unpolluted water. It shall also be unlawful to discharge sewage, directly or indirectly, into any storm sewer system.

TAPPING AND TAPPING FEES

The Town, through its officers, employees, or agents, shall control the tying on or tapping of water or sewer lines inside and outside the city limits at a fee the Town Council from time to time may establish. The charge for any connection shall be paid to the Town Treasurer at the time of making application for a permit. It shall be unlawful to make any new water or sanitary sewer connection before the connection charges have been paid in full. Penalty, see section 10.99.

INDUSTRIAL WASTEWATER DISCHARGE PERMITS

It shall be unlawful to discharge any wastewater except as authorized by the Town Manager or Public Works Director and in accordance with the provisions of this resolution. Any person desiring to commence discharging industrial waste, or any other waste other than domestic type waste into the City sewer system shall obtain a permit prior to commencing the discharge of

such waste into any sanitary sewer of the Town of ~~Brunswick~~. Any person discharging industrial waste or nondomestic type waste and not holding a valid discharge permit shall file a Town provided application for a permit.

If after consultation with its consulting engineers the Town of Brunswick determines that pretreatment of industrial waste shall be required before disposal into the Town of Brunswick sewer system, a permit shall be negotiated and adopted. Prior to discharge of industrial waste and prior to execution of said permit contract all applicable Federal pretreatment standards, and State pretreatment standards shall be adhered to by the discharger.

For those consumers requiring pretreatment application contracts, special reporting provisions shall be required of those dischargers and made a part of any separate executed permit contract. In addition, extra and additional wastewater treatment charges may be required of said discharger. All special reporting and additional cost for receiving discharges from these consumers shall be outlined and specifically made part of any separate and special permit contracts enacted by the Town. The following special requirements shall be adhered to:

Sewer Use Regulations

50.35 DEFINITIONS

1. Sanitary Sewer is the designated municipal sanitary sewerage system of the Town of Brunswick North Carolina, that can receive domestic sewage and industrial waste, as determined by the approving authority.
2. Domestic Sewage is that liquid waste from bathrooms, toilet rooms, kitchens and home laundries.
3. Industrial Wastes are the liquid wastes, other than domestic sewage, resulting from processes or operations employed in industrial establishments.
4. "B. O. D." (Denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of Organic matter under standard laboratory procedure in 5 days at 20 degrees C., expressed in parts per million by weight.
5. "Properly Shredded Garbage" shall mean the wastes from the preparation cooking, and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.
6. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
7. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution. A stabilized pH will be considered as a pH which does not change beyond the specified limits when the waste is subjected to aeration. A pH value indicates the degree of acidity or alkalinity.
8. Color is the "true color" due to the substances in solution expressed in parts per million.
9. Person is any individual, firm, company, association or corporation.
10. Town is the Town of Brunswick, North Carolina

11. Receiving Stream is that body of water, stream or watercourse receiving the discharge waters from the sewage treatment plant or formed by the waters discharged from the sewage treatment plant.

12. Approving Authority shall be the Board of Commissioners of the Town of Brunswick.

13. "Shall" is mandatory; "May" is permissive.

50.36 USAGE OF MUNICIPAL SANITARY SEWERS

1. No person shall discharge or deposit any of the following waste materials into any Town sewer:

- a. Any liquid or vapor having a temperature higher than 100 degrees F.
- b. Any water or waste which may contain more than 75 parts per million, by weight, of fat, oil, or grease, exclusive of soap.
- c. Any gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, solid or gas.
- d. Any garbage that has not been properly shredded.
- e. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch namure, or other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
- f. Any waters or wastes having a stabilized pH lower than 5.5 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- g. Any waters or wastes having Biochemical Oxygen Demand in excess of 1,000 parts per million by weight, except by special contract with the Town Board of Commissioners.
- h. Any waters or wastes containing more than 350 parts per million by weight of suspended solids, except by special contract with the Town Board of Commissioners.
- i. Any waters or wastes having an objectionable color which is not removable in the existing sewage treatment plant processes.
- j. Any waters or wastes containing a toxic or poisonous substance or any other materials in sufficient quantity to injure or interfere with any sewage treatment process, or constitute a hazard to humans or animals, or creat any hazard in the receiving stream at the sewage treatment plant.
- k. Any waters or wastes containing suspended solids of such character and quantity that unusuai attention or expense is required to handle such materials at the sewage treatment plant.
- l. Any noxious or malcdorous gas or substance capable of creating a public nuisance.

2. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the Town and any person whereby an industrial waste of unusual strength or character may be admitted into the sanitary sewers by the Town after approved pretreatment.

This ordinance adopted the 15 th day of August, 2016.

Attest

Cheryl N. Clemens

Town Clerk

Norrey Hec

Mayor

TOWN OF BRUNSWICK
P.O. BOX 68
BRUNSWICK, NC 28424

NANCY HILL
MAYOR
OFFICER

CHERYL SUGGS
CLERK/FINANCE

JACQUELINE WILLIAMS-ROWLAND
MAYOR PRO TEM

KEVIN BULLARD
TOWN ATTORNEY

COMMISSIONERS
ALONZO McARTHUR
EVERLENE DAVIS
SHIRLEY MOORE

AL LEONARD, JR.
TOWN PLANNER

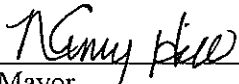
ORDINANCE

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BRUNSWICK, NORTH CAROLINA AMENDING THE WATER AND SEWERAGE SYSTEM RULES AND REGULATIONS FOR THE TOWN OF BRUNSWICK, NORTH CAROLINA.

The Town council of the Town of Brunswick, North Carolina, doth ordain:

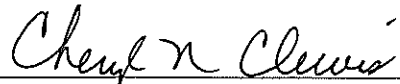
1. That the Water and Sewer Policy is hereby amended by adding the following:
This ordinance may also be enforced by any appropriate equitable or legal remedy, including mandatory injunction or order of abatement, or any other such order issued by a court or competent jurisdiction, as provided by said Statute. Per Session Law 2003 270, House Bill 469, the Town of Brunswick may collect any remaining unpaid water or sewer debt after 90 days in same manner in which delinquent personal or real property taxes can be collected. Appeals to violations may be heard by the Town of Brunswick Council.
- Any ordinance or any part of the ordinance in conflict with this ordinance, to the extent of such, is hereby repealed.
- This ordinance is adopted in the interest of public health, safety, and general welfare of the inhabitants of the Town of Brunswick, North Carolina, and shall be in full force and effect from and after its adoption.

This ordinance adopted the 16th day of June, 2014.




Mayor

ATTEST:



Town Clerk



Town Attorney

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

SESSION LAW 2003-270
HOUSE BILL 469

AN ACT TO AUTHORIZE COLUMBUS, DAVIE, DUPLIN, AND LENOIR COUNTIES, CERTAIN DISTRICTS CREATED BY THESE COUNTIES, AND MUNICIPALITIES LOCATED WITHIN THESE COUNTIES TO ATTACH PERSONAL PROPERTY, GARNISH WAGES, AND PLACE LIENS ON CERTAIN REAL PROPERTY TO COLLECT UNPAID FEES FOR WATER AND SEWER SERVICES.

The General Assembly of North Carolina enacts:

SECTION 1. A county may adopt an ordinance providing that a fee charged by the county for water or sewer services and remaining unpaid for a period of 90 days may be collected in any manner by which delinquent personal or real property taxes can be collected. If the ordinance states that delinquent fees may be collected in the same manner as delinquent real property taxes, the delinquent fees are a lien on the real property owned by the person contracting with the county for the service, and the ordinance shall provide for an appeals process. If a lien is placed on real property, the lien shall be valid from the time of filing in the office of the clerk of superior court of the county in which the service was provided a statement containing the name and address of the person against whom the lien is claimed, the name of the county, county water and sewer district, county service district, or municipality, whichever applies, claiming the lien, the specific service that was provided, the amount of the unpaid charge for that service, and the date and place of furnishing that service. No lien under this act shall be valid unless filed in accordance with this section after 90 days of the date of the failure to pay for the service and within 180 days of the date of the failure to pay for the service. The lien may be discharged as provided in G.S. 44-48.

SECTION 2. The reference to county shall include a county, a county water and sewer district created under Article 6 of Chapter 162A of the General Statutes, a county service district created under Article 16 of Chapter 153A of the General Statutes, or a municipality located wholly or partly within that county.

SECTION 3. This act shall not apply to fees collectable under Articles 9A and 9B of Chapter 44 of the General Statutes, G.S. 153A-293, and G.S. 160A-314.1.

SECTION 4. This act applies only to Columbus, Davie, Duplin, and Lenoir Counties, county water and sewer districts located in Columbus, Davie, Duplin, or Lenoir County, county service districts located within Columbus, Davie, Duplin, or Lenoir County, and municipalities located wholly or partially within Columbus, Davie, Duplin, or Lenoir County.

Town of Brunswick

P.O. BOX 68
BRUNSWICK, NORTH CAROLINA 28424

March 6, 1992

BE IT ORDAINED BY THE BRUNSWICK BOARD OF COMMISSIONERS
THAT THE FOLLOWING PROCEDURES APPLY TO
PAYMENT OF WATER BILLS, DELINQUENT PAYMENTS, DISCONNECTION OF
WATER SERVICE AND RECONNECTION CHARGES

ARTICLE 1 - READING WATER METERS; WHEN WATER CHARGES DUE.

All Water meters shall be read by the 30th day of each month, and water charges shall be due and payable on the 1st day of the month next following.

ARTICLE 2 - MUNICIPAL UTILITIES.

This process pertains to all Town of Brunswick water, sewer, and garbage bills. All questions related to billing should be referred to Town Hall on corner of Cypress and Poplar Streets.

1. All water, sewer, and garbage bills are due by the 15th day of the month (Month A).
 2. On the 16th day of Month A, a one dollar (\$1.00) late penalty is added to the customer's bill.
 3. If the town has not received payment by the 15th day of the second month (Month B), a Past Due Notice is mailed to the customer stating: "If _____ is not paid within 48 hours your services will be disconnected." This 48 hour "warning period" begins at 5:00 o'clock, p.m., on the 16th day of Month B.
 4. If the bill has not been paid by 5:00 o'clock, p.m., at the end of the 48 hour "warning period" an automatic twenty dollar (\$20.00) "administrative assessment/reconnection fee" will be charged to the account.
 5. The morning immediately following the 48 hours "warning period" the town will physically discontinue water service to any account which has not been paid in full by 5:00 o'clock, p.m., of the previous day - the end of the 48 hour "warning period." However, in the event the past due account is paid together with a one dollar (\$1.00) late fee and the twenty dollar (\$20.00) "administrative assessment/reconnection fee"; in that event, service will not be disconnected.
- * Water cutoffs will only be made between 8:30 o'clock, a.m., Monday through 12:00 o'clock, noon, on Friday. No cutoffs will occur between 12:01 o'clock, p.m., on Friday through 8:29 o'clock, a.m. Monday or during any legal holiday observed by the Town of Brunswick.

ARTICLE 3 - It shall be unlawful for any person whose water is disconnected pursuant to this Ordinance to reconnect the water supply except by authority of the Town and except upon payment to the town of the appropriate charges. It shall be unlawful for any person without proper town authority to reconnect any water meter which has been disconnected by the town unless and until the account due and the fee for reconnection have been paid in full. If there is a violation of this section, and the meter is reconnected by an unauthorized person, the town shall then remove the meter, and it shall not be reinstalled thereafter until a service charge of ten dollars (\$10.00) has been paid in addition to all other charges then due.

ARTICLE 4 - This Ordinance supercedes any prior rules and regulations adopted by the Town of Brunswick which may be inconsistent herewith. Any rules and regulations adopted by the Town of Brunswick with regard to water connections, fees, penalties, charges, connections, disconnections, or reconnections, not inconsistent with this Ordinance shall remain in full force and effect.

Bennett J. Williams
Mayor

ATTEST: 3-16-92

William Williams
Clerk

Commissioner Mayor Bennett Williams introduced the attached proposed ordinance, which was read at length.

After discussion, the attached ordinance was adopted.

The following Commissioners voted in the affirmative:

Murric Hill
Bennett J. Williams
Nancy Hill
Cappie A. Davis
Walter E. Smith

The following Commissioners voted in the negative: All affirmative.

Town of Brunswick

Fats, Oil and Grease Ordinance

Section I Purpose.

This ordinance is intended to aid in the prevention of sanitary sewer blockages and obstructions caused by the introduction, discharge and contribution of fats, oils, greases, grease complexes, scum, sludge and other organic polar compounds into the Town's wastewater collection system by commercial, industrial, institutional and all other non-residential activities.

Section II Authority

The North Carolina Clean Water Act of 1999 stated that certain wastewater collection systems were deemed permitted by regulations of the Department of Environment and Natural Resources. These requirements require the Town to adopt, implement and enforce a grease ordinance.

Section III Definitions

Director - The Town's Director of the Department of Public Utilities.

Fats, Oils and Greases - Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in the United States Code of Federal Regulations 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases".

Food Service Establishment - A facility primarily engaged in activities of preparing, serving, or otherwise making foodstuffs available for consumption by the public such as restaurants, commercial kitchens, caterers, hotels, cafeterias, delicatessens, meat cutting-preparations, bakeries, ice cream parlors, cafes, hospitals, schools, bars, correctional facilities, care institutions and any other facility discharging kitchen or food preparation wastewaters which, in the Town's discretion, would require a grease trap installation by virtue of its operation. Preparation activities include but are not limited to cooking by frying, baking, grilling, sautéing, rotisserie, broiling, boiling, blanching, roasting, toasting, or poaching. And included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.

FOG - material either liquid or solid, composed primarily of fat, oil, or grease from animal or vegetable sources. Examples of FOG include kitchen cooking grease, vegetable oil, bacon grease, etc.

Grease Interceptor - A device, usually located underground and outside of a Food Handling Facility designed to collect, contain, and remove food wastes and grease from the wastewater

while allowing the remaining wastewater to be discharged to the Town's wastewater collection system by gravity.

Grease Trap - Indoor, "under the counter" units designed to collect, contain, and remove food wastes and grease from the wastewater while allowing the remaining wastewater to be discharged to the City's wastewater collection system by gravity.

Non-Cooking Establishment – means a facility primarily engaged in the preparation of precooked food products that do not include any form of cooking. These include cold dairy and frozen food product preparation and serving establishments.

Oil/Water Separator - A device, designed to remove oil (e.g. petroleum-based products) from the waste stream while allowing the remaining wastewater to be discharged to the Town's wastewater collection system by gravity.

Person – shall mean any actual person, corporation, partnership, unincorporated association, and any governmental entity or political subdivision and departments and agencies thereof.

Town – shall mean the Town of Brunswick, North Carolina, and its utility service area or any duly authorized agent(s) or official(s) acting on its behalf.

User - Any person, establishment, or facility that contributes, causes, or permits the contribution of FOG into the Town's sanitary sewer system.

Variance - A written document issued by the Town's Director of Public Utilities that modifies and/or changes requirements of this FOG Program for a specific User.

Section IV General Requirements

1. No later than one (1) year after adoption of this ordinance, all users shall install grease traps or interceptors designed to limit the introduction, contribution and discharge of greases into the Town's wastewater collection system. Grease traps and interceptors with appropriate sampling or inspection points shall be installed at the user's expense whenever any user operates a commercial, industrial, or institutional cooking establishment. The User shall be solely responsible for the performance of the device and its ability to consistently reduce effluent FOG concentrations below 200 mg/l as measured by EPA Method 1664A. Grease interceptors must have a minimum capacity of one thousand (1000) gallons or more.
2. Alternative methods of compliance may be approved by the Town if the user demonstrates that compliance with this ordinance is infeasible or physically impossible to install at the time of adoption of this ordinance as a result of limited space. However, any such proposed alternative method of compliance will be required to meet the performance criteria specified in Section IV (1) of this ordinance, and the user must adequately demonstrate to the satisfaction of the Town that the proposed alternate method will

satisfy those performance criteria. Under-the-counter types of grease traps shall be cleaned at least daily. Prior to approval of any such proposed alternative method of compliance, documentation of the proposed method's actual performance criteria must be submitted to the Town for review and approval.

3. Grease traps and interceptors may also be required in other facilities, as deemed necessary by the Town.
4. Upon the prior written approval of the Town, non-cooking establishments may be exempted from the requirements of this ordinance after an inspection of the subject premises and submission of adequate supporting documentation, as deemed necessary at the absolute discretion of the Town.
5. Users shall empty and service grease interceptors to comply with performance criteria in Section IV (1) of this ordinance as often as necessary, but in any event no longer than every ninety (90) days. The Town may require a specific schedule if deemed necessary by the Town. Under-the-counter types of grease traps shall be cleaned at least daily, and shall comply with the performance criteria in Section IV (1) of this ordinance. There shall be no reintroduction of wastewater back into the grease trap or interceptor unless and until said wastewater has been proven to contain 200 mg/l or less of grease. Under no circumstances shall the sludge or scum layer be reintroduced or discharged into the Town's wastewater collection system.
6. Grease interceptors must have access manholes, with a minimum diameter of twenty-four (24) inches, over each chamber and sanitary tee. The access manholes shall extend at least to finish grade and be designed and maintained to prevent inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and wastewater sampling activities.
7. Users shall supply an adequate sampling point downstream of the grease trap or interceptor, prior to mixing with other sanitary flows and an accessible entry into each chamber of the grease trap or interceptor. The minimum requirement for the sampling point shall be a four inch (4") vertical clean-out. The Town shall have the right to inspect at any time and without prior notice.
8. Users shall retain detailed records on-site for a minimum of three (3) years reflecting all maintenance carried out pursuant to this ordinance. At a minimum, such records shall contain the following information: date of service, name of the employee involved, and a receipt reflecting all services rendered by the waste hauler providing the service.
9. Users are required to keep the grease trap or interceptor free of inorganic solids such as grit, towels, gloves, cigarettes, eating utensils, etc, which could clog or settle in the trap or interceptor, thereby reducing the effective volume or capacity of the trap or interceptor

10. Users are required to ensure that all waste material removed from grease traps and interceptors is disposed of in a manner that complies with all federal, state and local statutes, rules, regulations, policies and ordinances.
11. Except as provided herein, for a period of one (1) year following the adoption of this ordinance, no enforcement actions will be taken under this section for failure to achieve the performance criteria specified in Section IV (1) of this ordinance. If during such period, an obstruction of any of the Town's sanitary sewer main(s) occurs and causes a sewer overflow, spill, leak or other event with any environmental impact, and such overflow, spill, leak or other event may be attributed in part or in whole to a particular user, then the Town will seek enforcement action. For purposes of this section, an overflow, spill, leak or other event shall be deemed to have an environmental impact when such overflow or other event involves an amount of wastewater equal to or in excess of one thousand (1000) gallons, or any amount of wastewater reaches surface waters.

Section V Enforcement

1. Any User failing to maintain the required maintenance records may be fined \$100.00 per week until said document is submitted.
2. It shall be a violation of this ordinance for any User to allow floatable oils, fats, or greases to enter the Town's wastewater collection system, in excess of the limits outlined in Section (IV) Number (1), because of Grease Interceptors or other Grease handling facilities being inadequately serviced or maintained.
3. Users receiving unsatisfactory evaluations during inspections may be required, at the User's expense, to sample its Grease Interceptor discharge and have it analyzed for oil and grease. Results of such analyses shall be reported to the Town. Any User found to be in violation shall be notified in writing of any noncompliance and will be required to provide a schedule whereby corrections will be accomplished. User's known to be in violation shall be subject to fines of \$500.00 per day until actions are taken to prevent said violations from recurring.
4. Users who continue to violate the Town's Oil and Grease Control Ordinance may be considered for discontinuance of sewer services.
5. Users whose operations cause or allow excessive grease to discharge or accumulate in the Town's wastewater collection system may be liable to the Town for costs related to service calls for sewer line blockages, line cleaning, line and pump repairs, etc. including all labor, materials, and equipment. Failure to pay all service related charges may also be grounds for sewer service discontinuance.

MINUTES

Commissioners
Regular Meeting

July 18, 2011
Monday, 7:30 p.m.

Present: Mayor Nancy Hill, Mayor Pro Tem Jacqueline Williams-Rowland, Commissioners Everlene Davis, Alonzo McArthur, and Queen Hawkins. All present.

Staff present: Town Planner Al J. Leonard, Jr., Attorney Kevin Bullard, and Town Clerk Minerva Williams.

Others present: Shirley Moore and Gary Vereen.

1. Mayor Hill opened the meeting and welcomed everyone.
2. Invocation was rendered by the Town Planner.
3. A motion was made by Alonzo McArthur, seconded by Everlene Davis and unanimously approved to accept the Minutes for a Public Hearing and a Meeting held on June 18, 2011, as presented.
4. The floor was turned over to Lenwood Williams to explain the State requirements, and to answer any questions about the Fats, Oil, and Grease (FOG) Ordinance.

A motion was made by Alonzo McArthur, and seconded by Jackie Rowland to adopt the Fats, Oil, and Grease (FOG) Ordinance, as presented.

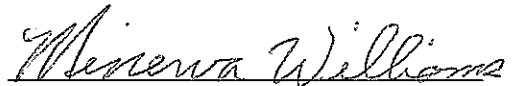
5. A motion was made by Jackie Rowland, seconded by Queen Hawkins and unanimously approved to accept the Fiscal Year 2011-2012 Audit Contract with Price, Scott, and Adams, CPA firm with the same rate as last year, \$4,130, as presented.
6. Patrick Prince has moved out of his house located in Town and is using the house as rental property. However, he does not want to pay the \$50 deposit required of the homeowner, if the property is used as rental property.

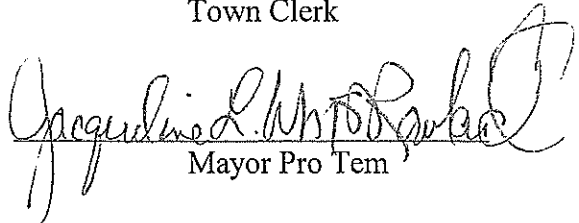
A motion was made by Jackie Rowland, seconded by Everlene Davis and unanimously approved to table the \$50 deposit issue until the August meeting.

7. Departmental reports were given at this time.
 - I. Water Commissioner Alonzo McArthur reported making a sewer adjustment of \$132.49 for Thomas Jordan's utility bill. Mr. Jordan reported a outdoor water hose was left on causing a high water usage.
8. Al Leonard made a report concerning two issues.
 - I. The Town Council has asked the City of Whiteville about connecting to their water line that is located in Brunswick city limits for emergency use only.

- II. The Board has asked the Adams Company to prepare commercial water and sewer rates for businesses in Town, which should be presented on the August agenda.
9. Shirley Moore asked about the ownership of the oak trees and the caved in septic tanks.
 10. A motion was made by Everlene Davis, seconded by Alonzo McArthur and unanimously approved to go into Closed Session to discuss Employees, and Attorney/Client Privilege at 8:23 p.m..
 11. The Board came out of Closed Session at 9:00 p.m.
 - I. According to legal advice the practice of the Town will be to treat each oak tree on a case by case basis.
 - II. Alonzo McArthur will serve as liaison for the department heads which the public works employee works for.
 12. There being no further business to attend to, upon motion, the meeting adjourned at 9:11 p.m.

Approved 8-15-11.


Town Clerk


Mayor Pro Tem

Chapter 52

GREASE COLLECTION ORDINANCE**Section 1. Purpose and policy.**

This article sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the city and enables the city 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, part 403).

The Objects of this article are:

- 1) 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;
- 2) 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;
- 3) To promote reuse and recycling of industrial wastewater and sludge from the municipal system;
- 4) 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;
- 5) To provide for equitable distribution of the cost of operation, maintenance and improvement of the municipal wastewater system;
- 6) To ensure that the municipality complies with its NPDES or non-discharge permit conditions, sludge use and disposal requirements and other federal or state laws to which the municipal wastewater system is subject; and
- 7) To aid in the prevention of sanitary sewer blockages and obstructions from contributions and accumulations of fats, oils, and greases into said sewer system from industrial or commercial establishments, particularly food preparation and serving facilities.

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.

This article shall apply to all users of the municipal wastewater system as authorized by N.C.G.S. 160A-312. Except as otherwise provided herein, the Publicly Owned Treatment Works (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 city personnel. By discharging wastewater into the municipal wastewater system, industrial users located outside the city limits agree to comply with the terms and conditions established in this article, as well as any permits, enforcement actions, or orders issued hereunder.

Section 2. Definitions.

Food Service Establishment: Any commercial facility discharging kitchen or food preparation wastewater including restaurants, motels, hotels, cafeterias, hospitals, schools, bars, delicatessens, meat cutting-preparation, bakeries, etc. and any other facility which, in the opinion of the POTW director, would require a grease trap installation by virtue of its operation.

Grease Interceptor/Grease Trap: A device utilized to effect the separation of grease and oils in wastewater effluent from a Food Service Establishment. Such traps or interceptors may be of the "outdoor"

or underground type normally of a 1,000 gallon capacity or more, or the "under-the-counter" package units which typically are less than 100 gallon capacity. For the purpose of this definition, the words "trap" and "interceptor" are used interchangeably.

Grease: Grease is defined to include the accumulation of oils, fats, cellulose, starch, proteins, wax, or grease, whether emulsified or not, in the Sewer System of the Town. These are substances that may solidify or become viscous at temperatures between thirty-two (32) degrees Fahrenheit and one hundred fifty (150) degrees Fahrenheit (0-65 degrees Celsius).

Grease Generating Establishment: Grease generating establishment shall mean all retail food establishments, catering establishments, commercial food preparation facilities, meat processing facilities, and other establishments that may be capable of accumulating and discharging grease in to the Sewer System.

Interference: A discharge which alone or in conjunction with a discharge or discharges from other sources inhibits and/or disrupts the POTW, its treatment processes, use and/or disposal. Interference shall include, but not be limited to, a discharge which along or in conjunction with a discharge or discharges from other sources causes, in whole or in part, a violation(s) of one or more of the Town's NPDES Permits and/or Non-compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulation(s): Sec. 405 of the Act (33 U.S.C. 1345), or any criteria, guideline or regulations developed pursuant to the Solid Waste Disposal Act (DEDA) (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 the Solid Waste Disposal Act) applicable to the method of disposal or use employed by the POTW.

Oil/Water Separator: An automatic or manual device designed to separate and retain oils and other light density volatile liquids from normal waste for proper disposal, rendering or recycling, and also permits normal sewage and liquid wastes to discharge into the disposal terminal by gravity.

Owner: Owner shall mean individual, person, or firm, company, association, society, corporation, or group upon whose property the building or structure is located or will be constructed.

Section 3. Pretreatment of wastewater.

- 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 specified sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, 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) Sand interceptors shall be provided when in the opinion of the POTW director, or the POTW director's designee, 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 interception units shall be of type and capacity approved by the POTW director, or the POTW director's designee, and shall be so located to be easily accessible for cleaning and inspections. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.

- 4) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- 5) Grease Interceptors shall be installed by all Grease Generating Establishments as required by the POTW director or his designee. Grease Interceptors shall be installed at the expense of the Grease Generating Establishment. No Grease Generating Establishment shall allow wastewater discharge concentration from subject Grease Interceptor to exceed 200 milligrams per liter, as identified by method EPA Method 1664. All Grease Interceptors shall be of a type, design, and capacity approved by the director or his designee and shall be readily and easily accessible for User cleaning and Town inspection. All such Grease Interceptors shall be serviced and emptied of accumulated waste content as required in order to maintain Minimum Design Capability or effective volume of the Grease Interceptor, but not less often than every thirty (30) days or at a different interval as authorized by the POTW director, or the POTW director's designee.

Users who are required to pass water through a Grease Interceptor shall:

- a) Remove any accumulated Grease cap and sludge pocket as required, but at intervals of not longer than thirty (30) days, or at a different interval as authorized by the POTW director, or the POTW director's designee, as the User's expense. Grease Interceptors shall be kept free of inorganic solid materials such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, etc., which could settle into this pocket and thereby reduce the effective volume of the Grease Interceptor.
- b) Operate the Grease Interceptor in a manner so as to maintain said device such at attainment of the grease limit is consistently achieved. "Consistent" shall mean any wastewater sample taken from said Grease Interceptor shall be subject to terms of numerical limit attainment described in (5) above. If an establishment desires, because of documented space constraints, an alternate to an out-of-building Grease Interceptor, the request for an alternative location shall contain the following information:
 - 1) Location of Town sewer main and easement in relation to available exterior space outside building.
 - 2) Existing plumbing at or in a site that uses common plumbing for all services at that site.
- c) Understand and agree that: The use of biological additives as a Grease degradation agent is conditionally permissible, upon prior written approval by the Director. Any establishment using this method of Grease abatement shall maintain the trap or interceptor in such a manner that attainment of the Grease wastewater discharge limit, as measured from the trap's outlet, is consistently achieved.
- d) Understand and agree that: The use of automatic Grease removal systems is conditionally permissible, upon prior written approval by the POTW director, or the POTW director's designee, the Inspection Superintendent of the Town of Brunswick and the Columbus County Department of Health. Any establishment using this equipment shall operate the system in such a manner that attainment of the Grease wastewater discharge limit, as measured from the unit's outlet, is consistently achieved.
- e) Understand and agree that: The POTW director, or the POTW director's designee, reserves the right to make determinations of Grease Interceptor adequacy and need, based on review of all relevant information regarding Grease Interceptor performance, facility site and building plan review and to require repairs to, or modification or replacement of such traps.
- f) The User shall maintain a written record of trap maintenance for three (3) years. All such records will be available for inspection by the Town and the POTW director, or the POTW director's designee, at all times.
- g) No non-grease laden sources are allowed to be connected to sewer lines intended for Grease Interceptor service.
- h) Except as provided herein, for a three (3) years following adoption of this Ordinance, although installation of Grease Interceptors will be required to be installed, no enforcement action will be taken under this Ordinance for failure to achieve limits on Grease discharges

from Grease Interceptors. If, during this three (3) year period an obstruction of a Town sewer main(s) occurs that causes a sewer overflow to the extent that any impact on the environment is realized and that said overflow or failure of the sanitary sewer collection system to convey sewage can be attributed in part or in whole to an accumulation of Grease in the City's sewer main(s), the Town of Brunswick will take appropriate actions, as stipulated in the Town's Sewer Use Ordinance, against the generator or contributor of such Grease.

- i) Access manholes, with a minimum diameter of 24 inches, shall be provided over each chamber and sanitary tee. The access manholes shall extend to at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, Grease removal, and wastewater sampling activities.
- j) Design and build the great interceptors for New Construction and New Food Service Establishments in Existing Buildings to the construction standards for new facilities or New Food Service Establishments in Existing Buildings found at Chapter 10-Section 1004.4 of the NC State Building Codes, Col. II, Plumbing.
- k) Existing facilities shall have approved grease handling facilities installed within three (3) years of the adoption of this ordinance, unless the Existing Facilities are in violation of this Ordinance or the ERP, in which case they shall have approved grease handling facilities installed within six (6) months unless otherwise authorized by the POTW director, or the POTW director designee. All existing facilities shall meet the construction standards of existing facilities found at Chapter 10-Section 1004.4 of the NC State Building Code, Vol. II, Plumbing.

Section 4. Oils or Greases.

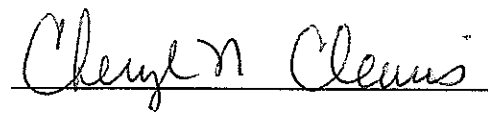
All holders of a pretreatment permit for fats, oils or greases shall submit the record of maintenance of the grease interceptors/traps to the pretreatment coordinator as required by the permit. Failure to comply with the reporting requirements is a violation of this ordinance which may result, but is not limited to, increased inspections and fines.

Enforcement Tier Levels

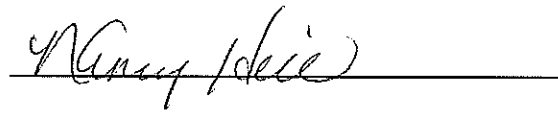
	First Occurrence	Second Occurrence	Third Occurrence	Fourth Occurrence	Fifth Subsequent
Minor Violation FOG concentration in excess of 100 mg/l but less than 2 times the permitted level. Pumping records not available or accessible; absence of sampling location; inadequate hydraulic retention time; monitoring and/or sampling hindrance (equipment related).	Tier I	Tier II	Tier III	Tier IV	Tier V
Intermediate Violation FOG Concentration between 2 times and 3 times the permitted level; violation of enforceable best management practices.	Tier II	Tier III	Tier IV	Tier V	Tier VI
Major Violation FOG concentration in excess of 3 times the permitted level; monitoring or sampling hindrance (willful intent); falsification of self-monitoring or maintenance information; Operating without a valid permit & approved grease trap.	Tier V	Tier VI	Tier VI	Tier VI	Tier VI

This ordinance adopted the 15 th day of August, 2016.

Attest

Handwritten signature of Cheryl N. Clemons in cursive script, written over a horizontal line.

Town Clerk

Handwritten signature of Nancy Davis in cursive script, written over a horizontal line.

Mayor

TOWN OF BRUNSWICK
P.O. BOX 68
BRUNSWICK, NC 28424

NANCY HILL, MAYOR
AL LEONARD, JR., TOWN PLANNER

CHERYL N. CLEWIS, TOWN CLERK/FINANCE OFFICER
KEVIN BULLARD, TOWN ATTORNEY

JACQUELINE WILLIAMS-ROWLAND, MAYOR PRO TEM
COMMISSIONERS: ALONZO McARTHUR, EVERLENE DAVIS AND SHIRLEY MOORE

PHONE: (910)642-6741 FAX: (910)642-5909 WEBSITE: www.townofbrunswick.net

Town of Brunswick is an equal opportunity provider and employer.

AN ORDINANCE DECLARING A ROAD CLOSURE FOR A PARADE

WHEREAS, the Town Council of Brunswick acknowledges a tradition of providing and annual Brunswick Stew Festival parade for the pleasure of its citizens; and

WHEREAS, the Town Council of Brunswick acknowledges a parade requires approximately one (2) hours to install signing and traffic control, and also requires approximately two (2) hours for removing signs, traffic control, and litter;

NOW THEREFORE BE IT ORDAINED by the Town Council of Brunswick pursuant to the authority granted by G.S. 20-169 that they do hereby declare a temporary road closure during the day(s) and times set forth below on the following described portion of a State Highway System route:

Date: Saturday, September 30, 2017

Times: 10:00 a.m. – 11:00 a.m.

Route description: SR 1950 (Spinning Road), SR 1951 (Mill Loop Road), SR 1920 (Mill Pond Road), NC 30 and SR 1170 (Poplar Street)

This ordinance is to become effective when signs are erected giving notice of the limits and times of the parade, and implementation of adequate traffic control to guide through vehicles around the parade route.

Adopted this 18 day of September, 2017

Nancy Hill Nancy Hill, Mayor

Attest: Cheryl Clewis Cheryl Clewis, Town Clerk

CODE OF ETHICS FOR THE
TOWN OF BRUNSWICK
BRUNSWICK NORTH CAROLINA
COUNTY OF COLUMBUS

PREAMBLE

WHEREAS, the Constitution of North Carolina, Article I, section 35 reminds us that a "frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty," and

WHEREAS, a spirit of honesty and forthrightness is reflected in North Carolina's state motto, Esse quam videri, "To be rather than to seem," and

WHEREAS, Section 160A-86 of the North Carolina General statutes requires local governing boards to adopt a code of ethics, and

WHEREAS, as public officials we are charged with upholding the trust of the citizens of Brunswick, and with obeying the law, and

NOW THEREFORE, in recognition of our blessings and obligations as citizens of the State of North Carolina and as public officials representing the citizens of the Town of Brunswick, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, the Town Council do hereby adopt the following General Principles and Code of Ethics to guide the Council in its lawful decision making.

GENERAL PRINCIPLES UNDERLYING THE CODE OF ETHICS

- * The stability and proper operation of democratic representative government depend upon public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people upon their elected officials.
- * Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.
- * Board members must be able to act in a manner that maintains their integrity and independence, yet is responsive to the interests and needs of those they represent.
- * Board members must always remain aware that at various times they play different roles:
 - As advocates, who strive to advance the legitimate needs of their citizens.
 - As legislators, who balance the public interest and private rights in considering and enacting ordinances, orders and resolutions.
 - As decision-makers, who arrive at fair and impartial quasi-judicial and administrative determinations.

- * Board members must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.
- * Board members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents. Each official must find within his or her own conscience the touchstone by which to determine what conduct is appropriate.

CODE OF ETHICS

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for the Brunswick Town Council and to help determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for a board member's best judgement.

Section 1. Board members should obey all laws applicable to their official actions as members of the board. Board members should be guided by the spirit as well as the letter of the law in whatever they do.

At the same time, board members should feel free to assert policy positions and opinions without fear of reprisal from fellow boardmembers, or citizens. To declare that a board member is behaving unethically because one disagrees with that board member on a question of policy (and not because of the board member's behavior) is unfair, dishonest, irresponsible, and itself unethical.

Board members should endeavor to keep up to date, through the board's attorney and other sources, about new or ongoing legal or ethical issues they may face in their official positions. This educational function is in addition to the day-to-day legal advice the board may receive concerning specific situations that arise.

Section 2. Board members should act with integrity and independence from improper influence as they exercise the duties of their offices. Characteristics and behaviors consistent with this standard include the following:

- * Adhering firmly to a code of sound values
- * Behaving consistently and with respect toward everyone with whom they interact
- * Exhibiting trustworthiness
- * Living as if they are on duty as elected officials regardless of where they are or what they are doing.

- * Using their best independent judgement to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner.
- * Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinions and ideas of others.
- * Disclosing contacts and information about issues that they receive outside of public meetings and refraining from seeking or receiving information about quasi-judicial matters outside of the quasi-judicial proceedings themselves.
- * Treating other board members and the public with respect and honoring the opinions of others even when the board members disagree with those opinions.
- * Not reaching conclusions on issues until all sides have been heard.
- * Showing respect for their offices and not behaving in ways that reflect badly on those offices.
- * Recognizing that they are part of a larger group and acting accordingly
- * Recognizing that individual board members are not generally allowed to act on behalf of the board but may only do so if the board specifically authorizes it and that the board must take official action to do so.

Section 3.a. Board members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach. Although opinions may vary about what behavior is inappropriate, this board will consider impropriety in terms of whether a reasonable person who is aware of all of the relevant facts and circumstances surrounding the board member's actions would conclude that the actions were appropriate.

Section 3.b. If a board member believes that his or her actions, while legal and ethical may be misunderstood, the member should seek the advice of the board's attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it (such as consulting with the attorney).

Section 4. Board members should faithfully perform the duties of their office. They should act as the especially responsible citizen whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

Board members should faithfully attend and prepare for meetings. They should carefully analyze all credible information properly submitted to them, mindful of the need not to engage in communications outside the meeting in quasi-judicial matters. They should demand full accountability from those over whom the board has authority.

Board members should be willing to bear their fair share of the board's workload. To the extent appropriate, they should be willing to put the board's interests ahead of their own.

Section 5. Board members should conduct the affairs of the board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should remember when they meet that they are conducting the public's business. They should also remember that local government records belong to the public and not to board members or their employees.

In order to ensure strict compliance with the laws concerning openness, board members should make clear that an environment of transparency and candor is to be maintained at all times in the governmental unit. They should prohibit unjustified delay in fulfilling public records requests. They should take deliberate steps to make certain that any closed sessions held by the board are lawfully conducted and that such sessions do not stray from the purpose for which they are called.

Sept. 15, 2014
Approved

Cheryl N. Clewis
Town Clerk

Nancy Idell
Mayor

- * Using their best independent judgement to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner.
- * Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinions and ideas of others.
- * Disclosing contacts and information about issues that they receive outside of public meetings and refraining from seeking or receiving information about quasi-judicial matters outside of the quasi-judicial proceedings themselves.
- * Treating other board members and the public with respect and honoring the opinions of others even when the board members disagree with those opinions.
- * Not reaching conclusions on issues until all sides have been heard.
- * Showing respect for their offices and not behaving in ways that reflect badly on those offices.
- * Recognizing that they are part of a larger group and acting accordingly
- * Recognizing that individual board members are not generally allowed to act on behalf of the board but may only do so if the board specifically authorizes it, and that the board must take official action as a body.

Section 3.a. Board members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach. Although opinions may vary about what behavior is inappropriate, this board will consider impropriety in terms of whether a reasonable person who is aware of all of the relevant facts and circumstances surrounding the board member's actions would conclude that the actions were appropriate.

Section 3.b. If a board member believes that his or her actions, while legal and ethical may be misunderstood, the member should seek the advise of the board's attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it (such as consulting with the attorney).

Section 4. Board members should faithfully perform the duties of their office. They should act as the especially responsible citizen whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

Board members should faithfully attend and prepare for meetings. They should carefully analyze all credible information properly submitted to them, mindful of the need not to engage in communications outside the meeting in quasi-judicial matters. They should demand full accountability from those over whom the board has authority.

Board members should be willing to bear their fair share of the board's workload. To the extent appropriate, they should be willing to put the board's interests ahead of their own.

Section 5. Board members should conduct the affairs of the board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should remember when they meet that they are conducting the public's business. They should also remember that local government records belong to the public and not to board members or their employees.

In order to ensure strict compliance with the laws concerning openness, board members should make clear that an environment of transparency and candor is to be maintained at all times in the governmental unit. They should prohibit unjustified delay in fulfilling public records requests. They should take deliberate steps to make certain that any closed sessions held by the board are lawfully conducted and that such sessions do not stray from the purpose for which they are called.

TOWN OF BRUNSWICK

INCORPORATED 1925

P.O. Box 68

Brunswick, North Carolina 28424

"This institution is an equal opportunity provider, and employer."

Cheryl N. Suggs
CLERK-FINANCE OFFICER

MEMBER NC LEAGUE OF MUNICIPALITIES

NANCY HILL, MAYOR
JACQUELINE ROWLAND
MAYOR PRO TEM

KEVIN BULLARD
TOWN ATTORNEY

OFFICE 910-642-6741
FACSIMILE 910-642-5909

EVERLENE DAVIS
ALONZO MCARTHUR
QUEEN HAWKINS

AL J. LEONARD, JR.
TOWN PLANNER

COMMISSIONERS

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF BRUNSWICK, NORTH CAROLINA

WHEREAS, the Brunswick Town Board has been petitioned under G.S. 160A-58.1 to annex described below; and

WHEREAS, the Town Board has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of the question of this annexation was held at Town of Brunswick Town Hall at 7:30 on April 15, 2013, after due notice by The News Reporter Co., Inc. on April 1, 2013; and

WHEREAS, the Town Board finds that the area described therein meets the standards of G.S. 160A-58.1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the Town of Brunswick;
- b. No point on the proposed satellite corporate limits is closer to another municipality than to the Town of Brunswick;
- c. The area described is so situated that the Town of Brunswick will be able to provide the same services within the proposed satellite corporate limits that it provides with the primary corporate limits;
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this Proposed annexation;

- e. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed ten percent (10%) of the area within the primary corporate limits of the Town of Brunswick; and

WHEREAS, the Town Board further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Town Board further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Town of Brunswick and of the area proposed for annexation will be best served by annexing the area described;

NOW, THEREFORE, BE IT ORDAINED by the Town Board of Commissioners of the Town of Brunswick, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the following described non-contiguous territory is hereby annexed and made part of the Town of Brunswick, as of June 30, 2013.

Being all of that certain tracts, parcels and lots of land consisting of 64.48 acres as shown and delineated on a plat entitled "Plat for Jacqueline C. Kinney" by Billy M. Duncan, PLS, dated December 4, 2007 and being recorded in Plat Book 84 at page 17, Columbus County Registry. Reference is hereby made to the said Plat for a more complete and accurate description of the lands being conveyed by this instrument.

Being also the Fourth Tract, with four parcels of land, as described in a deed from Audrey Cullifer, widow to Jacqueline C. Kinney dated January 27, 2005 and recorded in Deed Book 805 at pages 603, Columbus County Registry.

Section 2. Upon and after June 30, 2013, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Brunswick and shall be entitled to the same privileges and benefits as other parts of the Town of Brunswick. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Brunswick shall cause to be recorded in the office of the Register of Deeds of Columbus County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Section 4. Notice of adoption of this ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the Town of Brunswick.

Adopted this 15 day of April, 2013.

Mayor

ATTEST:

APPROVED AS TO FORM:

Town Clerk

Town of Brunswick Attorney

Yard Sale Ordinance

Yard sales are permitted as set out below at no charge for a permit, which can be obtained at the office of the Town Clerk, at 40 Poplar St., Brunswick, NC.

At the public hearing meeting of the Board of Commissioners of the Town of Brunswick, held on June 16, 2014, upon motion made and unanimously carried, the following ordinance was adopted.

Yard Sales

Yard Sales shall be permitted by an individual or individuals not regularly organized for the purpose of holding sales subject to the terms and conditions herein set out.

Permit

No yard sale shall be held until the person or persons conducting such sale first obtain a Yard Sale Permit from the Town Clerk's office, allowing the proposed yard sale as herein above set forth. The Town Clerk shall consider all applications and issue or deny all permits depending upon compliance herewith.

Definition

For the purpose of this article, the following term will have the meaning given herein:

“Yard Sale” is any sale temporarily operated.

Frequency of Sale

It shall be unlawful to hold more than four (4) single yard sales at the same location within a calendar year. A single yard sale shall be considered to be held during one day or two consecutive days. In no event will yard sales be conducted more than four times out of a calendar year at any single location.

Length of Sale

Yard sales permitted herein shall be conducted between the hours of 6:00 a.m. until 6:00 p.m.

Advertising Signs

Signs no larger than 36 inches by 36 inches may be erected no sooner than 24 hours prior to the sale and must be removed within 2 hours following the sale. No signs can be erected on private property without the property owner's written permission. No signs can be placed on utility poles, NCDOT or town signs, or placed to obstruct intersection traffic or other traffic.

Directional Signs

Citizens may have up to five (5) directional signs not exceeding 1 foot by 2 feet size on private property with the owners permission.

AN ORDINANCE ESTABLISHING A MORATORIUM ON
POWER GENERATION LAND USES UNDER NORTH CAROLINA ZONING LAWS

WHEREAS, the Brunswick Town Council has, pursuant to the zoning powers of NCGS 160A-381, the authority to regulate and restrict matters of public health, safety, morals, or the general welfare by enacting zoning and development regulation ordinances within its corporate limits and its extra territorial jurisdiction; and,

WHEREAS, the construction and operation of various power generation land uses may produce objectionable levels of noise, odors, vibrations, fumes, air pollution, light, light reflection, or other physical manifestations that may have an adverse effect on the health, safety and welfare of its citizens in Brunswick that has raised serious concerns; and,

WHEREAS, examples of these concerns include, but are not limited to:

1. Traffic safety
2. Undesirable visual impacts to the area and damage to natural resources
3. Objectionable levels of noise, odors, vibrations, fumes, or smoke that may have hazardous effects
4. Light or light reflection that may impact aircraft that utilize the Columbus County Municipal Airport

WHEREAS, without appropriate planning and regulation on the part of the Town, certain power generation land uses may negatively impact the public health, safety, and welfare of its citizens and negatively impact certain property values within the Town and is zoning jurisdiction; and

WHEREAS, The Town of Brunswick is interested in finding ways to minimize the negative impact of power generation land uses that could have negative impacts on the Columbus County Municipal Airport, and

WHEREAS, The Town of Brunswick asserts that no alternatives other moratoriums exist that would ensure the status quo until the above issues have been properly analyzed and acted upon; and

WHEREAS, the Town may enact this moratorium for a reasonable duration of 180 days in order to preserve the status quo while appropriate Town controls and regulations are considered and acted upon; and

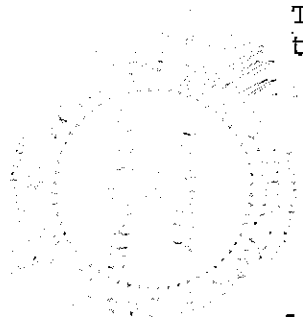
NOW, THEREFORE, BE IT ORDAINED that the Town Council of Brunswick hereby places this moratorium on the opening or expansion of power generation land uses for a period of 180 days following the moratorium's adoption. Examples of power generating land uses include, but are not limited to: generators with a fuel source, coal or nuclear or hydro generated power production facilities, and all solar type installations.

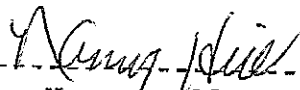
THEREFORE BE IT FURTHER RESOLVED that the following development approvals are subject to this moratorium: a valid building permit, any conditional use permit or special use permit, a phased development plan, preliminary or final subdivision plat approval, a zoning permit, or any other administrative or quasi-judicial permit or approval.

THEREFORE BE IT FURTHER RESOLVED that the Town of Brunswick Zoning Office shall be restricted from issuing permits to all power generation land uses under this moratorium in order to maintain the status quo until the moratorium's termination; and

FINALLY, THEREFORE, BE IT FURTHER ORDAINED that during the duration of this moratorium, the Town will consider all regulations, controls, and restrictions allowable under the North Carolina General Statutes and applicable case law to address the potential concerns about power generation land uses; these proposed regulations, controls or restrictions will be analyzed by legal counsel, and the Town of Brunswick shall contract for professional planning and zoning advice to guide the Council as it researches this matter.

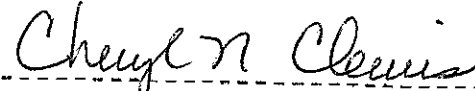
This ordinance becomes effective upon its adoption on this the 19th day of March, 2018.





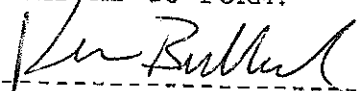
Nancy Hill, Mayor

ATTEST:



Cheryl N. Clewis, Town Clerk

APPROVED AS TO FORM:



Kevin Bullard, Town Attorney

**AN ORDINANCE TO DECLARE THE TOWN OF BRUNSWICK A
SQUIRREL SANCTUARY**

WHEREAS, there is concern of the residents of the Town of Brunswick concerning squirrels:

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Brunswick the following ordinance is adopted:

DECLARATION OF SQUIRREL SANCTUARY

The entire area embraced with the corporate limits of the town is hereby designated as a sanctuary for all species of squirrel (family Sciuridae). It shall be unlawful for any person to hunt, kill, trap or otherwise take any protected squirrels within the city limits except pursuant to authority and permit of the state wildlife resources commission. This section may not protect any squirrels classed as a pest. The Town will solicit the services of the Wildlife Commission for control services recommendations.

This ordinance shall become effective upon the adoption by the Town Council of Brunswick.

Adopted this 19 day of March, 2018.

Attest

Cheryl N. Clewis
Town Clerk

W. Gary Hill
Mayor

**AN ORDINANCE TO RESTRICT THE DISCHARGE OF A FIREARM IN
THE TOWN OF BRUNSWICK**

WHEREAS, there is concern of the residents of the Town of Brunswick concerning safety of persons and property:

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Brunswick the following ordinance is adopted:

Discharge of firearms and Pellet Guns

The Town prohibits discharging any firearms, including pellet guns, in the town limits of Brunswick. Exceptions to this would be law enforcement personnel or defending one's self in a life or death situation.

This ordinance shall become effective upon the adoption by the Town Council of Brunswick.

Adopted this 19 day of March, 2018.

Attest

Cheryl N. Clewis
Town Clerk

Nancy J. Lee
Mayor

TOWN OF BRUNSWICK
PRIVILEGE (BUSINESS) LICENSE ORDINANCE

ARTICLE I. GENERAL.

1. Definitions. When used in this ordinance:

- (a) "Person" includes and individual, trustee, executor, other fiduciary, corporation, unincorporated association, partnership, sole proprietorship, company, firm, or other legal entity.
- (b) "Business" includes each trade, occupation, profession, business, and franchise taxed under this ordinance.
- (c) A business is "seasonal" in nature when it is conducted for profit six months out of the year or less.

2. Construction of This Ordinance. This ordinance 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 ordinance does not excuse a licensee from compliance with any other applicable ordinance or statute. This ordinance does not prevent the town from imposing license taxes on additional businesses, from increasing or decreasing the amount of any license tax, or from regulating any business taxed.

ARTICLE II. LEVY.

3. Levy of Tax. An annual privilege license tax is hereby levied on each business conducted within this town listed in this ordinance in the amounts set forth in this ordinance.

4. Who Must Pay Tax. Each person who conducts a business within this town is subject to this ordinance. A person "conducts business" when he engages in one act of business taxed under this ordinance. He conducts the business "within the town" if he maintains a business location within the town, or if, either personally or through agents, he (1) solicits business within the town limits or (2) picks up or delivers goods or services within the town limits.

5. Period of license; Due Date.

(a) Annual licenses. Unless this section of this ordinance levying the privilege license tax applicable to a particular business provides otherwise, a license issued in accordance with this ordinance is good for the twelve month period beginning July 1 and ending June 30. The tax is due on July 1 of each year. However, if a person begins a business after July 1 of a year, the tax for that year is due before the business is begun.

(b) 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 town and taxed under such a provision until the license

tax due is paid and may not continue such a business beyond the period for which the license is issued.

(6) Proration of Tax. If a business is begun after January 31 and before July 1, the amount of tax is half the amount otherwise due. If a business is seasonal in nature and if the amount of tax is not based on gross receipts, the amount of tax due is half the amount otherwise due.

(7) 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.

(8) 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 an 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 ordinance 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.

(9) Computation of Tax Based on Gross Receipts. (a) Deleted, and Not Applicable to the Town of Brunswick

(10) Exemptions.

(a) 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 ordinance.

(b) 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 for paying any privilege license tax levied by this ordinance.

(c) 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 G.S. 105-249 and G.S. 105-249.1.

(d) Must obtain license. A person exempt for paying a privilege license tax levied by this ordinance shall nevertheless obtain a license from the tax collector. The license shall state that the licensee is exempt from paying the privilege license tax.

ARTICLE III. LICENSES.

11. Application. A person shall apply to the tax collector for each license required by this ordinance no less than 30 days before the day the tax is due. The application, which shall be submitted on forms provided by the tax collector, shall contain:

(a) The name of the applicant and whether the applicant is an individual, a partnership, a corporation, or some other entity.

- (b) The nature of the business.
- (c) Where the business is conducted.
- (d) An address where notices and statements may be mailed to as required by this ordinance.
- (e) 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.
- (f) Any other information the tax collector determines to be necessary to compute the amount of tax due.

12. 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:

- (a) The applicant misrepresents a fact relevant to the amount of tax due or his or her qualifications for a license.
- (b) The applicant refuses to provide information necessary to compute the amount of tax due.

(13) 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 12 of this ordinance, 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 Section 22 of this ordinance, 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 refuses 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 Section 14 of this ordinance.

(14) 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 Section 12 of this ordinance, 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.

(15) 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.

- (b) The nature of the business.
- (c) Where the business is conducted.
- (d) An address where notices and statements may be mailed to as required by this ordinance.
- (e) 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.
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(15) 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.

(b) Changes not affecting the amount of tax due. If there are no reasons for revoking the license under Section 12 of this ordinance 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 upon payment of a fee of \$25.00 (twenty five dollars).

(c) Change requiring refusal of a license. If there is reason for revoking the license under section 12 of this ordinance, the tax collector shall refuse to reissue a license and shall instead begin proceedings to revoke the license in accordance with Section 6 of this ordinance.

(20) Tax Collector to Furnish Duplicates. Upon satisfactory proof that a license has been lost or destroyed, the tax collector shall furnish a duplicate for a fee of \$10.00 (ten dollars).

(21) 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 results reached. After three years, the tax collector shall dispose of the record in accordance with G.S. 121-5.

(22) Providing Notice to an Applicant or Licensee. Whenever this ordinance requires the tax collector to give a written statement or notice to an applicant or a licensee, the tax collector may do so in one of three ways:

(a) By personally delivering the statement or notice to the applicant or licensee;

(b) 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

(c) 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.

ARTICLE IV. ENFORCEMENT AND COLLECTION

(23) Duty to Determine Whether Tax Due. Each person has the duty to determine whether the business he or she conducts is taxed under this ordinance and if so, whether that tax has been paid for the current tax year.

(24) Tax Collector to Investigate. If the tax collector has reason to believe that a person is conducting a business in the town in violation of this ordinance, the tax collector shall conduct an investigation to determine the person's tax liability.

(25) Duty to Keep Books. Each person who conducts a business taxed under this ordinance shall keep all records 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.

(26) Duty to Permit Inspection. Each person who conducts business in the town 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.

(27) 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 town officials. If a machine is licensed, the license shall be affixed to the machine.

(28) Notice of Deficiency. If the tax collector determines that a person has not paid the full amount of tax due under this ordinance, 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 Section 22 of this ordinance. The notice of deficiency shall specify the total amount of tax due; the section of this ordinance 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.

(29) 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:

- (a) That the tax due has already been paid.
- (b) That the tax collector miscalculated the amount of tax due.
- (c) That the tax collector based his calculation on incorrect or insufficient information concerning either the nature or the amount of business conducted; or
- (d) That the tax collector based the determination on an erroneous interpretation of a section of this ordinance that establishes a category of business subject to a particular tax.

(30) Deficiency to Become Final. If the taxpayer fails to request a conference under Section 29 of this ordinance, the deficiency becomes final and the tax collector shall proceed to collect the deficiency.

(31) 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 Section 29 of this ordinance. 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.

(32) Collection of Deficiency.

(a) The tax collector may use any of the following methods to collect a deficiency:

(1) Criminal prosecution in accordance with Section 33(a) of this ordinance.

(2) Equitable relief in accordance with Section 33(b) of this ordinance; or

(3) The remedies of levy, sale, attachment and garnishment in accordance with G.S. 160A-207.

(b) Any person who continues to conduct a business taxed under this ordinance without payment of the tax is liable for the additional tax of 5 percent every thirty days as imposed by G.S. 105-109.

(33) Enforcement of Ordinance.

(a) Criminal Remedies. Conducting business within this town without having paid the privilege license tax imposed by this ordinance, or without a valid license issued in accordance with this ordinance, or without posting a license in compliance with section 27 of this ordinance is a misdemeanor, punishable as provided in G.S. 105-109 or 14-4. Each day that a person conducts business in violation of this ordinance is a separate offense. Payment of a fine imposed in criminal proceedings in accordance with this section does not relieve a person of the liability for taxes imposed under this ordinance.

(b) Equitable Remedies. In addition to the criminal remedies set forth in subsection (a) of this section and in compliance with G.S. 160A-175(d), the town may seek an injunction against any person who conducts a business in violation of this ordinance.

ADOPTED this the 17 day of September 2012.

ATTEST

Cheryl N Suggs
Town Clerk

Nancy Hie
Mayor

AN ORDINANCE TO ESTABLISH TRUCK ROUTES

BE IT ORDAINED by the Town of Brunswick:

Section 1. Definitions. The following definitions shall apply in the interpretation and enforcement of this ordinance:

- A. Trucks: The word "truck" or "trucks" shall mean any motor vehicle used or designed to be used for the transportation of cargo or passengers, including, but not limited to, the following: trucks; inter-city buses; truck-drawn trailers when the truck is designed primarily for use in towing a trailer. The following motor vehicles are excluded from this meaning: Passenger automobiles; pick-up trucks; vehicle-drawn trailers when the vehicle drawing the trailer is not designed primarily for drawing a trailer; motorcycles; motor scooters; school buses; charter buses; and other nonscheduled buses.
- B. Through Truck: The term "through truck" shall mean any truck having three (3) or more axles, which passes through the city without stopping for the purpose of either collecting or discharging cargo or for the purpose of either collecting or discharging passengers.
- C. Cargo: The word "cargo" shall mean any property transported by truck.
- D. Operator: The word "operator" shall mean the person physically operating a truck or a person therein and directing its operation.
- E. Through Truck Route: The term "through truck route" shall mean those routes or streets established herein and designated by signs as numbered S.R., N.C., or U.S. routes.

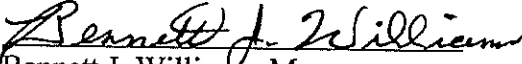
Section 2. Routes

- A. All S.R., N.C., and U.S. numbered routes are hereby designated as through truck routes.
- B. All through trucks shall travel exclusively on streets and roads which are numbered S.R., N.C., or U.S. routes, and shall not operate on local streets except to travel to a point off a through truck route for the purpose of collecting or discharging cargo or passengers.
- C. The operator of a through truck entering the city by way of a route not a through truck route shall, upon entering the city, proceed to the nearest through truck route, and proceed exclusively upon a through truck route until he leaves the city.

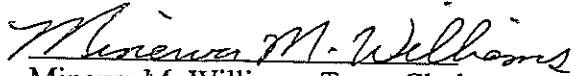
AN ORDINANCE TO ESTABLISH TRUCK ROUTES

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the Town Council of Brunswick that this ordinance shall be in full force and effect from and after its adoption.

This 15th day of May, 2000.


Bennett J. Williams, Mayor

ATTEST:


Minerva M. Williams, Town Clerk

**AN ORDINANCE PROVIDING FOR
CIVIL OR CRIMINAL PENALTIES OR BOTH
THE TOWN OF BRUNSWICK**

BE IT ORDAINED by the Town Council of the Town of Brunswick, North Carolina:

Part 1. That an ordinance entitled General Provisions, Penalty is hereby written and established as follows:

"GENERAL PROVISIONS, PENALTY"

Section 1. General Penalty; Enforcement of Ordinances; Continuing Violations.

Unless otherwise provided herein, each violation of this Code or any other Town ordinance shall constitute a misdemeanor, except as otherwise provided by statute, and violations of such provisions of any Town ordinance shall be punished by fine or imprisonment as provided by law. Each day any violation of any Town ordinance shall continue shall constitute a separate offense, except as may be specifically provided.

Violations of any Town ordinance shall constitute either a misdemeanor or, at the election of the Town, shall subject the offender to a civil penalty upon the issuance of a citation for said violation as hereinafter provided. The civil penalty, if not paid to the Town of Brunswick within fifteen days of the issuance of a citation, may be recovered by the Town in a civil action in the nature of debt. Unless otherwise provided by a specific provision of any Town ordinance, said civil penalties shall be in the amount of \$50.00 for each violation and each day any single violation continues shall be a separate violation.

In addition to the civil penalties set out above, any provision of any Town ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the General Court of Justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the Town for equitable relief that there is an adequate remedy at law.

In addition to the civil penalties set out above, any provision of any Town ordinance that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement by the General Court of Justice. When a violation of such a provision occurs, the Town may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and/or order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall

be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.

An order of abatement may direct that buildings or other structures on the property be closed, demolished or removed; that fixtures, furniture or other movable property be removed from buildings on the property; that grass and weeds be cut; that abandoned or junked vehicles be removed; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with the applicable Town ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the Town may execute the order of abatement. The Town shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judicial order. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

Section 2. Enforcement of Ordinances.

The provisions of any Town ordinance may be enforced by one, all, or a combination of the remedies authorized and prescribed by this Section.

Any ordinances hereafter adopted by the Town Council of the Town of Brunswick, the violation of which shall incur a penalty, shall specify whether the enforcement shall be pursuant to the civil penalty and/or criminal penal provisions of this Section.

Upon determination of a violation of any section of any Town ordinance, the penalty for which is a civil penalty, the enforcement official of the Town of Brunswick shall cause a warning citation to be issued to the violator. Such warning citation shall set out the nature of the violation, the section violated, the date of the violation, and shall contain an order to immediately cease the violation. If the violation is in the nature of an infraction for which an order of abatement would be appropriate in a civil proceeding, a reasonable period of time must be stated in which the violation must be abated. The warning citation shall specify that a second citation shall incur a civil penalty, together with costs, and attorney fees.

Section 3. Appeals.

An appeal from a warning citation shall be taken within ten (10) days from the date of said warning citation to the Board of Adjustment. Except in any case where the ordinance violated, which is the subject of the warning citation, specifically grants to the Board of Adjustment other powers in considering appeals and such appeal is applied for, the Board of Adjustment in considering appeals of warning citations shall have power only in the manner of administrative review and interpretation where it is alleged that the enforcement official has made an error in the application of an ordinance, in the factual situation as it relates to the application of an ordinance or both.

Where the enforcement official of the Town determines that the period of time stated in the original warning citation is not sufficient for abatement based upon the work required or consent agreement, the enforcement official may amend the warning citation to provide for additional time.

Section 4. Failure to Comply, Remedies.

Upon failure of the violator to obey the warning citation, a civil citation shall be issued by the enforcement official of the Town of Brunswick and either served directly on the violator, his duly designated agent, or registered agent if a corporation, either in person or posted in the United States mail service by first class mail addressed to the last known address of the violator as contained in the records of the County or obtained from the violator at the time of issuance of the warning citation. The violator shall be deemed to have been served upon the mailing of said citation. The citation shall direct the violator to appear before the Town Clerk of the Town of Brunswick, or designee, within fifteen days of the date of the citation, or alternatively to pay the citation by mail. The violation for which the citation is issued must have been corrected by the time the citation is paid, otherwise further citations shall be issued. Citations may be issued for each day the offense continues until the prohibited activity is ceased or abated.

If the violator fails to respond to a citation within fifteen days of its issuance, and pay the penalty prescribed therein, the Town of Brunswick may institute a civil action in the nature of debt in the appropriate division of the North Carolina General Court of Justice for the collection of the penalty, costs, attorney fees, and such other relief as permitted by law.

Section 5. Existing Ordinances, Application.

The existing ordinances of the Town of Brunswick, a violation of which shall subject the offender to civil penalties and/or criminal penalty provisions of law, are as follows:

Health and Sanitation
Garbage, Refuge and Weeds
Minimum Housing Code
Zoning Ordinance"

Part 2. All ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

This Ordinance shall become effective upon its adoption by the Town Council of the Town of Brunswick, North Carolina.

ADOPTED this the 17 day of September 2012

ATTEST:

Cheryl N. Sugar
Town Clerk

Nancy Hill
Mayor

ORDINANCE NUMBER _____

**AN ORDINANCE AFFECTING
THE GENERAL PROVISIONS, PENALTIES
THE TOWN OF BRUNSWICK**

WHEREAS, Article 8 of Chapter 160A of the North Carolina General Statutes, N.C.G.S. 160A-174, et seq., delegates to municipalities the authority to exercise the general police power; and

WHEREAS, the Board of Commissioners of the Town of Brunswick finds that it is in the public interest to amend General Provisions, Penalties ordinance of the Town Ordinances to provide more specificity as to the methods for enforcing such ordinances; and

WHEREAS, the Board of Commissioners of the Town of Brunswick, after due notice, conducted a public hearing on the 15 day of June, 2015 upon the question of amending the Town Ordinances in this respect.

THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF BRUNSWICK, NORTH CAROLINA:

PART ONE. Subject to the requirements stated herein, the General Provisions Penalty, Ordinance of the Town of Brunswick, is hereby amended. To the extent that the provisions of this section are the same in substance as the previously adopted provisions they replace, they shall be considered as continuations thereof and not as new enactments. Particularly, the enactment of this Ordinance shall in no way affect be deemed to render null or impair in any way any existing enforcement actions or existing violations of the Town Ordinances.

PART TWO. The Ordinance of the Town of Brunswick, entitled "General Provisions, Penalty" is hereby amended as follows:

"GENERAL PROVISIONS, PENALTY

Section 1. General Penalty, Enforcement of Ordinances; Continuing Violations.

~~Unless otherwise provided herein, each violation of any Town ordinance shall constitute a misdemeanor, except as otherwise provided by statute, and violations of such provisions of any Town ordinance shall be punished by fine or imprisonment as provided by law. Each day any violation of any Town ordinance shall continue shall constitute a separate offense, except as may be specifically provided.~~

~~Violations of any Town ordinance shall constitute either a misdemeanor or, at the election of the Town, shall subject the offender to a civil penalty upon the issuance of a citation for said violation as hereinafter provided. The civil penalty, if not paid to the Town of Brunswick within fifteen days of the issuance of a citation, may be recovered by the Town in a civil action in the~~

~~nature of debt. Unless otherwise provided by a specific provision of any Town ordinance, said civil penalties shall be in the amount of \$50.00 for each violation and each day any single violation continues shall be a separate violation~~

Unless a greater amount is specified herein, an act constituting a violation of the provisions of this Code or a failure to comply with any of its requirements shall subject the offender to a civil penalty of Fifty (\$50) dollars, which includes administrative fees. Each day any single violation continues shall be a separate violation. Unless expressly stated otherwise in a chapter or appendix, a violation of this Code shall not constitute a misdemeanor pursuant to N.C.G.S. 14-4. If the offender fails to correct this violation by the prescribed deadline after being notified of said violation, the penalty may be recovered in a civil action in the nature of a debt.

In addition to the civil penalties set out above, any provision of any Town ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the General Court of Justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the Town for equitable relief that there is an adequate remedy at law.

In addition to the civil penalties set out above, any provision of any Town ordinance that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement by the General Court of Justice. When a violation of such a provision occurs, the Town may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and/or order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.

An order of abatement may direct that buildings or other structures on the property be closed, demolished or removed; that fixtures, furniture or other movable property be removed from buildings on the property; that grass and weeds be cut; that abandoned or junked vehicles be removed; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with the applicable Town ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the Town may execute the order of abatement. The Town shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judicial order. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

Section 2. Enforcement of Ordinances.

The provisions of any Town ordinance may be enforced by one, all, or a combination of the remedies authorized and prescribed by this Section.

Any ordinances hereafter adopted by the Town Council of the Town of Brunswick, the violation of which shall incur a penalty, shall specify whether the enforcement shall be pursuant to the civil penalty and/or criminal penal provisions of this Section.

Upon determination of a violation of any section of any Town ordinance, the penalty for which is a civil penalty, the enforcement official of the Town of Brunswick shall cause a warning citation to be issued to the violator. Such warning citation shall set out the nature of the violation, the section violated, the date of the violation, and shall contain an order to immediately cease the violation. If the violation is in the nature of an infraction for which an order of abatement would be appropriate in a civil proceeding, a reasonable period of time must be stated in which the violation must be abated. The warning citation shall specify that a second citation shall incur a civil penalty, together with costs, and attorney fees.

Section 3. Appeals.

An appeal from a warning citation shall be taken within ten (10) days from the date of said warning citation to the Board of Adjustment. Except in any case where the ordinance violated, which is the subject of the warning citation, specifically grants to the Board of Adjustment other powers in considering appeals and such appeal is applied for, the Board of Adjustment in considering appeals of warning citations shall have power only in the manner of administrative review and interpretation where it is alleged that the enforcement official has made an error in the application of an ordinance, in the factual situation as it relates to the application of an ordinance or both.

Where the enforcement official of the Town determines that the period of time stated in the original warning citation is not sufficient for abatement based upon the work required or consent agreement, the enforcement official may amend the warning citation to provide for additional time.

Section 4. Failure to Comply, Remedies.

Upon failure of the violator to obey the warning citation, a civil citation shall be issued by the enforcement official of the Town of Brunswick and either served directly on the violator, his duly designated agent, or registered agent if a corporation, either in person or posted in the United States mail service by first class mail addressed to the last known address of the violator as contained in the records of the County or obtained from the violator at the time of issuance of the warning citation. The violator shall be deemed to have been served upon the mailing of said citation. The citation shall direct the violator to appear before the Town Clerk of the Town of Brunswick, or designee, within fifteen days of the date of the citation, or alternatively to pay the

citation by mail. The violation for which the citation is issued must have been corrected by the time the citation is paid, otherwise further citations shall be issued. Citations may be issued for each day the offense continues until the prohibited activity is ceased or abated.

If the violator fails to respond to a citation within fifteen days of its issuance, and pay the penalty prescribed therein, the Town of Brunswick may institute a civil action in the nature of debt in the appropriate division of the North Carolina General Court of Justice for the collection of the penalty, costs, attorney fees, and such other relief as permitted by law.

Section 5. Existing Ordinances, Application.

The existing ordinances of the Town of Brunswick, a violation of which shall subject the offender to civil penalties and/or criminal penal provisions of law, are as follows:

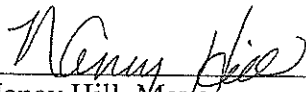
Abandoned, Junked and Nuisance Vehicles
Health and Sanitation
Garbage, Refuge and Weeds
Minimum Housing Code
Public Nuisances
Zoning Ordinance"

PART THREE. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

PART FOUR. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

PART FIVE. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 15 day of June, 2015.



Nancy Hill, Mayor

ATTEST:

Approved as to form:



Cheryl Suggs, Town Clerk



Kevin J. Bullard, Town Attorney

PART II SEWER USE REGULATIONS

CONNECTION TO SEWER SYSTEM

No person shall connect any property with the sewer system of the Town before making application in writing, signed by the applicant, to the Town Manager and receiving a permit therefore. Application shall show name of the applicant, name of the street number, the size of the house drain and house sewer, number and kind of fixtures to be put in, and the name of the person engaged to install fixtures and make the connection. The application shall also contain a specific agreement to obey and abide by any and all resolutions, ordinances, rules, and regulations that now or hereafter may be adopted by the Town Council for the protection of the water or sewer system, and to restrict, regulate, and control the use thereof and the connection therewith. The application shall also give permission to the agents of the Town to enter the premises of the applicant at any reasonable time to inspect or attend to anything connected to the sewer system or plumbing of that structure.

CONNECTION IS MANDATORY

Every person owning a house or other building or structure designed or intended for human habitation, occupancy, or use, and including all areas within the newly annexed areas of the City, when notified by the Town that a tap into the sewer system can be made, shall connect the premises to the sewer system. The provisions of this section shall become applicable to owners of property described therein when new or extended sewer lines are laid, and the owners of the property shall have sixty days from the new or extended sewer line are laid within which to make the connections required by this section. It shall be unlawful for any persons to maintain any septic tanks or closets, when the Town's sewer system shall have been extended to that property and no such septic tank may be constructed or maintained thereafter.

LIABILITY OF TOWN

Neither the Town nor the Council shall be liable to consumers, owners or any persons for the failure to furnish sewer service for any purpose or under any conditions, for the quantity of the sewer received, or any damage that may result from the shutting off of sewer service even through no notice of the shutting off of the sewer service shall have been given. Permits and contracts for the use of the sewer system of the Town are expressly made subject to the provisions hereof.

INSPECTION OF PREMISES OF SEWER USER; FRAUDULENT USE OF WATER

In case of fraudulent use of sewer on the part of the consumer, the supply of sewer service may be cut off from the premises by order of the Town Manager or Public Works Director.

RATE SCHEDULE

All services are classified under one category to include residential, schools, churches, and commercial users. The Town Council may from time to time establish water and sewer rates for all consumers and shall affix the same in the Town minutes. The Town Council shall also from time to time establish connection and impact fees for tying into the sewer and water system of the Town of Brunswick and shall affix the same in the Town minutes. For the purpose of charging for water and sewer services under the provisions of this section, whether within the City or outside the City, each consumer shall pay a minimum water and sewer charge. Consumers who have established water and/or sewer service outside the corporate limits of the Town of Brunswick the monthly consumption charges shall be at a rate twice the existing rate into the corporate limits of the Town of Brunswick. Any tap/impact fees to connect to the municipal water or sewer lines outside the corporate limits of the Town of Brunswick shall also be established by the Town Council from time to time and shall be affixed in the Town minutes.

EXTENSION OF SANITARY SEWER LINES WITHIN THE TOWN

The Town shall at its own expense extend water and sanitary sewer lines within the city limits, if and when funds are available for this purpose. The developer of any subdivision which is to be served by sewer services provided by the Town shall construct, at the developer's expense, all sewer system improvements within the subdivision in accordance with specifications and requirements of the North Carolina Department of Human Resources. All sewer mains constructed by the applicant shall be conveyed to the Town upon completion without cost to the Town or its Utility Department except as mutually agreed to by said developer and Town Council by separate contract.

EXTENSION OF MAINS BEYOND TOWN LIMITS

An extension of sanitary sewer lines beyond the city limits shall be installed to the Town's specifications, and at the expense of those requesting the service. All rights-of-way, easements, and materials used in the construction of sewer lines shall be deeded, granted, or assigned to the Town, at no cost to the Town.

VALVE REQUIREMENTS

All plumbing fixtures or outlets connected with the sanitary sewer system, which are located below the level of the top of the first upstream manhole shall be equipped with an approved back water device, or the house sewer shall be so equipped.

PROHIBITED CONNECTIONS

It shall be unlawful for any person to directly or indirectly connect, or permit the connection, of any open gutter, septic tank, privy vault, or rain water conductor to the Town of sewer system.

TOWN OF ~~Brunswick~~. RESPONSIBILITY AND LIABILITY

The Town will maintain sewer services to the curb line or property line. The Town will install a suitable clean out fitting at the curb line or property line at its expense and assumes the responsibility for maintaining the sewer service connection from the City's main to such clean out fitting located at the curb line or property line.

The Town does not assume the responsibility of inspecting the consumers piping or apparatus and will not be responsible therefore.

The Town reserves the right to refuse service unless the consumer's plumbing system shall be constructed to comply with the valve requirements of this ordinance.

The Town shall not be liable for any damage whatsoever resulting from the sewer or the use of sewer on the consumers premises, unless such damage results directly from the negligence on the part of the Town. The Town shall not be responsible for any damage done by or resulting from any defect in the piping, fixtures or appliances on the consumers premises. The Town shall not be responsible for negligence of third persons or forces beyond the control of the Town resulting in any interruptions of service.

Under normal conditions the consumer will be notified of any anticipated interruption of service.

CONSUMERS RESPONSIBILITY

Piping on the consumers premises must be so arranged that the connections are conveniently located with respect to the clean out installed by the Town of Brunswick

The consumers piping and apparatus shall be installed and maintained by the consumer at the consumers expense in a safe and efficient manner and in accordance with the Town's rules and regulations and in full compliance with sanitary regulations of the State of North Carolina.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF
BRUNSWICK, NORTH CAROLINA

Ordinance Number 082018Z0

WHEREAS, on September 21, 1992 the Board of Commissioners adopted the Town of Brunswick Zoning Ordinance; and,

WHEREAS, the Town has determined a need to establish clear policy regarding large scale energy production facilities within the Town and its Extra Territorial Jurisdiction; and,

WHEREAS, the need for additional clarification has become evident to both Town staff and our consultant; and,

WHEREAS, the need to specifically prohibit large scale energy production facilities is consistent with the Brunswick Future Land Use Map adopted August 20, 2018 in that the Town's goals to develop residentially and commercially cannot be met by the establishment of such facilities in any district, and all land development projects situated within the Town Districts will have a substantial negative impact on the implementation of the Future Land Use Map; and,

WHEREAS, the amendment is reasonable because of the Town's need to achieve the development adopted in both the Future Land Use Map adopted August 20, 2018 and Brunswick's Zoning Ordinance adopted September 21, 1992.

THEREFORE, BE IT ORDAINED by the Board of Commissioners that the Town of Brunswick Zoning Ordinance be amended as follows:

PART 1. Definitions Amended

Article I, Section C, Definitions is hereby amended to add the following definitions appearing in alphabetical order:

“Energy Production Facility: Any facility established for the production of electrical energy through conversion, generation or reactive process, regardless of source, to be distributed and/or sold to consumers. Such facilities do not include electric generation apparatus installed for exclusive consumption located on the same property as the apparatus.

Public and/or Private Utilities: Any above ground facility installed, operated and/or maintained for:

- 1) The purpose of distribution and/or collection of potable water, wastewater and/or storm water;
- 2) The purpose of conveying natural gas;
- 3) The purpose of conveying electricity;
- 4) The purpose of transmitting and/or receiving voice and/or data communications; and/or
- 5) The purpose of distributing broadcast entertainment content.

Such utilities may also include the following:

- 1) Wastewater pump stations;
- 2) Potable water pump stations;
- 3) Electrical transformers;
- 4) Electrical sub-stations;
- 5) Pressure relief apparatus;
- 6) Hydrants;
- 7) Utility poles; and /or
- 8) Junction boxes.

These conveyances do not include:

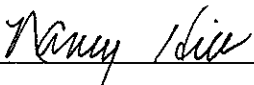
- 1) Elevated storage tanks
- 2) Treatment plants; and/or
- 3) Energy Production Facilities.

Solar Farm: See Energy Production Facility.

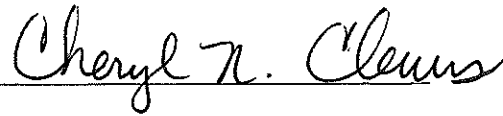
Utilities: See Public and/or Private Utilities.”

PART 2. This Ordinance shall be effective immediately upon its adoption.

ADOPTED this the 20th day of August 2018.



Mayor



Town Clerk

Raleigh, NC 27699-4218

(919) 825-2302

Milton.Carpenter@NCDPS.GOV

www.ncfloodmaps.com

E-mail correspondence sent to and from this address may be subject to the provisions of G.S. 132-1, the North Carolina Public Records Law, and may be subject to monitoring and disclosed to third parties, including law enforcement personnel, by an authorized state official.



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**Town of Brunswick
Resolution of Intent**

WHEREAS, certain areas of the Town of Brunswick are subject to periodic flooding or flood-related erosion, causing serious damages to properties within these areas; and

WHEREAS, relief is available in the form of Federally guaranteed flood insurance as authorized by the National Flood Insurance Act of 1968; and

WHEREAS, the Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, it is the intent of this BOARD to require the recognition and evaluation of flood or flood-related erosion hazards in all official actions relating to the land use, building construction repair and remodeling in areas having these hazards;

NOW, therefore, be it resolved, that this BOARD hereby:

Assures the Federal Insurance Administration (FIA) that it will enact as necessary and maintain in force in those areas having flood or flood-related erosion hazards adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in Parts 59, 60 and 65 of the National Flood Insurance Program Regulations (44 CFR); and

Vests the Mayor or designee with the responsibility, authority, and the means to:

- (a) Assist the FIA Administrator, as requested, in delineation of the limits of the area having special flood or flood-related erosion hazards.
- (b) Provide such information as the FIA Administrator may request concerning present uses and occupancy of the floodplain or flood-related erosion areas.
- (c) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map, and identify floodplain or flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
- (d) Upon occurrence, notify the FIA Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all Flood Hazard Boundary Maps (FHBMs) and Flood Insurance Rate Maps (FIRMs) accurately represent the community's boundaries, include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

Appoints the Mayor or designee to maintain for public inspection and to furnish upon request, for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a FHBM or FIRMs, any certificates of flood-proofing, and information on

the elevation (in relation to mean sea level) of the level of the lowest floor (including basement) of all new or substantially improved structures, and include whether or not such structures contain a basement, and if the structure has been floodproofed.

Agrees to take such other official action as may be reasonably necessary to carry out the objective of the program.

Adopted on April 21, 2014

By: Nancy Hill
Nancy Hill, Mayor

Alonso McArthur
Shirley Monroe
Guertene Davis
Gaqueline L. WMS Rowland

(Signatures of Governing Board)

Certified by: Cheryl N. Suggs
Date: April 21, 2014 Town Clerk

SEAL

Interlocal Agreement Between Columbus County and the Town of Brunswick

This resolution/agreement, made and entered into this the 21th day of April, 2014, by and between the Town of Brunswick, a municipal corporation organized and existing pursuant to the laws of the State of North Carolina, Party of the First Part and hereinafter referred to as the TOWN and Columbus County, a political subdivision of the State of North Carolina established and operating pursuant to the laws of the State of North Carolina, Party of the Second Part and hereinafter referred to as the COUNTY;

WITNESSETH:

WHEREAS, the TOWN and the COUNTY, pursuant to the authority granted by the North Carolina General Statutes 160A-461, hereby covenant and agree as follows:

1. That the TOWN hereby contracts with the COUNTY to use the services of the Columbus County Building Inspections Department of the COUNTY to administer the TOWN'S Flood Damage Prevention Ordinance within the corporate limits and extra-territorial jurisdiction of the TOWN.
2. That the services of the Columbus County Building Inspections Department shall be performed at no cost to the TOWN. However, should any claims arise out of the services provided by the COUNTY under this agreement, the TOWN agrees to indemnify and hold the COUNTY, its employees, agents and contractors harmless from any and all claims for liability, loss, injury, damages to persons or property, costs or attorney's fees resulting from any action brought against Columbus County, its employees, agents, contractors and Commissioners arising as a result of these services performed on behalf of the TOWN that are the subject matter of this Agreement.
3. That all fees and charges associated with administering the Flood Damage Prevention Ordinance as adopted by the Board of County Commissioners, shall be collected by the COUNTY, shall be the sole property of the COUNTY, and no part thereof shall be payable to the TOWN.
4. That all development to take place within the TOWN's corporate limits or extra-territorial jurisdiction shall be subject to the rules and regulations set forth in the aforementioned Flood Damage Prevention Ordinance. No building permits shall be issued for any property until the flood zone is determined and the necessary building standards are met. If the property is located within the Special Flood Hazard Area and if the structure is to be constructed within the flood hazard area, preliminary and final elevation certificates will be required.
5. That the Columbus County Building Inspections Department will use every effort to enforce the Flood Damage Prevention Ordinance, except that if any civil or criminal action becomes necessary, the TOWN shall bring any legal action as may be required to effectively enforce said Ordinance, upon written notice from the Columbus County Building Inspections Department of such violations. That this Agreement shall continue until such time as either the TOWN or COUNTY

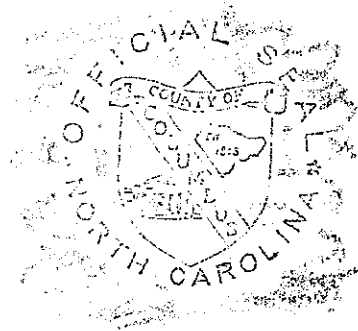
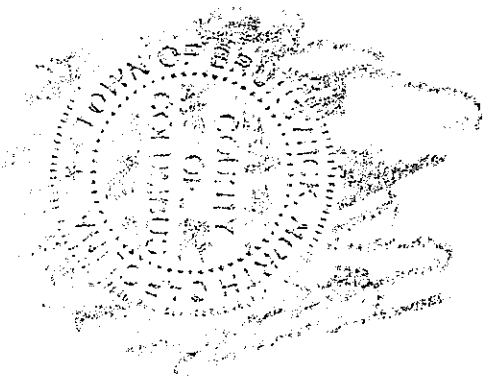
- resolves to discontinue the Agreement and presents six (6) months written notice to the other party of said termination or upon mutual agreement of both parties.
6. This Agreement may only be modified in writing and executed by both parties.
 7. That the effective date of this Interlocal Agreement shall be April 21, 2014.

IN WITNESS WHEREOF, the Town of Brunswick has caused this Agreement to be signed in its name by its Mayor, attested by its Clerk, and its Official Seal to be hereunto affixed, and Columbus County has caused this agreement to be signed in its name by the Chair of the Board of Commissioners and attested by the Clerk of its Board and its Official Seal to be hereunto affixed, the day and year first above written.

Town of Brunswick

By Nancy Hill Mayor

ATTEST Cheryl N. Suggs Clerk



Columbus County

By P. Edwin Russ

Chair, Board of Commissioners

ATTEST Joe B. Hall Clerk

The Town of Brunswick
Flood Damage Prevention Ordinance

ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

SECTION A. STATUTORY AUTHORIZATION.

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare.

Therefore, the Town Council of the Town of Brunswick, North Carolina, does ordain as follows:

SECTION B. FINDINGS OF FACT.

- (1) The flood prone areas within the jurisdiction of the Town of Brunswick are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

SECTION C. STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

- (1) restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- (5) prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

SECTION D. OBJECTIVES.

The objectives of this ordinance are to:

- (1) protect human life, safety, and health;
- (2) minimize expenditure of public money for costly flood control projects;
- (3) minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) minimize prolonged business losses and interruptions;
- (5) minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines,

streets, and bridges) that are located in flood prone areas;

- (6) help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- (7) ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

ARTICLE 2. DEFINITIONS.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Accessory Structure (Appurtenant Structure)" means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

"Addition (to an existing building)" means an extension or increase in the floor area or height of a building or structure.

"Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

"Area of Shallow Flooding" means a designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of Special Flood Hazard" see "Special Flood Hazard Area (SFHA)".

"Base Flood" means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

"Base Flood Elevation (BFE)" means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area", it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard", establishes the "Regulatory Flood Protection Elevation".

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Building" see "Structure".

"Chemical Storage Facility" means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

"Development Activity" means above activity which will necessitate a Floodplain Development Permit.

"Disposal" means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

"Elevated Building" means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

"Encroachment" means the advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

"Existing Manufactured Home Park or Manufactured Home Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at

a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters; and/or
- (2) the unusual and rapid accumulation of runoff of surface waters from any source.

"Flood Boundary and Floodway Map (FBFM)" means an official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

"Flood Insurance" means the insurance coverage provided under the National Flood Insurance Program.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

"Flood Insurance Study (FIS)" means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

"Flood Prone Area" see "Floodplain"

"Flood Zone" means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

"Floodplain" means any land area susceptible to being inundated by water from any source.

"Floodplain Administrator" is the individual appointed to administer and enforce the floodplain management regulations.

"Floodplain Development Permit" means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

"Floodplain Management Regulations" means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

"Floodway encroachment analysis" means an engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and models.

"Freeboard" means the height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could

contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation (BFE) plus the freeboard establishes the "Regulatory Flood Protection Elevation".

"Functionally Dependent Facility" means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

"Hazardous Waste Management Facility" means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

"Highest Adjacent Grade (HAG)" means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

"Historic Structure" means any structure that is:

- (a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or
- (d) certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program".

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

"Lowest Adjacent Grade (LAG)" means the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

"Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Market Value" means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

"Mean Sea Level" means, for purposes of this ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

"New Construction" means structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

"Non-Encroachment Area" means the channel of a river or other watercourse and the adjacent land areas that must be

reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

“Post-FIRM” means construction or other development for which the “start of construction” occurred on or after the effective date of the initial Flood Insurance Rate Map.

“Pre-FIRM” means construction or other development for which the “start of construction” occurred before the effective date of the initial Flood Insurance Rate Map.

“Principally Above Ground” means that at least 51% of the actual cash value of the structure is above ground.

“Public Safety” and/or “Nuisance” means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

“Recreational Vehicle (RV)” means a vehicle, which is:

- (a) built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) designed to be self-propelled or permanently towable by a light duty truck; and
- (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Reference Level” is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone AE, A, A99 or AO.

“Regulatory Flood Protection Elevation” means the “Base Flood Elevation” plus the “Freeboard”. In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus one (1) foot of freeboard. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

“Remedy a Violation” means to bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“Salvage Yard” means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

“Solid Waste Disposal Facility” means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

“Solid Waste Disposal Site” means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

“Special Flood Hazard Area (SFHA)” means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Article 3, Section B of this ordinance.

“Start of Construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the

main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

“Substantial Damage” means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of “substantial improvement”. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

“Substantial Improvement” means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- (a) any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Article 4 Section E of this ordinance.

“Variance” is a grant of relief from the requirements of this ordinance.

“Violation” means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

“Water Surface Elevation (WSE)” means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

“Watercourse” means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

ARTICLE 3. GENERAL PROVISIONS.

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs), of the Town of Brunswick.

SECTION B. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated June 2, 2006 for Columbus County and associated FIRM panels, (0189J, 0199J, & 0280J) including any digital data developed as part of the Flood Insurance Study, which are adopted by reference and declared a part of this ordinance. Future revisions to the FIS and FIRM panels that do not change flood hazard data within the jurisdictional authority of the Town of Brunswick are also adopted by reference and declared a part of this ordinance. Subsequent revisions to the FIRM should be adopted within 12 months.

SECTION C. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the

commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Article 3, Section B of this ordinance.

SECTION D. COMPLIANCE.

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION.

In the interpretation and application of this ordinance, all provisions shall be:

- (a) considered as minimum requirements;
- (b) liberally construed in favor of the governing body; and
- (c) deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION G. WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Brunswick or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

SECTION H. PENALTIES FOR VIOLATION.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Brunswick from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE 4. ADMINISTRATION.

SECTION A. DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

The Mayor or designee, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this ordinance.

SECTION B. FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.

(1) **Application Requirements.** Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

- (a) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - (i) the nature, location, dimensions, and elevations of the area of development/disturbance; existing and

- proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
- (ii) the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Article 3, Section B, or a statement that the entire lot is within the Special Flood Hazard Area;
 - (iii) flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Article 3, Section B;
 - (iv) the boundary of the floodway(s) or non-encroachment area(s) as determined in Article 3, Section B;
 - (v) the Base Flood Elevation (BFE) where provided as set forth in Article 3, Section B; Article 4, Section C; or Article 5, Section D;
 - (vi) the old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
 - (vii) the certification of the plot plan by a registered land surveyor or professional engineer.
- (b) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
- (i) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
 - (ii) Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be floodproofed; and
 - (iii) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.
- (c) If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.
- (d) A Foundation Plan, drawn to scale,, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
- (i) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and
 - (ii) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Article 5, Section B(4)(c) when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30.
- (e) Usage details of any enclosed areas below the lowest floor.
- (f) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
- (g) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.
- (h) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Article 5, Section B, subsections (6) and (7) of this ordinance are met.
- (i) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to

resolves to discontinue the Agreement and presents six (6) months written notice to the other party of said termination or upon mutual agreement of both parties.

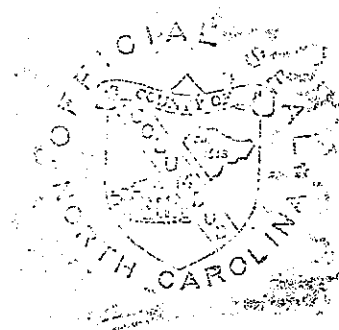
6. This Agreement may only be modified in writing and executed by both parties.
7. That the effective date of this Interlocal Agreement shall be April 21, 2014.

IN WITNESS WHEREOF, the Town of Brunswick has caused this Agreement to be signed in its name by its Mayor, attested by its Clerk, and its Official Seal to be hereunto affixed, and Columbus County has caused this agreement to be signed in its name by the Chair of the Board of Commissioners and attested by the Clerk of its Board and its Official Seal to be hereunto affixed, the day and year first above written.

Town of Brunswick

By Nancy Hark Mayor

ATTEST Cheryl N. Suggs Clerk



Columbus County

By P. Edwin Russ
Chair, Board of Commissioners

ATTEST Jane B. Hall Clerk



TOWN OF BRUNSWICK

AN ORDINANCE PROVIDING FOR PROCEDURES WITH RESPECT TO ABANDONED, JUNKED, AND NUISANCE VEHICLES

BE IT ORDAINED by the Town Council of the Town of Brunswick, North Carolina, that the ordinance for Abandoned, Junked, and Nuisance Vehicles be as follows:

ABANDONED, JUNKED, AND NUISANCE VEHICLES

Administration.

The Sheriff department and the Code Administrator of the Town shall be responsible for the administration and enforcement of this Article. The Sheriff Department shall be responsible for administering the removal and disposition of vehicles determined to be “abandoned” on the public streets and highways within the Town, and on property owned by the Town. The Code Administrator shall be responsible for administering the removal and disposal of “abandoned”, “nuisance” and “junked” motor vehicles located on private property. The Town may, on an annual basis, contract with private tow truck operators or towing businesses to remove, store, and dispose of abandoned vehicles, nuisance vehicles, and junked motor vehicles in compliance with this Chapter and applicable State Laws. Nothing in this Chapter shall be construed to limit the legal authority or powers of officers of the Sheriff’s Department and Fire Department in enforcing other laws or in otherwise carrying out their duties.

Definitions.

For the purpose of this Chapter, certain words and terms are defined as here in indicated:

- (a). Abandoned vehicle: As authorized and defined in G.S. 160A-303, an abandoned vehicle is one that:
 - (1). Is left upon a public street or highway in violation of a law or ordinance prohibiting parking; or
 - (2). Is left upon a public street or highway for longer than seven (7) days; or
 - (3). Is left upon property owned or operated by the Town for longer than twenty-four (24) hours; or
 - (4). Is left upon private property without the consent of the owner, occupant, or lessee thereof for longer than two (2) hours.

(b) Authorized Official: The supervisory employee of the Sheriff's Department or the Town Code Administrator, respectively, designated to order the removal of vehicles under the provisions of this Chapter.

(c) Motor vehicle or vehicle: All machines designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.

(d) Junked motor vehicle: As authorized and defined in G.S. 160A-303.2, the term junked motor vehicle means a vehicle that does not display a current license plate lawfully upon that vehicle and that:

(1) Is partially dismantled or wrecked; or

(2) Cannot be self-propelled or move in the manner in which it originally was intended to move; or

(3) Is more than five (5) years old and appears to be worth less than one hundred dollars (\$100.00).

(e) Nuisance vehicle: A vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be:

(1) A breeding ground or harbor for mosquitoes, other insects, rats or other pests; or

(2) A point of heavy growth of weeds or other noxious vegetation which exceeds eight (8) inches in height; or

(3) In a condition allowing the collection of pools or ponds of water; or

(4) A concentration of quantities of gasoline, oil, or other flammable or explosive materials as evidenced by odor; or

(5) An area of confinement which cannot be operated from the inside, such as, but not limited to, trunks or hoods; or

(6) So situated or located that there is a danger of it falling or turning over; or

(7) A collection of garbage, food waste, animal waste, or any other rotten or putrescent matter of any kind; or

(8) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass;

- (9) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the Town Council.

Abandoned vehicle unlawful, removal authorized.

- (a) It shall be unlawful for the registered owner or person entitled to possession of a vehicle to cause or allow such vehicle to be abandoned as the term is defined herein.
- (b) Upon investigation, the authorized officials of the Town may determine that a vehicle is an abandoned vehicle and order the vehicle removed.

Nuisance vehicle unlawful, removal authorized.

- (a) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle, or for the owner, lessee, or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.
- (b) Upon investigation, the Town Code Administrator may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle as defined above, and order the vehicle removed.

Junked motor vehicle regulated, removal authorized.

- (a) It shall be unlawful for the registered owner or person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.
- (b) It shall be unlawful to have more than one junked motor vehicle, as defined herein, on the premises of private property. A single, permitted junked motor vehicle must strictly comply with the location and concealment requirements of this section.
- (c) It shall be unlawful for the owner, person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located to fail to comply with the location requirements or the concealment requirements of this section.

(d) Subject to the provisions of subsection (e), the Town Code Administrator may order the removal of a junked motor vehicle found in violation of this Chapter to a storage garage or area. No such vehicle shall be removed from private property without the written request of the owner, lessee, or occupant of the premises unless the Code Administrator finds in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood, or area appearance. The following, among other relevant factors, may be considered:

- (1) Protection of property values;
- (2) Promotion of tourism and other economic development opportunities;
- (3) Indirect protection of public health and safety;
- (4) Preservation of the character and integrity of the community; and
- (5) Promotion of the comfort, happiness and emotional stability of the area residents.

(e) Permitted concealment or enclosure of junked motor vehicles:

(1) One junked motor vehicle, in its entirety, may be located in the rear yard, as defined in the Town Zoning Ordinance, provided the junked motor vehicle is entirely concealed from public view from a public street and/or abutting premises by an acceptable covering for not more than sixty (60) calendar days. Junked motor vehicles kept on the premises more than sixty (60) calendar days shall be kept inside a completely enclosed building. The Town Code Administrator has the authority to determine whether any junked motor vehicle is adequately concealed as required by this provision. The covering must remain in good repair and must not be allowed to deteriorate.

(2) Any one or more junked motor vehicles kept for a period exceeding sixty (60) calendar days shall be kept within a completely enclosed building, as defined in the Town Zoning Ordinance.

Removal of abandoned, nuisance, or junked motor vehicles; pre-towing notice requirements.

Except as set forth in Section 80-07 below, an abandoned, nuisance, or junked motor vehicle which is to be removed shall be towed only after notice to the registered owner or person entitled to possession of the vehicle. In the case of a nuisance vehicle or a junked motor vehicle, if the names

and addresses of the registered owner or person entitled to the possession of the vehicle, or the owner, lessee, or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, the notice shall be given by first class mail. The person who mails the notice(s) shall retain a written record to show the name(s) and address(es) to whom and to which mailed, and the date mailed. If such names and addresses cannot be ascertained or if the vehicle to be removed is an abandoned motor vehicle, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle a notice indicating that the vehicle will be removed by the Town on a specified date (no sooner than seven (7) days after the notice is affixed). The notice shall state that the vehicle will be removed by the Town on a specified date, no sooner than seven days after the notice is mailed or affixed, unless the vehicle is moved by the owner or legal possessor prior to that time.

With respect to abandoned vehicles on private property, nuisance vehicles and junked vehicles to which notice is required to be given, if the registered owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is abandoned, a nuisance vehicle or in the case of a junked motor vehicle that the aesthetic benefits of removing the vehicle outweigh the burdens, such appeal shall be made to the Town Council in writing, heard at the next regularly scheduled meeting of the Town Council, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

Exceptions to prior notice requirement.

The requirement that notice be given prior to the removal of an abandoned, nuisance, or junked motor vehicle may, as determined by the authorized official, be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstructions or to otherwise maintain and protect the public safety and welfare. Such findings shall, in all cases, be entered by the authorized official in the appropriate daily records. Circumstances justifying the removal of vehicles without prior notice includes:

(a) Vehicles abandoned on the streets. For vehicles left on the public streets and highways, the Town Council hereby determines that the immediate removal of such vehicles may be warranted when they are:

- (1) Obstructing traffic.
- (2) Parked in violation of an ordinance prohibiting or restricting parking.
- (3) Parked in a no-stopping or standing zone.
- (4) Parked in loading zones.
- (5) Parked in bus zones, or

(6) Parked in violation of temporary parking restrictions.

(b) Other abandoned or nuisance vehicles. With respect to abandoned or nuisance vehicle left on town-owned property other than the streets or highways, and on private property, such vehicles may be removed without giving prior notice only in those circumstances where the authorized official finds a special need for prompt action to protect and maintain the public health, safety, and welfare. By way of illustration and not of limitation, such circumstances include vehicles blocking or obstructing ingress or egress to businesses and residences, vehicles parked in such location or manner as to pose a traffic hazard, and vehicles causing damage to public or private property.

Removal of vehicles; post-towing notice requirements.

Any abandoned, nuisance, or junked motor vehicle which has been ordered removed may, as directed by the Town, be removed to a storage garage or area by a tow truck operator or towing business contracted to perform such services for the Town. Whenever such a vehicle is removed, the authorized Town official shall immediately notify the last known registered owner of the vehicle with such notice to include the following:

- (1) The description of the removed vehicle;
- (2) The location where the vehicle is stored;
- (3) The violation with which the owner is charged, if any;
- (4) The procedure the owner must follow to redeem the vehicle; and
- (5) The procedure the owner must follow to request a probable cause hearing on the removal.

The Town shall attempt to give notice to the vehicle owner by telephone; however, whether or not the owner is reached by telephone, written notice, indicating the information set forth in subsections (1) through (5) above, shall also be mailed to the registered owner's last known address, unless this notice is waived in writing by the vehicle owner or his agent.

If the vehicle is registered in North Carolina, notice shall be given within twenty-four (24) hours. If the vehicle is not registered in the State, notice shall be given to the registered owner within seventy-two (72) hours from the removal of the vehicle.

Whenever an abandoned, nuisance, or junked motor vehicle is removed, and such vehicle has no valid registration or registration plates, the authorized Town official shall make reasonable efforts, including checking the vehicle identification number to determine the last known registered owner of the vehicle and to notify him of the information set forth in subsections (1) through (5)

above.

Right to probable cause hearing before sale or final disposition of vehicle.

After the removal of an abandoned vehicle, nuisance vehicle, or junked motor vehicle, the owner or any person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle. A request for hearing must be filed in writing with the county magistrate designated by the chief district court judge to receive such hearing requests. The Magistrate will set the hearing within seventy-two (72) hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of G.S. 20-219.11, as amended.

Redemption of vehicle during proceedings.

At any stage in the proceedings, including before the probable cause hearing, the owner may obtain possession of the removed vehicle by paying the towing fees, including any storage charges, or by posting a bond for double the amount of such fees and charges to the tow truck operator or towing business having custody of the removed vehicle. Upon regaining possession of a vehicle, the owner or person entitled to the possession of the vehicle shall not allow or engage in further violations of this Chapter.

Sale and disposition of unclaimed vehicle.

Any abandoned, nuisance, or junked motor vehicle which is not claimed by the owner or other party entitled to possession will be disposed of by the tow truck operator or towing business having custody of the vehicle. Disposition of such a vehicle shall be carried out in coordination with the Town and in accordance with Article 1 of Chapter 44A of the North Carolina General Statutes.

Conditions on removal of vehicles from private property.

As a general policy, the Town will not remove a vehicle from private property if the owner, occupant or lessee of such property could have the vehicle removed under applicable State law procedures. In no case will a vehicle be removed by the Town from private property without a written request of the owner, occupant or lessee, except in those cases where the vehicle is a nuisance vehicle or is a junked motor vehicle which has been ordered removed by the Town Code Administrator. The Town may require any person requesting the removal of an abandoned, nuisance, or junked motor vehicle from private property to indemnify the Town against any loss, expense or liability incurred because of the removal, storage, or sale thereof.

Protection against criminal or civil liability.

No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of an abandoned, nuisance, or junked motor vehicle, for disposing of such vehicle as provided in this Chapter.

Exceptions.

Nothing in this Chapter shall apply to any vehicle: (1) which is located in a bona fide "automobile graveyard" or "junkyard" as defined in N.C.G.S. 136-143, in accordance with the "Junkyard Control Act", N.C.G.S. 136-141, et seq., (2) which is in an enclosed building, (3) which is on the premises of a business enterprise being operated in a lawful place and manner, or (4) which is in an appropriate storage place or depository maintained in a lawful place and manner by the Town.

Unlawful removal of impounded vehicle.

It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the Town, any vehicle which has been impounded pursuant to the provision of this Chapter unless and until all towing and impoundment fees which are due, or bond in lieu of such fees, have been paid.

Alternative Remedies.

Nothing in this Chapter nor any of its provisions shall be construed to impair or limit in any way the power of the Town to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise nor shall enforcement of one remedy provided herein prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws. In addition to the remedies provided for herein, any violation of the terms of this Chapter shall subject the violator to the penalties and remedies, either criminal or civil or both, as set forth in Section 10-99 of the Code of the Town of Brunswick."

All ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

This Ordinance shall become effective upon its adoption by the Town Council of the Town of Brunswick, North Carolina.

Adopted this the 17 day of September 2012.

ATTEST

Cheryl N. Suggs
TOWN CLERK

Nancy Hill
MAYOR

**AN ORDINANCE PROVIDING FOR PROCEDURES
WITH RESPECT TO NUISANCES
THE TOWN OF BRUNSWICK**

BE IT ORDAINED by the Town Council of the Town of Brunswick, North Carolina:

Part 1. That an Ordinance entitled Public Nuisances is hereby written and established as follows:

" PUBLIC NUISANCES

Section 1. Declaration Of Public Nuisance.

The following enumerated and described conditions, or any combination thereof, are hereby found, deemed, and declared to constitute a detriment, danger and hazard to the health, safety, morals and general welfare of the inhabitants of the Town and are found, deemed and declared to be public nuisances wherever the conditions may exist and the creation, maintenance or failure to abate any nuisances is hereby declared unlawful:

1. Any weeds or other vegetation having an overall height of more than eighteen (18) inches above the surrounding ground provided that the following shall not be considered to be a part of this condition: trees and ornamental shrubs; cultured plants; natural vegetation on undeveloped property that is not a threat to the character of surrounding properties; and flowers and growing and producing vegetable plants.
2. Any accumulation of trash and/or garbage which is the result of the absence or of overflowing or improperly closed trash or garbage containers;
3. Accumulation in an open place of hazardous or toxic materials and chemicals.
4. An open place of concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags, or any other combustible materials or objects of a like nature;
5. Any accumulation of garbage, rubbish, trash, or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, mice, snakes, mosquitoes, or vermin prejudicial to the public health.

6. Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.
7. The open storage of any discarded icebox, furniture refrigerator, stove, glass, building materials, building rubbish or similar items.
8. Any building or other structure which has been burned, partially burned or otherwise partially destroyed and which is unsightly or hazardous to the safety of any person, is a continuing fire hazard or which is structurally unsound to the extent that the Town Council or his designee can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises.
9. Any condition detrimental to the public health which violates the rules and regulations of the County Health Departments.

Section 2. Complaint; Investigation Of Public Nuisance.

When any condition in violation of this section is found to exist, the housing inspector or such persons as may be designated by the city Council, or the city Council, himself, shall give notice to the owner of the premises to abate or remove such conditions within ten (10) days. Such notice shall be in writing, shall include a description of the premises sufficient for identification and shall set forth the violation and state that, if the violation is not corrected within ten (10) days, the city may proceed to correct the same as authorized by this section. Service of such notice shall be by any one of the following methods.

1. By delivery to any owner personally or by leaving the notice at the usual place of abode of the owner with a person who is over the age of sixteen (16) years and a member of the family of the owner.
2. By depositing the notice in the United States Post Office addressed to the owner at his last known address with postage prepaid thereon.
3. By posting and keeping posted, for ten (10) days, a copy of the notice, in placard form, in a conspicuous place on the premises on which the violation exists, when notice cannot be served by method (1) and (2).

Section 3. Abatement Procedure.

If the owner of any property fails to comply with a notice given pursuant to this section,

within ten (10) days after the service of such notice, he shall be subject to prosecution for violation of this ordinance in accordance with law and each day that such failure continues shall be a separate offense. In addition, the city Council may have the condition described in the notice abated, removed or otherwise corrected and all expenses incurred thereby shall be chargeable to and paid by the owner of the property and shall be collected as taxes and levies are collected. All such expenses shall constitute a lien against the property on which the work was done.

Section 4. Procedure Is Alternative

The procedure set forth in this ordinance shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances, and this ordinance shall not prevent the town from proceeding in a criminal action against any person, firm or corporation violating the provisions of this chapter as provided in N.C. G. S. 14-4. Any violation of the terms of this ordinance shall subject the violator to the penalties and remedies, either criminal or civil or both, as set forth in the General Provisions, Penalty ordinance of the Town Ordinances.”

Part 2. All ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Part 3. This Ordinance shall become effective upon its adoption by the Board of Commissioners of the Town of BRUNSWICK, North Carolina.

ADOPTED this the 17 day of September, 2012

ATTEST

Cheryl N. Suggs
Town Clerk

Nancy Hill
Mayor

ORDINANCE NUMBER _____

AN ORDINANCE AFFECTING
THE REGULATION OF PUBLIC NUISANCES
THE TOWN OF BRUNSWICK

WHEREAS, Article 8 of Chapter 160A of the North Carolina General Statutes, N.C.G.S. 160A-174, et seq., delegates to municipalities the authority to exercise the general police power; and

WHEREAS, Article 8 of Chapter 160A of the North Carolina General Statutes, N.C.G.S. 160A-193, authorizes municipalities to summarily remedy, abate or remove public health nuisances; and

WHEREAS, the Board of Commissioners of the Town of Brunswick finds that it is in the public interest to amend the Town's Ordinances to provide more specificity as to the requirements for regulating Public Nuisances.

WHEREAS, the Board of Commissioners of the Town of Brunswick, after due notice, conducted a public hearing on the 15 day of June 2015, upon the question of amending the Town Ordinance in this respect.

THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF BRUNSWICK, NORTH CAROLINA;

PART ONE. That the Public Nuisances Ordinance of the Town of Brunswick, North Carolina, is hereby amended as follows:

“PUBLIC NUISANCES

Section 2 Complaint; Investigation of Public Nuisance.

1. When any condition in violation of this section is found to exist, the Code Administrator or such persons as may be designated by the Board of Commissioners shall give notice to the owner of the premises to abate or remove such conditions within ten (10) days. Such notice shall be in writing, shall include a description of the premises sufficient for identification and shall set forth the violation and state that, if the violation is not corrected within ten (10) days, the city may proceed to correct the same as authorized by this section. Service of such notice shall be by any one of the following methods.

(1)(a) By delivery to any owner personally or by leaving the notice at the usual place of abode of the owner with a person who is over the age of sixteen (16) years and a member of the family of the owner.

(2)(b) By depositing the notice in the United States Post Office addressed to the owner at his last known address with regular mail postage prepaid thereon.

(3)(c) By posting and keeping posted, for ten (10) days, a copy of the notice, in placard form, in a conspicuous place on the premises on which the violation exists, when notice cannot be served by method (1)(a) and (2)(b).

2. The town may notify a chronic violator of the town's public nuisance ordinance that, if the violator's property is found to be in violation of this chapter, the town shall, without further notice in the calendar year in which notice is given, take action to remedy the violation. The expense of such action shall become a lien upon the property and shall be collected as unpaid taxes. The notice shall be sent by registered or certified mail. When service is attempted by registered or certified mail, a copy of the notice may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within 10 days after the mailing. If service by regular mail is used, a copy of the notice shall be posted in a conspicuous place on the premises affected. A chronic violator is a person who owns property whereupon, in the previous calendar year, the town gave notice of violation at least three times under any provision of the public nuisance ordinance."

PART THREE. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

PART FOUR. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

PART FIVE. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing violations.

PART SIX. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 15 day of June, 2015.



Nancy Hill, Mayor

ATTEST:

Approved as to form:



Cheryl Suggs, Town Clerk

Kevin J. Bullard, Town Attorney

Town of Brunswick

P. O. BOX 68
BRUNSWICK, NORTH CAROLINA 28424

1/19/93

Re: Past Due Notice

Dear Customer:

If is not paid within 48 hours your services will be disconnected.

Payment is due by 5:00 p.m. on Thursday, January 21, 1993.

If the bill has not been paid by 5:00, p.m., at the end of the 48 hour "warning period" an automatic twenty (\$20.00) "administrative assessment/reconnection fee" will be charged to the account.

The morning immediately following the 48 hours "warning period" the town will physically discontinue water service to any account which has not been paid in full by 5:00 o'clock, p.m., of the previous day - the end of the 48 hour "warning period." However, in the event the past due account is paid together with a one dollar (\$1.00) late fee and the twenty dollar (\$20.00) "administrative assessment/reconnection fee"; in that event, service will not be disconnected.

Water cutoffs will only be made between 8:30 o'clock, a.m., Monday through 12:00 o'clock, noon, on Friday. No cutoffs will occur between 12:01 o'clock, p.m., on Friday through 8:29 o'clock, a.m. Monday or during any legal holiday observed by the Town of Brunswick.

Sincerely yours,

Minerva Williams

Minerva Williams
Town Clerk

Resolution for Adoption
of the
Town of Brunswick Future Land Use Map

Resolution # 082018RA

WHEREAS, the Town of Brunswick Board of Commissioners has called for the development of a future land use plan; *and*

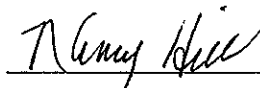
WHEREAS, the Town of Brunswick Board of Commissioners procured a consultant and directed the Planning Board to undertake such a planning process; *and*

WHEREAS, the Town of Brunswick Planning Board has, by unanimous vote, recommended the adoption of *Town of Brunswick Future Land Use Map* in accordance with the procedures of Article 19 of NCGS 160A; *and*

WHEREAS, the Town of Brunswick Board of Commissioners continues in its commitment to the future of Brunswick.

NOW, THEREFORE, BE IT RESOLVED, by the Town of Brunswick Board of Commissioners at its Regular Meeting on August 20th, 2018 to adopt *Town of Brunswick Future Land Use Map August 20, 2018* as the requisite plan for the Town and to implement the foundational principles of the plan through strategic initiatives as deemed responsible and fiscally sound by this and future Boards.

Adopted this the 20th day of August 2018.



Mayor



Town Clerk

SEAL

Town of Brunswick

P.O. Box 68
Brunswick, NC 28424

Telephone: (910) 642-6741
Fax: (910) 642-5909
email: brunswick@ncez.net

Member N.C. League of Municipalities
Incorporated 1925

A RESOLUTION SUPPORTING

THE LEVYING OF A ¼ CENT COUNTY SALES AND USE TAX

WHEREAS, The Columbus County Board of Commissioners has authorized an opportunity for the citizens of Columbus County to vote for or against the Quarter-Cent Sales and Use Tax on the November 4, 2008 ballot in the General Election; and

WHEREAS, The Quarter-Cent Sales and Use Tax is a tax which everyone, not only property owners, will pay when purchasing non-food items and services; and

WHEREAS, The Quarter-Cent Sales and Use Tax is a tax which everyone, not only unrealized revenue stream, namely travelers and tourists who stop in our county en-route to other destinations, to help fund the needs of our county; and

WHEREAS, if passed, the Quarter-Cent Sales and Use Tax will generate approximately one million dollars per day, and

WHEREAS, One-half of the total amount of funds collected through the Quarter-Cent Sales and Use Tax will be earmarked to support education in Columbus County, specifically Columbus County Schools, Whiteville City Schools, and Southeastern Community College; and

WHEREAS, the best interests of the children of Columbus County Schools, Whiteville City Schools, and Southeastern Community College will be better served if the Quarter-Cent Sales and Use Tax is approved by the voters of Columbus County.

NOW, THEREFORE BE IT RESOLVED that Town of Brunswick urges all registered voters of Columbus County, North Carolina to vote in favor of the Quarter-Cent Sales and Use Tax in the general election on November 4, 2008.

ADOPTED THIS 20th DAY OF October, 2008.


MAYOR


TOWN CLERK

**RESOLUTION to BUILD CELLULAR TOWERS
which will provide BASIC ALLTEL SERVICE
to COLUMBUS COUNTY**

WHEREAS, wireless telephone service has become an essential commodity for citizens of Columbus County; **and**

WHEREAS, adequate telephone coverage should be available to all persons who are sold Alltel telephone instruments; **and**

WHEREAS, citizens of Columbus County are customers of Alltel and the Alltel System; **and**

WHEREAS, due to lack of Alltel to fulfill its pledges to customers in Columbus County by not providing adequate cellular towers; **and**

WHEREAS, corporate decisions by Alltel not only keeps customers in the Alltel System from having the basic services that go with cellular telephone use but it also creates a situation where Alltel is selling a product that cannot be used for its intended purpose; **and**

WHEREAS, Alltel has opened a new store in Whiteville which, to a degree, sells wireless products that can't be used in parts of Columbus County.

NOW, THEREFORE, BE IT RESOLVED that the Town of Brunswick Board of Commissioners requests that Alltel fulfills its agreements to the citizens of Columbus County and the area by providing the needed funds to build the proposed cell towers in Columbus County so as the basic service of cellular telephone usage may be enjoyed by the citizens of Columbus County.

ADOPTED this the 21st day of May, 2001.

TOWN OF BRUNSWICK BOARD OF COMMISSIONERS


BENNETT J. WILLIAMS, Mayor

ATTESTED BY:


MINERVA WILLIAMS, Town Clerk

**Town of Brunswick
Resolution of Intent**

WHEREAS, certain areas of the Town of Brunswick are subject to periodic flooding or flood-related erosion, causing serious damages to properties within these areas; and

WHEREAS, relief is available in the form of Federally guaranteed flood insurance as authorized by the National Flood Insurance Act of 1968; and

WHEREAS, the Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, it is the intent of this BOARD to require the recognition and evaluation of flood or flood-related erosion hazards in all official actions relating to the land use, building construction repair and remodeling in areas having these hazards;

NOW, therefore, be it resolved, that this BOARD hereby:

Assures the Federal Insurance Administration (FIA) that it will enact as necessary and maintain in force in those areas having flood or flood-related erosion hazards adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in Parts 59, 60 and 65 of the National Flood Insurance Program Regulations (44 CFR); and

Vests the Mayor or designee with the responsibility, authority, and the means to:

- (a) Assist the FIA Administrator, as requested, in delineation of the limits of the area having special flood or flood-related erosion hazards.
- (b) Provide such information as the FIA Administrator may request concerning present uses and occupancy of the floodplain or flood-related erosion areas.
- (c) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map, and identify floodplain or flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
- (d) Upon occurrence, notify the FIA Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all Flood Hazard Boundary Maps (FHBM) and Flood Insurance Rate Maps (FIRMs) accurately represent the community's boundaries, include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

Appoints the Mayor or designee to maintain for public inspection and to furnish upon request, for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a FHBM or FIRMs, any certificates of flood-proofing, and information on

the elevation (in relation to mean sea level) of the level of the lowest floor (including basement) of all new or substantially improved structures, and include whether or not such structures contain a basement, and if the structure has been floodproofed.

Agrees to take such other official action as may be reasonably necessary to carry out the objective of the program.

Adopted on April 21, 2014

By: Nancy Hill
Nancy Hill, Mayor

Angus McArthur
Lucille Moore
Forrestene Davis
Jacqueline L. McFarland

(Signatures of Governing Board)

Certified by: Cheryl N. Suggs
Town Clerk

Date: April 21, 2014

SEAL

security devices has no permanent attachments such as additions, rooms stairs, decks, and porches).

- (b) Permanent placement. Recreational vehicles that do not meet the limitations of Temporary placement shall meet all the requirements for new construction.
- (7) Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:
 - (a) a specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;
 - (b) the name, address, and phone number of the individual responsible for the removal of the temporary structure;
 - (c) the time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
 - (d) a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
 - (e) designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.
- (8) Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
 - (a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
 - (b) Accessory structures shall not be temperature-controlled;
 - (c) Accessory structures shall be designed to have low flood damage potential;
 - (d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 - (e) Accessory structures shall be firmly anchored in accordance with the provisions of Article 5, Section A(1);
 - (f) All service facilities such as electrical shall be installed in accordance with the provisions of Article 5, Section A(4); and
 - (g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of Article 5, Section B(4)(c).

An accessory structure with a footprint less than 150 square feet or that is a minimal investment of \$ 3000 or less and satisfies the criteria outlined above is not required to meet the elevation or floodproofing standards of Article 5, Section B (2). Elevation or floodproofing certifications are required for all other accessory structures in accordance with Article 4, Section B(3).

- (9) Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
 - (a) Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;
 - (b) Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be attached to and elevated to or

above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;

- (c) Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section B (2) of this ordinance shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
 - (d) Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:
 - (i) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 - (ii) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.
- (10) Other Development. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:
- (a) Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Article 5, Section F of this ordinance.
 - (b) Retaining walls, sidewalks and driveways in regulated floodways and NEAs. . Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Article 5, Section F of this ordinance.
 - (c) Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Article 5, Section F of this ordinance.

SECTION C. RESERVED.

SECTION D. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS.

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Article 3, Section B, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Article 5, Section A, shall apply:

- (1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:

- (a) When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Article 5, Sections A and B.
- (b) When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of Article 5, Sections B and F.
- (c) All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with Article 3, Section B and utilized in implementing this ordinance.
- (d) When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Article 2. All other applicable provisions of Article 5, Section B shall also apply.

SECTION E. STANDARDS FOR RIVERINE FLOODPLAINS WITH BASE FLOOD ELEVATIONS BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS.

Along rivers and streams where Base Flood Elevation (BFE) data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- (1) Standards of Article 5, Sections A and B; and
- (2) Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

SECTION F. FLOODWAYS AND NON-ENCROACHMENT AREAS.

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Article 3, Section B. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Article 5, Sections A and B, shall apply to all development within such areas:

- (1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
 - (a) it is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit, or
 - (b) a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.
- (2) If Article 5, Section F(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- (3) Manufactured homes may be permitted provided the following provisions are met:
 - (a) the anchoring and the elevation standards of Article 5, Section B(3); and



Columbus County Land Records



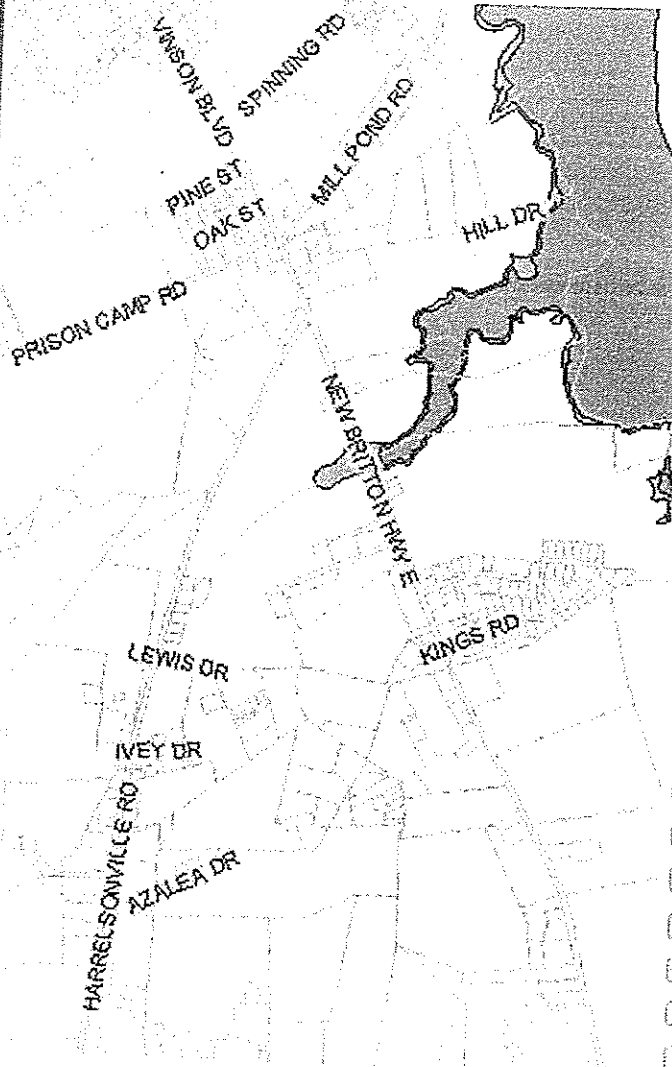
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Sales Info



Layers

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- ☒ Travel Map
- ☐ Misc Roads
- ☒ Roads
- ☐ Parcel Hooks
- ☐ Lot Lines
- ☐ Branch Names
- ☐ Addresses-Photos
- ☐ City Limits
- ☐ Sales 2014
- ☐ Sales 2008-2013
- ☐ Zoning
- ☐ School Districts
- ☐ Fire Districts
- ☐ Township
- ☐ Probation
- ☐ Community Names
- ☐ Elevation Contours
- ☐ Flood Map Index
- ☒ 2006 Flood Data
- ☐ Water Districts
- ☐ Soils
- ☐ National Wetlands Inventory
- ☐ 2010 Aerials (Close View)
- ☐ 2010 Aerials (Med View)
- ☐ 2010 Aerials (Full View)

Print Map

Title to display on Map:
ArcIMS HTML Viewer Map

Create Print Page

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(b) the no encroachment standard of Article 5, Section F(1).

ARTICLE 6. LEGAL STATUS PROVISIONS.

SECTION A. RESERVED.

SECTION B. RESERVED.

SECTION C. SEVERABILITY.

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

SECTION D. EFFECTIVE DATE.

This ordinance shall become effective upon adoption.

SECTION E. ADOPTION CERTIFICATION.

I hereby certify that this is a true and correct copy of the Flood Damage Prevention Ordinance as adopted by the Town Council of the Town of Brunswick, North Carolina, on the 20th day of April, 2014.

WITNESS my hand and the official seal of the Town of Brunswick, this the 20th day of April, 2014.

Nancy Idie
(signature)

Cheryl N. Suggs
Town Clerk

FLOOD DAMAGE PREVENTION ORDINANCE

Non-Coastal Regular Phase

ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

SECTION A. STATUTORY AUTHORIZATION.

Municipal: The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental the responsibility units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

County: The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3 and 4 of Article 18 of Chapter 153A; and Part 121, Article 6 of Chapter 153A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

Therefore, the Town Council (*governing body*) of Brunswick (*community*), North Carolina, does ordain as follows:

SECTION B. FINDINGS OF FACT.

- (1) The flood prone areas within the jurisdiction of Brunswick (*community*) are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

SECTION C. STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

- (1) restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- (5) prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

SECTION D. OBJECTIVES.

The objectives of this ordinance are:

- (1) to protect human life and health;

- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business losses and interruptions;
- (5) to minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
- (6) to help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- (7) to ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

ARTICLE 2. DEFINITIONS.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Accessory Structure (Appurtenant Structure)" means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

"Addition (to an existing building)" means an extension or increase in the floor area or height of a building or structure.

"Appeal" means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance.

"Area of Shallow Flooding" means a designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of Special Flood Hazard" see "Special Flood Hazard Area (SFHA)"

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Base Flood" means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

"Base Flood Elevation (BFE)" means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area", it may be obtained from engineering studies available from a Federal or State or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard", establishes the "Regulatory Flood Protection Elevation".

"Building" see "Structure"

"Chemical Storage Facility" means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

"Disposal" means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

"Elevated Building" means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

“Encroachment” means the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

“Existing Manufactured Home Park or Manufactured Home Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the original effective date of the floodplain management regulations adopted by the community.

“Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters; and/or
- (2) the unusual and rapid accumulation of runoff of surface waters from any source.

“Flood Boundary and Floodway Map (FBFM)” means an official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

“Flood Hazard Boundary Map (FHBM)” means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

“Flood Insurance” means the insurance coverage provided under the National Flood Insurance Program.

“Flood Insurance Rate Map (FIRM)” means an official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

“Flood Insurance Study (FIS)” means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

“Flood Prone Area” see “Floodplain”

“Floodplain” means any land area susceptible to being inundated by water from any source.

“Floodplain Administrator” is the individual appointed to administer and enforce the floodplain management regulations.

“Floodplain Development Permit” means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

“Floodplain Management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

“Floodplain Management Regulations” means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

“Flood Zone” means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

"Freeboard" means the height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization on the watershed. The Base Flood Elevation plus the freeboard establishes the "Regulatory Flood Protection Elevation".

"Functionally Dependent Facility" means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

"Hazardous Waste Facility" means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

"Highest Adjacent Grade (HAG)" means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

"Historic Structure" means any structure that is:

- (a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or
- (d) certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program"

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

"Lowest Adjacent Grade (LAG)" means the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

"Lowest Floor" means lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Market Value" means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

"Mean Sea Level" means, for purposes of this ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

"New Construction" means structures for which the "start of construction" commenced on or after the effective date of the original version of the community's Flood Damage Prevention Ordinance and includes any subsequent improvements to such structures.

"Non-Encroachment Area" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

"Post-FIRM" means construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map for the area.

"Pre-FIRM" means construction or other development for which the "start of construction" occurred before the effective date of the initial Flood Insurance Rate Map for the area.

"Principally Above Ground" means that at least 51% of the actual cash value of the structure is above ground.

"Public Safety" and/or "Nuisance" means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

"Recreational Vehicle (RV)" means a vehicle, which is:

- (a) built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) designed to be self-propelled or permanently towable by a light duty truck; and
- (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Reference Level" is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone A1-A30, AE, A, A99 or AO.

"Regulatory Flood Protection Elevation" means the "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

"Remedy a Violation" means to bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Salvage Yard" means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

"Solid Waste Disposal Facility" means, as defined in NCGS 130A-290(a)(35), any facility involved in the disposal of solid waste.

"Solid Waste Disposal Site" means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

"Special Flood Hazard Area (SFHA)" means the land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year, as determined in Article 3, Section B of this ordinance.

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180

days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

“Substantial Damage” means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of “substantial improvement”. *(The last sentence is **OPTIONAL** but required for eligibility for Increased Cost of Compliance (ICC) benefits for repetitive losses.)*

“Substantial Improvement” means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- (a) any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or,
- (b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

“Variance” is a grant of relief from the requirements of this ordinance.

“Violation” means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

“Water Surface Elevation (WSE)” means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

“Watercourse” means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

ARTICLE 3. GENERAL PROVISIONS.

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs) if applicable, of Brunswick.

SECTION B. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Columbus County dated June 2, 2006, which are adopted by reference and declared to be a part of this ordinance. *(NOTE - If your community is adopting maps which precede the Cooperating Technical State agreement, or has never been mapped, please see the instructions for guidance in revising this Section.)*

SECTION C. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with Article 3, Section B of this ordinance.

SECTION D. COMPLIANCE.

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION.

In the interpretation and application of this ordinance, all provisions shall be:

- (a) considered as minimum requirements;
- (b) liberally construed in favor of the governing body; and
- (c) deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION G. WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of _____
| Brunswick (community) or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

SECTION H. PENALTIES FOR VIOLATION.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent _____
| Brunswick (community) from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE 4. ADMINISTRATION.

SECTION A. DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

| The Town Manager or his designee, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this ordinance.

SECTION B. FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.

- (1) Application Requirements. Application for a Floodplain Development Permit shall be made to the floodplain administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the floodplain administrator to apply for a floodplain development permit:

- (a) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - i) the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - ii) the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Article 3, Section B, or a statement that the entire lot is within the Special Flood Hazard Area;
 - iii) flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Article 3, Section B;
 - iv) the boundary of the floodway(s) or non-encroachment area(s) as determined in Article 3, Section B;
 - v) the Base Flood Elevation (BFE) where provided as set forth in Article 3, Section B; Article 4, Section C(11 & 12); or Article 5, Section D;
 - vi) the old and new location of any watercourse that will be altered or relocated as a result of proposed development;
 - vii) *certification of the plot plan by a registered land surveyor or professional engineer*
- (b) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
 - i) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
 - ii) Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be flood-proofed; and
 - iii) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;
- (c) If floodproofing, a Floodproofing Certificate (*FEMA Form 81-65*) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.
- (d) A Foundation Plan, drawn to scale,, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
 - i) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);
 - ii) Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with Article 5, Section B(4)(d), when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30;
- (e) Usage details of any enclosed areas below the regulatory flood protection elevation.
- (f) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;
- (g) Copies of all other Local, State and Federal permits required prior to floodplain development permit issuance (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.)
- (h) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure Article 5, Sections B(6 & 7) of this ordinance are met.
- (i) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects

to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

(2) **Permit Requirements.** The Floodplain Development Permit shall include, but not be limited to:

- (a) A description of the development to be permitted under the floodplain development permit.
- (b) The Special Flood Hazard Area determination for the proposed development per available data specified in Article 3, Section B.
- (c) The regulatory flood protection elevation required for the reference level and all attendant utilities.
- (d) The regulatory flood protection elevation required for the protection of all public utilities.
- (e) All certification submittal requirements with timelines.
- (f) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
- (g) The flood openings requirements, if in Zones A, AO, AE or A1-30.
- (h) *Limitations of below BFE enclosure uses (if applicable). (i.e., Parking, Building Access and Limited Storage only). (OPTIONAL)*

(3) **Certification Requirements.**

(a) Elevation Certificates

- i) *An Elevation Certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of the elevation of the reference level, in relation to mean sea level. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. (STATE RECOMMENDED BUT OPTIONAL)*
- ii) A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. ***(THE FEMA ELEVATION CERTIFICATE IS OPTIONAL FOR FLOODPLAIN MANAGEMENT ELEVATION DATA, BUT RECOMMENDED. THE USE OF THE FEMA ELEVATION CERTIFICATE IS REQUIRED FOR THE PURCHASE OF FLOOD INSURANCE, AND MANDATORY FOR CRS PARTICIPATION.)***

(b) Floodproofing Certificate

If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data and an operational plan, is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The floodplain administrator shall review the certificate data and plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections

shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

- (c) If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required per Article 5, Section B(3).
- (d) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.
- (e) Certification Exemptions. The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:
 - i) Recreational Vehicles meeting requirements of Article 5, Section B(6)(a);
 - ii) Temporary Structures meeting requirements of Article 5, Section B(7); and
 - iii) Accessory Structures less than 150 square feet meeting requirements of Article 5, Section B(8).

SECTION C. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

The Floodplain Administrator shall perform, but not be limited to, the following duties:

- (1) Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
- (2) Advise permittee that additional Federal or State permits (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.) may be required, and require that copies of such permits be provided and maintained on file with the floodplain development permit.
- (3) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (5) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Article 5, Section E are met.
- (6) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new or substantially improved structures, in accordance with Article 4, Section B(3).
- (7) Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with Article 4, Section B(3).
- (8) Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with Article 4, Section B(3).
- (9) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Article 4, Section B(3) and Article 5, Section B(2).
- (10) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary

interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

- (11) When Base Flood Elevation (BFE) data has not been provided in accordance with Article 3, Section B, obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Article 5, Section D(2)(b), in order to administer the provisions of this ordinance.
- (12) When Base Flood Elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with Article 3, Section B, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.
- (13) When the lowest ground elevation of a parcel or structure in a Special Flood Hazard Area is above the Base Flood Elevation, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the floodplain development permit file.
- (14) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection.
- (15) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- (16) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the floodplain administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- (17) Revoke floodplain development permits as required. The floodplain administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- (18) Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The floodplain administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (19) Follow through with corrective procedures of Article 4, Section D.
- (20) Review, provide input, and make recommendations for variance requests.
- (21) Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with Article 3, Section B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- (22) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

SECTION D. CORRECTIVE PROCEDURES.

- (1) Violations to be Corrected: When the floodplain administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- (2) Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the floodplain administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
 - (a) that the building or property is in violation of the Flood Damage Prevention Ordinance;
 - (b) that a hearing will be held before the floodplain administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,
 - (c) that following the hearing, the floodplain administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.
- (3) Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the floodplain administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than (180) calendar days. Where the floodplain administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in such lesser period as may be feasible.
- (4) Appeal: Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the floodplain administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the floodplain administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (5) Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

SECTION E. VARIANCE PROCEDURES.

- (1) The Zoning Board of Adjustments (*appeal board*) as established by Town of Brunswick (*community*), hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of this ordinance.
- (2) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.
- (3) Variances may be issued for:
 - (a) the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.
 - (b) functionally dependant facilities if determined to meet the definition as stated in Article 2 of this ordinance, provided provisions of Article 4, Section E(9)(b), (c), and (e) have been satisfied, and such facilities are protected by methods that minimize flood damages.
 - (c) any other type of development, provided it meets the requirements stated in this section.
- (4) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

- (a) the danger that materials may be swept onto other lands to the injury of others;
 - (b) the danger to life and property due to flooding or erosion damage;
 - (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) the importance of the services provided by the proposed facility to the community;
 - (e) the necessity to the facility of a waterfront location as defined under Article 2 of this ordinance as a functionally dependant facility, where applicable;
 - (f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) the compatibility of the proposed use with existing and anticipated development;
 - (h) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (k) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (5) A written report addressing each of the above factors shall be submitted with the application for a variance.
- (6) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- (7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- (8) The floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
- (9) Conditions for Variances:
- (a) Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
 - (b) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
 - (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (d) Variances shall only be issued prior to development permit approval.
 - (e) Variances shall only be issued upon:
 - i) a showing of good and sufficient cause;

- ii) a determination that failure to grant the variance would result in exceptional hardship; and
 - iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (10) A variance may be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
- (a) The use serves a critical need in the community.
 - (b) No feasible location exists for the use outside the Special Flood Hazard Area.
 - (c) The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation.
 - (d) The use complies with all other applicable Federal, State and local laws.
 - (e) The Town of Brunswick (community) has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.

SECTION A. GENERAL STANDARDS.

In all Special Flood Hazard Areas the following provisions are required:

- (1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- (2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (4) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, appliances (washers, dryers, refrigerators, freezers, etc.), hot water heaters, and electric outlets/switches.
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (8) Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.
- (9) Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or

stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.

- (10) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Article 4, Section E(10). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified according to Article 4, Section B(3) of this ordinance.
- (11) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- (12) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (13) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (14) All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

SECTION B. SPECIFIC STANDARDS.

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Article 3, Section B, or Article 4, Section C(11 & 12), the following provisions, in addition to Article 5, Section A, are required:

- (1) Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Article 2 of this ordinance.
- (2) Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Article 2 of this ordinance. Structures located in A, AE and A1-30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Article 5, Section H(3). A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 4, Section B(3), along with the operational and maintenance plans..
- (3) Manufactured Homes.
 - (a) New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in Article 2 of this ordinance.
 - (b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by engineer certification, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
 - (c) All enclosures or skirting below the lowest floor shall meet the requirements of Article 5, Section B(4)(a), (b), and (c)..

- (d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the floodplain administrator and the local Emergency Management coordinator.

(4) Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

- (a) shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
- (b) shall be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
- (c) shall include, in Zones A, AO, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria;
 - i) A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - ii) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
 - iii) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - iv) The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;
 - v) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - vi) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

(5) Additions/Improvements.

- (a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - i) not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
 - ii) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- (b) Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
- (c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - i) not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.

- ii) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
 - (d) Where an independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.
- (6) Recreational Vehicles. Recreational vehicles shall either:
- (a) be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
 - (b) meet all the requirements for new construction.
- (7) Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the floodplain administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the floodplain administrator for review and written approval;
- (a) a specified time period for which the temporary use will be permitted. Time specified may not exceed three months, renewable up to one year;
 - (b) the name, address, and phone number of the individual responsible for the removal of the temporary structure;
 - (c) the time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
 - (d) a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
 - (e) designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.
- (8) Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
- (a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
 - (b) Accessory structures shall not be temperature-controlled;
 - (c) Accessory structures shall be designed to have low flood damage potential;
 - (d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 - (e) Accessory structures shall be firmly anchored in accordance with Article 5, Section A(1);
 - (f) All service facilities such as electrical shall be installed in accordance with Article 5, Section A(4); and
 - (g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with Article 5, Section B(4)(c)..

An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Article 4, Section B(3).

SECTION C. RESERVED.

SECTION D. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS.

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Article 3, Section B, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to Article 5, Sections A and B, shall apply:

- (1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) The BFE used in determining the regulatory flood protection elevation shall be determined based on one of the following criteria set in priority order:
 - (a) If Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Article 4, Section C(11 & 12).
 - (b) All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference per Article 3, Section B to be utilized in implementing this ordinance.
 - (c) When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated to or above the regulatory flood protection elevation, as defined in Article 2.

SECTION E. STANDARDS FOR RIVERINE FLOODPLAINS WITH BFE BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS.

Along rivers and streams where BFE data is provided but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- (1) Standards outlined in Article 5, Sections A and B; and
- (2) Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

SECTION F. FLOODWAYS AND NON-ENCROACHMENT AREAS.

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Article 3, Section B. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Article 5, Sections A and B, shall apply to all development within such areas:

- (1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated that:
 - (a) the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the floodplain administrator prior to issuance of floodplain development permit, or
 - (b) a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.
- (2) If Article 5, Section F(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- (3) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:
 - (a) the anchoring and the elevation standards of Article 5, Section B(3); and
 - (b) the no encroachment standard of Article 5, Section F(1).

SECTION G. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO).

Located within the Special Flood Hazard Areas established in Article 3, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Article 5, Section A, all new construction and substantial improvements shall meet the following requirements::

- (1) The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two (2) feet, above the highest adjacent grade; or at least two feet above the highest adjacent grade plus a freeboard of two (2) feet if no depth number is specified.
- (2) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Article 5, Section H(1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as per Article 4, Section B(3) and Article 5, Section B(2).
- (3) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

ARTICLE 6. LEGAL STATUS PROVISIONS.

SECTION A. EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE.

This ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted (no ordinance previously adopted) (*adoption date of the community's original Flood Damage Prevention Ordinance*) as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of Town of Brunswick (*community*) enacted on (no ordinance previously adopted) (*adoption date of the community's original Flood Damage Prevention Ordinance*), as amended, which are not reenacted herein are repealed.

SECTION B. EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS.

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the floodplain administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

SECTION C. EFFECTIVE DATE.

This ordinance shall become effective upon adoption.

SECTION D. ADOPTION CERTIFICATION.

I hereby certify that this is a true and correct copy of the flood damage prevention ordinance as adopted by the Town Council (governing body) of Town of Brunswick (community), North Carolina, on the May 22nd day of May, 200 .

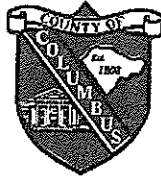
WITNESS my hand and the official seal of Brunswick, this the 16th day of October, 2006.

Rug William
(signature) Mayor

Columbus County

BOARD OF COMMISSIONERS

COMMISSIONERS
AMON E. MCKENZIE
JAMES E. PREVATTE
GILES E. BYRD
P. EDWIN RUSS
TRENT BURROUGHS
RICKY BULLARD
CHARLES T. McDOWELL



WILLIAM S. CLARK, COUNTY MANAGER
JUNE B. HALL, CLERK TO THE BOARD
MIKE STEPHENS, COUNTY ATTORNEY

May 06, 2014

The Honorable Nancy L. Hill, Mayor
Town of Brunswick
Post Office Box 68
Brunswick, North Carolina 28424-0068

IN RE: Interlocal Agreement Between Columbus County and the Town of Brunswick (Administer Town's Flood Damage Prevention Ordinance)

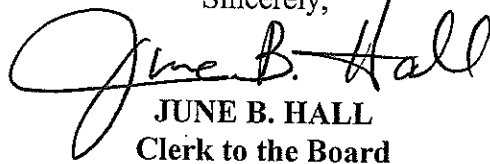
Dear Mayor Hill:

Enclosed please find an original copy of the above referenced document which was presented and unanimously approved at the May 05, 2014 Columbus County Board of Commissioners Meeting.

As per the telephone conversation with Cheryl N. Suggs, Clerk, I am returning one (1) original to you, and I am keeping one (1) original for my file.

Thank you for all that you do for the Town of Brunswick.

Sincerely,


JUNE B. HALL
Clerk to the Board

/jbh

Enclosure

Interlocal Agreement Between Columbus County and the Town of Brunswick

This resolution/agreement, made and entered into this the 21th day of April, 2014, by and between the Town of Brunswick, a municipal corporation organized and existing pursuant to the laws of the State of North Carolina, Party of the First Part and hereinafter referred to as the TOWN and Columbus County, a political subdivision of the State of North Carolina established and operating pursuant to the laws of the State of North Carolina, Party of the Second Part and hereinafter referred to as the COUNTY;

WITNESSETH:

WHEREAS, the TOWN and the COUNTY, pursuant to the authority granted by the North Carolina General Statutes 160A-461, hereby covenant and agree as follows:

1. That the TOWN hereby contracts with the COUNTY to use the services of the Columbus County Building Inspections Department of the COUNTY to administer the TOWN'S Flood Damage Prevention Ordinance within the corporate limits and extra-territorial jurisdiction of the TOWN.
2. That the services of the Columbus County Building Inspections Department shall be performed at no cost to the TOWN. However, should any claims arise out of the services provided by the COUNTY under this agreement, the TOWN agrees to indemnify and hold the COUNTY, its employees, agents and contractors harmless from any and all claims for liability, loss, injury, damages to persons or property, costs or attorney's fees resulting from any action brought against Columbus County, its employees, agents, contractors and Commissioners arising as a result of these services performed on behalf of the TOWN that are the subject matter of this Agreement.
3. That all fees and charges associated with administering the Flood Damage Prevention Ordinance as adopted by the Board of County Commissioners, shall be collected by the COUNTY, shall be the sole property of the COUNTY, and no part thereof shall be payable to the TOWN.
4. That all development to take place within the TOWN's corporate limits or extra-territorial jurisdiction shall be subject to the rules and regulations set forth in the aforementioned Flood Damage Prevention Ordinance. No building permits shall be issued for any property until the flood zone is determined and the necessary building standards are met. If the property is located within the Special Flood Hazard Area and if the structure is to be constructed within the flood hazard area, preliminary and final elevation certificates will be required.
5. That the Columbus County Building Inspections Department will use every effort to enforce the Flood Damage Prevention Ordinance, except that if any civil or criminal action becomes necessary, the TOWN shall bring any legal action as may be required to effectively enforce said Ordinance, upon written notice from the Columbus County Building Inspections Department of such violations. That this Agreement shall continue until such time as either the TOWN or COUNTY

Webmail

yamman@embarqmail.com

Fwd: NFIP Enrollment Documents for the Town of Brunswick

From : Town of Tabor City
<yamman@embarqmail.com>

Tue, Jul 01, 2014 02:31 PM

Subject : Fwd: NFIP Enrollment Documents for the Town of Brunswick

1 attachment

To : tobrunswick <tobrunswick@centurlink.net>

This is the guy that should get any documentaion showing the county is now doing our floodplain administration. Al.

From: "Town of Tabor City" <yamman@embarqmail.com>

To: "Milton Carpenter" <Milton.Carpenter@ncdps.gov> *original to him*

Cc: wgreene@columbusco.org

Sent: Tuesday, April 22, 2014 7:16:19 AM

Subject: Re: NFIP Enrollment Documents for the Town of Brunswick

Last night, the Brunswick Town Council adopted the Resolution, Ordinance, and interlocal agreement. This agreement is being forwarded to Mr. Greene to be placed on a future Columbus County Commissioners agenda for their approval.

From: "Milton Carpenter" <Milton.Carpenter@ncdps.gov>

To: yamman@embarqmail.com

Cc: wgreene@columbusco.org

Sent: Monday, April 14, 2014 12:20:59 PM

Subject: NFIP Enrollment Documents for the Town of Brunswick

Al,

You should have the InterLocal Agreement which is to be adopted tonight.

In this email you will find the Resolution of Intent and the Brunswick Flood Ordinance, both also to be adopted tonight.

Please provide answers to #5 & #6 on the NFIP Application (not adopted).

I will be out of the office the rest of the day. Will try to check voice or email around 4:00 (no promises) in the event you have questions.

Thanks and good luck.

Milton J. Carpenter, CFM

NFIP Planner

NC Department of Public Safety

CFM/EM

4218 Mail Service Center

- (d) The amount of the cost of repairs, alterations or improvements, or vacating and closing, or removal or demolition by the Housing Inspector shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of the General Statutes of North Carolina. If the dwelling is removed or demolished by the Housing Inspector, he shall sell the materials of the dwelling, and any personal property, fixture or appurtenances found in or attached to the dwelling, and shall credit the proceeds of the sale against the cost of the removal or demolition and any balance remaining shall be deposited in the Superior Court by the Housing Inspector, shall be secured in a manner directed by the Court, and shall be disbursed by the Court to the persons found to be entitled thereto by final order of the decree of the Court.
- (e) If any occupant fails to comply with an order to vacate a dwelling, the Housing Inspector may file a civil action in the name of the Town to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any persons occupying such dwelling. The Clerk of Superior Court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date and place not to exceed 10 days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. 42-29. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served, and if at the hearing the Housing Inspector produces the certified copy of an ordinance adopted by the Town Council pursuant to Subsection (c) authorizing the Housing Inspector to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The judgement ordering that the dwelling be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal from any judgment entered hereunder by the magistrate may be taken as provided in G.S. 7A-228, and the execution of such judgement may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this paragraph unless such occupant was served with notice at least 30 days before the filing of the summary ejectment proceeding that the Town Council has ordered the Housing Inspector to proceed to exercise his duties under Subsections (a), (b) and (c) of this Section to vacate and close or remove and demolish the dwelling.

Section 11. Service of Complaints and Orders.

Complaints or Orders issued by the Housing Inspector shall be served upon persons either personally or by registered or certified mail. When service is made by registered or certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within ten (10) days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected.

If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the inspector in the exercise of reasonable diligence, or, if the owners are known but have refused to accept service by registered or certified mail, and the inspector makes an affidavit to that effect, then the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in the town at least not later than the time at which personal service would be required under the provisions of this Chapter. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

Section 12. Appeals.

- (a) The Board of Adjustment is hereby appointed as the Housing Appeals Board to which appeals from any decision or order of the Housing Inspector may be taken. Except where this Chapter provides for different rules or procedures, the Board of Adjustment acting as the Housing Appeals Board shall follow its rules of procedure, which may be amended to provide specifically for this function.
- (b) An appeal from any decision or order of the Housing Inspector may be taken by any person aggrieved thereby or by any officer, board or commission of the Town. Any appeal from the Housing Inspector shall be taken within ten days from the rendering of the decision or service of the order by filing with the Housing Inspector and with the Board a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Housing Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the Housing Inspector refusing to allow the person aggrieved thereby to do any such act, his decision shall remain in force until modified or reversed. When any appeal is from a decision of the Housing Inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Board, unless the Housing Inspector certifies to the Board after the notice of appeal is filed with him, that because of facts stated in the certificate (a copy of which shall be furnished the appellant), a suspension of his requirement would cause imminent peril to life or property. In that case the requirement shall not be suspended except by a restraining order, which may be granted for due cause shown upon not less than one day's written notice to the Housing Inspector, by the Board, or by a court of record upon petition made pursuant to Subsection (e) of this Section.
- (c) The Board of Adjustment shall fix a reasonable time for hearing appeals, shall give due notice to the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make any decision and order that in its opinion ought to be made in the matter, and to that end it shall have all the powers of the Housing Inspector, but the concurring vote of four-fifths of the members of the Board shall be necessary to reverse or modify any decision or order of the Housing Inspector. The Board shall have power also in passing upon appeals, when

practical difficulties or unnecessary hardships would result from carrying out the strict letter of the Chapter, to adapt the application of the Chapter to the necessities of the case to the end that the spirit of the Chapter shall be observed, public safety and welfare secured, and substantial justice done.

- (d) Every decision of the Board shall be subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the Board, but not otherwise.
- (e) Any person aggrieved by an order issued by the Housing Inspector or a decision rendered by the Board may petition the Superior Court for an injunction, restraining the Housing Inspector from carrying out the order or decision and the Court may, upon such petition, issue a temporary injunction restraining the Housing Inspector pending a final disposition of the cause. The petition shall be filed within 30 days after issuance of the order or rendering of the decision. Hearings shall be had by the Court on a petition within 20 days, and shall be given preference over other matters on the Court's calendar. The Court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. It shall not be necessary to file bond in any amount before obtaining a temporary injunction under this Subsection.

Section 13. Alternative Remedies.

Nothing in this Chapter nor any of its provisions shall be construed to impair or limit in any way the power of the Town to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise nor shall enforcement of one remedy provided herein prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws. In addition to the remedies provided for herein, any violation of the terms of this Chapter shall subject the violator to the penalties and remedies, either criminal or civil or both, as set forth in the General Penalties Ordinance of the Town of Brunswick.

No dwelling shall be hereafter erected, altered, moved, or changed in occupancy without a Certificate of Occupancy. In any case where the Housing Inspector, after notice and hearing as required herein, finds that a dwelling or dwelling unit is unfit for human habitation, he shall withhold issuance of a Certificate of Occupancy for such dwelling or dwelling unit until such time that he determines that it is fit for human habitation. In addition, in any case where the Housing Inspector, after preliminary investigation as provided for herein, concludes, based upon that investigation, that a dwelling or dwelling unit is unfit for human habitation and believes that the occupancy of such dwelling or dwelling unit could cause imminent peril to life or property from fire or other hazards, he shall withhold issuance of a Certificate of Occupancy for such dwelling or dwelling unit until such time that he determines that it is fit for human habitation.

If any dwelling is erected, constructed, altered, repaired, converted, maintained, or used in violation of this Chapter or of any valid order or decision of the Housing Inspector or Board made pursuant to any ordinance or code adopted under authority of this Chapter, the Housing Inspector may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration or occupancy, to restrain, correct or abate the violation, to

Town of Brunswick

P.O. Box 68
Brunswick, NC 28424

Telephone: (910) 642-6741
Fax: (910) 642-5909
email: brunswick@ncez.net

Member N.C. League of Municipalities
Incorporated 1925

WATER SHORTAGE RESPONSE PLAN ORDINANCE

Section 1. Authority to Implement

When conditions dictate, the Town of Brunswick Public Works Director (or whoever), under the direction of the Town's Mayor, may implement a Water Shortage Response plan (WSRP). Conditions, which may require the WSRP to be enacted, are outlined in Section 2.

Section 2. Factors Requiring Implementation of the Water Shortage Response Plan

Several parameters or conditions may require the Town of Brunswick to begin the WSRP. These include but may not be limited to significant reductions in well water levels, a significant increase in pump run times for the predetermined total flow at the well(s), contaminants in the water system, act of terrorism, vandalism, main breaks and natural disaster.

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

Phase I will be enacted if a 20% reduction in normal well water levels is noted or if pump run times increase 20% in order to maintain previous rates or any other event which causes a 20% reduction in the water system's capacity.

Phase II will be enacted if a 40% reduction in normal well water levels is noted or if pump run times increase 40% in order to maintain previous rates or any other event which causes a 40% reduction in the system's capacity.

Phase III will be enacted if a 60% reduction in normal well water levels is noted or if pump run times increase 60% in order to maintain previous rates or any other event which causes a 60% reduction in the system's capacity.

Section 3. Water use Classification

In order to facilitate a fair and equitable WSRP, every water use will be grouped into one of three classifications.

Class I - Essential Water Uses

These uses include but may not be limited to water use required to/for:

- Sustain human life and the lives of domestic pets
- Maintain minimum standards of hygiene and sanitation
- Health care uses necessary for patient care and rehabilitation
- Firefighting, including training and drills as approved by the Town's Mayor

prevent the occupancy of the dwellings, or to prevent any illegal act, conduct or use in or about the premises of the dwelling.

Section 14. Conflict with Other Provisions.

In the event any provision, standard or requirement of this Chapter is found to be in conflict with any provision of any other ordinance or code of the Town, the provision which establishes the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents of the Town's jurisdiction shall prevail. The North Carolina Building Code, current edition, shall serve as the standard for all alterations, repairs, additions, removals, demolitions and other acts of building made or required pursuant to this Article.

Section 15. Violations.

In addition to the conditions, acts or failures to act that constitute violations specified in this Chapter above, it shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect or refuse to repair, alter or improve the same, or to vacate and close or vacate and remove or demolish the same, upon order of the Inspector duly made and served as herein provided, within the time specified in such order. It shall be unlawful for the owner of any dwelling, with respect to which an order has been issued pursuant to Section 9, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration or improvement or its vacation and closing, or vacation and removal or demolition.

Section 16. Validity.


If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each section, subsection, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid."


Part 2. All ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Part 3. This Ordinance shall become effective upon its adoption by the Town Council of the Town of Brunswick, North Carolina.

ADOPTED this the 15th day of August, 2005.

ATTEST


Town Clerk


Mayor

Class II - Socially or Economically Important Water Uses

These include but may not be limited to water use required to/for:

- Preserve commercial vegetable gardens, fruit orchards, nursery stock and livestock maintenance.
- Outdoor commercial watering, public or private
- Establishing vegetation, after construction/earth moving activities
- Filling and operation of municipal or private swimming pools provided that these swimming pools serve 25 or more residents.
- Operation of commercial car washes, restaurants, laundromats, clubs, schools, churches, and other similar establishments.

Class III - Non-Essential Water Uses

These uses include but, may not be limited to:

- Operation of water fountains, ornamental pools and recreational swimming pools that serve fewer than 25 persons.
- Non-commercial washing of motor vehicles, sidewalks, houses, etc.
- Non-commercial watering of gardens, lawns, parks, playing fields and other recreational areas.

Section 4. Phased WSRP and Water Use Reduction Goals

When the WSRP is implemented, the below phased approach will be followed:

Phase I - Voluntary Conservation

This phase will be enacted when it is determined that one or more of the parameters outlined in Section 2 is met. If this occurs, the consumers will be notified promptly by any or all of the following: mailers, door hangers, public postings at the Town Hall, Post Offices, etc. The public will be asked to begin voluntary conservation measures and Class III Non-Essential uses will be halted. Specific conservation measures and tips can be seen on Attachment I.

Phase II - Mandatory

This phase will begin when the Town Public Works Director issues a water shortage advisory. The consumers will be notified by one of the methods noted in Phase I. All users will be required to adhere to the voluntary conservation measures as noted in attachment I. Class III uses will be banned. Class II uses will be allowed although outdoor vegetative watering will be limited according to the resident's street address. Even numbered addresses will be allowed to water on even days of the month. Odd numbered addresses will be allowed to water on odd days of the month.

During Phase II, industrial facilities will be required to develop and demonstrate to the Public Works director a water shortage response program. This program should show, at least, a 25 % reduction in water usage.

Failure to adhere to the Phase II (Mandatory) required conditions will result in a written notice of violation for the first offense and/or a \$50.00 fine. Thereafter, each violation increases by a factor of \$50.00. Any violation past a fourth offense shall result in a disruption of water service to the offending party until Phase II has been rescinded.

Phase III - Emergency

This phase will commence with the issuance of a water shortage emergency declaration from the Town's Public Works Director. Users will be notified by any or all of the methods noted in Phase I. All users will be required to use voluntary conservation measures outlined in "Attachment I". Class III uses will be banned and Class II uses will be allowed with the exception of vegetative watering industrial users will be required to implement their water reduction program, immediately.

Failure to comply with the mandates during Phase III will require the offending party to pay \$100.00 fine for the first offense, \$350.00 fine for the second offense and disruption of service for the third offense.

In addition, residential users will be allotted 1000 gallons per month per person per connection. If the user uses 1001 - 1250 gallons per month per person per connection, a surcharge of 25% will be added to the monthly bill. If the user uses 1251 - 1500 gallons per month per person per connection, a surcharge of 75% will be added to the monthly water bill. If the user uses 1501 or more gallons per month per person per connection, a surcharge of 150% will be added to the monthly bill.

Commercial, industrial, and institutional facilities will be required to reduce their monthly water consumption by 25% of the previous 12 - month water consumption average to maintain the current water rate for that month. The average water use can be evaluated on an individual basis for facilities with seasonal demand fluctuations. A 10 - 24% water use reduction from the previous 12 - month water use average will require the Town to impose a 25% surcharge on the monthly water bill. A 0 - 9% water use reduction from the previous 12 - month water use average will require the Town to impose a 50% surcharge on the monthly water bill. An increase of 1 - 25% above the previous 12 - month water use average will result in a surcharge of 100% added to the next monthly bill. Any amount used above 25% of the previous 12 - month average water use will require the Town to add a surcharge of 150% to the monthly bill.

Section 5 - Enforcement

Enforcement of mandatory conservation and associated fines will be the responsibility of the Public Works Director under the direction of the Town's Mayor.

Section 6. Water Shortage Response Plan Cancellation

As the determining parameter(s) decrease in severity and return to acceptable levels, the Town will lift the WSRP. The cancellation process will be in the reverse order of the WSRP implementation.

**Brunswick Water Shortage Response Plan
Town of Brunswick, North Carolina
December , 2010**

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.

I. Authorization

The Brunswick Town Clerk shall enact the following water shortage response provisions whenever the trigger conditions outlined in Section IV are met. In her absence, the Mayor will assume this role.

Ms. Nancy Hill
Brunswick Town Mayor
Phone: (910) 642-6741
E-mail: brunswick@weblnk.net

Mr. Lenwood Williams
Town of Brunswick ORC
Phone: (910) 642-6741
E-mail: brunswick@weblnk.net

II. 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 PSA announcements on local radio and cable stations. Declaration of emergency water restrictions or water rationing will be communicated to all customers by telephone and door hangers if necessary.

III. Levels of Response

Five levels of water shortage response are outlined in the table below. The five levels of water shortage response are: voluntary reductions, mandatory reductions I and II, emergency reductions and water rationing. A detailed description of each response level and corresponding water reduction measures follow below.

Stage	Response	Description
1	Voluntary Reductions	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	Mandatory Reductions I	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	Mandatory Reductions II	Same as in Stage 2
4	Emergency Reductions	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 Reductions, all water users will be asked to reduce their normal water use by 5%. Customer education and outreach programs will encourage water conservation and efficiency measures including: irrigating landscapes a maximum of one inch per week; preventing water waste, runoff and watering impervious surfaces; watering plants deeply to encourage root growth; washing only full loads in clothes and dishwashers; using spring-loaded nozzles on garden hoses; and identifying and repairing all water leaks.

In Stage 2, Mandatory Reductions I, all customers are expected to reduce their water use by 10% in comparison to their previous month's water bill. In addition to continuing to encourage all voluntary reduction actions, the following restrictions apply: irrigation is limited to a half inch per week between 8PM and 8AM; outdoor use of drinking water for washing impervious surfaces is prohibited; and all testing and training purposes requiring drinking water (e.g. fire protection) will be limited.

In Stage 3, Mandatory Reductions II, customers must continue actions from all previous stages and further reduce water use by 20% compared to their previous month's water bill. All non-essential uses of drinking water are banned and garden and landscape irrigation must be reduced to the minimum amount necessary for survival.

In Stage 4, Emergency Reductions, customers must continue all actions from previous stages and further reduce their water use by 25% compared to their previous month's water bill. A ban on all use of drinking water except to protect public health and safety is implemented.

The goal of Stage 5, Water Rationing, is to provide drinking water to protect public health (e.g. residences, residential health care facilities and correctional facilities). In

Stage 5, all customers are only permitted to use water at the minimum required for public health protection. Firefighting is the only allowable outdoor water use and pickup locations for distributing potable water will be announced according to Brunswick's Emergency Response Plan.

IV. Triggers

The Town of Brunswick's water source is groundwater. The following measurements of well pumping times and well levels in relationship to pump intake levels trigger entry into corresponding water restriction stages.

Stage	Well Operating Conditions
1	Pumping Time >10 hrs 20% reduction in seasonal normal distance from static water level and pump intake 20% increase pumping time for same output
2	Pumping Time >12 hrs 40% reduction in distance from static water level and pump intake 40% increase pumping time for same output
3	Pumping Time >14 hrs 60% reduction in distance from static water level and pump intake 60% increase pumping time for same output
4	Pumping Time >20 hrs 80% reduction in distance from static water level and pump intake
5	Water level at pump intake elevation

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.

V. Enforcement

The provisions of the water shortage response plan will be enforced by Town of Brunswick personnel and local law enforcement. Violators may be reported on the town'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 Reductions	N/A	N/A	N/A
Mandatory Reductions (Stages 2 and 3)	Warning	\$250	Discontinuation of Service
Emergency Reductions	\$250	Discontinuation of Service	Discontinuation of Service
Water Rationing	\$500	Discontinuation of Service	Discontinuation of Service

VI. 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 Town Hall for customers to view. A notice will be included in customer water bill notifying them of such. Notice will be printed in all customer water bills to collect comments on the draft. All subsequent revisions to the draft plan will be published at least 30 days prior to an adoption vote by Brunswick's Town Commissioners.

VII. Variance Protocols

Applications for water use variance requests are available from the Town Hall. All applications must be submitted to the Town Hall for review by the Clerk or her 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.

VIII. Effectiveness

The effectiveness of the Brunswick 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.

IX. 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 Brunswick's Town Commissioners. The Town of Brunswick Clerk is responsible for initiating all subsequent revisions.

Re: [External] Re: Correction: 2017 Water Shortage Response Plan

From : CenturyLink Customer <tobrunswick@centurylink.net>
Subject : Re: [External] Re: Correction: 2017 Water Shortage Response Plan
To : Klaus P Albertin <klaus.albertin@ncdenr.gov>

Tue, Aug 14, 2018 09:33 AM

Thanks for the copy. I would like to confirm that we have NO Changes to our plan. Thank you. Cheryl Clewis, Town Clerk

From: "Klaus P Albertin" <klaus.albertin@ncdenr.gov>
To: "tobrunswick" <tobrunswick@centurylink.net>
Sent: Thursday, August 9, 2018 1:20:55 PM
Subject: RE: [External] Re: Correction: 2017 Water Shortage Response Plan

Here is the most recent version of the plan. Please let me know if you have any questions.
Klaus

Klaus Albertin, CFM
Water Supply Planning Engineer
Division of Water Resources
North Carolina Department of Environmental Quality

919 707 9035 office
919 733 3558 fax
klaus.albertin@ncdenr.gov

512 N. Salisbury Street
1611 Mail Service Center
Raleigh, NC 27699

*Email correspondence to and from this address is subject to the
North Carolina Public Records Law and may be disclosed to third parties.*

From: CenturyLink Customer [mailto:tobrunswick@centurylink.net]
Sent: Wednesday, August 08, 2018 10:56 AM

-To: Albertin, Klaus P <klaus.albertin@ncdenr.gov>
Subject: [External] Re: Correction: 2017 Water Shortage Response Plan

CAUTION: External email. Do not click links or open attachments unless verified. Send all suspicious email as an attachment to [Report Spam](#).

I will check into this right away. Will you email me a copy of the plan you have on file to make sure I have the correct one since Lenwood Williams no longer works with this Town. Al Leonard, Jr. is our ORC. Thanks

From: "Albertin, Klaus P" <klaus.albertin@ncdenr.gov>
To: "tobrunswick" <tobrunswick@centurylink.net>
Sent: Wednesday, August 8, 2018 10:52:57 AM
Subject: Correction: 2017 Water Shortage Response Plan

August 8, 2018

Lenwood Williams
ORC
Brunswick
PWSID# 04-24-040

The e-mail that was sent to you yesterday had the incorrect title. The e-mail was in regards to your system's Water Shortage Response Plan, not your Local Water Supply Plan. The information in the body of the e-mail was correct. If you have any trouble accessing the Water Shortage Response Plan system or need a copy of your previous plan, please let me know.

Klaus

Dear Lenwood Williams:

According to our online Water Shortage Response Plan Reporting System, a representative of your water system has not yet submitted a Water Shortage Response Plan update for your water system. If no changes are required to the previously submitted plan, a copy with a notation that the plan was reviewed in 2018 should still be submitted. As a courtesy, the Division of Water Resources is emailing to remind water systems the 2017 updates were due on or before June 1, 2018.

If you are no longer the person responsible for the completion and submittal of this plan, please provide us with the contact information for the current person so that we can contact them directly.

In February, a letter was mailed providing the access code for your water system's 2017 update. You can use your PWSID# and access code to login and report at: http://www.ncwater.org/Water_Supply_Planning/Water_Shortage_Response_Plans/. Click on the "Upload" tab to submit your plan.

If you have any question or if we can be of any assistance with this update, please do not hesitate to contact the review engineer for your system, Louis Murray, by phone at (919) 707-9017 or by e-mail at louis.murray@ncdenr.gov.

Sincerely,
Linwood Peele

The Town of Brunswick **Flood Damage Prevention Ordinance**

ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

SECTION A. STATUTORY AUTHORIZATION.

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare.

Therefore, the Town Council of the Town of Brunswick, North Carolina, does ordain as follows:

SECTION B. FINDINGS OF FACT.

- (1) The flood prone areas within the jurisdiction of the Town of Brunswick are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

SECTION C. STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

- (1) restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- (5) prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

SECTION D. OBJECTIVES.

The objectives of this ordinance are to:

- (1) protect human life, safety, and health;
- (2) minimize expenditure of public money for costly flood control projects;
- (3) minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) minimize prolonged business losses and interruptions;
- (5) minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines,

streets, and bridges) that are located in flood prone areas;

- (6) help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- (7) ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

ARTICLE 2. DEFINITIONS.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

“Accessory Structure (Appurtenant Structure)” means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

“Addition (to an existing building)” means an extension or increase in the floor area or height of a building or structure.

“Appeal” means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

“Area of Shallow Flooding” means a designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

“Area of Special Flood Hazard” see “Special Flood Hazard Area (SFHA)”.

“Base Flood” means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

“Base Flood Elevation (BFE)” means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a “Special Flood Hazard Area”, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the “Freeboard”, establishes the “Regulatory Flood Protection Elevation”.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Building” see “Structure”.

“Chemical Storage Facility” means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

“Development” means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

“Development Activity” means above activity which will necessitate a Floodplain Development Permit.

“Disposal” means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

“Elevated Building” means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

“Encroachment” means the advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

“Existing Manufactured Home Park or Manufactured Home Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at

a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.

“Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters; and/or
- (2) the unusual and rapid accumulation of runoff of surface waters from any source.

“Flood Boundary and Floodway Map (FBFM)” means an official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

“Flood Hazard Boundary Map (FHBm)” means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

“Flood Insurance” means the insurance coverage provided under the National Flood Insurance Program.

“Flood Insurance Rate Map (FIRM)” means an official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

“Flood Insurance Study (FIS)” means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

“Flood Prone Area” see “Floodplain”

“Flood Zone” means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

“Floodplain” means any land area susceptible to being inundated by water from any source.

“Floodplain Administrator” is the individual appointed to administer and enforce the floodplain management regulations.

“Floodplain Development Permit” means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

“Floodplain Management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

“Floodplain Management Regulations” means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

“Floodway encroachment analysis” means an engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and models.

“Freeboard” means the height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could

contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation (BFE) plus the freeboard establishes the "Regulatory Flood Protection Elevation".

"Functionally Dependent Facility" means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

"Hazardous Waste Management Facility" means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

"Highest Adjacent Grade (HAG)" means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

"Historic Structure" means any structure that is:

- (a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or
- (d) certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program".

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

"Lowest Adjacent Grade (LAG)" means the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

"Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Market Value" means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

"Mean Sea Level" means, for purposes of this ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

"New Construction" means structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

"Non-Encroachment Area" means the channel of a river or other watercourse and the adjacent land areas that must be

reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

“Post-FIRM” means construction or other development for which the “start of construction” occurred on or after the effective date of the initial Flood Insurance Rate Map.

“Pre-FIRM” means construction or other development for which the “start of construction” occurred before the effective date of the initial Flood Insurance Rate Map.

“Principally Above Ground” means that at least 51% of the actual cash value of the structure is above ground.

“Public Safety” and/or “Nuisance” means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

“Recreational Vehicle (RV)” means a vehicle, which is:

- (a) built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) designed to be self-propelled or permanently towable by a light duty truck; and
- (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Reference Level” is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone AE, A, A99 or AO.

“Regulatory Flood Protection Elevation” means the “Base Flood Elevation” plus the “Freeboard”. In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus one (1) foot of freeboard. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

“Remedy a Violation” means to bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“Salvage Yard” means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

“Solid Waste Disposal Facility” means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

“Solid Waste Disposal Site” means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

“Special Flood Hazard Area (SFHA)” means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Article 3, Section B of this ordinance.

“Start of Construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the

main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

“Substantial Damage” means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of “substantial improvement”. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

“Substantial Improvement” means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- (a) any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Article 4 Section E of this ordinance.

“Variance” is a grant of relief from the requirements of this ordinance.

“Violation” means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

“Water Surface Elevation (WSE)” means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

“Watercourse” means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

ARTICLE 3. GENERAL PROVISIONS.

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs), of the Town of Brunswick.

SECTION B. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated June 2, 2006 for Columbus County and associated FIRM panels, (0189J, 0199J, & 0280J) including any digital data developed as part of the Flood Insurance Study, which are adopted by reference and declared a part of this ordinance. Future revisions to the FIS and FIRM panels that do not change flood hazard data within the jurisdictional authority of the Town of Brunswick are also adopted by reference and declared a part of this ordinance. Subsequent revisions to the FIRM should be adopted within 12 months.

SECTION C. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the

commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Article 3, Section B of this ordinance.

SECTION D. COMPLIANCE.

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION.

In the interpretation and application of this ordinance, all provisions shall be:

- (a) considered as minimum requirements;
- (b) liberally construed in favor of the governing body; and
- (c) deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION G. WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Brunswick or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

SECTION H. PENALTIES FOR VIOLATION.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Brunswick from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE 4. ADMINISTRATION.

SECTION A. DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

The Mayor or designee, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this ordinance.

SECTION B. FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.

(1) **Application Requirements.** Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

- (a) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - (i) the nature, location, dimensions, and elevations of the area of development/disturbance; existing and

- proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - (ii) the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Article 3, Section B, or a statement that the entire lot is within the Special Flood Hazard Area;
 - (iii) flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Article 3, Section B;
 - (iv) the boundary of the floodway(s) or non-encroachment area(s) as determined in Article 3, Section B;
 - (v) the Base Flood Elevation (BFE) where provided as set forth in Article 3, Section B; Article 4, Section C; or Article 5, Section D;
 - (vi) the old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
 - (vii) the certification of the plot plan by a registered land surveyor or professional engineer.
- (b) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
- (i) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
 - (ii) Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be floodproofed; and
 - (iii) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.
- (c) If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.
- (d) A Foundation Plan, drawn to scale,, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
- (i) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and
 - (ii) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Article 5, Section B(4)(c) when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30.
- (e) Usage details of any enclosed areas below the lowest floor.
- (f) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
- (g) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.
- (h) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Article 5, Section B, subsections (6) and (7) of this ordinance are met.
- (i) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to

properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

(2) **Permit Requirements.** The Floodplain Development Permit shall include, but not be limited to:

- (a) A description of the development to be permitted under the floodplain development permit.
- (b) The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Article 3, Section B.
- (c) The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities.
- (d) The Regulatory Flood Protection Elevation required for the protection of all public utilities.
- (e) All certification submittal requirements with timelines.
- (f) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
- (g) The flood openings requirements, if in Zones A, AO, AE or A1-30.
- (h) Limitations of below BFE enclosure uses (if applicable). (I.e., parking, building access and limited storage only).

(3) **Certification Requirements.**

(a) Elevation Certificates

- (i) An Elevation Certificate (FEMA Form 086-0-33) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.
- (ii) A final as-built Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(b) Floodproofing Certificate

If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

- (c) If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more

than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Article 5, Section B(3)(b).

- (d) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.
- (e) Certification Exemptions. The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:
 - (i) Recreational Vehicles meeting requirements of Article 5, Section B(6)(a);
 - (ii) Temporary Structures meeting requirements of Article 5, Section B(7); and
 - (iii) Accessory Structures less than 150 square feet meeting requirements of Article 5, Section B(8).
- (4) **Determinations for existing buildings and structures.** For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:
 - (a) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
 - (b) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
 - (c) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
 - (d) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

SECTION C. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

The Floodplain Administrator shall perform, but not be limited to, the following duties:

- (1) Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
- (2) Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State and Federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (3) Notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
- (5) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Article 5, Section F are met.
- (6) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Article 4, Section B(3).
- (7) Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Article 4, Section B(3).
- (8) Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Article 4, Section B(3).
- (9) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Article 4, Section B(3) and Article 5, Section B(2).
- (10) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- (11) When Base Flood Elevation (BFE) data has not been provided in accordance with the provisions of Article 3, Section B, obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Article 5, Section D(2)(b), in order to administer the provisions of this ordinance.
- (12) When Base Flood Elevation (BFE) data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of Article 3, Section B, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.
- (13) When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the Base Flood Elevation (BFE), advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.
- (14) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
- (15) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- (16) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

- (17) Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- (18) Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (19) Follow through with corrective procedures of Article 4, Section D.
- (20) Review, provide input, and make recommendations for variance requests.
- (21) Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with the provisions of Article 3, Section B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- (22) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

SECTION D. CORRECTIVE PROCEDURES.

- (1) **Violations to be Corrected:** When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- (2) **Actions in Event of Failure to Take Corrective Action:** If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
 - (a) that the building or property is in violation of the floodplain management regulations;
 - (b) that a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - (c) that following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
- (3) **Order to Take Corrective Action:** If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than one-hundred-eighty (180) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.
- (4) **Appeal:** Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (5) **Failure to Comply with Order:** If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

SECTION E. VARIANCE PROCEDURES.

- (1) The Board of Adjustment as established by the Town of Brunswick, hereinafter referred to as the “appeal board”, shall hear and decide requests for variances from the requirements of this ordinance.
- (2) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.
- (3) Variances may be issued for:
 - (a) the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
 - (b) functionally dependent facilities if determined to meet the definition as stated in Article 2 of this ordinance, provided provisions of Article 4, Section E(9)(b), (c), and (e) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
 - (c) any other type of development, provided it meets the requirements of this Section.
- (4) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
 - (a) the danger that materials may be swept onto other lands to the injury of others;
 - (b) the danger to life and property due to flooding or erosion damage;
 - (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) the importance of the services provided by the proposed facility to the community;
 - (e) the necessity to the facility of a waterfront location as defined under Article 2 of this ordinance as a functionally dependent facility, where applicable;
 - (f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) the compatibility of the proposed use with existing and anticipated development;
 - (h) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (k) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (5) A written report addressing each of the above factors shall be submitted with the application for a variance.
- (6) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.
- (7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will

result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

- (8) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
- (9) Conditions for Variances:
 - (a) Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
 - (b) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
 - (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (d) Variances shall only be issued prior to development permit approval.
 - (e) Variances shall only be issued upon:
 - (i) a showing of good and sufficient cause;
 - (ii) a determination that failure to grant the variance would result in exceptional hardship; and
 - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (10) A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
 - (a) The use serves a critical need in the community.
 - (b) No feasible location exists for the use outside the Special Flood Hazard Area.
 - (c) The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.
 - (d) The use complies with all other applicable Federal, State and local laws.
 - (e) The Town of Brunswick has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.

SECTION A. GENERAL STANDARDS.

In all Special Flood Hazard Areas the following provisions are required:

- (1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- (2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood

damages.

- (4) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the Regulatory Flood Protection Elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (8) Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.
- (9) Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
- (10) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Article 4, Section E(10). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of Article 4, Section B(3).
- (11) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- (12) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (13) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (14) All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (15) When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.
- (16) When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest Base Flood Elevation (BFE) shall apply.

SECTION B. SPECIFIC STANDARDS.

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Article 3, Section B, or Article 5, Section D, the following provisions, in addition to the provisions of Article 5, Section A, are required:

- (1) Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Article 2 of this ordinance.
- (2) Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Article 2 of this ordinance. Structures located in A, AE, AO, and A1-30 Zones may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 4, Section B(3), along with the operational plan and the inspection and maintenance plan.
- (3) Manufactured Homes.
 - (a) New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation, as defined in Article 2 of this ordinance.
 - (b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
 - (c) All enclosures or skirting below the lowest floor shall meet the requirements of Article 5, Section B(4).
 - (d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.
- (4) Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:
 - (a) shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
 - (b) shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and
 - (c) shall include, in Zones A, AO, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - (i) A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - (ii) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
 - (iii) If a building has more than one enclosed area, each enclosed area must have flood openings to allow