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§ 30.16 ADJOURNING, CONTINUING OR RECESSING MEETING.

Adjourning, continuing, or recessing of meetings shall be in conformance with G.S. § 160A-71.
(Ord. 07-04, passed 5-22-07)

§ 30.17 OFFICIAL RECORD OF PROCEEDINGS REQUIRED.

The BOC and all committees and sub-committees thereof, and each of the various commissions, boards, agencies and authorities of the town appointed by or under delegation of the authority of the BOC, and all committees and sub-committees thereof shall (1) make and keep a correct, complete and accurate record of their respective acts and doings, including written communications on which such bodies are required to act, and (2) make and keep an audio or audio-video recording of all public and executive meetings. A copy of the minutes of all meetings of the BOC and of the various commissions, boards, agencies and authorities of the town, together in each case with all agendas, agenda packages and materials presented at such meetings, shall be furnished to the Town Clerk and the Mayor and BOC within a time specified by each body’s by-laws approved by the BOC. The town shall maintain all such agendas, agenda packages and other materials, all such minutes, and all such audio and audio-video recording permanently as public records of the town available to the public in accordance with applicable provisions of North Carolina law. Commencing January 1, 2016, the Town Clerk shall cause all agenda, agenda packages, materials, and recordings, except only for any portions thereof that constitute non-public records, to be published and made available on the website of the town.
(Ord. 07-04, passed 5-22-07; Am. Ord. 15-09, passed 12-16-15)

§ 30.18 CODES OF TECHNICAL REGULATIONS.

The Town BOC may adopt any standard code of technical regulations, other lengthy ordinances, Land

Use Plans and zoning maps by reference thereto in an adopting ordinance. Any such ordinance plan or map adopted by reference shall specify wherein such ordinance or map shall be kept; that it is a public record; and that it is available to the general public for inspection.
(Ord. 07-04, passed 5-22-07)

§ 30.19 RULES OF PROCEDURE.

The BOC shall adopt such rules of procedure not inconsistent with North Carolina General Statutes at their regular scheduled meeting each December, or at other such times deemed appropriate, and publish same in the office of the Town Clerk.
(Ord. 07-04, passed 5-22-07)

§ 30.20 ENACTMENT OF ORDINANCES AND RESOLUTIONS.

The Town BOC shall have power and authority to adopt such ordinances and resolutions and make such rules, regulations, and orders as it deems right, proper, necessary, appropriate, or incident to the good government, peace, safety, security, health, happiness, protection, convenience, good order and dignity of said town, and the inhabitants thereof.
(Ord. 07-04, passed 5-22-07)

§ 30.21 FORM OF ORDINANCE.

Every proposed ordinance shall be introduced in writing and in the form required for final adoption. Each ordinance which involves lengthy documents not included within the body of such ordinance shall include a reference to such documents. No ordinance shall contain more than one subject matter, which [subject] shall be clearly expressed in its title. The enacting clause shall be “Be it ordained by the Town BOC of Holden Beach.” Any ordinance which repeals or amends an existing ordinance or part of the town code shall set forth the ordinance sections or subsections to be repealed or amended.
(Ord. 07-04, passed 5-22-07)
§ 30.22 PROCEDURE FOR ADOPTING ORDINANCES.

The procedure for introducing and adopting ordinances shall be consistent with G.S. § 168-75, as may be amended from time to time.
(Ord. 07-04, passed 5-22-07)

§ 30.23 EFFECTIVE DATE OF ORDINANCES.

Except as otherwise provided in this chapter, every adopted ordinance shall become effective upon the date of its adoption or at any later date specified in such ordinance.
(Ord. 07-04, passed 5-22-07)

§ 30.24 LEGAL PUBLICATIONS.

Publication in a newspaper of general circulation within the town of all town tax and other legal advertisements, notices, and matters required by law or ordinance to be published shall be sufficient. Days used for computing legal notices shall be normal work days excluding weekends and holidays.
(Ord. 07-04, passed 5-22-07)

§ 30.25 COMMISSIONS, BOARDS, AGENCIES AND AUTHORITIES ESTABLISHED BY ORDINANCE OR UNDER THE AUTHORITY OF THE BOC.

(A) Except as otherwise expressly provided for in these ordinances:

(1) No person shall be appointed or elected by the BOC, or pursuant to any authority delegated by the BOC, as a voting or non-voting member or officer or other official of any commission, board, agency, authority or other similar group or body established by ordinance or otherwise under the authority of the BOC (other than committees and sub-committees of the BOC that are comprised only of members of the BOC or the Audit Committee of the BOC) who is member of the BOC; the Town Manager, Town Attorney, Town Clerk, Police Chief or any full or part-time employee of the town who reports to any of the foregoing; a contractor, consultant or other person providing goods or services to the town in consideration of cash or other thing valued at more than $1,000 in any one year or an officer or material owner thereof; or the spouse, domestic partner, child or parent of any of the foregoing. Notwithstanding the foregoing, the BOC shall not appoint a sibling of any member of the BOC to fill a vacancy on the BOC.

(2) No such person, once so appointed or elected, shall remain a member, officer or other official thereof, if such person is or subsequent to his or her appointment or election becomes any of the foregoing; and

(3) All persons so elected or appointed shall be either residents of the town or owners of residential property located within the town.

(B) In addition, without limiting the foregoing and notwithstanding any other provisions of these regulations to the contrary, none of the Town Manager, any employee of the town reporting to the Town Manager, the Town Clerk or the Town Attorney shall serve or function as the chairperson, vice chairperson, secretary or any similar capacity of (1) any commission, board, agency, authority or other similar group or body established by ordinance or otherwise under the authority of the BOC, or (2) any committee, working group or similar group thereof; provided, however that this shall not prevent any such persons from providing logistical and advisory support to such commission, board, agency, authority or other similar group or body or any committee, working group or similar group thereof, and such support shall be provided at the request of the chairperson or secretary thereof.
(Ord. 15-10, passed 12-16-15; Am. Ord. 16-07, passed 3-8-16; Am. Ord. 18-01, passed 2-20-18)

§ 30.26 AUDIT COMMITTEE OF THE BOC.

(A) There is hereby established an Audit Committee of the BOC, which shall be comprised of a Chairman of the BOC Audit Committee and not
fewer than two, nor more than four Public Members, as determined by the BOC at the first regular Board of Commissioners meeting in January.

(B) **Powers and duties.** The Audit Committee shall:

1. Serve as an advisory board for the town’s Board of Commissioners;

2. Assist and advise the BOC in its oversight responsibilities for the town’s financial reporting process, systems of internal financial controls and the external audit process;

3. Recommend to the BOC the selection of the independent external audit firm to conduct the annual external audit;

4. Evaluate the performance of the external audit firm as it relates to the annual audit of the town and its self-insurance policies;

5. Review, advise and make recommendations to the BOC with respect to the town’s treasury management function and its’ risk management policies and procedures, including without limitation, the town’s insurance and self-insurance policies;

6. Confirm the town’s internal control systems are in place and implemented, including information technology security and control;

7. Confirm Town Management implements audit report recommendations;

8. Continually evaluate the independence of the external auditors; to audit findings and forward findings to the Board of Commissioners;

9. Review the town’s CAFR, management letter and management’s response;

10. Review and reassess the adequacy of this Charter at least every two years, with any revision submitted to the Board of Commissioners for approval;

11. Provide an avenue of communication among the Board of Commissioners, Town Management and the external independent auditors;

12. Perform other functions from time to time as shall be delegated or assigned to it by the BOC.

(C) **Appointment, terms.** The Chairman of the BOC Audit Committee shall be elected by the BOC at the first regular meeting in January. The Chairman of the Audit Committee shall make a recommendation to the Board of Commissioners on who shall serve as Public Members. The Chairman of the BOC Audit Committee, an elected Commissioner, and each of the Public Members shall have a normal term of one year, and shall serve at the pleasure of the BOC.

(D) **Meetings.**

1. The Audit Committee will meet at least four times each year (quarterly) to assess the quarterly financial statements. The Committee will also meet at least one additional time a year to review the final audit report from the external auditors. The Chair may call additional meetings as deemed necessary in fulfillment of the role of the Committee.

2. The Audit Committee shall comply with the provisions of the North Carolina Open Meetings Law, G.S. §§ 143-318.9 et seq. A quorum shall be in attendance before any action of an official nature can be taken. A quorum shall exist when a majority of the Committee is in attendance.

3. The Audit Committee may invite the manager, staff, auditors and others to attend the meetings and provide pertinent information, as necessary.
(E) Attendance. All Committee members are expected to attend every meeting. Requests for excused absences due to sickness, death or emergencies of like nature shall be approved by the Committee as approved absences and shall not affect membership, except that in the event of a long illness, or other such cause for prolonged absence, the member may be replaced. (Ord. 16-02, passed 1-12-16; Am. Ord. 18-18, passed 12-18-18)

§ 30.35 PURPOSE.

(A) The proper operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people; government decisions and policy must be made in proper channels of the governmental structure; public office must not be used for personal gain or personal interest; and the public must have confidence in the integrity of its government. In recognition of these goals, the provisions of this subchapter are ordained by the Board of Commissioners. ('85 Code, § 2-3)

(B) This subchapter is adopted to establish guidelines for ethical standards of conduct for all such officials by setting forth some of those acts or actions that may be incompatible with the best interest of the town. To that end, all town officials, hereinafter defined as including the Mayor, members of the Town Board of Commissioners, Planning and Zoning Board, Board of Adjustment, Town Manager, Department Heads, the Town Attorney and all other town employees shall be subject to and abide by the standards of conduct set forth in this subchapter. ('85 Code, § 2-3a.)

(C) Copies of the standards of conduct set forth in this subchapter shall be distributed to all public officials affected hereunder, present and future. ('85 Code, § 2-3c.) (Ord. 93-17, passed 10-14-93; Am. Ord. 00-15, passed 6-26-00; Am. Ord. 07-04, passed 5-22-07)

§ 30.36 CONTRACTS AND AGREEMENTS.

No town official shall have or hereafter acquire an interest in any contract or agreement with the town if he or she will privately benefit or profit from the contracting or undertaking in violation of G.S. § 14-234. ('85 Code, § 2-3a.1.) (Ord. 93-17, passed 10-14-93; Am. Ord. 07-04, passed 5-22-07)

§ 30.37 PRIVATE GAIN.

No town official shall use his or her official position or the town's facilities for his or her private gain, or any town property for personal interest, nor shall he or she appear before or represent in writing any private person, group, or interest before any department, state agency, commission, or board of the town except in matters of purely civic or public concern. The provisions of this section are not intended to prohibit his or her speaking before neighborhood groups and other nonprofit organizations. ('85 Code, § 2-3a.2.) (Ord. 93-17, passed 10-14-93; Am. Ord. 07-04, passed 5-22-07)

§ 30.38 CONFIDENTIAL INFORMATION.

No town official shall use or disclose confidential information gained in the course of or by reason of his or her official position for purposes of advancing his or her financial or personal interest. ('85 Code, § 2-3a.3.) (Ord. 93-17, passed 10-14-93; Am. Ord. 07-04, passed 5-22-07)
§ 30.39 PRIVATE EMPLOYMENT.

No town official shall engage in, or accept private employment or render service, for private interest when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independent judgment or action in the performance of his or her official duties, unless otherwise permitted by law.

(‘85 Code, § 2-3a.4.) (Ord. 93-17, passed 10-14-93; Am. Ord. 07-04, passed 5-22-07)

§ 30.40 GIFTS AND FAVORS; SPECIAL TREATMENT.

(A) No town official shall directly or indirectly solicit any gift; or accept or receive any gift having a value of $50 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing, or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her, or could reasonably be expected to influence him or her as a reward for any official action on his or her part. Legitimate political contributions shall not be considered as gifts under the provisions of this division (A). (‘85 Code, § 2-3a.5.)

(B) No town official shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

(‘85 Code, § 2-3a.6.) (Ord. 93-17, passed 10-14-93; Am. Ord. 07-04, passed 5-22-07)

§ 30.41 INTEREST.

For the purpose of this subchapter, INTEREST shall mean direct or indirect pecuniary or material benefit accruing to a town official as a result of a contract or transaction which is or may be the subject of an official act or action by or with the town. For the purpose of this code, a town official shall be deemed to have an interest in the affairs of:

(A) Any person in his or her immediate household;

(B) Any business entity in which the town official is an officer or director; and

(C) Any business entity in which the stock of, or legal or beneficial ownership of, in excess of 5% of the total stock or total legal or beneficial ownership, is controlled or owned directly or indirectly by the town official.

(‘85 Code, § 2-3a.7.) (Ord. 93-17, passed 10-14-93; Am. Ord. 07-04, passed 5-22-07)

§ 30.42 PUBLIC DISCLOSURE.

The Mayor or any member of the Board of Commissioners who has an interest in any official act or action before the Commission shall publicly disclose on the record of the Commission the nature and extent of such interest, and shall withdraw from any consideration of the matter if excused by the Commission.

(‘85 Code, § 2-3a.8.) (Ord. 93-17, passed 10-14-93; Am. Ord. 07-04, passed 5-22-07)

§ 30.43 DISCLOSURE OF BUSINESS AND PROPERTY INTERESTS.

(A) All town officials as defined herein shall file with the Town Clerk on the first day of January of each year a: statement containing the information set forth in division (B) of this section.

(B) The identity, by name and address, of any business entity of which he, she, or any member of his or her household is an owner, an officer or a director. Additionally, the town official and spouse shall give the name of their employer or, if self-employed, state the nature of their work.
(C) The identity, by location and address, of all real property located in the town, owned by the town official or any member of his or her immediate household, including any option to purchase or any lease(s) for ten years or more, other than his or her personal residence.

(D) The statements required by this section shall be filed on a form prescribed by the Town Clerk and become public records available for inspection and copying by any person during normal business hours. The Town Manager is authorized to establish and charge reasonable fees for the copying of these records.
(Ord. 95-15, passed 10-2-95; Am. Ord. 07-04, passed 5-22-07)

§ 30.44 ENFORCEMENT.

This subchapter shall be subject to enforcement in the following manner, said sanctions being the exclusive remedies available hereunder:

(A) The Town Manager shall take whatever lawful disciplinary action he or she deems appropriate, including but not limited to reprimand, suspension, demotion, or termination of service, for any officer, department head, or employee in the administrative service of the town under his or her jurisdiction who he or she finds has violated this subchapter.

(B) For all other persons, the Town Board of Commissioners may adopt a resolution of censure which shall be placed as a matter of record in the minutes of an official Board meeting.

(C) No sanction provided for hereunder shall be invoked until an adequate investigation shall have been made and the person charged with the violation shall have been afforded all of his or her legal and constitutional rights including a due process hearing, the right to present evidence, to cross examine the witnesses and to be represented by counsel at the hearing, upon the request of the person so charged.
('85 Code, § 2-3b.) (Ord. 93-17, passed 10-14-93; Am. Ord. 07-04, passed 5-22-07)
### CHAPTER 34: PARKS AND RECREATION ADVISORY BOARD

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#### § 34.01 CREATION, NAME AND NUMBER OF MEMBERS.

There is hereby created a Parks and Recreation Advisory Board comprised of a maximum of seven residents or property owners of the Town of Holden Beach.

(Ord. 10-10, passed 10-12-10; Am. Ord. 18-03, passed 4-17-18)

#### § 34.02 POWERS AND DUTIES.

The Parks and Recreation Advisory Board shall:

(A) Serve as an advisory board for the Recreation Department and the town;

(B) Advise the Board of Commissioners and Town Manager regarding the operations, maintenance, improvement, development and acquisition of town public spaces;

(C) Suggest policies and make recommendations concerning recreation programs, plans and facilities to the Board of Commissioners and the Town Manager;

(D) Serve as a link between the Board of Commissioners, Town Manager and the community on leisure services matters; and

(E) Consult with and advise the Board of Commissioners and Town Manager in matters affecting recreation policies, programs, finances and the acquisition and disposal of lands and properties related to the total community recreation program and to its long range projected program for recreation.

(Ord. 10-10, passed 10-12-10; Am. Ord. 18-03, passed 4-17-18)

#### § 34.03 APPOINTMENT, TERMS.

Each member of the Parks and Recreation Advisory Board shall be appointed by the Board of Commissioners for a three-year term. Appointments shall normally be in July of each year. No member shall serve for more than two consecutive terms, and a member having served two consecutive terms shall not be eligible for reappointment until after remaining off the Board for one year. For this purpose, a member appointed to fill a vacancy for more than one-half of a term shall be considered as having served a full term. Each member of the Parks and Recreation Advisory Board shall serve at the pleasure of the Board during their appointment. Approximately one third of the terms shall expire each year.

(Ord. 10-10, passed 10-12-10; Am. Ord. 14-08, passed 7-8-14)

#### § 34.04 MEETINGS.

The Parks and Recreation Advisory Board shall meet as needed at the town hall or other suitable and available facility circumstances and convention may dictate. The Parks and Recreation Advisory Board shall comply with provisions of the North Carolina
Open Meetings Law, G.S. §§ 143-318.9 et seq. A quorum shall be in attendance before action of an official nature can be taken. A quorum is at least one more than the number absent of the appointed members.
(Ord. 10-10, passed 10-12-10)

§ 34.05 ATTENDANCE.

An appointed member of the Parks and Recreation Advisory Board who misses three or more consecutive regular meetings or four meetings within a 12-month period loses their status as a member. Request for excused absences due to sickness, death or emergencies of like nature shall be approved by the Board of Commissioners as approved absences and shall not affect membership, except that in the event of a long illness, or other such cause for prolonged absence, the member may be replaced.
(Ord. 10-10, passed 10-12-10)

§ 34.06 OFFICERS.

There shall be a Chair and a Vice-Chair of the Parks and Recreation Advisory Board. An annual election of the Chair and Vice-chair shall be held by the members and shall occur annually at the regular monthly meeting in July. The officers shall serve for one year from election with eligibility for reelection. Vacancies of the Chair and Vice-Chair created by termination or initial establishment of the Parks and Recreation Advisory Board shall be elected from its membership at its earliest convenience. The Town Manager or his or her designee will serve as secretary to the Parks and Recreation Advisory Board.
(Ord. 10-10, passed 10-12-10)

§ 34.07 OFFICERS' DUTIES.

(A) The Chair of the Parks and Recreation Advisory Board shall preside at all meetings and shall appoint all committees.

(B) When the Chair is absent the Vice-Chair shall perform the duties of the Chair. When both the Chair and Vice-chair are absent, a temporary-Chair shall be selected by those members who are present.

(C) The secretary shall provide to all members copies of agendas, official reports and the official minutes of all regular meetings and special meetings, prior to the next scheduled meeting.

(D) The secretary of the Parks and Recreation Advisory Board shall submit a report in writing of any suggestions, plans, recommendations, and the like to the Town Clerk following each meeting of the Parks and Recreation Advisory Board for inclusion in the following month’s Board of Commissioners’ agenda packets.
(Ord. 10-10, passed 10-12-10)
CHAPTER 35: INLET AND BEACH PROTECTION BOARD

Section

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35.02 Powers and duties
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35.05 Attendance
35.06 Officers; legal counsel
35.07 Officers' duties

§ 35.01 CREATION, NAME AND NUMBER OF MEMBERS.

There is hereby created an Inlet and Beach Protection Board comprised of five property owners or residents of the Town of Holden Beach. (Ord. 18-02, passed 4-17-18)

§ 35.02 POWERS AND DUTIES.

The Inlet and Beach Protection Board shall:

(A) Serve as an advisory board for the town;

(B) Prepare and recommend to the Board of Commissioners, a comprehensive long-term plan for the town's role, if any, in the management, dredging and protection of the Lockwood Folly and Shallotte Inlets, including their respective navigational channels, and the management, protection and nourishment of the town's ocean beaches and protective dune systems;

(C) Evaluate the feasibility and cost and benefits of proposed dredging projects (excluding canal dredging), beach and/or dune nourishment projects and protective structure projects (excluding canal dredging) to the town and to property owners within the town as a whole, and make recommendations to the Board of Commissioners with respect to such projects;

(D) With the assistance of the attorney assigned to support the Inlet and Beach Protection Board, make recommendations to the Board of Commissioners for amendments or modifications to the town's ordinances with respect to the "frontal dune" and "protective dune system";

(E) With the assistance of the attorney assigned to support the Inlet and Beach Protection Board, make recommendations to the Board of Commissioners for modifications to the town's ordinances with respect to public and private beach access walkways which promote protection and growth of the town's protective dune systems;

(F) Serve as a link between the Board of Commissioners, Town Manager and the community on the above described areas; and

(G) Perform such other duties within or related to the general purview of the Inlet and Beach Protection Board which may assigned to it from time-to-time by the Board of Commissioners. (Ord. 18-02, passed 4-17-18)
§ 35.03 APPOINTMENT, TERMS.

Each member of the Inlet and Beach Protection Board shall be appointed by the Board of Commissioners for staggered terms of three years. Initial appointments shall be as follows: (i) Two members appointed for a two-year term; (ii) three members appointed for a three-year term. Initial appointments shall be made promptly after the effective date hereof, and, thereafter, appointments shall normally be made as of July 1 of each year, provided that vacancies occurring for reasons other than expiration of term shall be filled as they occur for the unexpired remainder of the term. No member shall serve for more than two consecutive terms, and a member having served two consecutive terms shall not be eligible for reappointment until after remaining off the Board for one year. For this purpose, a member appointed to fill a vacancy for more than one-half of a term shall be considered as having served a full term. Each member of the Board shall serve at the pleasure of the Board of Commissioners.
(Ord. 18-02, passed 4-17-18)

§ 35.04 MEETINGS.

The Inlet and Beach Protection Board shall meet at least once monthly, unless there is no business to transact. The Inlet and Beach Protection Board shall comply with provisions of the North Carolina Open Meetings Law, G.S. §§ 143-318.9 et seq. A quorum shall be in attendance before any action of an official nature can be taken. A quorum shall exist when three members of Board are in attendance.
(Ord. 18-02, passed 4-17-18)

§ 35.05 ATTENDANCE.

An appointed member of the Inlet and Beach Protection Board who misses three or more consecutive regular meetings or four meetings within a 12-month period loses their status as a member. Request for excused absences due to sickness, death or emergencies of like nature shall be approved by the Board of Commissioners as approved absences and shall not affect membership, except that in the event of a long illness, or other such cause for prolonged absence, the member may be replaced.
(Ord. 18-02, passed 4-17-18)

§ 35.06 OFFICERS; LEGAL COUNSEL.

(A) There shall be a Chair and a Vice-Chair of the Inlet and Beach Protection Board. Upon the initial appointment of members and annually thereafter in July, the Inlet and Beach Protection Board shall elect a Chairperson and Vice-Chairperson from among the regular members appointed by the Board of Commissioners for terms of one year. Vacancies of the Chair and Vice-Chair created by termination shall be elected from its membership at its earliest convenience. The Town Manager or his or her designee shall serve as the clerk to the Inlet and Beach Protection Board. The clerk shall not be a member of the Board.

(B) The Board of Commissioners may designate and engage legal counsel, who may be the Town Attorney or other environmental legal counsel otherwise engaged to advise the Inlet and Beach Protection Board, as needed.
(Ord. 18-02, passed 4-17-18)
§ 35.07 OFFICERS' DUTIES.

(A) The Chair of the Inlet and Beach Protection Board shall preside at all meeting and shall appoint all committees.

(B) When the Chair is absent, the Vice-Chair shall perform the duties of the Chair. When both the Chair and Vice-Chair are absent, a temporary Chair shall be selected by those members who are present.

(C) The clerk shall provide all members copies of the agendas, official reports and the official minutes of the regular meetings and special meetings, prior to the next scheduled meeting.

(D) The Chair of the Inlet and Beach Protection Board shall submit a report in writing of any suggestions, plans, recommendations, and the like to the Town Clerk following each meeting of the Inlet and Beach Protection Board for inclusion in the following month's Board of Commissioners agenda packets.

(Ord. 18-02, passed 4-17-18)
CHAPTER 50: SOLID WASTE

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§ 50.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING MATERIAL SCRAP. All scrap material from the construction, reconstruction, remodeling or repair of a building, walkway, driveway, sign or other structure, including, but not limited to, excavated earth, tree stumps, rocks, gravel, bricks, plaster, concrete, lumber, insulation, fixtures (e.g., commodes, sinks) or wrappings for materials or any other materials necessary for the construction, reconstruction, remodeling or repair of a building.

GARBAGE. All animal, fruit and vegetable matter, all small cans, glassware, crockery, bags, and other small containers in which matter has been left or stored.

LARGE HOUSEHOLD ITEMS. Accessories or fittings for a particular use inside, outside or around a house including but not limited to tables and chairs; sofas and recliners; bed frames; dressers; mattresses and box springs; small electronics such as computers and televisions; refrigerators; ovens and microwave ovens; washing and drying machines.

PUTRESCIBLE WASTE. Solid waste that contains organic matter capable of being decomposed by microorganisms and of such a character and proportion as to cause obnoxious odors and to be capable of attracting or providing food for birds or animals.

RECYCLABLE REFUSE. Types and kinds of materials intended to be discarded, scrapped or otherwise disposed of that are defined as recyclable material under the current waste collection contract, e.g., cardboard; newspaper; magazines; small metal and glass containers and certain type of plastic containers in which matter has been stored and possibly residues left.

REFUSE. All other types and kinds of materials intended to be discarded, scrapped, or otherwise disposed of.

SUMMER RENTAL SEASON. The period of time that garbage collection occurs twice weekly per town contract.

YARD WASTE. All wastes pertaining to a landscaped/managed property, including but not limited to tree limbs, leaves, shrubbery, weeds, plants or grass.

('85 Code, § 9-1.1) (Ord. 5, passed - - ; Am. Ord. 10-90, passed 5-15-90; Am. Ord. 18-16, passed 12-18-18; Am. Ord. 19-03, passed 3-19-19)
§ 50.02 CONTAINER SPECIFICATIONS.

(A) Residential requirements.

(1) Garbage will be kept only in contractor-owned and provided standard, 90-gallon capacity roll-out containers. Each residence is authorized one container; however, additional containers are available for a set monthly fee.

(2) Recyclable refuse can be disposed of in standard garbage containers. Alternatively, 90-gallon capacity containers for recyclable materials are only available by contract through the town for a set annual fee.

(3) Property owners are responsible to assure they have sufficient 90-gallon containers to properly contain refuse prior to collection. Garbage placed on top of or beside the container(s) will not be picked up by the contractor, nor will garbage placed in non-standard containers.

(B) Commercial requirements.

(1) All commercial establishments catering to the public in such a manner as to create refuse shall be required to place an adequate number of refuse containers in such positions and locations as to encourage their use.

(2) All such commercial-related containers shall be maintained in a sound and presentable condition.

(C) No person shall throw, place, or deposit any garbage or refuse of any kind, in any place or in any public or private property, except in approved containers or as otherwise provided in accordance with the provisions of this section.

(D) Containers on town-owned property and other public areas are for the use of the town and for the general use of residents and visitors using the public areas. It shall be unlawful for anyone otherwise to place commercial or residential waste or refuse into such containers.

('85 Code, § 9-1.2) (Ord. 5, passed - - ; Am. Ord. 93-18, passed 10-20-93; Am. Ord. 94-02, passed 2-7-94; Am. Ord. 95-06, passed 2-22-95; Am. Ord. 98-12, passed 6-22-98; Am. Ord. 18-16, passed 12-18-18; Am. Ord. 19-03, passed 3-19-19) Penalty, see § 50.99

§ 50.03 BURNING OR BURYING OF GARBAGE REGULATED.

It shall be unlawful to burn or bury garbage or trash for the purpose of disposal unless a special permit has been issued by the Town Police Department.

('85 Code, § 9-1.3) (Ord. 5, passed - - ; Am. Ord. 10-90, passed 5-15-90; Am. Ord. 18-16, passed 12-18-18; Am. Ord. 19-03, passed 3-19-19) Penalty, see § 50.99

§ 50.04 ACCUMULATION AND COLLECTION.

(A) All garbage and household refuse shall be kept in proper containers as required by this chapter and it shall be unlawful for any person to permit garbage to accumulate or remain on any premises longer than is reasonably necessary for its removal. It is the intent of the town that all containers be secured either next to non-elevated, underneath elevated houses, or alongside of the house except prior to collection days when they are to be placed at street side. Trash corrals are an acceptable method of storage. Through a town contract for island wide rollout, empty trash and recycling containers will be rolled back to the street side of the house, under the house or to a corral if available. Full containers will stay curbside until emptied by the next pickup.

(B) It shall be the duty of every owner or occupant of every building or premises where garbage or refuse exists, to reasonably and regularly clean the 90-gallon containers and other legal refuse collection containers.
(C) The owners, occupants and lessees of all property, jointly and severally, are required to control all refuse, placing such refuse in proper containers and/or arranging for collection or other disposal disposition in accordance with the provisions of this chapter.

(D) Garbage and household refuse will be collected and removed from the aforesaid containers or cans in accordance with the schedule set forth in the garbage collection service contract, executed independently from this chapter.

(E) This chapter shall be enforced by the town either by civil proceedings or by removing and disposing of litter according to the provisions and procedures for abatement of litter as provided in this chapter and as prescribed by G.S. §§ 160A-174, 160A-175, 160A-193, and 160A-303.1, including the provisions for notice and hearings provided or referred to therein.

§ 50.06 YARD WASTE.

Yard waste will be accepted under certain conditions and at defined times under a contract separate from the standard waste collection contract. Permissible, properly bundled or bagged, yard waste must not be placed at roadside for collection more than two weeks prior to a scheduled collection. Property owners who are found in violation may receive written notice from the town that they are in violation of town ordinance in that regard. Those so affected will be asked to correct the situation so they come into compliance with the code or receive a civil fine of $50 per day per offense.

(Ord. 18-16, passed 12-18-18; Am. Ord. 19-03, passed 3-19-19)

§ 50.07 TRANSPORTING WASTE MATERIALS; COVERING DURING TRANSPORT.

All persons transporting waste material, construction material, or any manner of loose materials over the public or private roadways in the town shall insure that such materials are not lost or scattered on or along the rights-of-way of such roadways. These materials shall be securely covered during transit in such manner as to prevent the loss thereof from the transporting vehicle.

§ 50.08 RENTAL HOMES.

(A) Rental homes, as defined in Chapter 157, that are rented as part of the summer rental season, are subject to high numbers of guests, resulting in large volumes of trash. This type of occupancy use presents a significantly higher impact than homes not used for summer rentals. In interest of public health and sanitation and environmental concerns, all rental homes shall have a minimum of one trash can per two bedrooms. Homes with an odd number of bedrooms shall round up (for examples one to two bedrooms - one trash can; three to four bedrooms - two trash cans; five - six bedrooms - three trash cans, and the like). In instances where three trash cans or more are required, one can may be substituted with a contractor approved recycling bin.

(B) Any property found in violation of division (A) above shall be subject to the penalties listed in § 50.99.
(Ord. 07-13, passed 11-27-07; Am. Ord. 18-16, passed 12-18-18; Am. Ord. 19-03, passed 3-19-19)

§ 50.99 PENALTY.

(A) Criminal. Violators of Chapter 50 will not be subject to a criminal penalty.

(B) Civil. Any person who violates any provision of the chapter shall be subject to a $50 per day civil fine in accordance with § 10.99(B) of this code of ordinances.
(85 Code, § 9-1.8) (Ord. 5, passed - - ; Am. Ord. 7-87, passed 6-1-87; Am. Ord. 10-90, passed 5-15-90; Am. Ord. 93-11, passed 9-7-93; Am. Ord. 99-02, passed 2-8-99; Am. Ord. 18-16, passed 12-18-18; Am. Ord. 19-03, passed 3-19-19)
CHAPTER 72: PARKING REGULATIONS

Section

72.01 Definitions
72.02 Parking regulated on public streets and rights-of-way
72.03 Parking prohibited at all times
72.04 Tow-away zones
72.05 Parking for customers only
72.06 Handicapped parking

§ 72.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONSTRUCTION OR MAINTENANCE VEHICLE. Any vehicle, as defined herein, that is being used for any legitimate service to a private or public facility or residence. Private contractors’ vehicles, delivery vehicles, animal assistance organization vehicles (excluding spectators) and any other vehicle with pre-authorization from the town or police, on a case-by-case basis, shall be considered CONSTRUCTION OR MAINTENANCE VEHICLES.

DAWN. A time one-half hour before sunrise.

DRIVEWAY. An area allowing ingress and egress to private residences that is not open to public vehicular traffic.

DUSK. A time one-half hour after sunset.

FIRE LANE and/or EMERGENCY VEHICLE ACCESS. Any area marked with signage and/or other markings indicating the area is restricted to emergency vehicle parking and/or access only.

PEDESTRIAN CROSSWALK. Any area marked with signage and/or other markings designed to safety allow pedestrian foot traffic to cross the roadway.

STREET or HIGHWAY. G.S. § 20-4.01(13) and (46) define a STREET and/or HIGHWAY as the entire width between property or right-of-way lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right for the purposes of vehicular traffic. The terms HIGHWAY and STREET, and their cognates, are synonymous.

VEHICLE. Any motor conveyance as defined in G.S. § 20-4.01, including but not limited to: passenger motor vehicles, commercial motor vehicles, recreational vehicles, electric vehicles, low speed vehicles, motorcycles, utility vehicles, mopeds and golf carts.
(Ord. 14-09, passed 8-12-14)

§ 72.02 PARKING REGULATED ON PUBLIC STREETS AND RIGHTS-OF-WAY.

(A) Street intersections. It shall be unlawful for any person to park or leave standing any portion of any vehicle, whether attended or unattended, in any street right-of-way intersection or upon any public street right-of-way within 25 feet of any street intersection.

(B) Streets. It shall be unlawful for any person to park or leave standing any portion of any vehicle, whether attended or unattended, on any portion of the designated travel lane of any street.
(C) Crosswalks, sidewalks or access ways. It shall be unlawful for any person to park or leave standing any portion of any vehicle, whether attended or unattended, upon any public right-of-way so as to block any crosswalk, sidewalk or access way designated and set apart for use by pedestrians.

(D) Driveways and mailboxes. It shall be unlawful for any person to park or leave standing any portion of any vehicle, whether attended or unattended, upon any public street right-of-way so as to block any driveway or mailbox.

(E) Opposing traffic. It shall be unlawful for any person to park or leave standing any portion of any vehicle, whether attended or unattended, upon any public street right-of-way facing opposing traffic.

(F) Fire hydrants; fire lane. It shall be unlawful for any person to park or leave standing any portion of any vehicle, whether attended or unattended, upon any public street right-of-way nearer than 15 feet to any fire hydrant, or in a fire lane or emergency vehicle access.

(G) No parking zones or areas. It shall be unlawful for any person to park or leave standing any portion of any vehicle, whether attended or unattended, in any area described in 72.03 of this chapter.

(H) Handicapped. It shall be unlawful for any person to park or leave standing any portion of any vehicle, whether attended or unattended, to occupy any portion of a parking space reserved as handicapped, without the proper license plate, placard, or other evidence that a handicapped permit has been issued by the appropriate authority.

(I) Signs and markers. The Town Manager shall cause suitable signs and markers to be erected or placed at the locations designated to notify the public of the restrictions imposed by this section. No person shall install, or otherwise cause to be installed, placed or erected, any signs, markings or other objects that would restrict parking in any area not specifically restricted by this chapter or any other town ordinance.

(J) Exception. The prohibitions of § 72.03 shall not apply to construction and maintenance worker vehicles while performing legitimate services on that location, except:

(1) No vehicle may be left parked over night (from dusk to dawn); and

(2) All vehicles must be as far off the public street rights-of-way as possible; and

(3) No vehicle may be left parked on any portion of any roadway; and

(4) No vehicle may be parked on portion of the sidewalk.

All other parking regulations shall be enforced.

(K) Additional violation. It shall be a violation of this chapter to leave standing any portion of a vehicle in a lawful parking area between the hours of 2:00 a.m. and 5:00 a.m. ('85 Code, § 7-3.2) (Ord. 9-84, passed --; Am. Ord. 95-02, passed 2-6-95; Am. Ord. 95-11, passed 6-21-95; Am. Ord. 02-05, passed 4-8-02; Am. Ord. 14-09, passed 8-12-14; Am. Ord. 18-07, passed 4-17-18) Penalty, see § 70.99

§ 72.03 PARKING PROHIBITED AT ALL TIMES.

(A) No person shall park a vehicle at any time upon any of the streets or parts thereof described in this chapter. ('85 Code, § 7-3.1) (Ord. 9-84, passed --; Am. Ord. 3-85, passed --; Am. Ord. 14-85, passed --)

(B) In accordance with the provisions of division (A) of this section, no person shall park a vehicle at any time upon any of the following described streets
CHAPTER 94: BEACH REGULATIONS

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## GENERAL PROVISIONS

### § 94.01 OFFICIAL VEHICLES ALLOWED ON STRAND.

This chapter shall not be construed in any manner to prohibit the use of law enforcement, beach patrol, rescue squad, Fire Department or other public or official vehicles in the performance of their duties, upon the beach strand or vehicular accessways to the beach strand, or wetlands.

(‘85 Code, § 11-1.1) (Ord. 6-83, passed - - )

### § 94.02 PRIVATELY-OWNED VEHICLES PROHIBITED.

Except as noted in § 94.01 of this chapter, no motor vehicles or other motor or engine-drive vehicles, or wind-powered wheeled vehicles, licensed or unlicensed, shall be allowed at any time upon the wetlands, beach strand, beach strand vehicular accessways, or the dunes adjoining the strand and accessways.

(‘85 Code, § 11-1.2) (Ord. 6-83, passed - - )

Penalty, see § 94.99

### § 94.03 FRONTAL DUNE POLICY AND REGULATIONS.

(A) **Definition.** For the purpose of this section, **FRONTAL DUNES** shall mean the dunes designated by the town’s local certified CAMA official as the “frontal dunes”; otherwise, they are the first mounds of sand located landward of the ocean beach with sufficient vegetation, height, and configuration to offer protection from ocean storms. Considering the fact that oceanfront property limits extend to the mean high water mark, the frontal dune may be located on private property.

(B) **Purpose of the frontal dune.** It is desirable to maintain a continuous frontal dune along the oceanfront of the island, extending from Lockwoods Folly Inlet to Shallotte Inlet. A continuous frontal dune thus maintained provides a single, ocean water surge flood control structure that serves to mitigate the effects of storms, that could by their very nature cause damage to public and private property. It is the intent of the Town that the frontal dune be maintained to standard specifications and by sand renourishment, so that the above-mentioned protection can be provided.
(C) **Frontal Dune Policy and Regulations.** The following policies and regulations apply: (Penalty for failure to adhere is $500.00 per violation.)

1. It shall be unlawful for any person or vehicle to cross the designated frontal dune, except for official Town business or emergency access, unless such crossing is over a Town approved ramp and/or stairs.

2. **Frontal Dune Policy and Restrictions:**
   
   (a) Whenever property owners elect to construct a walkway across the frontal dune on their property, to provide pedestrian access to the beach strand, the following specifications shall apply. (Note: the same criteria applies when property owners seek to apply for town approval of an encroachment agreement to construct a walkway over public property adjacent to their residence.)

   1. The walkway shall be constructed only of building materials approved by the N.C. State Building Code. The walking passageway shall be no wider than four feet. The underside of the walkway across the frontal dune shall be a minimum of 18 inches and a maximum of 36 inches above the crest of the sand. Exception: Town owned CAMA accessways may utilize a 6-foot walkway.

   2. The first step down to the beach strand shall be placed no farther seaward than the beginning of the downward slope of the dune, or the existing line of escarpment determined by averaging the downward slope or escarpment line for the property in question and those properties directly adjacent.

   3. Steps shall be of open tread construction with a maximum riser height of 8.25 inches and a minimum tread depth of 9.00 inches, and shall meet the requirements of the N.C. State Building Code.

4. In accordance with N.C. State Division of Coastal Management’s enforcement of the Coastal Area Management Act (CAMA), the walkway access to the beach strand over the frontal dune shall be conclusively presumed to entail negligible alteration of the dune. The walkway shall be raised on pilings a minimum of two feet and a maximum of five feet depth into the dune. In no case shall the walkway be permitted if it will, in the opinion of the Local CAMA Permit Officer, diminish the dune’s capacity as a protective barrier against flooding and erosion.

5. Except for handicap ramps, steps from the walkway to the beach strand shall be placed only perpendicular to the frontal dune line.

6. No structure other than the four-foot wide wooden walkway shall be located south of the landward toe of the frontal dune. This applies to decks, gazebos, sitting areas and other additions that a property owner may desire to make to the allowed walkway. Structures (other than the four-foot walkway) that exist when this section is adopted may remain in place temporarily; however, all such structures must be removed no later than December 31, 2003, in order to be in compliance with this section. A building permit is required if there are any repairs needed to walkway load bearing surfaces, such as supporting posts. Adding additional lengths to supporting posts shall constitute a repair. Exception: Town owned CAMA accessways may utilize a 6-foot walkway. Exception: Property owners with lots that have more than 300 feet from the seaward toe of the frontal dune to the last line of natural stable vegetation, as determined by the local CAMA officer, may install a single walkway with a maximum width of four feet; the walkway shall be a minimum of three feet high with a maximum height not to exceed four feet; and shall terminate at the last line of natural stable vegetation. Walkways shall be permitted and built in accordance with all federal, state and local building requirements.
(b) Showers shall not be located on walkways over the dune south of its landward toe. Shower runoff must not drain onto any portion of the frontal dune or south of the landward toe.

(c) In those instances where a residence or other structure is located directly adjacent to the frontal dune, stormwater runoff from roofs shall be controlled by the property owner so as not to erode sand on any portion of the frontal dune.

(d) Sand fences:

1. The installation of sand fence along the oceanfront, when properly located and erected, is an effective method to control blowing sand which may lead to the formation of dunes. However, when improperly located and erected, sand fencing may interfere with emergency beach access, cause accumulation of debris, and discourage sea turtle nesting.

2. Sand fencing is defined as a fence normally constructed of untreated and unpainted wood held together with twisted wire, with the fence being nailed to a minimum of 1.5 inch by 3.5 inch (2x4) posts that are spaced at intervals not less than five feet and are embedded no more than two feet into the sand, and extending no higher than four feet above grade.

3. No sand fence shall be erected without a no-cost sand fence permit issued by the Town Inspections Department. The permit may be requested and returned by mail following completion.

4. All sand fencing shall be installed in individual lengths of ten feet or less, at an angle between 45 and 90 degrees to the shoreline, facing west. The lengths of sand fence will be spaced at least seven feet apart, parallel to each other, to allow sea turtles and pedestrians to pass through. This method of sand fencing encourages sand accretion and minimizes negative impacts to nesting sea turtles.

5. The Building Inspector shall have the authority to summarily remove, abate, or remedy a sand fence determined dangerous or prejudicial to the public safety whether by reason of its location, or its subsequent state of disrepair or damage. Any fence so removed will be delivered to its owner if known, and if not, will be disposed of by the Public Works Department in an appropriate manner.

(e) Property owners are encouraged to vegetate and fertilize the portion of the frontal dune on their property.

(f) An exception to this policy is that ocean front property owners or their agents may traverse on (or over) the specific portion of the frontal dune within the limits of their property (above the mean high water mark), so as to make minor dune repairs, plant vegetation, install sand fencing and otherwise maintain the frontal dune on their property so that it may afford the intended degree of flood protection per this section.

(Ord. 98-04, passed 4-27-98; Am. Ord. 99-04, passed 3-8-99; Am. Ord. passed 3-27-00; Am. Ord. 00-25, passed 12-11-00; Am. Ord. 02-08, passed 5-27-02; Am. Ord. 03-09, passed 11-24-03; Am. Ord. 17-04, passed 3-21-17; Am. Ord. 17-05, passed 4-18-17)

§ 94.04 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or implies a different meaning.

**BEACH.** The area between the mean low water mark of the Atlantic Ocean and the seaward toe of the frontal dune.

**BEACH EQUIPMENT.** Any personal items that are designed or manufactured for use, or actually used, on the beach or in the adjacent tidal waters. Examples include, without limitations: chairs, lounges, umbrellas, cabanas, tents, horseshoes and stakes, kayaks, paddle vessels, sailboards, surfboards, fishing gear, sporting equipment, rafts, floatation
devices, beach toys, baskets, bags, towels, coolers and any other personal property items. **BEACH EQUIPMENT** shall not include municipal trash containers, signage or structures or any items placed or permitted by a governmental agency (for example signs or protection devices for turtle nests).

**SAND RENOURISHMENT.** The placement and maintenance of sand onto the beach in order to nourish, renourish, protect, operate and maintain a public beach, including the right to deposit sand, alter the contour of the land, construct dunes and berms, plant vegetation on and prohibit access to the dunes and berms, to erect protective silt screens and fences, and to perform any other work necessary and incident to the maintenance of the dune system.

(Ord. 02-08, passed 5-27-02; Am. Ord. 10-08, passed 9-14-10)

§ 94.05 DIGGING OF HOLES ON BEACH STRAND.

(A) To help prevent personal injury and damage to property, it shall be unlawful for any person, firm or corporation within the corporate limits of the town to dig into the sand on any part of the beach strand greater than 12 inches deep, without having a responsible person attending the area to prevent any person or persons from walking into any existing hole and risking personal injury and to allow public safety vehicles the ability to respond to emergencies without the risk of damage to equipment or personal property.

(B) Prior to leaving the area, any hole greater than 12 inches deep shall be filled to be level with the surrounding area, leaving the area in the same general condition in which it was found.

(C) The violation of this section shall be punishable by a $50 fine.

(Ord. 06-12, passed 10-24-06)

§ 94.06 PLACING OBSTRUCTIONS ON THE BEACH.

(A) All beach equipment must be removed from the beach by its owner or permitted user on a daily basis. All personal items and beach equipment unattended and remaining on the beach between the hours of 6:00 p.m. and 7:00 a.m. will be classified as abandoned property and shall be removed and disposed of by the town.

(B) All beach equipment shall be set at least ten feet from any sea turtle nest or dune vegetation.

(Ord. 10-08, passed 9-14-10)

**SURF AND SAILING CRAFT REGULATIONS**

§ 94.15 PURPOSE.

The town has determined that the safety and public needs of the persons utilizing the beach strand and adjacent waters near the fishing piers and other related structures require the regulation of certain uses of these areas. By Chapter 539, Session Laws 1973 of North Carolina, as amended, the towns of Brunswick County were conferred with the power to regulate surfing, swimming, and littering in coastal waters adjacent to town limits.

('85 Code, § 11-2.1) (Ord. 42, passed - - ; Am. Ord. 02-08, passed 5-27-02)

§ 94.16 SURFBOARD DEFINED.

This subchapter shall apply to the use of surfboards, sailboards, boogie boards, sailing craft, or other objects or things used for surfing as the term is commonly defined, and the term **SURFBOARD** shall hereinafter apply to all such items or things, for the purpose of this subchapter.

('85 Code, § 11-2.2) (Ord. 42, passed - - )
§ 94.17 TIME PERIOD APPLICABLE.

This subchapter shall regulate the use of surfboards only during that period from March 1 to November 15 of each year.
('85 Code, § 11-2.3) (Ord. 42, passed --)

§ 94.18 SURFBOARD PROHIBITED IN CERTAIN AREAS.

(A) No surfboard shall be carried, pushed, wheeled, ridden, or otherwise used on the beach strand and/or adjacent ocean waters within 500 feet of any fishing pier located on or adjacent to property within the town limits.
('85 Code, § 11-2.4)

(B) Use of surfboards shall be permissible in all other areas of the beach strand and adjacent waters. ('85 Code, § 11-2.5) (Ord. 42, passed --; Am. Ord. 02-08, passed 5-27-02) Penalty, see § 94.99

FISHING REGULATIONS

§ 94.30 NET FISHING REGULATIONS.

The following regulations shall be observed whenever engaged in net fishing along the strand:

(A) Permission of property owners. Written permission shall be obtained from the property owner if using his lot and walkway for access to the beach, for anchoring net lines, for temporary shelters, or for parking.

(B) Lines not in use; restrainers. Lines, when not in use, shall be secured to permanent restrainers at the high water mark and shall be anchored along their length in such a manner as to prevent their being suspended above the sand, thereby being a tripping hazard to pedestrian use of the beach. Lines and anchors shall be removed when the approved registration expires.

(C) Reflectors. Reflectors shall be secured to each post or restrainer such that each will be clearly visible and in plain view of pedestrian and vehicular traffic.

(D) Removal of debris from the beach. All fish, crabs, or debris removed from the water when the net is pulled shall be removed from the beach and the beach left in a clean and sanitary condition.
(Ord. 95-16, passed 10-2-95) Penalty, see § 94.99

§ 94.31 RESERVED.

§ 94.32 REGULATIONS FOR GILL NET FISHING.

Fishermen shall observe the following regulations whenever engaged in net fishing along the strand:

(A) Permission of property owners. Written permission shall be obtained from the property owner if using his lot and walkway for access to the beach, for anchoring net lines, for temporary shelters, or for parking.

(B) Lines not in use; restrainers. Lines when not in use shall be secured to permanent restrainers just below the high water mark and shall be anchored along their length in such manner as to prevent their being suspended above the sand, thereby being a tripping hazard to pedestrian use of the beach. Lines and anchors shall be removed when the approved registration expires.

(C) Unattended nets. Nets shall not be unattended for more than 12 hours. During inclement weather of such severity as to preclude pulling of the net and removal of the catch, this period may be extended with the approval of Town Hall or the Police Department.
(D) Reflectors. Reflectors shall be secured to each post or restrainer such that each will be clearly visible and in plain view of pedestrian and vehicular traffic.

(E) Removal of debris from the beach. All fish, crabs, or debris removed from the water when the net is pulled shall be removed from the beach and the beach left in a clean and sanitary condition. ('85 Code, § 11-3.3) (Ord. 93-12, passed 9-7-93) Penalty, see § 94.99

§ 94.99 PENALTY.

(A) Criminal. Any person who violates any provision of this chapter shall be subject to the penalty provided in § 10.99(A) of this code of ordinances.

(B) Civil. In accordance with § 10.99(B) of this code of ordinances, any person who violates any provision of this chapter shall be subject to a civil fine of $50 per offense. ('85 Code, §§ 3-12.3, 11-1.3, 11-2.6, 11-3.4, 11-4.4) (Ord. 42, passed - - - ; Am. Ord. 93-11, passed 9-7-93; Am. Ord. 93-12, passed 9-7-93; Am. Ord. 95-16, passed 10-2-95)
CHAPTER 95: STREETS

Section

95.01 Definition
95.02 Minimum standards for street acceptance
95.03 Application to all existing streets
95.04 Application to new streets in subdivisions
95.05 Street rights-of-way
95.06 Preservation zone
95.99 Penalty

§ 95.01 DEFINITION.

For the purpose of this chapter, DEVELOPER shall mean any person either individually or serving as an officer of any corporation, or partnership which develops lots and offers them for sale within the town. (‘85 Code, § 14-1.4) (Ord. 19, passed - - )

§ 95.02 MINIMUM STANDARDS FOR STREET ACCEPTANCE.

The following minimum standards for all streets shall be followed prior to the town’s acceptance of any subdivision street for maintenance purposes:

(A) The minimum right-of-way width shall be 50 feet.

(B) Unpaved streets shall have a minimum travel width of not less than 20 feet and travel width and shoulders, exclusive of side ditches, of not less than 32 feet. In the case of paved roads, the minimum paved width shall not be less than 20 feet, and the shoulders added thereto shall not be less than 32 feet, exclusive of side ditches.

(C) Unpaved roads and streets shall be stabilized with a six-inch base of marl or clay. Paved streets shall have sufficient stabilizing material to properly support the asphalt. The specific stabilizing material and the amount thereof shall be in the sole discretion of the Town Manager.

(D) All streets and lots within any subdivision shall have sufficient drainage to allow surface water to be drained from the lot and to be allowed reasonable maintenance of the road free of excess water. Surface water may not be drained onto neighboring properties or into protected wetlands. (‘85 Code, § 14-1.1) (Ord. 19, passed - - ; Am. Ord. 98-13, passed 6-22-98; Am. Ord. 02-08, passed 5-27-02) Penalty, see § 95.99

§ 95.03 APPLICATION TO ALL EXISTING STREETS.

The standards shall apply to all streets now in existence within the town limits which have not been accepted by and become a part of the town street system, and the town shall have no obligation of accepting any such street for maintenance purposes which does not meet these minimum criteria. However, existing and developed streets, the plats for which were recorded in the county registry on or before June 24, 1992, will be accepted on a street-by-street basis, regardless of the platted width, upon evidence of compliance with § 95.02(B) through (D) of this chapter. (‘85 Code, § 14-1.2) (Ord. 19, passed - - ; Am. Ord. 92-06, passed 6-24-92) Penalty, see § 95.99

§ 95.04 APPLICATION TO NEW STREETS IN SUBDIVISIONS.

New streets constructed by a developer in a subdivision serving any lots located within the town.
limits shall be constructed in accordance with these minimum standards. 
(‘85 Code, § 14-1.3) (Ord. 19, passed - - ) Penalty, see § 95.99

§ 95.05 STREET RIGHTS-OF-WAY.

(A) The purpose of this regulation is to establish what may be placed in street rights-of-way which are cleared by installation or repair of utilities, streets, or walkways. This regulation is not intended to remove or destroy landscaping or structures which are presently in place. Landscaping in street rights-of-way:

(1) Must not present a safety hazard;
(2) Must not impede traffic;
(3) Is placed at the risk of the individual; and
(4) Is encouraged. 
(‘85 Code, § 14-2)

(B) The ten feet of rights-of-way nearest the pavement or road bed shall remain clear of all items with the following exceptions:

(1) Mailboxes, newspaper boxes, post and rope not to exceed 24 inches from grade.
(2) Grass, an approved pervious product or vegetation not to exceed one foot in height.
(3) The properties located at 1189, 1190, 1191 and 1192 Ocean Boulevard West may install or place a fence within the right-of-way. 
(‘85 Code, § 14-2.1)

(C) The area of the rights-of-way beyond ten feet of the pavement or road bed:

(1) May be landscaped by the abutting property owner provided § 157.081 of the zoning code is complied with.

(2) Shall be kept clear of all other manmade structures not used in landscaping with the exception of fences.
(‘85 Code, § 14-2.2)

(D) The town has no responsibility to protect any items, authorized or unauthorized, which are placed in street rights-of-way. Improvements are made at the owners risk and may be destroyed or damaged during walkway, street, and utility installation or maintenance. Items deemed to be a safety hazard or to impede traffic will be removed by the town.

(E) All existing concrete within the right-of-way that is removed for any reason cannot be replaced. 
(‘85 Code, § 14-2.3) (Ord. 5-89, passed 5-1-89; Am. Ord. 90-17, passed 12-3-90; Am. Ord. 94-29, passed 11-7-94; Am. Ord. 95-03, passed 2-6-95; Am. Ord. 02-08, passed 5-27-02; Am. Ord. 06-13, passed 11-14-06; Am. Ord. 12-04, passed 5-8-12; Am. Ord. 18-08, passed 4-17-18) Penalty, see § 95.99

§ 95.06 PRESERVATION ZONE.

(A) The town is authorized and empowered by G.S. § 160A-296 to exercise control over its public streets and is generally authorized to pass laws to protect the health, safety, and welfare of its citizens. Hillside Drive, within the town limits, has become a hazard to the health, safety, and welfare of the citizens of the town because of the encroachment of the Atlantic Ocean onto lands immediately adjacent to and south of Hillside Drive, and onto parts of the road itself; and it has become necessary to take measures to protect the right-of-way of Hillside Drive. 
(‘85 Code, § 14-3)

(B) All public use of the 50-foot right-of-way area of Hillside Drive shall be confined to the northern 20 feet of the right-of-way, subject to narrower areas of travel being designated by the Town Manager or eliminated altogether as necessary to establish a preservation zone within the right-of-way of Hillside Drive. 
(‘85 Code, § 14-3.1)
CHAPTER 151: BUILDING AND HOUSING REGULATIONS

General Provisions

§ 151.01 STANDARD CODES ADOPTED.

(A) Building Code adopted. The North Carolina State Building Code, Volume I, General Construction, as adopted by the North Carolina Building Code Council, and as amended, is hereby adopted by reference, as fully as though set forth herein, as the building code of the town to the extent such code is applicable for safe and stable design, methods, and construction, minimum standards, and use of materials in buildings or structures hereafter erected, enlarged, altered, repaired, or otherwise constructed or reconstructed.

('85 Code, § 8-1.1)

(B) Residential Building Code adopted.

(1) Residential Building Code. The North Carolina Uniform Residential Building Code, as adopted by the North Carolina Building Code Council, and as amended, is hereby adopted by reference, as

Construction Provisions

Electrical Service; Underground

Cross-reference:
Abandoned structures, see §§ 150.30 - 150.38
fully as though set forth herein, as the residential building code for one- and two-family residential buildings in the town.
(‘85 Code, § 8-1.2)

(2) **Swimming pools, spas and hot tubs.** The appendix of the Residential Building Code regarding swimming pools, spas and hot tubs, as amended by the North Carolina Building Code Council, is hereby adopted by reference, as fully as though set forth therein, as the code for swimming pools, spas and hot tubs in the town.

(C) **Electrical Code Adopted.** The North Carolina Electrical Code (North Carolina State Building Code, Volume IV, Electrical), as adopted by the North Carolina Building Code Council, and as amended, is hereby adopted by reference, as fully as though set forth herein, as the electrical code for the town.
(‘85 Code, § 8-1.3)

(D) **Heating Code adopted.** The North Carolina Heating Code (North Carolina State Building Code, Volume III, Heating) as adopted by the North Carolina Building Code Council, and as amended, is hereby adopted by reference, as fully as though set forth herein, as the heating code for the town.
(‘85 Code, § 8-1.4)

(‘85 Code, § 8-1.5) (Am. Ord. 07-12, passed 9-25-07)

**Cross-reference:**
*Standard Fire Prevention Code adopted, see § 91.01*

§ 151.02 **AMENDMENTS TO CODES.**

Amendments to the regulatory codes adopted by reference herein, which are from time to time adopted and published by the agencies or organizations referred to herein, shall be effective in the town at the time such amendments are filed with the Building Inspector as provided in § 151.03 of this chapter.
(‘85 Code, § 8-1.7) (Ord. 91-04, passed 4-8-91; Am. Ord. 00-15, passed 6-26-00)

§ 151.03 **COPIES OF CODES FILED WITH TOWN CLERK.**

An official copy of each regulatory code adopted herein, and official copies of all amendments thereto, shall be kept on file in the office of the Town Clerk and Building Inspector. Such copies shall be the official copies of the code and amendments.
(‘85 Code, § 8-1.8) (Ord. 91-04, passed 4-8-91)

**BUILDING PERMITS**

§ 151.15 **DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**MAINTENANCE.** The recurrent day-to-day, periodic, or scheduled work upon the constituent nonstructural parts of a building required to preserve or restore the building to such condition that it may be effectively used for its intended purpose. Includes work undertaken to prevent damage to a building which otherwise would be more costly to restore. *Examples:* Painting and re-roofing without change in size.

**REPAIR.** The restoration of a building to such condition that it may be effectively used for its intended purposes by overhaul, reprocessing, or replacement of its constituent structural parts or materials that have deteriorated by action of the
elements or usage and which have not been corrected through maintenance. Examples: Replacement or relocation of piling, joists, flooring, trusses, and bearing walls.
(‘85 Code, § 8-2.1c.) (Ord. 8, passed - - ; Am. Ord. 02-10, passed 7-8-02)

§ 151.16 BUILDING PERMITS REQUIRED.

(A) No person shall commence or proceed with the construction, alteration, repair, removal, or demolition of any building or other structure, or part thereof, without a written permit therefor from the Building Inspector.

(B) Work started in violation of G.S. § 160A-417 shall be subject to a fine of up to and not exceeding five times the permit fee.

(C) Any fines levied under § 151.16(B) may be appealed to the Town Manager by written request within ten days.
(‘85 Code, § 8-2.1a., b.) (Ord. 8, passed - - ; Am. Ord. 14-03, passed 3-11-14)

§ 151.17 APPLICATION FOR PERMITS.

(A) Applications for permits required by this subchapter shall be made in writing on forms provided by the town. Application shall be made by the owner of the building or structure affected, or by his authorized representative.

(B) In addition to such other information as may be required by the Building Inspector to enable him to determine whether the permit applied for should be issued, the application shall furnish the following information:

(1) Name and address of owner;

(2) Name and address of authorized representative, if any;

(3) Name and address of general contractor, if any;

(4) Location of premises; proposed use of premises; and

(5) Estimated cost of work.
(‘85 Code, § 8-2.2) (Ord. 8, passed - - )

§ 151.18 PLANS FOR CONSTRUCTION, ALTERATION, OR REPAIR.

With every application for the construction, alteration, or repair of any building or structure there shall be furnished to the Building Inspector a set of plans covering the work proposed to be done. This requirement may be waived when in the opinion of the Inspector such plans are not necessary in order to determine if all ordinances of the town are to be complied with.
(‘85 Code, § 8-2.3) (Ord. 8, passed - - )

§ 151.19 APPROVAL OF APPLICATION.

All complete applications for permits required by this section shall be approved or disapproved by the Building Inspector within a period of not exceeding two weeks from the date of filing thereof. Such applications shall be approved if the work proposed to be done conforms to the requirements of all codes and ordinances of the town applicable thereto.
(‘85 Code, § 8-2.4) (Ord. 8, passed - - ; Am. Ord. 02-10, passed 7-8-02)

§ 151.20 ISSUANCE.

Upon approval by the Building Inspector of any application for a permit, and upon payment of fees prescribed by §§ 151.21 and 151.22 of this subchapter, a proper permit shall be issued to the applicant. A copy of the permit and application shall be kept on file in the office of the Building Inspector.
(‘85 Code, § 8-2.5) (Ord. 8, passed - - ; Am. Ord. 93-13, passed 9-22-93)
§ 151.21 PERMIT FEES.

Fees for permits shall be based upon a schedule adopted by the Board of Commissioners, which shall be available at the office of the Town Clerk and the Building Inspector. (‘85 Code, § 8-2.6a., d., e.) (Ord. 8, passed __; Am. Ord. 92-02, passed 1-6-92; Am. Ord. 94-20, passed 9-21-94; Am. Ord. 95-12, passed 10-2-95; Am. Ord. 97-08, passed 6-2-97; Am. Ord. 99-08, passed 6-28-99; Am. Ord. 03-06, passed 7-28-03; Am. Ord. 06-08, passed 6-12-06; Am. Ord. 14-03, passed 3-11-14)

§ 151.22 PAYMENT OF FEES; REIMBURSEMENT.

(A) Payment of fees. All fees become due and shall be paid prior to the issuance of the building permit.

(B) Reimbursement of fees. If a project is cancelled or for any reason is abandoned within 30 days of the day the building permit is issued, the Building Inspection Department must be notified, and the fees will be reimbursed to the person who paid the building permit fees. (‘85 Code, § 8-2.6b., c.) (Ord. 8, passed __; Am. Ord. 12-85, passed __; Am. Ord. 90-16, passed 11-5-90; Am. Ord. 92-02, passed 1-6-92; Am. Ord. 02-10, passed 7-8-02)

§ 151.23 NOTICE TO BUILDING INSPECTOR.

The Building Inspector shall be notified 24 hours before the beginning of the construction, alteration, repair, or removal of any building for which a permit is required. He shall be notified not less than 48 hours before the beginning of the demolition of any building. (‘85 Code, § 8-2.7) (Ord. 8, passed __; Am. Ord. 02-10, passed 7-8-02)

§ 151.24 PERMIT AND PLANS TO BE KEPT ON PREMISES.

A copy of the permit and a copy of the approved plans, where required, shall be kept on the premises at all times while any work authorized by a permit issued under the provisions of this section is being done. Permit card shall be posted on the premises. (‘85 Code, § 8-2.8) (Ord. 8, passed __; Am. Ord. 02-10, passed 7-8-02)
§ 151.25 WORK TO CONFORM TO PERMIT AND PLANS.

All work done under any permit issued hereunder shall be done in strict conformity with the provisions of such permit, and in conformity with the approved plans where required; and no change in the work authorized shall be made except by amendment to the permit issued by the Building Inspector.
(‘85 Code, § 8-2.9) (Ord. 8, passed - - )

§ 151.26 EXPIRATION OF PERMITS.

Permits issued for the removal, or demolition, construction, alteration, or repair of any building shall expire by limitation six months after the date thereof if the work authorized by the permit has not been commenced. If, after the commencement of such work, the same is discontinued for a period of 12 months, the permit therefore shall immediately expire. No work authorized by any permit which has expired shall thereafter be done until a new permit therefor has been issued.
(‘85 Code, § 8-2.10) (Ord. 8, passed - - )

§ 151.27 REVOCATION.

The Building Inspector shall revoke any permit issued hereunder if the work done under such permit departs materially from the approved plan or terms of the permit, or if it develops that any material false statement or representation was made in securing the permit.
(‘85 Code, § 8-2.11) (Ord. 8, passed - - )

CONSTRUCTION PROVISIONS

§ 151.40 CONSTRUCTION LITTER.

(A) Removal of construction debris required. The general contractor, or owner if there is no general contractor, shall, for any dwelling or other structure under construction or repair be responsible for the overall general cleanliness of the site and shall comply with the following:

1. Prevent excessive accumulation of debris such as but not limited to construction materials, cartons, boxes, and fastenings thereof.

2. Remove all construction debris and clean the premises prior to requesting a final inspection preliminary to issuance of a Certificate of Compliance.

3. Prevent the placement or scattering of construction debris onto adjacent property, public streets or canals. Where debris becomes scattered beyond the immediate construction site, such debris shall be picked up at the conclusion of the work day and returned to appropriate placement on the construction site.

4. The Building Inspector shall be responsible for the administration of this division (A), and the Building Inspector shall make the determinations necessary for the enforcement of the provisions hereof. He shall have authority to issue a stop work order and to withhold issuance of the Certificate of Compliance whenever, in his judgement, violations exist.
(‘85 Code, § 8-5.1)

(B) Hazard removal by owner. When structures are removed from the Ocean Hazard AEC, all concrete, pilings, septic tanks, walkways, decks, and any erosion control structures including sandbags/bulkheads shall be removed, if located within the CAMA setback (30 times the annual erosion rate), by the owner within 30 days of official notification by the town. The disturbed area shall
be reconstituted with a sand dune at least of equal size and protection as to that which existed prior to the above work being done or to a condition that makes it comparable to the adjoining dunes, whichever is appropriate. The area also shall be grassed or seeded to prevent loss of soil or sand from winds.

('85 Code, § 8-5.2) (Ord. 10-90, passed 5-15-90; Am. Ord. 92-03, passed 3-18-92; Am. Ord. 93-08, passed 6-7-93; Am. Ord. 02-10, passed 7-8-02)

Cross-reference:
  Solid waste, see Ch. 50
  Littering provisions, see §§ 130.30 and 130.31

§ 151.41 LAND FILLING.

(A) No land fill may be placed on canal property within 40 feet of mean high water or within 20 feet of mean high water of Intracoastal Waterway property unless a bulkhead has been constructed in accordance with the North Carolina Building Code using either concrete, stone, or treated wood.

('85 Code, § 8-6.1)

(B) Oyster shells shall not be used as landfill. Use of oyster shells in driveways and roadways is permitted.

('85 Code, § 8-6.2) (Ord. 5-86, passed --; Am. Ord. 93-03, passed 2-17-93)

ELECTRICAL SERVICE; UNDERGROUND

§ 151.55 NEW OR REPLACEMENT ELECTRICAL SERVICE.

All new or replacement electrical service connections necessitated by construction, repair, or other improvement to property shall be required to be installed using an underground electrical service connection.

('85 Code, § 8-7.1) (Ord. 14-90, passed 8-6-90)
CHAPTER 154: FLOOD DAMAGE PREVENTION

Section

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GENERAL PROVISIONS

§ 154.01 STATUTORY AUTHORIZATION; FINDINGS OF FACT.

(A) 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. Therefore, the Board of Commissioners of the Town of Holden Beach, does ordain as follows:

(B) The flood prone areas within the jurisdiction of the town 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.

(C) 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.

(’85 Code, § 8-4.1) (Ord. 28, passed - - ; Am. Ord. 06-06, passed 5-22-06; Am. Ord. 18-13, passed 8-6-18)
§ 154.02 PURPOSE; OBJECTIVES.

(A) It is the purpose of this chapter 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 flood waters;

(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 floodwaters or which may increase flood hazards to other lands.

(B) The objectives of this chapter 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) Minimize damage to private and public property due to flooding;

(7) Make flood insurance available to the community through the National Flood Insurance Program;

(8) Maintain the natural and beneficial functions of floodplains;

(9) To help maintain a stable tax base by providing for the sound use and development of flood prone areas; and

(10) To ensure that potential buyers are aware that property is in a special flood hazard area. (*'85 Code, § 8-4.1) (Ord. 31, passed -- ; Am. Ord. 5-87, passed 3-24-87; Am. Ord. 03-01, passed 2-24-03; Am. Ord. 06-06, passed 5-22-06; Am. Ord. 18-13, passed 8-6-18)

§ 154.03 DEFINITIONS.

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

ACCESSORY STRUCTURE (APPURTEINANT STRUCTURE). 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).** An extension or increase in the floor area or height of a building or structure.

**ALTERATION OF A WATERCOURSE.** A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

**APPEAL.** A request for a review of the floodplain administrator's interpretation of any provision of this chapter.

**AREA OF SPECIAL FLOOD HAZARD.** See **SPECIAL FLOOD HAZARD AREA (SFHA).**

**BASEMENT.** Any area of the building having its floor subgrade (below ground level) on all sides.

**BASE FLOOD.** The flood having a 1% chance of being equaled or exceeded in any given year.

**BASE FLOOD ELEVATION (BFE).** 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.**

**CAMA.** North Carolina's Coastal Area Management Act. This act, along with the Dredge and Fill Law and the federal Coastal Zone Management Act, is managed through North Carolina Department of Environment and Natural Resources' (NCDENR's) Division of Coastal Management (DCM).

**CBRS.** Coastal Barrier Resources System.

**CHEMICAL STORAGE FACILITY.** A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

**COASTAL AREA MANAGEMENT ACT (CAM).** North Carolina's Coastal Area Management Act, this act, along with the Dredge and Fill Law and the Federal Coastal Zone Management Act, is managed through North Carolina Department of Environmental Quality (NCDEQ) Division of Coastal Management (DCM).

**COASTAL A ZONE (CAZ).** An area within a special flood hazard area, landward of a V zone or landward of an open coast without mapped V zones; in a Coastal A Zone, the principal source of flooding must be astronomical tides, storm surges, seiches, or tsunamis, not riverine flooding. During the base flood conditions, the potential for wave heights shall be greater than or equal to 1.5 feet. Coastal A Zones are not normally designated on FIRMs. (See Limit of Moderate Wave Action (LiMWA)).

**COASTAL BARRIER RESOURCES SYSTEM (CBRS).** Consists of undeveloped portions of coastal and adjoining areas established by the Coastal Barrier Resources Act (Cobra) of 1982, the Coastal Barrier Improvement Act (CBIA) of 1990, and subsequent revisions, and includes areas owned by federal or state governments or private conservation organizations identified as otherwise protected areas (OPA).

**COASTAL HIGH HAZARD AREA.** A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM, or other adopted flood map as determined in § 154.05, as Zone VE.

**DESIGN FLOOD ELEVATION (DFE).** The base flood elevation, plus two feet.
DEVELOPMENT. 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. Any activity defined as development which will necessitate a floodplain development permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

DIGITAL FLOOD INSURANCE RATE MAP (DFIRM). The digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the special flood hazard areas and the risk premium zones applicable to the community are delineated.

DISPOSAL. As defined in G.S. § 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. 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. 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 BUILDING and EXISTING STRUCTURE. Any building and/or structure for which the "start of construction" commenced before May 26, 1972.

EXISTING MANUFACTURED HOME PARK or MANUFACTURED HOME SUBDIVISION. 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. 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 INSURANCE. The insurance coverage provided under the National Flood Insurance Program.

FLOOD INSURANCE RATE MAP (FIRM). 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). 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).

FLOOD PRONE AREA. See FLOODPLAIN.

FLOODPLAIN. Any land area susceptible to being inundated by water from any source.

FLOODPLAIN ADMINISTRATOR. The individual appointed to administer and enforce the floodplain management regulations.
FLOODPLAIN DEVELOPMENT PERMIT. Any type of permit that is required in conformance with the provisions of this chapter, prior to the commencement of any development activity.

FLOODPLAIN MANAGEMENT. 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. This chapter 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. 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.

FLOOD RESISTANT MATERIALS. Any building product (material, component or system) capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumber are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

FLOODWAY. The channel of a river or other watercourse, including the area above a bridge or culvert when applicable, 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 foot.

FLOODWAY ENCROACHMENT ANALYSIS. An engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and models.

FLOOD ZONE. 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. 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.

FUNCTIONAL DEPENDENT FACILITY. 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. As defined in G.S. Ch. 130, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.
HIGHEST ADJACENT GRADE (HAG). The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

HISTORIC STRUCTURE. Any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;

(2) 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;

(3) Individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program”; or

(4) 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 U.S. 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.

LETTER OF MAP CHANGE (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

(1) Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, a portion of a property, or structure is not located in a special flood hazard area.

(2) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other plan metric features.

(3) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community’s floodplain management regulations.

(4) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

LIGHT DUTY TRUCK. Any motor vehicle rated at 8,500 pounds gross vehicular weight rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

(1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle;

(2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or

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(3) Available with special features enabling off-street or off-highway operation and use.

**LIMIT OF MODERATE WAVE ACTION (LIMWA).** The boundary line given by FEMA on coastal map studies marking the extents of Coastal A Zones (CAZ).

**LOWEST ADJACENT GRADE (LAG).** The lowest elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

**LOWEST FLOOR.** 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 chapter.

**MANUFACTURED HOME.** 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.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**MAP REPOSITORY.** The location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products carry the same authority as hard copy products. Therefore, the NCEM’s Floodplain Mapping Program websites house current and historical flood hazard data. For effective flood hazard data the [NC FRIS website](http://FRIS.NC.GOV/FRIS) is the map repository, and for historical flood hazard data the Flood NC website [http://FLOODNC.GOV/NCFLOOD](http://FLOODNC.GOV/NCFLOOD) is the map repository.

**MARKET VALUE.** 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.

**NEW CONSTRUCTION.** 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.** The channel of a river or other watercourse, including the area above a bridge or culvert when applicable, 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 foot as designated in the Flood Insurance Study report.

**OPA.** An otherwise protected area.

**POST-FIRM.** 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.** 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.

**PRIMARY FRONTAL DUNE.** A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and over-topping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.
PRINCIPALLY ABOVE GROUND. At least 51% of the actual cash value of the structure is above ground.

PUBLIC SAFETY and/or NUISANCE. 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). A vehicle, which is:

(1) Built on a single chassis;

(2) 400 square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towable by a light duty truck; and

(4) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use; and

(5) Is fully licensed and ready for highway use.

REFERENCE LEVEL. The bottom of the lowest horizontal structural member of the lowest floor for structures within special flood hazard, or coastal high hazard areas designated as Zone AE or VE.

REGULATORY FLOOD PROTECTION ELEVATION. 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 feet of freeboard.

REMEDY A VIOLATION. 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. Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

SALVAGE YARD. 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.

SAND DUNES. Means naturally occurring accumulation of sand in ridges or mounds landward of the beach.

SHEAR WALL. Walls used for structural support but not structurally joined or enclosed at the end (except by breakaway walls) shear walls are parallel or nearly parallel to the flow of water.

SOLID WASTE DISPOSAL FACILITY. As defined in G.S. § 130A-290(a)(35), any facility involved in the disposal of solid waste.

SOLID WASTE DISPOSAL SITE. As defined in G.S. § 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). The land in the floodplain subject to a 1% or greater chance of being flooded in any given year, as determined in § 154.05.

START OF CONSTRUCTION. 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.** A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

**SUBSTANTIAL DAMAGE.** 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% 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% of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT.** 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% 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:

(1) 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,

(2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

**TECHNICAL BULLETIN AND TECHNICAL FACT SHEET.**

(1) A FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at § 60.3. The bulletins and fact sheets are intended for use primarily by state and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

(2) It should be noted that technical bulletins and technical fact sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive state or local regulations apply to the building or site in question. All applicable standards of the state or local building code must also be met for any building in a flood hazard area.

**TEMPERATURE CONTROLLED.** Having the temperature regulated by a heating and/or cooling system, built-in or appliance.
VARiance. A grant of relief from the requirements of this chapter.

VIOLATION. 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 §§ 154.20 et seq. and §§ 154.35 et seq. is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION (WSE). The height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

WATERCOURSE. 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.

WINDBORNE DEBRIS REGION. Areas within hurricane-prone regions within one mile of the coastal mean high water line where the basic wind speed is 110 miles per hour or greater, or where the basic wind speed is equal to or greater than 120 miles per hour or Hawaii.

§ 154.05 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 August 28, 2018 for Brunswick County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this chapter. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of the town are also adopted by reference and declared a part of this chapter. Subsequent Letter of Map Revisions (LOMRs) and/or Physical Map Revisions (PMRs) shall be adopted within three months.

§ 154.06 ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

A floodplain development permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities within special flood hazard areas determined in accordance with § 154.05.

§ 154.04 LANDS TO WHICH THIS CHAPTER APPLIES.

This chapter shall apply to all special flood hazard areas within the jurisdiction, including extra-territorial jurisdictions (ETJs) if applicable, of the town and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

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§ 154.07 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 chapter and other applicable regulations.

(‘85 Code, § 8-4.3d.) (Ord. 31, passed -- ; Am. Ord. 5-87, passed 3-24-87; Am. Ord. 06-06, passed 5-22-06; Am. Ord. 18-13, passed 8-6-18) Penalty, see § 154.99

§ 154.08 ABROGATION AND GREATER RESTRICTIONS.

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

(‘85 Code, § 8-4.3e.) (Ord. 31, passed -- ; Am. Ord. 5-87, passed 3-24-87; Am. Ord. 06-06, passed 5-22-06; Am. Ord. 18-13, passed 8-6-18)

§ 154.09 INTERPRETATION.

In the interpretation and application of this chapter, 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.

(‘85 Code, § 8-4.3f.) (Ord. 31, passed -- ; Am. Ord. 5-87, passed 3-24-87; Am. Ord. 06-06, passed 5-22-06; Am. Ord. 18-13, passed 8-6-18)

§ 154.10 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter 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 chapter 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 chapter shall not create liability on the part of the town or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(‘85 Code, § 8-4.3g.) (Ord. 31, passed -- ; Am. Ord. 5-87, passed 3-24-87; Am. Ord. 03-01, passed 2-24-03; Am. Ord. 06-06, passed 5-22-06; Am. Ord. 18-13, passed 8-6-18)

FLOOD HAZARD REDUCTION

§ 154.20 GENERAL STANDARDS.

In all special flood hazard areas the following provisions are required:

(A) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.

(B) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(C) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
(D) All new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall be located at or above the RFPE or designed and installed to prevent water from entering or accumulating within the components during the occurrence of the base flood. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, water heaters, and electric outlets/switches.

(1) Replacements part of a substantial improvement, electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall also meet the above provisions.

(2) Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the code and requirements for the original structure.

(E) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(F) 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.

(G) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(H) Nothing in this chapter shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this chapter 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 chapter.

(I) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, and are not subject by variance without exception. 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 § 154.36(C).

(J) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.

(K) 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.

(L) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(M) 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. 1344.

(N) Windows in buildings located in windborne debris regions, as defined by this chapter, shall have glazed openings protected from windborne debris in accordance with § R301.2.1.2 of the North Carolina Residential Code or § 1609.1.4 of the North Carolina Building Code. Nothing is this section shall have any effect on any provisions or exemptions set forth in the North Carolina Existing Building Code or the North Carolina Rehabilitation Code.

("85 Code, § 8-4.5a.) (Ord. 31, passed -- ; Am. Ord. 5-87, passed 3-24-87; Am. Ord. 06-06, passed 5-22-06; Am. Ord. 09-05, passed 3-10-09; Am. Ord. 18-13, passed 8-6-18) Penalty, see § 154.99
§ 154.21 SPECIFIC STANDARDS.

In all special flood hazard areas where base flood elevation (BFE) data has been provided, as set forth in § 154.05 or § 154.37(K) and (L), the following provisions, in addition to § 154.20, are required:

(A) **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 § 154.03.

(B) **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 § 154.03. 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 this chapter. A registered professional engineer or architect shall certify that the standards of this division are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in § 154.36(C), along with the operational and maintenance plans.

(C) **Manufactured homes.**

(1) 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 § 154.03.

(2) 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 G.S. § 143-143.15 or a certified engineered foundation. Additionally, when the elevation would be met by an elevation of the chassis 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 36 inches in height, an engineering certification is required.

(3) All enclosures or skirting below the lowest floor shall meet the requirements of division (D) of this section.

(4) 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.

(D) **Elevated buildings.** Fully enclosed areas of new construction and substantially improved structures, which are below the lowest floor:

(1) 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;
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(2) Shall be constructed entirely of flood resistant materials, up to the regulatory flood protection elevation;

(3) Shall include, in Zone AE, 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:

(a) A minimum of two flood openings on different sides of each enclosed area subject to flooding;

(b) The total net area of all flood openings must be at least one square inch for each square foot of enclosed area subject to flooding;

(c) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

(d) The bottom of all required flood openings shall be no higher than one foot above the adjacent grade;

(e) 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

(f) 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;

(4) Shall allow, in Coastal High Hazard Areas (Zone VE), breakaway walls, open wood latticework or insect screening, provided it is not part of the structural support of the building and is designed so as to breakaway, under abnormally high tides or wave action, without causing damage to the structural integrity of the building, provided the following design specifications are met:

(a) Material shall consist of open wood latticework or insect screening; or

(b) Breakaway walls shall meet the following design specifications:

1. Design safe loading resistance of each wall shall be not less than ten nor more than 20 pounds per square foot; or

2. Breakaway walls that exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by state or local codes) shall be certified by a registered professional engineer or architect that the breakaway wall will collapse from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). The water loading values used shall be those associated with the base flood. The wind loading values used shall be those required by the North Carolina State Building Code.

(E) Additions/improvements.

(1) 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:

(a) 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.

(b) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(2) 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.
(3) 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:

   (a) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction; and

   (b) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(4) 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.

(5) Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a two year period, the cumulative cost of which equals or exceeds 50% of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the two year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this chapter. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:

   (a) Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume 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.

(F) Recreational vehicles. Recreational vehicles shall either:

   (1) Temporary placement. 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

   (2) Permanent placement. Recreational vehicles that do not meet the limitations of temporary placement shall meet all the requirements for new construction.

(G) 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:

   (1) A specified time period for which the temporary use will be permitted. Time specified should not exceed three months, renewable up to one year;

   (2) The name, address, and phone number of the individual responsible for the removal of the temporary structure;

   (3) 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);
(4) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and

(5) Designation, accompanied by documentation, of a location outside the special flood hazard area, to which the temporary structure will be moved.

(H) Accessory structures.

(1) 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 § 154.20;

(f) All service facilities such as electrical shall be installed in accordance with § 154.20; and

(g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with division (D) of this section.

(2) 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 § 154.36(C).

(3) 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 elevated to or above the regular flood protection 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 § 154.23 shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.

(d) Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

1. At or above the regulatory flood protection 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
2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(4) Other development.

(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 § 154.23.

(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 § 154.23.

(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 § 154.23.

(‘85 Code, § 8-4.5c.) (Ord. 31, passed - - ; Am. Ord. 5-87, passed 3-24-87; Am. Ord. 06-06, passed 5-22-06; Am. Ord. 18-13, passed 8-6-18) Penalty, see § 154.99

§ 154.22 STANDARDS FOR SUBDIVISION PROPOSALS.

(A) All subdivision proposals shall be consistent with the need to minimize flood damage.

(B) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(C) All subdivisions proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(D) Base flood elevation data should be provided for subdivision proposals and other proposed development which is greater than the lesser of 50 lots of five acres.

(‘85 Code, § 8-4.5c.) (Ord. 31, passed - - ; Am. Ord. 5-87, passed 3-24-87; Am. Ord. 06-06, passed 5-22-06; Am. Ord. 18-13, passed 8-6-18) Penalty, see § 154.99

§ 154.23 COASTAL HIGH HAZARD AREAS (ZONES VE).

Coastal high hazard areas are special flood hazard areas established in § 154.05, and designated as Zones VE. These areas have special flood hazards associated with high velocity waters from storm surges or seismic activity and, therefore, in addition to meeting all requirements of this chapter with the exception of floodway and non-encroachment area provisions, the following provisions shall apply:

(A) All development shall:

(1) Be located landward of the reach of mean high tide;

(2) Be located landward of the first line of stable natural vegetation; and

(3) Comply with all applicable CAMA setback requirements.

(B) All new construction and substantial improvements shall be elevated so that the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) is no lower than the regulatory flood protection elevation. Floodproofing shall not be utilized on any structures in coastal high hazard areas to satisfy the regulatory flood protection elevation requirements.
(C) All new construction and substantial improvements shall have the space below the lowest floor free of obstruction so as not to impede the flow of flood waters, with the following exceptions:

(1) Open wood latticework or insect screening may be permitted below the regulatory flood protection elevation for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action and in accordance with § 154.21(D). Design plans shall be submitted in accordance with § 154.36(A)(4); or

(2) Breakaway walls may be permitted provided they meet the criteria set forth in § 154.21(D). Design plans shall be submitted in accordance with § 154.36(A)(4).

(D) All new construction and substantial improvements shall be securely anchored to pile or column foundations. All pilings and columns and the structures attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.

(1) Water loading values used shall be those associated with the base flood.

(2) Wind loading values used shall be those required by the current edition of the North Carolina State Building Code.

(E) For concrete pads, including patios, decks, parking pads, walkways, driveways, pool decks, etc. the following is required:

(1) Shall be structurally independent of the primary structural foundation system of the structure and not adversely affect structures through redirection of floodwaters or debris; and

(2) Shall be constructed to breakaway cleanly during design flood conditions, shall be frangible, and shall not produce debris capable of causing damage to any structure (the installation of concrete in small segments, (approximately four feet by four feet), that will easily break up during the base flood event, or score concrete in four by four feet maximum segments acceptable to meet the standard); and

(a) Reinforcing, including welded wire fabric, shall not be used in order to minimize the potential for concrete pads being a source of debris; and

(b) Pad thickness shall not exceed four inches; or

(c) Provide a design professional's certification stating the design and method of construction to be used to meet the applicable criteria of this section.

(F) For swimming pools and spas, the following is required:

(1) Be designed to withstand all flood-related loads and load combinations.

(2) Be elevated so that the lowest horizontal structural member is elevated above the RFPE;

(3) Be designed and constructed to break away during design flood conditions without producing debris capable of causing damage to any structure; or

(4) Be sited to remain in the ground during design flood conditions without obstructing flow that results in damage to any structure.

(5) Registered design professionals must certify to local officials that a pool or spa beneath or near a VE Zone building will not be subject to flotation or displacement that will damage building foundations or elevated portions of the building or any nearby buildings during a coastal flood.

(6) Pool equipment shall be located above the RFPE whenever practicable. Pool equipment shall not be located beneath an elevated structure.
(G) All elevators, vertical platform lifts, chair lifts, etc., the following is required:

(1) Elevator enclosures must be designed to resist hydrodynamic and hydrostatic forces as well as erosion, scour, and waves.

(2) Utility equipment in coastal high hazard areas (VE Zones) must not be mounted on, pass through, or be located along breakaway walls.

(3) The cab, machine/equipment room, hydraulic pump, hydraulic reservoir, counter weight and roller guides, hoist cable, limit switches, electric hoist motor, electrical junction box, circuit panel, and electrical control panel are all required to be above RFPE. When this equipment cannot be located above the RFPE, it must be constructed using flood damage-resistant components.

(4) Elevator shafts/enclosures that extend below the RFPE shall be constructed of reinforced masonry block or reinforced concrete walls and located on the landward side of the building to provide increased protection from flood damage. Drainage must be provided for the elevator pit.

(5) Flood damage-resistant materials can also be used inside and outside the elevator cab to reduce flood damage. Use only stainless steel doors and door frames below the BFE. Grouting of door frames and sills is recommended.

(6) If an elevator is designed to provide access to areas below the BFE, it shall be equipped with a float switch system that will activate during a flood and send the elevator cab to a floor above the RFPE.

(H) A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in divisions (C), (D) and (F) of this section and § 154.36 on the current version of the North Carolina “National Flood Insurance Program V-Zone Certification” form.

(I) Fill shall not be used for structural support. Limited non-compacted and non-stabilized fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided it is demonstrated through coastal engineering analysis that the proposed fill would not result in any increase in the base flood elevation and not cause any adverse impacts by wave ramping and deflection to the subject structure or adjacent properties.

(J) There shall be no alteration of sand dunes which would increase potential flood damage.

(K) No manufactured homes shall be permitted except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and elevation standards of this section have been satisfied.

(L) Recreational vehicles may be permitted in coastal high hazard areas provided that they meet the recreational vehicle criteria of § 154.21(F) and the temporary structure provisions of § 154.21(G).

(Ord. 06-06, passed 5-22-06; Am. Ord. 18-13, passed 8-6-18)

ADMINISTRATION

§ 154.35 DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

The Building Inspector and Assistant Building Inspector, hereinafter referred to as the “Floodplain Administrator”, is hereby appointed to administer and implement the provisions of this chapter. In instances where the Floodplain Administrator receives assistance from others to complete tasks to administer and implement this chapter, the Floodplain Administrator shall be responsible for the coordination and community’s overall compliance with the National Flood Insurance Program and the provisions of this chapter.

(‘85 Code, § 8-4.4a.) (Ord. 31, passed - - ; Am. Ord. 5-87, passed 3-24-87; Am. Ord. 06-06, passed 5-22-06; Am. Ord. 18-13, passed 8-6-18)
§ 154.36 FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.

(A) 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:

(1) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

(a) 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;

(b) The boundary of the special flood hazard area as delineated on the FIRM or other flood map as determined in § 154.05, or a statement that the entire lot is within the special flood hazard area;

(c) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in § 154.05;

(d) The boundary of the floodway(s) or non-encroachment area(s) as determined in § 154.05;

(e) The base flood elevation (BFE) where provided as set forth in §§ 154.05 and 154.37(K) and (L);

(f) The old and new location of any watercourse that will be altered or relocated as a result of proposed development;

(g) The boundary and designation date of the coastal barrier resource system (CBRS) area or otherwise protected areas (OPA), if applicable; and

(h) Certification of the plot plan by a registered land surveyor.

(2) Proposed elevation, and method thereof, of all development within a special flood hazard area including but not limited to:

(a) Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;

(b) Elevation in relation to NAVD 1988 to which any non-residential structure in Zone AE will be flood-proofed; and

(c) Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed;

(3) If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-34) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.

(4) A foundation plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this chapter are met. These details include but are not limited to:

(a) 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);

(b) Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with § 154.21(D), when solid foundation perimeter walls are used in Zone AE;

(c) The following, in coastal high hazard areas, in accordance with §§ 154.21(D) and 154.23:
1. V-Zone Certification with accompanying plans and specifications verifying the engineered structure and any breakaway wall designs; in addition, prior to the Certificate of Compliance/Occupancy issuance, a registered professional engineer or architect shall certify the finished construction is compliant with the design, specifications and plans for VE Zone construction. (Optional);

2. Plans for open wood latticework or insect screening, if applicable; and

3. Plans for non-structural fill, if applicable. If non-structural fill is proposed, it must be demonstrated through coastal engineering analysis that the proposed fill would not result in any increase in the base flood elevation or otherwise cause adverse impacts by wave ramping and deflection on to the subject structure or adjacent properties.

(5) Usage details of any enclosed areas below the regulatory flood protection elevation.

(6) 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.

(7) Copies of all other local, state and federal permits required prior to floodplain development permit issuance (wetlands, endangered species, erosion and sedimentation control, CAMA, riparian buffers, mining, etc.)

(8) Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to ensure § 154.21(F) and (G) are met.

(9) 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.

(B) Permit requirements. The floodplain development permit shall include, but not be limited to:

(1) A complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).

(2) The special flood hazard area determination for the proposed development per available data specified in § 154.05.

(3) The regulatory flood protection elevation required for the reference level and all attendant utilities.

(4) The regulatory flood protection elevation required for the protection of all public utilities.

(5) All certification submittal requirements with timelines.

(6) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse unless the requirements of § 154.23 have been met.

(7) The flood openings requirements, if in Zones AE.

(8) Limitations of use of the enclosures below the lowest floor are parking, building access and limited storage only.

(9) A statement, if in Zone VE, that there shall be no alteration of sand dunes which would increase potential flood damage.
(10) A statement, if in Zone VE, that there shall be no fill used for structural support.

(11) A statement that all materials below BFE/RFPE must be flood resistant materials. (Optional).

(C) Certification requirements.

(1) Elevation certificates.

(a) 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 certified 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.

(b) An elevation certificate (FEMA Form 086-0-33) is required after the reference level is established. Within seven calendar days of establishment of the reference level elevation, 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. Any work done within the seven day calendar period and prior to submission of the certification shall be at the permit holder's risk. 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 further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

(c) 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.

(2) Floodproofing certificate.

(a) If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), 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 NAVD 1988. 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.

(b) A final Finished Construction Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to
the issuance of a certificate of compliance/occupancy. 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 NAVD 1988. Floodproofing certificate 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 certificate of occupancy. 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 deny a certificate of compliance/occupancy.

(3) If a manufactured home is placed within Zone AE and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required per § 154.21.

(4) 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.

(5) Certification exemptions. The following structures, if located within Zone AE are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:

(a) Recreational vehicles meeting requirements of § 154.21;

(b) Temporary structures meeting requirements of § 154.21; and

(c) Accessory structures less than 150 square feet meeting requirements of § 154.21.

(D) A V-Zone certification with accompanying design plans and specifications is required prior to issuance of a floodplain development permit within coastal high hazard areas. It shall be the duty of the permit applicant to submit to the floodplain administrator said certification to ensure the design standards of this chapter are met. A registered professional engineer or architect shall develop or review the structural design, plans, and specifications for construction and certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of this chapter. This certification is not a substitute for an elevation certificate.

(E) 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:

(1) 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;

(2) 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;
(3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

(4) 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 chapter is required.

(85 Code, § 8-4.4b.) (Ord. 31, passed 1985; Am. Ord. 5-87, passed 3-24-87; Am. Ord. 06-06, passed 5-22-06; Am. Ord. 18-13, passed 8-6-18)

§ 154.37 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

The floodplain administrator shall perform, but not be limited to, the following duties:

(A) Review all floodplain development applications and issue permits for all proposed development within special flood hazard areas to assure that the requirements of this chapter have been satisfied.

(B) Advise permittee that additional federal or state permits (wetlands, endangered species, erosion and sedimentation control, CAMA, 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.

(C) 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).

(D) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(E) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of this chapter are met.

(F) 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 § 154.36(C).

(G) 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 § 154.36(C).

(H) Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with § 154.36(C).

(I) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with §§ 154.21 and 154.36(C).

(J) 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 subchapter.

(K) When base flood elevation (BFE) data has not been provided in accordance with § 154.05, 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 this chapter, in order to administer the provisions of this chapter.

(L) When base flood elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with § 154.05, 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 chapter.
(M) 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.

(N) Permanently maintain all records that pertain to the administration of this chapter and make these records available for public inspection.

(O) 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.

(P) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this chapter, 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.

(Q) 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.

(R) 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.

(S) Follow through with corrective procedures of this chapter.

(T) Review, provide input, and make recommendations for variance requests.

(U) 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 § 154.05, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify state and FEMA of mapping needs.

(V) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR). ('85 Code, § 8-4.4c.) (Ord. 31, passed --; Am. Ord. 5-87, passed 3-24-87; Am. Ord. 06-06, passed 5-22-06; Am. Ord. 18-13, passed 8-6-18)
§ 154.38 VARIANCE PROCEDURES.

(A) The Board of Adjustment as established by the town, hereinafter referred to as the “appeal board,” shall hear and decide requests for variances from the requirements of this chapter.

(B) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in G.S. Chapter 7A.

(C) Variances may be issued for:

(1) 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.

(2) Functionally dependant facilities if determined to meet the definition as stated in § 154.03, provided provisions of this chapter have been satisfied, and such facilities are protected by methods that minimize flood damages.

(3) Any other type of development provided it meets the requirements stated in this section.

(D) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

(1) The danger that materials may be swept onto other lands to the injury of others;

(2) The danger to life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity to the facility of a waterfront location as defined under § 154.03 as a functionally dependant facility, where applicable;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The compatibility of the proposed use with existing and anticipated development;

(8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(9) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(10) 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

(11) 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.

(E) A written report addressing each of the above factors shall be submitted with the application for a variance.

(F) Upon consideration of the factors listed above and the purposes of this chapter, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
(G) 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.

(H) 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.

(I) Conditions for variances:

(1) Variances shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.

(2) 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.

(3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(4) Variances shall only be issued prior to development permit approval.

(5) Variances shall only be issued upon:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship; and

(c) A determination that the granting of a variance will not result in increased flood heights, additional threat 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.

(6) 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; and

(c) The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation.

(7) The use complies with all other applicable federal, state and local laws.

(8) The town has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least 30 calendar days prior to granting the variance.

(*85 Code, § 8-4.4e.) (Ord. 31, passed - - ; Am. Ord. 5-87, passed 3-24-87; Am. Ord. 02-12, passed 10-14-02; Am. Ord. 03-01, passed 2-24-03; Am. Ord. 06-06, passed 5-22-06; Am. Ord. 18-13, passed 8-6-18)
§ 154.39 INSPECTIONS OF THE WORK IN PROGRESS.

As the work pursuant to a permit progresses, the local Building Inspector and Assistant Building Inspector 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 this chapter and the terms of the permit. In exercising this power, the Building Inspector and Assistant Building Inspector has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.

(‘85 Code, § 8-4.4d.1.) (Ord. 31, passed - - ; Am. Ord. 5-87, passed 3-24-87; Am. Ord. 06-06, passed 5-22-06; Am. Ord. 18-13, passed 8-6-18)

§ 154.40 STOP ORDERS.

Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this chapter, the Building Inspector or Assistant Building Inspector may order the work to be immediately stopped. The stop order shall be in writing and directed to the person doing the work. The stop order shall state the specific work to be stopped, the specific reasons for the stoppage and the conditions under which the work may be resumed. Violation of a stop order constitutes a misdemeanor.

(‘85 Code, § 8-4.4d.2.) (Ord. 31, passed - - ; Am. Ord. 5-87, passed 3-24-87; Am. Ord. 06-06, passed 5-22-06; Am. Ord. 18-13, passed 8-6-18) Penalty, see § 154.99

§ 154.41 REVOCATION OF PERMITS.

The local Building Inspector and Assistant Building Inspector may revoke and require the return of the development permit by notifying the permit-holder in writing stating the reason for 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 permit mistakenly issued in violation of an applicable state or local law may also be revoked.

(‘85 Code, § 8-4.4d.3.) (Ord. 31, passed - - ; Am. Ord. 5-87, passed 3-24-87; Am. Ord. 06-06, passed 5-22-06; Am. Ord. 18-13, passed 8-6-18)

§ 154.42 PERIODIC INSPECTIONS.

The local Building Inspector 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.

(‘85 Code, § 8-4.4d.4.) (Ord. 31, passed - - ; Am. Ord. 5-87, passed 3-24-87; Am. Ord. 06-06, passed 5-22-06; Am. Ord. 18-13, passed 8-6-18)

§ 154.43 VIOLATIONS TO BE CORRECTED.

When the local Building Inspector or Assistant Building Inspector finds violations of applicable state and local laws, it shall be his or her duty to notify the owner of the building of the violation. The owner shall immediately remedy the violations of law.

(‘85 Code, § 8-4.4d.5.) (Ord. 31, passed - - ; Am. Ord. 5-87, passed 3-24-87; Am. Ord. 06-06, passed 5-22-06; Am. Ord. 18-13, passed 8-6-18) Penalty, see § 154.99

§ 154.44 FAILURE TO TAKE CORRECTIVE ACTION.

If the owner of a building or property shall fail to take prompt corrective action, the Building Inspector or Assistant Building Inspector shall give him or her written notice, by certified or registered mail to his or her last known address or by personal service:

(A) That the building or property is in violation of this chapter.
(B) That a hearing will be held before the local Building Inspector or Assistant Building Inspector at a designated place or time, no later than ten 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.

(C) That following the hearing, the local Building Inspector or Assistant Building Inspector may issue such order to alter, vacate, or demolish the building, or to remove fill as appears appropriate. ('85 Code, § 8-4.4d.6.) (Ord. 31, passed - - ; Am. Ord. 5-87, passed 3-24-87; Am. Ord. 06-06, passed 5-22-06; Am. Ord. 18-13, passed 8-6-18) Penalty, see § 154.99

§ 154.45 ORDER TO TAKE CORRECTIVE ACTION.

If, upon a hearing held pursuant to the notice prescribed in § 154.44, the Building Inspector or Assistant Building Inspector shall find that the building or development is in violation of this chapter, he or she shall make an order in writing to the owner, requiring the owner to remedy the violation within such period, not less than 60 days, as the Building Inspector or Assistant Building Inspector may prescribe; provided, that where the Building Inspector or Assistant Building Inspector 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. ('85 Code, § 8-4.4d.7.) (Ord. 31, passed - - ; Am. Ord. 5-87, passed 3-24-87; Am. Ord. 06-06, passed 5-22-06; Am. Ord. 18-13, passed 8-6-18)

§ 154.46 APPEAL.

The owner who has received an order to take corrective action may appeal from the order to the local elected governing body by giving notice of appeal in writing to the Building Inspector and the Clerk within ten days following issuance of the final order. In the absence of an appeal, the order of the Building Inspector shall be final. The Board of Commissioners shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order. ('85 Code, § 8-4.4d.8.) (Ord. 31, passed - - ; Am. Ord. 5-87, passed 3-24-87; Am. Ord. 06-06, passed 5-22-06; Am. Ord. 18-13, passed 8-6-18)

§ 154.47 FAILURE TO COMPLY WITH ORDER.

If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the Board of Commissioners following an appeal, he or she shall be guilty of a Class 1 misdemeanor pursuant to G.S. § 143-215.58 and shall be punished at the discretion of the court. ('85 Code, § 8-4.4d.9.) (Ord. 31, passed - - ; Am. Ord. 5-87, passed 3-24-87; Am. Ord. 06-06, passed 5-22-06; Am. Ord. 18-13, passed 8-6-18) Penalty, see § 154.99

§ 154.48 LEGAL STATUS PROVISIONS.

(A) Effect on rights and liabilities under the existing flood damage prevention ordinance.

(1) This chapter in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted November 14, 1976, 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 chapter shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of the town enacted November 14, 1976 as amended, which are not re-enacted herein are repealed.
(2) The date of the initial Flood Damage Prevention Ordinance for Brunswick County is April 1, 1985.

(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 chapter; provided, however, that when construction is not begun under such outstanding permit within a period of six months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this chapter.
(Ord. 18-13, passed 8-6-18)

§ 154.99 PENALTY.

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants or variance or special exceptions, shall constitute a Class 1 misdemeanor pursuant to G.S. § 143-215.58. Any person who violates this section or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $100 or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the town from taking such other lawful action as is necessary to prevent or remedy any violation.
(‘85 Code, § 8-4.3h.) (Ord. 31, passed - - ; Am. Ord. 5-87, passed 3-24-87; Am. Ord. 06-06, passed 5-22-06; Am. Ord. 18-13, passed 8-6-18)
CHAPTER 156: SUBDIVISION REGULATIONS

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**GENERAL PROVISIONS**

§ 156.01 TITLE.

This chapter shall be known and may be referred to as the Subdivision Regulations for Holden Beach, North Carolina, and may be referred to as the Subdivision Regulations.
(Ord. 98-19, passed 9-28-98)

§ 156.02 PURPOSE.

The purpose of this chapter is to support and guide the proper subdivision of land within the jurisdiction of the town in order to promote the public health, safety, and general welfare of the citizens. The chapter is designed to promote the orderly development of the town; for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and other public facilities, for the dedication or reservation of rights-of-way or easements for street and utility purposes; and the distribution of population and traffic, which shall avoid congestion and overcrowding and which will create conditions essential to public health, safety and the general welfare. This chapter is designed to further facilitate
adequate provisions for water, sewerage, parks, and playgrounds, and also to facilitate the further resubdivision of larger tracts into smaller parcels of land.
(Ord. 98-19, passed 9-28-98)

§ 156.03 STORM WATER ORDINANCE.

Any new subdivision must be designed pursuant to the provisions for stormwater management as outlined in Chapter 52 of this Code of Ordinances.
(Ord. 98-19, passed 9-28-98)

§ 156.04 AUTHORITY.

This chapter is adopted under the authority of G.S. § 160A-371 et seq.
(Ord. 98-19, passed 9-28-98)

§ 156.05 JURISDICTION.

The regulations contained herein as provided in G.S. § 160A-360 et seq. shall govern each and every subdivision within the jurisdiction of the town, as directed in Holden Beach Incorporation Ordinance, adopted May 1969.
(Ord. 98-19, passed 9-28-98)

§ 156.06 ENACTMENT.

This chapter shall become effective upon its adoption. The original subdivision regulations were adopted September 1, 1975. Subdivision regulations revisions were adopted September 28, 1998.
(Ord. 98-19, passed 9-28-98)

§ 156.07 SUBDIVISION DEFINED.

For the purposes of this chapter, the term SUBDIVISION shall mean all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale, or building development (whether immediate or future) and shall include all division of land involving the dedication of a new street or a change in existing streets, but the following shall not be included within this definition nor be subject to the regulations established herein (G.S. § 160A-376):

(A) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the municipality as shown in its subdivision regulations.

(B) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved.

(C) The public acquisition by purchase of strips of land for the widening or opening of streets, beach access, and location of town utilities.

(D) The division of a tract into single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality, as shown in this chapter.

(E) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession of G.S. Ch. 29.
(Ord. 98-19, passed 9-28-98; Am. Ord. 01-02, passed 2-26-01)

§ 156.08 ADDITIONAL DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALLEY. A minor right-of-way privately or publicly owned, primarily for service access to the back or side of properties.

BUILDING SETBACK LINE. A line parallel to the front property line in front of which no structure shall be erected.

DEDICATION. A gift, by the owner, of his property to another party without any consideration being given for the transfer. Since a transfer of
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