

**CHAPTER 16 - LAND USE ORDINANCE**

**Article XV - Utilities**

***Section 16-236 Utility Ownership and Easement Rights.***

In any case in which a developer installs or causes the installation of water, sewer, electrical power, telephone, or cable television facilities and intends that such facilities shall be owned, operated or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.

***Section 16-237 Lots Served by Public Water or Sewer Lines.***

Whenever service from a public water or sewer line is available, as "availability" is defined in Subsection 14-36(B) of the town code, then no use may be made of any building or structure to which such service is available unless connection is made to such line.

***Section 16-238 Sewage Disposal Facilities Required.***

Every principal use and every lot within a subdivision shall be served by a sewage disposal system that is adequate to accommodate the reasonable needs of such use or subdivision lot, and that complies with all applicable health regulations.

***Section 16-239 Determining Compliance With Section 16-238.***

(A) Primary responsibility for determining whether a proposed development will comply with the standard set forth in Section 16-238 often lies with an agency other than the town, and the developer must comply with the detailed standards and specifications of such other agency. The relevant agencies are listed in subsection (B). Whenever any such agency requires detailed construction or design drawings before giving its official approval to the proposed sewage disposal system, the authority issuing a permit under this chapter may rely upon a preliminary review by such agency of the basic design elements of the proposed sewage disposal system to determine compliance with Section 16-238. However, construction of such system may not be commenced until the detailed plans and specifications have been reviewed and any appropriate permits issued by such agency.

(B) In the following table, the column on the left describes the type of development and the column on the right indicates the agency that must certify to the town whether the proposed sewage disposal system complies with the standard set forth in Section 16-238.

<b>IF</b>	<b>THEN</b>
(1) The use is located on a lot that is served by the town sewer system or a previously approved, privately owned package treatment plant, and the use can be served by a simple connection to the system (as in the case of a single-family residence) rather than	No further certification is necessary.

the construction of an internal collection system (as in the case of a shopping center or apartment complex):

(2) The use (other than a subdivision) is located on a lot that is served by the town sewer system but service to the use necessitates construction of an internal collection system (as in the case of a shopping center or apartment complex); and

a. The internal collection system is to be transferred to and maintained by the town:

b. The internal collection system is to be privately maintained:

(3) The use (other than a subdivision) is not served by the town system but is to be served by a privately operated sewage treatment system (that has not previously been approved) with 3000 gallons or less design capacity, the effluent from which does not discharge to surface waters:

(4) The use (other than a subdivision) is to be served by a privately operated sewage treatment system (not previously approved) that has a design capacity of more than 3000 gallons or that discharges effluent into surface waters:

(5) The proposed use is a subdivision; and

a. Lots within the subdivision are to be served by simple connection to existing town lines or lines of a previously ap-

The Director of Public Works must certify to the town that the proposed internal collection system meets the town's specifications and will be accepted by the town. (A "Permit to Construct" must be obtained from the Division of Environmental Management of the N.C. Department of Natural Resources and Community Development.)

The public works director must certify that the proposed collection system is adequate.

The Watauga or Caldwell County Health Department (CHD), as appropriate, must certify to the town that the proposed system complies with all applicable state and local health regulations. If the proposed use is a single-family dwelling other than a mobile home, the developer must obtain an improvements permit from the CHD. If the proposed use is a single-family mobile home, the developer must present to the town a certificate of completion from the CRD.

The Division of Environmental Management of the N.C. Department of Natural Resources and Community Development must certify to the town that the proposed system complies with all applicable state regulations. (A "Permit to Construct" and a "Permit to Discharge" must be obtained from D.E.M.)

No further certification is necessary.

<p>proved private system;</p> <p>b. Lots within the subdivision are to be served by the town system but the developer will be responsible for installing the necessary additions to the town system:</p> <p>c. Lots within the subdivision are to be served by a sewage treatment system that has not been approved, that has a design capacity of 3000 gallons or less, and that does not discharge into surface waters:</p> <p>d. Lots within the subdivision are to be served by a privately operated sewage treatment system (not previously approved) that has a design capacity in excess of 3000 gallons or that discharges effluent into surface waters:</p>	<p>The Public Works Director must certify to the town that the proposed system meets the town's specifications and will be accepted by the town. (A "Permit to Construct" must be obtained from the Division of Environmental Management of the N.C. Department of Natural Resources and Community Development.)</p> <p>The Watauga or Caldwell County Health Department, as appropriate, must certify that the proposed system complies with all applicable state and local health regulations. If each lot within the subdivision is to be served by separate on-site disposal system, the CHD must certify that each lot shown on a major subdivision preliminary plat can probably be served, and each lot on a major or minor subdivision final plat can be served by an on-site disposal system.</p> <p>The Division of Environmental Management of the N.C. Department of Natural Resources and Community Development must certify that the proposed system complies with all applicable state regulations. (A "Permit to Construct" and a "Permit to Discharge" must be obtained from DEM.)</p>
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(C) Notwithstanding the other provisions of this section, if a development is to be served by a privately operated sewage treatment system requiring approval from D.E.M. and the system is allowed because the Town has been required to refuse connection to the public system by federal or state statute, regulation, or order, then:

- (1) The developer shall be required, as a condition of the permit authorizing the development, to post a bond, letter of credit, or other surety satisfactory to the Town Attorney to guarantee that, when service becomes available through the Town's system, the development will be brought into compliance with the provisions of Section 14-36 of the Town Code and that all applicable fees and charges for connecting to the system will be paid, and
- (2) All sewage collection lines that are to be dedicated to the Town when public service becomes available shall be built to Town specification.

***Section 16-240 Water Supply System Required.***



<p>b. The internal distribution system is to be privately maintained:</p>	<p>The public works director must certify that the proposed distribution system is adequate.</p>
<p>(3) The use (other than a subdivision) is located on a lot not served by the town system or a previously approved, privately owned public water supply system; and</p>	
<p>a. The use is to be served by a privately owned public water supply system that has not previously been approved:</p>	<p>The Division of Health Services of the N.C. Department of Human Resources must certify that the proposed system complies with all applicable state and federal regulations. (A "Permit to Construct" must be obtained from D.H.S.) The Division of Environmental Management of the N.C. Department of Natural Resources and Community Development must also approve the plans if the water source is a well and the system has a design capacity of 100,000 gallons per day or is located in certain areas designated by D.E.M. The public works director must also approve the distribution lines for possible future addition to the town system.</p>
<p>b. The use is to be served by some other source (such as an individual well).</p>	<p>The Watauga or Caldwell County Health Department, as appropriate, must certify that the proposed system meets all applicable state and local regulations.</p>
<p>(4) The proposed use is a subdivision; and</p>	
<p>a. Lots within the subdivision are to be served by simple connection to existing town lines or lines of a previously approved public water supply system;</p>	<p>No further certification is necessary.</p>
<p>b. Lots within the subdivision are to be served by the town system but the developer will be responsible for installing the necessary additions to such system:</p>	<p>The public works director must certify to the town that the proposed system meets town specifications and will be accepted by the town. (A "Permit to Construct" must be obtained from the Division of Health Services of the N.C. Department of Human Resources.)</p>
<p>c. Lots within the subdivision are to be served by a privately owned public water supply system that has not previously been approved.</p>	<p>The Division of Health Services of the N.C. Department of Human Resources must certify that the proposed system complies with all applicable state and federal regulations. (A "Permit to Construct" must be obtained from D.H.S.) The Division of</p>

<p>d. Lots within the subdivision are to be served by individual wells.</p>	<p>Environmental Management of the N.C. Department of Natural Resources and Community Development must also approve the plans if the water source is a well and the system has a design capacity of 100,000 gallons per day or is located within certain areas designated by D.E.M. The public works director must also approve the distribution lines for possible future addition to the town system.</p> <p>The Watauga or Caldwell County Health Department, as appropriate, must certify to the town that each lot intended to be served by a well can be served in accordance with applicable health regulations.</p>
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***Section 16-242 Lighting Requirements.***

(A) Subject to subsection (B), all public streets, sidewalks, and other common areas or facilities in subdivisions created after the effective date of this chapter shall be sufficiently illuminated to ensure the security of property and the safety of persons using such streets, sidewalks, and other common areas or facilities.

(B) To the extent that fulfillment of the requirement established in subsection (A) would normally require street lights installed along public streets, this requirement shall be applicable only to subdivisions located within the corporate limits of the town.

(C) All roads, driveways, sidewalks, parking lots, and other common areas and facilities in unsubdivided developments shall be sufficiently illuminated to ensure the security of property and the safety of persons using such roads, driveways, sidewalks, parking lots, and other common areas and facilities.

(D) All entrances and exits in substantial buildings used for non-residential purposes and in multi-family residential dwellings containing more than four dwelling units shall be adequately lighted to ensure the safety of persons and the security of the building.

***Section 16-243 Excessive Illumination.***

Lighting within any lot that unnecessarily illuminates any other lot and substantially interferes with the use or enjoyment of such other lot is prohibited. Lighting unnecessarily illuminates another lot if it clearly exceeds the standard set forth in Section 16-242 or if the standard set forth in Section 16-242 could reasonably be achieved in a manner that would not substantially interfere with the use or enjoyment of neighboring properties.

***Section 16-244 Electric Power.***

(A) Every principal use and every lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of such use and every lot within such subdivision. Compliance with this requirement shall be determined as follows:

(1) If the use is not a subdivision and is located on a lot that is served by an existing power line and the use can be served by a simple connection to such power line (as opposed to a more complex distribution system, such as would be required in an apartment complex or shopping center), then no further certification is needed.

(2) If the use is a subdivision or is not located on a lot served by an existing power line or a substantial internal distribution system will be necessary, then the electric utility service provider must review the proposed plans and certify to the town that it can provide service that is adequate to meet the needs of the proposed use and every lot within the proposed subdivision.

### ***Section 16-245 Telephone Service.***

(A) Every principal use and every lot within a subdivision must have available to it a telephone service cable adequate to accommodate the reasonable needs of such use and every lot within such subdivision. Compliance with this requirement shall be determining as follows:

(1) If the use is not a subdivision and is located on a lot that is served by an existing telephone line and the use can be served by a simple connection to such telephone line (as opposed to a more complex distribution system, such as would be required in an apartment complex or shopping center), then no further certification is necessary.

(2) If the use is a subdivision or is not located on a lot served by an existing telephone line or a substantial internal distribution system will be necessary, then the telephone utility company must review the proposed plans and certify to the town that it can provide service that is adequate to meet the needs of the proposed use and every lot within the proposed subdivision.

### ***Section 16-246 Underground Utilities.***

All electric power lines, (not to include transformers or enclosures containing electrical equipment including, but not limited to, switches, meters or capacitors which may be pad mounted), telephone, gas distribution, and cable television lines in residential subdivisions and multi-family residential developments constructed after the effective date of this chapter shall be placed underground in accordance with the specifications and policies of the respective utility service providers and located in accordance with Appendix C, Standard Drawing No. 6 or 7.

### ***Section 16-247 Utilities To Be Consistent With Internal and External Development.***

(A) Whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby developments, such utility facilities (e.g., sanitary sewer or storm drainage facilities or water lines) shall be located and constructed so that extensions can be made conveniently and without undue burden or expense or unnecessary duplication of service.

(1) The town may require the developer to install utility facilities that are larger or more extensive than necessary to serve the developer's project alone if such oversized facilities are required to serve adjacent properties effectively and efficiently.

(2) If the town requires the installation of oversized water or sewer lines under this section, the town may bear the additional costs involved under the circumstances and to the extent set forth in Article VI of Chapter 14 of the town code.

(B) All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

***Section 16-248 As-Built Drawings Required.***

Whenever a developer installs or causes to be installed any utility line in any public right-of-way, the developer shall, as soon as practicable after installation is complete, and before acceptance of any water or sewer line, furnish the town with a copy of a drawing that shows the exact location of such utility lines. Such drawings must be verified as accurate by the utility service provider. Compliance with this requirement shall be a condition of the continued validity of the permit authorizing such development.

***Section 16-249 Fire Hydrants.***

(A) Every development (subdivided or unsubdivided) that is served by a public water system shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within such development.

(B) The presumption established by this ordinance is that to satisfy the standard set forth in subsection (A), fire hydrants must be located so that all parts of every building within the development may be served by a hydrant by laying not more than 500 feet of hose connected to such hydrant. However, the fire chief may authorize or require a deviation from this standard if, in his professional opinion, another arrangement more satisfactorily complies with the standard set forth in subsection (A).

(C) The fire chief shall determine the precise location of all fire hydrants, subject to the other provisions of this section. In general, fire hydrants shall be placed six feet behind the curb line of publicly dedicated streets that have curb and gutter.

(D) The Fire Chief shall determine the design standards of all hydrants based on fire flow needs. Unless otherwise specified by the Fire Chief, all hydrants shall have two 2½ inch hose connections and 4½ inch connection. The 2½ inch hose connection shall be located at least 21½ inches from the ground level. All hydrant threads shall be national standard threads.

(E) Water lines that serve hydrants shall be at least six inch lines, and unless no other practicable alternative is available, no such lines shall be dead-end lines.

***Section 16-250 Sites for and Screening of Dumpsters.***

(A) Every development that, under the town's solid waste collection policies, is or will be required to provide one or more dumpsters for solid waste collection shall provide sites for such dumpsters that are:

- (1) Located so as to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, or public rights-of-way; and
- (2) Constructed according to specifications established by the public works director to allow for collection without damage to the development site or the collection vehicle.

(B) All such dumpsters shall be screened if and to the extent that, in the absence of screening, they would be clearly visible to:

(1) Persons located within any dwelling unit on residential property other than that where the dumpster is located.

(2) Occupants, customers, or other invitees located within any building on non-residential property other than that where the dumpster is located.

(3) Persons traveling on any public street, sidewalk, or other public way.

(C) When dumpster screening is required under this section, such screening shall be constructed, installed, and located to prevent or remedy the conditions requiring the screening.

*[For specific standards, see Section 16-302.14(C)]*