

AGENDA
Snow Hill Board of Commissioners
Monday, 11 March 2013
G. Melvin Oliver Town Hall
201 N. Greene Street

1. **Call to Order** *Invocation / Pledge of Allegiance*
2. **Roll Call**
3. **Consider Agenda Approval**
4. **Consider Minutes Approval** *11 February 2013*
5. **Program:** Public Hearing *Flood Ordinance Amendment*
 Public Input *SRTS Sidewalk Installation*
6. **Presentation(s):** NONE
7. **Report of Officers:**
 - a. **Town Administrator**
 1. February "Clean-Up" *Information*
 2. Skate Park Requirements *Information*
 3. Test Well Installation *Information*
 4. South Greene Ball Field Restroom *Action Request*
 5. Water Tank Marketing *Action Request*
 6. Municipal Filing Fee *Action Request*
 7. 504 and Language Access Plan *Action Request*
 - b. **Finance Officer**
 1. Tax Collection Measures *Action Request*
8. **Report of Boards:** NONE
9. **Public Comments**

Action Items
10. **Unfinished Business:**
 1. Consider Authorizing Construction of Restrooms at South Greene Ball Field
11. **New Business:**
 1. Consider Authorizing Administrator to Enter Into a Marketing Agreement with Utility Service Communications
 2. Consider Setting the Filing Fee for 2013 Municipal Elections at \$5
 3. Consider Adopting the 504 and Language Access Plans
 4. Consider Authorizing Revenue Collector to Advertise and Use Any Allowable Means to Collect 2012 Delinquent Taxes
12. **Closed Session:** Personnel
13. **Commissioner Comments**
14. **Adjourn**

Any person who has a disability requiring a reasonable accommodation to participate in this meeting should contact Town Hall prior to the meeting date. Requests for an interpreter require five (5) working days notice. Proposed agenda current as of 7 March 2013.

MINUTES
SNOW HILL BOARD OF COMMISSIONERS
MONDAY, FEBRUARY 11, 2013
G. MELVIN OLIVER TOWN HALL
SNOW HILL, NORTH CAROLINA 28580

1. **Call to Order**-Mayor Liles called the meeting to order at 7:00 p.m. The Prayer was offered by Commissioner Hagans. The Pledge was led by Commissioner Scarborough. Mayor Liles welcomed Mrs. Washington back.
2. **Roll Call** – The roll was called by Clerk, Cathy Webb. All members were present and a quorum was declared.
3. **Consider Agenda Approval** – Town Administrator, Dana Hill, asked to insert as Item #9 Public Comments and move the other agenda items down one number. He also ask to add under Item #10 under unfinished Business -1 Consider adopting the Meter Replacement Budget and Minority Outreach Plan. He also told the Board that he had put a sheet on the desk for each one to pick their replacement to the Planning Board and that he would pick them up during the meeting. A motion was made by Commissioner Washington, seconded by Commissioner Shackleford and was unanimously approved, to accept the agenda as presented with the amendments presented by Mr. Hill.
4. **Consider Minutes Approval** – A motion was made by Commissioner Scarborough, seconded by Commissioner Hagans, and carried unanimously to approve the minutes as presented.
5. **Program: Public Hearing – CDBG Talent Enhancement Closeout** – A motion was made by Commissioner Washington, seconded by Commissioner Hagans, and carried unanimously to begin the Public Hearing. Mr. Hill told the Board that he had completed the course and had received final payment on the grant. \$10,000 went to ECU for the course and registration fees and that the town ended up with \$35,000 that offset his salary and travel expenses. A Public Hearing is required before the final inspection of this grant. Mayor Liles asked if there were any comments. There were none. Mayor Liles asked for a motion to close the Public Hearing. A motion was made by Commissioner Washington, seconded by Commissioner Hagans, and carried unanimously to close the Public hearing.
6. **Presentations** –
 - 1) **Historic Tour Proceeds** – Mrs. Judy Davenport – Mrs. Davenport, with Calvary United Methodist Church, presented a check to the Town for \$665 for proceeds from the Christmas Homes Tour. Mayor Liles said that he had heard some good comments on this tour and thanked Mrs. Davenport and the Forever Young Circle of Calvary United Methodist Church for their hard work.
 - 2) **Property Use Request** – Shenille Ford – Mrs. Ford was here on behalf of the

Greene Community Garden, which is located on Hart Street. She said that she and Mr. Gene Riddle had been looking at the property across the street (702 & 704 Morris Street). They would like to have an orchard on one lot and on the other lot they would like to plant some berry bushes. Commissioner Scarborough asked Attorney Pridgen if the Town needed to establish a lease similar to the lease for the Community Garden. Attorney Pridgen said that the leases could be combined. Commissioner Scarborough asked how many trees they would plant. Mr. Riddle said that there would be a variety of trees-not sure how many yet.

3) Meter replacement Budget – Mr. Moore told the Board that he had developed two options for consideration for awarding construction of a Fixed Network Automatic Meter reading System to Matchpoint, Inc. using the Badger meter/Aclara operating system.

1) Option A- Award per Town Board recommendation – This options adds 5 6" meters (for well sites), incorporates one (1) year customer support features, and provides leak protection software and 12 leak detection devices. This option results in a construction value of \$628,766.00.

He said that the attached budget ordinance (attached as part of the minutes) Requires that the overall revenues/expenditures be reduced because the State will only allow a 5% contingency at the time of award. This option results in de-obligation of \$11,613.42 in loan and \$46,453.66 in grant.

2) Option B – Award Based on Maximizing Available Funds – This option also adds the 5 Ea 6" meters (for well sites), one (1) year of customer support, leak detection software, and 12 leak detection devices. This option increases the annual software support to three (3) years and increases the annual maintenance expense for implementation/management of the customer support to three (3) years. This option maximizes available funds without having to de-obligate funds.

Mr. Moore said that the Town needed to adopt the Resolution to award the contract to Matchpoint, Inc. and to authorize the execution of the Part B document that has to be sent to the State to allow the project to be performed. He also stated that the state has a requirement for minority participation goals on construction projects. He said that in March of 1999, the Town adopted a goal of 10%. He said that this is not a requirement but a goal. He said that he had updated the Minority Plan, using the same principals, and maintained the same 10% and is incorporated into the document and recommends that the Town adopt this new resolution to demonstrate that they are updating the plan. By adopting this, the Town is indicating that they are updating and reinforce the 10% goal that was first established in March, 1999.

Commissioner Taylor asked if the company would provide any spare meters to the Town. Mr. Moore said that they would. Commissioner Scarborough asked if the 3 year of added maintenance would be needed. Mr. Hill said that the Town opted for 1 year maintenance. Commissioner Scarborough asked what was wrong with sending some money back to

The State if our needs were met. She said that she did not see spending tax payers monies if not necessary. She asked if they went with Option B and spent more money, if the engineering fee would be increased. Mr. Moore said that the Engineering design fee was based on the percentage of construction.

7. Report of Officers:

a. Town Administrator

- 1) **Floodplain Ordinance Amendment** – Mr. Hill told the Board that the NC Emergency Management and FEMA have issued the updated Floodplain maps with no change to properties in Town, but that our Ordinance must be amended to recognize the new maps and a public Hearing must be held. He said that he had a copy of the map if anyone wanted to review it. Commissioner Taylor said that he understood that the County was doing something with the floodplain and would what they come up with have anything to do with what the Town did. Mr. Hill said that it would not.
- 2) **South Greene Ball field Restrooms Bids** - Mr.Hill said that he Advertised for bids and received only two. The lowest bid came from Gary Christman for about \$14,000. He said that construction cost might increase by the time the project is started-probably early spring.
- 3) **Sidewalk Project Update** – Mr. Hill said that a letter of interest had been submitted to DOT concerning the Safe Routes to School Program. He said this would install sidewalks in the whole Neighborhood behind the Snow Hill Primary School (Liberty & Dobbs Streets) and that program was put in place to encourage children to walk from home to school for exercise. He said that the letter of interest also included the area around West Greene, but once the prices were received the two projects together were more than they wanted to allocate to a project. He said since this was a federally funded project that there would be about a two year turn-around from the date of acceptance to finishing construction. He said that he would like to have an advertised sessions for comments from residents in that area before completing the application process.

b. Finance Officer

- a. **Budget Amendment 2** – Town Clerk, Cathy Webb presented a budget amendment increasing the budget in the Police Department by \$7500 and also an amendment for increasing the budget in the Police department for \$15,000. Of these two amendments, \$19,500 goes to Capital Outlay and \$3,000 for supplies and materials.

8. Report of Boards: NONE

9. Public Comments –

- 1) Sharon Ginn – She announced the Nooherooka 300th Commemoration to be held March 21-23. Tuscarora Heritage Day will be held at the Greene County Recreation Park on Saturday, March 23, 2013. A monument is being erected on Highway 58. There will be a Lacrosse game at the Farmer's Market on Saturday.
- 2) Dillion Lee – Mr. Lee asked the Board to consider changing the rules at the skate park. He said that the park had been used very little since the rules were being enforced. He did not like the rules concerning having to wear knee pads, elbow pads, or helmets. He asked that the Board consider having skaters sign a waiver releasing the Town of any liability in case of an accident. He said that the Town could change the signs saying "Skate at your Own Risk". Mr. Hill and Attorney Pridgen said that they would look into this matter and get back with him. Commissioner Scarborough said that she thought that skaters should at least wear a helmet for safety purposes. Carolyn Newcomb commented that she did not think children needed to be in the park on bikes.

10. Unfinished Business:

1. Consider Adopting Meter replacement Budget and Business Minority Outreach Plan- A motion was made by Commissioner Washington, seconded by Commissioner Taylor, and approved unanimously to adopt Option A –Meter replacement Budget and the Business Minority Outreach Plan.
2. Consider Appointing Two (2) Applicants to the Snow Hill Planning Board –Mr. Hill announced that according to the votes Salvador Abrego and Sam Edmonds received three votes each, which is the majority. Commissioner Scarborough said that Attorney Pridgen advised her not to vote because her husband was one of the applicants. A motion was made by Commissioner Washington, seconded by Commissioner Shackelford and carried. Commissioner Scarborough abstained from voting.

11. New Business:

1. Consider setting a Public Hearing for March 11 to receive comments On the proposed Sidewalk Installation around Snow Hill Primary – A motion was made by Commissioner Shackelford, seconded by Commissioner Washington, and approved unanimously to hold this Public hearing on March 11, 2013.
2. Consider Setting a Public Hearing for March 11 to receive comments on the proposed Floodplain Ordinance Amendment - A motion was made by Commissioner Washington, seconded by Commissioner Hagans, and carried unanimously to hold this Public hearing on March 11, 2013.

3. **Consider Allowing Cooperative Extension to utilize vacant Hart Street Property as an orchard -** A motion was made by Commissioner Washington, seconded by Commissioner Shackleford, and carried unanimously to allow the Cooperative Extension to utilize the vacant Property on Hart Street as an orchard.

12. **Closed Session: personnel, Contract Negotiation, Property Acquisition –**
A motion was made by Commissioner Shackleford, seconded by Commissioner Hagans to go into closed session.

A motion was made by Commissioner Washington, seconded by Commissioner Taylor, and carried unanimously to reconvene to regular session.

Commissioner Scarborough said that she would like to make a motion to add to the Agenda the Purchase of Cemetery Property. The motion was seconded by Commissioner Washington, and carried unanimously.

A motion was made by Commissioner Scarborough, seconded by Commissioner Washington, and carried unanimously to purchase the property adjacent to the Town Cemetery for \$55,000.

13. **Commissioner Comments -** Commissioner Washington thanked everyone for their thoughts and prayers for her during her surgery. She said that she was still recovering and that she was doing well.
14. **Adjourn –** There being no further business to come before the Board, a motion was made by Commissioner Scarborough, seconded by Commissioner Hagans, and carried unanimously to adjourn. The meeting adjourned at 8:25 p.m.

Mayor

Clerk

The Town of Snow Hill

Flood Damage Prevention Ordinance

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

SECTION A. STATUTORY AUTHORIZATION.

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

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

SECTION B. FINDINGS OF FACT.

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

SECTION C. STATEMENT OF PURPOSE.

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

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

SECTION D. OBJECTIVES.

The objectives of this ordinance are to:

- (1) protect human life, safety, and health;
- (2) minimize expenditure of public money for costly flood control projects;
- (3) minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) minimize prolonged business losses and interruptions;

- (5) minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
- (6) help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- (7) ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

ARTICLE 2. DEFINITIONS.

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

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

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

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

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

“Area of Special Flood Hazard” see “Special Flood Hazard Area (SFHA)”.

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

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

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

“Building” see “Structure”.

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

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

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

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

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

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

“Existing Manufactured Home Park or Manufactured Home Subdivision” means a manufactured home park or subdivision

for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.

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

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

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

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

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

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

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

“Flood Prone Area” see “Floodplain”

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

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

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

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

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

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

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

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

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

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

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

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

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

“Historic Structure” means any structure that is:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it

include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

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

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

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

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

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

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

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

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

ARTICLE 3. GENERAL PROVISIONS.

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES.

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

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

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) for Greene County, dated April 16, 2013 and its accompanying Flood Insurance Rate Map Panels (3680K, 3682K, 4600K, & 4602K), including any digital data developed as part of the FIS, which are adopted by reference and declared to be a part of this ordinance. Future revisions to the FIS or FIRM panels that do not change flood hazard data within the jurisdictional authority of the Town of Snow Hill are also adopted by reference and declared to be part of this ordinance. Subsequent revisions to the FIRM should be adopted within 6 months.

The initial Flood Insurance Rate Map for Greene County, dated January 6, 1983

The initial Flood Insurance Rate Map for the Town of Snow Hill, dated January 20, 1982

SECTION C. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

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

SECTION D. COMPLIANCE.

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

SECTION E. ABROGATION AND GREATER RESTRICTIONS.

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

SECTION F. INTERPRETATION.

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

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

SECTION G. WARNING AND DISCLAIMER OF LIABILITY.

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

SECTION H. PENALTIES FOR VIOLATION.

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

ARTICLE 4. ADMINISTRATION.

SECTION A. DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

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

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

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

issuance have been received.

- (h) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Article 5, Section B, subsections (6) and (7) of this ordinance are met.
- (i) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

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

- (a) A description of the development to be permitted under the floodplain development permit.
- (b) The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Article 3, Section B.
- (c) The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities.
- (d) The Regulatory Flood Protection Elevation required for the protection of all public utilities.
- (e) All certification submittal requirements with timelines.
- (f) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
- (g) The flood openings requirements, if in Zones AE, A, or AO.
- (h) Limitations of below BFE enclosure uses (if applicable). (I.e., parking, building access and limited storage only).

(3) **Certification Requirements.**

(a) Elevation Certificates

- (i) An Elevation Certificate (FEMA Form 81-31) is required after the reference level is established. Within seven (7) 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 (7) 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.
- (ii) A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(b) Floodproofing Certificate

If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the

permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

- (c) If a manufactured home is placed within Zone AE, A, or AO and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Article 5, Section B(3)(b).
- (d) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.
- (e) Certification Exemptions. The following structures, if located within Zone AE, A, or AO, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:
 - (i) Recreational Vehicles meeting requirements of Article 5, Section B(6)(a);
 - (ii) Temporary Structures meeting requirements of Article 5, Section B(7); and
 - (iii) Accessory Structures less than 150 square feet meeting requirements of Article 5, Section B(8).
- (4) **Determinations for existing buildings and structures.** For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:
 - (a) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
 - (b) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
 - (c) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
 - (d) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

SECTION C. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

The Floodplain Administrator shall perform, but not be limited to, the following duties:

- (1) Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.

- (2) Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State and Federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (3) Notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
- (5) Prevent encroachments into floodways or non-encroachment areas unless the certification and flood hazard reduction provisions of Article 5, Section F are met.
- (6) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Article 4, Section B(3).
- (7) Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Article 4, Section B(3).
- (8) Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Article 4, Section B(3).
- (9) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Article 4, Section B(3) and Article 5, Section B(2).
- (10) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- (11) When Base Flood Elevation (BFE) data has not been provided in accordance with the provisions of Article 3, Section B, obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Article 5, Section D(2)(b), in order to administer the provisions of this ordinance.
- (12) When Base Flood Elevation (BFE) data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of Article 3, Section B, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.
- (13) When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the Base Flood Elevation (BFE), advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.
- (14) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
- (15) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- (16) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under

which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

- (17) Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- (18) Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (19) Follow through with corrective procedures of Article 4, Section D.
- (20) Review, provide input, and make recommendations for variance requests.
- (21) Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with the provisions of Article 3, Section B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- (22) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

SECTION D. CORRECTIVE PROCEDURES.

- (1) Violations to be Corrected: When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- (2) Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
 - (a) that the building or property is in violation of the floodplain management regulations;
 - (b) that a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - (c) that following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
- (3) Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than forty-five (45) calendar days, nor more than ninety (90) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.
- (4) Appeal: Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (5) Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal,

the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

SECTION E. VARIANCE PROCEDURES.

- (1) The Board of Adjustment as established by the Town of Snow Hill, hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of this ordinance.
- (2) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.
- (3) Variances may be issued for:
 - (a) the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
 - (b) functionally dependent facilities if determined to meet the definition as stated in Article 2 of this ordinance, provided provisions of Article 4, Section E(9)(b), (c), and (e) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
 - (c) any other type of development, provided it meets the requirements of this Section.
- (4) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
 - (a) the danger that materials may be swept onto other lands to the injury of others;
 - (b) the danger to life and property due to flooding or erosion damage;
 - (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) the importance of the services provided by the proposed facility to the community;
 - (e) the necessity to the facility of a waterfront location as defined under Article 2 of this ordinance as a functionally dependent facility, where applicable;
 - (f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) the compatibility of the proposed use with existing and anticipated development;
 - (h) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (k) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (5) A written report addressing each of the above factors shall be submitted with the application for a variance.
- (6) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.
- (7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base

Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

- (8) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
- (9) Conditions for Variances:
 - (a) Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
 - (b) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
 - (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (d) Variances shall only be issued prior to development permit approval.
 - (e) Variances shall only be issued upon:
 - (i) a showing of good and sufficient cause;
 - (ii) a determination that failure to grant the variance would result in exceptional hardship; and
 - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (10) A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
 - (a) The use serves a critical need in the community.
 - (b) No feasible location exists for the use outside the Special Flood Hazard Area.
 - (c) The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.
 - (d) The use complies with all other applicable Federal, State and local laws.
 - (e) The Town of Snow Hill has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.

SECTION A. GENERAL STANDARDS.

In all Special Flood Hazard Areas the following provisions are required:

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

- (2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (4) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the Regulatory Flood Protection Elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (8) Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.
- (9) Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
- (10) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Article 4, Section E(10). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of Article 4, Section B(3).
- (11) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- (12) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (13) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (14) All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (15) When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.
- (16) When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest Base Flood Elevation (BFE) shall apply.

SECTION B. SPECIFIC STANDARDS.

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Article 3, Section B, or Article 5, Section D, the following provisions, in addition to the provisions of Article 5, Section A, are required:

- (1) Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Article 2 of this ordinance.
- (2) Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Article 2 of this ordinance. Structures located in Zones AE, A, or AO may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 4, Section B(3), along with the operational plan and the inspection and maintenance plan.
- (3) Manufactured Homes.
 - (a) New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation, as defined in Article 2 of this ordinance.
 - (b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
 - (c) All enclosures or skirting below the lowest floor shall meet the requirements of Article 5, Section B(4).
 - (d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.
- (4) Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:
 - (a) shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
 - (b) shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and
 - (c) shall include, in Zones AE, A, or AO, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - (i) A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - (ii) The total net area of all flood openings must be at least one (1) square inch for each square foot of

enclosed area subject to flooding;

- (iii) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
- (iv) The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;
- (v) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
- (vi) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

(5) Additions/Improvements.

- (a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (i) not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
 - (ii) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- (b) Additions to post-FIRM structures that are a substantial improvement with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
- (c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (i) not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
 - (ii) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(6) Recreational Vehicles.

- (a) Temporary placement. Recreational vehicles placed temporarily in flood hazard areas shall:
 - (1) be on site for fewer than 180 consecutive days; or
 - (2) be fully licensed and ready for highway use (a recreational vehicle 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 security devices has no permanent attachments such as additions, rooms stairs, decks, and porches).
- (b) Permanent placement. Recreational vehicles that do not meet the limitations of Temporary placement shall meet all the requirements for new construction.

- (7) Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

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

An accessory structure with a footprint less than 150 square feet or that is a minimal investment of \$5,000 or less and satisfies the criteria outlined above is not required to meet the elevation or floodproofing standards of Article 5, Section B (2). Elevation or floodproofing certifications are required for all other accessory structures in accordance with Article 4, Section B(3).

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

- (c) Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section B (2) of this ordinance shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
- (d) Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:
 - (i) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 - (ii) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(10) Other Development.

- (a) Fences in a regulated floodway or non-encroachment area that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall require a floodway encroachment analysis and meet the limitations of Article 5, Section F of this ordinance.
- (b) Retaining walls, sidewalks, or driveways in a regulated floodway or non-encroachment area. Retaining walls, sidewalks, or driveways that involve the placement of fill in a regulated floodway or non-encroachment area shall require a floodway encroachment analysis and meet the limitations of Article 5, Section F of this ordinance.
- (c) Roads or watercourse crossings in a regulated floodway or non-encroachment area. Roads or watercourse crossings, including roads, bridges, culverts, low-water crossings or similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into a regulated floodway or non-encroachment area shall require a floodway encroachment analysis and meet the limitations of Article 5, Section F of this ordinance.

SECTION C. RESERVED.

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

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

- (1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:
 - (a) When Base Flood Elevation (BFE) data is available from other sources, all new construction, substantial improvements, or other development within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Article 5, Sections A and B.
 - (b) When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction, substantial improvements, or other development within floodway or non-encroachment areas shall also comply with the requirements of Article 5, Sections B and F.

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

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

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

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

SECTION F. FLOODWAYS AND NON-ENCROACHMENT AREAS.

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

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

ARTICLE 6. LEGAL STATUS PROVISIONS.

SECTION A. EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE.

This ordinance in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance
 January 11, 2013

enacted March 21, 1995 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of the Town of Snow Hill enacted on March 21, 1995, as amended, which are not reenacted herein are repealed.

The date of the initial Flood Damage Prevention Ordinance for Greene County is March 21, 1995.

SECTION B. EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS.

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

SECTION C. SEVERABILITY.

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

SECTION D. EFFECTIVE DATE.

This ordinance shall become effective upon adoption.

SECTION E. ADOPTION CERTIFICATION.

I hereby certify that this is a true and correct copy of the Flood Damage Prevention Ordinance as adopted by the Town Council of the Town of Snow Hill, North Carolina, on the 11th day of March, 2013.

WITNESS my hand and the official seal of the Town of Snow Hill, this the 11th day of March, 2013.

Mayor Dennis Liles

West's North Carolina General Statutes Annotated
Chapter 99E. Special Liability Provisions
Article 3. Hazardous Recreation Parks Safety and Liability

N.C.G.S.A. § 99E-23

§ 99E-23. Duties of operators of skateboard parks

Currentness

(a) No operator of a skateboard park shall permit any person to ride a skateboard therein, unless that person is wearing a helmet, elbow pads, and kneepads.

(b) For any facility owned or operated by a governmental entity that is designed and maintained for the purpose of recreational skateboard use, and that is not supervised on a regular basis, the requirements under subsection (a) of this section are satisfied when all of the following occur:

(1) The governmental entity adopted an ordinance requiring any person riding a skateboard at the facility to wear a helmet, elbow pads, and kneepads.

(2) Signs are posted at the facility affording reasonable notice that any person riding a skateboard in the facility must wear a helmet, elbow pads, and kneepads and that any person failing to do so will be subject to citation under the ordinance under subdivision (1) of this subsection.

Credits

Added by S.L. 2003-334, § 1, eff. Oct. 1, 2003.

N.C.G.S.A. § 99E-23, NC ST § 99E-23

The statutes and Constitution are current through the end of the 2012 Regular Session.

West's North Carolina General Statutes Annotated
Chapter 99E. Special Liability Provisions
Article 3. Hazardous Recreation Parks Safety and Liability

N.C.G.S.A. § 99E-25

§ 99E-25. Liability of governmental entities

Currentness

(a) This section does not grant authority or permission for a person to engage in hazardous recreational activities on property owned or controlled by a governmental entity unless such governmental entity has specifically designated such area for these activities.

(b) No governmental entity or public employee who has complied with G.S. 99E-23 shall be liable to any person who voluntarily participates in hazardous recreation activities for any damage or injury to property or persons that arises out of a person's participation in the activity and that takes place in an area designated for the activity.

(c) This section does not limit liability that would otherwise exist for any of the following:

(1) The failure of the governmental entity or public employee to guard against or warn of a dangerous condition of which a participant does not have and cannot reasonably be expected to have had notice.

(2) An act of gross negligence by the governmental entity or public employee that is the proximate cause of the injury.

(d) Nothing in this section creates a duty of care or basis of liability for death, personal injury, or damage to personal property. Nothing in this section shall be deemed to be a waiver of sovereign immunity under any circumstances.

(e) Nothing in this section limits the liability of an independent concessionaire or any person or organization other than a governmental entity or public employee, whether or not the person or organization has a contractual relationship with a governmental entity to use the public property, for injuries or damages suffered in any case as a result of the operation of equipment for hazardous recreational activities on public property by the concessionaire, person, or organization.

(f) The fact that a governmental entity carries insurance that covers any activity subject to this Article does not constitute a waiver of the liability limits under this section, regardless of the existence or limits of the coverage.

Credits

Added by S.L. 2003-334, § 1, eff. Oct. 1, 2003.

N.C.G.S.A. § 99E-25, NC ST § 99E-25

The statutes and Constitution are current through the end of the 2012 Regular Session.



**UTILITY SERVICE
COMMUNICATIONS**

WATER TANK SITE MARKETING & MANAGEMENT SERVICES

SCOPE OF SERVICES

The wireless industry is expanding and in need of new antenna sites. Water tanks are obvious choices, but you shouldn't have to worry about unscrupulous negotiators and improper installations.

Any antenna mounted on your water tank shouldn't interfere with its ability to supply water to your community — or cause future maintenance or safety problems.



BLESS AMERICA®
GROVETOWN
GEORGIA
30813

Let Utility Service Communications professional Site Management Services help:

- Market and manage tanks to provide maximum revenue from multiple carriers
- Negotiate a comprehensive and fair License Agreement
- Design the site for aesthetic appeal while protecting your tank
- Minimize impact on maintenance costs by applying correct installation standards



<< WHAT CAN UTILITY SERVICE COMMUNICATIONS SITE MARKETING & MANAGEMENT SERVICES DO FOR YOU? >>

We apply our expertise to ongoing issues and deliver optimum results through a professional site management services agreement:

- Marketing Programs to telecommunications companies, network developers, and site acquisition firms on a regional and national basis.
- Contract Negotiation with telecommunication companies are lengthy, complex and costly. Utility Service Communications will negotiate our own agreement which protects the tank for its primary purpose while providing a revenue stream for you.
- Professional Design and Installation Inspections to ensure quality installation which protects your tank and its structural integrity.
- Ongoing Contract Management to monitor your site, keeping it in compliance with changing government rules and regulations.
- Regulatory Compliance to ensure antenna installations meet both local standards and all FCC, OSHA and FAA regulations.
- Administrative Services to take care of paperwork, invoices, collections and reporting, which saves you time and resources.

Have questions? We provide answers.

1. Why should we choose Utility Service Communications to market and manage our water tank?

Utility Service, the holding company of Utility Service Communications, is the recognized leader of full-service water tank maintenance programs. Here's what we can do for you:

- Actively market the tank as a telecommunication site
- Negotiate our license agreement with the carriers
- Design the site to preserve the safety and quality of the tank and water
- Oversee construction and inspect the final installation
- Manage accounting and related operational issues

2. Why shouldn't I contact the carriers directly?

Typically, telecommunications carriers work through consultants or site brokers, whose primary interest is earning a commission. Your local wireless provider does not implement their build outs; this is done at a corporate level. We negotiate agreements that protect your interests at that corporate level.

3. How will the carriers' installation affect my tank maintenance program? We guarantee that your maintenance costs will not increase as a result of antenna installations for tanks under Utility Service's Full Service Maintenance Program.

4. How much revenue will my tanks generate?

It depends on tank location, population, amount of equipment and ground space being used, and the availability of alternative sites. Plus, individual carrier site fees can vary from hundreds of dollars to thousands. Utility Service Communications helps you realize maximum revenue.

5. What is the cost of the program?

There are no sign-up or up-front costs for this program. Utility Service Communications will retain a portion of the site fee revenue only after the site fee payments have commenced. You incur no costs or financial risks.

Utility Service Communications Co., Inc.

535 Courtney Hodges Boulevard, P.O. Box 1350, Perry, GA 31069
Phone 478-987-4663 or 800-679-7819 - Fax 478-987-1844

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utilityservice.com





**UTILITY SERVICE
COMMUNICATIONS**

YOUR CASH COW

...TAP INTO YOUR WATER TOWER



SCOPE OF SERVICES

Tap into your water tower and turn it into a cash cow.

A few fast facts you should know about Utility Service Communications:

- A professional antenna site management company founded in 1999
- Owned by Utility Service Company — a leader in servicing the water tank industry since 1963
- Offers a debt-free, non-liable management agreement to tank owners for marketing and managing their water tanks
- Charges no sign-up fees or up-front costs to the tank owner for the Antenna Site Management Program
- Ensures ongoing regulatory compliance for communications and safety issues
- Oversees antenna installations to make sure OSHA and AWWA standards are met

Let Utility Service Communications professional Site Management Services help:

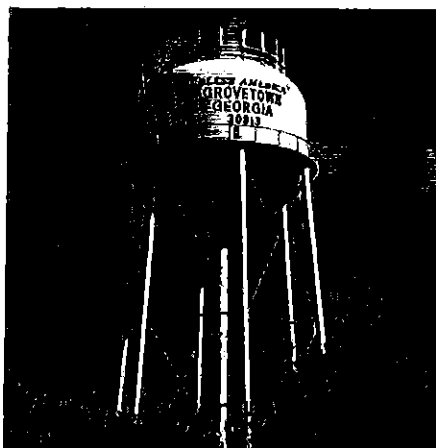
- Market and manage tanks to provide maximum revenue from multiple carriers
- Negotiate a comprehensive and fair License Agreement
- Design the site for aesthetic appeal while protecting your tank
- Minimize impact on maintenance costs by applying correct installation standards



<< WHAT CAN **UTILITY SERVICE** COMMUNICATIONS DO FOR YOU? >>

Market your tank effectively

We market and promote your tank site to national and regional telecommunication companies, network developers and site acquisition firms, keeping you visible in the marketplace.



Negotiate contracts

Contract negotiations with Telecommunication companies are lengthy, complex and costly. We negotiate our own agreements to protect the tank for its primary purpose, coordinating all installation, billing, collection and reporting services—so all you have to do is collect revenue.

Control expenses

We ensure antenna installations installed on your tank under our site management program will not increase maintenance expenses for tanks that are maintained by Utility Service.

Design and installation requirements

We perform the site design and the final inspection to ensure that our installation requirements have been met. We guarantee that your tank will not be damaged—and that the structural integrity of the tank will not be compromised.

Regulation and standards compliance

We make sure your tank is protected and that all antenna installations meet or exceed all local, regional and national standards—including FCC, OSHA, FAA and AWWA regulations.

Ongoing management

Ongoing issues and carrier upgrades require careful attention after initial contracts are negotiated. Changing government rules and regulations require constant monitoring. Each new carrier requires coordination with existing licensees and revisions of the site safety plan. Utility Service Communications handles it all—so you don't have to.

Administrative service

Utility Service Communications eliminates the need for you to deal with billing, collection, reporting issues and paperwork. We take care of it, so you can concentrate on doing your business.

Utility Service Communications Co., Inc.

535 Courtney Hodges Boulevard, P.O. Box 1350, Perry, GA 31069
Phone 478-987-4653 or 800-679-7819 - Fax 478-987-1844

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**UTILITY SERVICE
COMMUNICATIONS**

INSTALLING ANTENNAS

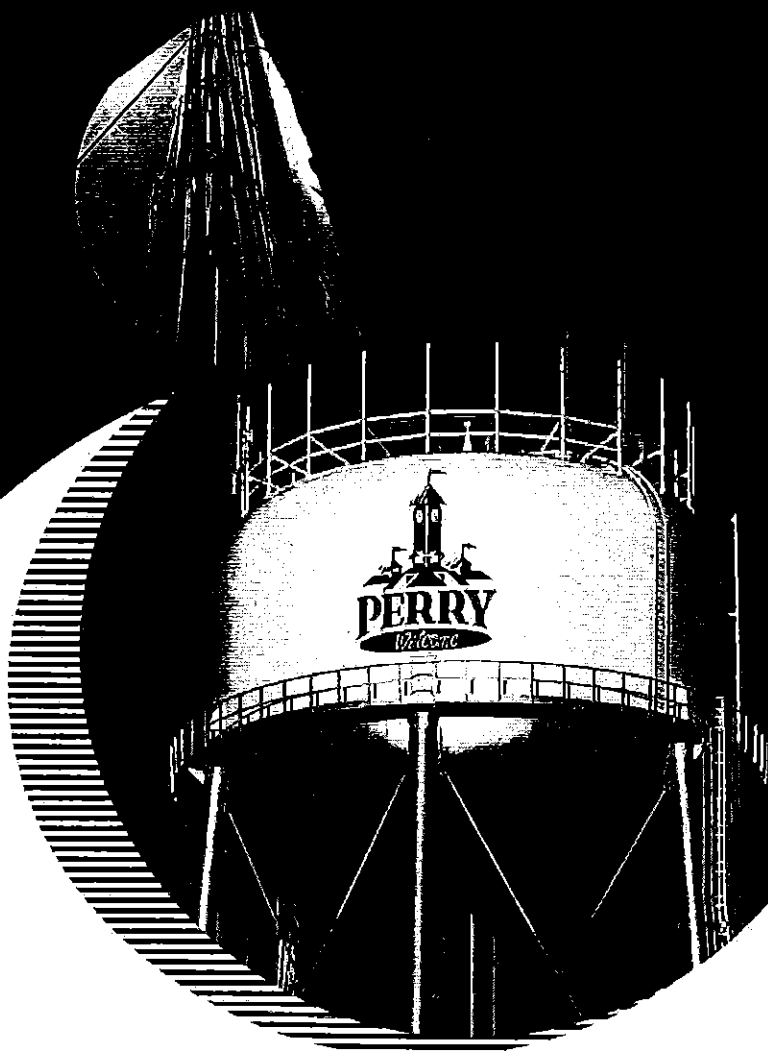
ON YOUR TANKS

SCOPE OF SERVICES

Let Utility Service Communications make it easy for you.

Most of the world has gone wireless, and rural areas are next in line to receive wireless service. With growing community resistance to antenna towers, water tanks are more attractive than ever to the telecommunications industry. The potential of a tank in a desirable demographic area can be significant—with revenue from licensing of antenna space often exceeding \$15,000 a year per carrier.

Communities have been installing antennas on water tanks for decades for everything from law enforcement and public safety, to local industrial or commercial use. This type of installation has generated little or NO revenue but has increased the maintenance cost due to improper installations. Utility Service Communications markets your tanks to revenue generating entities and makes sure the installation is done correctly.



Utility Service Communications offers a professional Site Management Service with expertise in:

- Contract Negotiations making sure the tank and the tank owner is protected
- Market knowledge to ensure revenue is at current market rates with appropriate escalators
- Site Design and proper installation knowledge to protect your tank and maximize your tanks revenue potential
- Understanding regulatory issues and industry standards including FCC, FAA, OSHA and AWWA
- Accounting Service for billing, collections, and reporting
- Technical experience to meet the needs of multiple carriers



<< WHAT CAN GO WRONG WHEN YOU DON'T USE A PROFESSIONAL SITE MANAGEMENT SERVICE TO MARKET AND MANAGE YOUR TANKS AS A TELECOMMUNICATIONS SITE? >>

Many problems can be caused by the telecommunication companies' inexperience in dealing with water tanks. Their designers and installers are often unfamiliar with OSHA and other industry standards as they apply to elevated tanks. This can lead to layout and design flaws which can increase your tank's complexity of operation and costs.

As a leader in this area, we have seen the pitfalls of improper installations. Some are so problematic, professional retrofits are necessary. Here are just a few problems Utility Service Communications can prevent:

Structural Damage

Poorly designed installations can overload the tank—including handrails and balconies of legged tanks. Penetrations in shells and risers can be dangerous if not properly designed. Cross bracing may be undersized for increased loads.

Foundation Overload

Too many attachments create increased wind loads, overstressing foundations and anchor bolts.

Access Restrictions

Cables, brackets and attachments can create interference with ladders, platforms, vents, and manholes, sometimes in violation of OSHA and other standards.

Welding

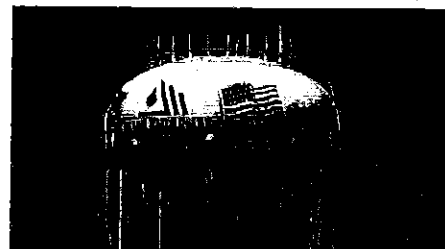
Improper welding techniques (including stud welding) or epoxy attachments are often in violation of proposed standards and create corrosion sites.

Coating Issues

Lack of proper painting and touch-ups creates rusting and scaling problems on the interior and exterior of the tank.

Maintenance Issues

Improper antenna and coax attachments can make it difficult to maintain the tank. The carriers electronics and coax are susceptible to damage. Straps and chains around legs, ladders, and handrails create corrosion sites, which are impossible to maintain without removal of the offending attachments.



Why Choose Utility Service Communications?

Our experience in maintaining tanks and our awareness and appreciation of the importance of safety requirements led to the establishment of Utility Service Communications to professionally address antenna installations.

Good design begins with a professional structural analysis. And with a carefully managed program—one that considers the needs of both the carrier and the tank owner—your tank can become a revenue-generating asset for your community.

Utility Service Communications Co., Inc.

535 Courtney Hodges Boulevard, P.O. Box 1350, Perry, GA 31069
Phone 478-987-4663 or 800-679-7819 • Fax 478-987-1844

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Wireless Communications Management Agreement

THIS WIRELESS COMMUNICATIONS MANAGEMENT AGREEMENT (hereinafter, the "Agreement"), made and entered into this _____ day of _____, 20____, by _____ and _____ between _____, (hereinafter, the "Owner") whose principal office address, described on Exhibit "A" and UTILITY SERVICE COMMUNICATIONS CO., INC., whose principal office address is 535 General Courtney Hodges Boulevard, Post Office Box 1350, Perry, Georgia 31069, (hereinafter, the "Manager").

WITNESSETH:

WHEREAS, Owner is the owner of certain Water Tank(s) and Real Property ("Tank and Site") described on Exhibit "A" attached hereto, (hereinafter, the "Site"); and

WHEREAS, Owner desires to retain Manager to exclusively market and manage all revenue generating co-locations at the Site. Manager agrees to manage the marketing, agreement negotiations, installation, and ongoing management of all revenue generating antenna co-locations at the Site (the "Duties"), all on the terms, conditions, and provisions herein contained.

NOW, THEREFORE, Owner and Manager hereby agree as follows:

1. Exclusive Appointment of Manager. Owner hereby appoints Manager to carry out the Duties, provided that Manager shall serve only in the capacity of an independent contractor and neither party shall have any right to incur any indebtedness on behalf of the other party. Manager shall have exclusive right and authority to manage and carry out all Duties for the Site as well as the Services enumerated herein below. Owner shall not permit any licensee, the use of the Site to install any type of communications equipment or antennas.
2. Services. In order for the Manager to effectively carry out the Duties, the Manager shall perform the following services (herein, the "Services"):
 - a. Manager shall have the exclusive right to market and license the Site on a local and national level.
 - b. Manager may choose wireless carriers, at its sole discretion, to ensure that the Tank is not damaged, the life of the Tank is not compromised, and the Owner's maintenance fees are not increased due to co-location, provided Tank(s) are in Utility Service Co., Inc.'s Maintenance Program.
 - c. Negotiate and enter into licensing agreements with potential wireless carriers for antenna space on the tank and ground equipment space. The primary goals of

the negotiations shall be the maximization of income to the Owner and the preservation of the Tank and its contents.

- d. Ensure structural analysis of the Tank is performed. Review and approve installation designs prior to any installations on the Tank.
 - e. Provide billing and collection of fees associated with License Agreements, ensure that payments are made in connection with the co-location, and provide necessary accounting and reporting services.
 - f. Provide current certificates of insurance coverage to the Owner upon request.
 - g. Provide a Site Safety Plan for each Site with carriers, updating as needed to meet local, state and federal requirements.
 - h. Provide ongoing management and administration by monitoring and implementing required practices and procedures.
3. Revenue. As compensation, the Manager shall pay to the Owner seventy percent (70%) of the Gross Annual Site Fee Receipts (GASFR) within sixty (60) days following the end of each calendar year. The cost for services, equipment, hardware, structures, etc., will not affect the site fee due the Owner.
4. Owners Representation. Owner hereby represents and warrants that Owner has good and marketable title and interest to the Site so as to have full authority to enter into and execute this Agreement. Owner further warrants: (1) that there are no deeds to secure debt, deeds of trust, mortgages, liens or judgments encumbering the Site and no restrictive covenants or other encumbrances on the title to the Site that would prevent Manager from utilizing the Site for the uses intended by the Manager as set forth in this Agreement; (2) that Tank and Site is compliant with all regulatory agencies; and (3) that the Tank and the real property on which it is located do not have any hazardous materials in or on the Site.
5. Ingress/Egress. Owner grants and warrants Manager, its agents, and licensees free and unrestricted access to the Site, and any privately held roads leading to the Site, at all times. Owner need not be present for the Manager, its agents, and licensees to access the Site.
6. Term and Termination. The term of this Agreement shall be ten (10) years ("Initial Term") from the date above with two (2) additional five (5) year renewal periods ("Renewal Terms"). The Renewal Terms shall commence automatically without further action on the part of the Owner or Manager; provided, however, that Owner may terminate at the expiration of the Initial Term or at the expiration of any Renewal Term by giving the manager written notice not less than sixty (60) days prior to the expiration of the then current term. At the expiration of the initial term and or renewal terms, this Agreement will be automatically extended for the remaining term of any existing License Agreements(s). The Owner may terminate this Agreement if the Manager violates one or more of its terms and such violation results in material detriment to the Owner. If the Owner deems that the Manager has violated such terms, then Owner shall give written notice describing the default and granting the Manager sixty (60) days to cure the default. If

the Manager fails to substantially cure the default within sixty (60) days of receipt of the notice, the Owner may terminate this Agreement. The Manager may terminate this Agreement at any time with one hundred eighty (180) days advanced written notice to the Owner.

7. Maintenance. Owner is responsible for the maintenance of the Tank and the upkeep of the Site.
8. Indemnities. The MANAGER agrees to indemnify and holds the OWNER harmless for any liability incurred in connection with services rendered under this agreement.
9. Condemnation. If notice is given to Owner that the Site will be condemned by any legally constituted public authority, then Owner shall promptly notify Manager of such taking or condemnation. If the whole of the Tank, or such portion thereof as will make the Tank unusable by Manager for the purposes herein described is condemned by any legally constituted public authority, then this Agreement, and the term hereby granted, shall terminate and expire at such time as possession thereof is taken by the public authority, and site fees shall be accounted for as between Owner and Manager as of that date. However, nothing in this paragraph shall be construed to limit or adversely affect Manager's right to seek an award of compensation from any public authority that is seeking condemnation proceeding for the taking of Manager's interest hereunder or for the taking of Manager's and or Licensee's improvements, fixtures, equipment or personal property.
10. Assignment. This Agreement shall bind and remain in force to the benefit of the parties, their legal representatives, successors and assigns, including, without limitation, a successor by merger. In the event of any assignment, the assignee shall succeed to all of the rights, interests and obligations of Owner contained herein.
11. Security Interest. It is the express intent of the parties to this Agreement that Owner shall have no lien or security interest whatsoever in any personal property of the Manager or its Licensees.
12. Modification. This Agreement may be modified only by a written addendum signed by Owner and Manager.
13. Governing Law. This agreement shall be governed by the laws of the State where the Tank is located.

In Witness Whereof, the parties hereto have caused this Agreement to be executed in duplicate as of the day and year first above set forth.

MANAGER:

Utility Service Communications
Co., Inc.

Debbie Sullivan
By: Debbie Sullivan

Vice President of Communications
Title

Date

Witness

OWNER:

By:

Title

Date

Witness

WIRELESS COMMUNICATIONS MANAGEMENT AGREEMENT

Exhibit "A" Page 1 of ____

Tank Owner Information

Name of Tank Owner, Physical and Mailing Address:

Name: _____

E-Mail: _____

Tank Owner Contact: _____

Phone #: _____ Fax #: _____

Tank Site Information

Tank Address (911): _____

Style and Capacity: _____

Tank Height: _____ Elevation: _____ Year Built: _____

Coordinates: Latitude _____ Longitude _____

Are any Carrier's antennas currently installed on this tank? Yes _____ No _____

Are any City, County or other antennas installed on this tank? Yes _____ No _____

Tank Address (911): _____

Style and Capacity: _____

Tank Height: _____ Elevation: _____ Year Built: _____

Coordinates: Latitude _____ Longitude _____

Are any Carrier's antennas currently installed on this tank? Yes _____ No _____

Are any City, County or other antennas installed on this tank? Yes _____ No _____

Exhibit "A"

Page 2 of ____

Tank Site Information

Tank Address (911): _____

Style and Capacity: _____

Tank Height: _____ Elevation: _____ Year Built: _____

Coordinates: Latitude _____ Longitude _____

Are any Carrier's antennas currently installed on this tank? Yes _____ No _____

Are any City, County or other antennas installed on this tank? Yes _____ No _____

Tank Address (911): _____

Style and Capacity: _____

Tank Height: _____ Elevation: _____ Year Built: _____

Coordinates: Latitude _____ Longitude _____

Are any Carrier's antennas currently installed on this tank? Yes _____ No _____

Are any City, County or other antennas installed on this tank? Yes _____ No _____

Tank Address (911): _____

Style and Capacity: _____

Tank Height: _____ Elevation: _____ Year Built: _____

Coordinates: Latitude _____ Longitude _____

Are any Carrier's antennas currently installed on this tank? Yes _____ No _____

Are any City, County or other antennas installed on this tank? Yes _____ No _____

GREENE COUNTY BOARD OF ELECTIONS

110 SE First Street
P. O. Box 583
Snow Hill, North Carolina 28580

William E. Connor, Chairman
Katie J. Head, Secretary
Stanley S. Barrow, Member

Jane C. Monroe, Director
Telephone (252)747-5921
Fax: (252)747-2426

February 27, 2013

Mr. Dana Hill, Town Administrator
Town of Snow Hill
201 N Greene Street
Snow Hill, NC 28580

Dear Mr. Hill:

For your convenience, I am enclosing a copy of N. C. General Statute 163-294.2(e) regarding filing fees required of candidates.

Our office would appreciate your providing us by written notice the amount of the filing fees for candidates for the 2013 municipal election.

The candidate filing period will begin at 12:00 noon July 5, 2013 and will end at 12:00 noon on July 19, 2013.

We need this information as quickly as possible.

Thank you.

Sincerely,



Jane C. Monroe
Director of Elections

Enclosure

municipal office. The board of elections shall inspect the voter registration lists immediately upon receipt of the notice of candidacy and shall cancel the notice of candidacy of any candidate who is not eligible to vote in the election. The board shall give notice of cancellation to any candidate whose notice of candidacy has been cancelled under this subsection by mail or by having the notice served on him by the county sheriff.

(c) Candidates seeking municipal office shall file their notices of candidacy with the board of elections no earlier than 12:00 noon on the first Friday in July and no later than 12:00 noon on the third Friday in July preceding the election, except:

- (1) In the year following a federal decennial census, candidates seeking municipal office in any city which elects members of its governing board on a district basis, or requires that candidates reside in a district in order to run, shall file their notices of candidacy with the board of elections no earlier than 12:00 noon on the fourth Monday in July and no later than 12:00 noon on the second Friday in August preceding the election; and
- (2) In the second year following a federal decennial census, if the election is held then under G.S. 160A-23.1, candidates seeking municipal office shall file their notices of candidacy with the board of elections at the same time as notices of candidacy for county officers are required to be filed under G.S. 163-106.

Notices of candidacy which are mailed must be received by the board of elections before the filing deadline regardless of the time they were deposited in the mails.

(d) Any person may withdraw his notice of candidacy at any time prior to the filing deadline prescribed in subsection (c), and shall be entitled to a refund of his filing fee if he does so.

(e) The filing fee for the primary or election shall be fixed by the governing board not later than the day before candidates are permitted to begin filing notices of candidacy. There shall be a minimum filing fee of five dollars (\$5.00). The governing board shall have the authority to set the filing fee at not less than five dollars (\$5.00) nor more than one percent (1%) of the annual salary of the office sought unless one percent (1%) of the annual salary of the office sought is less than five dollars (\$5.00), in which case the minimum filing fee of five dollars (\$5.00) will be charged. The fee shall be paid to the board of elections at the time notice of candidacy is filed.

(f) No person may file a notice of candidacy for more than one municipal office at the same election. If a person has filed a notice of candidacy for one office with the board of elections under this section, then a notice of candidacy may not later be filed for

MAYOR
DENNIS K. LILES
MAYOR PRO-TEM
REBECCA (BECKI) SCARBOROUGH
COMMISSIONERS
WILLIAM (DONNELL) HAGANS
GERALDINE E. SHACKLEFORD
ROBERT L. (BOBBY) TAYLOR, JR.
LORRINE B. WASHINGTON



TOWN ADMINISTRATOR
PUBLIC WORK DIRECTOR
DANA D. HILL
TOWN CLERK / FINANCE OFFICER
CATHY WEBB
DEPUTY CLERK / UTILITIES
ADDIE WATSON
CHIEF OF POLICE
JOHN C. REA

TO: Town of Snow Hill Board of Commissioners
FROM: Cathy Webb, Town Clerk/Revenue Collector.
DATE: March 11, 2013
RE: 2012 Delinquent Ad Valorem and Personal Property Taxes
Permission to advertise all unpaid taxes on April, 15, 2013

As of January 6, 2012 personal and real property taxes became delinquent. I am requesting that the Board of Commissioners authorize me to enforce any collection remedies provided in the NCGS to collect delinquent taxes for 2012 and prior years.

Also, I am requesting permission from the Board to advertise all 2012 unpaid taxes On April 15, 2013.