



CITY OF CREEDMOOR

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ORDINANCE 2024-O-06

AN ORDINANCE AMENDING THE CREEDMOOR CODE OF ORDINANCES AND THE CREEDMOOR DEVELOPMENT ORDINANCE IN ACCORDANCE WITH ZTA-2024-01

WHEREAS, the Planning and Community Development Department has realized a valid need to amend the text of the City of Creedmoor Code of Ordinances and the Creedmoor Development Ordinance in order to comply with the General Assembly's recently adopted law and to clarify ambiguous language or correct contextual errors; and

WHEREAS, the Planning staff has assigned the case number ZTA-2024-01; and

WHEREAS, ZTA-2024-01 proposes to amend the following chapters of the Code of Ordinances:

CHAPTER 96: Health and Sanitation; Nuisances

CHAPTER 111: Peddling and Soliciting

CHAPTER 156: Community Appearance

And articles of the Creedmoor Development Ordinance:

ARTICLE 2: General Provisions

ARTICLE 4: Boards and Commissions

ARTICLE 7: Permits and Procedures

ARTICLE 19: Watershed Protection Ordinance

WHEREAS, Article 5 of the Creedmoor Development Ordinance (CDO) states precisely how amendments to the development ordinance should be processed; and according to §5.3 Amendment Process of the CDO, this request does not require compliance with design guidelines at this stage and therefore does not require a recommendation from the Creedmoor Technical Review Committee; and

WHEREAS, ZTA-2024-01 requires a recommendation and a Statement of Consistency with City Plan 2040 from the City of Creedmoor Planning Board; and

WHEREAS, any recommendation made by the Planning Board to the Board of Commissioners shall be in writing and shall include a statement describing whether the proposed amendment is consistent with the comprehensive plan that has been adopted by the City and any other officially adopted plan that is applicable. A comment by the Planning Board that a proposed amendment is inconsistent with the City's land use plan, comprehensive plan or

any other adopted plan for the area affected shall not preclude consideration of approval of the proposed amendment by the City Board of Commissioners; and

WHEREAS, the Planning Board met at their regularly scheduled meeting on May 9, 2024 and have made a decision to recommend the changes as written and signed a statement of consistency.

WHEREAS, the Board of Commissioners met at their June 4, 2024 meeting and unanimously voted ton ZTA-2024-01; and

WHEREAS, public notices was placed in the Creedmoor-Butner News on May 23rd and May 30th 2024;

WHEREAS, the Board of Commissioners conducted the statutorily required advertised public hearing in accordance with the State of North Carolina’s General Statutes during the course of the regularly scheduled monthly meeting on June 4, 2024; and

WHEREAS, it has been determined that the City of Creedmoor Board of Commissioners finds that the request to amend the City of Creedmoor’s Code of Ordinances and Creedmoor Development Ordinance acceptable; and

WHEREAS, it has been determined that the action undertaken by the Board of Commissioners is both reasonable and in the public interest as the approved amendment to the Creedmoor Development Ordinance, and is consistent with the City Plan 2040 objective to “coordinate intergovernmental planning in the area of land use.”

NOW, THEREFORE BE IT ORDAINED that the Board of Commissioners of the City of Creedmoor adopts these ordinance amendments:

CODE OF ORDINANCES

CHAPTER 96: HEALTH AND SANITATION; NUISANCES

§ 96.08 PUBLIC NUISANCE CONDITIONS, PRIVATE PROPERTY.

(A) *Administration.* For the purpose of this section the term **NUISANCE** shall mean or refer to any condition or any use of property or any act or omission affecting the condition or use of property which threatens or is likely to threaten the safety of the public; adversely affects the general health, happiness, security or welfare of others; or, is detrimental to the rights of others to the full use of their own property and their own comfort, happiness and emotional stability because of decreased property values and the unsightliness and decreased livability of neighborhoods.

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

(1) Any weeds or other vegetation having an overall height of more than 12 inches above the surrounding ground provided that the following shall not be considered to be a part of this condition: trees and ornamental shrubs; cultured plants; natural vegetation on undeveloped property that is not a threat to the character of surrounding properties; and flowers and growing and producing vegetable plants.

(2) Any accumulation of trash, garbage, food waste and other trash which is the result of the absence of, or overflowing of, or improperly closed trash or garbage containers, that attracts or is likely to attract mice and rats, flies and mosquitoes or other pests.

(3) An open or unsecured storage or collection place for chemicals, acids, oils, gasoline, flammable or combustible materials or flammable or combustible liquids, poisonous materials or other similar harmful or dangerous substances, gasses or vapors.

(4) An open place, collection, storage place or concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags, or any other combustible materials collection.

(5) An open storage place for old worn out, broken or discarded machinery, car parts, junk, tire rims, furniture, stoves, refrigerators, appliances, cans and containers, household goods, plumbing or electrical fixtures, old rusty metal, fencing materials or other similar materials.

(6) Any accumulation of garbage, rubbish, trash, or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, mice, snakes, mosquitoes, or vermin prejudicial to the public health.

(7) Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.

(8) The open storage of any discarded ice box, furniture, refrigerator, stove, glass, building materials, building rubbish or similar items. The use of carports, open porches, decks, open garages and other outdoor areas that are visible from the street as a storage or collection place for boxes, appliances, furniture (not typical outdoor or yard furniture), tools, equipment, junk, garbage, old worn out broken or discarded machinery and equipment, cans, containers, household goods or other similar condition that increase the likelihood of a fire; may conceal dangerous conditions; may be a breeding place or habitat for mice, rats or other pests; or, create an unattractive condition or visually blighted property.

(9) A collection place for lumber, bricks, blocks, nails, building hardware, roofing materials, scaffolding, masonry materials, electrical supplies or materials, plumbing supplies or materials, heating and air conditioning supplies or materials or any other type of old or unusable building supplies (especially those with nails, staples or sharp objects and edges) unless such conditions are temporary in nature and caused by a current construction project in progress pursuant to a lawfully issued building permit.

(10) Any building or other structure which has been burned, partially burned or otherwise partially destroyed and which is unsightly or hazardous to the safety of any person, is a continuing fire hazard or which is structurally unsound to the extent that the Code Administrator or his or her designee can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises.

(11) The placement, storage or use of upholstered sofas, couches, chairs or other indoor type furniture, appliances, seats removed from motor vehicles or other furniture not intended for outdoor use by the manufacturer, use on any open porch, carport, stoop, deck, veranda, terrace, patio or other outdoor area that is visible from nearby streets and sidewalks.

(12) A collection place, pool or pond of stagnant or foul water or persistent dampness caused by overflowing septic tanks, manmade dams, open ditches, overflowing pipes, foundation trenches or other impoundments of any kind.

(13) Barns or farm animal pens, pastures or enclosures for farm animals which are not kept sanitary and clean or otherwise become a collection place for animal waste and which because of the conditions associated therewith attract rats, mice, flies or other pests or emit foul odors that can be detected or noticed on adjacent properties or are otherwise not kept in a sanitary condition.

(14) Dog lots, pens, pet enclosures of all kinds, outdoor areas where dogs or other pets are chained or kept or areas where dogs and cats are permitted to roam which become a collection place for dog, cat or pet waste and excrement and which attract flies or other pests, emit foul odors which can be detected or noticed on adjacent property or are not kept in a sanitary condition.

(15) A collection place for sewage and sewage drainage or the seepage from septic tanks, broken or malfunctioning plumbing and sewer pipes or any other seepage of dangerous, hazardous or poisonous liquids.

(16) A collection place for tree limbs, dried brush, dead vegetation, stumps or other decayed wood and materials or other similar rubbish.

(17) Any discharge into or polluting of any stream, creek, river or other body of water or the discharge of any dangerous substance or any other material likely to harm the water or any vegetation, fish or wildlife in or along the water or the storage of such harmful materials and substances in a manner so that it is likely that such streams, creeks, rivers or other bodies of water will become polluted or adversely affected in any manner.

(18) Any condition which blocks, hinders, or obstructs in any way the natural flow of branches, streams, creeks, surface waters, ditches, or drains, to the extent that the premises is not free from standing water.

(19) Any conditions or use of property, which results in the emission of pollutants and particles into the atmosphere or causes noxious odors, vapors and stenches to be discharged into the air.

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

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

(b) A point of heavy growth of grass, weeds or other noxious vegetation which exceeds eight inches in height directly under or immediately adjacent to the vehicle;

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

(d) A concentration of quantities of gasoline, oil, or other flammable or explosive materials as evidenced by odor or detected by leakage, discharge or discolored soil;

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

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

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

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

(i) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the Board of Commissioners.

(21) Any condition detrimental to the public health which violates the rules and regulations of the County Health Departments.

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

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

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

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

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

(E) *Procedure is alternative.* The procedure set forth in this section shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances, and this section shall not prevent the city from proceeding in a criminal action against any person, firm or corporation violating the provisions of this section as provided in G. S. § 14-4. In addition to the remedies provided for herein, any violation of the terms of this section shall subject the violator to the penalties and remedies, either criminal or civil or both, as set forth in § [10.99](#) of this Code of Ordinances.

(F) Violation of this section may constitute an infraction in accordance with § [10.99](#) of this Code and G.S. § 14-4.

(Ord. 2010-O-17, passed 12-14-10; Am. Ord. 2013-O-06, passed 5-28-13; Am. Ord. 2022-O-01, passed 3-1-22)

Statutory reference:

Abatement of public health nuisances see G.S. § 160A-193

§ 96.09 DEBRIS IN STORMWATER DRAINAGE SYSTEM.

(A) *Findings.* Yard waste such as leaves, grass clippings, and soil/sediment can cause significant water quality problems when blown or directed into the city's stormwater drainage system. Water quality problems include algal blooms and aquatic weed growth, oxygen depletion, fish kills, and impaired aquatic habitat. In addition, when the stormwater system is clogged with yard waste it can cause street and property flooding.

(B) *Restrictions on debris.*

(1) It shall be unlawful for any person to rake, sweep, blow, wash, direct or place any debris, including but not limited to yard waste, grass clippings, tree trimmings, logs, stumps, leaves, soil, gravel, rock, sediment, trash, or debris of any kind into the storm drainage system of the city,

including any streets, storm drains, ditches, swales, streams, lakes, culverts, rights-of-way, dedicated easements, or in any other area where it might impede the flow of water through the storm drainage system of the city.

(2) It shall be the duty of all property owners within the city to take adequate precautions on their property to ensure positive drainage on their property. Such drainage may be provided either through natural or artificial drains found to be adequate by the City Engineer. The owner shall keep all ditches, drains, swales, and drainage routes free from obstructions which would impede the flow of water.

(3) The following are preferred best management practices (BMPs) for yard waste and debris:

(a) Prevent yard waste and debris from entering the street, storm drain, ditch, or other parts of the drainage system.

(b) Direct or blow yard waste back onto a lawn or landscape area.

(c) Sweep, rake, and/or collect yard waste instead of hosing/sweeping off of driveways, sidewalks or other impervious surfaces.

(d) Leave grass clippings on the lawn to decompose quickly and act as a natural fertilizer and soil conditioner ('grass cycle').

(e) Compost yard debris for use in the lawn, garden, or landscape.

(f) Collect and contain yard waste for city collection service according to specific yard waste collection policies. Do not use the city trash cart for yard waste or debris.

(4) Any condition in violation of this section shall constitute a public nuisance, subject to civil penalties as describe in division (C) below.

(C) *Penalties.*

(1) Civil penalties described herein apply only to violations of this section.

(2) Civil penalties shall be assessed upon determination of a violation of this section. The enforcement official of the city may immediately and without prior notice cause a citation in the amount of \$50 to be issued to the violator either hand delivered or posted in the U.S. mail service by first class mail addressed to the last known address of the violator as contained in the records of Granville County. The citation shall set out the nature of the violation, the section of the City Code violated, the date of the violation, and shall contain an order to immediately cease the violation. The violator shall be deemed to have been served upon the mailing of the citation or upon hand delivery of the citation.

(3) Citations may be issued for each day the offense continues until the prohibited activity is ceased or abated.

(4) *Continuing violation abatement procedure.* If the owner of any property fails to comply with a notice of violation given pursuant to this section, within two days after the service of the notice, the city may have the condition described in the notice abated, removed, or otherwise corrected. All expenses incurred thereby shall be chargeable and paid by the owner of the property, and shall be collected as taxes and levies are collected. All such expenses shall constitute a lien against the property on which the work was done.

(Ord. 2012-O-05, passed 9-25-12)

CHAPTER 111: PEDDLING AND SOLICITING

§ 111.04 MOBILE FOOD VENDORS.

(A) The purpose of this section is to regulate how mobile food vendors sell food and or non-alcoholic beverages to the general public within the corporate city limits.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

MOBILE FOOD TRUCK. A motorized vehicle, trailer, or pushcart that is designed and operated for the purpose of preparing and or selling food and or non-alcoholic beverages to the general public on a recurring basis and is to be readily moved.

PUSHCART. Any non-motorized piece of equipment from which a vendor prepares and or sells food and or non-alcoholic beverages to the general public on a recurring basis and is to be readily moved.

VENDOR. A person who hawks, peddles, sells or offers food for sale and profit. Churches, clubs and other not-for-profit organizations are specifically exempted.

(C) *Permit required.* It shall be unlawful for any mobile food vendor to sell, or offer for sale, any food or beverage without first obtaining a peddler's license pursuant to § [111.02](#) from the City Manager or his/her designee. This requirement shall be waived for mobile food vendors directly associated with city approved events.

(D) *Permit application.* Prior to the issuance of a permit, an application for peddler's license must be submitted and reviewed by the City Manager or his/her designee. The application shall be accompanied by proof of insurance and approval from the Granville County Health Department, proof of landowner permission, and an annual application fee of one hundred dollars (\$100.00) for each mobile vendor.

(E) *Permit suspension and revocation.* Any food truck vendor's permit may be suspended or revoked for fraud or misrepresentation in the application for the permit or for conduct of the business in such a manner as to create a public nuisance or constitute a danger to the public health, safety or welfare or which is contrary to the provisions of this chapter.

(F) *Operation requirements.* Food truck, trailer, and pushcart vendors shall operate under the following conditions:

(1) No food truck, trailer, or pushcart vendors shall operate within three hundred (300) feet of the property boundary any school, religious institution or cemetery, except during events of public interest per Article 15 of the Creedmoor Development Ordinance;

(2) Hours of operation shall be between the hours of 7:00 a.m. and 2:00 a.m. except for special events. The food truck, trailer, or pushcart must be removed after operating hours or event and must be stored in a legal location;

(3) The mobile food truck, trailer, or pushcart must be inspected and approved by a county health department within the State of North Carolina, when required by State law, Valid proof or such inspection or exemption must be provide upon application.;

(4) Shall not be located within 100 feet from the main entrance of any restaurant during business hours unless authorized by a restaurant to be closer;

(5) Food trucks and pushcart vendors shall be parked on private property with the property owners permission and shall not be parked within any public street, right-of-way or sidewalk unless the street has been closed for a special event;

(6) Food truck and pushcart vendors are responsible for the proper disposal of waste and trash associated with the operation. City trash receptacles are not to be used for this purpose. Vendors shall remove all waste and trash from their location at the end of each day or as needed to maintain the health and safety of the public. The vendor shall keep all areas within ten (10) feet of the truck clean of grease, trash, paper, cups or cans associated with the vending operation. No liquid waste or grease is to be disposed into tree pits, storm drains or onto the sidewalks, streets or other public place. Under no circumstances shall grease be released into or disposed of in the city's sanitary sewer system;

(7) There shall be no audio amplifier or similar device to attract the attention of the public;

(8) Advertising consisting of business name, logo and items available for sale may be displayed on the food truck, trailer, or pushcart. Temporary directional or informational signage shall not be posted further than 10 feet from the food, truck, trailer, or pushcart and shall be removed daily. (9) The food truck or pushcart owner or his/her designee shall be present at all times except in case of an emergency; and

(G) *Location.* Food trucks and or pushcarts may operate within the AG, MS, MSP, CIV, C-56, C-15, and IND districts. Pushcarts operating in the MS District shall not operate or sell food upon any sidewalk.

(H) *Penalty.* Any person, firm or corporation violating the provisions of this chapter shall be guilty of a misdemeanor and punished as provided by G.S. § 14-4 and shall be fined two hundred dollars (\$200.00) per day and shall be further subject to the provisions of G.S. 160A-175.

(Ord. 2014-O-05, passed 8-4-14)

CHAPTER 156: COMMUNITY APPEARANCE

§ 156.24 LAND MAINTENANCE AND WEEDS.

(A) Any landscaping, visible from public property, or from a public street, that is dead, significantly damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance, shall be removed and disposed in a timely manner.

(B) No owner or occupant of land shall allow or permit trees, shrubs or plant growth to impede, obstruct, or interfere with vehicular or pedestrian passage on any street, sidewalk, or alley or interfere with the visibility of passing traffic or obstruct traffic control devices. Trees, tree branches, vines, or any other type of vegetative growth that overhang rights of way shall be trimmed to maintain a clearance height of fifteen (15') feet above the right of way.

(C) No owner or occupant of a parcel of land shall allow weeds, vines, or grass to reach a height of 12 inches or more.

(Ord. 2010-O-02, passed 1-26-10)

§ 156.46 PARKING RESTRICTIONS.

(A) *Residential parking restrictions.* The following parking restrictions shall apply to all residential properties and residential neighborhoods. On a property designed or used as a residence, no person shall park or store any trailer, boat, recreational vehicle, sports craft, or motor vehicle in the designated front yard of property that results in:

- (1) Uncut grass or weeds under or around the trailer, boat or motor vehicle, or deteriorates the lawn area to the extent that no grass remains under or adjacent to the trailer, boat or motor vehicle; or
- (2) Creates an un-vegetated area(s) that allows for standing water or significant erosion of the area(s) onto a public street or adjoining property.

(B) *Other parking restrictions.* Nothing contained in this part is intended to nor shall be construed or interpreted to allow parking that is prohibited or restricted by any other provision of this code or by any other provision of law.

(Ord. 2010-O-02, passed 1-26-10)

CREEDMOOR DEVELOPMENT ORDINANCE

ARTICLE 2: GENERAL PROVISIONS

2.10 Structures and Uses Limited in Yards

2.10-7 OUTDOOR STORAGE. Neither outdoor storage of motor vehicles, boats, recreational vehicles, sports craft, other goods and materials or refuse containers shall be located in any established front yard setback or established side yard abutting a street, nor in any required buffer or screen, except for the temporary placement of refuse for scheduled curb side collection.

ARTICLE 4: BOARDS AND COMMISSIONS

4.2 Planning Board

4.2-1 AUTHORITY. There is hereby created a Planning Board, pursuant to G.S. 160D-301, to be known as the City of Creedmoor Planning Board.

4.2-2 MEMBERSHIP. The Planning Board shall consist of an appropriate number of members who shall reside within the City limits, and an appropriate amount of members residing in the City's area of extraterritorial jurisdiction. Members residing inside the City limits shall be appointed by the Creedmoor City Board of Commissioners. Members residing in the City's extraterritorial area shall be appointed by the Granville County Board of Commissioners.

4.3 Board of Adjustment*[Amended May 27, 2014 per Ord. 2014-O-03]*

4.3-1AUTHORITY. There is hereby created a Board of Adjustment, pursuant to G.S. 160D-302, to be known as the City of Creedmoor Board of Adjustment.

4.3-2MEMBERSHIP.*[Amended May 2, 2017 per Ord. 2017-O-07]*

A.MEMBERS AND TERM. The Board of Adjustment shall consist of an appropriate number of members appointed by the City Board of Commissioners and no fewer than one member who is a resident of Creedmoor's extraterritorial area, appointed by the Granville County Board of Commissioners, each member to be appointed for a term of three years, per G.S. 160D-302(a). In appointing the original members or in the filling of vacancies caused by the expiration of the terms of existing members, the City Board of Commissioners may appoint certain members for less than three years so that the terms of all members shall not expire at the same time.

ARTICLE 7: PERMITS AND PROCEDURES

7.5 Zoning Permits (Zoning Compliance Permit)

7.5-11 CERTIFICATE OF ZONING COMPLIANCE

A. Acceptance and Use

1. Certificates of Zoning Compliance are required in development of all housing units
2. Certificate of Zoning Compliance does not grant occupancy
3. This ordinance supersedes any previous references to or use of a Certificate of Compliance where previously existing references or definitions are in conflict.

B. Review and Findings

1. The Planning, Zoning, Subdivision Administrator or their designee shall inspect all sites for compliance with the approved permit, plan and applicable conditions, and shall not issue a Certificate of Zoning Compliance unless all required standards are met..
2. Required Standards:
 - a. Meets permitted design and structure placement
 - b. Finished grading on front, side and rear yards with positive slope away from structural foundation, free from holes, voids, ruts, hollows, or depressions that could retain or cause standing water.
 - c. Address plaque (UI ref. CDO §2.23)
 - d. Mailbox* (unless other arrangements have been made in subdivision application)
 - e. Driveway Approval* (Public Works or NCDOT approval required)
 - f. Seed and Straw and/or Sod has been placed to protect all bare soil surfaces and to prevent erosion.
 - g. Curb, gutter, sidewalk, and driveway meets all other required standards.
 - h. Commercial dumpsters or other garbage collection bins are located off the yard or other grassed surfaces and on the approved driveway.

i. The site meets all other pertinent ordinances, regulation, and requirements as required.

C. If the applicant/site have met the requirements and application standards the chosen representative/agent shall issue the Certificate of Zoning Compliance.

D. Recipients of a Zoning Compliance Permit are entitled to one inspection for a Certificate of Zoning Compliance. Additional inspections or re-inspections shall be charged a re-inspection fee as designated by the Board of Commissions as part of the annual Fee and Rate Schedule adoption. Re-inspection fees must be paid for in advance.

7.14 Water and Wastewater Allocations

7-14.1 Allocations in General.

- A. Water and/or wastewater allocations are only required for projects proposing to establish new water and/or wastewater connections or to increase the volume of existing water and/or wastewater connections. Water and/or wastewater allocation shall not be granted to projects outside the municipal corporate limits.
- B. The grant of a water and/or wastewater allocation does not create a property right in the allocation. Once granted, an allocation is not transferrable to any other person or entity without the express consent of the SGWASA Board, provided, however, that once a project is completed no allocations shall be forfeited solely on account of a change in ownership in a project or part thereof, except as otherwise provided in the Allocation Policy.
- C. Water and wastewater allocations shall be issued on a first-come-first-served basis.
- D. The City shall concur in each allocation request prior to approval by SGWASA if,
 - 1. A complete allocation request form has been submitted along with all other required documents, and all applicable fees have been paid;
 - 2. The requested development complies with all applicable City ordinances; and
 - 3. The SGWASA system continues to have sufficient capacity to adequately provide the requested service(s).

ARTICLE 19: WATERSHED PROTECTION ORDINANCE

SECTION 4: MAINTENANCE

19.23 General Standards for Maintenance

A. Function of SCMs as Intended.

The owner of each structural SCM installed pursuant to this Ordinance shall maintain and operate it so as to preserve and continue its function in controlling stormwater quality and quantity at the degree or amount of function for which the structural BMP was designed.

B. Annual Maintenance Inspection and Report.

The person responsible for ownership and maintenance of any structural SCM installed pursuant to this Ordinance shall be required to submit to the Stormwater Administrator an annual inspection report from one of the following persons performing services only in their area of competence: a qualified registered North Carolina professional engineer, surveyor, landscape architect, soil scientist, aquatic biologist, or person certified by the

North Carolina Cooperative Extension Service for stormwater treatment practice inspection and maintenance. The inspection report shall contain all of the following.

1. The name and address of the land owner;
2. The recorded book and page number of the lot of each structural SCM;
3. A statement that an inspection was made of all structural SCMs;
4. The date the inspection was made;
5. A statement that all inspected structural SCMs are performing properly and are in compliance with the terms and conditions of the approved maintenance agreement required by this Ordinance; and
6. The original signature and seal of the engineer, surveyor, or landscape architect.

An original inspection report shall be provided to the Stormwater Administrator between July 1 and July 10. Should standards not be met the property owner will be issued a notice of violation. Refer to CDO Section 23.7 Civil Penalties – Assessments and Procedures.

19.24 Operation and Maintenance Agreement

B. Special Requirement for Homeowners' and Other Associations.

For all structural SCMs required pursuant to this Ordinance and that are to be or are owned and maintained by a homeowners' association (HOA), property owners' association (POA), or similar entity, the required operation and maintenance agreement shall include all of the following provisions.

1. Acknowledgment that the association and its heirs, successors, or assigns shall continuously operate and maintain the stormwater control and management facilities for a period of not less than 30 years.

Granting to the City of Creedmoor a right of entry to inspect, monitor, maintain, repair, and reconstruct structural SCMs.

2. Allowing the City of Creedmoor to recover from the association and its members any and all costs the City of Creedmoor expends to maintain or repair the structural SCMs or to correct any operational deficiencies. Failure to pay the City of Creedmoor all of its expended costs, after forty-five days' written notice, shall constitute a breach of the agreement. In case of a deficiency, the City of Creedmoor shall thereafter be entitled to bring an action against the association and its members to pay. Failure to pay shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of the General Statutes of North Carolina.
3. A statement that this agreement shall not obligate the City of Creedmoor to maintain or repair any structural SCMs, and the City of Creedmoor shall not be liable to any person for the condition or operation of structural SCMs.
4. A statement that this agreement shall not in any way diminish, limit, or restrict the right of the City of Creedmoor to enforce any of its ordinances as authorized by law.
5. A provision indemnifying and holding harmless the City of Creedmoor for any costs and injuries arising from or related to the structural SCM, unless the City of Creedmoor has agreed in writing to assume the maintenance responsibility for the SCM and has accepted dedication of any and all rights necessary to carry out that maintenance.

6. HOA and POA documents shall also address how the required buffers shall be maintained and preserved.

HEREBY ADOPTED in regular session by the City of Creedmoor Board of Commissioners by motion from Commissioner Heuson this, the 4th day of June 2024.

Ayes: 5

Noes: 0

Absent or Excused: —

Robert V. Wheeler
Robert V. Wheeler, Mayor

ATTEST:

Barbara Rouse
Barbara Rouse, City Clerk

