



AGENDA
Regular Town Council
Tuesday, June 8, 2021
Council Chambers 4:00 PM

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4. PLEDGE OF ALLEGIANCE	
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11. OLD BUSINESS
 - 11.1. Ordinance No. 2021-02 for Solid Waste Commercial Collection to Republic Services 39 - 50
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12. NEW BUSINESS
 - 12.1. HB 829 Resolution of Opposition 63 - 67

Planning Board recommended that staff prepare a Resolution of Opposition to the proposed bill. Staff supports the Planning Board in opposing this bill.

[Output Document \(Staff Report - 0485\) - Pdf](#)
 - 12.2. NCGS160D Zoning Ordinance Revisions 69 - 239

The Planning Board recommended approval at their regular meeting on Tuesday, May 25, 2021. The Planning Board also found the amendments consistent with the Comprehensive Plan. Staff recommends approval in order to be compliant with NC General Statutes.

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 - 12.3. Annual Balanced Budget and Budget Ordinance 241 - 397

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14. TOWN COUNCIL COMMENTS

15. CITIZENS' AGENDA COMMENTS
16. ADJOURNMENT



ORDINANCE

TO: Mayor & Town Council
FROM: Bob Pudney
DATE: June 8, 2021
SUBJECT: Public Hearing FY: 2021-2022 Annual Budget

FOR THE PURPOSE OF:

Public Hearing comments regarding Fiscal Year 2021-2022 Annual Budget for the Town of Beech Mountain, to gather public input before consideration of budget adoption pursuant to Local Government Budget and Fiscal Control Act.

SIGNATURES:

Town Manager

Town Clerk



ORDINANCE

TO: Mayor & Town Council
FROM: Preston Yates
DATE: June 8, 2021
SUBJECT: Public Hearing for NC GS §160D- Zoning Ordinance Revisions

FOR THE PURPOSE OF:

Addressing public comments to the 2019, General Assembly passed S.L. 2019-111, an Act to Clarify, Consolidate, and Reorganize the Land-Use Regulatory Laws of the State. The Act created a new General Statutes section § 160D. Although no changes to policy or authority was part of the new law, it required local governments to update their existing ordinances to be consistent with the new General Statutes. The revisions included in this proposed amendment are a direct result of that change in state law.

STAFF RECOMMENDATION:

Approval of NC GS §160D

SIGNATURES:

Town Manager

Town Clerk



COUNCIL ACTION ITEM

TO: Mayor & Town Council

FROM: Bob Pudney

DATE: June 8, 2021

SUBJECT: Public Hearing for Republic Services Franchise Agreement & Ordinance

FOR THE PURPOSE OF:

To gather public comments to allow the Town to contract certain franchise agreements and to consider a Solid Waste Franchise and Ordinance between Republic Services and the Town proposed.

The proposal covers all Commercial Solid Waste collection and disposal within the Town for an initial period of three (3) years. The Town will have the authority to review and set the rates for collection services each year during the agreement period.

SIGNATURES:

Town Manager

Town Clerk



MINUTES

Town Council FY: 2021-2022 Budget Retreat Meeting

10:00 AM - Wednesday, April 21, 2021
Council Chambers

The Town Council FY: 2021-2022 Budget Retreat of the Town of Beech Mountain was called to order on Wednesday, April 21, 2021, at 10:00 AM, in the Council Chambers, with the following members present:

**COUNCIL
PRESENT:** Mayor Barry Kaufman
Vice Mayor Jimmie Accardi
Councilmember Weidner Abernethy
Councilmember Kelly Melang
Councilmember Erin Gonyea

**COUNCIL
EXCUSED:**

**STAFF
PRESENT:** Town Manager Bob Pudney
Town Clerk Tamara Mercer
Public Utilities Superintendent Daniel Davis
Director of Special Projects Riley Hatch

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ADOPTION OF AGENDA

- 3.1. Mayor Kaufman requested a motion to adopt the agenda.

Motion

Kelly Melang made a motion to adopt the agenda and Erin Gonyea seconded the motion. CARRIED. unanimously.

4. OLD BUSINESS- NONE

5. NEW BUSINESS- FY: 2021-2022 ANNUAL BUDGET

- 5.1. Mr. Pudney presented the Manager's report regarding the upcoming proposed Annual Budget. The draft budget was presented to Council for review, and Mr. Pudney noted that as required by law, a balanced Annual Budget is to be adopted by Council for the upcoming fiscal year. His goal was

that at end of the meeting, Staff would have a clear direction from Council as to the goals and projects to include for the upcoming proposed budget. He asked Council to amend the Budget Calendar FY:2021-2022 which states the proposed budget would be published April 22nd and change this to publishing the draft budget on Monday, April the 26th, as this will give time for the Finance Department to update the draft for website publishing.

He reviewed the Council's selected top priority list.

Town Council top priority list:

1. Infrastructure- roadways, water and sewer service lines and replacement, fire hydrants & general maintenance
2. Solid Waste and Convenience Center operations
3. facilities- buildings, landscaping, and beautification
4. EMS and Station located on Beech Mountain
5. playgrounds - Mr. Pudney stated this is underway and costs are paid for by the TDA and the Town's occupancy tax so this priority will be accomplished this year

Mr. Pudney reviewed the calendar dates for the Annual Budget. Staff will place this draft online on the Town's website on April 26th. The second workshop is scheduled on May 19th and the Public Hearing is on June 8th and shall be ready for adoption and in place as pursuant to General Statute for July 1, 2021.

Mr. Pudney presented the details of funds available in the current budget FY: 2020-2021. He pointed out that our revenues exceeded the projections. We have 102% of what was estimated so this is an increase from the last budget cycle. It means we completed the projects on-time and under budget. We asked for 1.5 million but did not use it because of additional revenues coming in, so the overage went back into reserves.

Staff takes the conservative approach for budgeting and expenditures can be raised to match the forward projections, but we will remain conservative, so we estimate a lower amount for items such as sales tax. He brought up the issue over the sales tax as disputed in court by the Town of Boone and was dismissed. Using the NCLM, the League's approach, we are about 3% below the estimate. As Boone may still pursue the issue, we wish to remain conservative. We are \$680,000 over also due to CARES Act funding, FEMA funding and the American Rescue Plan (ARP) which was recently passed; therefore we will have additional revenues. These additional calculations will be included in the upcoming fiscal year budget.

In response to Councilmember Melang's question, Mr. Pudney added that there were also more revenues taken in by the Planning Department for all the renovation construction increases and for permitting fees for new construction. There has been a substantial increase in new construction homes and parcel sales have increased on the mountain. Due to this workload, we asked for an additional building inspector in the budget which Mr. Pudney said he will address in the personnel section of the meeting.

He discussed the water and sewer capacity and the impacts of this population growth, which are included in the revenue projections. There are capacity and maintenance burdens placed on operations due to the new construction, and this forecasting is included in the business model for revenue projections. In response to Councilmember Abernethy's question regarding funding, Mr. Pudney replied that he was referring to the Powell Bill monies. The State revenues from the Powell Bill funding includes gas taxes and mileage calculations and these dollars are for roadway maintenance. \$100,000 is anticipated from the State funding.

There was a review of page 90-94, the Capital Improvement Program and Capital Funding summary. Mr. Pudney pointed out the format which shows the details separately for funding costs and the department equipment costs with details for the justifications. He acknowledged that this request is aggressive but as this goes towards infrastructure, that program is necessary. That also includes the projects partnered with the TDA and department line items are detailed as well as where funding comes from, such as improvements to the Bark Park playground and bathrooms and sledding hills. Mr. Pudney requests that Council consider the issues and problems with the first and second sledding hills and there were some deliberations regarding the two sled hills. Councilmember Gonyea was in favor of the second sled hill and location.

In response to Councilmember Melang's question regarding the site layout of the second sled hill, Mr. Pudney said that the additional events utilize the overflow parking area, and he discussed the plan for paving areas at Buckeye Creek Recreation Center. Specifically, where the Town built the landing zone. Since being used, the road cannot maintain the grass on it and the vehicle use is for overflow parking and drive in movies so staff requests to install decorative concrete pavers. The notes for the Recreation Department Capital Improvement Program are included.

Water and Wastewater Utility Capital Outlay and improvement summary was presented. Mr. Pudney reviewed the CIS water and sewer line replacement project. He said besides large, there are 1,000s of little leaks so the projected plan is for 150 service line replacements per year. We plan to do more, but the conservative number is for 150. As the line replacements happen then the crews will also replace culverts and re-pave roadways. He pointed out the costs and details for culvert and repaving roads. The projected costs are over one million. \$13,000 is slated for repaving and gravel roads. This includes \$100,000 for personnel to maintain the gravel roads and for the repairs.

Mr. Pudney said that the right-of-way beautification and road reflectors were included in the proposed budget and if there were objections, for Council to inform staff.

Next, Mr. Pudney discussed the old Public Works building. Once Public Works crews move into the new facility, he is asking for \$400,000 to renovate the old building. The old Public Works building would not pass basic inspections today and the plan is to rehab it for storage of materials, equipment, and vehicles.

Included in the proposed budget is a Visitors Center and Police Department Town Hall combination expansion. This is estimated as a \$150,000 expansion project. The plan is to connect the town hall and visitors center where the courtyard is now located. Both departments need more space. The Police Department and Planning and Inspections need more space. Combining this with the TDA means a shared cost project. The full project would be \$300,000 to make additional space at the Town Hall.

Next he reviewed the vehicle replacement proposals for Parks and Recreation which includes equipment a wheel loader for \$150,000. A rubber tire loader without treads will properly move materials and salt too. Now we use a tractor, and this is not the best equipment to do the job.

Lastly, Mr. Pudney reviewed various items. He said we are looking to purchase a \$155,000 truck trailer and small excavator. He explained the reasons for this request. The crew does only service water replacements and problems such as roadway rights-of-ways had to be done on a complaint basis. We want to be pro-active. He added this request goes hand-in-hand with the personnel needs, if we do not get the personnel, he won't order the equipment and/or vice-versa. He noted there is a new drill press, and we have monies to put toward that from the current project. There is \$35,000 proposed to repair the metal door and other maintenance needed at Fire Station #1. Repairs are needed to update the building. Police cars and vehicle maintenance costs are going up due to the vehicles are out of warranty, so those PD costs have increased.

6. TOWN COUNCIL COMMENTS

6.1. Annual Budget Council discussion

Councilmember Melang stated the 2.5 million is a hefty sum (referenced capital outlay). She inquired into the proposal for the roadway reflectors, to which Mr. Pudney said we found a vendor who can install the reflectors. He pointed out that we cannot install them in-house as special equipment is necessary for the recessed installation. Once recessed, the reflector does not interfere with the snow plowing and they won't get destroyed. He pointed out the truck and excavator equipment request, reiterating that the equipment is in Capital and the personnel requests for Public Works employees go together, he is needing additional personnel for the project work such as resurfacing Tamarack Road and Charter Hills. The service lines replacement also includes resurfacing roadways, which is in the bulk of capital projects said Mr. Pudney. Councilmember Melang was in favor of those projects but the TDA should fund the sledding hill.

There was a discussion regarding personnel, beginning on page 48, full time employees in the Public Works department. On page 51, Mr. Pudney pointed to the request for four (4) additional maintenance workers, so those dollars puts the rights-of-way crew together with the equipment request. To

which the Mayor asked if the administration could compromise to adding two (2) employees in order to accomplish the rights-of-way work. Mr. Pudney understood the Mayor's concern that the capital expense is a one-time expenditure, but that personnel is forever, and those costs stay in the budget. He reiterated the personnel requests for Public Works maintenance crew which needs to work on the rights-of-way five days a week. Also, there is the requests for an added person on the Parks and Recreation Trailways crew and in the Planning Department, he said we are asking for an additional building inspector. If in two to three years' time, we have too many people, we can cut a position but that does rarely happen, and we understand the impact to the budget for additional personnel.

Councilmember Abernethy suggested hiring three personnel for the Public Works crew. Mr. Pudney explained how the supervisors are getting the work done. He said we take the water line replacement crew to perform the rights-of-way maintenance. We already pull people off their jobs to cover personnel needs in other areas. This is reactionary as we are shuffling people. He stated how crews can work efficiently versus how we are responding to failures and not being pro-active. We believe 4 people are needed, but we will take council's direction and implement their plan. Seasonal workers do fill-in when an opening for a full-time employee occurs, but we struggle to fill the positions and it is difficult to find personnel. We prefer to do a better job with assigned personnel and more equipment.

Councilmember Abernethy suggested that the renovation of old Public Works building can be delayed, to which other council members agreed. Mr. Pudney said there appears to be no plan in place for old building and there is no directive for that site agreed upon by past councils. It is the engineering analysis that the interior of the old building is shot as the plumbing should be gutted, the electrical is not up to Fire Code, there is no use for the kitchen and offices and only the outer shell is useful for storage. This can be postponed. the estimate to fix is \$400,000. It can sit there.

Vice Mayor Accardi agreed that we can hold off on the renovation of the old Public Works building as the infrastructure plan is aggressive. He discussed the paved roads there and inquired about roadways in other areas. He asked if the Shane Park security system is necessary since it is gated, to which Mr. Pudney said we could ask the TDA to fund that. and there was more discussion about the old Public Works building renovation such as removing the break room and offices, the wood working shop, leaving the old vehicle lift, the square footage, and the reasons for a renovation plan for the existing structure.

Next, he addressed the Town Hall and Visitors' Center renovation and the partnership with the TDA. Mr. Pudney said it is a 50/50 split, so project is estimated at \$300,000.

Councilmember Gonyea agrees with everything so far adding there should be security cameras at Shane Park and the TDA should fund that project. She was in favor of the equipment requests and for the crew manpower, we should at least add two (2) possibly three (3) personnel to

Public Works and add a fourth if needed. Ms. Gonyea said we should hold off on the renovation of the old Public Works building and do it next year as we are moving forward with an aggressive infrastructure agenda.

Councilmember Abernethy suggested the Town put the Visitors Center expansion project on hold, to which Mr. Pudney said the need is there. It is not just benefitting the Visitor's Center. The Police Department is packed on top of each other. The Planning, Zoning and Building Inspections must expand. The kitchen is where the Town's architect reviews plans and drafts new construction. There are 1000's of people in the Visitor's Center and that is increasing and there not enough space or bathrooms. Port-o-pottys were used this year. We are asking for this funding for the P.D. and Inspections but it is more of a partnership with the TDA so we can split the costs. The funds are there, there are opportunities in this capital budget that we can tackle now but may not be able to in future. If the economy remains or does not, we can complete this while we have the funds now, or we can postpone the project. The same as postponing the old Public Works building. We can house vehicles in there, but we cannot heat the place. These needs begin to grow over the years if we are not forward looking. We can fund all the proposed projects, or none or pick and choose, but we have the finances now stated Mr. Pudney.

In response to Councilmember Gonyea's inquiry, Mr. Pudney reviewed the specifics for the Town Hall and Visitor's Center expansion. He said we would remove the courtyard area. The Police Department, and Planning and Zoning would occupy the top floor. The lower floor expansion area is for visitors. We would be adding bathrooms there. We would expand the building on the left side beside sled hill #1 for office space. The TDA and staff offices services have expanded. With the increase of more and more people, we need this expansion.

Mayor Kaufman addressed the road reflectors. The road reflectors would cost \$60,000 today and another 30% investment for future maintenance. sand will replace every year constants maintenance replacing them next year. He stated he does not see the reflectors in the fog.

Mayor Kaufman said the renovation of the Visitor Center for \$150,000 is not a big difference, when adding the needed employees to personnel staffing. Public Works is asking for four, and Mr. Pudney said one is for a receptionist's position in Public Works. The assistant currently needs to update the maintenance schedules in the DUDE software and needs to be working on crews and permitting. The new building has a need for a reception assistant. Mayor Kaufman said the Council could save \$60,000 on the reflectors and eliminate 3 projects to save money.

There was further discussion regarding the roadway reflectors, Councilmember Abernethy said he counted the reflectors on Beech Mountain Parkway and how the NC DOT maintains them. They save lives. Mr. Pudney also discussed process for installation, and he said the estimate for maintenance of the reflectors is approximately 10 - 15 % per year. These costs are only for non -state roads as the NC DOT maintains their roads. Councilmember Melang said roadway reflectors work. Vice Mayor Accardi

supported this program, and the general consensus was to include this in the budget. In response to Vice Mayor Accardi's question, Mr. Pudney stated that the DOT will pay for their rights-of-ways and the budget is for the Town's roadways.

There was a general consensus agreement to postpone the old Public Works building renovation. The security cameras and dispatch monitoring system were discussed. The TDA can fund the security camera installations.

Mayor Kaufman pointed out the costs for paving of the parking lot was removed at \$5,500 and there is also savings for not doing the drill press out of the construction budget. There was a consensus for needing the additional personnel at Public Works, just not the exact number yet.

Mr. Pudney said Finance proposed to move the appearance specialist, Susie Kneпка's position from Administration to Parks and Recreation's department salary. She does not want to do install the holiday and Christmas lights as she transitions to retirement so the Parks and Rec personnel will be trained, and Susie will assist them with decorations and planting. He pointed out the Greenway and Wynn Park beautification are complete, so no additional dollars are needed.

The addition building inspector position is requested, as the Building Department is processing over 100 permits since the first of year. This growth rate and 100% increase of new construction and renovation construction reflects the real estate market. Staff needs another full-time position to keep up. Mr. John Merritt, the Town's Architect is part-time and is designing projects for the Town. The zoning and inspections departments in Watauga and Avery counties are experiencing the same increases. We have a need for another full-time building inspector.

Next Mr. Pudney addressed the Public Works administrative support specialist position. The existing person should be processing the DUDE records and maintenance management system, instead that person is taking complaints and scheduling crews. A new receptionist is requested for this, as the maintenance records and equipment management, planning, and reporting needs to be completed, therefore a new receptionist position is proposed in the budget for Public Works as well as a maintenance right-of-way crew for Public Works.

Because we have additional facilities such as three new bathrooms, new playgrounds and outdoor programs, the Recreation Department needs to perform more maintenance and an additional personnel position is requested. We anticipate losing the Emerald Outback trails systems and there are miles of new trails proposed to be built. Currently there are three outdoor specialists. They are building the Fork trail and an added position (one) is requested.

Sanitation Department, although this is a different fund, Staff has proposed 5 or 6 people depending on council's discretion.

Mayor Kaufman requested a consensus to move the position of the 'appearance specialist' from Administration Parks and Recreation and there was approval for this change. Mr. Pudney pointed out on page 40 the new building inspector highlighted in yellow and he said we are looking for someone who is standard certified.

There was a general consensus to hire the Public Works receptionist and Mr. Pudney stated the administrative assistant would receive a salary pay increase as that will be a promotion for the current employee to perform the state reporting for the utilities and technical filling. Councilmember Melang suggested we begin by hiring two additional Public Works right-of-way crew employees, to which Councilmember Abernethy said we should budget for three only hire two to see if we need the third and this includes the equipment that is requested. There was a general consensus from Council to budget for three and hire two workers and including the requested equipment. Council agreed to hiring another Parks and Recreation outdoor trail construction crew member. Mayor Kaufman said the Sanitation department hires must be reserved until Council decided how the Commercial Sanitation operation would be voted.

Employee benefits discussion ensued regarding employee pay and health insurance. Mr. Pudney noted that last year a combination of bonus and merit increases as per department employee evaluations were implemented. The big issue is dependent care health benefits. Mr. Pudney reviewed that last year staff formed the employee health insurance committee. The committee results were surveyed, and employees were concerned that we maintain and keep the current stable plan and not change it and that any increase in costs be between 35-40 % to the employee, and be implemented in incremental increases over a three (3) year period.

Mr. Pudney stated that employee healthcare remained constant and due to our claim ratio was very good, the health insurance premiums did not increase this year. Last year we saw a 2% increase by the provider. We implemented the Health and Wellness Assessment program, and employees were tasked with monitoring themselves to keep costs down. Our loss rate is based on the employee pool, they kept the premiums down so costs to the taxpayer has not changed. Mr. Pudney proposed that dependent health care, which is either the spouse, children, or the family, dependent insurance coverage, include a 13% increase per year. He suggests this 13% increase be implemented over the next three years.

Mayor Kaufman called for a discussion and Councilmember Gonyea agreed that this would be a fair compromise. Councilmember Abernethy said even at 35%, this is a Cadillac program, and he is proposing an aggressive increase. He agrees it should be 30% increase over 3 years. Councilmember Melang said people drive up here to come to work and benefits are the incentive. Vice Mayor Accardi inquired as to the employees' reaction, to which Mr. Pudney said the consensus by the employee committee was for a 35% increase spread out over 3 years. He suggested a 13% increase this year. There was further discussion regarding the percentages and the difference for 3 years.

Mr. Pudney stated that there was a proposed 2% COLA increase and a 1-3% merit or bonus salary increase. Mr. Pudney said a bonus is a one-time payment to staff, whereas a merit increase is towards an employee's retirement and towards a salary gain. Councilmember Abernethy said he is opposed to a merit or bonus program as this is spent taxpayers' dollars.

Vice Mayor Accardi asked if there was not a Christmas bonus to which Mr. Pudney said there is, but this is different. He said government is different from private enterprises. A government worker has no ability to move vertically in paygrade promotions. We provide salary increases through the Council approved budget process for incentives and we are bound by this structure.

After further discussion Councilmember Gonyea said she agreed there should be no merit pay, to which there was a general consensus by all of Council to a bonus payout of 1-3% range based on an employee's performance evaluation.

Sanitation and solid waste discussion followed, whereas Mr. Pudney said an increase of 100% to dispose of the garbage in the Watauga landfill. He explained the procedure changes made and options we have moving forward. We have asked for additional personnel and smaller waste trucks for curbside pick-up and to go to two times per week for residential curbside pick-up which means more crews and personnel.

The new Public Works facility procedures and commercial business discussion followed. Mr. Pudney noted the contract with subcontractors is being worked on as to the specifics of an agreement or we could move forward with the town providing commercial service collections or no service to commercial businesses at all to reduce tonnage to the Convenience Center. Short-term rentals must have metal bear proof containers and smaller multi-family are required to have bear proof bins. The larger multi-family categorized as commercial and will be required to have dumpsters.

The new Convenience Center facility operation hours were discussed. The sanitation enterprise fund is paid for by the rates. The center is currently operating at 7 days a week and 12 hours a day. We propose cutting the operating hours which cuts personnel scheduling. Mr. Pudney explained how the new operation needs more personnel to man the site and there is not enough staff. We must have a two staff members at the new center while it is open. All solid waste goes into the compactors. He further explained this process.

Councilmember Abernethy agreed the operation should reduce to 5 days a week and reduce the operating hours per day. Mr. Davis explained those parameters in place in the new facility and for implementation of the new process. New requirements for dumpster bins could be implemented in 4 months. A further breakdown of the timeline was suggested which the Mayor acknowledged can be fully in place by Labor Day of this year after adoption of the ordinance. Mr. Pudney will continue to work on the contract terms with

Republic Enterprises. If the town provides the service, the cost will be so high no businesses will choose to engage the town said Mr. Pudney.

He said Banner Elk has a franchise agreement with Republic. Seven Devils does not collect garbage. Sugar Mountain does not collect commercial, only residential and Boone is the same. There are a number of businesses that currently have dumpsters and plus their employees bring garbage to the Convenience Center such as the resort. An analysis was performed and currently businesses pay the town more for example, some multi-family units pay the town for the equivalent of ten dumpsters but they may only use two. In which case, the town makes money.

There was a lengthy question and answer period and Councilmember Melang said she was not in favor of Town commercial garbage pickup, to which Councilmembers Abernethy, Gonyea, and the Mayor agreed. Vice Mayor Accardi still had questions regarding commercial garbage service. Mayor Kaufman said the town should be out of the commercial garbage business.

Mr. Pudney stated he will still work towards the A plan for a franchise agreement with a contractor.

Next Mr. Pudney addressed the Public Works Water Utility. He reviewed the status of the water well and drilling for water. He updated the different well statuses. One well provided good water capacity at approximately 100,000 gallons of water a day. The second well was no good and the third has not started yielding yet and is still being assessed. To budget for a fourth well site contingent upon 3rd well doing well. this is the most cost effective treat it and add to the system.

There was an issue at Buckeye Lake where we missed our permit minimum release requirement and were in violation of that permit. In January staff changed how the treatment plant was operating and those costs are reflected in the budget. The service line replacement project is on-going, and the Watauga River Intake project is a political issue. We will continue to pursue however, and staff are now reviewing land acquisition for the project. We are working with the county commissioners currently and will continue to do so.

The Lake Coffey/ Lake Santis project will increase the water capacity. This project is estimated at 10-million dollars to fund the project. Mr. Pudney said it is feasible and we met with the water committee last week. The committee reviewed permitting and engineering, these are all realistic to accomplish. The information is included in the budget. The project has moved forward to the State for the Division Engineer's input. We are looking at USDA loan and an RFP for an engineer will go out to bid. This project has been input into our First Tryon program and this information plugged into the model along with the Watauga Water Intake project allows staff to project financing costs into the future.

The energy costs to operate the Watauga Intake per gallon is extremely expensive. Generating water to flow up the mountain for operation takes

energy. Lake Coffey Lake Santis will not be as expensive to run. Approximately \$100,000 per year to operate which is substantially less to operate than the Watauga River Intake. That is approximately 1 million dollars a year to operate.

Mr. Pudney brought up the Capital Fund needs versus the Utility Fund Outlay. Utility Fund Outlay is paid for through fees. He further explained the service lines costs and the cost to contract out was discussed. We predicted a lot of little leaks which are steady, and we have found those leaks. This will allow us to perform more service line replacements at cost of \$255,000. Mr. Pudney explained that the quote was for replacing 150 lines we think that there will be approximately 100 more service lines that get replaced this year. The general consensus from Council was to continue to replace 150 service lines this year in-house.

The Watauga River Intake needs an intermediate pump station at the halfway mark, in order for that to be installed we need to purchase the land. Parcels have been identified. Purchase agreements would be discussed in closed session. We would need contracts in place for the future project for 3 to 5 years. We have a locked in sale price and that agenda item detail is for closed session.

There was further question and answer period regarding the eventual closure of sled hill #1, sled hill #2 improvements, fencing, and procedures, parking, specifications, and situations surrounding the sled hill. Mr. Pudney said Staff will analyze solutions such as negotiated leases with adjacent property owners for access and to work on a parking area proposal. We have asked the TDA to fund sled hill #2 as this is a huge draw for visitors. The TDA is receptive to funding the sled hill.

Mayor Kaufman noted that Council would need to decide regarding sled hill #1 in order to budget and plan a transition. He suggested this item be moved to the May 19th meeting. Councilmember Abernethy disagreed on the sled hills. He said we should not be enlarging it. The resort spends millions of dollars and the town has free hills which takes business away from the resort. The resort as a major taxpayer and he is opposed to the sled hill as it competes. Mayor Kaufman said other businesses approve of the sled hill as this is a draw and attraction to businesses.

On May 19th, Mr. Pudney said he will return with a further detailed suggestion for sled hill #1.

Lastly Mr. Pudney reviewed Council's directive for an EMS Station on the mountain. He said he has begun working with both counties and their proposals are approximately \$400,000 per year. So, the town's costs are both about same with working with either Watauga or Avery counties. Mr. Pudney stressed it is extremely important for Council to decide if we are to move forward, as it is not in the budget. We need a decision in order to budget the funding as to how we are going to pay for a station. Councilmember Abernethy was in favor and said we need to proceed as patients must wait up to an hour for EMS response. It is a public safety issue so we should find the \$400,000 and implement an EMS station on the mountain. Mayor Kaufman said the

resort should be a part of the funding as it is the biggest reason for the need. Councilmember Gonyea said we have to do it as the population growth requires the on-site station.

Mr. Pudney said that 8% of Fire Department calls are for EMS services and the resort could share in those costs. Councilmember Abernethy said the Beech Club should participate, to which Vice Mayor Accardi agreed since the Club will use the service. Mr. Pudney stated we will proceed with the funding scenario for an EMS Station.

Mayor Kaufman requested a motion to modify the budget calendar for posting the proposed draft budget on Monday April 26, 2021.

Motion

Kelly Melang made a motion to recess for lunch at 12.02 p.m. and Council re-convened at 12:40 p.m. and Erin Gonyea seconded the motion. CARRIED. unanimously.

- 6.2.** Mayor Kaufman requested a motion to change the date for posting the draft annual budget to Monday, April 26, 2021.

Motion

Kelly Melang made a motion to post the draft Annual Budget for FY: 2021-2022 on Monday, April 26, 2021 and Erin Gonyea seconded the motion. CARRIED. unanimously.

7. ADJOURNMENT

- 7.1.** At 2:20 p.m., there being no further business, Mayor Kaufman requested a motion to adjourn.

Note: these are not a verbatim record of the work session.

Motion

Weidner Abernethy made a motion to adjourn, and Erin Gonyea seconded the motion. CARRIED. unanimously.

Town Clerk

Mayor, Town of Beech Mountain



COUNCIL ACTION ITEM

TO: Beech Mountain Town Council
FROM: Steve Smith
DATE: June 8, 2021
SUBJECT: 144 Wild Daisy Ln. Sale of real property

FOR THE PURPOSE OF:

The Beech Mountain Town Staff has determined that it would be beneficial to the tax payers of Beech Mountain to sell the parcel known as 144 Wild Daisy Ln, tax id# 1950660441000. To satisfy N.C.G.S. 160A-270, bids have been obtain through the internet auction platform GovDeals.com and a high bid for 144 Wild Daisy Ln must be accepted or rejected by the Town Council. High bid for 144 Wild Daisy Ln is \$17,000.00

ATTACHED FOR YOUR CONSIDERATION:

General Warranty Deed
GovDeals notification of bid results

FINANCIAL IMPLICATIONS:

Realization of proceeds and property returns to taxable status.

GENERAL IMPLICATIONS:

Increase in overall town property valuation.

STAFF RECOMMENDATION:

Accept high bid

SIGNATURES:

Town Manager

Town Clerk

FILED
WANDA C. SCOTT
REGISTER OF DEEDS
97 JUN 18 AM 10:02
BY: Amyg Skoor
DEPUTY
WATAUGA COUNTY, NC

3K 04148375

Excise tax

Recording Time, Book and Page

Mail after recording to: GRANTEE

This instrument was prepared by: David R. Palotta, Attorney at Law, P.O. Box 541, Boone, NC 28607.

Brief description for the index

HH-262

NORTH CAROLINA GENERAL WARRANTY DEED (GIFT)

THIS DEED made this 2 day of May, 1997, by and between

GRANTOR

GRANTEE

John Roberts Murdock, Jr. (widower)

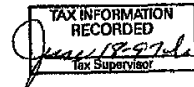
✓ Town of Beech Mountain
403 Beech Mountain Parkway
Beech Mountain, NC 28607

Enter the appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Watauga County, North Carolina and more particularly described as follows:

BEING all of Lot 262 of the Hemlock Hills Section of BEECH MOUNTAIN subdivision of Carolina Caribbean Corporation, as shown on map recorded in the office of the Register of Deeds of Watauga County, North Carolina, in Map Book 8 at Page 1.



BK 0414 PG 376

The property hereinabove described was acquired by Grantor by instrument recorded in Book 166, Page 414, Watauga County Registry.

The map showing the above described property is recorded in Plat Book _____.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

(Corporate Name)

John Roberts Murdock, Jr. (SEAL)
John Roberts Murdock, Jr.

By: _____
President

(SEAL)

Attest:

(SEAL)

Secretary (Corporate Seal)

(SEAL)



NORTH CAROLINA, Gaston County.

I, a Notary Public of the County and State aforesaid, certify that JOHN ROBERTS MURDOCK, JR, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 2 day of May, 1997.

My commission expires: 5-12-2001 Shannon L. McSwain Notary Public

SEAL-STAMP

NORTH CAROLINA, _____ County.

I, a Notary Public of the County and State aforesaid, certify that _____ Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this _____ day of _____, 1997.

My commission expires: _____ Notary Public

NORTH CAROLINA WATAUGA COUNTY

The foregoing Certificate(s) of Shannon L. McSwain, Notary Public, Gaston County, NC.....

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and page shown on the first page hereof.

Wanda C. Scott

REGISTER OF DEEDS FOR Watauga

COUNTY

By Amy G. Shook Deputy ~~Register~~ - Register of Deeds

Steve Smith

From: Whitney Spagnolo
Sent: Friday, May 28, 2021 1:08 PM
To: Steve Smith
Subject: FW: GovDeals Seller's Certificate: 80-0528211303-327

Whitney Spagnolo
Town of Beech Mountain
Public Works and Utilities
510 Beech Mountain Pkwy.
Beech Mountain, NC 28604
wspagnolo@townofbeechmountain.com
Office 828-387-9282

Pursuant to North Carolina General Statutes, Chapter 132, Public Records, this e-mail and any attachments, as well as any e-mail messages(s) that may be sent in response to it, may be considered public records and therefore are subject to public records requests for review and copying.

From: ClientServices@govdeals.com <ClientServices@govdeals.com>
Sent: Friday, May 28, 2021 1:05 PM
To: Whitney Spagnolo <wspagnolo@townofbeechmountain.com>
Subject: GovDeals Seller's Certificate: 80-0528211303-327

Congratulations, Beech Mountain, NC has sold another item on the GovDeals Auction Server.

BUYER (#2426220)		SELLER (#327)	
Name:	ricky bullard	Agency:	Beech Mountain, NC
Company:	bullard,ricky	Contact:	Whitney Spagnolo
Title To:	ricky bullard	Phone:	828-387-9282
Phone:	561-723-4174	Email:	wspagnolo@townofbeechmountain.com
Email:	rickybull21@gmail.com	Address:	403 Beech Mountain Pkwy Beech Mountain, NC 28604-8012
Address:	1095 NE Oceanview Cir Jensen Beach, FL 34957-3711		

ITEM INFORMATION FOR ASSET ID: 80

Item:	LOT 262 HEMLOCK HILLS (144 WILD DAISY LN)		
Pick Up Location:	403 Beech Mountain Pkwy, Town Hall, Beech Mountain, NC 28604-8012		
Inventory ID:	PARCEL ID #: 1950-66-044-1000	Account ID:	327
Condition:	Used/See Description	Quantity:	1 each
Make/Brand:	Not Provided	Model:	Not Provided
VIN/Serial:	Not Provided	Model Year:	Not Provided
Meter:	Not Provided	Title Restrictions:	Not Applicable

Date	Item		Amount
28 May 2021 01:03 PM ET	LOT 262 HEMLOCK HILLS (144 WILD DAISY LN)		USD \$17,000.00
	Buyer's Premium	12.50%	USD \$2,125.00
		Total	USD \$19,125.00

Payment Instructions:

Wire Transfer is the only payment option for this item. The Wire Transfer Transaction Summary page will provide payment and account information. The Wire Transfer must be completed within 5 days unless otherwise specified below.

PAYMENT MUST BE MADE ONLINE-- To make online payment, Log into your Liquidity Services account and select "My Bids". Please follow the instructions there.

Payment in full is due not later than five (5) business days from the time and date of the close of the auction. Payment must be made electronically via the payment methods listed below.

TAX CALCULATION & EXEMPTIONS

TAX CALCULATION: Sale Tax, where applicable, will be calculated and added at the end of the auction.

TAX EXEMPTION: Where taxes are applicable (see the Buyer's Certificate), Tax Exempt documents must be provided to Bidder Services at tax@govdeals.com within 24 hours of the auctions close and before payment is made. Bidders are encouraged to submit their Tax Exempt Documentation prior to the Auction's close to expedite this process. Please contact Bidder Services for all tax exemption questions.

Removal Instructions:

Removal. All items must be removed within 10 business days from the time and date of issuance of the Buyer's Certificate. Purchases will be released only upon receipt of payment as specified. Successful bidders are responsible for loading and removal and any and all property awarded to them from the place where the property is located as indicated on the website and in the Buyer's Certificate. The Buyer will make all arrangements and perform all work necessary, including packing, loading and transportation of the property. Under no circumstances will Town of Beech Mountain assume responsibility for packing, loading or shipping.

Property may be removed between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday, excluding legal holidays. For additional information, please contact Daniel Davis, Dept. of Infrastructure, (828) 387-9282 or via email at BMUS@townofbeechmountain.com to schedule an inspection. A daily storage fee of \$10.00 may be charged for any item not removed within the 10 business days allowed and stated on the Buyer's Certificate.

Special Instructions:

NOTICE: If you are the winning bidder and default by failing to adhere to this sellers terms and conditions your account with Liquidity Services WILL BE LOCKED.

Guaranty Waiver. All property is offered for sale "AS IS, WHERE IS." (Seller) makes no warranty, guaranty or representation of any kind, expressed or implied, as to the merchant-ability or fitness for any purpose of the property offered for sale. Please note that upon removal of the property, all sales are final.

Description Warranty. Seller warrants to the Buyer that the property offered for sale will conform to its description. Any claim for mis-description must be made prior to removal of the property. If Seller confirms that the property does not conform to the description, Seller will keep the property and refund any money paid. The liability of the seller shall not exceed the actual purchase price of the property.

<https://www.govdeals.com/TsandCs.cfm?acctid=327>

<https://www.govdeals.com/TsandCs.cfm?acctid=327>

Description:
>TOWN WATER AND SEWER SERVICE CONNECTIONS AVAILABLE
>ALL CLOSING COSTS INCLUDING DEED TRANSACTIONS ARE TO BE PAID BY THE BUYER
Lot is roughly .38 Acres/16553 Sq. Ft. See attached PDF for additional information.
All winning bids are subject to approval by the Town Council.

Pursuant to North Carolina General Statutes, Chapter 132, Public Records, this e-mail and any attachments, as well as any e-mail messages(s) that may be sent in response to it, may be considered public records and therefore are subject to public records requests for review and copying.



COUNCIL ACTION ITEM

TO: Town Council
FROM: Steve Smith
DATE: June 8, 2021
SUBJECT: Vehicle & Equipment Financing Proposal

FOR THE PURPOSE OF:

Beech Mountain staff reached out to our preferred banking partner for a quote on financing a number of items proposed in the FY 2022 budget and received back very favorable terms for the financing of \$920,000. Truist Bank has proposed on the amount of \$920,000 to either five years @ 1.27% or seven years @ 1.61%. The amount of \$920,000 is overstated by approximately \$16,000 due to an uncertain economic and inflationary outlook of the economy. Unused financing funds may be returned to the bank as a early payment.

ATTACHED FOR YOUR CONSIDERATION:

Truist Bank Proposal
Financing Resolution
Vehicle and Equipment Listing to be financed

FINANCIAL IMPLICATIONS:

Taking advantage of very favorable financing terms.

GENERAL IMPLICATIONS:

Proposed financing meets requirements of the NC State Treasures Local Government Commission

STAFF RECOMMENDATION:

Consider financing these items

SIGNATURES:

Town Manager

Town Clerk

**Branch Banking & Trust Company**

Governmental Finance

5130 Parkway Plaza Boulevard
Charlotte, North Carolina 28217
Phone (704) 954-1700
Fax (704) 954-1799

June 1, 2021

Mr. Steve Smith
Town of Beech Mountain, NC
403 Beech Mountain Pkwy
Beech Mountain, NC 28604

Dear Mr. Smith:

Truist Bank ("Lender") is pleased to offer this proposal for the financing requested by the Town of Beech Mountain, NC ("Borrower").

PROJECT: Vehicles & Equipment

AMOUNT: \$920,000.00

TERM: 5 years
7 years

INTEREST RATE: 1.27% (5 year option)
1.61% (7 year option)

TAX STATUS: Tax Exempt – Bank Qualified

PAYMENTS: Interest: Annual
Principal: Annual

**INTEREST RATE
CALCULATION:** 30/360

SECURITY: Vehicles and Equipment

**PREPAYMENT
TERMS:** Prepayable in whole at any time without penalty

**RATE
EXPIRATION:** July 16, 2021

**DOCUMENTATION/
LEGAL REVIEW
FEE:** N/A

FUNDING: Proceeds will be deposited into an account held at Lender pending disbursement unless equipment is delivered prior to closing.

DOCUMENTATION: Lender proposes to use its standard form financing contracts and related documents for this installment financing. We shall provide a sample of those documents to you should Lender be the successful proposer.

The financing documents shall include provisions that will outline appropriate changes to be implemented in the event that this transaction is determined to be taxable or non-bank qualified in accordance with the Internal Revenue Service Code. All documentation must be deemed appropriate by Lender before closing.

REPORTING

REQUIREMENTS: Lender will require financial statements to be delivered within 270 days after the conclusion of each fiscal year-end throughout the term of the financing.

Should we become the successful proposer, we have attached the form of a resolution that your governing board can use to award the financing to Lender. If your board adopts this resolution, then Lender shall not require any further board action prior to closing the transaction.

Lender shall have the right to cancel this offer by notifying the Borrower of its election to do so (whether this offer has previously been accepted by the Borrower) if at any time prior to the closing there is a material adverse change in the Borrower's financial condition, if we discover adverse circumstances of which we are currently unaware, if we are unable to agree on acceptable documentation with the Borrower or if there is a change in law (or proposed change in law) that changes the economic effect of this financing to Lender.

Costs of counsel for the Borrower and any other costs will be the responsibility of the Borrower.

The stated interest rate assumes that the Borrower expects to borrow no more than \$10,000,000 in the current calendar year and that the financing will qualify as qualified tax-exempt financing under the Internal Revenue Code. Lender reserves the right to terminate this bid or to negotiate a mutually acceptable interest rate if the financing is not qualified tax-exempt financing.

We appreciate the opportunity to offer this financing proposal. Please call me at (803) 413-4991 with your questions and comments. We look forward to hearing from you.

Sincerely,

Truist Bank



Andrew G. Smith
Senior Vice President

Resolution Approving Financing Terms

WHEREAS: The Town of Beech Mountain, NC (“Borrower”) has previously determined to undertake a project for the financing of various vehicles and equipment (the “Project”), and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The Borrower hereby determines to finance the Project through Truist Bank (“Lender”) in accordance with the proposal dated June 1, 2021. The amount financed shall not exceed \$920,000.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed ____%, and the financing term shall not exceed ____ years from closing.
2. All financing contracts and all related documents for the closing of the financing (the “Financing Documents”) shall be consistent with the foregoing terms. All officers and employees of the Borrower are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Borrower officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.
4. The Borrower shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Borrower hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).
5. The Borrower intends that the adoption of this resolution will be a declaration of the Borrower's official intent to reimburse expenditures for the Project that are to be financed from the proceeds of the Lender financing described above. The Borrower intends that funds that have been advanced, or that may be advanced, from the Borrower's general fund or any other Borrower fund related to the Project, for project costs may be reimbursed from the financing proceeds.
6. All prior actions of Borrower officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this _____ day of _____, 2021

By: _____

By: _____

Title: _____

Title: _____

SEAL



Resolution

Town of Beech Mountain
North Carolina

Date: 6/8/2021

**RESOLUTION APPROVING FINANCING TERMS THROUGH TRUIST BANK
FOR \$920,000 FOR CAPITOL PROJECT EQUIPMENT AND VEHICLES
RES. NO. 2021-05**

WHEREAS: The Town of Beech Mountain, NC ("Borrower") has previously determined to undertake a project for the financing of various vehicles and equipment (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The Borrower hereby determines to finance the Project through Truist Bank ("Lender") in accordance with the proposal dated June 1, 2021. The amount financed shall not exceed \$920,000.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed _____%, and the financing term shall not exceed _____ years from closing.
2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Borrower are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Borrower officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.
4. The Borrower shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Borrower hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. The Borrower intends that the adoption of this resolution will be a declaration of the Borrower's official intent to reimburse expenditures for the Project that are to be financed from the proceeds of the Lender financing described above. The Borrower intends that funds that have been advanced, or that may be advanced, from the Borrower's general fund or any other Borrower fund related to the Project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of Borrower officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this 8th day of June, 2021

By: _____ By: _____

Title: _____ Title: _____

SEAL

Town of Beech Mountain
Vehicle & Equipment Listing to be included in financing
List is derived from FY 2022 Budget Planning Document

General Fund

New Patrol vehicle and equipment upfit	41,879.00
Half Ton pickup truck	35,000.00
Truck, Trailer and Small Excavator	155,000.00
Used Wheel Loader	125,000.00
Small Tractor ROY	22,000.00
New F250 to replace 2009 F250 car 24	35,000.00
Replace Jeep Liberty	35,000.00

Utility Fund

New F-150	\$50,000
F-550 4x4 with interior Duty bed	\$90,000

Sanitation

New Cable Truck	200,000
New Small Compactor Trucks	115,000

903,879.00



ORDINANCE

TO: Mayor & Town Council
FROM: Bob Pudney
DATE: June 8, 2021
Ordinance No. 2021-02 for Solid Waste Commercial Collection to
SUBJECT: Republic Services

FOR THE PURPOSE OF:

Ordinance to grant a franchise for solid waste commercial and industrial container collection to Republic Services, INC. to promote general welfare of the citizens.

SIGNATURES:

Town Manager

Town Clerk



Ordinance

Town of Beech Mountain
North Carolina

Date: 6/8/2021

**ORDINANCE GRANTING FRANCHISE AGREEMENT FOR SOLID
WASTE COLLECTION FOR COMMERCIAL AND INDUSTRIAL CONTAINERS TO
REPUBLIC SERVICES, INC.**

Ordinance Number 2021 - 02

WHEREAS, G.S. 160A-319 empowers the Town of Beech Mountain to grant a franchise for solid waste collection and disposal systems and facilities;

WHEREAS, in order to promote the general welfare of the citizens of the Town of Beech Mountain and the sanitation of the Town of Beech Mountain in the most economical fashion, a nonexclusive franchise for the provision of specialized bear-resistant large bulk containers and pick-up of bear-resistant commercial and industrial bulk containers by emptying said containers and hauling the contents to landfills for dumping should be granted due to the inability of the trucks owned by the Town of Beech Mountain to easily empty those containers;

NOW, THEREFORE, BE IT ORDAINED BY THE Town Council of the Town of Beech Mountain that, Republic Services, Inc. hereinafter referred to as the REPUBLIC, is hereby granted by the Town of Beech Mountain, hereinafter referred to as the TOWN OF BEECH MOUNTAIN, a nonexclusive franchise, hereinafter sometimes referred to as the Agreement, for the sale and rental of bear-resistant commercial and industrial bulk containers within the Town of

Beech Mountain and upon Town owned property as may be approved by the Town in writing prior to its installation and use under this Agreement for solid waste collection for commercial and industrial bulk containers within the Town of Beech Mountain and upon Town of Beech Mountain owned property, subject to the following terms and conditions:

1. That for the purpose of this Agreement, the following words and phrases shall have the following meanings:

Bulk Containers - A metal container of not less than two (2) cubic yards nor more than sixty (60) cubic yards, designed to hold solid waste, be of all steel construction, and be designed to be bear resistant. Containers must display, in a highly visible area, Republic's name and local telephone number. Bulk containers includes those to be serviced by the use of roll-offs or compactors or any other service method.

Garbage - Organic waste matter, both animal and vegetable, from houses, kitchens, restaurants, hotels, hospitals, etc., comprised chiefly of waste food. Such term does not include moisture that may be drained in the sewer.

Refuse - Ashes, tin cans, dirty rags, trash, house sweepings, shavings, bottles, and other rubbish.

Sanitary Landfill - An EPA-approved Subtitle D sanitary landfill where solid waste is disposed of in a sanitary manner without creating nuisances or hazards to public health or safety by utilizing the principals of engineering to confine the solid wastes to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of compacted earth at the conclusion of each

day's operation or at such more frequent intervals as may be necessary.

Solid Waste - Garbage and refuse.

Solid Waste Collector - Any person who collects or transports solid waste.

2. That the territory covered by this Agreement shall be the territory which is presently, or by annexation will be, within the corporate limits of the Town of Beech Mountain, together with any municipally owned or occupied property outside the corporate limits of the Town of Beech Mountain, and specifically apply to those bear-resistant bulk containers allowed and approved by the Town of Beech Mountain. It is intended that the Town of Beech Mountain shall continue to operate its municipal solid waste removal services, and this nonexclusive franchise shall be for bear-resistant bulk containers as deemed appropriate by the Town of Beech Mountain. This Franchise shall not prohibit the Town of Beech Mountain from operating its own collection service or entering into other franchise agreements as it may deem appropriate.

3. This franchise shall continue for a period of time commencing on the 1st day of July, 2021 and ending on the 30th day of June, 2024, and may renewed by affirmative vote of the Town Council for the Town of Beech Mountain for additional one (1) year periods on the terms stated herein.

4. Republic shall clean, repair or replace a container rented or leased from it within twenty-four (24) hours from the receipt of notice from the Town of Beech Mountain of the need for such action. If Republic fails to do so, the Town of Beech Mountain shall have the right to revoke the franchise. Republic may recover from any person, firm or corporation which rents or leases a container

from said an amount which represents the cost to Republic for cleaning, repairing or replacing said container.

5. The owner of the containers will be responsible for the maintenance and repair of the containers. Maintenance and repair is defined as being washed out and cleaned and periodically repainted, repaired with new lids and doors as necessary and replaced with containers of same size and type when necessary to ensure public health and welfare of the customers.

6. Republic shall provide solid waste collection services for all commercial and industrial bulk containers within the territory covered by this Agreement, said services to include the furnishing of all necessary labor, vehicles, and equipment, in order to collect the garbage and refuse at the sites of the bulk containers and removal of said garbage and refuse to landfills. Republic shall have the right to terminate service to any establishment for non-payment of charges. Republic shall file with the Town of Beech Mountain on a monthly basis a list of all establishments to which services have been terminated.

7. Republic shall provide the Town of Beech Mountain with schedules of collection routes and locations of all containers placed by Republic for rent, lease, or sale no later than the 10th day of November of each year of the franchise and shall keep such information current. In the event of changes in routes or schedules that will alter the day of pick-up, Republic will be responsible for notifying and obtaining approval of the Public Works Director of the Town of Beech Mountain.

8. Republic shall, at its sole cost and expense, fully indemnify, defend and save

harmless the Town of Beech Mountain, its officers and employees against any and all actions, liability, judgments, executions, claims or demands; for any loss, cost, expense, and damages, including reasonable attorney's fees, arising out of Republic's exercise or enjoyment of this franchise, irrespective of the amount of the comprehensive liability policy required hereunder, and shall act in accordance with the Municipal Materials Management Agreement signed by Republic and the Town of Beech Mountain.

9. Republic shall, during the periods of this franchise, provide a local telephone access available to the public for a minimum of forty (40) hours per week during regular business hours to answer questions and receive complaints; and Republic will handle all complaints within twenty-four (24) hours from time of notification; and that Republic will provide the Town of Beech Mountain with a telephone number whereby Republic can be reached at all times; and that Republic shall maintain a daily log on all incoming telephone calls and complaints otherwise communicated and the disposition of each; and that the daily log will be available for inspection at any time by the Town of Beech Mountain or its duly authorized representatives.

10. The placement of containers on the property of establishments in the Town of Beech Mountain will be approved by the Public Works Director of the Town of Beech Mountain and all containers sold, rented, or leased by Republic must be approved by the Public Works Director as to design, quality and capacity, to the end that users will be furnished with containers adequate to the garbage and refuse produced by such user. It is distinctly understood and agreed upon that all

containers sold, leased, or rented by Republic which are equipped with a side door shall have sliding doors with a stop.

11. Republic shall furnish collection services to all establishments covered by the terms of this Agreement, a minimum of one (1) time per week, unless a greater frequency is requested either by the establishment receiving the service or the Public Works Director.

12. Republic shall maintain with the Town of Beech Mountain a current list showing the size, age, make, serial number and identification number of all vehicles which will be or are being used 'to perform Republic's services under this Agreement, and to make those vehicles available for inspection by the Town of Beech Mountain.

13. Republic shall promptly settle any and all disputes between Republic and its customers or the furnisher of the bulk containers. In the event of an irreconcilable dispute, Republic shall submit the dispute to the Public Works Director of the Town of Beech Mountain for determination of the dispute. His determination shall be binding on Republic unless either party appeals his decision to the Town Council. Written notice of an appeal must be submitted to the Town Clerk within three (3) days after the parties are notified of the Public Works Director's decision. In the event of an appeal to the Town Council, the Town Council's decision shall be binding on Republic. In any event, the Town Council of the Town of Beech Mountain has sole authority to terminate this contract on behalf of the Town of Beech Mountain.

14. It is understood and agreed that the nature of the performance under this

Agreement is such that time is of the essence and events of default and/or major breach of this Agreement by Republic in performance resulting in immediate termination of this contract are:

A) Substantial failure to perform for a period of one week when the failure to perform the scheduled service to the Town of Beech Mountain customer is not caused by an act beyond the control of Republic, such acts of God, war, public enemy, civil commotion, riot, insurrection, or any similar act beyond the control of Republic which renders impossible the performance of this Agreement.

B) The filing by Republic of a voluntary petition in bankruptcy or the failure of Republic promptly to lift or suspend any execution, garnishment or attachment of such consequence as will impair the ability of Republic to perform under the Agreement, or the commission by Republic of any act of bankruptcy or the adjudication of Republic for the benefit of his creditors under the provisions of the Federal Bankruptcy Act, as amended or under any similar act which may be hereinafter enacted.

In the event of any lesser breach of this Agreement or unsatisfactory performance on the part of Republic, the Town of Beech Mountain may give Republic written notice of the nature of the breach or unsatisfactory performance and demand its correction and if Republic does not within forty-eight (48) hours of receipt of such notice correct the condition causing the breach, the Town of Beech Mountain may terminate this contract by giving written notice to Republic on or prior to the 30th day of said month after the Town of Beech Mountain Council has approved its termination.

15. Republic shall conduct operations in compliance with all applicable laws.

16. Republic shall not, in the performance of this Agreement, discriminate against any employee or applicant for employment because of race, color, creed, national origin or ancestry and shall provide the Town of Beech Mountain with a copy of Republic's Non-Discrimination Policy prior to the activation of this franchise.

17. Should any provision in this Agreement be held invalid by any court of competent jurisdiction, such invalidity shall not affect any other provisions hereof.

18. This Agreement shall be binding on the parties, their successors and assigns. This Agreement, however, as to Republic, may not be sold, assigned or transferred in any manner whatsoever, voluntary or involuntary, or by operation of law, without the prior written consent of the Town of Beech Mountain. Republic shall provide to the Town of Beech Mountain any requested information necessary to show that a proposed assignee has the equipment, expertise and financial resources to be able to complete all of the terms of this Agreement.

19. The rights of Republic for the period of this franchise shall not be exclusive and during such period the Town of Beech Mountain may grant a similar franchise. This franchise is adopted by the parties in good faith and in the event it should be determined by any court of competent jurisdiction that this franchise is an ultra vires act by the Town of Beech Mountain, Republic agrees that no action shall be taken against the Town of Beech Mountain for damages.

20. It is agreed and understood by both parties that Republic will utilize an

EPA-approved Subtitle D Landfill facility for disposal and the Town of Beech Mountain will not furnish a landfill site. In the event that Republic does not utilize the Watauga or Avery County Landfill, Republic is required to report the amount of waste collected to the Watauga or Avery County Solid Waste Director.

21. That, in addition to the rates and charges permissible as described above, Republic may charge to each commercial and industrial establishment utilizing Republic's services, an amount which represents that customer's proportionate share of the charge to Republic levied by the EPA-approved Subtitle D landfill in connection with removing garbage and refuse to said landfill under the provisions of this franchise. It is understood and agreed by both parties that each customer's proportionate share cannot be determined with exactitude, but shall charge each customer, as equitably as possible, based upon the size of the bulk containers and the number of service stops. The method utilized by Republic of ascertaining the charge to each customer shall first be approved by the Public Works Director of the Town of Beech Mountain, said approval shall not unreasonably be withheld. Said method shall be reviewed by Republic and approved by the Town of Beech Mountain. In the event the approved method results in either an over-compensation or under-compensation to Republic, then the surplus or deficit shall be charged or credited to the customer.

22. Republic shall not bill any establishment for more than one (1) month in advance for services to be rendered under the provisions of this franchise. Republic's bill shall demonstrate separately the applicable charge for rental of a container, if any, for collection services, as allowed herein, and for the costs of

utilizing a landfill, as allowed above.

23. Republic shall not enter into a contract during the term of this franchise for a period longer than one (1) year with any establishment for services to be rendered under the provisions of this franchise. However, a contract may provide for automatic renewals or extensions of additional one (1) year periods only if such renewal or extension is contingent upon Republic providing the establishment with written notice by certified mail at least sixty (60) days in advance prior to the expiration of the contract of the option of the establishment to either (a) allow the automatic renewal or extension to take effect or (b) not to renew or extend the contract by advising Republic in writing of the election to not renew or extend within thirty (30) days of the receipt by the establishment of the notice from Republic.

BE IT FURTHER ORDAINED that the Mayor and Town Clerk of the Town of Beech Mountain be and are hereby authorized to execute a Franchise Agreement in accordance with the aforementioned terms and conditions for and on behalf and as the official act of the Town of Beech Mountain upon adoption of this Ordinance.

Upon motion by Councilman _____, seconded by Councilman _____, the foregoing Ordinance was adopted by the Town Council of the Town of Beech Mountain on the day of _____, 2021.

Barry Kaufman, Mayor

ATTEST:

Tamara Mercer, Town of Beech Mountain Clerk

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

By: Steve Smith, Finance Officer

Accepted upon the Agreed Upon terms as set forth above:

Republic Services, Inc.
By: _____
Title: _____

Attest:

_____(SEAL)
Corporate Secretary of Republic Services, Inc.



COUNCIL ACTION ITEM

TO: Mayor & Town Council
FROM: Bob Pudney
DATE: June 8, 2021
SUBJECT: Republic Services, INC Municipal Management Franchise Agreement
for Commercial Collection

FOR THE PURPOSE OF:

Municipal Materials Management Agreement with Republic Services, INC. and Beech Mountain for commercial container collections outlining the scope of services provided to the town to ensure the welfare of citizens.

SIGNATURES:

Town Manager

Town Clerk

MUNICIPAL MATERIALS MANAGEMENT AGREEMENT

This Municipal Materials Management Agreement (the “**Agreement**”) is made and entered into this 1st day of July, 2021 (“**Effective Date**”), by and between the Town of Beech Mountain (“**Town**”), and Republic Services of North Carolina, LLC, a North Carolina limited liability company qualified to do and actually doing business in the State of North Carolina (“**Company**”).

RECITALS

WHEREAS, Town desires that the Company provide Services as defined herein for the Location Types as set forth in this Agreement and Company desires to do so, all in accordance with the terms of this Agreement.

NOW, THEREFORE, in consideration of the promises and the mutual covenants contained in this Agreement, the parties agree as follows:

TERMS AND CONDITIONS

1. Sole and Exclusive Franchise. Company is hereby granted the sole and exclusive franchise, license, and privilege to provide for the collection and disposal of all conforming Waste Material (as defined in Exhibit A) for the following types of locations (“**Location Types**”) within the territorial jurisdiction of the Town (the “**Services**”):

Location Types

☐ Residential Units	☒ Large Commercial Units
☒ Small Commercial Units	☒ Industrial Permanent Units
☒ Municipal Facilities	☒ Industrial Temporary Units

2. Newly Developed Areas. If the Town develops new areas (of the same Location Types as designated above) within the Town’s territorial jurisdiction during the Term of this Agreement, such areas shall automatically be subject to this Agreement. The Town shall provide Company with written notification of such newly developed areas, and within thirty (30) days after receipt of such notification, Company shall provide the Services as set forth in this Agreement in such newly developed area(s). If the Town annexes any new areas that it wishes for Company to provide the Services, the Parties shall negotiate a mutually acceptable amendment to this Agreement adding such annexed areas to the scope of the Services and setting forth the rates that will apply for the Services in such area(s).
3. Scope of Services. Company shall furnish all equipment, trucks, personnel, labor, and all other items necessary to perform the Services. The Services shall not include the collection, disposal of any Excluded Waste or Waste Material located at any Location Type not designated above, or any Waste Material/Service Types not designated in any exhibit attached hereto. Company shall have a ninety (90) days implementation phase from the Effective Date of the Agreement for the start of collection services.
4. Out of Scope Services May Be Contracted for Directly with Customers. Company may provide collection and disposal service within the territorial jurisdiction of the Town for any Waste Material and/or Location Types that are outside the scope of this Agreement pursuant such terms and conditions as may be mutually agreed upon by Company and such Customers unless otherwise prohibited by law or ordinance. Such services and agreements are outside the scope of this Agreement, and this Agreement does not require such Customers to use Company for such services, but they may do so at

their discretion. The Town agrees that Company may use any information received from the Town in marketing all of its available services to the Customers located within the Town, whether included in the scope of this Agreement or not.

5. Exhibits. All Exhibits attached this Agreement are an integral part of the Agreement and are incorporated herein.

Exhibit A Specifications for Municipal Solid Waste Services

Exhibit A-1 Municipal Solid Waste Pricing

Exhibit B Code of Ordinances

Exhibit C Franchise Ordinance

6. Term. This Agreement begins on the Effective Date and expires three (3) years thereafter subject to the mutual consent of the parties, this Agreement can be renewed for two, one year periods.

7. Rates for Services; Rate Adjustments; Additional Fees and Costs.

7.1 Rates for Services. The rates for all Services shall be as shown on Exhibits A-1, subject to the rate adjustments and additional fees and costs as set forth herein.

7.2 Annual Rate Adjustments. Commencing on July 1, 2022, Company shall increase the rates for all Services effective on each anniversary of the Effective Date of this Agreement in an amount equal to the percentage increase in the Consumer Price Index for All Urban Consumers (Water, Sewer and Trash Collection Services) U.S. City Average, as published by United States Department of Labor, Bureau of Statistics (the “CPI”) in the month of February. For the CPI calculation, rates will be adjusted using the most recently available trailing twelve (12) months average CPI compared to the twelve (12) months preceding.

7.3 Change in Law Adjustments. Company may increase the rates for Services as a result of increases in costs incurred by Company due to (a) changes in local, state, federal or international rules, ordinances or regulations; (b) changes in taxes, fees or other governmental charges (other than income or real property taxes); (c) increased fuel costs in excess of \$3.00 per gallon; and (d) changes in costs due to a Force Majeure Event. Any of the foregoing cost adjustments shall be retroactive to the effective date of such increase or change in cost.

8. Invoicing; Payment; Service Suspension; Audits.

8.1 Not Used.

8.2 Invoicing the Customer Directly. Company shall invoice each individual Customer for all Small Commercial Units, Municipal Facilities, Large Commercial Units, Industrial Permanent Units, and Industrial Temporary Units Services rendered to such Customer under this Agreement within thirty (30) days following the end of the month, and the Customer shall pay Company’s invoices.

8.3 Payment. The Customer shall pay each of Company’s invoices without offset within twenty (20) days of receipt Company’s invoice. Payments may be made by check or ACH only; no purchasing cards or credit cards will be accepted. Payments not made on or before their due date may be subject to late fees of one and one-half percent (1.5%) per month (or the maximum allowed by law, if less). If the Customer withholds payment of a portion or entire invoice and it

is later determined that a portion or all of such withheld amount is owed to Company, such amount shall be subject to the late fees provided herein from the original due date until paid.

8.4 Service Suspension.

8.4.1 Unpaid Invoices. If any amount due to Company from an individual Customer is not paid within sixty (60) days after the date of Company's invoice, Company may suspend that Customer's Services until the Customer has paid its outstanding balance in full. If Company suspends Service, the Customer shall pay a service interruption fee in an amount determined by Company in its discretion up to the maximum amount allowed by Applicable Law.

8.4.2 Suspension at Direction of Town. If the Town wishes to suspend or discontinue Services to a Customer for any reason, the Town shall send Company a written notice (email is acceptable as long as its receipt is acknowledged by Company) identifying the Customer's address and the date the Services should be suspended or discontinued. In the event of Service suspension, the Town shall provide additional email notification to Company if/when it wishes to reactivate the suspended Services. Upon receipt of a notice of reactivation, Company shall resume the Services on the next regularly scheduled collection day. The Town shall indemnify, defend, and hold Company harmless from any claims, suits, damages, liabilities or expenses (including but not limited to expenses of investigation and attorneys' fees) resulting from the suspension or discontinuation of any Services at the direction of the Town.

8.5 Audit of Company Records. The Town may request and be provided with an opportunity to audit any relevant and non-confidential records of Company that support the calculations of charges invoiced to the Town under this Agreement within the ninety (90) day period before the audit request. Such audits shall be paid for by the Town and shall be conducted under mutually acceptable terms at Company's premises in a manner that minimizes any interruption in the daily activities at such premises.

9. Termination. If either party breaches any material provision of this Agreement and such breach is not substantially cured within thirty (30) days after receipt of written notice from the non-breaching party specifying such breach in reasonable detail, the non-breaching party may terminate this Agreement by giving thirty (30) days' written notice of termination to the breaching party. However, if the breach cannot be substantially cured within thirty (30) days, the Agreement may not be terminated if a cure is commenced within the cure period and for as long thereafter as a cure is diligently pursued. Upon termination, the Town shall pay Company only such charges and fees for the Services performed on or before the termination effective date and Company shall collect its equipment, and Company shall have no further obligation to perform any Services under this Agreement. Upon termination of this Agreement by either party, Republic agrees and stipulates that it waives any additional compensation as may otherwise be allowed or provided for under N.C. Gen. Stat. §160A-327.

10. Compliance with Laws. Company warrants that the Services will be performed in a good, safe and workmanlike manner, and in compliance with all applicable federal, state, provincial and local laws, rules, regulations, and permit conditions relating to the Services, including without limitation any applicable requirements relating to protection of human health, safety, or the environment ("**Applicable Law**"). In the event any provision of this Agreement conflicts with an existing ordinance of the Town, this Agreement shall control and Company shall not be fined, punished, or otherwise sanctioned under such ordinance. Company reserves the right to decline to perform Services, which, in its judgment, it cannot perform in a lawful manner or without risk of harm to human health, safety or the environment.

11. **Title.** Title to Waste Material shall pass to Company when loaded into Company's collection vehicle or otherwise received by Company. Title to and liability for any Excluded Waste shall at no time pass to Company.
12. **Excluded Waste.** If Excluded Waste is discovered before it is collected by Company, Company may refuse to collect the entire waste container that contains the Excluded Waste. In such situations, Company shall contact the Town and the Town shall promptly undertake appropriate action to ensure that such Excluded Waste is removed and properly disposed of by the depositor or generator of the Excluded Waste. In the event Excluded Waste is present but not discovered until after it has been collected by Company, Company may, in its sole discretion, remove, transport, and dispose of such Excluded Waste at a facility authorized to accept such Excluded Waste in accordance with Applicable Law and, in Company's sole discretion, charge the depositor or generator of such Excluded Waste for all direct and indirect costs incurred due to the removal, remediation, handling, transportation, delivery, and disposal of such Excluded Waste. The Town shall provide all reasonable assistance to Company to conduct an investigation to determine the identity of the depositor or generator of the Excluded Waste and to collect the costs incurred by Company in connection with such Excluded Waste. Subject to the Town's providing all such reasonable assistance to Company, Company shall release Town from any liability for any such costs incurred by Company in connection with such Excluded Waste, except to the extent that such Excluded Waste is determined to be attributed to the Town.
13. **Equipment; Access.** Any equipment that Company furnishes or uses to perform the Services under this Agreement shall remain Company's property. The Customer shall be liable for all loss or damage to such equipment, except for normal wear and tear, or loss or damage resulting from Customer's handling of the equipment. Customers shall use the equipment only for its proper and intended purpose and shall not overload (by weight or volume) or alter the equipment. The Customer shall fully reimburse Company for any and all claims resulting from personal injuries or death, or the loss of or damage to property (including the equipment) arising out of the use, operation, or possession of the equipment by the Customers. If the equipment and/or Waste Material is not accessible so that the regularly scheduled pick-up cannot be made, such Waste Material will not be collected until the next regularly scheduled pick-up, unless the Customer calls Company and requests an extra pick-up, in which case an extra service charge will apply. Company shall not be responsible for any damages to any property or equipment located adjacent to the collection receptacles, nor to any pavement, curbing, or other driving surfaces resulting from Company's providing the Services under this Agreement.
14. **Risk Allocation.** Except as otherwise specifically set forth herein, each party shall be responsible for any and all claims for personal injuries or death, or the loss of or damage to property, only to the extent caused by that party's negligence or acts of willful misconduct or those of its employees, contractors, subcontractors, or agents.
15. **Insurance.** During the Term of this Agreement, Company shall maintain in force, at its expense, insurance coverage with minimum limits as follows:

Workers' Compensation

Coverage A	Statutory
Coverage B - Employers Liability	\$1,000,000 each Bodily Injury by Accident
	\$1,000,000 policy limit Bodily Injury by Disease
	\$1,000,000 each occurrence Bodily Injury by Disease

Automobile Liability

Bodily Injury/Property Damage	\$3,000,000
Combined – Single Limit	Coverage is to apply to all owned, non-owned, hired and leased vehicles (including trailers).

Pollution Liability Endorsement

MCS-90 endorsement for pollution liability coverage

Commercial General Liability

Bodily Injury/Property Damage
Combined – Single Limit

\$2,500,000 each occurrence
\$5,000,000 general aggregate

All such insurance policies will be primary without the right of contribution from any other insurance coverage maintained by Town. All policies required herein shall be written by insurance carriers with a rating of A.M. Bests of at least “A-” and a financial size category of at least VII. Upon Town’s request, Company shall furnish Town with a certificate of insurance evidencing that such coverage is in effect. Such certificate will also provide for thirty (30) days prior written notice of cancellation to the Town, show the Town as an additional insured under the Automobile and General Liability policies, and contain waivers of subrogation in favor of the Town (excluding Worker’s Compensation policy) except with respect to the sole negligence or willful misconduct of Town.

16. Force Majeure. Except for Town’s obligation to pay amounts due to Company, any failure or delay in performance under this Agreement due to contingencies beyond a party’s reasonable control, including, but not limited to, strikes, riots, terrorist acts, compliance with Applicable Laws or governmental orders, fires, bad weather and acts of God, shall not constitute a breach of this Agreement, but shall entitle the affected party to be relieved of performance at the current pricing levels under this Agreement during the term of such event and for a reasonable time thereafter. The collection or disposal of any increased volume resulting from a flood, hurricane or similar or different Act of God over which Company has no control, shall not be included as part of Company’s service under this Agreement. In the event of increased volume due to a Force Majeure event, Company and the Town shall negotiate the additional payment to be made to Company. Further, the Town shall grant Company variances in routes and schedules as deemed necessary by Company to accommodate collection of the increased volume of Waste Materials.
17. Non-Discrimination. Company shall not discriminate against any person because of race, sex, age, creed, color, religion or national origin in its performance of Services under this Agreement.
18. Licenses and Taxes. Company shall obtain all licenses and permits (other than the license and permit granted by this Agreement) and promptly pay all taxes required by the Town and by the State.
19. No Guarantees or Liquidated Damages. Unless specifically provided herein, Company provides no guarantees or warranties with respect to the Services. No liquidated damages or penalties may be assessed against Company by Town, nor will the Company seek damages for displacement under N.C. Gen. Stat. §160A-327.
20. Miscellaneous. (a) This Agreement represents the entire agreement between the Parties and supersedes all prior agreements, whether written or verbal, that may exist for the same Services. (b) Company shall have no confidentiality obligation with respect to any Waste Materials. (c) Neither party shall assign this Agreement in its entirety without the other party’s prior written consent, which consent shall not be unreasonably withheld. Notwithstanding the foregoing, Company may assign this Agreement without the Town’s consent to its parent company or any of its subsidiaries, to any person or entity that purchases any operations from Company or as a collateral assignment to any lender to Company. This Agreement shall be binding upon and inure solely to the benefit of the Parties and their permitted successors and assigns. (d) Company may provide any of the Services covered by this Agreement through any of its affiliates or subcontractors, provided that Company shall remain responsible for the performance of all such services and obligations in accordance with this Agreement. (e) No intellectual property rights in any of Company’s IP are granted to Town under this Agreement. (f) All provisions of

the Agreement shall be strictly complied with and conformed to by the Parties, and this Agreement shall not be modified or amended except by written agreement duly executed by the undersigned parties. (g) If any provision of this Agreement is declared invalid or unenforceable, it shall be modified so as to be valid and enforceable but so as most nearly to retain the intent of the Parties. If such modification is not possible, such provision shall be severed from this Agreement. In either case, the validity and enforceability of the remaining provisions of this Agreement shall not in any way be affected thereby. (h) Failure or delay by either party to enforce any provision of this Agreement will not be deemed a waiver of future enforcement of that or any other provision. (i) If there is any inconsistency between this Agreement and the Franchise Ordinance attached hereto, the terms and conditions of the Franchise Ordinance shall control. (j) This Agreement shall be interpreted and governed by the laws of the State where the Services are performed. (k) Customer and Company agree that electronic signatures are valid and effective, and that an electronically stored copy of this Agreement constitutes proof of the signature and contents of this Agreement, as though it were an original.

IN WITNESS HEREOF, the parties have entered into this Agreement as of the date first written above.

The Town of Beech Mountain

Republic Services of North Carolina, LLC

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Steve Smith
Town of Beech Mountain Finance Officer

EXHIBIT A

SPECIFICATIONS FOR MUNICIPAL SOLID WASTE SERVICES

1. Waste Material. The following Waste Material shall be considered in scope during the Term of this Agreement:

_____ ☒ Municipal Solid Waste (MSW) _____ Bulky Waste
_____ Yard Waste _____ Construction Debris

2. Definitions.

2.1 Customer – An occupant or operator of any type of premise within the Town that is covered by this Agreement and who generates Municipal Solid Waste.

2.2 Disposal Site – A Waste Material depository including, but not limited to, sanitary landfills, transfer stations, incinerators, and waste processing/separation centers licensed, permitted or approved by all governmental bodies and agencies having jurisdiction and requiring such licenses, permits or approvals to receive for processing or final disposal of Waste Material.

2.3 Excluded Waste – Excluded Waste consists of Special Waste, Hazardous Waste, and any other material not expressly included within the scope of this Agreement including, but not limited to, any material that is hazardous, radioactive, volatile, corrosive, highly flammable, explosive, biomedical, infectious, biohazardous, toxic or listed or characteristic hazardous waste as defined by Applicable Law or any otherwise regulated waste.

2.4 Hazardous Waste – Any amount of waste listed or characterized as hazardous by the United States Environmental Protection Agency or any state agency pursuant to the Resource Conservation and Recovery Act of 1976, as amended, and including future amendments thereto, and any other Applicable Law.

2.5 Industrial Permanent Unit – An industrial premise requiring use of a large container for the collection of its MSW for a continuous term.

2.6 Industrial Temporary Unit – An industrial premise requiring use of a large container for the collection of its Solid Waste on only a temporary basis. Solid Waste collection is generally limited to a specific event or a short-term project.

2.7 Large Commercial Unit – A commercial premise that is not classified as a Residential Unit or Municipal Facility that requires a waste container that is two (2) yards or larger per collection day for the collection of its Solid Waste.

2.8 Municipal Facilities – Those specific municipal premises as set forth on Exhibit A-1 of this Agreement, if any.

2.9 Municipal Solid Waste (or “MSW”) – Useless, unwanted or discarded nonhazardous materials (trash or garbage) with insufficient liquid content to be free-flowing that result from residential, commercial, governmental and community operations. Municipal Solid Waste does not include any Excluded Waste.

2.10 Small Commercial Unit – A commercial premise that is not classified as a Residential Unit or Municipal Facility that requires no more than three (3) thirty-two (32) gallon containers per collection

day for the collection of its Solid Waste. Examples of Small Commercial Units include offices, stores, service stations, restaurants, amusement centers, schools, and churches.

2.11 Special Waste – Any nonhazardous solid waste which, because of its physical characteristics, chemical make-up, or biological nature requires either special handling, disposal procedures including liquids for solidification at the landfill, documentation, and/or regulatory authorization, or poses an unusual threat to human health, equipment, property, or the environment. Special Waste includes, but is not limited to (a) waste generated by an industrial process or a pollution control process; (b) waste which may contain residue and debris from the cleanup of spilled petroleum, chemical or commercial products or wastes, or contaminated residuals; (c) waste which is nonhazardous as a result of proper treatment pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 (“RCRA”); (d) waste from the cleanup of a facility which generates, stores, treats, recycles or disposes of chemical substances, commercial products or wastes; (e) waste which may contain free liquids and requires liquid waste solidification; (f) containers that once contained hazardous substances, chemicals, or insecticides so long as such containers are “empty” as defined by RCRA; (g) asbestos containing or asbestos bearing material that has been properly secured under existing Applicable Law; (h) waste containing regulated polychlorinated biphenyls (PCBs) as defined in the Toxic Substances Control Act (TSCA); (i) waste containing naturally occurring radioactive material (NORM) and/or technologically-enhanced NORM (TENORM); and (j) Municipal Solid Waste that may have come into contact with any of the foregoing.

2.12 Waste Material – All nonhazardous Municipal Solid Waste generated at the Location Types covered by this Agreement. Waste Material does not include any Excluded Waste.

3. Collection Operations.

3.1 Location of Containers for Collection. Containers shall be placed at a suitable location jointly determined by the Company, Town and Customer. When construction work is being performed in the right-of-way, containers shall be placed as close as practicable to an access point for the collection vehicle. Company may decline to collect any container not so placed or any Waste Material not in a container.

3.2 Hours of Collection Operations. Collection of Waste Material shall not start before 7:00 A.M. or continue after 8:00 P.M. Exceptions to collection hours shall be affected only upon the mutual agreement of the Town and Company, or when Company reasonably determines that an exception is necessary in order to complete collection on an existing collection route due to unusual circumstances.

3.3 Routes of Collection. Collection routes shall be established by the Company. Company shall submit the Municipal Facility collection routes to the Town at least two (2) weeks in advance of the commencement date for such route collection activity. The Company may from time to time make changes in routes or days of collection affecting Municipal Facilities, provided such changes in routes or days of collection are submitted to the Town at least two (2) weeks in advance of the commencement date for such changes.

3.4 Holidays. The following shall be holidays for purposes of this Agreement: Independence Day, Thanksgiving Day, and Christmas Day. Company may suspend collection service on any of these holidays, but such decision in no manner relieves Company of its obligation to provide collection service at least once per week.

3.5 Complaints. All service-related complaints must be made directly to the Company and shall be given prompt and courteous attention. In the case of alleged missed scheduled collections, the Company shall investigate and, if such allegations are verified, shall arrange for the collection of Waste Material not collected within one business day after the complaint is received.

3.6 Collection Equipment. The Company shall provide an adequate number of vehicles meeting standards and inspection requirements as set forth by the laws of the State for regular municipal waste collection services. For Waste Material collection, all vehicles and other equipment shall be kept in good repair and appearance at all times. Each vehicle shall have clearly visible on each side the identity of the Company.

3.7 Disposal. All Waste Material, other than processed Recyclable Material that is marketable, collected within the Town under this Agreement shall be deposited at a Disposal Site selected by Company and properly permitted by the State.

3.8 Customer Education. The Town shall notify all Customers at Residential Units about set-up, service-related inquiries, complaint procedures, rates, regulations, and day(s) for scheduled Waste Material collections. Company shall provide a direct liaison person, at the Company's expense, to meet on site with the Town and Customers during the ninety (90) day implementation phase to facilitate the service transition from Town service to the Company.

3.9 Litter or Spillage. The Company shall not litter premises in the process of making collections, but Company shall not be required to collect any Waste Material that has not been placed in approved containers. During hauling, all Waste Material shall be contained, tied or enclosed so that leaking, spillage or blowing is minimized. In the event of spillage by the Company, the Company shall be required to clean up the litter caused by the spillage.

EXHIBIT A-1

SOLID WASTE PRICING

8-yrd bear proof containers
Service Level Rate

1x/week service	\$205/month
2x/wk service	\$410/month
3x/wk service	\$617/month

Container rental \$30/container per month.

- Company shall provide collection services twice per week during the months of May through August and Thanksgiving through the end of February.
- Company shall not be responsible for cleaning up around dumpsters. Customer's failing to secure their dumpsters are subject to a fine as per ordinance attached hereto as an Exhibit B below.

EXHIBIT B

§ 50.99 PENALTY.

(A) Any person that violates any provision of this chapter or any rule of the rules of operation for the Recycling Center as referenced above to this section shall be subject to the penalties as set forth herein.

(1) A first offense within a 12-month period shall subject the offender to a civil penalty in the amount of \$100;

(2) A second offense within a 12-month period shall subject the offender to a civil penalty of \$350;

(3) A third offence within a 12-month period shall subject the offender to a civil penalty in the amount of \$500;

(4) A fourth or subsequent offense within a 12-month period shall subject the offender to a civil penalty in the amount of \$500. Additionally, the Town shall discontinue garbage collection services to this location unless and until the offender obtains and installs a bear and wildlife restraint trash container equal to or greater than the standards set forth in both this section and those utilized by the United States Forest Service, as promulgated through the United State Department of Agriculture.

(B) In addition to the penalties set forth herein, the Town may also pursue any and all remedies available to it as set forth in § 11.01 of this Code of Ordinances.

(Ord. 2020-04, passed 6-9-2020)



RESOLUTION

TO: Town Council
FROM: Preston Yates
DATE: June 8, 2021
SUBJECT: HB 829 Resolution of Opposition

FOR THE PURPOSE OF:

The proposed HB 829 would modify the language of G.S. 160D-1207(c) to "In no event may a local government do any of the following: (i) adopt or enforce any ordinance that would require any owner or manager of rental property to obtain any permit or permission from the local; government to lease or rent residential real property or to register rental property with the local government..." Previously the language limited the restriction to "under Article 11 or Article 12", which allowed local governments to issue zoning permits (Article 8) for Short-Term Rentals. The removal of the specification of Article 11 and Article 12 would effectively eliminate a local government's ability to regulate Short-Term Rentals through any type of permitting or permission.

STAFF RECOMMENDATION:

Planning Board recommended that staff prepare a Resolution of Opposition to the proposed bill. Staff supports the Planning Board in opposing this bill.

SIGNATURES:

Town Manager

Town Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H

2

HOUSE BILL 829
Committee Substitute Favorable 5/11/21

Short Title: Chapter 160D Technical Correction.

(Public)

Sponsors:

Referred to:

May 5, 2021

- 1 A BILL TO BE ENTITLED
2 AN ACT TO RESTORE, TO THE STATE OF ITS EXISTENCE IMMEDIATELY PRIOR TO
3 THE EFFECTIVE DATE OF CHAPTER 160D OF THE GENERAL STATUTES, THE
4 LAW GOVERNING THE AUTHORITY OF COUNTIES AND CITIES TO CONDUCT
5 PERIODIC INSPECTIONS FOR HAZARDOUS OR UNLAWFUL CONDITIONS.
6 The General Assembly of North Carolina enacts:
7 **SECTION 1.** G.S. 160D-1207(c) reads as rewritten:
8 "(c) In no event may a local government do any of the following: (i) adopt or enforce any
9 ordinance that would require any owner or manager of rental property to obtain any permit or
10 permission ~~under Article 11 or Article 12 of this Chapter~~ from the local government to lease or
11 rent residential real property or to register rental property with the local government, except for
12 those individual properties that have more than four verified violations in a rolling 12-month
13 period or two or more verified violations in a rolling 30-day period, or upon the property being
14 identified within the top ten percent (10%) of properties with crime or disorder problems as set
15 forth in a local ordinance, (ii) require that an owner or manager of residential rental property
16 enroll or participate in any governmental program as a condition of obtaining a certificate of
17 occupancy, (iii) levy a special fee or tax on residential rental property that is not also levied
18 against other commercial and residential properties, unless expressly authorized by general law
19 or applicable only to an individual rental unit or property described in clause (i) of this subsection
20 and the fee does not exceed five hundred dollars (\$500.00) in any 12-month period in which the
21 unit or property is found to have verified violations, (iv) provide that any violation of a rental
22 registration ordinance is punishable as a criminal offense, or (v) require any owner or manager
23 of rental property to submit to an inspection before receiving any utility service provided by the
24 local government. For purposes of this section, the term "verified violation" means all of the
25 following:
26 (1) The aggregate of all violations of housing ordinances or codes found in an
27 individual rental unit of residential real property during a 72-hour period.
28 (2) Any violations that have not been corrected by the owner or manager within
29 21 days of receipt of written notice from the local government of the
30 violations. Should the same violation occur more than two times in a 12-month
31 period, the owner or manager may not have the option of correcting the
32 violation. If the housing code provides that any form of prohibited tenant
33 behavior constitutes a violation by the owner or manager of the rental
34 property, it shall be deemed a correction of the tenant-related violation if the
35 owner or manager, within 30 days of receipt of written notice of the



1 tenant-related violation, brings a summary ejectment action to have the tenant
2 evicted."

3 **SECTION 2.** This act becomes effective October 1, 2021, and any inconsistent
4 ordinance or policy shall be void and unenforceable on or after that date.



Resolution

Town of Beech Mountain
North Carolina

Date: 6/8/2021

TOWN OF BEECH MOUNTAIN

**A RESOLUTION OPPOSING NORTH CAROLINA GENERAL ASSEMBLY
HB829 ENTITLED AN ACT TO RESTORE, TO THE STATE OF ITS
EXISTENCE IMMEDIATELY PRIOR TO THE EFFECTIVE DATE OF
CHAPTER 160D OF THE GENERAL STATUTES, THE LAW GOVERNING THE
AUTHORITY OF COUNTIES AND CITIES TO CONDUCT PERIODIC
INSPECTIONS FOR HAZARDOUS OR UNLAWFUL CONDITIONS.**

Resolution No. 2021-____

WHEREAS, the Town of Beech Mountain is a Municipal Corporation and political subdivision of the State of North Carolina; and

WHEREAS, the Town of Beech Mountain desires to maintain a high standard for the quality of life for its citizens, visitors, and guests; and

WHEREAS, the Town of Beech Mountain recognizes the importance of local zoning authority to the peace and prosperity of North Carolina's municipalities, for generations the State of North Carolina has allowed municipalities to regulate local development; and

WHEREAS, the Town of Beech Mountain is a rural, mountain community with its own unique land use needs, challenges, and opportunities; and

WHEREAS, the Town of Beech Mountain is a master-planned, mountain resort community with a vibrant mix of full-time residents, vacation homes, and short-term rentals; and

WHEREAS, HB 829 is now pending in the North Carolina General Assembly, and would eliminate a local government's ability to regulate the expansive growth of short-term rentals; and

WHEREAS, HB 829 would exempt short-term rentals from any type of permitting or permission from the local government, effectively eliminating any

protection for residents or property owners and further exacerbating affordable housing challenges; and

WHEREAS, HB 829 has the potential to fundamentally alter almost all neighborhoods in the Town of Beech Mountain and accelerate the disruption of the lives of its residents and visitors, as out-of-town investors and short-term rental operators continue to acquire low-density housing stock.

NOW THEREFORE be it resolved that the Town Council of the Town of Beech Mountain, North Carolina, respectfully requests:

1. That the General Assembly not adopt either HB 829;
2. That, if passed, the Governor, the Honorable Roy Cooper veto these measures;
3. That a copy of this Resolution be sent to our elected State representatives and the Governor;
4. That the Town Manager take whatever additional steps he deems prudent in seeking to prevent the adoption of these bills; and

READ, CONSIDERED, PASSED AND APPROVED at a regular meeting of the Town Council for the Town of Beech Mountain, North Carolina, at which a quorum was present and which was held on the _____ day of _____, 2021.

ADOPTED this the _____ day of _____, 2021.

Barry Kaufman, Mayor

ATTEST:

_____(SEAL)
Tamara Mercer
Clerk to the Board



ORDINANCE

TO: Town Council
FROM: Preston Yates
DATE: June 8, 2021
SUBJECT: NCGS160D Zoning Ordinance Revisions

FOR THE PURPOSE OF:

In 2019, the General Assembly passed S.L. 2019-111, an Act to Clarify, Consolidate, and Reorganize the Land-Use Regulatory Laws of the State. The Act created a new General Statutes section 160D. Although no changes to policy or authority was part of the new law, it required local governments to update their existing ordinances to be consistent with the new General Statutes. The revisions included in this proposed amendment are a direct result of that change in state law.

STAFF RECOMMENDATION:

The Planning Board recommended approval at their regular meeting on Tuesday, May 25, 2021. The Planning Board also found the amendments consistent with the Comprehensive Plan. Staff recommends approval in order to be compliant with NC General Statutes.

SIGNATURES:

Town Manager

Town Clerk

Beech Mountain, NC Code of Ordinances

CHAPTER 150: BUILDINGS; REGULATORY CODES

Section

Adoption of Regulatory Codes by Reference

- 150.001 Scope of ordinance and codes
- 150.002 Building Codes adopted
- ~~150.003 Plumbing Code adopted~~
- 150.0034 Electrical Code adopted
- ~~150.005 Residential Building Code~~
- ~~150.006 Heating, air-conditioning, refrigeration and ventilation~~
- 150.0047 Amendments to codes
- 150.0058 Compliance with codes
- 150.0069 Copies of codes filed with Clerk

Department of Inspections

- 150.020 Organization of Department
- 150.021 General duties of department and inspectors
- 150.022 Conflicts of interest
- 150.023 Reports and records
- 150.024 Inspection procedure
- 150.025 Oversight not to legalize violation
- 150.026 Powers of inspection officials
- 150.027 Fire inspection schedules
- 150.028 Periodic Inspections

Registration and Permits

- 150.040 Registration of contractors
- 150.041 Evidence of insurance required of contractors
- 150.042 Permits required
- 150.043 Application for permit
- 150.044 Plans and specifications
- 150.045 Limitations on issuance of permits
- 150.046 Issuance of permit
- 150.047 Revocation of permits
- 150.048 Time limitations on validity of permits
- 150.049 Changes in work
- 150.050 Permit fees
- 150.051 Inspection fees
- 150.052 Surveys required

Condemnation of Unsafe Buildings

- 150.065 Duty of Building Inspector
- 150.066 Removing notice from condemned building
- 150.067 Duty of owner; procedure for notice and hearing
- 150.068 Order to take corrective action

Friday, October 9, 2020 | | Preston Yates

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150.069 Appeal; finality of order not appealed

Enforcement

- 150.080 Duty of department
- 150.081 Failure or refusal to comply with order

ADOPTION OF REGULATORY CODES BY REFERENCE

§ 150.001 SCOPE OF ORDINANCE AND CODES.

The provisions of this chapter and of the regulatory codes herein adopted shall apply to the following:

(A) The location, design, materials, equipment, construction, reconstruction, alteration, repair, maintenance, moving, demolition, removal, use and occupancy of every building or structure, including, but not limited to, mobile homes and manufactured buildings;

(B) The installation, erection, alteration, repair, use and maintenance of plumbing systems consisting of house sewers, building drains, waste and vent systems, hot and cold water supply systems, and all fixtures and appurtenances thereof;

(C) The installation, erection, alteration, repair, use and maintenance of electrical systems and appurtenances thereof; and

(D) The administration of these technical codes is to serve as a comprehensive regulatory scheme to guide decisions aimed at protecting the public health, safety and welfare in the built environment. This protection is provided through the enforcement by state and local governments of the technical codes incorporated herein by reference.

§ 150.002 BUILDING CODES ADOPTED.

The current editions of the North Carolina State Building Codes: ~~Building Code General Construction, Existing Building Code, Residential Code, Fire Prevention Code, Mechanical Code, Fuel Gas Code, Plumbing Code, Energy Conservation Code, and Administrative Code and Policies~~ as adopted by the North Carolina Building Code Council and as amended, ~~are~~ is hereby adopted by reference as fully as though set forth herein, ~~as the "Building Code of Beech Mountain".~~

§ 150.003 PLUMBING CODE ADOPTED.

~~The current edition of the North Carolina Plumbing Code as adopted and published by the North Carolina Building Code Council and as amended, is hereby adopted by reference as though fully set forth herein as the "Plumbing Code of Beech Mountain".~~

§ 150.004 ELECTRICAL CODE ADOPTED.

The current edition of the North Carolina ~~State~~ Electrical Code, adopting by reference the National Electrical Code of the National Fire Protection Association as adopted by the North Carolina Building Code Council and as amended, is hereby adopted by reference as though fully set forth herein, ~~as the "Electrical Code of Beech Mountain".~~

§ 150.005 RESIDENTIAL BUILDING CODE.

~~The current edition of the North Carolina Uniform Residential Building Code, as adopted by the North Carolina Building Inspectors Association, and as published by the North Carolina Building Code Council is hereby adopted by reference as though fully set forth herein as the "Residential Building Code of Beech Mountain for One- and Two-Family Residential Buildings".~~

§ 150.006 HEATING, AIR CONDITIONING, REFRIGERATION AND VENTILATION.

~~The current edition of the North Carolina Heating, Air Conditioning, Refrigeration and Ventilation Code as adopted and published by the North Carolina Building Code Council and as amended, is hereby adopted by reference as though fully set forth herein as the "Heating, Air Conditioning, Refrigeration and Ventilation Codes of Beech Mountain".~~

§ 150.007 AMENDMENTS TO CODES.

Amendments to the regulatory codes adopted by reference herein, which are from time to time adopted and published by the agencies or organizations referred to herein shall be effective in the town at the time the amendments are filed with the Town Clerk as provided in § 150.009 below.

§ 150.008 COMPLIANCE WITH CODES.

(A) All buildings or structures which are hereafter placed, manufactured, constructed, reconstructed, erected, altered, extended, enlarged, repaired, demolished or moved shall conform to

Commented [PY1]: This section was revised to more closely align with the current building codes of NC

Commented [PY2]: This code was included in 150.002

Commented [PY3]: The adoption of the Electrical Code was retained separate because it is unique in development being derived from the National Fire Protection Association as opposed to the International Code Council

Commented [PY4]: These codes were included in 150.002

Commented [PY5]: Section edited to more closely align with current building codes

the requirements, minimum standards and other provisions of ~~either the North Carolina State Building Codes: General Construction Building Code, Existing Building Code, or the North Carolina Uniform Residential Building Code, Energy Conservation Code, and Fire Prevention Code as whichever is~~ applicable.

(B) Every building or structure intended for human habitation, occupancy or use shall have plumbing, plumbing systems or plumbing fixtures installed, constructed, altered, extended, repaired or reconstructed in accordance with the minimum standards, requirements and other provisions of the North Carolina ~~State Building Code~~ Plumbing Code.

(C) All electrical wiring, installations and appurtenances shall be erected, altered, repaired, used and maintained in accordance with the minimum standards, requirements and other provisions of the North Carolina ~~State~~ Electrical Code.

(D) All heating, air conditioning, refrigeration and ventilation installations and appurtenances shall be erected, repaired, used and maintained in accordance with minimum standards, requirements and other provisions of the North Carolina State Building Codes: ~~and Mechanical Code, and Gas-Fuel Gas Code, and Energy Conservation Code, as applicables.~~

§ 150.0069 COPIES OF CODES FILED WITH CLERK.

(A) An official copy of each regulatory code adopted herein, and official copies of all amendments thereto, shall be kept on file in the office of the Director of Planning and Inspection.

(B) Those copies shall be the official copies of the codes and the amendments.

DEPARTMENT OF INSPECTIONS

§ 150.020 ORGANIZATION OF DEPARTMENT.

An inspection department, known officially and designated as the Department of Inspections, is hereby established pursuant to G.S. Ch. 160A, Art. 19, Part 5160D-1102, and may consist of a zoning and subdivision regulations administrator, building inspector, and other personnel as may be authorized by the Town Council.

§ 150.021 GENERAL DUTIES OF DEPARTMENT AND INSPECTORS.

(A) It shall be the duty of the Department of Inspections to enforce, ~~within the town limits, all of the provisions of the ordinance and of the regulatory codes adopted herein; to make all inspections necessary to determine whether or not the provisions of this subchapter and the codes are being met; and to enforce any zoning, and subdivision regulations and other codes adopted by the town relating to:~~

- (1) The construction of buildings and other structures;
- (2) The installation of such facilities as plumbing systems, electrical systems, heating systems, refrigeration systems, and air-conditioning systems;
- (3) The maintenance of buildings and other structures in a safe, sanitary, and healthful condition;
- (4) Other matters that may be specified by the town council, including, but not limited to, zoning and subdivision regulations.

(B) The duties and responsibilities set forth in subsection (A) of this section shall include the receipt of applications for permits and the issuance or denial of permits, the making of any necessary inspections in a timely manner, the issuance or denial of certificates of compliance, the issuance of orders to correct violations, the bringing of judicial actions against actual or threatened violations, the keeping of adequate records, and any other actions that may be required in order to adequately enforce those laws. The town council shall have the authority to enact reasonable and appropriate provisions governing the enforcement of those laws.

(C) In performing the specific inspections required by the North Carolina Building Code, the inspector shall conduct all inspections requested by the permit holder for each scheduled inspection visit. For each requested inspection, the inspector shall inform the permit holder of instances in which

Commented [PY6]: New statute reference only

the work inspected fails to meet the requirements of the North Carolina Residential Code for One- and Two-Family Dwellings or the North Carolina Building Code.

(D) In accordance with G.S. 160D-1104(f), if a specific building framing inspection as required by the North Carolina Residential Code for One- and Two-Family Dwellings results in 15 or more separate violations of that Code, the inspector shall forward a copy of the inspection report to the North Carolina Department of Insurance.

§ 150.022 CONFLICTS OF INTEREST.

(A) No member of the Department of Inspections shall be financially interested or employed by a business that is financially interested in the furnishing of labor, material or appliances for the construction, alteration or maintenance of any building within the corporate limits of the Town of Beech Mountain or any part of system thereof, or in the making of plans or specifications therefor, or in the subdivision and development of land unless he or she is the owner of the property. No member of an inspection department or other individual or an employee of a company contracting with the Town of Beech Mountain to conduct building inspections shall engage in any work that is inconsistent with his or her duties or with the interest of the town as determined by the Town of Beech Mountain. The Town of Beech Mountain must find a conflict of interest if any of the following is the case:

(1) If the individual, company, or employee of a company contracting to perform building inspections for the town has worked for the owner, developer, contractor, or project manager of the project to be inspected within the last two years.

(2) If the individual, company, or employee of a company contracting to perform building inspections for the town is closely related to the owner, developer, contractor, or project manager of the project to be inspected.

(4)(3) If the individual, company, or employee of a company contracting to perform building inspections for the town has a financial interest in the project to be inspected.

(B) No member of the Department of Inspections shall engage in any work which is inconsistent with his or her duties or with the interests of the town.

§ 150.023 REPORTS AND RECORDS.

The Department of Inspections and each employee, shall keep complete, ~~permanent~~ and accurate records in convenient form of all applications received, permits issued, inspections and reinspections made, ~~defects found, certificates of compliance or occupancy granted,~~ and all other work and activities of the Department of Inspections. These records shall be kept in the manner and for the periods prescribed by the North Carolina Department of Cultural Resources. Periodic reports shall be submitted to the Town Council and to the Commissioner of Insurance as they shall by ordinance, rule, or regulation require.

§ 150.024 INSPECTION PROCEDURE.

(A) *Inspections.* The Department of Inspections shall inspect all buildings and structures and work therein for which a permit of any kind has been issued as often as necessary in order to determine whether the work complies with this chapter and the appropriate codes.

(1) When deemed necessary by the appropriate inspector, materials and assemblies may be inspected at the point of manufacture or fabrication, or inspections may be made by approved and recognized inspection organizations; provided, no approval shall be based upon reports of the organizations unless the same are in writing and certified by a responsible officer of the organization.

(2) All holders of permits, or their agents, shall notify the Department of Inspections at each stage of construction so that approval may be given before work is continued.

(B) *Requests for inspections.*

(1) Requests for inspections shall be made to the office of the Department of Inspections. The requests must be on forms provided by the Department. The Department shall make inspections as soon as practical after the requested inspection date. However, work may proceed without the

Commented [PY7]: This section amended to reflect the authorities and responsibilities provided for in the statute See 160D-1104

Commented [PY8]: Language taken from the statute See 160D-1108

Commented [PY9]: Language added to clarify records retention policy See 160D-1126

inspection, should the Department fail to make the requested inspection within 48 hours (excluding Saturdays, Sundays and legal holidays) following the requested inspection date.

(2) Reinspections may be made at the convenience of the inspector. No work shall be inspected until it is in proper and completed condition ready for inspection. All work which has been concealed before a timely inspection and approval shall be uncovered at the request of the inspector and placed in condition for proper inspection, provided that the inspection is made within 48 hours following the requested inspection date. (Excluding Saturdays, Sundays and legal holidays).

(a) Approval or rejection of the work shall be furnished by the appropriate inspector in the form of a notice posted on the building or given to the permit holder or his or her agent or contractor.

(b) Failure to request inspections or proceeding without approval at each stage of construction shall be deemed a violation of this chapter.

§ 150.025 OVERSIGHT NOT TO LEGALIZE VIOLATION.

No oversight or dereliction of duty on the part of any inspector or other official or employee of the Department of Inspections shall be deemed to legalize the violation of any provisions of this chapter or any provision of any regulatory code herein adopted.

§ 150.026 POWERS OF INSPECTION OFFICIALS.

(A) *Authority.* Inspectors are hereby authorized, empowered and directed to enforce all the provisions of this chapter and other regulatory codes adopted.

(B) *Right of entry.* Inspectors shall have the right of entry on any premises within the jurisdiction of the regulatory codes herein between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding legal holidays, for the purpose of inspection or enforcement of the requirements of this ordinance and the regulatory codes, upon presentation of proper credentials.

(C) *In accordance with G.S. 160D-1113, inspectors shall make as many inspections thereof as may be necessary to satisfy them that the work is being done according to the provisions of any applicable State and local laws and of the terms of the permit.*

(D) *Stop orders.* Whenever any building or structure or part thereof is being demolished, constructed, reconstructed, altered or repaired in a hazardous manner, or in violation of any provisions of this chapter or any other town ordinance, or in violation of any provision of any regulatory code adopted by the town, or in violation of the terms of the permit or permits issued therefor, or in such manner as to endanger life or property, the appropriate inspector may order the specific part of the work which is in violation or presents such a hazard to be stopped immediately. The order shall be in writing to the owner of the property or to his or her agent, or to the person doing the work, and shall state the reasons therefor and the conditions under which the work may be resumed. *Stop orders may be appealed in accordance with the provisions of G.S. 160D-1114.*

§ 150.027 FIRE INSPECTION SCHEDULES.

In order to preserve and to protect public health and safety, and to satisfy the requirements of G.S. § ~~460A-424~~160D-1207, the town shall have the following inspection schedule for the purposes of identifying activities and conditions in buildings, structures and premises that pose dangers of fire, explosion or related hazards:

(A) Once annually: hazardous, institutional, high rise, assembly and interior common areas of multi-family residential occupancies, businesses, mercantiles and storage;

(B) Once every two years: educational except public schools and industrial; and

(C) Once every three years: churches, synagogues, temples and mosques.

(Ord. passed 3-9-1993)

§ 150.028 PERIODIC INSPECTIONS.

Pursuant to G.S. 160D-1117, the Inspection Department may make periodic inspections, subject to the town council's directions, for unsafe, unsanitary, or otherwise hazardous and unlawful conditions in buildings or structures within the town limits. In exercising this power, members of the department

Commented [PY10]: Section added for consistency with statute
See 160D-1113

shall have a right to enter on any premises within the jurisdiction of the department at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials. Inspections of dwellings shall follow the provisions of G.S. 160D-1207. Nothing in this section shall be construed to prohibit periodic inspections in accordance with State Fire Prevention Code or as otherwise required by State law.

REGISTRATION AND PERMITS

§ 150.040 REGISTRATION OF CONTRACTORS.

Every person carrying on the business of building contractor, plumbing contractor or electrical contractor within the town shall register at the office of the Department of Inspections, giving his or her name and place of business and a copy of his or her current valid state contractor's license.

§ 150.041 EVIDENCE OF INSURANCE REQUIRED OF CONTRACTORS.

Every person required to register at the Office of Inspections under the preceding section shall also file with the Department annually a certificate or other documentation as required showing that a policy of comprehensive general liability insurance to include products and completed operations endorsement, also a broad form property damage endorsement, is in effect for the coming year insuring the person up to a minimum of \$100,000 for claims arising out of negligent work or conduct by him or her in the course and scope of his or her work performed as a contractor.

§ 150.042 PERMITS REQUIRED.

(A) *Approval required.* Prior to the issuance of any permit pursuant to this section, Appalachian District Health Department or Avery Health Department approval for use of septic tank is required where a sewage system cannot be connected to the town sewage system.

(B) *Prohibition.* No person shall commence or proceed with:

(1) The construction, reconstruction, alteration, repair, ~~movement to another site, removal or demolition of any building or structures;~~

(2) The installation, extension or general repair of any plumbing system, ~~except as provided for in G.S. 160D-1110(a)(2);~~

(3) The installation, extension, alteration or general repair of any heating or cooling equipment system; or

(4) The installation, extension, alteration or general repair of any electrical wiring, devices, appliances or equipment, ~~except as provided for in G.S. 160D-1110(a)(4),~~ without first securing from the Town Department of Inspections any and all permits required by the State Building Codes and any other state ~~and local~~ laws applicable to the work and without complying with G.S. § ~~160A-417-160D-1110.~~

(C) *Building permit.*

(1) No permit shall be required for any construction, installation, repair, replacement or alteration ~~performed in accordance with the current edition of the North Carolina State Building Codes~~ costing \$15,000 or less in any ~~single-family residential~~ structure unless the work involves any of the following:

a) ~~the~~ addition, repair or replacement of load bearing structure;

b) ~~the~~ addition (excluding replacement of same size and capacity) or change in the design of plumbing;

c) ~~the~~ addition, replacement or change in the design of heating, air conditioning or electrical wiring, devices, appliances or equipment;

d) ~~the~~ use of materials not permitted by the North Carolina ~~State Building Code; Uniform Residential Building Code;~~ or

a)e) ~~the~~ addition (excluding replacement of like grade of fire resistance) of roofing as provided in G.S. § ~~160A-417-160D-1110.~~

(2) In all cases of removal or demolition of a building or structure, a good and sufficient bond in

Commented [PY11]: This section added to reflect authorities granted by the statute
See 160D-1117

Commented [PY12]: Section amended for consistency with state statute
See 160D-1110

the sum of \$500 shall be posted by the property owner or by his or her contractor at the time of application for a permit, to insure complete removal or demolition, including all rubble and debris. Failure on the part of the property owner or his or her contractor completely to demolish, remove and clear the premises, after 30-days' notice by the Department of Inspections, shall be cause for forfeiture of the bond.

(D) *Plumbing permit.* No person shall commence or proceed with the installation, extension or general repair of any plumbing system without first securing a written permit therefor from the Department of Inspections; provided, however, no permit shall be required for minor repairs or replacements on the house side of a trap to an installed system of plumbing if the repairs or replacements do not disrupt the original water supply or the waste or ventilating systems.

(E) *Electrical permit.* No person shall commence or proceed with the installation, extension, alteration or general repair of any electrical wiring, devices, appliances or equipment without first securing a written permit therefor from the Department of Inspections; provided, however, no permit shall be required for minor repair work, such as the connection of portable devices to suitable receptacles which have been permanently installed; provided, further, no permit shall be required for the installation, alteration or repair of the electrical wiring, devices, appliances and equipment installed by or for an electrical public utility corporation for the use of the corporation in the generation, transmission, distribution or metering of electrical energy, or for the use of the corporation in the operation of signals or the transmission of intelligence.

(F) *Heating and air conditioning permit.* No person shall commence or proceed with the installation, extension, alteration or general repairs without a permit from the Department of Inspections; provided, however, no permit shall be required for minor repairs or minor burner services.

Penalty, see Chapter 11, § 11.01

§ 150.043 APPLICATION FOR PERMIT.

(A) ~~Written-Ap~~ application shall be made for all permits required by this chapter and shall be made on forms provided by the Department of Inspections.

(B) The application shall be made by the owner of the building or structure affected or by his or her authorized agent or contractor, and in addition to such other information as may be required by the appropriate Inspector to enable him or her to determine whether the permit applied for should be issued, shall show the following:

(1) Name, residence and business ~~of address~~ of owner;

(2) Name, residence and business of authorized representative or agent, if any; and

(3) Name and address of the contractor, if any, together with evidence that he or she has obtained a certificate from the appropriate state licensing board for the contractors, if such be required for the work involved in the permit for which application is made.

§ 150.044 PLANS AND SPECIFICATIONS.

Adequate working drawings or detailed plans and specifications shall accompany each application for permit when the estimated total cost of the building or structure is in excess of \$15,000 and for any other building or structure where plans and specifications are deemed necessary by the Building Inspector and in order for him or her to determine whether the proposed work complies with the regulatory codes. Plans shall be drawn to scale with sufficient clarity to indicate the nature and extent of the work proposed, and the plans and specifications together shall contain information sufficient to indicate that the work proposed will conform to the provisions of this chapter and the appropriate regulatory codes. Where plans and specifications are required, a copy of the same shall be kept at the work site until all authorized operations have been completed and approved by the Department of Inspections.

§ 150.045 LIMITATIONS ON ISSUANCE OF PERMITS.

Commented [PY13]: General Housekeeping: Removed the requirement for written application to allow for electronic submittals and the like

Commented [PY14]: General Housekeeping: Grammar

Commented [PY15]: Amended to be consistent with statute
See 160D-1110(c)

(A) Where any provision of the General Statutes or of any ordinance of the town requires that work be done by a licensed specialty contractor of any kind, no permit for the work shall be issued unless it is to be performed by the licensed specialty contractor.

(B) Where detailed plans and specifications are required under this subchapter, no building permit shall be issued unless the plans and specifications have been provided.

§ 150.046 ISSUANCE OF PERMIT.

When proper application for a permit has been made, and the appropriate inspector is satisfied that the application and the proposed work comply with the provisions of this chapter and the appropriate regulatory codes in force at the time, he or she shall issue the permit upon payment of the proper fee or fees as hereinafter provided in § 150.050 below.

§ 150.047 REVOCATION OF PERMITS.

(A) The appropriate inspector may revoke and require the return of any permit by notifying the permit holder in writing stating the reason for the revocation.

(B) Permits shall be revoked for any material departure from the approved application, plans or specifications; for refusal or failure to comply with proper orders of the inspectors; for refusal or failure to comply with requirements of this chapter and the appropriate regulatory codes in force at the time the permit was issued or for false statements or misrepresentations made in securing such a permit. Any building permit mistakenly issued in violation of an applicable State or local law may also be revoked.

§ 150.048 TIME LIMITATIONS ON VALIDITY OF PERMITS.

(A) All permits issued under this chapter shall expire by limitation six months after the date of issuance if the work authorized by the permit has not commenced. If, after commencement, the work is discontinued for a period of six months, the permit therefor shall immediately expire. Work shall be deemed discontinued if no inspections have been called for within six months.

(B) The Town Manager or their designee may grant an extension of up to six months if substantial progress has been made. No work authorized by any permit which has expired shall thereafter be performed until a new permit therefor has been secured.

(Ord. passed 11-13-2007)

§ 150.049 CHANGES IN WORK.

After a permit has been issued, no changes or deviations from the terms of the application, plans and specifications of the permit, except where the changes or deviations are clearly permissible under the building codes adopted herein, shall be made until specific written approval of the changes or deviations has been obtained from the appropriate inspector.

§ 150.050 PERMIT FEES.

(A) *General.* Fees for permits shall be charged at the time of the issuance of the permit. Each subcontractor or his or her agent shall be responsible for the payment of the permit fees charged to enable him or her to perform the work for which the permit is issued.

(B) *Building inspection fees for dwelling structures.*

(1) Building inspection fees shall be charged at the rate established by the Town Council.

(2) A copy of this rate schedule may be obtained from the Building Inspector during normal business hours and shall be posted on the town's website.

(Ord. passed 3-13-2007)

§ 150.051 INSPECTION FEES.

(A) The schedule of fees adopted by the Town Council shall entitle the person, firm, or corporation holding a permit to the required number of inspections for that permit plus one additional inspection for corrections.

(B) For additional inspections, there shall be a fee. This fee shall be set by the Town Council in the schedule of fees. The schedule can be obtained from the website or the Town Clerk's office.

Commented [PY16]: Added to reflect statute
See 160D-1115

(Ord. passed 3-13-2007)

§ 150.052 SURVEYS REQUIRED.

Please refer to § 154.150 of this code of ordinances for survey requirements.

(Ord. passed 3-9-1993; Ord. passed 4-3-2007)

CONDEMNATION OF UNSAFE BUILDINGS

§ 150.065 DUTY OF BUILDING INSPECTOR.

(A) Any building or structure or part thereof, practically destroyed or otherwise, which is found by the Building Inspector to be in such a dilapidated state of disrepair or other substandard condition as to be dangerous to life, health or other property, or to constitute a fire or safety hazard or public nuisance shall be declared by the Building Inspector to be unsafe.

(B) Such unsafe condition may be caused by defective construction, overloaded or any other hazardous condition or circumstances as set out in G.S. § ~~160A-426~~160D-1119. The Building Inspector shall have authority, and it shall be his or her duty to condemn as unsafe each such building and affix a notice of the dangerous character of the building in a conspicuous place on its exterior wall, as provided in G.S. § ~~160D-1119~~160A-426.

§ 150.066 REMOVING NOTICE FROM CONDEMNED BUILDING.

No person shall remove a notice that has been affixed to a building by a local inspector and that states the dangerous character of the building.

Penalty, see Chapter 11, § 11.01

§ 150.067 DUTY OF OWNER; PROCEDURE FOR NOTICE AND HEARING.

If the owner of a building that has been condemned as unsafe pursuant to G.S. § ~~160A-426~~160D-1119 fails to take prompt, corrective action, the Building Inspector shall by certified or registered mail to his or her last known address or by personal service, give him or her written notice:

(A) The building is in a condition that appears a) to constitute a fire or safety hazard or b) to be dangerous to life, health or other property or c) is likely to cause or contribute to blight, disease, vagrancy, or danger to children or d) has a tendency to attract persons intent on criminal activities or other activities that would constitute a public nuisance;

(B) An administrative hearing will be held before the Inspector at a designated place and time, not later than ten (10) days after the date of notice, at which time the owner is entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and/or

(C) Following the hearing, the inspector may issue any order to repair, close, vacate or demolish the building that appears appropriate. If the name or whereabouts of the owner cannot, after due diligence, be discovered, the notice shall be considered properly and adequately served if a copy thereof is posted on the outside of the building in question at least ten (10) days before the day of the hearing and a notice of the hearing is published at least once not later than one week before the hearing, as provided in G.S. § ~~160A-428(3)~~160D-1121.

§ 150.068 ORDER TO TAKE CORRECTIVE ACTION.

If, upon a hearing held pursuant to G.S. § ~~160A-428~~160D-1121, the inspector finds that the building is in a condition that constitutes a fire safety hazard or renders it dangerous to life, health or other property, he or she shall issue a written order, directed to the owner of the building or structure, requiring the owner to remedy the defective conditions by repairing, closing, vacating or demolishing the building or taking other necessary steps, within that period, not less than 60 days, as the inspector may prescribe, as provided in G.S. § ~~160A-429~~160D-1122.

§ 150.069 APPEAL; FINALITY OF ORDER NOT APPEALED.

(A) An owner who has received an order under G. S. § ~~160A-429~~160D-1122 may appeal from the order to the Town Council by giving written notice of appeal to the inspector and the Clerk within ten (10) days following the day the order is issued.

(B) In the absence of an appeal, the order of the inspector is final. The Town Council shall hear

Commented [PY17]: Added to reflect statute See 160D-1119

Commented [PY18]: Just clarification language to indicate the type of hearing to be held

any appeal within a reasonable time and may affirm, modify and affirm, or revoke the order, as provided in G.S. § ~~160A-430~~160D-1123.

ENFORCEMENT

§ 150.080 DUTY OF DEPARTMENT.

The Department of Inspections shall be responsible for the enforcement of any ordinance or code adopted by the Town Council relating to the construction, alteration, repair, closing or demolition of dwellings unfit for human habitation, pursuant to G.S. Ch. ~~160A, Art. 19, Parts 5 and 6.~~160D Articles 11 and 12.

§ 150.081 FAILURE OR REFUSAL TO COMPLY WITH ORDER.

Any person who fails or refuses to comply with any final order or direction of the Building Inspector made by virtue and in pursuance of this chapter, and any person violating this chapter, shall be subject to the provisions of Chapter 11, § 11.01 of this code.

Beech Mountain, NC Code of Ordinances

CHAPTER 151: PLANNING BOARD

Section

- 151.01 Creation
- 151.02 Composition and vacancies
- 151.03 Organization; rules, meetings and records
- 151.04 Expenditures; incurring indebtedness
- 151.05 Powers and duties
- 151.06 Conflicts of interest

§ 151.01 CREATION.

The Mayor and Town Council hereby establish the Town Planning Board, under the authority granted in G.S. § ~~160A-364~~160D-301.

(1989 Code, Title V, Ch. 50, Art. I) (Ord. passed 11-5-1981)

§ 151.02 COMPOSITION AND VACANCIES.

(A) The Planning Board, hereinafter referred to as the "Board", shall consist of five members. All Board members shall be appointed by the Town Council. The initial appointments to the Board shall be made as follows: two members shall be appointed for a term of three years, two members shall be appointed for a term of two years and one member shall be appointed for a term of one year.

(B) As the terms of these five members expire, new appointments for terms of three years shall be made. Vacancies, occurring for reasons other than expiration of appointed terms, shall be filled as they occur by the Town Council for the period of the unexpired term.

(C) Regular attendance at the meetings of the Board shall be a prerequisite for the maintenance of membership on the Board. The Town Council may remove a Board member for non-attendance or malfeasance.

(D) Members of the Planning Board may attend up to one-half of the regular committee meetings per calendar year by telephonic or video-telephonic attendance. Town staff and the telephonically attending member shall work to insure that all parties are able to hear and communicate with each other as part of this process. The member attending telephonically shall give notice to the Planning Board Secretary not less than 24 hours prior to the meeting. For purposes of attaining a quorum, the telephonically attending member shall not be considered to be present for the meeting. The telephonically attending member may participate fully in the conduct of the meeting, including voting upon all matters before the committee. Minutes of the meeting at which remote participation occurs should reflect which members are physically present and which are not.

(1989 Code, Title V, Ch. 50, Art. II) (Ord. passed 11-5-1981; Ord. 2018-03, passed 2-13-2018)

§ 151.03 ORGANIZATION; RULES, MEETINGS AND RECORDS.

(A) Every person appointed to the Planning Board shall, before entering upon the duties of the office, take and subscribe the oath of office prescribed in Article VI, § 7 of the North Carolina Constitution. Oaths of office shall be administered by some person authorized by law to administer oaths and shall be filed with the Town Clerk.

(B) Within 30 days after appointment, the Board shall meet and elect a Chair, Vice-Chair, Secretary and create and fill other offices as it may determine. The term of the Chair and other officers shall be one year, with eligibility for reelection. The Board shall adopt rules for transaction of its business and shall keep a record of its members' attendance, and of its resolutions, discussions, findings and recommendations, which record shall be a public record. These records shall be kept in the manner and for the periods prescribed by the North Carolina Department of Cultural Resources. The Board shall hold at least one meeting monthly and all of its meetings shall be open to the public. There shall be a quorum of three Board members for the purposes of taking any official action required by this chapter.

Commented [PY1]: Added for consistency with statute
See 160D-309

Friday, October 9, 2020 | | Preston Yates

(CB) The members of the Planning Board shall be paid ~~\$15 per month~~ a monthly stipend established in the annual budget ordinance for meeting attendance, regardless of the number of meetings attended; no money will be paid if no meetings were attended, payment will be on a quarterly basis. The compensation may be changed by the Town Council at any time. (1989 Code, Title V, Ch. 50, Art. III) (Ord. passed 11-5-1981; Ord. passed 1-12-2010)

§ 151.04 EXPENDITURES; INCURRING INDEBTEDNESS.

The expenditures of the Board, exclusive of grants, shall be within the amounts appropriated for the purpose by the Town Council, and no indebtedness for which the town shall be liable shall be contracted or incurred by the Board unless an appropriation is made by the Town Council for that purpose, as authorized by law, and then only to the extent of the appropriation. (1989 Code, Title V, Ch. 50, Art. IV) (Ord. passed 11-5-1981)

§ 151.05 POWERS AND DUTIES.

The Board shall have the power to perform the following duties:

(A) ~~Make studies of the area within its jurisdiction and surrounding areas~~ Prepare, review, maintain, monitor, and periodically update and recommend to the Town Council a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis;

(B) ~~Determine objectives to be sought in the development of the study area~~ Facilitate and coordinate citizen engagement and participation in the planning process;

~~(C) Prepare and adopt plans for achieving these objectives;~~

(CD) Develop and recommend policies, ordinances, administrative procedures and other means of carrying out plans in a coordinated and efficient manner;

(DE) Advise the Town Council concerning the ~~use and amendment of means for carrying out~~ implementation of plans, including, but not limited to, review and comment on all zoning text and map amendments as required by G.S. § 160D-604;

(EF) Exercise any functions in the administration and enforcement of various means for carrying out plans that the Town Council may direct;

(FG) Perform any other related duties that the Town Council may direct; and

(GH) The members of the Planning Board shall also serve in the capacity of the Architectural Review Committee, and shall review development plans for compliance with the Commercial Thoroughfare Overlay District architectural standards.

(1989 Code, Title V, Ch. 50, Art. V) (Ord. passed 11-5-1981; Am. Ord. 2014-05, passed 12-9-2014)

§ 151.06 CONFLICTS OF INTEREST.

~~Members of the Planning Board shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to G.S. § 160D where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A member of the Planning Board shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has close familial, business, or other associational relationship.~~

Commented [PY2]: General housekeeping unrelated to 160D

This cleans up this code section and keeps all financial information together in the budget document instead of being spread through different ordinances

Commented [PY3]: Updated for consistency with statute See 160D-301(b)

Commented [PY4]: Added conflict of interest section consistent with state statute See 160D-109

CHAPTER 152: BLASTING

Section

- 152.01 Purpose
- 152.02 Definitions
- 152.03 Standards

§ 152.01 PURPOSE.

(A) The purpose of this chapter is to protect the public from hazards associated with blasting and to keep the Police Department informed when blasting is to occur.

(B) This chapter will not relieve the person or party doing the blasting from responsibility for any damages caused by the blasting.

(1989 Code, Title VI, Ch. 63, § 1) (Ord. passed 12-8-1992)

§ 152.02 DEFINITIONS.

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

DETONATION. An exothermic reaction characterized by the presence of a shock wave in the material which established and maintains the reaction. The reaction zone progresses through the material at a rate greater than the velocity of sound. The principal heating mechanism is one shock compression. **DETONATIONS** have an explosive effect.

DETONATOR. A component (such as a blasting cap or an electric blasting cap) in an explosive train which is capable of initiating detonation in a subsequent high explosive component.

EXPLOSIVE. Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and combustible units or other ingredients in such proportions, quantities or packing, that an ignition by fire, friction, concussion, percussion or detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gasses that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life and limb.

(1989 Code, Title VI, Ch. 63, § 2) (Ord. passed 12-8-1992)

§ 152.03 STANDARDS.

(A) A permit shall be obtained to use explosive materials.

(B) Use of explosives is not permitted between the hours of 5:00 p.m. and 8:00 a.m.

(C) Blasting within 200 feet of a structure requires the use of a blasting mat.

(D) Permits issued under this chapter shall be issued in the name of the person undertaking the blasting and shall specify the area in which the blasting is to occur, the type and amount of explosive material to be used, the duration of the permit, and such other factors as are necessary to identify the blasting which is allowed under the permit.

(E) The person or party doing the blasting shall notify the police dispatcher when the explosion is to occur.

(F) The permittee shall be responsible for any damage caused to private or public property as a result of their blasting activities.

(G) The Building Inspector shall issue the blasting permit only after a site visit and consultation with the applicant.

(1989 Code, Title VI, Ch. 63, § 3) (Ord. passed 12-8-1992)

CHAPTER 153: MINIMUM HOUSING CODE

Section

- 153.01 Housing Code established
- 153.02 Exercise of police powers; authority
- 153.03 Purpose
- 153.04 Scope
- 153.05 Definitions
- 153.06 Administrative ability
- 153.07 Unsafe conditions
- 153.08 Minimum standards
- 153.09 Enforcement
- 153.10 Appeal procedure
- 153.11 Other unlawful acts

§ 153.01 HOUSING CODE ESTABLISHED.

There are hereby established rules and regulations for the repair or elimination of unfit and/or unsafe housing conditions in the town.

(1989 Code, Title VI, Ch. 80, § 1) (Ord. passed 6-10-2003)

§ 153.02 EXERCISE OF POLICE POWERS; AUTHORITY.

The Town Council hereby finds that there may exist in the town dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accident or other calamity, lack of ventilation, light or sanitary facilities, or due to other conditions rendering the dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety, morals or otherwise inimical to the welfare of the residents of the town, and that a public necessity may exist to exercise the police powers of the town pursuant to G.S. Ch. 160DA, Art. 12-19 to repair, close or demolish the dwellings in accordance with the procedure herein provided.

(1989 Code, Title VI, Ch. 80, § 2) (Ord. passed 6-10-2003)

§ 153.03 PURPOSE.

The purpose of this code is to remedy and prevent the decay and deterioration of places of human habitation by providing minimum requirements for the protection of the life, health, welfare, safety and property of the general public and the owners and occupants of places of human habitation.

(1989 Code, Title VI, Ch. 80, § 3) (Ord. passed 6-10-2003)

§ 153.04 SCOPE.

The provisions of this code are applicable to all dwellings within the town which are used or intended for use for human habitation.

(1989 Code, Title VI, Ch. 80, § 4) (Ord. passed 6-10-2003)

§ 153.05 DEFINITIONS.

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

APARTMENT HOUSE. Any dwelling which is designed to be occupied, or which is occupied as the home or residence of three or more families living independently of each other in dwelling units.

APPROVED. Performed in a manner and/or with building materials consistent with the State Building Code unless otherwise provided herein.

AREA. As applied to the dimensions of a dwelling, the maximum horizontal projected area of the dwelling at grade.

CODE ENFORCEMENT OFFICER. The officer or other designated authority charged with the administration and enforcement of this code, or a duly authorized representative.

CONDEMN. To adjudge unfit for occupancy

Commented [PY1]: Updated reference

Commented [PY2]: Because this chapter deals with a lot of building code related issues/concerns some of the definitions were modified to more closely align with the Building Code definitions so that conflicts between this ordinance and the Building Code are minimized

Commented [PY3]: General housekeeping unrelated to 160D
Code Official more closely aligns with the Town's organization and procedures
See also 153.07 below

Commented [PY4]: Added from Building Code

DEMOLISH. The tearing down and disposal of a dwelling unit in a lawful manner, leaving property free of debris and without hazards, such as holes or pockets.

DETERIORATED. A dwelling that is unfit for human habitation or unsafe and can be repaired or improved to comply with standards established by this code at a cost not in excess of 50% of its value.

DILAPIDATED. A dwelling that is unfit for human habitation or unsafe and cannot be repaired or improved to comply with standards established by this code at a cost not in excess of 50% of its value.

DWELLING. Any building or part thereof used and occupied for human habitation or intended to be so used, and including any outhouses and appurtenances belonging thereto.

DWELLING UNIT. Any room or group of rooms located within a dwelling and forming a habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

EXIT. An unobstructed way of departure from the interior of a dwelling to the exterior at grade level. That portion of a means of egress system between the exit access and the exit discharge or public way. Exit components include exterior exit doors at the level of exit discharge, interior exit stairways and ramps, exit passageways, exterior exit stairways and ramps, and horizontal exits.

EXIT ACCESS. That portion of a means of egress system that leads from any occupied portion of a building or structure to an exit.

EXIT ACCESS DOORWAY. A door or access point along the path of egress travel from an occupied room, area or space where the path of egress enters an intervening room, corridor, unenclosed exit access stair or unenclosed exit access ramp.

EXIT DISCHARGE. That portion of a means of egress system between the termination of an exit and a public way.

EXIT DISCHARGE, LEVEL OF. The story at the point at which an exit terminates and an exit discharge begins.

EXIT ENCLOSURE. An exit component that is separated from other interior spaces of a building or structure by fire-resistance-rated construction and opening protectives and provides for a protected path of egress travel in a vertical or horizontal direction to the exit discharge or the public way.

EXIT, HORIZONTAL. A path of egress travel from one building to an area in another building on approximately the same level, or a path of egress travel through or around a wall or partition to an area on approximately the same level in the same building, which affords safety from fire and smoke from the area of incidence and areas communicating therewith.

EXIT PASSAGEWAY. An exit component that is separated from other interior spaces of a building or structure by fire-resistance-rated construction and opening protectives and provides for a protected path of egress travel in a horizontal direction to the exit discharge or the public way.

EXTERMINATION. The control and elimination of pests by eliminating their harborage places; by making inaccessible materials that serve as their food; by poisoning, trapping or any other recognized and lawful pest elimination method.

FAMILY. One or more persons living together and having common housekeeping facilities.

GARBAGE. The waste produced by animal or vegetable products used for human consumption. This definition shall include matter that is subject to decomposition or the generation of noxious gases or odors or which may serve as feeding or breeding material for animals or insects.

HABITABLE SPACE or HABITABLE ROOM. Any room in a dwelling or dwelling unit used or intended for use for living, sleeping, cooking or eating, excluding bathrooms, toilets, halls, pantries, storage space, closets, laundry rooms and other spaces not used frequently or during extended periods.

Commented [PY5]: Definitions amended to align with Building Code definitions

Commented [PY6]: Definition amended to align with Building Code

Commented [PY7]: These definitions added from Building Code in support of Exit definition

INSPECT. The act of examining areas of a dwelling or dwelling unit to determine its compliance with the standards set out in this code.

MEANS OF EGRESS. A continuous and unobstructed path of vertical and horizontal egress travel from any occupied portion of a building or structure to a public way. A means of egress consists of three separate and distinct parts: the exit access, the exit and the exit discharge.

NORTH CAROLINA STATE BUILDING CODES. The adopted State Building Codes that ~~was~~ ~~were~~ (is/are) in effect at the time of construction.

OWNER. Any person, agent, operator, entity, firm or corporation having any legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding an interest or title to the property; or otherwise having possession or control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PARTIES IN INTEREST. All individuals, associations and corporations who have interests of record in a dwelling or dwelling unit and any who are in possession thereof.

PIER. A post, pole or column extending from a footing to, and supporting, the building or portion thereof.

PLUMBING. The water supply system, sanitary drainage system, vent system, fixtures and traps including their respective connections, devices, appliances and appurtenances within the property lines of the premises.

POTABLE WATER SUPPLY. The direct connection to a well, to a public water utility or equivalent water service delivery system and does not include through a hose or via containers.

PROPERLY INSTALLED AND CONNECTED. Shall mean in accordance with the North Carolina State Building Code. Provided however that the kitchen sink standard shall not apply to hotels or motels.

PUBLIC SPACE or COMMON SPACE. That space within a dwelling which is open to use by the general public or to occupants of more than one dwelling unit.

RUBBISH. Waste materials except garbage.

STORY. The part of a dwelling comprised between a floor and the floor or roof above and having the required ceiling height.

UNFIT. Not fit for human habitation.

UNSAFE. Especially dangerous to life because of a dwelling's or dwelling unit's liability to fire or because condition of walls, overloaded floors, defective construction, decay, dangerous wiring or heating system, inadequate means of egress or other conditions enumerated in this code. (1989 Code, Title VI, Ch. 80, § 5) (Ord. passed 6-10-2003)

§ 153.06 ADMINISTRATIVE ABILITY.

No officer, official, or employee of the town charged with the enforcement of this code shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties under this code. No person who institutes or assists in the prosecution of any legal proceedings to enforce any provision of this chapter shall be liable for damages unless he or she acted with actual malice.

(1989 Code, Title VI, Ch. 80, § 6) (Ord. passed 6-10-2003) Penalty, see Chapter 11, § 11.01

§ 153.07 UNSAFE CONDITIONS.

(A) The Code Enforcement Officer shall determine that a dwelling is unsafe and represents a threat to life and property if any one or more of the following conditions exist.

(B) Given the prevalence of second homes in the town, "winterizing" or otherwise maintaining a residence to be used only seasonally with intermittent absences is permitted relative to divisions (B)(1) through (4) below:

- (1) No operating heating facilities between November 1 and March 30 of any year;

Commented [PY8]: This definition also added to support Exit definition

Commented [PY9]: Added from Building Code

Commented [PY10]: General housekeeping unrelated to 160D
Reformat: moved from 153.08(A)(1)(a)

Commented [PY11]: General housekeeping unrelated to 160D
Reformat: moved from 153.08(A)(1)(d)

- (2) No potable water service;
 (3) No hot water supply;
 (4) No electricity;
 (5) Failing or failed ~~primary~~ structural members that threaten the stability of the dwelling and/or visible structural defects that appear to render the structural members ineffective;
 (6) Improperly operating, insufficient, or no sanitary facilities;
 (7) Overloaded electrical circuits or unsafe or exposed wiring;
 (8) Presence of raw sewage or open sewer inside the dwelling;
 (9) Presence of uncontained flammable, combustible or poisonous liquids, solids or gases or life or health threatening depletion of oxygen;
 (10) Missing roof or part of roof missing;
 (11) Chimney flues clogged, inoperable, or otherwise insufficient for the intended use;
 (12) The dwelling is a physical threat due to immediate possibility of collapse;
 (13) The primary means of exit or escape in the event of fire or other emergency is blocked, substantially impeded, or structurally unsafe;
 (14) Occupancy of below-grade habitable space that does not meet the standards of this code; and
 (15) Internal accumulation of garbage.
- (1989 Code, Title VI, Ch. 80, § 7) (Ord. passed 6-10-2003)

§ 153.08 MINIMUM STANDARDS.

(A) Facilities.

(1) Sanitary.

(a) Every dwelling shall be furnished with a potable water supply system. ~~POTABLE WATER SUPPLY means direct connection to a well, to a public water utility or equivalent water service-delivery system, and does not include through a hose or via containers.~~

(b) Every dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet all maintained in good, sanitary, and safe working condition and properly connected to an approved water and sewer system.

(c) Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition free from defects, leaks and obstruction and be capable of performing the function for which such plumbing fixtures are designed.

(d) ~~PROPERLY INSTALLED AND CONNECTED means in accordance with the North Carolina State Building Code. Provided however that the kitchen sink standard shall not apply to hotels or motels.~~

(2) Location of sanitary facilities. All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants. Bathroom facilities shall afford privacy to the occupants.

(3) Hot and cold water supply. Water closets, toilets, and urinals shall be connected to an adequate cold water supply. All other required plumbing fixtures shall be connected to an adequate supply of both hot and cold water.

(4) Water heating. Every dwelling shall have a water heater, installed and maintained in accordance with the North Carolina State Building Code and capable of providing an adequate amount of heateding water to be drawn at every required sink, lavatory, bathtub, shower, and laundry facility at a minimum temperature of 116°F.

(5) Heating. Every dwelling unit shall have heating facilities which are properly installed and maintained in safe and good working condition and are capable of heating all rooms to a temperature of 68°F at a distance of three feet above the floor at an outside temperature of 14°F. Portable heaters and unvented fuel burning heaters do not meet the requirements of this section. The use of unvented

Commented [PY12]: Minimum Standards were amended to be consistent with statute
See 160D Article 12: Minimum Housing Codes

Commented [PY13]: General housekeeping
REFORMAT: Moved to definitions

Commented [PY14]: General housekeeping
REFORMAT: Moved to definitions

fuel burning heaters is prohibited in any bedroom. Heating appliances shall have clearances complying with the North Carolina State Building Code.

(6) *Chimneys.* Chimneys must be safe for use as specified and intended, constructed or installed and maintained in accordance with the North Carolina State Building Code. Chimneys that do not meet the minimum code requirements shall be repaired or sealed.

(7) *Cooking equipment.* All cooking equipment and facilities shall be installed in an approved manner and shall be maintained in a safe working condition. Portable cooking equipment employing flame is prohibited as a substitute for approved cooking equipment.

(B) *Light and ventilation.* All dwellings units shall contain enough windows facing directly to the outdoors on multiple sides of the structure to allow natural light into the structure and to ventilate the air on every living level. Every hall and stairway of every dwelling unit shall be electrically lighted including exterior stairways and stairways in public spaces.

(C) *Electrical systems.*

(1) *Electrical service.* The minimum standards provided in the National Electric Code must be maintained in every dwelling unit. Any new or replacement receptacle outlets shall have ground fault circuit interrupter protection, as required.

(2) *Lights and outlets.*

(a) Every hall, water closet compartment, bathroom, laundry room or furnace room shall contain at least one light fixture outlet.

(b) In any bathroom or laundry room there shall be provided at least one receptacle outlet.

(c) All outlets, switches, wiring and light fixtures shall be safe and operable. No extension cords shall be spliced or used as fixed wiring in a dwelling.

(D) *Exterior and interior.*

(1) *Foundation.* The building foundation system shall be maintained in a safe manner and capable of supporting the load which normal use may cause to be placed thereon. Beneath the dwelling there must be firm ground, no mud or standing water. Adequate means to gain access to the crawl space or basement shall be provided.

(2) *Exterior walls.* Every exterior wall shall be free of holes, breaks or loose or rotting boards. Cracking and chipped paint shall not exceed 50% of the surface on any exterior wall. All siding materials shall be kept in repair.

(3) *Roofs.* Roofs shall be structurally sound, maintained in a safe manner and have no defects which might admit rain or dampness in the walls. The following may constitute evidence of defects:

(a) Missing shingles;

(b) Missing flashing;

(c) Roof deflection greater than one-sixth of the depth of the rafters or rafters cracked;

(d) Damage to ceilings in rooms immediately below roof; and

(e) Fire damage.

(4) *Attics.* Attics shall be ventilated.

(5) *Means of egress.* In multi-family dwellings having two or more dwelling units above the first story, every dwelling unit above the first story shall have access to at least two exit ways.

(6) *Stairs, porches protective railings and appurtenances.* Every inside and outside stair, porch, protective railing and appurtenance thereto shall be maintained in accordance with the North Carolina State Building Code applicable at the time of construction.

(7) *Windows and window assemblies.*

(a) Each window shall be substantially weather tight, watertight and be of sound working condition and good repair.

(b) Each window sash shall be fully supplied with glass windowpanes without cracks or holes. Wood, cardboard, polyethylene or other plastic film, are not approved substitutes. Broken single pane

windows must be replaced.

(c) Each window required for ventilation for habitable rooms or spaces shall be capable of being easily opened and closed and secured in position by window hardware.

(8) *Exterior doors.*

(a) Every exterior door, basement door, attic door and hatchway shall be substantially weather tight, watertight and shall be kept in sound working condition and good repair.

(b) Every exterior door to a dwelling shall be provided with properly installed hardware that is maintained to insure reasonable ease to open or close. All exterior doors shall be capable of being locked from the inside and outside.

(9) *Exterior door frames.* Exterior doorframes shall be properly maintained and shall be equipped with weather stripping and thresholds as required to be weather tight, watertight and rodent and insect restrictive when the door is closed. Exterior doorjambbs, stops, headers and moldings shall be securely attached to the dwelling and maintained in good condition.

(10) *Accessory buildings.* Garages, storage buildings and all other accessory structures shall be structurally sound. When the condition of plumbing, heating, structural or electrical components present imminent danger to occupants or to the public, if the outbuilding is accessible to the public, those facilities shall be made safe in a manner consistent with this code or be torn down and removed.

(11) *Interior floors.* Every floor shall be substantially vermin proof, shall be kept in sound condition and good repair and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon. No rotted or loose flooring shall be allowed. (Note: walls and ceilings have been deleted.)

(12) *Structural supports.* Every structural element of the dwelling shall be maintained in a sound condition and show no evidence of deterioration which would render it incapable of carrying normal loads.

(1989 Code, Title VI, Ch. 80, § 8) (Ord. passed 6-10-2003)

§ 153.09 ENFORCEMENT.

(A) *Issuance of complaint.*

(1) Whenever the town receives a complaint, or whenever it appears to the code enforcement officer (on his or her own motion) that a dwelling is unfit for human habitation, the code enforcement officer shall, if his or her preliminary investigation discloses a basis for the charges, issue and cause to be served upon the owner of the dwelling a complaint stating the charges of violations of this code, listing code deficiencies, and containing a notice that a hearing will be held before the Town Manager at a place, date and time specified. The notice shall also notify the owner(s) that they have the right to file an answer to the complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Town Manager.

(2) Provided, however, the code enforcement officer may, prior to the issuance of a complaint, serve upon the property owner or property owner's agent with a violation notice giving the property owner up to 90 days to correct violations.

(B) *Findings of fact and order.* If, after the notice and hearing, the Town Manager determines that the dwelling under consideration is unsafe or unfit for human habitation, according to the standards of this code, he or she shall state in writing his or her findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order.

(1) If the dwelling is found to be deteriorated as defined in this code, the Town Manager shall require the owner to repair, alter or improve the dwelling so as to bring it into compliance with this code within a period not to exceed 120 days of the service of the order upon the owner. The order may also require the owner to vacate and close the dwelling as a human habitation. Where the Town

Manager finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in the lesser time period as may be necessary.

(2) If the dwelling is found to be dilapidated as defined in this code, the Town Manager may require the owner to demolish and remove the dwelling within a period not to exceed 90 days of the service of the order. Where the Town Manager finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser time period as may be necessary. The order will not bar the owner from making repairs as are necessary to bring the dwelling into compliance with this code within the corrective action period imposed by the order.

(C) *Action upon failure to comply with order.*

(1) If the owner of a dwelling fails to comply with an order to repair or to vacate and close the dwelling, the Town Manager may cause the dwelling to be repaired or to be vacated and closed.

(a) The Town Manager may cause to be posted on the main entrance of any dwelling so closed a placard with the following words:

"This dwelling is unfit for human habitation. The use or occupation of this dwelling for human habitation is prohibited and unlawful."

(b) Occupation of a dwelling so posted shall constitute a misdemeanor.

(2) If the owner fails to comply with an order to demolish and remove the dwelling, the Town Manager may cause the dwelling to be demolished and removed.

(3) The order of the Town Manager to repair, vacate and close or demolish and remove shall not be exercised until the Town Council shall have by ordinance ordered the Town Manager to proceed to effectuate the purpose of this code with respect to the particular property.

(a) No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given reasonable opportunity to bring it into conformity with this code.

(b) The ordinance shall be recorded in the Office of the Register of Deeds for the appropriate county and shall be indexed in the name of the property owner in the grantor index.

(4) The amount of the cost of repairs, alterations or vacating and closing, or demolition and removal caused by the Town Manager shall be a lien against the real property upon which the cost was incurred. This lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in G.S. Ch. 160A, Art. 10. If the dwelling is caused to be demolished and removed by the Town Manager, he or she shall, where feasible, sell the materials of the dwelling, and any personal property, fixtures or appurtenances found in or attached to the dwelling, and shall credit the proceeds of the sale against the cost of the demolition and removal. Any balance remaining shall be deposited in the appropriate County Superior Court by the Town Manager, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court.

(5) If any occupant fails to comply with an order to vacate a dwelling, the town may file a civil action to remove the occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any person occupying the dwelling. The Clerk of the appropriate County Superior Court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date and place not to exceed ten days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. § 42-29.

(a) The summons shall be returned according to its tenor, and if on its return it appears to have been duly served, and if at the hearing the Town Manager produces a certified copy of an ordinance adopted by the town pursuant to division (C)(3) above authorizing to proceed to vacate the occupied dwelling, the magistrate shall enter a judgement ordering that the premises be vacated and that all persons be removed.

(b) The judgement ordering that the dwelling be vacated shall be enforced in the same manner

as the judgement for summary ejectment entered under G.S. § 42-30. An appeal from any judgement entered hereunder by the magistrate may be taken as provided in G.S. § 7A-228, and the execution of the judgement may be stayed as provided in G.S. § 7A-227.

(c) An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this section unless the occupant has been served with notice at least 30 days before the filing of the summary ejectment proceeding that the town has ordered the Town Manager to proceed to exercise his or her duties under this section to vacate and close or demolish and remove the dwelling.

(D) *Displacement.* In enforcing the provisions of this code, the Town Manager shall make every effort to prevent unnecessary displacement of occupants, including assisting in locating alternate housing.

(E) *Determination of value.* The code enforcement officer is hereby authorized to fix the reasonable value of any dwelling or abandoned dwelling for the purpose of this code at the amount set forth in the appropriate county's property tax listing (as adjusted by the County Assessor, or pursuant to the Assessor's instruction), not including land value. The value shall be binding unless the owner provides for delivery of a written appraisal as to the reasonable value of the dwelling prepared by a state-certified residential appraiser within 15 days after receipt of an order from the Town Manager. The written appraisal shall be binding and conclusive for the purposes of this code.

(F) *Service of complaints and orders.*

(1) Complaints and orders issued pursuant to this code shall be served upon persons either personally or by certified mail; but if the identities of any owners or the whereabouts of the persons are unknown and the same cannot be ascertained by the ~~C~~code ~~E~~enforcement ~~O~~fficer, in the exercise of reasonable diligence, and the ~~C~~code ~~E~~enforcement ~~O~~fficer makes an affidavit to that effect, then the serving of the complaint or order upon the unknown owners may be made by publication in a newspaper having general circulation in the town at least once no later than the time at which personal service would be required under this code.

(2) Where service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby effected. Failure on the part of any owner or party in interest to receive or have served upon him or her any complaint, notice or order herein provided for shall not affect or invalidate the proceedings with respect to any other owner or party in interest or any other person, firm or corporation.

(G) *Civil penalties.* An owner who fails to comply with an order to repair or to improve, vacate, close or demolish and remove any dwelling determined unfit for human habitation pursuant to the provisions contained in this code, or who permits the occupancy or re-occupancy of an unsafe or unfit dwelling in violation of this code shall be subject to a civil penalty of \$100 for the first day following the expiration of an order to repair or improve, vacate or close any occupied dwelling or following a determination that an unfit dwelling has been re-occupied in violation of this code. In each instance, a penalty of \$20 per day shall be imposed for each subsequent day that the failure to comply continues. If a person fails to pay the civil penalty within ten days after being notified of the amount due, the town may recover the penalty together with all costs by filing a civil action in the General Court of Justice in the nature of a suit to collect a debt.

(H) *Violator responsible for costs.* In the event it is necessary for the town to file a civil action to enforce any provision of this chapter, the violator shall be liable for and may pay to the town all costs and attorney fees incurred by the town.

(1989 Code, Title VI, Ch. 80, § 9) (Ord. passed 6-10-2003)

§ 153.10 APPEAL PROCEDURE.

(A) *To Town Manager.* Any owner may file a written appeal within ten (10) days after issuance of the code enforcement officer's report to the owner, with the Town Manager. The Town Manager is

hereby given authority to rule on any dispute arising out of the interpretation of this code by the code enforcement officer. The Town Manager will affirm, reverse or modify the ruling of the code enforcement officer.

(B) *To Board of Adjustment.* A housing appeals board is hereby created to which appeals on the record may be taken by an owner or other party in interest from any decision or order of the Town Manager. The Board of Adjustment for the town shall serve as the Housing Appeals Board and will hear and determine the appeals on the record.

(1) An appeal from any decision or order of the Town Manager may be taken by any person aggrieved thereby. The appeal shall be taken within ten days from the service of the order and shall be taken by filing with the Town Manager and with the Board a notice of appeal, which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Town Manager shall forthwith transmit to the Board all papers constituting the record upon which the decision appealed from was made. When an appeal is from the decision of the Town Manager refusing to allow the person aggrieved thereby to do any act, his or her decision shall remain in force until modified or reversed.

(a) When any appeal is from a decision of the Town Manager requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing of the Board, unless the Town Manager certifies to the Board, after the notice of appeal is filed with him or her, that by reason of the facts stated in the certificate (a copy of which shall be furnished to the petitioner) a suspension of his or her requirement would, in his or her opinion, cause imminent peril to life or property or that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of the ordinance. In that case proceedings shall not be stayed except by a restraining order, which may be granted by the Board if Adjustment or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

(b) To this end, the Board shall have all the powers of the officer from whom the appeal is taken.

(2) The Board shall fix a reasonable time for the hearing of appeals, shall give due notice to all the parties and shall render its decision within a reasonable time. Any party may appear in person or by agent or by attorney. The Board may reverse, affirm, in whole or in part, or may modify the decision or order appealed. The concurring vote of four members of the Board shall be necessary to reverse or modify any decision or order of the Town Manager. The Board shall have the power also in passing upon appeals in any case where there are practical difficulties or undue hardships in the way of carrying out the strict letter of this code, to adapt the application of the code to the necessities of the case to the end that the spirit of the code shall be observed, public safety and welfare secured, and substantial justice done.

(3) Every decision of the Board shall be subject to review by proceedings in the nature of certiorari instituted in the appropriate County Superior Court within 30 days after the written decision of the Board is filed or after a copy thereof is delivered to the appealing party, whichever is later. The decision of the Board may be delivered to the aggrieved party either by hand delivery or by any method authorized by the State Rules of Civil Procedure.

(C) *Injunction.* Any person aggrieved by a decision rendered by the Board may petition the Superior Court for an injunction restraining the town from carrying out the order or decision and the court upon the petition, issue a temporary injunction restraining the town pending a final disposition of the cause; provided, however, that the petition shall be filed within 30 days after issuance of the order or rendering of the decision.

(1989 Code, Title VI, Ch. 80, § 10) (Ord. passed 6-10-2003)

§ 153.11 OTHER UNLAWFUL ACTS.

(A) It shall be unlawful for any person, firm, or corporation to remove (or permit the removal of),

1 damage or deface any complaint, notice order or certificate posted in accordance with the provisions
2 of this code, unless the code enforcement officer consents in writing to the action.

3 (B) It shall be unlawful for the owner or owner's agent(s) of any dwelling subject to the provisions
4 of this code to fail to furnish to the buyer(s) a copy of the inspection findings or report prior to closing
5 or other property transfer of the dwelling.
6 (1989 Code, Title VI, Ch. 80, § 11) (Ord. passed 6-10-2003)

GENERAL PROVISIONS

§ 154.001 GOALS AND OBJECTIVES.

(A) The goal of the Town of Beech Mountain's Zoning Ordinance is to provide for orderly progress in the present and future growth of the town and to preserve, as far as is possible, Beech Mountain in its natural state. The town should continue to grow, emphasizing its natural surroundings of forest land, wildlife, and natural streams. The Zoning Ordinance should seek to ensure the serenity of a natural environment and restrict to a minimum any artificial growth which would destroy that which nature has provided.

(B) The following goals serve as a guide for the preparation of this Zoning Ordinance, as well as future planning elements, and for the fulfillment of the projected needs of the community.

(1) To provide for orderly and progressive development within Beech Mountain enhancing and accentuating the existing favorable qualities of the Town and diminish those features that detract from the most beneficial development of the Town.

(2) To promote the coordinated growth and development of the Town of Beech Mountain.

(3) To provide for orderly residential growth.

(4) To protect the environment and ecology of the area.

(C) Beech Mountain's greatest asset is its natural beauty. In order to ~~insure~~ensure the growth of the Town of Beech Mountain, the natural beauty must be preserved.

(1989 Code, Title V, Ch. 51)

§ 154.002 TITLE.

This chapter shall be known and may be cited as "The Zoning Ordinance of the Town of Beech Mountain, North Carolina."

(1989 Code, Title V, Ch. 51, Art. I)

§ 154.003 AUTHORITY AND ENACTMENT.

In pursuance of the authority conferred by the North Carolina General Statutes, particularly G.S.

~~Ch. 160DA, Art. 7: Zoning Regulation & G.S. Ch. 160D, Art. 8: Subdivision Regulation~~~~19, Part 3~~, the Town Council of Beech Mountain, North Carolina, hereby ordains and enacts into law the following subchapters and sections for the purpose of promoting the health, safety, morals and general welfare of the community.

(1989 Code, Title V, Ch. 51, Art. II)

§ 154.004 JURISDICTION.

The provisions of this chapter shall apply within the corporate limits of the Town of Beech Mountain, as specifically identified and delineated on the Zoning Map entitled "~~The Official Zoning Map of the Town of Beech Mountain, North Carolina.~~" Said map and all explanatory matter thereon accompanies and is hereby made a part of this chapter; the chapter shall be on file in the office of the Town Clerk.

(1989 Code, Title V, Ch. 51, Art. III)

§ 154.005 WORD INTERPRETATION.

(A) Except as specifically defined herein, words used in the present tense include the future tense.

(B) Words used in the singular include the plural, and words used in the plural include the singular.

(C) For the purpose of this chapter, certain words or terms used herein are defined as follows:

(1) The word **TOWN** shall mean the Town of Beech Mountain, North Carolina.

(2) The words **TOWN COUNCIL** shall mean the Town Council of Beech Mountain, North Carolina.

(3) The words **BOARD OF ADJUSTMENT** shall mean the Beech Mountain Board of Adjustment.

(4) The words **PLANNING BOARD** shall mean the Beech Mountain Planning Board.

(5) The word **ORDINANCE** shall mean the Zoning Ordinance of Beech Mountain.

Commented [PY1]: General Housekeeping: Grammar

Commented [PY2]: Updated reference: added subdivision authority

Commented [PY3]: May adopt new zoning map

- (6) The word **MAY** is permissive.
 (7) The word **SHALL** is mandatory.
 (8) The word **LOT** includes the words plot or parcel.
 (9) The word **BUILDING** includes the word structure.
 (10) The word **STREET** includes the words road and highway.
 (11) The words **PERSON** or **APPLICANT** include a firm, association, organization, partnership, corporation, company, trust, an individual or governmental unit.
 (12) The words **ZONING MAP** or **BEECH MOUNTAIN ZONING MAP** shall mean the Official Zoning Map of the Town of Beech Mountain.
 (1989 Code, Title V, Ch. 51, Art. IV, § 400)

§ 154.006 DEFINITIONS. ¹

Except as specifically defined herein, all words used in this chapter have their customary dictionary definitions. For the purpose of this chapter, certain words or terms used herein are defined as follows:

ACCESSORY BUILDING. See **BUILDING, ACCESSORY**

ACCESSORY USE. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

ADMINISTRATOR, ZONING. See **ZONING ADMINISTRATOR**

AGRICULTURAL USE. The use of waters for stock watering, irrigation, and other farm purposes.*

ALLEY. A public way which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

ANIMAL UNIT. A unit of measurement developed by the U.S. Environmental Protection Agency that is used to compare different types of animal operations.*

AVERAGE LOT WIDTH. The arithmetic mean of the distance between the side lot lines measured at the front and rear setback lines.

BEST MANAGEMENT PRACTICES (BMP). A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters to achieve water quality protection and goals.*

BUFFER (WATERSHED). An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.*

BUFFER AREASTRIP. A buffer ~~areastrip~~ is ~~an area of natural or planted~~ vegetation consisting of evergreen trees or shrubs ~~or an area of such vegetation in combination with fences, walls, berms, or other topographical or hardscape features intended to provide a visual and/or noise buffer between incompatible land uses, located along the side and rear lot lines, but shall not extend beyond the established setback line along any street.~~ Such buffer ~~areastrip~~ shall ~~be located between the incompatible land uses and be~~ not be less than four feet in width and ~~shall be composed of trees and shrubs of a type which at maturity shall be~~ not less than six feet in height ~~at planting~~, unless otherwise specified.

BUILDING. Any structure ~~having a roof supported by columns or by walls, and intended for shelter, housing or enclosure of persons, animals or chattels used or intended for supporting or sheltering any use or occupancy.~~ ~~For the purposes of Chapter 154, the connection of two buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be deemed to make them one building.~~

BUILDING, ACCESSORY. A detached building subordinate to the main building on a lot and used for purposes customarily incidental to the main or principal building and located on the same lot.

BUILDING HEIGHT. The distance measured from the highest point of the original natural grade of

Commented [PY4]: General housekeeping unrelated to 160D
Slight change in buffer definition to include hardscape and topographical features and to state the purpose and intent of the buffer

Also changed the minimum dimensions to 'at planting' as opposed to 'at maturity'

Commented [PY5]: Amended to match building code definition
See 160D-706

Commented [PY6]: General housekeeping
This might should be moved to a specific chapter or regulation and not be part of the definition

As written, it may conflict with the Building Code and Fire Code definitions of a single building

the land on which the building sits to the highest point of the structure (see § 154.140).

BUILDING, PRINCIPAL. A building used for the same purpose as the principal use of the lot.

BUILDING, SETBACK LINE. A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided.

BUILT-UPON AREA. Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.) *

CLUSTER DEVELOPMENT. The grouping of buildings to conserve land resources and provide for innovation in the design of the project. This term includes non-residential development as well as single-family residential subdivisions and multi-family developments that do not involve the subdivision of land. *

COMPOSTING FACILITY. A facility in which only stumps, limbs, leaves, grass and untreated wood collected from land clearing or landscaping operations is deposited. *

CONDITIONAL ZONING. A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

CONDITIONAL USE. A use which is permitted in specified zoning districts only after review by the Board of Adjustment and found to meet specific conditions and procedures as set forth in this chapter so that the safety and general welfare of the community is maintained.

CONDOMINIUM APARTMENT. A part of a building consisting of a room or rooms intended, designed or used as a residence by an individual or a single family.

CRITICAL AREA. The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first). Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile. *

CUSTOMARY HOME OCCUPATIONS. Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof. Provided further that no mechanical equipment is installed or used except as is normally used for domestic or professional purposes, and that not over 25% of the total floor space of any structure is used for the occupation. No home occupation shall be conducted in any accessory building, except for the storage and service of a vehicle that is driven off site, such as a service repair truck, delivery truck, etc. *

DEVELOPMENT. Any of the following:

a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure

b. The excavation, grading, filling, clearing, or alteration of land

c. The subdivision of land as defined in G.S. 160D-802

d. The initiation or substantial change in the use of land or the intensity of use of land

e. Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil. *

DISCHARGING LANDFILL. A landfill which discharges treated leachate and which requires a National Pollution Discharge Elimination System (NPDES) permit. ²

DENSITY. The number of dwelling units per acre of land developed or used for residential

Commented [PY7]: This conflicts with Building Height as determined by the Building Code – may need to modify

Commented [PY8]: Added definition from statute See 160D-102

Commented [PY9]: Moved definition to Special Use

Commented [PY10]: This is how it was written in the model watershed protection ordinance where the definition came from – it may have had a typo in the recording

Commented [PY11]: Definitions added from statute See 160D-102

purposes. Unless otherwise clearly stated, density requirements are expressed in dwelling units per acre; that is, per acre of land devoted to residential use exclusive of land utilized for streets, alleys, parks, playgrounds, or other public uses. See also: GROSS RESIDENTIAL DENSITY

DWELLING, MULTI-FAMILY. A building, or portion thereof, used or designed as a residence for two or more families living independently of each other.

DWELLING, SINGLE-FAMILY. A building arranged or designed to be occupied by one family.

DWELLING UNIT. A building, or portion thereof, providing complete and permanent living facilities for one family.

EASEMENT. A grant by a property owner of an area over, through, under, or across real property strip of land for a specified purpose and use by the public, a corporation or persons.

EXISTING DEVELOPMENT. Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the date of adoption of these amendments based on at least one of the following criteria: *

(1) Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or *³

(2) Having an outstanding valid building permit as authorized by the General Statutes (G.S. § 160D-108A-385.4), or

(3) Having an approved site specific or phased development plan as authorized by the General Statutes (G.S. § 160D-108A-385.4).⁴

EXISTING LOT (LOT OF RECORD). A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of these amendments, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of these amendments. *

FAMILY. One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

FLOOR AREA, GROSS. The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.

FLOOR AREA, NET. The actual occupied area not including unoccupied accessory areas such as corridors, stairways, toilet rooms, mechanical rooms and closets.

GROSS FLOOR AREA. The total livable floor area of all buildings in a project including basements, mezzanines and upper floors, exclusive of stairways and elevator shafts. It excludes separate service facilities outside the main building such as boiler rooms and maintenance shops.

GROSS RESIDENTIAL DENSITY. The number of dwelling units proposed to be built divided by the area in acres of the tract being developed.

GROUP CARE FACILITY, TYPE I. An establishment qualified for a license by the State of North Carolina which provides resident services to not more than six individuals, of whom one or more are unrelated. The individuals are handicapped, aged or disabled, are undergoing extended care, and are provided services to meet their needs.

GROUP CARE FACILITY, TYPE II. An establishment that provides services to individuals who present a threat to the persons or property of others. Individuals are determined to present a threat to the persons or property of others if they have inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or have acted in such a way as to create a substantial risk of serious

Commented [P12]: Updated definition for consistency with statutes

Commented [PY13]: Updated reference

Commented [PY14]: Updated reference

Commented [P15]: Added/amended definitions for consistency with State Building Codes so that floor area calculations are performed the same for zoning and building regulation purposes

bodily harm to another, or have engaged in extreme destruction of property; and that there is a reasonable probability that this conduct will be repeated. Previous episodes of dangerousness may be considered when determining reasonable probability of future dangerous conduct. Clear, cogent, and convincing evidence that an individual has committed a homicide or a sex offense in the relevant past is considered prima facie evidence of dangerousness to others.

HAZARDOUS MATERIAL. Any substance listed as such in: § 302 of the Superfund Amendment and Reauthorization Act (SARA), the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), being §§ 9601 *et seq.*; or § 311 of the Clean Water Act (CWA) being 33 U.S.C. § 1321. *

INDIVIDUAL SEWER SYSTEM. Any septic tank, ground absorption system, privy or other facility serving a single source or connection and approved by the County Sanitarian.

INDIVIDUAL WATER SYSTEM. Any well, spring, stream or other source used to supply a single connection.

INDUSTRIAL DEVELOPMENT. Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity. *

JUNK. Old or scrapped copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, dismantled or wrecked vehicles (or parts thereof), iron, steel, and other old scrap ferrous or non-ferrous material.

JUNKYARD. An establishment which is maintained, operated or used for storing, keeping, buying or selling junk regardless of the length of time that junk is stored or kept, or for maintenance or operation of an automobile graveyard, but shall not include garbage dumps on county-operated sanitary landfills.

LANDFILL. A facility for the disposal of solid waste on land in a sanitary manner in accordance with G.S. Ch. 130A, Art. 9. For the purposes of this chapter, this term does not include composting facilities. *

LOT (TRACT). A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.

LOT DEPTH. The mean horizontal distance between front and rear lot lines.

LOT OF RECORD. Any lot within the Town of Beech Mountain for which a plat has been recorded in the Register of Deeds Office of Watauga or Avery County, or described by metes and bounds, the description of which has been so recorded.

LOT WIDTH. The distance between side lot lines measured at the front setback line.

MAJOR VARIANCE. ~~A variance involving property located in a water supply watershed that results in any one or more of the following: *~~

- ~~(1) The complete waiver of a water supply watershed management requirement; *~~
- ~~(2) The relaxation, by a factor of more than 10%, of any water supply watershed management requirement that takes the form of a numerical standard; *~~ See VARIANCE, MAJOR

MANUFACTURING/PROCESSING, HEAVY. The manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise or equipment at a facility at which the majority of dollar volume of business is not done through walk-in trade. In

MANUFACTURING/PROCESSING, HEAVY establishments the objects created, repaired, cleaned, or assembled are often intended for transportation and sale or use at another facility.

MANUFACTURING/PROCESSING, LIGHT. The manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise or equipment at a facility at which the majority of dollar volume of business is done through walk-in trade. Without limiting the generality of this definition, specifically included are woodworking shops, pottery shops, and the like

Commented [PY16]: General housekeeping
Moved definition to Variance, Major

in which the majority of the items created, repaired, cleaned, or assembled are sold on site. Woodworking, pottery, arts and crafts, and the like executed in private residences for other than commercial purposes are not included in this definition.

MINOR VARIANCE. ~~A variance from the minimum a relaxation, by a factor of statewide watershed protection rules that results in up to 10%, of any management requirement under the low density option.~~⁵See **VARIANCE, MINOR**

MIXED USE RESIDENTIAL/ COMMERCIAL. A type of use in which a single structure is used for both residential and commercial purposes. To qualify as **MIXED USE RESIDENTIAL/ COMMERCIAL** for the purposes of this chapter, a building must be structured such that residential uses are clearly separated from commercial uses, and residential and commercial uses are located in different portions of a building. Furthermore, residential usages may not occupy more than 50% of a structure. The commercial usage must be of a type that would otherwise be permitted in the district concerned. The residential usage may be either individually owned condominiums, rental apartments, or owner-occupied suites.

MOBILE HOME. A manufactured building designed to be used as a single-family dwelling unit which has been constructed and labeled indicating compliance with the HUD administered National Manufactured Housing Construction and Safety Standards Act of 1974.

MOBILE HOME PARK. Any premises where two or more mobile homes are parked for living and sleeping purposes, or any premises used or set apart for the purpose of supplying to the public parking space for two or more mobile homes for living and sleeping purposes, and which include any buildings, structures, vehicles or enclosures used or intended for use as part of such mobile home park.

MODULAR BUILDING. A manufactured building constructed in accordance with the North Carolina State Building Code.

NONCONFORMING USE. Any parcel of land, use of land, building or structure existing at the time of adoption of this chapter, or any amendment thereto, that does not conform to the use or dimensional requirements of the district in which it is located.

NON-RESIDENTIAL DEVELOPMENT. All development other than residential development, agriculture and silviculture. *

PARKING SPACE. An area for parking a vehicle plus the necessary access space. Parking space(s) shall be provided with vehicular access to a street or alley, and shall always be located outside the dedicated street right-of-way.

PARKS. The term **PARK** shall include those areas developed either for passive or active recreational activities. The development may include, but shall not be limited to, walkways, benches, open fields, multi-use courts, swimming and wading pools, amphitheaters, etc. The term **PARK** shall not include zoos; travel-trailer parks; amusement parks; or vehicle, equestrian or dog racing facilities.

PLANNED UNIT DEVELOPMENT. Any development where more than one principal building or use is proposed to be constructed on a single tract, or any building with a gross floor area of 25,000 square feet or more, shall be deemed a Planned Unit Development (PUD). Residential units within a Planned Unit Development may include single-family detached- or attached units, townhouse developments, garden apartments, patio homes, condominiums, and other type residential units excluding mobile homes and mobile home parks.

PLAT. A map or plan of a parcel of land which is to be, or has been, subdivided. *

PORTABLE STORAGE CONTAINERS. Any structure that is not permanently affixed to the ground and is intended to be used for the storage of furniture, equipment, or other items. This definition is intended to include commercially available containers such as "PODS," railroad-style metal shipping containers or tractor trailers.

PRINCIPAL USE. The principal use on a lot.

Commented [PY17]: General housekeeping
Moved definition to Variance, Minor

PUBLIC SEWER SYSTEM. Shall mean any sewer system owned and operated by the Town of Beech Mountain.

PUBLIC WATER SYSTEM. Shall mean any water system owned and operated by the Town of Beech Mountain.

RECREATION USE, NON-PROFIT. An indoor or outdoor recreation facility operated on a non-profit basis, according to the laws of North Carolina.

RECREATION USE, PROFIT. An indoor or outdoor recreation facility operated on a profit basis.

RESIDENTIAL DEVELOPMENT. Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc., and their associated outbuildings such as garages, storage buildings, gazebos, etc., and customary home occupations. *

RESIDENTIAL VACATION RENTALS. The rental of any single-family dwelling, duplex, or unit in a multi-family dwelling, or any portion thereof, for occupancy, dwelling, lodging or sleeping purposes for any period of time less than 90 days. The term does not include other transient lodging such as hotels and motels, lodges, and bed and breakfast establishments, which are otherwise authorized under these regulations and which have been duly permitted or which are legal nonconforming uses.

RETAIL BUSINESS. Establishments selling commodities and/or providing services directly to the consumer.

SINGLE-FAMILY RESIDENTIAL. Any development where: (a) no building contains more than one dwelling unit, (b) every dwelling unit is on a separate lot, and (c) where no lot contains more than one dwelling unit. *

SPECIAL USE. A use which is permitted in specified zoning districts only after review by the Board of Adjustment and found to meet specific conditions and procedures as set forth in this chapter so that the safety and general welfare of the community is maintained.

SPECIAL USE PERMIT. A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. The term includes permits previously referred to as conditional use permits or special exceptions.

STREET (ROAD). A right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

STRUCTURE. Anything constructed or erected, including but not limited to buildings, which requires location on the land or attachment to something having permanent location on the land.

SUBDIVIDER. Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined. *

SUBDIVISION. All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all division of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this chapter: *

(1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this chapter; *

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

(3) The public acquisition by purchase of strips of land for the widening or opening of streets;*

(4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant

Commented [PY18]: Moved definition from Conditional Use

Commented [PY19]: Added definition from statute See 160D-102

lots are equal to, or exceed, the standards of this chapter; *

(5) The division of a tract into plots or lots used as a cemetery. *

TRACT. See **LOT**.

VARIANCE. A quasi-judicial decision documented pursuant to G.S. 160D-705, by the Board of Adjustment authorizing a modification of one or more requirements of the regulations set forth in this chapter.

VARIANCE, MAJOR. A variance involving property located in a water supply watershed that results in any one or more of the following: *

(1) The complete waiver of a water supply watershed management requirement; *

(2) The relaxation, by a factor of more than 10%, of any water supply watershed management requirement that takes the form of a numerical standard; *

VARIANCE, MINOR. A variance from the minimum a relaxation, by a factor of statewide watershed protection rules that results in up to 10%, of any management requirement under the low-density option. ⁵

WATER DEPENDENT STRUCTURE. Any structure for which the use requires access to, or proximity to, or sitting within, surface waters to fulfill its basic purpose such as boat ramps, boat houses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures. *

WATERSHED. The entire land area contributing surface drainage to a specific point (e.g., the water supply intake). *

WIND ENERGY SYSTEM - ACCESSORY. A system that converts wind energy into electrical or mechanical power. Such systems may include tower(s) and associated control or conversion electronics. These systems are located on the same tract of land as a permitted residential dwelling or commercial building and produce the majority of their power for use on-site.

WIND ENERGY SYSTEM - COMMERCIAL. A system that converts wind energy into electrical or mechanical power. Such systems may include tower(s) and associated control or conversion electronics. These systems may exist as a stand-alone use on a tract of land and produce the majority of their power for redistribution and use at locations other than the tract of land on which the system resides.

YARD. A space on the same lot with a principal building, open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

YARD, FRONT. An open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street or property line and the front line of the building, projected to the side lines of the lot.

YARD, REAR. An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

YARD, SIDE. An open, unoccupied space on the same lot with a principal building, situated between the building and the side lot line and extending from the rear line of the front yard to the front line of the rear yard.

ZONING ADMINISTRATOR. An official of the Town of Beech Mountain charged with enforcing and administering the Zoning Ordinance.

ZONING, CONDITIONAL. See **CONDITIONAL ZONING**

ZONING DISTRICT. An area in the Town of Beech Mountain in which zoning regulations are uniform.

(1989 Code, Title V, Ch. 51, Art. IV, § 401) (Ord. passed 9-8-1993; Ord. passed 12-14-1999; Ord. passed 2-9-2010; Ord. passed 5-11-2010; Ord. passed 2-8-2011; Ord. passed 8-9-2011; Ord. passed

1 11-15-2011; Ord. 2012-07, passed 10-9-2012; Ord. 2013-02, passed 1-8-2013)

2 **Editor's note:**

3 ¹ *Asterisked definitions added by amendment September 8, 1993.*

4 ² *Definition amended December 14, 1999.*

5 ³ *Definition amended December 14, 1999.*

6 ⁴ *Definition amended December 14, 1999.*

7 ⁵ *Rewritten by amendment December 14, 1999.*

ADMINISTRATION, ENFORCEMENT, APPEALS, PENALTIES AND REMEDIES
§ 154.020 THE GENERAL PROCESS AND THE DUTIES OF THE ZONING ADMINISTRATOR, BOARD OF ADJUSTMENT, PLANNING BOARD, TOWN COUNCIL AND COURTS ON MATTERS OF ADMINISTRATION.

All questions arising in connection with the enforcement of this chapter shall be presented first to the Zoning Administrator who shall be responsible for the day to day administration of this chapter. The Board of Adjustment shall have the authority to rule on matters of interpretation of this chapter, consider appeals from decisions of the Zoning Administrator, issue ~~Conditional Special Use Permits~~, and grant variances. Any appeal from a decision of the Board of Adjustment shall be to the courts and provided by law. The duties of the Town Council in connection with ~~this~~ chapter shall not include the hearing and passing upon of disputed questions that may arise in connection with the enforcement thereof, but the procedure for determining such questions shall be as herein set out in this chapter. The duties of the Town Council in connection with this chapter shall be the duty of considering and passing upon the initial chapter and any proposed amendments or repeal of this chapter as provided by law, after receiving recommendations from the Planning Board.
(1989 Code, Title V, Ch. 51, Art. V, § 500)

§ 154.021 ZONING ADMINISTRATOR.

The Town Manager shall appoint a Zoning Administrator. It shall be the duty of the duly appointed Zoning Administrator to administer and enforce the provisions of this chapter.

(A) Watershed administration.

(1) The Zoning Administrator shall monitor land use activities within the watershed areas to identify situations that may pose a threat to water quality. In investigating potential threats to water quality within the town, he or she may consult with any public agency or official and request recommendations. The Zoning Administrator shall report all findings to the Board of Adjustments, and request or recommend to the Board appropriate actions or proceedings necessary to restrain, correct or late any discovered threats to water quality or the public health, safety and welfare.

(2) The Zoning Administrator shall keep a record of variances involving a Water Supply Watershed Management Regulation. This record shall be submitted for each calendar year to the division of Water Quality on or before January first of the following year and shall provide a description of each project receiving a variance and the reasons for granting the variance.

(3) In implementing the water supply watershed protection program for the town, the Zoning administrator shall keep records of the town's use of the provision that a maximum of 5% of the non-critical area of each watershed may be developed within non-residential development of a maximum of 70% built-upon surface area. Records of each watershed must be kept separate, and shall include the total acres of the non-critical watershed area, total acres eligible to be developed under this option, total acres approved for this development option, and individual records for each project with the following information; location, number of developed acres, and type of land use.

(B) *Violations.* If the Zoning Administrator finds that any of the provisions of this chapter are being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He or she ~~may issue stop-work orders and~~ shall order discontinuance of the illegal use of land, buildings or structures; removal of illegal building or structures, or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any action authorized by this chapter to ensure compliance with or to prevent violation of its provisions. If a ruling of the Zoning Administrator is questioned, the aggrieved party or parties may appeal such ruling to the Board of Adjustment ~~pursuant to the procedure found in § 154.046 of this chapter.~~

(1989 Code, Title V, Ch. 51, Art. V, § 501)

§ 154.022 CERTIFICATE OF ZONING COMPLIANCE REQUIRED.

(A) *Certificate of Zoning Compliance.* No building or other structure shall be erected, moved, added to or structurally altered, nor shall any building permit be issued nor shall any change in the use of any building or land be made until a Certificate of Zoning Compliance or ~~Conditional-Special Use Permit~~ shall have been issued by the Zoning Administrator or the Board of Adjustment. No

Commented [PY1]: Conditional Use Permit must be changed to Special Use Permit

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Commented [PY3]: General housekeeping

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Commented [PY6]: General housekeeping

Commented [PY7]: 160D-109(c)

Certificate of Zoning Compliance or ~~Conditional-Special~~ Use Permit shall be issued except in conformity with the provisions of this chapter. This requirement shall apply regardless of the dollar value of the improvements to be made.

(B) *Applications for Certificate of Zoning Compliance.* All applications for Certificates of Zoning Compliance shall be accompanied by plans showing the actual dimensions of the plot to be built upon, and the location on the lot of the building or structure proposed to be erected or altered, and such other information as may be necessary to provide for the enforcement of the provisions of this chapter.

(1989 Code, Title V, Ch. 51, Art. V, § 502)

§ 154.023 BUILDING PERMIT REQUIRED.

Upon receiving a Certificate of Zoning Compliance, a building permit shall be obtained as provided by the Town of Beech Mountain's Building Ordinance ~~(Chapter 150 of the Code of Ordinances)~~.

(1989 Code, Title V, Ch. 51, Art. V, § 503)

§ 154.024 CERTIFICATE OF OCCUPANCY REQUIRED.

(A) A Certificate of Occupancy issued by the Zoning Administrator is required in advance of:

(1) Occupancy or use of a building hereafter erected, altered or moved.

(2) Change of use of any building or land.

(B) A Certificate of Occupancy, either for the whole or part of a building, shall be applied for coincident with the application for a Certificate of Zoning Compliance and shall be issued within ten days after the erection or structural alterations of such building, or part, shall have been completed in conformity with the provisions of this chapter. A Certificate of Occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this chapter. If the Certificate of Occupancy is denied, the Zoning Administrator shall state in writing the reasons for refusal and the applicant shall be notified of the refusal. A record of all Certificates shall be kept on file in the office of the Zoning Administrator and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land involved.

(1989 Code, Title V, Ch. 51, Art. V, § 504)

§ 154.025 CONSTRUCTION PROGRESS.

If no construction progress has been made within six months of the date of the issuance of the zoning compliance certificate, the permit becomes invalid. New exterior construction must be completed within two years after construction begins, as per approved plans.

(1989 Code, Title V, Ch. 51, Art. V, § 505)

§ 154.026 COMPLIANCE.

In case any building is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building or land is used in violation of this chapter, the Zoning Administrator or any other appropriate town authority, in addition to other remedies, may institute an action for injunction, or mandamus, or other appropriate action or proceedings to prevent such violation.

(1989 Code, Title V, Ch. 51, Art. V, § 506)

§ 154.027 PENALTIES AND REMEDIES.

~~Penalties and remedies for the violation of this chapter shall be as provided in § 154.376 of the Zoning Ordinance.~~

§ 154.028~~7~~ APPEAL FROM THE ZONING ADMINISTRATOR.

All questions arising in connection with the enforcement of the chapter shall be presented first to the Zoning Administrator, and such questions shall be presented to the Board of Adjustment only on appeal from a ruling of the Zoning Administrator. Any order, requirement, decision, or determination made by the Zoning Administrator may be appealed to the Board of Adjustment pursuant to the procedure found in § 154.046 of this chapter.

(1989 Code, Title V, Ch. 51, Art. V, § 507)

§ 154.029 CONFLICTS OF INTEREST.

~~(A) No staff member shall make a final decision on an administrative decision required by this Chapter if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a~~

1 person with whom the staff member has a close familial, business, or other associational relationship.
2 If a staff member has a conflict of interest under this section, the decision shall be assigned to the
3 supervisor of the staff person or such other person as may be designated by the development
4 regulation or other ordinance.
5 (B) No staff member shall be financially interested or employed by a business that is financially
6 interested in a development subject to regulation under this Chapter unless the staff member is the
7 owner of the land or building involved. No staff member or other individual or an employee of a
8 company contracting with a local government to provide staff support shall engage in any work that is
9 inconsistent with his or her duties or with the interest of the Town, as determined by the Town.

BOARD OF ADJUSTMENT ¹

Editor's note:

¹ Amended by Council October 14, 2008.

§ 154.040 APPOINTMENT AND TERMS OF BOARD OF ADJUSTMENT.

(A) There shall be a Board of Adjustment consisting of five regular members and three alternates. Alternates shall serve on the Board in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. Each alternate, while attending any regular or special meeting of the Board and serving on behalf of any regular member, shall have and may exercise all the powers and duties of a regular member. All members shall be residents of the Town of Beech Mountain.

(B) Board of Adjustment regular members and alternates shall be appointed for three-year staggered terms, but both regular members and alternates may continue to serve until their successors have been appointed. Vacancies may be filled for the unexpired terms only.

(C) Members may be reappointed to successive terms without limitation.

(D) Unless the Town Council takes specific action to excuse the absences and reappoints a member after being informed by the Administrator of the member's failure to attend, regular Board of Adjustment members shall be automatically removed for failure to attend three consecutive meetings or for failure to attend 50% of the regular meetings in any 12-month period. Absence due to sickness, death, or other emergencies of like nature shall be recognized as excused absences, and shall not affect the member's status on the Board, except that in the event of a long illness or other such cause for prolonged absence, the member shall be replaced. Alternate members shall likewise be removed for failure to attend or participate in three consecutive meetings for which the member's attendance is requested. The Administrator shall notify in writing any member for whom one more absence will trigger removal. In addition, the Administrator or a member of the Town Council may propose removal of a member for any other good cause related to the performance of Board duties, but before removal on that basis, the member shall be given an opportunity to appear before the Town Council to address the issues involved.

(E) If a regular or alternate member moves outside the town that shall constitute a resignation from the Board.

(F) Every person appointed to the Board of Adjustment shall, before entering upon the duties of the office, take and subscribe the oath of office prescribed in Article VI, § 7 of the North Carolina Constitution. Oaths of office shall be administered by some person authorized by law to administer oaths and shall be filed with the Town Clerk.

(Ord. passed 10-14-2008)

§ 154.041 MEETINGS AND RECORDS OF THE BOARD OF ADJUSTMENT.

(A) The Board of Adjustment shall establish a regular meeting schedule and shall meet frequently enough so that it can take action as expeditiously as reasonably as possible.

(B) The Board shall conduct its meetings in accordance with the quasi-judicial procedures.

(C) All meetings of the Board shall be open to the public, and whenever feasible the agenda for each Board meeting shall be made available in advance of the meeting.

(D) The members of the Board of Adjustment shall be paid \$15 per a monthly allowance established in the annual budget ordinance for meeting attendance, regardless of the number of meetings attended; no money will be paid if no meetings were attended, payment will be on a quarterly basis. The compensation may be changed by the Town Council at any time.

(E) The Board shall keep a record of its members' attendance, and of its decisions, discussions, findings, and recommendations, which record shall be a public record. These records shall be kept in the manner and for the periods prescribed by the North Carolina Department of Cultural Resources.

(Ord. passed 10-14-2008; Ord. passed 1-12-2010)

§ 154.042 QUORUM.

A quorum shall consist of four members of the Board, and shall be necessary for the transaction of any business. The Board shall not pass upon any questions relating to an appeal from a decision, order, requirement, or determination of the Zoning Administrator, or an application for a variance or

Commented [PY1]: 160D-309

Commented [PY2]: Grammar edit

Commented [PY3]: Compensation is adopted with the fee schedule and budget ordinance each year – removing from here will eliminate the need to amend ordinance(s) concurrent with budget adoption if compensation ever changed

Commented [PY4]: 160D:
Each Board must keep minutes of its proceedings 160D-308

~~Conditional~~ **Special** Use Permit when there are less than four members present. In those cases where the chapter requires a four-fifths favorable vote of the Board, the quorum for the meeting shall be five members.

(Ord. passed 10-14-2008)

§ 154.043 VOTING.

(A) The concurring vote of four-fifths of the Board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For purposes of this section, vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the Board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

(B) Once a member is physically present at a Board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with division (C) below or has been allowed to withdraw from the meeting in accordance with division (E) below.

(C) A member shall not participate in or vote on any quasi-judicial matter in a manner that would violate an affected person's constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to:

- (1) A member having a fixed opinion prior to hearing the matter that is not susceptible to change.
- (2) A member having undisclosed ex parte communications.
- (3) A member having a close familial, business, or other associational relationship with an affected person.

(4) A member ~~that is reasonably likely to have~~ having a **direct, substantial, and readily identifiable** financial interest in the outcome of the matter.

(D) If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

(E) A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at that meeting.

(F) A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.

(G) A roll call vote shall be taken upon the request of any member.

(Ord. passed 10-14-2008; Am. Ord. 2013-10, passed 11-12-2013)

§ 154.044 BOARD OF ADJUSTMENT OFFICERS.

(A) At its first regular meeting in January, the Board of Adjustment shall, by majority vote of its membership (excluding vacant seats) elect one of its members to serve as chairperson and preside over the Board's meetings and one member to serve as vice-chairperson. The persons so designated shall serve in these capacities for terms of one year. Vacancies may be filled for the unexpired terms only by majority vote of the Board membership (excluding vacant seats).

(B) The chairperson or any member temporarily acting as chairman may administer oaths to witnesses coming before the Board.

(C) The chairperson and vice-chairperson may take part in all deliberations and vote on all issues.

(D) The chairperson or vice-chairperson may make or second any motion.

(Ord. passed 10-14-2008)

§ 154.045 POWERS AND DUTIES OF BOARD OF ADJUSTMENT.

(A) The Board of Adjustment shall hear and decide:

(1) Appeals from and review any order, decision, requirement, or determination made by the Administrator.

(2) Applications for ~~Conditional~~ **Special** Use Permits.

(3) Applications for variances.

(4) Questions involving interpretations of the zoning map, including disputed district boundary lines and lot lines.

(5) Any other matter the Board is required to act upon by any other town ordinance.

Commented [PY5]: Must change all CUP to SUP

Commented [PY6]: Aligns more closely with statutory language for conflicts of interest
See: 160D-109

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(B) The Board may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this subchapter.

(C) The Board of adjustment may subpoena witnesses and compel the production of evidence. (Ord. passed 10-14-2008)

§ 154.046 APPEALS TO THE BOARD OF ADJUSTMENT.

(A) An appeal from any final order, requirement, decision or determination or part thereof made by the Administrator may be taken to the Board of Adjustment by any person aggrieved. An appeal is taken by filing with the Administrator a properly filled out and signed application form and payment of the applicable fee. The fee shall be reimbursable in the event that the Board of Adjustment wholly reverses the order, requirement, decision or determination of the Administrator or part thereof which is being appealed.

(B) An appeal must be taken within 30 days after the date of the receipt of any final order, requirement, decision or determination appealed from. Unless established at an earlier date by a return receipt for a certified mail notice, the date of receipt shall be conclusively presumed as three days after the notice of the decision or order appealed from has been deposited in the United States mail with proper postage affixed, and addressed to the aggrieved party.

(C) Whenever an appeal is filed, the Administrator shall forthwith transmit to the Board of Adjustment the written notice of appeal and all the papers constituting the record relating to the order, requirement, decision or determination appealed from.

(D) An appeal stays all actions by the Administrator seeking enforcement of or compliance with the order, requirement, decision or determination appealed from, unless the Administrator certifies to the Board of Adjustment that (because of facts stated in the certificate) a stay would, in his or her opinion, cause imminent peril to life or property, or that because the situation appealed from is transitory in nature, an appeal would seriously interfere with enforcement of this subchapter. In that case, enforcement proceedings shall not be stayed except by order of the Board of Adjustment or a court, issued on application of the party seeking the stay, for due cause shown, after notice to the Administrator and all other persons who have qualified as parties under the duly enacted Rules of Procedure of the Board of Adjustment.

(E) The Board of Adjustment may reverse or affirm, wholly or in part, or may modify the order; requirement, decision or determination appealed from, and shall make any order, requirement decision or determination that in its opinion ought to be made in the case before it. To this end, the Board shall have all the powers of the Administrator from whom the appeal is taken. (See G.S.

Chapter 160D Article 4: Administration, Enforcement, and Appeals ~~§ 160A-388(b))~~

(Ord. passed 10-14-2008; Am. Ord. 2012-02, passed 4-10-2012)

§ 154.047 VARIANCES.

(A) An application for a variance shall be submitted to the Board of Adjustment by filing a properly filled out and signed Application Form with the Administrator and payment of the applicable fee.

(B) When unnecessary hardship would result from carrying out the strict letter of this section, the Beech Mountain Board of Adjustments shall vary any of the provisions of this section upon a showing of all of the following:

(1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property; and

(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability; and

(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship; and

(4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance,

Commented [PY8]: New reference only

Commented [PY9]: 160D – New variance standards must allow for Reasonable Accommodation under FHA 160D-705(d)(2)

such that public safety is secured, and substantial justice is achieved.

(C) No change in permitted uses may be authorized by variance.

(D) Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

(Ord. passed 10-14-2008; Am. Ord. 2013-10, passed 11-12-2013)

§ 154.048 ADDITIONAL REQUIREMENTS FOR VARIANCES WITHIN WATER SUPPLY WATERSHEDS.

(A) The Administrator shall notify in writing each local government having jurisdiction in the watershed district as well as any entity using the watershed for water consumption. Such notice shall include a description of the variance being requested. Local governments receiving notice of the variance request may submit comments to the Administrator prior to a decision by the Board of Adjustment. Such comments shall become a part of the record of proceedings of the Board of Adjustment.

(B) If the application calls for the granting of a major variance, and if the Board of Adjustment decides in favor of granting the variance, the Board shall prepare a preliminary record of the hearing with all deliberate speed. The preliminary record of the hearing shall include:

- (1) The variance application;
- (2) The hearing notices;
- (3) The evidence presented;
- (4) Motions, offers of proof, objections to evidence, and rulings on them;
- (5) Proposed findings and exceptions; and
- (6) The proposed decision, including all conditions proposed to be added to the permit.

(C) The preliminary record shall be sent to the NC Environmental Management Commission for its review as follows:

(1) If the commission concludes from the preliminary record that the variance qualifies as a major variance and that [i] the property owner can secure no reasonable return from, nor make any practical use of the property unless the proposed variance is granted, and [ii] the variance, if granted, will not result in a serious threat to the water supply, then the commission shall approve the variance as proposed or approve the proposed variance with conditions and stipulations. The Commission shall prepare a commission decision and send it to the Board of Adjustment. If the commission approves the variance as proposed, the Board shall prepare a final decision granting the proposed variance. If the Commission approves the variance with conditions and stipulations, the Board shall prepare a final decision, including such conditions and stipulations, granting the proposed variance.

(2) If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that [i] the property owner can secure a reasonable return from or make a practical use of the property without the variance or [ii] the variance, if granted, will result in a serious threat to the water supply, then the commission shall deny approval of the variance as proposed. The Commission shall prepare a Commission decision and send it to the Board of Adjustment. The Board shall prepare a final decision denying the variance as proposed.

(D) A record of all variances granted within water supply watersheds by the town shall be submitted the NC Environmental Management Commission on or before January first of the year following the granting of the variance.

(Ord. passed 10-14-2008)

§ 154.049 INTERPRETATIONS.

(A) The Board is authorized to interpret the zoning map and to pass upon disputed questions of lot lines or district boundary lines and similar questions.

(B) An application for a map interpretation shall be submitted by filing the application with the Administrator. The application shall contain sufficient information to enable the Board to make the necessary interpretation.

(C) Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the centerlines of alleys, streets, highways,

streams or railroads shall be construed to follow such centerlines;

(2) Boundaries indicated as approximately following lot lines, corporate limits, or extraterritorial boundary lines, shall be construed as following such lines, limits or boundaries;

(3) Boundaries indicated as following shorelines or the centerlines of streams, rivers, lakes, or other bodies of water shall be construed to follow such shorelines or centerlines, and in the event of change in the shoreline or centerline, the boundary shall be construed as moving with the actual shoreline or centerline;

(4) Boundaries indicated as approximately following designated limits of areas of special flood hazard shall be construed as following such limits;

(5) Where a district boundary divides a lot or where distances are not specifically indicated on the Official Zoning Map, the boundary shall be determined by measurement, using the scale of the Official Zoning Map;

(6) Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

(Ord. passed 10-14-2008)

§ 154.050 BURDEN OF PROOF.

(A) When an appeal is taken to the Board of Adjustment, the burden of proof and burden of persuasion shall be on the party appealing the order, requirement, decision or determination, but the Administrator or his or her designee shall be present to participate in the hearing and to answer such questions as may be directed to him or her by members of the Board of Adjustment, or by any party duly participating in the hearing, in compliance with the duly adopted Rules of Procedure of the Board of Adjustment.

(B) The burden of presenting evidence sufficient to allow the Board of Adjustment to make its necessary findings on the criteria set forth in § 154.047(B), as well as the burden of persuasion on those issues, remains with the applicant seeking the variance.

(Ord. passed 10-14-2008)

§ 154.051 BOARD ACTION.

(A) The Board of Adjustment shall decide any appeal before it in compliance with the procedures set out in its duly adopted Rules of Procedure.

(B) A motion to deny a variance may be made on the basis that any one or more of the ~~seven~~ **four** criteria set forth in § 154.047(B) are not satisfied or that the application is incomplete. Insofar as practicable, such a motion shall include a statement of the specific reasons or findings of fact that support it. This motion is adopted as the Board's decision if supported by more than one-fifth of the Board's membership (i.e. two or more Board members).

(C) Before granting a variance, the Board must take a separate vote and vote affirmatively by a four-fifths majority on each of the ~~seven~~ **four** required findings set forth in § 154.047(B). Insofar as practicable, a motion to make an affirmative finding on each of the requirements set forth in § 154.047(B) shall include a statement of the specific reasons or findings of fact supporting such motion.

(Ord. passed 10-14-2008)

§ 154.052 ACTION SUBSEQUENT TO DECISION.

(A) The decision of the Board shall be reduced to writing and served upon the applicant or appellant and all other persons who make a written request for a copy. A copy of the decision shall also be placed in the office of the ~~Development Services Department~~ **Zoning Administrator**.

(B) If a variance is granted, the nature of the variance and any conditions attached thereto shall be entered on the face of the zoning permit.

(C) If a ~~Conditional-Special~~ **Special** Use Permit is granted, the terms and conditions of the ~~Conditional-Special~~ **Special** Use Permit shall be entered on the face of the zoning permit.

(Ord. passed 10-14-2008)

§ 154.053 APPEALS FROM BOARD DECISION.

Every decision of the Board shall be subject to review by the superior court by proceedings in the

Commented [PY10]: Housekeeping
The variance criteria was changed several years ago from seven to four (see 154.047), but this part of the ordinance was not updated at the time

Commented [PY11]: Housekeeping
This change more closely aligns with the Town's structure

Commented [PY12]: CUP to SUP

nature of certiorari. Any petition for review by the superior court shall be filed with the clerk of superior court within 30 days after the written decision of the Board is delivered to every aggrieved party who has filed a written request for such copy with the secretary or chairperson of the Board at the time of its hearing of the case, whichever is later. The decision of the Board may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested. _-

(G.S. ~~Chapter 160D Article 4: Administration, Enforcement, and Appeals~~ ~~§ 160A-388(e)(2)~~)
(Ord. passed 10-14-2008)

§ 154.054 INTERVENTION.

(A) Any individual or organization who wishes to intervene as a party to any matter before the Board of Adjustments shall complete an application to intervene upon a form which may be obtained from the Zoning Administrator. Such application shall state the proposed intervenor's interest relating to the property or hearing, any practical impairment of the protection of that interest if not allowed to intervene as a party, and whether there is inadequate representation of that interest by existing parties. Such application shall be filed with the Zoning Administrator at least 24 hours prior to the scheduled time for the hearing of the matter before the Board. The Board may waive the deadline for the filing of this application upon good cause being shown for the failure to timely file to intervene.

(B) Upon a hearing on the motion to intervene, the Board of Adjustments shall determine whether intervention is appropriate.
(Ord. 2013-10, passed 11-12-2013)

Commented [PY13]: New reference only

ESTABLISHMENT OF ZONING DISTRICTS AND MAP

§ 154.070 GENERAL USE DISTRICTS.

Each district described below constitutes a General Use Zoning District. Each General Use District category serves a different purpose and imposes its own set of requirements and restrictions on the use of land in addition to the general requirements and restrictions imposed on all land or uses within the planning jurisdiction. A General Use District may be layered with an Overlay District.

(A) Each district described below constitutes a General Use District.

(1) *Low Density Single-Family Residential District (R-1)*. The Low Density Single-Family Residential District is primarily intended to provide locations for low density residential and related type development in areas where more intense development is not practical. These areas are not likely to have public water and sewer services available and are located away from the main developed area of Beech Mountain. The minimum required lot area will be 40,000 square feet unless additional land is required for adequate sewage disposal.

(2) *Single-Family Residential District (R-2, R-2A)*.¹ The Single-Family Residential District is primarily intended to provide locations for single-family residential and supporting uses in areas where public water and sewer services are available or will likely be provided in the future. This district is further intended to protect existing single-family subdivisions from encroachment of incompatible land uses and thus does not allow mobile homes or mobile home parks. This district will be applied within those areas designated on the Land Use Plan as Single-Family Residential and platted as single-family residential subdivisions.

(3) *Multi-Family High Density Residential District (R-3A and R-3B)*. These districts are intended for a variety of residential uses, including single-family houses, duplexes and multi-family buildings and developments, depending upon the availability of public water and sewer services. Some areas within these districts may not have adequate water and sewer services available for the higher densities and will thus be suitable for single-family residential units. Other areas within these districts will have adequate public water and sewer service available and will thus be suitable for higher density uses such as multi-family residential units and Planned Unit Developments. These districts also provide for various recreational and community service uses that will complement the residential development. These districts will be applied within those areas designated on the Land Use Plan as Multi-Family Residential, R-3A and R-3B.^{2,3}

(4) *Commercial Service Districts (CS-1 and CS-2)*. The Commercial Service Districts (CS-1) (CS-2) are primarily intended to provide suitable locations for clustered commercial development, to encourage the concentration of commercial activity in those specified areas with access to major traffic arteries, and to discourage strip commercial development. These districts will usually be applied to existing commercial developments on sites within areas designated on the Land Use Plan as Commercial Service Centers. These districts may also be applied to suitable areas adjacent to existing commercial concentrations to allow for their expansion. CS-2 shall be contiguous to other commercial zones.

(5) *Private-Public Service District (PS and PS-C)*. The Private-Public Service District (PS) is primarily intended to be an area containing a concentration of private and public service activities such as schools, recreation parks and emergency services, amidst population centers. This district will apply to those areas designated on the Land Use Plan as Private-Public Service Centers.

(6) *Beech Mountain Resort District (BMR)*. The Beech Mountain Resort District (BMR) is primarily intended to be an area used as a ski resort, theme park or similar recreational area. This district is further intended for activities related to such use.⁴

(7) *MH Mobile Homes*.⁵

(8) *MP Memorial Park*

CUO Conditional Use Overlay.⁶

(1989 Code, Title V, Ch. 51, Art. VII, § 700) (Ord. passed 2-9-1999; Ord. passed 11-5-2002; Ord. passed 2-5-2007; Ord. passed 11-9-2010)

Editor's note:

¹ Added by amendment July 1, 1995.

Commented [PY1]: General Housekeeping:
Added reference to PS-C, which was added to map for Shane Park

Commented [PY2]: General Housekeeping:
Added reference to MP, which exists on zoning map but was not defined in ordinance

Commented [PY3]: Conditional Use Overlay is no longer allowable under state statutes – the Town does not currently have any of these overlays in use

² R3-A and R3-B amended July 27, 1988.

³ District R3 Deleted September 11, 2006.

⁴ District created by February 9, 1999.

⁵ District added by amendment November 5, 2002.

⁶ District added by amendment November 5, 2007.

§ 154.071 OVERLAY DISTRICT.

(A) Overlay Districts will impose additional restrictions on top of the existing requirements of the underlying General Use District.

(B) Each district described below constitutes an Overlay District.

(1) *Buckeye Creek Water Supply Watershed WS II.* WS II is an overlay district as shown on the official Zoning Map primarily intended to maintain a predominantly undeveloped land use intensity pattern. Single-family uses, where permitted, shall be allowed at a maximum of one dwelling unit per acre on a project by project basis. All other residential and non-residential development shall be allowed a maximum of 12% built-upon area, where permitted. In addition, commercial uses may occupy 5% of the balance of the watershed with a 70% built-upon area when approved as a special, non-residential intensity allocation (SNIA). The Zoning Administrator is authorized to approve SNIA's consistent with the provisions of this chapter. Projects must minimize built-upon surface area, direct storm water away from surface waters and incorporate Best Management Practices to minimize water quality impacts. ¹ Landfills and sites for the land application of residuals or petroleum-contaminated soils are prohibited in the district. No activity, situation, structure or land use shall be allowed within the WS-II and WS-II-C water supply watersheds which poses a threat to water quality or the public health, safety and welfare. Such conditions may arise from (for example) inadequate on-site sewage systems, inadequate sedimentation and erosion control measures, the improper storage or disposal of junk, trash or other refuse within a buffer area, the improper management of storm water runoff or any other situation found to pose a threat to water quality. ²

(2) *Buckeye Creek Water Supply Watershed Critical Area WS II C.* WS II C is an overlay district as shown on the official Zoning Map intended to maintain a predominantly undeveloped land use pattern. Because of the district's proximity to a water supply intake, single-family uses, where permitted, shall be allowed at a maximum of one dwelling unit per two acres on a project by project basis. All other residential and non-residential development shall be allowed a maximum of 6% built-upon area where permitted. ³ Landfills and sites for the land application of residuals or petroleum-contaminated soils are prohibited in the district. No activity, situation, structure or land use shall be allowed within the WS-II and WS-II-C water supply watersheds which poses a threat to water quality or the public health, safety and welfare. Such conditions may arise from (for example) inadequate on-site sewage systems, inadequate sedimentation and erosion control measures, the improper storage or disposal of junk, trash or other refuse within a buffer area, the improper management of storm water runoff or any other situation found to pose a threat to water quality. ⁴

(3) *Pond Creek Water Supply Watershed Critical Area WS-II-C.* WS-II-C is an overlay district as shown on the official Zoning Map primarily intended to maintain a predominantly undeveloped land use intensity pattern. Because of the district's proximity to a water supply intake, single-family uses, where permitted, shall be allowed at a maximum of one dwelling unit per two acres on a project by project basis. All other residential and non-residential development shall be allowed a maximum of 6% built-upon area where permitted. Landfills and sites for the land application of residuals or petroleum contaminated soils are prohibited in the district. No activity, situation, structure or land use shall be allowed within the WS-II and WS-II-C water supply watersheds which pose a threat to water quality or the public health, safety, or welfare. Such conditions may arise from (for example) inadequate on-site sewage systems, inadequate sedimentation and erosion control measures, the improper management of stormwater runoff or any other situation found to pose a threat to water quality.

(4) *Pond Creek WS-II.* WS-II is an overlay district as shown on the official Zoning Map primarily intended to maintain a predominantly undeveloped land use intensity pattern. Single-family uses, where permitted, shall be allowed at a maximum of one dwelling unit per acre on a project by project

1 basis. All other residential and non-residential development shall be allowed a maximum of 12% built-
2 upon area, where permitted. In addition, commercial uses may occupy 5% of the balance of the
3 watershed with a 70% built-upon area when approved as a special, non-residential intensity allocation
4 (SNIA). The Zoning Administrator is authorized to approve SNIA's consistent with the provisions of
5 this chapter. Projects must minimize built-upon surface area, direct storm water away from surface
6 waters and incorporate best management practices to minimize water quality impacts. Landfills and
7 sites for the land application of residuals or petroleum-contaminated soils are prohibited in the district.
8 No activity, situation, structure or land use shall be allowed within the WS-II and WS-II-C water supply
9 watersheds which pose a threat to water quality or the public health, safety and welfare. Such
10 conditions may arise from (for example) inadequate on-site sewage systems, inadequate
11 sedimentation and erosion control measures, the improper storage or disposal of junk, trash or other
12 refuse within a buffer area, the improper management of storm water runoff or any other situation
13 found to pose a threat to water quality.

14 (5) *Pond Creek WS-III*. In order to maintain a low to moderate land use intensity, single family
15 detached uses shall develop at a maximum of two dwelling units per acre (2- du/ac). All other
16 residential and non-residential development shall be allowed at a maximum of 24% built-upon area.
17 In addition, new development and expansions to existing development may occupy 10% of the
18 balance of the watershed area with up to 70% built-upon area when approved as a special intensity
19 allocation (SIA). The **Watershed Zoning** Administrator is authorized to approve SIAs consistent with
20 the provisions of this division (B)(5). Projects must, to the maximum extent practicable, minimize built-
21 upon surface area, direct storm water away from surface waters and incorporate best management
22 practices to minimize water quality impacts.

23 (6) *Commercial Thoroughfare Overlay District*. The commercial corridor for the town is an area
24 predominantly used for retail, restaurants, inns and other commercial establishments in which the
25 public is typically invited and welcomed to use and enjoy the space. This area is also the face the
26 town puts on to the public, being the area that visitors and guests are exposed to first, and the area
27 from which their impressions about the town are generated. Good design in this area will increase the
28 value of the town's properties as a whole, and promote the town's goal as a resort destination.
29 Therefore, this area has a need to ensure design characteristics that are harmonious with the town's
30 vision for the community and that enhance the quaint, mountain-town character. Accordingly, an
31 overlay district has been established in which design regulations are applicable in addition to
32 regulations of the underlying base district. Where provisions of this Overlay District are found to be in
33 conflict with the underlying base zoning district, the more stringent regulations shall apply.
34 Architectural standards for development in the Commercial Thoroughfare Overlay District are found in
35 §§ 154.120 *et seq.*

36 (C) *Other*. Landfills and sites for the land application of residuals or petroleum-contaminated soils
37 are prohibited in all the watershed districts.

38 (D) *Conditions that pose a threat to waterways*. No activity, situation, structure or land use shall be
39 allowed within the WS-II and WS-II-C water supply watersheds which poses a threat to water quality
40 or the public health, safety and welfare. Such conditions may arise from (for example) inadequate
41 on-site sewage systems, inadequate sedimentation and erosion control measures, the improper
42 storage or disposal of junk, trash or other refuse within a buffer area, the improper management of
43 storm water runoff or any other situation found to pose a threat to water quality.

44 (1989 Code, Title V, Ch. 51, Art. VII, §§ 700 and 704) (Ord. passed 7-27-1988; Ord. passed 9-8-
45 1993; Ord. passed 7-11-1995; Ord. passed 2-9-1999; Ord. passed 12-14-1999; Ord. passed 11-5-
46 2002; Ord. passed 9-11-2006; Ord. passed 1-9-2007; Ord. passed 2-5-2007; Ord. passed 11-9-2010;
47 Ord. 2014-05, passed 12-9-2014; Ord. 2018-07, passed 5-14-2018; Ord. 2019-01, passed 2-11-2019)

48 **Editor's note:**

49 ¹ *Subdivision added September 8, 1993.*

50 ² *Amended December 14, 1999.*

51 ³ *Subjection added by amendment September 8, 1993.*

52 ⁴ *Amended December 14, 1999.*

Commented [PY4]: General Housekeeping:
Changed to Zoning Admin to be consistent with rest of
section. Zoning Admin is designated as Watershed Admin in
another section

1 **§ 154.072 CONDITIONAL DISTRICT (C).**

2 (A) Conditional Districts are zoning districts in which the use and development of a property
3 pursuant to a site-specific development plan is approved through the legislative process pursuant to §
4 154.180 of this ordinance and G.S. 160D Article 7. Conditional Districts may be associated with any
5 General Use District and shall be intended to accomplish the intended purposes of the General Use
6 District and shall be designated by the suffix "C".

7 **§ 154.0732 ESTABLISHMENT OF DISTRICT BOUNDARIES.**

8 The boundaries of these districts are hereby established as shown on the Official Zoning Map of the
9 Town of Beech Mountain.

10 (1989 Code, Title V, Ch. 51, Art. VII, § 701)

11 **§ 154.0743 ESTABLISHMENT OF ZONING MAP.**

12 A zoning map entitled the "Official Zoning Map of the Town of Beech Mountain, North Carolina"
13 clearly setting forth all approved use districts and their respective boundaries is hereby made a part of
14 this chapter and shall be maintained in the office of the Zoning Administrator. This map may be either
15 paper or digital and shall be available for inspection by interested persons during the normal business
16 hours of the Zoning Administrator. It shall be the duty of the Zoning Administrator to maintain the said
17 map and post any changes thereto as they may be made. Prior zoning maps shall be retained in a
18 manner and for the prescribed periods required by the General Statutes.

19 (1989 Code, Title V, Ch. 51, Art. VII, § 702)

20 **§ 154.0754 RULES GOVERNING DISTRICT BOUNDARIES.**

21 Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown
22 on the Zoning Map, the following shall apply:

23 (A) Boundaries indicated as approximately following the center lines of streets, highways, alleys,
24 streams, rivers or other bodies of water, shall be construed to follow such lines.

25 (B) Boundaries indicated as approximately following platted lot lines shall be construed as
26 following such lot lines.

27 (C) Where district boundaries are so indicated that they are approximately parallel to the center
28 lines of streets, highways, or railroads, or rights-of-way of same, such district boundaries shall be
29 construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If
30 no distance is given, such dimension shall be determined by the use of the scale shown on said
31 Zoning Map.

32 (D) Where a district boundary line divides a lot of single ownership, the district requirements for
33 the least restricted portion of such lot shall be deemed to apply to the whole thereof, provided that
34 such extensions shall not include any part of such lot more than 35 feet beyond the district boundary
35 line.

36 (E) Where physical features existing on the ground are at variance with those shown on the
37 Official Zoning Map, or in other circumstances not covered by divisions (A) through (D) above, the
38 Board of Adjustment shall interpret the district boundaries.

39 (1989 Code, Title V, Ch. 51, Art. VII, § 703)

Commented [PY5]: 160D added reference to Conditional Districts

Commented [PY6]: 160D-105 Section revised to be consistent with statutes

PERMITTED USES

§ 154.090 PERMITTED USES. ¹

Within each use district established in this chapter, specific uses shall be designated as permitted. Other uses are established as conditional, requiring specific conditions and review procedures by the Board of Adjustment. No use of land, buildings or structures shall be permitted, nor shall any permits be issued, except for uses established within each use district as provided herein.
(1989 Code, Title V, Ch. 51, Art. VIII, § 800) (Ord. passed 12-14-1993)

Editor's note:

¹ This section added by amendment December 14, 1993 and in the 1989 Code, Article VIII redesignated § 801

§ 154.091 PERMITTED USE TABLE.

(A) P = Permitted.

(B) **SC** = Allowed as a ~~conditional~~ **Special Use**.

(C) Blank space = Not permitted.

Commented [PY1]: 160D-703 change Conditional Use Permit (CUP) to Special Use Permit (SUP)

	Single-Family				Multi-Family		Commercial		Public	Resort
	R-1	R-2	R-2A	MH	R-3A	R-3B	CS 1	CS 2	PS	BMR
Single-family residential	P	P	P		P	P	P	P		P
Multi-family residential R-3										P
Multi-family residential R-3A					P					P
Multi-family residential R-3B					P	P				P
Planned Unit Developments					SC	SC				SC
Cluster developments										P
Accessory buildings	P	P	P		P	P	P	P	P	P
Hotels and motels							SC			P
Type I group homes	P	P	P	P	P	P	P	P		P
Type II group homes										
Churches, public and private schools							P	P	P	P
Public or private non-profit recreational facilities (parks, playgrounds and the like)	P	P	P		P	P	P	P	P	P
Private recreational facilities, profit (bowling alleys, skating rinks, country clubs and the like)							P		P	P
Government protective services	P	P	P		P	P	P	P	P	P
Public utilities and pumping stations	P	P	P		P	P	P	P	P	P
Water and sewer plants; water storage tanks	SC	SC	SC		SC	SC	SC	SC	SC	SC
Banks and other financial institutions							P	P		P
Restaurants							P		P	P
Hospitals, health clinics and doctors' offices							P	P		P
Fraternal clubs or lodges							P	P	P	P
Motor vehicle service stations							SC	SC		SC
Self-service laundry and dry cleaning services							P	P		P
Libraries							P	P	P	P
Mechanical car washes							SC			SC
Professional and business offices and services							P	P	P	P
Retail, coml services, sales and rentals							P	P	P	P

of goods											
Noncommercial radio and television towers; satellite dishes	CS	CS	CS			CS	CS	CS	CS	CS	P
Mobile homes				P							
Telecommunications towers	CS			CS							
Mixed Use Residential/ Commercial								P			
Campgrounds	CS										
Wind Energy System — Commercial	CS									CS	
Wind Energy System - Accessory	CS	CS		CS				CS	CS		
Manufacturing/ Processing, Heavy ¹											
Manufacturing/ Processing, Light								CS			
Residential Vacation Rental	P	P	P	P		P		P	P	P	P
Sexually Oriented Businesses								CS			

¹ Due to the scenic beauty of Beech Mountain, its reputation as a peaceful retirement and resort area community, its emphasis on tourism, the elevation of the town and its views, the Council finds that heavy manufacturing and processing would be incompatible with the community of the Town of Beech Mountain and would injure the nature of the community and its focus on tourism, nature, and recreation.

ANo Conditional Special Use Permit **shall not be** required for a satellite dish that is (a) no greater than 24 inches in diameter, (b) attached to the building structure, and (c) placed no higher than the highest point of the structure.

(1989 Code, Title V, Ch. 51, Art. VIII, § 801) (Ord. passed 5-11-2010; Ord. passed 12-14-2010; Ord. passed 2-8-2011; Ord. passed 3-8-2011; Ord. passed 8-9-2011; Ord. passed 11-15-2011; Ord. 2012-04, passed 5-8-2012; Ord. 2013-02, passed 1-8-2013; Ord. 2016-08, passed 5-10-2016)

DIMENSIONAL REQUIREMENTS

§ 154.105 DIMENSIONAL REQUIREMENTS.

The following are tables of the dimensional requirement, split in two tables.

District	Min. Lot Area in Sq. Ft. ¹	Density	
		Min. Land Area Per Dwelling Unit In Sq. Ft.	Max. No. Dwelling Units Per Acre
R-1 Low Density Single-Family Residential	40,000 (See § 154.074(A))	40,000 (See § 154.074(A))	N/A
R-2 Single-Family Residential	15,000	15,000	N/A
R-2A Single-Family Residential	4,000	4,000	N/A
R-3 Multi-Family High Density Residential	15,000 for single-family except when located in cluster or PUD development. Refer to § 154.117(I) and § 154.117(F)	15,000 for single-family except when located in a cluster or PUD development. For all cluster and PUD densities, refer to next column	6 S-F cluster ⁶ 6 S-F PUD 12 one bedroom 12 two bedroom 8 three

			bedroom 6 four bedroom
R-3B Multi-Family High Density Residential	15,000 for S-F except when located in cluster or PUD	15,000 for S-F except when located in cluster or PUD	6 S-F cluster ⁶ 6 S-F PUD or 12 bedrooms/acre
R-3A Multi-Family High Density Residential	15,000 for S-F except when located in cluster or PUD	15,000 for S-F except when located in cluster or PUD	8 S-F cluster ⁶ 8 S-F PUD or 16 bedrooms/acre
CS-1 Commercial Service	21,780	N/A	N/A
CS-2 Commercial Service	10,980	N/A	N/A
PS Public-Private Service	21,780	N/A	N/A
BMR Resort¹⁵	No minimum lot size	N/A	N/A
WS-II⁸	43,560 ^{10,12}	43,560	1
WS-II-C⁹	87,120 ¹⁰	87,120	.5
MH Manufactured Homes	15,000	15,000	N/A
¹ Minimum lot area shall be subject to approval from the appropriate governing Health Department. Lots subdivided prior to October 12, 1982 are not subject to the minimum lot area set forth in this section. All lots subdivided after this date shall be of a minimum area equal to or greater than the lot size set forth herein.			
² In the R-1, R-2 and R-3 Districts, lots shall have a minimum of 30 feet in width at the front lot line. In the CS-2 District, lots shall have a minimum of 50 feet in width at the front line.			
⁴ The minimum setback from a road right-of-way shall be 20 feet.			
⁵ When a commercial use is adjacent to a residential zone, the minimum setback shall be 20 feet, of which ten feet shall be a buffer zone.			
⁶ See Subdivision Regulations for minimum average lot width and setback requirements in cluster developments.			
⁷ The setback requirements shall not apply to exterior walkways that are no greater than four feet in width.			
⁸ For uses other than single-family residential, permitted development shall be allowed for a maximum of 12% built-upon area for th WS-II District.			
⁹ For uses other than single-family residential, permitted development shall be allowed for a minimum of 6% built-upon area in the WS-II-C District.			
¹⁰ Minimum lot are may be reduced to 1/6 acre where cluster development is permitted.			
¹¹ Side and rear setbacks may be ten feet where located in a cluster development pursuant to § 154.105 of the Subdivision Regulations.			
¹² Where WS-II overlays the R-1 District, minimum lot size may be reduced to 40,000 sq. ft. provided average lot size per development is a minimum of 43,560. In the same manner, where WS-II overlays R-2, the minimum lot size may be 15,000 sq. ft. with an average lot size per development of 43,560 sq. ft. Where WS-II-C overlays these zones the same minimum lot sized would apply but the average lot size would be 87,120 sq. ft.			
¹³ Structures shall be located no less than ten feet from another structure.			
¹⁴ Minimum setbacks on lot lines abutting golf course is 30 feet.			

¹⁵ District added by amendment February 9, 1999.

¹⁶ A maximum of a two-foot roof overhang may extend into the required yard.

¹⁷ Setbacks amended by ordinance passed March 13, 2007.

District	Minimum Average Lot Width ²	Minimum Setback Requirements in Feet ^(6,7,14,16) (Measured to wall of structure)			Maximum Height in Feet	Min. Dwelling Area (sq. ft.) ¹⁸
		Front Yard from the Front Property Line Adjacent to Road ^{2, 4, 8, 17}	Sid e Yard ¹¹	Rea r Yard ¹¹		
R-1 Low Density Single-Family Residential	100 ft.	20 from the lot line or 32 feet from the center line of the road, whichever is greater	15	15	Refer to § 154.140	800
R-2 Single- Family Residential	100 ft.	20 from the lot line or 32 feet from the center line of the road, whichever is greater	15	15	Refer to § 154.140	800
R-2A Single- Family Residential	30 ft.	0	0 ¹³	0 ¹³	Refer to § 154.140	800
R-3A Multi-Family High Density Residential	100 ft.	20 from the lot line or 32 feet from the center line of the road, whichever is greater	15	15	Refer to § 154.140	800
R-3B Multi-Family High Density Residential	100 ft.	20 from the lot line or 32 feet from the center line of the road, whichever is greater	15	15	Refer to § 154.140	800
CS-1 Commercial Service	No minimum	20 from the lot line or 32 feet from the center line of the road, whichever is greater	10	10	Refer to § 154.140	800
CS-2 Commercial Service	No minimum	20 from the lot line or 32 feet from the center line of the road, whichever is greater ⁵	10 ⁵	10 ⁵	Refer to § 154.140	800
PS Public-Private Service	No minimum	20 from the lot line or 32 feet from the center line of the road, whichever is greater	10	10	Refer to § 154.140	N/A
BMR Resort¹⁵	No minimum	20 from the lot line or 32 feet from the center line of the road, whichever is greater	10	10	Refer to § 154.140	800
WS-II⁸	100 ft.	20 from the lot line or 32 feet from the center line of the road, whichever is greater	15	15	Refer to § 154.140	See requirements for underlying base zoning district
WS-II-C⁹	200 ft.	20 from the lot line or 32 feet from the center line of the road, whichever is greater	15	15	Refer to § 154.140	See requirements for underlying base zoning district
MH Manufactured Homes	100 ft.	20 from the lot line or 32 feet from the center line	15	15	Refer to § 154.140	N/A

		of the road, whichever is greater				
¹ Minimum lot area shall be subject to approval from the Watauga County Health Department. In no case, however, shall the lot area be less than specified in this subchapter.						
² In the R-1, R-2 and R-3 Districts, lots shall have a minimum of 30 feet in width at the front lot line. In the CS-2 District, lots shall have a minimum of 50 feet in width at the front line.						
⁴ The minimum setback from a road right-of-way shall be 20 feet. This requirement ensures that double frontage lots have adequate setbacks from all roads, not just for the side designated as the "front".						
⁵ When a commercial use is adjacent to a residential zone, the minimum setback shall be 20 feet, of which ten feet shall be a buffer zone.						
⁶ See Subdivision Regulations for minimum average lot width and setback requirements in cluster developments.						
⁷ The setback requirements shall not apply to exterior walkways that are no greater than four feet in width.						
⁸ For uses other than single-family residential, permitted development shall be allowed for a maximum of 12% built-upon area for th WS-II District.						
⁹ For uses other than single-family residential, permitted development shall be allowed for a minimum of 6% built-upon area in the WS-II-C District.						
¹⁰ Minimum lot are may be reduced to 1/6 acre where cluster development is permitted.						
¹¹ Side and rear setbacks may be ten feet where located in a cluster development pursuant to § 145.105 of the Subdivision Regulations.						
¹² Where WS-II overlays the R-1 District, minimum lot size may be reduced to 40,000 sq. ft. provided average lot size per development is a minimum of 43,560. In the same manner, where WS-II overlays R-2, the minimum lot size may be 15,000 sq. ft. with an average lot size per development of 43,560 sq. ft. Where WS-II-C overlays these zones the same minimum lot sized would apply but the average lot size would be 87,120 sq. ft.						
¹³ Structures shall be located no less than ten feet from another structure.						
¹⁴ Minimum setback on lot lines abutting golf course is 30 feet.						
¹⁵ District added by amendment February 9, 1999.						
¹⁶ A maximum of a two-foot roof overhang may extend into the required yard.						
¹⁷ Setbacks amended by ordinance passed March 13, 2007.						
¹⁸ Minimum dwelling areas listed apply to single family, detached dwelling units only. <u>Per NCGS § 160D-702(c) Minimum square footage shall not apply to any structure subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings.</u>						

Commented [PY2]: 160D-702(c) cannot set a minimum square footage for the building types listed

(1989 Code, Title V, Ch. 51, Art. IX, § 900) (Am. Ord. 2015-01, passed 4-14-2015; Ord. 2017-02, passed 1-10-2017; Res. 2018-04, passed 5-8-2018)

CONDITIONAL SPECIAL USES

§ 154.115 PURPOSE.

The following ~~conditional-special~~ uses would not be appropriate without restriction throughout the zoning districts but could be acceptable if controlled as to number, area, location or relation to the neighborhood. Such uses may be permitted in a zoning district as ~~conditional-special~~ uses if the provisions of this and all other subchapters of this chapter have been met.
(1989 Code, Title V, Ch. 51, Art X, § 1000)

§ 154.116 PROCEDURE FOR OBTAINING A CONDITIONAL SPECIAL USE PERMIT.

(A) *Written application.* A written application for a ~~Conditional-Special~~ Use Permit shall be submitted to the Zoning Administrator.

(B) *Conference.* After submission of an application for a ~~Conditional-Special~~ Use Permit the Zoning Administrator shall arrange a conference with the applicant. The Zoning Administrator shall also send the Planning Board an agenda for the meeting. At the conference, the applicant shall submit a sketch development plan and a brief description of the proposed development strategy. The applicant shall also submit proposed design specifications for proposed commercial buildings. The conference is designed to inform the applicant of the local government's regulations and policies concerning development alternatives and to inform the local government of the applicant's intentions, enough to be able to give him or her some informal, nonbinding feedback on the acceptability of his or her plan. The greater the level of common understanding between the applicant and the local government that can be achieved at the conference stage, the smoother the remaining steps of the review and approval process will be. At the conference, a date for a public hearing shall be determined.¹

(C) *Notice of hearing.* The Board of Adjustment shall give public notice of the hearing in a newspaper having general circulation in Beech Mountain published at least five days prior to the date of the hearing. The Board shall mail notices of the hearing to the affected parties, to members of the Planning Board, and to such other persons as the Zoning Administrator shall direct at least seven days prior to the hearing. Such notice shall state the location of the building or lot, the general nature of the applicant's request, and the time and place of the hearing.²

(D) *Copies of final development plan to be submitted.* At least ten days prior to the date set for the hearing, the applicant shall submit three copies of the final development plan to the Zoning Administrator. The development plan shall contain a map or maps drawn to scale, with the date of preparation, and shall contain, where applicable, the following information:

(1) Existing site conditions, including contours, water courses, identified flood hazard areas, any unique natural or man-made features.

(2) Boundary lines of the proposed development, proposed lot lines and plot designs.

(3) Proposed location and use of all existing and proposed structures.

(4) Location and size of all areas to be conveyed, dedicated or reserved as common open space, parks, recreational areas, school sites and similar public and semi-public uses.

(5) The existing and proposed street system, including location and number of off-street parking spaces, service areas, loading areas, and major points of access to public rights-of-way. Notations of proposed ownership of the street system (public or private). Documentation from the Beech Mountain Fire Department of the adequacy of the development's facilities for emergency medical and fire services.

(6) Approximate location of proposed utility systems, including documentation approving the proposed water and sewer systems from the appropriate local and state agencies. Documentation of an approved Sedimentation and Erosion Control Plan shall also be submitted where required.

(7) Location and/or notation of existing and proposed easements and rights-of-way.

(8) The proposed treatment of the perimeter of the development including materials and/or techniques such as screens, fences and walls.

(9) Information on adjacent land areas, including land use, zoning classifications, public facilities, and any unique natural features.

(10) Where applicable, the following written documentation shall be submitted:

Commented [PY1]: 160D – Conditional Use Permits now must be referred to as Special Use Permits

All cases of CUP to SUP have not been notated but all are indicated in RED

Commented [PY2]: General Housekeeping:
There are a number of minor grammar/formatting corrections throughout chapter – mostly removing additional spaces, adding/removing punctuation, or spelling corrections – none of which should impact the meaning or effect of the ordinance

1 (a) A legal description of the total site proposed for development, including a statement of
2 present and proposed ownership.
3 (b) The zoning district or districts in which the project is located.
4 (c) A development schedule indicating approximate beginning and completion dates of the
5 development, including any proposed stages.
6 (d) A statement of the applicant's intentions with regard to the future selling and/or leasing of
7 all or portions of the development.
8 (e) Quantitative data for the following: proposed total number and type of residential dwelling
9 units; parcel size; gross residential densities; and total amount of open space.
10 (f) Plan for maintenance of common areas, recreation areas, open spaces, streets and utilities.
11 (11) Any additional information required by the Board of Adjustment in order to evaluate the
12 impact of the proposed development. The Zoning Administrator or the Board of Adjustment may
13 waive a particular requirement if in its opinion the inclusion is not essential to a proper decision of the
14 project.
15 (E) *Hearing.*
16 (1) *Conduct of hearing.* Any party may appear in person or by agent or by attorney at the
17 hearing. The order of business for hearing shall be as follows: (a) The Chairperson, or such person
18 as he or she shall direct, shall give a preliminary statement of the case; (b) the applicant shall present
19 the argument in support of his or her application; (c) persons opposed to granting the application shall
20 present the argument against the application; (d) both sides will be permitted to present rebuttals to
21 opposing testimony; (e) the Chairperson shall summarize the evidence which has been presented,
22 giving the parties opportunity to make objections and corrections. Witnesses may be called and
23 factual evidence may be submitted, but the Board shall not be limited to consideration of only such
24 evidence as would be admissible in a court of law. The Board may view the premises before arriving
25 at a decision. All witnesses before the Board shall be placed under oath and the opposing party may
26 cross-examine them.
27 (2) *Rehearings.* An application for a rehearing may be made in the same manner as provided
28 for an original hearing. Evidence in support of the application shall initially be limited to that which is
29 necessary to enable the Board to determine whether there has been a substantial change in the
30 facts, evidence, or conditions in the case. The application for rehearing shall be denied by the Board
31 if from the record it finds that there has been no substantial change in facts, evidence or conditions.
32 If the Board finds that there has been a change, it shall thereupon treat the request in the same
33 manner as any other application.
34 (F) *Conditions for granting approval.*
35 (1) If the Board of Adjustment finds that, in the particular case in question, the use for which the
36 ~~Conditional-Special~~ Use Permit is sought will not adversely affect the health or safety of persons
37 residing or working in the neighborhood of the proposed use, and will not be detrimental to the public
38 welfare or injurious to property or public improvements in the neighborhood, a permit may be
39 granted. In granting such a permit, the Board of Adjustment may designate such conditions in
40 connection therewith as will, in its opinion, assure that the proposed use will conform to the
41 requirements and spirit of this chapter.
42 (2) If at any time after a ~~Conditional-Special~~ Use Permit has been issued the Board of
43 Adjustment finds that the conditions imposed and agreements made have not been or are not being
44 fulfilled by the holder of a ~~Conditional-Special~~ Use Permit, the permit shall be terminated and the
45 operation of such use discontinued. If a ~~Conditional-Special~~ Use Permit is terminated for any reason,
46 it may be reinstated only after a public hearing is held.
47 (3) Before any ~~Conditional-Special~~ Use Permit is issued, the Board shall make written findings
48 certifying compliance with the specific rules governing the individual ~~conditional-special~~ use as
49 outlined in § 154.117, and that satisfactory provision and arrangement has been made for at least the
50 following, where applicable.
51 (a) Satisfactory ingress and egress to property and proposed structures thereon, with
52 particular reference to automotive and pedestrian safety and convenience, traffic flow and control.

(b) Provision of off-street parking and loading areas where required, with particular attention to the items in division (F)(3)(a) above, and the economic, noise, glare and odor effects of the ~~conditional-special~~ use on adjoining properties in the area.

(c) Adequate and proper utilities with reference to locations, availability and compatibility.

(d) Buffering, with reference to type, location and dimensions.

(e) Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district.

(f) Playgrounds, open spaces, yards, landscaping, access ways, pedestrian ways, with reference to location, size and suitability.

(g) Buildings and structures, with reference to location, size and use.

(h) Hours of operation, with particular reference to protecting and maintaining the character of the neighborhood.

(G) *Decisions.*

(1) *Time.* A decision by the Board shall be made within 36 days from the time of hearing.

(2) *Form.*

(a) Written notice of the decision in a case shall be given by certified or registered mail to the applicant by the secretary as soon as practicable after the case is decided. Also, written notice shall be given to owners of the subject property, if not the applicant, and to other persons who have made written request for such notice.

(b) The final decision of the Board shall be shown in the record of the case as entered in the minutes of the Board and signed by the secretary and the Chairperson upon approval of the minutes by the Board. Such record shall show the reasons for the determination, with a summary of the evidence introduced and the findings of fact made by the Board. The record shall state in detail any facts supporting findings required to be made prior to the issuance of such ~~permit~~. The record shall state in detail what, if any, conditions and safeguards are imposed by the Board in connection with the granting of a ~~Conditional-Special~~ Use Permit.

(3) *Expiration of permits.* Unless otherwise specified, any order or decision of the Board granting a ~~Conditional-Special~~ Use Permit shall expire if a building permit or Certificate of Occupancy for such use is not obtained by the applicant within six months from the date of the decision.

(4) *Voting.* The concurring vote of four-fifths of the members of the Board shall be necessary to grant a ~~Conditional-Special~~ Use Permit.

(5) *Public record of decisions.* The decisions of the Board, as filed in its minutes, shall be a public record, available for inspection at all reasonable times.

(6) *Submission to Planning Board.* The Board of Adjustment shall submit a copy of its decision on a specific development to the Planning Board.

(H) *Periodic inspections during construction.* The Zoning Administrator shall make periodic inspections during construction as well as a final inspection after construction is complete to determine whether the conditions imposed and agreements made in the issuance of the permit have been met as well as whether all other requirements of this chapter have been met.

(I) *Minor changes.* Minor changes in the location, siting or character of buildings and structures may be authorized by the Zoning Administrator, if required by engineering or other circumstances not foreseen at the time the final development program was approved; provided, however, no change authorized by the Zoning Administrator under this section may increase the size of any building or structure by more than 10%, nor change the location of any building or structure by more than ten feet in any direction, nor make any changes beyond the minimum or maximum requirements set forth in this chapter. All other changes, including changes in the site plan and in the development schedule, must be submitted to the Board of Adjustment. In no case shall the following changes be made without resubmission of the development plan according to the procedures in this section:

(1) A change in the use or character of the development.

(2) An increase in overall density.

(3) An increase in intensity of use.

(4) Alteration of the traffic circulation system.

(5) A reduction in approved open space.

(6) A reduction of off-street parking and loading space.

(J) *No development, permit becomes null and void.* If no development has occurred within one year after the issuance of a ~~Conditional-Special~~ Use Permit, the permit shall become null and void without written extension from the Board of Adjustment, and the procedures for application and review as outlined in this section shall be required for any development on subject property. (1989 Code, Title V, Ch. 51, Art. X, § 1001) -(Ord. passed 6-4-1985; Ord. passed 2-11-1997; Am. Ord. 2012-03, passed 4-10-2012)

Editor's note:

¹ Amended February 11, 1997.

² Amended June 4, 1985.

§ 154.117 ~~CONDITIONAL-SPECIAL~~ USE STANDARDS.

The following standards are applied to specific ~~conditional-special~~ uses. Before issuing a ~~Conditional-Special~~ Use Permit, the Board of Adjustment shall find that all standards for specific uses listed in this section as well as all standards listed in § 154.116 have been met.

(A) *Private recreation facilities (profit).*

(1) Off-street parking shall be sufficient to meet the requirements found in § 154.132.

(2) The Board of Adjustment may require buffering consisting of evergreen trees or shrubs located along the side and rear lot lines, but shall not extend beyond the established setback line along any street. Such buffer strip shall not be less than four feet in width and shall be composed of trees or shrubs of a type which, at maturity, shall be not less than six feet in height. This planting requirement may be modified by the Board of Adjustment where adequate buffering exists in the form of vegetation and/or terrain.

(3) The proposed hours of operation shall not be detrimental to the surrounding property due to noise, flashing lights, traffic, etc.

(4) All developments shall be compatible with surrounding residential uses; therefore, no signs with flashing lights shall be allowed. All non-flashing illuminated signs shall be so placed so as not to cast light on adjoining residential uses.

(5) Trash facilities must be approved by the Public Works Director. ¹

(B) *Radio and tv towers, satellite dishes, private water and sewer plants, private water storage tanks, church spires.*²

(1) All such structures shall adhere to the setback requirements of § 154.105 and the location shall be approved by the Board of Adjustment.

(2) All such structures located on the ground shall be screened by native evergreen shrubs at least six feet in height and spaced no more than three feet apart.

(3) The size of satellite dishes in residential districts shall be limited to ten feet in diameter.

(4) Satellite dishes may be located on a roof where ground location is infeasible. Such installations shall not be located on a roof side facing a street.

(5) Satellite dishes shall be the black mesh type.

(6) The permit issued by the Board of Adjustment for satellite dish installation takes into effect elements specifically related to the dish, such as width, color, materials and location. For this reason, any time a new dish is to be installed, a new permit must be obtained.

(C) *Multi-family dwellings.*

(1) Off-street parking shall be sufficient to meet the requirements found in § 154.132.

(2) Building height and setbacks shall meet the minimum requirements found in § 154.105.

(3) The development shall meet the density requirements found in § 154.105. ³

(4) Conveyance and maintenance of open space, recreational areas and communally owned facilities shall be in accordance with the Unit Ownership Act (G.S. Ch. 47A, Art. 1) and/or any other appropriate mechanisms acceptable to the Board of Adjustment.

(D) *Restaurants.*

(1) Off-street parking shall be sufficient to meet the requirements found in § 154.132.

(2) The Board of Adjustment may require a buffer strip as defined in § 154.105.

1 (3) The area fronting on the street shall be landscaped with trees, grass, shrubs and flowers in
2 keeping with the general scheme of Beech Mountain. ⁴

3 (E) *Laundry and dry-cleaning services.*

4 (1) Off-street parking shall be sufficient to meet the requirements found in § 154.132.

5 (2) The Board of Adjustment may require a buffer strip as defined in § 154.005.

6 (F) *Mechanical car wash.*

7 (1) Included in the required development plan shall be a layout of the proposed ingress and
8 egress and traffic circulation plan. Adequate areas shall be provided so that all patrons will be able to
9 pull their vehicles off the street while waiting to utilize the available services.

10 (2) The Board of Adjustment may require a buffer strip as defined in § 154.005.

11 (G) *Professional and business offices and services.*

12 (1) This use shall only be permitted as part of an approved Planned Unit Development in R-3.

13 (2) This use shall only be permitted as part of an approved recreational development in the PS
14 District.

15 (H) *Retail trade, commercial services, sales and rental of goods, merchandise and equipment.* In
16 the PS District, this use shall only be permitted as part of an approved recreational development.⁵

17 (I) *Planned Unit Developments.*

18 (1) *Purpose.* The purpose of this section is to encourage and provide for flexibility and
19 innovation in the design and location of structures and land development, to provide for mixtures of
20 housing types and land use, to provide for the most efficient use of land resources, and to provide an
21 opportunity to develop land areas in a manner different from the standard arrangement of one
22 principal building on one lot. Residential densities are calculated on a project basis, thus allowing the
23 clustering of buildings in order to create useful open spaces and preserve natural site features. It is
24 further intended that a Planned Unit Development will be in harmony with the character of the district
25 in which it is located.

26 (2) *Planned Unit Development defined.* Any development where more than one principal
27 building or use is proposed to be constructed on a single lot, or any building with a gross floor area of
28 25,000 square feet or more, shall be deemed a Planned Unit Development (PUD). Residential units
29 within a PUD may include single-family detached or attached units, townhouse developments, garden
30 apartments, patio homes, condominiums, and other type residential units excluding mobile homes
31 and mobile home parks.

32 (3) *Land development standards.* The following land development standards shall apply for all
33 Planned Unit Developments. PUDs may be located in the R-3 districts as ~~conditional-special~~ uses,
34 subject to a finding by the Board of Adjustment that certain conditions be met:

35 (a) *Ownership control.* The land in a PUD shall be under single ownership or management by
36 the applicant before final approval and/or construction, or proper assurances (legal title or execution
37 of a binding sales agreement) shall be provided that the development can be successfully completed
38 by the applicant.

39 (b) *Density requirements.* There are no density requirements for non-residential uses as long
40 as the proposed project does not violate the intent of the district in which it is located. The proposed
41 residential density of the PUD (dwelling units per acre as shown in § 154.105) shall conform to that
42 permitted in the district in which the development is located. If the PUD lies in more than one district,
43 the number of allowable dwelling units must be separately calculated for each portion of the PUD that
44 is in a separate district, and must then be combined to determine the number of dwelling units
45 allowable in the entire Planned Unit Development.

46 (c) *Frontage requirements.* PUDs shall have access to a highway or road suitable for the
47 scale and density of development being proposed.

48 (d) *Land uses.* A mixture of land uses shall be allowed in any PUD. However, within
49 residential districts, non-residential uses shall not constitute the primary use in the PUD, and non-
50 residential uses shall be carefully designed to complement the residential uses within the PUD. All
51 PUDs must be compatible with and not violate the intent of the zoning district.

52 (e) *Minimum requirements.*

1. *Waived.* The normal minimum lot size, setbacks and frontage requirements are hereby waived for the PUD, provided that the spirit and intent of this section is complied with in the total development plan, as determined by the Board of Adjustment. The Board of Adjustment shall exercise ultimate discretion as to whether the total development plan does comply with the spirit and intent of this Section.

2. *Height limitations.* No building or structure shall exceed the height limitations of the district in which it is located.

3. *Required distance between buildings.* The minimum distance between buildings shall be 20 feet or as otherwise specified by the Board of Adjustment to ensure adequate air, light, privacy, and space for emergency vehicles.

4. *Access to common use areas; streets, walkways, etc.* Every dwelling unit shall have access to a public or private street, walkway or other area dedicated to common use, and there shall be provision for adequate vehicular circulation to all development properties in order to ensure acceptable levels of access for emergency vehicles. All roads within a Planned Unit Development shall meet the minimum construction standards for subdivision roads of the North Carolina Department of Transportation, Division of Highways' *Subdivision Roads Minimum Construction Standards* dated April, 1983 (as amended) with only the following exception: A reduced right-of-way of 40 feet will be permitted if a reduced width is essentially unavoidable due to topographic reasons and is approved by the Town Manager and/or Director of Public Works.⁶

5. *Access to public road.* All Planned Unit Developments must have access to a public road that meets the minimum construction standards for subdivision roads of the Division of Highways of the North Carolina Department of Transportation with the exception that in lieu of paving, the developer may use a minimum of eight inches of state approved Aggregate Base Course (ABC). In addition, all such access roads to Planned Unit Developments must be approved by the Director of Public Works for the Town of Beech Mountain and the Fire Chief of the Beech Mountain Volunteer Fire Department to insure the accessibility by emergency or municipal vehicles over such access roads to the Planned Unit Development.⁷

(f) *Privacy.* Each development shall provide reasonable visual and acoustical privacy for all dwelling units. Fences, insulation, walks, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses, and reduction of noise. Multilevel buildings shall be located within a PUD in such a way as to dissipate any adverse impact on adjoining low-rise buildings and shall not invade the privacy of the occupants of such low-rise buildings.

(g) *Perimeter requirements.*

1. Structures located on the perimeter of the development must be set back from property lines and rights-of-way of abutting streets in accordance with the provisions of the Zoning Ordinance controlling the district within which the property is situated.

2. Structures other than single-family detached units located on the perimeter of the development may require screening in a manner which is approved by the Board of Adjustment.

(h) *Water and sewer systems.* Plans and accompanying documentation to ensure that the water and sewer systems proposed for the PUD have been approved by the appropriate local and state agencies shall be submitted as part of the application.

(i) *Parking provisions.* Preliminary plans shall include parking provisions for all proposed uses within the PUD in accordance with § 154.132. When more than one use is located in the PUD, the minimum required parking shall be the sum of the required parking for each use within the development.

(j) *Vehicle and pedestrian traffic.* Any pedestrian and bicycle path circulation system and its related walkways shall be designed to minimize conflicts between vehicle and pedestrian traffic.

(k) *Protect character within zoning district.* Layout of parking areas, service areas, entrances, exits, yards, courts and landscaping, and control of signs, lighting, noise or other potentially adverse influences shall be such as to protect the character within the zoning district and desirable character in any adjoining district.

1 (l) *Unit of ownership.* Conveyance and maintenance of open space, recreational areas and
2 communally owned facilities shall be in accordance with the Unit Ownership Act (G.S. Ch. 47A, Art. 1)
3 and/or any other appropriate mechanisms acceptable to the Board of Adjustment.

4 (m) *Avoid unnecessary cutting of trees.* The development plan, and particularly the location of
5 any buildings, roads, or parking areas, must be designed in such a way as to avoid the unnecessary
6 cutting of any trees measuring more than six inches in diameter at ground level within the
7 development.

8 (J) *Hotels and motels.*

9 (1) The area around the hotel or motel shall be landscaped with trees, grass, shrubs and flowers
10 in keeping with the general scheme of Beech Mountain.

11 (2) The Board of Adjustment may require a buffer ~~strip area~~ as defined in § 154.006.

12 (K) *Banks and other financial institutions.*

13 (1) Off-street parking shall be sufficient to meet the requirements found in § 154.132.

14 (2) The area fronting the street shall be landscaped with trees, grass, shrubs and flowers in
15 keeping with the general scheme of Beech Mountain.

16 (L) *Hospitals, health clinics and doctors' offices.*

17 (1) Off-street parking shall be sufficient to meet the requirements found in § 154.132.

18 (2) The area fronting the street shall be landscaped with trees, grass, shrubs and flowers in
19 keeping with the general scheme of Beech Mountain.

20 (M) *Fraternal clubs and lodges.*

21 (1) Off-street parking shall be sufficient to meet the requirements found in § 154.132.

22 (2) The area fronting the street shall be landscaped with trees, grass, shrubs and flowers in
23 keeping with the general scheme of Beech Mountain.

24 (N) *Motor vehicle service stations.*

25 (1) Off-street parking shall be sufficient to meet the requirements found in § 154.132.

26 (2) The area fronting the street shall be landscaped with trees, grass, shrubs and flowers in
27 keeping with the general scheme of Beech Mountain.⁸

28 (O) *Parking as a conditional special use in R-2 zoned areas.*⁹

29 (1) The lot subject to the ~~Conditional Special~~ Use Permit shall be adjacent to a lot zoned CS, PS,
30 or BMRI.

31 (2) The parking must be for the benefit of a contiguous lot zoned CS, PS, or BMRI.

32 (3) The parking shall not be intended to benefit a contiguous residential lot.

33 (4) The parking shall not create a significant nuisance to any adjoining residential lot.

34 (5) The lot must also meet the conditions listed in division (F) above of this section of the Zoning
35 Ordinance.

36 (6) No structures shall be built on the lot.

37 (P) *Campgrounds.*

38 (1) *Purpose.* The purpose of this section is to provide standards for the private development of
39 campgrounds as temporary seasonal accommodations for tourists and citizens, not designed for
40 long-term lease or stay. Furthermore, this section aims to regulate and guide the establishment of
41 campgrounds in order to promote public health, safety, and general welfare. This section is designed
42 to accomplish the following specific objectives:

43 (a) To further the orderly layout of campgrounds;

44 (b) To secure safety from fire, panic, and other dangers;

45 (c) To provide adequate light and air;

46 (d) To ensure that facilities for transportation, parking, water, sewage, and accessory
47 recreational activities are provided for campground visitors;

48 (e) To ensure that campgrounds have a minimal adverse effect upon the neighborhoods or
49 locations in which they are located; and

50 (f) To ensure that such campgrounds are not used as permanent places of abode.

51 (2) *Scope.* This section shall pertain to the development of campgrounds for tent camping,
52 recreational vehicle camping, and mixed tent/ RV camping. Permanent structures for camping such

1 as "rustic camping cabins" are not covered under this section.
2 (3) *Plan submission.* Prior to the construction of a campground or the expansion of an existing
3 campground, the developer shall submit a campground plan to the Board of Adjustments in
4 accordance with § 154.116. The plan shall be prepared by a registered land surveyor currently
5 licensed and registered in the State of North Carolina and shall include the following items in addition
6 to the requirements of § 154.116(D):

- 7 (a) Name of the park and developer;
8 (b) Vicinity map and site plan showing relationship between campground and surrounding
9 area;
10 (c) Proposed camper spaces well defined, indicating accurate dimensions and site numbers;
11 (d) Surface and/or subsurface drainage plan and flood plain information, if necessary;
12 (e) Site data:
13 1. Acreage in total tract;
14 2. Acreage in campgrounds, if applicable;
15 3. Total number of spaces; and
16 4. Lineal feet in streets;
17 (f) Landscaping and buffering;
18 (g) Adjoining property owners;
19 (h) Title, date, graphic scale, north arrow;
20 (i) Method of garbage disposal; and
21 (j) Other items as necessary to illustrate that the design standards below will be met.

22 (4) *Design standards.* The following standards shall be considered the minimum requirements
23 for all campgrounds.

- 24 (a) All campgrounds shall have a gross land area of at least five acres.
25 (b) *Minimum space design.* The following minimum space requirements also takes into
26 account the need for adequate space to prevent overcrowding, prevent fire hazards, provide sufficient
27 light and air, promote compatibility with neighboring land uses, and further the intent of the zoning
28 Code for the Town of Beech Mountain.

<i>Tent Camp Spaces</i>	<i>All Other Camp Spaces</i>
Minimum Space: 800 sq. ft.	Minimum Space: 1250 sq. ft.
Minimum Space Width: 20 feet	Minimum Space Width: 25 feet

29
30
31 (c) A minimum of 30% of the total land area shall be devoted to accessible common open
32 space intended for recreational use. These areas are separate from the camper spaces, and shall be
33 grouped and of character suitable for active and passive recreation and shall be reasonably located
34 for safe and convenient access to guests.

35 (d) Each camper shall be located at least 30 feet from the edge of any publicly-maintained
36 right of way.

37 (e) Each camper space shall be identified by a permanent number which shall not be changed.
38 The appropriate number of each camper space must be permanent and visibly displayed on each
39 space. Each number shall be placed on a concrete, wood, metal, or any permanent post and
40 conspicuously located on the lot.

41 (f) All spaces shall be located on sites with elevations that are not susceptible to flooding. The
42 spaces shall be graded to prevent any water from ponding or accumulating within the park. Each
43 space shall be properly graded to obtain a reasonably flat site for a campground and to provide
44 adequate drainage away from the space.

45 (g) All spaces shall be located on sites with an average slope of less than 18%.

46 (h) *Permanent residence for owner-operator/superintendent.* One single family dwelling shall
47 be permitted on a campground. This residence shall comply with all regulations for single family
48 dwellings in the Town of Beech Mountain Code of Ordinances and in the applicable North Carolina

State Building Codes.

(i) *Service building.*

1. Each campground shall have at least one service building to provide necessary sanitation, restrooms, and laundry tray. This structure may also contain a retail sales counter and/or coin operated machine for the campground guests use, provided there is no exterior advertising. Vending machines may also be permitted in a sheltered area. Service buildings may have one private apartment for use as quarters for a campground owner/ operator.

2. All public areas of service buildings shall be provided and maintained in a clean and sanitary condition and kept in good repair at all times. They shall be safely and adequately lighted. Facilities shall be easily accessible and conveniently located. All buildings shall be constructed in accordance with the N.C. State Building Code.

(j) *Bath houses.*

1. In addition to the required restrooms in the service building as described above, campgrounds with greater than 50 camp sites must have additional restroom and bathing facilities for men and women (i.e., "bath houses") as described below:

51 - 100 campsites	1 additional bath house -(total 2)
101-150 campsites	2 additional bath houses -(total 3)
151-200 campsites	3 additional bath houses -(total 4)
> 200 campsites	4 additional bath houses -(total 5)

2. These "bath houses" shall provide separate facilities for men and women, and shall have a minimum of:

a. Two toilets, two showers, and two sinks for women; and

b. Two toilets, two showers, and two sinks for men.

(k) Permanent structures (i.e. decks, porches, storage buildings) are prohibited on individual camp sites with the exception of concrete pads or other permanent hard surface pads not to exceed 300 square feet on a tent site and 500 square feet on all other sites.

(l) The campground owner is responsible for refuse collection. Storage, collection, and disposal of refuse shall be so managed as not to create health hazards, rodent harborage, insect-breeding areas, accident, fire hazards, or air pollution. The method of garbage disposal shall be noted on the plan and shall be in accordance with Title V, Chapter 50 of the Town of Beech Mountain Code of Ordinances.

(m) One off-street parking space shall be provided and maintained for each camp space. Any other parking needs shall be supplied by a centralized common parking area for the campground. Required parking spaces shall be included within the minimum required space area for each camp space.

(n) No camp space within a campground shall directly access a public road. Access to all camp spaces and accessory structures within the campground shall be made using internal streets.

(o) *Internal streets.* One-way streets shall have minimum width of 16 feet. Two-way streets shall have a minimum width of 18 feet. Such streets shall be well maintained and clearly identified. All streets within the campground shall be privately owned and maintained. Each camper space shall abut an internal street within the campground. All internal streets that dead-end shall be provided with a permanent turnaround. All parking within the campground shall take place off the internal street within designated parking areas only. All internal streets within the campground shall be equipped with adequate and suitable drainage facilities. In accordance with § 154.116(D)(5), documentation of adequacy for emergency medical and fire services will be required from the Beech Mountain Fire Department.

(p) *Buffering.* A buffer strip at least 30 feet in width shall be maintained around the perimeter of the parcel on which the campground is situated. This strip shall be free of all encroachment by buildings, parking areas or impervious coverage. No designated camper spaces shall include any

1 areas required for buffering. This area shall contain adequate vegetation, fencing, or landscaping to
2 minimize the visual and noise impact of the campground upon the neighboring parcels.

3 (q) *Utility requirements.* Accessible, adequate, safe and potable water as well as adequate and
4 safe sewage disposal facilities shall be provided in each campground. To achieve these ends,
5 Chapter 51 of the Town of Beech Mountain Code of Ordinances (Water and Sewer Use) shall apply
6 with only the following exceptions:

7 1. Where town water or sewer systems exist within 1,000 feet of the park, the town may
8 require the developer to connect to such system(s). When connected to such systems their supply
9 shall be used exclusively;

10 2. Each campground shall provide a minimum of one sewage dumping station and at least
11 one sewage dumping station for each 50 recreational vehicle camper spaces, which are not equipped
12 with individual sewer and water connections. Sewage dumping stations shall be approved by the
13 appropriate County Health Authority;

14 3. Connection fees for water and sewer for campsites provided with individual water and
15 sewer connections or services shall be based on the current connection fee rates established by the
16 Town Council based on 100 square feet per site regardless of the actual size of such site. The master
17 schedule of fees is maintained in the Clerk's office. Standard connection fee rates shall apply to bath
18 houses, service buildings, and any other permanent structures on the premises; and

19 4. The Beech Mountain Fire Department may require the installation of fire hydrants as
20 necessary to ensure safety. In accordance with § 154.116(D)(5), documentation of adequacy for
21 emergency medical and fire services will be required from the Beech Mountain Fire Department
22 before a ~~conditional Special Use~~ permit is granted.

23 (r) *Campfires.* Campfires and fire pits shall be designed and located according to the following
24 restrictions:

25 1. The location of these sites shall be selected with safety as a priority;

26 2. They shall be in open areas away from structures, campers, and debris. To this end no
27 designated campfire site may be within eight feet of the line separating camp spaces; and

28 3. They shall be lined with permanent campfire rings, constructed of steel or other suitable
29 material and embedded in concrete or rocks, in order to prevent the spread of fire.

30 (5) *Operating regulations.* The person to whom an operating permit for a campground is issued
31 shall operate the campground in compliance with this section and shall provide adequate supervision
32 to maintain the campground, its facilities and equipment in good repair and in a clean and sanitary
33 condition. The campground owner shall notify campground visitors of all applicable provisions of this
34 section and inform them of their responsibilities under this section.

35 (a) Every campground owner or operator shall maintain an accurate register containing a
36 record of all occupants and owners of campers in the campground. The register shall be available for
37 inspection at all times by authorized town representatives. The register shall contain the following
38 information:

39 1. Name and address of the occupants of each space;

40 2. Camper space number; and

41 3. Date when occupancy within the campground begins and date when occupancy within the
42 campground ceases.

43 (b) No more than one camper may be parked on any one space. Campers shall not be
44 permitted on parcels, lots, or spaces other than those approved through these regulations.

45 (c) Building and grounds shall be maintained free of rodent/insect harborage and infestation.
46 Extermination methods and other control measures shall be in accordance with the requirements of
47 licensed pest control operators. The campground owner shall be responsible for pest extermination
48 and pest control measures to prevent the development of unsanitary conditions.

49 (d) Maintenance of all internal streets and drainage facilities shall be the responsibility of the
50 owner of the campground. Such streets shall be maintained in a manner to be free from pot-holes,
51 breaks in the pavement, rough surfaces, ponding of water and associated problems which would
52 impede or cause hazards to motor vehicles. Speed reduction bumps on paved internal streets are

Commented [PY3]: 160D and housekeeping: to maintain consistency throughout chapter, Special Use Permit will be capitalized, and special use will not

1 permissible, but they shall be painted and appropriate signs indicating the bump must be placed
2 along the street.

3 (e) It shall be unlawful to park or store a manufactured home or a type of recreational vehicle
4 that is designed for permanent residence or long term stay in a campground. "Park Model" RV's are
5 considered to be designed for long term stay.

6 (f) The transfer of title of a camper space or spaces either by sale or by any other manner
7 shall be prohibited within a campground as long as the campground is in operation.

8 (g) All camping units must be placed individually on approved camper spaces where all design
9 standards and utilities have been completed. No more than one camper may be parked on any one
10 space. Campers shall not be permitted on parcels, lots, or spaces other than those approved through
11 these regulations.

12 (h) No camper space shall be used as a permanent place of abode. Any action toward removal
13 of wheels of a camper except for temporary purposes of repair is hereby prohibited.

14 Underpinning/under-skirting is prohibited.

15 (i) No campground may operate and must be vacated of all campers during the months of
16 January and February.

17 (j) Campfires:

- 18 1. Are permitted only when weather and conditions allow;
- 19 2. Must be extinguished between midnight and sunrise;
- 20 3. Must be attended while burning;
- 21 4. Are limited to designated sites; and
- 22 5. The sites shall be inspected by the Town Manager or his or her designee on an annual
23 basis and a yearly permit issued if safety standards are met.

24 (6) *Enforcement.* Failure to comply with the operating regulations for campgrounds shall be
25 considered a zoning violation and shall subject the offender to civil penalties in accordance with §
26 154.376 of this chapter. Furthermore, continued violation of these regulations shall constitute a
27 breach of the ~~conditional-Special uUse~~ ~~pPermit~~, and such permit may be revoked in accordance with
28 § 154.116(F)(2).

29 (Q) *Wind energy system - eCommercial.*

30 (1) *Purpose.* The purpose of this section is to regulate the wind power turbines and other wind
31 energy systems in order to preserve the character of the mountain and to protect its citizens from
32 potential nuisances caused by these systems, while also allowing for the clean and renewable energy
33 provided by these systems should they meet certain criteria.

34 (2) *Definition.* For the purpose of this division, the following definition shall apply unless the
35 context clearly indicates or requires a different meaning.

36 **WIND ENERGY SYSTEM HEIGHT.** The height above the original natural grade of the land on
37 which the system sits (at its highest point directly beneath the footprint of the system) to the tip of the
38 turbine blade when it reaches its highest elevation.

39 (3) *Standards for wind energy systems.* The Board of Adjustments shall deny any application for
40 a ~~conditional-Special uUse~~ ~~pPermit~~ for a wind energy system that it determines will be out of harmony
41 with the character of the community and its land use plan for the area in which the turbine is
42 proposed, that it determines would be unsafe or presents a potential safety hazard, or that it
43 determines will be a nuisance due to its appearance, size, noise generated, and the like. In making
44 such a determination, the Board shall consider the following standards.

45 (a) *Wind energy system height.* Height shall be limited to 100 feet.

46 (b) *Site location and setback.* No part of a wind energy system (including overhanging blades
47 or appurtenances) shall be closer to surrounding property lines than the height of the wind energy
48 system unless a North Carolina registered professional engineer certifies the fall zone of the wind
49 energy system and appurtenances will be within the setback area proposed. In addition, no wind
50 energy system shall be located closer to an inhabited structure on adjacent property than three times
51 the height of the wind energy system. Furthermore, a wind energy system may not be located closer
52 to another wind energy system than five times the height of the wind energy system. No wind energy

1 system may be located on a tract of land less than five acres in area. No part of a wind energy
2 system (including overhanging blades or appurtenances) may be located within the required building
3 setbacks on a lot or tract.

4 (c) *Building permit requirements.* A building permit shall be required. Building permit
5 applications for wind energy systems shall be accompanied by standard drawings of the wind energy
6 system structure, including the tower, base, and footings. An engineering analysis of the tower
7 certified by a licensed professional engineer which includes standards for ice/wind loading shall also
8 be submitted. This analysis may be supplied by the manufacturer.

9 (d) *Compliance with other applicable laws.* Wind energy systems must comply with applicable
10 FAA regulations, including any necessary approvals for installations close to airports. Evidence of
11 compliance or non-applicability shall be submitted with the application. Wind energy systems must
12 also comply with any other applicable state or local laws, including the "Ridge Line Law" (G.S. §§
13 113A-205 *et seq.*).

14 (e) *Utility notification.* No wind energy system shall be installed until evidence has been given
15 that the utility company has been informed of the customer's intent to install an interconnected
16 customer-owned generator. Off-grid systems shall be exempt from this requirement.

17 (f) *Appearance.* Wind energy systems shall maintain a galvanized finish or be painted to
18 conform to the surrounding environment to reduce visual obtrusiveness. No wind energy system
19 should have any signage, or writing or pictures that may be construed as advertising placed on it at
20 any time. In addition, no flags, streamers or decorative items may be attached to the wind energy
21 system.

22 (g) *Removal of defective or abandoned wind energy systems.* Any wind energy system that is
23 not functional shall be repaired by the owner or removed. In the event that the town becomes aware
24 of any wind energy system that is not operated for a continuous period of six months, the town will
25 notify the landowner by registered mail and provide 45 days for a written response. In such a
26 response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable
27 timetable for corrective action. If the town deems the timetable for corrective action as unreasonable,
28 the town shall notify the landowner and such landowner shall remove the energy system with 120
29 days of receipt of the notice.

30 (4) *Procedure and permit application.* Prior to the application for a ~~conditional-Special u~~Use
31 ~~p~~Permit being submitted to the Board of Adjustment, the applicant shall provide a copy of the
32 application to the Planning Board for a review of the impacts of such proposal. The Planning Board
33 may make findings on the impact of the proposed wind energy system that may be submitted to the
34 Board of Adjustment and if submitted shall be considered in the Board of Adjustment's decision.

35 (a) In addition to the items and information required in § 154.116 for a ~~conditional-Special~~
36 ~~u~~Use ~~p~~Permit, applications for wind energy systems shall contain the following information:

37 1. The complete name, address, telephone number, and e-mail address of the applicant and
38 any authorized representative;

39 2. The signature of the person who prepared the application, if prepared by an agent or
40 consultant of the applicant;

41 3. The role of the permit applicant in the construction and operation of the wind power
42 project;

43 4. The identity of any other wind power project located in the state in which the applicant, or
44 a principal of the applicant, has an ownership or other financial interest; the operator of the wind
45 power project if different from the applicant; and the name of the person or persons to be the
46 permittee if a site permit is issued;

47 5. The applicant shall state in the application whether a certificate of public convenience and
48 necessity for the system is -required from the North Carolina Utilities Commission and, if so, the
49 anticipated schedule for obtaining the certificate. The town may ask the Utilities Commission to
50 determine whether a certificate of public convenience and necessity is required for a particular wind
51 power project for which the town has received a site permit application. The town shall not approve a
52 project requiring a certificate unless and until such -certificate is issued by the Utilities Commission. If

1 a certificate is not required from the Utilities Commission, the permit applicant shall include with the
2 application a discussion of what the applicant intends to do with the power that is generated;
3 6. The permit applicant shall include the following information about the site proposed for the
4 wind power project and any associated facilities:
5 a. A recent survey of the boundaries of the parcel on which the proposed wind turbine is to
6 be located;
7 b. The location of other wind energy systems in the general area of the proposed wind
8 power project; and
9 c. The applicant's land rights within the boundaries of the proposed site;
10 7. The permit applicant shall provide the following information regarding the design of the
11 proposed wind power project:
12 a. A project layout, prepared by a design professional, including a map showing the
13 proposed location of the energy system(s);
14 b. A description of the turbine(s) and tower(s) and other equipment proposed to be used in
15 the wind power project, including the name of the manufacturers of the equipment;
16 c. A description of the project electrical system, including transformers at both low voltage
17 and medium voltage; and
18 d. A description and location of associated facilities;
19 8. An applicant for a site permit shall include with the application an analysis of the potential
20 impacts of the wind power project, proposed mitigative measures, and any adverse environmental
21 effects that cannot be avoided, in the following areas:
22 a. Demographics, including people, homes, and businesses;
23 b. *Noise*. The applicant shall provide information regarding the volume (in decibels) that
24 the proposed system would create and the distance at which a person of average hearing could hear
25 such system;
26 c. *Visual impacts*. The applicant shall provide a map or other study that illustrates the
27 locations from which the proposed wind energy system will be visible;
28 d. Public services and infrastructure;
29 e. Cultural and archaeological impacts;
30 f. Recreational resources;
31 g. Public health and safety, including air traffic, electromagnetic fields, and security and
32 traffic;
33 h. Hazardous materials;
34 i. Land-based economics, including agriculture, forestry, and mining.
35 j. Tourism and community benefits;
36 k. Topography;
37 l. Soils;
38 m. Geologic and groundwater resources;
39 n. Surface water and floodplain resources;
40 o. Wetlands;
41 p. Vegetation;
42 q. Avian, impact assessment that includes an indication of the type and number of birds
43 that are known or suspected to use a project site and the area surrounding that site;
44 r. Wildlife; and
45 s. Rare and unique natural resources;
46 9. The permit applicant shall describe all of the following:
47 a. The manner in which the wind power project, including associated facilities, will be
48 constructed;
49 b. How the wind power project will be operated and maintained after construction,
50 including a maintenance schedule;
51 c. The anticipated schedule for completion of the wind power project, and shall identify the
52 expected date of commercial operation; and

1 d. The energy expected to be generated by the wind power project;
2 10. The permit applicant shall include the following information regarding decommissioning
3 of the wind power project and restoring the site:
4 a. The anticipated life of the wind power project;
5 b. The estimated decommissioning costs in current dollars;
6 c. The method and schedule for updating the costs of decommissioning and restoration;
7 d. The method of ensuring that funds will be available for decommissioning and
8 restoration; and
9 e. The anticipated manner in which the wind power project will be decommissioned and
10 the site restored; and
11 11. The permit applicant shall include in the application a list of all known federal, state, and
12 local agencies or authorities, and titles of the permits they issue that are required for the proposed
13 wind power project.
14 (R) *Wind energy system - accessory.*
15 (1) *Standards for wind energy system - accessory.* The Board of Adjustments shall deny any
16 application for a ~~conditional~~ *Special u* ~~Use p~~ *Permit* for a wind energy system that it determines will be
17 out of harmony with the character of the community and its land use plan for the area in which the
18 turbine is proposed, that it determines would be unsafe or presents a potential safety hazard, or that it
19 determines will be a nuisance due to its appearance, size, noise generated, and the like. In making
20 such a determination, the Board shall consider the following standards.
21 (a) *Use.* Accessory systems are to be located on the same tract of land as a permitted
22 residential dwelling or commercial building, and are to be designed such that their primary function is
23 to produce energy for consumption by the residential dwelling or commercial building with which they
24 share the lot or tract of land.
25 (b) *Frequency.* A maximum of one wind energy system-accessory unit is permitted per lot.
26 (c) *Site location and setback.* Accessory units are not permitted in street yards (the portion of
27 the yard that abuts a street or road and is nearer to the street or road than the primary structure on
28 the lot). Wind energy systems may not be located in or overhang above the required building
29 setbacks for a lot or tract.
30 (d) *Height.* Accessory units may not extend to a height of greater than 15 feet above the
31 highest point of the structure to which they are accessory or 50 feet in total height, whichever is
32 lesser. Total height shall be measured vertically from the highest point of the wind energy system to
33 the ground. Mounding of dirt or rocks to achieve an artificially high ground level shall not be
34 considered in this calculation.
35 (e) *Noise.* Units cannot produce more than 40 decibels when in operation, measured at the lot
36 line.
37 (f) *Operation.* Units are required to have a cut-in speed of at least seven miles per hour. "Cut-
38 in speed" is the wind velocity at which a wind energy system begins operation.
39 (g) *Compliance with other applicable laws.* Wind energy systems must comply with applicable
40 FAA regulations, including any necessary approvals for installations close to airports. Evidence of
41 compliance or non-applicability shall be submitted with the application. Wind energy systems must
42 also comply with any other applicable state or local laws, including the "Ridge Line Law" (G.S. §§
43 113A-205 *et seq.*).
44 (h) *Appearance.* Wind energy systems shall maintain a galvanized finish or be painted to
45 conform to the surrounding environment to reduce visual obtrusiveness. No wind energy system
46 should have any signage, or writing or pictures that may be construed as advertising placed on it at
47 any time. In addition, no flags, streamers or decorative items may be attached to the wind energy
48 system.
49 (i) *Building permit requirements.* A building permit shall be required. Building permit
50 applications for wind energy systems shall be accompanied by standard drawings of the wind energy
51 system structure, including the tower, base, and footings. An engineering analysis of the tower
52 certified by a licensed professional engineer which includes standards for ice/wind loading shall also

1 be submitted. This analysis may be supplied by the manufacturer. A North Carolina registered
2 professional engineer must certify that the fall zone of the wind energy system and appurtenances will
3 be within the boundaries of the property on which it is located.

4 (j) *Utility notification.* No wind energy system shall be installed until evidence has been given
5 that the utility company has been informed of the customer's intent to install an interconnected
6 customer-owned generator. Off-grid systems shall be exempt from this requirement.

7 (k) *Removal of defective or abandoned wind energy systems.* Any wind energy system that is
8 not functional shall be repaired by the owner or removed. In the event that the town becomes aware
9 of any wind energy system that is not operated for a continuous period of six months, the town will
10 notify the landowner by registered mail and provide 45 days for a written response. In such a
11 response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable
12 timetable for corrective action. If the town deems the timetable for corrective action as unreasonable,
13 the town shall notify the landowner and such landowner shall remove the energy system with 120
14 days of receipt of the notice.

15 (S) *Manufacturing/processing, light.*

16 (1) *Purpose.* The Council finds that the residential/resort character of the area within Beech
17 Mountain's planning jurisdiction is incompatible with the development of such area for
18 manufacturing/processing uses except to the extent that such uses create none of the negative
19 impacts often associated with such manufacturing/processing uses. Therefore, no
20 manufacturing/processing use within any zoning district may:

21 (a) Emit from a vent, stock, chimney, or combustion process any smoke that is visible to the
22 naked eye that is a result of the process of manufacturing, processing, creating, repairing, renovating,
23 painting, cleaning, or assembling of goods, merchandise, or equipment.

24 (b) Generate noise in the course of manufacturing of greater than 40 decibels as measured at
25 the lot line between the hours of 9 a.m. and 5 p.m. Between the hours of 5 p.m. and 9 a.m. the Town
26 of Beech Mountain's general noise regulations as coded in § 94.25 of the Beech Mountain Code of
27 Ordinances shall apply.

28 (c) Generate any ground transmitted vibration that is perceptible to the human sense of touch
29 measured at the lot line.

30 (d) Generate any odor that reaches the "odor threshold" measured at the lot line. For purposes
31 of this subdivision, the **ODOR THRESHOLD** is defined as the minimum concentration in air of a gas,
32 vapor, or particulate matter that can be detected by the olfactory systems of a panel of healthy
33 observers.

34 (e) Require for its operations a daily average of more than 200 gallons of water per employee.

35 (f) Create any electrical disturbance that adversely affects any operations or equipment other
36 than those of the creator of such disturbance, or otherwise causes, creates, or contributes to the
37 interference with electronic signals (including television and radio broadcasting transmissions) to the
38 extent that the operation of any equipment not owned by the creator of such disturbance is adversely
39 affected.

40 (g) Store materials necessary for the manufacturing or processing activity in a location where
41 such materials are visible from beyond the boundaries of the property on which the
42 manufacturing/processing facility is located.

43 (h) Semi-trucks or tractor trailers may be used to deliver or pick up materials but may not
44 remain on the premises continuously for more than 48 hours. Such trucks or trailers may not be used
45 as a means to store materials necessary for the manufacturing or processing activity or finished
46 products of the manufacturing activity.

47 (i) Manufacturing/processing, light facilities already in existence at the time of the adoption of
48 this subsection shall be required to apply for ~~conditional-Special u~~Use ~~p~~Permits and comply with the
49 requirements herein.

50 (T) *Alternative building methods in the Commercial Thoroughfare Overlay District.*

51 (1) Roof designs, building materials, building sizes (scale), color schemes, window types and
52 numbers, and landscaping arrangements, other than those specifically listed as allowed in § 154.122,

1 may be allowed if the totality of the design indicates harmony and compatibility with the Commercial
2 Thoroughfare Overlay District, and its purpose of fostering a functional, visually appealing and vibrant
3 commercial district in Beech Mountain.

4 (2) The Board may impose additional conditions necessary to ensure the proposed use will be
5 compliant with the spirit and intent of the Commercial Thoroughfare Overlay District.

6 (U) *Sexually oriented businesses.*

7 (1) (a) The purpose of the following ~~conditional-special~~ use standards shall be to set forth the
8 regulatory and requirements for adult establishments located within the town. Adult establishments,
9 because of their very nature are recognized as having serious objectionable operational
10 characteristics. Studies and experiences that are relevant to North Carolina have shown that lower
11 property values and increased crime rates tend to accompany and are brought about by adult
12 establishments. The Town Council finds that regulation of these uses is necessary to ensure that
13 these adverse secondary effects do not contribute to the blighting of surrounding neighborhoods and
14 to regulate acts, omissions or conditions detrimental to the health, safety or welfare and the peace
15 and dignity of the town. Regulations to achieve these purposes can be accomplished by the
16 procedures set forth hereinafter.

17 (b) The provisions of the following standards have neither the purpose nor effect for imposing
18 a limitation or restriction on the content of any communicative materials, including sexually oriented
19 materials. Similarly, it is not the intent nor effect of these standards to restrict or deny access by the
20 distributors and exhibitors of sexually oriented entertainment to their intended market. These
21 standards represent a balancing of the legitimate ends of the community by imposing an incidental,
22 content neutral place, time and manner regulation of sexually oriented businesses, without limiting
23 alternative avenues of communication and at the same time, requiring the business to carry its share
24 of financing administrative and enforcement activities.

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

27 **ADULT BOOKSTORE.** A store:

28 1. Which receives a majority of its gross income during any calendar month from the sale or
29 rental of publications (including books, magazines, which are distinguished or characterized by their
30 emphasis on matters depicting, describing, or relating to specified sexual activities or specified
31 anatomical areas, as defined in this section or other periodicals, videotapes, compact discs, other
32 photographic, electronic, magnetic, digital, or other imaging medium).

33 2. Having as a preponderance (either in terms of the weight and importance of the material
34 or in terms of greater volume of materials) of its publications, including books, magazines, other
35 periodicals, videotapes, compact discs, other photographic, electronic, magnetic, digital, or other
36 imaging medium, which are distinguished or characterized by their emphasis on matter depicting,
37 describing, or relating to specified sexual activities or specified anatomical areas, as defined in this
38 section.

39 **ADULT CABARET.** A nightclub, bar, restaurant, or similar commercial establishment that on a
40 regular, sporadic, or transient basis features:

41 1. Persons who appear in a state of nudity or semi-nudity;

42 2. Live performances that are characterized by the exposure of "specified anatomical areas"
43 or to "specified sexual activities";

44 3. Films, motion pictures, video cassettes, slides, or other photographic reproductions that
45 are characterized by the depiction or description of "specified sexual activities" or "specified
46 anatomical areas"; or

47 4. Persons who engage in erotic dancing or performances that are intended for the sexual
48 interests or titillation of an audience or customers.

49 **ADULT CONVENTION CENTER.** A hotel, motel, inn, restaurant, or other facility or
50 establishment that on a regular, sporadic, or transient basis hosts events that feature:

51 1. Persons who appear in a state of nudity or semi-nudity;

52 2. Live performances that are characterized by the exposure of "specified anatomical areas"

1 or to "specified sexual activities";
2 3. Persons who engage in erotic dancing or performances that are intended for the sexual
3 interests or titillation of an audience or customers;
4 4. Films, motion pictures, video cassettes, slides, or other photographic reproductions that
5 are characterized by the depiction or description of "specified sexual activities" or "specified
6 anatomical areas"; or
7 5. Conferences for the purpose of discussing, teaching, disseminating or selling materials
8 related to "specified sexual activities" or "specified anatomical areas".
9 **ADULT ESTABLISHMENT.** An adult bookstore, adult cabaret, adult motel, adult motion picture
10 theater, adult mini motion picture theater, escort agency, exotic car wash, exotic maid service, nude
11 modeling studios, sexual encounter center or any other sexually oriented business that is similar in
12 nature and intent to any other adult entertainment business as defined in this section.
13 **ADULT LIVE ENTERTAINMENT.** Any performance of or involving the actual presence of real
14 people which exhibits "specified sexual activities" or "specified anatomical areas" as defined in this
15 section.
16 **ADULT LIVE ENTERTAINMENT BUSINESS.** Any establishment or business wherein "adult
17 live entertainment" is shown for observation by patrons. This shall apply whether the entertainment is
18 presented on a regular, sporadic, or transient basis.
19 **ADULT MOTEL.** A hotel, motel or similar commercial establishment that:
20 1. Offers accommodation to the public for any form of consideration and provides patrons
21 with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other
22 photographic reproductions that are characterized by the depiction or description of "specified sexual
23 activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way that
24 advertises the availability of this adult type of photographic reproductions;
25 2. Offers a sleeping room for rent for a period of time that is less than 24 hours; or
26 3. Allows a tenant or occupant of a sleeping room to sub rent a room for a period of time that
27 is less than 24 hours.
28 **ADULT MINI MOTION PICTURE THEATER.** An enclosed building with viewing booths
29 designed to hold patrons which is used for presenting motion pictures, a preponderance of which are
30 distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified
31 sexual activities" or "specified anatomical areas" as defined in this section, for observation by patrons
32 therein.
33 **ADULT MOTION PICTURE THEATER.** An enclosed building or premises used for presenting
34 motion pictures, a preponderance of which are distinguished or characterized by an emphasis on
35 matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas",
36 as defined in this section, for observation by patrons therein. **ADULT MOTION PICTURE THEATER**
37 does not include any "adult mini motion picture theater" as defined in this section.
38 **EMPLOYEE.** A person who performs any service on the premises of a "sexually oriented
39 business" on a full-time, part-time, contract basis, or independent basis, whether or not the person is
40 denominated an employee, independent contractor, agent or otherwise, and whether or not the
41 person is paid a salary, wage, or other compensation by the operator of the business. **EMPLOYEE**
42 does not include a person exclusively on the premises for repair or maintenance of the premises or
43 equipment on the premises, or for the delivery of goods to the premises, nor does **EMPLOYEE**
44 include a person exclusively on the premises as a patron or customer.
45 **ENTERTAINER.** Any person who provides entertainment within or at an adult establishment,
46 whether or not a fee is charged or entertainment and whether or not entertainment is provided by that
47 person as an employee or an independent contractor.
48 **EROTIC.** Refers to any seductive, titillating, immodest, indecent, suggestive, passionate, or
49 similar reference, act, service or deed.
50 **ESCORT.** A person who, for consideration, agrees or offers to act as a companion, guide, or
51 date for another person, or who agrees or offers to privately model lingerie or to privately perform a
52 striptease for another person and whose advertisements, promotions, or obvious intent to the public

is sexual in nature.

ESCORT AGENCY. A person or business association who furnishes, offers to furnish, or advertises as one of its primary business purposes for a fee, tip, or other consideration and whose advertisements, promotions, or obvious intent to the public is sexual in nature.

ESTABLISHMENT.

1. The opening or commencement of any sexually oriented business as a new business;
2. The conversion of an existing business, whether or not a sexually oriented business to any sexually oriented business;
3. The additions of any sexually oriented business to any other existing sexually oriented business; or
4. The relocation of any sexually oriented business.

EXOTIC CAR WASH. A facility that offers a car cleaning or washing service performed by employees that are in a state of nudity or semi-nudity.

NUDE MODEL STUDIO. Any place where a person appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons for consideration.

NUDITY or STATE OF NUDITY. The appearance of a human bare buttock, anus, anal cleft or cleavage, pubic area, male genitals, female genitals, or vulva, with less than fully opaque covering; or human genitals in a discernibly turgid state even if completely and opaquely covered.

PERMITEE. A person in whose name a permit has been issued, as well as the individual listed as an applicant on the application for a permit.

PERMITTED DAY CARE CENTER. A facility permitted by the state, whether situated within the town or not, that provides care, training, education, custody, treatment or supervision for more than 12 children under 14 years of age, where such children are not related by blood, marriage, adoption to the owner or operator of the facility for less than 24 hours a day, regardless of whether or not the facility is operated for a profit or charges for the services it offers.

PREMISES. The real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the permittee, as described in the application for a conditional Special Use Permit as described in this section.

SEMI-NUDE. The appearance of the female breast below a horizontal line across the top of the areola at its highest point. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

SEXUAL ENCOUNTER CENTER. A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. Physical contact in the form of wrestling or tumbling and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

SEXUALLY ANATOMICAL AREAS. Less than completely and opaquely covered:

1. Human genitals, pubic regions;
2. Buttocks;
3. Female breast below a point immediately above the top of the areola; or
4. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SEXUALLY ORIENTATED BUSINESS. Any business or enterprises that have as one of their principal business purposes or as a significant portion of their business an emphasis on matter and conduct depicting, describing, or related to anatomical areas and sexual activities as specified in G.S. § 14-202.10. This term may be used interchangeably with adult establishment.

1 **SPECIFIED SEXUAL ACTIVITIES.**

- 2 1. Human genitals in a state of sexual stimulation or arousal;
3 2. Acts of human masturbation, sexual intercourse, or sodomy; or
4 3. Fondling of other erotic touching of human genitals, pubic regions, buttocks or female
5 breasts.

6 **TRANSFER OF OWNERSHIP or CONTROL OF A SEXUALLY ORIENTATED BUSINESS.**

- 7 1. The sale, lease, or sublease of the business;
8 2. The transfer of securities that form a controlling interest in the business, whether by sale,
9 exchange, or similar means; or
10 3. The establishment of a trust, gift, or other similar legal device that transfers the ownership
11 of control of the business, except for the transfer by bequest or other operation of law upon the death
12 of the person possessing the ownership or control.

13 **ZONING ADMINISTRATOR.** The code enforcement officer of the town. The **ZONING**
14 **ADMINISTRATOR** is responsible for the enforcement of this section.

15 (3) *General.*

16 (a) It shall be unlawful for any person to operate or maintain an adult establishment in the town
17 unless the owner or operator thereof has obtained a ~~conditional-Special uUse~~ ~~p~~Permit from the town.
18 It shall also be unlawful for any person to operate such business after such ~~conditional-Special uUse~~
19 ~~p~~Permit has been revoked or suspended by the town or has expired.

20 (b) It shall be unlawful for any entertainer to knowingly perform any work, service or
21 entertainment directly related to the operation of an unpermitted adult establishment within the town.

22 (c) It shall be prima facie evidence that any adult establishment that fails to have posted, in the
23 manner required by this section, a ~~conditional-Special uUse~~ ~~p~~Permit has not obtained such a permit.
24 In addition, it shall be prima facie evidence that any entertainer who performs any service or
25 entertainment in an adult establishment in which a ~~conditional-Special uUse~~ ~~p~~Permit is not posted, in
26 the manner required by this section, had knowledge that such business was not permitted.

27 (4) *Permit classification and fees.*

28 (a) The term of all permits required under this section shall be for a period of 12 months,
29 commencing on the date of issuance of the permit. The application for a permit shall be accompanied
30 by payment in full of the fees referred to in this section and established by the Town Council.
31 Payment shall be made by certified cashier's check or money order. No application shall be
32 considered complete until all such fees are paid.

33 (b) The permit fees shall be as set by the Town Council from time to time and be recorded in
34 the Town Council meeting minutes at which they are set and shall appear in the town fee schedule.

35 (5) *Application procedures.* In addition to the ~~conditional-Special uUse~~ ~~p~~Permit application
36 procedures as specified in § 154.116, an application shall be submitted to the Zoning Administrator in
37 the name of the person proposing to conduct, operate or maintain the adult establishment and shall
38 include the following information:

39 (a) The applicant's full name and any aliases or other names by which the applicant is known
40 or which the applicant has used at any time, and the residence address for the past two years, the
41 business and home telephone numbers, occupation, date and place of birth, social security number,
42 drivers' permit number, and a recent photograph of the applicant.

43 (b) 1. The name of the adult establishment, a description of the adult entertainment to be
44 performed on the permitted premises, the name of the owner of the premises where the adult
45 establishment will be located, the business address and county parcel identification number on which
46 the business resides.

47 2. If the person identified as the fee owner(s) of the tract of land in division (a) is/are not also
48 the owner(s) of the establishment, then the lease, purchase contract, purchase option contract, lease
49 option contract or other document(s) evidencing the legally enforceable right to owners or proposed
50 owners of the adult establishment to have or obtain the use and possession of the tract or portion
51 thereof that is to be used for the purpose of the operation of an adult establishment;

52 3. A current certificate and straight-line drawing prepared within 30 days prior to the

1 application by a registered land surveyor depicting the property lines and the structures containing
2 any existing sexually oriented businesses within 1,000 feet of the property to be certified; the property
3 lines of any established religious institution/synagogue, school, library, or public park recreation area
4 within 1,000 feet of the property to be certified. For purpose of this section, a use shall be considered
5 existing or established if it is in existence at the time an application is submitted;

6 4. Any of the criteria above shall not be required for a renewal application if the applicant
7 states that the documents previously furnished the Zoning Administrator with the original application
8 or previous renewals thereof remain correct and current.

9 (c) The names, residence addresses for the past two years, social security numbers and dates
10 of births of all partners, if the applicant is a partnership; and if the applicant is a corporation, the same
11 information for all corporate officers, directors, and individuals having a 10% or greater interest in the
12 corporation.

13 (d) 1. A statement from the applicant, or from each partner, or from each corporate officer,
14 director, or 10% shareholder that each such person has not been convicted of, released from
15 confinement for conviction of, or diverted from prosecution on:

- 16 a. A felony criminal act within five years immediately preceding the application; or
17 b. A misdemeanor criminal act within two years immediately preceding the application.

18 2. Where such felony or misdemeanor criminal act involved sexual offenses, prostitution,
19 promotion of prostitution, sexual abuse of a child, pornography or related offenses as defined in the
20 laws of North Carolina or any other comparable violation of the laws of this state or the laws of any
21 other state.

22 (e) If the applicant is a corporation, a current certificate of existence issued by the North
23 Carolina Secretary of State.

24 (f) A statement signed under oath that the applicant has personal knowledge of the information
25 contained in the application and that the information contained therein is true and correct and that the
26 applicant has read the provisions of this section regulating adult establishments.

27 (g) All applicants shall submit to fingerprinting by a police officer. The fingerprint cards shall be
28 submitted to the S.B.I. for processing. Returned fingerprint cards and criminal histories shall be kept
29 on file in the Police Department.

30 (h) A statement signed under oath that the applicant(s) consents to investigation of his or her
31 background by the town to include fingerprinting and that the applicant(s) agrees to furnish within ten
32 days at his or her expense, a criminal history from the clerk of court of any county in which the
33 applicant has resided during the five preceding years.

34 (i) Failure to provide the information and documentation required by this division (U)(5) shall
35 constitute an incomplete application and it shall not be processed until complete.

36 (6) *Application processing.* Upon receipt of a complete application and required fee for an adult
37 establishment permit, the Zoning Administrator shall immediately commence investigation of the
38 application as follows:

39 (a) Transmit a copy of the application to the Town Manager, the Board of Adjustment and to
40 the Police Chief.

41 (b) The Police Chief shall report to the Zoning Administrator and the Town Manager no later
42 than 15 working days after the receipt of the application by the Police Chief the results of his/her
43 investigation of the applicant. In the event that the Police Chief fails to report to the Zoning
44 Administrator within this time period, the Zoning Administrator shall proceed with processing the
45 application.

46 (c) The Board Adjustment shall conduct a hearing on the application.

47 (d) In no event shall the time period for a final disposition by the Board of Adjustments exceed
48 45 working days from the date of the hearing, unless consented to by the applicant.

49 (7) ~~Conditional-Special~~ *Special use standards for sexually oriented businesses.* Before issuing a
50 ~~conditional-Special use~~ *Special use* permit, the Board of Adjustment shall find that all standards for sexually
51 oriented businesses listed in this section as well as all standards listed in § 154.116 have been met.
52 Furthermore, the failure by an establishment to continue to adhere to the following standards

subsequent to the issuance of a ~~conditional-Special Use~~ permit is grounds for revocation of such permit in accordance with division (U)(10) below in addition to the civil penalties and other remedies provided for in § 11.01 of this code.

(a) *Location restrictions.* Sexually oriented businesses may be permitted as a ~~conditional-special~~ use in the CS1 District provided that:

1. The sexually oriented business may not be located or operated within 1,000 feet of:
 - a. A church, synagogue, or regular place of worship;
 - b. A public or private elementary school;
 - c. A library open to the public;
 - d. A permitted day care center;
 - e. A public park or playground;
 - f. An entertainment business that is oriented primarily towards children;
 - g. Another sexually oriented business.

2. The sexually oriented business may not be located or operated within 150 feet of the boundary of any R-2 district;

3. The sexually oriented business may not be located or operated within 250 feet of any town-maintained hiking trail.

4. For the purpose of the section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the building or structure used as part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of any use listed in division (U)(7)(a)1. above.

(b) *Exterior portions of sexually oriented businesses.*

1. Merchandise or activities of a sexually oriented business shall not be visible from a point outside the establishment.

2. No sexually oriented business shall have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner visible from a point outside the establishment except to the extent permitted by the provisions of this section or the Town of Beech Mountain's Sign Regulations.

(c) *Hours of operation.* Hours of operation of all sexually oriented businesses within the town shall be restricted to 9:00 a.m. through 5:00 p.m. Monday through Friday.

(d) *Restrictions on underage employees and patrons.*

1. No sexually oriented business shall employ persons under the age of 21 years.

2. No person under the age of 21 years shall be permitted on the premises of any adult establishment.

3. No person under the age of 21 years shall be granted a permit for an adult establishment business.

4. No owner, operator, manager or other person in charge of the premises of an adult entertainment premises shall knowingly allow or permit any person under the age of 21 years of age to be in or upon the premises or knowingly allow or permit a violation of this section.

(e) No owner, operator, manager, employee or entertainer, nor any customer or patron, shall appear "bottomless" or in a state of nudity while on the premises of the adult establishment.

(f) No owner, operator, manager, employee or entertainer, nor any customer or patron, shall perform any specified sexual activities as defined in this section, wear or use any device or covering exposed to view which stimulates any specified anatomical area, use artificial devices or inanimate objects to perform or depict any of the specified sexual activities, as defined in this section, or participate in any act of prostitution while on the premises of the adult establishment.

(g) No owner, operator, manager, employee, entertainer, customer or patron of an adult establishment shall knowingly touch, fondle or caress any specified anatomical area of another person, or knowingly permit another person to touch, fondle or caress any specified anatomical area of his or hers, whether such specified anatomical areas are clothed, unclothed, covered or exposed, while on the premises of the adult establishment.

(h) There shall be a minimum separation of 72 inches between any entertainer or performer

1 and any patron or customer.
2 (i) No owner, operator, manager or employee shall mix, dispense, or serve any alcoholic
3 beverage.
4 (j) No owner, operator, manager or employee shall solicit, receive, or accept nor shall any
5 customer, or patron give, offer, or provide any gratuity, tip, payment or any form of compensation for
6 entertainment for or while either or both is/are in a state of nudity or semi-nudity. This also pertains to
7 the purchase of an unrelated item that includes a "free" dance, act or service.
8 (k) A person who operates or causes to be operated a sexually oriented business, other than
9 an adult motel, which exhibits on the premises in a viewing room of less than 150 square feet of floor
10 space, a film, video cassette, other video reproduction, or live performance that depicts specified
11 sexual activities or specified anatomical areas, shall comply with the following requirements:
12 1. Upon application for a sexually oriented business permit, the application shall be
13 accompanied by a diagram of the premises showing a plan thereof specifying the location of one or
14 more manager's stations and the location of all overhead lighting fixtures and designating any portion
15 of the premises in which patrons will not be permitted. A manager's station may not exceed 32 square
16 feet of floor area. The diagram shall also designate the place at which the business permit will be
17 conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or
18 architect's blueprint shall not be required; however, each diagram should be oriented to the north or to
19 some designed street or object and should be drawn to a designated scale or with marked
20 dimensions sufficient to show the various internal dimensions of all areas of the interior of the
21 premises to an accuracy of plus or minus six inches. The Zoning Administrator may waive the
22 foregoing diagram for renewal applications if the applicant adopts a diagram that was previously
23 submitted and certifies that the configuration of the premises has not been altered since it was
24 prepared.
25 2. The application shall be sworn to be true and correct by the applicant.
26 3. No alteration in the configuration or location of a manager's station may be made without
27 the prior approval of the Zoning Administrator or his designee.
28 4. It is the duty of the owners and operators of the premises to ensure that at least one
29 employee is on duty and situated in each manager's station at all times that any patron is present
30 inside the premises.
31 5. The interior of the premises shall be configured in a manner that there is an unobstructed
32 view from a manager's station of the entire area of the premises to which any patron is permitted
33 access for any purpose excluding restrooms. Restrooms may not contain video reproduction
34 equipment. If the premises has two or more manager's stations designed, then the interior of the
35 premises shall be configured in such a manner that there is an unobstructed view of the entire area of
36 the premises to which any patron is permitted access for any purpose from at least one of the
37 manager's stations. The view required in this division must be by direct line of sight from the
38 manager's station.
39 6. It shall be the duty of the owners and operator, and it shall also be the duty of any agents
40 and employees present on the premises, to ensure that the view area specified in division (U)(7)(k)5.
41 remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times
42 and to ensure that no patron is permitted access to any area of the premises that has been
43 designated as an area in which patrons will not be permitted in the application filed pursuant to
44 division (U)(7)(k)1. of this section.
45 7. No viewing room may be occupied by more than one person at any time.
46 8. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to
47 illuminate every place to which patrons are permitted access at an illumination of not less than five
48 foot-candles as measured at the floor level.
49 9. It shall be the duty of the owners and operator, and it shall also be the duty of any agents
50 and employees present on the premises, to ensure that the illumination described above is
51 maintained at all times that any patron is present in the premises.
52 10. No permittee shall allow an opening of any kind to exist between viewing rooms or

1 booths.

2 11. No person shall make or attempt to make an opening of any kind between viewing

3 booths or rooms.

4 12. The operator of the sexually oriented business shall during each business day, inspect

5 the walls between the viewing booths to determine if any openings or holes exist.

6 13. The operator of the sexually oriented business shall cause all floor coverings in viewing

7 booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.

8 14. The operator of the sexually oriented business shall cause all wall surfaces and ceiling

9 surfaces in viewing booths to be constructed of or permanently covered by, nonporous, easily

10 cleanable material. No wood, composition board or other porous material shall be used within 48

11 inches of the floor.

12 (8) *Permit posting and display.* Every person, corporation or partnership permitted under this

13 section as an adult establishment shall post such permit in a conspicuous place and manner of the

14 adult establishment premises.

15 (9) *Inspections.* All adult establishments shall permit representatives of the police, fire, zoning, or

16 other town or state departments or agencies acting in their official capacity to inspect the premises as

17 necessary to ensure that the business is complying with all applicable regulations and laws.

18 (10) *Suspension or revocation of permit.*

19 (a) The Town Manager shall conduct a hearing to determine whether or not a permit should be

20 suspended or revoked, with the hearing conducted within ten working days of his or her knowledge

21 that:

22 1. The owner or operator of an adult establishment has violated, or knowingly allowed or

23 permitted the violation of any of the provisions of this section;

24 2. There have been recurrent violations of provisions of this section that have occurred under

25 such circumstances that the owner or operator of an adult establishment knew or should have known

26 that such violations were committed;

27 3. The permit was obtained through false statements in the application for such permit, or

28 renewal thereof;

29 4. The permit has been materially altered or defaced or is being or was used by a person

30 other than the permit holder or at a location other than that identified on the permit or for a use of type

31 other than that which the permit was issued;

32 5. The permit failed to make a complete disclosure of all information in the application for

33 such permit or renewal thereof; or

34 6. The owner or operator, or any partner, or any corporate officer or director holding an adult

35 establishment permit has become disqualified from having a permit by a conviction as provided in this

36 section; or

37 7. The holder of an entertainer permit has become disqualified from having a permit by a

38 conviction as provided in this section.

39 (b) At the hearing, the permittee shall have an opportunity to be heard, to present evidence

40 and to be represented by an attorney. Based on the evidence produced at the hearing, the Town

41 Manager shall order the Zoning Administrator, within five working days after the hearing, to take any

42 of the following actions:

43 1. Suspend the permit for up to 90 days;

44 2. Revoke the permit;

45 3. Place the permit holder on administrative probation for a period of up to one year, on the

46 condition that no further violations of this section occur during the period of probation; or

47 4. Take no action.

48 (c) The Town Manager shall provide written notice of his or her decision to the applicant by

49 certified mail, return receipt requested.

50 (d) In the event of suspension or revocation of the permit or the placement on administrative

51 probation, the permittee shall have the right to appeal that determination to the Board of Adjustment

52 within 30 days of receipt of the notice of suspension, revocation or probation.

1 (11) *Permit renewal.*

2 (a) A permit may be renewed by making application to the Zoning Administrator on application
3 forms provided for that purpose. Any permit issued under this section shall expire as of the end of the
4 12-month period from the date of issuance, and renewal applications for such permits shall be
5 submitted no sooner than 45 days prior to expiration and no later than the city business day
6 immediately preceding the date of expiration of the permit.

7 (b) Upon timely and proper application for renewal and the payment in full of the permit fee,
8 the Zoning Administrator shall issue to the applicant a receipt showing the date of the renewal of the
9 application and granting temporary extension of the permit for a period of 45 days or until the
10 application for renewal is approved or disapproved. Any permit issued under this section may be
11 renewed by issuance of a new permit for an additional 12-month period. All applications for renewal
12 of a permit shall be processed in the manner provided for the issuance of the initial permit, including
13 the documentation.

14 (1989 Code, Title V, Ch. 51, Art. X, § 1002) (Ord. 1-9-1980; Ord. passed 10-8-1985; Ord. passed 4-
15 28-1987; Ord. passed 4-1-1989; Ord. passed 1-9-1990; Ord. passed 11-9-1993; Ord. passed 10-11-
16 1998; Ord. passed 11-8-2005; Ord. passed 3-8-2011; Ord. passed 8-9-2011; Ord. passed 11-15-
17 2011; Ord. passed 11-15-2011; Ord. 2014-05, passed 12-9-2014; Ord. 2016-08, passed 5-10-2016;
18 Ord. 2017-04, passed 2-14-2017)

19 **Editor's note:**

20 ¹ Amended January 9, 1980.

21 ² Added by amendment April 28, 1987.

22 ³ Amended November 9, 1993.

23 ⁴ Amended October 8, 1985.

24 ⁵ Amended April 28, 1987.

25 ⁶ Amended April 11, 1989

26 ⁷ Added by amendment October 11, 1988.

27 ⁸ Divisions (K) through (N) added by amendment April 28, 1987.

28 ⁹ Division (O) added by amendment November 8, 2005.

ARCHITECTURAL STANDARDS FOR DEVELOPMENT IN THE COMMERCIAL THOROUGHFARE OVERLAY DISTRICT

§ 154.120 SCOPE AND APPLICATION.

(A) The architectural standards set forth in this subchapter shall apply to all development in the Commercial Thoroughfare Overlay District (exclusive of single-family residential development) in the following categories:

(1) All newly constructed buildings or newly constructed portions of buildings or building components shall comply with all applicable aspects of these regulations.

(2) Whenever changes, renovations or alterations are undertaken to an exterior facade component of a building existing at the time of adoption of this section, the portion of that component upon which the work is undertaken shall either:

(a) Be restored to its original character as it stood at date of adoption of this regulation, using the same or similar materials, colors and styles; or

(b) Comply with the applicable standards of this section.

(3) On existing buildings, projects requiring a building permit where the total value of such work is greater than 50% of the current tax assessed value of the structure may not occur, unless the entire site is brought into compliance with this section. In determining the value of work in regard to this section, the value of multiple projects within the most recent two-year period shall be aggregated. For the purposes of this section, bringing an existing site into compliance shall not be construed to require the relocation of any existing structure or portion of a structure.

(Ord. 2014-05, passed 12-9-2014)

§ 154.121 PROCEDURE.

(A) Whenever it is determined that development is within the scope of the Commercial Thoroughfare Overlay District architectural standards, review by the Architectural Review Committee is required. A permit issued by such Architectural Review Committee is required prior to obtaining building and zoning permits for construction. The Architectural Review Committee shall have 45 days after the first consideration of the application within which to: 1) approve, 2) deny, or 3) approve with conditions, any properly submitted application.

(B) After an approved project is reviewed for building permit purposes, a copy of the final approved plans shall be submitted to the Zoning Administrator prior to permit issuance. The Zoning Administrator shall ensure that no significant changes have been made to the plans that were approved by the Architectural Review Committee during the building permit process. If the Zoning Administrator determines that significant changes have occurred, the plans shall be returned to the Architectural Review Committee for re-evaluation prior to permit issuance.

(C) A properly submitted application shall contain two full size sets of plans and one set of plans, sized 11" x 17", drawn to scale, one of which shall be returned to the applicant upon approval. The applicant shall also submit one electronic copy of plans in .pdf format. The plans shall contain the following:

(1) A recent survey, showing the shape, dimensions, contours and acreage of the lot on which the proposed building is to be erected;

(2) The location of the lot with respect to adjacent rights-of-way and driveways;

(3) The shape, dimensions and location on the lot of all buildings, existing and proposed, and required setbacks;

(4) The nature of the proposed use of the building or land, including the extent and location of the use;

(5) The location and dimensions of parking and loading space and means of ingress and egress;

(6) The square feet and percentage of the lot as-built-upon area if the lot is located in a watershed;

(7) The location of all required buffers and setbacks;

(8) A landscape plan that includes the location and number of trees to be removed, and trees and other vegetation to be planted. The landscaping plan shall include (but is not limited to) the

1 following:

- 2 (a) The location, species and height of new trees and shrubbery;
- 3 (b) The location and dimensions of planting areas;
- 4 (c) The dimensions of the entire parking or paved area;
- 5 (d) The location and height of fences or walls;
- 6 (e) The number, location, species and size of existing trees between the principal building and
7 the public street right-of-way, which are to be maintained and preserved for credit. The size of
8 existing trees is to be measured by taking its diameter of the tree at approximately four feet above the
9 grade (dbh);
- 10 (f) The location and description of any barriers to be erected to protect any vegetation from
11 damage both during and after construction;
- 12 (g) Clear edging shall be provided between landscaped areas and pedestrian/vehicle areas;
- 13 (9) The location and dimensions of any outdoor activity areas or assembly areas, outdoor
14 display areas, storage areas, sidewalks or walkways;
- 15 (10) An architectural rendering of the elevation view of all sides of the proposed building or
16 buildings to be constructed that includes the materials and colors to be used and provides sufficient
17 details to comprehend the appearance of the building once constructed;
- 18 (11) A grading plan that includes the current and proposed topography of the site and any
19 distinct natural features such as streams, rocky outcrops, and the like;
- 20 (12) A sedimentation and erosion control plan (if applicable); and
- 21 (13) All proposed stormwater drainage structures and systems.

22 (Ord. 2014-05, passed 12-9-2014)

23 **§ 154.122 DESIGN STANDARDS.**

24 (A) *Site aspects.*

25 (1) *Relationship of a building to its site.*

- 26 (a) Building design shall be fitted to the natural contours of the site. Natural features of the site,
27 such as rock outcroppings or natural drainage ways, shall be preserved.
- 28 (b) On wooded sites, buildings shall be carefully situated to take advantage of the shade and
29 energy conservation provided by the trees.
- 30 (c) The impression of buildings tucked into, rather than superimposed on, the natural
31 landscape shall be created.
- 32 (d) The view of the building from the street and surrounding areas shall be as important as the
33 view available to the building's occupants.
- 34 (e) Buildings shall be located according to the natural characteristics of the site. In hilly terrain,
35 clustering of buildings is encouraged as a strategy to avoid destroying sensitive natural areas.
- 36 (f) Buildings shall be designed to harmonize with the existing topography, thereby minimizing
37 land disruption.

- 38 (g) Grading shall be held to a minimum and should complement natural land-forms (such as
39 smooth gradations or terracing).

40 (2) *Relationships of the project to adjoining area.*

- 41 (a) Building projects shall not be designed as isolated units, but instead shall reflect the
42 context of the adjoining properties.
- 43 (b) Grading shall blend gently with contours of adjacent properties.
- 44 (c) Buildings at the ends of streets, or at street corners, shall serve as visual "terminals,"
45 serving to both unify and conclude the architectural statement made on the street.
- 46 (d) Proposed recreation areas or uses shall complement nearby existing uses. The extension
47 of existing parks or recreation areas into a proposed development is a highly desirable design
48 feature.
- 49 (e) Buildings or projects located near or adjacent to a greenway shall provide safe and efficient
50 pedestrian connection to that greenway, and also to adjacent properties that might include pedestrian
51 systems in the future.
- 52 (f) Buffer zones shall separate and protect the greenway, while at the same time connect it to

1 the building site.

2 (g) Natural drainage patterns shall be preserved where possible. Changing the natural
3 drainage areas will affect the drainage onto adjoining areas. New offsite drainage created by the
4 development shall be prevented or adequately controlled with stormwater Best Management
5 Practices (BMPs).

6 (h) Innovative building and site design can capitalize on natural drainage ways and transform
7 steep slopes into major site amenities.

8 (i) Design shall insure that drainage occurs only in areas designed to serve a drainage
9 function. Stormwater should not flow over sidewalks, paths or streets.

10 (3) *Streetscape*.

11 (a) Along and adjacent to the street frontage property line, there shall be enough room to
12 accommodate the planting of trees and shrubs (minimum of a five-foot-wide planting strip). The street
13 will be enclosed, pedestrians will be separated from the cars (where applicable) and the view will be
14 framed. Where a town-maintained public walkway/sidewalk is located on the applicant's property in
15 the five feet immediately adjacent to the property line, the five-foot planting strip shall be measured
16 from the edge of the walkway/sidewalk. See division (H) below for planting requirements in this area.

17 (b) Street furniture should complement the overall site and landscape design. It shall reflect the
18 natural mountain character of Beech Mountain, such as the use of wood and stone for benches, trash
19 receptacles, and the like.

20 (c) Where a pedestrian plan officially adopted by the town depicts sidewalks/walkways within
21 the applicant's property, the applicant shall dedicate to the town an easement for the construction,
22 maintenance and beautification of sidewalks/walkways and associated landscaping elements. The
23 easement shall extend to any portion of the applicant's property that lies within seven and a half feet
24 on either side of the location of centerline of the walkway as depicted on the plan. This area may
25 count towards the required minimum setback and the five-foot planting strip as required above.

26 (B) *Building scale*. Scale and proportion should reflect local traditions of mountain buildings. They
27 should be oriented to the characteristic, simple residential buildings of Beech Mountain. Texture of
28 roof and wall finishes shall provide a scale or reference point for the pedestrian in proximity to the
29 structure.

30 (1) Allowed:

31 a. Harmony with landscape and surroundings.

32 b. Residential scale.

33 c. Structures using rectangular configurations

34 d. Street fronts having a sense of entry.

35 e. Use of stepbacks and architectural elements (windows, stairs, and the like) to break up
36 large masses of building.

37 f. Pedestrian-oriented scale.

38 g. Covered walkways.

39 h. Canopies.

40 i. Alternative designs and configurations that comply with the spirit and intent of this section
41 are allowed, provided a ~~conditional special~~ use permit is secured in accordance with § 154.117(T).

42 (2) Prohibited:

43 a. Buildings that exceed the maximum height as provided in § 154.140.

44 b. Square or rectangular buildings in excess of 50,000 square foot of gross floor area are
45 prohibited.

46 c. Continuous flat building faces (no changes in direction) in excess of 100 feet in length are
47 prohibited.

48 d. A-frame buildings are prohibited.

49 e. Geodesic domes are prohibited.

50 (C) *Exterior materials*. Materials shall be selected for suitability to architectural style. For the
51 mountain village character of Beech Mountain, this means using natural traditional materials such as
52 wood and native stone. The number of different materials on exterior finishes should be limited.

Commented [PY1]: 160D:
Conditional Use Permit changed to Special Use Permit

- 1 (1) Allowed:
- 2 a. Use of materials native to mountain area.
- 3 b. Wood siding (painted, stained or weathered). Horizontal lap or vertical board and batten.
- 4 c. Fire-retardant wood shingles/shakes or synthetic fire-retardant wood shingles/shakes.
- 5 d. Native stone.
- 6 e. True log construction.
- 7 f. Log siding.
- 8 g. Exposed wood structural members (heavy timbers).
- 9 h. Trim elements related to primary building elements.
- 10 i. Where materials change, there should be a change in wall plane or some architectural
- 11 device to give sense of transition.
- 12 j. Bark siding.
- 13 k. Brick (allowed as accents for areas of detail - then the brick shall be of constant color and of
- 14 the wood mold type, no blends).
- 15 l. Stucco, for wall areas below the first floor level only, or allowed as an accent for areas of
- 16 detail.
- 17 m. All ASTM-approved cement board, at the discretion of the Architectural Review Committee
- 18 or per requirement of North Carolina State Fire Code.
- 19 n. Alternative materials that comply with the spirit and intent of this section are allowed,
- 20 provided a conditional-special use permit is obtained in accordance with § 154.117(T).
- 21 (2) Prohibited:
- 22 a. Stucco or synthetic stucco, as an entire wall exterior finish, is prohibited.
- 23 b. Mix of materials unrelated to architectural form/structure is prohibited.
- 24 c. Pre-form metal siding (covering greater than 40% of the exterior facade) is prohibited.
- 25 d. Vinyl siding (covering greater than 40% of the exterior facade) is prohibited.
- 26 e. T 1-11 or plywood (covering greater than 40% of the exterior facade) is prohibited.
- 27 f. Exposed or painted concrete block is prohibited.
- 28 g. Artificial brick is prohibited.
- 29 h. Non-ASTM-approved cement board is prohibited.
- 30 i. Non-fire-retardant wood shingles or shakes are prohibited.
- 31 (D) **Roofs.** Roofs are a major visible element and shall be compatible with both the building's and
- 32 neighboring building's architectural styles. Similarities in roof type create a visual continuity in the
- 33 streetscape and neighborhood. Roof shape, color and texture should be coordinated with the
- 34 treatment of the building's perimeter walls. Roofs with more than one plane, and containing dormers,
- 35 add variety to a building and break-up its size.
- 36 (1) Allowed:
- 37 a. Gable or hip roofs.
- 38 b. Roof materials.
- 39 1. Wood shakes or synthetic wood shakes (fire-retardant versions only).
- 40 2. Slate (or artificial slate).
- 41 3. Metal.
- 42 4. Architectural/dimensional asphalt shingles (40-year or 50-year).
- 43 c. Roof pitches over porches and ancillary structures should be in keeping with principal
- 44 building.
- 45 d. Earth tone colors for roof materials.
- 46 e. Wide fascia (eight inches minimum) and/or exposed rafter tails.
- 47 f. Large overhangs (minimum of 18 inches).
- 48 g. Large roof areas shall have more than one plane or be broken up with dormers or other
- 49 design features. Maximum unbroken roof plane area facing the main thoroughfare on which the
- 50 parcel is situated is 1,000 square feet.
- 51 h. Solar panels, provided they are non-reflective.
- 52 i. Alternative roof designs that comply with the spirit and intent of this section may be allowed,

provided a ~~conditional-special~~ use permit is obtained in accordance with § 154.117(T).

j. Rooftop equipment specifications.

1. Rooftop mechanical and electrical equipment shall be screened from view of people on street and surrounding properties.
2. Grouping together of utility structures (vents, ducts, and the like) is required. Utility structures shall be painted to match adjacent building surface.
3. Exposed gutters and downspouts shall be painted to match adjacent roof or wall material or trim.

(2) Prohibited:

- a. Flat roofs, roofs of less than 6:12 pitch are prohibited.
- b. Gambrel or mansard roofs are prohibited.
- c. Shed roofs as the primary roof structure are prohibited.
- d. Brightly colored and unnatural looking roof material is prohibited.
- e. Roll felt roofing is prohibited.
- f. Corrugated plastic sheet material is prohibited.
- g. Standard three-tab asphalt shingles are prohibited.
- h. Non-fire-retardant wood shingles or shakes are prohibited.

(E) *Windows*. Windows are an important architectural element to unify a facade. They reflect the character of a building. However, windows not only add to the aesthetics of a building, but they also provide light and ventilation.

(1) Allowed:

- a. Traditional shapes (forms of square, arches or rectangle).
- b. Forms of residential scale.
- c. Multi-plane windows (use of muntins to divide glass into unified sections).
- d. Vertical windows.
- e. Separating large windows (including storefront) by columns.
- f. Windows accentuated by trim work.
- g. A minimum of 10% of each unbroken wall facade facing the main thoroughfare on which the parcel is situated of greater than 100 square feet shall be glazed with windows/fenestration. For the purposes of this section, wall areas are considered **BROKEN** when interrupted by roofs or changes in direction.
- h. Windows shall not serve as dominant elements. A higher percentage of wall than window should exist on each unbroken wall section, with the potential exception of first floor windows subject to pedestrian traffic.
- i. Window units visible from the main thoroughfare on which the parcel is situated shall be a minimum of four feet tall and two feet wide.
- j. Alternative window types and designs that comply with the spirit and intent of this section are allowed, provided a ~~conditional-special~~ use permit is obtained in accordance with § 154.117(T).
- k. Shutter specifications (if shutters are used).
 1. Should measure full height and half the width of the windows to which they are applied.
 2. Traditional horizontal slats (wood).

(2) Prohibited:

- a. Large undivided panes of glass greater than 100 square feet surface area are prohibited.
- b. Floor-to-ceiling windows greater than one story are prohibited.
- c. Glass block visible from the main thoroughfare on which the parcel is situated is prohibited.
- d. Reflective glass is prohibited.

(F) *Building entrance*. Every building shall have a well-defined entrance visible from the main thoroughfare on which the parcel is situated (e.g., If the parcel on which the building is situated has frontage on Beech Mountain Parkway, the entrance shall be visible from Beech Mountain Parkway). These entrances may be covered porches or other architectural amenities that convey an impression of welcome and openness.

(G) *Color*. Colors shall be natural and subdued (earth tones are recommended) and shall blend in

well with the natural surroundings. Openings and entryways should be clearly expressed with changes of texture or color. Principal building and trim colors are subject to review. Trim color shall refer to any or all building's trim elements (such as eaves, soffits, overhangs and fascias).

(1) Allowed:

a. Natural and subdued colors (earth tones).

b. Alternative color schemes that comply with the spirit and intent of this section are allowed, provided a **conditional-special** use permit is obtained in accordance with § 154.117(T).

(2) Prohibited:

a. More than three colors (principal building and trim) are prohibited.

b. High gloss finishes are prohibited.

c. Day-glow and fluorescent colors are prohibited.

d. Bright colors, including pastels that do not harmonize with natural materials, are prohibited

(H) *Landscaping.*

(1) *Street trees.* The planting strip required by § 154.122(A)(3)(**ae**) shall be planted with street trees as follows:

a. One large shade tree (expected height of 35 feet or more at maturity) is required for every 50 feet of linear street frontage of the lot, minus the width of driveways and access points. Trees do not need to be spaced evenly. They may be clustered with a minimum spacing of 15 feet and a maximum spacing of 75 feet. Ornamental trees (expected height of 25 feet upon maturity) may be used in place of shade trees at the rate of one for every 30 feet. Due to above-ground utilities, the town may require the use of ornamental trees in place of large shade trees.

b. Inclusion of existing trees in the landscape design is encouraged. Shrubbery, ground cover, and other planting materials shall be used to compliment the tree planting. No area of the street yard may be exposed soil, but instead shall be covered with vegetation, whether grass or shrubbery. The only area that shall remain uncovered is the six-foot radius surrounding the trunk of any tree; however, this area shall be mulched.

(2) *Existing vegetation.* Existing trees and vegetation, other than exotic, non-native species, may count toward meeting the requirements of this section, when such vegetation is in good condition, is properly protected during development, and helps to further the purpose of the district. Existing vegetation that is used to meet the standards of this section shall be maintained or replaced if it dies during the first year after the completion of the development.

(3) *New plant material.* Regionally grown and native species of plants are preferred. Any plant listed with the Agricultural Extension Office as a native plant shall be considered to be a native plant for these purposes. New plant material shall complement existing site vegetation, should be mixed with it and should be integrated with all other natural site features.

(I) *Parking lots; parking lot yards.* The purpose of this section is to ensure that the Commercial Thoroughfare Overlay District of Beech Mountain is an attractive and appealing place for residents and visitors. This often means that a higher priority must be placed upon being an attractive and functional place for people than being convenient for automobiles.

(1) *Parking location.* Parking is encouraged to be located to the rear or sides of buildings, with the building fronting on the public way. However, nothing in this section is to prevent the establishment of parking in front of a building so long as the project adheres to all other relevant regulations. When parking is to be established in front of buildings, it is recommended that the applicant create and utilize on-street parking if such is approved by the NCDOT and/or the town. (For the purposes of this section, **ON-STREET PARKING** is defined as a parking area without a divider between the street and the parking area, in which automobiles directly access the parking spaces from the road. On-street parking may be parallel, angled or straight in, as approved by the NCDOT and the town.)

(J) *Buffer yards.* The purpose of the buffer yard is to provide a transitional area between uses that may differ in development intensity and density. A **BUFFER YARD** is defined as a planting yard that serves as a visual separation between uses and should be densely planted. No buildings, parking areas or other development may encroach within the buffer yard, with the exception of town-approved

- 1 public walkways or sidewalks. Refer to § 154.165 for the standards for buffer yards.
- 2 (Ord. 2014-05, passed 12-9-2014)

MISCELLANEOUS

§ 154.130 ZONING AFFECTS EVERY BUILDING AND USE.

No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered except in conformity with the regulations herein specified for the district in which it is located, except as provided in this chapter.

(1989 Code, Title V, Ch. 51, Art. XI, § 1100)

§ 154.131 NONCONFORMING USES.

Any parcel of land, use of land, building or structure existing at the time of the adoption of this chapter, or any amendment thereto, that does not conform to the use or dimensional requirements of the district in which it is located, may be continued and maintained subject to the following provisions.

(A) *Nonconforming vacant lots.* This category of nonconformance consists of vacant lots for which plats or deeds have been recorded in the Register of Deeds office of Watauga or Avery County, which at the time of the adoption of this chapter fail to comply with the minimum area or width requirements of the districts in which they are located. Any such nonconforming lot may be used for any of the uses permitted in the district in which it is located provided that:

(1) Where the lot area is not more than 20% below the minimum specified in this chapter, and other dimensional requirements are otherwise complied with, the Zoning Administrator is authorized to issue a Certificate of Zoning Compliance; and

(2) Where the lot area is more than 20% below the minimum specified in this chapter or other dimensional requirements cannot be met, the Board of Adjustment is authorized to approve as a variance such dimensions as shall conform as closely as possible to the required dimensions.

(B) *Nonconforming occupied lots.* This category of nonconformance consists of lots, occupied by buildings or structures at the time of the adoption of this chapter, that fail to comply with the minimum requirements for area, width, yard and setbacks for the district in which they are located. These lots may continue to be used.

(C) *Nonconforming open uses of land.* This category of nonconformance consists of lots used for storage yards, used car lots, auto wrecking, junkyards, and similar open spaces where the only buildings on the lot are incidental and accessory to the open use of the lot and where such use of the land is not permitted to be established hereafter, under this chapter, in the district in which it is located. A legally established nonconforming open use of land may be continued except as follows.

(1) When a nonconforming open use of land has been changed to a conforming use, it shall not thereafter revert to any nonconforming use.

(2) Nonconforming open use of land shall be changed only to conforming uses.

(3) A nonconforming open use of land shall not be enlarged to cover more land than was occupied by that use when it became nonconforming.

(4) When any nonconforming open use of land is discontinued for a period in excess of 180 days, any future use of the land shall be limited to those uses permitted in the district in which the land is located. Vacancy and/or non-use of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

(D) *Nonconforming uses of structures.* This category of nonconformance consists of buildings or structures used at the time of enactment of this chapter for purposes of use not permitted in the district in which they are located. Such uses may be continued as follows:

(1) An existing nonconforming use may be changed to another nonconforming use of a higher classification, provided that the other conditions in this section are complied with. For the purpose of this chapter, the rank order of uses from higher to lower shall be: 1) residential, 2) private-public service, and 3) commercial service.

(2) When a nonconforming use has been changed to a conforming use, it shall not thereafter revert to any nonconforming use.

(3) A nonconforming use may not be extended, enlarged, or altered except as follows:

(a) Structural alterations as required by law or ordinance to secure the safety of the use of a structure are permissible.

(b) Maintenance and repair necessary to keep a nonconforming use of a structure in sound

Commented [PY1]: Housekeeping:
This section only contains a couple of minor changes for housekeeping purposes only

condition are permissible.

(c) Expansion of a nonconforming use of a building or structure into portions of the structure which, at the time the use became nonconforming, were already erected and arranged or designed for such nonconforming use is permissible.

(d) Nonconforming parking facilities must be brought into compliance with § 154.132. ¹

(4) When any nonconforming use of a building or structure is discontinued for a period in excess of 180 days, the building or structure shall not thereafter be used except in conformance with the regulations of the district in which it is located.

(E) *Reconstruction of damaged buildings or structures.* Any nonconforming use, which has been damaged by fire, wind, flood, or other causes, may be repaired and used as before provided:

(1) Minimum parking requirements of § 154.132 are met. ²

(2) The total amount of space devoted to nonconforming use may not be increased.

(3) Reconstructed buildings may not be more nonconforming with respect to dimensional restrictions.

(4) Within the WS-II and WS-II-C districts, the total amount of space devoted to built-upon area may not be increased unless storm water control that equals or exceeds the previous development is provided. ³

(F) *Alteration of nonconforming structures.* This category of nonconformance consists of buildings or structures existing at the time of the adoption of this chapter that fail to comply with the minimum requirements for building height or setbacks for the district in which they are located. These structures may continue to be used, but may not be extended, enlarged or altered except as follows:

(1) Enlargement or extension of a legal, nonconforming structure (i.e. house additions, deck additions, etc.) is permissible if such enlargement or extension occurs in portions of the lot or tract that meet all required setbacks, provided that the maximum depth of penetration of the setback violation shall be added to the setback on the opposite side. All applicable zoning requirements must be met by this new construction.

(2) Structural alterations as required by law or ordinance to secure the safety of the structure are permissible.

(3) Maintenance and repair necessary to keep a nonconforming structure in sound condition are permissible.

(4) Nonconforming parking facilities must be brought into compliance with § 154.132. ¹

(1989 Code, Title V, Ch. 51, Art. XI, § 1101) (Ord. passed 7-13-1993; Ord. passed 12-14-1999; Ord. passed 9-20-2011)

Editor's note:

¹ Division (D)(3)(d) added by amendment July 13, 1993.

² Amended July 13, 1993.

³ Division (E)(4) added by amendment December 14, 1999

§ 154.132 OFF-STREET PARKING. ¹

Off-street automobile storage or parking space shall be provided on every lot on which any of the following uses are hereafter established. The number of parking spaces provided shall be at least as great as the number specified below for various uses. When application of said provision results in a fractional space requirement, the next larger requirement shall prevail. Each lot abutting a major thoroughfare, as determined by the Zoning Administrator, shall be provided with adequate space for turning so that no vehicle shall be required to back into the street. All parking spaces except parallel parking shall consist of an area not less than nine feet wide by 20 feet long, except that where parking spaces abut landscaped areas or parking bumpers, the area of the parking spaces shall be nine feet wide by 18 feet long measured to the wheel bumper or edge of parking surface at landscaped area. Parallel parking spaces shall be eight feet wide by 25 feet long. Residential parking spaces shall be sized as required in division (B) below. All paved parking lots must have their parking spaces lined.

(A) *Aisle space.* Aisle space for parking shall be provided as follows:

(1) The aisle width for 90-degree parking and angle parking of more than 60 degrees shall be a

1 minimum of 20 feet wide.
2 (2) The aisle width for angle parking of -60 degrees and less shall be a minimum of 15 feet wide.
3 (3) The aisle width for parallel parking shall be a minimum of ten feet wide for single loaded
4 parking and 20 feet for double loaded parking.²
5 (B) *Minimum parking requirements.* The required number of off-street parking spaces specified
6 below for each use shall be provided.
7 (1) *Residential uses.* Two accessible off-street parking spaces shall be provided for each
8 residence and condominium unit of three bedrooms (including lofts) or less constructed ~~in the Town~~
9 ~~of~~ Beech Mountain. In addition, for every unit having more than three bedrooms, an additional parking
10 space will be required for each additional bedroom. The parking space shall be constructed prior to
11 the beginning of construction of the structure and each parking space shall be a minimum of ten feet
12 by 22 feet in size.³
13 (2) *Public and semi-public uses and business/commercial uses.* Each business or
14 establishment is responsible to provide ample parking to suit their needs within the confines of their
15 property or property acquired for that purpose. The provisions and requirements of the Americans
16 with Disabilities Act (ADA) regarding parking requirements shall be satisfied.
17 (C) *Location on other property.*⁴ If the required vehicle parking spaces cannot reasonably be
18 provided on the same lot on which the principal use is conducted, such spaces may be provided on
19 other off-street property, provided (a) such property lies adjacent to the property of the principal use,
20 and (b) the owner of the principal use lot has an irrevocable exclusive parking easement recorded at
21 the Public Registry allowing said owner to use the adjacent lot for parking that benefits the principal
22 use lot. The parking easement shall be appurtenant to and shall run with the title of the property of the
23 principal use.
24 (D) *Landscaped areas.* Where parking areas exceed 2,500 square feet in area, open landscaped
25 area shall be provided as follows: 10% of the area must be left open and landscaped with shrubs,
26 trees or flower beds. This required area shall be considered part of the area required in § 154.166.⁵
27 (E) *Voluntary annexation.*⁶ It is the policy of the town to require property owners petitioning for
28 voluntary annexation who do not have the parking spaces required by §§ 154.130 through 154.149 of
29 this chapter to submit a plan with their annexation petition to maximize the number of available
30 parking spaces. The required plan must be a scaled sketch identifying the existing and future parking
31 spaces. The property owner shall construct and have in place all of the future parking spaces
32 identified on the plan which the town has accepted and approved within six months after the effective
33 date of the annexation. The property owner shall also retain the same number of existing parking
34 spaces shown on the plan.
35 (1989 Code, Title V, Ch. 51, Art. XI, § 1102) (Ord. passed 5-20-1983; Ord. passed 7-27-1988; Ord.
36 passed 9-10-1991; Ord. passed 10-8-1996; Ord. 2012-09, passed 10-9-2012)

37 **Editor's note:**

- 38 ¹ Amended September 10, 1991.
39 ² Aisle space added by amendment September 10, 1991.
40 ³ Amended May 20, 1983.
41 ⁴ Added by amendment July 27, 1988.
42 ⁵ Added by amendment September 10, 1991.
43 ⁶ Division (E) added by amendment October 8, 1996.

44 **§ 154.133 OFF-STREET LOADING AND UNLOADING SPACE.**

45 Every lot on which a business or trade use is hereafter established shall provide space as indicated
46 herein for the loading and unloading of vehicles off the street. Such space shall have access to a
47 street or alley. For the purpose of this section, an off-street loading space shall have minimum
48 dimensions of 12 feet by 40 feet and an overhead clearance of 14 feet in height above the alley or
49 street grade.

Retail Business	1 space for each 10,000 sq. ft. of gross floor area

50

(1989 Code, Title V, Ch. 51, Art. XI, § 1103)

§ 154.134 REQUIRED YARDS AND OTHER SPACES.

No part of a yard or open space, or off-street parking or loading space required above or required in connection with any building for the purpose of complying with this chapter, shall be included as a part of a yard, open space, or off-street parking or loading space similarly required for any other building.

(1989 Code, Title V, Ch. 51, Art XI, § 1104)

§ 154.135 VISIBILITY AT INTERSECTIONS.

Sight distances at intersections must meet the standards for secondary roads established by the North Carolina Department of Transportation. On corner lots no planting, structure, sign, fence, wall or other obstruction shall be erected so as to interfere with said sight distance.

(1989 Code, Title V, Ch. 51, Art. XI, § 1105)

§ 154.136 RELATIONSHIP OF BUILDING TO LOT.

Every building hereafter erected, moved or structurally altered shall be located on a single lot and in no case shall there be more than one principal building and its customary accessory buildings on the lot, except in the case of a designed Planned Unit Development.

(1989 Code, Title V, Ch. 51, Art. XI, § 1106)

§ 154.137 ACCESSORY STRUCTURES AND BUILDINGS.

(A) One accessory building may be placed on a lot, provided the building adheres to the following standards:

(1) The use of the building shall be of a nature that is customary and accessory to the primary use of the lot. For example, garages and/or servants' quarters/guest suites are customary and accessory to principal residential dwellings.

(2) Accessory structures may not be constructed prior to the construction of the primary structure on a lot.

(3) Accessory structures shall conform substantially with the style, design, and materials of the main structure.

(4) Accessory structures shall meet all required setbacks.

(5) Accessory structures shall not have separate water or sewer services from the primary structure on a lot.

(6) The size (in square feet) of an accessory structure shall not exceed 75% of the square footage of the primary structure on a lot.

(7) The height of an accessory structure shall not exceed the height of the primary structure on a lot.

(B) In determining whether a structure is "customary and accessory" to a principal structure, the following shall be considered:

(1) Size. See division (A)(6) above.

(2) The presence (or absence) of similar accessory structures appurtenant to similar principal structures in the neighborhood or the community.

(3) Whether the accessory structure would be in harmony with the character of the neighborhood or community.

(4) The amount of usage the accessory structure has or is likely to have relative to the main structure.

(1989 Code, Title V, Ch. 51, Art. XI, § 1107) (Ord. passed 4-10-1983; Ord. 2013-05, passed 4-9-2013; Am. Ord. 2015-02, passed 5-12-2015)

§ 154.138 VACANT LOTS.

(A) Vacant lots and open spaces shall be maintained in their natural state, provided such state does not cause an endangerment to safety, health, or otherwise cause a nuisance. The accumulation of junk and unsightly debris is prohibited.

(B) *Building materials.* The storage of building materials on vacant lots shall only be permitted with the issuance of a building permit, and shall be permitted only as long as such permit is valid.

Such storage of building materials is allowed only on the lot for which the permit was issued, or on an adjoining lot with the written permission of the owner. Off premise storage of building materials in a residential area is prohibited.

(Ord. passed 2-9-2010)

§ 154.139 FENCES, LANDSCAPING WALLS AND HEDGES.

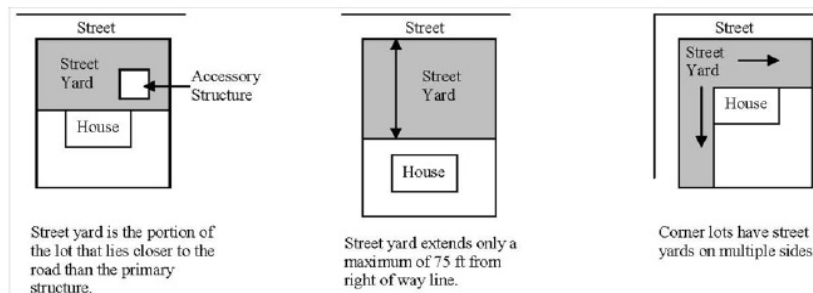
(A) **Purpose.** The purpose of this section is to regulate the materials, location, and height of fencing, landscaping walls and ornamental hedges in order to preserve the beauty of the mountain, to prevent the creation of nuisances, and to promote the general welfare of the public.

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

(1) **GARDENING FENCE.** Fencing used to protect individual plants, trees, or flowers from animals, provided that such fencing surrounds individual plants, trees, or flowers or encloses an area of not larger than 200 square feet. Such fencing shall be constructed with T- posts and stock fencing (welded wire) or similarly inconspicuous material and shall be green, brown, or other color intended to blend in with the surroundings.

(2) **SCREENING.** Visual obstruction placed so as to preclude view of a particular object such as an above ground fuel tank or a garbage dumpster. **SCREENING** shall not have a perimeter that is substantially larger than necessary to shield the particular object from view.

(3) **STREET YARD.** Any portion of a lot or tract that lies closer to a right of way than the primary structure on that lot or tract. For lots on which the primary structure is more than 75 feet from the road right of way, the **STREET YARD** is the portion of the lot or tract that lies within a distance of 75 feet of a right of way line. See illustrations below:



(4) **TEMPORARY FENCING.** Fencing erected for a duration of less than 180 days.

TEMPORARY FENCING includes snow fencing, silt fencing for erosion and sedimentation control, and temporary fencing used during the construction process.

(C) **Scope.** The requirements of this section apply to all fencing, landscape walls and ornamental hedges with the following exceptions:

- (1) Fencing not exceeding 24 inches in height;
- (2) Retaining walls used to support earth and having only one side exposed (the other side being covered with backfill);
- (3) Screening, as defined above;
- (4) Temporary fencing, as defined above;
- (5) Gardening fence, as defined above;
- (6) Fencing not visible from beyond the boundaries of the property on which it is located; and
- (7) Fencing erected by the Town of Beech Mountain.

(D) **Permit required.** No fence, wall, or ornamental hedge shall be installed without first obtaining a permit.

1 (1) *Permit standards.* Applications for a fence permit must be accompanied by the information
2 below.

3 (a) A recent survey of the property on which the proposed fence is to be located. Property
4 corners as illustrated on the survey shall be clearly marked and identifiable on site.

5 (b) A sketch or plan of the location of the proposed fence in relation to the boundaries of the
6 property on which it is to be located. It is preferable that such information be provided on the survey.

7 (c) A sketch or design of the type of fencing to be used. This design must show the materials
8 used, the dimensions (height and spacing of individual members), and the general appearance of the
9 fence once erected.

10 (d) A completed building permit application form.

11 (e) An appropriate fee as provided in the Town of Beech Mountain Permit Fee Schedule
12 available in the Department of Planning and Inspections.

13 (E) *Fence standards.*

14 (1) *Construction.* All fences, walls, or hedges must be constructed and erected or planted in
15 accordance with the approved plans submitted with the permit.

16 (2) *Material and color requirements.*

17 (a) With the exception of division (E)(2)(c) below, fences shall be faced with natural or
18 manufactured wood, stone, brick, or wrought iron.

19 (b) If painted, fencing must be painted in such a manner that it substantially conforms to the
20 color(s) used on the primary structure on the lot.

21 (c) Chain link fencing may be erected in the following locations only:

22 1. To protect tennis courts, swimming pools, athletic fields, and playgrounds;
23 2. To protect water supply, pumping stations, water storage tanks, and similar utilities or
24 infrastructure; and

25 3. In the CS-1/ CS-2 districts where protection of the property from trespassers is essential
26 to the health and safety of the community.

27 (d) Above-ground electric fencing is expressly prohibited, provided that dumpster screening is
28 not considered to be fencing for the purposes of this section.

29 (3) *Height.* With the exception of chain link fencing, no fence, wall, or ornamental hedge may
30 exceed six feet in height. If located in the street yard as defined above, the maximum height shall be
31 five feet.

32 (4) *Gates.* Any gates must conform substantially in style, design, and types of materials to the
33 fence through which it provides access.

34 (5) *Containment.* Fences or enclosures constructed for the purposes of containing animals must
35 comply with the standards of this section.

36 (a) For containment purposes, any permitted fence, landscape wall, or hedge may be backed
37 by welded wire. The wire shall be firmly affixed to property owner's side of the fence, wall or adjacent
38 to the hedge, and shall not exceed the height of the fence, wall, or hedge.

39 (b) Any hedge containing wire backing shall be planted in such a manner that the wire backing
40 is completely obscured from the adjacent property or the street, as determined by the building
41 inspector.

42 (F) *Non-conforming fences.*

43 (1) *General.* Fences that are erected and are in place prior to the adoption of this section and
44 which do not conform to the provisions of this section are declared non-conforming fences. A fence
45 that is erected and that is in place and which conforms to the provisions of the fence subchapter at
46 the time it is erected, but which does not conform to an amendment of this section enacted
47 subsequent to the erection of the fence is declared a non-conforming fence. Any fence erected after
48 the passage of this section must meet all the criteria within this section including all amendments
49 thereto.

50 (2) *Time frame.* Within the time frame for removal of non-conforming fences set out in this
51 section, such fences:

52 (a) Shall not be changed or replaced with another non-conforming fence or copy;

(b) Shall not be expanded or relocated;
(c) Shall not be re-established after damage or destruction in excess of 60% of the value at the time of damage or destruction; and
(d) Shall not be modified in any way which increases their degree of non-conformity.

(3) Removal of non-conforming fences.

(a) All fences not conforming to all sections of this subchapter on the date of the enactment of this subchapter shall be removed, changed, or altered to conform to this subchapter within two years of the original enactment of this subchapter.

(b) All fences which are conforming at the time this subchapter is enacted, and which are made non-conforming as a result of an amendment to this subchapter, shall be removed, changed, or altered to conform to this subchapter within two years of the date the amendment was enacted. (1989 Code, Title V, Ch. 51, Art. XI, § 1109) (Ord. passed 11-13-1990; Ord. passed 6-21-2011; Am. Ord. 2015-03, passed 5-12-2015)

§ 154.140 MAXIMUM BUILDING HEIGHT.

(A) No structure shall have a vertical height in excess of 35 feet as measured from the highest point of the original natural grade of the land on which the building sits (i.e. the land directly beneath the footprint of the building) to the highest point of the structure. The highest point of the structure shall be the highest point:

- (1) Of the peak of the highest roof; or
- (2) Of the finished roof surface in the case of flat roofs; or
- (3) Of railings, decking, or other such attachments which may be affixed to whichever of the above-described points is highest.

(B) Chimneys, vents and TV antennas shall not be included in the measurement of the highest point of the structure.

(C) The highest point of the original natural grade of the land shall be determined by the Building Inspector or his or her designee prior to the commencement of excavation or any other alteration of the original natural layout of the land on which the structure shall be built. ¹ (1989 Code, Title V, Ch. 51, Art. XI, § 1110) (Ord. 4-20-1983; Ord. passed 4-1-1984; Ord. passed 9-14-2010)

Editor's note:

¹ Amended April 20, 1983 and replaced April 1, 1984.

§ 154.141 KITCHENS AND GUEST SUITE.

A guest suite or like facility may be included in a single family dwelling as part of the main dwelling or accessory building. ¹ Such facilities shall not have separate water or sewer services from the primary dwelling.

(1989 Code, Title V, Ch. 51, Art. XI, § 1111) (Ord. passed 4-10-1983; Ord. 2013-05, passed 4-9-2013)

Editor's note:

¹ Amended by amendment April 10, 1983.

§ 154.142 STORAGE RECEPTACLES. ¹

(A) (1) The Zoning Ordinance has been designed with consideration as to the character of the town, and with a view toward conserving its natural beauty and property values.

(2) The following provision is to achieve that purpose: fuel tanks, LP gas tanks and similar storage receptacles may be buried underground.

(3) In the event that the fuel tank is raised above the ground, the Building Inspector shall approve plans for an above-ground tank that has been screened by a wood fence at least four feet in height. There shall be a three-foot opening in the fence (which may be gated) on the side facing the road, directly opposite the filling and control valves to facilitate servicing.

(4) In the event that the tank is perpendicular to the road, the opening shall be on the side nearest the residence. Under no conditions may an above-ground tank be located in the street side of the residence. Additional screening in the form of native evergreen shrubs at least six feet in height and planted no more than three feet apart is required, terrain permitting.

(B) All fuel tanks, LP gas tanks and similar storage receptacles must meet these requirements no later than July 1, 1998. ²

(C) *Portable storage containers.*

(1) Portable storage containers, as defined in § 154.006, having greater than 343 cubic feet capacity (i.e. 7' x 7' x 7') shall not remain on properties in the town in the R1, R2, R2A, R3A, or CS1 districts in locations where they are visible from beyond the boundaries of the property upon which they are situated for periods of greater than 30 days.

(2) Containers used in the construction process during the duration of a valid building permit shall be exempt from the above regulation, provided they comply with all other applicable regulations.

(3) Wheeled storage containers such as vehicle trailers that would not require a commercial driver's license to operate under the standards of the North Carolina Division of Motor Vehicles shall be exempt from the above regulation.
(1989 Code, Title V, Ch. 51, Art. XI, § 1112) (Ord. passed 2-14-1991; Ord. passed 10-9-1991; Ord. passed 6-10-1997; Ord. 2012-07, passed 10-9-2012)

Editor's note:

¹ Replaced by amendment February 14, 1991 and amended October 9, 1991.

² Added by amendment June 10, 1997.

§ 154.143 DRIVEWAY CULVERT.

Where a driveway entrance crosses a ditch line to adjoin an existing public roadway, a corrugated metal or corrugated double wall plastic pipe with a minimum diameter of 18 inches must be installed.¹
(1989 Code, Title V, Ch. 51, Art. XI, § 1113) (Ord. passed 4-10-1983; Ord. 2012-11, passed 11-13-2012)

Editor's note:

¹ Added by amendment April 10, 1983.

§ 154.144 RESERVED.

§ 154.145 EXCAVATION OF LAND.

No person shall dig and haul away any substantial amount of soil, dirt, and/or rock, or substantially disturb in some other manner the natural layout of the land (i.e., any digging or hauling that involves the use of any type of machine or motorized vehicle), without:

(A) Obtaining prior approval of the Town Manager, or

(B) First securing a building permit from the Beech Mountain Building Inspector. ¹

(1989 Code, Title V, Ch. 51, Art. XI, § 1115) (Ord. passed 4-10-1983)

Editor's note:

¹ Added by amendment April 10, 1983.

§ 154.146 UTILITY SERVICES.

All utility and cablevision lines to any construction shall be buried underground. ¹

(1989 Code, Title V, Ch. 51, Art. XI, § 1116) (Ord. passed 4-10-1983)

Editor's note:

¹ Added by amendment April 10, 1983.

§ 154.147 CONSTRUCTION VEHICLES AND EQUIPMENT. ¹

Outside storage or parking of construction vehicles and/or equipment greater than three-quarter-ton capacity shall be prohibited in any residential zoning district unless located on property where a construction project is underway with a valid permit issued by the Town of Beech Mountain.

(1989 Code, Title V, Ch. 51, Art. XI, § 1117) (Ord. passed 1-9-1990)

Editor's note:

¹ Added by amendment January 9, 1990.

§ 154.148 ANIMALS. ¹

There shall not be maintained on any lot any poultry or farm animals nor any animals other than those commonly considered household pets.

(1989 Code, Title V, Ch. 51, Art. XI, § 1118) (Ord. passed 1-9-1990)

Editor's note:

¹ Added by amendment January 9, 1990.

1 **§ 154.149 FOUNDATIONS.** ¹

2 For all new construction, the primary foundations must be completely constructed prior to the
3 remainder of the building being constructed or placed on the lot.
4 (1989 Code, Title V, Ch. 51, Art. XI, § 1119) (Ord. passed 10-16-2001)

5 **Editor's note:**

6 ¹ Added by amendment October 16, 2001.

7 **§ 154.150 SURVEYS REQUIRED.** ¹

8 (A) For new construction and remodeling that enlarges the perimeter of a building or structure, a
9 recent survey (within six months), with appropriate setbacks shown on the survey, signed and sealed
10 by a surveyor licensed in North Carolina must be provided.

11 (B) The property owner must also provide the Town with a foundation survey after the footers have
12 been poured and an as-built survey prior to issuance of a Certificate of Occupancy.
13 (1989 Code, Title V, Ch. 51, Art. XI, § 1120) (Ord. passed 4-3-2007)

14 **Editor's note:**

15 ¹ This section added by amendment April 3, 2007.

LIGHTING

§ 154.151 PURPOSE AND OBJECTIVES.

The purpose of this subchapter is to provide regulations that preserve and enhance the view of the dark sky; promote health, safety, security, and productivity; and help protect natural resources by promoting energy efficiency. The provisions of this subchapter are intended to control glare, light trespass, and the obtrusive aspects of excessive and/or careless outdoor light usage. It is the intent of this subchapter to provide standards for appropriate lighting practices and systems that will enable people to see essential detail in order that they may undertake their activities at night, facilitate safety and security of persons and property, and curtail the degradation of the nighttime visual environment. (Ord. 2016-09, passed 8-9-2016)

§ 154.152 DEFINITIONS.

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

ACCENT LIGHTING. Any luminaire that emphasizes a particular object or draws attention to a particular area for aesthetic purposes.

CUT-OFF ANGLE (of a luminaire). The angle, measured from the lowest point between a vertical line from the center of the lamp extended to the ground and the first line of sight at which the bare source is not visible.

FIXTURE (also called a **LUMINAIRE**). A complete lighting unit including the lamps, together with the parts required to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.

FOOT-CANDLE. A measure of illuminance or a measure of how bright a light appears to the eye. One foot-candle is equal to one Lumen/ft². As an example, a typical 60-watt incandescent lamp (840 lumens) produces an illuminance of 0.1 foot-candles at a distance of about 25 feet.

FOSSIL FUEL LIGHT. Any outdoor lighting fixture producing light directly by the combustion of natural gas or other fossil fuel.

LAMP. The light-producing source installed in the socket portion of a luminaire.

LIGHT POLLUTION. General sky glow caused by the scattering of artificial light in the atmosphere and resulting in decreased ability to see the natural night sky.

LIGHT TRESPASS. Any light emitted by an outdoor luminaire that shines directly beyond the property on which the luminaire is installed, or indirectly shines beyond the property on which the luminaire is installed at a brightness (illuminance) that exceeds 0.1 foot-candles at the property line.

LUMINAIRE. See definition for **FIXTURE**.

OUTDOOR LIGHTING FIXTURE. A luminaire outside of an enclosed building or structure or any luminaire directed such that it primarily illuminates outdoor areas.

PUBLIC STREETLIGHT. A light that is erected and owned by the electric utility company, is located within the right of way of a public street or on other property owned or maintained by the town, and for which the cost of operation is borne by the town.

SHIELDING. That no light rays are emitted by a fixture above the horizontal plane running through the lowest point of the fixture.

SPOTLIGHT. Any lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

STROBE LIGHT. A lamp that produces very short, intense flashes of light.

USE, ABANDONMENT OF. The relinquishment of a property, or the cessation of a use or activity for a continuous period of 12 months, excluding temporary or short-term interruptions for the purpose of remodeling, maintaining or rearranging a facility. A use shall be deemed abandoned when such use is suspended as evidenced by the cessation of activities or conditions that constitute the principal use of the property.

(Ord. 2016-09, passed 8-9-2016)

§ 154.153 APPLICABILITY.

All outdoor lighting fixtures installed on private and public property shall comply with this subchapter. This subchapter does not apply to interior lighting; provided, that if it is determined by the

Commented [PY1]: This chapter only contains minimal housekeeping edits – no substantial changes required

Commented [PY2]: General Housekeeping: Grammar – changed short term to short-term

town that any interior lighting emitting light outside of the building or structure in which it is located creates a light trespass, the interior lighting shall be subject to the requirements of this subchapter. (Ord. 2016-09, passed 8-9-2016)

§ 154.154 EXEMPTIONS.

The following are exempt from the provisions of this subchapter:

(A) Light fixtures (including public streetlights) installed prior to the effective date of this subchapter, provided that:

(1) If a fixture is replaced, any replacement light fixture shall be subject to the provisions of this subchapter.

(2) Where existing, non-conforming light fixtures cause considerable disturbance, these fixtures shall be required to provide shielding and/or utilize the lowest wattage bulbs available for that fixture to the extent possible.

(B) Temporary emergency lighting (i.e. fire, police, repair workers) or warning lights.

(C) Moving vehicle lights.

(D) Navigation lights (i.e. radio/television towers) or any other lights where state or federal statute or other provision of the Town of Beech Mountain Code requires lighting that cannot comply with this subchapter. In such situations, lighting shall be shielded to the maximum extent possible, and lumens shall be minimized to the maximum extent possible, while still complying with state or federal statute.

(E) Seasonal decorations ~~do are not have required~~ to be shielded, provided that they do not have a brightness of more than 0.1 foot-candles at the property line on which they are installed.

(F) Outdoor lighting approved by the town for temporary or periodic events (e.g. fairs, nighttime construction).

(G) Sign lighting in compliance with the town's sign regulations.

(H) Campfires, bonfires, fire pits and the like.

(I) Ski slope lighting.

(J) Exemption for temporary lighting. Any person may request of the Town Council a temporary exemption from the provisions of this subchapter.

(K) Lighting within commercial and public zoning districts (CS1, CS2, PS) shall be exempt from the restrictions on light trespass with respect to other properties within commercial or public zoning districts. A property zoned commercial or public may not install lighting fixtures that create a light trespass upon a residentially zoned property.

(L) Public streetlights that emit less than 3,000 kelvin and are of the 100 Watt High Pressure Sodium or LED lighting type shall be exempt from the restrictions on light trespass in this subchapter, provided that the Town of Beech Mountain, as financier of such lighting may request that Mountain Electric modify or remove such lighting at its discretion. (Ord. 2016-09, passed 8-9-2016)

§ 154.155 GENERAL STANDARDS.

The following general standards shall apply to all non-exempt outdoor lighting fixtures and accent lighting:

(A) Light trespass is prohibited.

(B) Outdoor lighting fixtures and accent lighting must be shielded and aimed downward or toward the object which they illuminate, without encroaching beyond such object. The shield must mask the direct horizontal surface of the light source or direct light at a specific illuminated object. The light must be aimed to ~~ensure~~ that the illumination is only pointing downward onto the ground surface or at the specific object, with no escaping direct light permitted to contribute to light pollution by shining upward into the sky.

(C) All outdoor lighting fixtures and accent lighting shall be designed, installed, located and maintained such that there is no light trespass.

(Ord. 2016-09, passed 8-9-2016)

Cross-reference:

Figures of acceptable shielding and direction of outdoor light fixtures, see Ch. 154, Appendix A

§ 154.156 PROHIBITED.

Commented [PY3]: General Housekeeping: Grammar – changed “do not have to” to “are not required to”

Commented [PY4]: General Housekeeping: Grammar

1 The following fixtures (luminaires) are prohibited:
2 (A) Searchlights for any other purpose other than temporary emergency lighting.
3 (B) Laser lights or any similar high-intensity light for outdoor use or entertainment, when projected
4 above the horizontal plane.
5 (C) Public streetlights emitting greater than 3000 kelvin.
6 (D) Strobe lights.
7 (Ord. 2016-09, passed 8-9-2016)
8 **§ 154.157 SUBMITTALS.**
9 All building permit applications including the installation of outdoor lighting fixtures shall provide
10 evidence of compliance with the requirements of this subchapter.
11 (Ord. 2016-09, passed 8-9-2016)
12 **§ 154.158 RESUMPTION OF USE AFTER ABANDONMENT.**
13 If a property of use with non-conforming lighting is abandoned (see definitions) then all outdoor
14 lighting shall be reviewed and brought into compliance with this subchapter before any use is
15 resumed.
16 (Ord. 2016-09, passed 8-9-2016)
17 **§ 154.159 SEVERABILITY.**
18 If any clause, sentence, paragraph, section or part of this subchapter or the application thereof to
19 any person or circumstances shall be adjudged by any court of competent jurisdiction to be invalid,
20 such order or judgment shall be confined in its operation to the controversy in which it was rendered
21 and shall not affect or invalidate the remainder of any part thereof to any other person or
22 circumstances.
23 (Ord. 2016-09, passed 8-9-2016)
24

EXCEPTIONS AND MODIFICATIONS

§ 154.160 GENERAL.

Compliance with the requirements of this subchapter is mandatory; however, under the specific conditions enumerated in the following sections, the requirements may be waived or modified as so stated.

(1989 Code, Title V, Ch. 51, Art. XII)

§ 154.161 FRONT YARD SETBACK FOR DWELLINGS.

The front yard setback requirements of this subchapter for dwellings shall not apply on any lot where the average setback of existing buildings located wholly or in part within 100 feet on each side of such lot within the same block and zoning district and fronting on the same side of the street is less than the minimum required setback. In such cases, the setback may be less than the required setback, but not less than the average of the setback of the aforementioned existing buildings.

(1989 Code, Title V, Ch. 51, Art. XII, § 1200)

§ 154.162 COMPLETION OF BUILDINGS UNDER CONSTRUCTION.

Nothing in this chapter shall require any change in the plans, construction or designated use of a building under construction at the date of the passage of this subchapter, provided that construction of such building is diligently pursued and the entire building is completed within 18 months from the date of passage of this subchapter. A building shall be deemed to be under construction upon the effective date of this subchapter if a building permit has been issued.

(1989 Code, Title V, Ch. 51, Art. XII, § 1201)

§ 154.163 HEIGHT LIMITATIONS. ¹

(1989 Code, Title V, Ch. 51, Art. XII, § 1202) (Ord. passed 4-8-1984)

Editor's note:

¹ Deleted April 8, 1984.

§ 154.164 TEMPORARY USES.

Temporary uses, such as real estate sales field offices or shelter for materials and equipment being used in the construction of a permanent structure, may be permitted by the Zoning Administrator, provided they do not create health, safety or nuisance hazards.

(1989 Code, Title V, Ch. 51, Art. XII, § 1203)

§ 154.165 BUFFER AREAS REQUIRED.

(A) *Visual buffer.* Where a commercial use is adjacent to a residential zone, the setback requirement for the commercial use shall be a minimum of 20 feet from the property line adjacent to the residential use of which ten feet shall be a buffer strip planted with evergreen shrubs or trees which shall not be less than six feet in height and no more than four feet apart at the time of planting. This planting requirement may be modified where natural buffering exists.

(B) *Watershed buffer.*¹

(1) A minimum 30-foot vegetative buffer is required for all new development activities along all perennial waters indicated on the most recent versions of USGS 1:24,000 (7.5 minute) scale topographic maps or as determined by Town of Beech Mountain studies. Desirable artificial streambank or shoreline stabilization is permitted.

(2) No new development is allowed in the buffer except for water dependent structures and public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater Best Management Practices.

(1989 Code, Title V, Ch. 51, Art. XII, § 1204) (Ord. passed 9-8-1993)

Editor's note:

¹ Added by amendment September 8, 1993.

§ 154.166 LANDSCAPING. ¹

Where a commercial use is located in the CS-1 or CS-2 zone, 10% of the lot area must be landscaped with shrubs, trees or flower beds. A buffer landscaped with a mix of evergreen shrubs, trees and flower beds at least five feet wide is required to be planted and maintained along the road right-of-way. ²

(1989 Code, Title V, Ch. 51, Art. XII, § 1205) (Ord. passed 4-11-1989; Ord. passed 9-10-1991;

1 Ord. passed 6-10-1997)

2 **Editor's note:**

3 ¹ Added by amendment April 11, 1989 and amended September 10, 1991.

4 ² Last sentence added by amendment June 10, 1997.

5 **§ 154.167 GROUP CARE FACILITIES.**

6 Type II group care facilities as defined in § 154.006 shall not be permitted in the Town of Beech
7 Mountain.

8 (Ord. passed 5-11-2010)

9 **AMENDMENTS**

10 **§ 154.180 AMENDMENTS.**

11 This Zoning Ordinance, including the Zoning Map, may be amended by the Town Council in
12 accordance with the provisions of this subchapter
13 (1989 Code, Title V, Ch. 51, Art. XIII, § 1300)

14 **§ 154.181 INITIATION OF AMENDMENTS.**

15 (A) Proposed changes or amendments may be initiated by the Town Council, the Planning
16 Board, the Board of Adjustment, or one or more owners of property within the area proposed to be
17 changed or affected.

18 (B) Proposed Conditional Districts may only be initiated in response to a petition by the owners
19 of all property to be included in the district.

20 (1989 Code, Title V, Ch. 51, Art. XIII, § 1301)

21 **§ 154.182 APPLICATION.**

22 (A) Before any action on a proposed change or amendment, an application shall be submitted to
23 the office of the Zoning Administrator at least ten days prior to the Planning Board's meeting at
24 which the application is to be considered. The application shall contain the name(s) and
25 address(es) of the owner(s) of the property in question, the location of the property, and a
26 description and/or statement of the present and proposed zoning regulation or district. All
27 applications requesting a change in the Zoning Map shall include a description of the property in
28 question. The Planning Board and the Town Council will not consider an application for property
29 denied within the preceding 12 months by the Town Council.

30 (B) In addition to the requirements of § 154.182(A) above, applications for Conditional Districts
31 shall also require a site-specific development plan and supporting documentation that specifies the
32 actual use or uses intended for the property and any rules, regulations, and conditions that, in
33 addition to all predetermined ordinance requirements, will govern the development and use of the
34 property.

35 (1989 Code, Title V, Ch. 51, Art. XIII, § 1302)

36 **§ 154.183 PLANNING BOARD ACTION.**

37 No action shall be taken until the proposal has been submitted to the Planning Board for review
38 and recommendation. If no recommendation has been received from the Planning Board within 36
39 days after the first consideration of the application, the Town Council may proceed as though a
40 favorable report had been received.

41 (1989 Code, Title V, Ch. 51, Art. XIII, § 1303)

42 **§ 154.184 PUBLIC HEARING.**

43 Before enacting any amendment to this subchapter, the Town Council shall hold a public hearing.
44 A notice of such public hearing shall be published in a newspaper of general circulation in Beech
45 Mountain once a week for two successive weeks, the first publication shall not appear less than ten
46 days or more than 25 days prior to the date fixed for the public hearing. The notice shall include the
47 time, place and date of the hearing and include a description of the property or the nature of the
48 change or amendment to the subchapter and/or map.

49 (1989 Code, Title V, Ch. 51, Art. XIII, § 1304)

50 **§ 154.185 DECISIONS.**

51 The Town Council shall make a decision on the proposed amendment within 60 days after the
52 public hearing. Neither the Planning Board nor the Town Council shall consider specific
53 development proposals on any property when considering an amendment involving the rezoning of
54 such property. Under no circumstance shall the Town Council adopt such amendments,

Commented [PY1]: 160D – establishing conditional
district standards

Commented [PY2]: 160D – establishing conditional
district standards

supplements or changes that would cause this subchapter to violate the Water Supply Watershed Protection rules as adopted by the NC Environmental Management Commission. All amendments to the Water Supply Watershed Protection regulations under the Zoning Ordinance must be filed within the NC Division of Water Quality, NC Department of Environmental Health and NC Division of Community Assistance. ¹

(1989 Code, Title V, Ch. 51, Art. XIII, § 1305) (Ord. passed 12-14-2004)

Editor's note:

¹ Amended December 14, 2004.

VESTED RIGHTS

§ 154.195 PURPOSE.

Amendments, modifications, supplements, repeal or other changes in zoning regulations and restrictions and zone boundaries shall not be applicable or enforceable without the consent of the owner with regard to buildings and uses for which building permits have been issued and remain unexpired and unrevoked, or a vested right has been established based on a site-specific development plan and remains valid and unexpired pursuant to G.S. § 160DA-108385.4 and this section.

(1989 Code, Title V, Ch. 51, Art. XVI, § 1600)

§ 154.196 DEFINITIONS.

(A) *Site-specific development plan.* A plan of land development submitted to the town with a statement that a vested right is being sought for purposes of obtaining a ~~Conditional-Special~~ Use Permit pursuant to § 154.116 ~~or a Conditional District Zoning pursuant to § 154.182.~~

Notwithstanding the foregoing, neither a variance, a sketch plan, nor any other document that fails to describe with reasonable certainty the type and intensity of use for a parcel or parcels of property in accordance with § 154.116 shall constitute a site-specific development plan.

(B) *Vested right.* The right to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan.

(1989 Code, Title V, Ch. 51, Art. XVI, § 1601)

§ 154.197 ESTABLISHMENT OF VESTED RIGHT.

(A) A vested right shall be deemed established upon the issuance of a Conditional Use Permit by the Board of Adjustment ~~or the approval of a Conditional District by the Town Council~~ for a site-specific development plan, following notice and public hearing.

(B) The Board of Adjustment may approve a site-specific development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety and welfare.

(C) A site-specific development plan shall be deemed approved upon the effective date of the Board of Adjustment's action.

(D) Vested right is not a personal right, but shall attach to and run with the applicable property. After approval of a site-specific development plan, all successors to the original landowner shall be entitled to exercise such right while applicable.

(1989 Code, Title V, Ch. 51, Art. XVI, § 1602)

§ 154.198 APPROVAL PROCEDURES.

(A) An application for site-specific development plan approval shall be processed in accordance with the procedures set forth in § 154.116, and shall be considered by the Board of Adjustment for a Conditional Use Permit for which application is made.

(B) In order for a vested right to be established upon approval of a site-specific development plan, the applicant must indicate at the time of application, on a form provided by the town, that a vested right is being sought.

(C) Each map, plat, site plan, or other document evidencing a site-specific development plan shall contain the following notation: "Approval of this plan establishes a vested right under G.S. § 160A-385.1. Unless terminated at an earlier date, the vested right shall be valid until (date)."

(D) Following approval or conditional approval of a site-specific development plan, nothing in this section shall exempt such a plan from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided such reviews and approvals are not inconsistent with the original approval.

(E) Nothing in this section shall prohibit the revocation of the original approval or other remedies

1 for failure to comply with applicable terms and conditions of the Conditional Use Permit or the
2 Zoning Ordinance.

3 (1989 Code, Title V, Ch. 51, Art. XVI, § 1603)

4 **§ 154.199 DURATION.**

5 (A) A zoning right that has been vested as provided in this section shall remain vested for a
6 period of two years. This vesting shall not be extended by any amendments or modifications to a
7 site specific development plan.

8 (B) A building permit shall not expire or be revoked because of the running of time while a
9 vested right is outstanding.

10 (1989 Code, Title V, Ch. 51, Art. XVI, § 1604)

11 **§ 154.200 TERMINATION.**

12 A zoning right that has been vested as provided in this section shall terminate:

13 (A) At the end of the applicable vesting period with respect to buildings and uses for which no
14 valid building permit application has been filed;

15 (B) With the written consent of the affected landowner;

16 (C) Upon findings by the Town Council, by ordinance after notice and a public hearing, that
17 natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would
18 pose a serious threat to the public health, safety, and welfare if the project were to proceed as
19 contemplated in the site-specific development plan.

20 (D) Upon payment to the affected landowner of compensation for all costs, expenses, and other
21 losses incurred by the landowner, including, but not limited to, all fees paid in consideration of
22 financing, and all architectural, planning, marketing, legal and other consultants' fees incurred after
23 approval by the Town, together with interest thereon at the legal rate until paid. Compensation shall
24 not include any diminution in the value of the property which is caused by such action.

25 (E) Upon findings by the Town Council, by ordinance after notice and public hearing, that the
26 landowner or his or her representative intentionally supplied inaccurate information or made
27 material misrepresentations which made a difference in the approval by the Board of Adjustment of
28 the site-specific development plan, or

29 (F) Upon enactment or promulgation of a state or federal law or regulation that precludes
30 development as contemplated in the site-specific development plan, in which case the Town
31 Council may modify the affected provisions upon a finding that the change in state or federal law
32 has a fundamental effect on the plan, by ordinance after notice and a hearing.

33 (1989 Code, Title V, Ch. 51, Art. XVI, § 1605)

SOIL EROSION REGULATIONS¹

Editor's note:

¹ Added by amendment November 14, 1995.

§ 154.210 PURPOSE.

This subchapter is adopted for the purposes of:

(A) Regulating certain land-disturbing activity to control accelerated erosion and sedimentation in order to prevent the pollution of water and other damage to lakes, watercourses, and other public and private property by sedimentation; and

(B) Establishing procedures through which these purposes can be fulfilled.

(1989 Code, Title V, Ch. 51, Art. XVII, § 1700) (Ord. passed 11-14-1995)

§ 154.211 DEFINITIONS.

As used in this subchapter, unless the context clearly indicates otherwise, the following definitions apply:

ACCELERATED EROSION. Means any increase over the rate of natural erosion as a result of land-disturbing activity.

ACT. Means the North Carolina Sedimentation Pollution Control Act of 1973 and all rules and orders adopted pursuant to it.

ADEQUATE EROSION CONTROL MEASURE, STRUCTURE, or DEVICE. Means one which controls the soil material within the land area under responsible control of the person conducting the land-disturbing activity.

AFFILIATE. Means a person that directly, or indirectly through one or more intermediaries, control, is controlled by, or is under common control of another person.

APPROVING AUTHORITY. Means the Division or other State or a local government agency that has been delegated erosion and sedimentation plan review responsibilities in accordance with the provisions of the Act.

BEING CONDUCTED. Means a land-disturbing activity has been initiated and ~~permanent stabilization of the site has not been completed~~not deemed complete by the Approving Authority.

BORROW. Means fill material ~~which that~~ is required for on-site construction and ~~that~~ is obtained from other locations.

BUFFER ZONE. Means the strip of land adjacent to a lake or natural watercourse.

COASTAL COUNTIES. Means the following counties: Beaufort, Bertie, Brunswick, Camden, Carteret, Chowan, Craven, Currituck, Dare, Gates, Hertford, Hyde, New Hanover, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Tyrrell and Washington.

COMMISSION. Means the North Carolina Sedimentation Control Commission.

COMPLETION OF CONSTRUCTION or DEVELOPMENT. Means that no further land-disturbing activity is required on a phase of a project except that which is necessary for establishing a permanent ground cover.

DEPARTMENT. Means the North Carolina Department of ~~Environment, and Natural Resources~~Environmental Quality.¹

DIRECTOR. Means the Director of the Division of Land Resources of the Department of ~~Environment, Health and Resources~~Environmental Quality.²

DISCHARGE POINT or POINT OF DISCHARGE. Means that point ~~at which~~where runoff leaves a tract of land ~~where a land-disturbing activity has occurred or enters a lake or natural watercourse.~~

DISTRICT. Means the Watauga Soil and Water Conservation District created pursuant to G.S. Ch. 139, North Carolina General Statutes.

ENERGY DISSIPATER. Means a structure or a shaped channel section with mechanical armoring placed at the outlet of pipes or conduits to receive and break down the energy from high velocity flow.

EROSION. Means the wearing away of land surface by the action of wind, water, gravity, or any combination thereof.

GROUND COVER. Means any natural vegetative growth or other material which renders the soil surface stable against accelerated erosion.

HIGH QUALITY WATER (HQW) ZONES. Means areas in the coastal counties that are within 575

Commented [PY1]: General Housekeeping and alignment with State Administrative Code language - all changes are to maintain consistency with State Statutes and Administrative Code language

feet of High Quality Waters and for the remainder of the state areas that are within one mile and drain to HQW's.

HIGH QUALITY WATERS. Means those classified as such in 15A NCAC 02B .0101(e)(5)-0224(General Procedures), which is herein incorporated ~~herein~~ by reference ~~to include further including subsequent~~ amendments ~~and additions, pursuant to G.S. § 150B-14(c).~~

LAKE or NATURAL WATERCOURSE. Means any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake or pond, ~~natural or impounded, in which sediment may be moved or carried in suspension, and which could be damaged by accumulation of sediment.~~

LAND-DISTURBING ACTIVITY. Means any use of the land by any person in residential, industrial, educational, institutional, or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.

LOCAL GOVERNMENT. Means any county, incorporated village, town or city, or any combination of counties, incorporated villages, towns and cities, acting through a joint program pursuant to the provisions of the Act.

NATURAL EROSION. Means the wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.

PARENT. An affiliate that directly, or indirectly through one or more intermediaries, controls another person.

PERSON. Means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.

PERSON CONDUCTING LAND-DISTURBING ACTIVITY. Means any person who may be held responsible for a violation unless expressly provided otherwise by this chapter, the Act, or any order adopted pursuant to this chapter or the Act.

PERSON RESPONSIBLE FOR THE VIOLATION WHO VIOLATES OR VIOLATOR. As used in G.S. 113A-64, means: any landowner or other person who has financial or operational control over the land-disturbing activity; or who has directly or indirectly allowed the activity, and who has failed to comply with any provision of the Act, the rules of this Chapter or any order or local ordinance adopted pursuant to the Act as it imposes a duty upon that person. ~~As used in this chapter, and G.S. § 113A-64, means:~~

~~—(1) The developer or other person who has or holds himself or herself out as having financial or operational control over the land-disturbing activity.~~

~~—(2) The landowner or person in possession or control of the land when he or she has directly or indirectly allowed the land-disturbing activity or has benefited from it or he or she has failed to comply with any provision of this subchapter, the Act, or any order adopted pursuant to this subchapter or the Act as imposes a duty upon him or her.~~

~~**PHASE OF GRADING.** Means one of two types of grading, rough or fine.~~

PLAN. Means an erosion and sedimentation control plan.

SEDIMENT. Means solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.

SEDIMENTATION. Means the process by which sediment resulting from accelerated erosion has been or is being transported off the site or the land-disturbing activity or into a lake or natural watercourse.

SILTATION. Means sediment resulting from accelerated erosion which is settleable or removable by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land-disturbing activity; and which has been deposited, or is in suspension in water.

STORM DRAINAGE FACILITIES. Means the system of inlets, conduits, channels, ditches and appurtenances which serve to collect and convey storm water through and from a given drainage area.

1 **STORM WATER RUNOFF.** Means the ~~direct~~ runoff of water resulting from precipitation in any
2 form.
3 **SUBSIDIARY.** An affiliate that is directly, or indirectly through one or more intermediaries,
4 controlled by another person.
5 **TEN-YEAR STORM.** Means ~~the surface runoff resulting from~~ a rainfall of an intensity that, based
6 on historical data, is predicted by a method acceptable to the Approving Authority expected to be
7 equaled or exceeded, on the average, once in ten years, and of a duration ~~which that~~ will produce the
8 maximum peak rate of runoff, for the watershed of interest under average antecedent wetness
9 conditions.
10 **TRACT.** Means all contiguous land and bodies of water being disturbed or to be disturbed as a
11 unit, regardless of ownership.
12 **TWENTY-FIVE YEAR STORM.** Means ~~the surface runoff resulting from~~ a rainfall of an intensity
13 that, based on historical data, is predicted by a method acceptable to the Approving Authority-
14 expected to be equaled or exceeded, on the average, once in 25 years, and of a duration ~~which that~~
15 will produce the maximum peak rate of runoff, from the watershed of interest under average
16 antecedent wetness conditions.
17 **UNCOVERED.** Means the removal of ground cover from, on, or above the soil surface.
18 **UNDERTAKEN.** Means the initiating of any activity, or phase of activity, which results or will result
19 in a change in the ground cover or topography of a tract of land.
20 **VELOCITY.** Means the ~~speed average velocity~~ of flow through the cross section perpendicular to
21 the direction of the main channel at the peak flow of the storm of interest but not exceeding bank full
22 flow of the main channel at the peak flow of the storm of interest. The cross section of the main
23 channel shall be that area defined by the geometry of the channel plus the area of flow below the
24 flood height defined by vertical lines at the main channel banks. Overload flows are not to be included
25 for the purpose of computing velocity of flow.
26 **WASTE.** Means surplus materials resulting from on-site construction and disposed of at other
27 locations.
28 ~~—WORKING DAYS.— Means days exclusive of Saturday and Sunday during which weather conditions~~
29 ~~or soil conditions permit land-disturbing activity to be undertaken.~~
30 (1989 Code, Title V, Ch. 51, Art. XVII, § 1701) (Ord. passed 11-14-1995; Ord. passed 2-8-2005)
31 **Editor's note:**
32 ¹ Amended February 8, 2005.
33 ² Amended February 8, 2005.
34 **§ 154.212 SCOPE AND EXCLUSIONS.**
35 This subchapter shall not apply to the following land-disturbing activities:
36 (A) Activities, including the breeding and grazing of livestock, undertaken on agricultural land for
37 the production of plants and animals useful to man, including, but not limited to:
38 (1) Forages and sod crops, grains and feed crops, tobacco, cotton and peanuts.
39 (2) Dairy animals and dairy products.
40 (3) Poultry and poultry products.
41 (4) Livestock, including beef cattle, sheep, swine, horses, ponies, mules and goats.
42 (5) Bees and apiary products.
43 (6) Fur producing animals.
44 (B) Activities undertaken on forestland for the production and harvesting of timber and timber
45 products and conducted in accordance with best management practices set out in *Forest Practice*
46 *Guidelines Related to Water Quality*, as adopted by the Department. If land-disturbing activity
47 undertaken on forestland for the production and harvesting of timber and timber products is not
48 conducted in accordance with *Forest Practice Guidelines Related to Water Quality*, the provisions of
49 this subchapter shall apply to such activity and any related land-disturbing activity on the tract; and
50 (C) Activities for which a permit is required under the Mining Act of 1971, G.S. Ch. 74, Art. 7.
51 (D) Land-disturbing activity over which the state has exclusive regulatory jurisdiction as provided in
52 G.S. § 113A-56(a).

(E) For the duration of an emergency, activities essential to protect human life.
(1989 Code, Title V, Ch. 51, Art. XVII, § 1702) (Ord. passed 11-14-1995)

§ 154.213 GENERAL REQUIREMENTS.

(A) *Plan required.* No person shall initiate any land-disturbing activity which uncovers more than one-half acre without having an erosion control plan approved by the Town of Beech Mountain.

(B) *Protection of property.* Persons conducting land-disturbing activity shall take all reasonable measures to protect all public and private property from damage caused by such activity.

(C) *More restrictive rules shall apply.* Whenever conflicts exist between federal, state or local laws, ordinance or rules, the more restrictive provision shall apply.

(1989 Code, Title V, Ch. 51, Art. XVII, § 1703) (Ord. passed 11-14-1995)

§ 154.214 BASIC CONTROL OBJECTIVES.

An erosion and sedimentation control plan may be disapproved pursuant to § 154.225 of this subchapter if the plan fails to address the following control objectives.

(A) *Identify critical areas.* On-site areas which are subject to severe erosion, and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation, are to be identified and receive special attention.

(B) *Limit time of exposure.* All land-disturbing activity is to be planned and conducted to limit exposure to the shortest feasible time.

(C) *Limit exposed areas.* All land-disturbing activity is to be planned and conducted to minimize the size of the area to be exposed at any one time.

(D) *Control surface water.* Surface water runoff originating upgrade of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure.

(E) *Control sedimentation.* All land-disturbing activity is to be planned and conducted so as to prevent off-site sedimentation damage.

(F) *Manage storm water runoff.* When the increase in the velocity of storm water runoff resulting from a land-disturbing activity is sufficient to cause accelerated erosion of the receiving watercourse, plans are to include measures to control the velocity to the point of discharge so as to minimize accelerated erosion of the site and increased sedimentation of the stream.

(1989 Code, Title V, Ch. 51, Art. XVII, § 1704) (Ord. passed 11-14-1995)

§ 154.215 MANDATORY STANDARDS FOR LAND-DISTURBING ACTIVITY.

No land-disturbing activity subject to the control of this subchapter shall be undertaken except in accordance with the following mandatory standards.

(A) *Buffer zone.*

(1) No land-disturbing activity during periods of construction or improvement to land shall be permitted in proximity to a lake or natural watercourse unless a buffer zone is provided along the margin of the watercourse of sufficient width to confine visible siltation within the 25% of the buffer zone nearest the land-disturbing activity. This subdivision shall not apply to a land-disturbing activity in connection with the construction of facilities to be located on, over, or under a lake or natural watercourse. ¹

(2) Unless otherwise provided, the width of a buffer zone is measured from the edge of the water to the nearest edge of the disturbed area, with the 25% of the strip nearer the land-disturbing activity containing natural or artificial means of confining visible siltation.

(3) The 25-foot minimum width for an undisturbed buffer zone adjacent to designated trout waters shall be measured horizontally from the top of the bank.

(4) Where a temporary and minimal disturbance has been permitted as an exception by § 154.224(A)(1) of this chapter, land-disturbing activities in the buffer zone adjacent to designated trout waters shall be limited to a maximum of 10% of the total length of the buffer zone within the tract to be distributed such that there is not more than 100 linear feet of disturbance in each 1,000 linear feet of buffer zone. Larger areas may be disturbed with the written approval of the Director. ²

(5) No land-disturbing activity shall be undertaken within a buffer zone adjacent to designated trout waters that will cause adverse temperature fluctuations, as set forth in 15A NCAC 02B .0211 (Fresh Surface Water Quality Standards for Class C Waters), in these waters.

1 (B) *Graded slopes and fills.* The angle for graded slopes and fills shall be no greater than the
2 angle which can be retained by vegetative cover or other adequate erosion control devices or
3 structures. In any event, slopes left exposed will, within 21 calendar of completion of any phase of
4 grading, whichever is shorter, be planted or otherwise provided with ground cover, devices or
5 structures sufficient to restrain erosion.³

6 (C) *Fill material.* ~~Materials being used as fill shall be consistent with those described in 15A NCAC~~
7 ~~13B .0562 unless the site is permitted by the Department's Division of Waste Management to operate~~
8 ~~as a landfill. Not all materials described in Section .0562 may be suitable to meet geotechnical~~
9 ~~considerations of the fill activity and should be evaluated accordingly. Unless a permit from the~~
10 ~~department's Division of Waste Management to operate a landfill is on file for the official site,~~
11 ~~acceptable fill material shall be free of organic or other degradable materials, masonry, concrete and~~
12 ~~brick in sizes exceeding 12 inches, and any materials which would cause the site to be regulated as a~~
13 ~~landfill by the state of North Carolina.~~⁴

14 (D) *Ground cover.* Whenever land-disturbing activity is undertaken on a tract comprising more
15 than one-half acre, if more than one-half acre is uncovered, the person conducting the land-disturbing
16 activity shall install such sedimentation and erosion control devices and practices as are sufficient to
17 retain the sediment generated by the land-disturbing activity within the boundaries of the tract during
18 construction upon and development of said tract, and shall plant or otherwise provide a permanent
19 ground cover sufficient to restrain erosion after completion of construction or development. Except as
20 provided in § 154.216(B)(5) below, provisions for a ground cover sufficient to restrain erosion must be
21 accomplished within ~~15 working days~~ or 90 calendar days following completion of construction or
22 development, ~~whichever period is shorter.~~⁵

23 (E) *Prior plan approval.* No person shall initiate any land-disturbing activity on a tract if more than
24 one-half acre is to be uncovered unless, 30 or more days prior to initiating the activity, an erosion and
25 sedimentation control plan for such activity is filed with and approved by the Town of Beech
26 Mountain.
27 (1989 Code, Title V, Ch. 51, Art. XVII, § 1705) (Ord. passed 11-14-1995; Ord. passed 2-8-2005; Ord.
28 passed 4-12-2011)

29 **Editor's note:**

30 ¹ Amended February 8, 2005.

31 ² Amended February 8, 2005.

32 ³ Amended February 8, 2005.

33 ⁴ Added by amendment February 8, 2005.

34 ⁵ Amended February 8, 2005.

35 **§ 154.216 DESIGN AND PERFORMANCE STANDARDS.**

36 (A) Except as provided in division (B)(2) below, erosion and sedimentation control measures,
37 structures and devices shall be so planned, designed and constructed as to provide protection from
38 the calculated maximum peak rate of runoff from the ten-year storm. Runoff rates shall be calculated
39 using the procedures in the latest edition of the USDA, Natural Resources Soil Conservation Service's
40 National Engineering Field Handbook Manual for Conservation Practices, or other acceptable
41 calculation procedures.

42 (B) In High Quality Water (HQP) zones the following design standards shall apply:

43 (1) Uncovered areas in HQW zones shall be limited at any time to a maximum total area within
44 the boundaries of the tract of 20 acres. Only the portion of the land-disturbing activity within a HQW
45 zone shall be governed by this section. Larger areas may be uncovered within the boundaries of the
46 tract with the written approval of the Director upon providing engineering justification with a
47 construction sequence that considers phasing, limiting exposure, weekly submitted self-inspection
48 reports, and a more conservative design than the Twenty-five Year Storm.

49 (2) Erosion and sedimentation control measures, structures and devices within HQW zones shall
50 be so planned, designed and constructed to provide protection from the run off of the 25-year storm
51 which produces the maximum peak rate of run off as calculated according to procedures in the latest
52 edition of the United States Department of Agriculture Natural Resources Soil Conservation Service's

1 National Engineering Field ~~Handbook~~Manual for Conservation Practices or according to procedures
2 adopted by any other agency of this state or the United States or any generally recognized
3 organization or association.

4 (3) Sediment basins within HQW zones shall be designed and constructed according to the
5 following criteria:

6 (i) use a surface withdrawal mechanism, except when the basin drainage area is less than 1.0
7 acre;

8 (ii) have a minimum of 1800 cubic feet of storage area per acre of disturbed area;

9 (iii) have a minimum surface area of 325 square feet per cfs of the Twenty-five Year Storm (Q25)
10 peak flow;

11 (iv) have a minimum dewatering time of 48 hours;

12 (v) incorporate 3 baffles, unless the basin is less than 20 feet in length, in which case 2 baffles
13 shall be sufficient.

14
15 Upon a written request of the applicant, the Director may allow alternative design and control
16 measures in lieu of meeting the conditions required in subparagraphs (3)(ii) through (3)(v) of this sub-
17 section if the applicant demonstrates that meeting all of those conditions will result in design or
18 operational hardships and that the alternative measures will provide an equal or more effective level
19 of erosion and sediment control on the site. Alternative measures may include quicker application of
20 ground cover, use of sediment flocculants, and use of enhanced ground cover practices,
21 such that the basin will have a settling efficiency of at least 70% for the 40-micron (0.04 mm)-size soil-
22 particle transported into the basin by the runoff of that two-year storm which produces the maximum
23 peak rate of runoff as calculated according to procedures in the United States Department of
24 Agriculture Soil Conservation Service's National Engineering Field Manual for Conservation Practices
25 or according to procedures adopted by any other agency of this state or the United States or any
26 generally recognized organization or association.

27 (4) Newly constructed open channels in HQW zones shall be designed and constructed with
28 side slopes no steeper than two horizontal to one vertical if a vegetative cover is used for stabilization
29 unless soil conditions permit a steeper slope or where the slopes are stabilized by using mechanical
30 devices, structural devices or other acceptable forms of ditch liners proven as being effective in
31 restraining accelerated erosion. In any event, the angle for side slopes shall be sufficient to restrain
32 accelerated erosion.

33 ~~— (5) Ground cover sufficient to restrain erosion must be provided for any portion of a land-~~
34 ~~disturbing activity in a HQW zone within 15 working days or 60 calendar days following completion of~~
35 ~~construction or development, whichever period is shorter.~~

36 (1989 Code, Title V, Ch. 51, Art. XVII, § 1706) (Ord. passed 11-14-1995)

37 **§ 154.217 STORM WATER OUTLET PROTECTION.**

38 (A) *General.*

39 (1) Persons shall conduct land-disturbing activity so that the post construction velocity of the ten-
40 year storm runoff in the receiving watercourse to the discharge point does not exceed the greater of:

41 (a) The velocity established by the table in division (D) below of this section; or

42 (b) The velocity of the ten-year storm runoff in the receiving watercourse prior to development.

43 (2) If divisions (A)(1) or (2) above cannot be met, then the receiving watercourse to and including
44 the discharge point shall be designed and constructed to withstand the expected velocity anywhere
45 the velocity exceeds the "prior to development" velocity by 10%.

46 (B) *Acceptable management measures.*

47 (1) Measures applied alone or in combination to satisfy the intent of this section are acceptable if
48 there are no objectionable secondary consequences. The Commission recognizes that the
49 management of storm-water runoff to minimize or control downstream channel and bank erosion is a
50 developing technology. Innovative techniques and ideas will be considered and may be used when
51 shown to have the potential to produce successful results

52 (2) Some alternatives are to:

- 1 (a) Avoid increases in surface runoff volume and velocity by including measures to promote
 2 infiltration to compensate for increased runoff from areas rendered impervious,
 3 (b) Avoid increases in storm-water discharge velocities by using vegetated or roughened
 4 swales and waterways in lieu of closed drains and high velocity paved sections,
 5 (c) Provide energy dissipaters at outlets of storm drainage facilities to reduce flow velocities to
 6 the point of discharge. These may range from simple rip-rapped sections to complex structures,
 7 (d) Protect watercourses subject to accelerated erosion by improving cross sections and/or
 8 providing erosion-resistant lining.
 9 (C) *Exceptions.* This rule shall not apply where it can be demonstrated that storm-water discharge
 10 velocities will not create an erosion problem in the receiving watercourse.
 11 (D) *Table.* The following is a table for maximum permissible velocity for storm-water discharges.

Materials	Maximum Permissible Velocities	
	F.P.S.	M.P.S.
Fine sand (noncolloidal)	2.5	.8
Sandy loam (noncolloidal)	2.5	.8
Silt loam (noncolloidal)	3.0	.9
Ordinary firm loam	3.5	1.1
Fine gravel	5.0	1.5
Stiff clay (very colloidal)	5.0	1.5
Graded, loam to cobbles (noncolloidal)	5.0	1.5
Graded, silt to cobbles (colloidal)	5.5	1.7
Alluvial silts (noncolloidal)	3.5	1.1
Alluvial silts (colloidal)	5.0	1.5
Coarse gravel (noncolloidal)	6.0	1.8
Cobbles and shingles	5.5	1.7
Shales and hard pans	6.0	1.8
Source: Adapted from recommendations by Special Committee on Irrigation Research, American Society of Civil Engineers, 1926, for channels with straight alignment. For sinuous channels, multiply allowable velocity by 0.95 for slightly sinuous, by 0.9 for moderately sinuous channels, and by 0.8 for highly sinuous channels.		

12
 13
 14 (1989 Code, Title V, Ch. 51, Art. XVII, § 1707) (Ord. passed 11-14-1995)
 15 **§ 154.218 BORROW AND WASTE AREAS.**

16 If the same person conducts the land-disturbing activity and any related borrow or waste activity,
 17 the related borrow or waste activity shall constitute part of the land-disturbing activity, unless the
 18 borrow or waste activity is regulated under the Mining Act of 1971, G.S. 74, Article 7, or is a landfill
 19 regulated by the Division of Waste Management. If the land-disturbing activity and any related borrow
 20 or waste activity are not conducted by the same person, they shall be considered by the Approving
 21 Authority as separate land-disturbing activities. When the person conducting the land-disturbing
 22 activity is also the person conducting the borrow or waste disposal activity, areas from which borrow
 23 is obtained and which are not regulated by the provisions of the Mining Act of 1971, and waste areas
 24 for surplus materials other than landfills regulated by the Department's Division of Solid Waste
 25 Management shall be considered as part of the land-disturbing activity where the borrow material is
 26 being used or from which the waste material originated. When the person conducting the land-
 27 disturbing activity is not the person obtaining the borrow and/or disposing of the waste, these areas
 28 shall be considered a separate land-disturbing activity.
 29 (1989 Code, Title V, Ch. 51, Art. XVII, § 1708) (Ord. passed 11-14-1995)

1 **§ 154.219 ACCESS AND HAUL ROADS.**

2 Temporary access and haul roads, other than public roads, constructed or used in connection with
3 any land-disturbing activity shall be considered a part of such activity.

4 (1989 Code, Title V, Ch. 51, Art. XVII, § 1709) (Ord. passed 11-14-1995)

5 **§ 154.220 OPERATIONS IN LAKES OR NATURAL WATERCOURSES.**

6 Land-disturbing activity in connection with construction in, on, over or under a lake or natural
7 watercourse shall be planned and conducted in such a manner as to minimize the extent and duration
8 of disturbance of the stream channel. The relocation of a stream, where relocation is an essential part
9 of the proposed activity, shall be planned and executed so as to minimize changes in the stream flow
10 characteristics, except when justification for significant alteration to flow characteristic is provided.

11 (1989 Code, Title V, Ch. 51, Art. XVII, § 1710) (Ord. passed 11-14-1995)

12 **§ 154.221 RESPONSIBILITY FOR MAINTENANCE.**

13 During the development of a site, the person conducting the land-disturbing activity shall install and
14 maintain all temporary and permanent erosion and sedimentation control measures as required by
15 the approved plan or any provision of this subchapter, the Act, or any order adopted pursuant to this
16 subchapter or the Act. After site development, the landowner or person in possession or control of the
17 land shall install and/or maintain all necessary permanent erosion and sediment control measures,
18 except those measures installed within a road or street right-of-way or easement accepted for
19 maintenance by a governmental agency.

20 (1989 Code, Title V, Ch. 51, Art. XVII, § 1711) (Ord. passed 11-14-1995)

21 **§ 154.222 ADDITIONAL MEASURES.**

22 Whenever the Town of Beech Mountain determines that accelerated erosion and sedimentation
23 continues despite the installation of protective practices, they shall direct the person conducting the
24 land-disturbing activity to take additional protective action necessary to achieve compliance with the
25 conditions specified in the Act or its rules, significant sedimentation is occurring as a result of land-
26 disturbing activity, despite application and maintenance of protective practices, the person conducting
27 the land-disturbing activity will be required to and shall take additional protective action.

28 (1989 Code, Title V, Ch. 51, Art. XVII, § 1712) (Ord. passed 11-14-1995)

29 **§ 154.223 EXISTING UNCOVERED AREAS.**

30 (A) All uncovered areas existing on the effective date of this subchapter which resulted from land-
31 disturbing activity, exceed one-half acre, are subject to continued accelerated erosion, and are
32 causing off-site damage from sedimentation, shall be provided with a ground cover or other protective
33 measures, structures or devices sufficient to restrain accelerated erosion and control off-site
34 sedimentation.

35 (B) The Town of Beech Mountain will serve upon the landowner or other person in possession or
36 control of the land a written notice of violation by registered or certified mail, return receipt requested,
37 or other means reasonably calculated to give actual notice. The notice will set forth the measures
38 needed to comply and will state the time within which such measures must be completed. In
39 determining the measures required and the time allowed for compliance, the authority serving notice
40 shall take into consideration the economic feasibility, technology, and quantity of work required, and
41 shall set reasonable and attainable time limits of compliance.

42 (C) The Town of Beech Mountain reserves the right to require preparation and approval of an
43 erosion control plan in any instance where extensive control measures are required.

44 (D) This rule shall not require ground cover on cleared land forming the future basin of a planned
45 reservoir.

46 (1989 Code, Title V, Ch. 51, Art. XVII, § 1713) (Ord. passed 11-14-1995)

47 **§ 154.224 PERMITS.**

48 (A) No person shall undertake any land-disturbing activity subject to this subchapter without first
49 obtaining a permit therefore from the Town of Beech Mountain, except that no permit shall be
50 required for any land-disturbing activity:

51 (1) For the purpose of fighting fires; or

52 (2) For the stock piling of raw or processed sand, stone, or gravel in material processing plants

1 and storage yards, provided that sediment control measures have been utilized to protect against off-
2 site damage; or

3 (3) That does not exceed one-half acre in surface area. In determining the area, lands under one
4 or diverse ownership being developed as a unit will be aggregated.

5 (B) The Town of Beech Mountain may establish a fee if considered necessary.

6 (1989 Code, Title V, Ch. 51, Art. XVII, § 1714) (Ord. passed 11-14-1995)

7 **§ 154.225 EROSION AND SEDIMENTATION CONTROL PLANS.**

8 (A) (1) An erosion control plan shall be prepared for all land-disturbing activities subject to this
9 subchapter whenever the proposed activity is to be undertaken on a tract comprising more than one-
10 half acre, if more than one-half acre is to be uncovered.

11 (2) The plan shall be filed with the Town of Beech Mountain, and a copy shall be simultaneously
12 submitted to the Watauga Soil and Water Conservation District, at least 30 days prior to the
13 commencement of the proposed activity. A copy of the Erosion Control Plan for any land-disturbing
14 activity that involve the utilization of ditches for the purpose of de-watering or lowering the water table
15 must be forwarded to the Director of the Division of Water Quality.

16 (3) The approval of an Erosion Control Plan is conditioned on the applicant's compliance with
17 Federal and State water quality laws, regulations and rules.¹

18 (B) Persons conducting land-disturbing activity on a tract which covers one-half or more acres
19 shall file two copies of the erosion control plan with the town at least 30 days prior to beginning such
20 activity and shall keep another copy of the plan on file at the job site. After approving the plan, if the
21 town, either upon review of such plan or on inspection of the job site, determines that a significant risk
22 of accelerated erosion or off-site sedimentation exists, the town will require a revised plan. Pending
23 the preparation of the revised plan, work shall cease or shall continue under conditions outlined by
24 the appropriate authority.

25 (C) Erosion control plans may be disapproved unless accompanied by an authorized statement of
26 financial responsibility and ownership. This statement shall be signed by the person financially
27 responsible for the land-disturbing activity or his or her attorney in fact. The statement shall include
28 the mailing and street addresses of the principal place of business of the person financially
29 responsible and of the owner of the land or their registered agents. If the person financially
30 responsible is not a resident of North Carolina, a North Carolina agent must be designated in the
31 statement for the purpose of receiving notice of compliance or non-compliance with the plan, the Act,
32 this subchapter or rules or orders adopted or issued pursuant to this subchapter.

33 (D) The Watauga Soil and Water Conservation District shall review the plan and submit any
34 comments and recommendations to the Town of Beech Mountain within 20 days after the Soil and
35 Water Conservation District received the erosion control plan, or within any shorter period of time as
36 may be agreed upon by the Soil and Water Conservation District and the town. Failure of the Soil and
37 Water Conservation District to submit its comments and recommendations within 20 days or within
38 any agreed-upon shorter period of time shall not delay final action on the plan.

39 (E) The Town of Beech Mountain will review each complete plan submitted to them and within 30
40 days of receipt thereof will notify the person submitting the plan that it has been approved, approved
41 with modifications, ~~approved with performance reservations~~, or disapproved. Failure to approve,
42 approve with modifications or disapprove a complete erosion and sedimentation control plan within 30
43 days of receipt shall be deemed approval. Disapproval of a plan must specifically state in writing the
44 reasons for disapproval. The town must approve, approve with modifications, or disapprove a revised
45 plan within 15 days of receipt, or it is deemed to be approved. If, following commencement of a land-
46 disturbing activity pursuant to an approved plan, the Town determines that the plan is inadequate to
47 meet the requirements of this subchapter, the town may require any revision of the plan that is
48 necessary to comply with this subchapter. Failure to approve, approve with modifications or
49 disapprove a revised erosion control plan within 15 days of receipt shall be deemed approval of the
50 plan. The town may establish an expiration date for erosion control plans approved under this
51 subchapter.

52 (F) Any plan submitted for a land-disturbing activity for which an environmental document is

1 required by the North Carolina environmental Policy Act (G.S. § 113A-1 *et seq.*) shall be deemed
2 incomplete until a complete environmental document is available for review. The Town of Beech
3 Mountain shall promptly notify the person submitting the plan that the 30-day time limit for review of
4 the plan pursuant to division (E) above shall not begin until a complete environmental document is
5 available for review.

6 (G) The plan required by this section shall contain architectural and engineering drawings, maps,
7 assumptions, calculations, and narrative statements as needed to adequately describe the proposed
8 development of the tract and the measures planned to comply with the requirements of this
9 subchapter. Plan content may vary to meet the needs of specific site requirements. Detailed
10 guidelines for plan preparation may be obtained from the Town of Beech Mountain on request.

11 (H) A local government may disapprove an erosion control plan upon a finding that an applicant, or
12 a parent, subsidiary or other affiliate of the applicant:

13 (1) Is conducting or has conducted land-disturbing activity without an approved plan, or has
14 received notice of violation of a plan previously approved by the Commission or a local government
15 pursuant to the Act and has not complied with the notice within the time specified in the notice;

16 (2) Has failed to pay a civil penalty assessed pursuant to the Act or a local ordinance adopted
17 pursuant to the Act by the time the payment is due.

18 (3) Has been convicted of a misdemeanor pursuant to G.S. § 113A-64(b) or any criminal
19 provision of a local ordinance adopted pursuant to the Act, or

20 (4) Has failed to substantially comply with state rules or local ordinances and regulations
21 adopted pursuant to the Act. For purposes of this division (H) an applicant's record may be
22 considered for only the two years prior to the application date.

23 (I) Applications for amendment of an erosion control plan in written and/or graphic form may be
24 made at any time under the same conditions as the original application. Until such time as said
25 amendment is approved by the town, the land-disturbing activity shall not proceed except in
26 accordance with the erosion control plan as originally approved.

27 (J) Any person engaged in land-disturbing activity who fails to file a plan in accordance with this
28 subchapter or who conducts a land-disturbing activity except in accordance with provisions of an
29 approved plan shall be deemed in violation of this subchapter.

30 (K) No person may initiate a land-disturbing activity before notifying the agency that issued the
31 plan approval of the date that land-disturbing activity will begin.²

32 (L) A plan approval issued under this subchapter shall be prominently displayed until all
33 construction is complete, all permanent sedimentation and erosion control measures are installed and
34 the site has been stabilized. A copy of the approved plan shall be kept on file at the site.³
35 (1989 Code, Title V, Ch. 51, Art. XVII, § 1715) (Ord. passed 11-14-1995; Ord. passed 12-14-1999;
36 Ord. passed 2-8-2005)

37 **Editor's note:**

38 ¹ Amended December 14, 1999.

39 ² Added by amendment February 8, 2005.

40 ³ Added by amendment February 8, 2005.

41 **§ 154.226 APPEALS.**

42 (A) Except as provided in division (B) below the appeal of a disapproval or approval with
43 modifications of a plan shall be governed by the following provisions:

44 (1) The disapproval of modification of any proposed erosion control plan by the Town of Beech
45 Mountain shall entitle the person submitting the plan to a public hearing if such person submits written
46 demand for a hearing within 15 days after receipt of written notice of disapproval or modifications.

47 (2) Hearings held pursuant to this section shall be conducted by the Beech Mountain Board of
48 Adjustment 30 days after the date of the appeal or request for a hearing.

49 (3) The Beech Mountain Board of Adjustment will render its final decision on any erosion control
50 plan upon which a hearing is requested within 30 days after the public hearing.

51 (4) If the Board of Adjustment upholds the disapproval or modification of a proposed soil erosion
52 and sedimentation control plan following the hearing, the person submitting the plan shall then be

1 entitled to appeal the local government's decision to the North Carolina Sedimentation Control
2 Commission as provided in G.S. § 113A-61(c) and Title 15A NCAC 04B .0018(d).

3 (B) In the event that an erosion control plan is disapproved pursuant to § 154.225(H) of this
4 subchapter, the town shall notify the Director of the Division of Land Resources of such disapproval
5 within ten days. The town shall advise the applicant and the Director in writing as to the specific
6 reasons that the plan was disapproved. The applicant may appeal the town's disapproval of the plan
7 pursuant to section § 154.225(H) of this subchapter directly to the Commission. Said appeal must be
8 in writing and must be received by the Commission within 30 days after receipt of written notice of
9 disapproval.

10 (1989 Code, Title V, Ch. 51, Art. XVII, § 1716) (Ord. passed 11-14-1995)

11 **§ 154.227 INSPECTIONS AND INVESTIGATIONS.**

12 (A) Agents, officials or other qualified persons authorized by the town will periodically inspect land-
13 disturbing activities to ensure compliance with the Act, this subchapter or rules or orders adopted or
14 issued pursuant to this subchapter, and to determine whether the measures required in the plan are
15 effective in controlling erosion and sediment resulting from land-disturbing activity. Notice of the right
16 to inspect shall be included in the certificate of approval of each erosion control plan.

17 (B) No person shall willfully resist, delay or obstruct an authorized representative, employee or
18 agent of the town while that person is inspecting or attempting to inspect a land-disturbing activity
19 under this section.

20 (C) If it is determined that a person engaged in land-disturbing activity has failed to comply with
21 the Act, this subchapter or rules or orders adopted or issued pursuant to this subchapter, a notice of
22 violation shall be served upon that person. The notice may be served by any means authorized under
23 G.S. § 1A-1, Rule 4. The notice shall specify a date by which the person must comply with the Act, or
24 this subchapter or rules or orders adopted pursuant to this subchapter, and inform the person of the
25 actions that need to be taken to comply with the Act, this subchapter, or rules or orders adopted
26 pursuant to this subchapter. However, no time period for compliance need be given for failure to
27 submit an erosion control plan for approval or for obstructing, hampering or interfering with an
28 authorized representative while in the process of carrying out his or her official duties. Any person
29 who fails to comply within the time specified is subject to the civil and criminal penalties provided in
30 this subchapter.

31 (D) The Town of Beech Mountain shall have the power to conduct such investigations as it may
32 reasonably deem necessary to carry out its duties as prescribed in this subchapter, and for this
33 purpose to enter at reasonable times upon any property, public or private, for the purpose of
34 investigating and inspecting the sites of any land-disturbing activity.

35 (E) The Town of Beech Mountain shall also have the power to require written statements, or the
36 filing of reports under oath, with respect to pertinent questions relating to land-disturbing activity.
37 (1989 Code, Title V, Ch. 51, Art. XVII, § 1717) (Ord. passed 11-14-1995)

38 **§ 154.228 PENALTIES.**

39 (A) *Civil penalties.*

40 (1) Any person who violates any of the provisions of this subchapter, or rules or orders adopted
41 or issued pursuant to this subchapter, or who initiates or continues a land-disturbing activity for which
42 an erosion control plan is required except in accordance with the terms, conditions and provisions of
43 an approved plan, is subject to a civil penalty. The civil penalty for a violation, other than a violation of
44 a stop-work order issued under G.S. § 113A-65.1, is \$5,000. ¹ The civil penalty for a violation of a
45 stop-work order is \$5,000. No penalty shall be assessed until the person alleged to be in violation has
46 been notified of the violation as provided in § 154.227(C) of this subchapter. If, after the allotted time
47 period has expired, the violator has not completed corrective action, a civil penalty may be assessed
48 from the date the violation is detected. However, no time period for compliance need be given for
49 failure to submit an erosion control plan for approval or for obstructing, hampering or interfering with
50 an authorized representative while in the process of carrying out his or her official duties. Each day of
51 continuing violation shall constitute a separate violation. A person may be assessed a one-time civil
52 penalty in the amount of \$5,000 for the day the violation is first detected. ²

1 (2) If payment is not received within 30 days after demand for payment is made, the town may
2 institute a civil action to recover the amount of the penalty. The civil action may be brought in the
3 Superior Court of the county where the violation occurred, or the violator's residence or principal
4 place of business is located. Such civil actions must be filed within three years of the date the penalty
5 was due. A penalty that is not contested is due when the violator is served with a notice of penalty. A
6 penalty that is contested is due at the conclusion of the administrative and judicial review of the
7 penalty. In the event it is necessary for the town to file a civil action to collect the penalty, the violator
8 shall pay the town for all court costs and attorney fees it incurs.

9 (3) Civil penalties collected pursuant to this subchapter shall be credited to the general fund of
10 the local government as non-tax revenue.

11 (B) *Criminal penalties.* Any person who knowingly or willfully violates any provision of this
12 subchapter, or rule or order adopted or issued pursuant to this subchapter, or who knowingly or
13 willfully initiates or continues a land-disturbing activity for which an erosion control plan is required
14 except in accordance with the terms, conditions, and provisions of an approved plan, shall be guilty of
15 a Class 2 misdemeanor which may include a fine not to exceed \$5,000.

16 (1989 Code, Title V, Ch. 51, Art. XVII, § 1718) (Ord. passed 11-14-1995; Ord. passed 12-14-1999;
17 Ord. passed 2-8-2005)

18 **Editor's note:**

19 ¹ Amended February 8, 2005.

20 ² Amended December 14, 1999.

21 **§ 154.229 INJUNCTIVE RELIEF.**

22 (A) Whenever the governing body has reasonable cause to believe that any person is violating or
23 threatening to violate this subchapter or any rule or order adopted or issued pursuant to this
24 subchapter, or any terms, condition or provision of an approved erosion control plan, it may, either
25 before or after the institution of any other action or proceeding authorized by this subchapter, institute
26 a civil action in the name of the Town of Beech Mountain for injunctive relief to restrain the violation or
27 threatened violation. The action shall be brought in the Superior Court of the county in which the
28 violation is occurring.

29 (B) Upon determination by a court that an alleged violation is occurring or is threatened, the court
30 shall enter any order or judgment that is necessary to abate the violation, or to ensure that restoration
31 is performed, or to prevent the threatened violation. The institution of an action for injunctive relief
32 under this section shall not relieve any party to the proceedings from any civil or criminal penalty
33 prescribed for violations of this subchapter

34 (1989 Code, Title V, Ch. 51, Art. XVII, § 1719) (Ord. passed 11-14-1995)

35 **§ 154.230 RESTORATION OF AREAS AFFECTED BY FAILURE TO COMPLY.**

36 The Town of Beech Mountain may require a person who engaged in a land-disturbing activity and
37 failed to retain sediment generated by the activity, as required by G.S. § 113A-57(3), to restore the
38 waters and land affected by the failure so as to minimize the detrimental effects of the resulting
39 pollution by sedimentation. This authority is in addition to any other civil or criminal penalty or
40 injunctive relief authorized under this chapter.

41 (1989 Code, Title V, Ch. 51, Art. XVII, § 1720) (Ord. passed 11-14-1995)

42 **§ 154.231 SEVERABILITY.**

43 If any section or sections of this subchapter is/are held to be invalid or unenforceable, all other
44 sections shall nevertheless continue in full force and effect.

45 (1989 Code, Title V, Ch. 51, Art. XVII, § 1721) (Ord. passed 11-14-1995)

46 **§ 154.232 EFFECTIVE DATE.**

47 This subchapter is effective November 14, 1995.

48 (1989 Code, Title V, Ch. 51, Art. XVII, § 1722) (Ord. passed 11-14-1995)

SUBDIVISION REGULATIONS

§ 154.245 AUTHORITY AND ENACTMENT.

The Town Council of the Town of Beech Mountain, pursuant to the authority conferred by an act of the General Assembly of the State of North Carolina (G.S. Ch. 160DA, Art. 819) does hereby ordain and enact into law this subchapter and these sections.

(1989 Code, Title V, Ch. 51, Art. XVIII, § 1801)

§ 154.246 PURPOSE.

The purpose of these regulations is to establish procedures and standards for the development and subdivision of real estate within the corporate limits of the Town of Beech Mountain in an effort to, among other things, ensure proper legal description, identification, monumentation and recordation of real estate boundaries; further the orderly layout and appropriate use of the land; provide safe, convenient and economic circulation of vehicular traffic; provide suitable building sites which are readily accessible to emergency vehicles; assure the proper installation of streets and utilities; promote the eventual elimination of unsafe or unsanitary conditions arising from undue concentration of population; and help conserve the protect the physical and economic resources of the Town of Beech Mountain.

(1989 Code, Title V, Ch. 51, Art. XVIII, § 1802)

§ 154.247 COMPLIANCE.

(A) Approval of plats.

(1) All plats for the subdivision of land shall conform to the requirements of these regulations, and shall be submitted in accordance with the procedures and specifications established herein. No plat of a subdivision of land within the Town of Beech Mountain shall be filed or recorded by the Watauga or Avery County Register of Deeds until it has been submitted to and given final approval as provided herein, and until such approval is entered on the face of the final plat by the Clerk of the Town of Beech Mountain.

(2) No subdivision plat of land within the Public Water Supply Watershed shall be filed or recorded by the Register of Deeds until it has been approved in accordance with the water supply watershed regulations contained in this Zoning Ordinance. ¹

(B) Permits.²[Reserved]

(1989 Code, Title V, Ch. 51, Art. XVIII, § 1803) (Ord. passed 10-9-1991; Ord. passed 12-14-1999)

Editor's note:

¹ Division (A) amended December 14, 1999.

² Division (B) deleted by amendment October 9, 1991.

§ 154.248 DEFINITION OF TERMS.

For the purpose of this subchapter, certain words or terms used herein shall be defined as follows:

BUILDING SETBACK LINE. Shall mean a line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided.

CORNER LOT. Shall mean a lot abutting upon two or more streets at their intersection.

CUL-DE-SAC. Shall mean a street permanently terminated by a turn-around.

DOUBLE-FRONTAGE LOT. Shall mean a continuous lot of the same depth as the width of a block containing two tiers of lots and which is accessible from both of the streets upon which it fronts.

EASEMENT. Shall mean a grant by the property owner for use, by the public, a corporation, or person(s) of a strip of land for specified reasons.

INDIVIDUAL SEWER SYSTEM. Shall mean any septic tank, privy or other facility serving a single source or connection and approved by the County Sanitarian.

INDIVIDUAL WATER SYSTEM. Shall mean any well, spring, stream or other source used to supply a single connection.

LOT. Shall mean a portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership or for development or both. The word **LOT** includes the word "plot" or "parcel."

OFFICIAL MAPS or PLANS. Shall mean any maps or plans officially adopted by the Town Council as a guide for the development of the town.

1 **PLANNING BOARD.** Shall mean the Beech Mountain Planning Board.

2 **PRIVATE DRIVEWAY.** Shall mean a private access way serving three or fewer lots, building sites
3 or other divisions of land and not intended to be public ingress or egress. Road maintenance,
4 garbage collection and snow removal are not supplied by the town to properties located on private
5 driveways.¹

6 **PUBLIC SEWER SYSTEM.** Shall mean any sewer system owned and operated by the Town of
7 Beech Mountain.

8 **PUBLIC WATER SYSTEM.** Shall mean any water system owned and operated by the Town of
9 Beech Mountain.

10 **SHALL.** Is always mandatory and not merely directory.

11 **SINGLE-TIER LOT.** Shall mean a lot which backs upon a limited access highway, a railroad, a
12 physical barrier, or a non-residential use and to which access from the rear of the lot is usually
13 prohibited.

14 **STREET.** Shall mean a dedicated right-of-way intended for vehicular traffic.

15 **SUBDIVIDER.** Shall mean any person, firm or corporation who subdivides or develops any land
16 deemed to be a subdivision as herein defined.

17 **SUBDIVISION.** Shall mean all divisions of a tract or parcel of land into two or more lots, building
18 sites, or other divisions, for the purpose of sale or building development, whether immediate or future,
19 and shall include all divisions of land involving the dedication of a new street or a change in existing
20 streets; but the following shall not be included within this definition nor be subject to the regulations of
21 this subchapter:

22 (1) The combination or recombination of portions of previously subdivided and recorded lots
23 where the total number of lots is not increased and the resultant lots are equal to or exceed the
24 standards of the town as required by this subchapter.

25 (2) The division of land into parcels greater than ten (10) acres where no street right-of-way
26 dedication is involved.

27 (3) The public acquisition by purchase of strips of land for the widening or opening of streets or
28 for public transportation system corridors.

29 (4) The division of a tract of land in single ownership whose entire area is not greater than two
30 (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved, and
31 where the resultant lots are equal to or exceed the standards of the town as required by this
32 subchapter.

33 (5) The division of a tract into parcels in accordance with the terms of a probated will or in
34 accordance with interstate succession under Chapter 29 of North Carolina General Statutes.
35 (1989 Code, Title V, Ch. 51, Art. XVIII, § 1804) (Ord. passed 6-4-1985)

36 **Editor's note:**

37 ¹ Definition added by amendment June 4, 1985.

38 **§ 154.249 PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS.**

39 (A) *General.*

40 (1) No final plat of a subdivision within the Town of Beech Mountain shall be recorded by the
41 Register of Deeds of Watauga or Avery County until it has been approved as provided herein. To
42 secure such approval of a final plat, the subdivider shall follow the procedure established in this
43 subchapter.

44 (2) All proposed subdivisions shall be reviewed prior to recording with the Register of Deeds by
45 submitting a vicinity map to the Zoning Administrator to determine if the property is located in a Public
46 Water Supply Watershed.¹

47 (3) Furthermore, no street shall be maintained by the town nor street dedication accepted for
48 ownership and maintenance, nor shall water, sewer or other public facilities or services be extended
49 to or connected with any subdivision for which a final plat is required to be approved unless and until
50 such final plat has been approved.

51 (B) *Minor subdivision review process.*²

52 (1) *Purpose.* The minor subdivision review procedure affords a simplified process for the review

1 and approval of qualifying a subdivision. Such subdivisions should have only limited impact on
2 community facilities and services. If for any reason the Zoning Administrator should determine that a
3 subdivision which meets the basic criteria for the minor subdivision review process has features that
4 could potentially represent the need for a more thorough review, he or she shall state in writing the
5 reasons for his or her determination. Approval shall be denied under the minor subdivision review
6 process, and the subdivider referred to the major subdivision review process.

7 (2) *Definition.*

8 (a) Any number of lots on an existing, approved street provided the following conditions are
9 met:

- 10 1. Involves no street right-of-way dedication or street construction of any kind; and
- 11 2. Not requiring extension of public water and/or sewage lines; and
- 12 3. Not requiring creation of new drainage easements through property to serve property in
13 the rear; and
- 14 4. Does not create any new or residual lots that do not conform to the requirements of the
15 Zoning Ordinance, these Subdivision Regulations or any other land use controls, regulations or
16 ordinances of the town; or

17 (b) Involves no more than four lots (expressed, planned or implied).

18 (3) *Submissions to Zoning Administrator.*

19 (a) The subdivider shall submit to the Zoning Administrator three copies of the final plat,
20 accompanied by a filing fee established by the Town Council. The master schedule of fees is
21 maintained in the Clerk's office.

22 (b) The final plat shall be reviewed by the Zoning Administrator and other members of the town
23 staff for compliance with this subchapter and other town policies. The town's consulting engineer shall
24 also review the plat when deemed necessary by the Administrator.

25 (c) Within 30 days of the first consideration of the final plat, the Zoning Administrator shall
26 approve or disapprove the final plat. If the final plat is in compliance with the subchapter, the Zoning
27 Administrator shall approve the final plat.

28 (d) If the Zoning Administrator disapproves the final plat, he or she shall state in writing his or
29 her reasons for such action, specifying the provisions of this subchapter with which the plat does not
30 comply. One copy of this statement shall be transmitted to the subdivider within five days of
31 disapproval, and one copy shall be retained by the Zoning Administrator as part of his or her
32 proceedings.

33 (e) Appeal from the Zoning Administrator shall be by petition to the Planning Board to be heard
34 at their next regularly scheduled meeting following the Zoning Administrator's ruling.

35 (f) The original tracing and one paper print of the final plat shall be retained in the Zoning
36 Administrator's office.

37 (g) The approval of a final plat shall not be deemed to constitute or affect the acceptance by
38 the town of any dedication shown on the plat. However, the Town Council, by resolution, may accept
39 any dedication made to the public of lands or facilities located within its subdivision regulation
40 jurisdiction. Acceptance of dedication of lands or facilities located within the subdivision regulation
41 jurisdiction shall not place on the town any duty to open, operate, repair or maintain any land or
42 facility.

43 (C) *Sketch Plan.*³ Prior to preliminary plat application, the subdivider shall submit a sketch plan of
44 the proposed subdivision to the Zoning Administrator. The purpose of submitting the sketch plan is to
45 afford the subdivider an opportunity to obtain the advice and assistance of the town staff to facilitate
46 the subsequent preparation and approval of the preliminary plat. This procedure does not require
47 formal application or fee.

48 (1) *Contents required.* A simple sketch plan shall be drawn at a scale of no less than 200 feet to
49 one inch and shall show the proposed street layout with approximate pavement width; approximate
50 right-of-way width; proposed lot layout and approximate number of lots; the location of existing and
51 proposed water and sewer lines; existing physical features including streets, structures and utilities;
52 significant natural features including wooded areas, ponds, streams and marshes; sketch view of any

1 proposed drainage facilities; proposed use of land; tract boundary; total acres; subdivider's name and
2 address; subdivision name; north point; and a sketch vicinity map showing the location of the
3 subdivision in relation to neighboring tracts, roads and waterways.

4 (2) *Sketch plan review procedure.* Once submitted, the Zoning Administrator and other
5 appropriate staff members shall review the sketch plan to ensure compliance of the proposal with
6 town requirements. When the staff is in agreement that the proposal is in compliance, the Zoning
7 Administrator shall notify the applicant, in writing, that the preliminary plat may be prepared.

8 (D) *Preliminary plat.*⁴

9 (1) *General.* For all subdivisions other than minor subdivisions the subdivider shall submit a
10 preliminary plat, containing all required information, to the Zoning Administrator at least 14 days prior
11 to the regular Planning Board meeting at which said plat is to be considered. At least five copies of
12 said preliminary plat shall be required, provided that additional copies may be required by the Town of
13 Beech Mountain prior to submission of the preliminary plat to the Planning Board.

14 (2) *Contents required.*

15 (a) *Title block.* Subdivision name, subdivider's name, north arrow, scale (denoted graphically
16 and numerically), date of plat preparation, location of subdivision (township, county and state), name
17 and seal of registered surveyor preparing plat.

18 (b) The boundaries of the entire tract to be subdivided, with all bearings and distances
19 accurately shown.

20 (c) Property lines and owners' names of adjoining properties and/or adjoining subdivisions of
21 record.

22 (d) Significant natural features including wooded areas, marshes, major rock outcrops, lakes or
23 streams, or other natural features affecting the site.

24 (e) Existing physical features including buildings, streets, railroads, power lines, drainageways,
25 sewer and water lines, utility easements, and town limit lines both on or adjacent to the land to be
26 subdivided.

27 (f) Topographic contour lines at five-foot intervals when the area to be subdivided exceeds two
28 acres or has proposed streets which will exceed 800 lineal feet.

29 (g) A sketch vicinity map showing the location of the subdivision in relation to the surrounding
30 area.

31 (h) Proposed streets showing pavement widths, rights-of-way, curbing, if any, and proposed
32 street names.

33 (i) A "letter of approval" for the proposed street plan shall accompany the preliminary plat
34 indicating that street plans have been reviewed and approved in the following manner:

35 1. Street plans for all subdivisions within the Town of Beech Mountain shall be reviewed by
36 the town staff and approved by the Beech Mountain Town Manager prior to preliminary plat approval.

37 2. Street plans shall contain all data, calculations, and information as required by the Town
38 of Beech Mountain.

39 (j) Sketch view of proposed water and sewer system layouts shall show the location of lines,
40 line sizes, approximate location of manholes, pumps, hydrants, force mains, and the connection of
41 the proposed system(s) with existing systems.

42 (k) A "letter of approval" for proposed sanitary sewer and water distribution shall accompany
43 the preliminary plat indicating that plans for proposed public sewer and water systems have been
44 reviewed and approved by the Town of Beech Mountain and the appropriate state agency (see §
45 154.251(D)). All subdivisions shall obtain drinking water and sewer service. The cost of extending
46 water and/or sewer lines from the existing town lines shall be borne by the developer of the
47 subdivision.

48 (l) All proposed lot and street right-of-way lines with approximate dimensions, lot and block
49 numbers, all easements, designation of any dedication or reservations to be made, building setback
50 lines, and proposed use of land if other than single-family residential.

51 (m) Sketch view of proposed drainageways, storm sewers, culverts, retaining ponds, or areas
52 where water is to be diverted through grading; and other evidence necessary to assure the Planning

Board that the proposed method of drainage will meet the objectives of § 154.251(E).

(n) Proposed location and description of any other improvements including, but not limited to, riding trails, sidewalks, pedestrian or bike ways, reserved open space or recreational facilities, school sites, commercial areas, or buffer strips.

(o) Total acreage in tract to be subdivided; smallest lot size; total number of lots; lineal feet in streets and zoning district.

(p) If the subdivision is to be accomplished in phases, then the preliminary plat must outline areas to be developed as units and the sequence of development of those units.

(3) *Preliminary plat review procedure.*

(a) The Planning Board shall review and either approve, approve conditionally, or disapprove each preliminary plat. First consideration of the preliminary plat shall be at the next regularly scheduled meeting of the Planning Board that follows at least 14 days after the plat is submitted.

(b) Before taking final action on the preliminary plat the Planning Board may refer copies of the plat and any accompanying material to those public agencies concerned with new development, provided that failure of the Planning Board to receive comment shall not delay Planning Board action on said plat in a timely manner.

(c) If the Planning Board approves the preliminary plat, such approval shall be indicated on five copies by the Chairperson or other authorized member of the Planning Board. One copy each shall be transmitted to the Town Manager, Director of Public Works, Zoning Administrator, one copy shall be returned to the subdivider, and one copy shall be made part of the minutes of the Planning Board.

(d) If the Planning Board disapproves or approves conditionally said plat, the reasons for such action shall be stated in writing and entered in the records of the Planning Board. The subdivider may make changes and submit a revised plat which shall be submitted, reviewed, and acted upon by the Planning Board pursuant to this section.

(e) Approval of the preliminary plat shall be valid for one year unless a written extension is granted by the Planning Board on or before the one-year anniversary of said approval. If the final plat is not submitted for approval within said one-year period or any period of extension, the said approval of the preliminary plat shall be null and void.

(E) *Installation of improvements.*⁵ Upon approval of the preliminary plat by the Planning Board, the subdivider may proceed with the preparation of the final improvements in accordance with the approved preliminary plat and the requirements of this subchapter.

(1) *Improvement guarantees for subdivisions having ten or less lots.* Prior to approval of a final plat, the subdivider shall have installed improvements specified in this subchapter or guaranteed their installation as provided below.

(a) *Agreement and security required.*

1. In lieu of requiring the completion, installation and dedication of all improvements prior to final plat approval, the Town of Beech Mountain may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements within a reasonable time, to be determined in said agreement. Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the Planning Board provided it meets with the requirements of division (F) below.

2. To secure this agreement, the subdivider shall provide, subject to the approval of the Planning Board, either one or a combination of the following guarantees not exceeding 1.25 times the entire cost as provided herein:

a. *Surety performance bond(s).* The subdivider shall obtain performance bond(s) from a surety bonding company authorized to do business in North Carolina. The bond(s) shall be payable to the Town of Beech Mountain and shall be in an amount equal to 1.25 times the entire cost, as estimated by the subdivider and approved by the Town Manager, of installing all required improvements. The duration of the bond(s) shall be until such time as the improvements are accepted by the Town Council.

b. *Cash or equivalent security.*

i. The subdivider shall deposit cash or other instrument readily convertible into cash at

1 face value, either with the town or in escrow with a financial institution designated as an official
2 depository of the town. The use of any instrument other than cash shall be subject to the approval of
3 the Planning Board. The amount of deposit shall be equal to 1.25 times the cost, as estimated by the
4 subdivider and approved by the Town Manager, of installing all required improvements.

5 ii. If cash or other instrument is deposited in escrow with a financial institution as
6 provided above, then the subdivider shall file with the Planning Board an agreement between the
7 financial institution and himself or herself guaranteeing the following:

8 A. That said escrow account shall be held in trust until released by the Town Council
9 and may not be used or pledged by the subdivider in any other matter during the term of the escrow;
10 and

11 B. That in the case of a failure on the part of the subdivider to complete said
12 improvements, the financial institution shall, upon notification by the Town Council, immediately either
13 pay to the town all funds in said account, or deliver to the town any other instruments fully endorsed
14 or otherwise made payable in full to the town.

15 c. Irrevocable Letter(s) of Credit. The subdivider shall obtain Irrevocable Letter(s) of Credit
16 (ILOC) from a financial institution authorized to do business in North Carolina. The ILOC(s) shall be
17 payable to the Town of Beech Mountain and shall be in an amount equal to 1.25 times the entire cost,
18 as estimated by the subdivider and approved by the Town Manager, of installing all required
19 improvements. The duration of the ILOC(s) shall be valid until such time as the improvements are
20 accepted by the Town Council.

21 (b) *Default.* Upon default, meaning failure on the part of the subdivider to complete the
22 required improvements, the Town Council may require the subdivider, the surety, or the financial
23 institution holding the escrow account to pay all or any portion of the bond or escrow account fund to
24 the Town of Beech Mountain. Upon payment, the Town Council shall expend such portion of said
25 funds as it deems necessary to complete all or any portion of the required improvements.

26 (c) *Release of guarantee security.* The Town Council may release a portion of any security
27 posted as the improvements are completed and recommended for approval by the Town Manager.
28 Within 32 days after receiving the Town Manager's recommendation, the Town Council shall approve
29 or not approve said improvements. If the Town Council approves said improvements, then it shall
30 release any security posted at the time the subdivider posts the necessary maintenance guarantees.

31 (2) *Improvement guarantees for subdivisions having more than ten lots.* Prior to the beginning of
32 construction of any improvements, the subdivider shall guarantee the completion of all such
33 improvements within a reasonable period of time as provided below.

34 (a) *Agreement and security required.* The subdivider shall enter into an agreement with the
35 Town of Beech Mountain whereby the subdivider agrees to complete all of the required improvements
36 within a reasonable period of time to be specified in said agreement. Once said agreement is signed
37 by both parties and the security required herein is provided, the subdivider may commence the
38 construction of said improvements. To secure this agreement the subdivider shall provide, subject to
39 the approval of the Planning Board, either one or a combination of the guarantees set forth in division
40 (E)(1)(a)2.a. or b. above.

41 (b) *Application to security.* The terms of division (E)(1)(b) above concerning default and
42 division (E)(1)(c) above concerning release of guaranteed security shall apply to the security provided
43 for in this section.

44 (3) *Maintenance guarantees.*⁶

45 (a) *Guarantee of all municipal improvements.* The subdivider shall guarantee all municipal
46 improvements within the subdivision required by the subdivision regulations for a period of one year
47 following the dedication of such improvements to the Town of Beech Mountain, and receipt of the
48 town's written acknowledgment that said improvements meet the town's specifications. To secure
49 such guarantee, the subdivider shall provide the Town of Beech Mountain with a Surety Performance
50 Bond or an equivalent security as the same are described in division (E)(1)(a)2.a. or b. above, except
51 that the amount of such bond or cash deposit shall be equal to 0.25 times the entire cost of installing
52 all required improvements, as estimated by the subdivider and approved by the Town Manager.

Commented [PY1]: 160D-804.1 Adds the ability to
use letter of credit as a performance guarantee

(b) *Payment of bond or escrow accounts.* Upon default, meaning failure on the part of the subdivider to make any necessary repairs within a reasonable period of time to be determined by the town after such repairs become necessary, the Town Council may require the subdivider, the surety or the financial institution holding the escrow account to pay all or any portion of the bond or escrow account funds to the Town of Beech Mountain. Upon payment, the Town Council shall expend such portion of said funds as it deems necessary to complete all or any portion of the required repairs.

(c) *Release of guarantee security.* After a period of one year has expired from the dedication of such improvements to the Town of Beech Mountain, and the receipt of the Town's written acknowledgment that said improvements meet the Town's specifications, the Town shall release any portion of the security remaining to the subdivider when all improvements are in an acceptable condition.

(F) *Final plat.*⁷

(1) *General.* The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at the time of submission. No final plat shall be approved unless and until the subdivider shall have installed in that area represented on the final plat all improvements required by this subchapter (with the exceptions of individual sewer systems), or shall have guaranteed their installation as provided for in division (E) above. In addition, no final plat shall be approved unless and until the subdivider shall have installed improvements depicted on the preliminary plat, as well as any off-site improvements required by the town, which relate to or are required for proper functioning of those improvements within the area depicted on the final plat. The subdivider shall submit six copies and one original of the final plat to the Zoning Administrator no less than 14 days prior to the regular Planning Board meeting at which it shall be considered for approval.

(2) *Contents required.* The original of the final plat shall be prepared on linen or mylar film, drawn on a sheet 14 inches by 18 inches, or 18 inches by 24 inches, or such other size acceptable to the Register of Deeds of Watauga or Avery County and at such a scale of not less than 200 feet to one inch, and shall conform substantially to the preliminary plat as approved. The plat shall conform to the provisions of G.S. § 47-30, as amended. The final plat shall be prepared by a registered land surveyor and shall show the following information:

(a) Subdivision name, north arrow, scale denoted graphically and numerically, date of plat preparation, and township and county and state in which the subdivision is located; and the name(s) or the owner(s) and the registered surveyor(s) (including the seal(s) and registration number(s) of the registered surveyor(s)).

(b) The exact boundary lines of the tract or portion of the tract for which final approval is sought fully dimensional by lengths and bearings, and the location of intersecting boundary lines of adjoining lands.

(c) The names and deed references (when possible) of owners of adjoining properties and adjoining subdivisions of record (proposed or under review).

(d) All visible and apparent rights-of-way, watercourses, utilities, roadways, and other such improvements shall be accurately located where crossing or forming any boundary line of the property shown.

(e) Sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and setback lines, including dimensions, bearings, or deflection angles, radii, central angles, and tangent distances for the centerline of curved streets and curved property lines that are not the boundary of curved streets.

(f) The accurate locations and descriptions of all monument markers, and control points.

(g) The blocks numbered consecutively throughout the entire subdivision and the lots numbered consecutively throughout each block.

(h) Minimum building setback lines.

(i) Street names and right-of-way lines of all streets and the location and width of all adjacent streets and easements.

(j) The location and dimensions of all rights-of-way, utility or other easements, riding trails, natural buffers, pedestrian or bicycle paths, and areas to be dedicated to public use with the purpose

1 of each stated.

2 (k) *Forms for final certifications.* The following certificates shall be lettered or rubber stamped
3 on the final plat in such a manner as to ensure that said certificates will be legible on any prints made
4 there from.

5 1. *Certificate of Approval by the Planning Board.*

6 I, _____, Chairperson of the Planning Board, hereby certify that the said Board
7 fully approved the final plat of the Subdivision entitled _____ on the ____ day of 20__.
8 Chairperson

9 2. *Certificate of Ownership and Dedication. **

10 I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon
11 and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish minimum
12 building lines, and dedicate all streets, sewers, water lines, alleys, walks, parks, and other sites to
13 public or private use as noted. Further, I (we) certify the land as shown hereon is within the platting
14 jurisdiction of the Town of Beech Mountain, North Carolina.

15 _____
16 Date Owner

17 _____
18 Owner

19 3. *Certificate of Accuracy. **

20 (As required under G.S. § 47-30, as amended.)

21 _____
22 Date Registered Surveyor

23 4. *Certification of Approval of the installation and construction of streets, utilities and other
24 required improvements. **

25 I hereby certify (1) that streets, utilities, and other required improvements have been installed in
26 an acceptable manner and according to Town specifications and standards in the subdivision entitled
27 _____, or (2) that a guarantee of the installations of the required improvements in an
28 amount satisfactory to the Town of Beech Mountain has been received.

29 _____
30 Date Town Manager

31 5. *Certificate of Approval for recording plat.*

32 I, _____, the Town Clerk of the Town of Beech Mountain, North Carolina, do hereby
33 certify that on the ____ day of _____, 20__, the Planning Board of the Town of Beech Mountain
34 approved this plat for recording. The Town shall not assume any responsibility to open or maintain
35 public improvements indicated or depicted on this plat until in the opinion of the Town council it is in
36 the public interest to do so.

37 _____
38 Date Town Clerk

39 6. *Certificate of Approval for recording minor subdivision plat.⁸*

40 I hereby certify that the minor subdivision plat shown hereon has been found to comply with the
41 Subdivision Regulations of the Town of Beech Mountain, and that it has been approved for recording
42 in the Office of the Register of Deeds of Watauga/Avery County.

43 _____
44 Date Zoning Administrator

45 7. ** Note.* Certificates 2., 3., and 4. above must be represented on the final plat and signed
46 by the designated person prior to Planning Board approval.

47 (3) *Final plat review and procedure.*

48 (a) The subdivider shall submit the final plat to the Planning Board within one year of the date
49 of preliminary plat approval (unless an extension was granted) and at least 14 days prior to a
50 regularly scheduled meeting and shall submit at least six copies of the final plat and one original of
51 the final plat.

52 (b) Before acting on the final plat the Planning Board may request reports from any person or

agency directly affected by the proposed development. Such reports shall certify compliance with or note deviations from the approved preliminary plat and the requirements of this subchapter.

(c) Consideration of the final plat shall begin at the next regularly scheduled meeting of the Planning Board after the final plat is submitted in accordance with procedures set forth in this section. Prior to final plat approval, certificates in division § 154.249(F)(2)(k)2., 3., and 4. above, must be presented on the final plat and signed by the designated persons.

(d) If the Planning Board approves the final plat, such approval shall be indicated on the original and each copy of the final plat by certificate in § 154.249(F)(2)(k)1..

(e) If the Planning Board disapproves the final plat, the Planning Board shall find in writing the provisions of this subchapter with which the plat does not comply and the facts constituting noncompliance with said provision(s). One copy of said findings shall be sent to the subdivider within five days of the disapproval and one copy shall be retained by the Planning Board as part of its proceedings. If the final plat is disapproved, the subdivider may make such changes as needed to bring the plat into compliance with the provisions of this subchapter and resubmit the same for reconsideration by the Planning Board pursuant to the procedures set forth in this section.

(f) The original tracing of the final plat shall be recorded by the subdivider with the Watauga or Avery County Register of Deeds within 60 days after the date of Planning Board approval. One each print shall be filed with the Town Manager, Director or Public Works, Zoning Administrator, the Town Clerk, one print shall be recorded with the minutes of the Planning Board and one print shall be returned to the subdivider.

(g) *Recording the final plat.* Within 60 days after the final plat has been approved by the Beech Mountain Planning Board, it shall have been recorded with the Register of Deeds of Watauga or Avery County. Should the 60-days' time limit expire before the plat is recorded, it must be resubmitted to the Planning Board for reprocessing. Upon adoption of this subchapter, the Register of Deeds of Watauga or Avery County shall not thereafter file or record a plat of a subdivision located within the Town of Beech Mountain until such plat has been approved by the Planning Board. Without the approval of the Planning Board, the filing or recording of a subdivision plat shall be null and void. (1989 Code, Title V, Ch. 51, Art. XVIII, § 1805) (Ord. passed 10-11-1988; Ord. passed 10-9-1991; Ord. passed 3-9-1993; Ord. 7-13-1993; Ord. passed 12-14-1999; Ord. 2017-04, passed 2-14-2017)

Editor's note:

¹ Division (A) amended December 14, 1999.

² Division (B) added by amendment October 9, 1991.

³ Division (C) amended March 9, 1993.

⁴ Division (D) amended March 9, 1993.

⁵ Division (E) rewritten by amendment October 11, 1988.

⁶ Division (E)(3) amended March 9, 1993.

⁷ Division (F) amended March 9, 1993.

⁸ Division (F)(2)(k)6. added by amendment July 13, 1993.

§ 154.250 GENERAL REQUIREMENTS.

(A) *Conformity to existing maps or plans.* The location and width of all proposed streets shall be in conformity with official plans and maps of the Town of Beech Mountain and with existing or amended plans of the Planning Board.

(B) *Continuation of adjoining street system.* The proposed street layout shall be coordinated with the street system of the surrounding area. Where possible, existing principal streets shall be extended.

(C) *Access to adjacent properties.* Where, in the opinion of the Planning Board, it is desirable to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turn-around shall be provided.

(D) *Large tracts or parcels.* Where land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further re-subdivision.

(E) *Alleys.* Alleys shall be provided to the rear of all lots used for other than residential purposes.

Alleys are prohibited in residential blocks unless such are approved by the Planning Board. All dead-end alleys shall be provided with a turn-around.

(F) *Street names.* Proposed streets, which are obviously in alignment with existing streets, shall bear the assigned name of the existing streets. In no case shall the name of the proposed streets duplicate or be phonetically similar to existing street names, irrespective of the use of the suffix street, avenue, boulevard, drive, place, court, etc. All street names are subject to the approval of the Town Council.

(G) *Surveying and placement of monuments.* *The Manual of Practice for Land Surveying*, as adopted by the North Carolina Board of Registration for Professional Engineers and Land Surveyors, under provisions of G.S. Ch. 89C, shall apply when conducting surveys.

(H) *Preparation of plans by a registered engineer.* All plans for streets, drainage, water and sewer (except individual sewer systems) as required in this subchapter shall be prepared by a registered engineer. The engineer's seal shall be affixed to such plans.

(I) *Municipal services.*¹ The Town of Beech Mountain shall not provide any municipal services to subdivisions where it is necessary to travel over a private road to reach such subdivision unless the Town Council chooses to accept the necessary² road right-of-way easement.

(1989 Code, Title V, Ch. 51, Art. XVIII, § 1806) (Ord. passed 10-11-1988)

Editor's note:

¹ Division (I) added by amendment October 11, 1988.

² The only exception to this requirement is the provision of police services in cases involving an emergency.

§ 154.251 IMPROVEMENTS REQUIRED AND MINIMUM STANDARDS OF DESIGN.

(A) *Suitability of land.* Where land to be subdivided is found by the Planning Board to be subject to the conditions of flooding, improper drainage, severe erosion, slides, or to have other characteristics which pose an ascertainable danger to health, safety or property, the subdivider shall take measures necessary to correct said conditions and to eliminate said dangers.

(B) *Streets and roads.*¹

(1) All lots to be platted shall have access to a street and all proposed streets shall be installed in accordance with the requirements below, prior to final plat approval unless otherwise permitted pursuant to § 154.249(E).

(2) No private streets shall be allowed within any subdivision within the Beech Mountain Town limits. In addition, all subdivisions must be accessible to the Town of Beech Mountain street system by way of an approved public street. All streets and roads within the Beech Mountain Town limits and all portions of streets and roads providing access to subdivisions located inside the Town limits shall be designed, built and paved in accordance with existing policies and paving standards of the N.C. Department of Transportation, Division of Highways' *Subdivision Roads Minimum Construction Standards* dated April January, 1983-2010 revised July, 2020 (as amended), with only the following exceptions:²

(a) A reduced right-of-way of 40 feet will be permitted if a reduced width is essentially unavoidable due to topographic reasons and is approved by the Town Manager.³

(b) The pavement surface shall be a minimum of two inches of I-1 or I-2 (bituminous concrete surface), and the base course shall be a minimum of eight inches of Aggregate Base Course No. 7 stone (ABC).

(3) *Review of subdivision road plans.* Street plans for all subdivisions within the Town of Beech Mountain shall be reviewed by the Town's consulting engineer or other person so designated by the town, and a recommendation provided to the Planning Board indicating whether the proposed street plans meet the street requirements as specified in § 154.091 prior to preliminary plat approval.

(4) *Registered engineer, plan preparation.* The plans for all streets shall be prepared by a registered engineer.

(5) *Street signs.*⁴

(a) Street signs shall be installed at each intersection naming the intersecting streets. Signs shall be constructed of sale-treated, two-inch by six-inch or two-inch by ten-inch lumber which shall

1 be 36 inches wide. Lettering shall be routed into the wood and each letter shall be approximately
2 three inches in height. Signs shall be mounted on two four by four treated posts which shall be
3 painted black. Signs shall be mounted on the posts so as to prevent vandalism. It is the intention of
4 this paragraph that street signs shall conform in all respects to existing street signs.
5 (b) Notwithstanding the requirements of (B)(5)(a) above, a developer may install different street
6 signs for a specified development after they have been approved by the Planning Board. Such signs
7 shall be maintained by the developer, or the Town will replace them with typical town street signs. ⁵
8 (6) ⁶ All roads shall have such regulatory signs, white edge lines and double yellow center lines
9 as required by the Public Works Director.
10 (C) *Culs-de-sac*.^{7, 8} Permanent dead end streets are prohibited unless infeasible to connect. When
11 necessary, culs-de-sac shall be constructed in accordance with the North Carolina Division of
12 Highways *Subdivision Roads Minimum Construction Standards*.
13 (D) *Water and sewer systems*. The preliminary subdivision plat must be accompanied by
14 satisfactory evidence as to the proposed method and system of water supply and sanitary sewage
15 collection and disposal. The installation of all said systems (except for individual systems - septic
16 tanks) shall be required prior to final plat approval unless otherwise permitted pursuant to §
17 154.249(E).
18 (1) *Public systems*.⁹ Where the proposed system is to be connected to a public system, the
19 system(s) shall be installed according to Town of Beech Mountain specifications and standards and
20 designed by a registered engineer, and plans for such system shall be reviewed and approved in
21 advance by the Town of Beech Mountain and the appropriate state agency. * A letter of approval for
22 such plans from the Town of Beech Mountain and the appropriate state agency shall be submitted
23 with the preliminary plat.
24 (* Refer to the definition of public water system and public sewer system in §§ 154.248020
25 through 154.027 of this chapter.)
26 (2) *Individual systems*.¹⁰ No individual or private water supply and/or sewer systems will be
27 permitted. Developers shall be responsible for extending water and/or sewer lines from the existing
28 Town of Beech Mountain water lines to the subdivision. Where no public sewer system is available,
29 the Town of Beech Mountain may approve an individual or private system.
30 (3) *Fire hydrants*. Where a water line six inches or greater in diameter is required in a public
31 system, fire hydrants shall be installed on said line. The hydrants shall be spaced so that coverage to
32 all building sites along said line may be provided with not more than 500 feet of hose and shall be
33 located to facilitate access, hose laying and drainage.
34 (E) *Storm water drainage*. The method of providing for storm water drainage shall be consistent
35 with the Department of Transportation's drainage requirements as stated in *Subdivision Roads*
36 *Minimum Construction Standards* and, furthermore, it shall be the responsibility of the developer to
37 provide a drainage system which is designed to meet the following objectives:
38 (1) Connect into an existing storm sewer system, where feasible.
39 (2) Provide for adequate drainage from all roads, parking lots, and other developed areas.
40 (3) Provide a suitable building area on each lot intended for building development which is safe
41 from inundation, erosion or subsidence.
42 (4) Prevent both the unnecessary impoundment of natural drainageways and the creation of
43 areas of standing water.
44 (5) Ensure that existing drainageways serving adjacent properties are maintained.
45 (6) Ensure that natural runoff levels are not substantially increased to prevent harmful flooding
46 downstream and to maintain desirable groundwater levels.
47 (7) Prevent inundation of surface water into sanitary sewer system.
48 (8) Protect all roads, driveways, utilities and other types of development from damages caused
49 by improper drainage control.
50 (9) (a) All slope-side driveways shall be serviced by a minimum 15-inch culvert to allow
51 uninterrupted drainage under the driveway where it intersects with the drainage ditch along the street.
52 Larger culverts may be required if determined necessary by the Town Manager and/or Public Works

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reference to location of definitions

1 Director.

2 (b) Said drainage system shall be prepared by a registered engineer in conjunction with the
3 street plans and shall be installed prior to final plat approval unless otherwise permitted pursuant to §
4 154.249(E).

5 (F) *Sedimentation control.* To prevent soil erosion and sedimentation pollution of streams, springs,
6 flat water bodies or other drainage networks, and when there are plans for a land disturbing activity of
7 one-half acre or more, the subdivider shall show proof with the preliminary plat of an erosion and
8 sedimentation control plan which has been approved by the ~~state-agency~~authority having jurisdiction
9 in accordance with the NCAC Title 15A, as adopted by the North Carolina Sedimentation
10 Commission, January 11, 1978, as amended.

11 (G) *Blocks.* The maximum and minimum length and width of blocks shall be as follows:

12 (1) *Length.* Block lengths shall not exceed 1,500 feet nor be less than 400 feet. Where deemed
13 necessary by the Planning Board, a pedestrian cross-walk of at least ten feet in width may be
14 required.

15 (2) *Width.* Blocks shall have sufficient width to allow two tiers of lots of minimum depth. Blocks
16 may be one lot in depth where single tier lots are required to separate residential development from
17 through traffic or non-residential uses.

18 (H) *Sidewalks.* Sidewalks, if constructed, shall be within the street right-of-way and shall be
19 constructed to a minimum width of four feet and shall consist of a minimum thickness of four inches of
20 reinforced concrete.

21 (I) *Lots.* The requirements of the Beech Mountain Zoning Ordinance shall govern lot size and
22 standards.

23 (J) *Building setback lines.* The requirements of the Beech Mountain Zoning Ordinance shall
24 govern the location of the minimum building setback lines.

25 (K) *Easements.*¹¹

26 (1) *Utility easements.* The subdivider shall convey easements to the municipality or appropriate
27 utility company for both underground and overhead utility installation where needed. Easements shall
28 be a minimum of 20 feet wide, or as required by utility companies, and normally centered along rear
29 or side lot lines. Wider easements may be required if the topography along the proposed right-of-way
30 is such that maintenance equipment cannot reasonably operate within the minimum 20 feet wide
31 easement. Where easements are required along the outside perimeter of a subdivision, ten feet will
32 be required.

33 (2) *Drainage easements.* Where a subdivision is traversed by a water course, drainageway,
34 channel or stream, there shall be provided a storm water easement or drainage right-of-way
35 conforming substantially with the lines of such water course and such further width or construction, or
36 both, as will be adequate for the purpose of managing storm water runoff in a manner that will
37 safeguard the health and property of the citizens of Beech Mountain and the surrounding area.

38 (3) *Buffer strips.* A buffer strip at least ten feet in width may be required by the Planning Board
39 adjacent to a major street or a commercial or industrial development. This strip shall be reserved for
40 the planting of trees and shrubs by the subdivider.

41 (L) *Private driveways serving more than one lot.*¹²

42 (1) Travel area may be either stoned or paved, and shall have a minimum width of 16 feet.
43 Where stone is used, it shall be a minimum of six inches of ABC Aggregate. In locations where soil
44 conditions require additional stone to attain a stable road bed, the developer shall add the required
45 amount of stone before attaining approval of the final plat. If the developer elects to pave roads, he or
46 she shall meet requirements of the State Division of Highways pertaining to stone base and top
47 surface, or as required by the Beech Mountain Planning Board, whichever is the most stringent.

48 (2) A private driveway shall provide direct access to a public street.

49 (3) The maximum length of a private driveway shall be 500 feet.

50 (4) The plat must show the location of the private driveway, etc., dimensions, and the garbage
51 pickup area.

52 (M) *Street lights.*¹³ Developer shall install street lights at all intersections and at curves which the

1 town deems sharp enough to warrant additional illumination.

2 (N) *Utilities*.¹⁴ The developer shall be required to provide each lot in a subdivision direct access to
3 electric distribution lines, telephone lines and cablevision lines. The installation of these utilities shall
4 be underground in accordance with the installation requirements of the town and the utility company
5 standards. These utilities shall be installed in accordance with the approved preliminary plat and the
6 requirements of this subchapter, prior to approval of the final plat. Said extensions shall be
7 accomplished with the knowledge of the utility companies and in accordance with their specifications
8 so that, once constructed, the utility company shall assume title and control of the system.

9 (O) *Note*. If an existing CATV system is within reasonable proximity to the proposed development
10 as determined by the Planning Board, then the developer shall be required, at his or her expense, to
11 extend CATV service to the development and to all parcels within the development. The Planning
12 Board may by resolution waive the requirement that the developer extend CATV service to the
13 subdivision if the developer provides documentation that demonstrates that it is not financially
14 feasible to extend the CATV service to the subdivision.

15 (P) *Open space or fees in lieu*. Every applicant who proposes a subdivision of land, other than a
16 minor subdivision as defined in § 154.249(B)(2), shall designate a portion of land or pay a fee in lieu
17 thereof, in accordance with this section, for public park, greenway or trail, recreation, and open space
18 sites to serve the recreational needs of the residents of the subdivision or development. Dedicated
19 open space shall either be separately deeded to the town, deeded to a non-profit land trust or
20 conservancy for ownership and maintenance and assurance of public access, or may be held in
21 private ownership with a recorded easement assuring public access to these facilities in perpetuity.
22 The town may, at its discretion, decline to accept such a dedication, in which case the open space
23 shall be dedicated to a non-profit land trust or conservancy for ownership and maintenance and
24 assurance of access, or may be held in private ownership with a recorded easement assuring public
25 access to these facilities in perpetuity.

26 (1) *Purpose*. The open space requirements contained herein are intended to set design
27 standards for new subdivisions within the town that preserve adequate open space in order to meet
28 the recreational needs of residents, improve the aesthetic character of the community, reduce
29 stormwater runoff, enhance air quality, and establish cohesion between new and existing park and
30 trail systems throughout the town.

31 (2) *Definitions*. For the purpose of this division, the following terms have been defined.

32 **ACTIVE RECREATION**. Outdoor recreational activities, such as organized sports, playground
33 activities, hiking, biking, and canoeing or kayaking, that require supportive infrastructure.

34 **OPEN SPACE**. All public or common areas not covered by building or parking lots, stormwater
35 management basins/ponds or detention structures, non-recreational ponds and lakes, wetlands, or
36 streets, that have been improved for active or passive recreational purposes or set aside as natural
37 areas.

38 **PASSIVE RECREATION**. Outdoor recreational activities, such as nature observation, that
39 require minimal supportive infrastructure.

40 (3) *Open space requirement*. The amount of open space required for dedication by each new
41 subdivision, excluding minor subdivisions, shall be equal to or greater than 0.022 acres (958 square
42 feet) per dwelling unit, planned or proposed.

43 (4) *Responsibility for improvements*. The construction of improvements shall be the
44 responsibility of the developer, unless said developer provides a fee in lieu thereof in accordance with
45 this section.

46 (5) *Open space standards*. Except as otherwise required by the Planning Board at the time of
47 preliminary plat approval all dedications of land shall meet the following criteria:

48 (a) *Character of land designated*. A minimum of 75% of the land area required for dedication
49 shall be designated for active recreation purposes;

50 (b) *Usability*. The land dedicated to fulfill the requirements of this section shall not have
51 characteristics (such as slope, drainage, etc.) that make the proposed use of the land unfeasible.
52 Land dedicated as a greenway or trail shall be a minimum of ten feet wide;

1 (c) *Connectivity*. In meeting the requirements established by this section, priority shall be given
2 to achieving connectivity with existing or planned trails and park systems through the dedication of
3 land for trails or greenways;

4 (d) *Access*. Land dedicated for recreational use shall be sited such that it can be safely and
5 easily reached by its anticipated users. Public access to the dedicated land will be provided either by
6 adjoining public street frontage or by a dedicated public easement, at least ten feet wide, which
7 connects the dedicated land to a public street or right-of-way;

8 (e) *Landscaping*. Dedicated open space areas will have a sufficient natural or manmade buffer
9 or screen to minimize any negative impacts on adjacent residents; and

10 (f) *Maintenance*. If the open space required herein is dedicated to the town and the town elects
11 to accept such dedication, the town may, at its discretion, choose to maintain said open space. If the
12 open space is retained in private ownership or assigned to a non-profit, the responsibility for
13 maintenance shall reside with that entity. If open space retained in private ownership or assigned to
14 a non-profit is not being adequately maintained such that the recreational area is functional and
15 serving its purpose, the town may elect, at its discretion, to maintain the area.

16 (6) *Procedures for open space dedication*.

17 (a) At the time of filing a preliminary plat, the applicant shall designate thereon the area or
18 areas to be dedicated pursuant to § 154.251(O)(3). If the applicant desires to make a payment in lieu
19 of the dedication of land, a letter to that effect shall be submitted with the preliminary plat.

20 (b) The open space required for dedication shall be shown on the final plat when submitted. If
21 the improvements for which the open space is dedicated have not been constructed, the final plat
22 may be approved if such improvements are guaranteed in accordance with § 154.249(E).

23 (c) If the open space is being dedicated to the town, and the town has elected to accept such
24 dedication, the final plat shall be accompanied by an executed general warranty deed conveying the
25 dedicated land to the town. If the open space is being retained in private ownership or assigned to a
26 nonprofit, documentation (i.e. covenants and restrictions) shall be provided that indicates how the
27 area will be maintained and how such maintenance will be financed. Where a payment in lieu of
28 dedication is approved by the town, such payment will be made before the final plat is signed and
29 recorded.

30 (7) *Payment of fees in lieu of land dedication*.

31 (a) Preference will be given to projects that provide open space on-site in the form of a land
32 dedication. Nevertheless, the payment of fees in lieu of the dedication of land under § 154.251(O)(3)
33 above may be approved by the Planning Board upon a finding that:

34 1. The dedication of open space is infeasible or impractical given the unique nature of the
35 particular property; or

36 2. Due to the unique characteristics of the property involved or of the property's location with
37 respect to other services or amenities, the dedication of the open space required by this section will
38 not accomplish the goals of this section.

39 (b) *Procedures for payment of fees in lieu of land dedication*.

40 1. The amount of the payment shall be the product of:

41 a. The number of acres to be dedicated, as required by § 154.251(O)(3) above;

42 b. The value per acre of the property being developed, as determined by a recent appraisal
43 of the land performed by a professional land appraiser. The appraisal shall reflect the value of the
44 property in its developed state. The cost of the appraisal shall be borne by the developer; and

45 c. In addition to the value derived above, a 10% premium shall be added to compensate
46 for the cost of constructing improvements

47 2. The fees in lieu of dedication shall be paid prior to final plat approval.

48 3. Funds collected as a result of this section shall be maintained in a separate account and
49 shall be used to purchase or to enhance the recreational use of nearby property that serves the
50 immediate community where possible.

51 (1989 Code, Title V, Ch. 51, Art. XVIII, § 1807) (Ord. passed 6-4-1985; Ord. passed 4-11-1989; Ord.
52 passed 11-13-1990; Ord. passed 3-10-1992; Ord. passed 3-9-1993; Ord. passed 7-13-1993; Ord.

passed 10-11-1994; Ord. passed 12-14-1998; Ord. passed 11-17-2000; Ord. 2017-03, passed 1-10-2017)

Editor's note:

¹ Division (B) amended December 14, 1998.

² Division (B)(2) amended November 13, 1990.

³ Division (B)(2)(a) amended March 9, 1993.

⁴ Division (B)(5) amended April 11, 1989.

⁵ Division (B)(5)(b) added by amendment October 11, 1994.

⁶ Division (B)(6) added by amendment March 10, 1992.

⁷ Division (C), Culs-de-sac, amended July 13, 1993.

⁸ Amended November 17, 2000.

⁹ Division (D)(1) amended March 9, 1993.

¹⁰ Division (D)(2) amended April 11, 1989 and March 9, 1993.

¹¹ Divisions (K)(1) and (2) amended March 10, 1992.

¹² Division (L)(1) added by amendment June 4, 1985.

¹³ Division (M) added by amendment October 11, 1988 and amended March 9, 1992.

¹⁴ Division (N) added by amendment October 11, 1988 and March 9, 1993.

§ 154.252 EXCEPTIONS. ¹

Cluster developments are subdivisions and are thus subject to these subdivision regulations. The following procedure for final plat approval as required in this chapter shall be utilized: Required minimum lot size is one-sixth of an acre; minimum setbacks are 20 feet from the road and ten feet from side and rear property lines with the exception of lots which are located in the perimeter area of the cluster development (abutting non-cluster sites) where the side and rear setbacks shall be at least 15 feet. Cluster developments are permitted only in the R-3 Zoning District. Clustering of development is allowed in the watershed areas of the R-3 Zoning District under the following conditions:

(A) The average lot area in the total acreage of the propose development shall not be less than the minimum lot area specified For WS II or WS-II-C in § 154.105.

(B) All built-upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow.

(C) The remainder of the tract shall remain in a vegetated or natural state. Where the development has an incorporated property owners' association, the title of the open space shall be conveyed to the association for management. Where a property owners' association is of incorporated, a maintenance agreement shall be filed with the property deeds. ²

(1989 Code, Title V, Ch. 51, Art. XVIII, § 1808) (Ord. passed 10-9-1991; Ord. passed 12-14-1999)

Editor's note:

¹ Amended October 9, 1991.

² Amended December 14, 1999.

§ 154.253 AMENDMENTS.

This subchapter may be amended from time to time by the Town Council as herein specified, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation. The Planning Board shall have 32 days from the date of presentation to the Planning Board within which to submit its report. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have approved the amendment.

(1989 Code, Title V, Ch. 51, Art. XVIII, § 1809)

§ 154.254 LEGAL PROVISIONS.

(A) *Penalties for violation.*

(1) After the effective date of this subchapter, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this subchapter, thereafter subdivides his or her land in violation of this subchapter or transfers or sell land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved

1 under the terms of this subchapter and recorded in the office of the Watauga or Avery County
2 Register of Deeds, shall be subject to a civil penalty in the amount of \$100 to be recovered by the
3 town. The description by metes and bounds instrument of transfer or other document used in the
4 process of selling or transferring land shall not exempt the transaction from this penalty. Violators
5 shall be issued a written citation which must be paid within 72 hours.
6 (2) Each day's continuing violation of this subchapter shall be a separate and distinct offense.
7 (3) Notwithstanding division (A)(1) above, this subchapter may also be enforced by appropriate
8 equitable remedies issuing from a court of competent jurisdiction.
9 (4) Violation of this subchapter shall not be a misdemeanor.
10 (B) *Separability*.¹ Should any section or provision of this subchapter be decided by a court of
11 competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the
12 subchapter as a whole or any part thereof other than the part so declared to be unconstitutional or
13 invalid. Should the requirements of these regulations conflict with any others in the Zoning Ordinance,
14 the more stringent shall apply.
15 (C) *Abrogation*. This subchapter shall neither repeal, abrogate, annul, impair nor interfere with any
16 existing subdivision, the plats of which are properly recorded in the office of the Register of Deeds
17 prior to the effective date of this subchapter nor with the existing easements, covenants, deed
18 restrictions, agreements or permits previously adopted or issued pursuant to law prior to the effective
19 date of this subchapter.
20 (D) *Effective date*.² This subchapter shall take effect and be in force from and after its adoption by
21 the Town Council of the Town of Beech Mountain, this 12th day of July, 1983.
22 (1989 Code, Title V, Ch. 51, Art. XVIII, § 1810) (Ord. passed 6-4-1985; Ord. passed 10-9-1991)
23 **Editor's note:**
24 ¹ Division (B) amended October 9, 1991.
25 ² Division (D) added by amendment June 4, 1985.
26 **§ 154.255 RESERVED.** ¹
27 (1989 Code, Title V, Ch. 51, Art. XVIII, § 1811) (Ord. passed 12-14-1999)
28 **Editor's note:**
29 ¹ Prior Code § 1811 deleted in its entirety by amendment December 14, 1999.

SIGN REGULATIONS

§ 154.270 POLICY STATEMENT.

(A) The town is committed to preserving the beauty of the mountain and to insure that it is provided with a means of developing qualitative and effective outdoor graphics for purposes of navigation, information and identity.

(B) Every business, organization and property owner has not only the right, but an obligation to identify itself well. It does not have the right to downgrade the environment.

(C) The purpose of this subchapter is, therefore:

(1) To provide the community with equitable sign standards, based on the values of fair competition and aesthetic standards acceptable to the community.

(2) To provide the motoring public with a safe and effective means of easily reaching and identifying businesses, services, areas, and points of interest on Beech Mountain.

(1989 Code, Title V, Ch. 51, Art. XIX, § 1901) (Ord. passed 10-13-2009; Ord. 2016-03, passed 2-9-2016; Ord. 2019-02, passed 2-11-2019)

§ 154.271 SCOPE OF THIS SUBCHAPTER.

This subchapter shall apply to all signs located within the town unless excluded as per § 154.272.

(A) *Definitions.*

(1) *Sign.*

(a) Any display of letters, words, numbers, figures, devices, emblems, pictures or any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to, or as part of a structure, surface, or any other thing, including, but not limited to, the ground, a rock, tree, or other natural object.

(b) Signs do not include holiday decorations, the flag or emblem of any nation, state, city, religious, fraternal or civic organization; nor merchandise and pictures or models of products incorporated in a window display; nor works of art which in no way identify a product; nor scoreboards located on athletic fields.

(2) *Entity.* Any individual, group, or organization that occupies and utilizes a structure or a portion of a structure that is separate and distinct in purpose or function from other portions of a structure.

(3) *Roof line.* Roof line shall mean the edge of the roof around the building structure.

(4) *Signable space.* Signable space means the area of a building face on which a sign may be placed, including fronting wall or gable space. The size of this area shall equal the total square footage of the area from the ground to the roof line (not including the roof itself), of a building façade.

(5) *Sign support structure.* A structure, including uprights, supports, frames, display surfaces, and other appurtenances, intended to support or display one or more signs. If painted, sign support structures shall include one color of the supported sign(s).

(6) *Normal maintenance.* Normal maintenance shall include activities that keep the sign in safe, presentable, and sound condition, such as replacement of missing or defective parts, periodic cleaning, and re-painting with substantially the same colors as in the original sign. Normal maintenance does not include activities that alter the message, background, colors, dimensions, orientation, or location of a sign in any way or change the design of its support structure.

(7) *Existing grade.* The prevailing level of the soil at a given location, not to include any walls, raised flower beds, or other means of artificially modifying the level of the soil for the purpose of extending sign height.

(8) *Historic signs.* Signs greater than 20 years of age as of September 10, 2009.

(9) *Holiday decorations.* The decorations normally associated with the holiday season. Holiday decorations will also include human or facsimile people in costumes normally associated with the holiday season.

(B) *Types of signs.*

(1) *Billboard/poster board.* Billboards or posterboards are hereby defined as off- premises signs of a permanent nature. Temporary off-site signs (displayed for not greater than 14 days), typically erected for providing directions to an event or occurrence, are not considered billboards under this

definition.

(2) *No trespassing/no loitering signs.* Such signs and similar ones, which are placed to inform the public of private regulations.

(3) *Obsolete signs.* Signs or parts of signs which advertise or pertain to a purpose which no longer exists.

(4) *Portable signs.* Any signs designed or intended to be readily relocated. This shall include signs on wheels, trailers, truck beds, or any other device which is capable of, or intended to be moved from one location to another.

(5) *Window signs.* Signs which are painted on or affixed to the windows.

(6) *Painted wall sign.* A sign painted directly on any exterior building wall or door surface, exclusive of window and door glass areas. Such signs shall comply with standards for "attached" signs.

(7) *Projecting sign.* A sign that is attached to a building wall with the face of the sign perpendicular to the building wall. Such signs shall not project into any street right-of-way and shall be at least eight feet above the ground. Such signs shall not project vertically above the building face to which they are attached, and shall conform with all other standards for "attached" signs.

(8) *Accessory signs.* Signs intended for the recurring, periodic display of information. These signs are typically modified regularly, but are not necessarily temporary in nature. Examples of accessory signs include, but are not limited to, special advertisements for the advertisement of specials or features, open, closed, and vacancy signs. Accessory signs may be attached to permanent, detached signs, attached to buildings, or stand-alone.

(9) *Feather banner/feather flag.* A flag type banner (usually designed with a pole sleeve or pocket) that is generally mounted in the ground.

(10) *Human sign.* Human sign refers to costumes, flags or other apparel or accessories, worn, held, waved or carried by individuals for the purpose of attracting attention to a site, location or event.

(C) *Signs defined by method of attachment.*

(1) Attached signs are signs that are mounted to a building and include the following:

(a) Signs attached throughout their whole length that are mounted flush to a building face that do not extend above the highest vertical point of the building face;

(b) Signs attached throughout their whole length to the top of a canopy or a cantilevered roof with the face of the sign parallel to the wall which do not extend vertically above the highest point of the canopy or cantilevered roof;

(c) Painted wall signs as defined above; and

(d) Projecting signs as defined above.

(2) *Detached sign.* A sign supported by a sign structure placed in the ground and which is wholly independent of any building, fence, vehicle, or object other than the sign structure for support.

(D) *Signs defined by duration of display.* Signs shall be categorized based upon their intended duration of display as follows. If a sign exceeds the duration of display for a category, it must comply with all requirements and obtain a permit for the appropriate category of duration.

(1) *Permanent signs.* Signs which are intended to be displayed continuously for a period of greater than one year. Signs (such as real estate signs) which are erected prospectively with the goal of being removed in less than one year do not constitute permanent signs.

(2) *Accessory signs.* Signs intended for the recurring, periodic display of information. These signs are typically modified regularly, but are not necessarily temporary in nature.

(3) *Semi-temporary signs.* Signs of a temporary nature that are erected for an intended or presumed duration of less than one year but typically greater than 14 days. Examples of signs in this category commonly include, but are not limited to, signs erected to advertise the sale of real estate and signs erected during a construction project. Semi-temporary signs may be erected for periods of greater than one year, provided that required permits are obtained. Signs intended to be erected permanently do not qualify for this category.

(4) *Temporary signs.* Signs or advertising display intended to be displayed for a short period of time (not greater than 14 days), often to inform the public of an unusual or special event. These signs

are often in the form of "Banners." Signs erected for longer than 14 days do not qualify for this category.

(5) *Short term signs.* Signs erected for less than 48 hours.

(6) *Transitional signs.* Signs erected for a maximum of six months while a permanent sign is being created.

(E) *Area of sign defined.*

(1) The area of a sign excluding wall or window signs shall be considered to include all lettering, wording, and accompanying design and symbols, together with the background on which they are displayed, any frame around the sign, and any cutouts or extensions, but shall not include any supporting or bracing. In the case of a multi-faced sign, the area of the sign shall be considered to include all faces visible in any one direction.

(2) The area of a wall or window sign consisting of individual letters or symbols attached to or painted on a surface, building, wall, or window, shall be considered to be that of the smallest rectangle or triangle which encompasses all of the letters or symbols.

(3) (a) Signs that are contiguous (touching) or are separated by a divider, frame, or portion of the sign support structure less than six inches wide shall be considered one sign for the purposes of this subchapter.

(b) *Exception.* Signs of different types as defined by their duration of display as set forth above shall be considered separate signs, even if they are contiguous.
(1989 Code, Title V, Ch. 51, Art. XIX, § 1902) (Ord. passed 12-6-1983; Ord. passed 11-18-1986; Ord. passed 10-13-2009; Ord. 2013-03, passed 3-12-2013; Ord. 2016-03, passed 2-9-2016; Ord. 2019-02, passed 2-11-2019)

§ 154.272 EXEMPTIONS AND EXCEPTIONS.

(A) *Exempt signs.* The following signs and/or displays shall be exempt from the regulations of this subchapter:

- (1) Signs not visible beyond the boundaries of the property on which they are located;
- (2) Signs erected by a duly-constituted governmental body;
- (3) Signs erected within a residential home; and
- (4) Historic signs as defined in this subchapter, provided that the message, background, colors, dimensions, orientation, location and design of the support structure of such signs shall not be altered in any way. Normal maintenance, however, is permitted.

(B) *Exceptions.* Particular features or concerns regarding the following types of signs provide compelling reasons for their regulation in a different manner from other signs of similar duration of display or located within a common zoning district.

(1) *Private traffic directional signs located on private property not to exceed three square feet.* The town finds there is a compelling need for private property owners to be able to control aspects of traffic on private property in order to avoid damage to property and inconveniences and potential dangers caused by the restriction of ingress and egress to a property by methods such as designating parking spaces and restricting "no parking" areas, identifying "one-way" driveways and the like with the standard, commercially available signage commonly associated with these purposes. Therefore, these signs need not comply with material and style requirements, limitations on number, and other requirements and are exempt from this section.

(2) *Signs erected to prohibit trespassing displayed in accordance with North Carolina State law.* The town finds that there is a compelling need for private property owners to be able to avail themselves of the protection from liability offered by NC state law in the manner prescribed in such laws or statutes. Therefore, these signs need not comply with material and style requirements, limitations on number, and other requirements and are exempt from this section, provided that the number, size, or other features of such signs is not in excess of that prescribed by state law.

(3) *Non-illuminated trade names and graphics which are customarily painted on newspaper and soft drink dispensers and similar outdoor amenities.* The town finds there is a compelling interest in exempting these signs from regulation due to their ubiquitous nature and the impracticality or inability to obtain soft drink dispensers and the like without such trade names or graphics. Therefore, these

signs are exempt from the requirements of this section.

(a) *Parties affected.* All structures, residential, multi-family, and commercial are required to display the assigned street number in the manner described in this section.

(b) *Visibility.* Street numbers shall be displayed so as to be conspicuously visible and legible from the street from both directions. Numbers must maintain contrast to the background and be reflective.

(c) *Number type.* All numbers shall be displayed in Arabic form (0, 1, 2, 3, 4, 5, 6, 7, 8, 9).

(d) *Number location.*

1. *Structures visible from the street.* Where the structure is visible from the road and at such a distance that numbers are legible from the road, numbers shall be affixed to the structure. Numbers shall be reflective and a minimum of three inches high and may be mounted either horizontally or vertically.

2. *Structures not visible from the street.* Where a structure is not visible from the street or is otherwise situated to make number display on the building ineffective, the number shall be displayed at the access entrance. Numbers may be combined with property or business identification signs. Where signs are perpendicular to the street, numbers shall be displayed on both sides of the sign. Numbers shall be a minimum of three inches high, reflective, and may be mounted wither horizontally or vertically.

3. *Mailboxes.* Numbers of a minimum of three inches in height, reflective, and shall be affixed to both sides of the mailbox serving the primary structure. When the mailbox is clustered with other mailboxes or is across the street from the primary structure, the numbers will be placed on the front of the mailbox. There could be confusion as to the primary structure access by using numbers on the mailbox than prudence would dictate placing the numbers on a post at the primary structure access point on the street. Mailboxes across the street or otherwise located across the street are not adequate for the purposes of this section.

4. *Trash bins.* Numbers of a minimum of three inches in height, reflective, and shall be affixed to both sides of the trash bins serving the primary structure.

(e) *Unauthorized building numbers prohibited.* No person shall affix or allow to remain upon any building in the Town of Beech Mountain any different number from the one designated by this section, with the exception of dates affixed for historical purpose.

(1989 Code, Title V, Ch. 51, Art. XIX, § 1903) (Ord. passed 11-18-1986; Ord. passed 4-11-1989; Ord. passed 10-13-2009; Ord. passed 4-12-2011; Ord. 2016-03, passed 2-9-2016; Ord. 2017-08, passed 10-10-2017; Ord. 2019-02, passed 2-11-2019)

§ 154.273 PROHIBITED SIGNS.

The following signs are prohibited in the town:

(A) *Signs that imitate official highway sign; signs obscured.* No sign shall be erected which imitates or in any way approximates official highway signs, nor shall any sign be erected which obscures a sign displayed by a public authority.

(B) *Flashing, blinking interment signs.* No sign shall be erected which displays flashing, blinking, or intermittent lights or lights of changing intensity. No moving parts shall be allowed.

(C) *Portable signs.*

(D) *Facsimiles; three-dimensional structures.* Displays of letters, logos, trademarks, emblems, pictures, and the like, on such items as oversized facsimiles or three dimensional structures of chicken buckets, human figures, tin cans, and the like, shall be prohibited.

(E) *Obstruction of driver vision.* No sign shall be erected or placed in such a manner as to obstruct driver vision of any vehicle entering a roadway from any street, alley, driveway, or parking lot.

(F) *Public utility poles, telephone poles, trees, parking meters, benches and the like.* Signs are prohibited on public utility poles, telephone poles, trees, other natural objects, parking meter poles, benches, and refuse containers.

(G) *Pavement markings, other than traffic control.* Pavement markings of any kind other than for traffic control are prohibited.

(H) *Public morals, decency.* Signs, flags, or other decorations which contain statements, words, or

pictures of obscene, indecent or immoral character such as will offend public morals or decency are prohibited.

(I) *Intentional denial of visual access.* Any sign located in such a way as to intentionally deny visual access to an existing sign is prohibited.

(J) *Billboards.* No billboards as defined in § 154.271(B)(1), shall hereafter be erected within the town.

(K) *Floodlights, signs; impairment of vision of roadway.* No floodlights or signs shall be erected or placed in such a manner as to impair driver vision on a roadway.

(L) *Public rights-of-way.* No sign shall be placed in a public right-of-way, except as set forth in § 154.272(B) or § 154.278.

(M) *Fire escapes, means of egress, ventilation.* No sign shall be erected, constructed, or maintained so as to obstruct any fire escape or any window or door or opening used as a means of egress or so as to prevent free passage from one part of a roof to any other part thereof. No sign shall be attached in any form, shape, or manner as to interfere with an opening required for legal ventilation.

(N) *Interchangeable letters.* Any sign with interchangeable letters, movable or removable, used for the intent of advertising, information or any other use.

(O) *Law of State of North Carolina; violation.* No sign that violates any provision of any law of the State of North Carolina relative to outdoor advertising shall be erected or permitted.

(P) *Other signs; prohibited.* Any other sign which does not comply with the regulations of this subchapter shall be prohibited.

(Q) *Information boxes.* Information boxes in residential areas are not to be visible from the roadway.

(R) Signs on the roof of any building, with the exception of signs attached to canopy or cantilevered roofs in accordance with § 154.271(C)(1).

(S) *Sign spinner or sign twirler.* An individual or mechanism holding an advertising or similar promotional sign and using some form of action or movement, including, but not limited to, holding, rotating, spinning, twirling or walking, to attract attention from the general public.

(1989 Code, Title V, Ch. 51, Art. XIX, § 1904) (Ord. passed 12-6-1983; Ord. passed 10-13-2009; Ord. 2013-04, passed 3-12-2013; Ord. 2016-03, passed 2-9-2016; Ord. 2019-02, passed 2-11-2019)

§ 154.274 PERMANENT SIGNS.

(A) *Standards for size, number, and duration of display period.* The following table shall govern the number and size of permanent signs, both attached and detached.

District	Permanent Sign Size Permitted	Number of Permanent Signs
CS1	See § 154.274(B) and (C)	See § 154.274(B) and (C)
R1	6 sq ft	1
R2	6 sq ft	1
R3(A)	See § 154.274(D)	1
PS	25 sq ft	1
CS2	See § 154.274(B) and (C)	See § 154.274(B) and (C)
MP	20 sq ft	1
MH	6 sq ft	1

(B) *Attached, permanent signs in the CS1 and CS2 Districts.*

(1) Shall not occupy more than 10% of the space on any one facade of a building with the maximum size of any single sign limited to 35 square feet.

(2) Window graphics including stained glass lettering or logos are in addition to the number of allowable signs set forth above, but shall not cover more than 10% of the total window area of the facade of the building in which the window signs are located.

(C) *Detached, permanent signs in the CS1 and CS2 Districts.*

(1) Shall be limited to a maximum of 60 square feet per sign.

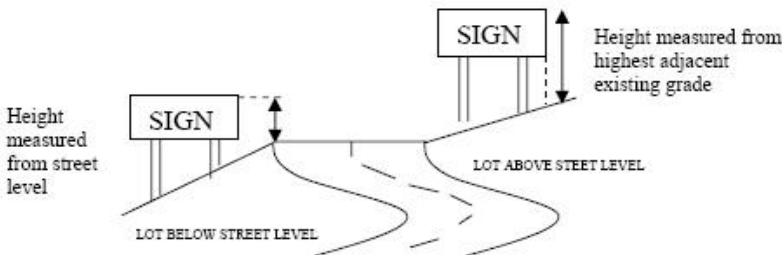
(2) *Number of detached signs in the CS1 and CS2 Districts.* The number of Detached, Permanent Signs in the CS1 and CS2 Districts shall be based on the total front footage of a single piece of property on each public road fronted upon:

(a) *One to 200 feet.* One sign.

(b) *Two hundred and one feet and above.* A maximum of two signs are permitted on any single road having road frontage adjoining the premises in excess of 201 feet. The two signs shall not be closer than 100 road frontage feet, with the exception that a sign is permitted at each of two separate drive entrances to said road. In the event the tract of land constitutes a corner lot which is adjacent to two separate public roads, signs are permitted for each public road according to the criteria set forth above.

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(D) *Detached permanent signs in all districts.* Sign height for detached, permanent signs, including support structure, shall not exceed 12 feet. For lots that lie above street level, height shall be measured from the highest adjacent existing grade. For lots that lie below street level, height shall be measured from street level. See illustration below.



(E) *Permanent signs in the R3(A) District.* The maximum size of permanent signs in the R3(A) district shall be based upon the size of the complex or entity to which the sign pertains. Such sizes are governed by the following table:

Number of Dwelling Units	Allowable Sign Size
5 or less	20 sq. ft.
6 - 15	25 sq. ft.
16 - 20	30 sq. ft.
21 and up	35 sq. ft.
* When two or more complexes or entities share a sign support structure, each sign may be as large as their allowable limit, up to a maximum of 50 combined square feet.	

(1989 Code, Title V, Ch. 51, Art. XIX, § 1905) (Ord. passed 6-8-1982; Ord. passed 12-6-1983; Ord. passed 10-22-1986; Ord. passed 11-18-1986; Ord. passed 9-10-1991; Ord. passed 11-12-1996; Ord. passed 10-13-2009; Ord. 2013-04, passed 3-12-2013; Ord. 2016-03, passed 2-9-2016 ; Ord. 2019-02, passed 2-11-2019)

§ 154.275 ACCESSORY SIGNS.

Standards for size, number, and duration of display period. The following table shall govern the number and size of accessory signs.

District	Accessory Sign Size	Number of Accessory Signs
CS1	6 sq. ft.	2

<i>R1</i>	0	0
<i>R2</i>	0	0
<i>R3(A)</i>	0	0
<i>PS</i>	6 sq. ft.	2
<i>CS2</i>	6 sq. ft.	2
<i>MP</i>	0	0
<i>MH</i>	0	0

(Ord. 2016-03, passed 2-9-2016 ; Ord. 2019-02, passed 2-11-2019)

§ 154.276 SEMI-TEMPORARY SIGNS.

Standards for size, number, and duration of display period. The following table shall govern the number and size of semi-temporary signs:

District	Semi-Temporary (< 1yr) Sign Size	Number of Semi-Temporary (<1yr) Signs
<i>CS1</i>	2 sq ft.	1
<i>R1</i>	2 sq ft.	1
<i>R2</i>	2 sq ft.	1
<i>R3(A)</i>	2 sq ft.	1
<i>PS</i>	2 sq ft.	1
<i>CS2</i>	2 sq ft.	1
<i>MP</i>	2 sq ft.	1
<i>MH</i>	2 sq ft.	1

(Ord. 2016-03, passed 2-9-2016; Ord. 2019-02, passed 2-11-2019)

§ 154.277 TEMPORARY SIGNS.

(A) *Standards for size, number, and duration of display period.* The following table shall govern the number and size of temporary (not greater than 14 days) signs.

District	Temporary (<14 days) Sign Size	Number of Temporary Signs
<i>CS1</i>	See § 154.277(B)	See § 154.277(B)
<i>R1</i>	N/A	0
<i>R2</i>	N/A	0
<i>R3(A)</i>	See § 154.277(B)	See § 154.277(B)
<i>PS</i>	See § 154.277(B)	See § 154.277(B)
<i>CS2</i>	See § 154.277(B)	See § 154.277(B)
<i>MP</i>	See § 154.277(B)	See § 154.277(B)
<i>MH</i>	N/A	0

(B) Banners, feather banners or temporary signs as defined by § 154.271(D)(4), being signs intended for display of a duration of not greater than 14 days may be erected provided that:

- (1) The size of any such sign shall not exceed 50 square feet in area.
- (2) The signs may not be illuminated.
- (3) The signs may be displayed for a period not to exceed 14 days.
- (4) A permittee may display only one banner or temporary sign at a time.

(5) Banners or temporary signs may not be erected more than four separate and distinct times per year on a single property.
(1989 Code, Title V, Ch. 51, Art. XIX, § 1907) (Ord. passed 6-8-1982; Ord. passed 10-13-2009; Am. Ord. 2012-06, passed 7-10-2012; Ord. 2013-03, passed 3-12-2013; Ord. 2016-03, passed 2-9-2016; Ord. 2019-02, passed 2-11-2019)

§ 154.278 SHORT-TERM SIGNS.

Standards for size, number, and duration of display period. The following table shall govern the number and size of short-term (not greater than 48 hours) signs.

District	Short Term (<48 hours) Sign Size	Number of Short Term Signs
CS1	See § 154.278	See § 154.278
R1	See § 154.278	See § 154.278
R2	See § 154.278	See § 154.278
R3(A)	See § 154.278	See § 154.278
PS	See § 154.278	See § 154.278
CS2	See § 154.278	See § 154.278
MP	See § 154.278	See § 154.278
MH	See § 154.278	See § 154.278

(A) Such signs must be located such that they in no way hinder driver visibility or otherwise create hazards to driver or pedestrian safety.

(B) Signs shall not exceed two square feet in size.

(C) No temporary small scale event sign shall be higher than four feet above the adjacent road surface.

(D) If off-site signs are located in the town right-of-way, they may be no closer than four feet from the edge of the pavement or gravel roadway and shall not be spaced such that more than one sign is visible from any given point along the roadway. In no event may these signs be located in such a manner as to impair public safety by blocking visibility or access. The town reserves the right to move or remove any sign that is located in such a manner as to create a dangerous situation as determined by the town.

(E) If off-site signs are located on private property, only one sign per property is permitted. Written permission of the property owner must be obtained.

(F) Short term signs may not be erected on a single property more than once every seven days.

(G) Short term signs remaining erected longer than 48 hours or otherwise not meeting the criteria of this section may be removed by the town and a civil penalty established by the Town Council per sign may be assessed to the owner of the property to which the sign refers. The master schedule of fees is maintained in the Clerk's office.

(H) Short term signs complying with these regulations may be erected without a permit.
(Ord. 2016-03, passed 2-9-2016; Ord. 2017-04, passed 2-14-2017; Ord. 2019-02, passed 2-11-2019)

§ 154.279 TRANSITIONAL SIGNS.

Standards for size, number, and duration of display period. The following table shall govern the number and size of transitional signs (signs erected for a maximum of a six month time period while permanent signs are being created).

District	Transitional Sign Size	Number of Transitional Signs
CS1	35 sq. ft.	2
R1	0	0
R2	0	0
R3(A)	0	0

<i>PS</i>	0	0
<i>CS2</i>	0	0
<i>MP</i>	0	0
<i>MH</i>	0	0

(A) Transitional signs may be permitted for a maximum time period of six months.

(B) The applicant for a transitional sign permit must provide proof that permanent sign(s) are being created to qualify for a permit.

(Ord. 2016-03, passed 2-9-2016)

§ 154.280 MATERIAL AND STYLE.

(A) *Permanent signs.*

(1) Colors shall be natural and subdued (muted earth tones are recommended) and shall blend in well with the natural surroundings. "Gold leaf" lettering is permitted. The Beech Mountain Color Chart, which shall be maintained in the office of the Town Manager or his or her designee, shall serve as a guideline.

(2) Fluorescent sign lettering and fluorescent background colors are prohibited.

(3) Signs shall not have light reflective backgrounds.

(4) A multi-faced sign shall have the same name and same message on all faces that are being used.

(5) Attached signs shall be routed, carved, sandblasted, shaded (painted), recessed or raised to provide a three-dimensional appearance.

(6) Detached signs shall be structurally self-supporting, and shall be routed, carved, sandblasted, recessed or raised to provide a three-dimensional appearance.

(7) All exposed surfaces shall be constructed of wood, stone, hammered copper, or high density urethane.

(8) All signs shall meet the standards for wind loads for the Beech Mountain area as contained in the North Carolina State Building Code.

(B) *Accessory signs.* Accessory signs shall comply with the following:

(1) Accessory signs may be attached to buildings, attached to permitted permanent, detached, or stand-alone signs.

(2) Stand-alone accessory signs shall have a frame or support structure made of wood or material of similar strength and durability. "A-Frame" type signs are permitted.

(3) The message-bearing portion of attached signs shall be composed of chalkboards, markerboards, or other mediums of a permanent and durable nature that facilitate changeable messages.

(4) If situated within a building and subject to this ordinance by virtue of its visibility from beyond the boundaries of the property on which it is located, it is permissible for an accessory sign to be neon or internally lighted, provided that such signs are limited in size to two square feet and shall not have blinking or flashing lights, lights of changing intensity, or moving parts. No more than one internally lighted sign per property is permissible.

(5) Human signs as defined in § 154.271(B)(10) shall not be displayed for more than five consecutive days and on more than six separate occasions per calendar year on a single property. No more than two human signs may be displayed at one time on a single property. A sign permit from the town shall be required for this type of sign.

(C) *Semi-temporary signs.* Semi-temporary signs shall meet the same requirements for material and style as permanent signs as specified above, with the exception that semi-temporary signs need not meet the criteria as specified for wind loads.

(D) *Temporary signs.*

(1) Temporary signs may be constructed of cloth, canvas, fabric, plastic, paper, vinyl, or other material.

(2) Fluorescent sign lettering and fluorescent background colors are prohibited.

(E) *Short-term signs.*

(1) Short term signs may be constructed of cloth, canvas, fabric, plastic, paper, vinyl, or other material.

(2) Fluorescent sign lettering and fluorescent background colors are prohibited.

(F) *Transitional signs.*

(1) Transitional signs may be constructed of cloth, canvas, fabric, plastic, paper, vinyl, or other material.

(2) Fluorescent sign lettering and fluorescent background colors are prohibited.

(1989 Code, Title V, Ch. 51, Art. XIX, § 1909) (Ord. passed 9-10-1991; Ord. passed 11-12-1996; Ord. passed 8-10-1999; Ord. passed 10-13-2009; Ord. 2016-03, passed 2-9-2016; Ord. 2019-02, passed 2-11-2019)

§ 154.281 LIGHTING.

(A) No sign shall contain any moving, flashing, or animated lights, or visible moving or movable parts.

(B) No sign shall have lighting from within the interior of the sign, with the exception of § 154.280(B) above.

(C) If illuminated, signs shall be illuminated by a white or amber light of reasonable intensity shielded and directed solely at the sign.

(1989 Code, Title V, Ch. 51, Art. XIX, § 1910) (Ord. passed 10-13-2009; Ord. 2016-03, passed 2-9-2016 ; Ord. 2019-02, passed 2-11-2019)

§ 154.282 MAINTENANCE OF SIGNS.

(A) All signs, supports, braces, poles, wires and anchors thereof shall be kept in good repair. They shall be maintained in clean and safe conditions, free from deterioration, missing parts and peeling paint. All signs must stand plumb and level. It shall be the responsibility of the sign owner to ensure that all commercial signs and all components thereof be kept in a state of good repair. Any sign not in accordance with these standards shall be deemed a nuisance and the following action may be taken:

(1) The Town Manager or his or her agent shall give written notice to the owner, specifying the sign indicated and telling what needs to be done to bring the sign into compliance;

(2) The owner of the sign shall respond to the notice within two weeks and shall have 30 days to complete said repairs. Additional time may be granted by the Town Manager when it has been clearly shown a hardship exists;

(3) When an emergency situation exists creating a public hazard, the town may remove or rectify the hazard at the owner's expense; and

(4) In the event a sign is damaged in excess of 60% of its reproduction value, such sign shall be restored or repaired only in compliance with the provisions of this subchapter.

(B) The owner of each sign shall be responsible for maintaining the area around such sign, including cutting of weeds.

(C) All paint on a sign should blend together. When one item on a sign is painted over, sufficient paint shall be used so that the original item cannot be seen.

(1989 Code, Title V, Ch. 51, Art. XIX, § 1911) (Ord. passed 12- -1983; Ord. passed 12-6-1983; Ord. passed 11-12-1996; Ord. passed 10-13-2009; Ord. 2016-03, passed 2-9-2016 ; Ord. 2019-02, passed 2-11-2019)

§ 154.283 OBSOLETE OR ABANDONED SIGNS.

(A) Signs or parts of signs which advertise or pertain to a purpose which no longer exists shall be deemed to be an abandoned sign.

(B) Obsolete or abandoned signs are prohibited and shall be removed by the owner or his or her agent within 30 days of notice by the Town Manager or his or her agent.

(1989 Code, Title V, Ch. 51, Art. XIX, § 1912) (Ord. passed 10-13-2009; Ord. 2016-03, passed 2-9-2016 ; Ord. 2019-02, passed 2-11-2019)

§ 154.284 NON-CONFORMING SIGNS.

(A) *General.* Signs that are erected and are in place prior to the adoption of this subchapter and

which do not conform to the provisions of this subchapter are declared non-conforming signs. A sign that is erected and that is in place and which conforms to the provisions of the sign subchapter at the time it is erected, but which does not conform to an amendment of this subchapter enacted subsequent to the erection of said sign is declared a non-conforming sign. Any sign erected after the passage of this subchapter must meet all the criteria within this subchapter including all amendments thereto.

(B) *Time frame.* Within the time frame for removal of non-conforming signs set out in this section, such signs:

- (1) Shall not be changed or replaced with another non-conforming sign or copy;
- (2) Shall not be expanded or relocated;
- (3) Shall not be re-established after damage or destruction in excess of 60% of the value at the time of damage or destruction; and
- (4) Shall not be modified in any way which increases their degree of non-conformity.

(C) *Removal of non-conforming signs.*

(1) All signs not conforming to all sections of this subchapter on the date of the enactment of this subchapter shall be removed, changed, or altered to conform to this subchapter within three years of the original enactment of this subchapter.

(2) All signs which are conforming at the time this subchapter is enacted, and which are made non-conforming as a result of an amendment to this subchapter, shall be removed, changed, or altered to conform to this subchapter within three years of the date said amendment was enacted.

(3) All signs which are located on property brought into the town pursuant to the voluntary annexation procedure set forth in G.S. Ch. 160A, Art. 4A, Part 2, and which are non-conforming, shall be removed, changed, or altered to conform to this subchapter within three years from the effective date of the annexation, unless otherwise specified as terms of the annexation.

(1989 Code, Title V, Ch. 51, Art. XIX, § 1913) (Ord. passed 10-12-1982; Ord. passed 12-6-1983; Ord. passed 10-8-1996; Ord. passed 10-13-2009; Ord. 2016-03, passed 2-9-2016 ; Ord. 2019-02, passed 2-11-2019)

§ 154.285 SIGN PERMIT.

(A) All signs erected within the town limits of Beech Mountain, with the exception of short-term signs and signs exempted from this section shall require a sign permit. Each application for a sign permit shall be accompanied by all applicable fees, as shall be established by the Town Council. Sign permits shall be issued by the Town Manager or his or her designee for signs in compliance. If a sign permit is denied, the decision may be appealed to the Board of Adjustment by submitting an application for administrative review together with the applicable fee within 30 days after the decision.

(B) Permits for semi-temporary signs are valid from the time obtained until the next April 1, but in no event shall such permit be valid for a time period of greater than one year. During the time period permitted, such sign may be transferred from property to property.

(C) Permits for temporary signs are valid from the time obtained for 14 days.

(1989 Code, Title V, Ch. 51, Art. XIX, § 1914) (Ord. passed 6-8-1982; Ord. passed 12-6-1983; Ord. passed 10-13-2009; Ord. 2016-03, passed 2-9-2016 ; Ord. 2019-02, passed 2-11-2019)

§ 154.286 SEVERABILITY.

If any section of this subchapter is held to be invalid or unenforceable, all other sections shall continue in full force and effect.

(1989 Code, Title V, Ch. 51, Art. XIX, § 1915) (Ord. passed 6-8-1982; Ord. passed 10-13-2009; Ord. 2016-03, passed 2-9-2016 ; Ord. 2019-02, passed 2-11-2019)

§ 154.287 EFFECTIVE DATE.

This subchapter is effective November 19, 1981.

(1989 Code, Title V, Ch. 51, Art. XIX, § 1919) (Ord. passed 10-13-2009; Ord. 2016-03, passed 2-9-2016 ; Ord. 2019-02, passed 2-11-2019)

TELECOMMUNICATIONS TOWERS.

§ 154.300 PURPOSE AND GOALS.

(A) *Purpose.* The purpose of this subchapter is to establish general guidelines and regulations governing the location, size and design of telecommunication towers to be located within the Town of Beech Mountain.

(B) *Goals.* The goals of this subchapter are:

(1) To protect the health, safety and welfare of the citizens of Beech Mountain.

(2) To encourage the location of towers in non-residential areas and minimize the total number of towers throughout the community.

(3) To encourage the joint use of new and existing tower sites.

(4) To minimize the adverse visual impact of towers and antennas.

(5) To enhance the ability of the providers of telecommunication services to provide such services to the community in a safe, effective and efficient and effective manner.
(1989 Code, Title V, Ch. 51, Art. XX, § 2001) (Ord. passed 4-14-1998)

§ 154.301 APPLICABILITY.

This subchapter shall apply to all areas of the Town of Beech Mountain.
(1989 Code, Title V, Ch. 51, Art. XX, § 2002) (Ord. passed 4-14-1998)

§ 154.302 DEFINITIONS.

Words and phrases used in this subchapter shall have the meanings set forth in this section. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

ADMINISTRATOR. The Zoning Administrator for the Town of Beech Mountain or such other person that the Town Manager shall designate to administer the provisions of this subchapter.

ALTERNATIVE TOWER STRUCTURE. Man-made trees, clock towers, bell steeples, light poles and other similar mounting structures that camouflage or conceal the presence of antennas or towers.

ANTENNA. Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whips, but not including satellite earth stations.

CO-LOCATION. Locating wireless communications equipment for more than one provider on a single site.

GUYED TOWER. A communication tower that is supported, in whole or in part, by guy wires and ground anchors.

LATTICE TOWER. A guyed or self-supporting, open, steel frame structure, with three or more sides, that is used to support telecommunications equipment.

MAJOR MOUNTAIN RIDGE. A range within an elevation higher than 3,000 feet above mean sea level and an elevation of 500 feet or more above the elevation of an adjacent valley floor.

MONOPOLE TOWER. A communication tower consisting of a single pole, constructed without guy wires and ground anchors.

RESIDENTIAL AREA. Any location that is within a horizontal distance of 500 feet from a residential home is considered to be in a residential area for the purposes of this subchapter.

TELECOMMUNICATION TOWER or TOWER. A monopole, guyed, or self-supporting tower, constructed as a free-standing structure or in association with a building, other permanent structure, or equipment, that contains one or more antennas intended to transmit or receive television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication. This definition shall not include any structures erected solely for a noncommercial individual use such as residential television antennas, satellite dishes, and ham radio antennas.

TOWER HEIGHT. The vertical distance measured from ground to the uppermost point of the tower, not including the antenna(s).

TOWN COUNCIL. The Beech Mountain Town Council.

VEGETATIVE CANOPY. Trees that create a roof-like layer of spreading branches.

VIEWSHED. Those lands seen from a specific location that form a visual composition with foreground, middle ground, and background acres.

(1989 Code, Title V, Ch. 51, Art. XX, § 2003) (Ord. passed 4-14-1998; Am. Ord. 2012-04, passed 5-8-2012)

§ 154.303 PERMIT REQUIRED.

(A) Except as otherwise provided in this subchapter, no telecommunication tower shall be erected, constructed, placed, enlarged, moved, used, maintained, or altered unless a Conditional Use Permit has been approved by the Board of Adjustment and a tower permit has been obtained from the Zoning Administrator. No tower permit shall be issued that is not in compliance with this subchapter. No building permit shall be issued for any tower that falls under the provisions of this subchapter unless that tower has received a tower permit.

(B) Non-commercial, individual use towers that are twenty feet in height or less shall require a zoning permit issued by the Zoning Administrator in lieu of or for Conditional Use Permit.

(C) Existing towers owned by governmental agencies and designed for noncommercial emergency communications may be replaced with a tower equal in height (or shorter) to the replaced tower. All other subchapter provisions are applicable.

(D) All applications for tower permits shall be submitted to the Zoning Administrator on the designated form. At a minimum, the application shall include the following information:

(1) Name, address and telephone number of the applicant.

(2) Street address, parcel number and/or legal description of the premises or property upon which the tower is to be located.

(3) Written statement from the property owner of the proposed tower site authorizing the placement of the tower on the property.

(4) A site development plan prepared by a North Carolina Registered Land Surveyor and containing the following information:

(a) Title block containing the tower owner's name, the property owner's name, and their addresses; scale; north arrow; vicinity map; tax parcel identification number(s); and the tower's latitude and longitude coordinates;

(b) The name, address, signature and seal of the surveyor preparing the site development plan;

(c) The surveyed boundary lines of the parcel(s) that will contain the proposed tower and its fall area land contours;

(d) The name, address, and tax parcel identification numbers of all owners of property abutting the subject property; and existing land uses surrounding the site;

(e) All structures located on the parcel, all existing and proposed roads and parking areas; and overhead utilities and utility connections within and to the proposed site;

(f) All existing towers on the property or any towers whose fall area onto the property;

(g) The proposed tower's location, the proposed fall area, and the location of all support structures and guy line anchors;

(h) The location of all support structures any guy line anchors;

(i) The ground elevation of the proposed tower's base based on mean sea level as provided through FEMA control points or another similar source;

(j) The height of the vegetative canopy at the site.

(5) A preliminary tower design plan prepared by a North Carolina registered Professional Engineer and containing the following information:

(a) The tower owner's name and address, scale, north arrow, vicinity map, and tax parcel identification number.

(b) The name, address, signature and seal of the engineer preparing the tower design plan;

(c) Information describing the tower height and design; a cross-section of the structure; engineering specifications detailing the construction of the tower, the base of the tower; the foundations for all guy line anchors, and support structures;

(d) A tower elevation showing the proposed painting and lighting schemes and all proposed antennas, information describing the tower's capacity, including the number and type of antennas that it can accommodate;

- (e) An elevation of each proposed set of guy line anchors;
- (f) The proposed tower design leads;
- (g) Designed fall zone for tower structure. (Note: All towers shall be set back from any surrounding property lines, public roads, or public utilities (such as power lines or phone lines other than those solely related to the telecommunication tower itself) by a distance that is equal to the height of the tower.)
- (6) Exterior lighting specifications.
- (7) Detailed landscaping plan.
- (8) A listing of the inventory of the applicant's existing towers within the town and within a mile of the town's limits, including specific information about the location, height, and design of each tower.
- (9) A map or description of the service area(s) for the proposed tower's antenna(s). The applicant shall identify other possible alternatives within the service area for the proposed tower's antenna(s) and explain why the proposed tower is necessary and why existing towers and structures cannot accommodate the proposed antenna(s).
- (10) The applicant must present evidence of fee simple ownership or a recorded leasehold interest from the record owners of all property within a radius equal to the height of the tower. Any lease agreement must allow the leaseholder to enter into leases with other providers. Any lease agreement must specify that if the applicant provider fails to remove the tower upon 180 days of its discontinued use, the responsibility for removal shall fall upon the landowner.
- (11) The applicant shall identify any requested variances to the standards contained in this subchapter, the reasons for seeking the variances, and any measures that are proposed to mitigate the possible adverse effects of the proposed variances.
- (12) The application must be accompanied by payment of a non-refundable processing fee. (1989 Code, Title V, Ch. 51, Art. XX, § 2004) (Ord. passed 4-14-1998; Am. Ord. 2012-04, passed 5-8-2012)

§ 154.304 ISSUANCE OF PERMIT/EXPIRATION.

(A) A Conditional Use Permit for a telecommunication tower shall expire five years after the effective date of the permit approval by the Board of Adjustment. A permittee wishing to continue the use of a specific tower must apply for a renewal of the Conditional Use Permit at least six months prior to the expiration of the permit. In considering the request for the renewal of the Conditional Use Permit, the Board of Adjustment shall apply all regulations then in effect and shall consider the impact that any changes in technology since the approval of the original permit may have had on the need for the tower or the tower's design.

(B) Following the Board of Adjustment's approval of a Conditional Use Permit for a proposed tower, and the permit owner's acknowledgment, acceptance, and execution of the Conditional Use Permit, the Zoning Administrator shall issue a tower permit. If a building permit is not obtained for the construction of the tower within 12 months after the approval of the Conditional Use Permit, or if the Conditional Use Permit expires in accordance with the provisions of § 154.116(G)(3) of this chapter, then the tower permit shall be void.

(1989 Code, Title V, Ch. 51, Art. XX, § 2005) (Ord. passed 4-14-1998)

§ 154.305 TOWER APPROVAL STANDARDS.

In addition to the other criteria set forth in the Zoning Ordinance for the approval and issuance of Conditional Use Permits by the Board of Adjustment, the Board shall apply the following standards in considering the approval of a tower application.

(A) Any proposed tower shall provide a needed service or benefit to the residents of Beech Mountain, Avery County or Watauga County that cannot otherwise be met.

(B) The tower must be designed to meet the ANSI/ELA/TIA-222-E standards of minimum 100-year return wind speed and a minimum one-half inch of solid radial ice.

(C) Towers shall be sited on a property so that all ice-fall or other debris from a potential tower failure can be contained in the property. The minimum distance from the tower's base to the property line, or to any public road or public utility (such as power lines or phone lines other than those solely related to the telecommunication tower itself) shall be equal to the tower's height. Guy wires and

1 other support devices shall be no closer than 20 feet from any lot line.

2 (D) A tower shall be set back from other on-site and off-site towers and supporting structures such
3 that the failure or collapse of one tower will not strike another tower or its support structure.

4 (E) The tower shall be designed and placed on the site in a manner that takes maximum
5 advantage of existing trees, mature vegetation, and structures so as to:

6 (1) Use the existing site features to screen the tower from prevalent views; or

7 (2) Use existing site features as a background so that the tower blends into the background with
8 increased site distances.

9 (F) No artificial lighting shall be permitted on towers except as required to meet the minimum
10 standards of the Federal Aviation Administration. If lighting is required, the Zoning Administrator shall
11 review the available lighting alternatives and approve the design that would cause the least
12 disturbance to surrounding properties and views. Security lighting at the base of a tower may be
13 provided if the lighting is shielded so that no light is directed toward adjacent properties or rights-of-
14 way.

15 (G) The base of the tower shall be surrounded by a fence or wall at least eight feet in height
16 unless the tower is constructed entirely on a building over eight feet in height.

17 (H) Only monopole towers or alternative tower structures shall be permitted. No tower or
18 alternative tower structure located on any Major Mountain ridge shall have its highest point at an
19 elevation greater than 30 feet higher than the vegetative canopy immediately surrounding the base of
20 the tower. No tower at a location other than a Major Mountain Ridge shall have its highest point at an
21 elevation greater than 100 feet from the ground.

22 (I) (1) The proposed tower shall be engineered and constructed to accommodate one additional
23 antenna that is at least as large as the largest proposed antenna identified in § 154.303(D)(5)(d).
24 Tower permit approval is conditioned upon the tower owner agreeing to allow the future collocation of
25 other antennas upon the tower structure. This provision shall not apply to monopole towers or
26 alternative tower structures located on a major mountain ridge where the height restriction placed on
27 the tower or alternative tower structure makes it infeasible or impractical to place more than one
28 antenna on the tower structure.

29 (2) In the event that a dispute arises as to whether a permittee has exercised good faith in
30 accommodating other users, the town may require a third party technical study (at the expense of the
31 permittee or the proposed user, or both) to determine whether the tower could accommodate the
32 proposed use.

33 (3) Failure to comply with the co-location requirements of this division may result in the denial of
34 a permit request or the revocation of an existing permit.

35 (J) Towers shall be light gray or other blending color as approved by the town, except when some
36 other color may be required by applicable federal or state regulations.

37 (K) Property located within the tower's fall area shall not be subdivided so long as the tower is
38 standing.

39 (L) Existing mature tree growth and natural land forms on the tower site shall be preserved to the
40 maximum extent possible. The tower and support structures shall be designed and placed on the site
41 in a manner that will take maximum advantage of existing trees and mature vegetation so that the
42 existing features will be used to screen the tower and support structures from prevalent views.

43 (M) Where a tower is proposed adjacent to a residential area, the setback space is to be used as a
44 buffer zone. The buffer shall consist of a semi-opaque planting/landscaping screen as described in §
45 154.165(A) of the Zoning Ordinance. Trees shall be at least six to seven feet tall for evergreens and
46 six to eight feet tall with a one and one-half-inch caliper for deciduous trees at the time of planting and
47 shall reach a height of no less than 20 feet at maturity.

48 (N) The applicant must be willing to allow the Town of Beech Mountain, the Beech Mountain Fire
49 Department, or other public entities use of the tower under reasonable terms and conditions if a
50 request is made for such use within 30 days of the filing of the permit application, provided that tower
51 load and frequency compatibility issues are satisfied.

52 (O) (1) Proposed towers shall not be permitted within residential areas as defined in § 154.302.

1 Within the other acceptable areas, the Board of Adjustment shall give preference to proposed tower
2 sites that are not located on a major mountain ridge.

3 (2) Alternative tower structures shall be given preference over monopole towers.

4 (P) The tower owner must provide the Zoning Administrator with proof of general liability insurance
5 in the minimum amount of \$1,000,000.

6 (Q) (1) If the tower, or the equipment on the site, is of a type that will emit a continuous or
7 frequent noise, the applicant must prove that sufficient action will be taken to prevent such noise from
8 being audible to surrounding residents and businesses. Tower facilities and equipment must be
9 operated so that noise levels are less than 45dB as measured from the property line nearest to the
10 tower facilities.

11 (2) The applicant shall comply with federal standards for radio frequency emissions. The
12 applicant shall ensure that the tower/antennas will not cause localized interference with the reception
13 of area television or radio broadcasts. If, on review, the town finds that the tower's antenna interferes
14 with such reception, and if the interference is not corrected within 60 days, the town may revoke or
15 modify the Conditional Use Permit.

16 (R) A sign identifying the owner(s) and operator(s) of the tower and an emergency telephone
17 number shall be placed in a clearly visible location on the premises on the tower.

18 (S) The tower must meet or exceed current standards and regulations of the Federal Aviation
19 Administration, the Federal Communications Commission, and any other agency of the federal
20 government with the authority to regulate towers and antennas.

21 (T) Mobile or immobile equipment not used in direct support of a tower facility shall not be stored
22 or parked on the site of a telecommunication tower, unless repairs to the tower are being made.
23 (1989 Code, Title V, Ch. 51, Art. XX, § 2006) (Ord. passed 4-14-1998; Am. Ord. 2012-04, passed 5-
24 8-2012)

25 **§ 154.306 DENIAL OF PERMIT.**

26 In accordance with the Telecommunications Act of 1996, any decision by the Board of Adjustment
27 denying a request for permission to install or construct a wireless telecommunication facility must be
28 in writing and must be based on evidence in a written record before the Board.

29 (1989 Code, Title V, Ch. 51, Art. XX, § 2007) (Ord. passed 4-14-1998)

30 **§ 154.307 CONTINUED COMPLIANCE REQUIRED.**

31 (A) All permits for the erection of a tower are issued in reliance upon a presumption that the tower
32 will in fact conform to the plans that are submitted as the basis for the permit. Once erected, the tower
33 must at all times be maintained in compliance with the provisions of the Conditional Use Permit.

34 (B) To ensure the structural integrity of towers, the owner of a tower shall ensure that it is
35 constructed and maintained in compliance with standards contained in the applicable State building
36 codes and the applicable standards for towers that are published by the Electronic Industries
37 Association (EIA) as amended from time to time.

38 (C) At least every 12 months, the tower shall be inspected at the owner's expense by an expert
39 who is regularly involved in the maintenance, inspection, and/or erection of telecommunication
40 towers. at a minimum, this inspection shall be conducted in accordance with the tower inspection
41 check list provided in the EIA Standard 222 *Structural Standards for Steel Antenna Towers and*
42 *Antenna Support Structures*. A copy of such inspection record shall be forwarded to the Zoning
43 Administrator.

44 (D) If the Zoning Administrator concludes that a tower fails to comply with the state building codes
45 and/or the EIA standards and constitutes a danger to persons or property, then upon notice being
46 provided to the owner of the tower, the owner of the tower, the owner shall have 30 days to bring
47 such tower into compliance with such codes with standards. If the owner fails to bring such tower into
48 compliance within the 30 days, the Board of Adjustment may order the removal of the tower at the
49 owner's expense.

50 (1989 Code, Title V, Ch. 51, Art. XX, § 2008) (Ord. passed 4-14-1998)

51 **§ 154.308 REMOVAL OF ABANDONED TOWERS.**

52 Any antenna or tower must be removed within 180 days of the date upon which it ceases to be in

1 active use.

2 (1989 Code, Title V, Ch. 51, Art. XX, § 2009) (Ord. passed 4-14-1998)

3 **§ 154.309 PENALTIES AND REMEDIES.**

4 Penalties and remedies for the violation of this subchapter shall be as provided in § 154.376 of the
5 Zoning Ordinance.

6 (1989 Code, Title V, Ch. 51, Art. XX, § 2010) (Ord. passed 4-14-1998)

7 **§ 154.310 SEVERABILITY; CONFLICT OF LAWS.**

8 If this subchapter or application thereof to any person or circumstance is held invalid, such invalidity
9 shall not affect other provisions or applications of the subchapter which can be given separate effect
10 and to that end, the provisions of this subchapter are declared to be severable. All ordinances or
11 parts of ordinances in conflict with this subchapter are hereby repealed.

12 (1989 Code, Title V, Ch. 51, Art. XX, § 2012) (Ord. passed 4-14-1998)

13 **§ 154.311 EFFECTIVE DATE.**

14 This subchapter shall be effective upon adoption.

15 (1989 Code, Title V, Ch. 51, Art. XX, § 2013) (Ord. passed 4-14-1998)

FLOOD DAMAGE PREVENTION

Editor's note:

Non-coastal regular phase

§ 154.325 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

(A) *Statutory authorization, municipal.*

(1) The Legislature of the State of North Carolina has in G.S. Ch. 143, Art. 21, Part 6; G.S. Ch. 160A, Art. 19, Parts 3, 5, and 8; and G.S. Ch. 160~~D-923A, Art. 8~~, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

(2) Therefore, the Town Council of The Town of Beech Mountain, North Carolina, does ordain as follows.

(B) *Findings of fact.*

(1) The flood prone areas within the jurisdiction of the Town of Beech Mountain 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 by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

(C) *Statement of purpose.* It is the purpose of this subchapter 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 which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion, flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

(4) Control filling, grading, dredging, and all other development which may increase erosion or flood damage; and

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(D) *Objectives.* The objectives of this subchapter are:

(1) To protect human life and health;

(2) To minimize expenditure of public money for costly flood control projects;

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) To minimize prolonged business losses and interruptions;

(5) To minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;

(6) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and

(7) To insure that potential home buyers are notified that property is in a Special Flood Hazard Area

(1989 Code, Title V, Ch. 51, Art. XXI, § 2101) (Ord. passed 11-11-2003)

§ 154.326 DEFINITIONS.

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

ACCESSORY STRUCTURE (APPURTENANT STRUCTURE). Means a structure which is 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 subchapter.

AREA OF SHALLOW FLOODING. Means a designated AO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one to three 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 1% chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE). Means a determination as published in the Flood Insurance Study of the water surface elevations of the base flood.

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.

DISPOSAL. Defined as in G.S. § 130A-290(a)(36).

ELEVATED BUILDING. Means a non-basement building which has its reference level raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

ENCROACHMENT. Means the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

EXISTING MANUFACTURED HOME PARK or MANUFACTURED HOME SUBDIVISION Means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is pre-FIRM.

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

(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.

1 **FLOOD INSURANCE STUDY (FIS).** Means an examination, evaluation, and determination of flood
2 hazard areas, corresponding water surface elevations (if appropriate), flood insurance risk zones, and
3 other flood data in a community issued by FEMA. The Flood Insurance Study report includes Flood
4 Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

5 **FLOOD PRONE AREA.** See **FLOODPLAIN**.

6 **FLOOD ZONE.** Means a geographical area shown on a Flood Hazard Boundary Map or Flood
7 Insurance Rate Map that reflects the severity or type of flooding in the area.

8 **FLOODPLAIN.** or **FLOOD PRONE AREA.** Means any land area susceptible to being inundated by
9 water from any source.

10 **FLOODPLAIN ADMINISTRATOR.** Is the individual appointed to administer and enforce the
11 floodplain management regulations.

12 **FLOODPLAIN MANAGEMENT.** Means the operation of an overall program of corrective and
13 preventive measures for reducing flood damage and preserving and enhancing, where possible,
14 natural resources in the floodplain, including but not limited to emergency preparedness plans, flood
15 control works, floodplain management regulations, and open space plans.

16 **FLOODPLAIN REGULATIONS.** Means this subchapter and other zoning ordinances, subdivision
17 regulations, building codes, health regulations, special purpose ordinances, and other applications of
18 police power which control development in flood-prone areas. This term describes federal, state or
19 local regulations in any combination thereof, which provide standards for preventing and reducing
20 flood loss and damage.

21 **FLOODPROOFING.** Means any combination of structural and nonstructural additions, changes, or
22 adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved
23 real property, water and sanitation facilities, or structures with their contents.

24 **FLOODWAY.** Means the channel of a river or other watercourse and the adjacent land areas that
25 must be reserved in order to discharge the base flood without cumulatively increasing the water
26 surface elevation more than one foot.

27 **FLOOR.** See **LOWEST FLOOR**.

28 **FUNCTIONALLY DEPENDENT FACILITY.** Means a facility which cannot be used for its intended
29 purpose unless it is located in close proximity to water, such as a docking or port facility necessary for
30 the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not
31 include long-term storage, manufacture, sales, or service facilities.

32 **HAZARDOUS WASTE MANAGEMENT FACILITY.** Means a facility for the collection, storage,
33 processing, treatment, recycling, recovery, or disposal of hazardous waste as defined in G.S. Ch.
34 130A, Art. 9.

35 **HIGHEST ADJACENT GRADE (HAG).** Means the highest natural elevation of the ground surface,
36 prior to construction, next to the proposed walls of the structure.

37 **HISTORIC STRUCTURE.** Means any structure that is:

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

41 (2) Certified or preliminarily determined by the Secretary of Interior as contributing to the
42 historical significance of a registered historic district or a district preliminarily determined by the
43 Secretary to qualify as a registered historic district;

44 (3) Individually listed on a state inventory of historic places;

45 (4) Individually listed on a local inventory of historic places in communities with historic
46 preservation programs that have been certified

47 (a) By an approved state program as determined by the Secretary of Interior, or

48 (b) Directly by the Secretary of Interior in states without approved programs.

49 **LOWEST ADJACENT GRADE (LAG).** Means the elevation of the ground, sidewalk, patio slab, or
50 deck support immediately next to the building after completion of the building. For Zone A and AO,
51 use the natural grade elevation prior to construction.

52 **LOWEST FLOOR.** Means the subfloor, top of slab or grade 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 subchapter.

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".

MARKET VALUE. Means the building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. **MARKET VALUE** can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value) or adjusted assessed values.

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

NEW CONSTRUCTION. Means structures for which the "start of construction" commenced on or after the effective date of the original version of this subchapter and includes any subsequent improvements to such structures.

NONCONFORMING BUILDING or DEVELOPMENT. Means any legally existing building or development which fails to comply with the current provisions of this subchapter.

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 foot as designated in the Flood Insurance Study report.

OBSTRUCTION. Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

POST-FIRM. Means construction or other development which started on or after January 1, 1975 or on or after the effective date of the initial Flood Insurance Rate Map for the area, whichever is later.

PRE-FIRM. Means construction or other development which started before January 1, 1975 or before the effective date of the initial Flood Insurance Rate Map for the area, whichever is later.

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:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

REFERENCE LEVEL. Is the portion of a structure or other development that must be compared to the regulatory flood protection elevation to determine regulatory compliance of such building. Within Special Flood Hazard Areas designated as zones A1-A30, AE, A, A99, AO, or AH, the reference level is the top of the lowest floor.

REGULATORY FLOOD PROTECTION ELEVATION. Means the elevation to which all structures and other development located within the Special Flood Hazard Areas must be elevated or

1 floodproofed, if nonresidential. Within areas where Base Flood Elevations (BFEs) have been
2 determined, this elevation shall be the BFE. In areas where no BFE has been established, all
3 structures and other development must be elevated or floodproofed, if non-residential, to two feet
4 above the highest adjacent grade.

5 **REMEDY A VIOLATION.** Means to bring the structure or other development into compliance with
6 state or community floodplain management regulations, or, if this is not possible, to reduce the
7 impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or
8 other affected development from flood damages, implementing the enforcement provisions of the
9 subchapter or otherwise deterring future similar violations, or reducing Federal financial exposure with
10 regard to the structure or other development.

11 **RETROFITTING.** Means measures, such as flood proofing, elevation, construction of small levees,
12 and other modifications, taken on an existing building or its yard to protect it from flood damage.

13 **RIVERINE.** Means relating to, formed by, or resembling a river (including tributaries), stream,
14 brook, etc.

15 **SALVAGE YARD.** Means property used for the storage, collection, and/or recycling of any type of
16 equipment whatsoever, whether industrial or noncommercial, and including but not limited to vehicles,
17 appliances and related machinery.

18 **SPECIAL FLOOD HAZARD AREA (SFHA).** Is the land in the floodplain subject to a 1% or greater
19 chance of being flooded in any given year as determined in § 154.327(B) of this subchapter.

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

22 **SOLID WASTE DISPOSAL SITE.** Defined as in G.S. § 130A-290(a)(36).

23 **START OF CONSTRUCTION.** Includes substantial improvement, and means the date the building
24 permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation,
25 addition placement, or other improvement was within 180 days of the permit date. The actual start
26 means either the first placement of permanent construction of a structure (including a manufactured
27 home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns,
28 or any work beyond the stage of excavation; or the placement of a manufactured home on a
29 foundation. Permanent construction does not include land preparation, such as clearing, grading, and
30 filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for
31 a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the
32 installation on the property of accessory buildings, such as garages or sheds not occupied as
33 dwelling units or not part of the main structure. For a substantial improvement, the actual start of
34 construction means the first alteration of any wall, ceiling, floor, or other structural part of the building,
35 whether or not that alteration affects the external dimensions of the building.

36 **STRUCTURE.** Means a walled and roofed building, a manufactured home, a gas or liquid storage
37 tank that is principally above ground.

38 **SUBSTANTIAL DAMAGE.** Means damage of any origin sustained by a structure during any one-
39 year period whereby the cost of restoring the structure to its before damaged condition would equal or
40 exceed 50% of the market value of the structure before the damage occurred. See definition of

41 **SUBSTANTIAL IMPROVEMENT.**

42 **SUBSTANTIAL IMPROVEMENT.** Means any combination of repairs, reconstruction, rehabilitation,
43 addition, or other improvement of a structure, taking place during any one-year period whereby the
44 cost of which equals or exceeds 50% of the market value of the structure before the "start of
45 construction" of the improvement. This term includes structures which have incurred "substantial
46 damage", regardless of the actual repair work performed. The term does not, however, include either:

47 (1) Any correction of existing violations of state or community health, sanitary, or safety code
48 specifications which have been identified by the community code enforcement official and which are
49 the minimum necessary to assure safe living conditions; or

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

52 **VARIANCE.** Is a grant of relief from the requirements of this subchapter.

1 **VIOLATION.** Means the failure of a structure or other development to be fully compliant with the
2 community's floodplain management regulations. A structure or other development without the
3 elevation certificate, other certifications, or other evidence of compliance required in §§ 154.328 and
4 154.329 is presumed to be in violation until such time as that documentation is provided.

5 **WATERCOURSE.** Means a lake, river, creek, stream, wash, channel or other topographic feature
6 on or over which waters flow at least periodically. **WATERCOURSE** includes specifically designated
7 areas in which substantial flood damage may occur.

8 **WATER SURFACE ELEVATION (WSE).** Means the height, in relation to mean sea level, of floods
9 of various magnitudes and frequencies in the floodplains of coastal or riverine areas.
10 (1989 Code, Title V, Ch. 51, Art. XXI, § 2102) (Ord. passed 11-11-2003)

11 **§ 154.327 GENERAL PROVISIONS.**

12 (A) *Lands to which this chapter applies.* This suchapter shall apply to all Special Flood Hazard
13 Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJ) if applicable, of The Town
14 of Beech Mountain and within the jurisdiction of any other community whose governing body agrees,
15 by resolution, to such applicability.

16 (B) *Basis for establishing the special flood hazard areas.*

17 (1) **FEMA.** The Special Flood Hazard Areas are those identified by the Federal Emergency
18 Management Agency (FEMA) or produced under the Cooperating Technical State (CTS) agreement
19 between the State of North Carolina and FEMA in its Flood Hazard Boundary Map (FHBM) or Flood
20 Insurance Study (FIS) and its accompanying flood maps such as the Flood Insurance Rate Map(s)
21 (FIRM) and/or the Flood Boundary Floodway Map(s) (FBFM), for Watauga County, panel #'s 150e,
22 151e and 153e dated September 21, 1998, which with accompanying supporting data, and any
23 revision thereto, including Letters of Map Amendment or Revision, are adopted by reference and
24 declared to be a part of this subchapter. The Special Flood Hazard Areas also include those defined
25 through standard engineering analysis for private developments or by governmental agencies, but
26 which have not yet been incorporated in the FIRM. This includes, but is not limited to, detailed flood
27 data:

- 28 (a) Generated as a requirement of § 154.328(C)(11) and (12) of this subchapter;
- 29 (b) Preliminary FIRMs where more stringent than the effective FIRM; or
- 30 (c) Post-disaster Flood Recovery Maps.

31 (2) **Municipal.** In addition, upon annexation to The Town of Beech Mountain or inclusion in the
32 Extra-Territorial Jurisdiction (ETJ), the Special Flood Hazard Areas identified by the Federal
33 Emergency Management Agency (FEMA) and/or produced under the Cooperating Technical State
34 agreement between the State of North Carolina and FEMA as stated above for the Unincorporated
35 Areas of Avery and Watauga Counties, with accompanying maps and other supporting data, and any
36 revision thereto, are adopted by reference and declared to be a part of this subchapter.

37 (C) *Establishment of floodplain development permit.* A Floodplain Development Permit shall be
38 required in conformance with the provisions of this subchapter prior to the commencement of any
39 development activities within Special Flood Hazard Areas as determined in § 154.327(B) above.

40 (D) *Compliance.* No structure or land shall hereafter be located, extended, converted, altered, or
41 developed in any way without full compliance with the terms of this suchapter and other applicable
42 regulations.

43 (E) *Abrogation and greater restrictions.* This suchapter is not intended to repeal, abrogate, or
44 impair any existing easements, covenants, or deed restrictions. However, where this subchapter and
45 another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

46 (F) *Interpretation.* In the interpretation and application of this chapter, all provisions shall be:

- 47 (1) Considered as minimum requirements;
- 48 (2) Liberally construed in favor of the governing body; and
- 49 (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

50 (G) *Warning and disclaimer of liability.* The degree of flood protection required by this subchapter
51 is considered reasonable for regulatory purposes and is based on scientific and engineering
52 consideration. Larger floods can and will occur on rare occasions. Actual flood heights may be

increased by man-made or natural causes. This subchapter 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 subchapter shall not create liability on the part of The Town of Beech Mountain or by any officer or employee thereof for any flood damages that result from reliance on this subchapter or any administrative decision lawfully made hereunder.

(H) *Penalties for violation.* Violation of the provisions of this subchapter 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 subchapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50 or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent The Town of Beech Mountain from taking such other lawful action as is necessary to prevent or remedy any violation.

(1989 Code, Title V, Ch. 51, Art. XXI, § 2103) (Ord. passed 11-11-2003)

§ 154.328 ADMINISTRATION.

(A) *Designation of Floodplain Administrator.* The Zoning Administrator, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this subchapter.

(B) *Floodplain development permit and certification requirements.*

(1) *Plans and application requirements.* Application for a Floodplain Development Permit shall be made to the floodplain administrator on forms furnished by him or her prior to any development activities proposed to be located within flood prone areas. The following items/information 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:

1. The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, the location of utility systems, proposed grading/pavement areas, fill materials, storage areas, drainage facilities, and other proposed development;

2. The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in § 154.327(B) or a statement that the entire lot is within the Special Flood Hazard Area;

3. Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in § 154.327;

4. The boundary of the floodway(s) or non-encroachment area(s) as determined in § 154.327(B);

5. The Base Flood Elevation (BFE) where provided as set forth in § 154.327(B), § 154.328(C)(11) and (12), or § 154.329(B)(5), (C) and (D);

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

(b) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:

1. Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;

2. Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;

3. Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;

(c) If floodproofing, a floodproofing certificate and back-up plans from a registered professional engineer or architect certifying that the non-residential flood-proofed development will meet the flood-proofing criteria in § 154.329(B)(2) and (C)(2).

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

1 to:

2 1. Proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid
3 backfilled foundation, open foundation on columns/piers);

4 2. Should solid foundation perimeter walls be used in floodplains, details of sufficient
5 openings to facilitate the unimpeded movements of floodwaters in accordance with § 154.329(B)(4);

6 (e) Usage details of any enclosed space below the regulatory flood protection elevation.

7 (f) Plans and/or details for the protection of public utilities and facilities such as sewer, gas,
8 electrical, and water systems to be located and constructed to minimize flood damage;

9 (g) Copy of all other local, state and federal permits required prior to floodplain development
10 permit issuance (i.e. Wetlands, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.)

11 (h) If floodplain development permit is issued for placement of recreational vehicles and/or
12 temporary structures, documentation to ensure § 154.329(B)(6) and (7) are met.

13 (i) If a watercourse is proposed to be altered and/or relocated, a description of the extent of
14 watercourse alteration or relocation; an engineering report on the effects of the proposed project on
15 the flood-carrying capacity of the watercourse and the effects to properties located both upstream and
16 downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse
17 alteration or relocation.

18 (2) *Floodplain development permit data requirements.* The following information shall be
19 provided at a minimum on the floodplain development permit to ensure compliance with this code.

20 (a) A description of the development to be permitted under the floodplain development permit
21 issuance.

22 (b) The Special Flood Hazard Area determination for the proposed development per available
23 data specified in § 154.327(B).

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

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

27 (e) All certification submittal requirements with timelines.

28 (f) State that no fill material shall encroach into the floodway or non-encroachment area of any
29 watercourse, if applicable.

30 (3) *Certification requirements.*

31 (a) A final as-built elevation certificate (FEMA Form 81-31) or Floodproofing Certificate (FEMA
32 Form 81-65) is required after construction is completed and prior to Certificate of
33 Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain
34 administrator a certification of final as-built construction of the elevation or floodproofed elevation of
35 the reference level and all attendant utilities. Said certification shall be prepared by or under the direct
36 supervision of a registered land surveyor or professional engineer and certified by same. When
37 floodproofing is utilized, said certification shall be prepared by or under the direct supervision of a
38 professional engineer or architect and certified by same. The floodplain administrator shall review the
39 certificate data submitted. Deficiencies detected by such review shall be corrected by the permit
40 holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances,
41 another certification may be required to certify corrected as-built construction. Failure to submit the
42 certification or failure to make said corrections required shall be cause to withhold the issuance of a
43 Certificate of Compliance/Occupancy. (FEMA FORMS ARE OPTIONAL FOR FLOODPLAIN
44 MANAGEMENT BUT RECOMMENDED. THE USE OF THE FEMA ELEVATION CERTIFICATES IS
45 MANDATORY FOR CRS COMMUNITIES.)

46 (b) If a manufactured home is placed within an A, AO, AE, or A1-30 zone and the elevation of
47 the chassis is above 36 inches in height, an engineered foundation certification is required per §
48 154.329(B)(3).

49 (c) If a watercourse is to be altered or relocated, a description of the extent of watercourse
50 alteration or relocation; an engineering report on the effects of the proposed project on the flood-
51 carrying capacity of the watercourse and the effects to properties located both upstream and
52 downstream; and a map showing the location of the proposed watercourse alteration or relocation

1 shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

2 (d) *Certification exemptions.* The following structures, if located within A, AO, AE or AI-30
3 zones, are exempt from the elevation/floodproofing certification requirements specified in items
4 division (B)(3)(a) and (b) above:

- 5 1. Recreational vehicles meeting requirements of § 154.329(B)(6)(a);
- 6 2. Temporary structures meeting requirements of § 154.329(B)(7); and
- 7 3. Accessory structures less than 150 square feet meeting requirements of § 154.329(B)(8).

8 (C) *Duties and responsibilities of the Floodplain Administrator.* Duties of the floodplain
9 administrator shall include, but not be limited to:

10 (1) Review all floodplain development applications and issue permits for all proposed
11 development with in flood prone areas to assure that the requirements of this subchapter have been
12 satisfied.

13 (2) Advise permittee that additional federal or state permits (i.e., Wetlands, Erosion and
14 Sedimentation Control, Riparian Buffers, Mining, etc.) may be required, and if specific federal or state
15 permits are known, require that copies of such permits be provided and maintained on file with the
16 floodplain development permit.

17 (3) Notify adjacent communities and the North Carolina Department of Crime Control and Public
18 Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance
19 Program prior to any alteration or relocation of a watercourse, and submit evidence of such
20 notification to the Federal Emergency Management Agency.

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

23 (5) Prevent encroachments within floodways and non-encroachment areas unless the
24 certification and flood hazard reduction provisions of § 154.329(E) are met.

25 (6) Obtain actual elevation (in relation to mean sea level) of the reference level (including
26 basement) of all attendant utilities of all new or substantially improved structures, in accordance with
27 § 154.328(B)(3).

28 (7) Obtain the actual elevation (in relation to mean sea level) to which the new or substantially
29 improved structures and all utilities have been floodproofed, in accordance with § 154.328(B)(3).

30 (8) Obtain actual elevation (in relation to mean sea level) of all public utilities, in accordance with
31 § 154.328(B)(3).

32 (9) When floodproofing is utilized for a particular structure, obtain certifications from a registered
33 professional engineer or architect in accordance with § 154.328(B)(3) and § 154.329(B)(2).

34 (10) Where interpretation is needed as to the exact location of boundaries of the Special Flood
35 Hazard Areas (for example, where there appears to be a conflict between a mapped boundary and
36 actual field conditions), make the necessary interpretation. The person contesting the location of the
37 boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this
38 section.

39 (11) When Base Flood Elevation (BFE) data has not been provided in accordance with §
40 154.327(B), obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with
41 floodway data and/or non-encroachment area data available from a federal, state, or other source,
42 including data developed pursuant to § 154.329(C)(4), in order to administer the provisions of this
43 subchapter.

44 (12) When Base Flood Elevation (BFE) data is provided but no floodway nor non-encroachment
45 area data has been provided in accordance with § 154.327(B), obtain, review, and reasonably utilize
46 any floodway data, and/or non-encroachment area data available from a federal, state, or other
47 source in order to administer the provisions of this subchapter.

48 (13) When the exact location of boundaries of the special flood hazard areas conflict with the
49 current, natural topography information at the site, the property owner may apply and be approved for
50 a Letter of Map Amendment (LOMA) by FEMA. A copy of the Letter of Map Amendment issued from
51 FEMA will be maintained by the floodplain administrator in the floodplain development permit file.

52 (14) Permanently maintain all records that pertain to the administration of this subchapter and

1 make these records available for public inspection.

2 (15) Make on-site inspections of work in progress. As the work pursuant to a floodplain
3 development permit progresses, the floodplain administrator shall make as many inspections of the
4 work as may be necessary to ensure that the work is being done according to the provisions of the
5 local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has
6 a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the
7 community at any reasonable hour for the purposes of inspection or other enforcement action.

8 (16) Issue stop-work orders as required. Whenever a building or part thereof is being
9 constructed, reconstructed, altered, or repaired in violation of this subchapter, the floodplain
10 administrator may order the work to be immediately stopped. The stop-work order shall be in writing
11 and directed to the person doing the work. The stop-work order shall state the specific work to be
12 stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be
13 resumed. Violation of a stop-work order constitutes a misdemeanor.

14 (17) Revocation of floodplain development permits as required. The floodplain administrator may
15 revoke and require the return of the floodplain development permit by notifying the permit holder in
16 writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure
17 from the approved application, plans, or specifications; for refusal or failure to comply with the
18 requirements of state or local laws; or for false statements or misrepresentations made in securing
19 the permit. Any floodplain development permit mistakenly issued in violation of an applicable state or
20 local law may also be revoked.

21 (18) Make periodic inspections throughout all special flood hazard areas within the jurisdiction of
22 the community. The floodplain administrator and each member of his or her inspections department
23 shall have a right, upon presentation of proper credentials, to enter on any premises within the
24 territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other
25 enforcement action.

26 (19) Follow through with corrective procedures of § 154.328(D).

27 (D) *Corrective procedures.*

28 (1) *Violations to be corrected.* When the floodplain administrator finds violations of applicable
29 state and local laws, it shall be his or her duty to notify the owner or occupant of the building of the
30 violation. The owner or occupant shall immediately remedy each of the violations of law pertaining to
31 their property.

32 (2) *Actions in event of failure to take corrective action.* If the owner of a building or property shall
33 fail to take prompt corrective action, the floodplain administrator shall give the owner written notice, by
34 certified or registered mail to the owner's last known address or by personal service, stating:

35 (a) That the building or property is in violation of the Flood Damage Prevention Ordinance;

36 (b) That a hearing will be held before the floodplain administrator at a designated place and
37 time, not later than ten days after the date of the notice, at which time the owner shall be entitled to
38 be heard in person or by counsel and to present arguments and evidence pertaining to the matter;
39 and

40 (c) That following the hearing, the floodplain administrator may issue such order to alter,
41 vacate, or demolish the building; or to remove fill as appears appropriate.

42 (3) *Order to take corrective action.* If, upon a hearing held pursuant to the notice prescribed
43 above, the floodplain administrator shall find that the building or development is in violation of the
44 Flood Damage Prevention Ordinance, he or she shall make an order in writing to the owner, requiring
45 the owner to remedy the violation within a specified time period, not less than 60 days. Where the
46 floodplain administrator finds that there is imminent danger to life or other property, he or she may
47 order that corrective action be taken in such lesser period as may be feasible.

48 (4) *Appeal.* Any owner who has received an order to take corrective action may appeal the
49 order to the local elected governing body by giving notice of appeal in writing to the floodplain
50 administrator and the clerk within ten days following issuance of the final order. In the absence of an
51 appeal, the order of the floodplain administrator shall be final. The local governing body shall hear an
52 appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

1 (5) *Failure to comply with order.* If the owner of a building or property fails to comply with an
2 order to take corrective action from which no appeal has been taken, or fails to comply with an order
3 of the governing body following an appeal, he or she shall be guilty of a misdemeanor and shall be
4 punished in the discretion of the court.

5 (E) *Variance procedures.*

6 (1) The Board of Adjustment as established by The Town of Beech Mountain, hereinafter
7 referred to as the "appeal board", shall hear and decide requests for variances from the requirements
8 of this subchapter.

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

11 (3) Variances may be issued for the repair or rehabilitation of historic structures upon the
12 determination that the proposed repair or rehabilitation will not preclude the structure's continued
13 designation as a historic structure and the variance is the minimum necessary to preserve the historic
14 character and design of the structure.

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

- 17 (a) The danger that materials may be swept onto other lands to the injury of others;
- 18 (b) The danger to life and property due to flooding or erosion damage;
- 19 (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of
20 such damage on the individual owner;
- 21 (d) The importance of the services provided by the proposed facility to the community;
- 22 (e) The necessity to the facility of a waterfront location, where applicable;
- 23 (f) The availability of alternative locations, not subject to flooding or erosion damage, for the
24 proposed use;
- 25 (g) The compatibility of the proposed use with existing and anticipated development;
- 26 (h) The relationship of the proposed use to the comprehensive plan and floodplain
27 management program for that area;
- 28 (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- 29 (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood
30 waters and the effects of wave action, if applicable, expected at the site; and
- 31 (k) The costs of providing governmental services during and after flood conditions including
32 maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water
33 systems, and streets and bridges.

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

36 (6) Upon consideration of the factors listed above and the purposes of this subchapter, the
37 appeal board may attach such conditions to the granting of variances as it deems necessary to
38 further the purposes of this subchapter.

39 (7) Variances shall not be issued within any designated floodway or non-encroachment area if
40 any increase in flood levels during the base flood discharge would result.

41 (8) Conditions for variances:

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

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

46 (c) Variances shall only be issued upon:

- 47 1. A showing of good and sufficient cause;
- 48 2. A determination that failure to grant the variance would result in exceptional hardship; and
- 49 3. A determination that the granting of a variance will not result in increased flood heights,
50 additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on
51 or victimization of the public, or conflict with existing local laws or ordinances.

52 (d) Any applicant to whom a variance is granted shall be given written notice specifying the

1 difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be
2 built and a written statement that the cost of flood insurance will be commensurate with the increased
3 risk resulting from the reduced reference level elevation. Such notification shall be maintained with a
4 record of all variance actions.

5 (e) The floodplain administrator shall maintain the records of all appeal actions and report any
6 variances to the Federal Emergency Management Agency and the State of North Carolina upon
7 request.

8 (1989 Code, Title V, Ch. 51, Art. XXI, § 2104) (Ord. passed 11-11-2003)

9 **§ 154.329 PROVISIONS FOR FLOOD HAZARD REDUCTION.**

10 (A) *General standards.* In all Special Flood Hazard Areas the following provisions are required:

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

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

15 (3) All new construction or substantial improvements shall be constructed by methods and
16 practices that minimize flood damages.

17 (4) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service
18 facilities shall be designed and/or located so as to prevent water from entering or accumulating within
19 the components during conditions of flooding. These include but are not limited to HVAC equipment,
20 water softener units, bath/kitchen fixtures, ductwork, electric meter panels/boxes, utility/cable boxes,
21 appliances (i.e., washers, dryers, refrigerator, etc.), hot water heaters, electric outlets/switches.

22 (5) All new and replacement water supply systems shall be designed to minimize or eliminate
23 infiltration of flood waters into the system.

24 (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate
25 infiltration of flood waters into the systems and discharges from the systems into flood waters.

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

28 (8) Any alteration, repair, reconstruction, or improvements to a structure which is in compliance
29 with the provisions of this subchapter, shall meet the requirements of "new construction" as contained
30 in this subchapter.

31 (9) Non-conforming structures or other development may not be enlarged, replaced, or rebuilt
32 unless such enlargement or reconstruction is accomplished in conformance with the provisions of this
33 subchapter. Provided, however, nothing in this subchapter shall prevent the repair, reconstruction, or
34 replacement of a building or structure existing on the effective date of this subchapter and located
35 totally or partially within the floodway, non-encroachment area, or stream setback, provided that the
36 bulk of the building or structure below the regulatory flood protection elevation in the floodway, non-
37 encroachment area, or stream setback is not increased and provided that such repair, reconstruction,
38 or replacement meets all of the other requirements of this subchapter.

39 (10) New solid waste disposal facilities, hazardous waste management facilities, salvage yards,
40 and chemical storage facilities shall not be permitted in Special Flood Hazard Areas. A structure or
41 tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment
42 plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the
43 structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation
44 and certified according to § 154.328(B)(3) of this subchapter.

45 (B) *Specific standards.* In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data
46 has been provided, as set forth in § 154.327(B), or § 154.328(C)(11) and (12), the following
47 provisions are required:

48 (1) *Residential construction.* New construction or substantial improvement of any residential
49 structure (including manufactured homes) shall have the reference level, including basement,
50 elevated no lower than the regulatory flood protection elevation.

51 (2) *Non-residential construction.* New construction or substantial improvement of any
52 commercial, industrial, or other non-residential structure shall have the reference level, including

basement, elevated no lower than the regulatory flood protection elevation. Structures located in A, AO, AE and A1-30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure below the required 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 standards of this division are satisfied. Such certification shall be provided to the official as set forth in § 154.328(B)(3).

(3) *Manufactured homes.*

(a) New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation.

(b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement in accordance with the State of North Carolina *Regulations for Manufactured/Mobile Homes*, 1995 Edition, and any revision thereto adopted by the Commissioner of Insurance pursuant to G.S. § 143-143.15 or a certified engineered foundation. Additionally, when the elevation would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above 36 inches in height, an engineering certification is required.

(c) All foundation enclosures or skirting shall be in accordance with 154.329(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.* New construction or substantial improvements of elevated buildings that include fully enclosed areas that are below the regulatory flood protection elevation shall not be designed to be used for human habitation, but shall be designed to be used only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises, be constructed entirely of flood resistant materials below the regulatory flood protection level in A, AO, AE, and A1-30 zones and meet the following design criteria:

(a) Measures for complying with this requirement shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. To meet this requirement, the foundation must either be certified by a professional engineer or architect or meet the following minimum design criteria:

1. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.

2. The total net area of all openings must be at least one square inch for each square foot of each enclosed area subject to flooding.

3. If a building has more than one enclosed area, each area must have openings on exterior walls to allow floodwater to directly enter;

4. The bottom of all required openings shall be no higher than one foot above the adjacent grade; and

5. Openings may be equipped with screens, louvers, or other opening coverings or devices provided they permit the automatic flow of floodwaters in both directions.

6. Foundation enclosures:

a. Vinyl or sheet metal skirting is not considered an enclosure for regulatory and flood insurance rating purposes. Therefore such skirting does not require hydrostatic openings as outlined above.

b. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires hydrostatic openings as outlined above to comply with this subchapter.

(b) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). The interior portion

of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.

(5) *Additions/improvements.*

(a) Additions and/or improvements to pre-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure.

1. Are 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.

2. Are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(b) Additions to post-FIRM structures with no modifications to the existing structure shall require only the addition to comply with the standards for new construction.

(c) Additions and/or improvements to post-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure:

1. Are not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.

2. Are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(d) Where a fire wall or independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.

(6) *Recreational vehicles.* Recreation vehicles placed on sites within a Special Flood Hazard Area shall either:

(a) Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and has no permanently attached additions); or

(b) Meet all the requirements for new construction, including anchoring and elevation requirements of § 154.328(B) and § 154.329(A) and (B)(3).

(7) *Temporary structures.* Prior to the issuance of a floodplain development permit for a temporary structure, the following requirements must be met:

(a) Applicants must submit to the floodplain administrator a plan for the removal of such structure(s) in the event of a hurricane or flash flood warning notification. The plan must include the following information:

1. A specified time period for which the temporary use will be permitted;

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

3. The time frame prior to the event at which a structure will be removed (i.e. minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

4. A copy of the contract or other suitable instrument with a trucking company to insure the availability of removal equipment when needed; and

5. Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area to which the temporary structure will be moved.

(b) The above information shall be submitted in writing to the Floodplain Administrator for review and written approval.

(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 work, sleeping, living, cooking or restroom areas);

(b) Accessory structures shall be designed to have low flood damage potential;

(c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

(d) Accessory structures shall be firmly anchored in accordance with § 154.329(A)(1);

(e) All service facilities such as electrical and heating equipment shall be installed in

1 accordance with § 154.329(A)(4); and

2 (f) Openings to relieve hydrostatic pressure during a flood shall be provided below regulatory
3 flood protection elevation in conformance with § 154.329(B)(4)(a).

4 (g) An accessory structure with a footprint less than 150 square feet does not require an
5 elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other
6 accessory structures in accordance with § 154.328(B)(3).

7 (C) *Subdivisions, manufactured home parks and major developments.* All subdivision,
8 manufactured home park and major development proposals located within Special Flood Hazard
9 Areas shall:

10 (1) Be consistent with the need to minimize flood damage;

11 (2) Have public utilities and facilities such as sewer, gas, electrical, and water systems located
12 and constructed to minimize flood damage;

13 (3) Have adequate drainage provided to reduce exposure to flood hazards; and

14 (4) Have Base Flood Elevation (BFE) data provided if development is greater than the lesser of
15 five acres or 50 lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be
16 adopted by reference per § 154.328(B) to be utilized in implementing this code.

17 (D) *Standards for floodplains without established Base Flood Elevations.* Within the Special Flood
18 Hazard Areas established in § 154.328(B), where no Base Flood Elevation (BFE) data has been
19 provided, the following provisions shall apply:

20 (1) No encroachments, including fill, new construction, substantial improvements or new
21 development shall be permitted within a distance of 20 feet each side from top of bank or five times
22 the width of the stream whichever is greater, unless certification with supporting technical data by a
23 registered professional engineer is provided demonstrating that such encroachments shall not result
24 in any increase in flood levels during the occurrence of the base flood discharge.

25 (2) If § 154.329(C)(1) is satisfied and Base Flood Elevation (BFE) data is available from other
26 sources, all new construction and substantial improvements within such areas shall also comply with
27 all applicable provisions of this subchapter and shall be elevated or floodproofed in accordance with
28 elevations established in accordance with § 154.328(C)(11) and (12). When Base Flood Elevation
29 (BFE) data is not available from a federal, state, or other source, the reference level, including
30 basement, shall be elevated at least two feet above the highest adjacent grade.

31 (E) *Standards for floodplains with BFE but without established floodways or non-encroachment*
32 *areas.* Along rivers and streams where Base Flood Elevation (BFE) data is provided but neither
33 floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or
34 in the FIS, no encroachments, including fill, new construction, substantial improvements, or other
35 development, shall be permitted unless certification with supporting technical data by a registered
36 professional engineer is provided demonstrating that the cumulative effect of the proposed
37 development, when combined with all other existing and anticipated development, will not increase
38 the water surface elevation of the base flood more than one foot at any point within the community.

39 (F) *Floodways and non-encroachment areas.* Located within the Special Flood Hazard Areas
40 established in 154.327(B) are areas designated as floodways or non-encroachment areas. The
41 floodways and non-encroachment areas are extremely hazardous areas due to the velocity of
42 floodwaters that have erosion potential and carry debris and potential projectiles. The following
43 provisions shall apply to all development within such areas:

44 (1) No encroachments, including fill, new construction, substantial improvements and other
45 developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic
46 analyses performed in accordance with standard engineering practice that the proposed
47 encroachment would not result in any increase in the flood levels during the occurrence of the base
48 flood. Such certification and technical data shall be presented to the floodplain administrator prior to
49 issuance of floodplain development permit.

50 (2) If § 154.329(F)(1) is satisfied, all development shall comply with all applicable flood hazard
51 reduction provisions of this subchapter.

52 (3) No manufactured homes shall be permitted, except replacement manufactured homes in an

existing manufactured home park or subdivision provided the following provisions are met:

(a) The anchoring and the elevation standards of § 154.329(B)(3); and

(b) The no encroachment standards of § 154.329(F)(1) are met.

(G) *Standards for areas of shallow flooding (AO Zones)*. Located within the Special Flood Hazard Areas established in § 154.327(B), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following provisions shall apply within such areas:

(1) All new construction and substantial improvements of all structures shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least to the regulatory flood protection elevation as defined for the Special Flood Hazard Areas where no BFE has been established.

(2) All new construction and substantial improvements of non-residential structures shall have the option to, in lieu of elevation, be completely floodproofed together with attendant utilities and sanitary facilities to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as per § 154.328(B)(3) and § 154.329(B)(2).

(1989 Code, Title V, Ch. 51, Art. XXI, § 2105) (Ord. passed 11-11-2003)

§ 154.330 LEGAL STATUS PROVISIONS.

(A) *Effect upon outstanding building 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 subchapter; provided, however, that when construction is not begun under such outstanding permit within a period of six months subsequent to passage of this subchapter or any revision thereto, construction or use shall be in conformity with the provisions of this subchapter.

(B) *Effective date*. This subchapter shall be effective upon adoption.

(1989 Code, Title V, Ch. 51, Art. XXI, § 2106) (Ord. passed 11-11-2003)

MODULAR HOME REQUIREMENTS

§ 154.340 REQUIREMENTS.

(A) After the building permit has been issued, the contractor must meet with the Beech Mountain Police Chief or his or her designee to discuss the date of delivery into town and all routes to be used to deliver units to the construction site. A written plan, including a mapped out route must be developed during this meeting. A copy of the plan must be submitted to the Town Inspections Office.

(B) Foundation must be completed before units are moved into town, and foundation survey submitted to the Building Inspector.

(C) Contractor must give three-business days' notice to the Beech Mountain Police Department, Beech Mountain Public Works Department and the Beech Mountain Inspections Department, before bringing any units into town or moving any staged units within the town limits. All three departments must sign a provided information sheet verifying, that department has been notified and approves of the movement date. An emergency telephone number for the building contractor must be provided, (business, home, cell).

(D) No modular unit shall be brought into the town during the following time periods:

(1) From five days before July 4 and continuing until five days after July 4; and

(2) From the Monday before December 25 and continuing until the Friday after January 1. ¹

(E) Contractor must arrange for a staging area or have adequate off street parking at building site (inspections office must verify parking at building site) for units. If using a staging area, contractor must provide a signed agreement (with that property owner) to the Building Inspections Office.

(F) In hardship cases, such as weather conditions or mechanical failure, units may occupy one side of street provided the following requirements are met:

(1) Building Inspector approves.

(2) Public Works Director approves.

(3) Police Department approves.

(4) Contractor provides orange traffic cones around units.

(5) Contractor maintains a minimum road travel width of 12 feet.

(6) Maximum time for one travel lane to be used: three days.

(7) After three days civil penalties will be assessed on a per unit, per day basis. ²

(G) No street will be allowed to be blocked by units. The only exception will be at the time of setting the units when a crane may need to set-up in the street to set the units.

(H) In this case the contractor shall: ³

(1) Give a minimum of three-business days' notice to the Police Department, Inspections Office, Public Works Department and all affected occupied properties on that street.

(2) Post a sign, three business four days in advance, at the beginning of all affected streets, stating that the street may be closed on the date the units are to be set, sign must meet specifications as attached.

(3) Provide a vehicle and driver, to standby on the back side of any blocked dead end street, to shuttle property owners to and from houses as needed.

(4) Arrange for proper signage and traffic control (these may be coordinated with the Town Police and Public Works Departments).

(I) Personnel with ability to move any equipment (in case of emergencies) shall remain at job site anytime the street is blocked.

(J) Town streets may only be blocked between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday excluding holidays.

(K) After units are set, all unit frames and/or transport trailers shall be removed from street right-of-way within one day, afterward civil penalties will be assessed on a per unit, per day basis.

(L) The Inspections Office to provide a list of these requirements to contractor for their signature verifying they understand all requirements.

(M) If the Town of Beech Mountain incurs any expenses in providing traffic control or proper signage, the contractor shall reimburse the town at an appropriate rate as determined by the Beech Mountain Town Manager.

(N) Any trees that are cut down in order to facilitate the placement of a modular home that would not have been permitted to be cut down for traditional construction will be replaced by a 15-foot tree of a species that is indigenous to the area. If there are any questions about the species of tree to be planted, the local Cooperative Extension agent will be contacted and his or her decision shall be final.

(O) Any civil penalty assessed will be in the amount of \$500.
(1989 Code, Title V, Ch. 51, Art. XXII, § 1) (Ord. passed 6-29-2006; Ord. passed 3-13-2007; Ord. passed 2-13-2008)

Editor's note:

¹ Division (D) added by amendment June 29, 2006.

² Division (F) amended March 13, 2007.

³ Division (H) amended March 13, 2007.

⁴ Division (N) added by Town Council February 13, 2008.

§ 154.341 SIGN REQUIREMENTS.

(A) Sign must be a minimum of three feet by three feet and attached to, two 4-inch by 4-inch posts set securely into the ground.

(B) Sign must have a white background and black lettering.

(C) Lettering must be a minimum of four inches in height with one-half-inch stroke.

(D) Signs must be removed within 48 hours of the modular units being set. ¹

(E) Wording on sign must read as follows:

ATTENTION

MODULAR HOME CONSTRUCTION AHEAD

EXPECT DELAYS

ROAD MAY BE CLOSED ON THE DATE BELOW

BETWEEN THE HOURS OF 9:00 A.M. AND 5:00 P.M.

Insert date here

(1989 Code, Title V, Ch. 51, Art. XXII, § 2) (Ord. passed 6-29-2006; Ord. passed 4-3-2007)

Editor's note:

¹ Division (D) amended April 3, 2007.

TREE REGULATIONS ^{1, 2}

Editor's note:

¹ Subchapter added by Town Council May 13, 2008.

² Amended in its entirety July 13, 2010.

§ 154.355 PURPOSES.

This subchapter is adopted to promote the purposes of:

(A) To preserve the natural beauty of the town;

(B) To encourage better care of trees and vegetation within the town, on both public and private property;

(C) To develop a viable tree management program;

(D) To promote cooperation between the public and private sectors to effectively manage urban forests;

(E) To support and participate in the Tree City USA program; and

(F) To educate the public to the environmental importance and benefits of trees and their health. (1989 Code, Title V, Ch. 51, Art. XXII, § 2201) (Ord. passed 5-13-2008; Ord. passed 7-13-2010)

§ 154.356 DEFINITIONS.

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

CLEAR CUTTING. The cutting or removal of all trees within an area of 400 square feet or larger.

INJURING A TREE. Any cutting, trimming, pruning or other method of removing any live part of a live tree shall be considered injurious to the tree and therefore a permit must be obtained before performing any such act unless exemptions in § 154.359 apply, with the exception that removing small branches under 1/2" in diameter shall not generally be considered injurious to the tree, provided that such act does not remove a substantial portion of the canopy of said tree or otherwise result in a threat to the life or health of such tree.

PERSON. Any individual, partnership, corporation, association or entity.

PRIVATE PROPERTY. All property other than that described as "public property" below.¹

PUBLIC PROPERTY.

(1) Any property which the town owns, leases or has an easement over; and

(2) Any property which the owner or easement holder grants authority to the town for the purposes of enforcing this subchapter (e.g. DOT right-of-way).

TEMPORARY SERVICE ROUTE. A route, other than the planned permanent driveway or access route to a house, which is created and used during the construction process.²

(1989 Code, Title V, Ch. 51, Art. XXII, § 2202) (Ord. passed 5-13-2008; Ord. passed 7-13-2010; Ord. passed 11-15-2011)

§ 154.357 CREATION OF TOWN TREE BOARD.

(A) **Tree Board.** There shall be a Town Tree Board which shall consist of five members appointed by the Town Council. The Town Manager shall designate member(s) of the town staff to serve as ex-officio members.

(B) **Term of office.** The members shall each serve a term of three years. When first appointed members to the Tree Board, the Council shall appoint three members to a three-year term and two members to a two-year term. At the conclusion of the initial terms, the Council shall appoint all new members to a three-year term.

(C) **Compensation.** The members of the Tree Board shall be paid \$15 per month for meeting attendance, regardless of the number of meetings attended; no money will be paid if no meetings were attended, payment will be on a quarterly basis. The compensation may be changed by the Town Council at any time.

(D) **Duties and responsibilities.** The Board shall perform the following duties:

(1) Assist the Town Manager or his or her designee with the creation, updating, monitoring and management of the town's tree regulations;

(2) Work with the Town Manager or his or her designee to prepare an annual tree replacement, planting, and maintenance program; and

1 (3) Work with the Town Manager or his or her designee on all other issues related to the
2 management and care of the town's forest.

3 (E) Members of the Town Tree Board may attend up to one-half of the regular committee meetings
4 per calendar year by telephonic or video-telephonic attendance. Town staff and the telephonically
5 attending member shall work to insure that all parties are able to hear and communicate with each
6 other as part of this process. The member attending telephonically shall give notice to the Tree Board
7 Secretary not less than 24 hours prior to the meeting. For purposes of attaining a quorum, the
8 telephonically attending member shall not be considered to be present for the meeting. The
9 telephonically attending member may participate fully in the conduct of the meeting, including voting
10 upon all matters before the Committee. Minutes of the meeting at which remote participation occurs
11 should reflect which members are physically present and which are not.

12 (1989 Code, Title V, Ch. 51, Art. XXII, § 2206) (Ord. passed 5-13-2008; Ord. passed 1-12-2010; Ord.
13 passed 7-13-2010; Ord. passed 12-14-2010; Ord. passed 11-15-2011; Ord. 2018-03, passed 2-13-
14 2018)

15 **§ 154.358 DAMAGE TO TREES WITHOUT A PERMIT PROHIBITED.**

16 The following actions shall constitute a violation of this subchapter and shall be subject to the
17 penalties prescribed herein. For trees located on public property, the following restrictions shall apply
18 to any tree, regardless of size. For trees located on private property, the following restrictions apply
19 to trees in excess of six inches in diameter measured four feet above the ground (at its highest point).

20 (A) *Injuring, removal, relocation, generally.* No person shall, without a written permit from the town,
21 perform or cause to be performed the following acts: mutilate, injure, remove or relocate any live tree
22 within the town, or injure or misuse any structure or device placed to protect any such tree.

23 (B) *Whitewashing, painting.* No person shall, without a written permit from the town, whitewash,
24 paint or in any way discolor the stem base, bole or root of any tree in the town.

25 (C) *Attaching signs or other devices; obstructing roots.* No person shall, without a written permit
26 from the town, fasten or attach any sign, wire or electrical attachment or other device in any manner
27 to the trees in the town, or to guard about the tree, or close or obstruct any open space provided
28 about the base or root of the tree within three feet in any direction, or in any way prevent the access
29 of air, water or fertilizer to roots of the tree. Attachment of birdhouses or other small ornamental
30 attachments that do not substantially threaten the life of a tree is permissible.

31 (1989 Code, Title V, Ch. 51, Art. XXII, § 2203) (Ord. passed 5-13-2008; Ord. passed 7-13-2010; Ord.
32 passed 11-15-2011)

33 **§ 154.359 EXEMPTIONS.**

34 Exemptions to the provisions of this subchapter include the following:

35 (A) Trimming of trees by the town or approved agent as normal maintenance provided the
36 trimming does not result in the mutilation, death or destruction of the tree; and

37 (B) Any tree which during a period of emergency or act of God must be removed so that it in no
38 way will hinder public work to restore order in the town; removal to be by the town or its authorized
39 agents.

40 (C) The removal of dead trees or dead portions of a tree. The owner of the property on which the
41 trees are located bears the burden of proving that such trees or parts of trees were dead at the time
42 of removal.

43 (D) The removal or cutting of live trees or portions of live trees (i.e. limbs or branches) on private
44 property under six inches in diameter measured four feet above the ground (at its highest point), with
45 the exception that provisions regulating clear-cutting as found in § 154.362 of this chapter must be
46 followed.

47 (1989 Code, Title V, Ch. 51, Art. XXII, § 2204) (Ord. passed 5-13-2008; Ord. passed 7-13-2010; Ord.
48 passed 11-15-2011)

49 **§ 154.360 PERMITS.**

50 (A) *General.*

51 (1) Permits shall be valid for 90 calendar days.

52 (2) The town may require the replacement of trees in accordance with § 154.364 as a condition

1 of any permit.

2 (3) A copy of the permit shall be displayed in plain sight on the property where the trees are
3 being cut.

4 (B) *Permit procedure.* The application for a permit shall be on a form provided by the town and
5 signed by the property owner.

6 (C) *Standards for granting permits.*

7 (1) *Public property trees.* In determining whether a permit should be issued for the cutting of
8 trees on public property, the Town Manager or his or her designee shall consider the following
9 criteria:

10 (a) The condition of the tree with respect to disease, danger of falling, proximity to existing or
11 proposed structures, and interference with utility services;

12 (b) The necessity to remove trees in order to construct proposed improvements to allow
13 economic development of property adjacent to public property;

14 (c) The topography of land and the effect of tree removal on erosion, soil retention and the
15 diversion or increased flow of surface waters, and coordination with the town's drainage patterns; and

16 (d) The number of trees existing in the neighborhood on improved property. The Town
17 Manager or his or her designee shall be guided by the standards established in the neighborhood and
18 the effect of tree removal upon property values in the area.

19 (e) The town may require the relocation or replacement of trees as a condition of issuing the
20 permit, on a one for one basis, with replacement trees having a caliper of one and one-half inch
21 diameter at breast height (that is, four feet above the ground at its highest point).

22 (2) *Private property trees.* The Town Manager or his designee may issue a permit for the cutting
23 of live trees or portions of live trees (i.e. limbs or branches) on private property when such trees are in
24 excess of six inches in diameter measured four feet above the ground (at its highest point) when:

25 (a) The trees or portions of trees are within 15 feet of the existing main structure or main
26 structure being constructed on the building site;

27 (b) The trees or portions of trees are within five feet of an approved septic tank or septic drain
28 field;

29 (c) The trees or portions of trees are within five feet of a driveway or parking area, the location
30 of which has been approved by the Town Manager or his or her designee;

31 (d) The trees or portions of trees pose a hazard to the property owner and/or other residents;

32 (e) The cutting of the trees or portions of trees promotes the growth and development of other
33 trees on the lot;

34 (f) The trees or portions of trees are diseased or damaged;

35 (g) The trees or portions of trees are within a temporary service route as defined in this
36 subchapter. Approval under this criteria shall require the replacement of trees on a one-for-one basis
37 in accordance with § 154.364 of this subchapter; or

38 (h) The removal of trees or portions of trees not meeting the criteria set forth in divisions (a)
39 through (g) above may be permitted pursuant to a landscaping plan that improves the property and is
40 acceptable to the town. Such a plan shall be designed to minimize the injury, disturbance, or removal
41 of trees not necessary to achieve the specific objectives of the plan.

42 (i) With regard to divisions (a), (b) and (c) above, for new construction no trees or portions of
43 trees shall be cut pursuant to these criteria until the owner is ready to begin construction as
44 evidenced by the issuance of a building permit.

45 (j) Permits may be granted for trees to be pruned or limbed for view enhancement. To attempt
46 to minimize the detriment to the tree of these practices, the standards provided in American National
47 Standards Institute (ANSI) A300 (Trees, Shrubs, and Other Woody Plant Management, Part 1 -
48 Pruning) shall be followed.

49 (D) *Flag and photo required.* All trees to be cut or trimmed must be clearly flagged and photo
50 taken.

51 (1989 Code, Title V, Ch. 51, Art. XXII, § 2205) (Ord. passed 5-13-2008; Ord. passed 7-13-2010; Ord.
52 passed 11-15-2011)

1 **§ 154.361 REGISTRATION OF PRIVATE PROPERTY TREE CUTTERS.**

2 All persons paid compensation to cut or trim trees on private property in the Town of Beech
3 Mountain must be registered in the office of the Beech Mountain Town Manager or his or her
4 designee. The registration shall consist of obtaining a copy of this subchapter, and by signature,
5 affirm that they will abide by the rules prescribed by this subchapter. No person shall be allowed to
6 register unless all civil penalties owed to the town have been paid in full.¹ A property owner shall only
7 hire persons to cut or trim trees who are registered with the Town.
8 (Ord. passed 7-13-2010)

9 **Editor's note:**

10 ¹ Added by amendment December 14, 2004.

11 **§ 154.362 CLEAR CUTTING PROHIBITED.**

12 On lots having a majority of trees under six inches in diameter at four feet above ground level (at its
13 highest point), clear cutting is not allowed without the approval of the Town Manager or his or her
14 designee. Under no circumstances can more than 50% of the natural vegetation, equally balanced
15 across the entire lot, be cut regardless of the size or diameter of the vegetation, without approval of
16 the Town Manager or his or her designee. The above criteria in § 154.360(C)(2)(a) through (h) will
17 again be followed.

18 (Ord. passed 7-13-2010)

19 **§ 154.363 [RESERVED].**

20 **§ 154.364 REPLACEMENT TREES.**

21 Unless specified otherwise, when any provision of §§ 154.355 through 154.363 creates the need for
22 trees to be replaced, the replacement shall be accomplished in accordance with this section.

23 (A) Trees shall be of an appropriate species and type for the location and elevation in which they
24 will be planted. A list of replacement tree types and the locations in which they are appropriate may
25 be obtained from the Town Manager or his or her designee.

26 (B) Tree caliper at the time of replanting shall be a minimum of one and one-half inches at breast
27 height (that is, four feet ground level at its highest point).

28 (C) Tree replacement shall be accomplished at the next growing season in accordance with
29 American National Standards Institute ANSI A300 (Part 6-Transplanting).

30 (Ord. passed 7-13-2010)

31 **§ 154.365 PENALTIES.**

32 (A) *General.*

33 (1) The cutting or removal of trees not meeting the permit criteria set forth in § 154.360(C) shall
34 subject the offender to a civil penalty in the amount of \$1,000 per tree to be recovered by the town.
35 Upon appeal, the burden of proving that cut trees would have qualified for a permit under §
36 154.360(C) lies with the appellant. Upon a finding that the cut trees would have qualified for a permit
37 under § 154.360, the offender shall be subject to a civil penalty in the amount of \$100 per tree to be
38 recovered by the town.

39 (2) The violation of any provision of this subchapter other than the cutting or removal of trees not
40 meeting the permit criteria set forth in § 154.360(C) shall subject the offender to a civil penalty in the
41 amount of \$100 pursuant to § 11.01 of the Beech Mountain Code of Ordinances. Each day's
42 continuing violation shall be a separate and distinct violation.

43 (3) Notwithstanding division (A)(1) above, all provisions of this subchapter may also be enforced
44 by appropriate equitable remedies issuing from a court of competent jurisdiction.

45 (4) Violation of any provision of this subchapter shall not be a misdemeanor.

46 (B) *Violations on public property.* In addition to the penalties above, any violator of § 154.358 with
47 respect to trees on public property shall be required to replace removed or damaged trees on public
48 property with trees and/or shrubs of the same size. The violator shall be responsible for the full
49 replacement costs of the trees.

50 (C) *Violations on private property.* Responsible party. For violations of § 154.358 with respect to
51 private property, the party who actually cut or trimmed the trees shall be deemed the responsible
52 party. However, when one party hires another for the purpose of cutting or trimming trees, the party

1 who hires or arranges for the other to do the work shall be deemed the responsible party.
2 (1989 Code, Title V, Ch. 51, Art. XXII, § 2207) (Ord. passed 5-13-2008; Ord. passed 7-13-2010; Ord.
3 passed 11-15-2011; Ord. 2016-06, passed 4-12-2016)

4 **§ 154.366 APPEAL.**

5 See § 154.046 of this chapter.
6 (1989 Code, Title V, Ch. 51, Art. XXII, § 2208) (Ord. passed 5-13-2008; Ord. passed 7-13-2010; Ord.
7 passed 11-9-2010)

8 **§ 154.367 EFFECTIVE DATE.**

9 This subchapter is effective upon adoption.
10 (1989 Code, Title V, Ch. 51, Art. XXII, § 2209) (Ord. passed 5-13-2008; Ord. passed 7-13-2010)

VIOLATIONS, PENALTIES AND REMEDIES

§ 154.375 VIOLATIONS.

Whenever, by the provisions of this chapter, the performance of any act is prohibited, or whenever any regulations, dimension or limitation is imposed on the use of any land, or on the erection or alterations or the use or change of use of a structure, or the uses within such structure, a failure to comply with such provisions of this chapter shall constitute a separate violation and a separate offense.

(1989 Code, Title V, Ch. 51, Art. XIV, § 1400)

§ 154.376 PENALTIES. ¹

(A) *Violation.* Violation of any provision of this chapter, except §§ 154.358 - 154.367, shall subject the offender to a civil penalty in the amount of ~~\$100~~ dollars to be recovered by the town. Violation of §§ 154.358 - 154.367 shall subject the offender to a civil penalty in the amount specified in § 154.365. Violators shall be issued a written citation which must be paid within 30 days. If the violator does not pay the penalty within 30 days after receipt of the written citation, the town may recover such penalty in a civil action in the nature of a debt.

(B) *Continuing violations.* Each day's continuing violation of any provision of this chapter shall constitute a separate and distinct violation.

(1989 Code, Title V, Ch. 51, Art. XIV, § 1401) (Ord. passed 7-13-1999; Ord. passed 12-14-2004; Ord. passed 11-15-2011)

Editor's note:

¹ *Criminal penalties removed and penalty for violation of § 154.144 changed by amendment July 13, 1999.*

§ 154.377 REMEDIES.

If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, moved or maintained, or any building, structure or land is used in violation of this chapter, the Zoning Administrator, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, moving, maintenance or use, to restrain, correct or abate the violation, to prevent occupancy of the building, structure or land, or to prevent any illegal act, conduct of business or use in or about the premises

including the issuance of a stop-work order, injunctive relief, and any other remedies available at law.
(1989 Code, Title V, Ch. 51, Art. XIV, § 1402)

LEGAL STATUS PROVISIONS AND EFFECTIVE DATE

§ 154.390 SEVERABILITY.

It is the legislative intent of the Town Council in adopting this chapter that all provisions and sections thereof shall be liberally construed to protect and preserve the peace, health, safety and general welfare of the inhabitants of Beech Mountain, and, further, that should any provision, portion, section or subsection of this chapter be held to be invalid by a court of competent jurisdiction such ruling shall not be construed as affecting the validity of any of the remaining provisions, portions, sections or subsections; it being the intent of the Town Council that this chapter shall stand, notwithstanding the invalidity of any provision or section, or part thereof.

(1989 Code, Title V, Ch. 51, Art. XV, § 1500)

§ 154.391 CONFLICT WITH OTHER LAWS.

When provisions of this chapter require a greater width or size of yards or courts, or require a lower height of a building, or fewer number of stories, or require a greater percentage of a lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, provisions of this chapter shall govern. When the provisions of any other statute or local ordinance or regulation require a greater width or size of yards or courts, or require a lower height of a building or a fewer number of stories, or require a greater percentage of a lot to be left unoccupied, or impose other higher standards than are required by the provisions made by this chapter, the provisions of that statute or local ordinance or regulation shall govern.

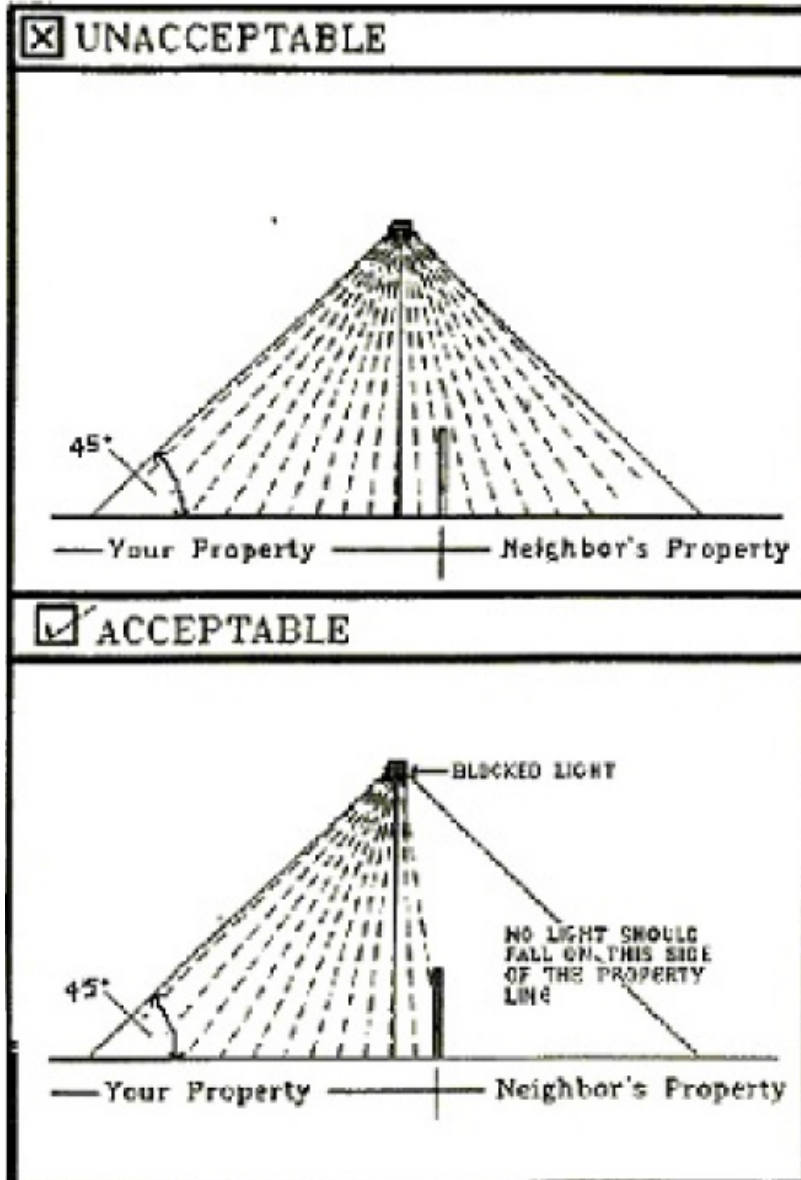
(1989 Code, Title V, Ch. 51, Art. XV, § 1501)

1 **§ 154.392 EFFECTIVE DATE.**

2 This chapter shall take effect and be in force on October 12, 1982.
3 (1989 Code, Title V, Ch. 51, Art. XV, § 1502)

APPENDIX A: FIGURES OF ACCEPTABLE SHIELDING AND DIRECTION OF OUTDOOR LIGHT FIXTURES

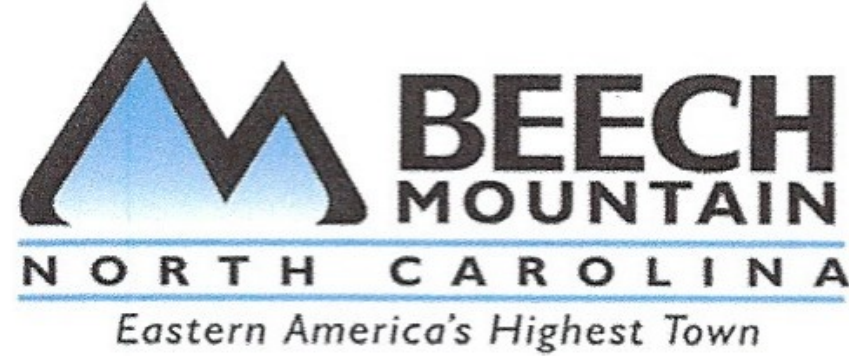
The following figure illustrates the concept of light encroachment and what is acceptable and unacceptable outdoor lighting fixtures in the town.



(Ord. 2016-09, passed 8-9-2016)

Council Members

Barry Kaufman, Mayor
Jimmie Accardi, Vice Mayor
Weidner Abernethy
Kelly Melang
Erin Gonyea



Town Manager

Bob Pudney

Town Attorney

Stacy C. Eggers IV

PLAN CONSISTENCY STATEMENT
Amendments as a result of N.C.G.S. 160D

Pursuant to N.C.G.S. § 160D-604(d) Plan Consistency, the Planning Board has reviewed the proposed action and the adopted 2020-2035 Comprehensive Plan for the Town of Beech Mountain and offer the following statement of plan consistency and reasonableness:

It is the opinion of the Planning Board that the proposed action is consistent with the 2020-2035 Comprehensive Plan for the Town of Beech Mountain goals, policies, and strategies.

Specifically, this action is consistent with the following sections of the Comprehensive Plan:

- *Amendments do not affect policy except as otherwise required by N.C.G.S.*

Further, it is the opinion of the Board that the proposed action is reasonable and in the public interest because it is consistent with the 2020-2035 Comprehensive Plan for the Town of Beech Mountain goals, policies, and strategies identified above and for the following reasons:

- *Amendments are required as a result of changes to the General Statutes of NC*

Urs Gsteiger, Chairman

25 May 21

Date

Preston Yates, Planning Board Clerk

5-25-21

Date



ORDINANCE

TO: Mayor & Town Council
FROM: Bob Pudney
DATE: June 8, 2021
SUBJECT: Annual Balanced Budget and Budget Ordinance

FOR THE PURPOSE OF:

NC G.S. §159-8 (a) (b) Annual Balanced Budget Ordinance, NC G.S. §159-11 Preparation and Submission of Budget and Budget Message, NC G.S. §159-12 (a) (b) Filing and Publication of the Budget; Budget Hearings, NC G.S. §159-13 (a)- (d) The Budget Ordinance, Form, Adoption, Limitations, Tax Levy, Filing. Consideration and Adoption of the Fiscal Year: 2021-2022 Annual Budget as submitted by the Budget Officer and Town Manager pursuant to the Local Government Budget and Fiscal Control Act Article 3.

STAFF RECOMMENDATION:

Approval and Adoption of the Annual Budget for Fiscal Year: 2021-2022

SIGNATURES:

Town Manager

Town Clerk

Town of Beech Mountain

Annual Budget 2021-2022



Mayor

Barry Kaufman

Council Members

Weidner Abernethy

Jimmie Accardi

Erin Gonvea

Kelly Melang

Town Manager

Robert "Bob" Pudney

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Council Members

Barry Kaufman, Mayor
Jimmie Accardi, Vice Mayor
Weidner Abernethy
Kelly Melang
Erin Gonyea



Town Manager

Bob Pudney

Town Attorney

Stacy C. Eggers IV

The Honorable Barry Kaufman, Mayor

Town Council Members

Town of Beech Mountain, North Carolina

FY: 2021-2022 Budget Message

Dear Mayor and Town Council Members:

I am pleased to submit for your consideration the proposed budget for Fiscal Year 2021-2022. This budget meets the direction provided by the elected officials at the Town Council January 28, 2021 Budget Retreat. This proposal is aggressive in addressing the Town's aging infrastructure as well as providing essential services to the residents and visitors to the Town.

This proposed budget meets all requirements of the North Carolina Local Government Budget and Fiscal Control Act.

OVERVIEW

The Town of Beech Mountain's Total General Fund Budget for FY 2021-2022 is \$9,285,316, which includes \$2,231,127 of capital expenditures designated almost entirely to Roads and Infrastructure improvements. This is an increase of 19.63% from the previous fiscal year.

TOWN SERVICES

The Town of Beech Mountain remains committed to providing all the existing services for FY 2021-2022 to include Police, Fire and Basic Life Support Emergency Medical Services, Administration, Finance, Tax Collections, Planning and Zoning, Building Permitting and Inspections, Code Enforcement, Public Works, Road and Right of Way maintenance, Solid Waste and Recycling, Parks and Recreation, Tourism and Economic Development. All services are proposed to continue at current service delivery levels with increases in Solid Waste / Recycling and Road Maintenance.

GENERAL FUND

The proposed tax rate for fiscal year 2021-2022 remains at \$.0732 per \$100 of valuation. This rate is based upon a tax valuation of \$547,622,737.00 and a 98% tax collection rate.

SALARIES AND BENEFITS

This proposed budget includes a 2% Cost of Living increase and a 1-3% Merit raise based upon an individual employee's performance. The Employee Medical Insurance plan, Med Cost with the NCLM, was adopted by the Town in FY 2019-2020 at a savings of \$132,000, employee contribution for dependent care was raised at that time to offset the cost to the Town, this proposal sets the employee contribution for dependent care at 20% of premium.

The North Carolina State Retirement has increased for General Employees from 10.15% to 11.35% and for Law Enforcement Officers from 10.84% to 12.04% of gross pay.

CAPITAL EXPENDITURES

General Fund

This proposal is identical to the FY 2020-2021 Budget in that all Capital Expenditure are listed separately outside of the actual operating expenses. I offer this format to define clearly, in a more cogent and transparent manner, the actual capital expenditures and operating expenses of the Town Budget.

The following amounts are included under the Capital Expenditure Section and are listed under Administration Account 10.410-9105 "Transfer to Capital Projects".

\$155,000	Excavator, Trailer and Vehicle to begin a dedicated program of structure service line replacement.
\$100,000	ABS Stone and Gravel for the stabilization and repair of the Town's gravel roads, an increase of \$20,000 over FY 2019-20.
\$12,000	Replacement of drainage Culverts required before road maintenance and paving.
\$1,013,075	Paving to include areas after waterline repairs, based upon the Paving Management Plan for upgrades and maintenance. Road list is flexible

	depending upon the amount of work that can be accomplished.
\$125,000	Rubber Tire Front End Loader, mainly to relieve backhoe from the duties of salt pile management and compaction of the open container 40-yard convenience center dumpsters.
\$300,000	Visitor Center expansion. This is a 50-50 venture with the Tourism and Development Authority. Would also benefit the Police Department and the Inspections Department space
\$41,879	New Police Patrol vehicle fulling outfitted
\$35,000	Repainting of exterior of Fire Station #1
\$22,000	Small tractor with backhoe attachment to assist with roadside debris and cleaning of culverts.
\$60,000	Installation of reflectors on designated town roads
\$70,000	Two (2) three quarter ton 4x4 pickup trucks to replace aging fleet
\$35,000	SUV for aged out Recreation Department vehicle
\$120,000	TDA funded bathrooms for sled hill/dog park
\$34,700	TDA funded sled hill parking lot paving
\$14,600	TDA funded picnic table and bench replacement program.
\$6,900	TDA funded sled hill fencing.
\$25,000	TDA funded improved water delivery for snow making sled hill.
\$14,600	TDA various Recreation Dept. items
\$37,073	Event Overflow parking paving recreation center.
\$9,300	Shane Park Security Camera System

Water Utility

\$107,500	Continuation of the tap's replacement ten-year program.
\$153,000	Equipment and projects that include, Listening Device, WTP Turbidimeter, Additional Radio Read Site, Ashwood Pump Station new flooring, Sewer Camera, Sewer Flow Monitoring, Klonteska Fencing, Pond Creek Overflow Weirs, Manhole Repair/Cleaning, Hydrants & Accessories, Meter Register/Antenna.
\$100,000	Locust Wellsite Land Purchase
\$300,000	St. Andrews Line Installation
\$90,000	F550 Utility Truck
\$50,000	F250 4x4 to replace aging fleet.

ADMINISTRATION

Implemented a comprehensive financial accounting and planning model to more precisely account for the future financial needs of the Town with a goal to plan well into the future. The model is a dynamic tool to be used on a regular basis to better determine the financial needs and funding methods well into the future. Funding is included for a Municipal Election to be held November 2, 2021.

PARKS AND RECREATION

Requesting one additional full-time Outdoor Recreation Specialist to meet the increased needs for development and maintenance of additional facilities brought on-line. Some projects include, Lake Coffey Restroom, Shane Park, Bark Park Playground, Elder Ridge Trail System, Forked Trail development, relocation of the Sledding Hill as well as an increase in use and demand of the Parks and Recreation facilities by the public.

PLANNING AND BUILDING INSPECTIONS

Requesting one additional full-time Building Inspector due to the dramatic increase in building construction.

PUBLIC WORKS DEPARTMENT

Requesting a full-time Receptionist to facilitate the management of the new Public Works facility which will come on-line in June 2021, reassignment of an existing employee to a Senior Support Specialist for data management and inventory control, as well as further implementation of the DUDE asset management system. Requesting two full-time Maintenance Worker positions to handle the increasing infrastructure maintenance and repair requirements.

Continue the use of Seasonal Workers as a cost-efficient means to manage the use of higher trained employees in skilled positions.

UTILITY REVENUE

Increase Water minimum rate by 10% per Water Rate Study schedule.

Increase Sewer minimum rate by 10% per Water Rate Study schedule.

Increased Source Water Development surcharge to \$5.00/month per study.

Availability Fees to be transferred into Utility Capital Reserve Fund as required by the State.

Source Water Development surcharge to be transferred into the Source Water Development Capital Project Fund.

UTILITY ADMINISTRATION

Moved all Capital Outlay out of the operating budgets with one transfer to Capital Projects.

Funding is included to begin the engineering and plan development for a 30-million-gallon freshwater reservoir at the Lake Coffey/ Lake Santis site.

UTILITY TAPS & SYSTEM

Funding is provided to continue with the multi-year replacement of water service lines as well as response to emergency repairs.

SANITATION

Changes to both the Commercial and Residential Fee Schedules to increase revenues based upon a 100% increase in Tipping fees by Watauga County.

Continue with the Placard Control System at the Convenience Center to better control access and costs. Reduced Convenience Center Operating hours to six days per week, eight hours per day to save two full-time positions at a cost of \$88,000.00.

Recommend a Franchise to Republic Services for the collections and disposal of all Commercial Solid Waste.

Recommend a twice per week curbside solid waste pickup schedule to all single-family residences.

Implementation of the Bear Resistant Trash Bin requirement for all Short-term rentals.

EMERGENCY MEDICAL SERVICES

This proposed budget does not include funding for improvement to the Emergency Medical Service (EMS) Advanced Life Support (ALS) system, however, I anticipate with a reduction in actual expenditures as well as increased revenue from multiple sources, this project can be successfully addressed during the second quarter of the fiscal year.

CONCLUSION

The Town Council held a comprehensive Budget Retreat on January 28, 2021 setting the priorities and goals for this budget proposal, the emphasis was towards an aggressive program to maintain and improve the aging infrastructure of the Town while maintaining the high levels of service and quality of life the taxpayers have come to expect. I believe this proposal meets those needs and direction. The COVID-19 Pandemic is rapidly changing to a more open and accessible return to Town operations, I expect the Town to continue the recovery as well as moving forward with the aggressive improvement plans that have been established.

I want to personally thank the Mayor and Council Members for their guidance and support during this time with the preparation of this budget, it has been challenging with remote meetings and restricted access for the public at large. This proposal is a collective work of all Department Directors, Team Leaders and especially the Finance Director, Steve Smith, who provided the needed historical perspective, expertise, and counsel. I submit this proposed budget for your consideration.

I am prepared to discuss the specifics of this proposal at any time, please call with any questions.

Sincerely,

Bob Pudney, Town Manager
June 8, 2021

**TOWN OF BEECH MOUNTAIN, NORTH CAROLINA
2021-2022 BUDGET ORDINANCE**

BE IT ORDAINED BY THE TOWN OF BEECH MOUNTAIN TOWN COUNCIL:

SECTION 1. GENERAL FUND.

- A. REVENUES.** It is estimated that the revenues as listed below will be available during the fiscal year beginning July 1, 2021 and ending June 30, 2022, to meet the appropriations as set forth in Subsection C below. All fees, commissions and sums paid to or collected by any Town official, officer or agent for any service performed by such official, officer or agent in his official capacity shall insure to the benefit of the Town and become Town funds.

Local Revenue:

Current Year's Property Taxes	\$ 3,928,426
Prior Year's Property Taxes	51,000
Vehicle Tax	80,000
Interest on Taxes	15,500
Interest on Investments	1,400
Rent Income	6,000
Recreation Income	56,000
Hold Harmless Funds	280,000
Fire Department Revenue	108,000
Program Grants	399,300
State Franchise Tax	255,000
Cable TV Franchise Tax	30,000
Beer and Wine Tax	1,450
Powell Bill	100,000
Local Sales Tax	1,585,000
Building Inspection Fees	40,000
Planning & Zoning Fees	3,000
Installment Loan Proceeds	448,879
Other Revenue	65,227
Fund Balance Appropriated	1,720,984
Transfer from TDA – Salaries	110,150
TOTAL GENERAL FUND REVENUE	<u>\$9,285,316</u>

Note: See Budget Planning Document for complete listing of all revenues, pages 7-9

B. AD VALOREM TAX LEVY. There is hereby levied for the fiscal year 2021-2022 an ad valorem property tax on all property in the Town of Beech Mountain as of January 1, 2022, at a rate of .732¢ on each hundred dollars (\$100.00) assessed value pursuant to and in accordance with the Machinery Act of Chapter 105 of the North Carolina General Statutes and other applicable laws. Property shall be assessed at one hundred percent (100%) of its true value. The estimated revenues from the ad valorem property tax set out in Section 1-A of this Ordinance are based on an estimated collection during the 2020-2021 fiscal year of ninety-six percent (98%) of the levy.

C. APPROPRIATIONS. The following amounts are hereby appropriated to the Town Manager for the operation of the Town of Beech Mountain and its departments and agencies for the fiscal year beginning July 1, 2021 and ending June 30, 2022. In administering the programs authorized under this Ordinance, the Town Manager is authorized to make transfers from one appropriation to another within the same fund. Any such transfer shall be reported to the Town Council at its next regular meeting and shall be recorded in the minutes of that meeting. The Town Manager is authorized to make expenditures of \$10,000 or less from contingency appropriations by transfer to departments and agencies. Any such expenditure shall be reported to the Town Council at its next regular meeting and recorded in the minutes of that meeting. The Town Manager may establish personnel positions which may become necessary within the funds provided in this Ordinance or amendments thereto.

Administration	\$3,964,768
Tax Collection	49,240
Visitor Center	202,018
Police	1,214,873
Fire	480,241
Special Projects	-
Building Inspections	204,621
Planning	136,290
Vehicle Maintenance	192,668
Public Works	1,973,403
Recreation	<u>867,194</u>
TOTAL APPROPRIATIONS	<u>\$9,285,316</u>

SECTION 2. WATER AND SEWER FUND.

A. REVENUES. It is estimated that the revenues of the funds as listed below will be available during the fiscal year beginning July 1, 2021 and ending June 30, 2022, to meet the appropriations approved for operations of the Town of Beech Mountain Water and Sewer Fund as set forth in Section 2-B below.

Interest on Investments	\$500
Metered Sales	2,360,601
Connection Fees	16,000
Reconnect Fees	1,500
Other Revenue	66,500
Installment Loan Proceeds	140,000
Source Water Development	153,591
Availability Fees	72,100
Fund Balance Appropriated	<u>731,900</u>
 TOTAL REVENUES	 <u>\$3,542,692</u>

B. APPROPRIATIONS. The following amounts are hereby appropriated to the Town Manager for the operation of the Town of Beech Mountain Water and Sewer for the fiscal year. In administering the programs authorized under this Ordinance, the Town Manager is authorized to make transfers from one appropriation to another within the same fund. Any such transfer shall be reported in accordance with the provisions of Section 1-C of this Ordinance. The Town Manager is authorized to make expenditures of \$10,000 or less from the contingency appropriation by transfer to the appropriate line item within the same fund. Any such expenditure shall be reported to the Town Council in accordance with the provisions of Section 1-C of this Ordinance.

Water and Sewer Administration	\$2,262,782
Water Treatment	922,770
Wastewater Treatment	272,440
Taps and Systems Maintenance	<u>84,700</u>
 TOTAL WATER & SEWER FUND APPROPRIATIONS	 <u>\$3,542,692</u>

SECTION 3. SANITATION FUND.

This Fund is provided for the operations and accounting purposes of the Town's Solid Waste Management function.

- A. REVENUES.** It is estimated that the following revenues, from the following sources, will be available during the fiscal year to meet the total appropriations approved and specified in Section 3-B below.

Sanitation User Fees	\$ 733,449
Recycling Revenue	50,000
Solid Waste Disposal Tax	180
Other	30,150
Installment Loan Proceed	315,000
TOTAL REVENUES	<u>\$1,092,479</u>

- B. APPROPRIATIONS.** The following amount is hereby appropriated to the Town Manager for the operation of the Sanitation Fund for the fiscal year.

All Line Items: Total Appropriation	<u>\$1,092,479</u>

SECTION 4. 9-1-1 EMERGENCY TELEPHONE FUND.

- A. REVENUES.** It is estimated that the following revenues, from the following sources, will be available during the fiscal year to meet the total appropriations approved and specified in Section 4-B below.

9-1-1 Subscriber Fees	88,442
9-1-1 Transfer from Reserve	-
Other	<u>30</u>
TOTAL REVENUES	<u>\$ 88,472</u>

- B. APPROPRIATIONS.** The following amount is hereby appropriated to the Town Manager for the operation of the 9-1-1 Emergency telephone Fund for the fiscal year.

All Line Items: Total Appropriations	<u>\$ 88,472</u>

SECTION 5. SPECIAL REVENUE FUND

A. REVENUES. It is estimated that the following revenues, from the following sources, will be available during the fiscal year to meet the total appropriations approved and specified in Section 5-B below.

BEEHCOP Promotions	<u>\$11,000</u>

TOTAL REVENUES	<u>\$11,000</u>

B. APPROPRIATIONS. The following amount is hereby appropriated to the Town Manager for the operation of the Special Revenue Fund for the fiscal year.

All Line Items: Total Appropriations	<u>\$11,000</u>

Ordained this, the 8th day of June 2021.

Barry Kaufman, Mayor

ATTEST:

Tamara Mercer, Beech Mountain Town Clerk



Ordinance

Town of Beech Mountain
North Carolina

Date: 05/12/2020

Ordinance No. 2020-03

**TOWN OF BEECH MOUNTAIN, NORTH CAROLINA
WATAUGA RIVER INTAKE CAPITAL PROJECT ORDINANCE**

BE IT ORDAINED by the Council of the Town of Beech Mountain, North Carolina that, pursuant to Section 26(b)(6) of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1: The project authorized is the Watauga River Intake Project to be financed from a combination of transfers from Capital Reserve Fund and Utility Revenue Bonds.

Section 2: The officers of the Town of Beech Mountain are hereby directed to proceed with the capital project within the budget contained herein.

Section 3: The following amounts are appropriated for the project:

Construction Costs	\$ -
Engineering Fees	200,000
Administration	3,576
Permit Fees	10,000
Legal and Public Relations	126,000
Consultants	<u>45,000</u>
Total appropriations	<u>\$384,576</u>

Section 4: The following revenues are anticipated to be available to commence this project:

Proceeds – Revenue Bonds	-
Transfers from Capital Reserves	<u>\$384,576</u>
Total estimated revenue	<u>\$ 384,576</u>

Section 5: The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of Chapter 159 of the North Carolina General Statutes.

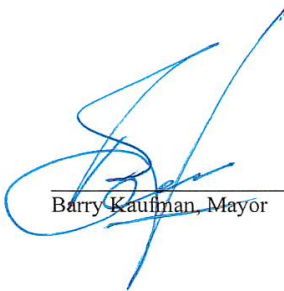
Section 6: Funds may be advanced from the General Fund for the purpose of making payments as due.

Section 7: The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total revenues received or claimed.

Section 8: The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Council.

Section 9: Copies of this capital project ordinance shall be furnished to the Clerk to the Council, and to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted this 12th day of May 2020.



Barry Kaufman, Mayor

ATTEST:



Tamara Mercer, Town Clerk



**TOWN OF BEECH MOUNTAIN, NORTH CAROLINA
ORDINANCE No. 2020-03
WATAUGA RIVER INTAKE CAPITAL PROJECT ORDINANCE
AMENDMENT # 2020-03.001**

**TO THE ORDINANCE APPROPRIATING FUNDS FOR THE
WATAUGA RIVER INTAKE CAPITAL PROJECT**

BE IT ORDAINED BY THE TOWN OF BEECH MOUNTAIN TOWN COUNCIL:

Amend the name of the Capital Project:

To:

**SOURCE WATER DEVELOPMENT CAPITAL PROJECT
ORDINANCE No. 2020-03**

APPROVED THIS THE 9TH DAY of March 2021

Tamara Mercer, Clerk

Barry Kaufman, Mayor

**2018 Water System Rehabilitation Project
(DWI # H-SRP-D-18-0126)
Capital Project Budget Ordinance**

BE IT ORDAINED by the Town Council of the Town of Beech Mountain, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is the construction of the **2018 Water System Rehabilitation Project** to be financed by a State loan. The project will rehabilitate or replace approximately 16,500 LF of existing waterline with new 6-inch waterline and install approximately 100 LF of new 4-inch & 100 LF of new 2-inch waterlines and appurtenances. The improvements will be located in the Charter Hills Road area of town.

Section 2. The officers of the Town are hereby directed to proceed with the capital project within the terms of the loan documents and the budget contained herein.

Section 3. The following amounts are appropriated for the project:

Surveying & Engineering Design	\$120,000
Construction Administration/Observation	70,000
Construction	1,499,647
Contingency	74,982
Legal, Permits, & Advertising Fees	10,000
2% Loan Administration Fee	34,800
Total	\$1,809,429

Section 4. The following revenues are anticipated to be available to complete this project:

NC Dept. of Environmental Quality SRP Loan	\$1,774,629
Town of Beech Mountain Capital Reserves	34,800
Total	\$1,809,429

Section 5. The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the financing agencies, the financing agreements, and state and federal regulations as applicable.

Section 6. Funds may be advanced from the Utility Fund for the purpose of making payments as due. Reimbursement requests should be made to the financing agency in an orderly and timely manner.

Section 7. The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total revenues received or claimed.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Council.

Section 9. Copies of this capital project ordinance shall be furnished to the Town Clerk, and to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted this 9th day of June, 2020 at Beech Mountain, North Carolina.

Barry Kuffman, Mayor

ATTEST:

Tamara Mercer, Town Clerk

(Seal)

**2018 Collection System Rehabilitation Project
(DWI # E-SRP-W-17-0104)
Capital Project Budget Ordinance**

BE IT ORDAINED by the Town Council of the Town of Beech Mountain, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is the construction of the **2018 Water System Rehabilitation Project** to be financed by a State loan. The project will rehabilitate or replace approximately 7,800 LF of 8" gravity sewer and 9,600 LF of 12" gravity sewer. The improvements will be located in the Charter Hills Road area of town.

Section 2. The officers of the Town are hereby directed to proceed with the capital project within the terms of the loan documents and the budget contained herein.

Section 3. The following amounts are appropriated for the project:

Surveying & Engineering Design	\$115,000
Construction Administration/Observation	75,000
Funding Administration	10,000
CCTV Pipeline Condition Assessment	177,500
Construction	1,465,900
Contingency	146,600
Legal, Permits, & Advertising Fees	10,000
2% Loan Administration Fee	40,000
Total	\$2,040,000

Section 4. The following revenues are anticipated to be available to complete this project:

NC Dept. of Environmental Quality SRP Loan	\$2,000,000
Town of Beech Mountain Capital Reserves	40,000
Total	\$2,040,000

Section 5. The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the financing agencies, the financing agreements, and state and federal regulations as applicable.

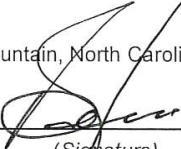
Section 6. Funds may be advanced from the Utility Fund for the purpose of making payments as due. Reimbursement requests should be made to the financing agency in an orderly and timely manner.

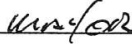
Section 7. The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total revenues received or claimed.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Council.

Section 9. Copies of this capital project ordinance shall be furnished to the Town Clerk, and to the Budget Officer and the Finance Officer for direction in carrying out this project.

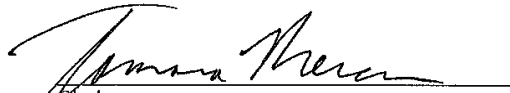
Adopted this 13th day of November, 2018 at Beech Mountain, North Carolina.



(Signature)


(Title)

ATTEST:


Clerk

(Seal)



TOWN OF BEECH MOUNTAIN, NORTH CAROLINA
2018 COLLECTION SYSTEM REHABILITATION PROJECT
(DWI # E-SRP-W-17-0104)
CAPITAL PROJECT BUDGET ORDINANCE
AMENDMENT # 2018-01

TO THE ORDINANCE APPROPRIATING FUNDS FOR THE
EXECUTION OF THE CAPITAL PROJECT

BE IT ORDAINED BY THE TOWN OF BEECH MOUNTAIN TOWN COUNCIL:

2018 COLLECTION SYSTEM CAPITAL PROJECT FUND:

C. EXPENDITURES

1. To provide for increases and/or (decreases) in existing Funds:

1. Construction Cost	<u>200,000</u>

<u>TOTAL ADJUSTMENT TO EXPENDITURES</u>	<u>\$200,000</u>

D. REVENUES

2. To provide for adjustments to revenues:

1. NC Dept. of Environmental Quality SRP Loan	<u>200,000</u>

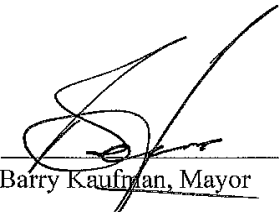
<u>TOTAL ADJUSTMENT TO REVENUE</u>	<u>\$200,000</u>

Original 2018 Collection System Capital Project Budget	\$2,040,000
Amendment #2019-01	<u>200,000</u>

Amended 2018 Collection System Capital Project Budget	<u>\$2,240,000</u>

APPROVED THIS THE 14^H DAY of April 2020


Tamara Mercer, Clerk


Barry Kaufman, Mayor





Ordinance

Town of Beech Mountain
North Carolina

Date: 11/12/2019

Ordinance No. 2019-10
TOWN OF BEECH MOUNTAIN, NORTH CAROLINA
2019 PUBLIC WORKS FACILITY CAPITAL PROJECT ORDINANCE

BE IT ORDAINED by the Council of the Town of Beech Mountain, North Carolina that, pursuant to Section 26(b)(6) of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1: The project authorized is the 2019 New Public Works Facility Project to be financed by a Installment Financing Agreement in the amount of \$5,200,000.00.

Section 2: The officers of the Town of Beech Mountain are hereby directed to proceed with the capital project within the budget contained herein.

Section 3: The following amounts are appropriated for the project:

Construction Costs	\$ 4,572,000
Engineering Fees	227,220
Construction Admin/Observation (West Consultants)	62,000
Subsurface Investigation (S&ME)	11,800
Testing & Special Inspections (S&ME)	65,785
Permit Fees	1,020
Legal, Advertising, Miscellaneous	2,500
Furnishings	29,075
Contingency 5%	<u>228,600</u>
Total appropriations	<u>\$5,200,000</u>

Section 4: The following revenues are anticipated to be available to complete this project:

Proceeds – Installment Loan	<u>\$5,200,000</u>
Total estimated revenue	<u>\$5,200,000</u>

Section 5: The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of Chapter 159 of the North Carolina General Statutes.

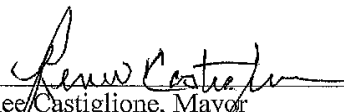
Section 6: Funds may be advanced from the General Fund for the purpose of making payments as due.

Section 7: The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total revenues received or claimed.

Section 8: The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Council.

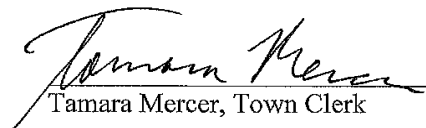
Section 9: Copies of this capital project ordinance shall be furnished to the Clerk to the Council, and to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted this 12th day of November 2019.



Renee Castiglione, Mayor

ATTEST:



Tamara Mercer, Town Clerk





Ordinance

Town of Beech Mountain
North Carolina

Date: 11/12/2019

Ordinance No. 2019-07
TOWN OF BEECH MOUNTAIN, NORTH CAROLINA
CAPITAL RESERVE FUND ORDINANCE

Whereas, the Town of Beech Mountain is a municipal corporation and body politic of the State of North Carolina; and

Whereas, under Chapter 159 of the North Carolina General Statutes the Town of Beech Mountain is authorized to create and establish certain capital reserve funds; and

Whereas, the Town of Beech Mountain finds it appropriate to establish a capital reserve fund for the management and accounting of System Development Fees;

BE IT ORDAINED by the Council of the Town of Beech Mountain, North Carolina that, pursuant to Section 211(d) of Chapter 162A and Section 18 of Chapter 159 of the General Statutes of North Carolina, the following capital reserve fund ordinance is hereby adopted:

Section 1: A capital reserve fund shall account for System Development Fees as established by the Council of the Town of Beech Mountain for the use of future capacity expansion.

Section 2: The capital reserve fund shall remain in effect as long as System Development Fees are authorized for collection and available funds remain for needed increase in system capacity development.

Section 3: Amounts to be accumulated shall be dependent on the demand of future increase in capacity development.

Section 4: Moneys for future system capacity expansion shall be derived from System Development Fees and augmented with other funds as established by the governing board.

Section 5: The Finance Officer is hereby directed to maintain within the capital reserve fund sufficient detailed accounting records to satisfy the requirements of Chapters 159 and 162A of the General Statutes of North Carolina.

Section 6: The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital reserve fund in every budget submission made to the governing board.

Section 7: The rates and needs associated with the System Development Fees shall be consistent with the requirements and regular reviews as set forth in the North Carolina General Statutes.

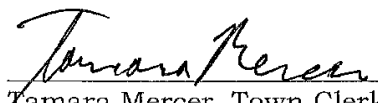
Section 8: Copies of this capital reserve fund ordinance shall be furnished to the Clerk to the Council, and to the Budget Officer and the Finance Officer for direction in carrying out this ordinance.

Adopted this 12th day of November 2019.

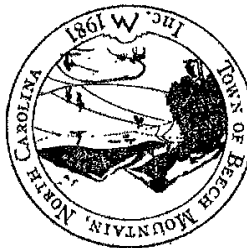


Renee Castiglione, Mayor

ATTEST:



Tamara Mercer, Town Clerk



Town of Beech Mountain
Schedule of Fees
July 1, 2021

Error(s) or omission(s) in the fee schedule do not render the document invalid. The Town Manager shall have the authority to set any fee not otherwise listed and shall have authority to make any interpretations of any fee listed on this schedule. Fees subject to change by Council.

Administration				
Type of Service	Unit Description / Detail	2019-2020	2020-2021	2021-2022
Maps	Town and Hiking / Biking Maps	\$0.50	\$0.50	\$0.50
Copy and Print Fees	8 1/2 x 11 Black and White	\$0.25	\$0.25	\$0.25
Copy and Print Fees	8 1/2 x 11 Color	\$0.50	\$0.50	\$0.50
Copy and Print Fees	8 1/2 x14 Black and White	\$0.50	\$0.50	\$0.50
Copy and Print Fees	11 x 17 Black & White	\$1	\$1	\$1
Large Maps	Per Sq. Ft.	\$1	\$1	\$1
Aerial Photography On Photo Paper	Per Sq. Ft.	\$2.50	\$2.50	\$2.50
Fax – To Send	First page	\$2.50	\$2.50	\$2.50
Fax – To Send	Second page and each page thereafter	\$0.50	\$0.50	\$0.50
Fax – To Receive	First page	\$1	\$1	\$1
Fax – To Receive	Second page and each page thereafter	\$0.50	\$0.50	\$0.50
Cd – Compact Disk	Per cd	\$0.50	\$0.50	\$0.50
Mailing Labels From Tax Department	All current mailing labels held by tax department	\$70	\$70	\$70
Council Room Rental	Per hour	\$20	\$20	\$20
Council Room Rental – Clean Up Fee	Charged if group does not clean room after use	Cleaning service cost	Cleaning service cost	Cleaning service cost
Returned Check	Insufficient funds	\$28	\$28	\$28
Notary	Fee charged per signature – NCGS 10B-31 & 10B-32	\$5	\$5	\$5
Public Information Requests	NCGS Chapter 132-1: A special service charge may be required for extensive information	See listed fee(s)	See listed fee(s)	See listed fee(s)
Special Event Permit	Up to 100 person, § 91.37	No Charge	No Charge	No Charge

Administration				
Type of Service	Unit Description / Detail	2019-2020	2020-2021	2021-2022
Special Event Permit	101 – 499 persons, § 91.37	\$50	\$50	\$50
Special Event Permit	500 – 1,000 persons, § 91.37	\$100	\$100	\$100
Special Event Permit	Over 1,000 persons, § 91.37	\$200	\$200	\$200

Tax				
Type of Service	Unit Description / Detail	2019-2020	2020-2021	2021-2022
Millage Rate	Per \$100 of Value	\$0.732	\$0.732	\$0.732
Millage Rate Penalty	On January 6 th interest added on delinquent tax amount	2%	2%	2%
Millage Rate Penalty	On first of every month after first month of delinquency tax amount will be assessed interest	0.75%	0.75%	0.75%
Occupancy Tax – Avery County	NCGS legislation	6%	6%	6%
Occupancy Tax – Watauga County	NCGS legislation	6%	6%	6%
Occupancy Tax Penalty	Charged each month of delinquency	5% with Monthly Maximum of \$25	5% with Monthly Maximum of \$25	5% with Monthly Maximum of \$25
Tax Labels	Mailing addresses on labels	\$70	\$70	\$70
Advertisement Fee	Ad valorem penalty for nonpayment requires posting in newspaper of general circulation. Fee is determined at time of advertisement.	TBD Annually	TBD Annually	TBD Annually
Online Payment	Merchant fee	3%	3%	3%

Parks and Recreation				
Type of Service	Unit Description / Detail	2019-2020	2020-2021	2021-2022
Gym Use	Daily	<i>Removed 16-17</i>	<i>Removed 16-17</i>	<i>Removed 16-17</i>
Child Playroom	Daily	<i>Removed 16-17</i>	<i>Removed 16-17</i>	<i>Removed 16-17</i>
Weight Room	Daily	<i>Removed 16-17</i>	<i>Removed 16-17</i>	<i>Removed 16-17</i>
Indoor Tennis Court	Daily	<i>Removed 16-17</i>	<i>Removed 16-17</i>	<i>Removed 16-17</i>
Daily All-Inclusive Pass	New proposed fee for Non Pass-Holders	\$3	\$5	\$5
Fitness Class	No Pass Holder	\$5	\$8	\$8
Mountain Bike Lessons	Hourly	\$40	\$40	\$40
Mountain Bike Guide	Hourly	\$10	\$10	\$10
Personal Training	Single Session ½ Hour - Member			\$30
Personal Training	Ten Sessions ½ Hour - Member			\$250
Personal Training	Single Session 1 Hour - Member	\$30	\$30	\$40
Personal Training	Ten Sessions 1 Hour - Member	\$250	\$250	\$350
Personal Training	Single Session ½ Hour – Non-Member			\$40
Personal Training	Ten Sessions ½ Hour- Non-Member			\$350
Personal Training	Single Session 1 Hour - Non-Member	\$35	\$35	\$50
Personal Training	Ten Sessions 1 Hour - Non-Member	\$300	\$300	\$450
Tennis Ball Machine	Buckeye Recreation Center	\$10	\$10	\$10
Household Annual Pass (up to four, additional \$25/Individual)	Resident	\$175	\$200	\$200
Household Annual Pass (up to four, additional \$25/Individual)	Non-Resident	\$200	\$300	\$300
Individual Annual Pass	Resident	\$100	\$125	\$125
Individual Annual Pass	Non-Resident	\$125	\$225	\$225

Parks and Recreation				
Type of Service	Unit Description / Detail	2019-2020	2020-2021	2021-2022
Household Week (Includes 2, each additional \$5/Individual)	Buckeye Recreation Center	\$30	\$30	\$30
Individual Week Pass	Buckeye Recreation Center	\$20	\$20	\$20
Pavilion Rental	4 hours	\$20	Remove	Remove
Pavilion Rental	Day Rental	\$40	\$20	\$20
Facility Room Rental	4 Hour Rental	\$60	\$60	\$60
Facility Room Rental	8 Hour Rental	\$100	\$100	\$100
Facility Room Rental	Per Hour	\$30	\$30	\$30
Facility Room Rental – After Hours	Per hour on all room/area rental types	\$50	\$80	\$80
Facility Room Rental Security Deposit	Refundable deposit	\$100	\$100	\$100
Set-up Fee	Optional fee	\$25	\$25	\$25
Special Event	4 Hour Rental	\$125	\$125	\$125
Special Event	8 Hour Rental	\$250	\$250	\$250
Special Event Deposit	Refundable Deposit	\$350	\$300	\$300
Wedding Event	8 Hour Rental	NA	\$300	\$300
Wedding Event	Weekend Rental	NA	\$500	\$500
Wedding Event	Refundable Deposit	NA	\$300	\$300
Shane Park Overnight Camping	Per Night	NA	\$20	\$20
BRC Events	Rate to be determined by Recreation Director	NA	TBD	TBD
Summer Camp	Weekly		\$125	\$125
Summer Camp	Daily		\$35	\$35
Summer Camp Junior Counselor	Weekly		\$50	\$50
Gymnasium Rental	8 Hour Rental	\$300	\$300	\$300
Gymnasium Rental Security Deposit	Buckeye Recreation Center	\$200	\$500	\$500

Parks and Recreation				
Type of Service	Unit Description / Detail	2019-2020	2020-2021	2021-2022
Buckeye Lake Protection – Enforcement of Regulations	1st Violation	\$100	\$100	\$100
Buckeye Lake Protection – Enforcement of Regulations	2nd Violation	\$500	\$500	\$500
Buckeye Lake Protection – Enforcement of Regulations	3rd Violation	\$1,000	\$1,000	\$1,000
Parks and Recreation Committee Compensation	Per meeting pay for committee member attendance	\$15	\$15	\$15

**Combined into daily all-inclusive pass*

Utilities - Water and Sewer				
Type of Service	Unit Description / Detail	2019-2020	2020-2021	2021-2022
Water – Monthly All Rate Categories	Watauga River Intake – Capital	\$3.00	\$5.00	\$5.00
Water – Monthly Residential Rate	Base to 3,000 gallons	\$39.50	40.88	44.96
Water – Monthly Residential Rate	Per 1,000 gallons for 3,000 to 4,999 range	\$5	\$5	\$5
Water – Monthly Residential Rate	Per 1,000 gallons for 5,000 to 9,999 range	\$6.50	\$6.50	\$6.50
Water – Monthly Residential Rate	Per 1,000 gallons for 10,000 to 999,999 range	\$7.50	\$7.50	\$7.50
Water – Monthly Commercial Rate	Base to 3,000 gallons	\$39.50	40.88	40.88
Water – Monthly Commercial Rate	Per 1,000 gallons for 3,000 to 4,999 range	\$3.75	\$3.75	\$3.75
Water – Monthly Commercial Rate	Per 1,000 gallons for 5,000 to 9,999 range	\$4	\$4	\$4
Water – Monthly Commercial Rate	Per 1,000 gallons for 10,000 to 999,999 range	\$4.25	\$4.25	\$4.25
Sewer – Monthly Residential Rate	Base to 3,000 gallons	\$39.50	40.88	44.96
Sewer – Monthly Residential Rate	Per 1,000 gallons for 3,000 to 4,999 range	\$5	\$5	\$5
Sewer – Monthly Residential Rate	Per 1,000 gallons for 5,000 to 9,999 range	\$6.50	\$6.50	\$6.50
Sewer – Monthly Residential Rate	Per 1,000 gallons for 10,000 to 999,999 range	\$7.50	\$7.50	\$7.50
Sewer – Monthly Commercial Rate	Base to 3,000 gallons	\$39.50	40.88	40.88
Sewer – Monthly Commercial Rate	Per 1,000 gallons for 3,000 to 4,999 range	\$3.75	\$3.75	\$3.75
Sewer – Monthly Commercial Rate	Per 1,000 gallons for 5,000 to 9,999 range	\$4	\$4	\$4
Sewer – Monthly Commercial Rate	Per 1,000 gallons for 10,000 to 999,999 range	\$4.25	\$4.25	\$4.25
Water – Monthly Out of Town Residential Rate	Current rate times two	See Note	See Note	See Note
Water – Monthly Out of Town Commercial Rate	Current rate times two	See Note	See Note	See Note
Sewer – Monthly Out of Town Residential Rate	Current rate times two	See Note	See Note	See Note
Sewer - Monthly Out of Town Commercial Rate	Current rate times two	See Note	See Note	See Note
System Development Fee (Water)	Determined by “Intended Use” Calculator			70%
System Development Fee (Sewer)	Determined by “Intended Use” Calculator			70%
Sewer Tap Fee		\$1,000	\$1,000	\$1,500

Utilities - Water and Sewer				
Type of Service	Unit Description / Detail	2019-2020	2020-2021	2021-2022
Water Tap Fee		\$1,000	\$1,000	\$1,500
Utility Billing Late Fee	Applied to water, sewer, recycling, and garbage pickup charges	1.5% per month	1.5% per month	1.5%/mo+\$15.00
Sewer Nonpayment	Service discontinued due to delinquent account. Account brought current and deposit of equal to twice the basic deposit required prior to reconnection of service.	See Note	See Note	See Note
Water Cut On/off Fee – Customer Request	Monday thru Friday during business hours	\$50 ⁱ	\$50 ⁱⁱ	\$50 ⁱⁱⁱ
Water Cut On/off Fee – Customer Request	Holiday, weekend, and after hours	\$100 ^{iv}	\$100 ^v	\$100 ^{vi}
Water Cut On Fee	Due to failure to pay bill, prevent fraud by customer, violation of utility code or disconnection of electric service	\$50 ^{vii}	\$50 ^{viii}	\$50 ^{ix}
Water - Deposit Residential	Required deposit amount is the same for out of Town accounts	\$50	\$50	\$50
Water – Deposit Commercial	Required deposit amount is the same for out of Town accounts	\$75	\$75	\$75
Sewer – Deposit Residential	Required deposit amount is the same for out of Town accounts	\$50	\$50	\$50
Sewer – Deposit Commercial	Required deposit amount is the same for out of Town accounts	\$75	\$75	\$75
Water Data Log	1 free annually (rolling forward calendar measurement), thereafter \$25	\$25	\$25	\$25
Rereading Meter	Free for first reading, apply fee within 12 month period thereafter	\$10	\$10	\$10
Water Meter Flow Test	Tested in House	\$50	\$50	\$50
Water Meter Calibration	Sent to Factory for Testing	\$85	\$85	\$85

Utilities - Water and Sewer				
Type of Service	Unit Description / Detail	2019-2020	2020-2021	2021-2022
Water – Owners of More Than One Dwelling	House, business, apartment, dwelling unit or establishment on one water meter regardless of the status of the dwellings. Water rate per consumption according to the meter reading, or minimum rates times the number of dwellings.	See Note	See Note	See Note
Sewer – Owners of More Than One Dwelling	House, business, apartment, dwelling unit or establishment on one sewer line regardless of the status of the dwellings. Sewer rate charged for each dwelling unit using the Town's system.	See Note	See Note	See Note
Sprinkler System	Accounts for sprinkler systems only shall not be billed a minimum charge, with the exception where negligence occurs	See Note	See Note	See Note
Fire Use	Accounts shall not be charged for water utilized in the extinguishment of fire.	See Note	See Note	See Note
Water Bill Adjustment	Leak adjustment form completed and approved by staff. 15% reduction to water charges for billing period exceeding \$500 in which the number of gallons recorded on the water meter for the billing period in question must be at least twice the average gallons consumed above the previous 12 months	See Note	See Note	See Note
Sewer Bill Adjustment	Leak adjustment form completed and approved by staff. Bill reduced to average sewer charge or sewer minimum, whichever greater.	See Note	See Note	See Note
Water Shortage Mandatory Reductions (Stages 2 and 3)	First violation	Warning	Warning	Warning
Water Shortage Mandatory Reductions (Stages 2 and 3)	Second violation	\$250	\$250	\$250

Utilities - Water and Sewer				
Type of Service	Unit Description / Detail	2019-2020	2020-2021	2021-2022
Water Shortage Mandatory Reductions (<i>Stages 2 and 3</i>)	Third violation – Discontinuation of Service	See Note	See Note	See Note
Water Shortage Emergency Reductions	First violation	\$250	\$250	\$250
Water Shortage Emergency Reductions	Second violation – Discontinuation of Service	See Note	See Note	See Note
Water Shortage Emergency Reductions	Third violation – Discontinuation of Service	See Note	See Note	See Note
Water Shortage Water Rationing	First violation	\$500	\$500	\$500
Water Shortage Water Rationing	Second violation – Discontinuation of Service	See Note	See Note	See Note
Water Shortage Rationing	Third violation – Discontinuation of Service	See Note	See Note	See Note
Water Shortage - Drought Surcharge	Effective stages 3, 4, and 5	TBD	TBD	TBD
Cross Connection – Enforcement Procedures	§ 51.119 Enforcement by civil penalty	See Note	See Note	See Note
Enforcement Procedures – Water Disconnect (<i>Disconnection of Meter</i>)	§ 51.134 (A) The town may disconnect the water meter of a customer after service has been discontinued due to reason in divisions (A), (B), (G), (H), (J), (K), (L) or (M) set forth in § 51.133 above.1 Subject to the provisions of § 51.135 below, the meter will only be reconnected after the customer has: (1) Corrected the conditions which were responsible for the disconnection of the meter. (2) Paid the appropriate reconnection fee as set forth herein, plus all other unpaid charges. (B) If an owner requests disconnection or is cut off for good cause (e.g. Non-payment of the bill) and then is reconnected at the same address within one year of disconnection, the reconnection charge shall be the appropriate base charge times the number of months disconnected plus \$100. If disconnection is for a period of longer than one year or is sold to a new owner during a period of disconnection, the fee for reconnection shall be in the amount required for a new connection.	See Note	See Note	See Note

Utilities - Water and Sewer				
Type of Service	Unit Description / Detail	2019-2020	2020-2021	2021-2022
Enforcement Procedures - Utility	Penalty for chapter of ordinances where penalty is not prescribed, § 11.01	See Note	See Note	See Note
Water Nonpayment	Service discontinued due to delinquent account. Account brought current and deposit of equal to twice the basic deposit required prior to reconnection of service.	See Note	See Note	See Note
Online Payment	Merchant fee	\$5.95	\$5.95	\$5.95

Sanitation				
Type of Service	Unit Description / Detail	2019-2020	2020-2021	2021-2022
Residential Dumpster	2 Cubic Yard — monthly	\$35.38	<i>removed</i>	<i>removed</i>
Residential Dumpster	3 Cubic Yard — monthly	\$42.19	<i>removed</i>	<i>removed</i>
Residential Dumpster	4 Cubic Yard — monthly	\$47.63	<i>removed</i>	<i>removed</i>
Residential Dumpster	6 Cubic Yard — monthly	\$58.51	<i>removed</i>	<i>removed</i>
Residential Dumpster	8 Cubic Yard — monthly	\$69.40	<i>removed</i>	<i>removed</i>
Residential Dumpster	10 Cubic Yard — monthly	\$80.29	<i>removed</i>	<i>removed</i>
~~Solid Waste Dumpster~~	~~2 Cubic Yard — monthly~~	\$40.82	~~\$114.00~~	~~removed~~
~~Solid Waste Dumpster~~	~~3 Cubic Yard — monthly~~	\$50.35	~~\$120.00~~	~~removed~~
~~Solid Waste Dumpster~~	~~4 Cubic Yard — monthly~~	\$59.87	~~\$126.00~~	~~removed~~
~~Solid Waste Dumpster~~	~~6 Cubic Yard — monthly~~	\$78.93	~~\$138.00~~	~~removed~~
~~Solid Waste Dumpster~~	~~8 Cubic Yard — monthly~~	\$90.72	~~\$150.00~~	~~removed~~
~~Solid Waste Dumpster~~	~~10 Cubic Yard — monthly~~	\$109.77	~~\$162.00~~	~~removed~~
Weekly Solid Waste Disposal	Monthly	\$18.61	~~\$23.00~~	~~\$31.25~~
Recycling fee	Monthly	~~\$1.36~~	~~\$1.70~~	~~removed~~
Recycling Permit	Yearly	NA	NA	60.00
Additional Special Pickup	Additional past allotment	\$30	~~\$50.00~~	~~\$50.00~~
Additional Special Pickup	Additional Leaf Bagged per Bag past allotment	\$60	~~\$10.00~~	~~\$10.00~~
Other Sanitation Fee	Hourly rate for 2 workers and 1 truck	\$60	~~\$80.00~~	~~\$80.00~~
Sanitation Penalties	§ 11.01, 50.11	See Note	See Note	See Note
Convenience Center Permit	Non-Utility Customer - Yearly	N/A	~~\$370.00~~	~~\$470.~~

Building Inspections and Planning				
Type of Service	Unit Description / Detail	2019-2020	2020-2021	2021-2022
Zoning Permit and Compliance 10.1		\$130	\$130	\$130
New Residential Heated Construction (NCRC)	Per Square foot	\$0.30	\$0.30	\$0.40
New Residential Unheated Construction (NCRC)	Per Square Foot	\$0.15	\$0.15	\$0.20
Homeowner Recovery Fund		\$10	\$10	\$10
System Development Fee (Water)	Determined by "Intended Use" Calculator			70%
System Development Fee (Sewer)	Determined by "Intended Use" Calculator			70%
Sewer Tap Fee		\$1,000	\$1,000	\$1,500
Water Tap Fee		\$1,000	\$1,000	\$1,500
Pavement Cut		\$200	\$200	\$1,000
Site Alteration or Grading Permit (retaining walls <5')	Per Acre or Part thereof			\$50
Retaining Walls	\$50- Plus \$5 per foot above 5 feet			\$5
Hot Tub Service		\$50	\$50	\$50
Lp Gas Line Pressure Test New Device		\$25	\$25	\$25
Water Heater Change Out		\$50	\$50	\$50
Residential Electric Service Change-Out With New Inside Wiring		\$75	\$75	\$75
Residential Electric Service Change-Out Without New Inside Wiring		\$50	\$50	\$50
Temporary Electric Board Reconnections		\$50	\$50	\$50
Water Supply Repairs		\$50	\$50	\$50

Permit Card Replacement		\$5	\$5	\$5
Building Inspections and Planning				
Type of Service	Unit Description / Detail	2019-2020	2020-2021	2021-2022
Residential Soil and Erosion Control Permit, Single Family Dwelling		\$75	\$75	\$75
Residential Driveway Permit		\$25	\$25	\$35
Inspection/Reinspection Request	Per Inspector Per visit	\$50	\$50	\$75
Demolition Permit (requires bond)	Per Square foot (minimum \$50)			\$0.05
Selective Demolition/Investigation Permit				\$25
Repairs Under \$5,000	Other than structural	\$50	\$50	\$50
Additions/Remodeling/Renovations	Up to 500 Sq. Ft.	\$100	\$100	\$100
Over 500 Sq. Ft.,	Minimum plus-\$.16/each additional Sq. Ft.	\$0.16	\$0.16	\$0.16
Deck Construction (up to 500 Square Feet)	Up to 500 Sq. Ft.	\$75	\$75	\$90
Deck Construction (over 500 Square Feet)	\$90 plus \$.10/ each Square Foot over 500	\$0.09	\$0.09	\$0.10
Deck Roof Construction (up to 500 Square Feet)		\$50	\$50	\$75
Deck Roof Construction (over 500 Square Feet)	\$75.00 plus- \$.10/ each Square Foot Over 500	\$0.09	\$0.09	\$0.10
Detached Garage or Accessory Building (Up to 500 SQ. ft.)	Over 500 Sq. ft. see new construction fee	\$75	\$75	\$90
Concentrated Structural Repair	Beam, Header, Post, etc.	\$50	\$50	\$50
Ramps to Existing Deck		\$50	\$50	\$50
Repairs Over \$5,000		\$100	\$100	\$100
Roofing – Up to 30 Squares		\$100	\$100	\$100
Roofing – 31 Squares or More	Roofing minimum plus \$5/each additional square	\$5	\$5	\$5
Window(s) Replacement		\$100	\$100	\$100

Building Inspections and Planning				
Type of Service	Unit Description / Detail	2019-2020	2020-2021	2021-2022
New Furnace/Heating or Cooling Installation- No Ductwork and/ or Electric		\$50	\$50	\$50
New Furnace/Heating or Cooling Installation- New Ductwork and/ or Electric		\$75	\$75	\$75
Siding Replacement		\$100	\$100	\$100
Flooring Replacement		\$100	\$100	\$100
Manufactured Home	Single wide	\$75	\$75	\$150
Manufactured Home	Double wide	\$100	\$100	\$200
Manufactured Home	Triple wide	\$150	\$150	\$300
Cablevision Power Booster		\$50	\$50	\$50
Construction office Electric		\$50	\$50	\$50
Telephone Switching Stations		\$50	\$50	\$50
Telecommunication Tower Violation(s)	Civil penalty per sign	\$100	\$100	\$100
Non-Residential Electric Service without New Inside Wiring		\$75	\$75	\$75
Non-Residential Electric Service with New Inside Wiring		\$100	\$100	\$100
Change Type of Occupancy (All)		\$250	\$250	\$250
Conditional Use Permit		\$250	\$250	\$250
Variance Request		\$300	\$300	\$300
Non-Residential Zoning Permit and Compliance		\$180	\$180	\$200
New Non-Residential Construction- Heated (NCBC)	Per Sq. Ft.	\$0.25	\$0.25	\$0.45
New Non-Residential Construction- Unheated (NCBC)	Per Sq. Ft.	\$0.15	\$0.15	\$0.25
New Modular Construction- Heated	Per Sq. Ft.			\$0.30
Commercial Storage Building	Per Sq. Ft.	\$0.25	\$0.25	\$0.25

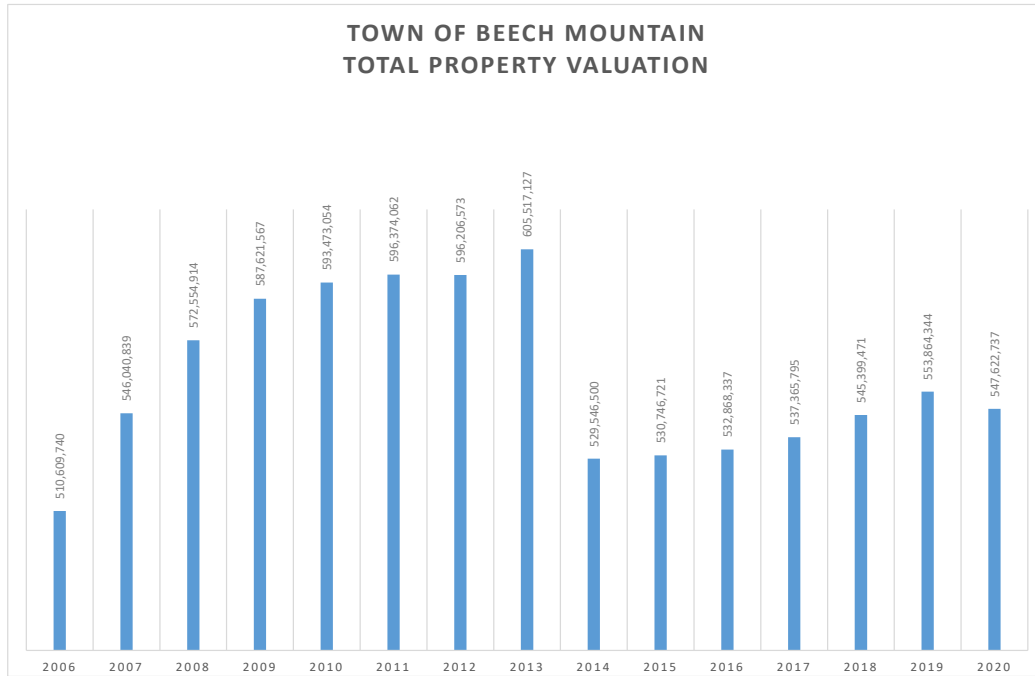
Building Inspections and Planning				
Type of Service	Unit Description / Detail	2019-2020	2020-2021	2021-2022
Plat Review Minor Sub-Division	Requires 3 copies of the final plat with submission	\$20	\$20	\$50
Plat Review Up to 10 Lots	Up to 10 lots	\$250	\$250	\$225
Plat Review – Over 10 Lots	\$250 plus- \$50 for each lot over 10	\$50	\$50	\$75
Communication Towers		\$1,000	\$1,000	\$1,000
Sign Permit – Short Term Sign Violation	Civil penalty per sign	\$25	\$25	\$25
Non-Residential Soil and Erosion Control Permits	Up to 1 acre	\$150	\$150	\$150
Non-Residential Soil and Erosion Control Permits	1 to 5 acres	\$250	\$250	\$250
Non-Residential Soil and Erosion Control Permits	Over 5 acres	\$50	\$50	\$50
Site Plan Review- Commercial Projects up to 0.5 acre		\$200	\$200	\$250
Site Plan Review- Commercial Projects over 0.5 Acre	\$250 Plus \$100 per acre of development	\$1,100	\$1,100	\$100
Site Plan Review- Commercial Projects in WSWP Overlay	Base Fee plus \$25 per acre or Part thereof			\$25
Site Plan Review- De minimis Projects				\$50
Exempt Lot Division/Combination Review				\$25
Change In Use of Structure	Up to 2,800 Sq. Ft.	\$200	\$200	\$200
Change In Use of Structure	Over 2,800 Sq. Ft.	\$1,100	\$1,100	\$1,100
Subdivision Fees-Minor		\$100	\$100	\$125
Subdivision Fees-Major		\$750	\$750	\$1000
Subdivision Fees-Per Lot		\$50	\$50	\$75
Subdivision- Minor- Water Supply Watershed Review				\$50
Subdivision- Major- Water Supply Watershed Review	\$5 per acre in Watershed Overlay (min. \$50)			\$5
Rezoning Request-Conventional District up to 10 Acres		\$300	\$300	\$350
Rezoning Request- Conventional District over 10 Acres	\$350 Plus \$5 per acre over 10			\$5

Building Inspections and Planning				
Type of Service	Unit Description / Detail	2019-2020	2020-2021	2021-2022
Rezoning Request-Conditional District up to 10 Acres		\$500	\$500	\$550
Rezoning Request- Conditional District over 10 Acres	\$550 plus \$5 per acre over 10			\$5
Zoning Ordinance Text Amendment	Per section or Chapter			\$250
Variance Request		\$350	\$350	\$400
Administrative Review		\$300	\$300	\$300
Special Use Permit- Minor Modification		\$600	\$600	\$200
Special Use Permit-Major Modification		\$600	\$600	\$450
Special Use Permit- 6 Month Extension	Maximum of 2 Extensions			\$300
Non-Residential Driveway Permit		\$50	\$50	\$65
Building Permit	Not required for items under this dollar threshold	\$5,000	\$5,000	\$5,000
Removal or Demolition of a Building or Structure	Bond required	\$500	\$500	\$500
Removing Notice From Condemned Building	§ 11.01	See Note	See Note	See Note
Enforcement - Failure Or Refusal To Comply With Order	To comply with Chapter 150 of Code, § 11.01	See Note	See Note	See Note
Blasting Permit	Chapter 152	See Note	See Note	See Note
Soil Erosion Civil Penalties	Civil penalties	\$5,000	\$5,000	\$5,000
Soil Erosion Criminal Penalties	Class 2 Misdemeanor which may include a fine not to exceed \$5,000	Up to \$5,000	Up to \$5,000	Up to \$5,000
Flood Damage Violation	Any person who violates this subchapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50 or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offense.	Up to \$50	Up to \$50	Up to \$50

Building Inspections and Planning				
Type of Service	Unit Description / Detail	2019-2020	2020-2021	2021-2022
Modular Home Violation	Civil penalty per sign	\$500	\$500	\$500
Tree Penalty For Cutting Trees Not Meeting Permissible Criteria Set Forth In 154.360(C)	Civil penalty per tree	\$1,000	\$1,000	\$1,000
Tree Penalty For All Violations Other Than Cutting Or Removal of Tree Not Meeting Permissible Criteria Set Forth In 154.360(C)	Civil penalty per tree	\$100	\$100	\$100
General Zoning Violation Enforcement	Chapter 11 civil penalty for building and zoning violations not otherwise specified.	\$100	\$100	\$100
Large Maps – Scan	Per Sq. Ft. plus cost of media if required			\$0.25
Large Maps – Black and White	Per Sq. Ft.			\$0.50
Large Maps – Color	Per Sq. Ft.	\$1	\$1	\$1
Aerial Photography on Photo Paper	Per Sq. Ft.	\$2.50	\$2.50	\$2.50

Police				
Type of Service	Unit Description / Detail	2019-2020	2020-2021	2021-2022
Off-Duty Police officer Employment	Per hour (Minimum invoice 2 hours)	\$30/hr	\$30/hr	\$30/hr
Off-Duty Patrol Vehicle	Per vehicle for up to 3 hours of use (Minimum invoice 2 Hrs)	\$35/hr	\$35/hr	\$35/hr
Off-Duty Patrol Vehicle	Per vehicle per day	\$125	\$125	\$125
Golf Cart Registration	Individual Inspection and Permit	\$75	\$75	\$75
Golf Cart Registration	Fleet Inspection and Permitting	\$500	\$500	\$500
Dog Tag – Registration Cost	Police department issues tag	\$1	\$1	\$1
False Alarms	§§ 95.04, 11.01	\$100	\$100	\$100
Smoke detectors	§ 95.99 penalty – Chapter 95	See Note	See Note	See Note
Traffic Regulations	§ 70.99 penalty – Chapter 70 and Chapter 73	See Note	See Note	See Note
Parking Regulations	Chapter 71 and Chapter 74	\$10	\$50	\$50
Golf Carts and Utility Vehicles	§ 70.99 penalty – Chapter 72	\$75	\$75	\$75
Protection of Children	Chapter 130	\$500	\$500	\$500
Sex Offender on Parks and Recreation Facilities	§ 130.04, NCGS 160A-174, NCGS 14.4	\$500	\$500	\$500
Dumping or Littering	NCGS § 14-3.1	\$100	\$100	\$100
Ski Pass Violation	§§ 90.02, 90.99	\$100	\$100	\$100
Noise Violation	NCGS § 14-3.1	\$100	\$100	\$100
Burning Violation	§§ 90.03, 90.99	\$500	\$500	\$500

Police				
Type of Service	Unit Description / Detail	2019-2020	2020-2021	2021-2022
Land Line Telephones	§§ 90.04, 90.99	\$100	\$100	\$100
Dog Tag – Failure to Register	§§ 92.17, 92.21 – Warning, followed by penalty for each such violation	\$100	\$100	\$100
Dog – Failure to Inoculate	§§ 92.18, 92.21 – Warning, followed by penalty for each such violation	\$100	\$100	\$100
Dog – Collar and Identification	§§ 92.19, 92.21 – Warning, followed by penalty for each such violation	\$100	\$100	\$100
Animal Found at Large	§§ 92.20, 92.21 – Fee + court costs and attorney fees	\$100	\$100	\$100
Dog – Excessive Barking	§§ 92.20, 92.21 – Fee + court costs and attorney fees	\$100	\$100	\$100
Dog – Chases, Threatens, or Snaps	§§ 92.20, 92.21 – Fee + court costs and attorney fees	\$100	\$100	\$100
Dog – Caused Physical Injury	§§ 92.20, 92.21 – Fee + court costs and attorney fees	\$500	\$500	\$500
Discharge Firearm – No Damage or Injury	Upon conviction Class 3 misdemeanor. See §§ 131.02, 131.99	\$50	\$50	\$50
Discharge Firearm – Damage or Injury	Upon conviction Class 3 misdemeanor. See §§ 131.02, 131.99	Up to \$500	Up to \$500	Up to \$500



Years 2006 through 2019 provided by audited financial statements. 2020 amount provided by Beech Mountain Tax Administrator. Amounts shown are by tax year.

2020 General Fund Fund Balance**Nonspendable Amounts:**

Inventories 35,366

Restricted:

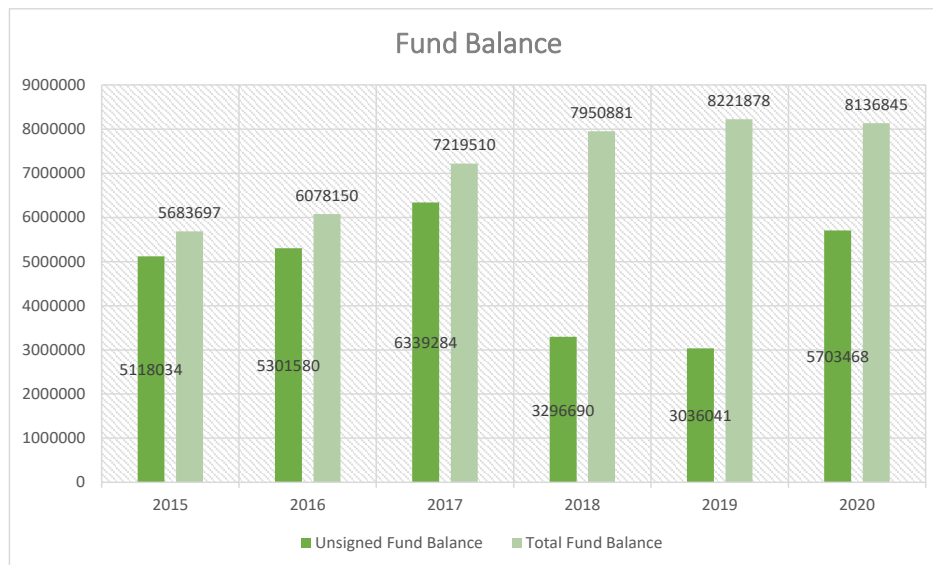
Stabilization of State Statute 766,757

Uninsured Claims 100,000

Assigned:

Subsequent Year's Expenditures 1,531,254

Unassigned: 5,703,468

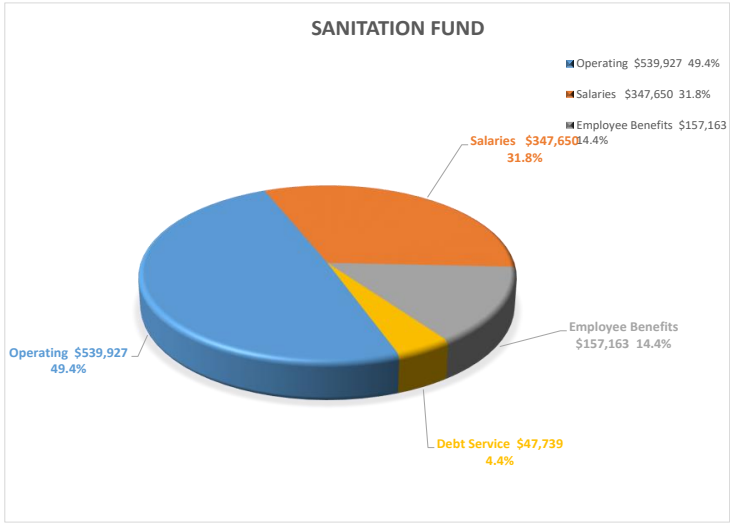
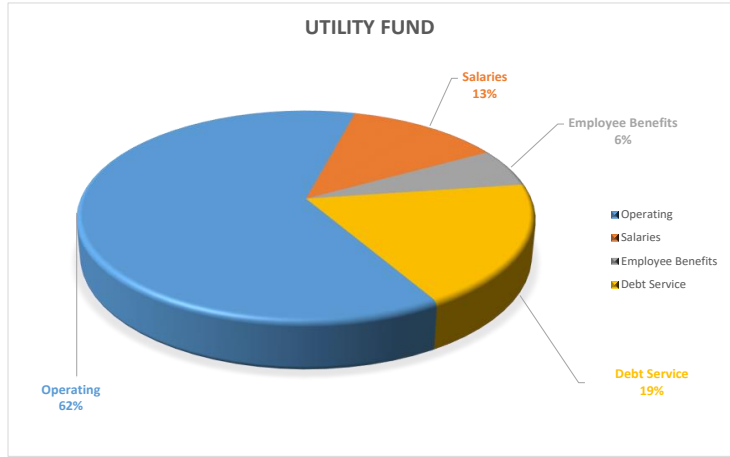
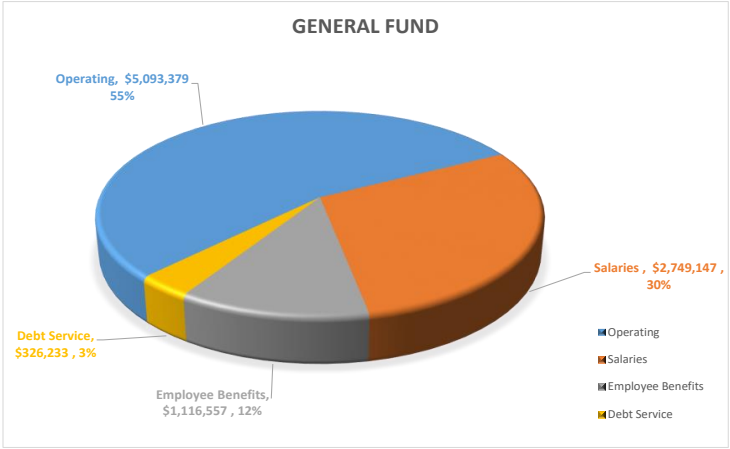
Total Fund Balance 8,136,845

Town of Beech Mountain
Summary of Salaries and Benefits

			Percent
<u>General Fund Salaries and Wages</u>			<u>of Category</u>
xxx-0200	Salaries and Regular Wages	\$ 2,473,484	76.24%
xxx-0201	Longevity pay	22,500	71.43%
xxx-0202	Bonus pay	15,700	73.88%
xxx-0210	Part Time	170,489	100.00%
xxx-0220	Over Time	51,000	76.69%
xxx-0230	LEO Separation Allowance	14,373	
xxx-0240	Field Training Officer pay	<u>1,600</u>	100.00%
		\$ 2,749,147	77.44%
<u>General Fund Employee Benefits</u>			
xxx-0900	Social Security	\$ 212,222	77.59%
xxx-0902	Employee Insurance	495,931	72.85%
xxx-1000	Local Government Retirement	289,593	76.10%
xxx-1001	401K	<u>118,812</u>	80.52%
		\$ 1,116,557	75.33%
<u>Utility Salaries and Wages</u>			
xxx-0200	Salaries and Regular Wages	\$ 433,907	13.37%
xxx-0201	Longevity pay	5,500	17.46%
xxx-0202	Bonus pay	2,550	12.00%
xxx-0220	Over Time Wages	<u>11,500</u>	17.29%
		\$ 453,457	12.77%
<u>Utility Employee Benefits</u>			
xxx-0900	Social Security	\$ 34,689	12.68%
xxx-0902	Employee Insurance	107,318	15.77%
xxx-1000	Local Government Retirement	51,467	13.53%
xxx-1001	401k	<u>15,100</u>	10.23%
		\$ 208,575	14.07%
<u>Sanitation Salaries and Wages</u>			
xxx-0200	Salaries and Regular Wages	\$ 337,150	10.39%
xxx-0201	Longevity pay	3,500	11.11%
xxx-0202	Bonus pay	3,000	14.12%
xxx-0210	Part Time Wages	-	0.00%
xxx-0220	Over Time Wages	<u>4,000</u>	6.02%
		\$ 347,650	9.79%
<u>Sanitation Employee Benefits</u>			
xxx-0900	Social Security	\$ 26,595	9.72%
xxx-0902	Employee Insurance	77,463	11.38%
xxx-1000	Local Government Retirement	39,458	10.37%
xxx-1001	401k	<u>13,646</u>	9.25%
		\$ 157,163	10.60%
<u>Totals all Funds</u>			
<u>Salaries and Wages</u>			
XXX-0200	Salaries and Regular Wages	\$ 3,244,542	
XXX-0201	Longevity pay	31,500	
XXX-0202	Bonus pay	21,250	
XXX-0210	Part Time	170,489	
XXX-0220	Over Time	66,500	
XXX-0230	LEO Separation Allowance	14,373	
XXX-0240	Field Training Officer pay	<u>1,600</u>	
		\$ 3,550,254	
<u>Employee Benefits</u>			
xxx-0900	Social Security	\$ 273,507	
xxx-0902	Employee Insurance	680,712	
xxx-1000	Local Government Retirement	380,518	
xxx-1001	401K	<u>147,558</u>	
		\$ 1,482,295	

Employee Insurance includes health, vision, dental, short term disability, life policy.

Employee Insurance is gross amount, does not factor in employee contribution for additional lives covered.



**Town of Beech Mountain
General Fund Revenue**

		2017	2018	2019	2020	2021	YTD		Proposed
		Actual	Actual	Actual	Actual	Budget	4/30/2021	%	2021-2022 Budget
Tax Revenue									
10.301-0000	Ad Val Tax - Current Year	3,774,012	3,774,856	3,809,347	3,927,351	3,830,988	3,960,899	103%	3,928,426
10.301-0001	Ad Val Tax - Prior Years	34,622	70,706	63,386	110,478	50,000	49,208	98%	51,000
10.302.0000	Vehicle Tax	55,122	70,996	81,508	78,675	55,000	94,285	171%	80,000
Total Tax Revenue		3,863,756	3,916,558	\$ 3,954,241	\$ 4,116,504	\$ 3,935,988	\$ 4,104,392	104%	\$ 4,059,426
Interest Income									
10.317-0000	Interest on Taxes	18,044	23,975	24,425	41,926	15,500	21,168	137%	15,500
10.329-0000	Interest on Investments	21,496	69,200	162,245	109,958	22,000	1,509	7%	1,400
Total Interest Income		\$ 39,540	93,175	186,670	151,884	\$ 37,500	\$ 22,677	60%	\$ 16,900
Miscellaneous Income									
10.331-0000	Rental Income	5,500	6,000	6,000	6,000	6,000	5,000	83%	6,000
10.335-0000	Miscellaneous Revenue	47,655	42,801	28,693	38,127	12,000	74,870	624%	25,000
10.335-0002	CARES Act Funding/ARP	-	-	-	28,208	-	118,444		-
10.335-0003	Rec Ctr Fees & Contribution	57,689	66,253	48,318	35,276	47,000	45,742	97%	51,000
10.335-0004	Hold Harmless Funds	255,518	273,478	281,547	278,523	280,000	186,369	67%	280,000
10.335-0005	Transfer from TDA - Admin	7,976	9,731	12,096	15,295	16,000	33,147	207%	32,000
10.335-0009	Fines and Penalties	15,544	41,618	24,900	\$ 5,300	5,500	2,860	52%	2,500
10.335-0010	Law Enforcement Vest Grant	-	-	500	950	750		0%	
10.335-0011	Special Events Income	995	10,786	40,208	27,064	24,000	9,425	39%	5,000
10.335-0012	Equip Upgrade Grant	23,538	-	-	-	-			
10.335-0014	Fire Dept. Revenue	55,824	92,969	107,676	94,367	83,500	92,349	111%	108,000
10.335.0016	Misc Grants	58,492	29,711	7,834	55,459	27,790	106,431	383%	33,500
10.335-0017	Town Merchandise	120	175	150	665	350	460	131%	-
10.335-0019	NC DOT Streetscape Grant	4,966	25,974	4,587	287,214		-		-
Total Miscellaneous Income		\$ 528,851	573,524	\$ 557,922	\$ 872,447	\$ 502,890	\$ 675,096	134%	\$ 543,000

**Town of Beech Mountain
General Fund Revenue**

		2017	2018	2019	2020	2021	YTD		Proposed
		Actual	Actual	Actual	Actual	Budget	4/30/2021	%	2021-2022 Budget
State Revenue									
10.336-0000	Tax Advertising Cost	766	1,437	1,538	815	550	953	173%	727
10.337-0000	State Franchise Tax	280,422	279,705	296,526	283,713	275,000	130,346	47%	255,000
10.337-0001	Cable TV Franchise Tax	31,900	31,005	29,512	28,414	30,000	14,191	47%	30,000
10.341-0000	Beer and Wine Tax	1,480	1,438	1,456	1,454	1,450	0	0%	1,450
10.343-0000	State Street Aid - Powell Bill	113,020	113,369	112,058	111,393	112,000	99,406	89%	100,000
10.345-0000	Local Sales Tax	1,414,392	1,443,679	1,379,959	1,446,235	1,200,000	1,053,919	88%	1,585,000
Total State Revenue		\$ 1,841,980	1,870,634	\$ 1,821,049	\$ 1,872,024	\$ 1,619,000	\$ 1,298,816	80%	\$ 1,972,177
Fees									
10.355-0000	Building Inspection Fees	35,877	30,414	22,889	25,719	25,000	35,320	141%	40,000
10.357-0000	Planning and Zoning Fees	3,995	2,850	3,160	2,540	3,000	2,900	97%	3,000
Total Fees		\$ 39,872	\$ 33,264	26,049	28,259	28,000	38,220	136%	43,000
Gains/Losses									
10.383-0000	Sale of Fixed Assets	18,403	36,400	32,092	20,118	7,000	15,253	218%	5,000
Total Gains/Losses		\$ 18,403	\$ 36,400	\$ 32,092	\$ 20,118	7,000	\$ 15,253	218%	5,000
Proceeds									
10.393-0001	Proceeds - Lease/Purchase	295,000	-	-	-	-	-		448,879
10.397-0001	Watauga Co Recreation Funds								
10.397-0002	Donations to Shane Park	-	-	98,836	89,212		2,294		-
Total Proceeds		\$ 295,000	\$ -	\$ 98,836	\$ 89,212	-	\$ 2,294		448,879
Transfers									
10.399-0000	Fund Balance Appropriated		-			1,531,254			1,720,984
10.399-0002	Health Ins & Rx Claims Reimburse	3,715	91,029	5,470	68,519	-	3,528		-
10.399-0003	Transfer From 25 Fund	-	-	-	-	257,146	257,146	1.37%	
10.399-0008	Transfer From TDA - Grants	29,532	44,819	2,442	7,500	198,960	204,376	129%	365,800
10.399-0009	Transfer From TDA (Admin Salaries)	32,945	37,813	36,023	41,908	60,000	49,373	341%	110,150
Total Transfers		\$ 66,192	173,661	\$ 43,935	\$ 117,927	\$ 2,047,360	\$ 514,423	25%	\$ 2,196,934
TOTAL REVENUE		6,693,594	6,697,215	6,720,794	7,268,374	8,177,738	6,671,170	82%	9,285,316

**Town of Beech Mountain
Notes for General Fund Revenue**

301-0000 Ad Val Tax - Current Year

Ad Val Tax - Total value town wide 2020, 547,622,737, budgeted is 98% of total Levy of \$4,008,598.

329-0000 Investment Income

Funds invested with the NC Capital management Trust. Decrease projected due to falling interest rates

331-0000 Rental Income

Curtis Media Group, leased space for radio antenna at Oz pump house. 500.00/month

335-0000 Miscellaneous Revenue

Includes such items as dog tags, notary fees, maps sold, vendor refunds, copies/faxes made in town hall.

335-0002 CARES/ARP

This will be COVID-19 related funding. No funds anticipated in 2022

10.335-0003 Rec Ctr Fees & Contribution

Memberships, daily use fees, facility amenities reservation

335-0004 Hold Harmless**Copied from the Sales and Use Tax Distribution report**

City Hold Harmless – Counties are required to hold eligible municipalities in each county harmless from the repeal of Article 44 previously received by eligible municipalities.

Calculations are made to approximate the amount of Article 44 tax previously received by eligible municipalities.

Effective October 1, 2008, the City Hold Harmless portion of the Distribution was calculated to provide eligible municipalities a replacement amount for the 0.25% of Article 44 that was repealed. Effective October 1, 2009, the calculation for the City Hold Harmless portion of the Distribution was changed to provide eligible municipalities a replacement amount for the final 0.25% of Article 44 that was repealed. Each month when we closeout, we split the total local Sales & Use Tax collections into the various total components. These components are then calculated for each county.

This allocation is for the countywide level. Next, depending upon the county's distribution method, Per Capita or Ad Valorem, the portion of each county's share of each Article is then split between the county government and the municipalities in that county

10.335-0005 Transfer from TDA - Admin

Amount paid to the Town for administration services provided to the Beech Mountain Tourism and Development Authority

10.335-0009 Fines and Penalties

All code violation fines imposed

10.335-0010 Law Enforcement Vest Grant

Grants for protective vest worn by all police officers. These grants are available from NC League Insurance Risk Pool and US Dept of Justice

10.335-0011 Special Events Income

Charges and fees for Recreation sponsored events

10.335-0012 Equip Upgrade Grant

Grants available from the NC Governor's Crime Prevention Task Force

10.335-0019 NC DOT Streetscape Grant

NC Department of Transportation grant to build side path now under construction

10.335-0014 Fire Dept. Revenue

The Counties contributions are now sent directly to the Town. In addition, there are properties within our Fire District in Watauga County and not actually in the Town limits that pay a fire tax directly to Watauga County in the amount of approximately \$2,500.00 per year. Includes grant funding from State.

**Town of Beech Mountain
Notes for General Fund Revenue**

10.335-0017 Town Merchandise

Flag, caps, t-shirts and other apparel

10.335-0016 Misc. Grants

FEMA funds from sign board operations one quarter of the year.

10.336-0000 Tax Advertising Cost

Tax payer paid amount reimbursing the town for advertising of non payment of property tax

10.337-0000 State Franchise Tax

Also known as State Utilities Sales Tax. Sales tax based on electricity, piped gas and telecommunications. These are State Shared Revenues

10.337-0001 Cable TV Franchise Tax

Also a Utility Sales Tax on cable television. These are State Shared Revenues

10.341-0000 Beer and Wine Tax

State shared revenue on taxed beer and wine sales

10.343-0000 State Street Aid - Powell Bill

NC Department of Transportation grant for maintenance of the municipal street system yearly, reoccurring

10.345-0000 Local Sales Tax

State shared revenue of sales taxes paid by consumers. Distributed to the Counties who in turn distribute to municipalities within. Current distribution from Watauga County is based on Ad-Valorem and Avery distribution is based on Per Capita.

10.355-0000 Building Inspection Fees

Includes building inspection fees, building permits, driveway permits and other permits dealing with property improvements

10.357-0000 Planning and Zoning Fees

Includes fees for zoning changes, tree removal permits as well as other fees

10.383-0000 Sale of Fixed Assets

Revenue generated by the sale of vehicles, heavy equipment as well as scrapped assets.

10.397-0002 Donations to Shane Park

Donations for the construction of Shane Park as well as future donations for Park maintenance.

10.399-0000 Fund Balance Appropriated

Amount of estimated savings needed to support the operational budget and/or finance the purchase of capital outlay request

The numeric difference between accounts 399-0000 and 410-9105 determines the amount of Fund Balance being used to balance operating budget and those used for Capital Outlay. Account 410-9105 is 100% Capital Outlay for the General Fund, therefore if 399-0000 is greater than 410-9105 Fund Balance is being used to balance Operating Budget and the reverse also applies. If 399-0000 is less than account 410-9105, current year revenues are being used for the acquisition of Capital Outlay purchases.

10.399-0002 Health Ins & Rx Claims Reimburse

Account had meaning when employee health benefits were self insured

10.399-0008 Transferred From TDA

Grant funding for projects. Projects to be determined, see Recreation CIP and Visitor Center CIP for complete list.

399-0009 Transfer from TDA (Admin Salaries)

TDA reimbursement of half the salaries and benefits for Visitor Center Coordinator and the Admin Assistant.

**Town of Beech Mountain
Administration**

Administration									
		2017	2018	2019	2020	2021	YTD		Proposed
		Actual	Actual	Actual	Actual	Budget	4/30/2021	%	2021-2022
									Budget
Personnel									
10.410-0200	Salaries	368,610	229,535	180,405	141,481	290,902	174,451	60%	254,324
10.410-0201	Longevity pay	-	2,000	500	375	1,250	1,451	116%	1,250
10.410.0202	Incentive pay	-	-	900	450	750	839	112%	750
10.410-0210	Part Time Wages	-	44,906	3,919	0	31,000	20,581	66%	12,000
10.410-0220	Overtime Wages	-	23	-	42	-	652	-	-
10.410-0900	FICA	28,334	20,530	13,785	11,358	22,407	15,309	68%	20,527
10.410-0901	Car/Phone Allowance	3,970	4,560	4,560	400	960	0	0%	-
10.410-0902	Employee Insurance	27,750	49,194	28,098	19,338	34,964	21,761	62%	34,541
10.410-0903	Runout Period Claims	-	707	-	2,955	-	600	-	-
10.410-1000	State Retirement - ORBIT	24,943	18,369	13,164	11,188	29,181	17,953	62%	27,867
10.410-1001	401(k)	15,656	10,325	9,981	7,723	9,574	9,442	99%	8,176
Total Personnel		\$ 469,262	\$ 380,147	\$ 255,312	\$ 195,308	\$ 420,988	\$ 263,040	62%	\$ 359,435
Utilities, Bldg & Grnds									
10.410-1100	Telephone	8,554	7,573	7,893	4,893	4,000	6,263	157%	6,600
10.410-1101	Postage	3,017	3,796	4,643	4,797	7,000	2,401	34%	5,000
10.410-1200	Data Processing	4,736	5,275	4,788	6,748	5,000	2,422	48%	5,000
10.410-1300	Utilities	21,940	24,629	24,600	22,583	22,000	18,063	82%	25,000
10.410-1400	Staff Development	40,293	16,115	28,717	8,115	7,500	2,204	29%	7,500
10.410-1402	Council Expense	8,142	14,396	12,581	11,309	12,500	783	6%	12,500
10.410-1403	Employee Awards	2,657	1,804	3,631	3,671	7,000	2,503	36%	7,000
10.410-1601	Bldg & Grounds Maintenance	49,435	55,856	51,325	19,555	15,000	9,306	62%	10,000
10.410-1602	Landscaping	21,049	23,034	35,260	40,742	30,000	26,201	87%	
Total Utilities, Bldg & Grnds		\$ 159,823	\$ 152,477	\$ 173,438	\$ 122,412	\$ 110,000	\$ 70,146	64%	\$ 78,600
Supplies									
10.410-3300	Supplies & Materials	6,989	15,839	16,965	14,704	16,000	8,210	51%	10,000
10.410-3303	Christmas Lights	-	-	12,500	10,039	5,000	6,555	131%	
Total Supplies		\$ 6,989	\$ 15,839	\$ 29,465	\$ 24,743	\$ 21,000	\$ 14,765	70%	\$ 10,000

**Town of Beech Mountain
Administration**

									Proposed
		2017	2018	2019	2020	2021	YTD		2021-2022
		Actual	Actual	Actual	Actual	Budget	4/30/2021	%	Budget
Contract Services									
10.410-4201	Contract Services	93,575	95,525	92,993	132,796	95,000	82,334	87%	60,000
10.410-4210	Professional Services	57,405	51,366	66,960	155,061	70,000	118,484	169%	90,000
10.410-4220	Advertise/Notifications	5,050	9,979	7,853	15,652	-	9,295		15,000
Total Contract Services		\$ 156,030	\$ 156,870	\$ 167,806	\$ 303,509	\$ 165,000	\$ 210,113	127%	\$ 165,000
Misc Expenses									
10.410-4300	Election Expense	-	6,870	-	6,847	-	-		7,500
10.410-4310	Sales Tax Reimb Expense	826,446	891,182	969,028	952,214	840,000	604,687	72%	1,036,606
10.410-5300	Dues & Subscriptions	2,333	3,096	3,732	2,909	2,500	2,635	105%	3,000
10.410-5400	Insurance	65,746	68,222	70,100	27,245	35,000	25,525	73%	30,000
10.410-5401	Employment Security Commiss	7,255	-	-	4,028	3,500	1,174	34%	2,500
10.410-5701	Bank Service Charges	6,920	13,491	33,051	0	38,000	27,832	73%	40,000
10.410.5750	Miscellaneous Expense	-	\$ -	-	35,027	-	-		-
Total Misc Expenses		\$ 908,700	\$ 982,862	\$ 1,075,911	1,028,270	\$ 919,000	661,853	72%	\$ 1,119,606
Capital Outlay									
10.410-7400	Capital Outlay	-	33,036	28,533	56,320	-	-		-
10.410-7401	Special Projects	-	3,805	71,270	-	-	-	-	-
Total Capital Outlay			\$ 36,841	\$ 99,803	\$ 56,320	\$ -	\$ -		\$ -
Debt Principal & Interest									
10.410-8400	Debt (Principal)	-	-	-	-	-	-	-	-
10.410-8401	Debt (Interest)	-	-	-	-	-	-	-	-
Total Debt Principal & Interest			\$ -	\$ -		\$ -	\$ -		\$ -

**Town of Beech Mountain
Administration**

		2017	2018	2019	2020	2021	YTD		Proposed
		Actual	Actual	Actual	Actual	Budget	4/30/2021	%	2021-2022 Budget
Transfers to Other Funds									
10.410-9100	Trsf to Water/Sewer Fund	-	-	150,000			-		
10.410-9101	Trsf to Fund Balance	-	-				-	-	
10.410-9102	Trsf to Sanitation Fund								
10.410-9104	Trsf Occupancy Tx to TDA	-	-	-			-	-	
10.410-9105	Trsf to Cap Projects (Capital Outlay	-	-	-		1,416,090	1,607,076	-	2,231,127
10.410-9201	Mt. Ambulance Contribution	-	-				-	-	
10.410-9202	Avery Co Humane Soc Contrib	-	1,000			1,000	-	-	
10.410-9203	Watauga Co Humane Soc Contr	250	-				-	-	
10.410-9204	Linville Rescue Squad Contr	250	-				-		
10.410-9205	Beech Mtn Historical Soc Co	1,000	-	5,000	1,000	1,000	2,000	200%	1,000
Total Transfers to Other Funds		\$ 1,500	\$ 1,000	\$ 155,000	\$ 1,000	\$ 1,418,090	\$ 1,609,076	113%	\$ 2,232,127
Contingency									
10.410-9400	Contingency	-	-	-		-	-		-
Total Contingency			\$ -	\$ -		\$ -	\$ -		\$ -
Total Administration		\$ 1,702,304	\$ 1,726,037	\$ 1,956,735	\$ 1,731,562	\$ 3,054,078	\$ 2,828,993	93%	\$ 3,964,768

410-0200 - Salaries

2% COLA and 1 to 3% Merit raise.

Administration's salary decrease due to timing of manager position being filled and reduction in part time.

10.410-0201 - Longevity

Based on years of service as outlined in the town's personnel file. Available to employees starting with one full year of service

10.410.0202 - Incentive Pay

Annual payment of \$300 to each employee with one full year of service

10.410-0210 - Part Time Pay

Employees with less than 32 hours per week. Usually seasonal. Increase for finance office

10.410-0900 - FICA

Social Security and Medicare payroll tax, Employer share

10.410-0901 - Car/Phone Allowance

Managers phone and car allowance

10.410-0902 - Employee Health Insurance

Employee health, dental, vision, short-term disability, life insurance on employee. Currently employee pays 0% for all basic coverages.

Employee pays \$100/month for added health dependent care

Employee also pays a percentage for dental and vision dependent care

10.410-1000 -State Retirement(Orbit)

Increased by 1.20% from 10.15% to 11.35% of gross wages

10.410-1001 - 401k

Town matches employee contributions up to 6%

10.410-1100 -Telephone

Covers all land line phone systems for Administration, Planning, Inspections

10.410-1101 - Postage

All metered mail for administration

10.410-1200 -Data Processing

New computers and maintenance

10.410-1300 - Utilities

Electricity and propane for admin portion of town hall

10.410-1400 - Staff Development

Continuing Education and accommodations and other related expense such as travel and meals. Anticipating additional due to COVID-19 cancelations prior year

10.410-1402 - Council Expense

Educational, supplies and other expense directly related to council.

10.410-1403 Employee Awards

Employee retirement recognition, Christmas lunch

10.410-1601 - Building and Grounds Maintenance

General repairs and maintenance on Town Hall

10.410-1602 - Landscaping

Covers seasonal decorations, plantings and other Susie projects

10.410-3300 - Materials and Supplies**Office supplies, desk chairs and other office needs****10.410-3303 - Christmas Lights**

Decorations for the Christmas season

10.410-4201 Contract Services

House keeping, floor mat cleaning bi-weekly, Susie's contract, fireworks on 4th, newspaper adverts, Rebuild town website.

10.410-4210 - Professional Services

Legal fees, administration share of General Fund Audit fees

10.410-4300 - Election Expense

To reimburse Avery and Watauga counties for expenses related to town elections

10.410-4310 - Sales Tax Reimbursement

This account is used to record reimbursement of 70% of sales tax to Watauga County

10.410-5300 Dues and Subscriptions

Dues for various employee professional organization, local newspapers

10.410-5400 - Property & Liability/Workers Comp

Administrations share of total premiums

10.410-5401 - Employment Security Comm

Town is required to keep 1% of payroll expense on account with the Commission for claims payment. Amount is what's needed to replenish account

10.410-5701 - Bank Service Fees

The town utilizes two lock boxes with electronic file download, two AR boxes with electronic file download, remote check scan with electronic file download, account positive pay. Increase due to addition of the electronic file download service and positive pay fraud prevention service.

10.410-9105 - Transfer to Capital Projects Fund

Represents amount needed to fund non-reoccurring expenditures (Capital Outlay) of all General Fund Departments. Starting Fy2021 Capital Outlay

has been removed from the operating budget and placed in the "Capital Projects Fund". Management believes this approach makes it clearer as to the use and type of town funds being used. Such as current year receipts verses fund balance and non-reoccurring revenues.

Related accounts are 10.399-0000 Fund Balance Appropriate and Transfer from General Fund within the Capital Projects Budget. For 2022 Fund Balance is supplementing operating budget in the amount of \$ 304,536

10.410-9202 - Avery County Humane Society

To support mission of the Avery County Humane Society

10.410-9205 - Beech Mtn Historical Society

To support the mission of the Beech Mountain Historical Society

Town of Beech Mountain
Tax Collection

Tax Collections		2017	2018	2019	2020	2021	YTD		Proposed
		Actual	Actual	Actual	Actual	Budget	4/30/2021	%	2021-2022 Budget
Personnel									
10.460-0200	Salaries	42,800	45,220	26,379	28,264	27,129	23,033	85%	28,485
10.460-0201	Longevity pay	-	250	125	250	250	250	100%	250
10.460.0202	Incentive pay	-	-	150	150	150	150	100%	150
10.460-0900	FICA	3,220	3,239	2,054	2,182	2,106	1,816	86%	2,210
10.460-0902	Employee Insurance	4,248	5,413	2,772	4,292	3,250	3,401	105%	3,272
10.460-0903	Runout Period Claims	-	54	-	92		0	-	-
10.460-1000	State (ORBIT) Retirement	3,103	3,251	2,119	2,552	2,794	2,466	88%	3,278
10.460-1001	401(k)	2,086	2,152	1,557	1,580	917	1,376	150%	1,444
Total Personnel		\$ 55,457	\$ 59,578	\$ 35,156	\$ 39,362	\$ 36,596	\$ 32,492	89%	\$ 39,090
Utilities, Bldg & Grnds									
10.460-1101	Postage	1,943	1,093	2,163	2,832	2,500	2,373	95%	2,600
10.460-1200	Data Processing	-	-	-	1,417	350	2,245	641%	2,000
10.460-1400	Staff Development	1,445	407	187	465	1,600	0	0%	
Total Utilities, Bldg & Grnds		\$ 3,387	\$ 1,500	\$ 2,350	\$ 4,714	\$ 4,450	\$ 4,618	104%	\$ 4,600
Supplies									
10.460-3300	Supplies and Materials	455	289	535	270	600	-	0%	250
Total Supplies		\$ 455	\$ 289	\$ 535	\$ 270	\$ 600	\$ -	0%	\$ 250
Contract Service									
10.460-4200	Collection Cost	478	701	1,080	483		3,743	####	
10.460-4201	Contract Services	1,153	3,023	-	1,177	2,000	0	0%	4,000
Total Contract Services		\$ 1,631	\$ 3,724	\$ 1,080	\$ 1,660	\$ 2,000	\$ 3,743	187%	\$ 4,000
Misc Expenses									
10.460-5400	Insurance P&L/WC				\$ 1,557	\$ 1,600	1,143	71%	\$ 1,300
10.460-5701	Refund of Pr Yr Taxes	-	-	-		-	0	-	-
Total Misc Expenses			\$ -	\$ -	\$ 1,557	\$ 1,600	\$ 1,143	71%	\$ 1,300
Capital Outlay									
10.460-7400	Capital Outlay	-	-	-			-	-	
TOTAL Capital Outlay			\$ -	\$ -	\$ -	\$ -	\$ -		\$ -
TOTAL Tax Collections		\$ 60,930	\$ 65,091	\$ 39,121	\$ 47,562	\$ 45,246	\$ 41,996	93%	\$ 49,240

460-0200 -Salary

2% COLA and 1 to 3% Merit raise.

460-1000 - Retirement

Increased by 1.20% from 10.15% to 11.35% of gross wages

460-1400 - Staff Development

Continuing education for Tax Collector Certification \$743.55. Anticipating additional due to COVID-19 cancelations prior year

10.460-4201 Contract Services

Cost of sending out annual tax statements, reminder notices

10.460-5400 - Insurance P&L/WC

Department share of property and liability and workers compensation insurance through the League of Municipalities

**Town of Beech Mountain
Visitor Center**

Visitor Center		2017	2018	2019	2020	2021	YTD		Proposed
		Actual	Actual	Actual	Actual	Budget	4/30/2021	%	2021-2022 Budget
Personnel									
10.470-0200	Salaries				89,263	86,618	68,793	79%	130,383
10.470-0201	Longevity pay				500	750	750	100%	750
10.470-0202	Incentive pay				600	550	300	55%	550
10.470.0901	FICA				6,846	6,726	7,456	111%	10,074
10.470-0902	Employee Insurance				11,063	18,715	17,552	94%	26,952
10.470-0903	Runout Period Claims				0		0		-
10.470-1000	State (ORBIT) Retirement				7,798	8,924	7,376	83%	11,759
10.470-1001	401(k)				4,069	2,928	2,945	101%	3,450
Total Personnel		\$ -	\$ -	\$ -	\$ 120,138	\$ 125,211	\$ 105,172	84%	\$ 183,918
Utilities, Bldg & Grnds									
10.470-1100	Phone				947	\$ 3,000	0	0%	\$ 3,000
10.470-1101	Postage	-	-		0	2,000	0	0%	2,000
10.470-1200	Data Processing				917		370		400
10.470-1400	Staff Development				877	5,000	0	0%	4,000
Total Utilities, Bldg & Grnds		\$ -	\$ -	\$ -	\$ 2,741	\$ 10,000	\$ 370	4%	\$ 9,400
Supplies									
10.470-3300	Supplies and Materials				180	1,900	418	22%	1,900
Total Supplies		\$ -	\$ -	\$ -	\$ 180	\$ 1,900	\$ 418	22%	\$ 1,900
Contract Service									
10.470-4200	Contract Services				-	2,080		0%	2,600
10.470-4201	Advertising & Marketing				125	9,000	6,900	77%	3,000
Total Contract Services		\$ -	\$ -	\$ -	\$ 125	\$ 11,080	\$ 6,900	62%	\$ 5,600
Misc Expenses									
10.470-5400	Insurance P&L/Workers Comp				\$ 1,557	\$ 1,557	\$ 1,113	71%	\$ 1,200
Total Misc Expenses		\$ -	\$ -	\$ -	\$ 1,557	\$ 1,557	\$ 1,113	71%	\$ 1,200
TOTAL Visitor Center		\$ -	\$ -	\$ -	\$ 124,741	\$ 149,748	\$ 113,973	76%	\$ 202,018

**Town of Beech Mountain
Visitor Center**

470-0200 - Salary

2% COLA and 1-3% Merit Bonus; VC Director will earn additional 5% raise for Tourism Marketing Professional Certification in July, after completion of 3-year program

The town will be reimbursed for one half of Tourism Director salary from the TDA

The Town will be reimbursed for one half of the Marketing Manager position from the TDA

The town will be reimbursed for 100% all other Visitor Center Admin Assist from the TDA

470-1000 - Retirement

Increased by 1.20% from 10.15% to 11.35% of gross wages

470-1400--Staff Training/Travel

Rural Assembly Nov 2020, Governors Conference, Congressional Summit May 2021, travel to meetings

470-4200 - Contract Services

Cleaning of VC once per week by outside contractors

470-4201-- Marketing

General marketing of the Town of Beech Mountain

**Town of Beech Mountain
Police Department**

Police Department									
		2017	2018	2019	2020	2021	YTD		Proposed
		Actual	Actual	Actual	Actual	Budget	4/30/2021	%	2021-2022
									Budget
Personnel									
10.510-0200	Salaries	634,668	557,052	610,629	620,610	634,629	525,686	83%	647,859
10.510-0201	Longevity pay	-	8,250	9,000	8,250	9,250	6,500	70%	6,750
10.510-0202	Incentive pay	-	-	3,300	3,750	4,200	3,600	86%	4,200
10.510.0210	Part Time Wages	-	19,545	2,526	2,526	20,000	0	0%	20,000
10.510-0220	Over Time Wages	-	17,749	21,990	24,385	25,000	21,125	84%	25,000
10.510-0230	LEO Separation Allowance	-	4,350	4,524	2,088		4,201	0%	14,373
10.510.0240	Field Training Officer Pay	-	900	350	1,200	1,600	1,295	81%	1,600
10.510-0900	Fica	47,023	42,816	48,104	48,740	53,143	43,794	82%	55,063
10.510-0902	Employee Insurance	151,404	179,582	170,528	121,763	125,925	99,951	79%	129,249
10.510-0903	Runout Period Claims	-	2,851	-	18,009		0		
10.510-1000	State (ORBIT) Retirement	47,166	45,756	52,667	61,496	71,923	61,611	86%	81,133
10.510-1001	401(k)	30,282	27,934	30,403	33,119	56,201	28,775	51%	57,095
Total Personnel		\$ 910,543	\$ 906,786	\$ 954,021	\$ 945,935	\$ 1,001,871	\$ 796,538	80%	\$ 1,042,323
Utilities, Bldg & Grnds									
10.510-1100	Telephone	8,987	6,488	8,564	7,734	8,500	5,904	69%	12,000
10.510-1101	Postage	267	202	64	7	300	23	8%	300
10.510-1200	Data Processing/IT Support	780	563	2,357	3,001	3,000	2,704	90%	3,000
10.510-1300	Utilities	19,681	19,507	21,203	18,932	22,000	13,352	61%	22,000
10.510-1400	Staff Development	4,125	4,880	3,264	8,175	7,000	2,571	37%	7,000
10.510.1600	Building Maintenance	8,481	5,858	4,148	282	5,000	2,466	49%	5,000
Total Utilities, Bldg & Grnds		\$ 42,321	\$ 37,498	\$ 39,600	\$ 38,131	\$ 45,800	\$ 27,020	59%	\$ 49,300
Supplies									
10.510-3300	Supplies & Materials	6,506	5,781	6,401	12,487	11,000	3,733	34%	14,000
10.510-3350	LEO/Training Supplies	10,078	8,829	5,397	7,115	12,600	4,141	33%	12,600
10.510-3400	Investigations	528	247	-	0	750	313	42%	750
10.510-3600	Uniforms	10,298	6,987	21,132	5,937	7,500	5,335	71%	7,500
Total Supplies		\$ 27,410	\$ 21,844	\$ 32,930	\$ 25,539	\$ 31,850	\$ 13,522	42%	\$ 34,850

**Town of Beech Mountain
Police Department**

		2017	2018	2019	2020	2021	YTD		Proposed
		Actual	Actual	Actual	Actual	Budget	4/30/2021	%	2021-2022 Budget
Contract Services									
10.510-4200	Contract Services	13,632	18,646	14,171	19,737	20,400	20,120	99%	20,400
Total Contract Services		\$ 13,632	\$ 18,646	\$ 14,171	\$ 19,737	\$ 20,400	\$ 20,120	99%	\$ 20,400
Misc Expenses									
10.510-5300	Dues & Subscriptions	185	159	496	384	500	234	47%	500
10.510-5400	Printing and Publications	2,507	1,559	26	211	3,000	1,610	54%	3,000
10.510-5500	Insurance	-	-	-	15568	20,000	15,357	77%	20,000
10.510-5700	Immunizations	-	-	-	0	-	0		
10.510-5701	Pre-employment Screening	560	575	65	1875	2,000	750	38%	2,000
Total Misc Expenses		\$ 3,252	\$ 2,293	\$ 587	\$ 18,039	\$ 25,500	\$ 17,951	70%	\$ 25,500
Vehicle Expenses									
10.510-6100	Gas & Fuel	11,517	16,919	15,880	16,399	15,000	11,350	76%	17,000
10.510-6200	Vehicle Maintenance	13,769	13,414	10,838	15,186	12,000	18,143	151%	25,500
Total Vehicle Expenses		\$ 25,286	\$ 30,333	\$ 26,718	\$ 31,585	\$ 27,000	\$ 29,493	109%	\$ 42,500
Capital Outlay									
10.510-7400	Capital Outlay	274,715	103,379	225,703	44,705		-	#####	
10.510-7401	DCI Rent			600	300		-	#####	
Total Capital Outlay		\$ 274,715	\$ 103,379	\$ 226,303	\$ 45,005	\$ -	\$ -	#####	\$ -
Transfers to Other Funds									
10.510-9101	Trsf to Reserve for E-911	-	-	-		-	-		-
Total Transfers to Other Funds			\$ -	\$ -		\$ -	\$ -		\$ -
Total Police Department		\$ 1,297,158	\$ 1,120,779	\$ 1,294,330	\$ 1,123,970	\$ 1,152,421	\$ 904,644	78%	\$ 1,214,873

**Town of Beech Mountain
Notes for Police Department**

510-0200 Salaries

2% COLA and 1 to 3% Merit raise.

410-1000 Retirement

Increased by 1.20% from 10.15% to 11.35% of gross wages for dispatchers and increased 1.2% from 10.84% to 12.04% of gross wages of LEOs

510-0210 Part Time Wages

Reflects the cost of using part-time officers and dispatchers when extra personnel are needed.

510-0220 Overtime Wages

This line item reflects the overtime costs associated with mandated training, staff shortages, officer court duty, extended ours during the winter season, special events hosted by the town, and other unforeseen events that require extra personnel due to extenuating events/circumstances.

510-0240 Field Training Officer Pay

Training covers twelve weeks and is paid at \$100 bi-weekly for a total of \$200 a month. This is only paid while field training is being conducted.

510-1100 Telephone

Line item covers department, cell phones, & Wi-Fi equipment in patrol vehicles for computerized citation & ecrash reports. Unlimited data and usage. Increase of \$3,500.

510-1101 Postage

Line item covers the cost of postage for correspondence with NC Training & Standards, NCACP, District Attorney's office, other agencies, and other costs for various mailings. No increase.

510-1200 Data Processing

Line item covers the cost of services provided by Nordic PC on Police Department computers and software. No Increase.

510-1300 Utilities

Line item covers the cost of the street lights located within city limits and future lights to be added. No expected increase.

510-1400 Staff Development

Line item covers mandated in-service training and other off site training to ensure staff receives the needed training to stay certified and efficient in the duties such as: advanced training in leadership, community policing, other advanced classes, NC Chiefs of Police annual training, and Southern Software's Police Pak annual User Training. No increase.

510-1600 Building Maintenance

Line item covers the cost of replacing lights, door handles, locks, storage, other repairs that may be required. No increase.

510-3300 Office Supplies

Line item covers office supplies, janitorial supplies, as well as the bottles of water for Town Hall, coffee, and all the flags for Town Hall. 22% Increase due to hosting National Night Out.

510-3350 LEO/Training Supplies

Line item covers Law Enforcement supplies including ammo, range targets, weapons (if needed), parts for weapons, weapons cleaning supplies, and other LEO supplies that would not fall under uniforms. 2 - AED (Automated External Difibulators) \$4,000. No increase.

510-3400 Investigations

Line item covers the cost of replacement supplies for investigations and costs that may occur during an investigation. No increase.

510-3600 Uniforms

Line item covers the cost for uniforms for all staff. No Increase.

510-4200 Contract Services

**Town of Beech Mountain
Notes for Police Department**

Line item covers our services for programs such as Southern Software-RMS (Report Software), Rambler- report sharing system among other LEO Agencies, DCI - Division of Criminal Information, Smith & Rogers Attorneys - Law Enforcement specific attorneys available 24/7, Mobile link for the Generator, Creekside-sub for IT support - Hourly, Website Maintenance, Code Red (Reverse 911), High Country Council of Gov. - Hourly and etc.. No increase.

510-5300 Dues & Subscriptions

Line item covers membership dues for the NCACP- NC Assoc. of Chiefs of Police, IACP - International Assoc. of Chiefs of Police, NC Investigators Association, NC Homicide Investigators Association, & LEI - Law Enforcement Intel. No Increase.

510-5400 Printing & Publications

Line item covers the cost of civil citation books, warning citation books, business cards, Night Eyes/Footprint cards, public education literature, and community meetings. **No increase.**

510-5701 Pre-employment Screening

Line item covers the cost for pre-employment medical, psychological evaluation, drug test, etc..

This line item is for potential hiring of full-time & part-time officers/dispatchers. Medical, Psychological, Drug screenings are mandatory for all sworn employees per the State of North Carolina. Shows an increase due to cost increase by the FMRT Group (\$680) and possible vacancies to be filled.

510-6100 Gas & Fuel

Line item covers the cost of gas for the year. **12.5% increase due to rising cost.**

510-6200 Vehicle Maintenance

Line item covers the estimated cost to maintain the patrol vehicles brakes, tires, oil changes, and other various mechanical issues.

Increased due to rising costs of parts and labor. Also, this line item has been under budgeted for numerous years.

9 patrol vehicles are no longer covered by the factory warranty, but are covered via the powertrain warranty.

Routine Maintenance, Miscellaneous Vehicle Maintenance Expenditures, and Dealership/Other Repair Service.

**Town of Beech Mountain
Fire Department**

Fire									
		2017	2018	2019	2020	2021	YTD		Proposed
		Actual	Actual	Actual	Actual	Budget	4/30/2021	%	2021-2022 Budget
Personnel									
10.515-0200	Salaries	62,051	62,348	65,180	69,537	146,090	115,051	79%	146,533
10.515-0201	Longevity pay	-	500	500	750	2,000	1,799	90%	2,000
10.515-0202	Incentive pay	-	-	300	300	600	511	85%	600
10.515-0210	Part Time Wages	-	-	-	-	-	0		
10.515-0900	Fica	6,181	3,057	4,974	5,113	11,375	9,166	81%	11,409
10.515-0902	Employee Insurance	22,961	36,335	18,582	10,277	28,385	12,976	46%	20,007
10.515-0903	Runout Period Claims	-	1,373	48	214	-	-		-
10.515-1000	State (ORBIT) Retirement	4,407	4,514	5,070	6,086	15,092	12,397	82%	16,927
10.515-1001	401(k)	3,063	2,980	1,997	1,988	4,951	5,328	108%	4,966
10.515-1002	Volunteer Pension	3,440	3,955	-	4,060	4,000	3,720	93%	4,000
Total Personnel		\$ 102,103	\$ 115,061	\$ 96,651	\$ 98,325	\$ 212,493	\$ 160,948	76%	\$ 206,441
Utilities, Bldg & Grnds									
10.515-1100	Telephone	5,125	5,562	4,744	4,008	6,250	3,734	60%	5,000
10.515-1101	Postage	3,920	2,287	2,144	1,910	2,500	717	29%	2,500
10.515-1200	Data Processing	2,045	2,530	964	4,212	3,000	3,784	126%	4,000
10.515-1300	Utilities	8,200	10,805	10,514	9,181	11,500	9,228	80%	11,000
10.515-1400	Staff Development	1,593	10,493	3,051	7,456	6,000	2,190	37%	5,000
10.515-1600	Repairs & Maintenance	15,255	13,959	9,569	11,683	14,500	12,361	85%	14,000
10.515-1601	Building Repairs & Maint.	5,872	4,253	3,978	2,931	3,500	2,534	72%	4,000
Total Utilities, Bldg & Grnds		\$ 42,010	\$ 49,889	\$ 34,964	\$ 41,381	\$ 47,250	\$ 34,548	73%	\$ 45,500
Supplies									
10.515-3200	Printing & Stationary	1,972	4,230	2,114	0	3,000	5,603	187%	4,000
10.515-3300	Supplies & Materials	10,865	4,501	7,293	3442	9,000	2,438	27%	8,000
10.515-3301	Equipment	35,933	56,906	61,968	68833	65,000	64,876	100%	66,000
10.515-3600	Uniforms	947	134	2,000	1165	2,000	504	25%	1,000
Total Supplies		\$ 49,717	\$ 65,771	\$ 73,375	\$ 73,439	\$ 79,000	\$ 73,421	93%	\$ 79,000
Contract Services									
10.515-4200	Contract Services	4,768	9,967	9,828	4,470	6,800	1,504	22%	6,500
Total Contract Services		\$ 4,768	\$ 9,967	\$ 9,828	\$ 4,470	\$ 6,800	\$ 1,504	22%	\$ 6,500

**Town of Beech Mountain
Fire Department**

									Proposed
		2017	2018	2019	2020	2021	YTD		2021-2022
		Actual	Actual	Actual	Actual	Budget	4/30/2021	%	Budget
Misc Expenses									
10.515-5300	Dues & Subscriptions	2,178	2,653	4,940	2,822	4,000	2,200	55%	4,000
10.515-5400	Insurance	18,379	19,231	12,611	27,908	22,000	25,255	115%	25,000
10.515-5700	Immunizations	600	-		1,573	800	672	84%	800
Total Misc Expenses		\$ 21,157	\$ 21,884	\$ 17,551	\$ 32,303	\$ 26,800	\$ 28,127	105%	\$ 29,800
Vehicle Expenses									
10.515-6100	Gas and Fuel	2,908	5,263	3,462	3,270	3,000	2,615	87%	3,000
10.515-6200	Vehicle Maintenance	4,740	15,201	7,717	16,303	13,000	15,688	121%	15,000
Total Vehicle Expenses		\$ 7,648	\$ 20,464	\$ 11,179	\$ 19,573	\$ 16,000	\$ 18,303	114%	\$ 18,000
Capital Outlay									
10.515-7400	Capital Outlay	2,006	-	276,966	7,500				
	Transfer to Fund Reserves								
Total Capital Outlay		\$ 2,006	\$ -	\$ 276,966	\$ 7,500	\$ -	\$ -		\$ -
Debt Principal & Interest									
10.515-8400	Debt (Principal)	32,712	32,712	32,712	32,712	32,712	32,712	100%	32,712
10.515-8401	Debt (Interest)	30,288	30,288	30,288	30,288	30,288	30,288	100%	30,288
Total Debt Principal & Interest		\$ 63,000	\$ 63,000	\$ 63,000	\$ 63,000	\$ 63,000	\$ 63,000	100%	\$ 63,000
Transfers to Other Funds									
10.515-9100	Contribution to VFD	26,000	26,120	27,000	27,000	27,000	27,000	100%	32,000
10.515-9400	Contingency	-	-	-					-
Total Transfers to Other Funds		\$ 26,000	\$ 26,120	\$ 27,000	\$ 27,000	\$ 27,000	\$ 27,000	100%	\$ 32,000
Total Fire Department		\$ 318,409	\$ 372,156	\$ 610,514	\$ 366,990	\$ 478,343	\$ 406,851	85%	\$ 480,241

10-515-0200 Salaries

2% COLA and 1 to 3% Merit raise.

10-515-1000 State (Orbit) Retirement

Increased by 1.20% from 10.15% to 11.35% of gross wages

10-515-1002 Volunteer Pension

Payment to the State for the Volunteer Firefighters Pension.

10-515-1101 Postage

Funding for normal postage as well as three newsletters.

10-515-1200 Data Processing

Cost associated with the operation and maintenance of five computers and equipment at two Fire Stations.

10-515-1300 Utilities

Funding for electrical service, LP Gas and Water at two Fire Stations.

10-515-1400 Staff Development

Travel and Training costs for volunteer firefighters and employees to attain State Certifications.

10-515-1600 Repairs and Maintenance

Costs to repair and maintain Power equipment, Saws, Generators, SCBA, Radios, Hose and Nozzles, Gas Detectors, Smoke Fans, other non-vehicle equipment.

10-515-1601 Building Repairs and Maintenance

Repairs and General Maintenance for two Fire Stations.

10-515-3200 Printing and Stationary

Newsletters, Post Cards, Flyers for Public Information.

10-515-3300 Supplies and Materials

Firefighting Foam, Oxygen, Chemicals, Batteries, Medical Supplies, Cleaning items, Salt, Oil Dry.

10 -515-3301 Equipment

Equipment mainly associated with the NC Matching Grant, includes Pagers, Radios, Protective Clothing, Hose, AED's, Tools and minor equipment.

Note: Avery County Contributes \$7,500 towards the NC Grant Match.

NC State Grant contributes up to \$30,000.

10-515-3600 Uniforms

Dress uniforms, Badges, Patches for 10 volunteer members.

10-515-4200 Contract Services

AED's and Defibrillator maintenance contracts.

10 -515-5300 Dues & Subscriptions

Permanent Dues to National Fire Protection Association (NFPA), International Association of Fire Chiefs (IAFC), National Volunteer Fire Council (NVFC), North Carolina Fire Chiefs Association, Western Carolina Fire Chiefs Association, Avery Firefighters Association and Watauga Fireman's Association. Basic subscriptions to professional trade publications.

10 -515-5400 Insurance

Collision and Liability Insurance for vehicles titled to the Volunteer Fire Department Inc. (3 Apparatus and 1 Station).

Death and Disability Insurance for Volunteer Members through Watauga County.

Portion of general liability and workmen's compensation on all other. \$3,000

10-515-5700 Immunizations

Hepatitis B Vaccine, Influenza Vaccine, Tetanus inoculation for volunteer members.

10-515-6100 Gas and Fuel

Diesel Fuel and Gasoline to operate nine vehicles.

10-515-6200 Vehicle Maintenance

Maintenance cost for nine apparatus and vehicles. Tires, Oil and Filters, Batteries, Engine and Transmission repairs, Wipers, Snow Chains, Pump maintenance and repairs, Annual services.

10 -515-8400 Debt Principal

Current Year Principal payment on USDA Loans for three (3) Fire Apparatus and one (1) Fire Station.

10 -515-8401 Debt Interest

Current Year Debt payment for USDA Loans for three (3) Fire Apparatus and one (1) Fire Station.

10 -515-9100 Contribution to VFD

Funding for the Volunteer Firefighter's Stipend, increased due to number of calls and retention goals.

**Town of Beech Mountain
Special Projects Department**

Special Projects									
		2017	2018	2019	2020	2021	YTD		Proposed
		Actual	Actual	Actual	Actual	Budget	4/30/2021	%	2021-2022
									Budget
Personnel									
10.530-0200	Salaries	-	28,475	65,344	69,925				-
10.530-0201	Longevity pay	-	1,250	1,250	1,250				-
10.530-0202	Incentive pay	-	-	300	300				-
10.530-0900	Fica	-	1,977	5,117	5,217				-
10.530-0902	Employee Insurance	-	2,862	10,327	11,908				-
10.530-0903	Runout Period Claims	-	-	-	92				-
10.530-1000	State (ORBIT) Retirement	-	2,050	5,017	6,370				-
10.530-1001	401(k)	-	1,304	2,228	4,040				-
Total Personnel		\$ -	\$ 37,917	\$ 89,583	\$ 99,103	\$ -	\$ -		\$ -
Utilities, Bldg & Grnds									
10.530-1100	Telephone	-	200	480	679				
10.530-1101	Postage	-	-	100	0				
10.530-1200	Data Processing	-	-	500	1417				
10.530-1400	Staff Development	-	-	1,000	103				
Total Utilities, Bldg & Grnds		\$ -	\$ 200	\$ 2,080	\$ 2,198	\$ -	\$ -		\$ -
Supplies									
10.530-3200	Printing & Stationary	-	-	500	0			-	
10.530-3300	Supplies & Materials	-	175	250	90				
10.530-3600	Uniforms								
Total Supplies		\$ -	\$ 175	\$ 750	\$ 90	\$ -	\$ -		\$ -

**Town of Beech Mountain
Special Projects Department**

		2017	2018	2019	2020	2021	YTD		Proposed
		Actual	Actual	Actual	Actual	Budget	4/30/2021	%	2021-2022
									Budget
Contract Services									
10.530-4200	Contract Service	-	-	2,000	-		-		
10.530-4210	Professional Services								-
Total Contract Services			\$ -	\$ 2,000	\$ -	\$ -	\$ -		\$ -
Misc Expenses									
10.530-5300	Dues & Subscriptions	-	-	200	-		-		
10.530.5400	Insurance				1,557				
Total Misc Expenses		\$ -	\$ -	\$ 200	\$ 1,557	\$ -	\$ -		\$ -
Vehicle Expenses									
10.530-6100	Gas & Fuel	-	-	600	250				
10.530-6200	Vehicle Maintenance	-	-						
Total Vehicle Expenses		\$ -	\$ -	\$ 600	\$ 250	\$ -	\$ -		\$ -
Capital Outlay									
10.530-7400	Capital Outlay	-	2,693	-	17,454				-
Total Capital Outlay			\$ 2,693	\$ -	\$ 17,454	\$ -	\$ -		\$ -
TOTAL Special Projects			\$ 40,985	\$ 95,213	\$ 120,652	\$ -	\$ -		\$ -

Special Projects Department discontinued in 2021
Employee transferred to Fire Department

Town of Beech Mountain
Building Inspections Department

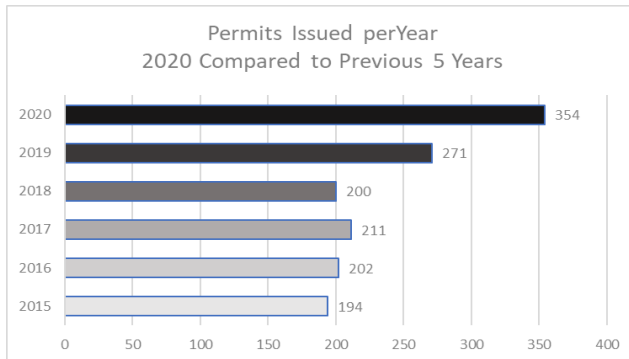
Building Inspections									
		2017	2018	2019	2020	2021	YTD		Proposed
		Actual	Actual	Actual	Actual	Budget	4/30/2021	%	2021-2022
									Budget
Personnel									
10.540-0200	Salaries	48,483	52,494	69,475	24,307	92,049	55,670	60%	117,903
10.540-0201	Longevity pay	-	250	250	250	250	250	100%	500
10.540-0202	Incentive pay	-	-	300	450	150	150	100%	1,050
10.540-0210	Part Time wages				40,315		20,228		25,000
10.540-0220	Overtime wages	-	-	-	206		735		
10.540-0900	Fica	3,698	3,871	5,293	5,006	7,072	4,872	69%	11,051
10.540-0902	Employee Insurance	17,266	11,954	11,676	3,339	15,465	8,167	53%	16,335
10.540-0903	Runout Period Claims	-	168	329	414		0		
10.540-1000	State (ORBIT) Retirement	3,436	3,785	5,348	2,379	6,846	5,821	85%	13,524
10.540-1001	401(k)	2,397	2,511	4,104	1,141	2,246	2,869	128%	3,968
Total Personnel		\$ 75,280	\$ 75,031	\$ 96,775	\$ 77,809	\$ 124,078	\$ 98,763	80%	\$ 189,331
Utilities, Bldg & Grnds									
10.540-1100	Telephone	480	480	489	1,160	960	798	83%	1,440
10.540-1101	Postage	39	-	51	0	250	97	39%	200
10.540-1200	Data Processing	-	-	1,180	4,465	2,500	2,892	116%	2,500
10.540-1400	Staff Development	1,344	1,375	2,801	1,080	3,500	779	22%	3,500
Total Utilities, Bldg & Grnds		\$ 1,863	\$ 1,855	\$ 4,521	\$ 6,705	\$ 7,210	\$ 4,566	63%	\$ 7,640
Supplies									
10.540-3200	Printing & Stationary	-	-	502	761	400	334	83%	250
10.540-3300	Supplies & Materials	1,004	2,040	1,925	1,196	1,500	1,341	89%	1,500
10.540-3600	Uniforms				-	500.00	70		\$ 250
Total Supplies		\$ 1,004	\$ 2,040	\$ 2,427	\$ 1,957	\$ 2,400	\$ 1,745	73%	\$ 2,000
Contract Services									
10.540-4200	Contract Service	533	15,300		6,068	1,500	232	15%	1,500
Total Contract Services		\$ 533	\$ 15,300	\$ -	\$ 6,068	\$ 1,500	\$ 232	15%	\$ 1,500

**Town of Beech Mountain
Building Inspections Department**

									Proposed
		2017	2018	2019	2020	2021	YTD		2020-2021
		Actual	Actual	Actual	Actual	Budget	4/30/2021	%	Budget
Misc Expenses									
10.540-5300	Dues & Subscriptions	245	145	2,310	336	400		0%	1,000
10.540-5400	Insurance-P&L/Workers Comp				1,557	2,000	1,429	71%	2,000
Total Misc Expenses		\$ 245	\$ 145	\$ 2,310	\$ 1,893	\$ 2,400	\$ 1,429	60%	\$ 3,000
Vehicle Expenses									
10.540-6100	Gas & Fuel	545	635	693	389	450	257	57%	400
10.540-6200	Vehicle Maintenance	450	278	1,450	456	1,000	281	28%	750
Total Vehicle Expenses		\$ 995	\$ 913	\$ 2,143	\$ 845	\$ 1,450	\$ 538	37%	\$ 1,150
Capital Outlay									
10.540-7400	Capital Outlay	-	-	-		-	-		-
Total Capital Outlay			\$ -	\$ -		\$ -	\$ -		\$ -
TOTAL Building Inspections		\$ 79,920	\$ 95,284	\$ 108,176	\$ 95,276	\$ 139,038	\$ 107,274	77%	\$ 204,621

10.540-0200 Salaries

2 FT Inspector one being a new position, 1 PT Housing Codes Inspector, 1 PT Administrative Assistant; COLA and Merit adjustments TBD
 Building Permits and Inspections continue an overall upward trend, with 2020 having experienced the highest level in 10 years out pacing 2019 which was a record year in itself over the last ten years. So in order to maintain an acceptable level of service, a full-time inspector is needed.
 2% COLA and 1 to 3% Merit raise.

**10.540-1000 Employee Retirement**

Increased by 1.20% from 10.15% to 11.35% of gross wages

10.540-1100: Telephone

Increase dependent upon additional inspector

10.540-1101: Postage

Postage for CPR List and other Building Notifications

10.540-1200: Data Processing

AutoCAD License for Building Department and IT support

10.540-1400: Staff Development

Expect return to normal levels of training; FY21-20 low due to COVID-19

10.540-3200: Printing & Stationary

Expect decrease in printing needs due to migration to more electronic records and files

10.540-3300: Supplies & Materials

New and replacement inspection tools and materials

10.540-3600: Uniforms

Uniforms and safety equipment for Inspectors

10.540-4200: Contract Services

Miscellaneous contract services for inspections and special projects

10.540-5300: Dues and Subscriptions

Increase in Professional Dues for J. Merritt AIA membership

10.540-6100: Gas & Fuel

**Town of Beech Mountain
Planning Department**

Planning									
		2017	2018	2019	2020	2021	YTD		Proposed
		Actual	Actual	Actual	Actual	Budget	4/30/2021	%	2021-2022 Budget
Personnel									
10.541-0200	Salaries	60,718	19,124	78,622	78,437	75,708	51,713	68%	67,227
10.541-0201	Longevity pay	-	250	250	500	250	250	100%	250
10.541-0202	Incentive pay	-	-	-	450	300	300	100%	300
10.541-0210	Part Time Wages	-	14,604	10,048	12,078		0		-
10.541-0220	Over Time Wages	-	-	-	1,539		0		
10.541-0900	Fica	4,237	2,289	6,593	6,921	4,404	5,354	122%	5,185
10.541-0902	Employee Insurance	15,748	4,545	34,433	18,177	16,169	13,604	84%	18,648
10.541-0903	Runout Period Claims	-	54	-	884		0		
10.541-1000	State (ORBIT) Retirement	4,249	1,226	6,044	7,201	5,843	5,594	96%	7,693
10.541-1001	401(k)	2,963	800	1,270	637	1,730	131	8%	2,257
10.541-1005	Board Member Pay	435	975		1,470	2,700	60	2%	2,700
Total Personnel		\$ 88,350	\$ 43,867	\$ 137,260	\$ 128,293	\$ 107,104	\$ 77,006	72%	\$ 104,260
Utilities, Bldg & Grnds									
10.541-1100	Telephone	440	160	489	876	480	519	108%	480
10.541-1101	Postage	118	-	-	4684	4,000	61	2%	3,500
10.541-1200	Data Processing	650	138	4,372	3009	3,500	2,892	83%	3,000
10.541-1400	Staff Development	601	3,795	1,753	2459	3,500	1,733	50%	3,750
Total Utilities, Bldg & Grnds		\$ 1,809	\$ 4,093	\$ 6,614	\$ 11,028	\$ 11,480	\$ 5,206	45%	\$ 10,730
Supplies									
10.541-3200	Printing & Stationery	1,635	665	4,392	4,949	4,000	636	16%	3,000
10.541-3300	Supplies & Materials	782	1,762	1,820	3,091	3,000	214	7%	3,500
Total Supplies		\$ 2,417	\$ 2,427	\$ 6,212	\$ 8,040	\$ 7,000	\$ 850	12%	\$ 6,500

**Town of Beech Mountain
Planning Department**

										Proposed
		2017	2018	2019	2020	2021	YTD			2021-2022
		Actual	Actual	Actual	Actual	Budget	4/30/2021	%		Budget
Contract Services										
10.541-4200	Contract Services	300	475	10,439	9,766	5,000	3,373	67%		5,000
10.541-4203	Summer Intern - Exp Reimb	500	-	-	296	4,500		0%		4,500
Total Contract Services		\$ 800	\$ 475	\$ 10,439	\$ 10,061	\$ 9,500	\$ 3,373	36%		\$ 9,500
Misc Expenses										
10.541-5300	Dues & Subscriptions	755	790	1,264	751	1,500	120	8%		1,250
10.541-5400	Insurance				1,557	2,000	1,429	71%		2,500
		\$ 755	\$ 790	\$ 1,264	\$ 2,308	\$ 3,500	\$ 1,549	44%		\$ 3,750
Total Misc Expenses										
Vehicle Expenses		96	214	135	91	450	32	7%		300
10.541-6100	Gas & Fuel	269	204	-	981	1,000	1,040	104%		1,250
10.541-6200	Vehicle Maintenance									
		\$ 365	\$ 418	\$ 135	\$ 1,072	\$ 1,450	\$ 1,072	74%		\$ 1,550
Total Vehicle Expenses										
Capital Outlay										
10.541-7400	Capital Outlay	21,183	57,560	8,425	307,283			#DIV/0!		-
		\$ 21,183	\$ 57,560	\$ 8,425	\$ 307,283	\$ -	\$ -	#DIV/0!		\$ -
Total Capital Outlay										
TOTAL Planning		\$ 115,679	\$ 109,629	\$ 170,349	\$ 468,085	\$ 140,034	\$ 89,055	64%		\$ 136,290

10.541-0202 Salaries

2% COLA and 1 to 3% Merit raise.

10.541-1000 State (ORBIT) Retirement

Increased by 1.20% from 10.15% to 11.35% of gross wages

10.541-1100: Telephone

No expected increase in telephone

10.541-1101: Postage

Postage for various mailings, including notices of violation - no expected increase

10.541-1200: Data Processing

ArcGIS, AutoCAD, and Sketchup software maintenance and IT support with Nordic PC

10.541-1400: Staff Development

Staff development expected to return to Pre-COVID average

10.541-3200: Printing & Stationery

Printed forms and stationery expected to reduce with more electronic records

10.541-3300: Supplies and Materials

New and replacement tools and office equipment/furniture

10.541-4200: Contract Services

Lease payments for plotter \$3,500; Town Arborist Lear Powell Horticultural services; Other contract services

10.541-4203: Summer Intern

Expect to obtain a summer intern if possible

10.541-5300: Dues and Subscriptions

Includes APA/ AICP; NCAZO; Building Inspector Certifications

10.541-6100: Gas & Fuel

Fuel costs expected to be closer to average with return to training travel and gas price moderation

10.541-6200: Vehicle Maintenance

Maintenance costs expected to be low due to newer vehicles - cleaning and typical maintenance expected (e.g. brakes, wipers, oil change, etc.)

**Town of Beech Mountain
Vehicle Maintenance Department**

Vehicle Maintenance									
		2017	2018	2019	2020	2021	YTD		Proposed
		Actual	Actual	Actual	Actual	Budget	4/30/2021	%	2021-2022 Budget
Personnel									
10.555-0200	Salaries	81,421	80,098	84,320	42,766	46,563	40,681	87%	83,123
10.555-0201	Longevity pay	-	1,000	1,000	750	750	750	100%	750
10.555-0202	Incentive pay	-	-	600	300	300	300	100%	600
10.555-0220	Over Time Wages	-	3,976	1,852	899	-	5,508		-
10.555-0900	Fica	5,484	5,831	6,455	3,371	3,642	3,623	99%	6,462
10.555-0902	Employee Insurance	31,778	40,181	36,492	15,870	10,416	8,707	84%	23,352
10.555-0903	Runout Period Claims	-	3,550	-	6,429	-	0		-
10.555-1000	State (ORBIT) Retirement	6,000	6,104	6,733	4,139	4,833	4,827	100%	9,588
10.555-1001	401(k)	3,783	4,014	3,322	758	1,586	2,497	157%	2,813
Total Personnel		\$ 128,466	\$ 144,754	\$ 140,774	\$ 75,282	\$ 68,090	\$ 66,892	98%	\$ 126,688
Utilities, Bldg & Grnds									
10.555-1200	Data Processing	250	-	-	1,822	3,000	941	31%	3,000
10.555-1300	Utilities	14,618	13,107	16,730	13,290	27,000	14,144	52%	27,000
10.555-1600	Building Maintenance	586	5,488	549	5,914	2,000	106	5%	2,000
10.555-3000	Gas & Fuel	51,861	13,823	34,552	68,310	85,000	47,410	56%	85,000
10.555-3100	Repair Parts	824	(4,446)	(20,812)	6,894	20,000	6,361	32%	20,000
Total Utilities, Bldg & Grnds		\$ 68,139	\$ 27,972	\$ 31,019	\$ 96,232	\$ 137,000	\$ 68,962	50%	\$ 137,000
Supplies									
10.555-3300	Supplies & Materials	7,564	11,434	15,572	14,036	10,000	11,102	111%	12,000
10.555-3600	Uniforms	1,030	1,193	2,036	1,313	820	1,009	123%	2,480
10.555-3700	Shop Tools	-	-	-	1,708	10,000	5,353	54%	15,000
Total Supplies		\$ 8,594	\$ 12,627	\$ 17,608	\$ 17,056	\$ 20,820	\$ 17,465	84%	\$ 29,480
Misc Expenses									
10.555-5400	Property & Liab/WC	-	-	-		4,500	3,216	71%	4,500
Total Misc Expenses		\$ -	\$ -	\$ -		\$ 4,500	\$ 3,216	71%	\$ 4,500
Capital Outlay									
10.555-7400	Capital Outlay	-	2,939	7,495	4,203				
Total Capital Outlay			\$ 2,939	\$ 7,495	\$ 4,203	\$ -	\$ -	0%	\$ -
Transfers to Other Funds									
10.555-9000	Gas & Fuel Income	(51,861)	(17,101)	(34,552)	(69,334)	(85,000)	(47,410.00)	56%	(85,000)
10.555-9001	Maintenance Income	(14,773)	(19,041)	(17,952)	(7,216)	(20,000)	(14,321.96)	72%	(20,000)
Total Transfers to Other Funds		\$ (66,634)	\$ (36,142)	\$ (52,504)	\$ (76,550)	\$ (105,000)	\$ (61,732)	59%	\$ (105,000)
TOTAL Vehicle Maintenance		\$ 138,565	\$ 152,149	\$ 144,392	\$ 116,223	\$ 125,410	\$ 94,802	76%	\$ 192,668

10.555.0200 Salaries

2% COLA and 1 to 3% Merit raise.

10.555-1000 State (ORBIT) Retirement

Increased by 1.20% from 10.15% to 11.35% of gross wages

10.555-1300 Utilities

Power, Water, and Propane usage assigned directly to the VM Dept.

10.555-1600 Building Maintenance

New PW facility, expect to find items that need to be altered or improved to achieve maximum efficiency

10.555-3000 Gas and Fuel

Fuel purchase requirements for the entire town fleet, all departments. Each department respectively budgets for shares of this total.

10.555-3300 Supplies and Materials

All items purchase for all department for vehicle repairs. Consumables(oils, fluids, filters, parts and pieces.)

Addition of 2% surcharge through maintenance dept to all invoices to cover consumables and supplies to VM dept.

10.555-3700 Shop Tools

New PW facility shop outfitting. 3 new tool chests, 3 full sets of wrenches, screwdrivers, rachets, air tools.

Welding equipment setup including table, vice, mask, gloves.

10.555-7400 Capital Outlay

Replacement of 2009 F250 which has been removed from service due to engine failure.

Town of Beech Mountain
Summary of General Fund Debt

Town of Beech Mountain											
Annual Debt Service Requirements											
			2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2040	
General Fund Debt Service Requirements											
Recreation Department											
Recreation Center Complex											
Date: 2004											
Acct XXXXXX Rate 3.99%											
Pay	Balance		131,022	-		-	-				
Off In	Principal		131,022	-		-	-				
FY 2019	Interest		5,228	-		-	-				
	Total		136,250	-		-	-				
Recreation Department Debt Service Subtotal			136,250	-		-	-				
Public Works Department											
Motor Grader and Swap loader											
Date Opened: May 2017											
Rate 2.19%											
Pay	Balance		238,525	180,817	121,845	61,582	-				
Off in	Principal		57,708	58,972	60,263	61,583	-				
FY 22	Interest		5,224	3,960	2,668	1,349	-				
Public Works			62,932	62,932	62,931	62,932	-				
Public Works Facility											
General Fund carries 65% of Total (See also Utility & Sanitation Funds)											
Date Opened: March 2020	Balance				3,380,000	3,211,000	3,042,000	2,873,000	2,704,000	2,535,000	
Rate: 3.56%	Principal				169,000	169,000	169,000	169,000	169,000	2,535,000	
	Interest				94,302	89,587	84,872	80,157	75,442	565,811	
	Total		62,932	-	263,302	258,587	253,872	249,157	244,442	3,100,811	
Public Works Department Debt Service Subtotal			62,932	-	263,302	258,587	253,872	249,157	244,442	3,100,811	
	General Fund Principal		188,730	58,972	229,263	230,583	169,000	169,000	169,000	2,535,000	
	General Fund Interest		10,452	3,960	96,970	90,936	84,872	80,157	75,442	565,811	
General Fund Debt Service Payment Total			199,182	62,932	326,233	321,519	253,872	249,157	244,442	3,100,811	

**Town of Beech Mountain
Public Works Department**

Public Works Department									
		2017	2018	2019	2020	2021	YTD		Proposed
		Actual	Actual	Actual	Actual	Budget	4/30/2021	%	Budget
Personnel									
10.560-0200	Salaries	399,967	390,354	379,682	416,656	528,812	429,208	81%	654,230
10.560-0201	Longevity pay	-	7,208	6,208	4,917	7,000	6,250	89%	6,750
10.560-0202	Incentive pay	-	-	2,800	2,800	3,750	3,450	92%	4,800
10.560-0210	Part time wages	-	-	-	27,487	112,000	10,205		70,000
10.560-0220	Over Time wages	-	18,908	24,780	37,016	15,000	37,441	250%	26,000
10.560-0900	Fica	29,405	29,659	31,694	36,169	50,992	37,745	74%	58,276
10.560-0902	Employee Insurance	85,114	96,897	81,022	78,475	132,804	114,770	86%	154,104
10.560-0903	Runout Period Claims	-	3,804	-	8,151		0		-
10.560-1000	State (ORBIT) Retirement	28,367	29,846	32,414	40,816	56,288	49,419	88%	78,205
10.560-1001	401(k)	19,482	19,512	10,624	11,784	18,450	15,104	82%	23,019
Total Personnel		\$ 562,335	\$ 596,188	\$ 569,224	\$ 664,271	\$ 925,096	\$ 703,592	76%	\$ 1,075,384
Utilities, Bldg & Grnds									
10.560-1100	Telephone	2,315	2,335	3,641	2,671	6,000	2,626	44%	6,000
10.560-1200	Data Processing	-	930	1,818	2,266	8,200	2,007	24%	8,000
10.560-1300	Utilities	5,957	10,270	3,835	12,308	14,000	6,572	47%	25,000
10.560-1400	Staff Development	-	946	1,051	1,209	3,000	465	15%	3,000
10.560-1600	Repairs & Maintenance	19,753	14,873	9,982	16,247	15,000	7,635	51%	10,000
10.560-1601	Building Maintenance	157	6,005	3,084	18,970	5,000	1,584	32%	5,000
10.560-2100	Rent	1,800	-	-	0		0		
Total Utilities, Bldg & Grnds		\$ 29,982	\$ 35,359	\$ 23,411	\$ 53,671	\$ 51,200	\$ 20,889	41%	\$ 57,000
Supplies									
10.560-3300	Supplies & Materials	54,638	51,389	103,751	132,983	180,000	185,851	103%	200,000
10.560-3301	Signs	318	828	3,508	1,168	1,500	1,881	125%	10,000
10.560-3303	Road Striping	8,889	4,691	9,264	8,912	42,000	52,705	125%	50,000
10.560-3600	Uniforms	5,160	5,747	7,339	6,876	12,500	9,794	78%	18,500
Total Supplies		\$ 69,005	\$ 62,655	\$ 123,862	\$ 149,940	\$ 236,000	\$ 250,231	106%	\$ 278,500
Contract Services									
10.560-4200	Contract Services	813	94,437	55,985	46,014	50,000	60,065	120%	71,000
10.560-4210	Professional Services	-	-	2,550	14,362	43,000	817	2%	20,000
Total Contract Services		\$ 813	\$ 94,437	\$ 58,535	\$ 60,376	\$ 93,000	\$ 60,882	65%	\$ 91,000

**Town of Beech Mountain
Public Works Department**

										Proposed
		2017	2018	2019	2020	2021	YTD			2021-2022
		Actual	Actual	Actual	Actual	Budget	4/30/2021	%		Budget
Misc Expenses										
10.560-5400	Insurance	-	-	-	24,504	26,000	26,081	100%		35,000
Total Misc Expenses		\$ -	\$ -	\$ -	\$ 24,504	\$ 26,000	\$ 26,081	100%		\$ 35,000
Vehicle Expenses										
10.560-6100	Gas & Fuel	13,040	24,610	25,737	21,332	35,000	18,854	54%		35,000
10.560-6200	Vehicle Maintenance	13,813	29,895	87,336	116,244	80,000	58,613	73%		80,000
Total Vehicle Expenses		\$ 26,853	\$ 54,505	\$ 113,073	\$ 137,576	\$ 115,000	\$ 77,467	67%		\$ 115,000
Capital Outlay										
10.560-7400	Capital Outlay	112,601	292,453	102,920	821,557			####		
10.560-7402	Road Stabilization	79,873	21,944	13,432	59,993			####		
10.560-7404	Culvert Replacement	1,665	2,925	11,196	20,317			####		
10.560-7408	Resurfacing	249,906	261,700	169,059	185,672			####		
Total Capital Outlay		\$ 444,045	\$ 579,021	\$ 296,607	\$ 1,087,540	\$ -	\$ -	####		\$ -
Debt Principal & Interest										
10.560-8400	Debt (Principal)	-	56,564	85,736	58,972	229,263	169,000	74%		230,583
10.560-8401	Debt (Interest)	-	5,120	5,224	3,960	96,970	94,302	97%		90,936
Total Debt Principal & Interest			\$ 61,685	\$ 90,960	\$ 62,932	\$ 326,233	\$ 263,302	81%		\$ 321,519
Transfers to Other Funds										
10.560-9001	Interfund Revenue	-	-	-		-	-			-
Total Transfers to Other Funds			\$ -			\$ -	\$ -			\$ -
Total Public Works		\$ 1,133,033	\$ 1,483,850	\$ 1,275,672	\$ 2,240,810	\$ 1,772,529	\$ 1,402,444	79%		\$ 1,973,403

10.560.0200 Salaries

2% COLA and a 1% to 3% Merit raise. Increase to add 3 full time personnel. One new position Senior Administrative Support Specialist to assist with higher level of management than customer service employee can provide.

2 Maintenance Worker positions to complete crew for right of way work and for the road maintenance department.

5 seasonal positions to assist and build out all crews to minimum of 3 person crews for most efficient operation during summer season.

10.560-1000 State Retirement

Increased by 1.20% from 10.15% to 11.35% of gross wages

10.560-1100 Telephone

Increase due to needs of new Public Works Building

10.560-1200 Data Processing

Increase due to needs of new Public Works Building

10.560-1300 Utilities

Now operating 2 public works facilities, the Old PW site will be converted to vehicle storage requiring heating and electric.

10.560-1600 Repair and Maintenance

Repairs for damages incurred throughout the year.

10.560-3300 Supplies and Materials

\$115k for salt and hauling (increase from 600 to 1000 tons annual, \$30K for chains for all snow removal equipment
\$35,000 to cover all other operating expenses such as road repairs, guard rail repairs, construction materials, hand tools, personal protective equipment, office supplies, paint, straw, rip rap, etc. \$20,000 for continuance of roadside repairs.

10.560-3600 Uniforms

Increased for additional Full time employees

10.560-3303 Road Striping

12 miles annual road striping. Which will allow for all paved roads to be restriped every two years.

10.560-4200 Contract Services

Pest control, consumptive contracts, Mowing and grounds Maintenance with additional mowing in 2021

10.560.4210 Professional Services

Increase due to implementation of Pavement management program. Includes engineering fees and services to evaluate and grade town roadways and drainage situations to provide scheduling and demonstrated need for repairs, resurfacing, road stabilization and oversight of projects requiring engineered design.

10.560.6200 Vehicle Maintenance

Annual maintenance and repairs for 6 light duty class trucks (pickup trucks), 6 heavy duty class trucks (Dump trucks and haulers), and 16 large machinery (graders, backhoes, tractors, motorized equipment). Includes all costs for manufacturers required standard maintenance costs, repair and upkeep of general condition and appearance, and replacement parts as necessary.

10.560-8400 Debt (Principal)

Includes financing for motor grader and new PW facility

**Town of Beech Mountain
Recreation Department**

Recreation		2017	2018	2019	2020	2021	YTD		Proposed
		Actual	Actual	Actual	Actual	Budget	4/30/2021	%	2021-2022 Budget
Personnel									
10.621-0200	Salaries	237,539	218,292	239,939	279,902	291,501	242,327	83%	343,416
10.621-0201	Longevity pay	-	2,250	2,500	2,500	3,250	3,250	100%	3,250
10.621-0202	Incentive pay	-	-	1,800	1,800	2,100	1,800	86%	2,700
10.621-0210	Part Time wages	-	16,466	17,867	3,247	13,160	9,008	68%	68,489
10.621-0220	Over Time wages	-	199	245	1,022	-	440		
10.621-0900	Fica	18,042	17,152	19,893	21,945	23,716	20,239	85%	31,966
10.621-0902	Employee Insurance	42,109	43,196	50,033	52,895	59,046	49,257	83%	69,471
10.621-0903	Runout Period Claims	-	1,486	-	1,401	-	0		-
10.621-1000	State (ORBIT) Retirement	15,389	15,308	18,061	24,046	30,131	26,034	86%	39,619
10.621-1001	401(k)	10,373	10,075	8,342	10,962	10,072	12,282	122%	11,624
10.621-1005	Board Member Pay	930	750	645	330	1,350	150	11%	1,350
Total Personnel		\$ 324,382	\$ 325,173	\$ 359,325	\$ 400,050	\$ 434,326	\$ 364,786	84%	\$ 571,885
Utilities, Bldg & Grnds									
10.621-1100	Telephone	6,141	5,573	6,468	5,851	6,500	6,034	93%	6,000
10.621-1101	Postage	244	10	853	373	750	75	10%	400
10.621-1200	Data Processing	3,526	3,267	6,155	8,952	2,500	5,162	206%	8,665
10.621-1300	Utilities	25,107	32,979	37,439	32,208	37,500	29,597	79%	38,500
10.621-1400	Staff Development	1,463	3,366	2,729	3,611	5,000	1,339	27%	3,200
10.621-1601	Building & Grounds Maint	12,903	86,350	30,908	43,728	74,005	120,606	163%	55,195
10.621-1602	Landscaping	2,869	1,465	3,838	3,159	2,000	887	44%	33,500
Total Utilities, Bldg & Grnds		\$ 52,253	\$ 133,009	\$ 88,390	\$ 97,881	\$ 128,255	\$ 163,699	128%	\$ 145,460
Supplies									
10.621-3300	Supplies & Materials	11,085	9,784	20,228	15,731	17,000	16,160	95%	20,000
10.621-3301	Equipment	2,647	1,906	927	5,900	4,000	3,403	85%	4,800
10.621-3302	Christmas Lights	-	-	-	-	-	-	-	7,000
10.621-3303	Trail Maintenance Supplies	443	2,155	4,800	5,296	7,000	7,739	111%	10,000
10.621-3304	Signs	-	1,387	-	-	-	-	-	-
10.621-3305	Sled Hill Supplies	2,743	388	9,837	11,750	1,500	9,460	112%	1,000
10.621-3600	Uniforms	541	-	521	795	1,850	1,676	91%	1,750
Total Supplies		\$ 17,459	\$ 15,620	\$ 36,313	\$ 39,472	\$ 31,350	\$ 38,437	123%	\$ 44,550

**Town of Beech Mountain
Recreation Department**

		2017	2018	2019	2020	2021	YTD		Proposed
		Actual	Actual	Actual	Actual	Budget	4/30/2021	%	2021-2022 Budget
Contract Services									
10.621-4201	Contract Services	15,825	19,932	45,655	47,810	36,000	32,220	90%	45,000
10.621-4202	Programming	3,688	8,370	9,049	9,126	10,000	2,875	29%	8,000
10.621-4203	Fitness/Wellness	1,028	2,035	3,398	404	2,000	903	45%	12,500
10.621-4204	Special Event Expense	6,090	7,103	9,389	8,545	18,000	4,807	27%	14,000
10.621-4205	Special Projects	14,309	10,025	-	0	15,000	8,308		
10.621-4210	Professional Services								
Total Contract Services		\$ 40,940	\$ 47,466	\$ 67,491	\$ 65,884	\$ 81,000	\$ 49,113	61%	\$ 79,500
Misc Expenses									
10.621-5300	Dues & Subscriptions	1,009	787	757	1,023	2,104	888	42%	1,800
10.621-5400	Insurance	12,700	12,098	14,009	15,651	20,000	14,292	71%	16,000
10.621-5700	Advertising	5,574	6,269	13,339	6,484	2,000	1,840	92%	1,000
10.621-5701	Credit Card Fee	724	1,349	1,717	2,684	250	231	92%	500
Total Misc Expenses		\$ 20,007	\$ 20,503	\$ 29,822	\$ 25,842	\$ 24,354	\$ 17,251	71%	\$ 19,300
Vehicle Expenses									
10.621-6100	Gas & Fuel	1,898	2,737	2,225	2,917	3,000	2,184	73%	3,500
10.621-6200	Vehicle Maintenance	3,113	4,981	4,640	9,188	2,500	14,869	595%	3,000
Total Vehicle Expenses		\$ 5,011	\$ 7,717	\$ 6,865	\$ 12,105	\$ 5,500	\$ 17,053	310%	\$ 6,500
Capital Outlay									
10.621-7400	Capital Outlay	16,114	78,664	124,601	276,299			#DIV/0!	
Total Capital Outlay		\$ 16,114	\$ 78,664	\$ 124,601	\$ 276,299	\$ -	\$ -	#DIV/0!	\$ -
Debt Principal & Interest									
10.621-8400	Debt (Principal)	131,022	131,022	131,022	-	-	-	0%	-
10.621-8401	Debt (Interest)	15,683	10,455	5,228	-	-	-	0%	-
Total Debt Principal & Interest		\$ 146,705	\$ 141,477	\$ 136,250		\$ -	\$ -	0%	\$ -
Total Recreation		\$ 622,871	\$ 769,631	\$ 849,057	\$ 917,533	\$ 704,785	\$ 650,340	92%	\$ 867,195

Town of Beech Mountain
Notes for Recreation Department

10.621.0200 - Salaries

2% COLA and 1 to 3% Merit raise.

We have added a campground, two bathroom facilities, another playground, and looking to build an all new trail system, on top of all existing parks and facilities.

With 3 staff this is very demanding. The addition of another employee will help our department keep up with the demands and needs.

10.621-0210 – Part Time Wages

6 Camp Counselors (June-August), 2 seasonal workers for sled hill (November-March), and weekend front desk staff

10.621-1000 - State (ORBIT) Retirement

Increased by 1.20% from 10.15% to 11.35% of gross wages

10.621-1200 - Data Processing

\$2500 for RecDesk, \$2665 Nordic PC annual contract moved from Contract services to Data Processing, \$1500 upgrade to router and wireless network in facility, \$2000 for internet at Shane Park,

10.621-1300 Utilities

Electricity and Propane, we are open 7 days a week year-round. Increase for added Shane Park

10.621-1400 -Staff Development

CPSI certification for one employee \$600, NC Directors conference \$500, NC/SC Parks and Recreation Conferencea\$500, Revenue Development and Management School \$1500

10.621-1601 - Building Maintenance

\$20,000 for annual building upkeep, \$22K for relocating walking track (far side of parking lot and bank is sloping and eroding, fence is going to fall)\$8395 bollard lights to weight room

\$4800 bear proof trash bins at Perry Park and new sled hill, and public parking area

10.621-1602 Landscaping

\$3500 Mulching and landscape update for Buckeye , Dog Park, Shane Park, \$37K is taking over Susie Knepek's position with the town, this includes holiday lights and landscaping the roadways

\$5500 for fencing at Buckeye and Sled Hill parking lot

10.621-3000 Supplies

\$1500 for water cooler in weight room, Triple-T Pumping \$1000, janitorial equipment for BRC/Shane Park/Lake Coffey restroom, all supplies for BRC

CINTAS cleaning mops and disinfecting wipes

10.621-3301 - Equipment

\$1200 for replacement generators, \$1600 for replacement of Pole saw, leaf blower and drills, \$2000 for upkeep and replacement items such as chainsaw blades, protective gear hand tools, screws/nails/glue

10.621.3302 - Christmas Lights

Rec department will be responsible for Christmas lighting on roadways. This was formerly a position held in another department

10.621-3303 - Trail Maintenance Supplies

\$1,500 two stair cases on Upper Pond, \$3000 Falls Trail Arbor, \$3500 platform and stairs on Falls Trail

10.621-3305 - Sled Hill Supplies

Cost of maintaining the sled hill operations

10.621-3600- Uniforms

\$300 Outdoor Crew boot stipend, \$1050 Outdoor crew pants, \$400 indoor staff shirts/pullover

10.621-4201 - Contract Services

Mowing Contract w/Mile High Landscaping \$18,000, US Bank Finance for cardio equipment \$4370, Sharp Electronics \$167, A-1 Termite \$300,

\$480 Printer services, Kelson PM for floor buffer, \$2000 Avery County Bus and driver for summer camp, \$5700 PM contract with HVAC for AC and Boiler units

10.621-4203 - Fitness Wellness

replacing yoga mats and equipment, Multi-use weight and organizing rack system with new dumbbells \$8505, two outdoor pickleball nets \$3000

10.621-4204 - Special Events

4th of July event(s), Beech Mtn Enduro, Halloween (2 day event), easter, Holiday Market, Nerf War event, Summer/Fall events

10.621-5300 - Dues & Subscriptions

Budget increased due to items being coded under other line items in the past, so moved money into this line item and decreased from Contract Services and Programming.

\$420 Zumba membership, \$175 NRPA membership, \$680 for Adobe Creative Suite, \$600 Constant Contact, \$50 SmugMug, \$120 Amazon Prime, EENC Certificate \$40

10.621-5400 - Advertising

Decreased for '21. We aren't doing radio or newspaper ads

10.621-5701 - Credit Card Fees

In prior years credit card processing fees paid by the department in full. Going to a model of passing fees to the user. Town does not receive any of these fees.

Amounts budgeted are for annual account fees.

10.621-6100 - Gas and Fuel

Increase for added trail equipment

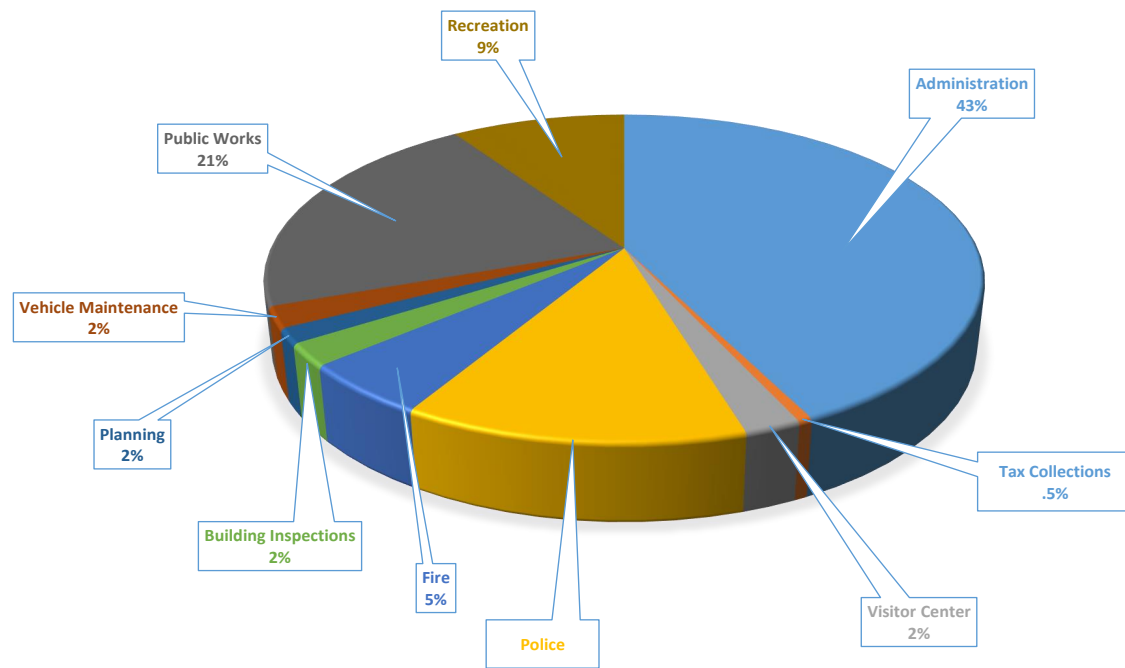
10.621-6200 - Vehicle Maintenance

purchase of new vehicle will keep costs down with repairs to Jeep

**Town of Beech Mountain
General Fund Summary**

		2017	2018	2019	2020	2021	YTD		Proposed
		Actual	Actual	Actual	Actual	Budget	4/30/2021	%	2021-2022 Budget
General Fund Revenue		\$ 6,693,594	\$ 6,697,215	\$ 6,720,794	\$ 7,268,374	\$ 8,177,738	\$ 6,671,170	82%	\$ 9,285,316
Administration		1,702,304	1,726,037	1,956,735	1,731,562	3,054,078	2,828,993	93%	3,964,768
Tax Collections		60,930	65,091	39,121	47,562	45,246	41,996	93%	49,240
Visitor Center		-	-	-	124,741	149,748	113,973	76%	202,018
Police		1,297,158	1,120,779	1,294,330	1,123,970	1,152,421	904,644	78%	1,214,873
Fire		318,409	372,156	610,514	366,990	478,343	406,547	85%	480,241
Special Projects			40,985	95,213	120,652	-	-		-
Building Inspections		79,920	95,284	108,176	95,276	139,038	107,274	77%	204,621
Planning		115,679	109,629	170,349	468,085	140,034	89,055	64%	136,290
Vehicle Maintenance		138,565	152,149	144,392	116,223	125,410	94,802	76%	192,668
Public Works		1,133,033	1,483,850	1,275,672	2,240,810	1,772,529	1,402,444	79%	1,973,403
Recreation		622,871	769,631	849,057	917,533	704,785	650,340	92%	867,195
Total Expenditures		\$ 5,468,870	\$ 5,935,592	\$ 6,543,559	\$ 7,353,406	\$ 7,761,632	\$ 6,640,069	86%	\$ 9,285,316
Variance		\$ 1,224,723	\$ 761,623	\$ 177,235	\$ (85,032)	\$ 416,106	\$ 31,101		\$ 0

**GENERAL FUND
BUDGETED DEPARTMENT EXPENDITURES FY 2021**



**Town of Beech Mountain
Utility Revenue**

Water Fund Revenue		2017	2018	2019	2020	2021	YTD		Proposed
		Actual	Actual	Actual	Actual	Budget	4/30/2021	%	Budget
Interest Income									
30.329-0000	Interest on Investments	8,349	21,283	36,482	17,410	3,000	271	9%	500
Total Interest Income		\$ 8,349	\$ 21,283	\$ 36,482	\$ 17,410	\$ 3,000	\$ 271	9%	\$ 500
Miscellaneous Income									
30.335-0000	Miscellaneous Income	1,295	3,379	(0)	3,237	1,500	145,661	#####	46,500
Total Miscellaneous Income		\$ 1,295	\$ 3,379	\$ (0)	\$ 3,237	\$ 1,500	\$ 145,661	#####	\$ 46,500
Metered Sales & Fees									
30.371-0001	Metered Sales - Water	1,109,049	1,143,759	1,193,915	1,247,180.40	1,231,620	1,123,484	91%	1,274,727
30.371-0002	Metered Sales - Sewer	940,513	975,261	1,035,106	1,093,049.84	1,049,154	980,174	93%	1,085,874
30.371-0003	Water/Sewer Penalties	4,560	4,187	3,682	3,451.96	4,500	29,706	660%	20,000
30.372-000	Availability Fees	43,539	20,566	21,548	33,755.00	-	0		72,100
30.373-0000	Tap Fees	12,922	3,000	6,000	20,000.00	16,000	28,000	175%	16,000
30.374-0000	Reconnection Fees	2,675	4,991	3,030	-	1,500		0%	1,500
30.375-0000	Watauga River Intake	-	-	22,724	74,206.00	-	-		153,591
Total Metered Sales & Fees		\$ 2,113,258	\$ 2,151,766	\$ 2,286,005	\$ 2,471,643	\$ 2,302,774	\$ 2,161,365	94%	\$ 2,623,792
Gains/Losses									
30.383-0000	Gain on Sale of Assets	-	-	2,128	334	2,500	-	0%	-
Total Gains/Losses		\$ -	\$ -	\$ 2,128	\$ 334	\$ 2,500	\$ -	0%	\$ -
Proceeds									
30.393-0001	State Revolving/ Loan Proceeds	-	-	-		-	-		140,000
Total Proceeds		\$ -	\$ -			\$ -	\$ -		\$ 140,000
Transfers									
30.399-0000	Fund Balance Appropriated	-	-	-		141,246		0%	731,900
30.399-0003	Trsf from Res Water/Sewer I	-	-	-		-	-		-
30.336-0000	Transfer from General Fd	-	-	150,000		-	-	#####	-
30-336-0001	Transfer from Capital Project	-	-	-		-	-		-
Total Transfers		\$ -	\$ -	\$ 150,000		\$ 141,246	\$ -	0%	\$ 731,900
TOTAL REVENUE		\$ 2,122,902	\$ 2,176,428	\$ 2,474,614	\$ 2,492,624	\$ 2,451,020	\$ 2,307,297	94%	\$ 3,542,692

30.329-0000 Interest on Investments

Earning from investments held at the North Carolina Capital Management Trust. Projecting decrease due to falling interest rates

30.335-0000 Miscellaneous Income

Late fees and other uncategorized revenue. This add \$45k as American Rescue Plan Funds

371-0001 Metered Sales - Water

Proposed 10% increase in metered water rates. See Fee Schedule for detail

371-0002 Metered Sales - Sewer

Proposed 10% increase in metered sewer rates. See Fee Schedule for detail.

30.371-0003 Water/Sewer Penalties

Funds generated for violations to the Utility Ordinances

30.372-0000 Availability Fees

New connections to the system. These fees are to be transferred into the Utility Capital Reserve

30.373-0000 Connection Fees

Also know as tap fees and represent the cost to create a new service connection

30.374-0000 Reconnection Fees

Fees for the reconnection to the system when service has been interrupted

30.375-0000 Watauga River Intake

\$3.00 towards intake in 2019-2020 and a total of \$5.00 scheduled for 2021. These dollars are transferred to the Source Water Development Fund as designated.

30.383-0000 Gain on Sale of Assets

Sale price less book value of sold assets as prescribed by the general statutes. Includes assets sold as scrap

30.399-0000 Fund Balance Appropriated

Amount of estimated savings needed to support the operational budget and/or finance the purchase of capital outlay request

The numeric difference between accounts 399-0000 and 720-9101 determines the amount of Fund Balance being used to balance operating budget and those used for Capital Outlay. Account 720-9101 is 100% Capital Outlay for the Utility Fund, therefore if 399-0000 is greater than 720-9101 Fund Balance is being used to balance Operating Budget and the reverse also applies. If 399-0000 is less than account 720-9101, current year revenues are being used for the acquisition of Capital Outlay purchases.

30.336-0000 Transfer from General Fund

Used when it is deemed necessary to transfer funds from the General to the Utility. This is rare.

30.336-0001 Transfer from Capital Project

Assets are transferred when capital project is completed

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**Town of Beech Mountain
Utility Administration**

Administration		2017	2018	2019	2020	2021	YTD		Proposed
		Actual	Actual	Actual	Actual	Budget	4/30/2021	%	Budget
Personnel									
30.720-0200	Salaries	50,730	190,608	279,123	269,073	124,973	115,090	92%	131,913
30.720-0201	Longevity pay	-	2,750	2,875	2,500	2,125	2,375	112%	2,125
30.720-0202	Incentive pay	-	-	1,200	1,350	600	750	125%	600
30.720-0220	Over Time Wages	-	3,603	10,521	11,092	-	2,183		-
30.720-0900	Fica	3,966	13,978	22,073	21,861	9,769	9,479	97%	10,300
30.720-0902	Employee Insurance	10,973	16,895	12,679	25,428	27,503	23,962	87%	31,250
30.720-0903	Runout Period Claims	-	294	-	6,788	-	0		-
30.720-1000	State (ORBIT) Retirement	4,794	6,921	21,602	24,932	12,961	12,976	100%	15,281
30.720-1001	401(k)	2,628	9,035	12,021	12,507	11,644	5,166	44%	4,483
Total Personnel		\$ 73,091	\$ 244,084	\$ 362,094	\$ 375,531	\$ 189,575	\$ 171,983	91%	\$ 195,952
Utilities, Bldg & Grnds									
30.720-1100	Telephone	1,049	1,291	2,594	1,416	1,620	972	60%	1,620
30.720-1101	Postage	10,384	8,525	8,281	12,641	8,600	8,978	104%	8,600
30.720-1200	Data Processing		350	3,899	3,937	5,000	680	14%	5,000
30.720-1400	Staff Development	4,107	7,774	6,175	4,561	8,000	4,636	58%	8,000
Total Utilities, Bldg & Grnds		\$ 15,540	\$ 17,940	\$ 20,948	\$ 22,555	\$ 23,220	\$ 15,266	66%	\$ 23,220
Supplies									
30.720-3300	Supplies & Materials	1,093	4,607	2,425	1,298	5,000	778	16%	5,000
30.720-3600	Uniforms	715	452	1,290	2,232	500	1,272	254%	700
Total Supplies		\$ 1,808	\$ 5,058	\$ 3,715	\$ 3,530	\$ 5,500	\$ 2,050	37%	\$ 5,700
Contract Services									
30.720-4200	Contract Services	12,506	17,170	23,186	19,026	5,000	14,171	283%	7,500
30.720-4210	Professional Services	26,096	46,313	321,355	67,263	210,000	25,272	12%	230,000
30.720-4220	Advertise/Notifications	-	-	-	-	-	0		500
Total Contract Services		\$ 38,602	\$ 63,482	\$ 344,541	\$ 86,288	\$ 215,000	\$ 39,443	18%	\$ 238,000

**Town of Beech Mountain
Utility Administration**

									Proposed
		2017	2018	2019	2020	2021	YTD		2021-2022
		Actual	Actual	Actual	Actual	Budget	4/30/2021	%	Budget
Misc Expenses									
30.720-5400	Insurance P&L/WC	44,834	43,022	53,528	47,874	52,892	41,145	78%	52,892
30.720-5700	Immunizations	-	-	159	-	500	-	0%	500
30.720-5701	Bank Fees	5	1,650	2,348	-	-	1,500		
30.720-5702	Asset Disposal Loss	-	-	-	-	-	-		-
30.720-5703	Amortization Expense	-	-	-	-	-	-		-
30.720-5900	Depreciation Expense	441,892	513,148	474,270	497,876	-	-		-
Total Misc Expenses		\$ 486,731	\$ 557,820	\$ 530,305	\$ 545,750	\$ 53,392	\$ 42,645	80%	\$ 53,392
Capital Outlay									
30.720-7400	Capital Outlay	-	-	-	-	-	-		50,000
30.720-7404	Transfer to Capital Reserve	-	-	-	107,961	-	-	####	72,100
Total Capital Outlay		\$ -	\$ -	\$ -	\$ 107,961	\$ -	\$ -	####	\$ 122,100
Debt Principal & Interest									
30.720-8400	Debt (Principal)	303,344	381,536	846,617	323,986	347,536	268,128	77%	438,234
30.720-8401	Debt (Interest)	86,610	190,394	174,700	152,094	192,484	53,959	28%	232,093
Total Debt Principal & Interest		\$ 389,954	\$ 571,930	\$ 1,021,317	\$ 476,080	\$ 540,020	\$ 322,086	60%	\$ 670,327
Transfers to Other Funds									
30.720-9101	Transfer to Capital Projects	-	-	-	-	\$ 258,500	245,498		800,500
30.720-9102	Transfer to Source Water Development								\$ 153,591
Total Transfers to Other Funds		\$ -	\$ -	\$ -		\$ 258,500	\$ 245,498		\$ 954,091
Contingency									
30.720.9200	Write off bad Debt	-	-	-	-	-	-		-
30.720-9400	Contingency	-	-	-	-	-	-		-
Total Contingency		\$ -	\$ -	\$ -		\$ -	\$ -		\$ -
Total Administration		\$ 1,005,726	\$ 1,460,315	\$ 2,282,920	\$ 1,617,695	\$ 1,285,207	\$ 838,971	65%	\$ 2,262,782

30.720.0200 Salaries

2% COLA and 1 to 3% Merit raise.

to General Fund Administration to relieve financial pressure on the Utility Fund.

30.720-1000 State (ORBIT) Retirement

Increased by 1.20% from 10.15% to 11.35% of gross wages

30 -720-1101 Postage

Prior Year Overage has occurred due to additional mailings for water condition notices.

30.720-1400 Staff Development

All annual training, licensure, certifications, and continuing education requirements for all water, waste, and systems staff.

30.720-4210 Professional Services

Includes engineering and services for all utility projects. Well development, permit modification, other source water projects.

CIP annual review, LWSP annual update, McGill (well exploratory services).

Engineering fees for coming SRF Projects due prior to loan monies available.

30.720-8400 and 8401 Debt Service

Bond principle and interest are to be repaid with an annual payment for forty years.

Added \$95k in debt for backhoe. Debt Service this year \$18,187 principal and \$2,081 interest in 2019

Added Public Works Facility

30.720-9101 Transfer to Capital Projects

Represents amount needed to fund non-reoccurring expenditures (Capital Outlay) of all Utility Fund Departments. Starting this year Fy2021 Capital Outlay has been removed from the operating budget and placed in the "Capital Projects Fund". Management believes this approach makes it clearer as to the use and type of town funds being used.

Such as current year receipts verses fund balance and non-reoccurring revenues.

Related accounts are 30.399-0000 Fund Balance Appropriate. For 2021 Fund Balance is supplementing operating budget in the amount of \$0.00

**Town of Beech Mountain
Water Treatment**

Water Treatment									
		2017	2018	2019	2020	2021	YTD		Proposed
		Actual	Actual	Actual	Actual	Budget	4/30/2021	%	Budget
Personnel									
30.812-0200	Salaries	191,179	138,806	102,895	148,033	153,042	123,877	81%	214,034
30.812-0201	Longevity pay	-	1,625	1,625	2,125	1,625	1,875	115%	2,375
30.812-0202	Incentive pay	-	-	750	1,050	450	750	167%	1,350
30.812-0220	Over Time Wages	-	14,065	14,983	29,771	10,500	19,348	184%	10,500
30.812-0900	Fica	13,905	10,774	8,651	12,833	12,670	11,194	88%	17,462
30.812-0902	Employee Insurance	49,819	57,206	70,855	44,585	42,969	34,519	80%	57,861
30.812-0903	Runout Period Claims	-	4,304		43,585	-	24,000		-
30.812-1000	State (ORBIT) Retirement	16,945	19,445	9,273	15,794	16,810	15,535	92%	25,907
30.812-1001	401(k)	9,429	7,352	2,789	5,456	5,515	7,081	128%	7,601
Total Personnel		\$ 281,277	\$ 253,576	\$ 211,821	\$ 303,230	\$ 243,581	\$ 238,178	98%	\$ 337,090
Utilities, Bldg & Grnds									
30.812-1100	Telephone	10,074	6,360	7,545	5,898	5,300	5,380	102%	5,300
30.812-1200	Data Processing	-	125	924	1,597	2,500	803	32%	2,500
30.812-1300	Electricity	168,698	181,553	201,653	219,441	194,750	178,898	92%	200,000
30.812-1600	Pump & Valve Maintenance	32,004	19,719	15,138	36,010	54,000	2,621	5%	50,000
30.812-1602	Tank Maintenance	27,388	55,404	35,752	26,702	70,000	0	0%	70,000
30.812-1603	Building Maintenance	1,302	25,144	2,714	14,566	15,000	1,614	11%	15,000
Total Utilities, Bldg & Grnds		\$ 239,466	\$ 288,306	\$ 263,726	\$ 304,214	\$ 341,550	\$ 189,317	55%	\$ 342,800
Supplies									
30.812-3300	Supplies and Materials	71,314	80,091	61,060	69,635	80,000	58,325	73%	80,000
30.812-3600	Uniforms	2,469	2,519	3,303	3,051	2,980	2,479	83%	2,980
Total Supplies		\$ 73,783	\$ 82,609	\$ 64,363	\$ 72,687	\$ 82,980	\$ 60,803	73%	\$ 82,980
Contract Services									
30.812-4200	Contract Services	27,002	28,193	126,059	106,191	135,000	224,368	166%	135,000
Total Contract Services		\$ 27,002	\$ 28,193	\$ 126,059	\$ 106,191	\$ 135,000	\$ 224,368	166%	\$ 135,000

**Town of Beech Mountain
Water Treatment**

		2017	2018	2019	2020	2021	YTD		Proposed
		Actual	Actual	Actual	Actual	Budget	4/30/2021	%	2021-2022 Budget
Misc Expenses									
30.812-4500	Environmental Services	5,570	8,008	6,871	10,364	12,000	5,271	44%	12,000
30.812-5300	Dues & Subscriptions	-	425	870	1,260	1,050	2,500	238%	1,400
30.812-5700	Permits	870	1,730	860	2,790	5,000	2,590	52%	5,000
Total Misc Expenses		\$ 6,440	\$ 10,163	\$ 8,601	\$ 14,414	\$ 18,050	\$ 10,361	57%	\$ 18,400
Vehicle Expenses									
30.812-6101	Gas & Fuel	3,257	3,095	2,695	3,230	4,500	1,586	35%	4,000
30.812-6201	Vehicle Maintenance	1,473	2,713	3,496	5,733	2,500	1,007	40%	2,500
Total Vehicle Expenses		\$ 4,730	\$ 5,808	\$ 6,191	\$ 8,963	\$ 7,000	\$ 2,593	37%	\$ 6,500
Capital Outlay									
30.812-7400	Capital Outlay	-	-	641,342	-			####	
Total Capital Outlay		\$ -	\$ -	\$ 641,342	\$ -	\$ -	\$ -	####	\$ -
Transfers to Other Funds									
30.812-9100	Transfer to Capital Project	-	-	-		-	-	-	-
Total Transfers to Other Funds		\$ -	\$ -	\$ -		\$ -	\$ -	-	\$ -
Total Water Maintenance		\$ 632,698	\$ 668,655	\$ 1,322,103	\$ 809,699	\$ 828,161	\$ 725,620	88%	\$ 922,770

30.812.0200 Salaries

2% COLA and 1 to 3% Merit raise.

Increased by one position during Fy 21 and after adoption of budget per Council's direction

30.812.1000 State (ORBIT) Retirement

Increased by 1.20% from 10.15% to 11.35% of gross wages

30.812-1200 Data Processing

Increased for additional software license requirements

30.812-1300 Electricity

Projection based with 2.5% expected energy cost increase

30.812-1600 Pump and valve Maintenance

30k Dam gate valve annual inspection and operation, Pump Station valve works repairs, expansion joints, standard maintenance

30.812-1602 Tank Maintenance

Recoat of water storage tanks to maintain finish and corrosion resistance.

30.812-1603 Building Maintenance

Continuation of replacement on existing surge protectors on power panels. Wearable part that has failed already in two locations

30.812-3300 Supplies and Materials

All necessary operational supplies for the WTP. Chemicals, calibrations, lab supplies and equipment, parts

30.812-4200 Contract Services

USGS required stream monitoring annual fees and expectation of data requirements. SCADA Operations and maintenance, generator services, test calibrations. Contract repairs to equipment at pump stations and facilities,

30.812-4500 Environmental Services

All water related testing

30.812.6201 Vehicle Maintenance

Annual maintenance and repairs for 2 light duty class trucks (pickup trucks), 2 motorized pumps, and small motorized equipment. Includes all costs for manufacturers required standard maintenance costs, repair and upkeep of general condition and appearance, and replacement parts as necessary.

**Town of Beech Mountain
Waste Water Treatment**

Sewer Maintenance		2017	2018	2019	2020	2021	YTD		Proposed
		Actual	Actual	Actual	Actual	Budget	4/30/2021	%	2021-2022 Budget
Personnel									
30.822-0200	Salaries	78,675	77,234	79,923	65,535	87,922	93,144	106%	87,961
30.822-0201	Longevity pay	-	1,250	1,750	750	1,250	1,500	120%	1,000
30.822-0202	Incentive pay	-	-	600	600	600	900	150%	600
30.822-0220	Over Time Wages	-	2,301	4,104	6,524	1,000	9,516	952%	1,000
30.822-0900	FICA	5,764	5,783	6,415	5,485	6,944	7,812	113%	6,928
30.822-0902	Employee Insurance	18,252	15,754	9,992	20,103	20,832	21,174	102%	18,207
30.822-0903	Runout Period Claims	-	248	-	426	-	0		-
30.822-1000	State (ORBIT) Retirement	6,968	9,768	6,641	6,644	9,213	10,754	117%	10,279
30.822-1001	401(k)	3,932	3,791	3,318	2,107	3,241	3,900	120%	3,016
Total Personnel		\$ 113,591	\$ 116,129	\$ 112,743	\$ 108,173	\$ 131,002	\$ 148,700	114%	\$ 128,990
Utilities, Bldg & Grnds									
30.822-1100	Telephone	221	2,901	3,202	990	1,500	749	50%	1,500
30.822-1200	Data Processing	-	-	331	1277	500	803	161%	500
30.822-1300	Electricity	45,913	48,952	49,524	68575	53,500	50,332	94%	53,500
30.822-1600	Repairs and Maintenance	10,123	6,803	14,096	2910	12,000	19,297	161%	12,000
30.822-1601	Building Maintenance	178	-	1,813	5719	2,000	9,679	484%	2,000
Total Utilities, Bldg & Grnds		\$ 56,435	\$ 58,656	\$ 68,966	\$ 79,471	\$ 69,500	\$ 80,860	116%	\$ 69,500
Supplies									
30.822-3300	Supplies and Materials	21,286	20,344	14,794	28,869	20,000	4,468	22%	20,000
30.822-3600	Uniforms	1,048	1,294	1,842	1,657	1,450	1,247	86%	1,450
Total Supplies		\$ 22,334	\$ 21,638	\$ 16,636	\$ 30,527	\$ 21,450	\$ 5,715	27%	\$ 21,450
Contract Services									
30.822-4200	Contract Services	13,902	26,145	12,495	16,664	20,000	15,390	77%	30,000
Total Contract Services		\$ 13,902	\$ 26,145	\$ 12,495	\$ 16,664	\$ 20,000	\$ 15,390	77%	\$ 30,000

**Town of Beech Mountain
Waste Water Treatment**

									Proposed
		2017	2018	2019	2020	2021	YTD		2021-2022
		Actual	Actual	Actual	Actual	Budget	4/30/2021	%	Budget
Misc Expenses									
30.822-4500	Environmental Testing	15,168	14,113	12,396	10,491	14,000	8,322	59%	14,000
30.822-5700	Permits	3,890	3,340	3,340	4,690	4,000	2,634	66%	4,000
Total Misc Expenses		\$ 19,058	\$ 17,453	\$ 15,736	\$ 15,181	\$ 18,000	\$ 10,956	61%	\$ 18,000
Vehicle Expenses									
30.822-6101	Gas & Fuel	2,087	1,843	1,752	1,898	2,500	757	30%	2,500
30.822-6201	Vehicle Maintenance	2,867	1,742	4,464	19,814	2,000	163	8%	2,000
Total Vehicle Expenses		\$ 4,954	\$ 3,585	\$ 6,216	\$ 21,712	\$ 4,500	\$ 919	20%	\$ 4,500
Capital Outlay									
30.822-7400	Capital Outlay	-	-	60,890	-	-		0%	
Total Capital Outlay		\$ -	\$ -	\$ 60,890		\$ -	\$ -	0%	\$ -
Transfers to Other Funds									
30.822-9100	Transfer to Capital Project	-	-	-		-	-		-
Total Transfers to Other Funds		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	\$ -
Total Sewer Maintenance		\$ 230,274	\$ 243,606	\$ 293,682	\$ 271,727	\$ 264,452	\$ 262,541	99%	\$ 272,440

30.822.0200 Salaries

2% COLA and 1 to 3% Merit raise.

30.822-1000 State (ORBIT) Retirement

Increased by 1.20% from 10.15% to 11.35% of gross wages

30.822-1601 Building Maintenance

Replace Door at Grassy Gap WWTP, rusting loose

30.822.3300 Supplies and Materials

All necessary operational supplies. Chemicals, calibrations, lab supplies and equipment, parts, reagents. All consumable needs.

30.822.4200 Contract Services

All contracted services including calibrations, electrical and the replacement and service of the UV Disinfection Unit

30.822-6201 Vehicle Maintenance

Required maintenance on one skid steer will be oil change and service and half ton pickup will be four oil changes and tires.

Skid Steer maintenance in 2020 high due to rebuild of rollers and tracks.

**Town of Beech Mountain
Taps Systems Department**

Taps & System									
		2017	2018	2019	2020	2021	YTD		Proposed
		Actual	Actual	Actual	Actual	Budget	4/30/2021	%	2021-2022 Budget
Personnel									
30.852-0200	Salaries	80,398	53,801	27,673	28,499		-		-
30.852-0201	Longevity pay	-	667	667	833		-		-
30.852-0202	Incentive pay	-	-	200	200		-		-
30.852-0220	Over Time Wages	-	3,845	746	3,167		-		-
30.852-0900	Fica	6,001	4,317	2,227	2,490		-		-
30.852-0902	Employee Insurance	18,564	9,687	20,650	4,228		-		-
30.852-0903	Runout Period Claims	-	1,738	-	2,466		-		-
30.852-1000	State Retirement (ORBIT)	7,173	9,267	2,249	2,895		-		-
30.852-1001	401(k)	4,125	2,801	468	433		-		-
Total Personnel		\$ 116,261	\$ 86,122	\$ 54,880	\$ 45,211	\$ -	\$ -		\$ -
Utilities, Bldg & Grnds									
30.852-1200	Data Processing	-	-	-	1,277	1,200	571	48%	1,200
30.852-1600	Hydrant Repairs	-	1,946	924	18,101	10,000	0	0%	10,000
30.852-1601	Pavement Replacement	3,000	1,977	-	630	7,000	634	9%	10,000
Total Utilities, Bldg & Grnds		\$ 3,000	\$ 3,923	\$ 924	\$ 20,007	\$ 18,200	\$ 1,206	7%	\$ 21,200
Supplies									
30.852-3300	Supplies and Materials	26,903	30,027	13,665	16,501	35,000	32,805	94%	40,000
30.852-3600	Uniforms	1,044	1,156	1,119	927		555	#####	-
Total Supplies		\$ 27,947	\$ 31,184	\$ 14,784	\$ 17,429	\$ 35,000	\$ 33,359	95%	\$ 40,000
Contract Services									
30.852-4200	Contract Services	-	-	1,400	2,680	2,500	5,355	214%	2,500
30.852-4210	Professional Services	-	-	-		-	-		-
Total Contract Services			\$ -	\$ 1,400	\$ 2,680	\$ 2,500	\$ 5,355	214%	\$ 2,500

**Town of Beech Mountain
Taps Systems Department**

									Proposed
		2017	2018	2019	2020	2021	YTD		2021-2022
		Actual	Actual	Actual	Actual	Budget	4/30/2021	%	Budget
Vehicle Expenses									
30.852-6101	Gas & Fuel	2,832	6,608	7,255	3,217	7,500	2,927	39%	6,000
30.852-6201	Vehicle Maintenance	12,505	11,877	16,946	16,003	10,000	15,543	155%	15,000
Total Vehicle Expenses		\$ 15,337	\$ 18,485	\$ 24,201	\$ 19,220	\$ 17,500	\$ 18,470	106%	\$ 21,000
Capital Outlay									
30.852-7400	Capital Outlay	-	8,942	187,585	0		-	#####	
30.852-7401	Infill & Inflow	9,806	38,575	12,985	519		-	#####	
30.852-7403	Fire Hydrants	3,800	3,800	-	10434		-	#####	
30.852-7405	Meter Replacement	3,810	8,156	-	9779		-	#####	
Total Capital Outlay		\$ 17,416	\$ 59,473	\$ 200,570	\$ 20,731	\$ -	\$ -	#####	\$ -
Total Taps & System		\$ 179,961	\$ 199,187	\$ 296,759	\$ 125,279	\$ 73,200	\$ 58,390	80%	\$ 84,700

30.852-1600 Hydrant Repairs

Increased to allow for more hydrant repairs currently functional

30.852-3300 Supplies and Materials

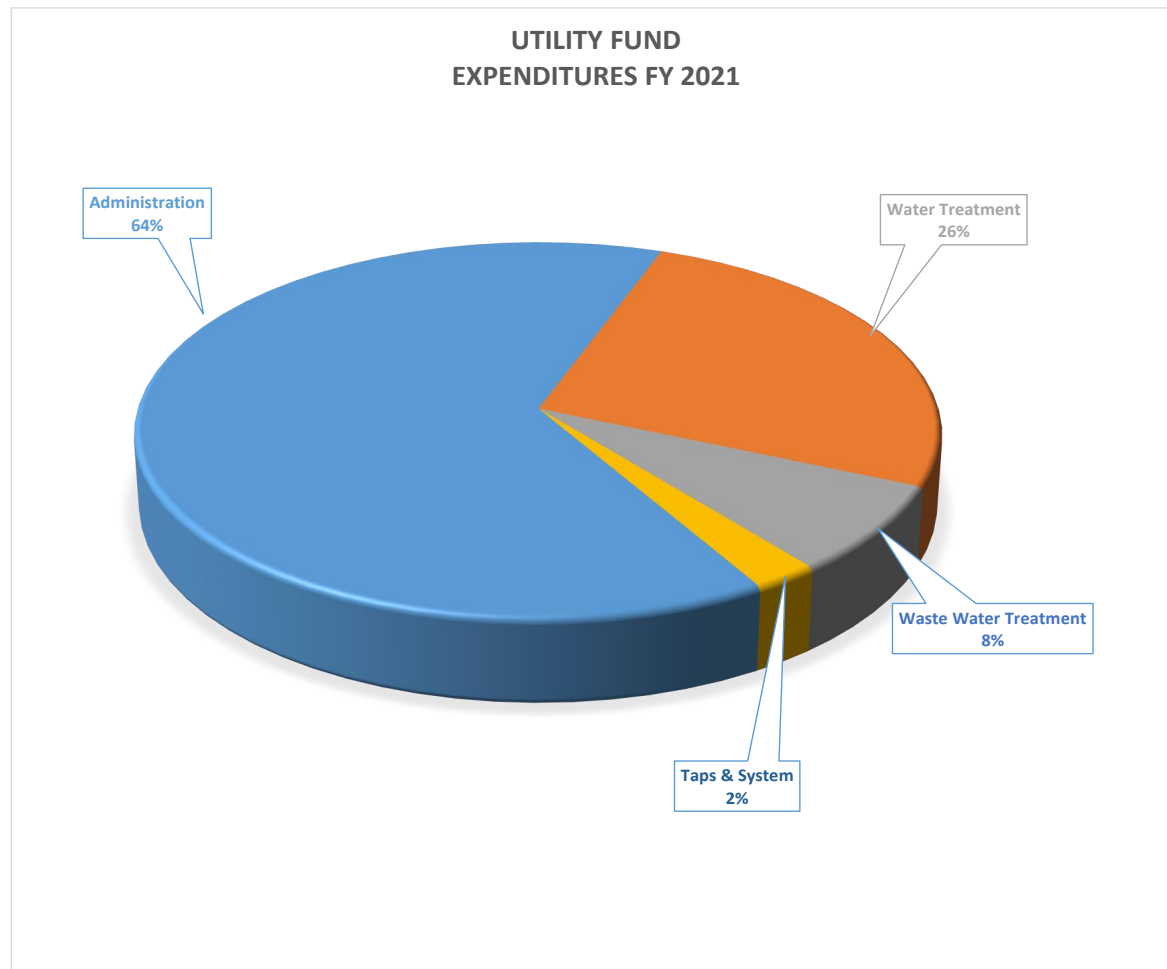
All plumbing parts for the distribution and collection systems needed for operational and maintenance issues. Pipe, joints, connectors, shovels, rakes, wire, valves, meter setters, meter boxes, manhole parts, gloves. All consumable needs.

30.852.6201 Vehicle Maintenance

Annual maintenance and repairs for 2 light duty class trucks (pickup trucks), 2 heavy duty class trucks (Dump trucks and haulers), 3 large machinery (Backhoe, track hoe, Vac Truck), and small motorized equipment. Includes all costs for manufacturers required standard maintenance costs, repair and upkeep of general condition and appearance, and replacement parts as necessary.

**Town of Beech Mountain
Utility Fund Summary**

	2017 Actual	2018 Actual	2019 Actual	2020 Actual	2021 Budget	YTD 4/30/2021	%	Proposed 2021-2022 Budget
Water Fund Revenue	\$ 2,122,902	\$ 2,176,428	\$ 2,474,614	\$ 2,492,624	\$ 2,451,020	\$ 2,307,297	94%	\$ 3,542,692
Administration	\$ 1,005,726	\$ 1,460,315	\$ 2,282,920	\$ 1,617,695	\$ 1,285,207	\$ 838,971	65%	\$ 2,262,782
Water Treatment	\$ 632,698	\$ 668,655	\$ 1,322,103	\$ 809,699	\$ 828,161	\$ 725,620	88%	\$ 922,770
Waste Water Treatment	\$ 230,274	\$ 243,606	\$ 293,682	\$ 271,727	\$ 264,452	\$ 262,541	99%	\$ 272,440
Taps & System	\$ 179,961	\$ 199,187	\$ 296,759	\$ 125,279	\$ 73,200	\$ 58,390	80%	\$ 84,700
Total Expenditures	\$ 2,048,659	\$ 2,571,764	\$ 4,195,464	\$ 2,824,399	\$ 2,451,020	\$ 1,885,522	77%	\$ 3,542,692
Variance	\$ 74,244	\$ (395,336)	\$ (1,720,850)	\$ (331,776)	\$ -	\$ 421,775		\$ (0)



**Town of Beech Mountain
Sanitation Fund
Debt Summary**

\$624,000
2.79%
Twenty Year Payoff
BB&T
Public Works Facility March 2021
12% of Total (See General & Utility Funds)

	PRINCIPAL	INTEREST	TOTAL
2021/2022	31,200	16,539	47,739
2022/2023	31,200	15,669	46,869
2023/2024	31,200	14,798	45,998
2024/2025	31,200	13,928	45,128
2025/2026	31,200	13,057	44,257
2026/2027	31,200	12,187	43,387
2027/2028	31,200	11,316	42,516
2027/2029	31,200	10,446	41,646
2027/2030	31,200	9,575	40,775
2027/2031	31,200	8,705	39,905
2027/2032	31,200	7,834	39,034
2027/2033	31,200	6,964	38,164
2027/2034	31,200	6,093	37,293
2027/2035	31,200	5,223	36,423
2027/2036	31,200	4,352	35,552
2027/2037	31,200	3,482	34,682
2027/2038	31,200	2,611	33,811
2027/2039	31,200	1,741	32,941
2027/2040	31,200	870	32,070
 TOTAL	 592,800	 165,390	 758,190

**Town of Beech Mountain
Sanitation Department**

Sanitation Fund		2017	2018	2019	2020	2021	YTD		Proposed
		Actual	Actual	Actual	Actual	Budget	4/30/2021	%	2021-2022 Budget
Income									
Interest Income									
35.329-0000	Interest on Investments	1,547	4,363	6,883	2,882	850	36	4%	150
Total Interest Income		\$ 1,547	\$ 4,363	\$ 6,883	\$ 2,882	\$ 850	\$ 36	4%	\$ 150
Miscellaneous Income									
35.335-0000	Recycling Revenue	42,400	46,093	45,877	44,399	47,949	45,077	94%	50,000
35.335-0001	Non-Utility Sanitation Fee	-	-	-	2,590		18,908		12,000
35.335-0002	Center One Time Use	-	-	-	-		5,365		5,000
Total Miscellaneous Income		\$ 42,400	\$ 46,093	\$ 45,877	\$ 46,989	\$ 47,949	\$ 69,350	145%	\$ 67,000
State Revenue									
35.345-0000	Solid Waste Disposal Tax	167	58	171	192	106	187	176%	180
Total State Revenue		\$ 167	\$ 58	\$ 171	\$ 192	\$ 106	\$ 187	176%	\$ 180
Fees									
35.359-0000	Sanitation Fee Revenue	345,731	348,165	350,200	464,551	578,300	510,895	88%	697,149
35.359-0003	Sanitation Penalties	771	775	10,114	10,439	12,000	26,270	219%	13,000
Total Fees		\$ 346,502	\$ 348,940	\$ 360,314	\$ 474,990	\$ 590,300	\$ 537,165	91%	\$ 710,149
Gains/Losses									
35.383-0000	Gain on Sale of Fixed Assets						-		
Total Gains/Losses			\$ -	\$ -		\$ -	\$ -		\$ -
Proceeds									
35.393-0000	Proceeds Lease/Purchase				\$ 1,860		\$ 1,325		\$ 315,000
Total Proceeds			\$ -	\$ -	\$ 1,860	\$ -	\$ 1,325		\$ 315,000
Transfers									
35.399-0000	Fund Balance Appropriated		-			-	-		-
35.399-0001	Transfer from General Fund		-				-		
Total Transfers			\$ -	\$ -	\$ -	\$ -	\$ -		\$ -
Total Sanitation Fund Revenue		\$ 390,616	\$ 399,454	\$ 413,245	\$ 526,913	\$ 639,205	\$ 608,063	95%	\$ 1,092,479

**Town of Beech Mountain
Sanitation Department**

									Proposed
		2017	2018	2019	2020	2021	YTD		2021-2022
Sanitation Expenditures		Actual	Actual	Actual	Actual	Budget	4/30/2021	%	Budget
Personnel									
35.580-0200 Salaries		159,382	158,149	164,006	188,312	228,300	181,446	79%	337,150
35.580-0201 Longevity pay		-	3,000	2,250	2,250	2,750	2,750	100%	3,500
35.580-0202 Incentive pay		-	-	1,200	1,200	1,200	1,200	100%	3,000
35.580-0210 Part Time Wages		-	2,586	-	0	-	0		-
35.580-0220 Over Time Wages		-	5,627	13,395	8,954	4,000	10,326	258%	4,000
35.580-0900 Fica		12,299	12,225	13,516	14,922	18,073	15,275	85%	26,595
35.580-0901 Hep B Shots		-	-	-	0	900	0	0%	900
35.580-0902 Employee Insurance		55,024	54,729	27,015	72,619	55,166	46,985	85%	77,463
35.580-0903 Runout Period Claims		-	689	-	1,897	-	0		-
35.580-1000 State Retirement (ORBIT)		13,223	11,229	17,496	17,960	23,573	20,738	88%	39,458
35.580-1001 401(k)		7,710	7,924	4,676	6,728	7,609	7,480	98%	13,646
Total Personnel		\$ 247,638	\$ 256,158	\$ 243,554	\$ 314,842	\$ 341,571	\$ 286,199	84%	\$ 505,713
Utilities, Bldg & Grnds									
35.580-1200 Data Processing		-	-	-	1,277	1,277	232	18%	1,277
35.580-1300 Utilities		1,320	1,384	1,639	1,804	5,000	1,489	30%	5,000
35.580-1600 Building Maintenance		-	62	7,503	2,978	500	225	45%	1,000
Total Utilities, Bldg & Grnds		\$ 1,320	\$ 1,445	\$ 9,142	\$ 6,059	\$ 6,777	\$ 1,946	29%	\$ 7,277
Supplies									
35.580-3300 Supplies and Materials		360	4,453	2,632	7,825	4,428	3,063	69%	10,000
35.580-3600 Uniforms		2,513	2,818	4,304	5,021	5,715	5,640	99%	5,600
Total Supplies		\$ 2,873	\$ 7,271	\$ 6,936	\$ 12,846	\$ 10,143	\$ 8,703	86%	\$ 15,600
Contract Services									
35.580-4200 Contract Services		18,588	29,232	24,665	20,170	25,000	16,746	67%	25,000
Total Contract Services		\$ 18,588	\$ 29,232	\$ 24,665	\$ 20,170	\$ 25,000	\$ 16,746	67%	\$ 25,000
Misc Expenses									
35.580-5400 Insurance		24,789	28,374	30,726	24,520	26,000	20,704	80%	26,000
35.580-5702 Asset Disposal Loss		-	-	-	-	-	0	-	-
35.580-5705 Comm Landfill Fees		17,821	12,976	19,651	39,180	88,500	83,598	94%	70,150
35.580-5900 Depreciation Expense		34,009	34,009	-	46,933	-	-		-
Total Misc Expenses		\$ 76,619	\$ 75,359	\$ 50,377	\$ 110,633	\$ 114,500	\$ 104,302	91%	\$ 96,150

**Town of Beech Mountain
Sanitation Department**

									Proposed
		2017	2018	2019	2020	2021	YTD		2021-2022
		Actual	Actual	Actual	Actual	Budget	4/30/2021	%	Budget
Vehicle Expenses									
35.580-6101	Gas & Fuel	9,264	15,937	15,450	11,071	15,000	5,594	37%	15,000
35.580-6201	Vehicle Maintenance	8,429	12,747	12,884	17,539	15,000	7,616	51%	5,000
Total Vehicle Expenses		\$ 17,693	\$ 28,684	\$ 28,334	\$ 28,609	\$ 30,000	\$ 13,210	44%	\$ 20,000
Capital Outlay									
35.580-7400	Capital Outlay	-	-	230,988	-			####	315,000
35.580-7401	New Facility								
Total Capital Outlay		\$ -	\$ -	\$ 230,988	\$ -	\$ -	\$ -	####	\$ 315,000
Debt Principal & Interest									
35.580-8400	Debt - Principal	-	-	-	-	31,200	31,200	100%	31,200
35.580-8401	Debt - Interest	-	-	-	-	17,410	17,410	100%	16,539
Total Debt Principal & Interest		\$ -	\$ -	\$ -		\$ 48,610	\$ 48,610	100%	\$ 47,739
Transfers to Other Funds									
35.580-9100	Transfer to Fund Balance	-	-			62,603		-	60,000
35.580-9200	Transfer to Capital Project	-	-	-		-	5,000		-
Total Transfers to Other Funds		\$ -	\$ -	\$ -		\$ 62,603	\$ 5,000	-	\$ 60,000
Contingency									
35.580-9400	Contingency	-	-	-		-			-
Total Contingency		\$ -	\$ -	\$ -		\$ -	\$ -		\$ -
Total Sanitation Fund Expenditures		\$ 364,731	\$ 398,149	\$ 593,996	\$ 493,159	\$ 639,204	\$ 484,716	76%	\$ 1,092,479
Variance		\$ 25,885	\$ 1,305	\$ (180,751)	\$ 33,754	\$ 1	\$ 123,347		\$ 0

Sanitation Revenue Notes**359-0000 Sanitation Fee Revenue**

Sanitation Fees and Recycling will be combined into one for Beech Mountain Single Family properties starting July 1st, 2021. The Town is contracting out commercial pickup on Beech Mountain. Public Works director will determine what entities will have dumpster and thus be commercial and which ones can have curbside pickup. Curbside will go to twice a week and due to this the monthly rate will increase \$31.25 per month. Out of town Convenience Center permits will 125% Residents in multi family dwellings that have commercial pickup can purchase recycling permits for \$60.00 per year. This permit is strictly for recycling not garbage disposal

35.359-0003 Sanitation Penalties

Mostly Bear fines

Expenditure Notes**35.580.0200 Salaries**

2% COLA and 1 to 3% Merit raise.

35.580-0901 Hep B Shots

2 current employees and 1 new attendant vaccination at 300 each.

35.580-1000 State Retirement (ORBIT)

Increased by 1.20% from 10.15% to 11.35% of gross wages

35.580-1300 Utilities

Increase power usage for multiple compactors and cameras at the new Center in January.

35.580-3300 Supplies and Materials

Truck tarps, dumpster welding repairs and parts, gate repairs, signage, PPE, sanitizer...

35.580-3600 Uniforms

625 annual per employee(4375), 7 employees, 120 boots(840), \$500 hats, hoodies, rain/snow gear

35.580-4200 Contract Services

Republic Services Fees for contracted commercial accounts

35.580-5705 Comm Landfill Fees

Watauga increased from 26 per ton to 59 per ton for solid waste, estimating 2019 data, budgeted for 1500 tons annual.

35.580-6101 Gas and Fuel

Based off of 2019 projection

35.580-6201 Vehicle Maintenance

Standard maintenance, tires, chains, repairs, secondary brake on garbage truck

**Town of Beech Mountain
Emergency Telephone System**

Emergency Telephone System		2017	2018	2019	2020	2021	YTD		Proposed
		Actual	Actual	Actual	Actual	Budget	4/30/2021	%	Budget
Revenue									
Interest Revenue									
65.327-0000	Interest on Investments	295	827	1,504	944	300	12	4%	30
Total Interest Revenue		\$ 295	\$ 827	\$ 1,504	\$ 944	\$ 300	\$ 12	4%	\$ 30
Miscellaneous Revenue									
65.335-0000	Miscellaneous Revenue	-	-	-		-	-	-	-
Total Miscellaneous Revenue		\$ -	\$ -	\$ -		\$ -	\$ -	-	\$ -
Metered Sales & Fees									
65.375-0000	Statewide 911 Fee	135,054	83,531	60,742	70,298	103,065	77,299	75%	88,442
Total Metered Sales & Fees		\$ 135,054	\$ 83,531	\$ 60,742	\$ 70,298	\$ 103,065	\$ 77,299	75%	\$ 88,442
Transfers									
65.399-0000	911 - Transfer From Reserve	-	-				-		
Total Transfers		\$ -	\$ -	\$ -		\$ -	\$ -		\$ -
Total E911 Revenue		\$ 135,349	\$ 84,358	\$ 62,246	\$ 71,242	\$ 103,365	\$ 77,311	75%	\$ 88,472

**Town of Beech Mountain
Emergency Telephone System**

		2017	2018	2019	2020	2021	YTD		Proposed
		Actual	Actual	Actual	Actual	Budget	4/30/2021	%	2021-2022 Budget
Expenditures									
Utilities, Bldg & Grnds									
65.410-1100	Telephone	13,888	14,756	14,182	16,363	20,000	12,117	61%	20,000
65.410-1101	Postage	-	-	-	-	-	0		-
65.410-1200	Data Processing	-	-	-	437	6,000	5,123	85%	6,000
65.410-1400	Training	1,177	608	1,004	665	4,000	2,275	57%	4,000
65.410-1600	Repairs & Maintenance	2,870	1,380	9,414	945	9,500	400	4%	9,500
Total Utilities, Bldg & Grnds		\$ 17,935	\$ 16,744	\$ 24,600	\$ 18,410	\$ 39,500	\$ 19,915	50%	\$ 39,500
Supplies									
65.410-3300	Supplies and Materials	-	3,589	784	50	2,400	995	127%	2,400
Total Supplies		\$ -	\$ 3,589	\$ 784	\$ 50	\$ 2,400	\$ 995	127%	\$ 2,400
Contract Services									
65.410-4200	Contract Services	36,911	36,817	34,178	35,027	45,000	43,988	98%	46,572
Total Contract Services		\$ 36,911	\$ 36,817	\$ 34,178	\$ 35,027	\$ 45,000	\$ 43,988	98%	\$ 46,572
Misc Expenses									
65.410-5400	Insurance	-	-	-	-	-	-		-
Total Misc Expenses		\$ -	\$ -	\$ -		\$ -	\$ -		\$ -
Capital Outlay									
65.410-7400	Capital Outlay	-	597	167,358	-	-	-	0%	-
Total Capital Outlay		\$ -	\$ 597	\$ 167,358		\$ -	\$ -	0%	\$ -
Transfers to Other Funds						16,465			
65.410-9100	Transfer to Fund Balance					-	-		-
Total Transfers to Other Funds		\$ -	\$ -	\$ -		\$ 16,465	\$ -		\$ -
Total E911 Expenditures		\$ 54,846	\$ 57,747	\$ 226,920	\$ 53,487	\$ 103,365	\$ 64,898	63%	\$ 88,472
Variance		\$ 80,503	\$ 26,611	\$ (164,674)	\$ 17,755	\$ -	\$ 12,413		\$ -

**Town of Beech Mountain
Notes for Emergency Telephone System**

Telephone: 410-410 – This line item covers the 911 telephone services to include Skyline Membership, Skyline Skybest, and reimbursement to the Watauga County Finance for our portion of the 911 phone service. **No increase.**

Training: 410-1400 – This line item covers the cost of EMD, EFD, and EPD recertification's, initial telecommunicator certification and other advanced communications training. **No Increase.**

Repairs & Maintenance: 410-1600 – Line item covers any repairs needed to the communications center or equipment. **No increase.**

Supplies & Materials: 410-3300 – Line item covers the cost of communications supplies such as printer paper, note pads, printer cartages, pens, and etc.. **No Increase.**

Contract Services: 410-4200 – Line item covers the cost of annual service agreements: Southern Software – CAD (Computer Aided Dispatch), AMS (Address Management System), MDS (Mapping Software), & Alpha Numeric Paging Software
Phone & Recorder maintenance - \$26,000, Priority Dispatch - EMD,EFD,& EPD. **No Increase.**

Capital Outlay: 410-7400 - No large scale projects for this budget year. Currently in the process to migrate to the NC911 Hosted Phone System.

Note: All line items above are funded by 911 Funds from the NC 911 Board.

**Town of Beech Mountain
Special Revenue Fund**

Special Revenue Fund		2017	2018	2019	2020	2021	YTD		2021-2022
		Actual	Actual	Actual	Actual	Budget	4/30/2021	%	Proposed Budget
Revenue									
25-310-0000	Federal Forfeitures		\$ -			\$ -	\$ -	0%	
25-320-0000	NC Sales Tax on Contraband					-		-	
25-330-0000	Police Department Donations			5			300,050	-	
25-331-0000	BEEHCOP Promotions	3,028			500	2,000	4,864	-	5,000
25-340-0000	NADDI Grant							0	
25-350-0000	Investment Interest							0	
25-360-0000	Dog Park Contributions			4,462			80		
25-399-0000	Appropriate Fund Balance		-					-	6,000
Total Special Revenue		\$ 3,028	\$ -	\$ 4,467	\$ 500	\$ 2,000	\$ 304,994	0%	\$ 11,000
Expenditures									
25-510-0001	Federal Forfeiture Program		-			-	-	-	
25-510-0002	Other		-				-	-	
25-510-0004	BEEHCOP Promotions	1,502		1,936	500	2,000	1,958		5,000
25.510-9100	Transfer to 10 Fund						257,146	-	6,000
Total Special Revenue Expenditures		1,502	-	\$ 1,936		\$ 2,000	259,104	-	\$ 11,000

Revenues

25-310-0000 Federal Forfeitures

There are none at this time

25-320-0000 NC Sales Tax on Contraband

No payments being received at this time. These amounts come from the Court System

25-330-0000 Police Department Donations

Donations

25-331-0000 BEEHCOP Promotions

Sales to benefit community policing

25-340-0000 NADDI Grant

National Association of Drug Diversion Investigators training Grants

Expenditures

25-510-0001 Federal Forfeiture Program

No funds for program use

25-510-0004 BEEHCOP Promotions

Used to promote Community Policing and Police benevolence activities.

General Fund Capital Outlay

Town of Beech Mountain
General Fund
Summary of Capital Outlay Request

Prioritized Listing

<u>Requested Item and Amount</u>	<u>Justification for Request</u>	<u>Department</u>
Visitor Center/Town Hall expansion and renovation \$300,000	Increase size of building to better service growing need 50-50 split in funding with TDA	Visitor Center
New Patrol vehicle and equipment upfit \$41,879	Replaces 2014 model with 80,895	Police Dept
Exterior Repairs Station #1 \$35,000	Needed and past due repairs	Fire Dept
Half Ton pickup truck \$35,000	Replaces 2009 model already removed from service	Vehicle Shop
Truck, Trailer and Small Excavator \$155,000	Small Trackhoe, truck, and trailer package for culvert installation and road maint crew	Public Works
	Part of the program to outfit each crew with necessary equipment to reach new goals	
Wheel Loader \$125,000	Rubber tired front end loader for use on highway to handle gravel and chat operations at the parkway gravel storage area and chat operations at the new public works. Can be driven on roadway relieving the need to trailer equipment or call in other crews to support. Used for salt loading and management. Bucket fitting to allow for compaction of open container 40yd trash containers for more efficient hauling. Currently using John Deere trackhoe which will be moved to the Mayapple handling site on Buckeye Lake Rd. for woodchips, logs, brush, and other organic materials.	Public Works
Small Tractor ROY \$22,000	25 hp class tractor with backhoe attachment to specialize in cleaning of brush debris and culvert cleaning operations.	Public Works
New F250 to replace 2009 F250 car 24 \$35,000	Replacement for current 2009 F250 salt/service truck	Public Works
Roadway Reflectors \$60,000	Installation of road reflectors from Ski Resort entrance around the Beech Mtn. Pkwy, Pinnacle Ridge Rd., Pine Ridge Rd, N Pinnacle, and Elderberry Ridge rd.	Public Works
ABC Stone for road maintenance \$100,000	Continuing yearly maintenance of gravel roads	Public Works
Culvert repairs \$12,000	Continuing effort to replace culvert drainage mountain wide as necessary before new paving projects and roadway upgrades.	Public Works
Resurfacing \$1,013,075	New and resurfacing of town maintained streets	Public Works

Town of Beech Mountain
General Fund
Summary of Capital Outlay Request

Replace Jeep Liberty \$35,000	Replaces older model	Rec Dept
Dog Park/Sled Hill Bathroom facility \$120,000	Funding being requested from TDA.	Rec Dept
Sled Hill Parking Lot paving (waiting on quote) \$34,700	Funding being requested from TDA.	Rec Dept
All park benches and picnic tables (3 -4 year plan) \$14,600	Funding being requested from TDA.	Rec Dept
Sled Hill Fencing \$6,900	Funding being requested from TDA	Rec Dept
Tank plumbing for sled hill water supply \$25,000	Funding being requested from TDA.	Rec Dept
Event Overflow parking paving (waiting on quote) \$37,073	Providing emergency vehicles access to helicopter landing zone (ballfield).	Rec Dept
Shane Park Security Camera System \$9,300	Item is considered a community health, safety and wellfair issue along with asset protection	Rec Dept
Other TDA fund Capital and Events \$14,600	Various items see Dept CIP	
Total General Fund Capital spending requested all departments \$2,231,127		

**Town of Beech Mountain
General Fund
Capital Improvement Program
Summary**

General Fund Summary Capital Improvement Program												
								Fiscal Year Ending				
								Capital Funding				
								Projected				
								2022	2023	2024	2025	2026
Transfer From General Fund								1,865,327	2,445,000	1,560,300	93,700	
Appropriated Fund Balance								-	-	-	-	-
Debt Financing								-	-	900,000		500,000
Grant Funding								365,800	244,000	145,000	250,000	-
Total Capital Funding								\$ 2,231,127	\$2,689,000	\$ 2,605,300	\$ 343,700	\$ 500,000
Capital Expenditures						Budget 2021	Projected					
Account #	Department	2017	2018	2019	2020		4/30/2021	2022	2023	2024	2025	2026
10.410-7400	GF Adminisrtion	-	33,037	74,500	56,320	-	3,525	-	-	-	-	-
10.410-7401	GF Adminisrtion-SP	-	-	78,000		-	-	-	-	-	-	-
10.470-7400	Visitor Center	-	-	-		-	-	300,000	-		-	
10.510-7400	Police Department	199,901	95,048	27,420	44,705	-	-	41,879	64,500	43,300	43,700	-
10.515-7400	Fire Department	-	-	48,000	7,500	-	-	35,000	170,000	900,000	50,000	-
10.540-7400	Inspections Dept	-	-	-		-	-	-	30,000	-	-	-
10.541-7400	Planning Dept	-	-		307,283	-	58,847	-	-	-	-	
10.555-7400	Vehicle Maintenance	-	7,500	-		35,000	14,606	35,000	-	-	-	-
10.560-7400	Public Works	292,453	19,000	121,000	821,990	397,000	133,728	397,000	450,000	125,000	-	-
10.560-7402	PW-Road Stabilization	21,944	40,000	80,000	59,993	100,000	66,653	100,000	100,000	100,000	-	-
10.560-7404	PW-Culvert Replacement	2,925	15,000	10,000	20,317	12,000	1,829	12,000	12,000	12,000	-	-
10.560-7408	PW-Resurfacing	261,700	175,000	194,000	185,672	1,013,075	998,292	1,013,075	1,618,500	1,200,000	-	-
10.621-7400	Recreation	78,664	159,869	161,888	276,299	297,173	269,631	297,173	254,000	225,000	250,000	500,000
Total Capital Outlay		\$ 857,587	\$ 544,454	\$ 794,808	\$ 1,780,079	\$ 1,854,248	\$ 1,547,111	\$ 2,231,127	\$ 2,699,000	\$ 2,605,300	\$ 343,700	\$ 500,000

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**Town of Beech Mountain
Notes for Administration
Capital Improvement Program**

Detail Listing	
<u>Item/Project Description</u>	<u>Additional Budget Justification</u>

2020 - 2021

Property acquisition \$3525

Material storage yard

2021 - 2022

No Capital Projects planned this Department

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Detail Listing**Item/Project Description****Additional Budget Justification****2023-2024**

Building Expansion -\$300,000

Increase size of building to better serve growing visits and use

This is a projected amount as of 04/21/2021. Funding will be a 50-50 split TDA and Town

**Town of Beech Mountain
Police Department
Capital Improvement Program**

Police Department Capital Improvement Program													
Capital Funding													
Fiscal Year Ending													
Projected													
2022 2023 2024 2025 2026													
Transfer From General Fund										41,879	64,500	43,300	\$ 43,700
Appropriated Fund Balance													
Debt Financing													
Grant Funding													
Total Capital Funding										\$ 41,879	\$ 64,500	\$ 43,300	\$ 43,700 \$ -
Capital Expenditures													
Budget Account 2017 2018 2019 2020 Budget 2021 YTD 4/30/2021 % 2022 2023 2024 2025 2026													
10.510-7400	Capital Outlay	199,901	95,048	27,420	20,913	56,700		0%	41,879	64,500	43,300	43,700	
Total Capital Outlay													
\$ 199,901 \$ 95,048 \$ 27,420 \$ 20,913 \$ 56,700 \$ - 0% \$ 41,879 \$ 64,500 \$ 43,300 \$ 43,700													
Detail Listing													
Item/Project Description													
16-17/ Motorola radio - vehicle													
Patrol Rifles x 5 Bushmaster .223/M4													
New Vehicle-2017 Ford Expedition													
New Vehicle-2017 Ford Expedition													
Vehicle upfit- emergency equipment													
Vehicle upfit- emergency equipment													
Motorola radio x 2 - vehicle													
New Police Server													
Vehicle upfit- emergency equipment													
New Vehicle-2017 Ford Expedition													
New Vehicle- 2017 Ford Expedition													
Body Cameras x 6													
In-Car Cameras x 2													
17-18/ New 2017 Ford Expedition													
New Ford Expedition													
AED's x 3 for patrol vehicles													
In-Car Cameras x 2													
Motorola radio - vehicle													
Vehicle upfit- emergency equipment													

**Town of Beech Mountain
Police Department
Capital Improvement Program**

Capital Expenditures						Budget 2021	YTD		Fiscal Year Ending				
		2017	2018	2019	2020		4/30/2021	%	Project				
									2022	2023	2024	2025	2026
2018-2019													
New Tasers x 10				13,620									
AED's x 2				5,000									
Portable Radar Signs x 2				8,800									
2019-2020													
New Vehicle - 2020 Dodge Pickup 1/2 with Special Projects and Emergency Upfit													
Portable information sign					14,505								
2 AEDs													
3 Computer Workstations					6,408								
Southern Software Server													
2020-2021													
2 Portable Radar Signs (Radar sign Inc.)													
2021-2022													
2021 Dodge Durango Patrol Vehicle								29,279					
Vehicle Upfit - emergency equipment								8,000					
1 In Car Camera (Digital Ally MC800)								4,600					
2022-2023													
New Vehicle - 2021 Ford Expedition									36,000				
Vehicle Upfit - emergency equipment									7,300				
1 In Car Camera (Digital Ally MC800)									4,500				
New Computers for Department x 7										7,200			
New Server for Department										9,500			
2023-2024													
New Vehicle - 2022 Ford Expedition											36,000		
Vehicle Upfit - emergency equipment											7,300		
2024-2025													
New Vehicle - 2024 Dodge Truck												30,000	
Vehicle Upfit - emergency equipment												8,500	
In-car Cameras												5,200	

**Item/Project Description Additional Budget Justification
2020-2021****Detail Listing****2021-2022**

2021 Dodge Durango Patrol Vehicle

Replacing 2014 Ford Explorer with 80,895 miles. Vehicle has been in-service 3 years longer than the previous desired service life and 4 years of which were before the take program.

New Vehicle, Upfit, & Camera \$41

Replace -2015 Ford Explorers, reached serviceability for repairs, worn out. 1-vehicle upfits, 1 In-Car Camera

2022-2023

New Computers, Server \$16,700

Replace 7 Police Department aging computers and servers / last upgraded in 2017/2018,

New Vehicle, Upfit, & Camera \$47,800

Replace -2015 Ford Explorers, reached serviceability for repairs, worn out. 1-vehicle upfits, 1 In-Car Camera

2023-2024

Vehicle \$43,300

Replace -2015 Ford Explorers, reached serviceability for repairs, worn out. 1-vehicle upfits, 1 In-Car Camera

2024-2025

New Vehicle: 2024 Dodge truck -\$30,000, to include

To maintain scheduled vehicle rotation

Emergency Upfit - \$8,500, & In-Car Camera - \$5,200.

To maintain scheduled vehicle rotation

Capital Funding	Fiscal Year Ending				
	2022	2023	2024	2025	2026
Transfer From General Fund	35,000	170,000		50,000	
Appropriated Fund Balance					
Debt Financing			900,000		
Grant Funding					
Total Capital Funding	\$ 35,000	\$ 170,000	\$ 900,000	\$ 50,000	\$ -

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Detail Listing	
<u>Item/Project Description</u>	<u>Additional Budget Justification</u>
<u>2021-2022</u>	
Station #1 Building Exterior Renovation	Building is an eyesore needs both a functional and visual upgrade

Capital Funding	Fiscal Year Ending				
	2022	2023	2024	2025	2026
Transfer From General Fund		30,000			
Appropriated Fund Balance					
Debt Financing					
Grant Funding					
Total Capital Funding	\$ -	\$ 30,000	\$ -	\$ -	\$ -

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**Town of Beech Mountain
Building Inspections Department
Notes for Capital Improvement Program**

Detail Listing

Item/Project Description

Additional Budget Justification

2022-2023

Vehicle \$30,000

Current Jeep will be eight years old. This vehicle services a Administration vehicle for trips across the State

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**Town of Beech Mountain
Planning Department
Notes for Capital Improvement Program**

Detail Listing

<u>Item/Project Description</u>	<u>Additional Budget Justification</u>

Capital Funding	Fiscal Year Ending				
	2022	2023	2024	2025	2026
Transfer From General Fund	35,000				
Appropriated Fund Balance					
Debt Financing					
Grant Funding					
Total Capital Funding	\$ 35,000	\$ -	\$ -	\$ -	\$ -

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**Town of Beech Mountain
Vehicle Maintenance Department
Notes for Capital Improvement Program**

Detail Listing

Item/Project Description

Additional Budget Justification

1/2 Ton Service Vehicle F-150

Replacement of 2009 F250 service truck removed from service due to engine failure

Page 377 of 430

**Town of Beech Mountain
Public Works Department
Notes for Capital Improvement Program**

Detail Listing**Item/Project Description****Additional Budget Justification****2021 - 2022**

F-250 4X4 Pickup Truck

Replacement for current 2009 F250 salt/service truck

Truck, Trailer and Small Excavator (Road Maint.)

Small Trackhoe, truck, and trailer package for culvert installation and road maint crew
Part of the program to outfit each crew with necessary equipment to reach new goals

Wheel Loader machine

Rubber tired front end loader for use on highway to handle gravel and chat operations at the parkway gravel storage area and chat operations at the new public works. Can be driven on roadway relieving the need to trailer equipment or call in other crews to support. Used for salt loading and management. Bucket fitting to allow for compaction of open container 40yd trash containers for more efficient hauling. Currently using John Deere trackhoe which will be moved to the Mayapple handling site on Buckeye Lake Rd. for woodchips, logs, brush, and other organic materials.

Small Tractor Right of Way

25 hp class tractor with backhoe attachment to specialize in cleaning of brush debris and culvert cleaning operations.

Roadway Reflectors

Installation of road reflectors from Ski Resort entrance around the Beech Mtn. Pkwy, Pinnacle Ridge Rd., Pine Ridge Rd, N Pinnacle, and Elderberry Ridge rd.

Culvert

Continuing effort to replace culvert drainage mountain wide as necessary before new paving projects and roadway upgrades.

Pavement Resurfacing**2022 - 2023**

Renovation of old PW

Using the old PW shop building as heated space for vehicle storage. Needs electrical updates, heating updates, and office area converted into trailer storage for equipment such as Trailer Mount Information signs, pavement machine, pavement roller, pumps, trailer mount generator/light tower.

Paving Old PW parking area

Recap of deterioration on existing paved area.

**Town of Beech Mountain
Recreation Department
Capital Improvement Program**

Recreation Department Capital Improvement Program													
Capital Funding													
Fiscal Year Ending													
Projected													
2022 2023 2024 2025 2026													
Transfer From General Fund						81,373			80,000				
Appropriated Fund Balance													
Debt Financing												500,000	
Grant Funding						215,800	244,000	145,000	250,000				
Total Capital Funding						\$ 297,173	\$ 244,000	\$ 225,000	\$ 250,000	\$ 500,000			
Capital Expenditures													
Fiscal Year Ending													
Actual													
Budget YTD													
Projected													
Budget Account	2017	2018	2019	2020	2021	4/30/2021	%	2022	2023	2024	2025	2026	
10.621-7400 Capital Outlay	22,107	78,664	159,869	161,888	274,500	313,947	194%	297,173	254,000	225,000	250,000	500,000	
Total Capital Outlay	\$ 22,107	\$ 78,664	\$ 159,869	\$ 161,888	\$ 274,500	\$ 313,947	194%	\$ 297,173	\$ 254,000	\$ 225,000	\$ 250,000	\$ 500,000	
Detail Listing													
Item/Project Description													
2015-2016 Bark Park play features		4,902											
BRC Flooring - Paid for by TDA Grant \$	5,995												
Kitchen Renovation/appliances	6,171												
Counter top for kitchen island	347												
Sled Hill pads	9,594	10,593											
2017 Chevy 1500 Truck		26,732											
Vermeer Skid Steer/attachments		36,437											
2019 F-350 with dump bed			34,368										
Cardio Equipment			18,937										
Weight room equipment			17,564										
Recreational Trail project			75,000	75,000		6,138							
Reliefs for Telescope			4,500										
Projector and sound for Multi-purpose room			9,500										
Shane Outdoor Park Part F				150,000		224,145							
Snow gun				33,000									
Bear Proof Trash Bins				4,500									
Playground by Bark Park					82000	39,348							
Excavator for Trail building					35000								

**Town of Beech Mountain
Recreation Department
Capital Improvement Program**

Capital Expenditures				Budget 2021	YTD		Projected				
	2017	2018	2019		4/30/2021	%	2022	2023	2024	2025	2026
2021 - 2022											
Replace Jeep Liberty							35,000				
Dog Park/Sled Hill Bathroom facility-TDA							120,000				
Sled Hill Parking Lot paving (waiting on quote)-TDA							34,700				
All park benches and picnic tables (3 -4 year plan)-TDA				12,000			14,600				
Sled Hill Fencing-TDA							6,900				
Tank plumbing for sled hill water supply-TDA							25,000				
Event Overflow parking paving (waiting on quote)							37,073				
Shane Park Security Camera System							9,300				
Boat Rack and new Kayaks for Buckeye Lake (Funding awarded by TDA 3/2021)							2,600				
Trail Maintenance (Funding awarded by TDA 3/2021)							5,000				
Mud Run event funds (Funding awarded by TDA 5/2021)							2,000				
Shane Park Entrance sign (Funding awarded by TDA 5/2021)							5,000				
2022 - 2023											
Tennis/Basketball court AC unit								160,000			
Summer Dry Sledding								75,000			
New UTV and Trailer								19,000			
2023 - 2024											
Resurface gym flooring									80,000		
Replace Cardio Equipment									20,000		
Apply for Recreation Trail Project Grant (25% match of a \$100k grant)									125,000		
2024 - 2025											
Splash Pad										250,000	
2025 - 2026											
New Storage building for Outdoor Rec crew											500,000
Expansion of Recreation Center (PARTF grant)											

**Town of Beech Mountain
Recreation Department
Notes for Capital Improvement Program**

2021-2022

Parks and Recreation vehicle - Jeep Liberty	The Jeep has become unsafe to drive and continues to have rising maintenance costs. The underbody of the vehicle has rusted out and the repairs are expensive to keep the vehicle running. The department needs a reliable vehicle for daily use for event set-up, meetings, classes, trips,
Boat Rack and new Kayaks	To replace old kayaks and build new rack system by fire pit (grant awarded by TDA 3/21)
Trail Maintenance	Grant money to maintain trails/trailheads, funded by TDA 3/21
Shane Park entrance sign	TDA grant money to build a sign for Shane Park next to the parking lot (Funding awarded by TDA 5/2021)
Mud Run event	TDA grant money to build obstacles and items for an off season mud run event (Funding awarded by TDA 5/2021)
Dog Park/Sledhill bathroom facility	Funded being requested by TDA. This bathroom facility will be a multi-purpose building. Bathrooms to serve summer guests at dog park and playground and winter time sled hill. It will also be a ticket booth for future events and offerings and a storage unit for sled hill material
Paving for Public/Sled hill parking	Funding being requested from TDA. Paving this lot would help the beauty of the mountain along with make a parking area that is better for maintenance and clearing during winter months
Picnic Table/Bench upgrade	Funding being requested from TDA. Update all tables and benches at parks and overlooks to a recycled plastic item. These are eco-friendly and have a much longer lifetime than wood.
Sled Hill Fencing	Funding being requested from TDA. Building the new sled hill, we must fence in the area for protection of users and to place pads.
Tank Plumbing for sled hill water supply	Funding being requested from TDA. The sled hill has used town processed water in the poast, this is a way to use well water that refills a tank, providing much less cost to the town and not wasting valuable resrouces.
EMS Driveway	Providing emergency vehicles access to helicopter landing zone (ballfield). Replacing the sand and drainage
Security System at Shane Park	This will provide security cameras at building and parking lot, along with internet on site.

2022-2023

Tennis/Basketball court AC unit	The gym in the summer time has become extremely hot for users and even the windows being open does not provide enough cooling. We will monitor the summer of 2020 the temperature and humidity levels. We will use both exhaust and floor fans to make improvements along with surveying user experience.
Summer Dry Sledding	New recreation amenity for families/visitors. Gives sled hill a purpose in the summer to generate revenue and attract visitors.
UTV/Trailer - \$19,000	Current UTV needs to be replaced. High maintenance expense for drivetrain and electrical work in vehicle

2023-2024

Resurface gym flooring	The floor is 16 years old, it needs a resurface with new lines painted and cracks sealed
Cardio Equipment on Finance	Our 4 year agreement will end, need to update cardio equipment in weight room
Recreation Trail Project Grant (25% match of a \$100k grant for total \$125,000)	
New Outdoor crew storage building	Lake Coffey building needing to be replaced if two lakes (Santa's and Coffey) are combined

2025-2030

Splash Pad	Adding new recreation opportunities for residents and visotrs. Splash Pad is a great alternative to having a pool.
Facility Expansion - PARTF project	As facility use continues to grow, we need to expand the weight room and look to build stand-alone Pickleball courts.

Utility Fund Capital Outlay

Town of Beech Mountain
Water Utility
Capital Outlay Request Summary

Prioritized Listing

<u>Requested Item and Cost</u>		<u>Justification for Request</u>	<u>Department</u>
New F-150	\$50,000	Replacement for 2011 Ford Escape	Utility Admin
Listening Device	\$ 5,000	Device that enables the ability to find leaks	Water Treatment
WTP Turbidimeters	\$ 20,000	Flow measuring devices	Water Treatment
additional radio read site	\$ 15,000	Increases coverage and detection	Water Treatment
Locust Well Land Purchase	\$ 100,000	Land required for well site	Water Treatment
Ashwood Floor	\$ 5,000	Replace Ashwood Pump Station floor	Water Treatment
sewer camera	\$25,000	Inspection of sewer pipes	Waste Water
Sewer flow monitoring	\$15,000	Flow monitoring equipment	Waste Water
Klonteska Fence	\$5,000	Security	Waste Water
Pond Creek Overflow Weirs	\$25,000	Scheduled replacement	Waste Water
St. Andrews Line Install	\$300,000	Line has a very high rate of failure	Taps & System
F-550 4x4 with interior Duty bed	\$90,000	Regular rotation of vehicle	Taps & System
Man Hole Repair/Cleaning	\$20,000	Scheduled maintenance	Taps & System
Hydrants & Acs	\$8,000	Scheduled maintenance	Taps & System
Meter Register/ Antenna	\$10,000	Scheduled maintenance	Taps & System
Taps Replacement Project	\$107,500	Year two of ten year project	Taps & System
Total Utility requested capital outlay	\$800,500		

**Town of Beech Mountain
Water Utility
Capital Improvement Program
Summary**

Water Utility Capital Improvement Program Summary

Capital Funding	Fiscal Year Ending				
	Projected				
	2022	2023	2024	2025	2026
Transfer From Utility Operating Budget	800,500	100,000	100,000	-	-
Availability Fees From Capital Reserves	-				
Appropriated Capital Reserves	-	-	-	-	-
Debt Financing		215,500	107,500	107,500	107,500
Grant Funding	-	-	-	-	-
Total Capital Funding	\$ 800,500	\$ 315,500	\$207,500	\$107,500	\$ 107,500

Capital Expenditures

Account #	Department	Actual				Budget	YTD	Fiscal Year Ending				
		2017	2018	2019	2020	2021	4/30/2021	2022	2023	2024	2025	2026
30.720-7400	Utility Admin	-	33,037	8,000	107,961	-	3,047	50,000	-	-	-	-
30.812-7400	Water Maintenance	1,253,326	213,315	-	-	71,000	63,646	145,000	100,000	100,000	-	-
30.822-7400	Wastewater	228,153	-	75,000	-	30,000	27,764	70,000	-	-	-	-
30.852-7400	Taps & System-CO	-	104,788	263,880	194,716	-	77,226	390,000	70,000	-	-	-
30.852-7401	T&S-Infill & Inflow	9,806	-	20,000	519	20,000	-	20,000	20,000	-	-	-
30.852-7403	T&S-Fire Hydrants	3,800	44,205	8,000	10,434	30,000	-	8,000	8,000	-	-	-
30.852-7405	T&S-Meter Replacement	3,810	8,156	10,000	9,779	109,521	73,815	117,500	117,500	107,500	107,500	107,500
Total Capital Outlay		\$ 1,498,895	\$ 403,501	\$ 384,880	\$ 323,409	\$ 260,521	\$ 245,498	\$ 800,500	\$ 315,500	\$207,500	\$107,500	\$ 107,500

Utility Capital Reserve		2017 Actual	2018 Actual	2019 Actual	2020 Actual	2021 Budget	YTD 4/30/2021	%	Proposed 2021-2022 Budget
Contributions									
Availability Fees	32-372-0000	-	-	-	33,755	27,523	61,339	2.23	60,000
Transfer from 30-Fund	32-3xx-xxxx			21,548 **					
Uses									
Transfer to 30-Fund	32-720-9101	-	-	-	-	-	-	-	-
Transfer to 85-Fund	32-720-9102	-	-	-	-	-	-	-	-
Contributions over/(under)		-	-	21,548	33755	27,523	61,339		-
Capital Reserve Balance YTD as of		4/30/2021							
Available Reserve Balance		129,879							

** This has not happened, technically to the statute it needs too. Town Ordinance approved February 2019

Capital Reserve Notes:
Article 8 § 162A-200 through § 162A-215 System Development Fees
Article 3 § 159-18 Capital Reserve Funds
Article 3 § 159-19 Amendments
Beech Mountain Ordinance No. 2019-07 Capital Reserve Fund Ordinance

Capital Funding	Fiscal Year Ending				
	2022	2023	2024	2025	2026
Transfer From Utility Operating Budget	50,000				
Availability Fees from Capital Reserve					
Appropriated Reserves					
Debt Financing					
Grant Funding					
Total Capital Funding	\$ 50,000	\$ -	\$ -	\$ -	\$ -

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Town of Beech Mountain
Utility Administration
Notes for Capital Improvement Program

Detail Listing	
<u>Item/Project Description</u>	<u>Additional Budget Justification</u>
2021-2022	
Crew Cab F150 1/2 Ton Truck	Replacement for 2011 Ford Escape

Note:
§ 159-18. Capital reserve funds.
Any local government or public authority may establish and maintain a capital reserve fund for any purposes for which it may issue bonds. A capital reserve fund shall be established by resolution or ordinance of the governing board which shall state (i) the purposes for which the fund is created, (ii) the approximate periods of time during which the moneys are to be accumulated for each purpose, (iii) the approximate amounts to be accumulated for each purpose, and (iv) the sources from which moneys for each purpose will be derived. (1943, c. 593, ss. 3,
§ 159-19. Amendments.
The resolution or ordinance may be amended from time to time in the same manner in which it was adopted. Amendments may, among other provisions, authorize the use of moneys accumulated or to be accumulated in the fund for capital outlay purposes not originally stated.

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Town of Beech Mountain
Water Treatment
Notes for Capital Improvement Program

Detail Listing**Item/Project Description****Additional Budget Justification****2020-2021**

Well Exploration

Neptune Meter

Antenna

50k To develop 3 wells, road access and test well only. More will be needed if found to be viable for water source.

6k upgrade to Neptune meter software system, additional reading capabilities

15k Installation of single point collection station for meters with hourly reading ability 70% total system coverage

2021-2022

Lake Bypass Pump System

SRF Ski Loft Road

SRF Arrowood and Hawthorne

SRF Greenbriar

SRF Chestnut Way

SRF Lakeledge Circle

Pinnacle Well house install

Additional well site

Locust Well improvement

lake coffey

Listening Device

WTP Turbidimeters

additional radio read site

WRI Land Purchase

Locust Well Land Purchase

Ashwood Floor

Pump system to allow for controlled pumping operations from the lake to the downstream Buckeye Creek.

Replace water line and services

Replace water line and services

Replace water line and services

Replace water line and services

Replace water line and services

Placing the new Pinnacle Well into service in our system

Continued test well drilling

Expectation on successful well on this site. Placing the new Locust Well into service in our system

Source water emergency source development

Water line listening device to identify and predict placement of water leaks in our system

Replacement of failing equipment in the Waterplant which repair cost exceeds replacement cost

Next placement of Radio read meter equipment to allow for more coverage

Purchase of property necessary for WRI project

Purchase of property necessary for Locust Ridge Well Project

Repair of damaged floor from main line break.

**Town of Beech Mountain
Waste Water Treatment
Capital Improvement Program**

Waste Water Treatment Department Capital Improvement Program

										Fiscal Year Ending				
Capital Funding										Projected				
										2022	2023	2024	2025	2026
Transfer From Utility Operating Budget										150,000				
Capital Reserve Fund														
Appropriated Reserve														
Debt Financing														
Grant Funding														
Total Capital Funding										\$ 150,000	\$ -	\$ -	\$ -	\$ -
Capital Expenditures						Actual	Budget	YTD	Projected					
Budget Account		2017	2018	2019	2020	2021	4/30/2021	%	2022	2023	2024	2025	2026	
30.822-7400	Capital Outlay	228,153	-	75,000	-	30,000	27,764		70,000	0	0	0	0	
Total Capital Outlay		\$ 228,153	\$ -	\$ 75,000	\$ -	\$ 30,000	\$ 27,764		\$ 70,000	\$ -	\$ -	\$ -	\$ -	
Item/Project Description														
PC Chemical/ SCADA Upgrade		228,153												
SCADA lift stations				75000										
Samplers						30000	27764							
sewer camera									25,000					
Sewer flow monitoring?									15,000					
Klonteska Fence									5,000					
Pond Creek Overflow Weirs									25,000					

**Town of Beech Mountain
Waster Water Treatment
Notes for Capital Improvement Program**

Detail Listing**Item/Project Description****Additional Budget Justification**

sewer camera	Truck Mount camera unit to meet needs of sewer line inspection and evaluation
Sewer flow monitoring	Monitors flow in the sewer piping to identify areas of inflow and infiltration
Klonteska Fence	Fence has fallen down, needs replaced
Pond Creek Overflow Weirs	Replacement of failing metal structure, noted on several state inspecitons in the last 2 years
SRF Grassy Gap Sewer Study	Identification of needed repairs in the sub basin
SRF Grassy Gap Creek outfall rehab	repairs to sewer piping
SRF Skilloft Rd. Sewer	repairs to sewer piping
SRF Meadowview Cir, Chirstie Way, Skiway Cir	repairs to sewer piping
SRF Greenbriar Rd	repairs to sewer piping
SRF Chestnut Way	repairs to sewer piping
SRF Clubhouse Rd.	repairs to sewer piping
SRF Lakeledge Circle	repairs to sewer piping
Sewer Repairs Charter Hills	repairs to sewer piping

Town of Beech Mountain
Taps System Department
Capital Improvement Program

Taps & System Department Capital Improvement Program														
										Fiscal Year Ending				
										Capital Funding				
										Projected				
										2022	2023	2024	2025	2026
Transfer From Utility Operating Budget										495,500				
Capital Reserve Fund														
Appropriated Reserves														
Debt Financing											215,500	107,500	107,500	107,500
Grant Funding														
Total Capital Funding										\$ 495,500	\$ 215,500	\$ 107,500	\$ 107,500	\$ 107,500
Capital Expenditures														
Budget Account		2017	2018	2019	2020	Budget 2020	YTD 4/30/2021	%	2022	2023	2024	2025	2026	
30.852-7400	Capital Outlay	0	104,788	263,880	217,000	0	76,745	35%	390,000	70,000	0	0	0	0
30.852-7401	Infll & Inflow	9,806	0	20,000	20,000	20,000	0		20,000	20,000	0	0	0	0
30.852-7403	Fire Hydrants	3,800	44,205	8,000	8,000	30,000	0	0%	8,000	8,000	0	0	0	0
30.852-7405	Meter Replacement	3,810	8,156	10,000	10,000	109,521	73,815		117,500	117,500	107,500	107,500	107,500	
Total Capital Outlay		\$ 17,416	\$ 157,149	\$ 38,000	\$ 255,000	\$ 159,521	\$ 150,560	59%	\$ 535,500	\$ 215,500	\$ 107,500	\$ 107,500	\$ 107,500	
Item/Project Description														
30-852-7400														
Replace Generator Head PC			15,620											
New Blower GG			3,844											
32 2" Blow Off Hydrants & Acs.														
FINISH PUMP REPLACEMENT AT Ashwood and Millpond				150,000										
generator at Parkway				84,880	85000									
4x4 Dump/push Truck (Chevy Replacement of)					120000		76,745							
replace utility trucks			85,324							70,000		-		
replace pinnacle water meter					12000									
Pressure Reducing Value Lid				29,000										
St. Andrews Line Install									300,000					
F-550 with interior Duty bed									90,000					
30-852-7401														
Pipe & Acs			9,806											
MH REPAIR/Cleaning				20,000	20000	20,000			20,000	20,000				
30-852-7403														
Hydrants & Acs			40,405											
Hydrants & Acs														
Hydrants & Acs				8,000	8000	30,000			8,000	8,000				
Hydrant			3,800	3800								-		
Hydrant														
30-852-7405														
Meter Register														
Meter Register/ Antenna				10,000	10000				10,000	10,000		-		
Meter			3,810											
2" Meters			8156											
Taps Replace Project						97,500	73,815		107,500	107500	107,500	107,500	107,500	
Meter Replacement						10,000								

**Town of Beech Mountain
Taps System Department
Notes for Capital Improvement Program**

Detail Listing**Item/Project Description****Additional Budget Justification****30-852-7400**

Service line Replacement Program

Iron Mountain Construction Service Lines 100

St. Andrews Line Install

F-550 4x4 with interior Duty bed

2nd Year goal of 150 service lines replaced.

additional contract program to replace non functional or non reporting meters.

Replacement of trouble spot from 504 St. Andrews to Pine Ridge Rd. (6 leaks in 2 years.)

Replacement of 2012 F350 service truck. Allows for inside storage of tools and system parts (water meters)

30-852-7401

I&I \$20,000 REPAIR MANHOLES

To repaired or replace deteriorating man holes

30-852-7403

\$8,000 HYDRANTS REPAIRS

non operational Hydrants

30-852-7405

\$10,000 METERS REPLACEMENT

non operational meters

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Town of Beech Mountain
Sanitation Department
Notes for Capital Improvement Program

Detail Listing

<u>Item/Project Description</u>	<u>Additional Budget Justification</u>
New Cable Truck	Purchase of new Cable Style hauling truck for additional tonnage needs
1 New Small Compactor Trucks	New Ton style garbage trucks to replace 2013 garbage trucks
New Recycle can	Current can is very tall and causing difficulty recycling properly
Compactor Can	additional can for compactors for busy times and operational holding
new fence and gates around old convenience site	closure of the old recycling center area

**Town of Beech Mountain
Emergency Telephone System
Capital Improvement Program**

Emergency Telephone System Capital Improvement Program													
Capital Funding									Fiscal Year Ending				
									Projected				
									2022	2023	2024	2025	2026
									Transfer From General Fund				
Appropriated Fund Balance									41,154	55,954	54,754	27,954	27,954
Debt Financing													
Grant Funding													
Total Capital Funding									\$ 41,154	\$ 55,954	\$ 54,754	\$ 27,954	\$ 27,954
Fiscal Year Ending						Fiscal Year Ending							
Capital Expenditures						Projected							
Budget Account		2017	2018	2019	2020	Budget	YTD		2022	2023	2024	2025	2026
65.410-7400 Capital Outlay		0	0	175,812	0	0	0	%	41,154.00	55,954.00	54,754	27,954	27,954
Total Capital Outlay		\$ -	\$ -	\$ 175,812	\$ -	\$ -	\$ -		\$ 41,154	\$ 55,954	\$ 54,754	\$ 27,954	\$ 27,954
Item/Project Description													
2016-2017													
New 911 Servers													
2017-2018													
New Radio													
2018-2019													
New Radio System				152,160									
New 911 Phone Recorder				23,652									
2019-2020													
New 911 Chairs					1,800								
2021-2022													
New 911 Phone System									27,954	27,954	27,954	27,954	27,954
Upgrade the CAD, MDS, PRO QA, and 24/7 Alpha Numeric Paging									13,200				
2022-2023													
New 911 Generator										22,000			
New AC Unit										6,000			
2023-2024													
New 911 Chairs											1,800		
New 911 Computer Equip											25,000		

Town of Beech Mountain
Emergency Telephone System
Notes for Capital Improvement Program

<u>Item/Project Description</u>	<u>Additional Budget Justification</u>
<u>2019-2020</u> New Motorola-backup radio \$95,000 <u>2020-2021</u>	The current backup radio (Motorola) is 10 years old and unreliable.
<u>2021-2022</u> E911 Phone System – Mobile Communications-Dependent on **	5-year contract with annual cost of \$27,953.56. (Funds will come directly from the State 911 Commission. If Approved. We have funds in our reserves that will help cover the cost.) The new system will replace our current 12 + year old system. <u>Continuing with this project. COVID has delayed the completion.</u> ** Free 911 Phone System from the NC 911 Board / Commission The phone system above is being offered to PSAP's (Public Safety Answering Point) at zero cost to a County or a Municipality. But, in order to receive this free system we will be required to join the NC ESInet and 911 Hosted Phone System. The 911 Hosted System essentially means that we will not have any 911 Phone Servers onsite. They will be regulated, maintained, and 24/7 monitoring strictly by the NC 911 Board offsite. All funds that we would receive for 911 Phone Operations would then be withheld to fund the 911 Hosted System. GIS and Mapping will no longer be covered by 911 Fund and will be the only component that the Town will have to fund.
Upgrade the CAD, MDS, PRO QA, and 24/7 Alpha Numeric Paging <u>2022-2023</u> New 911 Generator and New AC Unit \$22,00 <u>2023-2024</u> New 911 Chairs & New 911 Computer Equip.	This software is used in correlation with the 911 Phone System for addressing and All Dispatch Incidents. (Emergency & Non-Emergency) Replace current Generator installed in 2013, worn out. AC unit in computer room installed in 2012. Replacing aging computers, monitors, keyboards, mouse, and etc.. Replace the chairs that are worn out.



REPORT

TO: Town Council
FROM: Steve Smith
DATE: June 8, 2021
SUBJECT: Monthly Financial Report

FOR THE PURPOSE OF:

To report on the monthly change in the financial position of the town.

ATTACHED FOR YOUR CONSIDERATION:

Financial Report April 2021

Budget Report April 2021

STAFF RECOMMENDATION:

Review

SIGNATURES:

Town Manager

Town Clerk

**Town of Beech Mountain
Monthly Financial Report
Fiscal Year 2021**

General Fund

Fiscal Year 2021										Through the reported month				66%	% of
General Fund	Budget	July	August	September	October	November	December	January	February	March	April	May	June	YTD	Budget
Total Revenue	8,569,323	48,063	48,632	821,979	882,141	1,268,726	1,362,803	652,520	535,651	475,163	575,491			6,671,169	77.85%
Total Expenditures	8,569,323	763,218	557,415	1,404,700	499,765	613,344	481,493	641,332	506,547	778,024	394,557			6,640,395	77.49%
Total General Fund fund balance as of July 1st	8,136,845	8,136,845	7,421,690	6,912,907	6,330,186	6,712,562	7,367,944	8,249,254	8,260,443	8,289,547	7,986,686			8,136,845	
Revenues Less Expenditures		(715,155)	(508,783)	(582,721)	382,376	655,382	881,310	11,188	29,104	(302,861)	180,934			30,774	
Estimated change to Fund Balance		7,421,690	6,912,907	6,330,186	6,712,562	7,367,944	8,249,254	8,260,443	8,289,547	7,986,686	8,167,619	-	-	8,167,619	

Water/Sewer Enterprise Fund

Total Revenue	2,527,765	218,315	238,783	218,215	218,043	205,067	202,457	230,976	215,229	354,345	205,874			2,307,305	91.28%
Total Expenses	2,527,765	180,814	125,944	220,911	218,336	160,656	119,269	180,335	92,295	317,056	271,057			1,886,672	74.64%
Unrestricted Cash Reserves as July 1st	1,578,959	1,578,959	1,616,460	1,729,299	1,726,604	1,726,311	1,770,722	1,853,910	1,904,551	2,027,485	2,064,775			1,578,959	
Revenues Less Expenses		37,501	112,840	(2,696)	(293)	44,411	83,188	50,641	122,934	37,289	(65,183)			420,633	
Estimated Change in Cash Reserves		1,616,460	1,729,299	1,726,604	1,726,311	1,770,722	1,853,910	1,904,551	2,027,485	2,064,775	1,999,592	-	-	1,999,592	

Cash & Investments All FUNDS

	<u>Fund</u>	<u>July</u>	<u>August</u>	<u>September</u>	<u>October</u>	<u>November</u>	<u>December</u>	<u>January</u>	<u>February</u>	<u>March</u>	<u>April</u>	<u>May</u>	<u>June</u>
Branch Banking and Trust (Pooled) #1	Pooled	460,593	232,247	2,546,439	1,932,168	2,686,260	2,913,570	3,505,582	3,389,684	2,901,564	2,884,067		
North Carolina Capital Management Trust #2	General Fund	1,186,765	1,311,822	575,186	4,754,699	4,884,094	5,163,360	5,326,324	5,482,975	5,721,263	5,871,876		
North Carolina Capital Management Trust #3	General Fund	5,121,061	5,121,351	4,021,465	-	-	-	-	-	-	-		
Mountain Community - Certificates of Deposit #4	General Fund	103,750	103,750	103,359	103,359	103,359	103,359	103,359	103,359	103,359	103,359		
First Community - Savings Account #5	General Fund	508,359	508,359	508,400	508,400	508,400	508,400	508,400	508,400	508,400	508,400		
North Carolina Capital Management Trust #6	Utility Fund	366,768	366,782	366,788	1,207,205	1,207,218	1,207,234	1,207,244	1,207,254	1,207,264	1,207,274		
North Carolina Capital Management Trust #7	Utility Fund	840,346	840,393	840,413	-	-	-	-	-	-	-		
North Carolina Capital Management Trust #8	Sanitation Fund	217,891	217,960	217,964	217,966	218,029	218,030	218,032	218,099	218,100	218,102		
North Carolina Capital Management Trust #9	E911 Fund	72,975	72,979	72,983	72,984	72,984	72,985	72,985	72,986	72,987	72,987		
Total Cash & Investments		8,878,508	8,775,643	9,252,997	8,796,781	9,680,344	10,186,939	10,941,926	10,982,757	10,732,937	10,866,065	-	-

Transfers for the month

No tranferres for the month of April 2021

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TOWN OF BEECH MOUNTAIN
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: APRIL 30TH, 2021

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10 -General Fund
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 83.33

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
Tax Revenue	3,935,988	75,268.33	4,104,391.59	0.00 (	168,403.59)	104.28
Interest Income	37,500	5,719.35	22,676.29	0.00	14,823.71	60.47
Miscellaneous Income	606,721	58,293.17	675,095.76	0.00 (	68,374.76)	111.27
State Revenue	1,619,000	128,973.00	1,298,815.64	0.00	320,184.36	80.22
Miscellaneous Revenue	0	0.00	0.00	0.00	0.00	0.00
Fees	28,000	7,010.00	38,219.92	0.00 (	10,219.92)	136.50
Gains/Losses	7,000	4,153.00	15,253.00	0.00 (	8,253.00)	217.90
Other	0	0.00	2,294.02	0.00 (	2,294.02)	0.00
Other Sources	2,335,114	296,074.26	514,422.96	0.00	1,820,691.04	22.03
TOTAL REVENUES	8,569,323	575,491.11	6,671,169.18	0.00	1,898,153.82	77.85
<u>EXPENDITURE SUMMARY</u>						
Administration	1,637,988	65,192.89	1,236,124.35	6,488.00	457,233.72	72.09
Tax Collections	45,246	3,439.65	41,996.45	0.00	6,992.80	84.54
Vistors Center	149,748	10,772.47	113,972.34	0.00	35,775.66	76.11
Police	1,429,518	95,961.42	910,215.01	170,763.97	348,539.02	75.62
Fire	478,343	22,682.60	406,851.23	0.00	71,491.77	85.05
Special Projects	0	19.90	19.90	0.00 (	19.90)	0.00
Building Inspections	139,038	12,034.49	107,274.41	0.00	31,763.59	77.15
Planning	198,884	7,933.43	147,902.82	0.00	50,981.18	74.37
Vehicle Maintenance	139,410	11,362.15	109,408.84	232.81	29,768.35	78.65
Road Maintenance	3,174,619	84,199.10	2,612,998.32	2,146.89	559,724.91	82.37
Recreation	1,176,529	80,959.35	953,631.69	44,659.41	200,111.90	82.99
TOTAL EXPENDITURES	8,569,323	394,557.45	6,640,395.36	224,291.08	1,792,363.00	79.08
REVENUE OVER/(UNDER) EXPENDITURES	0	180,933.66	30,773.82 (	224,291.08)	105,790.82	0.00

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TOWN OF BEECH MOUNTAIN
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: APRIL 30TH, 2021

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30 -Water/Sewer
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 83.33

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
Interest Income	3,000	9.92	280.51	0.00	2,719.49	9.35
Miscellaneous Income	78,245	25.00	145,660.54	0.00 (	67,415.54)	186.16
State Revenue	0	0.00	0.00	0.00	0.00	0.00
Metered Sales & Fees	2,302,774	205,839.02	2,161,363.31	0.00	141,410.69	93.86
Gains/Losses	2,500	0.00	0.00	0.00	2,500.00	0.00
Other Sources	141,246	0.00	0.00	0.00	141,246.00	0.00
TOTAL REVENUES	2,527,765	205,873.94	2,307,304.36	0.00	220,460.64	91.28
<u>EXPENDITURE SUMMARY</u>						
W/S Administration	1,026,707	193,570.06	596,833.11	218,357.25	211,516.64	79.40
Water	899,161	50,894.29	789,625.60	4,149.99	105,385.41	88.28
Sewer	294,452	23,922.07	290,783.00	922.42	3,434.58	98.83
Taps & System	307,445	2,670.91	209,430.37	3,064.76	94,949.87	69.12
TOTAL EXPENDITURES	2,527,765	271,057.33	1,886,672.08	226,494.42	415,286.50	83.57
REVENUE OVER/(UNDER) EXPENDITURES	0 (	65,183.39)	420,632.28 (	226,494.42) (	194,825.86)	0.00

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TOWN OF BEECH MOUNTAIN
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: APRIL 30TH, 2021

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35 -Sanitation
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 83.33

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
Interest Income	850	1.79	37.96	0.00	812.04	4.47
Miscellaneous Income	47,949	9,805.18	69,350.46	0.00 {	21,401.46)	144.63
State Revenue	106	0.00	186.70	0.00 {	80.70)	176.13
Fees	590,300	54,634.71	537,249.92	0.00	53,050.08	91.01
Gains/Losses	0	1,325.00	1,325.00	0.00 {	1,325.00)	0.00
Other Sources	0	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES	639,205	65,766.68	608,150.04	0.00	31,054.96	95.14
<u>EXPENDITURE SUMMARY</u>						
Sanitation	639,205	50,176.21	485,498.23	1,500.00	152,206.77	76.19
TOTAL EXPENDITURES	639,205	50,176.21	485,498.23	1,500.00	152,206.77	76.19
REVENUE OVER/(UNDER) EXPENDITURES	0	15,590.47	122,651.81 {	1,500.00) {	121,151.81)	0.00



REPORT

TO: Town Council
FROM: Bob Pudney
DATE: June 8, 2021
SUBJECT: Fire Department Monthly Report

SIGNATURES:

Town Manager

Town Clerk

BEECH MOUNTAIN FIRE DEPARTMENT
Monthly Report
May 31, 2021

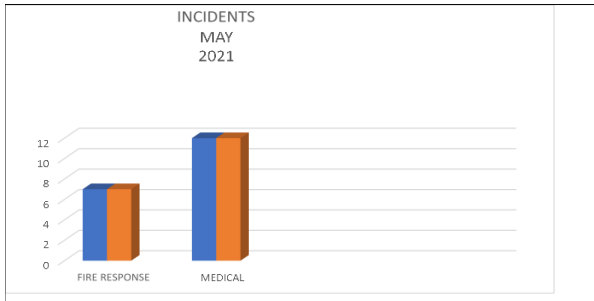
EVENT	THIS PERIOD	SAME PERIOD LAST YEAR	FISCAL YTD
FIRE CALLS	2	10	113
MEDICAL CALLS	7	9	136
FIRE SAFETY INSPECTIONS	1	0	7
PUBLIC EDUCATION	0	0	1
FIRE HYDRANT INSPECTIONS	319	70	391
TRAINING HOURS	219	132	2173
MEETINGS	8	8	66

COMMENTS:

Membership Recruitment Program.

Spring Training

BUDGETS





REPORT

TO: Mayor & Town Council
FROM: Sean Royall
DATE: June 8, 2021
SUBJECT: Parks and Recreation Report for May 2021

FOR THE PURPOSE OF:

For Town Council and Town Manager review

ATTACHED FOR YOUR CONSIDERATION:

May Recreation report

SIGNATURES:

Town Manager

Town Clerk



May 2021 Recreation Report

Facility Report

Finance Report

Total Monthly Revenue	\$16,314.00

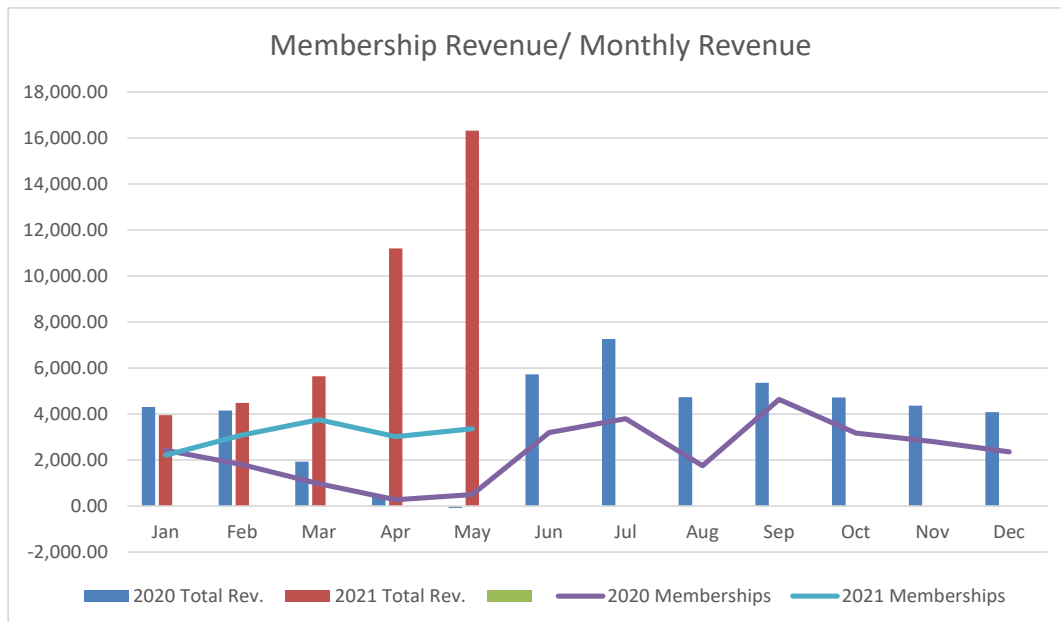
Check-In Report

Member Visits	603
Non-Member Visits	111

Membership Report

Total Memberships \$3,365.00

Family Annual \$1,600.00		
Active	Passes Expired (not renewed)	Passes sold
123	1	8
Individual Annual \$1,625.00		
Active	Passes Expired (not renewed)	Passes sold
126	7	13
Week Passes \$140.00	Individual	Family
	1	4

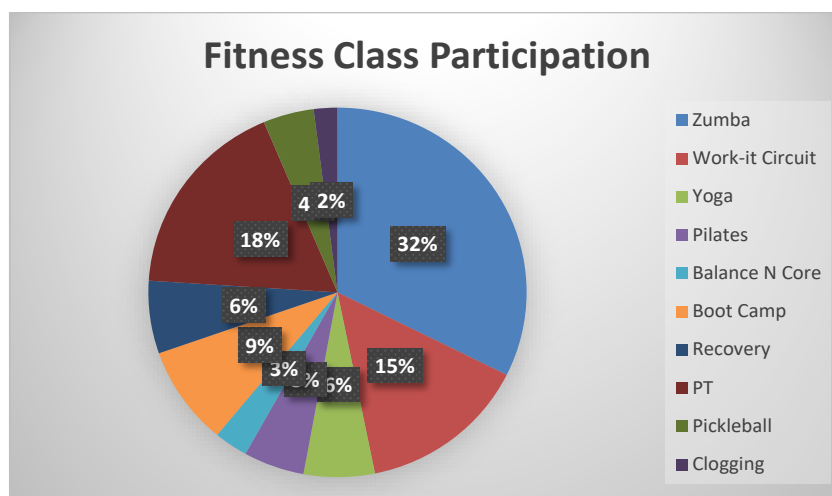


Fitness Report

Participants:

Number of classes offered in the month/ Participants.

Zumba	8	112
Work-it Circuit	8	50
Yoga	4	21
Pilates	4	18
Balance N Core	3	10
Boot Camp	4	30
Recovery	4	22
PT		61
Pickleball	4	15
Clogging	2	7



Event/Outdoor Report

Participants:

Emerald Outback Trail	2973
Pickleball Paddle Battle	12
Stream Cleanup	1
Guided Hike	7
Shane Park Camp Reservations	11

Facility Reservations

Multipurpose Room	185.00
Shane Park	240.00

Director's Notes:

- Shane Park opened on May 1st.
- Playground install started at the dog park
- Old sled hill shack was removed. Moving permanently across the street
- Two sections of the Fork Trail have been built

Respectfully Submitted,

Sean Royall
Parks and Recreation Director
Town of Beech Mountain



REPORT

TO: Mayor and Town Council
FROM: Tim Barnett
DATE: June 8, 2021
SUBJECT: Police Department Monthly Report

SIGNATURES:

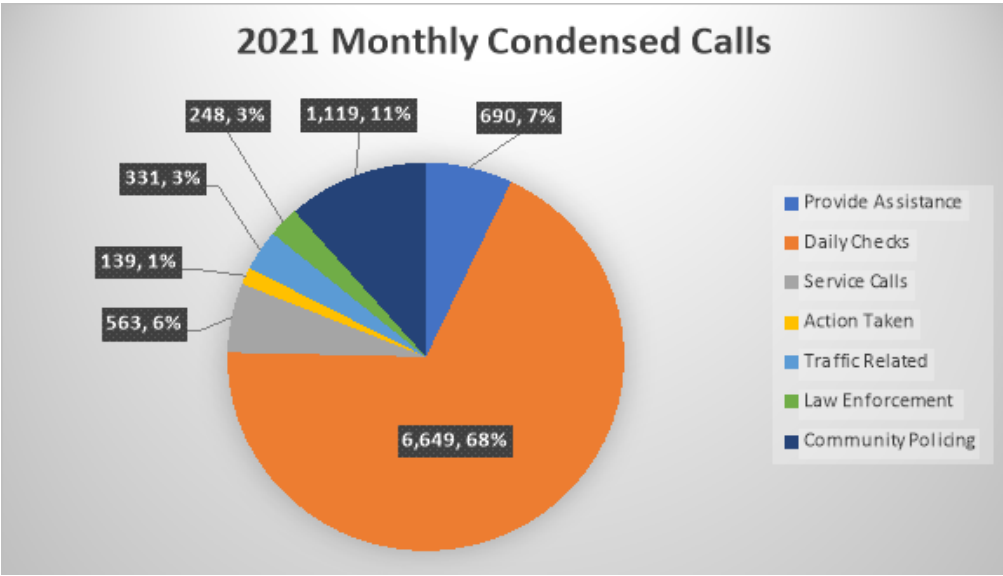
Town Manager

Town Clerk



Activity Log Yearly Summary Totals
Beech Mountain Police Department
January 1, 2021 through May 31, 2021

<i>Call Type</i>	<i>2020</i>	<i>2021</i>	<i>Call Type</i>	<i>2020</i>	<i>2021</i>
Provide Assistance			Traffic Related		
Assist Fire Department	8	20	Driving While Impaired	3	3
Assist Investigation	0	1	Improper Parking	46	82
Assist Other Agency	39	37	Stationary/Directed Patrol	88	93
Assist Town Dept/Business	6	2	Traffic Control	11	27
Assist Homeowner	15	21	Vehicle Accidents	20	50
Assist Motorist	269	219	Vehicle Stops	68	76
Assist Other Officer	93	113			
Escort	229	250	Law Enforcement Calls		
Assist Medical Calls	28	27	911 Hang Ups	7	5
			Alarms	24	41
Daily Checks			Breaking & Entering	10	5
Business Checks	4,910	5,506	Domestic Complaints	13	7
Care Track Test	0	0	Fight	2	6
Security Checks	1,112	184	Fire Works Violations	0	8
Residence Checks	373	947	Fraud	3	2
Welfare Check	18	12	Hit & Run	2	1
			Intoxicated/Drunk & Disruptive	12	5
Service Calls			Investigation	14	7
Animal Control Domestic/Wildlife	26	20	Larceny	4	16
Calls for Service	201	430	Mental Subject	3	2
Deliver Letter/Message	66	37	Missing Person	4	3
Found Property	4	8	Noise Disturbance/Loud Music	14	20
Golf Cart / UTV Inspections	18	32	Open Door/Open Window	26	40
ATV/Golf Cart Complaints	10	4	Prowler	0	1
Recreation/Town Deposit	21	28	Shots Fired/Sound of Shots Fired	5	2
COVID/mask	0	4	Subject with Gun/Weapon	0	0
			Suspicious Vehicle	17	21
Action Taken			Trespassing	26	29
Court	9	2	Vandalism	4	5
Felony Arrest	1	0	Continuing Investigation	6	22
Misdemeanor Arrest	2	14			
State Citations	46	26	Community Policing		
Town Ordinance Violations	3	26	Community Policing Contacts	1,531	1,107
Verbal Warning	46	45	Community Events	16	12
Warning Citations	14	5			
Warrant Service	15	21			
2020 Event Totals: 10,019			2021 Event Totals: 10,079		





REPORT

TO: Mayor and Town Council
FROM: Kate Gavenus
DATE: June 8, 2021
SUBJECT: TDA June Report

FOR THE PURPOSE OF:

This report summarizes the activities around marketing, tourism and economic development for the past month on Beech Mountain.

SIGNATURES:

Town Manager

Town Clerk

**Beech Mountain TDA Report
To Town Council
June 2021**

Marketing/Media:

The Tourism Development Authority held two rounds of grants in spring 2021. The 58 grant awards totaled over \$204,000 and helped numerous businesses and projects in the Town of Beech Mountain.

We will host three writers from a variety of outlets in the month of June. Writers will focus on outdoor recreation, including fishing, mountain biking, hiking, the resort, live music, the Land of Oz, local restaurants, and lodging.

An increase in reservations, requests for hiking maps and for Quilt Trail maps signals that visitors are planning to return to the mountain for the summer. We don't expect crowds to be quite as large as last year, though we do expect an increase over 2019 numbers.

Here are some examples of media coverage received in May:

Resort summer music: https://www.wataugademocrat.com/community/beece-mountain-resort-announces-lineup-for-2021-summer-concert-series/article_f699ac2a-11c7-51ca-a5d8-2d3a6126d15e.html

Land of Oz: <https://6abc.com/oz-north-carolina-wizard-of-dorothy/10325957/>

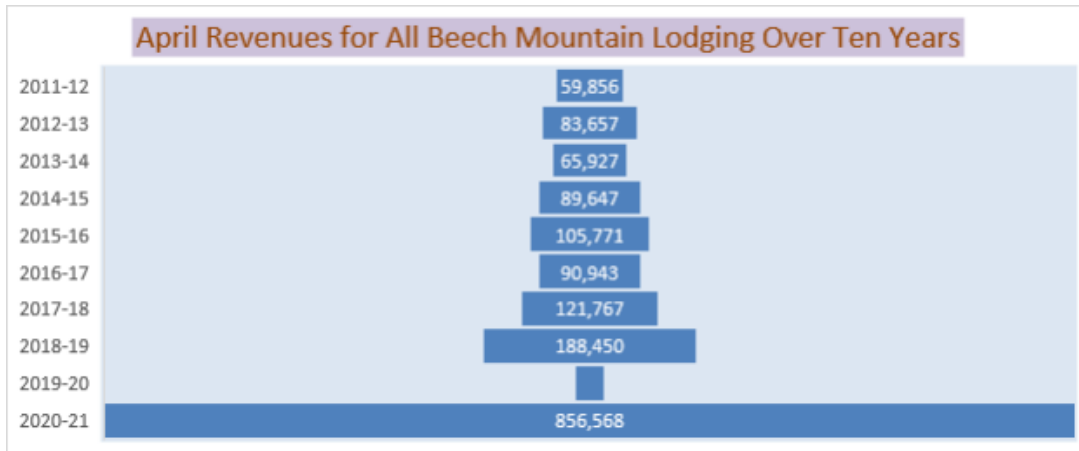
Birthday Party and Officers Fox and Ward: https://www.wataugademocrat.com/news/beece-mountain-celebrates-40th-birthday-honors-two-of-its-own/article_f7cdf23a-2e9a-578a-95bc-ff1742019db6.html

Fishing on Beech Mountain: <https://fishingbooker.com/blog/memorial-day-weekend-fishing-destinations/>

Quilt Trail p. 30: <https://www.midtownmag.com/current>

Results:

There were 352 visitors in the Visitor Center during the month of May, which was more than the 0 visitors received in May 2020 (the Visitor Center was closed to the public in April and May of 2020 per COVID protocols). May is historically the second slowest month for visitors on the mountain, while April is the slowest. **Occupancy tax of \$51,116 was received in the month of May (from April overnight stays). This was 5,371.61% higher than the \$934 collected in May of 2020.** Collections for the next two months will also be much higher, because rentals were banned during April and May of 2020.



Total Occupancy Tax collected for April 2021 was \$51,116. While this was the lowest one-month total in the fiscal year, it was 5371.61% of last April's collection of \$934. Short-term rentals were prohibited in April 2020. This year's collection is the largest for any April.

April 2021 Economic Development News

On Beech Mountain: Demolition on the fire-damaged units 6 and 7 has been completed by a local contractor; units 1-5 are currently under repairs. The complex should be available for use mid-summer 2021.

The owner/developer of the Kat's Overlook building presented plans for several boutique rooms, an owner's suite, a restaurant space, and additional commercial rental space. He is working with a contractor to develop his timeline but hopes to have these components in place by the end of 2021.

The owner/developer of the Archer's Inn property plans to open an upscale restaurant in the old Jackalope's space first, with a target date of Mother's Day 2022. This will be followed by a small boutique hotel.

Superlative Realty will move to one half of the old Vasarely's building from the current location upstairs over the Brick Oven. A second tenant is being sought for the second half of the building, which is now handicap-accessible and has parking in the rear.

In the Area:

Delays continue for Structall, a manufacturer of prefabricated building systems. They are waiting for materials to continue their renovations of the old TRW/IRC building, as well as the machinery needed for the plant.

Another boutique hotel, the Embers, is underway in Blowing Rock behind the Speckled Trout. It will provide 40 rooms of upscale lodging in a desirable, walkable part of the town, replacing two small single-family homes.

Work force: Unemployment in the High Country is 4.1%. Several businesses on Beech Mountain are struggling to find employees, and the situation is the same in Watauga and Avery Counties. Particularly difficult to fill are lodging, housekeeping, restaurant, and retail positions, as well as skilled trades, including carpentry, electrical and plumbing. Area-wide, healthcare workers are also in short supply.



REPORT

TO: Town Council
FROM: Preston Yates
DATE: June 8, 2021
SUBJECT: Planning and Inspections Report 2021-05

FOR THE PURPOSE OF:

Report of monthly activities for the Planning and Inspections Department.

SIGNATURES:

Town Manager

Town Clerk

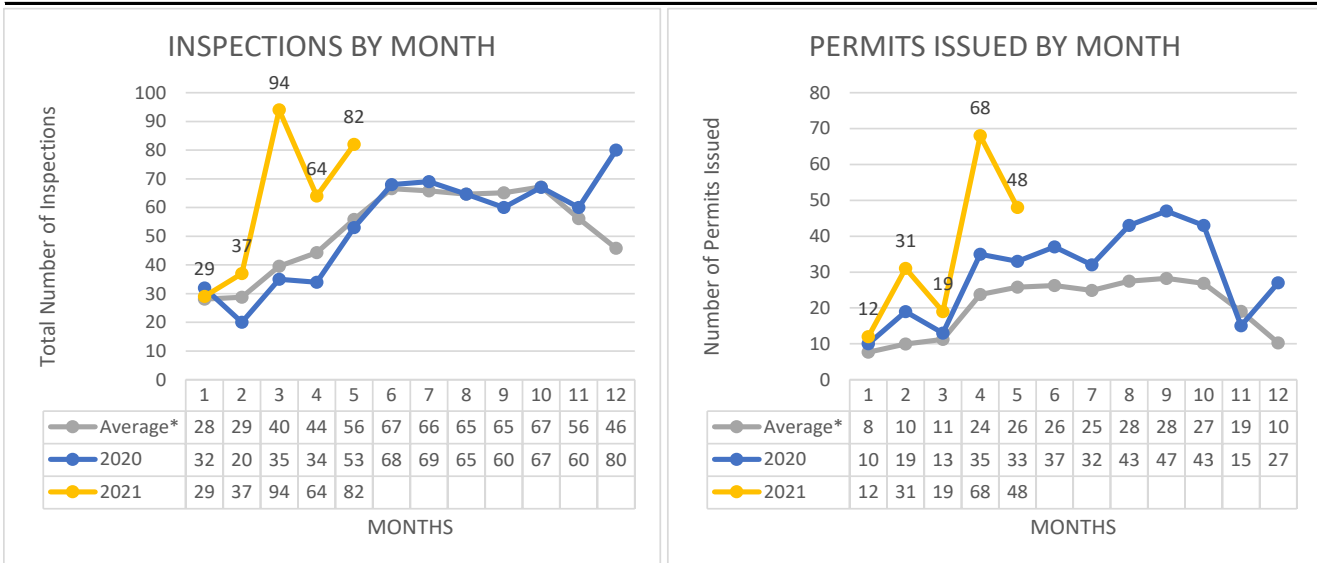
TOWN OF BEECH MOUNTAIN
Monthly Report
Department of Building Inspections
May-2021

1. Number of Inspections

	This Month	Last Month	Same Month Last Year	This Fiscal Year to Date	Last Fiscal Year to Date	Calendar Year to Date
Building	35	24	30	327	233	130
Electrical	23	12	12	143	83	67
Plumbing	14	5	6	103	54	48
Htg/Air & Misc.	10	23	5	134	105	61

2. Permits Issued

No. Issued	48	68	33	385	265	178
Value	\$ 529,410	\$ 2,156,734	\$ 42,695	\$ 10,628,172	\$ 7,809,786	\$ 4,760,241
Permit Fees	\$ 16,358.00	\$ 35,255.90	\$ 2,595.00	\$ 157,395.10	\$ 111,528.78	\$ 76,710.10



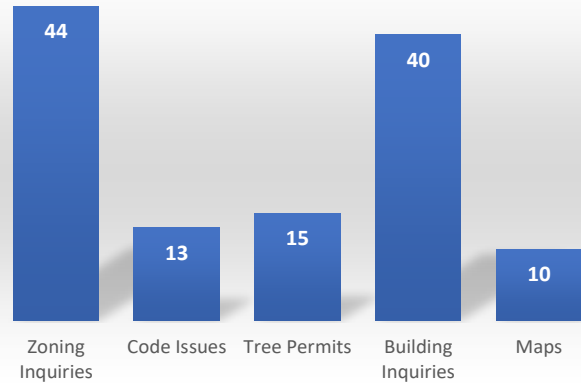
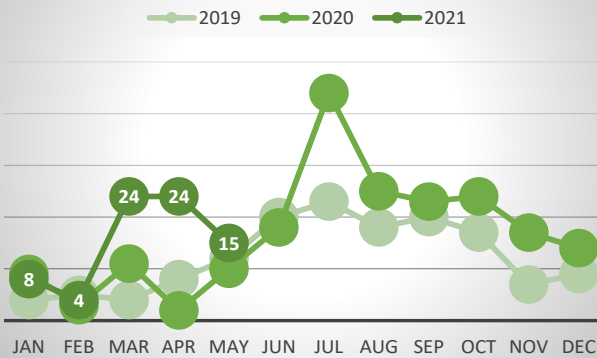
*NOTE: Average Inspections and Permits are calculated based on a running average since April 2009

3. Nature of Building Permits

# of Permits	Type	Address	Total Fees	Valuation	New Bldgs FY to Date	New Bldgs Last FY
1	New Single Family		\$ 11,321.00	\$ 205,000	16	7
	New Multi-Family				0	0
	New Commercial				0	0
47	Other	Various	\$ 5,037.00	\$ 324,410		
48			\$ 16,358.00	\$ 529,410		

TOWN OF BEECH MOUNTAIN
PLANNING AND ZONING MONTHLY REPORT
 May-2021

Tree Permits



Summary and Highlights

Building:

Building permit issuance remains well above 10-year average
 Inspections remain considerably high due to high number of active permits

Zoning:

Zoning inquiries have increased as home construction/remodelling and purchasing boom
 Comprehensive overhaul of zoning ordinances underway to reflect changes in general statutes

Trees:

Tree permits return to more average number for May

GIS/Mapping:

Several maps prepared for various departments
 Additional maps underway for active projects

Planning Board:

Planning Board continues review of Short-Term Rental regulation

Board of Adjustment

Expect to meet with Board of Adjustment in July
 Two proposed variances on agenda



REPORT

TO: Mayor & Town Council
FROM: Daniel Davis
DATE: June 8, 2021
SUBJECT: Public Works Infrastructure Utility report

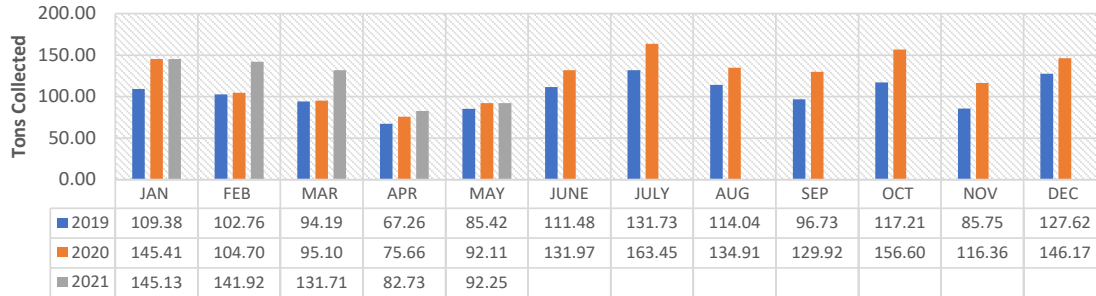
FOR THE PURPOSE OF:
Water, Sewer, Sanitation, and Utilities report

SIGNATURES:

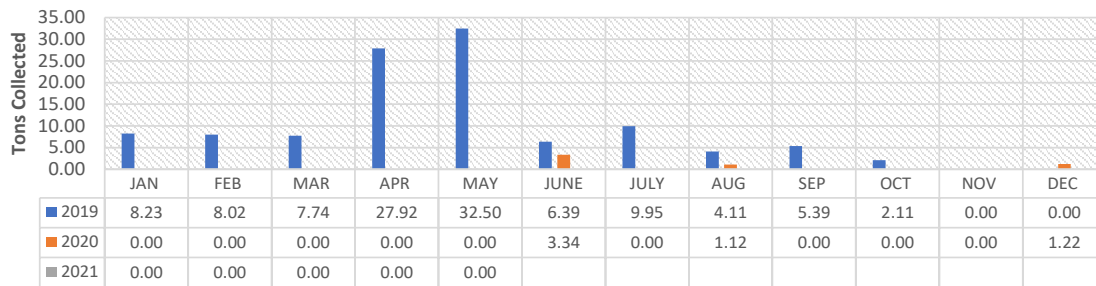
Town Manager

Town Clerk

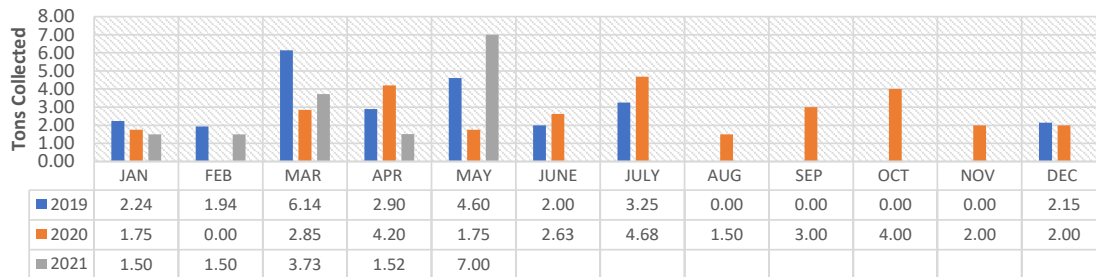
Solid Waste



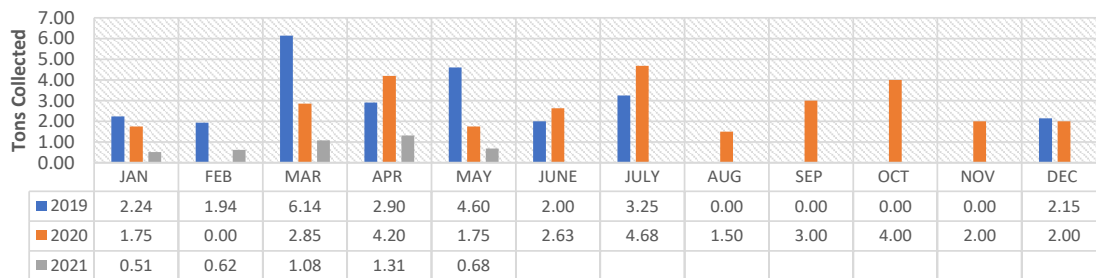
Construction Material



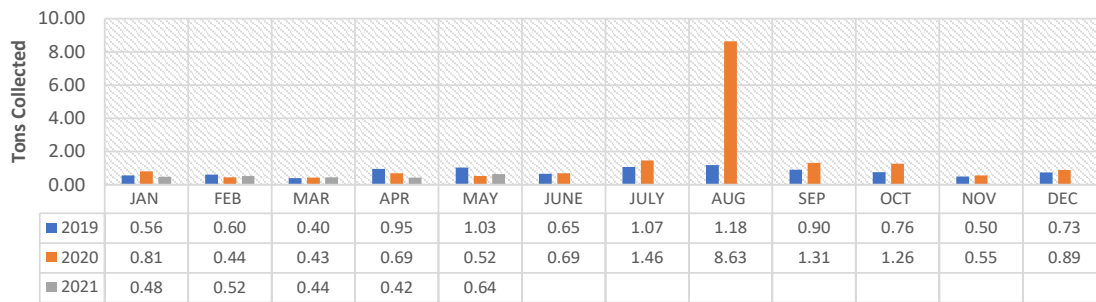
Recycled Metal



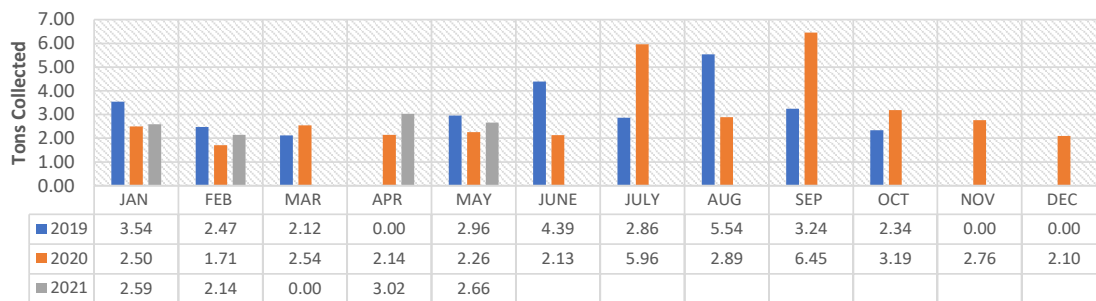
Recycled Paper



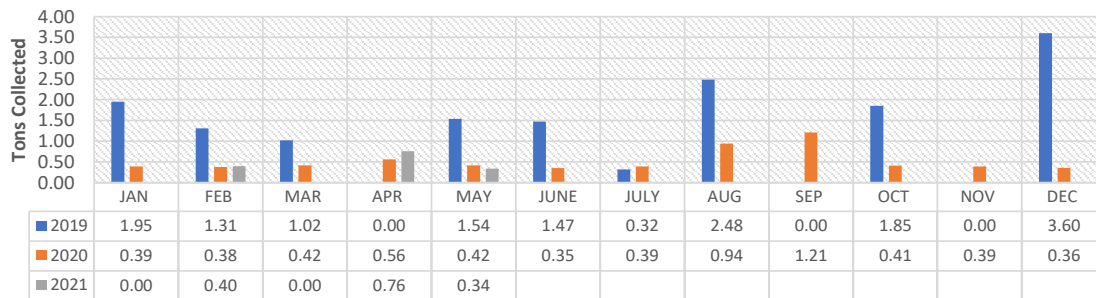
Recycled Plastic



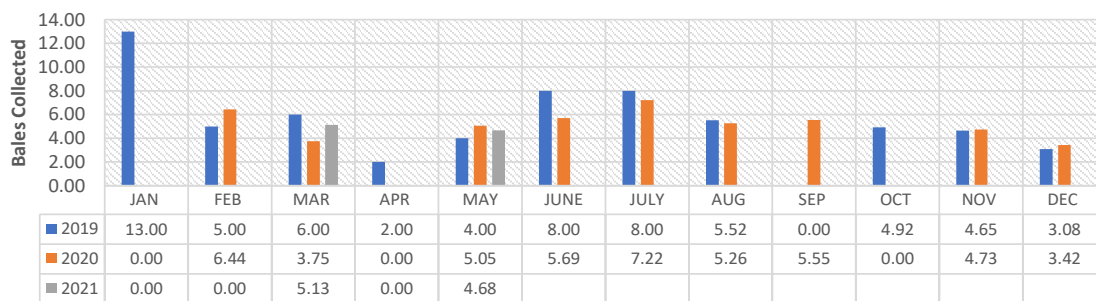
Recycled Glass



Recycled Aluminum



Recycled Cardboard





Town of Beech Mountain
Public Works Department
Monthly Report

2019	SOLID WASTE	CONSTRUCTION MATERIAL	RECYCLING						ROAD MAINTENANCE					
			RECYCLED METAL	PAPER	PLASTIC	GLASS	ALUMINUM	CARDBOARD	ROADS GRADED	STABILIZING STONE	POT HOLES REPAIRED	WASH OUTS	DITCHES PULLED	ROADWAYS MOWED
JAN	109.38	8.23	2.24	1.25	0.56	3.54	1.95	13.00	0	0	0	2	1	0
FEB	102.76	8.02	1.94	2.18	0.60	2.47	1.31	5.00	11	5	2	0	4	0
MAR	94.19	7.74	6.14	1.68	0.40	2.12	1.02	6.00	9	2	0	0	10	0
APR	67.26	27.92	2.90	0.00	0.95	0.00	0.00	2.00	0	0	12	1	1	0
MAY	85.42	32.50	4.60	1.51	1.03	2.96	1.54	4.00	5	2	7	4	2	11
JUNE	111.48	6.39	2.00	1.05	0.65	4.39	1.47	8.00	45	4	6	12	22	30
JULY	131.73	9.95	3.25	1.16	1.07	2.86	0.32	8.00	20	3	3	2	4	12
AUG	114.04	4.11	0.00	1.40	1.18	5.54	2.48	5.52	12	5	0	2	0	16
SEP	96.73	5.39	0.00	1.73	0.90	3.24	0.00	0.00	10	0	6	0	4	8
OCT	117.21	2.11	0.00	1.13	0.76	2.34	1.85	4.92	12	1	9	2	6	0
NOV	85.75	0.00	0.00	0.79	0.50	0.00	0.00	4.65	12	0	4	0	6	0
DEC	127.62	0.00	2.15	1.00	0.73	0.00	3.60	3.08	2	2	6	0	0	0
YTD TOTALS	1243.57	112.36	25.22	14.88	9.33	29.46	15.54	64.17	138	24	55	25	60	77
2020	SOLID WASTE	CONSTRUCTION MATERIAL	RECYCLING						ROAD MAINTENANCE					
			RECYCLED METAL	PAPER	PLASTIC	GLASS	ALUMINUM	CARDBOARD	ROADS GRADED	STABILIZING STONE	POT HOLES REPAIRED	WASH OUTS	DITCHES PULLED	ROADWAYS MOWED
JANUARY	145.41	0.00	1.75	0.85	0.81	2.50	0.39	0.00	10	1	4	1	2	0
FEBRUARY	104.70	0.00	0.00	0.54	0.44	1.71	0.38	6.44	0	0	6	4	1	0
MARCH	95.10	0.00	2.85	0.71	0.43	2.54	0.42	3.75	11	1	many	7	1	0
APRIL	75.66	0.00	4.20	1.06	0.69	2.14	0.56	0.00	35	2	3	7	2	0
MAY	92.11	0.00	1.75	0.99	0.52	2.26	0.42	5.05	18	1	1	1	2	1
JUNE	131.97	3.34	2.63	1.03	0.69	2.13	0.35	5.69	14	2	10	8	7	15
JULY	163.45	0.00	4.68	1.53	1.46	5.96	0.39	7.22	25	4	many	10	many	40
AUGUST	134.91	1.12	1.50	8.15	8.63	2.89	0.94	5.26	20	5	many	many	many	35
SEPTEMBER	129.92	0.00	3.00	1.72	1.31	6.45	1.21	5.55	5	2	many	0	10	0
OCTOBER	156.60	0.00	4.00	1.22	1.26	3.19	0.41	0.00	30	5	20	10	15	0
NOVEMBER	116.36	0.00	2.00	0.94	0.55	2.76	0.39	4.73	5	0	5	10	10	0
DECEMBER	146.17	1.22	2.00	0.90	0.89	2.10	0.36	3.42	0	0	0	0	0	0
YTD TOTALS	1492.36	5.68	30.36	19.64	17.68	36.63	6.22	47.11	173	23	49	58	50	91
2021	SOLID WASTE	CONSTRUCTION MATERIAL	RECYCLING						ROAD MAINTENANCE					
			RECYCLED METAL	PAPER	PLASTIC	GLASS	ALUMINUM	CARDBOARD	ROADS GRADED	STABILIZING STONE	POT HOLES REPAIRED	WASH OUTS	DITCHES PULLED	ROADWAYS MOWED
JANUARY	145.13	0.00	1.50	0.51	0.48	2.59	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0
FEBRUARY	141.92	Res. Const. Day	1.50	0.62	0.52	2.14	0.40	0.00	5	25	25			0
MARCH	131.71	Res. Const. Day	3.73	1.08	0.44	0.00	0.00	5.13	11	8	25	10	11	0
APRIL	82.73	Res. Const. Day	1.52	1.31	0.42	3.02	0.76	0.00	15	4	25	7	10	0
MAY	92.25	Res. Const. Day	7.00	0.68	0.64	2.66	0.34	4.68	20	5	20	5	10	27
JUNE														
JULY														
AUGUST														
SEPTEMBER														
OCTOBER														
NOVEMBER														
DECEMBER														
YTD TOTALS	593.74	0.00	15.25	4.20	2.50	10.41	1.50	9.81	51	42	95	22	31	27

Town of Beech Mountain
Water Treatment Monthly Operation Report

May 2021 flow totals:

Raw Water: 17.93 MG

.573 MGD Avg

.478 Min MGD

.829 Max MGD

Finished Water: 17.78 MG

.568 MGD Avg

.485 Min MGD

.708 Max MGD

All Bacteria samples taken were absent of Coliform Bacteria.

All daily tests were in compliance.

Grassy Gap Wasterwater Plant				
			Total Flow	1.798 MG
			Average Flow	0.058 MGD
			Daily Max	0.144 MGD
			Daily Min	0.016 MGD
			Limit	0.08 MGD
Pond Creek Wasterwater Plant				
			Total Flow	8.83 MG
			Average Flow	0.284 MGD
			Daily Max	0.72 MGD
			Daily Min	0.1 MGD
			Limit	0.4 MGD

Summary

Date Printed: 06/03/2021

Work Order #	WO Status	Origin	Priority	Work Type	Work Category	Site	Source Asset	Source Location	Assigned To	Originated	Expected	Completed	Cost \$	Hour(s)
1282	Completed	Non-PM	3 - Medium		Water Meter Read	Town Services	101 VILLAGE CLUSTER RD		Water Plant	05/26/2021		05/27/2021	0.00	0.00
1281	Completed	Non-PM	3 - Medium		Water Meter Read	Town Services	103 WEDLING WEG #2		Water Plant	05/26/2021		05/27/2021	0.00	0.00
1280	Completed	Non-PM	3 - Medium		Data Log	Town Services	202 UPPER GROUSE RDG RD		Water Plant	05/26/2021		05/27/2021	0.00	0.00
1275	Completed	Non-PM	4 - Low		Customer Complaint	Road Maintenance/Right of Way	GREENBRIAR RD		Whitney Spagnolo	05/25/2021		05/25/2021	0.00	0.00
1273	Completed	PM	3 - Medium		Custodial	Facilities/Buildings/Grounds		PW Utilities Office	Daniel Davis	05/25/2021	05/26/2021	05/25/2021	0.00	0.00
1272	Completed	Non-PM	4 - Low		Paint Street Markings	Road Maintenance/Right of Way	PINE RIDGE RD		Daniel Davis	05/24/2021		05/25/2021	0.00	0.00
1270	Completed	Non-PM	3 - Medium		Drainage Issue	Road Maintenance/Right of Way	GRASSY GAP LOOP RD		Matthew Clawson	05/24/2021		05/26/2021	0.00	0.00
1266	Completed	PM	2 - High		Custodial	Facilities/Buildings/Grounds		PUD PWD Office	Whitney Spagnolo	05/23/2021	05/24/2021	06/01/2021	0.00	0.00
1264	Completed	PM	3 - Medium		Custodial	Facilities/Buildings/Grounds		PW Utilities Office	Daniel Davis	05/21/2021	05/22/2021	05/25/2021	0.00	0.00
1262	Completed	Non-PM	3 - Medium		Other-Taps and Systems	Town Services	101 MOCKINGBIRD LN		Water Plant	05/19/2021		05/27/2021	0.00	0.00
1261	Completed	PM	3 - Medium		Custodial	Facilities/Buildings/Grounds		PW Utilities Office	Daniel Davis	05/18/2021	05/19/2021	05/25/2021	0.00	0.00
1260	Completed	Non-PM	4 - Low		Sign Reinstall-Replacement	Road Maintenance/Right of Way	PINE RIDGE RD		Daniel Davis	05/17/2021		05/25/2021	0.00	0.00
1256	Completed	Non-PM	3 - Medium		Road Maintenance	Road Maintenance/Right of Way	WOODRIDGE CT		Daniel Davis	05/14/2021		05/26/2021	0.00	0.00
1253	Completed	PM	3 - Medium		Custodial	Facilities/Buildings/Grounds		PW Utilities Office	Daniel Davis	05/14/2021	05/15/2021	05/25/2021	0.00	0.00
1252	Completed	Non-PM	4 - Low		Customer Complaint	Town Services	102 LOWER SNOWBIRD TR		Water Plant	05/13/2021		05/17/2021	0.00	0.00
1251	Completed	Non-PM	3 - Medium		Pothole	Road Maintenance/Right of Way	CLUB HOUSE RD		Daniel Davis	05/13/2021		05/25/2021	0.00	0.00
1249	Completed	Non-PM	4 - Low		Other-Taps and Systems	Town Services	247 GREENBRIAR RD		Daniel Davis	05/11/2021		05/26/2021	0.00	0.00
1248	Completed	Non-PM	4 - Low		Ditch Maintenance	Road Maintenance/Right of Way	TAMARACK RD		Daniel Davis	05/11/2021		05/26/2021	0.00	0.00
1247	Completed	Non-PM	4 - Low		Road Maintenance	Road Maintenance/Right of Way	SUGAR MAPLE LN		Matthew Clawson	05/11/2021		05/26/2021	0.00	0.00
1246	Completed	PM	3 - Medium		Custodial	Facilities/Buildings/Grounds		PW Utilities Office	Daniel Davis	05/11/2021	05/12/2021	05/25/2021	0.00	0.00

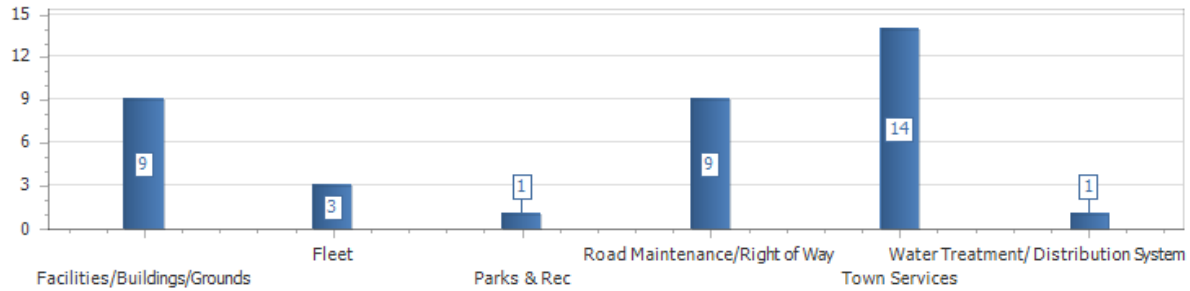
1242	Completed	PM	3 - Medium		Custodial	Facilities/Buildings/Grounds		PW Utilities Office	Daniel Davis	05/07/2021	05/08/2021	05/10/2021	0.00	0.00
1241	Completed	Non-PM	3 - Medium		Water Meter Read	Town Services	125 POND CREEK RD		Water Plant	05/06/2021		05/10/2021	0.00	0.00
1240	Completed	Non-PM	3 - Medium		Customer Complaint	Town Services	516 CHARTER HILLS RD		Water Plant	05/06/2021		05/11/2021	0.00	0.00
1238	Completed	Non-PM	3 - Medium		Customer Complaint	Road Maintenance/Right of Way	LAKE RD		Daniel Davis	05/05/2021		05/10/2021	0.00	0.00
1237	Completed	Non-PM	3 - Medium		Water Meter Read	Town Services	111 COURTSIDE LN B11		Rebecca Ward	05/05/2021		05/06/2021	0.00	0.00
1236	Completed	Non-PM	3 - Medium		Water Meter Read	Town Services	116 SKILOFT RD		Water Plant	05/04/2021		05/05/2021	0.00	0.00
1235	Completed	Non-PM	3 - Medium		Water Meter Read	Town Services	156 HORNBEAM RD		Water Plant	05/04/2021		05/05/2021	0.00	0.00
1233	Completed	Non-PM	3 - Medium		Customer Complaint	Town Services	333 LOCUST RDG RD		Water Plant	05/04/2021		05/04/2021	0.00	0.00
1231	Completed	PM	2 - High		Custodial	Facilities/Buildings/Grounds		PW Utilities Office	Daniel Davis	05/04/2021	05/06/2021	05/10/2021	0.00	0.00
1232	Completed	PM	3 - Medium		Custodial	Facilities/Buildings/Grounds		PW Utilities Office	Daniel Davis	05/04/2021	05/05/2021	05/10/2021	0.00	0.00
1230	Completed	Non-PM	3 - Medium		Data Log	Town Services	109 SKIVIEW LN		Water Plant	05/03/2021		05/05/2021	0.00	0.00
1229	Completed	Non-PM	3 - Medium		Data Log	Town Services	208 SPRING BRANCH RD		Water Plant	05/03/2021		05/04/2021	0.00	0.00
1227	Completed	PM	5 - Spare Time		Maintenance	Fleet	Ford F150	Public Works Shop	Whitney Spagnolo	05/03/2021	05/04/2021	05/12/2021	0.00	0.00
1219	Completed	PM				Fleet	2004 160 CLC Excavator Trackhoe	Public Works Shop	Whitney Spagnolo	05/01/2021	05/02/2021		0.00	0.00
1220	Completed	PM	2 - High	Preventive Maintenance	Athletic Fields	Parks & Rec	EMO Parking Lot	Emerald Outback Hiking and Biking Area (EMO)	Sean McNay	05/01/2021	05/08/2021	05/23/2021	0.00	0.00
1224	Completed	PM				Fleet	Jeep Liberty	Buckeye Rec Center	Whitney Spagnolo	05/01/2021	05/02/2021		0.00	0.00
1218	Completed	PM	3 - Medium		Other-Water Treatment	Water Treatment/Distribution System		Buckeye Water Treatment Plant	Daniel Davis	05/01/2021	05/02/2021	05/04/2021	0.00	0.00

Completed WOs by Site Analysis

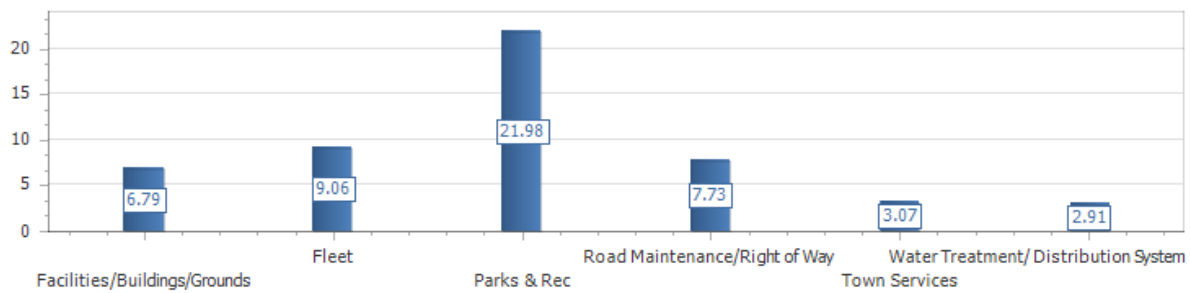
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Total



Average days to close



Site	Total	Average days to close
Facilities/Buildings/Grounds	9	6.79
Fleet	3	9.06
Parks & Rec	1	21.98
Road Maintenance/Right of Way	9	7.73
Town Services	14	3.07
Water Treatment/ Distribution System	1	2.91

Report Parameters

Filter: Contains([WO Status], 'completed')

Search:

Advanced Filters: [Originated] Between '05/01/2021' And '05/31/2021'

Tags: