

## **ARTICLE 15. UTILITIES**

### **Section 15.1 Utility Ownership and Easement Rights.**

In any case in which a developer installs or causes the installation of water, sewer, electrical power, telephone, or cable television facilities and intends that such facilities shall be owned, operated, or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities. In addition, the developer, in accordance with Section 15.12, shall dedicate sufficient easement rights to accommodate the extension of utility facilities which will serve adjacent or nearby developments. Easement rights transferred to the Town under this section shall include provisions for the optional use of hiking, bicycling, and pedestrian activities within the easement.

### **Section 15.2 Lots Served by Governmentally Owned Water or Sewer Lines.**

(a) Whenever it is legally possible and practicable in terms of topography to connect a lot with a town water or sewer line by running a connecting line not more than 200 feet from the lot to such line, then no use requiring water or sewage disposal service may be made of such lot unless connection is made to such line.

(b) Connection to such water or sewer line is not legally possible if, in order to make connection with such line by a connecting line that does not exceed 200 feet in length, it is necessary to run the connecting line over property not owned by the owner of the property to be served by the connection, and, after diligent effort, the easement necessary to run the connecting line cannot reasonably be obtained.

(c) For purposes of this article, a lot is "served" by a town owned water or sewer line if connection is required by this section.

### **Section 15.3 Sewage Disposal Facilities Required.**

Every principal use and every lot within a subdivision shall be served by a sewage disposal system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations. When a subdivision is within the town limits, the subdivider shall connect to the Edenton sewer system in order to provide sewer service to every lot within the subdivision.

### **Section 15.4 Determining Compliance With Section 15.3.**

(a) Primary responsibility for determining whether a proposed development will comply with the standard set forth in Section 15.3 often lies with an agency other than the town, and the developer must comply with the detailed standards and specifications of such other agency. The relevant agencies are listed in subsection (b). Whenever any such agency requires detailed construction or design drawings before giving its official approval to the proposed sewage disposal system, the authority issuing a permit under this section may rely upon a preliminary review by such agency of the basic design elements of the proposed sewage disposal system to determine compliance with Section 15.3. However, construction of such system may not be commenced until the detailed plans and specifications have been reviewed and any appropriate permits issued by such agency.

(b) In the following table, the column on the left describes the type of development and the column on the right indicates the agency that must certify to the town whether the proposed sewage disposal system complies with the standard set forth in Section 15.3.

<b>IF</b>	<b>THEN</b>
<p>(1) The use is located on a lot that is served by the town sewer system or a previously approved, privately-owned package treatment plant, and the use can be served by a simple connection to the system (as in the case of a single-family residence) rather than the construction of an internal collection system (as in the case of a shopping center or apartment complex):</p>	<p>No further certification is necessary.</p>
<p>(2) The use (other than a subdivision) is located on a lot that is served by the town sewer system but service to the use necessitates construction of an internal collection system (as in the case of a shopping center or apartment complex); and</p> <p style="margin-left: 40px;">a. The internal collection system is to be transferred to and maintained by the town:</p> <p style="margin-left: 40px;">b. The internal collection system is to be privately maintained:</p>	<p>The public works director must certify to the town that the proposed internal collection system meets the town's specifications and will be accepted by the town. (A "Permit to Construct" must be obtained from the Division of Environmental Management.)</p> <p>The public works director must certify that the proposed collection system is adequate.</p>
<p>(3) The use (other than a subdivision) is not served by the town system but is to be served by a privately operated sewage treatment system (that has not previously been approved) with 3000 gallons or less design capacity, the effluent from which does not discharge to surface water:</p>	<p>The County Health Department (CHD) must certify to the town that the proposed system complies with all applicable state and local health regulations. If the proposed use is a single dwelling other than a manufactured home, the developer must obtain an improvements permit from the CHD. If the proposed use is a single-family manufactured home, the developer must present to the town a certificate of completion from the CHD.</p>
<p>(4) The use (other than a subdivision) is to be served by a privately operated sewage system (not previously approved) that has a design capacity of more than 3000 gallons or that discharges effluent into surface waters:</p>	<p>The Division of Environmental Management (DEM) must certify to the Town that the proposed system complies with all applicable state regulations. (A "Permit to Construct" and a "Permit to Discharge" must be obtained from DEM.)</p>

**IF**

**THEN**

(5) The proposed use is a subdivision;  
and

- |   |   |
|---|---|
| a. Lots within the subdivision are to be served by simple connection to existing town lines or lines of a previously approved private system:   | No further certification is necessary.  |
| b. Lots within the subdivision are to be served by the town system but the developer will be responsible for installing the necessary additions to the town system:   | The public works director must certify to the town that the proposed system meets the town's specifications and will be accepted by the town. (A "Permit to Construct" must be obtained from the Division of Environmental Management of the N.C. Department of Environmental Health and Natural Resources.)  |
| c. Lots within the subdivision are to be served by a sewage treatment system that has not been approved, that has a design capacity of 3000 gallons or less, and that does not discharge into surface waters:                   | The County Health Department must certify that the proposed system complies with all applicable state and local health regulations. If each lot within the subdivision is to be served by a separate on-site disposal system, the CHD must certify that each lot shown on a major subdivision preliminary plat can probably be served, and each lot on a major or minor subdivision final plat can be served by an on-site disposal system. |
| d. Lots within the subdivision are to be served by a privately operated sewage treatment system (not previously approved) that has a design capacity in excess of 3000 gallons or that discharges effluent into surface waters: | The Division of Environmental Management must certify that the proposed system complies with all applicable state regulations. (A "Permit to Construct" and a "Permit to Discharge" must be obtained from DEM.)   |

**Section 15.5 Water Supply System Required.**

Every principal use and every lot within a subdivision shall be served by a water supply system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations. When a subdivision is within the town limits, the subdivider shall connect to the Edenton water system in order to provide water service to every lot within the subdivision.

**Section 15.6 Determining Compliance with Section 15.5.**

(a) Primary responsibility for determining whether a proposed development will comply with the standard set forth in Section 15.5 often lies with an agency other than the town, and the

developer must comply with the detailed standards and specifications of such other agency. The relevant agencies are listed in subsection (b). Whenever any such agency requires detailed construction or design drawings before giving its official approval to the proposed water supply system, the authority issuing a permit under this chapter may rely upon a preliminary review by such agency of the basic design elements of the proposed water supply system to determine compliance with Section 15.5. However, construction of such system may not be commenced until the detailed plans and specifications have been reviewed and any appropriate permits issued by such agency.

(b) In the following table, the column on the left describes the type of development and the column on the right indicates the agency that must certify to the town whether the proposed water supply system complies with the standard set forth in Section 15.5.

<b>IF</b>	<b>THEN</b>
<p>(1) The use is located on a lot that is served by the town water system or a previously approved, privately owned public water supply system and the use can be served by a simple connection to the system (as in the case of a single family residence) rather than the construction of an internal distribution system (as in the case of a shopping center or apartment complex):</p>	<p>No further certification is necessary.</p>
<p>(2) The use (other than a subdivision) is located on a lot that is served by the town water system but service to the use necessitates construction of an internal distribution system (as in the case of a shopping center or apartment complex); and</p> <p style="margin-left: 2em;">a. The internal distribution system is to be transferred to and maintained by the town:</p> <p style="margin-left: 2em;">b. The internal distribution system is to be privately maintained:</p>	<p>The public works director must certify to the town that the proposed internal distribution system meets town specifications and will be accepted by the town. (A "Permit to Construct" must be obtained from the Division of Health Services.)</p> <p>The public works director must certify that the proposed collection system is adequate.</p>
<p>(3) The use (other than a subdivision) is located on a lot not served by the town system or a previously approved, privately owned public water supply system; and</p>	

<b>IF</b>	<b>THEN</b>
<ul style="list-style-type: none"> <li>a. The use is to be served by a privately owned public water supply system that has not previously been approved:</li> </ul>	<p>The Division of Health Services must certify that the proposed system complies with all applicable state and federal regulations. (A "Permit to Construct" must be obtained from DHS.) The Division of Environmental Management must also approve the plans if the water source is a well and the system has a design capacity of 100,000 gallons per day or is located in certain areas designated by DEM. The public works director must also approve the distribution lines for possible future addition to the town system.</p>
<ul style="list-style-type: none"> <li>b. The use is to be served by some other source (such as an individual well):</li> </ul>	<p>The County Health Department must certify that the proposed system meets all applicable state and local regulations.</p>
<p>(4) The proposed use is a subdivision; and</p> <ul style="list-style-type: none"> <li>a. Lots within the subdivision are to be served by simple connection to existing town lines or lines of a previously approved public water supply system:</li> </ul>	<p>No further certification is necessary.</p>
<ul style="list-style-type: none"> <li>b. Lots within the subdivision are to be served by the town system but the developer will be responsible for installing the necessary additions to such system:</li> </ul>	<p>The public works director must certify to the town that the proposed system meets town specifications and will be accepted by the town. (A "Permit to Construct" must be obtained from the Division of Health Services.)</p>
<ul style="list-style-type: none"> <li>c. Lots within the subdivision are to be served by a privately owned public water supply system that has not previously been approved:</li> </ul>	<p>The Division of Health Services must certify that the proposed system complies with all applicable state and federal regulations. (A "Permit to Construct" must be obtained from DHS.) The Division of Environmental Management must also approve the plans if the water source is a well and the system has a design capacity of 100,000 per day or is located within certain areas designated by DEM. The public works director must also approve the distribution lines for possible future addition to the town system.</p>
<ul style="list-style-type: none"> <li>d. Lots within the subdivision are to be served by individual wells:</li> </ul>	<p>The County Health Department must certify to the town that each lot intended to be served by a well can be served in accordance with applicable health regulations.</p>

## **Section 15.7 Lighting Requirements.**

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

(b) To the extent that fulfillment of the requirement established in subsection (a) would normally require street lights installed along public streets, this requirement shall be applicable only to subdivisions located within the corporate limits of the town. Street lights shall be placed at each intersection and at such block spacing as may be required by the public works director.

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

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

## **Section 15.8 Excessive Illumination.**

Lighting within any lot that unnecessarily illuminates any other lot and substantially interferes with the use or enjoyment of such other lot is prohibited. Lighting unnecessarily illuminates another lot if it clearly exceeds the standard set forth in Section 15.7 or if the standard set forth in Section 15.7 could reasonably be achieved in a manner that would not substantially interfere with the use or enjoyment of neighboring properties.

## **Section 15.9 Electric Power.**

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

- (1) If the use is not a subdivision and is located on a lot that is served by an existing power line and the use can be served by a simple connection to such power line (as opposed to a more complex distribution system, such as would be required in an apartment complex or shopping center), then no further certification is needed.
- (2) If the use is a subdivision or is not located on a lot served by an existing power line or a substantial internal distribution system will be necessary, then the electric utility service provider must review the proposed plans and certify to the town that it can provide service that is adequate to meet the needs of the proposed use and every lot within the proposed subdivision.

### **Section 15.10 Telephone Service.**

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

- (1) If the use is not a subdivision and is located on a lot that is served by an existing telephone line and the use can be served by a simple connection to such telephone line (as opposed to a more complex distribution system, such as would be required in an apartment complex or shopping center), then no further certification is necessary.
- (2) If the use is a subdivision or is not located on a lot served by an existing telephone line or a substantial internal distribution system will be necessary, then the telephone utility company must review the proposed plans and certify to the town that it can provide service that is adequate to meet the needs of the proposed use and every lot within the proposed subdivision.

### **Section 15.11 Underground Utilities.**

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

(b) Whenever an unsubdivided development is hereafter constructed on a lot that is undeveloped on the effective date of this section, then all electric power, telephone, gas distribution, and cable television lines installed to serve the development that are located on the development site outside of a previously existing public street right-of-way shall be placed underground in accordance with the specifications and policies of the respective utility companies.

### **Section 15.12 Utilities To Be Consistent With Internal and External Development.**

(a) Whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby developments, such utility facilities (e.g., water or sewer lines) shall be located and constructed so that extensions can be made conveniently and without undue burden or expense or unnecessary duplication of service as determined by the Town of Edenton. The dedication of requisite utility easements and/or the construction of utility facilities may be required, as determined necessary by the Town of Edenton, to accommodate utility service to adjacent or nearby properties.

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

### **Section 15.13 As-Built Drawings Required.**

Whenever a developer installs or causes to be installed any utility line in any public right of way, the developer shall, as soon as practicable after installation is complete, and before

acceptance of any water or sewer line, furnish the town with a copy of a drawing that shows the exact location of such utility lines. Such drawings must be verified as accurate by the utility service provider. Compliance with this requirement shall be a condition of the continued validity of the permit authorizing such development.

#### **Section 15.14 Fire Hydrants.**

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

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

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

(d) The fire chief shall determine the design standards of all hydrants based on fire flow needs. Unless otherwise specified by the fire chief, all hydrants shall have two 2 1/2 inch hose connections and one 4 1/2 inch hose connection. The 2 1/2 inch hose connections shall be located at least 21 1/2 inches from the ground level. All hydrant threads shall be national standard threads.

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

#### **Section 15.15 Sites for and Screening of Dumpsters.**

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

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

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

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

- (2) Occupants, customers, or other invitees located within any building on non-residential property other than that where the dumpster is located, unless such other property is used primarily for purposes permitted exclusively in an IW zoning district.
- (3) Persons traveling on any public street, sidewalk, or other public way.

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

#### **Section 15.16 Sites for and Screening of Recycling Collection Boxes.**

(a) Municipal recycling collection boxes shall be located so as to facilitate collection and minimize any negative impact on neighboring properties or public rights-of-way.

(b) All such recycling collection boxes shall be screened if and to the extent that, in the absence of screening, they would be clearly visible to:

- (1) Persons located within any dwelling unit on adjoining residential property.
- (2) Occupants, customers, or other invitees located within any building on non-residential property other than that where the recycling collection box is located, unless such other property is used primarily for purposes permitted exclusively in an IW zoning district.
- (3) Persons travelling on any public street, sidewalk, or other public way.

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