

ORDINANCE NO. 2023-48

**AN ORDINANCE AMENDING SECTION 2-292
OF THE CITY OF BREVARD CODE OF ORDINANCE**

WHEREAS, the City of Brevard wishes to update its Code of Ordinances to allow utility connection service outside of the corporate limits of the city in certain circumstances;

WHEREAS, a public hearing was conducted on October 2, 2023, by Brevard City Council, and after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard that Section 2-292 of the City Code of Ordinance be amended as outlined below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:

SECTION 01. The City of Brevard Code of Ordinance is hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

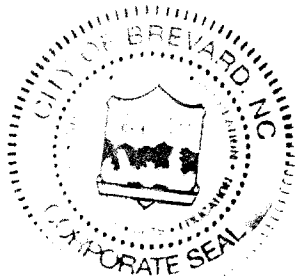
SECTION 02. The City Clerk of the City of Brevard is hereby authorized and directed to revise and amend the official records and the Code of Ordinance to reflect the change as set forth in the aforementioned Exhibit A.

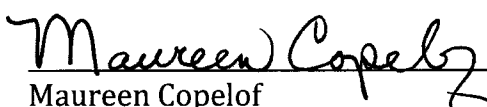
SECTION 03. The City Manager of the City of Brevard is hereby authorized and directed to prepare a policy document to accompany these code changes to inform requests for connection without annexation.

SECTION 04. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.


SECTION 05. This Ordinance shall be in full force and in effect from and after the date of its adoption and approval.

Adopted and approved on the 16th day of October 2023.




Maureen Copelof
Mayor

ATTEST:


Denise Hodsdon
City Clerk

APPROVED AS TO FORM:



Charles W. McKeller, Attorney at Law
City Attorney

EXHIBIT A

1 **Sec. 2-292. General principles and requirements.**

2 The planning and extension of the water and waste water collection systems of the city
3 shall be accomplished in accordance with the following general principles and
4 requirements:

- 5 A. It shall be the policy of the city that water service be extended within the corporate
6 limits of the City of Brevard and its extraterritorial jurisdiction in accordance with
7 the procedures set forth in this subdivision and the plans and specifications of the
8 city manager or his designee. Water service may be extended outside of the
9 corporate limits of the City of Brevard and its extraterritorial jurisdiction upon
10 approval by Brevard City Council.
- 11 B. It shall be the policy of the city that waste water collection service shall only be
12 extended within the corporate limits of the City of Brevard. Voluntary annexation
13 shall be a prerequisite of the extension of waste water collection service to any area
14 outside the city's corporate limits. Waste water collection shall not be provided to
15 any property not also connected to and using the city's water system.
- 16 C. Waste water collection service may be provided outside the corporate limits of the
17 City of Brevard only in the following circumstances and subject to the following
18 requirements:
- 19 1. Waste water collection service may be provided outside the corporate
20 limits of the City of Brevard as part of a joint economic development
21 agreement between the City of Brevard and another party, containing
22 provisions as set by city council, when such agreement has been
23 approved by city council. However, sewer service shall not be extended to
24 any economic development project that would not be in keeping with
25 adopted land use plans of the City of Brevard or other applicable
26 governing jurisdiction.
- 27 2. Waste water collection service may be provided to residential customers
28 outside the corporate limits of the City of Brevard in order to resolve an
29 immediate danger to the public health and safety, upon recommendation
30 by the Transylvania County Health Department and:
- 31 a. The city manager may approve connection to the utility system on
32 a temporary basis for a period not to exceed one year, at which
33 time voluntary annexation shall be required.
- 34 b. Permanent utility connection to a property and/or neighborhood
35 to resolve an immediate health danger may be granted according
36 to provisions as set by city council.
- 37 3. Voluntary annexation shall be a requirement of the provision of waste
38 water collection service under these provisions when annexation can be
39 completed in accordance with applicable North Carolina General Statutes
40 except in cases governed by provisions (1) and (2) of this subsection; and
- 41 4. Extension of and/or connection with the city's water system may be
42 required as a condition of connection the city's waste water collection
43 system.
- 44 D. Extensions and/or service to residential or commercial developments outside the
45 city shall be at the option of the developer or property owner; provided that,
46 wherever both water and waste water collection systems are available within 300
47 feet of the property for which service is desired, connection to both shall be
48 required if connection to either is desired.

- 49 E. System extensions will be made only if it has been determined by the city manager
50 or his designee that the expected additional loads can be safely handled by the
51 respective system.
- 52 F. Installation may be by city forces, workload permitting, or by contract administered
53 by the city or by the developer subject to subsection (E) of this section. The method
54 of accomplishment shall be determined by the city manager for all jobs costing less
55 than \$5,000.00, including labor and material, and by the city council if \$5,000.00 or
56 more.
- 57 G. Before proceeding with installation of a line the developer shall furnish the city with
58 a drawing, which must be approved by the city manager or his designee, showing
59 the proposed line extensions. The drawing shall show the proposed lines, fire
60 hydrants, streets, rights-of-way and property lines, existing utility lines and any
61 other information required by the city manager or his designee, which might be
62 relevant to the proposed work.
- 63 H. Installation of lines shall be according to city specifications and must be approved
64 by the city manager or his designee. Lines shall be dedicated, in writing, to the city
65 for operation and maintenance; provided, however, the city shall not accept any
66 dedication unless the line shall have been installed according to city specifications
67 and its installation approved, in writing, by the city manager or his designee. Prior
68 to acceptance of the line by the city the developer shall furnish the city with accurate
69 as-built drawings, acceptable to the city manager or his designee, showing the
70 location and size of lines, fittings, valves, pump stations and other pertinent
71 information.
- 72 I. A water and sewer acreage charge and a front foot charge may be established to aid
73 in the financing of new major water mains and sewage collection facilities and the
74 replacement or enlargement of existing facilities. This charge shall apply uniformly
75 to all properties to which service is extended after the date of adoption of the
76 ordinance from which this division is derived.
- 77 J. The city shall be responsible for the maintenance, operation and control of all water
78 and sewage facilities.