

## ARTICLE 19

### STORMWATER PROTECTION

#### 19.1 Purpose and Authority, Adoption of State & Federal Standards by Reference

The purpose of this Article is to protect, maintain and enhance the public health, safety, environment and general welfare by incorporating the applicable requirements of the State of North Carolina and United States Army Corps of Engineers rules establishing minimum requirements and procedures to control the adverse effects of issues related to increased *stormwater runoff* and nonpoint and point source pollution, *buffer* protection, and illicit discharges into municipal stormwater systems. It has been determined that proper management of construction-related and post-*Development stormwater runoff*, illicit discharges, and *buffer* protection will minimize damage to public and private property and infrastructure; safeguard the public health, safety, and general welfare; and protect water and aquatic resources. This Article applies to all properties within the Town of Spencer and its extraterritorial jurisdiction, regardless of whether the property is currently being “developed” or not.

The Town Board of Aldermen of the Town of Spencer is authorized to adopt this Article pursuant to North Carolina law, including but not limited to Article 14, Section 5 of the Constitution of North Carolina; North Carolina General Statutes §143-214.7 and rules promulgated by the Environmental Management Commission thereunder; Session Law 2004-163; Chapter §160A, §§ 174, 185; as well as Chapter §113A, Article 4 (Sedimentation Pollution Control); Article 21, Part 6 (Floodway Regulation); Chapter §160D (Local Planning and Development Regulation).

#### 19.2 Findings

It is hereby determined that:

- 19.2-1 *Development* and *Re-Development* alter the hydrologic response of local *watersheds* and increase *stormwater runoff* rates and volumes, flooding, soil erosion, *stream* channel erosion, nonpoint and point source pollution, and sediment transport and deposition, as well as reducing groundwater recharge;
- 19.2-2 These changes in *stormwater runoff* contribute to increased quantities of water-borne pollutants and alterations in hydrology that are harmful to public health and safety as well as to the natural environment; and
- 19.2-3 These effects can be managed and minimized by applying proper design and well-planned controls to manage *stormwater runoff* from *Development* sites.

19.2-4 Therefore, the Town of Spencer Town Board of Aldermen adopts the aforementioned water quality and quantity regulations to meet the requirements of state and federal law regarding control of *stormwater runoff* and discharge.

### **19.3 Additional Standards for Special Situations**

#### **19.3-1 Pet Waste.**

##### **(A.) Restrictions on Pet Waste**

- (1.) It shall be unlawful for the owner or custodian of any pet to take it off the owner's own property limits without the means to properly remove and dispose of the pet's feces from any public or private property.
- (2.) It is the responsibility of a pet's owner or custodian to clean up the pet's feces from any public or private property outside of the pet's owner's own property limits. Such property includes, but is not limited to, parks, rights-of-way, paths, and public access areas.
- (3.) "Means to properly remove and dispose of feces" shall consist of having on or near one's person a device such as a plastic bag, or other suitable plastic or paper container, that can be used to clean up and contain pet waste until it can be disposed of in an appropriate container. Such a device must be produced and shown, upon request, to anyone authorized to enforce these ordinances.
- (4.) This provision shall not apply to handicapped persons assisted by trained guide or assistance pets.
- (5.) "Public nuisance" is defined to include "a pet which deposits feces on public property or on private property without the consent of the owner or person in lawful possession of the private property, and the person owning, possessing, harboring or having the care, charge, control or custody of the pet fails to remove the feces so deposited. Provided, however, this definition shall not apply to any pet assisting a handicapped person.

#### **19.3-2 Onsite Wastewater Septic Systems.**

##### **(A.) Standards for Operation and Maintenance**

Onsite systems for domestic wastewater covered by this Ordinance shall be operated and maintained so as to avoid adverse effects on surface water and groundwater, including eutrophication of surface water and microbial or nitrate contamination of groundwater. Septic tank residuals shall be pumped whenever necessary to assure the proper operation of the system to meet these standards, and the septage shall be reused or disposed of in a manner that does not present significant risks to human health, surface water or groundwater.