

CITY OF ARCHDALE

WATERSHED PROTECTION ORDINANCE

ARTICLE 100: AUTHORITY AND GENERAL REGULATIONS.

Section 101. Intent.

The intent of the Water Supply Watershed Ordinance is to protect surface water supplies whose watersheds are located wholly or partially within the jurisdiction of Archdale.

Section 102. Authority and Enactment.

Pursuant to authority given to municipalities in G.S.160A Article 19, Planning and Regulation of Development, and G.S.143-214.5 Water Supply and Watershed Protection, the Archdale City Council does hereby ordain and enact into law the following articles as the Watershed Protection Ordinance of Archdale.

Section 103. Jurisdiction.

- a. The provisions of this Ordinance shall apply in those areas within the corporate limits and the extraterritorial jurisdiction of Archdale designated as Public Water Supply Watersheds by the N.C. Environmental Management Commission and shall be defined and established on the map entitled, "Watershed Protection map of Archdale, North Carolina" ("the Watershed Map"), which is adopted simultaneously herewith. The Watershed Map and all explanatory matter contained thereon accompanies and is hereby made a part of this Ordinance. This Ordinance shall be permanently kept on file in the office of the Archdale Planning Department.
- b. The following Public Water Supply Watersheds designated by the N.C. Environmental Management Commission are located within Archdale:

Watershed	Classification	River Basin
Uwharrie River Lake Reese	WS-III-BW (Balance of Watershed)	Yadkin
Randleman Lake	WS-IV-CA (Critical Area) WS-IV-PA (Protected Area)	Cape Fear

Section 104. Exceptions to Applicability.

- a. Nothing contained herein shall repeal, modify, or amend any Federal or State law or

regulation, or any ordinance or regulation pertaining thereto except any ordinance which these regulations specifically replace; however, the adoption of this Ordinance shall and does amend any and all ordinances, resolutions, and regulations in effect in the City at the time of the adoption of this Ordinance that may be construed to impair or reduce the effectiveness of this Ordinance or to conflict with any of its provisions.

- b. It is not intended that these regulations interfere with any easement, covenants or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.
- c. Existing development, as defined in this ordinance, is not subject to the requirements of this ordinance. New structures on property with existing development and expansions to structures classified as existing development must meet the requirements of this ordinance, however, the built-upon area of the existing development is not required to be included in the density calculations.
- d. A pre-existing lot owned by an individual prior to the effective date of this ordinance, regardless of whether or not a vested right has been established, may be developed for single family residential purposes without being subject to the restrictions of this ordinance. However, this exemption is not applicable to multiple contiguous lots under single ownership. See Section 307(A)(3) regarding the recombination of existing lots.
- e. The replacement of existing built-upon area on a lot developed with a like or lesser amount of new built-upon area at the same location, or at a different location on the same lot if it is determined by the Watershed Administrator that equal or improved water quality will result shall be exempt from the watershed ordinance.

Section 105. Criminal Penalties.

Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with NCGS 14-4. The maximum fine for each offense shall not exceed \$500.00. Each day that the violation continues shall constitute a separate offense.

Section 106. Remedies.

- a. If any subdivision, development and/or land use is found to be in violation of this Ordinance, the City Council may, in addition to all other remedies available either in law or in equity, institute a civil penalty in the amount of \$100.00, action or proceedings to restrain, correct, or abate the violation; to prevent occupancy of the building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about the premises. In addition, the N.C. Environmental Management Commission may assess civil penalties in accordance with G.S. 143-215.6(a). Each day that the violation continues shall constitute a separate offense.
- b. If the Planning Director (Watershed Administrator) or his/her designee finds that any of the provisions of this ordinance are being violated, he/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/she shall order discontinuance of the illegal use of land, buildings or structures; removal of illegal buildings 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 ordinance to ensure compliance with or to prevent violation of its provisions. If a ruling of the Planning Director or his/her designee is questioned, the aggrieved party or parties may appeal such ruling to the Board of Adjustment.

Section 107. Severability.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, the declaration shall not affect the validity of this Ordinance as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional.

Section 108. Effective Date.

This Ordinance shall take effect and be in force on December 31, 1999.