



Town of Carthage

Ordinance No. ORD.26.02

AN ORDINANCE AMENDING TITLE V, CHAPTER 51 WATER AND SEWER, OF THE TOWN OF CARTHAGE CODE OF ORDINANCES

WHEREAS, the Town of Carthage owns and operates public utilities to provide potable water and to collect and treat wastewater under the authority granted in N.C. Gen. Stat. Chapter 160A. Art. 16, Public Enterprises. Water supply and distribution and wastewater collection, treatment and disposal are public enterprises (N.C. Gen. Stat. §160A-311). Art. 16, Section 160A-312(b) of the NC General Statutes provides that “a city shall have full authority to protect and regulate any public enterprise system belonging to or operated by it by adequate and reasonable rules. The rules shall be adopted by ordinance, shall apply to the public enterprise system, within and outside the corporate limits of the city, and may be enforced with the remedies available under any provision of law.”

WHEREAS, the Town Board of Commissioners (the “Commissioners”) has adopted reasonable rules by ordinance to operate the water and wastewater utility systems in Chapter 51, Water and Sewer, of the Town’s Code of Ordinances. Chapter 51 provides for the extension of utilities and who may receive water and wastewater collection and treatment. However, the ordinances do not account for who may receive water and sewer services when capacities are limited.; and

WHEREAS, the Town’s water and wastewater utilities have allocated and are operating at more than seventy-five per cent (75%) of their licensed capacities. Large new developments could use up the remaining capacity, leaving none for emergencies or to support desirable economic development; and

WHEREAS, the Commissioners desire to be good stewards of the remaining water and wastewater capacities and to provide a system for prioritizing and allocating the remaining capacities.

NOW, THEREFORE the Town Board of Commissioners of the Town of Carthage ordains as follows:

Section 1. The Board of Commissioners finds that the capacities of both the water and wastewater (sewer) utilities are at seventy-five per cent (75%), or more, of capacity.

Section 2. The Board of Commissioners adopt a new section of Chapter 51, under General Provisions, to be entitled 51.007 Reservation of Utilities Capacity, to read as follows:

- (A) The Town shall maintain a reserve of twenty per cent (20%) of remaining available water and/or sewer capacities for emergency uses and unforeseen high-priority institutional needs, including but not limited to schools, medical facilities, and public safety facilities. Five per cent (5%) of the remaining capacity shall be withheld from allocation to maintain an emergency reserve of capacity.
- (B) This reserve policy shall remain in place until additional capacities become available through system expansion or other means, regardless of the timeframe.
- (C) Procedure: When the water and/or sewer systems reach seventy-five per cent (75%) of actual capacity, the Public Works Director will notify the Town Manager. The Town Manager will then post this Policy on the Town’s website to notify the public that this Policy is in effect. After this Policy is in effect, the Board of Commissioners will approve all water and/or sewer application requests for major subdivisions, all development containing five (5) or more dwelling units, and all site-planned developments requiring 1,000 GPD of sewage flow per 15A NCAC 02T.0114 (2023 amendment). The Town Planner may approve other applications or refer them to the Board of Commissioners. Capacity is not allocated until system development fees are paid.

- (1) The Town Planner shall keep a master list of the approved developments and their capacities. The reserve amount shall be reviewed at least annually and adjusted based on updated

capacity reports and projected demand.

- (2) The Board of Commissioners may authorize use of the reserve only upon a finding that:
 - (a) No foreseeable emergency or institutional need exists; and
 - (b) The public interest is best served by allocating the reserve for another purpose.

In making these findings, the Board of Commissioners shall consider staff reports, engineering analyses, adopted Town plans, regulatory requirements, and any pending or reasonably foreseeable public facility needs. The Board may also consider system performance, financial impacts, community benefits, and consistency with Town planning documents when determining whether allocation of reserve capacity serves the public interest.

- (3) The Board reserves the right to allocate capacities. The Board’s priorities for allocating reserved capacity are listed below. The Board may re-order or change the priorities at any time. The highest priority is subsection (a) with the lowest priority being subsection (h).
 - (a) Emergency uses where a property received utilities as of February 17, 2026;
 - (b) Emergency uses where a property did not receive utilities as of February 17, 2026
 - (c) Existing approved single vacant RESIDENTIAL lots;
 - (d) Institutions including churches, schools, day care centers, medical facilities;
 - (e) Non-residential developments creating ten (10) or more new permanent jobs (Jobs paying at or above the Moore County median wage are encouraged).
 - (f) Minor and Major Site Plans
 - (g) Minor subdivisions;
 - (h) Major Subdivisions and Planned Unit Developments.

(4) EXCEPTIONS:

- (a) Any project for which a Special Use Permit application has been deemed complete as of February 17, 2026;
- (b) Site-specific development or phased development plans approved pursuant to N.C. Gen. Stat. §§ 160D-108 and 160D-108.1 as of February 17, 2026;
- (c) Development for which substantial expenditures have already been made in good faith reliance on a prior valid administrative or quasi-judicial permit or approval; or
- (d) Preliminary or final major residential subdivision plats that have been accepted for review by the Town.

(D) CONFLICTS: Where any conflict exists between this Ordinance and any other duly adopted ordinance or policy of the Town, the provisions of this Ordinance shall control and supersede the conflicting ordinance or policy.

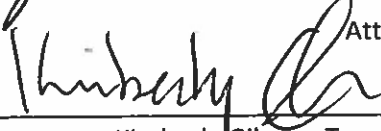
Section 3. All provisions of any Town ordinance or resolution in conflict with this ordinance are repealed.

Section 4. This ordinance shall become effective upon adoption and staff is directed to implement this ordinance immediately.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted and ordained this 17th day of February 2026.

Ayes: 4
Nays: 0
Absent/Excused: 1




Jimmy Chaffinch, Mayor

Attest:
Kimberly Gibson, Town Clerk