



Town of Southern Shores

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TCA-22-03

3-18-2022

Ordinance 2022-XX-XX

AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. Chap. 160A, the Town has duly codified the Town’s Code of Ordinances (the “Town Code”); and

WHEREAS, pursuant to North Carolina General Statutes § 160A-174 the Town may enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Town, and may define and abate nuisances; and

WHEREAS, the Town further finds that in accordance with the findings above it is in the interest of and not contrary to the public's health, safety and general welfare for the Town to amend the Town Code of Ordinances as stated below.

ARTICLE II. Construction.

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein, but are instead replaced by an ellipses (“...”) shall remain as they currently exist within the Town Code.

ARTICLE III. Amendment of Town Code.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southern Shores, North Carolina, that the Town Code shall be amended as follows:

PART I. That **Chapter 8 Sec. 8-27. Underground installation.** be amended as follows:

1 **Sec. 8-27. Underground installation.**

2
3 All cable services shall follow the undergrounding provisions established in section
4 32-13. In those areas within the town where cable television, telephone, or electrical
5 facilities are currently placed underground, all cable system facilities shall remain or be
6 placed underground. In areas where either telephone or electric utility facilities are above
7 ground at the time of installation, grantee may install its cable system facilities above
8 ground, provided that at such time as both electric and telephone utility facilities are
9 placed underground, grantee shall likewise place its cable system facilities underground
10 without cost to the town. Nothing contained in this section shall require a grantee to
11 construct, operate and maintain underground any ground-mounted appurtenances, except
12 that grantee shall take steps to minimize the number and visual impact of such facilities.
13 If the grantor reimburses any utility for such relocation, grantee shall be similarly
14 reimbursed. This section shall not prevent the town or any of its agencies or joint
15 agencies from requiring the installation or relocation of cable services facilities
16 underground, pursuant to a separate ordinance or regulation or requirement imposed, in
17 accordance with the exercise of the general police power or regulatory function of such
18 agency or joint agency.

19
20 **PART II.** That Chapter 32 Sec. 32-13. Undergrounding requirements. be added as
21 follows:

22
23 **Sec. 32-13. Undergrounding requirements.**

24
25 All utility facilities and structures, including not but limited to poles, wiring,
26 conduit, cables, small wireless facilities cabinets, boxes, panels, and related
27 appurtenances shall be installed underground. This section shall apply to all forms of
28 utility providers including, but not limited to providers of electricity, gas, cable,
29 communications, telecommunications, broadband internet, and wireless utilities. All
30 existing utility facilities and structures located above the ground as of XX-XX-XXXX
31 may continue to be used, replaced and maintained, but shall not be expanded in size
32 unless such expansion is required to be allowed by law. Utility providers may seek a
33 waiver of this provision by following the variance procedure established in Section 36-
34 367.

35
36 **ARTICLE IV. Severability.**

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38 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are
39 hereby repealed. Should a court of competent jurisdiction declare this ordinance
40 amendment or any part thereof to be invalid, such decision shall not affect the remaining

1 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
2 Town of Southern Shores, North Carolina which shall remain in full force and effect.

3
4 **ARTICLE V. Effective Date.**

5
6 This ordinance amendment shall be in full force and effect from and after the ____day of
7 _____, 2022.

8
9
10 _____
Elizabeth Morey, Mayor

11
12 ATTEST:

13
14 _____
15 Town Clerk

16
17
18 APPROVED AS TO FORM:

19
20 _____
21 Town Attorney

22
23 Date adopted:

24
25 _____
26 Motion to adopt by Councilmember:

27
28 _____
29 Motion seconded by Councilmember:

30
31
32
33 Vote: ___AYES___NAYS