

ORDINANCE #07-39:

AN ORDINANCE OF THE VILLAGE OF PINEHURST ESTABLISHING A MORATORIUM ON THE DRILLING AND/OR ESTABLISHMENT OF NEW IRRIGATION WELLS IN THE VILLAGE OF PINEHURST ZONING JURISDICTION.

THAT WHEREAS the primary source of potable water for the Village of Pinehurst, North Carolina is ground water; and

WHEREAS, the State of North Carolina, The County of Moore and The Village of Pinehurst have experienced a significant drought over the past year or more; and

WHEREAS, the Governor of the State of North Carolina and Federal officials have urged all local governments to take all possible steps to limit the use of water; and

WHEREAS, the Village of Pinehurst water system is owned and operated by The County of Moore; and

WHEREAS, Moore County has initiated Level Three Mandatory Water Restrictions within the Village of Pinehurst; and

WHEREAS, the Moore County water system draws water via wells out of the Middendorff Aquifer; and

WHEREAS, Moore County records indicate that the level of the Middendorff Aquifer has continued to drop even with mandatory water restrictions in place; and

WHEREAS, the Director of the Moore County Department of Public Utilities has reported to the Village Council and the Chairman and Vice Chairman of the Moore County Board of Commissioners that he is concerned about the quality of the groundwater supply should the Middendorff Aquifer drop even further; and

WHEREAS, Irrigation wells are not part of the mandatory water restrictions as they are not part of the Moore County Water System; and

WHEREAS, Irrigation wells and the irrigation of yards, trees and planting areas are contributing to the depletion of the Middendorff Aquifer and threatening the public water supply; and

WHEREAS, The Well Field Protection Committee has been re-established to study the issue; and

WHEREAS, An insufficient public water supply, for both the short and long term, is a threat to the public health, safety and general welfare of the community as well as to the economy of the Village of Pinehurst and Moore County; and

WHEREAS, this ordinance shall be known and cited as the Village of Pinehurst 2007 Irrigation Well Moratorium Ordinance; and

WHEREAS, the purpose of this ordinance is to serve as a method of providing a period of time during which no new irrigation wells may be drilled in order to allow for the Well Field Protection Committee to study the issue, and a period of time during which the drought may lessen and the aquifer begin a period of recharge. It is the further purpose of this ordinance to promote health, safety, moral and civic responsibility, and the general welfare of the citizens of the Village of Pinehurst by protecting the public water supply;

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED, by the Village Council of the Village of Pinehurst, North Carolina as follows:

Section 1. Area. This ordinance shall be applicable to all property within the zoning jurisdiction of the Village of Pinehurst.

Section 2. Duration. This ordinance shall be effective and enforceable from the date of adoption and shall continue in full force and effect for an initial period of six months from the date of adoption, with two (2) separate and consecutive periods of extension of ninety (90) days each, which shall be effective upon Council approval, or until earlier terminated by action of the Village Council.

Section 3. Moratorium. From and after the effective date of this ordinance and continuing throughout its duration, no irrigation wells shall be constructed within the zoning jurisdiction of the Village of Pinehurst.

Section 4. Definition. As used in this ordinance, the term listed below shall have the following meaning:

IRRIGATION WELL: An excavation that is cored, bored, drilled, jetted, dug or otherwise constructed for the purpose of withdrawing groundwater to be used for irrigation only and will not be connected to a potable water supply or utilized for human consumption.

Section 5. Enforcement. If any person, firm, corporation, organization or association shall violate or attempt to violate any terms of this ordinance Village may enforce its terms by any means available pursuant to N.C.G.S. 160A-175.

Adopted this the 23rd day of October, 2007.

(Municipal Seal)



VILLAGE OF PINEHURST
VILLAGE COUNCIL

Attest:

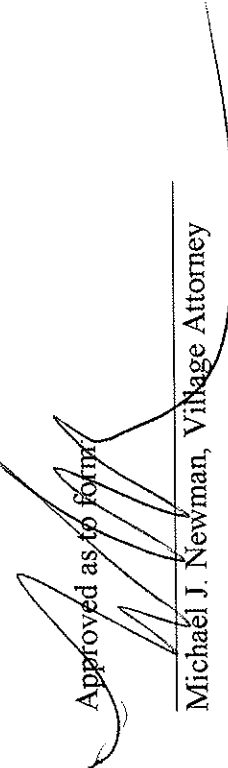

Linda S. Brown, Village Clerk

By:



Steven J. Smith, Mayor

Approved as to form


Michael J. Newman, Village Attorney