Proposed Board of Health Rule Revisions

Presented to the Mecklenburg
Board of County Commissioners
January 13, 2026

Overview of Board of Health Rules

- Directives related to health

- Apply throughout County
    o including in municipalities

- Can be adopted by BOCC
    o acting as the Consolidated Human Services Agency
    o exercising the authority of a Board of Health in Mecklenburg County

Overview of Board of Health Rules - continued

- Have the force of law

- Enforcement tools:
    - Criminal - Misdemeanor
    - Civil - Injunction
    - Administrative - Fine

Overview of Board of Health Rules - continued

- Requirements to adopt, amend or repeal BOH Rule
  - o 10 days notice
  - o Publication in local newspaper

Recommendations for Board of Health Rules

- Repeal 1 current Board of Health Rule
  - Residential Swimming Pools

- Amend 2 current Board of Health Rules
  - Child Day Care Homes
  - Groundwater Wells

Residential Swimming Pools

- Rule adopted in 1999; most recently amended in 2023

- Purpose of Rule - establish safety standards for residential swimming pools

- Reason to Repeal Rule:

    o SL 2025-94 (H926) amended NC Gen. Stat. 130A-39 and removed local authority to adopt rules related to residential swimming pools

Child Day Care Homes/Family Child Care Homes

- Rule adopted in 1999; most recently amended in 2023

- Purpose of Rule – establish minimum health and safety standards for family child care homes not covered by NC DHHS sanitation regulations; require annual operating permit

- Proposed amendments:

  o Change name from "Child Day Care Homes" to "Family Child Care Homes" to align with NC Child Development and Early Education (DCDEE) terminology

Child Day Care Homes/Family Child Care Homes - continued

- Proposed amendments - continued
  - Update definition of "child care" to align with DCDEE definition
  - Remove enforcement of building code and zoning requirements (outside scope of EHS authority)
  - Remove requirements related to swimming pools on property (no longer have authority to regulate private pools)

Child Day Care Homes/Family Child Care Homes - continued

- Proposed amendments - continued
  - o Update sanitation requirements to better align with requirements of licensed child care centers
  - o Add personnel health, safety and hygiene requirements to align with requirements of licensed child care centers
  - o Add authority for the Health Director to suspend or revoke permit for failure to comply with Rules

Groundwater Wells

- Rule adopted in 2004; most recently amended in 2011

- Purpose of Rule – requires registration, permitting and monitoring of certain wells in Mecklenburg County

- Proposed amendments:
  - Divide into 2 separate rules:
    - Private Drinking Water Supply Wells
    - Wells Other Than Drinking Water Supply Wells
      - Irrigation, TNC/NTNC and monitoring wells

Groundwater Wells

- Proposed amendments – continued
  - Update statutory references
  - Add appeals procedures to each Rule consistent with state statute
  - Clarify that these are Board of Health Rules, not local ordinances or regulations

Private Drinking Water Supply Wells

- Proposed amendments:
  - Adopt State's well construction standards
  - Area of Regulated Groundwater Usage (ARGU) reviews that require restrictions i.e. (requiring full grout or sampling requirements) will be required to be recorded with the Register of Deeds prior to issuing a well permit

Wells Other Than Drinking Water Supply Wells

- Proposed amendments:
  - Adopt State's well construction standards
  - Eliminate exemption for sites designated at high-risk from monitoring well payments
    - Sites deemed "orphan" sites can still be exempted if monitoring wells are installed to determine responsible party for contamination

Next Steps

- BOCC, acting as CHSA, will vote on these proposals at an upcoming meetings

- If BOCC votes to approve these changes, notice will be published in local newspaper

- Changes will be effective 10 days after publication