

**10/28/2024**  
**Report to the residents of Ela campground**

In management's continuing effort to evaluate the damage of the campground infrastructure, we have been disheartened to learn that the campground cannot be opened in a short timeframe. There is severe damage and risk to the existing electrical system that requires major cleanup and complete rebuild and testing to ensure safety of the property.

The underground electric system and its controls and connections were all covered with flood waters for hours. The system will have to be reconstructed and the connection panels and all the connection boxes at each campsite will have to be elevated out of the flood plain, as required Swain County's flood-plain ordinance and state law. This is a major reconstruction project that will take time to complete.

In doing a site-by-site inspection of the electrical system, the contractor has documented improper wiring conditions and the presence of silt and corrosion in the components that make re-energizing the system dangerous. On numerous occasions, someone cut the safety locks off an electrical panel and most recently tampered with the transformer of Duke Energy, resulting in re-energizing the system in a way that could have been fatal and led to the injury of anyone on property.

The control wiring and well heads for the water system were damaged and cannot be turned on until the electrical system is stabilized and safe. Contaminated water flushed from the wells and the water system must then be sanitized and tested for cleanliness per regulation.

The on-site septic systems have been flooded with river water and sediment and will have to be either repaired or replaced entirely. The most recent examination showed that the river water had not drained out of the septic tanks, which suggests that the drain lines may be compromised. A lab test shows that *e-coli*, a potentially dangerous bacteria, is present on the surface of the ground and indicates that the septic systems are not functioning properly, even after weeks of dry weather since the storm.

There is no certainty that this work can be completed in a timely manner and the quicker we can address the damage and repair by clearing the property, the faster we can begin to rebuild and restore the campground operation.

Due to the uncertainty of the repair timeline, on October 24<sup>th</sup> a notice of lease termination was sent to all renters. Renters are to remove all personal property by January 3, 2025.

Thank you for your understanding and continue to utilize FEMA and other resources made available during this event.

Sincerely,  
Ela Management

# Frank G. Queen, Attorney

154 N. Main Street, Ste 2  
Waynesville NC 28786

(828) 452-3336

Fax: (828) 707-9454

[frank@queenmountainlaw.com](mailto:frank@queenmountainlaw.com)

October 24, 2024

TENANT  
5100 Ela Road, Unit UNIT  
Bryson City NC 28713

Subject: Notice of Lease Termination for RV Campground Site, UNIT

Dear [Tenant's Name]:

As you know, the campground was overrun with flood waters from the Tuckasegee River on September 26/27. Since then, the management of the campground has been working to inspect and evaluate the condition of the water, septic, and electric systems. Unfortunately, that inspection has shown that the campground cannot be safely reopened on a short schedule.

- The underground electric system and its controls and connections were all covered with flood waters for many hours. The system will have to be reconstructed and the connection panels for the service panel from the Duke system and all the connection boxes at each campsite will have to be elevated out of the flood plain, as required Swain County's flood-plain ordinance and state law. This is a major reconstruction project.

In doing a site-by-site inspection of the electrical system, the contractor has documented conditions (including straight-wiring by residents – that is, bypassing circuit breakers that keep connections safe) and the presence of silt and corrosion in the components that make re-energizing the system dangerous. Over the weekend of October 19/20, a vandal cut the safety locks off an electrical panel and then tampered with the transformer of Duke Energy, resulting in re-energizing the system in a way that could have been fatal.

- The control wiring and well heads for the water system were damaged. The well pumps cannot be reenergized until the electrical system is made safe, then the contaminated water flushed from the wells and the water system sanitized and tested for cleanliness.
- The on-site septic systems have been flooded with river water and sediment and will have to be either repaired or replaced. The most recent examination showed

that the river water had not drained out of the septic tanks, which suggests that the drain lines may be compromised. A lab test shows that *e-coli*, a potentially dangerous bacteria, is present on the surface of the ground and this is an indicator that the septic systems are not functioning properly, even after weeks of dry weather since the storm.

When the electric, water, and septic systems have been repaired and restored, the campground will reopen, but the management has no confidence that it can be done on any predictable schedule.

Because of the damage to the campground's systems, and the uncertain time it will take to restore them, the lease agreement for your RV campground site, Unit UNIT, 5100 Ela Road, Bryson City NC 28713, will terminate on November 3, 2024. This notice is provided in accordance with North Carolina laws governing residential properties.

Unless previously terminated due to non-payment of rent or other violation of the rules of the campground, your month-to-month lease ends on November 3, 2024. You are required to vacate the premises by this date. However, you will have an additional 60 days after November 3, 2024 (until January 3, 2025) to remove all of your personal property from the site. There will be construction activities on the property during this time, so the sooner you can remove your property, the better.

Please take the following actions:

**Settle all outstanding balances:** Ensure that all rent payments and any other charges are paid in full up to the termination date.

**Property Removal:** Remove all personal belongings from the premises by January 3, 2025.

**Site Condition:** Leave the site in a clean and orderly condition, as stipulated in the rules of the campground which you signed when you began your occupancy.

You may continue to communicate with the management of the campground as you have in the past about the details of removing your property. Any questions about the termination of your rental agreement should be directed to me.

Sincerely,

Frank G. Queen

[REDACTED]  
*Consulting, llc.*

*With*

[REDACTED]  
[REDACTED] *Electrical Contracting llc.*

Received 10/23/2024

Subject : Ela Campground

Fri 9-27-24 1:06pm

I was at the campground at this time to see the Damage first hand of hurricane Helen. Upon arriving, the banks of the Tuckasegee River had just crested the banks. During this time I received notice that the Dam for the river was at a critical level and the water would continue to rise. This brought the water level at Ela Park to more then 36'-45'in. of flowing water.

Sections – A,B,C and D were under water at this time. The water was as noted very silty with dirt and very fast moving and full of debris ( tree's, lumber, ect.) At the highest point the water was notably high enough to enter most of the trailers at the sites. The individual site power distribution pedestals were totally covered. This continued for more then 24 hours. At which time, that the water receded and I was able assess the damage I requested that Duke Energy cut power to the park for obvious reasons.

I will, best of my knowledge list each of the sections.

Section A :

In this section both water well received damage the new controller at the new well was ruined, the expansion tank floated and silted water entered the well. The second well received the same both wells will need replacement. All site power was under water for at least 24 Hrs. Sub panels received water damage including the basement of the store were there is still standing water.

Sections B,C,D:

I will include these three sections because the result is the same for each. All site power has been compromised. The three sections took the brunt of the damage. The site power was underwater for the same amount of time dirt and sediment has entered most if not all of the sites. At this time I must recommend to side on safety, Power should not be turned on until a site to site inspection and replacement is implemented.

According to: NFPA-70 312.2, 404.4, 404.4, 551.78 551.71 of the National Electrical Code None of the listed items carry a Nema 6 or 6P rating for full submersion in water. Let alone sediment and corrosion of each item. All suppliers of the items do not warranty there items if they have been immersed in water for any length of time.

In reference to:

NEMA.ORG-ELECTRICALWATER DAMAGE.

EFCI.ORG The Electrical Safety Foundation International.

Local and State Building Inspectors that I contacted the recommendations are the same.

1. All Breakers, Pedestals, receptacles pumps, Controllers and Panels are to be replaced.

Summery. Life safety is my biggest concern at this time due to the amount of sediment and water damage, Corrosion will happen, failure will happen to some point it is just a matter of time.

Additional by the numbers assessment: Section B,C and D

B1- Newer customer supplied panel no damage but supplied by section A instead of B.

B2- Older panel in need of repair receptacle and breaker damage.

B3- New by customer (OK) The existing is in place but not used due to condition of the unit. Replace.

B4- New service drop by Customer (OK) older unit should be replaced.

B5- Existing unit is serviceable with cleaning.

B6- Customer changed to newer panel tapped to new location.

B7- Panel show age and water damage. Customer built to close for access according to nec.

B8- Panel was completely submerged for extended period of time. Should be replaced.

B9- Same as B8 not serviceable.

B10-Not serviceable due to age and water damage.

B- distribution panel was scheduled for replacement before the storm, breakers were old and would not hold when heating up on load. The storm finished the problem. I.E. needs replacing.

B11- Damaged by water older and no useable.

B12- Damaged by water condensation in meter. Replacement required.

Customer supplied service OK. Existing lot power not serviceable.

B13- Open meter socket. Customer altered and directly wired. Must be replaced.

B14- Customer altered and wired direct. Unit has damage. Needs replacement.

B15- Water damage. Needs upgrading.

B16- Customer direct wired unit. Code violation. Panel in disrepair.

B17- Again customer direct wired unit. Panel not serviceable.

B18- Water damage needs replacement.

B19- Unit is no good need replacing.

B20- Same needs replacing.

B21- Another unit directly wired. Water damage.

B22- Unit not usable needs replacement and refeed.

B23- Signs of damage and age needs replacing.

B24- Same as B23.

B25- Customer has altered power to feed of of grid, bypassing meter lot power in not serviceable and needs replacing.

B26- B29 do not have power. At sites due to fire.

B30- N/A

B31- Water damage Not serviceable.

B32- Unit has been bypassed by customer. Complete water damage.

B33- Not accessible costumer built around meter and panel but was well under the water line.

B34- Not serviceable.

B35- Not serviceable.

B36- Not serviceable.

B37- Not serviceable.

B38- Fried Not serviceable.

B dist. Panel A & B at Bathroom.

Both panel should be upgraded being very old and in disarray a mishmash of breakers not sized properly. The load side conductors are not sized properly for how many sites they service. Quite a few Code violations.

Sites 40-50 in Section B are all not usable all were siting close to the ground and completely submerged for a extended period of time. This only amplified the fact they were old and antiquated. All need replacing with newer 20/30/50 power units. Very few power panels have GFCI's in them and are not safe.

B55- Breakers and receptacles need to be replaced and unit cleaned.

B56- Same as B55.

B57- Not serviceable need replacing. Water damage.

B58- Needs replacement and there is flying splices next to the panel from were it was moved.

B59- Not serviceable with open splices.

B60- Not serviceable.

B61- Not serviceable.

B62- Not serviceable.

B63- Area for Lift station.

B64- Serviceable if cleaned.

B65- Serviceable if cleaned.

B66- Wire is not sized proper.

B67-74 is of the newer style 20/30/50 power units these are the only places in B section that could be cleaned up and serviced for use. They would need to be completely checked out cleaned. They would also need to see if they are fed properly.

B75-Older and not usable.

C- Section was hit the hardest. With the highest waters up to 30+ inch's . Sites C1-4 are not included due to fire.

C4- Completely under water for more then 24hrs. Vapor in meter silt and dirt throughout. Need replacement.

C5- Same as C4.

C6- Same as C4.

C7- Set higher and altered by others direct wired. Direct wiring is against code.

C8- Not accessible customer built around, unit was of the older type and close to the ground. Caked with mud.

C9- Again close to the ground and covered with silt. Replace.

C10- Customer altered not readily accessible direct wired and underwater ( against code )

C11- Completely under water and shows signs of damage.

C12- Same as C11.

C13- Customer direct wired, panel shows signs of water damage.

C14- Water damage needs replacing.

C15- Same as C14.

C 400a Distribution panel was above the flood plain and shows no damage. Placement of the panel is not readily accessible as per code.

C Section's Double wide trailer showed no damage to the meter base.

C Section's House being near the road shows no power damage.

## D Section

D1- Customer has his own service. Looked to be not affected.

D2- Needs cleaning or replacement.

D3- Has D Section's distribution panel possibly could be cleaned but needs upgrading. Panel is not accessible with-out customer being there. Shows age damage.

D4- Panel sits on the ground water damage and debris inside replace.

D5- Same.

D6- Same.

D7- Hidden power not found altered by owner.

D8- Needs replacement due to water and debris everywhere.

Second D panel ( newer ) no damage.

D9- Serviceable if repaired and cleaned.

D10- Water inside of meter base needs repair and or replacement.

D11- Serviceable if cleaned and replacement of GFCI.

D12- Serviceable if cleaned and replacement of GFCI.

There were only 13 places where the newer 20/30/50 Taller power units are being used. All others are of the older midwest units and were very close to the ground. There was no getting around a disaster like this and there is no choice but to replace the older units that had accrued this much damage. All of the site wiring needs to be Megged checked for problems with splicing in the ground, checked for proper wire sizing, checking for proper breaker sizing and function and replacement of all damaged lot power panels.

I will be including a thumb drive with 200+ pictures that I have taken. This should help with your decisions.

If there are any other questions? Please let me know.

[REDACTED]  
[REDACTED] consulting llc.

With

[REDACTED] Electrical Contracting llc.  
EC# [REDACTED]



October 14, 2024



Blake,

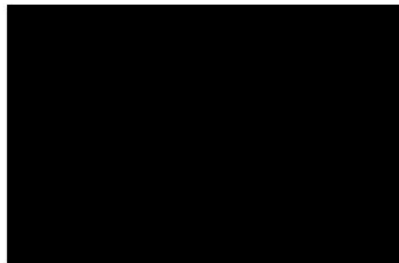
We appreciate the opportunity to look at the unfortunate flood damage at Ela Campground. Waters appeared to be 3-4 feet deep in most of the camping area. The storm water obviously contains silt and minerals that can be corrosive to electrical components. While NEC code regulates the bottom of the electrical canister to be at least 24" above ground, higher would be better in this location.

Almost every meter, breaker box, junction box, and camper pedestal sustained damage. Rust was already evident in most of these areas and will just get worse with time. Rust will restrict the continuity between metals and cause components to start failing. With the restriction in continuity comes the risk of shorts and sparking. Both of these can be very dangerous and lead to fires and possibly lives lost.

Overloading of the electrical system was a major concern on the areas that had not been updated in the past few seasons. Putting too much amperage on old wiring is a significant worry. Many wires were undersized to the lengths that were ran. Overloading the electrical system leads to burned wires and fires.

With all that being said, we would recommend a total renovation of the affected electrical system at Ela Campground. Many areas are self-explanatory as to where, but some areas may have buried conduits or wire paths that storm water followed distances also. A more appropriate synopsis can be made once electricians start the replacement.

Thanks for the time,





October 16, 2024



Subject: Ela Campground  
Whittier, North Carolina  
Project # FDG241005



At your request, [REDACTED] performed soil and surface testing in areas of the campground after flooding had occurred affecting the sewage system. This testing was performed by [REDACTED], Industrial Hygienist with [REDACTED] on October 10, 2024.

Observations, findings, results, and conclusions are limited to those conditions apparent at the time of the site visit. It should not be construed that actions taken as a result of this work will achieve complete compliance with every regulatory standard nor prevent every possible accident or loss. Neither should it be considered that any recommendations noted are the only possible actions to be taken.

**Sampling & Analysis – Soil Samples**

SAMPLE #	LOCATON	RESULTS
EC-1	Bath House Area	Coliforms-Present, E. Coli-Present
EC-2	Septic Area	Coliforms-Present, E. Coli-Present
EC-3	River Front Sites	Coliforms-Present, E. Coli-Present

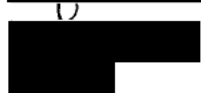
**Sampling & Analysis – Swab Sample**

SAMPLE #	LOCATON	RESULTS
EC-4	Bath House Floor	Coliforms-Present, E. Coli-Present

The Environmental Protection Agency states that Coliform Bacteria is an indicator of disease-causing bacteria. Coliform bacteria are commonly found on surface samples. Escherichia Coli (E. coli) is almost exclusively of fecal origin therefore it is an effective indicator of fecal contamination.

[REDACTED] is pleased to have provided our professional services for this project. If you have any questions or comments, please do not hesitate to call at [REDACTED].

Sincerely,





# Escherichia coli and Total Coliform Assessment by Enzyme Substrate Test

Standard Methods 9223-B  
SAI Method B-SOP-008

North Carolina Drinking Water for Microbiology Certification # 37791

**Customer:** ██████████

**Attn:** ██████████

**Lab Order ID:** 10065021

**Analysis:** BCC

**Date Received:** 10/11/2024

**Date Reported:** 10/14/2024

**Project:** FDG241005 - Ela Campground

Sample ID	EC-1	EC-2	EC-3					
<b>Lab Sample ID</b>	10065021 0001	10065021 0002	10065021 0003					
<b>Description</b>	Soil - Bath house	Soil - Septic area	Soil - River front s					
<b>Lab Notes</b>								
<b>Date Analyzed</b>	10/12/24 12:00 AM	10/12/24 12:00 AM	10/12/24 12:00 AM					
<b>IDENTIFICATION</b>								<b>NC / EPA Standard:</b>
Total Coliform	Present	Present	Present					<b>Absent</b>
<i>E. Coli</i>	Present	Present	Present					<b>Absent</b>
pH (Field)	N/A	N/A	N/A					<b>6.5 - 9.0 <sup>1</sup></b>
Chlorine-Total (Field)	N/A	N/A	N/A					<b>&lt;4.0 mg/L <sup>2</sup></b>
Sample Size	1 g	1 g	1 g					<b>100mL</b>

Disclaimer: This report relates only to the samples tested and may not be reproduced, except in full, without the written approval of SAI. Unless otherwise noted blank sample correction was not performed on analytical results. Scientific Analytical Institute participates in the AIHA EMPAT program for fungi. EMPAT Laboratory ID: 173190. Reporting Limit equals Analytical Sensitivity. Analytical Sensitivity equals Presence or Absence.

<sup>1</sup>Current Non-Priority Pollutants Standards published by EPA. For more information, see <http://www.epa.gov/waterscience/criteria/wqcriteria.html>.

<sup>2</sup>National Primary Drinking Water Regulations, Drinking Water Contaminants published by EPA. For more information, see <http://www.epa.gov/safewater/contaminants/index.html>.

██████████  
\_\_\_\_\_  
**Analyst**

████████████████████  
\_\_\_\_\_  
**Approved Signatory**



# Escherichia coli and Total Coliform Assessment by Enzyme Substrate Test

Standard Methods 9223-B  
SAI Method B-SOP-008

North Carolina Drinking Water for Microbiology Certification # 37791

**Customer:** ██████████

**Attn:** ██████████

**Lab Order ID:** 10065019

**Analysis:** BCC

**Date Received:** 10/11/2024

**Date Reported:** 10/14/2024

**Project:** FDG241005 - Ela Campground

<b>Sample ID</b>	EC-4							
<b>Lab Sample ID</b>	10065019 0001							
<b>Description</b>	Swab - Bath house							
<b>Lab Notes</b>								
<b>Date Analyzed</b>	10/12/24 12:00 AM							
<b>IDENTIFICATION</b>								<b>NC / EPA Standard:</b>
Total Coliform	Present							<b>Absent</b>
<i>E. Coli</i>	Present							<b>Absent</b>
pH (Field)	N/A							<b>6.5 - 9.0 <sup>1</sup></b>
Chlorine-Total (Field)	N/A							<b>&lt;4.0 mg/L <sup>2</sup></b>
Sample Size	1 Swab							<b>100mL</b>

Disclaimer: This report relates only to the samples tested and may not be reproduced, except in full, without the written approval of SAI. Unless otherwise noted blank sample correction was not performed on analytical results. Scientific Analytical Institute participates in the AIHA EMPAT program for fungi. EMPAT Laboratory ID: 173190. Reporting Limit equals Analytical Sensitivity. Analytical Sensitivity equals Presence or Absence.

<sup>1</sup>Current Non-Priority Pollutants Standards published by EPA. For more information, see <http://www.epa.gov/waterscience/criteria/wqcriteria.html>.

<sup>2</sup>National Primary Drinking Water Regulations, Drinking Water Contaminants published by EPA. For more information, see <http://www.epa.gov/safewater/contaminants/index.html>.

██████████  
\_\_\_\_\_  
**Analyst**

████████████████████  
\_\_\_\_\_  
**Approved Signatory**

**10/10/24**  
**Report to the residents of Ela campground**

This is a report from the management of Ela campground about the plan going forward for the restoration of the campground.

Management's responsibility is, first and foremost, the safe reconstruction of the campground. There are three major systems to be restored:

**Electrical system**

- 1) The electrical system has to be inspected and repaired before the power can be turned back on.

Immediately after the storm, an electrical consultant inspected the system and reported that floodwater had covered all the electrical connections for several hours. He requested an immediate public-safety disconnect from Duke Energy to prevent immediate hazard to the users.

Before the electrical system can be reenergized, a more comprehensive site by site examination of all of the controls, wiring, and fixtures will have to be completed. This is going to take some time, but the management is committed to getting it done.

**Water system**

- 2) The water system (wells, piping and electrical connections) has to be reconstructed, sanitized and tested. The control mechanisms for the pumps are a total loss because the floodwaters over washed the entire system for several hours. An examination by the contractor who installed the new water system earlier this year indicates that the main water line is sound, but that many of the frost-free hydrants have been damaged and will have to be replaced.
- 3) The contractor also suspected the well was contaminated by flood water and would need to be pumped completely and allowed to be refilled with clean water. The well pumps cannot be reenergized until the electrical connections and controllers have been tested and repaired. The system will need to be repaired, and pressure tested to provide clean, safe water to the property.

**Septic system**

- 4) The septic systems (there are about 14 separate septic tanks/drain-line systems) were over washed with floodwater for several hours. In ordinary circumstances those septic fields should be functional by the time the water is restored, so long as silt did not enter the tanks/drain lines, but that will have to be tested before safety can be assured. The civil engineer will have to evaluate all the park's septic

systems to make sure that the tanks and fields are not being overloaded by the number of their connections.

The inspection, repair and restoration of these systems are the top priority of the management, and you will be seeing in the days ahead a number of people working in the park on these projects.

### **Unpermitted Structures**

The management received a notice this week from the Building Inspections Department of Swain County, concerning the presence of site-built permanent or semi-permanent structures in the park. These are not owned by the park but were constructed by the residents (or prior residents).

Management is engaging a surveyor now to establish how high the base flood elevation is on the property. Site-built structures violate Swain County Floodplain Ordinances per the letter sent by the county inspectors. These structures must be removed to meet code.

### **Federal Emergency Management Agency (FEMA)**

FEMA will be starting assessments, hopefully within the next week. We want to make sure that everyone has signed up through [www.disasterassistance.gov](http://www.disasterassistance.gov) for any emergency needs. A representative from FEMA will also be here meeting with everyone to discuss damages and moving forward with all FEMA related support services.

### **Timeline**

Please communicate with campground management as it relates to needs regarding FEMA inspections of and finding an alternative location for your personal property. We can accommodate up to an additional 30 days. If there are any other concerns you have, please contact campground management.

We recommend that you follow the park's progress on [www.elacampground.com](http://www.elacampground.com).

**10/9/24**  
**Report from Ela Campground**

The management of the Ela Campground has this report for the public.

The campground and its residents suffered a devastating blow from the floodwaters of Hurricane Helene.

During the storm itself, power was lost but was restored fairly promptly by Duke Energy. Immediately after the waters receded, the campground management engaged a consultant to evaluate the status of the electrical system, which had been inundated by as much as 3 feet of running water. That consultant made an immediate public-safety disconnect request to Duke Power to prevent hazard to the residents of the park.

The water wells, water system, septic tanks, and septic drain lines were likewise covered in running river water for hours. The degree to which silt entered the septic systems is not entirely known but will impact the reconstruction timeline.

The management of the campground is engaging a civil engineer to evaluate the electrical system, well/water system and the septic systems. Based on those reports management will be working to repair or reconstruct all of the damaged facilities. The timetable for that work will depend on the availability of contractors and how much the systems have to be either repaired or entirely reconstructed. A report today from the contractor who installed the water system earlier this year (it was completely replaced in April) indicates that 100% of the well controls are damaged or missing, and that many frost-free hydrants will have to be repaired or replaced.

After the storm, an inspection by the Building Inspection Department of Swain County of all the riverside campgrounds in Swain County resulted in a letter from that department this week. They highlighted that there are unpermitted structures that have been placed on the site by the residents (or prior residents). Management is engaging a surveyor to determine the “base flood elevation,” which is a calculated value. All structures that are in the “floodway” (right next to the river) will have to be removed entirely by their owners. Additionally, unpermitted structures in the “floodplain” will have to be removed by their owners.

The management of Ela campground is committed to restoring the function of the campground facilities as soon as they can be made safe and compliant with the county’s floodplain ordinance. While there is no timetable presently, management will continue to communicate directly with the residents as it gets more information. The management has made a separate report today to the residents.

# Frank G. Queen, Attorney

154 N. Main Street, Ste 2  
Waynesville NC 28786

(828) 452-3336

Fax: (828) 707-9454

[frank@queenmountainlaw.com](mailto:frank@queenmountainlaw.com)

9 October 2024

Sam Owle  
Kituwah, LLC



Dear Sam:

At your request I have reviewed the North Carolina law applicable to the situation at Ela Campground. This memorandum summarizes my research.

## **Background**

Ela Campground at Bryson City is a 12-acre tract that was developed into a campground/RV park/motel before Kituwah bought it in 2019. The motel has since been demolished and the site slightly revised.

The campground is on the northeast side of the Tuckasegee River which flows from south-to-north at that point.

The site is served by Duke Energy for electricity. It has two drilled water wells for the residents. It has about 14 separate on-site septic tank/drainfields serving various campsites or buildings.

There are more than 100 campsites. The sites range from unoccupied concrete parking spots to camper/trailers connected by hoses and cable, to park-model RVs that have permanent utility connections, to older travel trailers that have attached/overhead roof-storage connections.

As I understand it, the landlord, Ela Campground, does not own any of vertical elements on any of the campsites except the utility pedestals at each site. In other words, the tenants own the camper/trailers, park-model RVs, older travel trailers and all of the site-built attachments at each campsite. Whether each tenant brought those units to the campground themselves or bought the units from some prior resident I do not know, but I believe that Ela Campground does not own and does not rent any of the vertical vehicles or structures.

While it is difficult to tell from examining the photographs that I have of each campsite, it appears that the only “manufactured home” (as defined by NC law) on the site is a



double wide mobile home and perhaps a couple of small mobile homes that have extensive roof/deck/storage around them.

The status of Ela Campground's relationship to the vertical elements on the campsites is important because it determines what law applies to the residents. If Ela Campground is renting only the parking spot and not the structure, then landlord-tenant law does not apply (Chapter 42 of the North Carolina General Statutes) and the applicable law is Chapter 72 (Hotels, Motels, Tourist Camps). Here is a detailed comparison of the differences between those Chapters.

Rental agreements: As far as I have seen it, there are no actual leases for any of the sites. Instead, the residents have signed 1) an acknowledgement that they are renting on a month-to-month basis and 2) an acknowledgment of the Rules and Regulations of the park. The first form explicitly authorizes Ela Campground to terminate the residency of any resident for the good of the campground.

## **Comparison of Landlord/Tenant to Transient Accommodation Chapters**

### **Chapter 42: Landlord and Tenant**

#### **Overview:**

Chapter 42 ("Landlord and Tenant") of the North Carolina General Statutes governs residential rental agreements and the relationship between landlords and tenants. This chapter includes sections that address leases, tenant rights, eviction procedures, and landlord obligations.

#### **Key Applicable Sections:**

- **“N.C. Gen. Stat. § 42-14.6. Transient occupancies excluded.** The provisions of this Chapter shall not apply to transient occupancies, as defined in G.S. 72-1(c). An agreement related to a transient occupancy shall not be deemed to create a tenancy or a residential tenancy unless expressly provided in the agreement.”
- **N.C. Gen. Stat. § 42-14:** Governs notice requirements for the termination of a tenancy, specifying that for month-to-month leases, at least a seven-day notice is required.
- **N.C. Gen. Stat. § 42-26:** Details the summary ejection process, which landlords must follow to legally evict tenants. Grounds for eviction can include non-payment of rent, lease violations, or other specified causes.

#### **Termination of Tenancy Under Chapter 42:**

- **Notice Requirements:** As stated in § 42-14, a landlord must provide a seven-day notice for month-to-month tenancies or a two-day notice for week-to-week tenancies.
- **Eviction Process:** Under § 42-26, landlords must obtain a summary ejection order from the court to evict a tenant. This means they must file an eviction

lawsuit, attend a court hearing, and obtain a judgment. The process is designed to protect tenants' rights and ensure that evictions are lawful.

## **Chapter 72: Hotels, Motels, Tourist Camps**

### **Overview:**

Chapter 72 ("Hotels, Motels, Tourist Camps") pertains to businesses that provide transient lodging accommodations. It includes provisions for managing the occupancy of lodgers at establishments such as hotels, motels, inns, and tourist camps.

### **Key Applicable Sections:**

- **N.C. Gen. Stat. § 72-1:** Defines the scope of Chapter 72, including hotels, motels, inns, and other similar accommodations.

“(c) For the purposes of this section, a "transient occupancy" is the rental of an accommodation by an inn, hotel, motel, recreational vehicle park, campground, or similar lodging to the same guest or occupant for fewer than 90 consecutive days.”

Note: where the rental agreement is from month-to-month, it is my opinion that that is “fewer than 90 consecutive days.”

- **N.C. Gen. Stat. § 72-2:** Allows the owner or operator to remove a person who fails to pay for services or violates the rules. This section provides the framework for termination without needing to follow the more formalized eviction process found in Chapter 42.
- **N.C. Gen. Stat. § 72-6:** Addresses the lien rights of the proprietor on the property of the guest for non-payment of charges.

### **Termination of Tenancy Under Chapter 72:**

- **Immediate Removal Allowed:** Under § 72-2, the owner or operator of the RV park may remove a tenant who fails to pay for the site or violates park rules. This can be done without a court-ordered eviction, providing more immediate recourse compared to Chapter 42.
- **No Formal Notice Requirements:** Chapter 72 does not prescribe specific notice requirements for termination. This allows landlords to terminate occupancy more flexibly, depending on the terms of the rental agreement or the policies of the RV park.
- **Lien Rights:** Under § 72-6, the RV park may retain a lien on the tenant's property for unpaid charges, potentially giving them an additional method for dealing with non-payment.

## Key Differences in Termination Provisions

Aspect	Chapter 42: Landlord and Tenant	Chapter 72: Hotels, Motels, Tourist Camps
<b>Applicability</b>	Applies to residential leases, but specifically excludes transient accommodations governed by Chapter 72.	Covers transient lodging, including short-term rentals of RV sites.
<b>Termination Notice</b>	Required by § 42-14 (seven days for month-to-month, two days for week-to-week).	Not specifically required; governed by § 72-2 for rule violations or non-payment.
<b>Eviction Process</b>	Requires a court-ordered summary ejection under § 42-26.	Allows for immediate removal by the operator under § 72-2 without a court order.
<b>Grounds for Termination</b>	Grounds include non-payment, lease violations, or other causes stated in the lease (§ 42-26).	Grounds may include non-payment or park rules, as per § 72-2.
<b>Tenant Protections</b>	Offers extensive protections, including the right to a court hearing (§ 42-25.6).	Provides limited protections due to the transient nature of the occupancy.

**Board of Commissioners**

Kevin Seagle, Chair  
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Kenneth Parton, Member  
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Clerk to the Board  
Cindi C. Woodard  
c\_woodard@swaincountync.gov



**Building Inspections**  
50 Main Street  
P.O. Box 2321  
Bryson City, NC 28713

**County Manager**  
Kevin S. King  
k\_king@swaincountync.gov

Telephone: (828) 488-9273  
(828) 488-2600  
Fax: (828) 488-2754

October 2, 2024

TO: Campgrounds along the Tuckaseegee River

As the effects of Hurricane Helene continue to be felt throughout our region, our area was fortunate in that we had no loss of life to this natural disaster. However, your campgrounds did receive damage from the floodwaters of the Tuckaseegee River. Yesterday, you were all notified to treat your water supplies to ensure resident safety as we made assessments in the community. As we viewed the damage from the floodwaters of the Tuckaseegee River, it was apparent that you were not in compliance with the Swain County Flood Ordinance. The temporary structures (RV's) did sustain some damage along with the infrastructure of your campgrounds.

Per the Flood Ordinance, any temporary structure (RV) is supposed to be moved from the floodway/plain 72 hours before landfall or immediately upon flood notice. The Flood Notice was sent out on Thursday September 26, expiring on September 28. As evidenced by the damage to structures in your campground, the notice was not entirely heeded and steps were not taken to remove the structures/RV's.

As the campground owner/operator, it is your responsibility to ensure that the structures/RV's are moved to safe ground so they are not swept downriver where they would cause significant damage to bridges or other infrastructure. The structures/RV's are supposed to be connected to utilities by quick disconnecting means and moved to safe ground. This includes temporary structures that you have set up permanently. In the event of Flood Warnings, these things **MUST BE MOVED!** You have allowed residents to build decks etc, over the river that were washed away, causing hazards in the water. As the campground owner, it is your responsibility to maintain the premises at all times.

Please review the attached Swain County Flood Ordinance and make a plan for future weather events and your residents. If you have questions, please contact the Building Inspections Department.

Jason Webb  
Gina Wiggins  
Swain County Building Inspections  
50 Main Street  
Bryson City, NC 28713  
828-488-9273 ext 2268  
[gina.wiggins@swaincountync.gov](mailto:gina.wiggins@swaincountync.gov)

Recieved 10/9/24



Canton, NC 28716

To Whom It May Concern:

██████████ Conducted a walkthrough of the Ela Campground site post Hurricane Helene to assess damage. Based on a contract with the Kituwah Group, we installed approximately 2000 linear feet of 2 inch PVC waterline, a new tie in to the existing well pump and 105 water services, complete with frost free yard hydrants. Upon completion of the walkthrough, my assessment is as follows:

1. At least 20 of 105 of the frost-free yard hydrant were damaged to some extent by flood waters with approximately 10 of those leaking or completely separated.
2. No damage to 2 inch PVC watermain.
3. Electrical control panel at the well pump = total loss.
4. Well housing was displaced and in poor condition.
5. Well plumbing seems in tact above ground, but unable to assess due to the inability to apply pressure to the system.

I also suspect that the well itself has been contaminated by flood water and would need to be pumped completely and allowed to refill with clean well water.

**10/4/24**

## **Updated Press Release**

### **FOR IMMEDIATE RELEASE**

#### **Ela Campground Announces Temporary Closure Due to Extensive Flood Damage**

Bryson City, NC – October 2024 – Ela Campground has made the difficult decision to close due to significant damage from flooding caused by the remnants of Hurricane Helene.

Floodwaters inundated the entire campground by at least 3 feet of water, causing severe damage to the water supply, septic systems, and electrical infrastructure:

- The **water wells** were contaminated by silt and debris, rendering them unsafe for use.
- The **septic system** was overwhelmed, making it non-functional and requiring repairs.
- The **electrical system** was submerged for over 24 hours. According to the **National Electrical Code (NFPA-70)**, all electrical components must be replaced due to water and sediment damage, as corrosion and failure are now inevitable.

Power has been cut off by Duke Energy to prevent hazards. The campground will remain closed until further notice.

For more information, please visit [www.elacampground.com](http://www.elacampground.com).



**\*\*NOTICE To EVACUATE / CLOSURE TO PUBLIC\*\***

October 1, 2024

To Whom It May Concern:

This is to inform you that the property located at 5100 Ela Road (All Ela Campground Properties) Bryson City, NC 28713 has been **officially closed due to safety concerns for an indefinite period and MUST be evacuated**. Infrastructure, including sewer, water and electrical systems suffered major catastrophic damage during the recent flooding event. Due to the damage and loss of these systems it is unsafe to occupy the campground. Duke Energy will be disconnecting power to the campground due to the safety hazards.

Failure to vacate or engaging in vandalism to property may result in trespassing and enforced by local law enforcement.

Refer to the handout with information for emergency resources.

We recommend you reach out to your insurance company to file an insurance claim as this is a necessary step in the disaster recovery process.

To schedule the removal of personal items, please coordinate with [REDACTED] via email at [REDACTED] or by phone at [REDACTED].

Sincerely,

Ela Campground Management



## SWAIN CO. HOUSING RESOURCES

### Emergency Shelter

**Agency Name:** HERE in Jackson County  
**Address:** 77 East Gate Dr, Sylva, NC 28779  
**Phone:** 828.477.4946  
**Website:** <https://www.hereinjacksoncounty.org>  
**Service (s) Offered:** Home Equity Resources & Education

**Agency Name:** Restoration House WNC  
**Address:** 81 Academy St., Bryson City, NC 28713  
**Phone:** 828.538.4540  
**Website:** <https://www.restorationhousewnc.org>  
**Service (s) Offered:** Medical services, financial counseling, relational mediation

### Housing / Utilities / Rent

**Agency Name:** HUD  
**Address:** 101 Mitchell Street, PO Box 2321, Bryson City, NC 28713  
**Phone:** 828.488.2685  
**Website:** [https://www.hud.gov/states/north\\_carolina/offices](https://www.hud.gov/states/north_carolina/offices)  
**Service (s) Offered:** Housing assistance





**\*\*\*ATTENTION - ELA CAMPGROUND FEMA UPDATE\*\*\***

Ela Campground is located in Swain Co., one of the counties currently awaiting a Hurricane Helene FEMA Disaster Declaration and eligibility for Individual Assistance.

FEMA may be able to help you with home repairs, temporary housing, or property damage (appliances, furniture, vehicle, etc). You may also qualify for help with childcare, medical, lodging, moving, and funeral expenses.

This process can be completed electronically at:

<https://www.disasterassistance.gov>

\*To get free local internet connection, visit:

Marianna Black Library: 33 Fryemont St. Bryson City, NC 28713

It's okay if you don't have all the details for your application now. After you create an account, you can save your progress and come back to finish it later.

You can also Apply/Check your status by phone **1-800-621-3362** once cellular service is restored.

Please take a picture of this flyer and share as needed.

*Oct. 2 2024*

Subject : Ela Campground

Fri 9-27-24 1:06pm

I was at the campground at this time to see the Damage first hand of hurricane Helen. Upon arriving, the banks of the Tuckasegee River had just crested the banks. During this time I received notice that the Dam for the river was at a critical level and the water would continue to rise. This brought the water level at Ela Park to more then 36'-45' in. of flowing water.

Sections – A,B,C and D were under water at this time. The water was as noted very silty with dirt and very fast moving and full of debris ( tree's, lumber, ect.) At the highest point the water was notably high enough to enter most of the trailers at the sites. The individual site power distribution pedestals were totally covered. This continued for more then 24 hours. At which time, that the water receded and I was able assess the damage I requested that Duke Energy cut power to the park for obvious reasons.

I will, best of my knowledge list each of the sections.

Section A :

In this section both water well received damage the new controller at the new well was ruined, the expansion tank floated and silted water entered the well. The second well received the same both wells will need replacement. All site power was under water for at least 24 Hrs. Sub panels received water damage including the basement of the store were there is still standing water.

Sections B,C,D:

I will include these three sections because the result is the same for each. All site power has been compromised. The three sections took the brunt of the damage. The site power was underwater for the same amount of time dirt and sediment has entered most if not all of the sites. At this time I must recommend to side on safety, Power should not be turned on until a site to site inspection and replacement is implemented.

According to: NFPA-70 312.2, 404.4, 404.4, 551.78 551.71 of the National Electrical Code  
None of the listed items carry a Nema 6 or 6P rating for full submersion in water. Let alone sediment and corrosion of each item. All suppliers of the items do not warranty there items if they have been immersed in water for any length of time.

In reference to:

NEMA.ORG-ELECTRICALWATER DAMAGE.

EFCL.ORG The Electrical Safty Foundation International.

Local and State Building Inspectors that I contacted the recommendations are the same.

1. All Breakers, Pedestals, receptacles pumps, Controllers and Panels are to be replaced.

Summery. Life safety is my biggest concern at this time due to the amount of sediment and water damage, Corrosion will happen, failure will happen to some point it is just a matter of time.

Thank You.

