

**Town of Marshville
Town Council Meeting
Monday, June 17, 2013, 7:00 PM
Marshville Town Hall – 201 West Main St.**

REGULAR MEETING MINUTES

Council Members Present: Mayor Franklin Deese, Mayor Pro-Tempore Matthew Jefferson, Council Members Norma Carpenter, Margaret Bivens, Gary Huntley and Dora Bridget.

Staff Present: Town Manager, Amanda Reid; Town Clerk/Finance Officer, Tonya Johnson; Town Attorney, Bobby Griffin; Police Chief, Carl Webber; Lieutenant, Matt Tarlton; Director of Public Works, Bivens Steele; Director of Utilities, Alicia Melton and Park Director, Alan Thifault.

Call to Order/Invocation/Pledge of Allegiance

Mayor Deese called the meeting to order at 7:03 pm. The invocation was offered by Council Member Huntley. The Pledge of Allegiance was offered by all in attendance.

Adoption of Agenda for the Meeting

The Town Manager requested to add to the agenda as item #7 a discussion and possible action regarding the Town Council meeting schedule and board member compensation. A motion to add the discussion and possible action regarding the Town Council meeting schedule and board member compensation was made by Council Member Bivens, seconded by Council Member Carpenter and passed unanimously.

The Town Manager also requested to add to the agenda as item #10 a discussion and possible action concerning a budget amendment to the Enterprise Fund for Anson County Sewer. A motion to add the discussion and possible action concerning a budget amendment to the Enterprise Fund for Anson County Sewer was made by Council Member Bridget, seconded by Council Member Bivens and passed unanimously.

A motion to adopt the agenda with the approved additions was made by Council Member Carpenter seconded by Council Member Huntley and passed unanimously.

Public Comment

Mr. Erby Laney of 8519 Hwy. 74, Marshville, addressed the council regarding the pump station located on his property. Mr. Laney stated that Attorney Larry Harrington is not representing him and further correspondence should be sent to him and not Attorney Harrington. Mr. Laney was provided with a copy of the Town Council minutes from October 2, 1972 stating that a water tap be provided to the property and service be billed at the regular outside town water rate. Mr. Laney requested restitution and looks forward to hearing from the Town. The Town Attorney commented that he is ethically obligated to respond to the attorney until receipt of a letter from the citizen's attorney stating that the attorney no longer represents the citizen.

Dr. Gary Henry of 1605 Hasty Road, Marshville, addressed the Town Council concerning the relationship between the East Union Athletic Association and the Town. Dr. Henry indicated that Alan Thifault, who serves as President of the East Union Athletic Association, requested assistance from him and Robin McAdams. To date they've received no information regarding the financial condition of the Association. Dr. Henry stated he does not disagree that the athletic association should share some of the costs but asked that any fees be postponed until January 1, 2014. Mr. Henry expressed the association's desire to have a good relationship with the Town.

Consent Agenda

- June 3, 2013 Town Council Minutes
- May 31, 2013 Budget vs. Actual Report

A motion to approve the consent agenda and approve the items thereon was made by Council Member Bridget, seconded by Council Member Huntley and passed unanimously.

Public Hearing to receive input on the proposed FY2013-2014 Annual Budget & Fee Schedule

A motion to open the Public Hearing was made by Council Member Carpenter, seconded by Council Member Huntley and passed unanimously.

The Town Manager stated that the proposed budget was thoroughly reviewed at the June 3rd meeting. She requested a special meeting be called next week to adopt the FY2013-2014 Annual Budget & Budget Ordinance. The Town Manager asked that the comprehensive FY2013-2014 Fee Schedule be adopted this evening in order for information to be provided to the public prior to July 1, 2013. The Town Manager stated that the East Union Athletic Association is not a function/program of the Town and as such is not subject the Town's budget process or audit. She cannot provide information regarding its financial condition only the Town's costs to provide facilities to the athletic association.

There were no public comments. Council Member Carpenter inquired about the financial loss for classes and workshops in the Parks & Recreation department. The Town Manager explained that the instructor has agreed to teach additional classes at no charge to the Town but the class participants will pay a fee. Mayor Deese commented that it would require a \$.09 tax increase to operate revenue-neutral and discussed a \$.07 tax increase for this fiscal year to work toward that end. The Town Manager stated that with a \$.07 tax increase the median household would see a tax increase of approximately \$75 per year on their tax bill. Mayor Deese stated that the Town Manager has presented a realistic budget with substantial information for the council to consider. The Town Manager stated that the tax rate has remained artificially low and the Town has used fund balance in order to balance revenues and expenses over the years. She also pointed out the need to consider Union County revaluations scheduled for 2015 and future legislative changes that will also affect municipal revenues. Mayor Deese stated that the Town Council is faced with difficult decisions and recommended consideration of a \$.07 tax increase. Mayor Deese stated that the Town Manager desires that council adopt the comprehensive fee schedule this evening. The Town Manager stated the need to get information to the public regarding new rates that will go into effect on July 1, 2013. She assured the council that fees have been researched and investigated to should cover the costs associated with providing services. Mr. Gary Henry requested permission to address the council and stated that the East Union Athletic Association has not had time to determine an amount it can contribute. The Town Manager stated the Town and the athletic association can work together to establish an agreement for cost sharing. Mr. Henry requested any fees be postponed until January 1, 2014. The Town Manager stated the Town can execute an agreement with the athletic association separate from the fee schedule. The Town Attorney stated that the Town Manager has presented a solution requesting adoption of the FY2013-2014 Fee Schedule and with a separate agreement to be executed at a later date with the athletic association. The Town Manager reminded council that the proposed budget and fee schedule need to be adopted prior to July 1, 2013. A motion to close the public hearing was made by Council Member Carpenter, seconded by Council Member Bivens and passed unanimously.

Council action regarding the proposed FY2013-2014 Annual Budget & Fee Schedule

Mayor Deese stated a special meeting for approval of the FY2012-2013 budget amendments and adoption of the FY2013-2014 Annual Budget should be scheduled. A motion to call for a special meeting on Tuesday, June 25, 2013 at 7:00 pm at Town Hall for the purpose of final FY2012-2013 budget amendments and

adoption of the FY2013-2014 Annual Budget was made by Council Member Bivens, seconded by Council Member Huntley and passed unanimously.

A motion to adopt the FY2013-2014 Fee Schedule as presented was made by Council Member Huntley, seconded by Council Member Bridget and passed unanimously.

Public Hearing to receive input on the proposed Amendments to the Town of Marshville Code of Ordinances, Title III. Administration, Chapter 30. Legislative – General Provisions, Section 30.01 Regular Meetings and various sections of Title V. Public Works

A motion to open the public hearing was made by Council Member Bridget, seconded by Council Member Bivens and passed unanimously. The Town Manager explained the proposed ordinance amendments. One addresses the meeting schedule, removing the specific time, place and date so the meeting schedule can be adopted annually with the budget and fee schedule. The second ordinance amendment pertains to various sections of Public Works and establishes the ordinance in accordance with Town policy and addresses legal issues. There were no comments from the public or from council members concerning the proposed amendments to the Town of Marshville Code of Ordinances. A motion to close the public hearing was made by Council Member Bridget, seconded by Council Member Huntley and passed unanimously.

Council action regarding the proposed Amendments to the Town of Marshville Code of Ordinances

A motion to amend the Town of Marshville Code of Ordinances, Title III, Administration, Chapter 30, Legislative – General Provisions, Section 30.01 Regular Meetings was made by Council Member Bivens, seconded by Council Bridget and passed unanimously.

A motion to amend the Town of Marshville Code of Ordinances, various sections of Title V. Public Works was made by Council Member Bivens, seconded by Council Member Carpenter and passed unanimously.

Discussion and possible action regarding Meeting Schedule and Board Member Compensation

Mayor Deese stated that it is the recommendation of the Town Manager to have one council meeting per month. This provides staff with additional time to prepare agendas and research and obtain necessary information for items requiring council action. A motion to adopt a meeting schedule setting one meeting per month to be held on the first Monday of each month was made by Council Member Bridget, seconded by Council Member Carpenter and passed unanimously.

Mayor Deese stated that board member compensation must be set. Currently the Mayor receives \$525 per quarter and Council Members receive \$425 per quarter. A motion to set these amounts for board member compensation for FY2013-2014 was made by Council Member Bivens, seconded by Council Member Huntley and passed unanimously. Mayor Deese indicated he will forego compensation for FY2013-2014.

Discussion and possible action regarding Marshville Utility Policies and Procedures Manual

The Town Manager stated that the policy and procedures manual is in response to the utility audit and evaluation performed in September 2012. She and Ms. Alicia Melton, Director of Utilities, have worked to address issues identified in the evaluation in the new policy manual. Ms. Melton contributed substantial time, effort, and research into the document. Mayor Deese expressed appreciation to Ms. Melton for her efforts. Ms. Melton requested a revision on page 14, Section 4, establishing a minimum balance of \$10. A motion to approve the Marshville Utility Policies and Procedures Manual with the noted correction on page 14, Section 4 regarding minimum balance was made by Council Member Huntley, seconded by Council Member Bridget and passed unanimously.

Discussion and possible action regarding lease agreements for town owned property

Resolution and 12 month lease agreement for 129 West Main Street - The Town Manager stated she has negotiated a 12 month lease agreement for the property at 129 W. Main Street between the Town and Mr. John Parker II for \$575 per month (\$6,900 annually). After the expiration of the lease Mr. Parker would like to consider purchasing the property. A motion to approve the resolution authorizing the execution of a 12 month lease for the property at 129 West Main Street was made by Council Member Huntley, seconded by Council Member Bivens and passed unanimously.

Set Public Hearing for 5 year lease agreement for 201 North Elm Street - The Town Manager requested that a public hearing be set for Monday, July 1, 2013 at 7:00 pm at Town Hall to consider a five year lease agreement with the Marshville Museum & Cultural Center for the property at 201 N. Elm Street at \$1 per year. A motion to call for a public hearing for Monday, July 1, 2013, at 7:00 pm at Town Hall to consider public input regarding a five year lease agreement with the Marshville Museum for the property at 201 N. Elm Street was made by Council Member Carpenter, seconded by Council Member Bridget and passed unanimously.

Discussion and possible action concerning a Budget Amendment for FY2012-2013 for Anson County Sewer

During the year Anson County recalibrated the flow meter that records the flow of wastewater from the Town of Marshville to Anson County which resulted in increased costs to the Town. A motion to approve Budget Amendment 2013-12 for \$71,120.00 to appropriate funds for the additional costs incurred from Anson County Sewer for wastewater due to the recalibration of the flow meter by Anson County was made by Council Member Bivens, seconded by Council Member Huntley and passed unanimously.

Town Manager's Report

North Carolina Small Town Main Street - The Department of Commerce has scheduled a site visit to Marshville on July 1, 2013 at 11:30 am at the Marshville Community Center.

Rose Project- Any council member desiring to purchase a rose for a pot located in downtown should submit \$11 to the Town Manager.

Union County Sewer Meeting - Union County has notified the Town that they are reconsidering the initial base rate increase for sewer and will reduce the costs to the Town.

Audit Procedures - J.B. Watson & Co. is performing field work this week in preparation for the FY 2012-2013 audit. Staff is responsive to auditor requests.

Municipal Elections - The Mayor and two Town Council terms expire this year. Filing begins at 12:00 Noon, Friday, July 5, 2013 and closes at 12:00 Noon, Friday, July 19, 2013. The filing fee is \$5.00.

Mayor and Town Council Member Comments

Mayor Pro-Tempore Jefferson requested that the Town Manager send notices regarding the NC Small Town Main Street site visit on July 1, 2013.

Council Member Carpenter stated the Marshville Museum & Cultural Center is busy planning events for the summer. She stated that 24,000 hours of time has been volunteered in the past year and over 1,000 people have visited the Museum. An event is scheduled for July 20, 2013 at the Museum commemorating the anniversary of "The Color Purple". Council Member Bivens stated she is participating in a genealogy class at the Museum.

Mayor Deese commended the Town Council for their diligent work through the FY 2013-2014 budget process.

Adjourn

A motion to adjourn was made by Council Member Bivens, seconded by Council Member Huntley and passed unanimously. There being no further comments the meeting adjourned at 8:50 pm.

These minutes approved this 1st day of July, 2013.

By: _____

Franklin Deese
Mayor

Attest: _____

Tonya D. Johnson
Town Clerk

Town of Marshville

Public Comments Sign-Up Sheet

Regular Meeting
Public Hearing

Date: June 17, 2013

Please **print** your name and contact information for the record.

	PRINT NAME	MAILING ADDRESS	PHYSICAL ADDRESS (if different)	PHONE #	EMAIL ADDRESS
1	<i>Sharon Jones</i>	<i>8519 Hwy 711</i>		<i>704-242-3598</i>	<i>[Signature]</i>
2	<i>Carly Henry</i>	<i>1605 Hasty Rd</i>		<i>704-624-3415</i>	
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					

GENERAL FUND

Description	Budget	MTD	YTD	Variance	Percent
<u>Revenues</u>					
Total Revenues for Fund 10	1,581,534.30	60,455.02	1,308,819.63	(272,714.67)	82%
<u>Expenditures</u>					
4100 ELECTED	104,711.13	7,118.79	85,507.51	19,203.62	81%
4200 ADMINIST	109,020.58	15,878.33	98,687.21	10,333.37	90%
4210 ANNEXATI	500.00	0.00	0.00	500.00	
4220 TOWN	109,227.59	11,897.33	84,552.07	24,675.52	77%
4300 ELECTION	2,500.00	0.00	378.50	2,121.50	15%
4500 PLANNING/	0.00	0.00	0.00	0.00	
4600 TAX	2,100.00	345.55	1,394.98	705.02	66%
4700 LEGAL	8,902.00	600.00	6,600.00	2,302.00	74%
5000 TOWN	64,464.95	13,809.85	54,899.83	9,565.12	85%
5100 POLICE	647,805.93	55,770.95	594,301.97	53,503.96	91%
5300 FIRE	15,000.00	14,326.03	15,000.00	0.00	100%
5310 SAFETY	0.00	0.00	0.00	0.00	
5600 STREETS	114,873.73	5,428.61	94,391.95	20,481.78	82%
5700 POWELL	84,500.00	3,419.37	51,942.82	32,557.18	61%
5800 SANITATIO	155,570.88	13,448.64	127,820.97	27,749.91	82%
6200 PARKS &	86,822.90	9,202.35	70,722.03	16,100.87	81%
6300 COMMUNI	8,250.00	485.94	5,683.26	2,566.74	68%
6400 CEMETER	7,100.00	610.00	3,810.57	3,289.43	53%
6600 CONTINGE	8,333.33	0.00	0.00	8,333.33	
7000 TRANSFER	0.00	0.00	0.00	0.00	
9800	51,851.28	0.00	51,851.28	0.00	100%
9840	0.00	0.00	0.00	0.00	
Total Expenses for Fund 10	1,581,534.30	152,341.74	1,347,544.95	233,989.35	85%
Revenues Over/(Under) Expenses:		(91,886.72)	(38,725.32)		

ENTERPRISE FUND

<u>Revenues</u>					
Total Revenues for Fund 30	1,216,551.28	79,729.16	972,753.71	(243,797.57)	79%
<u>Expenditures</u>					
5310 SAFETY	0.00	0.00	0.00	0.00	
6601 CONTINGE	2,000.00	0.00	0.00	2,000.00	
7000 TRANSFER	0.00	0.00	0.00	0.00	
8280 WATER	683,645.62	44611.50	493,835.21	189,810.41	72%
8290 SEWER	505,380.74	53,937.85	498,147.09	7,233.65	98%
Total Expenses for Fund 30	1,191,026.36	98,549.35	991,982.30	199,044.06	83%
Revenues Over/(Under) Expenses:		(18,820.19)	(19,228.59)		

Marshville Town Hall
201 West Main Street
Marshville, NC 28103

TOWN OF MARSHVILLE

est. 1877

(P) 704.624.2515
(F) 704.624.0175
www.marshville.org

FY 2013 - 2014 FEE SCHEDULE

Administration

Copies	\$0.15	per page
Budget Notebook	\$20.00	
Code of Ordinances	\$20.00	
CD	\$2.00	per disk
Returned Check/Bank Draft	\$25.00	per occurrence

Police

Police Reports	\$2.00
Golf Cart Registration	\$15.00

Code Enforcement

Lot Clearing and Mowing	\$75.00	per hour + \$200 Administrative Fee
Bushhog & Tractor Required	\$150.00	per hour + \$200 Administrative Fee
Other Nuisance Abatement	\$75.00	per hour + \$100 Administrative Fee

Public Utilities

Water & Sewer Rates

Inside Town Limits	Water Rates				Sewer Rates		
	Meter Size	Base Rate	Per 1,000 up to 10,000 gallons	Per 1,000 above 10,000 gallons	Meter Size	Base Rate	Per 1,000 gallons
	3/4"	\$11.66	\$3.30	\$4.30	3/4"	\$22.20	\$5.70
	1"	\$32.45	\$3.30	\$4.30	1"	\$62.52	\$5.70
	1 1/2"	\$56.65	\$3.30	\$4.30	1 1/2"	\$108.72	\$5.70
	2"	\$80.63	\$3.30	\$4.30	2"	\$155.16	\$5.70
	2-3/4"	\$23.32	\$3.30	\$4.30	2-3/4"	\$44.40	\$5.70
	3-3/4"	\$34.98	\$3.30	\$4.30	3-3/4"	\$66.60	\$5.70
					Flat rate	\$45.00	

Outside Town Limits	Water Rates				Sewer Rates		
	Meter Size	Base Rate	Per 1,000 up to 10,000 gallons	Per 1,000 above 10,000 gallons	Meter Size	Base Rate	Per 1,000 gallons
	3	\$29.04	\$4.30	\$6.30	3/4"	\$55.44	\$7.55
	1"	\$70.18	\$4.30	\$6.30	1"	\$105.72	\$7.55
	1 1/2"	\$108.90	\$4.30	\$6.30	1 1/2"	\$145.44	\$7.55
	2"	\$144.87	\$4.30	\$6.30	2"	\$215.16	\$7.55
	2-3/4"	\$58.04	\$4.30	\$6.30	2-3/4"	\$44.40	\$5.70
					Flat rate	\$85.00	

Tap Fees

Inside Town Limits	Water			Sewer	
	Meter Size	Amount		Meter Size	Amount
	3/4"	\$1,200.00		4"	\$3,500.00
	1"	\$1,500.00			
	1.5"	\$2,100.00			
	2" or Larger	\$2,800.00		Over 4"	Determined on a case by case basis

FY 2013 - 2014 FEE SCHEDULE

Outside Town Limits	Water			Sewer	
	Meter Size	Amount		Meter Size	Amount
	3/4"	\$2,245.00		4"	\$3,800.00
	1"	\$2,750.00		Over 4"	Determined on a case by case basis
	1.5"	\$3,975.00			
	2" or Larger	\$4,885.00			

Other Utility Fees

Utility Deposit	\$150.00	
Exclusion of S.S. Deposit	\$150.00	+ 3 times base rate
Service Initiation	\$25.00	
After Hours Reconnect	\$20.00	
Service Call	\$25.00	
After Business Hours Appointment	At cost	

Penalty Fees

Late Fee	\$10.00	
Delinquency Fee	\$50.00	

Tampering Fees

1st Offense	\$150	+ Costs
2nd Offense	\$300	+ Costs
3rd offense	\$500	+ Costs

Garbage Collection Fee

Inside Town Limits	\$18.20	per cart
Outside Town Limits	\$36.40	per cart

Cemetery Plots

Per Plot	\$1,000.00	
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Planning & Zoning Fees

NOTE: All plan review fees include two reviews of plan submittals. If additional reviews are necessary, an

Copies

Land Use Ordinance (without binder)	\$0.15	per page
Land Use Ordinance (with binder)	\$35.00	per copy

Maps

8.5" x 11" & 8.5 x 14"	\$0.50	
11" x 17"	\$1.00	
Custom Work	Cost determined based on request	

Planning Board Fees

	EXISTING	PROPOSED	
Application for Rezoning	\$300.00	\$600	+ \$50 advertising fees
Application for Conditional Use Permit	\$200.00	\$500	+ \$50 advertising fees
Application for Ordinance Amendment/ General Plan Amendment	\$250.00	\$550	+ \$50 advertising fees

Board of Adjustment Fees

Application for Variance	\$200.00	\$600	+ \$50 advertising fees
Application for Special Use Permit	\$200.00	\$500	+ \$50 advertising fees
Appeal Zoning Administrator's Decision	\$150.00	\$600	+ \$50 advertising fees

Land Development Review Fees

Sketch Plat review/consultation (after 1st review)	\$75.00	\$100	per session
Site Plan Review		\$225	+ \$5 per acre

FY 2013 - 2014 FEE SCHEDULE

Development (Zoning) Permit Fees

New Construction/Major Addition

Single Family Home	\$ 50/lot	\$50	per lot + \$25 revision
Multi-family	\$50	\$50	per building + \$5 per unit
Non-Residential – Commercial, Industrial, Other	\$ 75/unit	\$50	unit
Single Family Home (In floodplain)	0	\$100	lot
Multi-family/Non-Residential (floodplain)	0	\$150	unit
Temporary Use Permit	0	\$75	
Temporary Construction Trailer	0	\$75	

Minor Addition/Change in Use

Single Family Home Addition, Accessory Structure	\$ 30/lot	\$50	lot
Multi-family	\$ 30/unit	\$50	lot
Non-Residential – Commercial, Industrial, Other	\$ 75/unit	\$50	unit
Single Family Home (In floodplain)	\$ new	\$100	lot
Multi-family/Non-Residential(floodplain)	\$ new	\$150	unit

Sign Permit Fees

Permanent Signs	\$ 30.00 each	\$65	each
Temporary Signs	\$ 30.00 each	\$25	each

Subdivision Fee Schedule

Certificate of Exemption/Recombination Plat	0	\$10.00	
Minor Subdivision Plan Review Fee (# lots, including new residual parent lot)	\$50./lot	\$50.00	per map sheet
Major Subdivision – Single Family Residential			
Preliminary Subdivision Plat Review Base Fee	\$175 (1-10)	\$450	1-24 lots
- Additional lots	\$300 (11-50), \$450 (51+)	\$1,900	(25-100 lots)+ \$20/lot for any lots over 100
Minor revision to plat after approval		\$250	
Major revision to plat after approval		Same as new submittal	
Final Subdivision Plat Review Fee	50 + \$10/lot	\$175	per map sheet

Engineering Plan Review and Construction Administration Fees

Plan Review

Roadway (public and/or private)	\$0.95	per LF of Street Centerline
Parking/Loading areas (including access)	\$0.04	per square foot
Storm Drainage	\$1.00	per LF of Street Centerline
Water Lines	\$0.75	per LF of pipe
Sewer Lines	\$0.75	per LF of pipe
Stormwater Quality and/or Stormwater Detention Facilities	\$1,700	each

Construction Administration

Roadway (public and/or private)	\$1.05	per LF of Street Centerline
Storm Drainage	\$1.00	per LF of Street Centerline
Water Lines	\$0.75	per LF of pipe
Sewer Lines	\$0.75	per LF of pipe
Stormwater Quality and/or Stormwater Detention Facilities	\$2,000	each

Construction Plans Review Fee (for Consultant Review Only)

\$50 processing fee plus hourly rate for consultant

Street Naming Signs (Collected at preliminary plat)

FY 2013 - 2014 FEE SCHEDULE

2 bladed street naming signs	\$100.00	includes posts and hardware
4 bladed street naming signs	\$150.00	includes posts and hardware

Parks & Recreation

Classes & Workshops

EXISTING

\$2.50

PROPOSED

\$4.00

operates at a
\$3940 loss in
instructors
costs only

Other activates: Each activity has its own fee, which is negotiated with the individual instructor, a contract is signed and the Town receives 30% of the fees collected.

Facility Rentals

Picnic Shelter (4 hour block)

Resident

100 + 50 deposit

\$30.00 + \$25.00 Refundable Deposit

Non Resident

150 + 50 deposit

\$45.00 + \$25.00 Refundable Deposit

Ball Field

0

\$40.00 per 3 hour block

Community Center (3 hour block)

Resident

100 + 50 deposit

50 + \$50.00 Refundable Deposit

Non Resident

150 + 50 deposit

75 + \$50.00 Refundable Deposit

Non-Profit, Civic, or Community

15 + \$25.00 Refundable Deposit

Organization Meeting(2 hour maximum)

The Community Center is available for use by non-profit organizations, community groups, and civic organizations for the purpose of holding meetings. Any fundraising activity or activity resulting in fees or admission charged does not qualify for this purpose. Qualifying groups are determined on a case by case basis.

FY 2013 - 2014 FEE SCHEDULE**Business / Privilage License**

Business Activity	Existing	Proposed	No. Issued
Advertising (outdoor/billboards)	7.50	\$25.00	
Amusements - general, circuses, animal shows	3.75	\$20 / day	
Automobile Service Stations, Gas Stations, and Automobile Parts Stores	2.50	\$10.00	
Automobile Dealers		\$25.00	
Automobile wholesale supply dealers	12.50	\$25.00	1
Barber, beautician, cosmetologist, manicurist	2.50	\$2.50 / operator	19
Beer & other Malt Beverage Retailers		15.00 (on-premises) 5.00 (off-premises)	
Beer & Wine Wholesalers		35.00	
Bicycle Seller and Bicycle Parts & Accessories Sellers	10.00	\$20.00	
Billiard & pool tables	15.00	\$20 / table	2
Bowling alleys	10.00	\$10.00	
Campgrounds, trailer parks, tent camping, RV parks		\$10.00	
Chain stores	50.00	\$50.00	2
Collecting agency	50.00	\$50.00	
Contractor - State licensed for construction, grading or billing	10.00	\$10.00	1
Dance Studio		\$20.00	
Daycare centers - 1-49 children		\$35.00	
Daycare centers - 50-99 children		\$75.00	
Daycare centers - 100 or more children		\$100.00	
Dry cleaners	10.00	\$50.00	
Electronic/Internet gaming sweepstakes operations	2500.00	\$1000.00 per location & \$1,500 per machine	
Electronic video games		\$5.00	
Elevators & automatic sprinkler systems		\$25.00	
Employment agency		\$50.00	
Express companies		\$50.00	
Firearm dealer		\$50.00	
Florist	10.00	\$10.00	2
Gasoline & oil distributor (Gasoline/Motor Fuel Wholesalers are exempt)	25.00	\$25.00	
Going out of business sale		\$50.00	
Heating & air contractor/ Plumbers/ Electricians	10.00	\$25.00	1
Hotels, motels	\$1.00 per room (\$25)	\$1.00 per room (\$25 min)	
Ice Cream - retailer/counter freezer	2.50	\$2.50	
Ice cream MF & wholesale/freezer		\$12.50 per freezer	
Itinerant Merchant - (stationary location) sells goods for less than 6 months of the year		\$75.00	
Laundry, laundromat, linen, uniform rental	50.00	\$50.00	1
Loan agencies & Check Cashing Businesses		\$100.00	
Merchandising/vending machines	4.00	\$4.00	1
Miscellaneous (not otherwise listed or exempt)		\$25.00	
Money orders	10.00	\$35.00	55
Motor cycle dealers	15.00	\$12.50	
Motor Vehicles		\$0.00	
Music Machines/Juke Box	20.00	\$20.00	5

FY 2013 - 2014 FEE SCHEDULE

Packing houses/meat	5.00	\$5.00	
Pawnbroker	10.00	\$150.00	
Peddlers - foot		\$10.00	
Peddlers - vehicle		\$25.00	
Sale or Repair of pianos, organs, tuners, radios, stereos, records, record players, TVs, DVDs, VCRs recorders & accessories	25.00	\$5.00	6
Pinball machines and/or other amusement games & activities	5.00	\$5.00 / location	1
Promotions, exhibits or shows		\$25.00 /day per location	
Restaurants/cafeterias (4 or less seats)		\$25.00	
Restaurants/cafeterias (5 or more seats)	36.00	\$40.00	10
Service business		\$25.00	
Shooting gallery or device for sports play		\$25.00	
Sign hanger or erector		\$25.00	
Skating rinks, swimming pools, arcades, pinball machines and/or other amusement games & activities		\$25.00 / location	
Specialty market operator (flea market)		\$150.00	
Sundries (sandwich, vending machines, soft drink, tobacco, cigarette sellers)		\$4.00	
Taxi service	15.00	\$15.00 /vehicle	1
Theaters (movie) - operating 4 days or more a week		\$200.00	
Theaters (movie) - operating 3 days or less each week		\$100.00	
Movie Theaters: Outdoor/ Drive-In		\$100.00	
Tobacco Warehouses		\$50.00	
Undertaker/retail sale of coffins	25.00	\$35.00	1
Video rental or sale		\$20.00	
Weapons, other		\$100.00	
Wine Retailer		15 (on-premises) 10 (off-premises)	

Businesses Exempt from Business License Fees - NC General Statutes referenced

Even if a business/profession/service is exempt, flat taxes may still apply to certain services/merchandise that are not an "integral part" of the exempted business/profession/service.

Alcoholic Beverage Businesses (NCGS 105-113-70(d))	Occupations & Professions (NCGS 105-41 unless otherwise noted)
Malt beverages, brewery; Unfortified wines, winery; Fortified wines, winery (NCGS 105-113.70(d))	Accountants
Amusements (NCGS 105-36*)	Architects
Motion pictures: manufacture, sale, lease, furnishing & distribution	Attorneys
Dealers in Various Types of Merchandise Automatic Machines, Sell or Rent Household Appliances (NCGS 105-102.5*)	Auctioneers (NCGS 85B-6)
Refrigerators, washing machines, dryers, sewing machine, food processor, can opener, air-conditioning window units, toaster ovens, blenders, stoves, mixers, dishwashers, vacuum cleaners, toasters, microwaves, freezers	Chiropractors
Office Equipment (NCGS 105-102.5*)	Chiropodists
Cash registers, typewriters, adding or bookkeeping machines, billing or fax machines, check protectors, scanners, addressograph machines, copiers, duplicating machines, card punching, sorting, tabulating machines, computers, printers, keyboards, shredders	Dentists
Warning Devices	Embalmers

FY 2013 - 2014 FEE SCHEDULE

Burglar & smoke alarms (NCGS 105.51.1*)	Engineers, professional
Utilities	Home Inspectors
Internet service providers (47 U.S.C. 151)	Healers, professional
Natural gas providers (NCGS 160A-211(C)(1))	Insurance Agents
Telecommunication companies (NCGS 105-120 d)	Land Surveyors
Trucking companies (licensed by the state, NCGS 20-97 b)	Landscape Architects
Telegraph companies (NCGS 105-119 e)	Massage therapists
Other Businesses & Occupations	Morticians
Banks (NCGS 105-102.3)	Ophthalmologists
Bondsmen (NCGS 58-71-190)	Opticians
Bus companies (NCGS 20-97(e))	Optometrists
Cooperative-marketing association (NCGS 105-102.1)	Osteopaths
Installment paper dealers (NCGS 105-83)	Pest Control applicators/ exterminators (NCGS 106-65.40)
Insurance companies (NCGS 105.228.10)	Pharmacists
Newsprint users (NCGS 105-102.6)	Photographers
Non-profits registered with NC Secretary of the State's Office	Physicians
Production credit association (NCGS 105-102.1)	Private detectives
Savings & loan associations (NCGS 105-228.24 b)	Real Estate agents
Soft drinks, manufacture, bottling, production &/or distribution (NCGS 105-133.50A)	Real Estate appraisers
Vending Machines, five or more including weighing machines (NCGS 105-65-1*)	Surgeons
Seasonal sales of agricultural product locally grown (including Christmas trees) are exempt.	Veterinaries
* Former Schedule B provision, now prohibited by G.S. 160A-211. This does not include Bus Companies as 105-120.1 (repealed in 2000).	

Ordinance # 13-001

TOWN OF MARSHVILLE, NORTH CAROLINA

**AN ORDINANCE TO AMEND THE TOWN OF MARSHVILLE
CODE OF ORDINANCES, TITLE III, ADMINISTRATION,
CHAPTER 30: LEGISLATIVE, SECTION 30.01 REGULAR MEETINGS**

WHEREAS, North Carolina law allows the city council to fix a time and place for regular meetings and,

WHEREAS, The Marshville Town Council has previously enacted an ordinance setting the time and place for its meetings and,

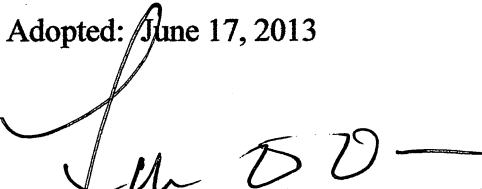
WHEREAS, The Marshville Town Council now desires to amend said ordinance which requires adoption of a new ordinance and,

WHEREAS, a public hearing having been duly called and proper notice given as set forth in North Carolina law,

NOW, THEREFORE, BE IT ORDAINED by the Marshville Town Council that Title III: ADMINISTRATION, Chapter 30: LEGISLATIVE, Section 30.01 REGULAR MEETINGS, of the Town of Marshville Code of Ordinances shall be amended and rewritten as described in Exhibit A which is hereby attached.

This ordinance shall become effective on the 1st day of July, 2013.

Adopted: June 17, 2013



Franklin D. Deese, Mayor

ATTEST: 

Tonya Johnson, Town Clerk



Exhibit A

TITLE III: ADMINISTRATION Chapter 30. Legislative - General Provisions

§30.01 REGULAR MEETINGS.

~~The schedule of regular meetings of the Mayor and Town Council shall be held on the first and third Monday of each month at adopted by the Town Council prior to beginning a new fiscal year, filed with the Secretary of State and Town Clerk, and shall be made available to all members of the public 7:00 p.m. at the Town Hall unless otherwise designated by the Town Council in accordance with NC General Statutes.~~¹

§30.02 SPECIAL MEETINGS.

Special meetings of the Town Council may be held upon the call of the Mayor or upon the request of any two members of the Town Council.²

§30.03 MEETINGS DURING HOLIDAYS.

When a holiday falls on regular Town Council meeting night, the meeting will be postponed at the Town Council's discretion.³

§30.04 QUORUM.

A majority of the members of the Town Council shall constitute a quorum and no official business of the town shall be transacted by the Town Council unless a quorum is present.

§30.05 MINUTES.

It shall be the duty of the Town Clerk/Finance Officer to be present at all meetings of the Town Council, to keep in a book provided for that purpose a record of all the proceedings of the Town Council.

§30.06 MAYOR PRO TEMPORE TO PRESIDE.

The Mayor shall preside at all meetings of the Town Council and in his or her absence the Mayor Pro Tempore shall preside.

§30.07 MAYOR NOT TO VOTE.

The Mayor shall not vote on any question before the Town Council except in the case of a tie vote deadlocking a decision of the Town Council.⁴

The changes above will allow the Town Council to establish a meeting schedule annually without the requirement to amend the Code of Ordinances as schedules change due to Town Council commitments both personally and professionally.

¹ (Prior Code, Ch. A, Art. I, §1) (Ord. passed 10-2-2006)
Cross-reference: Officers and employees, see §31.15 - 31.17

² (Prior Code, Ch. A, Art. I, §2)

³ (Prior Code, Ch. A, Art. I, §3)

⁴ (Prior Code, Ch. A, Art. I, §7)

Ordinance # 13-002

TOWN OF MARSHVILLE, NORTH CAROLINA

**AN ORDINANCE TO AMEND VARIOUS SECTIONS
OF THE TOWN OF MARSHVILLE
CODE OF ORDINANCES, TITLE V PUBLIC WORKS,
CHAPTERS 50, 51 AND 52**

WHEREAS, North Carolina General Statute 160A-314 authorizes the city council to fix, enforce and revise from time to time schedules of rents, rates, fees, charges and penalties for the use of or services furnished and,

WHEREAS, The Marshville Town Council has previously adopted an ordinance establishing rents, rates, fees, charges and penalties and,

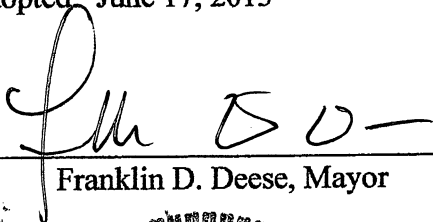
WHEREAS, The Marshville Town Council now desires to amend said ordinance which requires adoption of a new ordinance and,

WHEREAS, a public hearing having been duly called and the proper notice given as set forth in North Carolina General Statute 160A-364,


NOW, THEREFORE, BE IT ORDAINED by the Marshville Town Council that Title V: PUBLIC WORKS, of the Town of Marshville Code of Ordinances shall be amended and rewritten as described in Exhibit B which is hereby attached.

This ordinance shall become effective on the 1st day of July, 2013.

Adopted: June 17, 2013



Franklin D. Deese, Mayor

ATTEST: 

Tonya Johnson, Town Clerk



TITLE V: PUBLIC WORKS

Chapter 50. Garbage and Refuse Collection

§50.01 DEFINITION.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

GARBAGE. Includes all refuse, animal, fruit and other vegetable matter, all tin cans, glassware and crockery in which any matter has been put up or stored and all rags, waste paper, floor sweepings and other combustible refuse, except building material, scraps and tree trimmings.¹

§50.02 GARBAGE REQUIRED TO BE PROMPTLY REMOVED.

No garbage that has become decayed or that shall otherwise be a menace to health or cleanliness shall be allowed to remain in any dwelling house, hotel, boarding house, safe, restaurant, lunch stand, fruit stand, meat market, store or other building or on any premises a longer time than shall be reasonably necessary to remove and deposit the same in a can or cans as hereinafter provided in this subchapter.² Penalty, see §10.99

§50.03 GARBAGE REQUIRED TO BE IN CONTAINERS.

(A) At each place where garbage is to be gathered and a charge is made by the town, the customer shall place the garbage in an ~~approved~~ a container with a lid provided by the town. ~~For residential customers, the container shall be no larger than 20 gallons in capacity and shall have a maximum weight 50 pounds. For commercial customers, the container shall be no larger than 30 gallons in capacity and shall have a maximum weight of 60 pounds. The container shall be placed so as to be handled without workers of the town entering the building of a company or home. It shall be understood by the town workers that when any other than an approved container is used, it is intended by the customer that it (the container) too is to be removed and in no way is to exceed the aforementioned maximum capacity or weight.~~

(B) Any limbs or trees shall be a maximum of four feet in length and shall be no greater than four inches in diameter at its largest circumference.³

§50.04 WET GARBAGE.

All wet garbage shall have the liquid drained off and shall be wrapped in paper or other combustible material before it is placed in the garbage can, thus preventing smell and the breeding of flies in summer and freezing and adhesion to the can in winter.⁴

~~§50.05 DEPOSIT OF GARBAGE IN PUBLIC PLACES AND ON PRIVATE PROPERTY.~~

~~No person or persons shall collect, handle, haul or transport on any of the streets, alleys, public ways or places of the town, any garbage without first having procured a permit therefore.⁵ Penalty, see §10.99~~

~~§50.06-05 TRANSPORTATION OF GARBAGE AND SLOPS BY PRIVATE PERSONS.~~

~~No person shall throw, place or deposit any garbage in any street, alley, public place or private property within the city limits, except in garbage cans or garbage vehicle as~~

¹ (Prior Code, Ch. G, Art. II, §1)

² (Prior Code, Ch. G, Art. II, §2)

³ (Prior Code, Ch. G, Art. II, §3)

⁴ (Prior Code, Ch. G, Art. II, §4)

⁵ (Prior Code, Ch. G, Art. II, §5)

provided in this subchapter.⁶ Penalty, see §10.99

~~§50.07-06~~ HOUR FOR PLACING CANS.

Garbage cans or similar containers containing garbage and trash, for removal shall be placed on the premises from which the same are to be removed at or before 7:00 a.m. on the day scheduled for removal.⁷

~~§50.08-07~~ REMOVAL OF DEAD ANIMALS.

Dead animals located on public streets and public property, excluding NC Department of Transportation Right of Way will be removed by the town staff.

§50.09 GARBAGE COLLECTION RATES.

Every resident and business in the corporate limits of the town shall pay a garbage disposal fee, with the fee being posted upon a schedule to be kept by the town. The charge of the fee shall be entered on the monthly water and/or sewer bill of each resident and business and if any resident or business shall refuse to pay his, her or its garbage disposal fee, his, her or its water and/or sewer service shall be discontinued until the fee shall have been paid.⁸ Exceptions will be granted to multifamily dwellings and businesses that contract independently for garbage removal services.

⁶ (Prior Code, Ch. G, Art. II, §6)

⁷ (Prior Code, Ch. G, Art. II, §7)

⁸ (Prior Code, Ch. G, Art. II, §9)

Chapter 51. Water and Sewers - General Provisions

§51.01 TOWN COUNCIL TO REGULATE.

The sewer and water system of the town shall be under the control of the Town Council, and the duty of prescribing and enforcing a full compliance with all the rules and regulations governing all connections with the public sewer and water system shall be vested in the Town Council or its authorized agent.⁹

§51.02 TAMPERING WITH WATER SYSTEM.

~~(A) It shall be unlawful for any person or plumber to tamper with any water meter or open any water service valve in the town without first consulting the Superintendent of the water system.~~

~~(B) It shall be unlawful for any person other than the Fire Chief or Water Superintendent or firefighter on duty at fires to open any fire hydrant in the town.~~

~~(C) It shall be unlawful for any unauthorized person or persons to tamper with any manhole in the town or conveyed to the town without first consulting the Director of Public Works for the sewer system.¹⁰ Penalty, see §51.99~~

Tampering with the water or sewer system or any of its components is in direct violation of town policies and penalties shall be assessed in accordance with such policies and as set forth in the fee schedule adopted by the Town Council.

§51.03 PERMIT FOR CONNECTION REQUIRED.

No person, firm or corporation shall connect with the water system of the town until he, she or it shall have made application for permission to so connect and this application shall be made before any part of the drainage system of the house or other connection shall have been laid or constructed and the application shall be accompanied with a plan or drawing showing the location of the building and shall state the name of the street and the name of the person, firm or corporation.¹¹

§51.04 SEPARATE CONNECTIONS REQUIRED.

(A) Each individual business or residential building or structure shall install a separate water and sewer connection.

(B) On and after December 26, 1963, the minimum charge for water and sewer services either inside or outside the limits of the town shall apply to each and every residence, apartment or trailer, provided the services are piped into building whether connected to a single meter or not. Where several residences are provided water through a single meter, the party having the meter shall be billed for all of the residences, or on request, separate meters shall be installed in the prescribed manner. Any person having more than one residence on his or her meter should notify town.¹² Penalty, see §51.99

§51.05 SEWER REQUIRED.

(A) All owners of improved property which is or may be located upon or within a reasonable distance of the sewerage system of the town, where the sewerage system is in operation, shall connect with the sewerage system all water closets,

⁹ (Prior Code, Ch. E, Art. I, §1)

¹⁰ (Prior Code, Ch. E, Art. I, §2)

¹¹ (Prior Code, Ch. E, Art. I, §3)

¹² (Prior Code, Ch. E, Art. I, §4)

bath tubs, laboratory, sinks, drains, shower baths and other connections upon their respective properties or premises so that the contents shall be made to empty into the sewerage or sewer system.

- (B) No outdoor privies may be hereafter constructed on or near any sewer line, and the town may require and enforce immediate abandonment of a privy.
- (C) Where the sewer is available and where facilities for disposing of sewerage by water is not already installed, it shall be unlawful for the owner or the occupant of any building being used for a dwelling house or apartment to fail to have at least one water closet connected with the public sewer within 30 days after notice has been given to the owner or occupant by the town or from the Plumbing Inspector.
- (D) No person shall, after having an outdoor privy condemned, rebuild the outdoor privy, but must connect to town sewerage system where a connection is available. If a connection is not available the person must build a septic tank or outdoor privy according to the requirements of the State Board of Health.¹³ Penalty, see §51.99

§51.06 USE OF TOWN WATER.

- (A) No consumer will be allowed to supply or sell water to other persons, families or corporations, nor shall any person take or carry away water from any hydrant, watering trough or public fountain, except as permitted under §51.04 of this subchapter.
- (B) The fire hydrants are for the use of the Fire Department for fighting fires, and are not to be used by any unauthorized person for any purpose, without permission from the town.¹⁴ Penalty, see §51.99

§51.07 WATER AND SEWER RATES.

- (A) *Generally.* Water and sewer rates and water and sewer connection charges shall be determined from time to time by the Town Council which and shall be kept on file in the office of the Town Clerk/ Finance Officer. The sewer charge shall be added to the water account for every user connected to the sewer system and shall be due and payable the same as water accounts due the town. Failure to pay either the water account or sewer charge or any portion of either shall result in discontinuance of service with the service to remain discontinued until the utility account balance is paid in full. The installation cost of a water connection on a line greater than three-fourths inches shall be figured on actual cost of installation.
- (B) *Past due.* All water bills must be paid by the due date. All bills unpaid by the due date will be subject to late fees established in the fee schedule. Any bills remaining unpaid within within 30 10 days after the due date, which is the tenth of the month after reading. Any bills unpaid after the grace period the tenth day shall may result in water meter shutoff- disconnection of utility services to the delinquent user. a charge of \$30 shall be made to reopen the meter. Additional fees established in the fee schedule will apply and reconnection of service will occur only after the account is paid in full.
- (C) *Sewer charges.* ~~There shall be levied upon each user of the sewer system a sewer charge which shall determine from time to time by the Town Council which shall be kept on file in the office of the Town Clerk/Finance Officer. The sewer charge shall be added to the water account for every user and shall be due and payable the same as~~

¹³ (Prior Code, Ch. E, Art. I, §5)

¹⁴ (Prior Code, Ch. E, Art. I, §6)

~~water accounts due the town. Failure to pay either the water account or sewer charge or any portion of either shall result in discontinuance of service with the service to remain discontinued until the water bill and or sewer charge shall be paid in full.~~

~~(H)(C) Maximum Connection charge. A maximum chargefee shall be paid for each connection for water supply or sewer service made inside and outside of the town limits, with a schedule of rates which shall be determined from time to time by the Town Council. Where the cost is over the minimum rate outside of town, the Superintendent of Water Department shall estimate costs.~~

~~(F) Excessive use.~~

- ~~1) Procedure. Should the town determine, during regular water meter readings, that a residential or commercial water and/or sewer customer being served by a water tap no greater than three fourth inches has consumed an excessive amount of water during any given month, the Billing Clerk or Public Works Director shall cause the meter reader to verify the reading of the meter. Upon verification of meter reading confirming an excessive use as defined in division (E)(3) below of this section, the customer shall be notified of the excessive use as soon as reasonably possible.~~
- ~~2) Billing. When the monthly water and/or sewer bills are prepared for the period that includes the excessive use, the customer shall be billed at regular rates as set by the Town Council for three times the customer's average monthly water and/or sewer use determined as described in division (E)(1) above. Then any consumption in excess of three times the customer's average monthly use shall be billed at a rate equal to the wholesale rate that the town is billed for water and sewer service for the period. The wholesale rate shall include any cost that is the contractual responsibility of the town for purchase of water and or sewer treatment, as applicable. This billing adjustment shall not be allowed more than one time during any calendar year for the same customer.~~
- ~~3) Definition. For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.~~

~~**EXCESSIVE USE.** Metered water and/or sewer flow equal to or greater than three times the customer's average monthly use determined as described in division (E)(1) above.~~

~~(G) Meter accuracy. As soon as reasonably practical after the discovery of excessive use by a customer, the Director of Public Works shall cause the water meter of that customer to be tested for accuracy employing industry accepted testing methods. Should testing reveal that the meter is indicating more flow than is actually passing through it, then the customer shall not be responsible for that portion of the bill equivalent to the percentage of error of the meter and the amount shall be deducted from the customer's bill for the current month only. Should testing reveal that the meter is indicating less flow than is actually passing through it, then the customer shall not be responsible for any unrecorded flow indicated by the percentage of error of the meter. Any water customer of the town may request that the accuracy of his or her meter be tested as described above. Should a test reveal an accuracy of less than 98% and the meter is indicating more flow than actually passes through it then the meter shall be replaced at no cost to the customer and the customer's bill for the current month shall be adjusted by a percentage equal to the percentage of error of~~

~~the meter. If the meter is indicating less flow than is passing through it then the customer shall not be responsible for any unrecorded flow and the meter shall be removed from service and replaced at no cost to the customer. Should a test reveal accuracy equal to or greater than 98%, then the meter shall be placed back in service on the same account and the customer shall be required to pay a meter testing fee, per requested test, equal to \$25 or the actual cost of the meter test, whichever is greater plus regular rate for water and or sewer consumption recorded by the meter during testing.~~¹⁵

§51.08 TAMPERING WITH OR OBSTRUCTING WATER AND SEWER LINES PROHIBITED.

No person shall touch, tamper or in any manner manipulate or turn the valves ~~cut-offs~~ on the water mains or meters forming a part of the water system of the town, nor shall any person tamper with or harm in any manner whatsoever any water or sewer line, main or any appurtenance thereto. No person shall throw or deposit any material or substance in any water or sewer line that will in any manner obstruct the line.¹⁶ ~~Penalty, see §51.99~~

§51.09 TAMPERING WITH WATER METER.

~~The account holder owner of for which the property on which a meter is located shall be liable for damage to the meter.~~¹⁷ If no account holder is listed with the Town of Marshville the owner of the property on which a meter is located shall be liable for damage to the meter and any consumption noted. ~~Penalty, see §51.99~~

§51.10 PRIVATE WATER SUPPLY REGULATED.

(A) It shall be unlawful for any person, firm or corporation to furnish, supply or provide, for gain or profit, any water from a private well or pumps in or to any dwelling house, boarding house, inn, hotel, café or other commercial establishment, or any room or rooms therein that are rented or offered for rent to the public, or when the boarding house, inn, hotel, café or other commercial establishment is open to, or used by, the public, unless and until an analysis of the water from a private well or pump shall have first been submitted to and approved by the Town Clerk/Finance Officer.

(B) The water analysis referred to division (A) above shall be made by or under the direction of the County Board of Health or the Department of Public Health of the state.

(C) If the water analysis bears the approval of either of the authorities referred to in division (B) above, the Town Clerk/Finance Officer shall approve the same by endorsing thereon the word APPROVED and affixing thereto his or her signature as Town Clerk/Finance Officer. If, however, the analysis shows that the water is contaminated and unfit for human consumption, the Town Clerk/Finance Officer shall not approve the analysis, but shall deliver the analysis to the Town Manager and Town Council of the town, which the Town Council may disapprove the analysis and return the same to the owner.¹⁸ ~~Penalty, see §51.99~~

§51.11 WATER AND SEWER SUPERINTENDENT.

The Town Manager may select some competent person to supervise under its general

¹⁵ ~~(Prior Code, Ch. E, Art. I, §7) (Ord. passed 3-3-2003; Ord. passed 2-8-2010)~~

¹⁶ (Prior Code, Ch. E, Art. I, §8)

¹⁷ (Prior Code, Ch. E, Art. I, §9)

¹⁸ (Prior Code, Ch. E, Art. I, §10)

control the entire water and sewer system of the town. The Town Manager may from time to time prescribe the duties and responsibilities of the Superintendent. The Superintendent, or his or her assistant, shall, at all reasonable hours, have free access to all premises for the purpose of examining hydrants, fixtures or connections on which town water pressure is maintained.¹⁹

§51.12 WORK ON WATER AND SEWER SYSTEM.

All work on the water and sewer system and all connections or disconnections thereto shall be performed by the authorized employees of the town or their representatives or plumbers approved by the town.²⁰

§51.13 CUSTOMERS OUTSIDE OF TOWN LIMITS.

(A) ~~Request for tap-on to the water and sewer lines of the town outside the corporate limits shall be accompanied by a petition to be included within the corporate limits of the town in those cases where the property served adjoins the corporate limits and in those cases wherein the property to be served does not adjoin the corporate limits, the application shall be accompanied by a letter of intent to petition the Town Council for inclusion in the corporate limits at a time as the property becomes contiguous to the corporate limits. In cases wherein property lying outside the corporate limits are not contiguous to the corporate limits, and are being served by municipal sewer and water, any transfer of ownership of the property shall be subject to a letter of intent and before service is transferred to the name of the new owner, a letter of intent shall be signed by the new owner.~~

(B) ~~Any line connected to the main line of the town outside of the town limits shall be at least two inches in diameter. This does not affect any size line connected to a line already established and not belonging to the town.~~²¹ be installed in accordance with recommendations of the town's engineer and Public Works Director and in compliance with any federal, state or local laws and/or regulations. No guarantee is made that a request to connect to the system will be approved.

§51.14 MULTIPLE CONNECTIONS.

(A) ~~For connections to multiple units, the owner shall pay \$300 on the first unit of a multiple unit dwelling, and \$50 for each additional unit contained in the dwelling, for furnishing sewer and water services in areas within the town limits where service is not now available.~~

(B) (1) ~~Proper application shall be made to the town for water and/or sewer lines to be run to one or more houses in town limits, before being built, and where the town is requested to lay and connect lines, the cost to the owner shall be all in excess of the first \$300 of total labor and material at invoice price to the first house.~~

(2) ~~On all other houses in the same section by the same owner, in a time space to be judged by the Town Council, the cost shall be all in excess of \$150. The connection fee shall be charged on each house.~~²²

¹⁹ (Prior Code, Ch. E, Art. I, §11)

²⁰ (Prior Code, Ch. E, Art. I, §12)

²¹ (Prior Code, Ch. E, Art. I, §13)

²² (Prior Code, Ch. E, Art. I, §14)

Chapter 51. Water and Sewers - Sanitary Sewer Regulation

§51.25 PURPOSE.

The purpose of this subchapter is to regulate, restrict and limit, in the interest of the public health and safety, the deposit or discharge of certain substances into any sanitary sewer now maintained and/or owned by or which may become the property of the town.²³

§51.25 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPROVING AUTHORITY. The Town Council of Marshville.

B.O.D. (BIOCHEMICAL OXYGEN DEMAND). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter by weight.

COLOR. The true color due to the substances in solution expressed in parts per million.

COMPOSITE SAMPLE. A combination of discrete samples of wastewater taken at equal time intervals, over the compositing period or proportional to the flow rate over the compositing period.

COOLING WATER. The water discharged from any system of condensation such as air conditioning, cooling or refrigeration.

DOMESTIC SEWAGE. The liquid waste from bathrooms, toilet rooms, kitchens and home laundries.

GRAB SAMPLE. An individual sample collected over a period of time not exceeding 15 minutes.

INDUSTRIAL COST RECOVERY CHARGE. A charge levied on the industrial users of the sewerage system for their proportionate share of the federal funds expended for new construction. The payback period shall not exceed 30 years and will not include any interest charges.

INDUSTRIAL USER. Any industrial or commercial establishment falling within the categories designated by divisions A, B, D, E and I, of the Standard Industrial Classification Manual (latest edition, as published by the Executive Office of the President), and who utilized the services of the town.

INDUSTRIAL WASTES. Liquid wastes, other than domestic sewage, resulting from processes or operations employed in industrial establishments. The INDUSTRIAL WASTES include the cooling waters and unpolluted process watering discharged to the sewerage system.

INFILTRATION. The water entering the sewerage system and service connections from the ground from, but not limited to, sources such as defective pipes, pipe joints, connections or manhole walls. INFILTRATION does not include, and is distinguished from, inflow.

INFLOW. The water discharged into the sewerage system including service

²³ (Prior Code, Ch. E, Art. II)

connections from, but not limited to, sources such as roof leaders, cellar, yard and area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross connections from combined sewers and storm sewers, catch basins, stormwaters, surface run-off, street wash waters or drainage. Inflow does not include, and is distinguished from, infiltration.

MAY. Is permissive.

MILLIGRAMS PER LITER. The weight of a substance in milligrams in one liter of water.

NORMAL STRENGTH SEWAGE. Sewage which, when analyzed by the town, shows by weight a daily average of not more than 2,085 pounds per million gallons (250 milligrams per liter) of suspended solids, and not more than 2,085 pounds per million gallons (250 milligrams per liter) of B.O.D., and which is otherwise acceptable into a public sewer under the terms of this subchapter.

PERSON. Any individual, firm, company, association or corporation.

pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution. A stabilized pH will be considered as a pH which does not change beyond the specified limits when the waste is subjected to aeration. A pH value indicates the degree of acidity or alkalinity.

PRETREATMENT. Application of physical, chemical and biological processes to reduce the amount of pollutants in or alter the nature of pollutant properties in a wastewater prior to discharging the wastewater into sewerage system.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking and dispensing of food that have been shredded to a degree that all particles will be carried freely under the flow conditions normal prevailing in public sewers, with no particle greater than one-fourth inch in any dimension.

RECEIVING STREAM. The body of water, stream or watercourse receiving the discharge waters from the sewage treatment plant or formed by the waters discharged from the sewage treatment plant.

SANITARY SEWER. A sewer intended to receive domestic sewage and industrial waste, except that of the type expressly prohibited by this subchapter, without the admixture of surface water and stormwater.

SHALL. Is mandatory.

SUSPENDED SOLIDS. Solids that either float on the surface or, or are in suspension in water, sewage or other liquids; and which are removable by laboratory filtering.

TOWN. The Town of Marshville.

TOXIC SUBSTANCES. Any substance whether gaseous, liquid or solid which, when discharged to a sanitary sewer in sufficient concentrations, may in the opinion of the approving authority, be hazardous to sewer maintenance and personnel, tend to interfere with any sewage treatment process or to constitute a hazard to human beings and animals or to inhibit aquatic life or to create a hazard to recreation in the receiving waters of the effluent from a sewage treatment plant. TOXIC SUBSTANCES shall include, but are not limited to, those substances identified by the United States Environmental Protection Agency as being toxic or hazardous waste.

UNPOLLUTED WATER. Water not containing any pollutants limited or prohibited by

the effluent standards in effect, or water whose discharge will not cause any violation of receiving water quality standards.²⁴

§51.26 USAGE OF SANITARY SEWERS.

No statement contained in this section shall be construed as preventing any special agreement or arrangement between the town and any person whereby any industrial waste of unusual strength or character may be admitted into the sanitary sewers by the town after approved pretreatment.²⁵

No person shall discharge or deposit any of the following waste materials into any town sewer:

1. Any liquid or vapor having a temperature higher than 150°F or 65°C;
2. Any water or waste which may contain more than 100 milligrams per liter by weight of fat, oil or grease, exclusive of soap;
3. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
4. Any garbage that has not been properly shredded;
5. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, eggshells, rags, feathers, tar, plastics, wood, paunch manure or other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;
6. Any waters or wastes having a stabilized pH lower than 6.0 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;
7. Any waters or waste having a biochemical oxygen demand in excess of 250 milligrams per liter by weight;
8. Any waters or wastes containing more than 250 milligrams per liter by weight of suspended solids;
9. Any waters or wastes having an objectionable color which is not removable in the existing sewage treatment plant processes;
10. Any waters or wastes containing a toxic or poisonous substance or any other materials in sufficient quantity to injure or interfere with any sewage treatment process, or constitute a hazard to humans or animals, or create any hazard in the receiving stream at the sewage treatment plant;
11. Any waters or wastes containing suspended solids of the character and quantity that unusual attention or expense is required to handle the materials at the sewage treatment plant;
12. Any noxious or malodorous gas or substance capable of creating a public nuisance;
13. Any waters or wastes containing radiological wastes in quantities which may prove injurious to the treatment process of any portion of the sewerage system or to persons, animals or plant life;

²⁴ (Prior Code, Ch. E, Art. II, §1)

²⁵ (Prior Code, Ch. E, Art. II, §2)

14. Any stormwater, surface water, ground water, roof runoff, subsurface drainage or any other water considered to be stormwater inflow;
15. Any materials which form excessive amounts of scum that may interfere with the operation of the sewerage system or cause undue additional labor in connection with its operation; and
16. Any waters or wastes containing dyes or other color which cannot be removed by biological processes and which require special chemical treatment.

§51.27 STRUCTURES REQUIRED.

- (A) *Storage tanks.* In order to equalize flows over a 24-hour period, each person discharging an industrial waste into the town's sanitary sewers having a volume in excess of 40,000 gallons in any one day, shall construct and maintain at his or her own expense a suitable storage tank. The tank shall be constructed to equalize the wastes and discharge the wastes to the town's system over a seven-day period and whose outlet to the sewer shall be controlled by a water works type rate controller, or other approved devices, the setting of which shall be directed by the approving authority.
- (B) *Control manhole.* Any person discharging industrial waste into town sanitary sewer shall construct and maintain a suitable control manhole, downstream from any treatment, storage or other approved works to facilitate observation, measurements and samplings of all wastes from the industry. The control manhole shall be constructed at a suitable and satisfactory location and built in a manner approved by the approving authority. Where a storage tank is not required, the control manhole shall be equipped with a permanent type volume measuring device such as a nozzle, or other suitable devices as may be approved by the approving authority. The manhole shall be installed by the person discharging the wastes at his or her expense and shall be maintained by him or her so as to be safe, accessible and in proper operating condition at all times.
- (C) *Maintenance of facilities.* Where pretreatment or control of waste flows are required, the facilities shall be maintained in good working order and operated as efficiently as possible by the user at his or her own cost and expense, subject to the requirements of this subchapter and all other applicable codes and laws.
- (D) *Plans.* Plans for the construction of a storage tank, control manhole and controlling devices shall be approved by the approving authority prior to the beginning of construction.²⁶

§51.28 PERMITS.

Any person desiring to deposit or discharge, or who is now depositing or discharging any industrial waste into the sanitary sewers shall make application for the disposal of industrial waste to the Town Council. The Town Council shall approve the applications only when evidence is submitted by the applicant that the discharge into the sanitary sewer will comply with all of the regulations of this subchapter.²⁷

§51.29 OUTSIDE CONNECTIONS.

Any person owning or controlling premises located beyond the corporate limits of the town

²⁶ (Prior Code, Ch. E, Art. II, §3)

²⁷ (Prior Code, Ch. E, Art. II, §4)

and desiring to install a plumbing system for the purpose of discharging domestic sewage and/or industrial waste into the sanitary sewers of the town may do so by complying with the requirements of this subchapter and by paying an additional permit fee and a yearly sewer rental charge to be fixed by the Town Council.²⁸

§51.30 POWERS AND AUTHORITY FOR INSPECTION.

- (A) The approving authority and other duly authorized employees of the town, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this subchapter.
- (B) Authority is hereby granted to the Town Council to temporarily exclude any industrial waste, whether pretreated or not, from the sanitary sewers whenever, in the opinion of the Town Council the action is necessary, for the purpose of determining the effects of the wastes upon the sewers, sewage treatment works or sewage treatment plants.²⁹

§51.31 MEASUREMENT OF FLOW.

- (A) The volume of flow used in computing industrial waste surcharges shall be based upon metered water consumption as shown in the records of meter reading maintained by the Town Water Department. In the event that a person discharging wastes into the sanitary sewer system produces evidence to the approving authority that more than 10% of the total annual volume of water used for all purposes does not reach the town sanitary sewer, an estimated percentage of total water consumption to be used in computing charges may be agreed upon between the approving authority and the person discharging industrial wastes into the sewer.
- (B) Where the person discharging industrial wastes into the sanitary sewers of the town procures any part, or all of, his or her water supply from sources other than the Town Water Department, all or part of which is discharged into the sanitary sewer, the person discharging waste shall install and maintain, at his or her expense, water meters of a type approved by the approving authority for the purpose of determining the proper volume of flow to be charged.³⁰

§51.32 DETERMINING OF CHARACTER AND CONCENTRATION OF WASTES.

- (A) The industrial waste of each person discharging same into the town sanitary sewers shall be subject to periodic inspection and a determination of character and concentration of the wastes shall be made quarterly, or oftener as may be deemed necessary, by the approving authority or his or her authorized assistants.
- (B) Samples shall be collected in a manner as to be representative of the actual quality of the wastes. The laboratory methods used in the examination of the wastes shall be those set forth in the latest edition of *Standard Methods for the Examination of Water and Sewage*, as published by the American Public Health Association.
- (C) The determination of the character and concentration of the industrial wastes by the approving authority, or his or her authorized assistants, shall be binding as a basis for charges.

²⁸ (Prior Code, Ch. E, Art. II, §5)

²⁹ (Prior Code, Ch. E, Art. II, §6)

³⁰ (Prior Code, Ch. E, Art. II, §7)

- (D) Total costs incident to the supervision, inspection, sampling and analyzing of wastes shall be included in the surcharge made to persons discharging wastes into the town sanitary sewers.³¹

§51.33 SURCHARGE FOR TREATMENT OF INDUSTRIAL WASTES.

(A) *Explanation of surcharges.* All persons discharging industrial wastes into the town sanitary sewer system shall be rendered a monthly bill as a surcharge covering the entire costs to the town incurred by treating all wastes having a B.O.D.₅ or suspended solids in excess of 250 milligrams per liter. The surcharge shall be evoked as herein provided in addition to the existing sewer service charge if the charge is now imposed or in addition to any sewer charge imposed after the adoption of this subchapter. The aforesaid surcharge shall include:

- 1) All fixed charges and amortization costs of additional plant capacity required for treating the industrial wastes; and
- 2) A charge covering the cost incurred to the town in treating the wastes in the local government sewage treatment plants. These surcharges are outlined in the latest edition of the town's sewer use ordinance.

(B) *Basis for charges.*

- 1) *Residential users.* All residential users will pay a fixed fee plus a water charge based upon 100% of their water usage as obtained from the water meter readings.
- 2) *Industrial and commercial users.* All industrial and commercial users will pay the following fees and charges based upon 100% of their water usage as obtained from the water meter readings:

- a) Fixed fee resulting from the capital recovery and debt service of sewerage system;
- b) User charges resulting from the operation and maintenance of sewerage system;
- c) Surcharges resulting from additional costs incurred by the town in treating wastes having a B.O.D.₅ or suspended solids in excess of 250 milligrams per liter;
- d) Cost resulting from action taken by the town to abate violations of any provision of the subchapter;
- e) Fees resulting from the sampling and analysis of industrial or commercial wastewaters; and

~~f)~~ Industrial cost recovery charges.

- 3) *Measurements and spot checks.* Measurements and spot check of flow rates, flow volumes, B.O.D.₅ and suspended solids for use in determining the above described charges shall be made by the town, or other local unit of government as selected by the town, on all industrial and commercial wastewaters, unless specifically relieved of the obligation by the approving authority. In case of a violation, the user shall be billed for the violations for the period of time for which the violation occurs as determined by the most

³¹ (Prior Code, Ch. E, Art. II, §8)

frequent monitoring program in which the testing procedures is acceptable to the town as specified in ' §51.31 and 51.32.

(C) Surcharge.

- 1) The surcharge, covering the costs of the treatment of the industrial wastes shall be arrived at in the following manner. The Town Council shall fix the rate to be charged during the new fiscal year at the beginning of the fiscal year for the weight of B.O.D.s and suspended solids in excess of 250 milligrams per liter which is discharged into the town sanitary sewers. This rate shall be computed from the actual costs per 1,000 pounds of B.O.D. and suspended solids removed from the combined sewage and industrial wastes as experienced at the local government treatment plants during the proceeding fiscal year.

(D) Bills.

- 1) The combined surcharge, as set forth in divisions (B) and (C) above of this section shall be billed and payable monthly as a separate bill item rendered to the proper persons by the Town Water Department.
- 2) The bills will be sent through the United States mail notifying all persons of the amount and date due. Failure to receive notice is not an excuse for nonpayment of bills.
- ~~3) Persons not having paid their bills within ten days of date of billing will be delinquent. Notice shall be sent them through the United States mail and if after five day notice, given as above, the bills remain unpaid, the water connection serving the premises will be severed and will not be turned on again until the bill is paid.³²~~

§51.34 PROTECTION FROM DAMAGES.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any equipment or materials belonging to the town used for the purpose of making tests or examinations and left upon the premises of a person discharging wastes into the sewers.³³

§51.35 REPEALING CLAUSE.

- (A) All ordinances or parts of ordinances in conflict with this subchapter are hereby repealed.
- (B) If any section, division, clause or provision of this subchapter shall be adjudged invalid, the adjudication shall apply only to only section, division, clause or provision so adjudged and the remainder of this subchapter shall be deemed valid and effective.³⁴

³² {Prior Code, Ch. E, Art. II, §9}

³³ (Prior Code, Ch. E, Art. II, §10)

³⁴ (Prior Code, Ch. E, Art. II, §11)

Chapter 51. Water and Sewers - Privies and Septic Tanks

51.50 SEPTIC TANKS REGULATED.

Septic tanks may be installed where sewer is not reasonably accessible, provided, the tank is constructed in accordance with the specifications of the State Board of Health, and a permit therefore is issued by the Town Clerk/~~Finance Officer~~.³⁵

§51.99 PENALTY.

(A) *Generally.* Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of §10.99.

~~(B) *Tampering with water system.*~~

- ~~1) A violation of §51.02(A) shall carry a penalty of \$50 if the violation is by a person whose water service has been discontinued because of nonpayment of his or her water bill.~~
- ~~2) A violation of §51.02(B) shall carry a penalty of not less than \$50, unless permission is first given by the Water Superintendent.~~
- ~~3) A violation of §51.02(C) shall carry a penalty of not less than \$200 for each person involved.³⁶~~

³⁵ (Prior Code, Ch. G, Art. III, §2)

³⁶ ~~(Prior Code, Ch. E, Art. I, §2)~~

Chapter 52: Emergency Drought Response

§52.01 DECLARATION OF POLICY, PURPOSE AND INTENT.

- (A) *Purpose.* To achieve the greatest public benefit from domestic water use, sanitation and fire protection and to provide water for other purposes in an equitable manner and to prevent depleting the water supply to the extent that water use for human consumption, sanitation, fire protection and other essential needs become endangered, the town adopts the following regulations and restrictions on the delivery and consumption of potable water.
- (B) *Necessity.* This chapter is hereby declared necessary for the preservation of public health, safety and welfare and shall take effect upon its adoption by the Town Council.
- (C) *Proclamation.* Whenever the town is experiencing a moderate drought, severe drought or extreme drought, as those terms are defined herein, the Mayor is authorized to proclaim that drought conditions exist and to implement the conservation measures provided in this chapter for the drought.
- (D) *Effective date and term.* Immediately upon the issuance of a proclamation, regulations and restrictions set forth under this chapter shall become effective and remain in effect until the water shortage is terminated and the proclamation rescinded.
- (E) *Water uses.* Water uses, regulated or prohibited under this chapter, are considered to be nonessential and continuation of the uses during times of water shortage is deemed to constitute a waste of water, subjecting the offender(s) to penalties.
- (F) *Application of provisions.* The provisions of this chapter shall apply to all customers of the town, excluding local governments furnished water for the purpose of resale.³⁷ Penalty, see §52.99

§52.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AESTHETIC WATER USE. Potable water use for ornamental or decorative purposes such as fountains, reflecting pools and waterfalls.

COMMERCIAL AND INDUSTRIAL WATER USE. Potable water use integral to the production of goods and/or services by any establishment having financial profit as its primary aim.

CONSERVATION. Reduction in water use to prevent depletion or waste of the resource.

CUSTOMER. Any person, company or organization using potable water supplied by the town.

DOMESTIC WATER USE. Potable water use for personal needs, or for household purposes, such as drinking, bathing, heating, cooking, sanitation or for cleaning a residence, business, industry or institution.

DROUGHT ALERT PHASES.

³⁷ (Prior Code, Ch. E, Art. III, §1)

EXTREME DROUGHT. When the safe stream yields within the town's water supply watersheds combined with potable and usable raw water storage is not sufficient to maintain a 70-day water reserve to meet normal water use by all customer classes.

MODERATE DROUGHT. When the safe stream yields within the town's water supply watersheds combined with potable and usable raw water storage is not sufficient to maintain a 120-day water reserve to meet normal water use by all customer classes.

SEVERE DROUGHT. When the safe stream yields within the town's water supply watersheds combined with potable and usable raw water storage is not sufficient to maintain a 100-day water reserve to meet normal water use by all customer classes.

ESSENTIAL WATER USE. Potable water used specifically for firefighting, maintaining in stream flow requirements, and to satisfy federal, state and local public health and safety requirements.

EVEN NUMBERED ADDRESS. Street addresses, box numbers, cluster box numbers or rural route numbers ending in 0, 2, 4, 6, 8 or the letters A through M and locations without addresses.

INSTITUTIONAL WATER USE. Potable water used by government, public and private educational institutions, churches and places of worship, water utilities and other lands, buildings and organizations within the public domain.

LANDSCAPE WATER USE. Potable water used to maintain gardens, trees, lawns, shrubs, flowers, athletic fields, rights-of-way and medians.

NORMAL WATER USE. For residential customers, NORMAL WATER USE shall be based on 9,000 gallons per month. For commercial, institutional, industrial and agricultural customers, NORMAL WATER USE shall be determined for each customer on an individual basis and will be based on water use for the preceding 12-month period prior to the invoking of this subchapter.

ODD NUMBERED ADDRESSES. Street addresses, box numbers, cluster box numbers or rural route numbers ending in 1, 3, 5, 7, 9 or the letters N through Z.

POTABLE WATER. Water treated and supplied by the town.

USABLE RAW WATER. Total impounded raw water in the town's reservoir, less normal system losses and allowances for evaporation, sediment accumulation in the bed of the creeks and treatment plant backwash water.

WATER SHORTAGE. Lack of adequate available water to meet normal demands due to lower than normal precipitation, reduced stream flows or soil moisture and/or lowering of the potentiometric surface in wells which causes water supplies to be less than usual.³⁸

§52.03 NONESSENTIAL WATER USE.

Nonessential water use categories, other than essential water use, may be curtailed during severe or extreme drought. Some example of nonessential water uses follows.

(A) Residential and institutional.

- 1) Washing down sidewalks, walkways, driveways, parking lots, tennis courts or

³⁸ (Prior Code, Ch. E, Art. III, §2)

other hard surfaced areas;

- 2) Washing down buildings or structures for purposes other than immediate fire protection;
- 3) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- 4) Washing any motor bike, motor vehicle, boat, trailer, airplane or other vehicle in public or private garages or elsewhere;
- 5) Maintaining fountains, reflection ponds and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life;
- 6) Filling or maintaining public or private swimming pools; and
- 7) Sprinkling lawns, plants, trees and other flora on private or public property, except as otherwise permitted in this subchapter.

(B) *Commercial and industrial.*

- 1) Serving water routinely in restaurants;
- 2) Increasing water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support fish and wildlife;
- 3) Irrigating golf courses and any portion of its grounds, except as otherwise provided for under this subchapter;
- 4) Obtaining water from hydrants for construction purposes, fire drills or for any purposes other than firefighting;
- 5) Serving customers who have been given a ten-day notice to repair one or more leaks and has failed to comply;
- 6) Expanding commercial car washing and nursery facilities, placing new irrigated agricultural land in production or planning or landscaping when required by site design review process;
- 7) Washing down sidewalks, walkways, driveways, parking lots, tennis courts or other hard surface areas; and
- 8) Washing down buildings or structures for purposes other than immediate fire protection.³⁹

§52.04 RESPONSES TO MODERATE, SEVERE AND EXTREME DROUGHT ALERT PHASES.

(A) *Goals.* The goals for water use reduction in each phase are as follows.

- 1) *Moderate drought alert phase.* A voluntary reduction in normal water use of 15% for residential, agricultural, commercial, industrial, institutional and electric power generation purposes.

³⁹ (Prior Code, Ch. E, Art. III, §3)

- 2) *Severe drought alert phase.* A reduction in normal water use of 15% for residential, agricultural, commercial, industrial, institutional and electric power generation purposes.
- 3) *Extreme drought alert phase.* A reduction in normal water use of 30% for residential, agricultural, commercial, industrial, institutional and electric power generation purposes.

(B) *General responses.*

- 1) *Notice.* A notice of drought conditions on water supply and demand will be issued in the news media. This notice will include a list of nonessential water uses, water use restrictions or water use curtailment measures as appropriate to the current drought phase.
- 2) *Water use restrictions.* Customers are to comply with the listed water use restrictions and curtailment measures in all categories which include, but are not limited to, those listed in divisions (C), (D) and (E) below of this section.

(C) *Moderate drought alert phase.* Compliance is voluntary.

1. *Commercial, industrial and institutional.*
 - a) Reduce aesthetic, domestic, landscaping and water based recreational activities such as swimming pools, water slides and other related water activities; and
 - b) Eliminate all automatic irrigations.
2. *Residential*
 - a) Reduce water use to 75 gallons per day and a maximum of 300 gallons per household per day;
 - b) Reduce aesthetic, domestic, landscaping and water based recreational activities such as swimming pools, water slides and other related water activities; and
 - c) Eliminate all automatic irrigations.

(D) *Severe drought alert phase.* Compliance is required.

1. *Commercial, industrial and institutional.*
 - a) Prohibit aesthetic water use
 - b) Reduce domestic water use to minimum levels necessary to maintain health and safety;
 - c) Limit water based recreational activities to new facilities that require filling such as swimming pools, water slides and other related water activities;
 - d) Use low-volume hand-held applications only and prohibit sprinklers, other remote broadcast devices and water runoff in landscape design and maintenance; and
 - e) Restrict landscape watering to Wednesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even-numbered addresses.
2. *Residential*
 - a) Reduce water use to 75 gallons per day and a maximum of 300 gallons per household per day;

- b) Limit water based recreational activities to new facilities that require filling such as swimming pools, water slides and other related water activities
- c) Use low-volume hand-held applications only and prohibit sprinklers, other remote broadcast devices and water runoff in landscape in landscape design and maintenance; and
- d) Restrict landscape watering to Wednesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even-numbered addresses.

(E) *Extreme drought alert phase.* Compliance is required

1. *Commercial, industrial.*

- a) Prohibit aesthetic water use;
- b) Reduce domestic water use to minimum levels necessary to maintain health and safety;
- c) Limit water based recreational activities to new facilities that require filling such as swimming pools, water slides and other related water activities;
- d) Use low-volume hand-held applications only and prohibit sprinklers, other remote broadcast devices and water runoff in landscape design and maintenance; and
- e) Restrict landscape watering to Wednesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even-numbered addresses.

2. *Institutional.*

- a) Prohibit aesthetic water use;
- b) Reduce domestic water use to minimum levels necessary to maintain health and safety;
- c) Limit water based recreational activities to new facilities that require filling such as swimming pools, water slides and other related water activities; and
- d) Restrict landscape watering to Wednesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even-numbered addresses.

3. *Residential*

- a) Restrict water use to 55 gallons per person per day and a maximum of 220 gallons per household per day;
- b) Reduce domestic water use to minimum levels necessary to maintain health and safety;
- c) Prohibit water based recreational activities that require filling such as swimming pools, water slides and other related water activities; and
- d) Use low-volume hand-held applications only and prohibit sprinklers, other remote broadcast devices and water runoff in landscape design and maintenance.⁴⁰

§52.05 WATER RATES.

(A) In the event of a severe drought-related water shortage, the Town Manager is hereby authorized to monitor water use. Domestic water use above limits in §52.04(A)(2) and (D) will be subject to a surcharge of \$0.005 per gallon. Institutional, commercial, industrial and recreational water users will be subject

⁴⁰ (Prior Code, Ch. E, Art. III, §4)

to water use surcharge of \$5 per 1,000 gallons of water used if the 15% reduction requirement is not met, or if the Town Manager deems that adequate conservation measures have not been implemented.

- (B) In the event of a severe drought-related water shortage, the Town Manager is hereby authorized to monitor water use. Domestic water use above limits in §52.04(A)(3) and (E) will be subject to a surcharge of \$0.005 per gallon. Institutional, commercial, industrial and recreational water users will be subject to water use surcharge of \$5 per 1,000 gallons of water used if the 30% reduction requirement is not met, or if the Town Manager deems that adequate conservation measures have not been implemented.⁴¹

§52.06 FURTHER EMERGENCY MEASURES.

In the event that a drought threatens the preservation of public health and safety is threatened, the Town Council will take further action as it deems necessary.⁴²

§52.07 ENFORCEMENT.

- (A) Law officers of the Town Police Department and officers of the County Sheriff's Department shall, in addition to duties imposed by law, diligently enforce the provisions of this chapter.
- (B) Management employees of the Town Utility Department have the duty and are hereby authorized to enforce the provisions of this chapter and shall have the power and authority to issue written notices to appear when violations of this chapter occur during any declared moderate, severe or extreme drought or water shortage.⁴³

§52.08 VARIANCES.

- (A) Persons not capable of immediate water use restrictions or curtailment, because of equipment damage or other extreme circumstances, shall commence gradual reduction of water use within 24 hours of the declaration of water use curtailment/reduction and shall apply for a variance from curtailment.
- (B) Persons requesting exemption from the provisions of this chapter shall file a petition for variance with the Town Manager within ten days after the curtailment becomes effective. The Town Manager shall respond to requests for variance within five days of receipt of information or within 20 days of declaration of the curtailment, whichever comes first. Petitions shall contain the following:
- 1) Name and purpose of the petitioner(s);
 - 2) Purpose of water use;
 - 3) Specific provision from which the petitioner is requesting relief;
 - 4) Detailed statement as to how the curtailment declaration adversely affects the petitioner;
 - 5) Description of the relief desired;
 - 6) Period of time for which the variance is sought;
 - 7) Economic value of the water use;
 - 8) Damage or harm to the petitioner or others if petitioner complies with this chapter;

⁴¹ (Prior Code, Ch. E, Art. III, §6)

⁴² (Prior Code, Ch. E, Art. III, §7)

⁴³ (Prior Code, Ch. E, Art. III, §9)

- 9) Restrictions with which the petitioner is expected to comply and the compliance date;
- 10) Steps the petitioner is taking to meet the restrictions from which variance is sought and the expected date of compliance; and
- 11) Other pertinent information.

(C) In order for a variance to be granted, petitioner must show one or more of the following conditions:

- 1) Compliance with the chapter cannot be technically accomplished during the duration of the water shortage; and/or
- 2) Alternative methods can be implemented which will achieve the same level of reduction in water use.

(D) The Town Manager may, in writing, grant temporary variances for existing water uses otherwise prohibited under this chapter if it is determined that failure to grant the variances would cause an emergency condition adversely affecting health, sanitation or fire protection for the public or the petitioner and if one or more of the aforementioned conditions are met. The Town Council may ratify or revoke any variance at its next scheduled meeting. Any variance so ratified may be revoked by later action of the Town Council.

(E) No variance shall be retroactive or otherwise justify any violation of this chapter occurring prior to the issuance of the variance.

(F) Variances granted shall be subject to the following conditions, unless waived by the Town Manager.

- 1) Variances granted shall include a timetable for compliance.
- 2) Variances granted shall expire when the water shortage no longer exists, unless the petitioner has failed to meet specified requirements.⁴⁴

§52.09 STATUS OF THE CHAPTER.

(A) In the event that any portion of this chapter is held to be unconstitutional for any reason, the remaining portions of this chapter shall not be affected.

(B) The provisions of this chapter shall prevail and control in the event of any inconsistency between this chapter and other rules and regulations of the town.

(C) The Mayor is authorized to proclaim an end to any one phase of the drought alert in total and to all or any part of the restrictions imposed when the following conditions have been verified by the Town Manager.

- 1) *Moderate drought alert phase.* May be ended when the combined potable and usable raw water storage equals a 140-day water reserve and a ten day continuous stream flow is expected in Beaver Dam and Lane's Creeks.
- 2) *Severe drought alert phase.* May be ended when the combined potable and usable raw water storage equals a 130-day water reserve and a five day continuous stream flow is expected in Beaver Dam and Lane's Creeks.

⁴⁴ (Prior Code, Ch. E, Art. III, §10)

~~§52.91~~ *Extreme drought alert phase.* May be ended when the combined potable and usable raw water storage equals a 110-day water reserve.⁴⁵

§52.99 PENALTY.

In addition to the surcharge and sanction provided herein, the Town Manager may disconnect the water service of any person or customer whenever it is determined that the person has failed to comply with the provisions of this chapter. Services disconnected under these circumstances shall be restored only upon payment of a reconnection fee, hereby established at ~~\$10~~ as set forth in the fee schedule and any other costs incurred by the town in discontinuing service. In addition, suitable assurance must be given by the person or customer that the same action shall not be repeated during drought or water shortage.⁴⁶

⁴⁵ (Prior Code, Ch. E, Art. III, §11)

⁴⁶ (Prior Code, Ch. E, Art. III, §8)

TOWN OF MARSHVILLE

est. 1877

Utility Service Policies and Procedures

**Adopted by the Marshville Town Council
Effective as of July 1, 2013**

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Introduction

The policies and procedures contained in this document are intended to define the relationship between the customer of utility services including water, wastewater, and solid waste collection and the Town of Marshville. These policies are, by notification of and availability to all customers, made part of the contract for service entered into by the customer. By contracting for service, the customer acknowledges the applicability of these policies and procedures and agrees to abide by them.

Section 1 – Town of Marshville Public Utilities

A. Establishment

The Town of Marshville (Town) owns and operates water and wastewater utilities in accordance with applicable State and Federal regulatory requirements and under permits issued by the State of North Carolina. These policies, as amended periodically, are adopted by the Marshville Town Council to govern the relationship between the Town and its utility customers.

The Public Utilities Department (hereinafter referred to as Department) is operated as a Town Department. Operational authority of the Department rests with the Town Manager while the Town Council retains governing authority of the utilities. The terms Department and Town may be used interchangeably in this document.

B. Authority

The enactment of standard utility policies requires the approval of the Town Council. As fee schedules, rates and other specific policies are updated, it will be the responsibility of the Town Manager or their designee to ensure this policy manual is revised in accordance with Town Council action. The Town Manager is authorized as the hearing or grievance officer for customers. As such, the Town Manager, or their designee, is authorized to hear concerns and complaints, settle disagreements, and reconnect any customer disconnected for nonpayment or other reason while the concern is investigated, if that official deems necessary. Hearings are addressed in Section 5, Discontinuing Service.

Prior to an item appearing before the Town Council, all grievances should be heard by and submitted to the Director of Utilities for review and recommendation to the Town Manager for possible resolution.

C. Office and Service Hours

The Town Hall is located at 201 West Main Street and is open from 8 a.m. to 5 p.m. Monday through Friday. Routine and regular service work will be performed from 7 a.m. to 4 p.m. Monday through Friday except for municipal holidays. Service work for unusual conditions may be arranged at other times upon customer request and may require an additional fee.

A 24-hour drop box is available for customer's convenience next to the drive through window of Town Hall. Payments made at the drop box after 2:00 p.m. are posted the next business day.

Emergency restoration work is performed 24 hours a day, seven days a week. Please call us at 704-694-2515 for emergency service. If an emergency occurs during non-business hours, please contact Union County Communications at 704-289-1591. Reconnection due to disconnection of service for nonpayment is not considered an emergency. Dispatch for reconnection of services that were disconnected due to nonpayment, or similar instances, will result in additional fees being assessed to the account holder.

D. Continuity of Service

All reasonable efforts are made to assure continuity of services to customers. Notice is given by posting signs, by mass calling using the Town's emergency notification system, or by personal contact of predictable interruptions to services resulting from systems maintenance operations or repairs. The Department may suspend water and sewer services as a result of accidents requiring major repairs, loss of the water supply, public health emergencies, at the direction of the courts or public authorities or as a result of strikes, riots, war, fire, flood or other disasters. Although the Town uses its good faith effort to see that utilities are delivered safely, the Town is not responsible for any damage caused by interruption of utility services. The customer understands that instances may occur where service is interrupted beyond the control of the Town and that no compensation will be rendered for such loss of service.

E. Scope & Intent

The intent of these policies is to provide the customer, and the employees of the Town a helpful guide with uniform procedures for providing utility service. This policy is not meant to be all-inclusive but offers direction and guidance. The Town desires to treat its citizens in a fair and nondiscriminatory manner, while recognizing that each customer has distinct needs and requirements.

These policies and procedures have been established as guidelines for the day-to-day operations of the Town of Marshville Public Utilities. These are intended to be used and referred to by the Town Council and any employees or agents of the Town for determining actions and procedures to be followed with respect to town utilities.

These policies and procedures may be periodically revised through recommendation by the Town Manager and with approval of the Town Council. Town of Marshville utility services are regulated by the Marshville Code of Ordinances, general utility law, and North Carolina General Statutes. Policies adopted and amended by the Town Council are available on file with the Town Clerk.

Employees of the Town have been empowered and trained to use these policies to deliver high quality service to customers. Employees are expected to deal with each situation with empathy and understanding, listening carefully to the needs and requirements of individual customers. Ultimately, the Town Manager is the final authority on these policies. However, every customer has the right to appeal any decision before the Town Council. See section *Customer Rights Prior to Discontinuance of Services* for details.

These policies are not meant as a substitute for personal initiative on the part of employees but to serve as a guide for reasonable response to customer needs while meeting the requirements of good business practices on the part of the Town.

F. Application of Policies

These policies apply to every customer and/or applicant for utility service and may be revised, amended, supplemented, or otherwise changed periodically by action of the Town Council.

G. Customer Request for Policies

A summary of this policy is to be given, or offered to, all customers and applicants for service. Customers may obtain a full copy of the Town's policies from Town Hall or on the Town's website. Customers may also request a verbal explanation of policies and are encouraged to seek answers to any questions by contacting Town Hall.

H. Privacy

Our application/agreement requests that the potential customer provide their social security number. We request this number to verify identity, protect sensitive account information, and

collect delinquent balances once a customer vacates a property. There is no statutory or other authority requiring any customer to provide a social security number. However, when customer billing data is requested, the last four digits of the social security number or Tax ID Number will be used to verify identity prior to any information being given out by staff. Staff members have the authority to request other verifying information to protect customers against fraud.

Customer billing data is not considered public information. The Town will ensure that customer information, including billing data, is adequately safeguarded against unauthorized use. The Town of Marshville has in place a Sensitive Information Policy and Program which helps to protect customers from damages related to the loss or misuse of sensitive information.

Section 2 - Establishing Service

A. Connecting to the System

New customers connecting to water and/or sewer system may apply for the desired services in the following manner: In accordance with Town Ordinance 51.03, any application shall be accompanied with a plan or drawing showing the location of the building and shall state the name of the street and the name of the person, firm or corporation. For detail in regards to connection requirements, see Chapter 51: Water and Sewer of the Marshville Code of Ordinances. Applications received for connection to town infrastructure are reviewed on a case-by-case basis and are not guaranteed for approval.

1. New customers may apply for service where the necessary water distribution and sewer collection pipes exist beneath or adjacent to streets abutting the property. Customers will be required to complete an Application for Connection to Town Infrastructure. Upon approval of the application, customers will pay the proper tap fee and schedule a date of connection. Customers approved for connection to infrastructure will also be required to complete an Application for Utility Services acknowledging responsibility for payment of bills to begin at the time of connection to Town infrastructure.
2. If service is requested where the necessary water distribution and sewer collection pipes DO NOT exist beneath or adjacent to streets abutting the property, and a customer would like to encroach upon other property in order to connect to existing infrastructure, the customer shall provide legal easements for any property encroached upon between Town infrastructure and customer property. Customers will also be required to complete an Application for Connection to Town Infrastructure. Upon approval of the application, customers will pay the proper tap fee and schedule a date of connection. Customers approved for connection to infrastructure will also be required to complete an Application for Utility Services acknowledging responsibility for payment of bills to begin at the time of connection to Town Infrastructure. Customers will be responsible for all cost incurred to extend personal infrastructure to connect to that of the Town.
3. If service is requested where the necessary water distribution and sewer collection pipes DO NOT exist beneath or adjacent to streets abutting the property, the owner/developer of said property shall be responsible for the cost of extending service to the property. Proposals for service connection involving the extension of Town infrastructure will be reviewed independently.

B. Service to Existing Connections

Service may be provided to existing connections upon the completion of an Application for Utility Services available at Town Hall or on the Town's website. This application form may be submitted in person, via mail, or via facsimile. However, in order to verify identity, a valid government issued identification document (driver's license, passport, state identification card, military identification

card, etc.) and validation of the applicant's social security number must be provided. A new application must be submitted for every connection, regardless of prior connections to an existing address or customer history.

C. Utility Application Processing

Customers wishing to establish service will be required to complete an Application for Utility Services. **All** persons requesting utility services must provide the following information:

- Full name
- Mailing Address
- Service Address
- Home, Cell, & Work Phone Numbers
- Email Address (if available)
- One valid form of government issued identification with photo – Driver's License, Passport, or State issued ID (ID will be scanned into the system for attachment to the customer's account for identification purposes and one copy will be attached to the application for validation of signature on file).
- Presentation of social security card or acceptable documentation noting a social security number for validation of number. (A copy of this document will not be kept on file). Refusal of presentation of a valid social security number may result in a higher rate of deposit for non-property owners and may result in the requirement of a deposit for property owners. See subsection *Deposits* for detail. Social security numbers may be used to collect any delinquencies due the Town.
- Connection date of services
- Number of persons living at residence (if applicable)
- Employer Name and Address
- Property Owner Name and Telephone Number
- Any additional information necessary for accurate processing of account application and recordation of history
- Property Type (Residential, Commercial, Institutional, Industrial)
- Signature and Date Signed
- Proof of Property Ownership or Occupancy (see below)

Property Owners shall provide a closing statement or deed to verify ownership. Property owners may have utilities connected at more than one location as long as all accounts remain current. Any prior delinquency for utility services at any location may prevent a property owner from establishing new service. See subsection *Prior Debts* for details. Property owners with rental property are advised to have service automatically revert back to them when a tenant requests services to be discontinued in their name. This will prevent the owner from having to apply for service and pay a service initiation fee with each occurrence.

Non-Property Owners shall provide the Town with a copy of a lease/rental/occupancy agreement and will be limited to one service location at any given time. The non-property owner's utility account will be set up in the name or names specified in the lease/rental/occupancy agreement. In the event that any person named in the lease has any outstanding utility debt with the Town, that debt shall be paid in full prior to service connection. See subsection *Prior Debt* for details. If a lease/rental/occupancy agreement cannot be provided, an Application for Utility Services may be denied.

Multi-Unit Residencies shall provide the Town with verification of ownership listing all units by street address and unit number, if applicable. Owners of the property shall provide the Town with a list of authorized agents who act upon their behalf (e.g. site managers, real estate agents). The account may be set up in the name of the property owner, site manager, or real estate agent. A federal identification number or social security number must be provided for access to account

information and use in the collection of any delinquencies owed to the Town. It is recommended that multi-unit establishments request for account responsibility to automatically revert back to the establishment when a tenant requests for services to be discontinued in their name. If a tenant disconnects service without the account reverting back into the name of the establishment, or if a tenant is disconnected for non-payment and vacates the premise, an Application for Utility Services must be filled out and submitted and a service initiation fee must be paid in order to have services connected at any unit. Requests may be submitted in person, by email or via fax without verification of information as long as ownership information has been previously verified and is on file with the Director of Utilities. Multi-unit residency owners or agents may have utilities connected at more than one location as long as all accounts remain in good standing. Any prior delinquency for utility services at any location may prevent an owner from establishing new service. See subsection *Prior Debts* for details.

D. Service to Commercial and Industrial Accounts

Accounts established for non-residential service will require a signature by a duly authorized representative of a business entity. For a business not operated by a recognized legal entity, the account will be listed in the name of a responsible person (owner, manager, etc.). That person accepts the personal responsibility for payment of the account and must notify the Town of any changes in ownership. For a business operated by a recognized legal entity, the account will be listed in the name of a responsible person "DBA" (doing business as) the name of the company. Non-residential property applicants use the same application and require the same information as residential property applicants and are subject to all utility policies and procedures as describe in this document.

E. Multiple Delinquencies per Service Location

The property owner, or their specified agent on record, will be required to be the contracting utility customer after two (2) delinquencies on utility accounts have occurred at a specified location in a five (5) year period. A delinquency on a utility account is when a utility customer is indebted to the Town after all deposits and payments are applied during the finalization process. Service will remain in the name of the owner or agent; however, an authorization form to release utility billing information may be completed in order to give additional persons access to account information for the purpose of payment and balance requests.

F. Time and Place of Application

Persons requesting utility services can complete the application process and submit all required documentation to Town Hall between 8:00 a.m. and 4:00 p.m. Monday through Friday. No service will be connected until all application procedures have been completed and any fees/balances, if applicable, are paid in full. Applications submitted after 4:00 p.m. may be processed; however, utility services will not be performed until the following business day. The Town will strive to meet each customer's needs for connection of service. Normal connection will be made in a timely manner during regular business hours. The Town reserves the right to inspect the premises prior to connection to determine if utility service can be received at the premise in a safe manner.

Water customers who request connection or reconnection of water service shall have a representative present in the residence when service is established to ensure that no damage is caused as the connection is re-established. The Town shall not be held liable in such instances and the customer will indemnify and hold harmless the Town and its agents in such instances.

G. Temporary Connections and Disconnections of Utility Services

Customers may request temporary connections and disconnections of service for a period not greater than ten (10) days. Persons wishing to establish temporary service must follow the Utility Application Process. In addition to providing the connection date when applying, the date of service disconnection must be provided and scheduled. If at any time during temporary connection an

extension for services is requested, the account will take on permanent status and follow all policies and procedures for normal service, including but not limited to fees, rates, and/or deposits. Extensions for temporary service will not be granted until fees, rates, and/or deposits are received. Temporary service will be billed at a prorated amount based on the number of days the account is active in the billing cycle plus any consumption billed at the regular rate. Services provided for a period of more than 10 days are subject to regular rates.

H. Estate Account and Deceased Account Holder

A Utility Billing Change Form must be completed in order to transfer an account into the ownership of an estate. The Town may request legal documentation from the executor or the person responsible for administering an estate. The account will then be established in the estate's name. It is the responsibility of the executor or other person administering the estate to notify the Town of any changes in account status. The Town of Marshville will allow an account to remain in the name of an estate for a period of 4 months from the date of service connection. It is the responsibility of the executor or administrator of the estate to either disconnect or transfer ownership of the account into the name of a responsible person prior to this date. If an application has not been processed to transfer ownership of the account by this time, services may be disconnected without further notice.

When an account holder is deceased, a Utility Billing Change Form must be completed in order to transfer an account into the name of the responsible party. The Town may request legal documentation including, but not limited to, death certificates in order to process the utility billing change request. If the Town of Marshville receives notice or determines that an account holder is deceased, notification of account closure will be mailed to the address on record. The letter will set forth a date in which a Utility Billing Change Form must be received in order to continue services at the location of the deceased account holder. If the responsible party is not the property owner, an Application for Utility Services must be filled out and the application process must be completed in accordance with this policy.

I. Customer Responsibility for Piping

Each customer is responsible for water and sewer piping on his/her property. The customer is responsible for obtaining any permits, approvals, inspections, or easements. Installation is governed by the Union County Building Codes and inspection of such new water and sewer piping is completed by the Public Works Director or Director of Utilities. Sharing services between buildings on different properties, except for condominiums and group residences, is not permitted. For detail regarding system operations for the Town of Marshville, please refer to the Marshville Code of Ordinances, Title V Chapter 51.

J. Prior Debts

The Town will refuse to furnish new service to an applicant who is indebted to the Town for service previously furnished at any location connected to Town infrastructure where they were the responsible party. Also, service will not be established if any member of the household has an outstanding account with the Town at the time of an application for service. In the instance that debt to the Town is not discovered prior to approval of application, the customer must be informed immediately upon discovery. The previous balance will be transferred to the customer's current account where it will become part of the balance due for services. Customers will be expected to pay the previous balance in full along with their subsequent monthly bill in order to avoid having services interrupted for nonpayment. If the previous balance is of significant amount, a customer may apply for extension or payment plan in accordance with this policy. Failure of staff to discover a previously owed debt does not relinquish the debt owed to the Town by the delinquent customer.

K. Deposits

Customers wishing to establish service at any location in which they are NOT the owner on record, or to any location that serves a mobile home or temporary structure, are required to pay a utility deposit in accordance with the current fee schedule. The full amount of the deposit must be paid prior to services being connected at any location. Temporary service connections may require a deposit if an extension for service beyond the initial disconnection date is requested.

The Town may not make the provision of a social security number mandatory for service connection. However, election not to provide a valid social security number will subject the customer to a deposit equal to three (3) months of the applicable base rate(s) before service is established. This deposit will be in addition to the required deposit for applicants. This type of deposit is required by any applicant, including property owners and agents, wishing to establish service without providing and verifying their social security number.

Payment for deposit must be made by cash, money order, or credit card. No checks will be accepted for payment unless funds can be verified by the banking establishment.

L. Refunds of Deposits

Deposits will remain on account throughout the life of the account. When services are requested for disconnection or are terminated by the Town, the deposit on account will be applied to any balance due, including the final bill, prior to funds being refunded. Deposit refund checks will be issued to the same name as the account holder and mailed to the last known address unless another address is provided.

Deposits are transferrable from one location to another as long as there is no outstanding debt on the account. Deposits will only be transferred from one location to another under the same account holder. An administrative fee, in accordance with the current fee schedule, will be due for the processing any new application.

M. Future Deposits

Any customer whose service is involuntarily terminated for nonpayment, tampering, or other reasons more than twice (2) in any twelve (12) month period AND does not already have a deposit on account will be required to pay a deposit, as specified in the above paragraphs, prior to reconnection of service. This applies to all customer accounts, including those maintained by owners of property, or their specified agent.

N. Reasons for Denial of Service

Applications for utility service may be denied for any one of the following reasons:

- A lease/rental/occupant agreement cannot be provided
- Validity of lease/rental/occupant agreement is in question and the property owner cannot be reached
- There are two or more delinquencies at a service location in a five (5) year period occurring after adoption of these policies resulting in services being provided to the property owner or agent on record only
- Questionable Identification – inability to provide verifiable or valid identification

Section 3 - Rates, Fees, and Application of Fees**A. Establishment of Rates and Fees**

The Town Council reviews rates and fees each year during the budget process. The Council examines current and future needs (including adequate reserves) of the systems in order to establish rates that are adequate to meet these needs. Rates and fees for all utility services are established and adopted by the Marshville Town Council. Rates and fees are generally set in a fee

schedule adopted with the annual budget; however, rates are subject to change throughout the fiscal year.

B. Determination of Utility Rates

Every account in the utility account system must contain rate codes regardless of whether it is active or inactive. All government locations should maintain an active account to track consumption used to ensure accurate records are kept. Utility rates for specific locations are based on a number of factors including residency, connection/meter size, and number of establishments connected to a single service connection. Water charges are billed according to the number of gallons metered within a billing cycle. Sewer charges are based on the total number of gallons recorded on the water meter within a billing cycle. Solid waste charges are based on the number of containers delivered to a location. All in town properties receiving utility services are required to have solid waste services and will be charged the solid waste fee, as set forth in the current fee schedule, except where solid waste services are provided independently.

C. Service Initiation Fee

A service initiation fee, as set forth in the current fee schedule, will be charged for the processing of any Application for Utility Services or Application for Connection to Town Infrastructure. This fee does not apply in certain instances where transfer of ownership of an account takes place (i.e. estate accounts, deceased account holder, multi-unit residencies).

D. Late Fee

A late fee, as set forth in the current fee schedule, will be applied to any utility account whose current bill is not paid in full by the due date. This includes accounts where only a partial payment has been received during the month. This fee may also be applied to any account whose payment arrangement has defaulted or is delinquent. The late fee will be applied to applicable accounts at 5:00 p.m. at the close of business on the due date. In the instance the due date occurs on a weekend day or holiday, the late fee will be applied after 5:00 p.m. on the following business day. Payments received after this time, whether in person, by mail, or in the drop-box will still be deemed past due.

E. Delinquency Fee

A delinquency fee, as set forth in the current fee schedule, may be applied to any utility account whose balance is greater than \$10.00 on the 10th day following the due date. This includes accounts where only a partial payment has been received during the month. This fee may also be applied to any account whose payment arrangement is defaulted. The delinquency fee may be applied to applicable accounts at 5:00 p.m. at the close of business no earlier than 10 days following the due date. In the instance the 10th day following the due date occurs on a weekend day or holiday, the delinquency fee will be applied after 5:00 p.m. on the following business day. Payments received after this time, whether in person, by mail, or in the drop-box will still be deemed delinquent.

A delinquency fee is in direct relation to scheduled service disconnection due to non-payment. This fee must be paid, along with any balance due, in order to have services re-instated if disconnection for non-payment occurs. Personal checks are not an acceptable form of payment to reestablish service after disconnection occurs for nonpayment.

F. Tampering Fee

In accordance with the Marshville Code of Ordinances, it shall be unlawful for any person or plumber to tamper with any water meter or open any water service valve in the town without first consulting the Superintendent of the water system. Furthermore, no person shall touch, tamper or in any manner manipulate or turn the cut-offs on the water mains or meters forming a part of the water system of the town, nor shall any person tamper with or harm in any manner whatsoever

any water or sewer line, main or any appurtenance thereto. N.C. General Statute 14-151.1 allows the Town to hold responsible the "person in whose name such meter is installed or the person or persons so using or receiving the benefits" to be fined penalty for tampering. If the town finds that a meter, line, apparatus, etc... has been tampered with, a penalty, as set forth in the current rate schedule, will be applied to the person responsible for service at that particular location. Services will be disconnected until such fee is paid in full. If tampering occurs when an account is not active, the owner of the property shall be fined penalty and held responsible for such tampering. In addition to penalty, the customer or owner will be charged for the amount of any losses or damages sustained for each tampering incident. The Town of Marshville reserves the right to prosecute all cases of tampering, utility theft and fraud to the fullest extent of the law.

G. After Hours Reconnection Fee

If a customer wishes for services to be reconnected at any location between the hours of 4:00 p.m. and 5:00 p.m., Monday through Friday, an after hours reconnection fee will be due, in addition to any other fees that may apply. After hours reconnections are performed for customers whose service has previously been disconnected for nonpayment.

H. Service Call Fee

A service call fee may be charged for services performed by Town staff that is not deemed necessary by the Town. Such services include, but are not limited to, re-reading of meters, checking a meter for a possible leak, and the testing of meters for accuracy.

I. After Business Hours Appointment

A charge, determined by cost, will be levied for service calls made by Town personnel outside their normal working hours of 7:00 a.m. to 4:00 p.m. on weekdays and on weekends, which are initiated by customers or their agents. Each request must be documented on a Town Service Request Form by the customer acknowledging responsibility for charges that may accrue.

Section 4 - Billing for Service

A. Billing Cycle

- Bills are mailed out no later than the 25th day of the month. The first utility bill for a new customer will be prorated based on the number of days the account is active in the billing cycle and will include charges for all consumption billed at the regular rate.
- A bill is past due if not paid by 5:00 p.m. on the 10th day of the month. If the 10th day of the month falls on a weekend day or holiday, the customer will have the next business day to pay without penalty.
- Service is scheduled to be disconnected if payment is not received by 5:00 p.m. on the 20th day of the month. The delinquency fee may be charged to any customer whose balance is greater than \$10.00 at 5:00 p.m. on the 20th day of the month. The delinquency fee and account balance must be paid in full before service is reconnected. If the 20th day of the month falls on a Friday, weekend day, or holiday, services will be disconnected the following business day. If the 20th day of the month falls on Thursday, the delinquency fee will be applied at 5:00 p.m. at the close of business; however, services will not be disconnected until the next business day following the weekend.
- No second notice will be mailed for disconnection due to nonpayment. The Department may attempt a call using our automated notification system to a phone number provided by the customer alerting the customer as to the planned date of disconnection. It is the responsibility of the account holder to ensure that all information, including telephone numbers, is accurate and current. Disconnections will only be made Monday through Thursday in order to give customers the opportunity to make payment and have service reconnected before a weekend.

B. Meter Reading

All locations containing a meter will be read on a monthly basis regardless of the status of an account. Consumption will be noted and meter reading sheets will be provided to the Director of Utilities. Staff conducting meter readings will note any meter where readings are questionable or meters that appear to have stopped working. The customer should maintain the area of the meter box serving the property in a manner that keeps it unobstructed by shrubs, grass, weeds, mulch, dirt, or other similar materials. Similarly, vehicles may not be parked over the water meter. The Town will take all measures necessary to ensure reading of the meter including towing of vehicles. If a failure to retrieve a reading is due to customer (or their agent) obstruction or due to damage caused by a customer (or agent), notice will be given to the customer. If failure to comply with the notice occurs, a tampering fee will be applied to the account and a fee to recover any costs incurred shall be invoiced and applied to the customer's account. Meters may not be read the same day each month. The actual dates of meter reading for a particular account are shown at the top of each utility bill.

C. Payment Options and Application of Payments

The Town accepts cash, checks made payable to the Town of Marshville, money orders, and VISA/Mastercard credit card payments in person.

All checks must be made payable to the Town of Marshville. Third-party checks ARE NOT an acceptable form of payment to the Town. Also, no cash change will be given for checks written for an amount greater than the account balance; any overpayment will be credited to the customer's account. The Town of Marshville reserves the right to verify funds on any check presented for payment on account before or after accepting such payment. If a customer's banking institution denies the Town the ability to verify funds, checks presented for payment may be denied. Staff must make sure that the account number is listed on the check. Also, the check number should be entered into the cash management systems description line for future reference.

Refusal to accept methods of payment: Due to processing charges, credit cards cannot not be used for payments totaling over \$1,500. The Town reserves the right to refuse personal checks from customers who have had two (2) or more returned checks applied to their account within a twelve (12) month period. Checks are also not an acceptable form of payment to reestablish service after disconnection due to nonpayment.

Partial Payments: In the event a customer does not pay the total amount due on an account, Town staff will post the partial payment made to the appropriate account. Customers understand that the account balance due must be paid in full to avoid disconnection of service. **At no point will staff return or refuse a payment to an account, unless the refusal of payment method is otherwise described in this policy.** Partial payment of balances due on a customer's account shall be applied in the following order, when applicable:

1. Charges and fees – such as, but not limited to, late payment penalties, delinquency fees, and charges resulting from damage to Department equipment and/or property.
2. Solid waste service charges
3. Sewer service charges
4. Water service charges

Payment Drop-Box: A drop-box is located next to the drive through window of the Town Hall for check and money order payments. Cash payments are receipted in Town Hall during regular business hours, Monday – Friday, 8:00 a.m. to 5:00 p.m. Any payments placed in the drop-box after 2:00 p.m. will be posted the next business day. Payments placed in the drop-box after 5:00 p.m. on the due date and after 5:00 p.m. on the 20th day of the month will not be applied to the

customer account until the next business day; thus, penalties may be applied in accordance with this policy.

Direct Bank Draft: Customers can have their bill drafted directly from their bank account each billing cycle. Bank drafts for utility billing are processed on the 10th day of each month. A completed Electronic Funds Transfer Enrollment Form along with a voided check is required to sign up for this service. If a customer wishes to be removed from the bank draft process, Town staff must be notified by the 1st day of the month. Returned drafts will be handled in the same manner as returned checks.

D. Service Changes

There are three (3) types of service changes:

1. Service Connection where the Town pipes, shutoff valve and water meter and/or sewer connection, if applicable, are initially installed at the customer property,
2. Service Disconnection where the installed water meter is taken out of service by the Town, and
3. Service Reconnection where a water meter is restored to service in previously used Town piping. Provision of sewer service coincides with the status of the associated water meter.

Changes in service are authorized by written application of the customer or his/her agent to the Town. Charges for service changes are as set in the fee schedule adopted annually by the Town Council.

E. Billing Changes

It is the responsibility of the property owner, account holder, or authorized designee to advise the Town to whom and to what address bills are to be sent (e.g. new owner or renter). A Utility Billing Change Form is available from Town Hall for any changes that are necessary to an account. Only an account holder or authorized party can request changes to billing information and statuses.

F. Address Changes

Customers must advise the Town of any change in the address to which bills are to be mailed. There is no charge for such changes. **Failure to receive a bill sent by mail will not excuse late payment or nonpayment of bills.**

G. Transfer of Existing Customer to Location

If an existing Town customer moves from one location serviced by the Town to another location serviced by the Town, consumption charges will be billed based upon actual final meter readings and initial meter readings. Customers may transfer service from one location to another as long as any balances are not past due. The remaining amount owed and any fees from a previous service may be transferred to the new account.

If the customer has an account that is past due, the customer will have to pay that amount before the account can be transferred. The deposit from the previous account will be transferred and an additional deposit may be required in conjunction with the regulations of this policy.

Utility customers requesting to transfer their service from one Town of Marshville location to another must follow the Application for Utility Services process, including payment of a service initiation fee. The customer may also be required to update the deposit at this time. When transfer paperwork is being completed, a "connect" date at the new address and "disconnect" date at the previous address must be given. Services at two addresses may not "overlap" for more than 14 days. The customer is still responsible for any outstanding balances at the previous address. Failure to pay such balances will result in involuntary disconnection at the new address.

H. Failure to Receive Utility Bill

Once a utility bill has been placed in the mail or dropped off at the US Post Office, the Town is no longer responsible for that utility bill. Payment for that utility bill is due to the Town even if the customer does not receive it in the mail. All customers who receive utility service with the Town understand, regardless of receiving a bill, that payment is due for services received. Failure to receive a utility bill does not exclude any account from penalty or disconnection.

Section 5 – Discontinuing Service**A. Closing a Utility Account**

After an account has been closed by either customer request or demand of the Town, all funds (including deposits, refunds, and overcharge credits) will be applied against amounts owed the Town on the closed account. This includes any joint accounts the customer may have with the Town. When those accounts have been cleared, a check for the remaining money will be issued to the customer and sent to the last known address on record. Refund checks will only be issued in the name of the account holder.

B. Forced Closing of a Utility Account

Within 15 days after termination of utility service, the account will be closed. All fees and credits are then added to the balance and a "final" bill will be issued to the customer. Any balance owed to the Town will remain a receivable until paid. All legal means of collection for a delinquent account in arrears will be taken.

C. Termination of Service

Requesting Discontinuance of Service: Any customer requesting discontinuance of service will inform Town staff of the location of disconnection, date service is to be disconnected, and the forwarding mailing address for the final bill. Due to privacy issues, the account holder, or authorized party, must be the one to request the termination of service. In the event that the account holder has become incapacitated or deceased, legal documentation must be provided that the person requesting termination of service is an authorized representative of the customer.

Disconnection Scheduling: Under normal conditions, disconnection from the Town's utility system will be performed the same day if the request is received prior to 3:30 p.m. A request received after 3:30 p.m. will normally be fulfilled the next working day.

Final Bill: A customer's final bill will be mailed in a timely manner to encourage collection and customer understanding. The final bill will include all consumption used up to the time of service disconnection and any other charges or amounts due.

D. Customer's Rights Prior to Discontinuance of Service

Disputed Bills: If a customer believes the Town has made an error in calculating a utility bill, or otherwise disputes the obligation to pay the bill, the customer or the customer's authorized representative may arrange a meeting to discuss the matter. Any dispute of a utility bill must be expressed to the Town prior to the due date. When disputing a bill, the customer shall:

- First contact the Department's office for clarification.
- If the customer, after this conversation, still disputes the bill, the customer has the right to file a written appeal to the Town Manager. This appeal should include the reason for the dispute and any evidence proving the inaccuracy of the bill. Written appeals must be made by the 10th day of the month.

- The Town Manager will review the appeal and send a written reply within a reasonable amount of time to the address shown in the billing system, noting the decision regarding the appeal and any substantiation for the decision and direction on any further course of action that the customer may take.
- The account of any disapproved appeal shall be assessed penalty, if due, at the time the appeal process is closed.

Extensions: After a customer has established six months worth of history with the Town (including billing and payment of such), they will be allowed one extension per 12-month period. In order to receive the extension, the customer must sign a Request for Payment Plan form with the Director of Utilities and pay half (50%) of their account balance. If the payment plan and schedule documented is not adhered to, the customer will be charged a delinquency fee and placed on a list to have services disconnected immediately. No second notices will be given. The customer's account shall be documented with any extension which may be granted. Extensions will only be given in extenuating circumstances. Extensions or payment agreements are not automatic; they are a privilege and will be granted only with proof of extreme hardship and after review of account and payment history. A payment arrangement in the amount of \$200.00 or less must be paid in full within two (2) billing cycles. Any payment arrangement made in excess of \$200.00 must be paid within four (4) billing cycles. No extensions will be approved on or after the date of service disconnection for nonpayment.

Exceptions: Under special circumstances, the Town may choose not to interrupt service during extreme weather or when the services are provided to an elderly, handicapped or critically ill person, or a person on life support equipment about whom the Town has prior written notice from a medical facility.

E. Chronically Ill and Life Support Customers

The customer has the responsibility to notify the Town of Marshville of any person in their household who is chronically ill, on a life support system, and/or wears a medical alert device by providing a doctor's letter of certification. It is the responsibility of each customer to update certification letters annually each January. The customer has the right to request another person to receive a copy of the utility bill sent to the customer. This other person may be able to help the customer avoid interruption of services, but is not obligated to pay the customer's bill.

The customer has the responsibility of paying all utility bills when due. In the event of nonpayment or when utilities become subject to disconnection, the customer has the responsibility of notifying the Town to make arrangements for payment.

F. Involuntary Discontinuance of Service

The Town may discontinue utility service for any one of the following reasons:

- Failure of the customer to pay bills for utility service as required in these policies.
- Upon discovery of tampering including non-authorized meter connection, by-passing the meter, or altering its function. The account holder is held responsible for any meter tampering. In the absence of an account holder, the owner of the property for which services are provided shall be assessed all charges and penalties.
- Failure of the customer to permit municipal employees access to their meters at all reasonable hours. Locked gates, loose dogs, parking cars over meters, etc., are considered to be a denial of access.
- Use of service for unlawful reasons.
- Discovery of a condition which is determined to be hazardous or unsafe.
- Violation of any of the Town's other utility service policies and procedures, ordinances, or state or federal law.

G. Reconnections

When it becomes necessary for the Town to discontinue services for any of the reasons listed in this policy, service will be restored after payment of (1) all past due bills due the Town, (2) any deposit as required, (3) any material and labor cost incurred by the Town, according to the Fee Schedule, and (4) all fees and charges required by this policy.

Section 6 - Operational Policies

A. Billing Adjustments

At any time a billing adjustment is requested, the balance of the account must be paid in accordance with this policy in order to avoid penalty. If an adjustment request is approved, the adjustment will be made to the account and may show as a credit.

Overcharge or Undercharge Error: If the Town has overcharged or undercharged a customer for service, the Town will correct this error subject to the following procedures:

1. If the Town has overcharged a customer for service, the Town will credit the customer's account, without interest, the excess amount and notify the customer by letter. Customers may request a refund of such excess charges if they were previously paid in full. Credit to a customer's account is subject to the following limitations:
 - If the time period over which the mistake occurred can be determined, the Town should credit or refund the excess amount charged the account for that entire interval, provided that such time period shall not exceed the statute of limitations as set forth in the N.C. General Statutes.
 - If the time frame of the problem cannot be determined, the Town should refund the excess amount charged during the previous 12 months.
 - If the exact amount of excess charge cannot be determined, the Town should take into consideration all information and account history in order to determine the amount due as accurately as possible.
 - If an overcharged customer owes a past due balance to the Town, the Town may deduct that past due amount from any refund or credit due the customer.
2. If the Town has undercharged a customer for service, the Town will collect the additional amount due the Town by billing the account. The customer will be notified by letter of any undercharged amount and how the amount was determined. A payment plan or other payment options may be extended to a customer. If a customer receives notice of undercharging and does not contact the Town in order to make payment arrangement for such amount by the subsequent due date, the account may be disconnected for nonpayment in accordance with this policy.
3. If an undercharge has occurred because of tampering or bypassing a meter or because of other fraudulent or willfully misleading action of the customer, the Town shall collect the entire undercharged amount in a lump sum and seek such other rights and remedies as are permitted by law.

Swimming Pools: Swimming pools may be filled once a year without the customer having to pay a sewer usage charge on the water used to fill the pool. This does not include routine maintenance and seasonal re-fillings. In order for an adjustment to be granted, the Town must be notified prior to the filling of the swimming pool. Customers must provide staff with the swimming pool capacity and the means in which the pool will be filled. Town staff must take a reading of the meter prior to the filling of the pool and again when the pool is filled. Consumption used will then be calculated and an adjustment will be made to the bill which includes the dates of usage. All water used to fill a pool will be metered and billed to the customer. Where calculations showing the pool's normal functional water capacity are available

from a pool construction contractor (in 1,000 gallons), the customer shall submit such documentation, with the request for credit of the sewer charge, to the Town.

Excessive Use: Excessive use is defined as metered water and/or sewer flow equal to or greater than three times the customer's average monthly consumption amount. Average monthly consumption is based on the six (6) month average prior to the month showing excessive use. Should a residential or commercial water and/or sewer customer being served by a water tap no greater than three-fourth inches request an adjustment for excessive use, Town staff shall first verify the meter reading to ensure accuracy of the bill. Upon verification of the meter reading and verification that the consumption amount exceeds three times the customer's average monthly consumption, the adjustment request may be considered.

An Adjustment Request Form should be completed by the account holder and submitted to the Town for review. Any documentation verifying the cause of the excessive use should be attached to this form (e.g. plumber's invoice, receipts for purchase of repair equipment).

If the adjustment request is approved, the customer should be billed at a regular rate for three times the customer's average monthly consumption. Charges for consumption used over the average monthly consumption should be calculated at a rate equal to the wholesale rate that the town is billed for water and/or sewer services for the period. The wholesale rate shall include any cost that is the contractual responsibility of the town for purchase of water and/or sewer treatment, as applicable. Charges billed for consumption used over the average monthly consumption should then be compared to charges for consumption calculated at the wholesale rate and an adjustment made accordingly to not bill the consumption for any amount over the wholesale rate of purchase for consumption used in excess of the average monthly consumption.

If a customer approved for an adjustment for excessive use can provide evidence that the excessive water use did not enter the sewer system of the Town then the customer shall not be responsible for sewer charges above the customer's average monthly consumption.

Requests for adjustment due to excessive use for a residential or commercial water and/or sewer customer being served by a water tap greater than three-fourth inches will not be accepted or approved. This billing adjustment shall not be allowed more than one time during any calendar year for the same customer, regardless of location.

B. Meter Testing

Customers may request that the Town test their water meter for accuracy once per year at no cost to them. This request must come from the account holder in a written form. Any additional request for testing of meter accuracy will be assessed at a rate as set forth in the fee schedule for a service call, unless the meter shows inaccuracy by more than five percent (5%). As soon as reasonably practical after receiving the request for meter testing, the Director of Public Works should test the water meter for accuracy. Should testing reveal that the meter is indicating more flow than is actually passing through it, then the customer shall not be responsible for that portion of the bill equivalent to the percentage of error of the meter and the amount shall be deducted from the customer's bill for the current month only. Should testing reveal that the meter is indicating less flow than is actually passing through it, then the customer shall not be responsible for any unrecorded flow indicated by the percentage of error of the meter. Any water customer of the town may request that the accuracy of his or her meter be tested as described above.

If a meter test reveals an accuracy of less than 95% and the meter is indicating more flow than actually passes through it then the meter shall be replaced at no cost to the customer. If the meter is indicating less flow than is passing through it then the customer shall not be responsible for any unrecorded flow and the meter shall be removed from service and replaced at no cost to the

customer. If a meter test reveals accuracy equal to or greater than 95%, then the meter shall be placed back in service on the same account and the customer shall be required to pay a service call fee as set forth in the fee schedule or the actual cost of the meter test, whichever is greater, plus regular rate for water and or sewer consumption recorded by the meter during testing.

C. Responsibility for Leakage

The Town is responsible for correcting leaks on the main water system and up to the water meter. The customer is responsible for leakage in the piping on his/her property on his/her side of the water meter and will be charged for water and/or sewer based on water use as indicated on the meter.

D. Damage to Plants and Shrubs

The Town is not responsible for damage to plants and shrubs which may be dug up or cut/trimmed in the course of work on the underground piping system or other apparatus located beyond a customer's property line or within a utility easement. A reasonable effort will be made to minimize or repair any resulting damage. The customer is responsible for ensuring that the water meter is not obstructed by plantings, mulch, grass, or any other means. If the Town must, in the opinion of the Public Works Director, relocate a meter due to obstruction, the owner of the property will be charged for labor and materials to complete any necessary work.

E. Damage to Town Equipment

Any damage caused by the customer, property owner, or their agent(s) to the Town's equipment or property serving a customer shall be the responsibility of the customer. The Town shall make necessary repairs and charge the customer for materials and labor to effect said repairs. Such damage includes, but is not limited to, damage from mowing, vehicles, landscaping, or excavation.

F. Irrigation Water Meters

Any utility customer of the town in good standing may request the town to install and operate a town approved irrigation meter at any property owned by such customer, to which the town provides utility services, for currently installed irrigation systems.

Prior to the installation of a new in-ground irrigation system to be connected to the Town's water system, or connection of an existing system to the Town's system, the customer shall request the Town to install and operate a town-approved irrigation meter. The customer is responsible for connecting their system to the customer side of the meter and for allowing inspection of all connections by Town staff prior to burial of piping and turn on of the meter. All irrigation meters, meter boxes, pipes and other equipment furnished or used by the town in installing any such irrigation meter shall be and remain the property of the town. Prior to installation of any such irrigation meter, the customer shall pay to the town all charges as specified in the fee schedule established and modified periodically by the Town Council, including but not limited to tap fees.

G. Returned Check/Draft Processing

Charges, as set forth in North Carolina General Statutes (23-5-506 and 6-21.3), are made for each check or automatic draft returned by a bank because of insufficient funds in the account, or any other reason the bank refuses the check or draft. The customer shall have five (5) days after notice is delivered indicating that the check is not good, to present cash, bank certified check, or money order for the full amount of the bill, plus the charge noted above (NC GS 6-21.3).

The existing due dates for avoiding late payment and delinquency fees on unpaid bills will remain in effect while bad checks are being made good. Therefore, even though the time for making the check good has not expired, the application of late fees and/or termination of service may occur. Any customer account with two checks returned within a 12 month period will be restricted to cash, money order, debit or credit card when making all future payments. Checks received for payment

on such noted accounts will not be accepted; instead, they will be made void and returned to the customer.

H. Debt Collection

The Town is authorized to collect delinquent public enterprise utility fees "by any remedy provided by law for collecting and enforcing private debts..." G.S. 160A-314(b). The North Carolina Setoff Debt Collection Act ("Act") provides an administrative procedure for the Town to collect amounts due for utility service from the state tax refunds and/or lottery winnings of its customers. More information can be found at <http://www.ncsetoff.org>.

I. Internal Audits and Evaluations

Processes, policies, and procedures shall be reviewed internally on an annual basis and this document updated to address any additional deficiencies in current practices that may be found.

J. Town Staff Continuing Education and Training

Funds should be budgeted and staff expected to attend training regarding utility billing to ensure that the Town is complying with all state and federal requirements and laws. Town staff will be responsible for researching available training opportunities and report such findings to the Town Manager for approval to attend.

Appendix

**RESOLUTION AUTHORIZING EXECUTION OF
A 12 MONTH LEASE FOR THE PROPERTY AT
129 WEST MAIN STREET, MARSHVILLE, NC**

WHEREAS, the Town of Marshville owns a certain parcel of real estate that is not currently used by the town and is described as: The building located at 129 West Main Street, Marshville, NC 28103, and

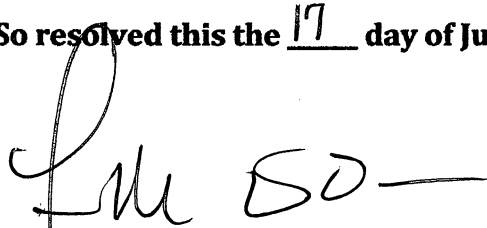
WHEREAS, NCGS 160A-272 authorizes the town to lease or rent such properties for such terms and upon such conditions as the Town Council may determine, and

WHEREAS, the Town Council has determined the terms of a 12 month lease which includes an annual lease amount of six thousand nine hundred dollars (\$6,900.00) to be paid in twelve (12) equal monthly payments of five hundred and seventy five dollars (\$575) per month for the property located at 129 West Main Street, Marshville, NC 28103 and terms and payment amount has been deemed fair, adequate, and reasonable to the Town of Marshville, and

WHEREAS, the Town Council has determined that the above-described property will not be needed by the Town for the term of the lease.

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Marshville that the attached lease agreement by and between the Town of Marshville and John Parker, owner of Affordable Cleaners, is hereby authorized and may be executed by the Mayor.

So resolved this the 17 day of June, 2013.



Franklin Deese, Mayor



Tonya Johnson, Town Clerk



Town of Marshville

AMENDMENT

#2013-12

2012 - 2013 Budget Ordinance

BE IT ORDAINED by the Marshville Town Council that the 2012 -2013 Budget Ordinance be amended as follows:

Section 4. Appropriations - Enterprise Fund

Increase:	30-8290	Sewer Operations	\$	71,120
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Total Increase:			\$	71,120
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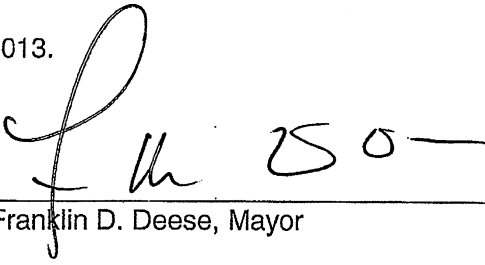
Section 5. Revenues - Enterprise Fund

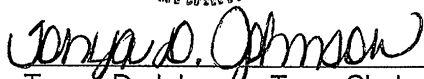
Increase:	30-3990	Encumbered Fund Balance	\$	71,120
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Total Increase:			\$	71,120
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Adopted this 17th day of June, 2013.




Franklin D. Deese, Mayor


Tonya D. Johnson, Town Clerk

This Budget Amendment provides for: Appropriation of funds for the additional costs incurred from Anson County Sewer for wastewater due to the recalibration of the flow meter by Anson County.



**Town of Marshville
Town Council Meeting
Monday, June 17, 2013, 7:00 PM
Marshville Town Hall**

AGENDA

1. Call to Order/Invocation/Pledge of Allegiance

2. Adoption of Agenda for the Meeting

3. Public Comment

Please sign in at the podium. Before speaking, state your name and address.. If you are here to speak at a public hearing, please wait until the public hearing has been opened for public comment on that particular item. Please limit comments to two minutes.

4. Consent Agenda

- June 3, 2013 Town Council Minutes
- May 31, 2013 Budget vs. Actual Report

5. Public Hearing to receive input on the proposed FY2013-2014 Annual Budget & Fee Schedule

- Motion to open Public Hearing
- Presentation of information from staff
- Public Comment
- Council questions and comments
- Motion to close Public Hearing
- Council action regarding the proposed FY2013-2014 Annual Budget & Fee Schedule

6. Public Hearing to receive input on the proposed Amendments to the Town of Marshville Code of Ordinances, Title III. Administration, Chapter 30. Legislative – General Provisions, Section 30.01 Regular Meetings and various sections of Title V. Pubic Works

- Motion to open Public Hearing
- Presentation of information from staff
- Public Comment
- Council questions and comments
- Motion to close Public Hearing
- Council action regarding the proposed Amendments to the Town of Marshville Code of Ordinances

7. Discussion and possible action regarding Marshville Utility Policies and Procedures Manual

8. Discussion and possible action regarding lease agreements for town owned property

- Resolution and 12 month lease agreement for 129 West Main Street
- Set Public Hearing for 5 year lease agreement for 201 North Elm Street

9. Town Manager's Report

10. Mayor and Town Council Member Comments

11. Adjourn

** A brief recess may be called every 45-60 minutes, as desired by Council.*