

Sec. 50.300. - Extensions of service to in-town property.

- (a) The town recognizes the public benefit of providing water and sewer service to all properties within the corporate limits on a nondiscriminatory basis and, subject to the results of the petition review process, project load, and availability of funds, to extend its service lines to all properties unless it is unreasonable to do so. The town may determine that an extension of service is unreasonable for the following reasons:
 - 1. The cost-of-service extension is excessive in terms of the number of customers to be served or because of topographic, engineering, technical, or other problems.
 - 2. The provision of service will adversely affect the supply of water to other customers or will adversely affect the town's sewage treatment capabilities.
 - 3. Determination that the project is not feasible based on the metrics supplied in 50.301 by the Petition Review Committee.
 - 4. Other good and sufficient reasons.
- (b) The town shall hereby establish and maintain the Petition Review Committee (PRC), in accordance with Section 50.301, to review petitions to extend water or sewer service to developed properties within the corporate limits. The PRC shall provide preliminary approval or denial of the project to the Town Council prior to final approval or denial by Town Council.

Sec. 50.301. –Petition Review Committee Composition and Process.

- (a) The Petition Review Committee (PRC) shall be comprised of the Mayor, two Councilmembers, the Town Manager, the Town Engineer, the Public Works Director, and at least two residents named on the petition as neighborhood representatives. Residents serving as neighborhood representatives shall do so through the duration of the specific petition at hand. The Town Council shall appoint the council members to serve on the PRC and the Council shall appoint a new committee for each petition. The same Councilmembers may serve for multiple reviews, subject to reappointment by Council.
- (b) The Town Manager, or their designee, must convene the PRC after a project is presented to Town Council, and the project is deemed feasible in accordance with Sec. 50.302(d). The PRC shall conduct a review of the project prior to providing Town Council with preliminary project approval or denial and before Town Council determines final project approval or denial. The PRC shall provide their recommendation based on the feasibility of the preferred sewer line route, assurance that residents within the project area understand the cost and nature of the project, justification for any costs of the project to be shared by the Town for system facilities installed for general public use and not to be paid through special assessment, and any other good and sufficient reasons for Town Council to provide final approval or denial of the application.
- (c) Projects deemed not feasible by Council following the presentation of the study conducted by the Town Engineer shall not be required to go through the Petition Review Committee and the specific petition at hand shall be considered denied.

- (d) Preliminary approval from the PRC does not serve as approval to begin the project. Final approval shall be determined by the Town Council in accordance with Sec. 50.302(e).

Sec. 50.302. - Extensions to developed property within town limits.

- (a) Except as provided in 50.303, the cost of extending water or sewer service to properties within the corporate limits may be borne initially by the town. However, the town may recoup its cost, in whole, or in part by levying special assessments on benefitted property within the project area.
- (b) Except as provided in 50.303, water and sewer main extensions to serve properties within the town shall be done by town forces or under a contract let by the town.
- (c) Requests for extensions of sanitary sewer service within town to existing development shall be made upon petition as hereinafter described:
 - 1. A petition for extension of water and/or sewer service shall be on a form provided by the town and shall designate by a general description the improvements proposed and shall request that the same be made in conformance with the provisions of this subsection. The petition shall be signed by at least 75 percent in number of the owners of parcels abutting the street or streets or part of the street proposed to be served.
 - 2. Upon the filing of such petition with the town, the Town Clerk or other person designated by the Town Council shall investigate the sufficiency of the petition, and if found to be sufficient, shall certify the same to the governing body.
 - i. For purposes of the petition, all owners of undivided interests shall be deemed and treated as one person and such land shall be sufficiently signed for when the petition is submitted by the owner or owners of a majority in amount of such undivided interests.
 - ii. For purposes of the petition, the word OWNER shall also be considered to mean the owners of any life estate or estate of inheritance but shall not include mortgagees, trustees of a naked trust, trustees under deeds of trust to secure payment of money or lienholders. An undivided parcel with multiple owners shall not be counted as multiple separate votes. Instead, undivided interests shall count as one person, with each owner of the undivided interest counting towards a fraction of one vote. The number of owners of undivided interests named on the petition must constitute at least 75 percent of the total number of owners of the undivided interest if it is to be counted towards the 75 percent in numbers of owner's threshold requirement. For instance, an undivided property with four owners shall require three of the four owners to sign the petition for the property to be included in the petition as a single vote in favor of the extension.
 - iii. The project described in the petition must match a project listed on the Town's current Capital Improvement Plan (CIP). Residents seeking signatures for the petition shall include all parcels with homes within 200 feet of the

road where the proposed sewer line would be installed on the petition. All the parcels with homes within 200 feet of the proposed sewer line shall increase the total number of signatures required to meet the 75 percent threshold requirement.

- iv. The petition must include the following information:
 - a. A written statement detailing the project proposed to be financed by the assessment;
 - b. An estimate of the cost of the project (determined through matching the proposed project with the CIP); and
 - c. An estimate of the portion of the cost of the project to be assessed. The costs of the project to be assessed may be up to 100% of the total project cost and shall be determined by Town Council prior to the completion of the final assessment role at the time work is completed. This percentage may change from the time the petition is certified with Council and prior to final project approval.
- v. The petition may also include the following information:
 - a. Why the total cost levied by the special assessment should be less than 100% of the total project cost.
 - b. A statement of need for the extension of service to the proposed project area.
 - c. A statement detailing the willingness of project applicants to provide permanent easements for the preferred sanitary sewer line route.
 - d. A statement requesting that the Town Engineer include the cost of curbs, gutters, sidewalks, and/or any other public infrastructure desired by residents to be included in the study conducted by the Town Engineer.

(d) Upon certification of the above with the governing body by the Town Clerk, the Council shall make a determination on the reasonableness of the project based on current Public Works workload, the potential to secure easements, the availability of funds, and other good and sufficient reasons. Once a project is deemed reasonable, Council shall contract with an engineer to review the project. The engineer shall identify need for the installation of oversized mains and basic sewer facilities described in Sec. 50.302 (c) and (d), estimate the final total cost, and provide potential sewer line route options. The cost of the engineer shall be excluded from the total cost to be shared by the property owners. Following completion of the evaluation, the Town Manager or his/her designee shall present the findings to Council and provide a recommendation on the feasibility of the requested extension Council shall then make a determination on the feasibility of the project.

(e) When a project is deemed feasible by Council, staff may be directed to schedule a meeting of the Petition Review Committee pursuant to Sec. 50.301. Neither the determination that a project is feasible nor preliminary approval from the Petition Review Committee shall constitute permission to begin construction of the project. Final project approval shall be determined at the Council's discretion and following preliminary approval from the Petition Review Committee.

(f) Upon final approval of the project, Council shall initiate the special assessment process, in

accordance with Article 10 of NC General Statutes Chapter 160A, and as follows:

1. Adopt a preliminary assessment resolution, which includes the following information:
 - i. A statement of the intent to undertake the project.
 - ii. A general description of the nature and location of the project
 - iii. A statement of the estimated cost of the project
 - iv. A statement of the amount of the estimated cost of the project the local government expects to derive from each funding (revenue) source.
 - v. A statement as to the proposed basis for making assessments, which includes a general description of the boundaries of the area benefited if the basis of assessment is either area or valuation.
 - vi. A statement as to the percentage of the cost of the work that is to be specially assessed.
 - vii. A statement as to which, if any, assessments will be held in abeyance and for how long.
 - viii. A statement as to the proposed terms of payment of the assessments
 - ix. An order setting a time and place for a public hearing on all matters covered by the preliminary assessment resolution.
2. In accordance with G.S. 160A-224, the Town Clerk or their designee shall publish notice that the preliminary assessment resolution is adopted and the date of the public hearing that will be held on the assessment resolution. At least ten days before the public hearing, a copy of the preliminary assessment resolution must be mailed by first-class mail to each owner of a property subject to assessment if the project is undertaken.
3. The Town Council shall hold a public hearing on the assessment resolution between three and ten weeks from the date the preliminary assessment resolution is adopted.
4. Petitioners will have the opportunity to withdraw the petition for 14 days following the date of the public hearing on the assessment resolution. A petition may be withdrawn if notice is given to the Council signed by at least a majority of owners who signed the original petition representing at least 50 percent of the parcels of the properties named on the petition.
5. Unless Council receives written notice of withdrawal within 14 days after the public hearing on the assessment resolution. Council shall adopt a final assessment resolution. The final assessment resolution must:
 - i. direct that the project be undertaken;
 - ii. describe the project in general terms;
 - iii. describe the basis on which the assessments will be levied, including a general description of the boundaries of the area benefited if the basis of assessment is either area or value added;
 - iv. specify the percentage of the cost of the project that will be funded by special assessments;
 - v. state the terms of the payment and any applicable interest rate; and
 - vi. state any conditions under which assessments will be held in abeyance.

6. The Town shall complete the project in accordance with Sec. 50.302(b).
 7. When an approved water or sanitary sewer extension project has been completed and the total cost thereof has been determined, the town shall prepare a preliminary assessment roll. The preliminary assessment roll must contain the following:
 - a. A brief description of each lot, parcel, or tract of land assessed,
 - b. The basis for the assessment,
 - c. The amount assessed against each lot, parcel, or tract of land,
 - d. The terms of payment, including any authorized schedule of discounts,
 - e. The name of the owner of each parcel of land, as ascertained by the county tax records.
 8. The town shall place a copy of the preliminary assessment roll in the county or municipal clerk's office for public inspection. The Town Clerk shall publish notice of the preliminary assessment roll. The notice must describe the project in general terms, state that the preliminary assessment roll is available in the clerk's office for inspection and state the time and place for the public hearing on the preliminary assessment roll. The notice must be published and distributed at least ten days before the public hearing. The Town Clerk also must distribute the notice by first-class mail to each property owner listed on the roll.
 9. The Town Council shall hold a public hearing on the assessment roll. Either at or after the public hearing the governing board may confirm, annul, or modify the assessments in whole or in part. The board may place on the roll any property omitted from the preliminary assessment roll.
 10. From the time of confirmation, the assessments are a lien on the property assessed. The lien is of the same nature and to the same extent as a lien for local property taxes. The lien is inferior to all prior and subsequent liens for state, local, and federal taxes, and superior to all other liens. A copy of the assessment roll is delivered to the Town Tax Collector for collection in the same manner as property taxes. Property owners have ten days from the date the assessment roll is confirmed to file a notice of appeal with the General Court of Justice. The property owner must file a statement of the facts upon which the appeal is based with the Town Clerk within twenty days of the confirmation.
- (g) When the town determines that it is advisable to install larger size facilities than are necessary to serve the property requesting such extension, the difference in the cost of the larger size facilities over and above the cost of the facilities required to serve the property requesting such extension shall be paid for by the Town and excluded from the total cost to be shared by the property owners as provided herein.
1. Fire hydrants, pumping stations and other system facilities installed for general public use which are expressly identified in the application or agreement approved by the Council shall be paid for by the town and excluded from the total cost to be shared by the property owners as provided herein. All extensions of service and installation of system facilities for public use shall be done in accordance with the Town of Boiling Springs Public Works – Standards Specifications & Construction Details.
- (h) Water mains shall be extended only within the rights-of-way of publicly dedicated and opened streets. Sewer lines shall also be located within the rights-of-way, except where the topography makes this impracticable. However, in no case will sewer lines be extended by

the town across private property, unless the town has obtained adequate permanent easements for the lines.

- (i) To preserve road surfaces, whenever the town installs water or sewer line extensions in paved streets within the town, (as well as whenever the town paves unpaved streets where water or sewer lines exist), the town may give the owners of the undeveloped properties the option of paying for the lateral installation at the time the work is done. No connections to town-installed lateral lines shall be paid for by the town. Instead, the cost shall be borne by the property owner requesting the connection.