

## **Final Draft**

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

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 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) Other good and sufficient reasons.

### **Sec. 50.301. – Establishment of the Petition Review Committee for extensions of service to in-town property.**

- (a) The town shall hereby establish and maintain the Petition Review Committee. This committee shall be comprised of two Councilmembers, Town Manager, Town Engineer, Public Works Director, and at least two residents named on the petition as neighborhood representatives. The Committee shall review petitions to extend water or sewer service to developed properties within the corporate limits.
- (b) The Committee may be directed to convene after a project is presented to Council by the Town Manager or his designee and the project is deemed feasible by Council in accordance with Sec. 50.302(c). If convened, the committee shall conduct a preliminary review of the project prior to presenting the review to the Town Council for final project approval. Preliminary approval from the Committee does not provide permission to begin construction of the project. Final approval shall be determined by Council in accordance with Sec. 50.302.

### **Sec. 50.302. - Extensions to developed property within town.**

- (a) Except as provided in 50.303, the cost of extending water or sewer service to properties within the corporate limits may shall be borne initially by the town. However, the town may recoup its cost, in whole or in part, by charging front footage fees at the time of connection to the water or sewer system or by levying special assessments on benefitted property.
- (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) Extensions of water or sanitary sewer service within town to existing development shall be made upon petition as hereinafter described in (c)(1).
  - (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 division (c). The petition shall be signed by at least 75 percent in number of the owners, which majority must own at least 75 percent of all lineal feet of frontage of the lands abutting the street or streets or part of the street proposed to be served

by the extension. 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 signed by the owner or owners of a majority in amount of such undivided interests. Upon the filing of such petition with the town, the 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.

- a. 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 extension.
- b. Residents seeking signatures for the petition shall determine who must be included in the petition for extensions of service to in-town property by matching their project proposal with existing plans in the Town's Capital Improvement Plan (CIP). Project area is determined by the CIP and any property within 200ft of the project area is required to be named on the petition. Furthermore, parcels on both sides of the street, or streets, or part of the street proposed to be served directly or indirectly by the extension shall be named on the petition and shall increase the total lineal feet of frontage required to meet the 75 percent threshold requirement.

(2) Upon certification of the above with the governing body, the Town shall contract with an engineer to review the project, identify need for the installation of oversized mains and basic sewer facilities described in (g), and estimate the final total cost. 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 designee shall present the findings to Council and provide a recommendation on the feasibility of the requested extension.

(3) When a project is deemed feasible by Council in accordance with Sec. 50.300, staff may be directed to schedule a meeting of the Petition Review Committee pursuant to Sec. 50.301.

(4) 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.

- (d) 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.
- (e) 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 install lateral lines to serve undeveloped as well as developed properties and give the owners of the undeveloped properties the option of paying for the lateral installation at the time the work is done or paying the lateral installation fee that is current at the time of connection. 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.

- (f) When an approved water or sanitary sewer extension project has been completed and the total cost thereof has been determined, the Town Council may select any basis of assessment set forth in G.S. 160A-10. The Town Council will have the flexibility to apply whichever assessment basis will most accurately assess land according to the benefit conferred upon it by a project. Any property owner or owners shall have the opportunity to pay his or their proportionate share of the cost of such extensions after the assessment roll is confirmed rather than paying their share in equal annual installments with interest as required by the statute.
- (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.