

Special Meeting Minutes of the Town of Highlands Board of Commissioners (Rescheduled from August 15) Meeting of August 22, 2019, at the Highlands Community Building, 71 Poplar Street, Highlands, North Carolina

Town Board Present: Commissioner John Dotson, Commissioner Amy Patterson, Commissioner Donnie Calloway, Mayor Pro Tempore Brian Stiehler, Commissioner Eric Pierson and Mayor Pat Taylor

Also Present: Town Manager Josh Ward, Town Attorney Jay Coward, Finance Director Rebecca Shuler, Public Works Director Lamar Nix, Police Chief Bill Harrell, Planning & Development Director Assistant Michael Mathis, Computer Support Specialist Mark Hall and Town Clerk Gibby Shaheen

1. Meeting Called to Order

Mayor Taylor called the meeting to order at 7:00pm.

2. Public Comment Period

Nina Burke of Warren Road asked the Board to keep in mind that all people are not one size fits all with regarding the Bear Resistant garbage containers and asked to consider various approaches ahead of the deal.

Alice Nelson expressed concern for the size of the Bear Resistant cans and having to bring trash to the end of the road, and with the age of some citizens they may not be able to comply.

3. Review and Approve the Agenda

MAYOR PRO TEMPORE STIEHLER MADE A MOTION TO APPROVE THE AGENDA AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER PATTERSON AND THE VOTE WAS UNANIMOUS.

4. Approval of the July 18th, 2019, Regular Meeting Minutes

COMMISSIONER PATTERSON MADE A MOTION TO APPROVE THE JULY 28TH, 2019, REGULAR MEETING MINUTES AS PRESENTED, WHICH WAS SECONDED BY MAYOR PRO TEMPORE STIEHLER AND THE VOTE WAS UNANIMOUS, WITH COMMISSIONER CALLOWAY ABSTAINING.

5. Reports

A. Mayor

Mayor Taylor reported he had met with HCA representatives at the Hospital and their plans are to recruit primary care doctors and improve EMS.

Mayor Taylor announced that Assistant Planning & Development Director Michael Mathis is researching several ordinances regarding VRBO's and room tax. Mayor Taylor

asked that the Land Use committee meet to explore sensible proposals to address VRBO's.

Mayor Taylor also reported he had discussed the county helping with the Broadband project and garbage issue with county Commissioner Jimmy Tate.

Mayor Taylor congratulated Police Chief Bill Harrell and his force for bringing the Gold N Clipper robber to justice.

B. Commissioners and Committee Reports

Mayor Pro tempore Stiehler announced the Town of Highlands Scholarship Golf Tournament will be October 17th at Wildcat Cliffs Country Club with 20 teams of four and there were 8 spots left.

Mayor Pro Tempore Stiehler continued that the Recreation Committee had met at Kelsey Park with the Chamber and came up with a plan for traditional Holiday decorations with the same company the Chamber contacted for Main Street. The Chamber will be paying for the lights and it will work well.

C. Town Manager

Town Manager Ward updated projects

Satulah Water Tank is complete and the tank is filled with water, with the previous tank still online. There's a hold up in completion of the pump station, they're waiting for parts but are projecting a completion date of October 1st.

Split Rail Row Water Line Replacement, Stillwell has been sawing through some rock but still moving rapidly.

Paving out to bid and will be starting September 12, 2019 on Cullasaja, Hickory Hill and Oak Lane.

6. Consent Agenda

Public Works Department
Police Department
Parks & Recreation Department
Planning & Development Department
Treasurer's Report

COMMISSIONER PATTERSON MADE A MOTION TO ACCEPT THE CONSENT AGENDA AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER DOTSON AND THE VOTE WAS UNANIMOUS.

7. Resolutions Pertaining to Trucks on Franklin Road

1. Resolution Supporting Camera Installation on US 64 at Highlands and Franklin Entrances

**2. Letters Opposing the Proposed Legislation
Increasing Weights and Lengths of Trucks**

Mayor Taylor stated NC DOT has the radar activated system warning lights and they will be installed very soon. The Resolution presented is to support the use of cameras to document for court, but it has to go to the legislature to obtain permission.



**Resolution Supporting Camera Installation on US 64
at Highlands and Franklin Entrances
Resolution No. 2019-07-Res**

WHEREAS, Tractor Trailer Trucks with more than 4 axles are not allowed by NCDOT Ordinances on US 64 between Franklin and Highlands; and

WHEREAS, The North Carolina State Highway Patrol is charged with enforcing this restriction; and

WHEREAS, Trucking Companies and their drivers frequently violate these restrictions, thereby causing major traffic disruption on this designed North Carolina Scenic Byway where tourist and visitors travel; and

WHEREAS, the motoring public depend on this mountainous, but critical road corridor for travel to and from work; and

WHEREAS, large tractor trailer truck violators are subjecting motorists not only to delays and lost time, but also posing a danger for potential accidents and personal injury to motorists in smaller vehicles.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Highlands support the installation of clearly identified traffic cameras on US 64 at both Highlands and Franklin entrances for the purpose of photographically documenting tractor trailer truck violators that willfully disregard the radar activated warning signs and proceed through the restricted road area.

BE IT FURTHER RESOLVED, the Automated Truck Safety Camera defined as a device that is installed in the right of way of the specifically authorized segment that detects violations of truck restriction ordinances prescribed by the Department of Transportation as authorized by NCGS §136-18(5). Any photograph or video recorded by the Automated Truck Safety Camera shall, if consistent with the North Carolina Rules of Evidence, be admissible as evidence in any proceeding alleging a violation of a

prescribed truck prohibition ordinance on US 64 between the municipalities of Highlands and Franklin. Failure to produce a photograph or video by an Automated Truck Safety Camera shall not preclude prosecution of such violation. Any video or photographs produced by an Automated Truck Safety Camera in all formats including digital, that is not used as evidence for enforcing the truck prohibition ordinance prescribed by NCDOT shall not be disclosed to the public, media, or any agency for any purpose and shall be destroyed within 72 hours.

Upon motion duly made and seconded, the Resolution was unanimously adopted by the Board of Commissioners at a special meeting held on the 22nd day of August, 2019, in the Highlands Community Building, 71 Poplar Street, Highlands, North Carolina.

This the 22nd day of August, 2019.

Patrick L. Taylor, Mayor

ATTEST:

Gilberta B. Shaheen, Town Clerk

MAYOR PRO TEMPORE STIEHLER MADE A MOTION TO APPROVE THE RESOLUTION AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER PATTERSON AND THE VOTE WAS UNANIMOUS.



August 23, 2019

The Honorable Richard Burr
United States Senate
217 Russell Senate Office Building
Washington, DC 20510

Dear Senator Burr,

Everyone familiar with the Cullasaja Gorge Road (Highway 64) dreads seeing an 18-wheeler in front of them because they know they're in for the long haul. Earlier this year a tractor trailer truck loaded with cross ties went down an embankment just past Buck Creek Road on the Highlands Road. The truck went off the right side of the road overturning down the embankment. Due to the narrow, winding roads in the Cullasaja

Gorge, tractor trailers are not permitted on 64 E past Walnut Creek Road. It is apparent that we have our fair share of issues in Western North Carolina and adding any weight from the current limit of 80,000 pounds or allowing double tractor-trailers to add 5 feet to each trailer would only make things worse. The last thing our citizens need to face on the road is the introduction of bigger, more dangerous tractor-trailers.

Any additional weight makes it more likely that the truck's equipment, including brakes, suspension and tires, to wear out at a faster pace. A 2016 USDOT study found that trucks weighing over 80,000 pounds had higher overall out-of-service (OOS) rates and 18 percent higher brake violation rates compared to those at or below 80,000 pounds. This is especially important because a 2016 study by the Insurance Institute for Highway Safety found that trucks with any out-of-service violation are 362 percent more likely to be involved in a crash.

Longer trucks have serious safety problems, too. USDOT found in an earlier study that trucks with more than one trailer had 11 percent higher fatal crash rates. In its most recent study, the department found the longer double-trailer trucks, again like the ones under consideration in Congress, took 22 more feet to stop than twin-trailer trucks on the road today.

Aside from the safety concerns, how will these larger trucks impact the wear on North Carolina highways? Our roadways are already in disrepair with inadequate funding being allocated to keep up with the damage caused by heavy traffic. Who will pay for the added strain on our highways?

As Mayor of the Town of Highlands I believe safety comes first and that is why I ask that you please oppose any push for heavier or longer trucks.

Sincerely,

Patrick Taylor, Mayor
Highlands Town Board of Commissioners

Commissioner Patterson requested more information and Mayor Taylor said he would do further research and report back.

8. Request for Placement of Historical Marker for Prince House

Ran Shaffner on behalf of the Highlands Historical Society presented a request to have a historical marker placed at the Prince House. Shaffner explained the Elizabeth Wright Prince House was placed on the National Register of Historic Places by the U.S. Department of the Interior on April 17, 2017, and to acknowledge this honor, the Highlands Historical Society applied for a National Register Sign to be installed on the bank in front of the Prince House and along U.S. Highway 64 East.

Shaffner continued the William C. Pomeroy Foundation of Syracuse, New York, approved our application for a National Register Sign with a grant of \$1,100 for its

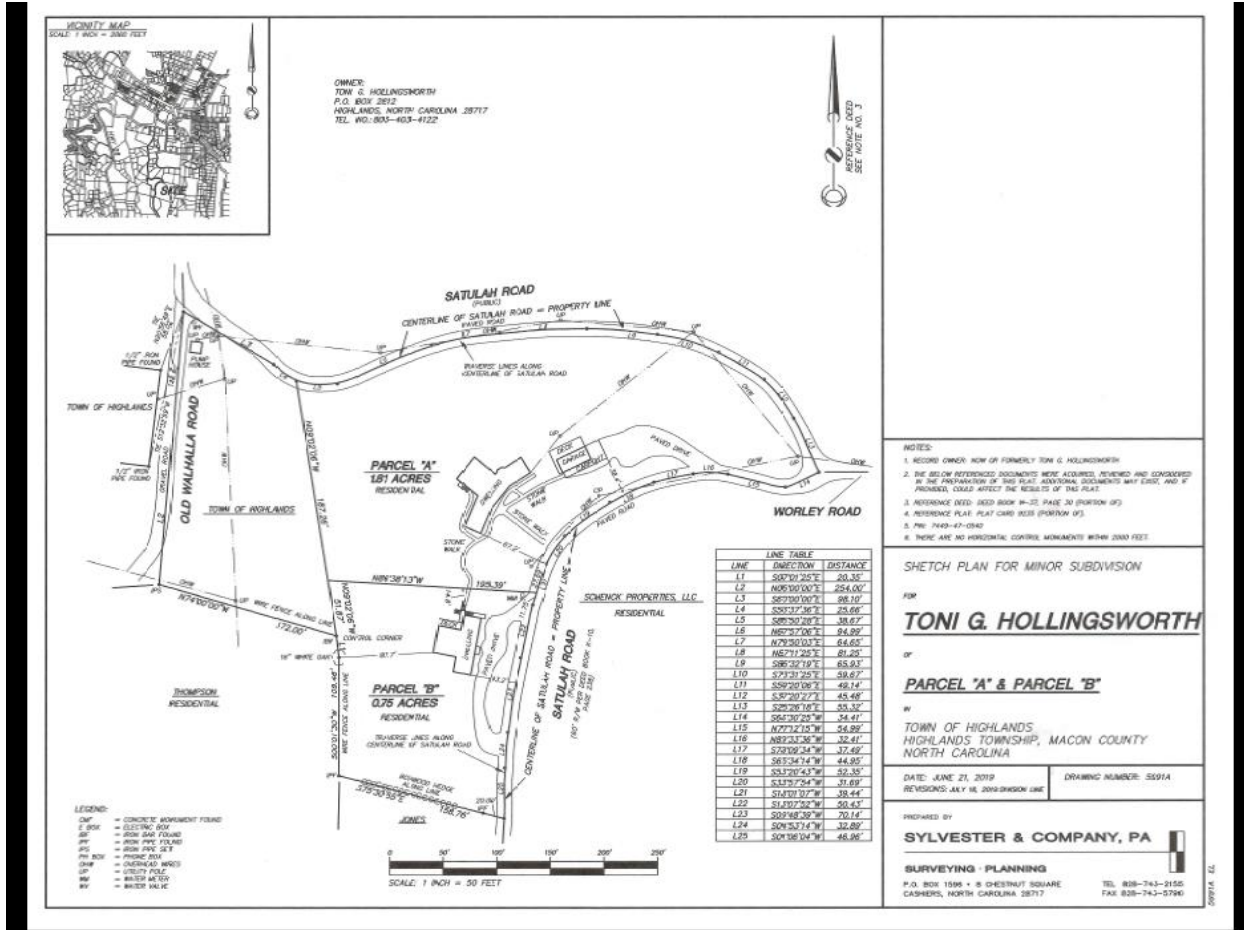
manufacture, and the Sewah Studios of Marietta, Ohio, will deliver it in late August or early September.

The site plan that proposes where the sign would be installed since the proposed site falls within the 60-foot right-of-way of U.S. 64 we have obtained permission from the NC Department of Transportation and this is also the Town's right-of-way, which is why I'm appearing before the Board to request your permission to install the sign one foot within the 30-foot western boundary. If this meets with your approval, I'm also requesting that the Board authorize the Town crew to install it.

COMMISSIONER PATTERSON MADE A MOTION TO APPROVE THE PLACEMENT OF THE HISTORICAL MARKER FOR PRINCE HOUSE AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER CALLOWAY AND THE VOTE WAS UNANIMOUS.

9. Planning Matters: Hollingsworth Subdivision Proposal

Planning & Development Director Assistant Michael Mathis stated an application was submitted to the Planning Department by Tony Hollingsworth concerning a property subdivision on 575 Satulah Road, PIN #: 7449470540. The property is 2.56 Acres (per drawing #: 5991A prepared by Sylvester & Company, PA) and is located in the R – 1 Zoning District. According to the Unified Development Ordinance (UDO), § 8.2.1, Dimensional Standards, the minimum lot size for a property located in the R – 1 Zoning District is .75 acres. When referencing the Preliminary and Final Plat prepared by Sylvester & Company, PA, and subject to approval, Parcel "A" will be left with 1.81 acres. The newly formed Parcel "B" will meet the minimum lot size and contain .75 acres. Both properties are accessible through their own driveway. Each parcel contains a dwelling with its own septic system (per Roto-Rooter Report provided to the town). Also, each property has its own connection to town water and electricity (per Public Works Director Lamar Nix). If approved, each dwelling will comply with any Town of Highlands Setback and Impervious requirements. The property did not meet the exemption requirements, as defined in UDO § 2.3, Subdivision Definition part "D": "The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved, and where the resultant lots are equal to or exceed the standards of the Town, as required by this ordinance." Therefore, this Preliminary and Final Plat must successfully pass through the Planning Board and on to the Board of Commissioners before action is taken. The Town of Highlands Planning Board reviewed this item on July 22, 2019 and approves of the recommendation. Staff recommendation is to approve the real property subdivision as submitted.



COMMISSIONER PATTERSON MADE A MOTION TO APPROVE THE SUBDIVISION AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER DOTSON AND THE VOTE WAS UNANIMOUS.

10. Financial Matters

- 1. Transferring Additional Accounts to NC Capital Mgmt. Trust**
- 2. Creation of Water Improvements Account**
- 3. Budget Amendment for AIA Water Assessment Grant**
- 4. Budget Amendment for Fiber Loan Payment**

Finance Director Rebecca Shuler said the checking accounts moved to NC Capital Management Trust in October/November had a tremendous return on interest. The Finance Committee met and Staff would like to propose moving the following accounts from Entegra to the NC Capital Management Trust as well.

Asset Forfeiture Funds ~ Balance of 08.16.19 \$1,019.00
 Powell Bill Fund ~ Balance as of 08.16.19 \$112,362.77
 Utilities Deposit ~ Balance as of 08.16.19 \$104,261.37

COMMISSIONER PATTERSON MADE A MOTION TO MOVE THE ACCOUNTS INTO NC CAPITAL MANAGEMENT TRUST AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER DOTSON AND THE VOTE WAS UNANIMOUS.

Shuler continued the Staff would also like to propose the creation of a Water Improvements Account that would be similar to the Sewer Extension Account where annually we could transfer the water connection fees to this account as an investment account for future projects as well. In last fiscal year's Water Connection Fees totaled \$12,375.00, which would be a good amount to open this account and get it established.

MAYOR PRO TEMPORE STIEHLER MADE A MOTION TO CREATE THE WATER IMPROVEMENTS ACCOUNT WITH NC CAPITAL MANAGEMENT TRUST AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER PIERSON AND THE VOTE WAS UNANIMOUS.

TOWN OF HIGHLANDS BUDGET AMENDMENT
AMENDMENT # _____

August 16, 2019

FROM: Water Fund



DEPARTMENT: Water Department

EXPLANATION: State Grant for Water Asset Inventory & Assessment was received at the end of FY18.19 and needs to be reallocated in FY19.20 for the remaining portions of the Inventory & Assessment. The Grant was for \$150,000.00 with a 20% match at \$30,000.00 and a 1.5% grant fee of \$2,250.00 for a grand total of \$182,250.00 of which \$31,650.00 was expended.

	Account	Description	Increase/Decrease	Debit	Credit
1.	30-3800-0919	NC Dept. of Environ. Quality	Increase		\$150,000.00
	30-3800-0910	Fund Balance Appropriated	Increase		\$600.00
	30-8110-7100	NC Dept. of Env. Quality Grant	Increase	\$150,600.00	
				Subtotals	\$150,600.00
				Totals	\$150,600.00

Approved by Town Manager _____

Action by Town Board _____

Approved and Entered on Minutes Dated _____

Finance Director _____

COMMISSIONER PATTERSON MADE A MOTION TO APPROVE THE AIA WATER ASSESSMENT GRANT BUDGET AMENDMENT AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER CALLOWAY AND THE VOTE WAS UNANIMOUS.

TOWN OF HIGHLANDS BUDGET AMENDMENT
 AMENDMENT # _____

August 16, 2019

FROM: General Fund & GF Capital Projects



DEPARTMENT: Administration

EXPLANATION: The first Fiber Build out Project loan payment to BB&T will come out in March of 2020, this fiscal year, and should be included in the budget.

Account	Description	Increase/Decrease	Debit	Credit
1. 10-3100-0910	Fund Balance Appropriated ~ General Fund	Increase		\$475,027.00
10-4100-9515	Transfer to Gov't Capital Projects Fund	Increase	\$475,027.00	
		Subtotal	\$475,027.00	\$475,027.00
11-3900-0930	Transfer from General Fund	Increase		\$475,027.00
11-8439-7420	Debt Repayment ~ Fiber Build out Project	Increase	\$475,027.00	
		Subtotal	\$475,027.00	\$475,027.00
		Totals	\$950,054.00	\$950,054.00

Approved by Town Manager _____

Action by Town Board _____

Approved and Entered on Minutes Dated _____

Finance Director _____

Commissioner Patterson clarified with Shuler that this was the first annual loan payment and Shuler confirmed.

COMMISSIONER PATTERSON MADE A MOTION TO APPROVE THE FIBER LOAN PAYMENT BUDGET AMENDMENT AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER PIERSON AND THE VOTE WAS UNANIMOUS.

11. Highlands Fire Department Architect Agreement

Town Manager Josh Ward stated Fire Chief Ryan Gearhart was at a conference in Raleigh but he had been working with point Architect Randy Baker and have the proposed Contract to begin the process for the new Fire Department.

Town Attorney Jay Coward said the Agreement looked good to him.

COMMISSIONER PATTERSON MADE A MOTION TO APPROVE THE AIA CONTRACT FOR ARCHITECT AGREEMENT FOR THE HIGHLANDS FIRE DEPARTMENT AS PRESENTED, WHICH WAS SECONDED BY MAYOR PRO TEMPORE STIEHLER AND THE VOTE WAS UNANIMOUS.

12. Memorandum of Transportation Agreement

Police Chief Bill Harrell said beginning October 1st legislation is requiring an Agreement for transporting mentally ill patients and County Attorney Chester Jones prepared the Memorandum of Transportation Agreement. Chief Harrell had discussed a question with legal contacts including Town Attorney Jay Coward and asked that the reference in paragraph 1(a) and 1(b) to “including admission and discharge” be removed from the Agreement. Town Attorney Jay Coward agreed that it should be removed and add “in accordance with North Carolina General Statute Chapter 122C.”

COMMISSIONER PATTERSON MADE A MOTION TO APPROVE THE TRANSPORTATION AGREEMENT WITH THE CORRECTIONS BY TOWN ATTORNEY JAY COWARD, WHICH WAS SECONDED BY MAYOR PRO TEMPORE STIEHLER AND THE VOTE WAS UNANIMOUS.

13. Amendments to the Town of Highlands Code of Ordinances

- 1. Chapter 12: Solid Waste Management**
- 2. Chapter 15: Article II: Water**
- 3. Chapter 15: Article IV: Sewerage**

Public Works Director and Town Engineer Lamar Nix reviewed the revisions.



ORDINANCE AMENDMENT

Pursuant to an affirmative vote of 5 yeas and 0 nays by the Board of Commissioners of the Town of Highlands at its regular meeting on the 22nd day of August, 2019, and an affirmative vote of yeas to nays by The Board of Commissioners at its regular meeting on the day of , 20 if required, the following ordinances are hereby AMENDED:

Code of Highlands ~ Chapter 12 Solid Waste Management

(EXISTING CODE LANGUAGE IN BLACK & PROPOSED AMENDMENTS IN RED.)

Chapter 12 – SOLID WASTE MANAGEMENT

Sec. 12-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business trash means every waste accumulation of dust, paper, paper cartons, cardboard cartons, excelsior, rags, and diapers or other accumulations, other than garbage or household trash, which are usually attendant to the operation of stores, offices, and similar businesses.

Commercial establishment means any hotel, motel, restaurant, food store, hospital, school, church or any nonresidential establishment at which garbage or trash may be generated.

Exposed materials and equipment means any accumulation of materials, including waste building materials (see section 12-5(4)), new building materials not associated with ongoing building projects, building materials other than those stored in authorized outdoor storage yards, and similar materials; and any accumulation of used or new equipment, such as refrigerators or other appliances, plumbing fixtures or equipment,

generators, small commercial trailers, and similar equipment, stored out of doors and exposed to view from any public street or right-of-way.

Foreign material means construction or building waste, and includes such materials as sand, stone, brick, wood, concrete, metal, plaster, concrete or plaster block, paving, roofing, pipe, shingles, lawn renovating debris, sod, dead sod, tree stumps, discarded furniture, and household items.

Garbage means every waste accumulation of animal or vegetable matter which attends the preparation, use, cooking, processing, handling, or storage of meats, fish, fowl, fruits, vegetables, or other matter which is subject to decomposition, decay, putrefaction, or the generation of noxious or offensive gases or odors, or which during or after decay, may serve as breeding or feeding material for flies, insects, or animals.

Household trash means every waste accumulation of paper, sweepings, dust, rags, bottles, cans, or other matter of any kind, other than garbage, which is usually attendant to housekeeping.

Industrial waste means every waste accumulation of metal, metal products, minerals, chemicals, rocks, cement, asphalt tar, oil, grease, glass, crockery, rubber tires, bottles, cans, lumber, ashes, sawdust, wastes from animal packing or slaughterhouses, or other materials usually created by commercial enterprises, and industrial plants, but not garbage, household trash, or business trash.

Living unit means any place of abode which is suitable for permanent or transient family or individual residence use. Each such living unit shall be considered as single and separate for the purposes of this chapter.

Multifamily apartments means all places of abode other than single-family residences.

Refuse means solid waste accumulations consisting of garbage, household trash, and business trash.

Single-family residence means any single-family dwelling, and is interchangeable with the word "household," and includes single-family condominium units.

Tree trimmings means every waste accumulation of tree branches, tree trunks, tree limbs, parts of trees, bushes, or shrubs, greenleaf cuttings, fruit, or other vegetation.

Yard trash means every waste accumulation of lawn, grass, or shrubbery cuttings or clippings and dry leaf rakings, free of dirt, rocks, large branches, and bulky or noncombustible material.

(Code 1982, § 9.21; Ord. of 3-4-92, § 1; Ord. of 10-3-92, § 1)

Sec. 12-2. - Receptacles and containers—Required.

It shall be the duty of every person in possession, charge, or control of any place in or from which business trash, foreign material, garbage, household trash, industrial waste, tree trimmings, and yard trash is created, accumulated, or produced, to provide and at all times to keep in a suitable place readily accessible to the city collection crews or private collection agencies, adequate and suitable receptacles and containers capable of holding all such waste materials which would ordinarily accumulate between the times of successive collections. The owner of any multifamily apartment shall furnish or require his tenants to furnish proper waste receptacles and containers. **All waste is to be bagged and placed in an approved receptacle or container, failure to do so shall result in penalties described in Section 12-14.**

(Code 1982, § 9.22)

Cross reference— Receptacles required, § 13-19.

Sec. 12-3. - Same—Specifications.

(a) All receptacles and containers as required under this article shall be of safe construction and design and shall be maintained in good and serviceable condition. Any receptacles or containers which do not conform to the provisions of this chapter or which have ragged or sharp edges or any other defects which are reasonably liable to hamper or injure the person collecting the contents thereof or the public generally shall be promptly replaced upon notice.

(b) Refuse containers shall be constructed of heavy plastic or metal. ~~and shall have a capacity of not more than thirty two (32) gallons.~~ Containers or cans shall be equipped with suitable handles, tight-fitting covers or lids with hand grips, ~~and shall be watertight,~~ **not more than one hundred (100) gallons, two wheels, and shall be equipped with the proper devices to be mechanically lifted and emptied by the sanitation truck. It is required that refuse containers be bear resistant. Refuse not placed in a proper container will not be picked up by the Sanitation Dept. Use of an improper container shall be considered a nuisance and shall be subject to penalties described in Section 12-14. Receptacle enclosures shall be constructed as to allow the receptacle to be rolled out, not lifted. Compliance with the proper receptacle shall be achieved by January 1, 2020 for Commercial customers. Compliance with the proper receptacles shall be achieved by August 1, 2020 for Residential customers.**

(Code 1982, § 9.25)

Sec. 12-4. - Precollection practices.

(a) *Dangerous trash items.* All dangerous trash items, and all waste material of an injurious nature, such as broken glass, light bulbs, razor blades, sharp pieces of metal, fluorescent tubes, television tubes, ~~computer monitors~~ and the like shall be securely wrapped to prevent injury to the collection crews.

- (b) *Yard trash.* The town will not collect yard trash, as defined by this chapter.
- (c) *Tree trimmings and loose yard trash.* The town will not collect tree trunks, tree stumps, tree branches, or tree limbs of any size.
- (d) *Foreign material and industrial waste.* Foreign materials and industrial waste, including construction trash, debris from clearing lots, wire, metal, plaster, concrete, blocks and bricks, and discarded furniture and major appliances, including washing machines, clothes dryers, refrigerators, hot water heaters, ranges, bedding, television sets, and ~~computer monitors~~ must be disposed of by the owner of such material.
- (e) *Bear resistant Enclosures for Bear resistant Receptacles.* Bear resistant Receptacles are required. Bear resistant Structures may be permitted for bear resistant receptacles within the right –of-way in non- commercial districts. Bear Resistant Enclosures for bear resistant receptacles within the commercial zoned districts are allowed only by written permission of the Town. The Town may request the bear resistant structure be removed at any time in any district

(Code 1982, §§ 9.26, 9.29; Ord. of 6-15-94, §§ 1, 2)

Sec. 12-5. - Accumulation for collection.

All accumulations of refuse and trash shall be stored or placed for collection in accordance with the following provisions:

- (1) *Public streets and private property.* No person shall place any accumulations of refuse and trash, whether enclosed in authorized receptacles and containers or loosely accumulated, in any street, alley, or other public place of travel, nor upon any private property except the person's own property, except on the days when it is scheduled to be collected. In all cases where conditions permit, the placement for collection shall be in the area between the street pavement and sidewalk line, or immediately adjacent to the street if there is no sidewalk. ~~Yard trash and tree trimmings which are not in receptacles or containers must be neatly stacked and place as foresaid.~~ ~~No dumpsters shall be placed within the public street right-of-way. The Town shall remove all existing dumpsters within the right-of-way. It is the person's responsibility to secure all refuse and trash from animals, the Town shall not clean up litter from unsecured receptacles. Failure to secure the receptacle from animals shall result in penalties as described in section 12-14.~~
- (2) *Blockage of storm drains.* No person shall place any refuse, trash, garbage cans, or trash bags on, upon, or over any storm drain, or so close thereto as to be drawn by the elements into such drain, which would result in or tend to cause a blockage of any part of such storm drainage system.
- (3) *Unauthorized accumulations.* Any unauthorized accumulation of refuse, business trash, foreign material, or industrial waste, on any lot, property, premises, public street, **public right-of-way**, alley, or other public place of travel is hereby declared to be a public nuisance and is prohibited. In addition, any unauthorized accumulation of exposed materials and equipment on any

commercially-zoned property is hereby declared to be a public nuisance and is prohibited. Failure to remove and correct any such unauthorized accumulations of refuse shall be deemed a violation of this chapter, and shall be subject to the penalties described in section 12-145.

- (4) *Waste building materials.* Notwithstanding subsection (3) of this section, waste building materials, defined as foreign material by this chapter, shall be permitted to be stored for a period of up to sixty (60) days at ongoing building sites under the following conditions:
- a. No such materials may be located within rights-of-way or on private property other than that of the building site;
 - b. No material which could be moved by the elements, such as paper, rags, cloth, or other fibers, shall be stored at the site for any length of time; and
 - c. All waste building materials shall be removed and property disposed of when a project has been completed.

(Ord. of 3-4-92, §§ 2, 3; Ord. of 10-3-92, § 2)

Sec. 12-6. - Collection practices.

- (a) The town shall provide refuse collection service to each business establishment, residence, or living unit within the town's corporate limits which is occupied a part of each fiscal year. If any structure shall have more than one (1) family or business occupying it, the town shall provide such service to each occupant of the structure. Except in the event of inclement weather or other acts of God, each customer shall receive refuse pickup service not less than once a week.
- (b) The schedule for refuse collection and the charges the town shall levy against each customer shall be as determined from time to time by the board and listed in the manual of fees and charges on file at the office of the clerk. Any customer may petition the town for more frequent collection of refuse from his premises and the town may, at the discretion of the board, provide such increased services upon such terms and as the board may reasonably require. In the case of new structures, a refuse collection charge shall be levied upon issuance of a certificate of occupancy.
- (c) Upon petition of any residential customer residing within the town limits upon land classified for taxation at a reduced valuation pursuant to G.S. section 105-277.1, the board may waive the refuse collection fee assessed against the customer. However, the town shall nevertheless continue to collect refuse from that person's premises on a once a week basis.
- (d) All receptacles shall be removed from their positions adjacent to the street or sidewalk after the contents have been emptied on that same day. It shall be unlawful for any person to damage, displace, or otherwise interfere with refuse containers or their contents except the owner or upon permission or at the request of the owner. **All household garbage, commercial garbage or any other types of waste shall be placed in garbage bags prior to being placed in any type of receptacle. No loose garbage of**

any type shall be placed in any receptacle. Penalties shall be as described in section 12-14.

- (e) Notwithstanding the foregoing, the town reserves the right to reject the collection of certain specific categories of refuse, in accordance with mandatory state or county solid waste regulations, or in accordance with any recycling program the town may adopt, including materials such as cardboard, aluminum, glass, or plastics. Upon adequate notice to its customers, the town may require such refuse to be separated from other refuse and/or disposed of by the customer.

(Code 1982, § 9.32; Ord. of 6-15-94, § 3)

Sec. 12-7. - Special collections.

~~(a) Any property owner desiring special bulk collections of loose matter not in closed containers or tied in bundles may request a special collection, which shall be scheduled through the office of the town clerk. If sufficient manpower and equipment is available, town personnel are authorized to make such special collections, provided the person making the request agrees to pay for the labor and equipment used at the rate specified by the town clerk.~~

~~(b) No collection shall be made from vacant lots, nor shall any large rocks, tree trunks, tree stumps, tree limbs of more than eight (8) feet in length, or other heavy objects be collected by the town. No waste building materials or lot clearings shall be collected from houses or other structures under construction or recently completed.~~

~~(c) Material to be collected by special collections shall be placed in neat piles and so located that such refuse can be easily loaded on trucks for disposal.~~

Sec. 12-78. - Construction material not town's responsibility.

The town shall not be responsible for the collecting or hauling of trash, discarded building material, dirt, rock, plaster, lumber, metal, or other like materials originating from private property preliminary to, during, or subsequent to the construction of new buildings, alterations, or additions to existing buildings of whatsoever type. Such material shall be removed by the owner of the property or by the contractor. No certificate of occupancy shall be issued until such material has been removed by the owner or contractor.

(Code 1982, § 9.29)

Sec. 12-89. - Collection and disposal by commercial establishments, and private collectors.

- (a) The actual producers of refuse or the owners of the premises upon which refuse is accumulated who desire personally to collect and dispose of such refuse, persons who desire to dispose of waste material not included in the definition of refuse, or private collectors of refuse from within the town or outside of the town who desire to haul over the streets of the town shall use a watertight vehicle provided with a tight cover

and so operated as to prevent offensive odors escaping therefrom and refuse from being dropped, blown, or spilled.

- (b) The town shall have the authority to make such other reasonable regulations concerning individual collection and disposal and relating to the hauling of refuse over town streets by outside collectors or individuals as it shall find necessary.

Sec. 12-910. - Commercial establishments.

All commercial establishments shall store their refuse in containers or otherwise secure it so as to eliminate wind-driven debris and unsightly litter in and about their establishments. Approved methods of securing trash shall include containers, bins, fenced or walled trash storage areas, or dumpsters operated by the ~~county~~ **Town**.

Sec. 12-101. - Vacant lots.

It shall be unlawful for any person to throw any paper, trash, or debris, scrap building material, or foreign material of any kind upon any vacant or unoccupied lot within the town.

Sec. 12-112. - Littering unlawful.

It shall be unlawful for any person to throw any paper, trash, garbage, or debris upon any street, alley, park, or other public or private property in the town. It shall further be unlawful for any person to cast or throw, or cause to be cast or thrown, into any of the gutters, drains, or sewers within the town, any garbage, tree or grass cuttings, or other substance calculated to cause any obstruction or nuisance to the gutters, drains, or sewers. **Penalties for littering shall be as set forth in section 12-14.**

Sec. 12-123. - Burying refuse; polluting waters.

It is declared to be unlawful and to constitute a nuisance for any person to deposit on or to bury in or cause to be deposited on or buried in any public square, street, alley, vacant or unoccupied lot, sidewalk, parkway, or bank of any lake, stream, or waterway, any trash, rubbish, fruit peelings, debris, refuse, garbage, brush, cans, boxes, oil, or vegetable or mineral matter, or to do any act that will pollute or tend to pollute the waters of any lake, stream, or waterway.

(Code 1982, § 9.23) **Sec. 12-134. - Spilling material on streets.**

- (a) It shall be unlawful for any person hauling any material whatsoever, whether refuse, trash, fill, rock, sand, concrete, or whatever, to spill such material from the hauling vehicle onto the streets of the town.
- (b) No solid waste shall be transported except in conformance with this section. The vehicles or containers used for the collection and transportation of solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, and shall be completely and securely covered to prevent materials from blowing out of the vehicle. Materials spilled by the hauler shall be picked up

immediately by the hauler and returned to the vehicle or container, and the area properly cleaned.

- (c) This section shall not prevent the use of a private car or truck in transporting properly contained wastes to a landfill or transfer station, provided the hauler ensures that the solid wastes will be covered during transportation and that no spillage or leakage occurs.

(Amend. of 3-17-99)

Sec. 12-145. - Penalties.

Violations of this chapter shall be punishable by a civil penalty of fifty dollars (\$50.00).

- (a) ~~Any person violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with the provisions of section 1-5.~~
- (b) ~~In accordance with section 1-5(c), and as authorized by G.S. section 160A-175, the town may also require that any unauthorized accumulation, as defined by section 12-5(3), be removed within thirty (30) days written notice to the property owner by registered or certified mail, return receipt requested. If such notice cannot be delivered by the postal service, the town may, as an alternative, post a notice at the site of the unauthorized accumulation stating the terms of removal. If such accumulation is not removed within the notice period, then the town is authorized to remove or cause to be removed such accumulation, entering in and upon private property if necessary, and shall assess the property owner the cost of removing the accumulation. A second registered or certified mail notice shall be sent to the property owner, stating that the accumulation has been removed and that the cost shall be paid by the property owner within thirty (30) days of receipt. If that assessment is not paid, then it shall become a lien on the property taxes for such piece of property; such lien shall be an encumbrance on the land, binding subsequent owners of the property.~~

(Code 1982, § 9.34; Ord. of 3-4-92, § 4)

COMMISSIONER PATTERSON MADE A MOTION TO APPROVE THE REVISIONS TO CHAPTER 12 SOLID WASTE MANAGEMENT AS PROPOSED, WHICH WAS SECONDED BY COMMISSIONER PIERSON AND THE VOTE WAS UNANIMOUS.



ORDINANCE AMENDMENT

Pursuant to an affirmative vote of 5 yeas and 0 nays by the Board of Commissioners of the Town of Highlands at its regular meeting on the 22nd day of August, 2019, and an affirmative vote of yeas to nays by The Board of Commissioners at its regular meeting on the day of , 20 if required, the following ordinances are hereby AMENDED:

Code of Highlands ~ Chapter 15, Article II. Water, Division 1. - Generally
(EXISTING CODE LANGUAGE IN BLACK & PROPOSED AMENDMENTS IN RED.)

ARTICLE II. - WATER

DIVISION 1. - GENERALLY

Sec. 15-26. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Customer means any person receiving service from the municipal water system of the town.

Resident customer means any customer receiving service at each single point of delivery within the corporate limits of the town.

Nonresident customer means any customer receiving service at each single point of delivery outside the corporate limits of the town.

Point of delivery means the actual location at which water is actually drawn from the town mains or at the location of any meter installed to measure consumption of water.

(Code 1982, § 6.13)

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 15-27. - Permit for water service.

- (a) Any person desiring town water must first make application thereof to the town and obtain a written permit to make the connection, which connection shall be made by the user at his own expense to the nearest adequate water main of the town. The town will furnish and install a meter, meter yoke and meter box of permanent construction and material at such location as it deems most advisable which shall remain the property of the town.
- (b) All water connections must be made in accordance with the ordinances, rules and regulations of the town, and the laws of the state.
- (c) It shall be unlawful for any person to make or undertake to make or cause to be made any water connection with the water system of the town without first having obtained a permit in the manner set out in this section and paid the town for each connection as above set forth.
- (d) If any person shall make or cause to be made any water connection with the water system without first having obtained a permit and paid the required fees, every day that the connection remains shall constitute a separate and distinct offense and a violation of this section.
- (e) Only Nonresidents in an area served by Town water from a previous agreement with the Town Board may be served Town water. There shall not be any nonresidents served by Town water without prior annexation and approval by the Town Board.

(Code 1982, § 6.12)

Sec. 15-28. - Extensions of water service.

- (a) *Application.*
 - (1) From and after the effective date of the ordinance from which this section derives, any property owner desiring water service from the town's water distribution system shall apply in writing to the board requesting the extension of water service. No request for the extension of services shall be considered unless submitted in writing in accordance with the requirements of this section.
 - (2) The town may require the applicant to submit as part of the written application such information, plans or other data as may be required to determine adequately if the requirements of this section are to be met.
 - (3) When application is made for a water extension to serve an area or development that is planned as part of a larger development project or subdivision, all of which is not to be developed at the time application is made, the applicant shall submit prospective development plans in sufficient detail to allow accurate determination of the size and type facilities which will be necessary to serve the entire development or subdivision when completed.

- (4) Except as provided in section 15-33, no extension to the water system of the town shall be made and no application shall be approved except in accordance with the requirements of this section.
- (b) *Requirements.* All extensions of water service shall be governed by the following: the size of water mains to be installed and the other required system facilities shall be determined by the board in accordance with the recognized standards and accepted engineering practices and design, and in accordance with applicable system plans adopted by the board.

(Code 1982, § 6.5)

Sec. 15-29. - Water service contracts.

- (a) From and after the effective date of the ordinance from which this section derives, all customers, resident and nonresident, receiving service at such time and all customers thereafter applying for water service shall execute a contract with the town in accordance with the conditions of this division.
- (b) All customers receiving service on the effective date of the ordinance from which this section derives, shall execute required contracts within fifteen (15) days after the effective date of such date and upon failure to do so, the town shall have the right to terminate service forthwith without notice to the customer.
- (c) Any customer who shall apply for water service, where an actual physical tap or connection to the town main is required, shall pay, in advance, a fee which shall be in an amount determined from time to time by the board and listed in the manual of fees and charges maintained in the clerk's office. All connections or taps shall be made by the town. If the main is located on a public street, the town will make the tap and extend the lateral service line to the nearest street line. If the main is otherwise located, the town will make the tap only and all lines therefrom shall be the responsibility of the applicant.
- (d) All contracts for water service shall begin on the date of execution of the contract and shall continue in full force and effect until terminated, as provided in this section. The town may terminate any contract for nonpayment of bills at any time after fifteen (15) days next following the date on which such charges became due and payable. It may further terminate any contract for any other breach thereof by the customer if such breach shall continue for five (5) days after notice of demand for compliance has been given the customer. If the contract is terminated by the town under the provisions of this section, the contract may be reinstated upon application of the customer provided all indebtedness is paid in full, including a charge for reestablishment of service in accordance with subsection (f).
- (e) Any customer may terminate the contract for service as of any date desired, provided that such customer shall notify the town in writing of such desire for termination not less than fifteen (15) days prior to the desired date of termination and shall pay the town a fee which shall be in an amount determined from time to time by the board and listed in the manual of fees and charges maintained in the clerk's office.

- (f) Any customer who shall apply for water service where an actual physical tap or connection to the town main is not required but is the reestablishment of service to a point of delivery where a preexisting contract was terminated by the prior owner, and has been terminated for more than twelve (12) months, then and in such event, the new customer shall be required to pay a reconnection fee which is one-half of the prevailing water connection fee for actual physical taps.
- (g) The owner of any property receiving water from the town under an existing contract, who shall lease or rent such premises, may terminate the preexisting contract between the owner and the town at any time without payment of a termination or disconnection fee, provided that the renter or lessee shall enter into a contract for service to the leased premises. No connection fee shall be charged in such cases where no new connection is actually required. It shall, however, be the duty and responsibility of the property owner to require the lessee or renter to execute such contract for service and to terminate the preexisting contract, and if such is not done the property owner will continue bound under the preexisting contract.
- (h) If any person who is not the owner of the premises, but is a lessee or tenant thereon, shall apply for water service to leased or rented premises, such applicant may be required to make a deposit with the town of any amount not less than the minimum charge for three (3) months. This deposit shall in no sense be considered an advance payment of charges for service and all provisions of this section with respect to cancellation of contracts shall apply. If the contract be terminated by either party thereto the deposit shall be applied to payment of all accrued charges, including charge for disconnection, if any, and the balance returned to the customer.
- (i) If any property receiving service at such time shall be sold and title thereto conveyed, the seller may terminate the existing water service contract. If such termination is desired it shall be the sole obligation of the seller to terminate the contract and if he shall fail to do so the existing contract shall remain in effect. If, however, the purchaser shall, within ten (10) days following the date of his purchase, enter into a new contract for service and no actual new physical connection or disconnection to the town main be required, no charge shall be made either for disconnection or reestablishment of service. If the preexisting contract shall have been terminated by the seller and the purchaser shall fail to apply for a new contract within fifteen (15) days, then and in such event, the new applicant shall be required to pay a fee for reestablishment of service equal to the minimum charge from the date of his purchase to the date of the new contract, which fee shall be in an amount determined from time to time by the board and listed in the manual of fees and charges maintained in the office of the clerk.
- (j) If by reason of fire or other casualty water service is no longer required to any premises, the owner may, at his option, terminate the contract under which service was theretofore furnished without payment of a disconnection fee and if the same owner shall, within eight (8) months after such termination for such cause, apply for a new contract to the same premises, and no new tap be required, he shall not be required to pay a fee for reestablishment of service to the premises. If, however, the contract shall be terminated for the cause aforesaid and no new application be made,

within the time above limited, and the same owner shall thereafter apply for service to said premises he shall be required to pay a fee which shall be set by the town board.

(Code 1982, § 6.14)

Sec. 15-30. - Financing extensions to approved subdivisions within corporate limits.

- (a) When an application is received requesting the extension of water service to serve property within the corporate limits which is developed, has been previously approved as a subdivision, or where streets have been previously dedicated and accepted by the town, and where such property is not part of a new subdivision which has not been approved by the town, the clerk or other person designated by the board shall estimate the cost of the project and present the application for such extension, the estimated cost and other required information to the board either for its approval, rejection, or conditional acceptance. If the application is approved by the board and subject to the availability of funds, the town will install, or have installed by contract under its supervision, the extensions which have been approved. Such extension shall be financed in accordance with this subsection. When an application has been conditionally accepted, the town shall likewise proceed with construction of the extension, but only after the applicant has satisfied the conditions stated in the approval.
- (b) When an approved water extension project has been completed and the total cost thereof has been determined, fifty (50) percent of the total cost of such water extension shall be assessed against the applicant. The remaining fifty (50) percent of the total cost of such extension shall be borne by the town from funds appropriated for this purpose.
- (c) The prevailing connection fee will be charged, in addition to the above charge in subsection (b), for each individual service connection. The connection fee shall be in an amount determined from time to time by the board and listed in the manual of fees and charges maintained in the clerk's office.

(Code 1982, § 6.5)

Sec. 15-31. - Financing extensions to proposed subdivisions or developments within corporate limits.

- (a) When an application is received requesting the extension of water service to proposed developments or subdivisions within the corporate limits and such application is approved by the board, the proposed extension shall be installed by the applicant wholly at the applicant's expense. Such extensions shall be constructed and installed to town specifications and must be inspected and approved by the board or other person designated by the board prior to the town's acceptance of the system.
- (b) The prevailing connection fee will be charged in addition to the above charge in subsection (a), for each individual service connection. The connection fee shall be in

an amount determined from time to time by the board and listed in the manual of fees and charges maintained in the clerk's office.

(Code 1982, § 6.5)

Sec. 15-32. - Items excluded from owner's cost for extensions within corporate limits.

- (a) When the town determines that it is advisable to install larger size facilities than are necessary to serve the property for which such extension is requested, the difference between the cost of the larger size facilities and the cost of the facilities required to serve the property for which such extension is requested shall be paid by the town and excluded from the total cost to be shared by the applicant and the town as provided for in this article.
- (b) Fire hydrants and other system equipment and materials installed for general public use which are expressly identified in the application or agreement approved by the board shall be furnished by the town at its expense and excluded from the total cost to be shared by the applicant as provided in this article.

(Code 1982, § 6.5)

Sec. 15-33. - Board's right to extend mains on own motion.

Nothing in this article shall prevent the board from extending water mains within the corporate limits on its own motion without receipt of an application from any applicant, and to assess the cost of such extensions as provided by law when, in the opinion of the board, the general public interest demands such extension of service.

(Code 1982, § 6.5)

~~**Sec. 15-34. - Financing extensions outside corporate limits.**~~

- ~~(a) All applications for water outside the corporate limits shall be made in the same manner and under the same requirements as provided for in section 15-28.~~
- ~~(b) If an application is approved by the board, the applicant shall be required to install such extensions to the town's specifications and at his own expense. Prior to the town's furnishing water thereto or the acceptance of the system by the town, all such extensions must be inspected and approved by the board or other person designated by the board. No reimbursement to the applicant shall be made upon annexation of the property served into the town corporate limits and all water lines connected to the town system shall become the property of the town at the time such facilities are accepted by the town.~~
- ~~(c) Prior to connection to the town's water system, the applicant shall pay to the town a charge for each and every platted lot the water extension will serve. Such charge shall be in an amount determined from time to time by the board and listed in the manual of fees and charges maintained in the clerk's office.~~

~~(d) The prevailing connection fee will be charged, in addition to the above charge in subsection (c), for each individual service connection. The connection fee shall be in an amount determined from time to time by the board and listed in the manual of fees and charges maintained in the clerk's office.~~

~~(e) If the property for which application has been made for water service is contiguous to the town's existing corporate limits, the owner of such property agrees to annexation, and such property is, in fact, annexed to the town, then all extensions made to such property and the cost thereof shall be financed in accordance with the requirements of section 15-31 or section 15-30, whichever is applicable.~~

~~(Code 1982, § 6.5)~~

Sec. 15-345. - Payment of costs and fees a prerequisite for extension.

The town shall not furnish water to any applicant which is required by section 15-30 and section 15-34 to bear any portion of the cost of extending the requested service until all such costs and the applicable tap-in fee shall have been paid into the town treasury.

(Code 1982, § 6.5)

Sec. 15-356. - Additional street improvements may be required.

The town council may in its discretion, as a condition under which water service will be extended, require the owner of a proposed subdivision to enter into an agreement to improve the proposed streets therein at his own expense and in accordance with the ordinances then in force governing the acceptance of public streets for the town. If required, this section shall apply to subdivisions which are located either within or outside the corporate limits of the town.

(Code 1982, § 6.5)

Sec. 15-367. - Penalty.

- (a) The violation of any provision of this article shall subject the offender to a civil penalty in the amount of fifty dollars (\$50.00), to be recovered by the town. Violators shall be issued a written citation which must be paid within seventy-two (72) hours.
- (b) Each day's continuing violation of this article shall be a separate and distinct offense.
- (c) Notwithstanding subsection (a), this section may also be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.

(Code 1982, § 6.5)

Sec. 15-378. - Meters.

- (a) The town shall at its expense install and maintain such meter as may be required to measure the consumption of water by the customer. Upon written request of the customer the town will test any meter within a reasonable time following receipt of such request and if it shall be found that the meter is measuring more than five (5) percent in excess of true consumption, an adjustment in favor of the consumer shall be made on the payment for service for the period between the date of meter reading on which the previous month's bill was based and the date when the meter was adjusted or replaced.
- (b) Meters may be located at any point designated by the town in the line leading from the town's main.
- (c) The customer shall in no way interfere with the meter or permit anyone else to do so, nor shall he in any manner, or by any means whatsoever, do anything or cause anything to be done which would in any manner prevent the meter from functioning properly.
- (d) Every person that is receiving water service from the town shall be billed directly for this service each month. Where more than one (1) consumer is receiving water service through a single meter each consumer shall pay the minimum monthly charge for such service.

(Code 1982, § 6.15)

Sec. 15-389. - Right to restrict use.

The town shall have the right at any time it deems necessary to establish and enforce restrictions on use of water, including, but not limited to, washing automobiles, watering lawns or gardens, filling swimming pools, or such other uses as it may determine. If such restriction of use shall be made, public notice shall be given in such manner as the board may determine and upon any breach of such restrictions by any customer the town may terminate service forthwith without notice.

(Code 1982, § 6.16)

Secs. 15-394~~0~~—15-55. - Reserved.

COMMISSIONER PATTERSON MADE A MOTION TO APPROVE THE REVISIONS TO CHAPTER 15: ARTICLE II: WATER AS PROPOSED, WHICH WAS SECONDED BY MAYOR PRO TEMPORE STIEHLER AND THE VOTE WAS UNANIMOUS.



ORDINANCE AMENDMENT

Pursuant to an affirmative vote of 5 yeas and 0 nays by the Board of Commissioners of the Town of Highlands at its regular meeting on the 22nd day of August , 2019, and an affirmative vote of yeas to nays by The Board of Commissioners at its regular meeting on the day of , 20 if required, the following ordinances are hereby AMENDED:

Code of Highlands ~ Chapter 15, Article IV. Sewerage, Division 6. – Extensions
Sec. 15-246 and Sec. 15-249

(EXISTING CODE LANGUAGE IN BLACK & PROPOSED AMENDMENTS IN RED.)

ARTICLE IV. – SEWERAGE*

DIVISION 6. - EXTENSIONS

Sec. 15-246. - In general.

- (a) The board of commissioners of the Town of Highlands may approve an extension of its sewer collection system in accordance with the requirements of this division. The following types of sewer extensions may be approved:
 - (1) Extension on board's own motion (section 15-247).
 - (2) Extension to limited service area pursuant to request from one or more property owner (section 15-248).
 - (3) Extension to new development (section 15-249).
 - (4) Extension pursuant to request from fifty (50) percent of property owners under assessment authority (section 15-250).
- (b) All applications for sewer extensions shall be made in writing. The town may require the applicant to submit as part of the written application such information, plans, or other data as may be required to determine adequately if the requirements of this division are to be met. When application is made for a sewer line extension to serve an area or development that is planned as part of a larger development project or

subdivision, all of which is not to be developed at the time application is made, the applicant shall submit prospective development plans in sufficient detail to allow accurate determination of the size and type of facilities which will be necessary to serve the entire development or subdivision when completed. No request for a sewer extension shall be considered unless submitted in writing in accordance with the requirements of this paragraph.

- (c) Sewer service will not be extended to property located beyond the corporate limits of the Town of Highlands ~~without the express approval of the board of commissioners. The Town of Highlands is under no obligation to provide sewer service to property outside its corporate limits, except as expressly approved. The Town of Highlands may refuse to extend service to property located outside its corporate limits or may choose to provide sewer service to such property under such terms and conditions as may be approved by the board of commissioners. Sewer connection fees for property outside the corporate limits shall be determined from time to time by the board and listed in the manual of fees and charges maintained in the clerk's office.~~
- (d) 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 as provided for in this division.
- (e) Any sewer main extended under the provisions of this division shall be installed and constructed in accordance with the approved plans, specifications, and other requirements of the town. All facilities installed under the provisions of this division shall become the sole property of the town and under its jurisdiction and control for any and all purposes whatsoever at the time such facilities are connected to the town system. When required, the property owner shall grant to the town such utility easements as the town may require.
- (f) Participation by the Town of Highlands in any sewer extension pursuant to section 15-247 and section 15-250 of this division shall be subject to the availability of funds. The Town of Highlands is under no obligation whatsoever to participate in the funding of any sewer extension, except as expressly approved by the board of commissioners.

(Ord. of 3-6-96)

Sec. 15-249. - Extension to new development.

- (a) An extension to a new developments or subdivisions may be approved by the board upon receipt of a petition from the developer of the subdivision requesting sewer service, and offering to fund the entire cost of such extension.
- (b) In considering extensions to new developments, the board shall whenever possible require that sewer lines meet the minimum requirements for line segment size and specifications as set forth in the Town of Highlands Master Sewer Study, prepared by W.K. Dickson Company, Inc. in June of 1989, or as set forth in any later amendment of said study or any future sewer plan which the board shall adopt. In any case, the

board shall require that the installation of public sewer lines meet the minimum design requirements of the State of North Carolina.

- (c) In accordance with section 15-273, all sewerage system extensions must be compatible with present and future plans and needs of the town, as determined by the board of commissioners.
- (d) Sewer extensions in new developments or subdivisions shall in all cases meet the review and inspection requirements of Section ~~414.2~~ 4.4 of the Subdivision Regulations **Review** of the Town of Highlands **Unified Development Ordinance**.
- (e) When application is made for a sewer line extension to serve an area or development that is planned as part of a larger development project or subdivision, all of which is not to be developed at the time application is made, the applicant shall submit prospective development plans in sufficient detail to allow accurate determination of the size and type of facilities which will be necessary to serve the entire development or subdivision when completed.
- (f) The board may in its discretion, as a condition under which sewer service will be extended, require the owner of a proposed subdivision or development to enter into an agreement to improve the proposed streets therein at their own expense and in accordance with the ordinance then in force governing the acceptance of public streets for the town.
- (g) In accordance with section 15-164, whenever a sanitary sewer main is extended to new developments, all sewer service lines from abutting dwellings and businesses shall be connected to said sewer main within twenty-four (24) months of such line being placed in service. In its discretion, the board of commissioners may require that the contract for such extensions include as part of the contract cost for such extensions the cost of connecting all residents adjoining such lines. A connection fee shall be required as set forth from time to time by the board of commissioners and listed in the manual of fees and charges maintained in the clerk's office.

(Ord. of 3-6-96; Amend. of 4-5-06, § 4)

MAYOR PRO TEMPORE STIEHLER MADE A MOTION TO APPROVE THE REVISIONS TO CHAPTER 15: ARTICLE IV: SEWERAGE AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER PATTERSON AND THE VOTE WAS UNANIMOUS.

14. Adjournment

As there were no further matters to come before the Board of Commissioners, Commissioner Dotson moved to adjourn which was seconded by Commissioner Calloway and upon a unanimous vote, the Town Board adjourned at 8:55pm.

Patrick Taylor
Mayor

Gilberta B. Shaheen
Town Clerk