

## CHAPTER 50: GENERAL PROVISIONS

### Section

#### *Payment*

- 50.01 Crediting of partial payment for services

#### *Extensions*

- 50.15 Application for and approval of extensions required  
50.16 General extension requirements  
50.17 Financing extensions within corporate limits  
50.18 Financing extensions outside corporate limits  
50.19 Specifications, ownership  
50.20 Additional subdivision improvement requirement

#### *Cross-reference:*

*Late fee on water and sewer bills, see §§ 52.04, 53.26*

### **PAYMENT**

#### **§ 50.01 CREDITING OF PARTIAL PAYMENT FOR SERVICES.**

In the event the town receives a payment for various enterprise services covered by a bill for the services which said payment does not pay the bill in full, then the partial payment shall be applied among the various enterprise services covered by a bill as follows:

(A) To any past due bill for enterprise services, first for past due garbage collection fees, second for past due sewer charges and third for past due water charges;

(B) To current charges for enterprise services, first to current charges for garbage collection fees, second for current charges for sewer service fees and third for current charges for water service fees.  
(Ord. passed 7-7-97)

***EXTENSIONS*****§ 50.15 APPLICATION FOR AND APPROVAL OF EXTENSIONS REQUIRED.**

(A) From and after the effective date of this chapter, any property owner, or owners, desiring water or sanitary sewer service shall apply in writing to the town requesting the extension of water or sanitary sewer service or both. No request for the extension of services shall be considered unless submitted in writing in accordance with the requirements of this subchapter.

(B) 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 adequately determine if the requirements of this subchapter are to be met.

(C) When application is made for water and sewer extensions to serve an area or development project that is planned as part of a larger project or subdivision, all of which is not to be developed at the time application is made, the owner or owners shall submit plans in sufficient detail in order to determine the size and type facilities which will be necessary to serve the entire development or subdivision when completed.

(D) No extension to the water or sanitary sewer system of the town shall be made and no application shall be approved except in accordance with the requirements of this subchapter.  
(`92 Code, § 53.01) (Ord. passed 8-29-69)

**§ 50.16 GENERAL EXTENSION REQUIREMENTS.**

All extensions of either water or sanitary sewer service shall be governed by the following:

(A) The minimum distance for any extension of a water main or sanitary sewer main shall be determined by the town. In general, the minimum distance for extensions shall be one platted block, or in the case of water mains from main line valve to valve and in the case of sanitary sewer extension from manhole to manhole.

(B) The size of water mains and sanitary sewer mains to be installed and the other required system facilities shall be determined by the town in accordance with the recognized standards and accepted engineering practices and design.  
(`92 Code, § 53.02) (Ord. passed 8-29-69)

**§ 50.17 FINANCING EXTENSIONS WITHIN CORPORATE LIMITS.***(A) Extensions to approved subdivisions or developed property.*

(1) When application is received requesting the extension of water or sanitary sewer service or both to serve property within the corporate limits which is developed or has been previously approved as a subdivision, or where streets have previously been dedicated and accepted by the town, and where such area is not part of a new subdivision which has not been approved by the town, the Town Clerk or other person designated by the Board of Aldermen shall estimate the cost of the project and present the application for such extension, the estimated cost and other required information to the Board of Aldermen for their consideration. If the application is approved by the Board of Aldermen 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, and such extension shall be financed in accordance with this division.

(2) When an approved water or sanitary sewer extension project has been completed and the total cost thereof has been determined, 75% of the total cost of such water or sanitary sewer extension or both shall be assessed against the property owners whose property abuts upon such extension at an equal rate per front foot in accordance with and under the authority granted to the town by state law. The remaining 25% of the total cost of such extensions shall be borne by the town from funds appropriated for this purpose.

(3) 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 his or their share in equal annual installments with interest as required by the statute.

*(B) Extensions to proposed developments or subdivisions.*

(1) When an application is received requesting the extension of water or sanitary sewer service or both to proposed developments or subdivisions within the corporate limits which have not been approved by the Board of Aldermen, the Town Clerk or other person designated by the Board of Aldermen shall estimate the cost of the project and present the application for such extension, the estimated cost and other required information to the Board of Aldermen for their consideration. If the application is approved and subject to the approval of the development or subdivision by the town, and subject to the availability of funds, the town will install or have installed by contract under its supervision such extensions which shall be financed in accordance with this section.

(2) Prior to the beginning of any construction, the property owner or owners shall advance to the town funds in an amount equal to 75% of the total estimated cost of the proposed extensions. Upon receipt of such funds, a written contract shall be entered into by and between the town and the property owner or owners, under which the town will use such funds upon the following terms and conditions:

**Bryson City - Public Works**

(a) The funds shall be deposited in a special account of the town for which a separate accounting will be made.

(b) At the time construction of the extension is completed and the total cost thereof is determined, if the amount deposited exceeds 75% of the total cost, that portion in excess of the amount deposited will be refunded to the owner or owners without interest. If the amount deposited is less than 75% of the total cost, the owner or owners shall pay such additional amount to the town and this condition shall be a part of the written contract.

(c) In lieu of depositing funds, the owner or owners may provide a surety bond or some other form of security that will insure payment to the town of the owner or owners proportionate share of the cost of extension in accordance with this chapter.

(d) No refund or reimbursement of funds shall be made to the owner or owners who pay 75% of the total cost of extension under the requirements of this division except as provided for in division (b) above.

(3) The town will finance from funds appropriated for this purpose the remaining 25% of the total cost of extension to and within such proposed developments or subdivisions.

*(C) Facilities excluded in determining owners share of cost.*

(1) 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 owner and the town as provided for herein.

(2) Fire hydrants, pumping stations, outfall lines and other facilities installed for general public use shall be paid for by the town and excluded from the total cost to be shared by the property owner and the town, as provided for herein.

*(D) Exceptions authorized.* Nothing in this subchapter shall prevent the Board of Aldermen from extending water or sanitary sewer mains or both within the corporate limits on their own motion without receipt of an application from property owners, and to assess the cost of such extensions in accordance with division (A) above when, in the opinion of the Board of Aldermen, the general public interest demands such extension of service.

(`92 Code, § 53.03) (Ord. passed 8-29-69)

**§ 50.18 FINANCING EXTENSIONS OUTSIDE CORPORATE LIMITS.**

(A) All applications for water and sewer extensions outside the corporate limits shall be made in the same manner and under the same requirements as provided for in §§ 50.15 and 50.16.

(B) If an application is approved by the Board of Aldermen the owner or owners shall be required to pay for the entire cost of all extensions. Provided, the town may participate to the extent agreed upon by the Board of Aldermen in the cost of larger size mains which are in excess of the size mains required to serve the project. No reimbursement shall be made upon annexation and all water and sewer lines connected to the town system and located outside the corporate limits shall become the property of the town at the time such facilities are connected.

(C) Prior to the beginning of any construction, the owner or owners shall deposit with the town funds in an amount equal to the total estimated cost of such extensions. Upon receipt of such funds a written contract shall be entered into by and between the town and the property owner or owners in accordance with the requirements of this chapter. Such contract shall provide that in the event the amount of the total funds deposited exceeds the amount of the total extension cost when completed, that portion in excess of the total cost will be refunded to the owner or owners without interest. Such contract shall also provide that if the amount deposited is less than the total cost, the owner or owners shall pay such additional amount to the town.

(D) In lieu of depositing funds the owner or owners may execute a surety bond guaranteeing payment for such extension or the owner or owners may have such extension performed under private contract with the approval of the Board of Aldermen, provided, the work is to be performed in accordance with all construction requirements of the town and subject to inspection and approval of the town.

(E) In the event the property for which application has been made for water or sewer service is contiguous to the corporate limits and the owner or owners of such property agree to annexation and in the event such property is annexed to the town, extensions may be made to such property and the cost thereof financed in accordance with the requirements of § 50.17(A) or (B), whichever is applicable.

(`92 Code, § 53.04) (Ord. passed 8-29-69)

**§ 50.19 SPECIFICATIONS, OWNERSHIP.**

Any water mains or sanitary sewer mains extended under the provisions of this subchapter 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 chapter, whether within or outside the corporate limits 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 or owners shall grant to the town such utility easements as the town may require. In addition, a deed to the town for water and/or sewer facilities installed which are located outside the corporate limits, the cost of which is borne by individual property owners, shall be executed prior to the time any extensions provided for in this chapter are connected to the town systems.

(`92 Code, § 53.05) (Ord. passed 8-29-69)

**§ 50.20 ADDITIONAL SUBDIVISION IMPROVEMENT REQUIREMENT.**

The Board of Aldermen may in its discretion as a condition under which water or sewer service or both will be extended, require the owner or owners of a proposed subdivision to enter into an agreement to improve the proposed streets therein at their 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.

(`92 Code, § 53.06) (Ord. passed 8-29-69)