

**Ordinance No. 2017-XX**

**TOWN OF BEECH MOUNTAIN**

**AN ORDINANCE TO AMEND TOWN OF BEECH MOUNTAIN BILLING PROCEDURES IN CHAPTER 51 'WATER AND SEWER USE' IN THE TOWN'S CODE OF ORDINANCES TO ESTABLISH A SERVICE DISCONNECTION DATE FOR DELINQUENT ACCOUNTS**

A recommendation has been made by Attorney Eggers to add the following additional language to the proposed draft ordinance to amendment Council had in their agenda packets to amend the Town's utility billing procedures in Chapter 51 *'Water and Sewer Use'*:

"Disconnection of water service may take place on or after the date of the third billing cycle on all accounts that are two months in arrears, or upon shorter notice to the account holder if deemed appropriate by the Town Manager. Service will not be reconnected until the customer pays a deposit equal to twice the basic deposit, delinquency fees, reconnection fees, and the balance due on the account. The master Schedule of Fees is established by the Town Council and maintained in the Clerk's office."

This additional language has been included in the drafted ordinance you have before you tonight for your consideration to proceed with calling a public hearing for Council's next regularly scheduled meeting.

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**WHEREAS**, The Town Council of Beech Mountain as authorized by the North Carolina General Statutes has established a rate schedule for the Town's water and sewer enterprise fund based on required operational revenues and capital projects; and

**WHEREAS**, a regular reoccurring revenue stream is required to support a healthy and stable enterprise fund; and

**WHEREAS**, the Town Council has adopted procedures for monthly utility billing for the purposes of engaging in sound fiscal collection practices; and

**WHEREAS**, the Town Council has established the 20<sup>th</sup> of the month as the date of delinquency for utility accounts and a 1.5% penalty on delinquent balances; and

**WHEREAS**, the Town Council has established fees for the reconnection of services in the Town's master Schedule of Fees; and

**WHEREAS**, the Town Council desires to encourage payment of billable utility services in a timely manner;

**WHEREAS**, the Town Council has the authority to set a date of service disconnection for utility accounts that are in arrears.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BEECH MOUNTAIN, NORTH CAROLINA, THAT:**

SECTION I. Section: §51.030 'Billing Procedures; Account Information' of the Code of Ordinances, Town of Beech Mountain, North Carolina, is hereby amended by the Town Council and codified as follows:

§ 51.030 BILLING PROCEDURES; ACCOUNT INFORMATION.

- (A) No water or sewer connections shall be made until such time that application has been made and all connection fees ~~and availability fees~~ paid. In projects requiring other permits, no connections shall be made until such

time that all required building, zoning, driveway and other permits required by the Town of Beech Mountain, county, state or federal agencies have been obtained.

- (B) The Town of Beech Mountain may reject any application for service not available under a standard rate, or which includes excessive service costs, or which may affect the supply of service to other customers or may be detrimental to the waste treatment process due to the volume, character or content of the discharge.
- (C) The Town of Beech Mountain shall reject any applications for connection or applications for service when the applicant is delinquent in payment of bills incurred for service supplied at any location.
- (D) Customers requesting ~~the~~ water and sewer services or transfer of these services shall pay, ~~at the town office,~~ utility service deposits in the amount required ~~by ordinance~~ at that time. Upon discontinuance of the water and sewer services, and after the customer has paid his or her final bill for those services, the deposit will be returned to the depositor upon request. No interest will be paid on water and sewer deposits.

Current security deposit charges are: <sup>1</sup>

	Residential (Per Unit)	All Other
<i>Water Deposit</i>	\$50	\$75
<i>Sewer Deposit</i>	\$50	\$75

- (E) ~~If any customer shall have service discontinued by the town for nonpayment, a deposit equal to twice the basic deposit for the particular service shall be collected prior to reconnection of service.~~
- (F) All service accounts shall be billed at least a minimum monthly charge as specified in the rate schedule adopted by the Town Council ~~pursuant to this chapter,~~ regardless of the account status, consumption, or occupancy of the structure, ~~and said~~ charges shall commence effective with the installation of the meter.
- (G)(F) Accounts for sprinkler systems only shall not be billed a minimum charge nor shall water utilized in the extinguishment of fire be billed to the customer if said sprinkler system is separated from all other plumbing fixtures and appurtenances and is metered separately from all other consumption or usage. Any water passing through sprinkler systems due to

negligence, carelessness, frozen pipes or improper maintenance shall be billed in accordance with the rate schedule in effect at the time.

- ~~(H)~~(G) In cases where the customer provides conclusive proof that a leak has occurred in his or her plumbing system that has caused demand to increase and has been fixed, the utility bill for the period of time when the leak occurred may be adjusted by reducing the sewer portion of the bill to reflect average sewage charges for the account, or the minimum sewage charge, whichever is greatest. In no such circumstances shall the sewage portion of the bill be reduced below the minimum monthly charge for the period.
- ~~(H)~~(H) Any water account which is charged a large amount in any one billing period due to a leak is eligible for a 15% reduction in water charges, if the following conditions apply: (a) the leak must be verified by the Town Manager or Public Works Director; (b) the total water charges for the billing period must exceed \$500; and (c) the number of gallons recorded on the water meter for the billing period in question must be at least twice the average gallons consumed over the previous 12 months. The town will not accrue interest charges on the balance due from the leak, if the customer has been approved to pay the charges over a period of months. Interest charges will begin to accrue on the entire balance past due if the customer is late in making payment on the approved schedule. This provision applies only to large balances resulting from private plumbing leaks in a single billing period, and does not apply to subsequent charges for water service after the leak has been repaired. <sup>2</sup>
- ~~(J)~~(I) Situations requiring that special arrangements be made for the payment of past due accounts may only be approved by the Town Manager.
- ~~(E)~~—Customers will be billed on a schedule determined by the Town Council.<sup>3</sup>
- ~~(L)~~(J) Bills are past due and delinquent ~~on the twentieth day of each month in which they are mailed.~~ If the twentieth of the month ~~day~~ falls on a weekend or holiday, ~~bills~~ the day of delinquency will ~~be past due and delinquent if not paid in full by~~ move to the end of the next business day. ~~The customer shall be responsible for an~~ Delinquent accounts will be charged a monthly administrative ~~charge~~ fee computed on ~~from~~ the date of delinquency at a ~~the~~ rate of 1.5% ~~per month~~ on the ~~delinquent~~ full balance of the account. ~~After an account becomes delinquent, the town will send the customer a notice of delinquency.~~ Service may be discontinued by the town pursuant to §§ [51.130](#) *et seq.* herein.
- ~~(M)~~(K) Disconnection of water service may take place on or after the date of the third billing cycle on all accounts that are two months in arrears, or upon

shorter notice to the account holder if deemed appropriate by the Town Manager. ~~If any customer shall have S~~ service will not be reconnected until the customer pays ~~discontinued by the town for nonpayment,~~ a deposit equal to twice the basic deposit ~~for the particular service shall be collected prior to reconnection of service. In addition, all past due balances,~~ delinquency fees ~~penalties,~~ and appropriate reconnection fees, and the balance due on the account. ~~shall be satisfied prior to reconnection of service.~~ The master Schedule of Fees is established by Town Council and maintained in the Clerk's office.

~~(N)~~(L) Not less than three-days' notice must be given in person or in writing at the Town Utilities Office, to discontinue service for a change in occupancy. The outgoing party shall be responsible for all water consumed up to the time of departure or the time specified for departure, whichever period is longer.

(1989 Code, Title III, Ch. 30, § 2-6) (Ord. passed 7-10-1990; Ord. passed 9-8-1992; Ord. passed 8-10-1999; Ord. passed 8-14-2006; Ord. passed 2-10-2009; Ord. 2014-02, passed 1-14-2014)

*Editor's note:*

<sup>1</sup> *Division (D), deposits required changed by amendment September 8, 1992.*

<sup>2</sup> *Second paragraph added by amendment August 10, 1999.*

<sup>3</sup> *Division (K) amended by resolution August 14, 2006.*

SECTION II. CODIFICATION. The provisions of Section I of this Ordinance shall be published as appropriate in the Town of Beech Mountain Code of Ordinances as soon as practicable.

SECTION III. SEVERABILITY CLAUSE. If any section, part or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the Town Council in passing this Ordinance that its parts shall be severable and all other parts of the Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION IV. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication according to law.

READ, CONSIDERED, PASSED AND APPROVED at a regular meeting of the Town Council of Beech Mountain, North Carolina, at which a quorum was present and which was held on the \_\_\_\_ day of \_\_\_\_\_, 2017.

This Ordinance adopted the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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E. *Rick* Miller, Mayor

Attest:

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Jennifer L. Broderick, MMC  
Town Clerk