

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS OF THE TOWN OF LAKE LURE
TUESDAY, APRIL 28, 1970

A special meeting of the Board of Commissioners was held in the Town Hall at 9:30 a.m. on the 28th day of April, 1970, pursuant to notice and waiver of notice. The following members of the board were present: J. Paul Wilson, Mayor; Woodrow Price, Commissioner, and Robert B. Jones, Commissioner.

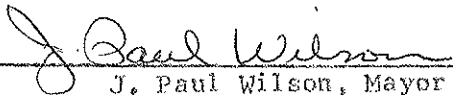
The meeting was held after notice and waiver of notice as follows:

STATE OF NORTH CAROLINA
COUNTY OF RUTHERFORD
TOWN OF LAKE LURE


WAIVER OF NOTICE OF SPECIAL MEETING

The undersigned Mayor and commissioners of the Town of Lake Lure do hereby waive all notice of a special meeting of said board of commissioners and agree that said meeting may be held at the Town Hall in Lake Lure, North Carolina, at 9:30 a.m. on April 28, 1970, and the undersigned further agree that all business properly before said meeting may be transacted at said meeting.

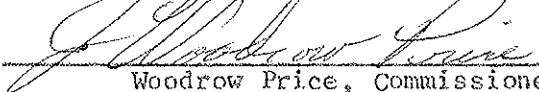
This the 28th day of April, 1970.



J. Paul Wilson, Mayor



Robert B. Jones, Commissioner



Woodrow Price, Commissioner

The mayor, J. Paul Wilson, called the meeting to order and the clerk read the minutes of the last meeting. The minutes were approved as written.

The adoption of an ordinance governing and regulating the sewer system of the Town of Lake Lure was discussed.

Commissioner Price introduced the ordinance appended hereto, which was read at length. After further discussion, the ordinance appended hereto was adopted. The following commissioners voted in the affirmative: J. Paul Wilson, Mayor; Robert B. Jones, Commissioner, Woodrow Price, Commissioner. The following Commissioners voted in the negative: None.

Mayor Wilson advised the board that the Chimney Rock Sewer Association, Inc. has made application to the Federal Government for a grant for the purpose of constructing a trunk sewer line from Chimney Rock to the Lake Lure Trunk Sewage Line, and that in connection with said application for said grant, the Chimney Rock Sewer Association, Inc. has requested that the Town of Lake Lure make and enter into the Agreement appended hereto with Rutherford County.

After discussion, Commissioner Jones moved, seconded by Commissioner Price that the Town of Lake Lure make and enter into the Agreement appended hereto with Rutherford County, and that the Mayor, J. Paul Wilson, and the Town Clerk be authorized

and directed to execute said agreement for the Town of Lake Lure.

The following Commissioners voted in the affirmative: J. Paul Wilson, Mayor; Robert B. Jones, Commissioner; Woodrow Price, Commissioner.

The following Commissioners voted in the negative: None.

There being no further business, the meeting adjourned at 10:30 o'clock a. m.

Blanche B. Riles
Town Clerk

J. Paul Wilson
Mayor

AN ORDINANCE GOVERNING AND REGULATING THE SEWER SYSTEM
OF THE TOWN OF LAKE LURE, NORTH CAROLINA

Whereas, in the year 1966 the Town of Lake Lure acquired the lake known as Lake Lure and a system of trunk sewage lines located on the bed of said lake, and

Whereas, many dwellings, buildings, and structures located adjacent to or near said lake were connected to said system of trunk sewage lines by means of lines which are owned by the owners of said dwellings, buildings and structures, and

Whereas, at present the sewage which flows into the system of trunk sewage lines is being discharged into Rocky Broad River below the Lake Lure Dam, and

Whereas, the Town of Lake Lure, in order to eliminate and prevent the pollution of Rocky Broad River, is building a sewage treatment plant for the purpose of treating the sewage flowing into the system of trunk sewage lines, and

Whereas, after the said sewage treatment plant is completed, a maximum of 200,000 gallons of sewage can be treated in said plant in any one period of twenty-four (24) hours, and

Whereas, upon completion of said sewage treatment plant the sewer system owned by the Town of Lake Lure will consist of the said system of trunk sewage lines located on the bed of the lake known as Lake Lure and the said sewage treatment plant, and

Whereas, the financial requirements of building and operating the treatment plant and the costs and expenses of operation, maintenance, repairs, replacements and management of the said sewer system must necessarily be paid by those using said system, and

Whereas, the Board of Commissioners of the Town of Lake Lure finds that it is necessary to establish rules and regulations governing the uses of the sewer system and to establish rates and charges to pay part of the initial costs of the treatment plant, and the costs and expenses of operation, maintenance, repairs, replacements and management of the said sewer system.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF LAKE LURE:

SECTION 1. CONTROL AND SUPERVISION

The sewer system of the Town of Lake Lure shall be under the general control and supervision of the Board of Commissioners of the Town of Lake Lure, and the system shall be regulated and operated as the Board of Commissioners shall from time to time ordain and direct. The Board shall

appoint a qualified person to supervise the operation and regulation of the system under the direction of the Board, or the Board may assign the duties of supervising the sewer system to an employee of the Town of Lake Lure in addition to his other duties.

SECTION 2. DIVISION OF CAPACITY OF SEWAGE TREATMENT PLANT

The capacity of the sewage treatment plant to treat a maximum of 200,000 gallons of sewage in any one period of twenty-four (24) hours shall be divided into 800 units of 250 gallons of sewage per unit. Owners of such units shall be entitled to deposit into the sewer system not more than 250 gallons of sewage per unit owned in any one period of twenty-four (24) hours.

SECTION 3. PERMIT FOR CONNECTION REQUIRED

No person, firm or corporation, shall make any connection, direct or indirect, to the sewer system of the Town of Lake Lure, or with any private lines in the Town of Lake Lure which are connected to the sewer system of the Town of Lake Lure, or with any sewer lines owned by the Chimney Rock Sewer Association, Inc. which are connected to the sewer system of the Town of Lake Lure unless and until a permit has been issued by the Town of Lake Lure. Permits shall be issued for connections only after the official or employee designated by the Board of Commissioners of the Town of Lake Lure to supervise its sewer facilities has determined the type of connection required, the type of waste to be placed in the system, and has approved all of the specifications and size, and methods of installation of any lines now connected, or to be connected, including any lines which may be installed by the Chimney Rock Sewer Association, Inc., in the future to the sewer system of the Town of Lake Lure.

SECTION 4. INFORMATION REQUIRED BEFORE PERMIT ISSUED

All persons, firms and corporations whose properties are now connected, directly or indirectly, to the sewer system of the Town of Lake Lure, and all persons, firms and corporations desiring connections in the future, directly or indirectly, with said sewer system of the Town of Lake Lure or with any of the sewer lines owned by the Chimney Rock Sewer Association, Inc. which are connected with the said system of the Town of Lake Lure, or with any private lines in the Town of Lake Lure which are connected with said sewer system of the Town of Lake Lure, shall furnish the Board of Commissioners with the following information:

1. Name or names in which title is vested.
2. The maximum number of people using the premises and the maximum number of gallons of sewerage to be discharged from said premises in any one (1) twenty-four (24) hour period.
3. The number of separate dwellings, buildings or structures connected or for which connection is desired.
4. The number of the following in the dwellings, buildings or structures located on the premises:
:

- (a) Bathrooms;
 - (b) Water closets;
 - (c) Showers;
 - (d) Lavatories;
 - (e) Sinks;
 - (f) Clothes washers; and
 - (g) Garbage disposal units.
5. Whether a swimming pool is located on the premises.
 6. General location of property.
 7. Whether property is residential or commercial, and, if commercial, the type of business.
 8. Whether water is furnished by the Town of Lake Lure.

Forms for furnishing the above information shall be supplied by the Town of Lake Lure. The Town shall have the right to disconnect those properties connected, directly or indirectly, to the sewer system of the Town of Lake Lure or to any private lines which are connected to the sewer system of the Town of Lake Lure whose owners refuse to furnish the information required. Owners wishing to have their properties connected, directly or indirectly, to the sewer system of the Town of Lake Lure, or to any private lines in the Town of Lake Lure which are connected to the sewer system of the Town of Lake Lure, or to the sewer lines of the Chimney Rock Sewer Association, Inc., which are connected to the sewer system of the Town of Lake Lure, and who refuse to furnish the information herein required shall not receive a permit and shall not be allowed to make such connection.

SECTION 5. WORK ON CONNECTIONS

All connections, direct or indirect, to the sewer system of the Town of Lake Lure, or with any private lines in the Town of Lake Lure which are connected to the sewer system of the Town of Lake Lure, or with any of the sewer lines owned by the Chimney Rock Sewer Association, Inc. which are connected with the sewer system of the Town of Lake Lure shall be made by authorized employees of the Town of Lake Lure in accordance with specifications for such connections that may be adopted by the Town from time to time. If authorized by the Board of Commissioners, connections may be made by plumbers licensed to perform plumbing work in North Carolina. Any sewer connections made by an authorized licensed plumber shall be inspected by the official or employee designated by the Board of Commissioners to supervise the sewer system of the Town of Lake Lure after such work has been completed and prior to the time such connection is covered.

SECTION 6. MAINTENANCE AND REPAIR OF CONNECTIONS

Whenever any service to any residence, building, structure, or premise becomes clogged, broken, out of order, or in any condition detrimental to the use of the sewer service, the owner, agent or occupant having charge of such residence, building, structure or premise shall be responsible for the immediate repair of said service. Renewals or repairs of any lines connecting any residence, building, structure or premise, directly or indirectly, with the sewer system of the Town of Lake Lure or with any private line in the Town of Lake Lure which is connected to the sewer system of the Town of Lake Lure shall be made at the expense of the property owner, occupant or agent. Repairs or renewals to and maintenance of sewer lines owned by the Chimney Rock Sewer Association, Inc. shall be made at the expense of the said Chimney Rock Sewer Association, Inc. Repairs or renewals of any private lines connected to lines of the Chimney Rock Sewer Association, Inc. which are connected to the sewer system of the Town of Lake Lure shall be made at the expense of the property owner, occupant or agent. Whenever any repair work is performed as required by this section, such work shall be performed only by a licensed plumber authorized to perform such work by the Town of Lake Lure.

SECTION 7. DISCHARGE OF CERTAIN SUBSTANCES PROHIBITED

1. It shall be unlawful for any person, firm or corporation to deposit, or cause to be deposited, or discharge or permit to be discharged, directly or indirectly, into any part of the sewer facilities of the Town of Lake Lure the following substances:

- (a) Any waste or effluent from any industrial or manufacturing process.
- (b) Any corrosive, volatile, inflammable or explosive liquid gas, vapor or material of any kind.
- (c) Any trade waste containing oily and greasy substances likely to cause accretion on the sides of sewer lines.
- (d) Any used motor oils or greases, or similar substances.
- (e) Any trade waste containing large quantities of hair or fibre, or other substances which may obstruct the sewer or make necessary any undue cleaning of the system.
- (f) Any fish offal, garbage, dead animals or similar types of waste.

2. No person operating a garage or filling station who offers as service the washing of automobiles, trucks or other vehicles shall release into the sewer system, directly or indirectly, water so used, without first providing a settling basin of sufficient size to permit the sedimentation of the solids from such operation. Such basin or pit shall be maintained in good working condition and shall be cleaned as often as required to remove the major portion of mud and other refuse that may be accumulated therein.

3. No person, firm or corporation shall discharge, pour, deposit or cause or permit to be discharged, poured or deposited, any surface water run-off or drainage, either directly or indirectly, into the sewer system of the Town of Lake Lure, or to make or allow, or cause to be made, any connection to said sewer system which could cause or permit any surface water run-off or drainage to flow, directly or indirectly into said system.

SECTION 8. SEWER SERVICE CHARGES AND CONNECTION FEES

It is hereby determined and declared to be necessary for the due protection of the public health, safety and welfare of the Town of Lake Lure and for financing part of the costs of the sewage treatment plant, the cost and expense of the operation, maintenance, replacement, repair, and management of the sewer system of the Town of Lake Lure to establish and collect charges for the use of the system pursuant to North Carolina General Statutes 160-249 and 160-256, and Chapter 766 of the 1967 Session Laws of North Carolina, as follows:

(a) A sewer service charge for each unit of 250 gallons of sewage owned is hereby established. Such sewer service charge shall be payable monthly and the amount of such charge per unit of sewage shall be fixed by a schedule adopted by the Board of Commissioners of the Town of Lake Lure and kept on file in the office of the Town Clerk. The amount of such sewer service charge per unit of sewage may be changed at any time in the discretion of the Board of Commissioners of the Town of Lake Lure.

(b) A sewage unit charge on each lot, parcel of land, or premises in the Town of Lake Lure which is now or will hereafter be connected, directly or indirectly, with the sewer system of the Town of Lake Lure or with any private line in the Town of Lake Lure which is now or will hereafter be connected with the sewer system of the Town of Lake Lure, is hereby established as follows:

1. There shall be a sewage unit charge for each unit of 250 gallons of sewage to be deposited into the sewer system of the Town of Lake Lure in any one period of twenty-four (24) hours. The amount of such sewage unit charge shall be fixed by a schedule adopted by the Board of Commissioners of the Town of Lake Lure and kept on file in the office of the Town Clerk. The charge per unit of 250 gallons of sewage herein established shall be in addition to, and not in lieu of, the monthly sewer service charge established in Subsection (a) of this Section. The said sewage unit charge shall be payable when a unit of sewage is sold by the Town of Lake Lure and shall be payable only once. The amount to be charged for each unsold unit of sewage may be changed at any

time in the discretion of the Board of Commissioners of the Town of Lake Lure.

2. Each lot, parcel of land, or premises in the Town of Lake Lure used for residential purposes and having or making connections, directly or indirectly, with the sewer system of the Town of Lake Lure or with any private line in the Town of Lake Lure which is now or will hereafter be connected with the sewer system of the Town of Lake Lure shall have a minimum of one (1) unit of 250 gallons of sewage.
3. Each lot, parcel of land, or premises in the Town of Lake Lure used for commercial purposes and having or making connection, directly or indirectly, with the sewer system of the Town of Lake Lure, or with any private line in the Town of Lake Lure which is now or will hereafter be connected with the sewer system of the Town of Lake Lure shall have a minimum of two and one-half (2½) units of sewage.

SECTION 9. SEWER REVENUE FUND ESTABLISHED

All moneys received from the charges established by Section 8 of this ordinance shall be deposited as received with the Town Clerk and Treasurer who shall keep the same in a separate fund designated "Sewer Revenue Fund".

SECTION 10. PROPERTIES OUTSIDE OF LAKE LURE

All owners of properties located outside the corporate limits of the Town of Lake Lure which are now connected or which will be connected in the future, directly or indirectly, to the sewer system of the Town of Lake Lure, including the Chimney Rock Sewer Association, Inc., and the owners of those properties which may be connected to the sewer system of the Town of Lake Lure through lines owned by the Chimney Rock Sewer Association, Inc., shall pay sewer services charges and sewage unit charges equal to those established in Section 8 of this ordinance, or the properties shall be disconnected from the sewer system of the Town of Lake Lure.

SECTION 11. ASSIGNABILITY OF UNITS

Those persons, firms or corporations paying the sewage unit charge as set by the Board of Commissioners for each unit of 250 gallons of sewage to be deposited into the sewer system of the Town of Lake Lure in any one (1) twenty-four (24) hour period shall be deemed purchasers of such units and shall have the privilege of selling and assigning the unit or units purchased for use on the premises for which such unit or units were originally purchased or upon other premises. When any unit of sewage is sold, assigned or transferred the owner selling, assigning or transferring the same shall furnish the Clerk of the Town of Lake Lure with the name and address of the transferor, the address of the property owned by the transferor for which such unit or units of sewage were originally purchased, the date of the transfer, and the name and address of the transferee.

Assignees or transferees of units of sewage shall be required to furnish the Town of Lake Lure with all information required by Section 4 of this ordinance and shall be subject to and required to comply with all other provisions of this ordinance.

SECTION 12. EFFECTIVE DATE OF CHARGES

The sewer service charge and the sewage unit charge established by Section 8 of this ordinance shall be effective beginning on the date the Lake Lure Sewage Treatment Plant goes into operation. The service charge shall thereafter be billed on the _____ day of each month of the calendar year and be payable on or before the _____ day of the month of the billing.

SECTION 13. SEWER CHARGES MADE LIEN ON PROPERTY

The sewer service charge and the sewage unit charge established by Section 8 of this ordinance are hereby made a lien on the premises charged therewith pursuant to Chapter 766 of the 1967 Session Laws of North Carolina. Such charges and any penalties assessed thereon may be collected either by suit in the name of the Town of Lake Lure, or by the tax collector of the Town of Lake Lure by sale of the property upon and to which the lien attaches at the Town Hall door, after advertising the sale once a week for two successive weeks in some newspaper having general circulation in the Town which is qualified to carry legal notices.

SECTION 14. MEASUREMENT OF FLOW

(a) On premises using water exclusively supplied by the Town of Lake Lure and having a water meter acceptable to the Board of Commissioners of the Town of Lake Lure, the quantity of water used as measured by said meter shall determine the sewer charges thereon, as provided herein.

(b) On premises not using water exclusively supplied by the Town of Lake Lure, the owner shall be required at his expense to provide and maintain a meter or device acceptable to the Board of Commissioners of the Town of Lake Lure for measuring the flow of sewage from said premises.

SECTION 15. CHIMNEY ROCK SEWER ASSOCIATION, INC.

Before the Chimney Rock Sewer Association, Inc. shall be permitted to make any connection of its line or lines, directly or indirectly, to the sewer system of the Town of Lake Lure, the said Chimney Rock Sewer Association, Inc. shall enter into a contract with the Town of Lake Lure in which the Chimney Rock Sewer Association, Inc. shall:

(a) Agree to be and remain subject to and to abide by all the terms of this ordinance and all other ordinances adopted from time to time by the Board of Commissioners of the Town of Lake Lure for regulating and governing the Lake Lure Sewer System and that the charges established in this ordinance may be changed at any time in the discretion of the Board of Commissioners of the Town of Lake Lure.

(b) Agree to give the Town of Lake Lure absolute control and supervision over all connections to any lines owned by the

Chimney Rock Sewer Association, Inc., and over all connections of lines owned by the Chimney Rock Sewer Association, Inc. to the sewer system of the Town of Lake Lure.

- (c) Agree to provide, install and maintain at its expense, a central meter acceptable to the Board of Commissioners of the Town of Lake Lure which will accurately measure the flow of all sewerage flowing from the lines owned by the Chimney Rock Sewer Association, Inc. into the Lake Lure Sewer system.
- (d) Agree that before allowing any lot, parcel of land, or premise to be connected to its lines, it will require the owner or owners of said lot, parcel or premises to enter into a contract with it and the Town of Lake Lure in which said owner shall agree to be and remain subject to and abide by all the terms of this ordinance and all other ordinances adopted from time to time by the Board of Commissioners of the Town of Lake Lure for regulating and governing the Lake Lure Sewer System, and that the charges established in this ordinance may be changed at any time in the discretion of the Board of Commissioners of the Town of Lake Lure.
- (e) Agree that at such time as it sells, assigns or transfers any unit or units of sewerage held by it, it will furnish or cause to be furnished to the Clerk of the Town of Lake Lure all information required by Section 4 and Section 11 of this ordinance.

SECTION 16. PREMISES NOT CONNECTED TO LAKE LURE SEWER SYSTEM

The owners of all lots, parcels of land and premises located within the corporate limits of the Town of Lake Lure from which sewage is discharged and which are not connected to the Lake Lure Sewer System shall have the said premises connected to said system at their expense or shall install at their expense septic tanks or treatment plants which comply with all the laws of North Carolina, and all regulations of the Rutherford-Polk District Board of Health.

SECTION 17. SEPARATE CONNECTIONS REQUIRED

Each separate dwelling, structure or other building shall have a separate connection to the sewer system of the Town of Lake Lure whether connected directly or indirectly thereto, or by means of private lines located in Lake Lure which are connected to the sewer system of the Town of Lake Lure, or by means of lines of the Chimney Rock Sewer Association, Inc., which are connected to the sewer system of the Town of Lake Lure.

SECTION 18. NO ADDITIONAL CONNECTIONS WHEN CAPACITY REACHED

At such time as all of the 800 units of sewage of 250 gallons of sewage per unit are sold or assigned there shall be no additional connections made to the sewer system of the Town of Lake Lure, directly or indirectly, or by means of any private line located in Lake Lure which is connected to the sewer system of the Town of Lake Lure, or by means

of the lines of the Chimney Rock Sewer Association, Inc. which are connected to the sewer system of the Town of Lake Lure, and there shall be no increase in the amount of sewage per unit which holders of such units of sewage are entitled to deposit into the sewer system of the Town of Lake Lure in any one (1) twenty-four hour period.

SECTION 19. EXCESS DEPOSIT PER UNIT MADE UNLAWFUL

It shall be unlawful for any person, firm or corporation to deposit, or to cause or allow to be deposited into the sewer system of the Town of Lake Lure, directly or indirectly, or by means of private lines located in Lake Lure which are connected to the sewer system of the Town of Lake Lure, or by means of lines connected to the line of the Chimney Rock Sewer Association, Inc., which are connected to the sewer system of the Town of Lake Lure, more than 250 gallons of sewage per unit owned in any one period of twenty-four (24) hours.

SECTION 20.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 21.

This ordinance shall be in full force and effect immediately upon its passage and approval.

PASSED ON THE _____ DAY OF _____, 1970.