

ORDINANCE 2023-20

AMENDING CHAPTER 38, ARTICLE X “STORMWATER UTILITY” OF THE
NASHVILLE CODE OF ORDINANCES

BE IT ENACTED by the Town Council of the Town of Nashville, North Carolina:

SECTION 1. NEW SUBSECTION. That Section 38.462 titled “*Service charges, rates, and fee schedule*” of the Nashville Code of Ordinances is hereby amended with the addition of subsection (c) which shall read as follows:

(c) The schedule of rates shall be set forth in the town fee schedule.

SECTION 2. NEW SUBSECTION. That Section 38.465 titled “*Appeal*” of the Nashville Code of Ordinances is hereby amended with the addition of subsection (4) which shall read as follows:

(4) The manager may make no adjustment to a customer’s bill for more than the two-year period immediately preceding the date that the customer’s appeal is received by the manager.

SECTION 3. NEW SECTIONS. That the follow new sections are hereby added to Article X “Stormwater Utilities” which shall read as follows:

Sec. 38-466. Back billing. Failure to receive a bill is not justification for nonpayment. The owner of each parcel of developed land shall ultimately be obligated to pay such fee. If a customer is under-billed or if no bill is sent for developed land, the town may back bill up to two years.

Sec. 38-467. Complaints regarding a bill.

(a) A customer having a grievance or complaint that a bill is excessive must file written or verbal notice with the town's billing and collections office. If it is determined that the bill is in error, an adjustment will be made accordingly.

(b) No adjustment will be made for more than a two-year period.

(a) The town shall be responsible only for the portions of the drainage system which are in town-maintained street rights-of-way and permanent storm drainage easements conveyed to and accepted by the town. Repairs and improvements to the drainage system shall be in accordance with established standards, policies, and schedules.

(b) The town's acquisition of storm drainage easements and/or the construction or repair by the town of drainage facilities does not constitute a warranty against stormwater hazards, including, but not limited to, erosion, or standing water.

Sec. 38-468. Limitations of the Town's Responsibility.

recover all costs thereto from the property owner.

SECTION 4. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 6. EFFECTIVE DATE. This ordinance shall be in effect from and after 12:01 AM the day after its final passage and approval.

PASSED, APPROVED, and ADOPTED this 14th day of November 2023.

Attest:

Brenda Brown, Mayor

Louise Bennett, Town Clerk