

**NOTICE OF A SPECIAL MEETING OF THE
ASHEBORO CITY COUNCIL**

Monday, June 29, 2015

12:30 p.m.

A special meeting of the Asheboro City Council will be held on June 29, 2015, at 12:30 p.m. in the Asheboro City Hall Council Chamber, 146 North Church Street, Asheboro, North Carolina 27203. The purpose of this special meeting is to conduct the following business:

1. Consideration of approving a consent agenda with the following items: (a) The acknowledgement of the receipt from the Asheboro ABC Board of meeting minutes for May 4, 2015, a schedule of meetings for fiscal year 2015-2016, and the adopted annual budget for fiscal year 2015-2016; (b) The adoption of ordinances amending the City of Asheboro Budget Ordinance for fiscal year 2014-2015, specifically including the General Fund and the Water and Sewer Fund, along with various project funds; (c) The approval of a resolution authorizing the entry of the city into a reimbursement agreement with the North Carolina Department of Transportation for deicing salt; and (d) The approval, in connection with a Community Development Block Grant application, of an Equal Employment Plan and a Citizen Participation Plan;
2. Consideration of the adoption of the City of Asheboro Budget Ordinance for fiscal year 2015-2016;
3. Consideration of ordinances to amend the Code of Asheboro to reflect fees and adjustments contained within the city's adopted budget ordinance for fiscal year 2015-2016; and
4. Consideration of an ordinance to amend the Code of Asheboro in order to align city privilege license tax provisions with changes in state law.

This special meeting notice is issued on the 19th day of June, 2015.

/s/David H. Smith
David H. Smith, Mayor
City of Asheboro, North Carolina

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**SPECIAL MEETING
ASHEBORO CITY COUNCIL
COUNCIL CHAMBER, MUNICIPAL BUILDING
MONDAY, JUNE 29, 2015
12:30 p.m.**

This being the time and place for a special meeting of the Asheboro City Council, a meeting was held with the following elected officials and city staff members present:

David H. Smith) – Mayor Presiding

Talmadge S. Baker)
Clark R. Bell)
Walker B. Moffitt) – Council Members Present
Katie L. Snuggs)
Charles A. Swiers)

Edward J. Burks) – Council Members Absent
Linda H. Carter)

John N. Ogburn, III, City Manager
Holly H. Doerr, CMC, NCCMC, City Clerk
John Gavin, Legal Services Department Intern
Leigh Anna Johnson, Public Information Officer
Michael L. Leonard, P.E., City Engineer
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Jeffrey C. Sugg, City Attorney

1. Call to order.

A quorum thus being present, Mayor Smith called the meeting to order for the transaction of business, and business was transacted as follows.

2. Consent agenda.

Upon motion by Mr. Bell and seconded by Mr. Baker, Council voted unanimously to approve/adopt the following consent agenda items. Council Members Baker, Bell, Moffitt, Snuggs, and Swiers voted in favor of the motion.

(a) Acknowledgement of the receipt from the Asheboro ABC Board of the following documents:

(i) The minutes of the board's meeting on May 4, 2015.

[A copy of the above-referenced minutes from the Asheboro ABC Board is on file in the City Clerk's office.]

(ii) The schedule of the board's meetings for fiscal year 2015-2016.

[A copy of the schedule of the Asheboro ABC Board's meetings for fiscal year 2015-2016 is on file in the City Clerk's office.]

(iii) The board's adopted annual budget for fiscal year 2015-2016.

[A copy of the Asheboro ABC Board's annual budget for fiscal year 2015-2016 is on file in the City Clerk's office.]

(b) The adoption of the following ordinances amending the City of Asheboro Budget Ordinance for fiscal year 2014-2015 as well as certain project funds:

(i) Ordinance to amend the General Fund FY 2014-2015.

12 ORD 6-15

ORDINANCE TO AMEND THE GENERAL FUND FY 2014-2015

WHEREAS, The City Council of the City of Asheboro desires to amend the budget as required by law to adjust for changes in expenditures in comparison to the current fiscal year adopted budget, and;

WHEREAS, the City Council of the City of Asheboro wants to be in compliance with all generally accepted accounting principles, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

Section 1: That the following Expense line item be increased / (decreased):

<u>Account #</u>	<u>Expense Description</u>	<u>increase / (decrease)</u>
10-440-5000	Tax Collection Fee	16,900
10-440-5500	Tax Refunds	13,000
10-450-0700	Fringe Benefits	1,100
10-500-3400	Supplies & Materials	11,000
10-510-0200	Salaries & Wages	104,000
10-510-0704	Insurance	51,000
10-510-0700	Fringe Benefits	58,000
10-510-5800	Workers compensation	40,000
10-530-7400	Capital Outlay	240,000
10-550-0200	Salaries & Wages	20,000
10-555-1800	Vehicle Parts inventory	(100,000)
10-590-0401	Professional services- wellness	(160,000)
10-615-7400	Capital Outlay	(126,000)
10-620-1503	Maintenance & Repair McCrary Park	(169,000)
	Increase / (Decrease)	0

WHEREAS, MOM Brands has advised the City that they will not be asking for their economic incentive payment for 2014-2015, and:

WHEREAS, the City wishes to reallocate the funds originally set aside for MOM brands to the purchase of the Cranford Building as the City is beginning to partner with private investors and the Tourism Development authority to save the old smokestack and parts of the building for future tourism activities, and;

WHEREAS, the City has partnered with the Tourism Development Authority and the Chamber of Commerce to created the "Pigs and Pedals" bicycle race and Kansas City Style Bar-B-Que cooking competition to create a summer signature tourism event to complement the winter "Christmas on Sunset" signature event, and;

WHEREAS, the City wishes to change the name of the Fund from Economic Development Fund to Economic and Tourism Development Fund to reflect its change in scope, and;

WHEREAS, the City of Asheboro desires to be in compliance with all generally accepted accounting principles, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

That the following Revenue line items be increased / decreased:

<u>Line Item</u>	<u>Description</u>	<u>Appropriated Amount</u>
72-367-1032	Contribution to Malt-O-Meal #8 (14-15)	(197,500)
72-381-0000	Contribution for Cranford Property	127,000
72-382-0000	Pigs & Pedals Tourism Event	70,500
		\$0

That the following expense line items be increased / decreased:

<u>Line Item</u>	<u>Description</u>	<u>Appropriated Amount</u>
72-860-0008	Contribution to Malt-O-Meal #8 (14-15)	(197,500)
72-800-0001	Cranford Property Redevelopment	127,000
72-800-0002	Pigs & Pedals Tourism Event	70,500
		\$0

Adopted this the 29th day of June 2015.

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr
Holly H Doerr, CMC, NCCMC, City Clerk

(iv) Ordinance to amend the Sunset Theatre Project (Fund #67) FY 2014-2015.

15 ORD 6-15

ORDINANCE TO AMEND SUNSET THEATRE PROJECT (FUND #67) FY 2014-2015

WHEREAS, the current adopted budget for the Sunset Theatre Project is in the amount of \$2,859,110, and;

WHEREAS, there is \$43,800 remaining budgeted allocation for debt service in the budget and a total of \$187,000 in debt service payments paid from the General Fund in the 2014-2015 year, and

WHEREAS, the project fund has enough revenue generated from the capital campaign on deposit to be used for these debt service payments, and;

WHEREAS, the budget as adopted requires amendment to reflect the transfer of funds from the Sunset Theatre project fund to the General fund for payment of this debt service in 2014-2015, and;

WHEREAS, the City of Asheboro wants to be in compliance with all generally accepted accounting principles, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

Section 1: That the following Revenue line item be increased:

<u>Account #</u>	<u>Revenue Description</u>	<u>Increase</u>	<u>Line item Amended Budget</u>
67-370-0000	Campaign Contributions	92,485	1,002,759
67-367-000	Sales Tax Refund	18,000	18,000
	Total	110,485	

Section 2: That the following Expense line item be increased / (decreased):

<u>Account #</u>	<u>Expense Description</u>	<u>Increase / (Decrease)</u>	<u>Line Item Amended Budget</u>
67-840-0000	Professional Services	(32,715)	373,723
67-830-0000	Contribution to GF- Debt service	143,200	522,715
	Total	110,485	

Adopted this the 29th day of June, 2015.

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk

- (c) **A resolution authorizing the entry of the city into a reimbursement agreement with the North Carolina Department of Transportation for deicing salt.**

RESOLUTION NUMBER _____ **19 RES 6-15**

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

SALT REIMBURSEMENT AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

WHEREAS, the City of Asheboro is authorized under North Carolina law to purchase salt from the North Carolina Department of Transportation (hereinafter referred to as the "NCDOT") in furtherance of the efforts by the city, like the state, to provide for the safe and efficient utilization of transportation systems that serve the public good; and

WHEREAS, city staff members have recommended, and the City Council has agreed, that it is advisable for the city to enter into an agreement with the NCDOT that will enable the city to acquire in an efficient and economical manner deicing salt for future use; and

WHEREAS, the city has recommended entering into the attached agreement, which is attached hereto as EXHIBIT 1 and is incorporated into this Resolution by reference as if copied fully herein, with NCDOT in order to accomplish the above-stated goals; and

WHEREAS, the City Council concurs with the staff's recommendation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that the attached Salt Reimbursement Agreement that is attached hereto as EXHIBIT 1 is hereby approved; and

BE IT FURTHER RESOLVED that the Mayor, City Clerk, and all other necessary city officials are hereby authorized to execute duplicate originals of the said Agreement.

This resolution was adopted by the Asheboro City Council in open session during a special meeting held on the 29th day of June, 2015.

/s/David H. Smith
David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk
City of Asheboro, North Carolina

[The above-referenced EXHIBIT 1 is on file in the City Clerk's office.]

- (d) **An Equal Employment Plan in connection with a Community Development Block Grant project.**

RESOLUTION NUMBER _____ 20 RES 6-15 _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

ADOPTION OF A COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM EQUAL EMPLOYMENT PLAN

WHEREAS, the City of Asheboro is participating in the Community Development Block Grant Program (CDBG) under the Housing and Community Development Act of 1974 as administered through the North Carolina Department of Commerce; and

WHEREAS, an Equal Employment Plan is required for the City's CDBG project;

NOW, THEREFORE, BE IT RESOLVED that to accomplish the above, the Asheboro City Council hereby adopts the Equal Employment Plan, which is attached hereto as EXHIBIT 1 and is incorporated into this Resolution by reference as if copied fully herein, to be used throughout the implementation of this Community Development Block Grant project; and

BE IT FURTHER RESOLVED that the Asheboro City Council certifies the City of Asheboro will meet all federal regulatory and statutory requirements of the Small Cities Community Development Block Grant Program.

This resolution was duly adopted by the Asheboro City Council in open session during a special meeting held on the 29th day of June, 2015.

/s/David H. Smith
David H. Smith, Mayor
City of Asheboro, North Carolina

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk
City of Asheboro, North Carolina

EXHIBIT 1

EQUAL EMPLOYMENT PLAN

The City of Asheboro maintains the policy of providing equal employment opportunities for all persons regardless of race, color, religion, sex, national origin, handicap, age political affiliation, or any other non-merit factor, except where religion, sex, national origin or age are bona fide occupation qualifications for employment.

In furtherance of this policy the City of Asheboro prohibits any retaliatory action of any kind taken by any employee of the City of Asheboro against any other employee or applicant for employment because that person made a charge, testified, assisted or participated in any manner in a hearing, proceeding or investigation of employment discrimination.

The City of Asheboro shall strive for greater utilization of all persons by identifying previously under utilized groups in the work force, such as minorities, women, and the handicapped, and making special efforts toward their recruitment, selection, development, and upward mobility and any other term, condition, or privilege of employment.

Responsibility for implementing equal opportunities and Affirmative Action measures is hereby assigned to the city manager and/or other persons designated by the manager or City Council to assist in the implementation of this policy statement.

The City of Asheboro shall develop a self evaluation mechanism to provide for periodic examination and evaluation. Periodic reports as requested on the progress of Equal Employment Opportunity and Affirmative Action will be presented to the City Council by the city manager.

The City of Asheboro is committed to this policy and is aware that with its implementation, the City of Asheboro will receive positive benefits through the greater utilization and development of all human resources.

Adopted this _____ day of _____, 20_____.

Signature of Mayor David H. Smith

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk
City of Asheboro, North Carolina

- (e) **A Citizen Participation Plan in connection with a Community Development Block Grant project.**

RESOLUTION NUMBER _____ 21 RES 6-15

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

ADOPTION OF A COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
CITIZEN PARTICIPATION PLAN

WHEREAS, the City of Asheboro is participating in the Community Development Grant Program (CDBG) under the Housing and Community Development Act of 1974 as administered through the North Carolina Department of Commerce; and

WHEREAS, a Citizen Participation Plan is required for the City's CDBG project;

NOW, THEREFORE, BE IT RESOLVED that to accomplish the above, the Asheboro City Council hereby adopts the Citizen Participation Plan, which is attached hereto as EXHIBIT A and is incorporated into this Resolution by reference as if copied fully herein, to be used throughout the implementation of this Community Development Block Grant project; and

BE IF FURTHER RESOLVED that the Asheboro City Council certifies the City of Asheboro will meet all federal regulatory and statutory requirements of the Small Cities Community Development Block Grant Program.

This resolution was duly adopted by the Asheboro City Council in open session during a special meeting held on the 29th day of June, 2015.

/s/David H. Smith
David H. Smith, Mayor
City of Asheboro, North Carolina

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk
City of Asheboro, North Carolina

EXHIBIT A

CITIZEN PARTICIPATION PLAN

CITY OF ASHEBORO

This plan describes how the **City of Asheboro** will involve citizens in the planning, implementation and assessment of the Community Development Block Grant (CDBG) program. The funds must be used for projects which benefit low and moderate-income persons and aids in the elimination and prevention of slums and blight. The program is intended to assist governments in understanding neighborhood improvement programs. The regulations give ultimate responsibility for the design and implementation of the program to local elected officials and also requires that citizens be given an opportunity to serve in a key advisory role to these elected officials.

SCOPE OF CITIZEN PARTICIPATION

Citizens will have an opportunity to be involved in all stages of the CDBG program, including program implementation, assessment of performance and design of changes in the Citizen Participation Plan. There will be three (3) general mechanisms for their involvement:

1. To serve on an advisory committee to the project, if such a committee is formed;
2. To attend or hold public hearings or community meetings; and
3. To provide individual citizen efforts in the form of comments, complaints or inquiries submitted directly to the Program Administrators or designated city official.

PROGRAM IMPLEMENTATION

Citizen participation in program implementation will occur primarily through consultation with the municipality. The municipality will be asked to review and comment on specific guidelines for approved projects. Designated city officials will also meet to review any program amendments, budget revisions and program modifications. All such changes will be discussed with the municipality and their comments considered prior to taking action. If program amendments require approval from the North Carolina Department of Commerce, a public hearing shall be held specifically on the amendment. Citizens may also be involved in implementation of projects specifically requiring citizen participation, such as self-help projects. Their roles will be defined as the project develops. Technical assistance will be available as needed.

PROGRAM ASSESSMENT

Program assessment activities by citizens will occur in a variety of ways. A performance hearing will be held thirty to sixty (30 to 60) days prior to the start of planning for the next program year. The Program Amendment will be asked to provide citizen commentary for the Grantee Performance Report.

As a part of the orientation to the program offered at the public hearing, citizens will be invited to submit comments on all aspects of program performance through the program year. Comments should be submitted in writing to Trevor L. Nuttall, Community Development Director, who will respond in writing within ten (10) days. If the response is unsatisfactory, the complainant should write directly to Mayor David H. Smith who shall respond within ten (10) days.

If the citizen is still dissatisfied, he/she should write to North Carolina Department of Commerce, Commerce Finance Center, 4318 Mail Service Center, Raleigh, North Carolina 27699-4318, Attention: Program Representative, requesting an investigation of the problem. Program staff will also be available during normal business hours to respond to any citizen inquiries or complaints.

The Citizen Participation Plan will be subject to annual review and proposed revision, to occur in the period between the performance hearing and the public hearing on the subsequent year's application.

TECHNICAL ASSISTANCE

Technical Assistance will be provided to citizen organizations and groups of low/moderate income persons or target area residents upon request to the City of Asheboro. Such assistance will support citizen efforts to develop proposals, define policy and organize for the implementation of the program. It is expected that such assistance will be provided directly to the municipality in response to their request. Assistance could be provided in the form of local presentations, informational handouts, research of a specific issue or other short-term efforts.

PUBLIC INFORMATION

The City of Asheboro will also undertake public information efforts to promote citizen participation. These efforts will include the following:

1. Public Notice of all Public Hearings will be published in the non-legal section of the local newspaper at least ten (10) days before the scheduled hearing. These notices will indicate the date, time, location and topics to be considered. These notices will also be made available in the form of press releases, as a public service announcement to local radio stations and will be provided to churches within the target area of distribution.
2. Orientation Information will be provided at the first public hearing. The Program Administrator(s) will make a presentation which covers: (a) the total amount of CDBG funds available and the competitive basis for award; (b) the range of eligible activities; (c) the planning process and the schedule of meetings and hearings; (d) the role of citizens in the program and (e) a summary of other program requirements, such as the environmental policies, fair housing provisions and contracting procedures.
3. A Public File containing program documentation will be available for review at Asheboro City Hall during normal business hours. Included will be copies of the Application, Environmental Review Record, the Citizen Participation Plan and the Annual Performance Report. Other program documents are also available for citizen review on request at Asheboro City Hall consistent with applicable State and local laws regarding personal privacy and obligations of confidentiality.
4. Public Hearings an interpreter will be provided for all non-English speaking individuals and/or deaf individuals if requested.

ADOPTED, this the _____ day of _____, 20_____.

David H. Smith, Mayor
City of Asheboro

John N. Ogburn, III, City Manager
City of Asheboro

3. Presentation of the proposed City of Asheboro Budget Ordinance for fiscal year 2015-2016.

Ms. Reaves presented and recommended adoption, by reference, of the City of Asheboro Budget Ordinance for fiscal year 2015-2016.

Upon motion by Mr. Baker and seconded by Ms. Snuggs, Council voted unanimously to adopt the following ordinance by reference.

16 ORD 6-15

CITY OF ASHEBORO BUDGET ORDINANCE

BE IT ORDAINED by the City Council of the City of Asheboro, North Carolina in session assembled:

Section 1: The following amounts are hereby appropriated in the General Fund for the operation of the city government and its' activities for the fiscal year beginning July 1, 2015 and ending June 30, 2016, in accordance with the chart of accounts heretofore established for this City:

<u>ACCOUNT</u>	<u>DEPARTMENT OR FUNCTION</u>	<u>APPROPRIATION</u>
10-410	Mayor and Governing Body	141,646
10-420	City Manager's Office	201,597
10-440	Finance Office	399,132
10-450	Legal & City Clerk	169,847
10-480	Information Technology	162,126
10-490	Planning/Community Development	542,608
10-495	Marketing & Communication	81,415
10-500	Municipal Building Headquarters	108,800
10-510	Police Department	7,687,896
10-530	Fire Department	4,832,969
10-540	Building Inspections Department	156,410
10-545	Fire Inspections Department	274,022
10-550	Operations Division - Public Works	877,384
10-555	Fleet Maintenance	1,259,026
10-565	Street Maintenance	2,679,849
10-575	City Engineer Office	176,925

10-580	Environmental Services	2,268,907
10-585	Recycling Transfer Station	194,459
10-590	Human Resources	457,855
10-615	Arts & Cultural Services	529,545
10-620	Recreation Services	954,100
10-625	Municipal Golf Course	194,794
10-630	Library	70,800
10-640	Facilities Maintenance	1,879,045
10-650	Airport Authority	97,050
	Total Appropriations	26,398,207

Section 2: It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2015 and ending June 30, 2016:

<u>DESCRIPTION</u>	<u>AMOUNT</u>
Ad Valorem Taxes (Real & Vehicle)	14,876,323
Tax Penalties & Interest	53,000
Penalties & Interest- vehicles	26,500
Tax on Short Term Rental Vehicles	28,000
ABC Board Revenue	197,000
Beer & Wine Tax Revenue	95,000
TWCable TV Franchise	23,000
Concessions and Merchandise	64,800
Contracted Maintenance NCDOT	32,000
Utilities Franchise Tax - State	2,100,000
Powell Bill Allocation - State	675,000
Local Sales Tax & Hold Harmless Funds	4,530,428
Building Permits	40,000
Inspection Fees	30,000
Rezoning, Stone, Burial Fees & Cemetery Fees	20,000
Court Costs, Fees & Charges, parking fees	10,250
Charges for Services - Refuse Collection	1,868,206
Recycling Revenues	21,000
Recreation Program Revenues	343,400
Sales of Fixed Assets / Materials	40,000
Proceeds of Lease Purchase Financing	920,000
Reimbursement from Asheboro City Schools –SRO Officers	240,000
All Other Revenues	164,300
Fund Balance Allocation	
Total Estimated Revenues	26,398,207

Section 3: There is hereby levied a tax at the rate of sixty six and a half cents (\$.665) per one hundred (\$100) valuation of property as listed for taxes as of January 1 for the purpose of raising the revenue listed as " Current Year's Taxes" in the General Fund in Section 2 of this ordinance.

This rate is based on a total valuation of property for the purposes of taxation of \$2,306,227,964, and an estimated rate of collection of 97.0%.

Section 4: The following General Fund Fees are hereby adopted for provision of services by the city government for the fiscal year beginning July 1, 2015.

Sanitation Department Fees:

<u>DESCRIPTION</u>	<u>AMOUNT</u>
90 Gallon Residential Garbage Can / per month	\$12
90 Gallon Commercial Can / per month	\$12
90 Gallon Residential Recycle Can / per month	\$2
90 Gallon Commercial Recycle Can / per month	\$2
Residential Dumpster / per pick-up	\$31
Commercial Dumpster / per pick-up	\$31
Above Dumpsters billed <u>monthly</u> based on annualized collection schedule	
Missed Residential Dumpster / per pick-up	\$40
Missed Commercial Dumpster / per pick-up	\$44
Compaction Dumpster / per pick-up	\$44
Missed Compaction Dumpster / per pick-up	\$54
Dumpster Rent / per month	\$21

Dumpster Clean / Replace / each	\$100
Cardboard Dumpster / per pick-up	\$20
Recycling Dumpster / per pick-up	\$20
Yard Waste Collection per scoop	
First and Second scoop*	\$0
Each scoop thereafter*	\$12
*Applicable to brush that is within specifications	
Waste left in ditch, curb or street per scoop	\$24
Waste out of Specs per scoop	\$24
Waste after hours / emergency collection- cost per scoop	\$50
Tires Collection / each	\$5
C&D /Building Materials / per scoop	\$20
Curb side pick-up	\$10
Electronics Collection	\$10
White Goods Collection	\$10

Recycling Transfer Station Fees:

	<u>DESCRIPTION</u>	<u>AMOUNT</u>
Tipping Fee per Ton		\$48

Planning Department Fees:

	<u>DESCRIPTION</u>	<u>AMOUNT</u>
Rezoning		\$200
Text Amendment (Ordinance, use list)		\$200
Map of CU district Only		\$200
SU/CU Permit or amendments		\$350
BOA: Appeal		\$0
Variance		\$250
Interpretation		\$250
Watershed Permit		\$25
Flood Zone Permit		\$75
Zoning Compliance Permits:		
SF Res		\$25
Duplex		\$100
MF Res		\$250
Commercial		\$250
Industrial / Institutional		\$250
SF Accessory Structure		\$25
Accessory Structure Commercial		\$50
Accessory Structure Industrial		\$50
Accessory Structure Institutional		\$50
Soil Evaluation		\$10
Change Occupancy		\$25
Change Use		\$250
Sign / sign type		\$25
Land Disturbance Permit		\$50
Temp Produce/Seasonal Sales Permit		\$50
Limited Duration Event Permit		\$50
Certificate of Zoning Compliance:		
SF Res		\$25
Duplex		\$25
MF Res		\$50
Commercial		\$100
Industrial		\$100
Change use		\$100
Subdivision		
Sketch		\$100
Preliminary		\$200
Final		\$200 + \$25 per lot
Minor		\$100
Zoning Verification Official Letter		
Residential		\$25
Non-Residential		\$75

Inspection Department Permit Fees:

	<u>DESCRIPTION</u>	<u>AMOUNT</u>
Building Permit		\$5/\$1000 up to \$150,000; \$1.50/\$1,000 thereafter
	Minimum Permit	\$30
	Minimum Sign	\$30
	Non-bid Jobs (new)	\$40/ sq. ft
	Habitable Space	\$20/ sq. ft
	Mobile Home	\$100
	Swimming Pool	\$100
	Demolition	\$60
	Relocate Structure	\$120
Plumbing Permit		\$5 per fixture, \$30 minimum
	Sewer Line: House	\$30
	Sewer Line: Commercial/Large	\$100
Heating/ AC Permit		
	Boiler	\$0.0005/BTU
	Gas Line-Residential	\$30
	Gas Line-Commercial	\$50
	Gas Furnace/Gas Pack	\$50
	Heat Pump	\$50
	Oil Furnace	\$50
	Air Conditioners: Under 5 tons	\$50
	Additional per ton over 5	\$10
	Unit Change out (no duct work)	\$25 Residential
	Unit Change out (no duct work)	\$50 Commercial
	Commercial Grease Hood	\$50
	Mobile Home Heating/ AC Unit	\$40
	Gas Appliances	\$10 each
	Minimum Permit	\$30
Electrical Permits		
	Temporary service	\$30
	Residential	\$50
	Commercial	\$100 first 5000 sq ft plus \$5/1000 sq ft
	Service Charge	\$30
	Service Repair	\$30
	Mobile Home Service	\$50
	Sign	\$30
	Duplex	\$100
	Apartments (each)	\$40
Fee for work started without permit		\$100 Maximum

*The Inspection Department fee for work started without required permit(s) shall be double the standard permit fee identified above, up to a maximum of \$100, per project notwithstanding the number of permits required.

Fire Inspection Department Permits & Penalties:

Permit: Operational & Construction	\$100
Fee for work started without required Permit	\$100*
Annual Fire Inspection Re-inspection Fee:	\$35
Penalties	
Non-Life Safety / offense /day until corrected before re-inspection	\$50
Non-Life Safety/offense/day until corrected after re-inspection	\$100
Non-Occupancy Life Safety / offense /day until corrected before re-inspection	\$150
Non-Occupancy Life Safety/offense/day until corrected after re-inspection	\$300
Occupancy Life Safety / person over limit	\$100
Exit Life Safety/ locked, blocked, obstructed exit	\$500

*The Fire Inspection Department fee for work started without required permit(s) shall be \$100 per project notwithstanding the number of permits required.

Parks & Recreation Fees:

<u>Facility/Activity</u>	<u>Service</u>	<u>City Resident</u>	<u>Non-Resident</u>
LakeLucas:			
	Daily Fishing Permit	\$3	\$4
	Annual Fishing Permit	\$35	\$50
	Daily Jon Boat Rental	\$8	\$12
	Daily Canoe / Kayak Rental	\$6	\$10
	Daily Kayak/Canoe Launch	\$2.50	\$3.50
	Annual Kayak/Canoe Launch	\$35	\$50
	Daily launch fee	\$7	\$9.50
	Annual launch fee	\$100	\$135
	Kayak Rental Spaces	\$60	\$85
	Boat Rental Spaces	\$150	\$200
Lake Reese:			
	Daily launch fee	\$7	\$9.50
	Daily Kayak/Canoe Launch	\$2.50	\$3.50
	Annual Kayak/Canoe Launch	\$35	\$50
	Annual launch fee	\$100	\$135
	Daily Duck hunting (per boat)	\$12.50	\$16
Baseball/Softball Field Rental:			
	Rental per Hour (no lights)	\$15	\$20
	Rental Per Hour (lights)	\$25	\$35
	Tournament rental per weekend		
	One field facility	\$175	\$255
	Two field facility	\$300	\$400
	Concession Stand/Restroom	\$50	\$65
	Additional Maintenance	\$45	\$60
Youth Sports Fees:			
	Registration fee	\$30	\$50
	Late fee applied after registration deadline	\$10	\$10
Sunset Theatre Rentals- Applies to All			
	Security Deposit	\$100	
	Dark/Rehearsal (multi day, 4 hour max)	\$60	
	Non-Profit/ Gov't/ School(single day 8 hour max)	\$175	
	General Meeting/Party Rental (4 hour max)	\$100	
	Private Event (8 hour max)	\$300	
	Commercial/ For Profit (8 hour max)	\$450	
Rotary Pavilion at BicentennialPark Rental			
	Security Deposit	\$75	\$75
	Daily Rate	\$325	\$400
	Non-Profit Government Rate	\$225	\$225
SkatePark			
	Daily admission	\$1	\$2
	15 admissions pass	\$10	\$25
	1 year unlimited pass	\$150	\$300
Room Rental (Skate Park)			
	1 hour	\$20	\$25
	½ day	\$60	\$75
	Full day	\$100	\$125
Shelter Rental			
	Memorial Park: 10am-3pm; 3:30pm-dark	\$18	\$35
	Full day	\$35	\$70
	All other Parks: 10am-3pm; 3:30pm-dark	\$10	\$20
	Full day	\$20	\$40
Tennis Courts			
	Lights per hour per court	\$3	\$4
Pools:			
	Public Swim (day)		
	2 years & under w/ paying adult	\$0	\$0
	3 years & older	\$2.50	\$3.25
	Groups (15+)	\$2	\$2.75
	Public Swim (night)		
	2 years & under w/ paying adult	\$0	\$0
	3 years & older	\$2	\$2.75
	Public Lap Swim	\$1	\$1.75
	Public Senior Swim	\$1	\$1.75
	Swimming lessons (group)	\$25	\$30
	Swimming lessons (private)	\$50	\$60

Swim Pass (15 admissions)	\$30	\$40
Pool Rental (2 hr min) 0-49	\$150	\$225
Pool Rental (2 hr min) 50+	\$200	\$300
Golf Course:		
Walking Only	\$8	\$10
Riding 9 holes- w/ green fees	\$15	\$18
Riding 18 holes- w/ green fees	\$21	\$25
Twilight (after 3pm) 18 holes w/ green fees	\$16	\$20
Membership Fees		
Junior (Summer June-August)	\$75	\$125
Individual	\$365	\$465
Senior	\$290	\$390
Senior Couple	\$475	\$575
Family	\$600	n/a
Member Cart Fees		
Nine holes	\$6	\$7
Eighteen holes	\$11	\$13
Disk Golf Course		
Tournament Rental per day (8 hrs)	\$100	\$175

**City Resident/Non-Resident rates are established according to the residence of the individual. City Residents need to obtain a REC card to receive the City Resident Rate.

Downtown Farmer's Market	Member	Additional Space
Daily Fee	\$5	\$10

Section 5: The following amounts are hereby appropriated in the Water and Sewer Fund for the operation of the city government and its' activities for the fiscal year beginning July 1, 2015 and ending June 30, 2016, in accordance with the chart of accounts heretofore established for this City:

<u>ACCOUNT</u>	<u>DEPARTMENT OR FUNCTION</u>	<u>APPROPRIATION</u>
30-720	Billing and Collecting	375,409
30-810	Water Meter Operations	753,154
30-820	Water Supply and Treatment	2,891,405
30-830	Wastewater Treatment	4,062,708
30-840	Water Maintenance	1,345,370
30-850	Wastewater Maintenance	1,463,172
30-860	Technical Services	196,354
30-870	Systems Maintenance	1,299,909
30-880	Water Quality	696,983
	Total Appropriations	13,084,464

Section 6: It is estimated that the following revenues will be available in the Water and Sewer Fund for the fiscal year beginning July 1, 2015 and ending June 30, 2016:

<u>DESCRIPTION</u>	<u>AMOUNT</u>
Sale of Water	6,658,162
Sewer Charges	5,157,000
Sampling and Monitoring Fees	25,000
Surcharges	100,000
Septic Tank Discharges	43,000
Water and Sewer Connection Fees	43,000
Late & Return Check Fees	365,500
Other Revenues	175,300
Retained Earnings	517,502
Total Estimated Revenues	13,084,464

Section 7: The following Water & Sewer Fund Fees are hereby adopted for provision of services by the city government for the fiscal year beginning July 1, 2015.

Water and Sewer Billing Department

<u>SERVICE</u>	<u>INSIDE CITY</u>	<u>OUTSIDE CITY</u>
Monthly Cost		
Water Minimum Fee	\$13.91	\$34.78
Sewer Minimum Fee	\$17.18	\$42.95
Above referenced minimum bill includes 150 cubic ft usage		
Consumption Fee- above min. for all above referenced customers		
Water-per 100 cu. ft. over 150 cu. ft.	\$2.74	\$6.85
Sewer-per 100 cu. ft. over 150 cu. ft.	\$2.81	\$7.03
Water Only Service (metered)		
Minimum fee (includes 150 cf usage)	n/a	\$34.78
Consumption Fee per 100 cf over min	n/a	\$6.85
Sewer Only Service (metered)		
Minimum fee (includes 150 cf usage)	\$17.18	\$42.95
Consumption Fee per 100 cf over min	\$2.81	\$7.03
Sewer Only Service (non metered)	\$22.80	\$45.60
Deposit for Service	\$140	\$160
Deposits on accounts are applied to final bill upon termination of service		
Low Pressure Sewer System (per pump)	\$10	
Fees:		
Return Check/Draft Fee	\$25	\$25
Partial Payment Fee	\$10	\$10
Tamper Fee- First Occurrence	\$150	\$150
Tamper Fee- Second Occurrence	\$500	\$500
Late payment charge* - tier 1	\$10	\$10
Late payment charge* - tier 2	\$20	\$20
Cleaning / Inspection connection	\$10	\$10

* Payments must be received by 5:00 pm on the due date to avoid the late payment charge. Payments "in route" are subject to the late fee as they are not yet received.

Water and Sewer Maintenance Department

<u>SERVICE</u>	<u>INSIDE CITY</u>	<u>OUTSIDE CITY</u>
Water Tap Rates		
¾" Complete Service	\$2,000	\$3,000
1" Complete Service	\$2,450	\$3,675
1 ½" Complete Service	\$4,100	\$6,150
2" Complete Service	\$4,200	\$6,300
¾" New Tap	\$1,000	\$1,500
1" New Tap	\$1,225	\$1,838
1 ½" New Tap	\$2,050	\$3,075
2" New Tap	\$2,100	\$3,150
¾" New Meter, Setter, Box	\$1,000	\$1,500
1" New Meter, Setter, Box	\$1,225	\$1,838
1 ½" New Meter, Setter, Box	\$2,050	\$3,075
2" New Meter, Setter, Box	\$2,100	\$3,150
¾" New Meter, existing svc.	\$250	\$375
1" New Meter, existing svc.	\$400	\$600
1 ½" New Meter, existing svc.	\$600	\$900
2" New Meter, existing svc.	\$750	\$1,125
Services not listed	Cost	Cost plus 50%
Sewer Tap Rates		
4" Complete Service	\$1,300	\$3,250
6" Complete Service	\$1,700	\$4,250
Services not listed	Cost	Cost plus 100%

Grinder Pump Station Install for low pressure sewer system inside City Limits: \$8000

Water Resources Division Fees

WATER/WASTEWATER PARAMETER ANALYSIS			
Parameter	Cost/Analysis	Parameter	Cost/Analysis
Acidity	\$8.00	Nitrite Nitrogen	\$15.00
Alkalinity	\$10.00	Total Kjeldahl Nitrogen	\$18.00
Ammonia Nitrogen	\$18.00	Phosphorus - Total	\$15.00
BOD (5-day)	\$25.00	Phosphorus - Ortho	\$12.00
Chlorine	\$10.00	pH & Temperature	\$8.00
ULR Chlorine	\$15.00	Total Solids	\$10.00
Chloride	\$15.00	Total Suspended Solids	\$10.00
COD	\$20.00	Settleable Solids	\$8.00
Conductivity	\$10.00	Sulfate	\$15.00
Cyanide	\$30.00	TOC	\$30.00
Dissolved Oxygen	\$8.00	Turbidity	\$10.00
DOC	\$40.00	UV254	\$25.00
Fluoride	\$15.00	Fecal Coliform	\$30.00
Hardness - Total	\$12.00	E-coli (P/A)	\$25.00
Hardness - Calcium	\$12.00	Total Coliform (P/A)	\$25.00
Hardness - Magnesium	\$10.00	Heterotrophic Plate Count	\$25.00
Nitrate Nitrogen	\$20.00	Source Water (Quanti-Tray)	\$30.00

METALS ANALYSIS			
Parameter	Cost/Analysis	Parameter	Cost/Analysis
Aluminum	\$25.00	Manganese	\$20.00
Arsenic	\$20.00	Mercury	\$30.00
Cadmium	\$20.00	Molybdenum	\$20.00
Chromium	\$20.00	Nickel	\$20.00
Copper	\$20.00	Selenium	\$20.00
Iron	\$20.00	Silver	\$20.00
Lead	\$20.00	Zinc	\$20.00

Analysis fees not specified herein will be provided by commercial laboratory at contracted cost

LABORATORY/COMPOSITE SAMPLING CHARGES			
Parameter	Cost/Analysis	Parameter	Cost/Analysis
Thermometer Certification (NIST)	\$25.00	Annual Curve –Spec Parameter	\$100.00
Sampling Cost per day for sites requiring City provided flow proportional sampler	\$55.00	Sampling Cost per day for sites with customer provided flow proportional sampler	\$30.00

HAULED WASTEWATER CHARGE			
Parameter	Cost/Analysis	Parameter	Cost/Analysis
Any tanker truck size up to 2,500 gallons/load (excludes Recreational Vehicles)	\$65.00	Recreational Vehicle Tank	\$10.00

INDUSTRIAL SURCHARGES

All industrial users of the POTW are subject to industrial waste surcharges on discharges, which exceed the following levels:

Parameter	First Limit	Charges per Pounds In Excess
BOD	300 mg/l	\$0.15
COD	750 mg/l	\$0.06
TSS	300 mg/l	\$0.31
TKN	45 mg/l	\$0.92

Section 8: The Budget Officer is hereby authorized to transfer appropriations as contained herein under the following conditions:

- a. He/she may transfer between line item expenditures within a department without limitation and without a report being required.
- b. He/she may transfer amounts between departments, within the same fund. He/she must make an official report on such transfers in excess of \$5,000 at the next regular meeting of the Governing Board.

- c. He/she may not transfer any amounts between funds, except as approved by the Governing Board in the Budget Ordinance as amended.

Section 9: The Budget Officer may make cash advances between funds for periods not to exceed 60 days without reporting to the Governing Board.

Section 10: Copies of this Budget Ordinance shall be furnished to the City Clerk, to the Governing Board and to the Budget Officer and Finance Officer to be kept on file by them for their direction in the disbursement of funds. A copy will also be available at the City of Asheboro website- www.asheboronc.gov or www.ci.asheboro.nc.us

TOTAL GROSS BUDGET \$39,467,671

Adopted this the 29th day of June 2015.

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk

4. Presentation of ordinances to amend the city code to implement the Council's budget decisions.

- (a) Mr. Sugg presented and recommended adoption, by reference, of an ordinance harmonizing the provisions of the Code of Asheboro with the adopted budget ordinance for fiscal year 2015-2016.

Upon motion by Mr. Bell and seconded by Mr. Swiers, Council voted unanimously to adopt the following ordinance by reference.

ORDINANCE NUMBER 17 ORD 6-15

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

Amendments to Harmonize the Provisions of the Code of Asheboro with the Adopted Budget Ordinance for Fiscal Year 2015-2016

WHEREAS, Chapter 50 of the Code of Asheboro prescribes general water and sewer regulations for the City of Asheboro; and

WHEREAS, Chapter 51 of the Code of Asheboro prescribes general regulations pertaining to the collection of solid waste and other operations conducted by the city's environmental services department; and

WHEREAS, during a special meeting held on June 29, 2015, the Asheboro City Council adopted a budget ordinance for fiscal year 2015-2016; and

WHEREAS, certain provisions in the Code of Asheboro must be amended to properly implement the legislative decisions made with the adoption of the budget ordinance for fiscal year 2015-2016;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro, North Carolina as follows:

Section 1. Section 50.004 of the Code of Asheboro, which pertains to water and sewer connection fees, is hereby rewritten to provide as follows:

§ 50.004 WATER AND SEWER CONNECTION FEES

(A) *Water service connection fee for service to property inside the city limits.* The following fees shall be charged for connection to a city water main for property inside the city limits:

Size	Complete service to right-of-way	New tap only	New meter and setter with box only	New meter only installed in existing service
5/8" x 3/4"	\$1,700 \$2,000	\$850 \$1,000	\$850 \$1,000	\$215 \$250
1"	\$2,100 \$2,450	\$1,050 \$1,225	\$1,050 \$1,225	\$350 \$400
1½"	\$3,510 \$4,100	\$1,755 \$2,050	\$1,755 \$2,050	\$500 \$600
2"	\$3,550 \$4,200	\$1,775 \$2,100	\$1,775 \$2,100	\$650 \$750

(B) *Water service connection fee for service to property outside city limits.* The following fees shall be charged for connection to a city water main for property outside the city limits:

Size	Complete service to right-of-way	New tap only	New meter and setter with box only	New meter only installed in existing service
5/8" x 3/4"	\$2,550 \$3,000	\$1,275 \$1,500	\$1,275 \$1,500	\$323 \$375
1"	\$3,150 \$3,675	\$1,575 \$1,838	\$1,575 \$1,838	\$525 \$600
1½"	\$5,265 \$6,150	\$2,633 \$3,075	\$2,633 \$3,075	\$750 \$900
2"	\$5,325 \$6,300	\$2,663 \$3,150	\$2,663 \$3,150	\$975 \$1,125

(C) *Sewer service connection fee for service to property inside city limits.*

(1) Subject to division (C)(2) below, the following fees shall be charged for connection to the city sewer system for property inside the city limits:

Size	Complete service to right-of-way
4"	\$1,100 \$1,300
6"	\$1,450 \$1,700

(2) As an incentive for early connection to the sanitary sewer system, the above-stated sewer service connection fees shall be discounted on the basis of how quickly owners of property required to connect to the sanitary sewer system pursuant to § 50.095 do in fact make the required connections. The baseline for determining the amount of the discount for which a property owner is eligible shall be referred to as the notification date, and this notification date is the date on which the notice required by § 50.099 is deposited by the city with the United States Postal Service for delivery as first class mail. If a sewer service connection is made within two and one-half years of the notification date, the sewer service connection fee shall be waived. If a connection is made after two and one-half years, but before five years have lapsed, the sewer service connection fee shall be discounted by 75%. If a connection is made after five years, but before seven and one-half years have lapsed, the sewer service connection fee shall be discounted by 50%. If a connection is made after seven and one-half years, but before ten years have lapsed, the sewer service connection fee shall be discounted by 25%. No discount shall be available once ten years have lapsed since the notification date. This incentive plan does not apply to extensions of the public sanitary sewer system completed prior to January 1, 2008, and this incentive plan does not apply to extensions of the public sanitary sewer system that are undertaken as part of the major subdivision review and approval process prescribed by the City of Asheboro Subdivision Ordinance or are otherwise initiated by some person or entity other than the city.

- (D) Sewer service connection fee for service to property outside city limits. The following fees shall be charged for connection to the city sewer system for property outside the city limits:

Size	Complete service to right-of-way
4"	\$2,750 \$3,250
6"	\$3,625 \$4,250

- (E) Charges include all street repairs.
- (F) When a connection to a city water or sewer facility, which has been extended into an area outside of the city's corporate limits at the sole expense of the city, has been authorized by the City Council pursuant to ~~§ 50.008(C)(2)~~ § 50.008(B)(2) of this chapter, a surcharge shall be imposed on such a connection in addition to any other fee prescribed by this section. The amount of the surcharge shall be calculated by distributing the cost incurred by the city, less any expense offset by the standard connection fee, pro rata between the owners of each parcel of land served by the water or sewer facility to which the connection is to be made. The exact surcharge for any particular water or sewer facility subject to this division shall be listed in the schedule of water/sewer service connection surcharges. This schedule of surcharges shall be maintained in the office of the City Clerk and shall be available for public inspection during regular business hours.
- (G) Unlisted water and sewer service items for property inside city limits will be at cost.
- (H) Unlisted water service items for property outside city limits will be at cost plus 50%.
- (I) Unlisted sewer service items for property outside city limits will be at cost plus 100%.
- (J) Approval must be secured from the North Carolina Department of Transportation before state-maintained streets can be cut.

Section 2. Section 50.006 of the Code of Asheboro, which pertains to the payment of service charges, is hereby rewritten to provide as follows:

§ 50.006 PAYING SERVICE CHARGES

- (A) Water and sewer accounts are payable to the City Water Department, 146 North Church Street, Asheboro, North Carolina. All bills are due and payable on receipt, and, subject to division (C) of this section, all accounts for which payment is not received by the Water Department within 15 days from the billing date indicated on the bill shall be considered delinquent. Once an account becomes delinquent, a \$10 fee shall be assessed against the account as a first tier late fee. If an account remains in a state of delinquency as of the 25th day from the billing date indicated on the bill, an additional \$20 fee shall be assessed against the account as a second tier late fee. Upon assessment, any and all late fees shall be immediately due and payable. For all delinquent accounts that are in a state of delinquency of 25 days or more, a reminder cut-off notice shall be mailed which shall specify a final date, not prior to ten days after the delinquent date, by which payment must be remitted or service will be discontinued pursuant to and in accordance with § 50.007. The reminder cut-off notice shall also provide notice that customers may submit disputed bills to the Water and Sewer Billing and Collections Department supervisor for review; the supervisor or his or her deputy shall be authorized to make adjustments to the billing amount in accordance with § 50.021 if such is deemed proper following the review and the bill is unpaid. The notice shall specify the hours during which a customer may call or come by for a review of disputed unpaid bills. After the review process, any customer who does not pay or make arrangements to pay the adjusted amount determined by the review process to be owed to the city shall be entered on a list of delinquent customers whose services are to be terminated pursuant to and in accordance with § 50.007.
- (B) If notification is received that a check has not been honored and has been returned due to insufficient funds or for any other reason, a charge of \$25 shall be added to the customer's current bill, and such charge shall become immediately due and payable. Additionally, if payment in full with good funds has not been received within 15 days from the billing date indicated on the customer's bill, the account shall be considered delinquent. In the event an account becomes delinquent due to a financial institution not honoring a check, a \$10 late fee shall be assessed against the account as a first tier late fee. If the account is or remains in a state of delinquency as of the 25th day from the billing date, an additional \$20 fee shall be assessed against the account as a second tier late fee. A customer shall have five business days from the date of notification to the city that the customer's check has not been honored to make payment in full, including any assessed fees, with good funds to the City Water Department. If the outstanding balance is not paid in full with good funds within the time period specified in the preceding sentence or by the 25th day of the month in which the bill is first due and payable, whichever is later, the customer's water service will be discontinued without further notice pursuant to and in accordance with § 50.007.

Whenever within any 12-month period the city is notified on two separate occasions that a customer's check has been returned due to insufficient funds in the account or for any other reason, such a customer shall be required to make payment in good funds for 12 consecutive billing periods before such a customer is eligible to make payments in any other form.

- (C) As with all other customers, water and sewer accounts that are paid by means of automatic draft are payable to the City Water Department, 146 North Church Street, Asheboro, North Carolina. Customers who choose to make payments on their water and sewer accounts by means of automatic draft may make arrangements with the City Water Department to have an appropriate account at a financial institution drafted for payment in full of a regular billing on the tenth day, fifteenth day, twentieth day, or twenty-fifth day of the month in which a bill is due and payable. If notification is received that an attempted automatic draft of a payment has failed due to insufficient funds in a customer's designated account or for any other reason, a charge of \$25 shall be added to the customer's current bill, and such charge shall become immediately due and payable. Additionally, if any attempted automatic draft of a customer's account fails and payment in full with good funds has not been received within 15 days from the billing date indicated on the customer's bill, the account shall be considered delinquent. In the event an account becomes delinquent, a \$10 late fee shall be assessed against the account as a first tier late fee. If the account is or remains in a state of delinquency as of the 25th day from the billing date, an additional \$20 fee shall be assessed against the account as a second tier late fee. A customer shall have five business days from the date of notification to the City Water Department that an automatic draft of the customer's designated account has not been honored to make payment in full, including any assessed fees, with good funds to the City Water Department. If the outstanding balance is not paid in full with good funds within the time period specified in the preceding sentence or by the twenty-fifth day of the month in which the bill is first due and payable, whichever is later, the customer's water service will be discontinued without further notice pursuant to and in accordance with § 50.007. Whenever within any 12-month period the City Water Department is notified on two separate occasions that an attempt to automatically draft a customer's designated account for payment has failed due to insufficient funds in the account or for any other reason, such a customer shall be required to make payment in good funds only for 12 consecutive billing periods before such a customer is eligible to make payments to the city in any form other than good funds.

Section 3. Section 50.007 of the Code of Asheboro, which pertains to the discontinuance of service for delinquent accounts and restoration fees, is hereby rewritten to provide as follows:

§ 50.007 DISCONTINUANCE OF SERVICE FOR DELINQUENT ACCOUNTS; RESTORATION FEE

- (A) Any customer whose water and sewer service bill shows that payment is due for the current month and one preceding month shall have his water service discontinued if the account is not paid within 25 days from the billing date indicated on the bill in the greatest state of delinquency.
- (B) Any customer who has had service disconnected and who applies for restoration of service shall be considered a new customer; provided, however, that the restoration of service for such a customer shall not relieve the customer of any of his or her obligations and liabilities to the City of Asheboro for any and all outstanding balances, specifically including without limitation any assessed fees, still owed to the City of Asheboro as a consequence of the individual's or entity's past relationship with the City of Asheboro as a customer of the Water and Sewer Department. Furthermore, the provisions of this division of § 50.007 shall not be construed so as to provide relief from restrictions as to the form of payment that will be accepted from a customer when that customer has had water service discontinued pursuant to division (F) of this section and § 50.006 of this chapter divisions (B) and (C) of § 50.006 of this chapter. Prior to the restoration of service to an individual or entity as a new customer under the provisions of this division of § 50.007, such a customer must pay the deposit amount required of a new customer, if the previous deposit was applied to an outstanding balance, plus a minimum of one-half of the total outstanding balance, including any and all service fees and other assessed fees, owed by the individual or entity to the City of Asheboro as a former customer. If a customer makes a partial payment in accordance with this division in order to have service restored at either a previous or a new service address, such a customer shall, prior to the restoration of service, remit to the Water and Sewer Billing Department, in addition to any other fees or charges, a partial payment service fee of \$10. The remaining balance of the outstanding debt shall be billed to the customer on the customer's next billing and shall be subject to collection in the same manner as prescribed for any regular bill. Notwithstanding any other provision of this Chapter, a customer may not utilize a partial payment to obtain the restoration of service on more than one occasion during any six calendar month period.
- ~~(C)(1) When water service has been discontinued to a customer and the customer does not remit payment on his account, the Water and Sewer Billing Department shall send a letter to the last known address of the customer informing him that this matter will be turned over to a collection agency in 30 days of the date of the letter if the account balance is not paid in full within that time period. There will be no set format for this letter. The envelope in which the letter is mailed will bear a request for the Post Office to forward it to any known proper address of the customer.~~

(2) ~~If the account balance is not settled within 30 days of the mailing of the above letter, the account is to be turned over to a collection service to be recorded on the customer's credit record. The city shall authorize the collection service to make their best effort to collect the balance due. Any account turned over to the collection service shall be noted by a flag on the customer's record on the city's computer records, so that if an amount is collected, the portion due the collection service under the city's contract with them can be remitted as required. The City Council's approval shall be required before the city can enter into any contract for collection services with a collection agency.~~

(C) In addition to the option to institute a civil suit against a debtor to recover amounts owed, when service has been discontinued to a customer and the customer does not remit payment on the delinquent account, the city finance department may submit a claim for the delinquent amount(s) for which the customer is liable to the state's debt set-off program established under Chapter 105A of the North Carolina General Statutes for recovery against the debtor's state income tax or state lottery winnings, if any.

Section 4. Section 50.016 of the Code of Asheboro, which pertains to the deposit required for water service, is hereby rewritten to provide as follows:

§ 50.016 DEPOSIT REQUIRED FOR WATER SERVICE

All occupants of residential, business, or commercial dwellings, or buildings, other than owners thereof, are required to make a deposit of ~~\$110~~ \$140 for customers charged inside rates and ~~\$140~~ \$160 for customers charged outside rates.

Section 5. Section 50.104 of the Code of Asheboro, which pertains to low pressure sewer systems, is hereby rewritten to provide as follows:

§ 50.104 LOW PRESSURE SEWER SYSTEMS

- (A) It is the policy of the City of Asheboro to utilize and construct conventional gravity sewer systems in combination with pumping stations and wet wells. All new development proposals shall adhere to this design requirement. In the sole discretion of the City Council, a waiver from this requirement may be granted by the City Council when it is demonstrated to the satisfaction of the governing board that a low pressure sewer system should be used to solve wastewater disposal problems for an existing development because, in the sole judgment of the City Council, a gravity sewer system with pumping stations is not a feasible solution to the wastewater disposal problem.
- (B) The provisions of this chapter pertaining to the municipal sanitary sewer system have been enacted in order to create a regulatory framework that addresses the requirements of a conventional gravity sewer system. Unless the context clearly requires otherwise, the provisions of this chapter shall be applied to the fullest extent possible to properly authorized low pressure sewer systems that are operated and controlled by the city. If a conflict develops between the provisions of this section and any other provision in this chapter, the regulation prescribed by this section shall be the controlling authority in cases where a low pressure sewer system is at issue.
- (C) Within an existing development that has been approved by the City Council for a low pressure sewer system, the owner of a lot may connect to the city maintained low pressure sewer system only after applying for and receiving a sewer service connection permit from the City of Asheboro Engineering Department. In order to properly apply for such a permit, the property owner must complete an application packet developed by the city and available in the Engineering Department. This packet shall include, by way of illustration and not limitation, an application form and an easement agreement granting a sewer easement to the city over an area described by metes and bounds on a plat of survey procured at the applicant's expense. This executed easement is needed in order to provide city personnel and/or contractors with lawful authorization to enter the lot to install and maintain the needed infrastructure. Once all of the requested information is completed, executed, submitted and accepted by the Engineering Department, a sewer service connection permit will be issued. The city, and only the city or its contractors, will perform the installation of the grinder pump station as a turnkey job.
- (D) The sewer service connection permit will not be issued until a fee of ~~\$7,000~~ \$8,000 is paid to the city in order to reimburse the city for costs associated with the city's installation of a grinder pump station and other infrastructure needed to connect the applicant's structure to the low pressure sewer system. After the installation is complete, a ~~\$5~~ \$10 maintenance fee will be added as a surcharge to the customer's monthly water/sewer bill, and this monthly surcharge is to be paid in addition to any other charges that appear on the customer's bill in accordance with the provisions found in other sections of this chapter. The monthly revenue realized from the surcharge imposed on every customer served by the low pressure sewer system will be placed in a Grinder Pump Maintenance Reserve Fund that shall be used exclusively for paying costs associated with the repair and maintenance of the low pressure sewer system.

(E) In addition to the sewer main, the section of the low pressure sewer system that will be maintained by the city includes the small diameter force main from the street right-of-way line to the grinder pump wet well, the grinder pump, valves and valve boxes on the small diameter force main, the grinder pump electrical panel, and associated appurtenances. However, the gravity service line from the structure to the grinder pump wet well, electrical connections to the grinder pump panel, and any generators connected to the grinder pump power supply are not included with the city-provided maintenance program. These non-covered items are the sole responsibility of the property owner.

(F) Notwithstanding any other provision of this chapter, customers shall be subject to the following rules and regulations pertaining to negligence or misuse of the system/infrastructure:

(1) Notwithstanding any other provision of this chapter, the The customer shall bear the full cost of repairs to the grinder pump and the associated infrastructure that is attributable to negligence or misuse on the part of the customer. Negligence or misuse includes, by way of illustration and not limitation, the placing of the following items in the sewer system:

- (a) Glass;
- (b) Metal;
- (c) Gravel, sand (including aquarium stone), and coffee grinds;
- (d) Seafood shells;
- (e) Socks, rags, or cloths;
- (f) Plastic;
- (g) Sanitary napkins or tampons;
- (h) Disposable diapers;
- (i) Kitty litter;
- (j) Explosives;
- (k) Flammable materials;
- (l) Lubricating oil, grease, cooking oil, paint;
- (m) Strong chemicals;
- (n) Gasoline or diesel fuel; and
- (o) Stormwater runoff.

(2) When a customer engages in negligence or misuse of the grinder pump, and the city or its contractor has to repair the resulting damage, the full cost of such repairs shall be billed to the customer as a charge on the next monthly water/sewer bill. Such a charge is subject to collection in the same manner as any other charge invoiced on a customer's bill for services rendered by the city's water/sewer utility.

Section 6. Section 51.35 of the Code of Asheboro, which pertains to fees charged to commercial sanitation customers, is hereby rewritten to provide as follows:

§ 51.35 USER CHARGES FOR COMMERCIAL SANITATION CUSTOMERS

- (A) A charge of \$27.00 \$31.00 per regularly scheduled pick-up of a dumpster, \$10.00 \$12.00 per month per solid waste disposal can, \$1.00 \$2.00 per month for each recycling container, and \$10.00 per month for curbside pick-up of solid waste material equivalent in volume to the capacity of a commercial can is hereby established for commercial sanitation customers. The charge for compaction dumpsters shall be \$44.00 per regularly scheduled pick-up. Additional pick-ups for commercial dumpsters shall be \$40.00 per pick-up, and additional pick-ups for compaction dumpsters shall be \$54.00.
- (B) Dumpsters may be rented from the city by a commercial customer at a rental rate of \$21.00 per dumpster per month. A customer's eligibility to rent a dumpster from the city is contingent on the customer utilizing the city as the exclusive provider of solid waste collection services for the rented dumpster(s). The city's environmental services department will terminate, without any penalty to the city, the rental relationship with a customer and will immediately retrieve any and all dumpsters rented to a customer if a solid waste collection service other than the city is found to have collected materials from a city-owned dumpster. The city will replace a dumpster previously rented from the city with a cleaned dumpster upon the request and agreement of the customer to receive this service at a charge of \$100.00 per dumpster each time such a request is made.
- (C) For purposes of this section and throughout Chapter 51, commercial customer is hereby defined as any customer which is a non-residential or a non-industrial user.
- (D) Cans provided exclusively by the city may be used as a substitute for dumpsters in areas approved by the environmental services department.
- (E) A one pick-up per week minimum is hereby established for any commercial customer using a dumpster.

- (F) The collection charges instituted in this section will be added to the sanitation customer's water and sewer bill. Payment terms will be the same as for the water and sewer bill. In the event of nonpayment of this charge, collection of the customer's refuse/recyclables will be discontinued until payment is remitted in full. All payments for solid waste/recycling services user fees and water and sewer charges whether full or partial payments shall be applied to the customer's account as follows: First, to any solid waste services user fee charges including any arrears charges; second, to any recycling services user fee charges including arrears charges; and third, to any water and sewer charges including arrears charges. In the event of partial payments, the utility charges will be considered outstanding and the prescribed disconnection of services for non-payment will be enforced.
- (G) Unless arrangements are made otherwise and the city is notified of these arrangements, all property owners renting premises to a commercial sanitation customer shall be responsible for the charges specified in this section. Responsibility for payment of the charges may be passed to the renter of the premises if the city billing department is notified of this arrangement.
- (H) All property owners are deemed responsible to maintain their lots and locate their dumpsters or cans in a fashion that allows the city sanitation trucks acceptable access to the dumpsters or cans.
- (I) All property owners must complete a Dumpster Permit and sign a hold harmless agreement.
- (J) The city is not liable for any damages resulting to parking lots, drives, and the like caused by the weight of the trucks used for the dumpster pick-ups. Each property owner is expected to maintain a lot or drive of sufficient structure to support the weight of the collection trucks.
- (K) No refuse which is unacceptable as routine refuse at the landfill will be collected from commercial sanitation customers. Examples of unacceptable waste include but are not limited to: hazardous waste, tires, batteries, medical waste, yard waste, liquid waste, and white goods. Any receptacles containing any of these materials will not be picked up by the sanitation department until the unacceptable material are removed.
- (L) The commercial customer is responsible for the contents of its containers. The city is not responsible for policing containers to prevent dumping of unacceptable waste, or refuse from individuals not related to the commercial customer.

Section 7. Section 51.36 of the Code of Asheboro, which pertains to fees charged to residential sanitation customers, is hereby rewritten to provide as follows:

§ 51.36 USER CHARGES FOR RESIDENTIAL SANITATION CUSTOMERS

- (A) A charge of ~~\$5.00~~ \$12.00 per month for each solid waste disposal container provided by the city and assigned to a residential dwelling, ~~\$1.00~~ \$2.00 per month for each recycling container provided by the city and assigned to a residential dwelling, and ~~\$27.00~~ \$31.00 per regularly scheduled pick-up of a residential dumpster is hereby established for residential sanitation customers. Additional pick-ups for residential dumpsters shall be \$40.00 per pick-up.
- (B) The collection charges instituted in this section will be added to the sanitation customer's water and sewer bill. Payment terms will be the same as for the water and sewer bill. In the event of nonpayment of this charge, collection of the customer's refuse/recyclables will be discontinued until payment is remitted in full. All payments for solid waste/recycling services user fees and water and sewer charges whether full or partial payments shall be applied to the customer's account as follows: First, to any solid waste services user fee charges including any arrears charges; second, to any recycling services user fee charges including arrears charges; and third, to any water and sewer charges including arrears charges. In the event of partial payments, the utility charges will be considered outstanding and the prescribed disconnection of services for non-payment will be enforced.
- (C) All residential premises located within the corporate limits of the City of Asheboro shall be assumed to be using the solid waste and recycling collection services offered by the city. The occupants of the premises shall be charged for these services so long as the premises remain in the city limits, are or have previously been improved for residential dwelling purposes, and contractual arrangements for solid waste collection services have not been made with an entity other than the City of Asheboro. In the absence of documentation to establish otherwise, the customer of record with the city's water billing office shall be deemed to be the occupant of the premises receiving solid waste/recycling collection services and shall be responsible for all of the associated fees that will be charged each month.
- (D) In the case of disputes about the fees charged pursuant to the provisions of this section, the City Manager, or his designee, shall have the authority to adjust any fee charged after the Manager or other designated official has reviewed the circumstances surrounding the charge and determined,

consistent with the provisions of the Code of Asheboro, that the disputed charge was added to the customer's account in error.

(E) Provisions Specific to Residential Dumpsters:

(1) Dumpsters may be rented from the city by a residential sanitation customer at a rental rate of \$21.00 per dumpster per month. A customer's eligibility to rent a dumpster from the city is contingent on the customer utilizing the city as the exclusive provider of solid waste collection services for the rented dumpster(s). The city's environmental services department will terminate, without any penalty to the city, the rental relationship with a customer and will immediately retrieve any and all dumpsters rented to a customer if a solid waste collection service other than the city is found to have collected materials from a city-owned dumpster. The city will replace a dumpster previously rented from the city with a cleaned dumpster upon the request and agreement of the customer to receive this service at a charge of \$100.00 per dumpster each time such a request is made.

(2) A one pick-up per week minimum is hereby established for any residential customer using a dumpster.

(3) Unless arrangements are made otherwise and the city is notified of and agrees to these arrangements, the owner(s) of the real property where a residential dumpster is located shall be responsible for the charges specified in this section.

(4) The owner of the property upon which a dumpster is located is deemed responsible for the maintenance of the premises in general and the location of the dumpster site in particular so as to allow the environmental services department's trucks reasonable access to the dumpster.

(5) In order to receive residential dumpster service, all property owners must complete a dumpster permit and properly execute a hold harmless agreement in favor of the city.

(6) The city shall not be liable for any damages resulting to parking lots, drives, and the like caused by the weight of the trucks used for dumpster pick-up. Each property owner is expected to maintain a lot or drive of sufficient structure to support the weight of the collection trucks.

(F) No refuse which is unacceptable as routine refuse at the landfill will be collected from residential sanitation customers. Examples of unacceptable waste include but are not limited to: hazardous waste, tires, batteries, medical waste, yard waste, liquid waste, and white goods. Any receptacles containing any of these materials will not be picked-up by the environmental services department until the unacceptable materials are removed.

(G) The owner of the premises where the dumpsters/containers are located and the residents utilizing the dumpsters/containers are responsible for the contents of the containers. The city is not responsible for policing containers to prevent the dumping of unacceptable waste, or refuse from individuals not related to the customer(s).

Section 8. All ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed.

Section 9. This Ordinance shall take effect and be in full force from and after July 1, 2015.

This Ordinance was adopted by the Asheboro City Council in open session during a special meeting held on the 29th day of June, 2015.

/s/David H. Smith
David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk
City of Asheboro, North Carolina

(b) Mr. Sugg presented and recommended adoption, by reference, of an ordinance amending the schedule of deposits, fees, and charges administered by the Cultural and Recreation Services Departments for fiscal year 2015-2016.

Upon motion by Mr. Bell and seconded by Mr. Swiers, Council voted unanimously to adopt the following ordinance by reference.

ORDINANCE NUMBER 18 ORD 6-15

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

Amendments to the Schedule of Deposits, Fees, and Charges Administered by the Cultural and Recreation Services Departments for Fiscal Year 2015-2016

WHEREAS, Section 98.01 (Adoption by Reference) of the Code of Asheboro provides that the City of Asheboro Cultural and Recreation Services Policy Manual (the "Manual") has been adopted by the Asheboro City Council by reference and made a part of the Code of Asheboro; and

WHEREAS, Section 19.2 of the Manual provides for a Schedule of Deposits, Fees, and Charges Administered by the Cultural and Recreation Services Departments (the "Schedule of Fees") that is to be approved by the Asheboro City Council and maintained in the offices of the city clerk and the recreation services superintendent; and

WHEREAS, during a special meeting held on June 29, 2015, the Asheboro City Council adopted a budget ordinance for fiscal year 2015-2016; and

WHEREAS, certain provisions in the Schedule of Fees must be amended to properly implement the legislative decisions made by the City Council with the adoption of the budget ordinance for fiscal year 2015-2016; and

WHEREAS, the amended Schedule of Fees that reflects the budget decisions made by the City Council with the adoption of the city's budget ordinance for fiscal year 2015-2016 is attached hereto as EXHIBIT 1 and is hereby incorporated into this Ordinance by reference as if copied fully herein; and

WHEREAS, the City Council has concluded that it is proper to give final approval to the amended Schedule of Fees found in the attached EXHIBIT 1;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro, North Carolina that, effective July 1, 2015, the attached EXHIBIT 1 with the amended Schedule of Fees for fiscal year 2015-2016 is hereby approved; and

BE IT FURTHER ORDAINED that the said amended Schedule of Fees shall be in full force and effect on and after July 1, 2015, and that all previously adopted ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed effective July 1, 2015.

This Ordinance was adopted by the Asheboro City Council in open session during a special meeting held on the 29th day of June, 2015.

/s/David H. Smith
David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk
City of Asheboro, North Carolina

[The above-referenced EXHIBIT 1 is on file in the City Clerk's office.]

5. Presentation of an ordinance to align the city privilege license tax provisions with changes in state law.

Mr. Sugg presented and recommended adoption, by reference, of an ordinance to align the City of Asheboro privilege license tax provisions with enactments of the North Carolina General Assembly.

Upon motion by Mr. Bell and seconded by Ms. Snuggs, Council voted unanimously to adopt the following ordinance by reference.

ORDINANCE NUMBER 19 ORD 6-15

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

Ordinance to Align the City of Asheboro Privilege License Tax Provisions with Enactments of the North Carolina General Assembly

WHEREAS, Section 160A-211 of the North Carolina General Statutes has, for a significant period of time, provided authorization for cities “to levy privilege license taxes on all trades, occupations, professions, businesses, and franchises carried on within the city;” and

WHEREAS, on the basis of this statutory authorization, the City Council of the City of Asheboro has previously exercised this taxing authority by means of enacting Chapter 110 of the Code of Asheboro; and

WHEREAS, Part XII of North Carolina Session Law 2014-3 repeals, effective July 1, 2015, the privilege tax authorization found in Section 160A-211 of the North Carolina General Statutes; and

WHEREAS, the repeal of this enabling authority for the city to levy a broad range of privilege license taxes has led to a review of the business regulations in the Code of Asheboro; and

WHEREAS, on the basis of this review, the city staff has recommended, and the City Council concurs with this this recommendation, to amend the Code of Asheboro as specified herein for the purpose of updating and conforming the city’s code of ordinances with the amendments to the North Carolina General Statutes that will become effective as of July 1, 2015;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro, North Carolina as follows:

Section 1. Chapter 110 of the Code of Asheboro is hereby rewritten to provide as follows:

CHAPTER 110: GENERAL LICENSE PROVISIONS

§ 110.01 DEFINITIONS

~~For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~**BUSINESS.** Each trade, occupation, profession, business, and franchise taxed under this chapter.~~

~~**PERSON.** Includes any individual, trustee, executor, other fiduciary, corporation, limited liability company, unincorporated association, partnership, sole proprietorship, company, firm, or other legal entity.~~

~~**SEASONAL.** A business is **SEASONAL** in nature when it is conducted for profit six months out of the year or less.~~

§ 110.02 CONSTRUCTION OF THIS CHAPTER

~~This chapter is enacted for revenue purposes only. Therefore, it should be construed to require payment of the maximum tax permitted under its terms. In addition, issuance of a license in accordance with this chapter does not excuse a licensee from compliance with any other applicable ordinance or statute. This chapter does not prevent the city from imposing license taxes on additional businesses, from increasing or decreasing the amount of any license tax, or from regulating any business taxed.~~

§ 110.03 LEVY

~~An annual privilege license tax is hereby levied on each business conducted within this city that is listed in §§ 110.34 through 110.35 in the amounts set forth in those sections.~~

§ 110.04 WHO MUST PAY TAX

~~Each person who conducts a business within this city is subject to this chapter. A person conducts business within this city when the person both:~~

- ~~(A) Engages in one or more acts of business taxed under this chapter; and~~
- ~~(B) The person has an office, headquarters, store, display area, or some other physical space, including by way of illustration and not limitation a mobile unit or an inventory of goods for sale that is transported with a person such as a peddler, within the city limits and from which one or more taxable business acts are transacted.~~

§ 110.05 PERIOD OF LICENSE; DUE DATE

- (A) *Annual licenses.* ~~Unless the section of this chapter levying the privilege license tax applicable to a particular business provides otherwise, a license issued in accordance with this chapter is good for the 12-month period beginning July 1 and ending the following June 30. The tax is due on July 1 of each year. However, if a person begins a business after July 1 of a year, the tax for that year is due before the business is begun.~~
- (B) *Licenses for periods shorter than one year.* ~~If the section of this chapter levying the privilege license tax applicable to a particular business so provides, a license may be issued for a period of one day, one week, or some comparable period of less than a full license year. A person may not commence a business conducted within the city and taxed under such a provision until the privilege license tax due is paid and may not continue such a business beyond the period for which the license is issued.~~

§ 110.06 PRORATION OF TAX

~~If a business is begun after January 31 and before July 1, the amount of tax due is half the amount otherwise due. If a business is seasonal in nature and if the amount of tax is not based on gross receipts, the amount of tax is half the amount otherwise due.~~

§ 110.07 REFUNDS

~~If for any reason a licensee discontinues his or her business during the license year, he or she is not entitled to a refund.~~

§ 110.08 SEPARATE BUSINESSES

~~A separate license is required, and a separate privilege license tax must be paid for each place of business unless two or more places of business under common ownership are contiguous to each other, communicate directly with and open into each other, and are operated as a unit. In addition, a separate privilege license tax must be paid for each business taxable under this chapter that is conducted by the taxpayer at any one location; however, the City Clerk may issue a single license for all taxable business conducted at one location by a single taxpayer.~~

§ 110.09 COMPUTATION OF TAX BASED ON GROSS RECEIPTS

- (A) ~~Whenever this chapter levies a privilege license tax computed on the basis of gross receipts, "gross receipts" means the amount reported as gross receipts on a business's state income tax return, or on the federal income tax return filed with the state income tax return if the state return does not separately state gross receipts for the most recently completed tax year.~~
- (B) ~~If a business has not been in operation long enough for the information required in division (A) of this section to be available, the City Clerk shall estimate gross receipts for the business on the basis of gross receipts of comparable businesses, or any other information that the City Clerk considers useful.~~
- (C) ~~On or before the July 31 immediately after the license year, each licensee who paid the tax for the past license year based on estimated gross receipts shall submit to the City Clerk a sworn final report showing the amount of gross receipts for the license year. If the amount shown is more than estimated gross receipts, the licensee shall pay the amount of additional tax that would have been due had the estimate been accurate. If the amount shown is less than estimated gross receipts, the city shall refund to the licensee the difference between the actual tax paid and the amount of tax that would have been due had the estimate been accurate.~~

§ 110.10 EXEMPTION

- (A) *Generally.* ~~Except as otherwise provided in this section or by state law, no person is exempt from the payment of a privilege license tax levied by this chapter.~~
- (B) *Charitable organizations.* ~~A person who operates a business for a religious, educational, civic, patriotic, charitable, or fraternal purpose, when the entire gross income of the business is used for such purpose, is exempt from paying any privilege license tax levied by this chapter.~~
- (C) *Must obtain license.* ~~A person exempt from paying a privilege license tax levied by this chapter shall nevertheless obtain a license from the City Clerk. The license shall state that the licensee is exempt from paying the privilege license tax.~~

§ 110.11 APPLICATION

A person shall apply to the City Clerk for each license required by this chapter no less than 30 days before the date the tax is due. The application, which shall be submitted on forms provided by the City Clerk, shall contain:

- (A) The name of the applicant and whether the applicant is an individual, a partnership, a corporation, a limited liability company, or some other entity;
- (B) The nature of the business;
- (C) Where the business is conducted;
- (D) An address where notices and statements may be mailed to as required by this chapter;
- (E) Whether the business is regulated by a state occupational licensing board subject to G.S. Chapter 93B, and if so, the serial number of the state license the applicant currently holds; and
- (F) Any other information the City Clerk determines to be necessary to compute the amount of tax due.

§ 110.12 REASONS FOR REFUSAL OR REVOCATION OF A LICENSE

The City Clerk shall refuse to issue a license or shall revoke a license for any of the following reasons:

- (A) The applicant misrepresents a fact relevant to either the amount of tax due or his or her qualification for a license.
- (B) The applicant refuses to provide information necessary to compute the amount of tax due.
- (C) The applicant fails to present to the City Clerk a properly issued permit or certificate of approval from the appropriate city official where such a permit or form of approval issued by an official or unit of the city is required of the applicant.

§ 110.13 UNQUALIFIED APPLICANTS; RIGHT TO A CONFERENCE

- (A) After receipt of the completed application, if the City Clerk believes that a reason exists for refusing a license under § 110.12, the City Clerk shall refuse to accept payment of the tax and shall not issue the license. At the applicant's request, the City Clerk shall, in accordance with § 110.22, give the applicant a written statement of the reason for refusing the license. The applicant may, within 10 days of his or her receipt of the statement, request a conference to discuss the refusal. In the request, the applicant shall specify why the application for a license should not be refused. The City Clerk shall arrange the conference within a reasonable time.
- (B) If the City Clerk refuses to issue a license, the applicant may reapply for a license at any time thereafter. If the reason for which the application was refused no longer exists, and if no other reason exists for refusing to issue a license, the City Clerk shall issue the license in compliance with § 110.14.

§ 110.14 CITY CLERK TO ISSUE LICENSE; PAYMENT OF TAX A PREREQUISITE

After receipt of the completed application, if the City Clerk believes that no reason exists for refusal of a license under § 110.12, the City Clerk shall determine the amount of tax due and notify the applicant of that amount. The City Clerk shall not issue a license until the tax is paid.

§ 110.15 AMOUNT OF TAX DISPUTED

If disputes arise over the amount of the privilege license tax the City Clerk determines to be due, the applicant may either refuse to pay and request a conference with the City Clerk to discuss the determination or pay the amount and request a conference to discuss the right to a refund. If a conference is requested, the City Clerk shall arrange it within a reasonable time.

§ 110.16 REVOCATION

- (A) The City Clerk shall revoke a license if a reason exists to revoke it as set forth in § 110.12. Before revoking a license, the City Clerk shall give the licensee written notice of the grounds for revocation, in accordance with § 110.22. The licensee may within 10 days after the day on which the notice is served request in writing a conference with the City Clerk. The request shall specify the reasons

~~why the license should not be revoked. The City Clerk shall arrange the conference within a reasonable time.~~

- (B) ~~If the licensee fails to request a conference within 10 days after the day on which notice is served, the City Clerk shall revoke the license. If the licensee requests a conference, the City Clerk may not revoke the license until after the conference.~~
- (C) ~~If the City Clerk revokes a license, the former licensee may apply for a new license at any time thereafter. If the reason for which the license was revoked no longer exists and if no other reason exists for refusing to issue a license, the City Clerk shall issue the license in accordance with § 110.14.~~

§ 110.17 FORM AND CONTENTS OF LICENSE

~~A license shall show the name of the person licensed, the place where the business is conducted (if it is to be conducted at one place), the nature of the business licensed, the period for which the license is issued, and the amount of tax paid. In addition, if a machine is licensed, the license shall show the serial number of the machine. The City Clerk shall keep a copy of each license issued.~~

§ 110.18 ASSIGNMENTS

- (A) ~~A license may be assigned if:~~
- ~~(1) A business licensed under this chapter and carried on at a fixed place is sold as a unit to any person, and~~
 - ~~(2) The purchaser is to carry on the same business at the same place.~~
- (B) ~~Such a change shall be reported to the City Clerk in accordance with § 110.19. Otherwise, each license issued under this chapter is a personal privilege and is not assignable.~~

§ 110.19 CHANGES IN THE BUSINESS CONDUCTED BY LICENSEE DURING THE TAX YEAR

- (A) ~~*Report of changes.* A licensee or assignee shall report a change in the information contained in the license application to the City Clerk within 10 days after the change occurs. If information shown on the license itself is affected, the licensee or assignee shall surrender the license to the City Clerk when reporting the change.~~
- (B) ~~*Changes affecting the amount of tax due.* If there are no reasons for revoking the license under § 110.12, and the change results in the imposition of a separate or additional tax, the City Clerk shall reissue a license reflecting the change upon payment of the separate or additional tax.~~
- (C) ~~*Changes not affecting the amount of tax due.* If there are no reasons for revoking the license under § 110.12 and the change does not result in an imposition of a separate or additional tax, the City Clerk shall reissue a license reflecting the change upon payment of a fee of \$1.~~
- (D) ~~*Change requiring refusal of a license.* If there is reason for revoking the license under § 110.12, the City Clerk shall refuse to reissue a license and shall instead begin proceedings to revoke the license in accordance with § 110.16.~~

§ 110.20 CITY CLERK TO FURNISH DUPLICATES

~~Upon satisfactory proof that a license has been lost or destroyed, the City Clerk shall furnish a duplicate for a fee of \$1.~~

§ 110.21 RECORD OF CONFERENCES

~~The City Clerk shall maintain for three years a record of each conference held in accordance with this chapter. The record shall contain the applicant's or licensee's name, the date of the conference, a brief statement of the issue(s) discussed, and the result reached. After three years, the City Clerk shall dispose of the record in accordance with G.S. 121-5.~~

§ 110.22 PROVIDING NOTICE TO AN APPLICANT OR LICENSEE

~~Whenever this chapter requires the City Clerk to give a written statement or notice to an applicant or a licensee, the City Clerk may do so in one of three ways:~~

- (A) ~~By personally delivering the statement or notice to the applicant or licensee;~~

(B) By mailing the statement or notice by registered or certified mail and returning the receipt requested to the address specified for that purpose in the license application; or

(C) By causing the statement or notice to be served on the applicant or licensee in accordance with the procedures for service of process under Rule 4, North Carolina Rules of Civil Procedure.

§ 110.23 DUTY TO DETERMINE WHETHER TAX DUE

Each person has the duty to determine whether the business he or she conducts is taxed under this chapter and if so, whether that tax has been paid for the current tax year.

§ 110.24 CITY CLERK TO INVESTIGATE

If the City Clerk has reason to believe that a person is conducting a business in the city in violation of this chapter, the City Clerk shall conduct an investigation to determine the person's tax liability.

§ 110.25 DUTY TO KEEP BOOKS

Each person who conducts a business taxed under this chapter shall keep all records and books necessary to compute the tax liability. If a person fails to keep books and records as required, the City Clerk shall make a determination of that person's tax liability from the information available.

§ 110.26 DUTY TO PERMIT INSPECTION

Each person who conducts business in the city shall permit the City Clerk or the Clerk's designee to inspect the business premises during normal business hours to determine the nature of the business conducted there and to examine the books and records to determine the nature and amount of business transacted.

§ 110.27 DUTY TO POST LICENSE

A licensee shall post the license or licenses conspicuously in the place of business licensed. If the licensee has no regular place of business, the license must be kept where it may be inspected at all times by the proper city officials. If a machine is licensed, the license shall be affixed to the machine.

§ 110.28 NOTICE OF DEFICIENCY

If the City Clerk determines that a person has not paid the full amount of tax due under this chapter, either for the current license year or for a prior license year, the City Clerk shall give the person written notice of the deficiency, in accordance with § 110.22. The notice of deficiency shall specify the total amount of tax due; the section of this chapter upon which the tax is based; the amount of tax paid; any interest due; the balance owed; the manner and time period in which the person may respond to the notice of the deficiency; and the consequences of failing to respond as specified.

§ 110.29 REQUEST FOR A CONFERENCE

The person may, within 10 days after the day on which notice of deficiency is served, request a conference in writing. The request shall specify the person's objections to the notice of deficiency. By way of illustration but not limitation, a person who receives notice of a deficiency may object on the following grounds:

(A) That the tax due has already been paid;

(B) That the City Clerk miscalculated the amount of tax due;

(C) That the City Clerk based her calculation on incorrect or insufficient information concerning either the nature or the amount of business conducted; or

(D) That the City Clerk based the determination on an erroneous interpretation of a section of this chapter that establishes a category of business subject to a particular tax.

§ 110.30 DEFICIENCY TO BECOME FINAL

If the taxpayer fails to request a conference under § 110.29, the deficiency becomes final, and the City Clerk shall proceed to collect the deficiency.

§ 110.31 CONFERENCE HELD

If the taxpayer makes a timely request for a conference, the City Clerk shall not proceed to collect the deficiency until hearing the taxpayer's objections and determining that the deficiency should become final. The City Clerk shall maintain for three years a record of each conference held in accordance with § 110.29. The record shall contain the name of the taxpayer, the date of the conference, a brief statement of the

issues discussed, and the results of the discussion. After three years, the City Clerk shall dispose of the record in compliance with G.S. 121-5.

§ 110.32 COLLECTION OF DEFICIENCY

- (A) The City Clerk may use any of the following methods to collect a deficiency:
 - (1) Criminal prosecution in accordance with § 110.33(A);
 - (2) Equitable relief in accordance with § 110.33(B); or
 - (3) The remedies of levy, sale, attachment, and garnishment in accordance with G.S. 160A-207.
- (B) Any person who continues to conduct a business taxed under this chapter without payment of the tax is liable for the additional tax of 5% every 30 days as imposed by G.S. 105-109.

§ 110.33 ENFORCEMENT OF CHAPTER

- (A) *Criminal Remedies.* Conducting business within this city without having paid the privilege license tax imposed by this chapter, or without a valid license issued in accordance with this chapter, or without posting a license in compliance with § 110.27 is a misdemeanor, punishable as provided by G.S. 105-109 or G.S. 14-4. Each day that a person conducts business in violation of this chapter is a separate offense. Payment of a fine imposed in criminal proceedings in accordance with this section does not relieve a person of the liability for taxes imposed under this chapter.
- (B) *Equitable Remedies.* In addition to the criminal remedies set forth in division (A) of this section and in compliance with G.S. 160A-175(d), the city may seek an injunction against any person who conducts a business in violation of this chapter.

§ 110.34 SCHEDULE OF PRIVILEGE LICENSE TAXES FORMERLY TAXED BY _____ THE STATE UNDER ARTICLE 2 OF G.S. CHAPTER 105

- (A) *Tax schedule.* The following businesses shall pay a tax in accordance with the amounts set forth in G.S. Chapter 105:

BUSINESS TYPE	G.S. SECTION
Barber shops and beauty parlors	160A-211
Bicycle dealers	105-102.5
Bowling alleys	105-102.5
Campgrounds and trailer parks	105-102.5
Collection agencies	105-45
Contractors	105-54
Dealers in firearms and other weapons	105-80
Electronic video games	105-66.1
Emigrant and employment agents	105-90
Fortune tellers	105-58
Hotels and motels	105-61
Installing elevators and sprinkler systems	105-55
Loan agencies	105-88
Manufacturers and sellers of ice cream	105-97
Motorcycle dealers	105-89.1
Movie theaters	105-37
Music machines	105-65
Outdoor advertising	105-86
Outdoor theaters	105-36.1
Pawnbrokers	105-88
Peddlers, itinerant merchants, and specialty market operators	105-53
Pinball and similar amusements	105-102.5
Pool tables	105-102.5

Sale of pianos and record players	105-102.5
Service stations, wholesale supply dealers, and automobile dealers	105-89
Sundries	105-102.5
Undertakers	105-46

(B) ~~Restaurants.~~ Every person engaging in the business of operating a restaurant, cafe, cafeteria, hotel with a dining service on the European plan, drugstore, or other place where prepared food is sold shall pay a privilege license tax of:

- (1) ~~\$25 for a business that has seats for four customers or less; or~~
- (2) ~~\$42.50 for a business that has seating for at least five customers.~~
- (3) ~~The provisions of this division are not applicable to either food items sold through vending machines or nonprofit cafes or cafeterias located in industrial plants for the convenience of employees.~~

(C) ~~Dry Cleaners.~~ Every person engaging in the business of operating a cleaning plant, pressing club, or hat-blocking establishment shall pay a privilege license tax of \$50 for each business location if the licensee does not solicit business outside of Randolph County. If the licensee solicits business outside of Randolph County, the privilege license tax shall be \$100 for each business location. The tax levied under this division shall only be charged if the business is located in the corporate limits of the city. If a dry cleaning or pressing business has several pick-up stations or receiving outlets in the city, only one privilege license tax shall be levied on the business; a separate tax may not be charged for each station.

(D) ~~Laundries.~~ Every person engaging in the business of operating a laundry, including wet- or damp-wash laundries and businesses known as launderettes, launderalls, and similar types of businesses, shall pay a privilege license tax of \$50 for each business location if the licensee does not solicit business outside of Randolph County. If the licensee solicits business outside of Randolph County, the privilege license tax shall be \$100 for each business location. For purposes of this division, a laundry includes a person engaging in the business of supplying or renting clean linen or towels or wearing apparel. The tax levied under this division shall only be charged if the business is located in the corporate limits of the city. If a laundry has several pick-up stations or receiving outlets in the city, only one privilege license tax shall be levied on the business; a separate tax may not be charged for each station.

(E) ~~Plumbers, Heating Contractors, and Electricians.~~

- (1) ~~Every person engaging in the business of a plumber or installing plumbing fixtures, piping, or equipment; a steam or gas fitter or installing hot-air heating systems; installing electrical equipment; or offering to perform such services shall pay a privilege license tax of \$50. Any person engaged exclusively in the businesses enumerated in and licensed under this division shall not be liable for the tax on contractors, construction companies, installers of elevators and automatic sprinkler systems, and persons repairing elevators and automatic sprinkler systems.~~
- (2) ~~With respect to electricians and electrical contractors, a license procured under this division shall cover the installation of electrical equipment, fixtures, and wiring in or upon the consumer's premises, or on the "customer's side" of the point of delivery of electric service, but shall not cover the installation of or service to transmission or distribution lines or work on the "distributor's side" of the point of delivery of electric service. With respect to plumbers and plumbing contractors, a license procured under this division shall cover plumbing work and plumbing installation in buildings, upon the premises upon which the buildings are situated, and up to the connection with the sewer or water mains, but shall not cover the construction of or work upon water or sewer systems or mains.~~

§ 110.35 SUPPLEMENTAL SCHEDULE OF PRIVILEGE LICENSE TAXES

The following businesses shall pay the amounts specified in this schedule.

ABATTOIRS. Every person engages in the business of operating an abattoir (establishment where animals are butchered), per annum	\$50.00
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ADVERTISING. Advertising not otherwise specifically taxed (outdoor advertising another classification), per annum	\$17.50
AUTOMOTIVE CAR WASH. Per annum	\$25.00
BALLOONS, NOVELTIES, SOUVENIRS, CURIOS AND FLAGS. Every person offering for sale balloons, novelties, souvenirs, curios, flags:	-
—Per person per day	\$5.00
—Per person per week	\$20.00
BED AND BREAKFAST. Every person offering their residence for the purpose of paying guest and serving at least one meal a day for as many as ten people shall pay per annum.	\$10.00
CONCRETE-READY MIX. Every person engaged in the business of selling ready-mixed concrete, per annum	\$25.00
DAY CARE FACILITY.	-
—Less than ten persons, per annum	\$15.00
—10 to 25 persons, per annum	\$25.00
—Over 25 persons, per annum	\$40.00
DELIVERY SERVICE. Every person engaged in the business of parcel delivery or engaged in the business of contracting to perform deliveries, per annum,	\$25.00
DIRECTORIES. Every person compiling and selling directories, per annum	\$25.00
DRAYS, MOVING CONCERNS AND TRANSFER COMPANIES. Every person engaged in the business of operating a moving or transfer company, per annum	\$10.00
DEMOLITION CONTRACTOR. Every person engaged in the business of wrecking and demolition, per annum	\$10.00
FLORIST/LANDSCAPING. Every person engaged in the business of horticulture, growing, planting, or selling flowers, bulbs, plants, shrubs or nursery stock and every person selling or offering for sale cut flowers, bulbs, shrubs, nursery stock, evergreens, artificial flowers or wreaths shall pay per annum,	\$25.00
The foregoing shall not apply to the sale of Christmas Trees, loose holly, mistletoe, or similar loose decorations that are sold by the producer during the Christmas season.	-
FORTUNE-TELLERS, CLAIRVOYANTS AND SIMILAR TRADES. Every fortune-teller, clairvoyant or person following similar trades, per annum	\$1,000.00
FOUNDRY AND MACHINE SHOP. Every person operating a foundry or machine shop, per annum	\$25.00
HARVESTING AND AGRICULTURAL MACHINERY. Every person engaged in the business of selling, trading or dealing in harvesting and agricultural machinery, per annum	\$27.50
LUMBER-BROKER. Per annum	\$25.00
MANUFACTURES. Every person engaged in the business of manufacturing shall pay a license tax as follows:	-

Annual Gross Business of Not Over Per Annum — \$ 80,000 ————— \$15.00 — 160,000 ————— 30.00 — 240,000 ————— 45.00 — 320,000 ————— 60.00 — 400,000 ————— 75.00 — 480,000 ————— 90.00 — 560,000 ————— 105.00 — 640,000 ————— 120.00 — 720,000 ————— 135.00 — Annual gross business of over \$720,000 ————— \$150.00	
MARBLE YARD/MONUMENTS. Every person engaged in the business of erection, selling or offering for sale monuments or articles of like kind, per annum	\$30.00
MISCELLANEOUS. Every person engaged in any business not specifically taxed herein and not exempt by state law or by this code or other ordinance shall pay a license tax of, per annum	\$25.00
NURSING HOME/ADULT CARE FACILITY. Every person engaged in the business of a nursing home/adult care facility which includes the mentally and physically infirm, homes for the aged, group homes, (not more than ten person) convalescent and rest homes. This section shall not apply to any hospital licensed under the General Assembly, per annum	\$50.00
PAINTING. Every person engaged in the business as a painting contractor either by a contract or by the hour, per annum	\$15.00
PRINTING ESTABLISHMENT. Every person engaged in the business of operating a printing establishment, engraver for printing, or newspaper printing, per annum	\$25.00
REPAIR SHOP/SERVICE. Every person engaged in the business of operating a repair business not otherwise taxed, per annum	\$15.00
RETAIL BUSINESS. Every person selling at retail not specifically taxed herein shall pay license as follows (not pertaining to outside city merchants):	-
— (1) Annual gross sales or receipts of not over \$20,000 per annum	\$15.00
— (2) For each \$1,000 or fraction thereof in excess of \$20,000, per annum	\$.65
ROOFING CONTRACTORS, ROOFING PATCHERS, REPAIRERS. Every person engaged in the business of roofing shall pay, per annum	\$15.00
SANDWICHES, WHOLESALE DEALERS. Every person engaged in the business of preparing and selling sandwiches at wholesale, per annum	\$10.00
SHEET METAL, SIDING, TINNING. Every person engaged in the business as a sheet metal, siding, tinning contractor or operating a tin shop, per annum	\$15.00
STORAGE WAREHOUSE. Every person engaged in the business of operating a warehouse, storage or transfer warehouse wherein anything not belonging to the owner	\$50.00

or operator of the same is stored for compensation, per annum	
TELEGRAPH COMPANIES. Every telegraph company engaged in business within the corporate limits, per annum	\$15.00
TELEPHONE ANSWERING SERVICE. Every person engaged in the business of answering telephones for other companies, per annum	\$15.00
TREE SERVICES. Every person engaged in the business of trimming, cutting, pruning trees, per annum	\$25.00
UPHOLSTERS. Every person operating a place of business where any kind of upholstery is done (other than upholstering of automobiles or trucks) shall pay, per annum	\$25.00
WHOLESALE BUSINESS. Every person selling at wholesale shall pay a privilege license tax as follows:	-
—Annual Gross Sales or Receipts of Not Over Per Annum	
—\$ 40,000 ————— \$15.00	
—80,000 ————— 30.00	
—120,000 ————— 45.00	
—160,000 ————— 60.00	
—200,000 ————— 75.00	
—240,000 ————— 90.00	
—280,000 ————— 105.00	
—320,000 ————— 120.00	
—360,000 ————— 135.00	
—Annual Gross Sales or Receipts of Over \$ 360,000 ————— \$150.00	
WRESTLING AND BOXING. Every promoter or exhibitor of any wrestling or boxing matches for which an admission charge is made, per annum	\$50.00

§ 110.36 SPECIAL PROVISIONS RELATING TO LICENSES FOR ESTABLISHMENTS HOLDING ABC PERMITS

- (A) ~~Consideration of applications.~~ An application for a city-issued alcoholic beverage privilege license shall be submitted to the City Clerk for evaluation by the City Manager and the Manager's designee(s). Specifically, but without limitation, the City Clerk shall refer any such application to the Police, Fire, and Building Inspections Departments.
- (1) ~~If none of the three departments recommends denial of the requested license, and no other information is received by the City Manager indicating grounds for the Manager to consider denial, the City Clerk shall issue the license upon payment of the annual license fee.~~
- (2) ~~If any one of the three departments recommends denial of an application, the City Manager shall make the final staff level determination after reviewing the recommendations of the three departments and any other relevant information received by the Manager.~~
- (a) ~~If the Manager determines that there is not sufficient reason to consider denial or non-renewal of an application, he or she shall issue his or her determination and direct that the license be issued.~~
- (b) ~~If the Manager determines that there is sufficient lawful reason to consider denial or non-renewal of an application, the Manager shall refer the application to the City Council for its consideration at the next regular meeting of the Council.~~
- (c) ~~Upon receiving a recommendation from the City Manager that an application for an alcoholic beverage privilege license or renewal be denied, before considering whether to deny the license, the Council shall give the applicant an opportunity to appear at a hearing before the Council and to offer evidence. Any hearing held under the provisions of this section shall be upon at least ten days' notice to the applicant. All persons who present evidence at such a hearing shall be sworn and parties shall have the right to cross-examine witnesses.~~

- (d) ~~The Council shall make written findings of fact based on the evidence presented at the hearing. If the Council finds that the application should be issued, it shall direct the Manager to issue the requested license. If the Council finds that the license should be denied, it shall enter its decision.~~
- (e) ~~The applicant may appeal the denial of a license to the Randolph County Superior Court, by an action in the nature of certiorari, if notice of appeal is given within ten days of the receipt of written findings stating the basis of the Council's denial of the requested permit.~~
- (f) ~~The City Manager shall establish any administrative policies and application forms necessary to implement this section.~~

(B) ~~*License and tax.* In addition to the taxes that must be paid for city beer and wine retail licenses in accordance with G.S. § 105-113.77, a city malt beverage wholesaler or city wine wholesaler license must be obtained on an annual basis for businesses located within the corporate limits of the city. This requirement does not apply to businesses located outside the corporate limits of the city, regardless of whether the business sells or delivers malt beverages or wine inside the city. The annual tax for a city malt beverage wholesaler license or a city wine wholesaler license is \$37.50.~~

CHAPTER 110 PAWNBROKERS

§ 110.01 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PAWN or PAWN TRANSACTION. A written bailment of personal property as security for a debt, redeemable on certain terms within 180 days, unless renewed, and with an implied power of sale on default.

PAWNBROKER. A person engaged in the business of lending money on the security of pledged goods and who may also purchase merchandise for resale from dealers and traders.

PAWNSHOP. The location at which, or premises in which, a pawnbroker regularly conducts business.

PERSON. Any individual, corporation, joint venture, association, or any other legal entity, however organized.

PLEGGED GOODS. Tangible personal property which is deposited with, or otherwise actually delivered into, the possession of a pawnbroker in the course of his business in connection with a pawn transaction.

PURCHASE. An item purchased from an individual for the purpose of resale whereby the seller no longer has a vested interest in the item.

§ 110.02 LICENSE REQUIRED

It is unlawful for any person, firm, or corporation to establish or conduct a business of pawnbroker within the corporate limits of the City of Asheboro unless such person, firm, or corporation has procured a license to conduct business in compliance with the requirements of this chapter and all applicable provisions of the North Carolina General Statutes.

§ 110.03 PAWNBROKER AUTHORITY

A pawnbroker licensee is authorized to: (i) make loans on pledges of tangible personal property, (ii) deal in bullion stocks, (iii) purchase merchandise for resale from dealers, traders, and wholesale suppliers, and (iv) use its capital and funds in any lawful manner within the general scope and purpose of its creation. Notwithstanding the provisions of this section, no pawnbroker has the authority enumerated in this section unless he has fully complied with the laws regulating the particular transactions involved.

§ 110.04 REQUIREMENTS FOR LICENSURE

- (A) To be eligible for a pawnbroker's license issued by the city, an applicant must:
 - (1) Be of good moral character; and
 - (2) Not have been convicted of a felony within the last 10 years.

- (B) Every person, firm, or corporation desiring to engage in the business of pawnbroker within the corporate limits of the City of Asheboro shall submit a petition to the city clerk for a license to conduct such business. In addition to a nonrefundable processing fee of \$20, such petitions shall provide the following information and documentation in a form approved by the city manager:
- (1) The name and address of the person, and, in case of a firm or corporation, the names and addresses of the persons composing such firm or of the officers, directors, and stockholders of such corporation, excluding shareholders of publicly traded companies;
 - (2) The name of the business and the street and mailing address where the business is to be operated;
 - (3) A statement indicating the amount of net assets or capital proposed to be used by the petitioner in operation of the business; this statement shall be accompanied by an unaudited statement from an accountant or certified public accountant verifying the information contained in the accompanying statement;
 - (4) An affidavit by the petitioner that he has not been convicted of a felony; and
 - (5) A certificate from the chief of police, or sheriff of the county, or the State Bureau of Investigation that the petitioner has not been convicted of a felony.
- (C) Upon receipt of the processing fee and the information/documentation specified in division (B) of this section, the city clerk shall transmit a copy of the application to (i) the police department for an investigative report and (ii) the community development division for a report on whether the proposed pawnbroker business is compliant with all of the applicable zoning, building code, and fire prevention code regulations. These units of the city government shall report the results of their reviews of the application to the city clerk within a reasonable period of time not to exceed 30 days.
- (D) An application in proper form shall be placed on the printed agenda of the first regular Council meeting after completion of the reports referenced above in division (C) and for which the normal agenda deadline can be met.
- (E) The provisions of this section shall apply to pawnbroker licenses pending on July 1, 2015, and to applications for such licenses filed after that date.

§ 110.05 ISSUANCE OF LICENSE

- (A) Before issuing a license, the Council shall be satisfied that the applicant is suitable to hold a pawnbroker license and that the location is a suitable place to hold the proposed license. To be a suitable place, the establishment, at a minimum, must comply with the rules and regulations set out in Chapter 66, Article 45, Part 1 of the North Carolina General Statutes. Other factors the Council may consider in determining whether the applicant and the business location are suitable shall include all of the following:
- (1) The application contains no misstatement of fact;
 - (2) The applicant conforms to all requirements of applicable zoning, building, and fire prevention codes;
 - (3) The applicant shall not have been convicted of a felony within a ten-year period preceding the filing of the application;
 - (4) Parking facilities and traffic control infrastructure in the neighborhood;
 - (5) The recommendations of the Asheboro Police Department; and
 - (6) Any other evidence that would tend to show whether the operation of the business at the proposed location would be detrimental to the neighborhood and whether the applicant would comply with the provisions of this chapter and the above-cited state law provisions.
- (B) Upon approval of the application by the Council and the receipt of the bond specified in division (C) of this section, the city clerk shall issue a pawnbroker license to the applicant.
- (C) In accordance with Section 66-399 of the North Carolina General Statutes, every person, firm, or corporation licensed as a pawnbroker must, at the time of receiving the license, file with the city clerk a bond payable to the City of Asheboro in the sum of five thousand dollars (\$5,000), which is to be executed by the licensee and by two responsible sureties or a surety company licensed to do such business in this State, which shall be for the faithful performance of the requirements and

obligations pertaining to the licensed business. The city may sue for forfeiture of the bond upon a breach thereof. Any person who obtains a judgment against a pawnbroker and upon which judgment execution is returned unsatisfied may maintain an action in his or her own name upon the bond to satisfy the judgment.

- (D) The provisions of this section shall apply to pawnbroker licenses pending on July 1, 2015, and to applications for such licenses filed after that date.

§ 110.06 **REVOCAION OF PAWNBROKER'S LICENSE**

A license issued pursuant to § 110.05 of this chapter may be revoked by action of the Council for substantial abuse of this chapter or for substantial abuse of Chapter 66, Article 45, Part 1 of the North Carolina General Statutes. Before the Council revokes a license pursuant to this chapter, and before the Council considers an application for a license pursuant to this chapter, a written notice shall be sent to the licensee or applicant impacted by the proposed action. This notice shall be sent by means of certified mail, return receipt requested, to the addressee listed on the application. The notice shall advise the affected party of a right to appear before the Council, with or without legal counsel, at a stated place and time at least ten (10) days following the date of the notice for the purpose of presenting any evidence relevant to the revocation or application and for the purpose of cross examining any person providing evidence against the respondent. A revocation hearing may be initiated by the chief of police or by the Council.

§ 110.07 **RECORD-KEEPING REQUIREMENTS FOR PAWNBROKERS**

- (A) Every pawnbroker shall keep consecutively numbered records of each and every pawn transaction, which shall correspond in all essential particulars to a detachable pawn ticket or copy thereof attached to the record.

- (B) The pawnbroker shall, at the time of making the pawn or purchase transaction, enter upon the pawn ticket a record of the following information which shall be typed or written in ink and in the English language:

- (1) A clear and accurate description of the property, including model and serial number if indicated on the property;
- (2) The name, residence address, phone number, and date of birth of the pledgor;
- (3) The date of the pawn transaction;
- (4) The type of identification and the identification number accepted from pledgor;
- (5) A description of the pledgor that includes the approximate height and weight along with the pledgor's gender and race;
- (6) The amount of money advanced;
- (7) The date due and the amount due;
- (8) All monthly pawn charges, including interest, annual percentage rate on interest, and total recovery fee; and
- (9) The agreed upon "stated value" between pledgor and pawnbroker in case of loss or destruction of pledged item; unless otherwise noted, "stated value" is the same as the loan value.

- (C) The following shall be printed on all pawn tickets:

- (1) The statement that "ANY PERSONAL PROPERTY PLEDGED TO A PAWNBROKER WITHIN THIS STATE IS SUBJECT TO SALE OR DISPOSAL WHEN THERE HAS BEEN NO PAYMENT MADE ON THE ACCOUNT FOR A PERIOD OF 60 DAYS PAST MATURITY DATE OF THE ORIGINAL CONTRACT. NO FURTHER NOTICE IS NECESSARY.";
- (2) The statement that "THE PLEDGOR OF THIS ITEM ATTESTS THAT IT IS NOT STOLEN, HAS NO LIENS OR ENCUMBRANCES, AND IS THE PLEDGOR'S TO SELL OR PAWN.";
- (3) The statement that "THE ITEM PAWNED IS REDEEMABLE ONLY BY THE BEARER OF THIS TICKET OR BY IDENTIFICATION OF THE PERSON MAKING THE PAWN."; and
- (4) A blank line for the pledgor's signature and the pawnbroker's signature or initials.

- (D) The pledgor shall sign the pawn ticket and shall receive an exact copy of the pawn ticket which

shall be signed or initialed by the pawnbroker or any employee of the pawnbroker. These records shall be available for inspection and pickup each regular workday by the Asheboro Police Department. These records may be electronically reported to the city police department by transmission over the Internet or by facsimile transmission in a manner authorized by the chief of police. These records shall be a correct copy of the entries made of the pawn or purchase transaction and shall be carefully preserved without alteration, and shall be available during regular business hours.

- (E) Except as otherwise provided in this chapter or any applicable provision of state law, any person presenting a pawn ticket to a pawnbroker is presumed to be entitled to redeem the pledged goods described on the ticket.

Section 2. A new Chapter 118 of the Code of Asheboro is hereby enacted to provide as follows:

CHAPTER 118 LOCAL ABC LICENSES

§ 118.01 LOCAL PRIVILEGE LICENSE TAXES

- (A) Retail License and Tax. A person holding any of the following retail ABC permits for an establishment located within the corporate limits of the City of Asheboro shall obtain from the city clerk a city license for that activity. The annual tax for each license is as stated below.

<u>ABC Permit</u>	<u>Tax for Corresponding License</u>
On-premises malt beverage	\$15.00
Off-premises malt beverage	5.00
On-premises unfortified wine, on-premises fortified wine, or both	15.00
Off-premises unfortified wine, off-premises fortified wine, or both	10.00

- (B) Tax on Additional License. The tax stated in division (A) of this section is the tax for the first license issued to a person. The tax for each additional license of the same type issued to that person for the same year is one hundred ten percent (110%) of the base license tax, that increase to apply progressively for each additional license.

- (C) Tax on Malt Beverage or Wine Wholesalers. City malt beverage and wine wholesaler licenses are required for businesses located within the corporate limits of the City of Asheboro. No such license is required for a business located outside the city, regardless of whether that business sells or delivers malt beverages or wine inside the city. The amount of the annual tax for each wholesaler license listed in this division is as follows:

- (1) The tax for a malt beverage wholesaler is \$37.50;
- (2) The tax for a wine wholesaler is \$37.50; and
- (3) The tax for a wholesaler of both malt beverages and wine is \$62.50.

§ 118.02 LICENSE YEAR AND NON-TRANSFERABILITY

The license year for local ABC licenses issued by the City of Asheboro is May 1 to April 30. Once issued, a license may not be transferred from one person to another or from one location to another; a new license must be purchased.

§ 118.03 CONSIDERATION OF APPLICATIONS FOR CITY-ISSUED ABC PERMITS

- (A) An application for a city-issued alcoholic beverage privilege license shall be submitted to the city clerk on forms approved by the city manager. Once properly submitted to the city clerk, the clerk shall forward the application materials to the city manager and the manager's designee(s) for further evaluation. The evaluation process shall include, at a minimum, a review of the applicant's criminal history record by the police department and an evaluation by the community development division of the compliance of the applicant's proposed business location with the applicable zoning.

building, and fire prevention codes. These units of the city government shall report the results of their reviews of the application to the city manager within a reasonable period of time not to exceed 30 days.

- (B) If none of the above-listed units of the city government recommends denial of the requested license, and the city manager indicates to the clerk that no credible material evidence has been submitted to the manager's office as grounds for considering a denial of the application, the city clerk shall issue the license upon payment of the prescribed annual license fee.
- (C) If any unit of the city government recommends denial of an application, the city manager shall make the final staff level determination after reviewing the evaluations submitted by the police department and the community development division along with any other relevant information received by the manager. If the city manager determines that there is an absence of credible evidence to support denial or non-renewal of an application, he or she shall issue his or her determination and direct that the license be issued. Alternatively, if the city manager determines that a sufficient lawful basis exists to consider denial or non-renewal of an application, the manager shall refer the application to the City Council for its consideration at the next regular meeting of the Council.
- (D) Before deliberating about the approval or denial of the issuance of a local ABC permit, the Council shall give the applicant an opportunity to appear and present evidence at a quasi-judicial hearing conducted before the Council. Any hearing held under the provisions of this chapter shall be upon at least ten days' notice to the applicant. All persons who present evidence at such a hearing shall be sworn and parties shall have the right to cross-examine witnesses. The Council shall make written findings of fact based upon the evidence presented at the hearing. If the Council finds that one or more of the requested license(s) should be issued, the Council will direct the city manager to issue the specified license(s). If the Council finds that the application for one or more local ABC licenses should be denied, the Council will enter its decision as part of the written findings of fact. The applicant may appeal the denial of a license to the Randolph County Superior Court by an action in the nature of certiorari so long as, and on the condition that, notice of appeal is given within thirty days of the receipt of written findings stating the basis of the Council's denial of the requested permit.
- (E) The city manager shall establish any administrative policies and application forms necessary to implement this section.

Section 3. Chapter 111 (Massage Parlors) of the Code of Asheboro, which had been supplanted by Chapter 90, Article 36 of the North Carolina General Statutes as the primary regulatory framework for massage parlors and had been retained in the city code for privilege license purposes, is hereby repealed. This chapter is reserved for future use.

Section 4. Section 113.06 of the Code of Asheboro, which pertains to the annual privilege license required from dealers in sexually explicit material, is repealed. Section 113.06 is reserved for future use. All other sections of Chapter 113 are not subject to any amendment and shall remain in full force and effect.

Section 5. Section 114.02 of the Code of Asheboro, which pertains to vehicle licenses as taxicabs within the City of Asheboro, is hereby rewritten to provide as follows:

§ 114.02 VEHICLE LICENSES REQUIRED

Every person, before operating any taxicab within the city or between the city and points not incorporated within a radius of five miles of the city, shall apply to and secure from the ~~Inspections Department~~ **city clerk** an annual license for the privilege of operating each such taxicab, and shall pay for such annual license a tax in the sum of \$15 for each taxicab so operated.

Section 6. Chapter 116 (Massage and Bodywork Therapy) of the Code of Asheboro, which had been supplanted by Chapter 90, Article 36 of the North Carolina General Statutes as the primary regulatory framework for massage parlors and had been retained in the city code for privilege license purposes, is hereby repealed. This chapter is reserved for future use.

Section 7. No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this Ordinance shall be abated or otherwise affected by the adoption of this Ordinance. Similarly, the adoption of this Ordinance shall in no way impair the ability of the city to collect privilege license taxes that were due and payable prior to July 1, 2015, and that remain unpaid.

Section 8. All previously adopted ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed.

Section 9. This Ordinance shall be in full force and effect upon and after the 1st day of July, 2015.

This ordinance was adopted by the Asheboro City Council in open session during a special meeting of the City Council that was held on the 29th day of June, 2015.

/s/David H. Smith
David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk
City of Asheboro, North Carolina

There being no further business, the meeting was adjourned at 1:00 p.m.

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk

/s/David H. Smith
David H. Smith, Mayor