

**ORDINANCE 2006025 OF THE LEWISVILLE TOWN COUNCIL
AMENDING CHAPTER 39 OF THE TOWN CODE
MUNICIPAL SERVICE DISTRICTS
THE WILLOW RUN MUNICIPAL SERVICE DISTRICT
UPDATING EXPIRATION DATES AND DUTIES**

NOW, THEREFORE, THE LEWISVILLE TOWN COUNCIL ORDAINS THAT:

1. Chapter 39 (Municipal Service Districts) of the Lewisville Town Code is amended to reflect changes to the expiration date and duties of board members as reflected in the amendment to item 4. D. 1. e. adding (1) and (2) and item G. 1. a. and b.

Adopted this the 8th day of June, 2006.

ATTEST

Joyce C. McWilliams Walker, Town Clerk

Thomas J. Lawson, Mayor

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**Chapter 39
Municipal Service Districts**

Section 39-1 Willow Run Municipal Service District

- A. Definitions (as pertains to Chapter 39 of the Lewisville Town Code):
1. *Authorization* refers to approving a capital project or acquisition.
 2. *Appropriation* making revenues or financing available for expenditure.
 3. *Public Dam* refers to the dams located in the Runnymede Subdivision.
 4. *Public Funds* are funds collected and expended for public purposes which must first be appropriated by the local government governing body.
- B. Purpose: The purpose of the Willow Run Municipal Service District is to maintain the lakes and dams located within the Runnymede subdivision for the purpose of maintaining the area water resources development project and permitting Municipal Service District resident use of the lakes for recreational and sporting purposes.
- C. Establishment:
1. Pursuant to Resolution 2002046, the Town Council establishes the Willow Run Municipal Service District, as described therein, upon its majority vote in accordance with its established procedures and North Carolina General Statutes.
 2. If the conditions set forth in Chapter 39, Section C.3. are met, then the Town shall acquire from the Runnymede Acres Association, Incorporated properties recorded at the Forsyth County Office of Register of Deeds and the Forsyth County Tax Office as control lot 4407004K and subordinate lot 4407006F, control lot 4471303, control lot 4471302, and control lot 4471304, (the "Lakes and Dam Property") provided, however, if the conditions are not met within one (1) year of the date of passage of this chapter, then the Service District shall be abolished.
 3. Prior to acquiring the Lakes and Dam Property, the Town shall undertake the following due diligence which shall yield results satisfactory to the Town:
 - a. Obtain a Survey of Lakes and Dam Property;
 - b. Obtain a Phase I Environmental Report;
 - c. Acquire sufficient evidence to demonstrate that the Association has the authority to convey the Lakes and Dam Property and carry out any additional conditions; and
 - d. Obtain any other investigations deemed to be in the best interests of the Town including, without limitation, an investigation of the integrity of the dams.
 4. Should the Town Council abolish the Willow Run Municipal Service District and vote to abandon the related Town of Lewisville properties the properties shall revert to the existing or established homeowners' association.

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AMENDING CHAPTER 39 OF THE TOWN CODE
MUNICIPAL SERVICE DISTRICTS
THE WILLOW RUN MUNICIPAL SERVICE DISTRICT
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- a. If the Town determines that the conditions of section C.3. have not been met then the Town Council may abolish the Municipal Service District at its discretion.
 - b. Action to abolish the district at any time after the acquisition of the lakes and dams properties by the Town may commence as follows:
 - (1) Town Council may pass a resolution of intent to abolish the district with such resolution being passed at least six months prior to the date of abolishment.
 - (2) Municipal Service District Advisory Board may recommend to the Town Council a resolution of abolishment for Town Council's consideration.
 - (3) The staff may prepare a report which shows that the Willow Run Municipal Service District is no longer needed to meet the needs of the district property owners. The report shall be submitted to the advisory board for their recommendation and forwarded to the Town Council who may request, based on the report and board recommendation, a resolution of intent be prepared and presented at the next regularly scheduled meeting of the Town Council.
 - (4) Property owners may petition for abolishment of the district. Such petition shall be considered sufficient provided 65% or more of the property owners state their desire for abolishment. Upon submission of a sufficient petition the town staff shall prepare a report to the advisory board who shall review and make a recommendation to the Town Council. Upon receipt of the petition, report, and recommendation the Town Council may request a resolution of intent be prepared and presented at the next regularly scheduled meeting of the Town Council,
 - c. The resolution of intent to abolish the district:
 - (1) The resolution of intent shall state the intended date of abolishment, which shall not be less than six months prior to the abolishment date.
 - (2) The Town Council shall cause a notice of passage of the resolution of intent to be published in a daily newspaper having general circulation in the county no less than 14 days after passage of the resolution.
 - d. Final actions to abolish the district:
 - (1) Public hearing required in accordance with paragraph J. (Modification) of this chapter.
 - e. Should the Willow Run Municipal Service District, at the time of abolishment, be in a deficit (debit) fund balance, abolishment of the district and abandonment of the properties shall be deferred until such time that the fund is no longer in a deficit status.
5. Notwithstanding anything contained herein, the Town may, in its discretion, choose to require transfer of the dam property only.

**ORDINANCE 2006025 OF THE LEWISVILLE TOWN COUNCIL
AMENDING CHAPTER 39 OF THE TOWN CODE
MUNICIPAL SERVICE DISTRICTS
THE WILLOW RUN MUNICIPAL SERVICE DISTRICT
UPDATING EXPIRATION DATES AND DUTIES**

D. Advisory Board:

1. Except for this initial interim advisory board named by the Town at the time of passage of this ordinance, the Town Council shall thereafter appoint an advisory board as follows:
 - a. Board membership shall be seven members:
 - (1) Five members shall be one member each representing five representation districts from within the municipal service district.
 - (2) Two members shall be at-large from within the municipal service district.
 - (3) Board members shall be residents and property owners of the representation district represented.
 - (4) The Town Manager shall serve as an ex officio member of the board who shall not be permitted to make or second motions or vote on any matter before the board.
 - b. Board vacancies shall be advertised for appointment and applicants may be recommended by the Willow Run Homeowners' Association.
 - c. Board members shall serve three-year terms except that the first board shall have members appointed as follows:
 - (1) Three members shall be appointed for three-year terms.
 - (2) Two members shall be appointed for two-year terms.
 - (3) Two members shall be appointed for one-year terms.
 - d. Subsequent appointments shall be for three-year terms.
 - e. Appointments shall commence on January 1 and expire December 31.
 - (1) In 2006, Council determined that the terms should commence on April 1 and end on March 31 rather than December 31, and extended all terms of then serving members from the date their terms would have expired to the next occurring March 31.
 - (2) Terms in effect as of the date of adoption of this ordinance shall be extended to the next occurring March 31.
 - f. Board members shall serve without compensation.
 - g. Board members shall be limited to a maximum of five consecutive terms.
 - h. The Town Council shall have the authority to remove board members for cause.
 - i. Board members may resign their appointment at any time provided the Town Council is given a 30 day notice of resignation and Town Council shall appoint new members to complete existing terms.
 - j. Board Officers:
 - (1) The board shall elect, from among themselves, a chairperson and a vice chairperson.
 - (2) Board officers shall be elected at the first meeting following the annual appointment of new members
 - (3) The chairperson shall reside over meetings.

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AMENDING CHAPTER 39 OF THE TOWN CODE
MUNICIPAL SERVICE DISTRICTS
THE WILLOW RUN MUNICIPAL SERVICE DISTRICT
UPDATING EXPIRATION DATES AND DUTIES**

- (4) The vice chairperson shall reside over meetings in the absence of the chairperson.
- (5) Should the chairperson be unable to continue to perform the duties of chairperson the vice chairperson shall assume the duties of the chairperson and the board shall elect a new vice chairperson.

2. Representation Districts:

a. There shall be five representation districts as follows:

- (1) Willow Run Representation District One.
 - (a) Control lot properties included:
 - (i) Ashfield Court lots (Block 4471) 034, 035, 036, and 037.
 - (ii) Ashfield Drive lots (Block 4471) 029, 030, 031, 032, and 033.
 - (iii) Barnstable Road lots (Block 4471) 087, 088, 089, 090, 091, 092, 093, 094, 095, 096A, and 096B.
 - (iv) Chesterfield Road lots (Block 4405) 017L and 612, (Block 4471) 044, 045, 046, 047, 048, 049, and 050.
 - (v) Falmouth Drive lots (Block 4471) 019 and 038.
 - (vi) Harwick Court lot 4471022.
 - (vii) Marblehead Road lots (Block 4471) 039, 040, 041, 042, and 043.
 - (viii) Pinehurst Drive lot 4471086.
 - (ix) South Marblehead Road lots (Block 4471) 098A, 098B, 100A, 100B, 101A, 103, 104, 105B, 106, 107, 108, 109, and 110.
 - (x) Styers Ferry Road lot 4471018.
 - (b) Initial appointment shall be for three-year term.
- (2) Willow Run Representation District Two:
 - (a) Control lot properties included:
 - (i) Ashfield Drive lots (Block 4471) 021, 025A, and 025B.
 - (ii) Chesterfield Road lots Block 4407004R, (Block 4471) 012, 124, and 125.
 - (iii) Desmond Drive lots (Block 4471) 026, 027, and 028.
 - (iv) Falmouth Drive lots (Block 4471) 017 and 020.
 - (v) Harwick Court lots (Block 4471) 023 and 024.
 - (vi) Marblehead Road lots (Block 4471) 013, 014, 015, and 016.
 - (vii) South Marblehead Road lots Block 4407004M, (Block 4407A) 001 and 024A, (Block 4471) 111, 112, 113, 114, 115, 116A, 116B, 118, 119, 120, 121, 122, and 123.
 - (viii) Woodford Road lots (Block 4407A) 002, 003, 004, 011, 012, 013, 014, 015, 016A, 016B, 019, 020, 021, and 022.
 - (ix) Yarmouth Lane lots (4407A) 005, 006, 007, 008, 009, and 010. Initial appointment shall be for a two-year term.

**ORDINANCE 2006025 OF THE LEWISVILLE TOWN COUNCIL
AMENDING CHAPTER 39 OF THE TOWN CODE
MUNICIPAL SERVICE DISTRICTS
THE WILLOW RUN MUNICIPAL SERVICE DISTRICT
UPDATING EXPIRATION DATES AND DUTIES**

- (b) Initial appointment shall be for a three-year term.
- (3) Willow Run Representation District Three:
- (a) Control lot properties included:
 - (i) Barnstable Road lots (Block 4471) 077, 078, 079, 080, 081, 082, 083, 084, and 085.
 - (ii) Buckey Court lots (Block 4405B) 017P, 065, and 202.
 - (iii) Chesterfield Road lots (Block 4471) 051, 074, 075, and 076.
 - (iv) Ellison Creek Road lots (Block 4405B) 049, 050, 066, and 067.
 - (v) Pinehurst Drive lots (Block 4471) 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 068, 069, 070, 071, 072, and 073.
 - (vi) Willowmede Drive lots (Block 4405B) 033, 034, 035, 047, 048, 071A, 071B, 075, 076, 201, and 203.
 - (b) Initial appointment shall be for a one-year term.
- (4) Willow Run Representation District Four:
- (a) Control lot properties included:
 - (i) Belhaven Court lots (Block 4405) 022E and 022M, (Block 4405C) 001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 012A, 012B, 013, 014, 016, 017, 018, 019, and 020.
 - (ii) Chesterfield Road lot 4405C021.
 - (iii) Ellison Creek Road lots (Block 4405B) 099, 100, 110, 111, 112, and 113.
 - (iv) Homewood Drive lots (Block 4405B) 003, 004, 005, 006, 007, 008, 009, 010, 092, 093, 094, 095, 096, 097, and 098.
 - (v) Merry Hill Court lots (Block 4405B) 101, 102, 103, 104, 105, 106, 108A, 108D, and 109.
 - (b) Initial appointment shall be for a three-year term.
- (5) Willow Run Representation District Five:
- (a) Control lot properties included:
 - (i) Ellison Creek Road lots (Block 4405B) 013, 014, 015, 016, 017, 018, 019, 020, 022B, 028A, 028B, 030, 031, 032, and 302.
 - (ii) Homewood Drive lot 4405B091.
 - (iii) Kings Tree Road lots (Block 4405B) 001, 002, 077, 078A, 078B, 080, 081, 082, 083, 084, 085, 086, 087, 088, 089, 090,

**ORDINANCE 2006025 OF THE LEWISVILLE TOWN COUNCIL
AMENDING CHAPTER 39 OF THE TOWN CODE
MUNICIPAL SERVICE DISTRICTS
THE WILLOW RUN MUNICIPAL SERVICE DISTRICT
UPDATING EXPIRATION DATES AND DUTIES**

114, 115A, 120, 121, 122, 123, 124A, and 124B.

(iv) West Bend Court lots (Block 4405B) 115B, 118, and 119.

(v) Witherbee Court lots (Block 4405B) 023, 025, 026, and 027.

(b) Initial appointment shall be for a two-year term.

(6) At-Large Representation District:

(a) Initial appointments shall be one appointment for two-year term and one appointment for one-year term

3. Duties of the board:

a. Advise the town council on matters concerning the operation of the municipal service district.

b. Advice shall include but not be limited to:

(1) Municipal Service District budget.

(2) Municipal Service District tax rate.

(3) Requirements for maintaining or improving the ecosystem of the lakes, for recreational purposes, not to meet town storm water management requirements.

(4) Proper maintenance and repair of dams located in the municipal service district.

(5) Lake use policies.

(6) Lake shore and dam improvements for lake access by all residents and property owners of the municipal service district.

(7) Contract review and recommendations to the Town Manager or Town Council (Town Manager or Town Council based on authority assigned to the Town Manager).

c. Board Meetings:

(1) Board shall meet a minimum of four times annually.

(2) Board meetings shall be conducted in accordance with the open meetings laws of North Carolina.

(3) Conduct of meetings shall be in accordance with the same policies adopted by the Town Council for the conduct of Town Council Meetings which is currently the book, *Suggested Rules of Procedure for a City Council* by A. Fleming Bell, II of the North Carolina Institute of Government, as amended by the Town Council.

(4) Agendas and minutes of board meetings shall be available to the public in accordance with the public records laws and by the same means as other board and committee meeting minutes and agendas are made available to the public.

E. Funds:

1. Authorized uses of public funds (Municipal Service District Funds):

a. Maintenance of the public dams and lakes as a water resource development project.

b. Maintenance of public dams as required to meet or maintain state standards of earthen

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AMENDING CHAPTER 39 OF THE TOWN CODE
MUNICIPAL SERVICE DISTRICTS
THE WILLOW RUN MUNICIPAL SERVICE DISTRICT
UPDATING EXPIRATION DATES AND DUTIES**

- dams.
 - c. Repair of public dams as required to meet or maintain state standards of earthen dams.
 - d. Actions necessary to maintain or improve lake ecosystems.
 - e. Projects to maintain or improve user access to the lakes for recreational and/or sporting purposes.
 - f. Acquisition of real property, easements, and rights-of-way for purposes of accomplishing the uses listed in paragraphs a through d above.
 - g. Public education and notification of lake and dam use and safety.
2. Sources of service district public funds:
- a. Ad valorem tax revenues collected based on property values and property tax rates as set by the Town Council.
 - (1) Ad valorem property tax rate shall not exceed five cents per \$100 property value except when necessary to meet projected Municipal Service District budget year cash flow requirements.
 - b. Interest earnings as earned from investments using Municipal Service District funds.
 - c. Contributions and donations.
 - d. Grants.
 - e. Debt as authorized by the Town Council or as voted by the registered voters of the town.
 - f. User Fees as may be recommended by the Municipal Service District Board and approved by the Town Council, except for the first year of operation the Town Council may set user fees absent a recommendation from the Municipal Service District Advisory Board.
 - g. Other funds that may be authorized and appropriated by the Town Council.
- F. Appropriations:
- 1. No public funds shall be expended from Municipal Service District funds without first an appropriation by the Town Council.
- G. Budgets:
- 1. The Town Council shall adopt an annual operating budget for the Municipal Service District which shall first be recommended by the Municipal Service District Advisory Board.
 - a. The Board shall submit an annual budget request to the Town Manager by February 28th of each year.
 - b. Expenditures must follow the town financial procedures.
 - 2. Municipal Service District capital projects may be included in the town's capital improvement plan.
- H. Lake and Dam Use:
- 1. Use of the lakes and dams of the Municipal Service District is restricted to Lewisville property owners, residents, and bonafide guests.
 - 2. Anyone using lake facilities does so at their own risk.

**ORDINANCE 2006025 OF THE LEWISVILLE TOWN COUNCIL
AMENDING CHAPTER 39 OF THE TOWN CODE
MUNICIPAL SERVICE DISTRICTS
THE WILLOW RUN MUNICIPAL SERVICE DISTRICT
UPDATING EXPIRATION DATES AND DUTIES**

3. Operating hours:
 - a. Operating hours are daily from one hour before sunrise until midnight except that boating and fishing are permitted only from dawn to dusk.
 - b. Nuisance noise shall not be permitted at any time.
 - c. Noise that can be heard more than 150 feet from the source of the noise shall not be permitted after 10:00 p.m. or one hour after dark, whichever is later.

4. Private docks permitted:
 - a. Should private docks extend onto Town owned lake property the dock owner shall apply for and receive an encroachment permit.
 - b. Docks shall be constructed in such a manner that a portion of the dock shall be on private property.
 - c. Docks shall be maintained in such as manner as they are safe and shall not present a hazard to any user of the lakes and dams.
 - d. Requestor of encroachment permits shall indemnify the Town of any liability related to the private or public use of the dock.
 - e. Failure to properly maintain a dock may result in the Town ordering the repair or removal of the dock.
 - (1) If the owner fails to comply with the order to repair or remove, the Town may remove the dock.
 - (2) Public costs related to removal of a dock shall be borne by the owner.
 - (a) The Town shall forward an invoice to the owner requesting payment of expenses related to the removal of the dock.
 - (b) Should the Town not receive payment for removal of an unsafe dock, the Town may place a lien against the related property and collect the fee as unpaid taxes.

5. Boats permitted:
 - a. Users may use boats, canoes, and similar craft without internal combustion engines.
 - b. Electric trolling motors are permitted.
 - c. Boaters shall not cause a wake which may interfere with other boaters and users of the lakes.
 - d. Boats are not permitted to drift free and must be moored when docked or not in boating use.
 - e. All occupants of boats must wear approved (United States Coast Guard) life vests appropriate for the occupants size and weight.
 - f. Boaters shall not be intoxicated or otherwise impaired.
 - g. Boaters and other lake and dam users shall remain aware of weather conditions and shall not place themselves in unsafe situations related to hazardous weather conditions.

6. Fishing permitted:
 - a. Fishing is permitted in accordance with North Carolina fishing laws.
 - b. Fishing is permitted from boats, dams, docks, piers, and shorelines.

**ORDINANCE 2006025 OF THE LEWISVILLE TOWN COUNCIL
AMENDING CHAPTER 39 OF THE TOWN CODE
MUNICIPAL SERVICE DISTRICTS
THE WILLOW RUN MUNICIPAL SERVICE DISTRICT
UPDATING EXPIRATION DATES AND DUTIES**

- c. Fish traps and netting are not permitted at any time.
- 7. Swimming permitted:
 - a. Swimming is at the swimmers own risk.
 - b. Swimmers shall not swim alone, at least one other person must be present and observing in the event the swimmer encounters difficulty.
- 8. Hunting with firearms, air guns, pellet guns, and archery not permitted on lake and dam properties.
- 9. Open burning on Town of Lewisville owned public property is not permitted.
- 10. Dumping of materials, waste or otherwise, is not permitted on Town of Lewisville owned public property and town officials shall pursue the harshest civil penalties against those individuals discovered dumping such materials.
- 11. Diverting lake waters for other uses is not permitted except as approved by the Town Council.
- 12. Control of pests endangering the lake ecosystem, hampering the public use of the lakes and dams, or endangering the public welfare and safety, may be conducted under the direct supervision of town officials or persons appropriately designated by town officials.
- 13. Town officials may issue temporary emergency use rules in order to protect safety of life and property.
- 14. No individual may place any private sign on Town of Lewisville property located within the Willow Run Municipal Service District.
- I. User Permit:
 - 1. Any resident or property owner of the Town of Lewisville may use the public lakes, dams, and shorelines provided they possess the appropriate user permit.
 - 2. User permits shall be issued upon request and payment of the published user fee.
 - a. Permits may be issued only to town residents/property owners for personal use excluding organizational entities.
 - b. Permits are family permits in that any family member residing at the address of the permit holder may use the permit, otherwise the permit is non-transferable
 - c. Permit holders shall accompany bonafide guests using the lakes and dams.
 - (1) Bonafide guests are non-residents or non-property owners of the town (residents and property owners of the town who desire to use the lakes and dams are expected to purchase a user permit).
 - (2) Permit holders are limited to hosting a maximum of five adult bonafide guests during any one outing.
 - 3. Lost permits shall be replaced upon request and payment of the replacement fee:

**ORDINANCE 2006025 OF THE LEWISVILLE TOWN COUNCIL
AMENDING CHAPTER 39 OF THE TOWN CODE
MUNICIPAL SERVICE DISTRICTS
THE WILLOW RUN MUNICIPAL SERVICE DISTRICT
UPDATING EXPIRATION DATES AND DUTIES**

- a. Replacement fee shall be the original annual fee prorated for time remaining on the original permit with a maximum fee equal to half the original permit fee.
 4. Requests for user permit shall be submitted to the Town Manager or his/her designated representative.
 5. User permit fees shall be annually set and published in the annual operating budget of the town.
 6. Property owners and residents of the Willow Run Municipal Service District shall be exempted from payment of the annual user fee.
- J. Modifications:
1. This chapter 39 shall not be modified by the Town Council without first conducting a public hearing.
 2. Notice of a public hearing to consider changes to chapter 39 shall be published at least once in a local daily newspaper having county wide circulation no less than 10 days and no more than 30 days prior to the public hearing.
 3. Notice of a public hearing shall also be posted at the three entrances into the Willow Run Municipal Service District (Desmond Drive, Falmouth Drive, and Chesterfield Road) no less than five days prior to the public hearing.