

ORDINANCE 2007-

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF GARDEN CITY, GEORGIA, AS AMENDED, TO RESTATE ARTICLE V, CHAPTER 82 THEREOF RELATING TO WATER AND SEWER RATES AND CHARGES; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY The Mayor and Council of Garden City, Georgia, and it is hereby ordained by the authority thereof that:

Section 1. That Article V of Chapter 82 of the Code of Ordinances of Garden City, Georgia, entitled "Water and Sewer Rates and Charges," is hereby deleted in its entirety and replaced by the following:

"Article V - Water & Sewer Rates and Charges.

Sec. 82-171. Water and Sewer System
Accounts; Establishment of
Rates.

It shall be the duty of the City Administrator to place into effect, with approval of the Mayor and Council, schedules of rates, tolls, fees and charges for the services, facilities, and commodities furnished by the City's water and sewer system and, as often as it may appear necessary, to revise and adjust said schedules to the extent necessary to produce funds sufficient to:

- (a) Pay the operating expenses of the combined water and sewer systems;
- (b) Pay the principal and interest when due on any revenue bonds and debt obligations of the water and sewer system, including funding of any debt service reserves or credit reserves required thereby; and,
- (c) Fund any minimum renewal and extension fund requirement as established by a bond or ordinance or other proper resolution of the Mayor and Council;

at least equal to 120% of the amount required for the then current fiscal year or accounting period; provided, however, for such systems, a schedule of rates, tolls, fees, and charges for the services, facilities, and commodities furnished by each individual system shall be

imposed so as to operate each individual system on a sound business-like basis. For purposes of this Section, the system will be deemed to have operated on a sound business-like basis if net revenues of each individual system at least equals 100% of that portion of estimated of operating expense, plus debt service, allocable to that system during the current budget period. Such rates, fees, tolls, and charges will be classified in a reasonable manner to cover users of the services and facilities furnished by the combined system so that, as nearly as practicable, such rates, fees, tolls, and charges shall be uniform in application to all users falling within any reasonable class. No free service will at any time be furnished, including to any political subdivision or any public body. No customer will be connected to the combined system or any individual utility thereof without first having executed a service agreement in the form provided by the City Administrator, and pay the applicable connection fees and charges. Where applicable, a proper meter shall first be installed for services or commodities as delivered. To the extent authorized by law, it shall be the duty of the City Administrator to require the owners of all improved property accessible to services of the combined system to connect thereto.

Sec. 82-172. Definition of Residential Equivalent Unit.

For the purposes of interpreting the provisions of this Article V, a residential equivalent unit is defined as that portion of a user's facility that has an impact on the water and wastewater system equivalent to a single-family residence. The determination of a facility's residential equivalent unit shall be based on estimated water consumption as shown in guidelines established by the City Administrator, and approved, from time to time, by City Council, or on square footage. Peak water consumption of three hundred (300) gallons per day or a floor space of three thousand (3,000) square feet, shall be the

equivalent of one residential unit. The method which results in the greater number of equivalent residential units shall be applied. The standards in the above-mentioned guidelines shall be used in the determination of water consumption. If the guidelines do not provide information for a particular application, the estimated water consumption shall be calculated by the City Administrator in accordance with sound engineering practices used and information available from the Georgia EPD, USEPA, or standard reference materials, commonly used for estimating flows.

Sec. 82-173. Deposit Required; Receipt; Disposition of Funds.

The person in whose name the utility service is ordered must post a deposit prior to the installation of utility service by the City. The deposit shall be two and one-half times the monthly bill for all services, as estimated by the City Administrator using whatever data may be available, in the minimum deposit of Fifty and No/100s (\$50.00) Dollars per residential unit or residential equivalent unit for water and Seventy-Five and No/100s (\$75.00) Dollars per residential unit or per residential equivalent unit for sewer. Deposits may be waived if evidence is produced that the customer has a good record of payment or that the customer would reasonably be expected to pay all bills promptly. If utility bills are paid on time for a period of four (4) years, the deposit shall be refunded by the City. In the event that a deposit is waived or is less than two and one-half times the monthly bill for all services for whatever reason, and the customer is delinquent in payment of one or more bills, the deposit for that customer's account or accounts may be required to be increased to two and one-half times the monthly bill for all services. Such increased deposit may be required to be paid in full before reconnection of service. If a customer discontinues the use of water furnished by the City and he owes no unpaid water and sewer bills to the City, the deposit

made pursuant to this Code Section shall be refunded to him without interest.

Sec. 82-174. Connection Charges Established;
Payment of Cost of Connection.

Water and waste water tap-in fees shall be charged on the basis of residential units or residential equivalent units according to a fee schedule established by the City Administrator and approved, from time to time, by City Council. The tap fee for water service shall include the charge for connecting the utility force main with the service lateral. The consumer/owner shall also pay an installation fee for the labor and materials necessary to install the water meter measuring the water flow to the premises served (including the meter itself, backflow preventer, and meter box), and the service lateral running from the tap juncture to the water meter. Any connections from the meter to the premises being furnished utilities shall be under the supervision and inspection of the Building Inspector.

Sec. 82-175. Use of Sewer Connection Charge.

All fees charged for each tap or connection for sewer service to the municipal sewer system shall be deposited by the City Administrator in an interest-bearing bank account separate from other funds of the City and shall be used by the City only for the purpose of expanding, modifying, or enlarging the sewage treatment facility or plant of the City and for no other purpose. The City Administrator shall maintain a separate receipt book for each tap or connection fee on the payment of the fee and keep a duplicate receipt and ledger for each connection or tap fee deposited in the separate bank account.

Sec. 82-176. Water Meters.

(a) Installation of Water Meters, In General.

Water meters shall be installed on the premises or properties occupied by all the

users of water furnished by the City at a location established by Building Inspector.

(b) Number of Meters to be Installed.

- (1) A separate meter shall be installed for each single family residence in the City.
- (2) In all multi-unit residential units or apartment buildings containing four (4) or less residential units, for trailer parks containing four (4) or less manufactures homes, and all multi-unit residential dwellings, apartment buildings, and trailer parks built after January 1, 2008, there shall be a separate meter installed for each dwelling unit.
- (3) Any multi-unit residential dwelling or apartment building containing more than four (4) residential units, or trailer parks containing more than four (4) manufactured homes, constructed prior to January 1, 2008, may either be on a single water meter or have separate meters for each dwelling unit.
- (4) Whether any commercial development (excluding apartment complexes) is on a single water meter, or multiple meters shall be determined by the City Administrator based on its physical make-up including, but not limited to, the size, number, and location of its buildings and units.

(c) Extent of Maintaining and Repairing Meters and Service Lines.

- (1) The cost of the maintenance of City-supplied water meters shall be borne by the City. The service line running from the water main to the consumer's meter shall be maintained by the City at the consumer's cost except that repairs will be made at the expense of the City when the damage being repaired is due to

negligence on the part of the City. The cost of such repairs will be billed to and paid by the consumer/owner or the City may cut off the supply of water and water will not be turned on again until the charges are paid to the City.

- (2) The consumer/owner shall maintain the service lines running from the meter to the premises served. The City may, in case of emergency, repair any service line running from the meter to the premises served and, if this is done, the cost of such repair work shall be repaid to the City by the owner of the premises.

- (d) Adjustments to Charges.

The City Administrator shall be authorized to make equitable adjustments in billings for wastewater services only in cases where leaks and pipes and plumbing facilities result in increased billings without fault on the part of the customer. Such adjustments shall be made based on an average of prior billings only after repairs have been made as certified by a licensed plumber, and shall be limited to three (3) months' billings.

- (e) Procedure when Meter is Inaccessible.

If a meter reader is unable to procure a reading of a meter after two calls due to the occupant not permitting entrance, or entrance to the premises is made precarious by a vicious dog or otherwise, or ingress to the meter is obstructed in any way whatsoever, the water may be shut off by the City and an estimated charge made for the amount of water consumed. In case the water is shut off for any of such reasons, it will not be turned on again until free access to the meter is provided and payment of arrearage is made.

(f) Control; Interference Unlawful.

All meters shall remain under the direct control of the City and it shall be unlawful for persons other than those authorized by the City to connect, disconnect, or tamper with any such meter.

(g) Disconnection Charge When Service Terminated for Non-Payment.

In the event that service has been cut-off for non-payment of any City utility bill or other action resulting in unauthorized use of city services, service will not be restored until the unpaid bill and service fees set forth in the schedule established by the City Administrator and approved by Mayor and Council from time to time are satisfied. Before service is restored, service fees shall be paid by the user cumulatively for each of the following actions taken to prevent unauthorized use of City services: (1) turn on after delinquent cut off; (2) locking meter; (3) removal of meter; (4) removal of straight line; (5) removal of unauthorized relocated meter; and (6) cutting off water at main. Payment of these fees shall not exempt any user from any civil or criminal action resulting from violation of this Chapter.

(h) Water and Sewage Fees for Industrial Establishments.

In cases where the character of the sewage from any manufacturer or industrial plant, building, or premises is such that it imposes an unreasonable burden upon the City sewage disposal system, a charge in addition to that already imposed by the City upon such business may be made therefor, and/or the Council may, as it deems it advisable, compel such manufacturing or industrial plant, building, or premises to treat such sewage in such manner as shall be specified by Council before discharging such sewage in any sewer lines owned or maintained by the City. Factors considered in setting the

additional sewer charge shall include, but not be limited to, the constituents and characteristics of the plant's wastewater, the quantity of water consumed by the establishment, the number and size of sewer connections, and the necessity for the City to establish monitoring programs. No such additional charge shall be fixed until after a public hearing at which the owners, tenants, or occupants of the property served or to be served by the sewage disposal system and all others interested shall have an opportunity to be heard concerning the proposed additional charge.

(i) Filling of Swimming Pools.

Whenever a swimming pool is filled with water, the property owner, tenant, or other person owning the pool shall apply to the City Administrator for an adjustment of his/her utility bill to account for the lack of sewer service incidental thereto.

Sec. 82-177. Overhead Sprinkler Systems.

There shall be an additional charge imposed as established by the City Administrator, and approved by Mayor and Council from time to time, for any overhead sprinkler system installed in any facility serviced by the City's water.

Sec. 82-178. Responsibility for Payment of Charges; Lien for Unpaid Charges.

The owner of the premises and real property shall be liable for all water rent and water charges and sewer service charges for water and sewer service furnished by the City. When rents and charges are due and remain unpaid for a period of sixty (60) days, the Mayor and Council may cause an execution to be issued by the City Administrator against the owner of the premises upon which the water and sewer service are furnished, and any other persons as may be liable therefor. The execution shall be a lien upon the premises, and when

recorded in the general execution docket of the county shall be a lien upon all the property of the defendant in execution from the date of such record. The execution may be levied by the marshal of the City or his deputy, and after advertisement and other proceedings as in the case of sales for the nonpayment of taxes the property levied upon shall be sold at public outcry to the highest bidder, and such sale shall vest an absolute title in the purchaser; provided that the defendant shall have the right to file an affidavit denying that the whole or any part of the amount for which the execution issued is due and stating what amount he admits to be due, which amount so admitted to be due shall be paid or collected before the affidavit is received, and the affidavits received for the balance. All affidavits shall set out in detail the reasons why the affiant claims the amount is not due, and when received by the City Marshall shall be returned to the Municipal Court if the amount contested is \$500.00 or under, and to the Superior Court of the County if the amount is over \$500.00, and there the matter shall be tried and the issue determined.

Sec. 82-179. Execution for Unpaid Charges
Not to Be Issued When Deposit
Has Been Made.

The Mayor and Council shall not enforce the collection of water rents by the issuance of an execution against the property of the owner where a deposit has been made by the tenant or user in accordance with this Article.

Sec. 82-180. Multiple Users Served by Single
Line.

The owner of the premises and real property shall be liable for the payment of all charges for water and sewer service to the premises in all cases where there is more than one user on one water system line without a separate stopcock installed for each user. In such cases, the owner shall be required to file an application in accordance with Section 82-28

and the owner shall be responsible for the charges in accordance with Section 82-177. In all such cases where there is more than one user on a line served by one stopcock, a deposit will not be accepted from any of the occupants, tenants or users who may be served by the same water line.

Sec. 82-181. Collection of Processing Fee for Returned Checks Presented to the City for Payment of Water and Sewer Charges.

The City shall charge a processing fee to be established by the City Administrator and approved by Council, from time to time, or the maximum amount allowed under applicable state law, whichever is less, for any check made in payment to the City for water and sewer charges which is returned because of insufficient funds or because the drawer did not have an account at the bank upon which such check was drawn.

Sec. 82-182. Right to Shut Off Utilities for Repair; Emergencies.

The City Administrator shall have the right to shut off utilities for necessary repairs and work upon the system; provided, however, shut offs shall be planned to the extent possible and reasonable notice given to users by the best available means; in any emergency situation, notice of a shut off is not required. The City will exercise its best efforts to restore normal levels of service as soon as feasible, considering the nature of the situation and all circumstances. The City shall not be responsible for damages or rebate of fees, rates, tolls, and charges for temporary outages or shut offs, or for compensatory damages allegedly arising from loss of utility services.

Sec. 82-183. Damaging, Injuring, or Interfering with Property of the Combined System.

(a) Any person who acts:

- (1) Intentionally and without authority to injure or destroy any meter, pipe, conduit, wire, line, post, lamp, or other apparatus belonging to the combined system;
- (2) Intentionally and without authority to prevent a meter from properly registering the quantity of such service supplied;
- (3) In any way to interfere with the proper action of officers and employees of the combined system;
- (4) Intentionally to divert any services to another person who knowingly receives the benefit of such services without proper charge; or
- (5) Otherwise intentionally and without authority uses or receives the benefit, without consent of the City, of any utility services;

shall be guilty of a violation of this Section and upon conviction shall be punished by a fine not to exceed \$1,000.00 or imprisonment not to exceed six (6) months.

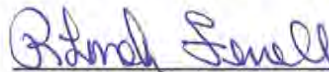
- (b) Any person who, with knowledge of such violation, receives the benefit of any utility service offered or provided by the combined system, without proper charge, shall be guilty of a violation of this Code Section.
- (c) Where there is evidence to the contrary, the person in lawful possession of the premises receiving the benefit of service without proper charge as a result of improper action shall be presumed to be responsible for the act of tampering or diversion.

- (d) The first violation of this Code Section shall be prosecuted before the Municipal Court of Garden City, unless the violator charged demands trial by jury; any second or subsequent violations shall be prosecuted before the State Court of Chatham County, Georgia, pursuant to Section 16-7-25 of the Official Code of Georgia Annotated.
- (e) In addition to any fine or imprisonment authorized by this Code Section, upon conviction, a violator shall be ordered to pay restitution to the City in the amount found by the Court for rates, fees, or other charges avoided by the violator's actions and for equipment or property of the City or its combined system damaged or destroyed by such actions.

Section 2. This ordinance shall become effective on the date of passage.

Section 3. All ordinances or parts of ordinances in conflict therewith are hereby repealed.

ADOPTED this 17th day of December, 2007.



Rhonda Ferrell
Clerk of Council

RECEIVED AND APPROVED this the 17th day of December, 2007.



ANTHONY E. QUINNEY
Mayor

Read first time: 12/17/07

Read second time and approved: 12/17/07