

ORDINANCE NO. _____ 2018
(Second Water and Sewer Modification/Fees - LMW)

**AN ORDINANCE REVISING WATER AND
SEWER SERVICE AND FOR OTHER PURPOSES
FOR THE CITY OF TEMPLE, GEORGIA**

WHEREAS, the City of Temple adopted a new water and sewer rate ordinance after significant review in April, 2018; and

WHEREAS, as a part of this process, the City held public hearings, and spent a great deal of time reviewing information regarding the necessity of clarifications to the general operations of the Water and Sewer Department of the City, related service delivery matters, rates and similar potential needed revisions to these areas of City government; and

WHEREAS, after this study and review, the City wishes to pass a second ordinance further amending the water and sewer structure for the City of Temple; and

WHEREAS, this ordinance has been reviewed and studied by the City Manager and staff of the City, and by the Mayor and Council at its committee meeting level;

NOW, THEREFORE, after these reviews and related studies, the City of Temple adopts this modification and improvement to a number of matters involving water and sewer regulations, as follows:

Section 1. Definitions

The Utility Code of the City of Temple which contains a definition section shall stand amended by striking the definition “Senior Rate” and inserting thereof a new definition for Senior Rate which shall hereafter read as follows:

“Senior Rate – the rate of charge for water and/or sewer services for any user of residential services for the City of Temple who is over the age of 65 and is

the owner and/or the head of household for the account. The City of Temple reserves the right to verify that the residential customer in fact meets the qualifications for the "Senior Rate".

Section 2. General Charges for Utility Services

All persons shall pay for all utility services (water, sewer, garbage, collection and related services) based upon the rate of charges set for such services by the City Council, through its determination of the rate of charges, schedule of fees and related matters necessary to operate such services for the city. All revenues shall be used for the operation, maintenance, debt retirement and other authorized expenses of the utility systems of the city. These rates of charges are set forth by an appendix or schedule in the Code, by prior exhibits in connection with ordinances; or by said schedule being kept by the City Clerk for examination by the public during normal business hours. Any such rates, charges, and/or fees for the use of public utilities of the City of Temple, which remain unpaid, shall constitute a lien on the property served by said utility services.

Section 3. Billing; delinquencies and penalties

The failure of utility users to timely pay charges duly imposed shall result in the automatic imposition of the following penalties:

(1) Non-payment after the tenth of the month following the bill date will be subject to a penalty of ten percent of the delinquent account charges.

(2) The past due amount must be paid before the 25th of the month to avoid a cutoff payment fee and disconnection of services.

Section 4. Disconnection of services; reinstated

(a) If an account remains delinquent 30 days from the date due, services shall be discontinued. Notice of discontinuance of service shall be made on the premises at the time of the disconnection. The city shall have the authority to assign delinquent accounts to a collection agency and may otherwise utilize any legal remedies available to improve collection of delinquent accounts.

(b) Service disconnected for nonpayment of bills will be restored only after bills are paid in full, such security deposit or additional security deposit as may be required by the city manager and a reconnection fee as provided in the city's fee schedule is paid for each meter reconnected.

(c) Upon discontinuance of service for nonpayment of bills, in the event reconnection is not requested within 30 days, the security deposit will be applied by the city toward settlement of the account. Any balance will be refunded to the consumer; however, if the security deposit is insufficient to cover the bill, the city may proceed to collect the balance in the usual way provided by law for collection of debts.

(d) When service is disconnected, the service technician shall record the water meter reading and lock the meter. When service is reconnected, the service technician shall verify that the usage indicated on the meter is consistent with the reading at the time service was discontinued. If there is an increase in water usage, the water service supervisor shall issue a citation for interference with utility property pursuant to the general penalties section of this Code. An additional restoration penalty shall be charged as set forth in appendix C to this Code. Water services will not be restored until all fees and penalties are paid in full.

Section 5. Water and Sewer Tap Fees

The Code of the City of Temple shall further stand amended as to the water and sewer rates previously established by Ordinance No. _____ 2018 (adopted on April 9, 2018) by modifying and revising Exhibit “B” regarding tap fees and substituting in lieu thereof a new Exhibit “B” as follows:

Water and Sewer Tap Fees

City of Temple

<u>Water Tap</u>	<u>Sewer Tap</u>
<u>Inside City</u>	<u>Inside City</u>
3/4" 1,500.00	4,000.00
1" 2,300.00	5,500.00
2" 3,000.00	6,500.00
4" 6,000.00	8,500.00
6" 8,000.00	10,000.00
<u>Outside City</u>	<u>Outside City</u>
3/4" 2,400.00	Cost, plus 100%
1" 4,000.00	Cost, plus 100%
2" 5,000.00	Cost, plus 100%
4" 9,000.00	Cost, plus 100%
6" 14,000.00	Cost, plus 100%

Additional requirements/costs/related matters.

- **Additional costs may include contracted tapping costs for taps greater than two inches, or any additional costs due to exceptional circumstances.**
- **Applicants for taps assessed at cost-plus-100-percent basis shall pay the minimum base cost at the time of application with final costs to be billed when the tap has been installed and connected.**
- **Any installation which is not accomplished by the City of Temple shall require a 50% deposit of the tap fee, as an appropriate administrative fee BEFORE any**

installation of a water and/or sewer tap is accomplished. Further, any such taps and installation shall meet all federal, state, and local specifications, laws, and ordinances governing the service installation of either a water and/or sewer new service tap and line. ~~Contractor installed water meters and fire lines must meet city specs and pay 50 percent of tap fee as administrative fee.~~

- Rock removal, DOT permit and special specifications, special orders, splitting, reducing, upsizing, extensions beyond normal, pressure test requirements, leak test requirements, special level determinations, wet tapping above two inches, required meter vaults, additional valving requirements, developer's additional specifications, plus, any additional circumstance or requirement that adds additional tapping cost to the city.
- Tap fees for cost-plus taps will be assessed at a nonrefundable minimum rate upon application, with final cost being due and payable upon billing.
- Estimates for cost-plus taps are approximate. Actual billing will reflect itemized actual cost, plus 100 percent.
- Type and size meter/service shall be at the discretion of the city administrator or water maintenance superintendent.
- Sewer taps outside the city must have the approval of the city council at a special or regular meeting thereof before tap application can be approved or initiated.

Section 6. General Inflationary Fee Increases

(a) Findings:

By all of these contemplated ordinances of the City of Temple, the City desires to create an appropriate present, and future, ability to allow all such fees, costs and charges to be certain that in connection with the proper operation and maintenance of the water and sewer system and fund; and associated utility operations of the City – ample funds are charged for services rendered.

(b) Inflationary Increases:

Based upon this finding and necessity of rate and charge revisions due to the bonded indebtedness, and financial condition of the fund at this time, the rate of charges for all schedule water and sewer fees shall, effective in the February billing cycle of 2019 and

thereafter, be increased by 1½% of the volumetric rate increase annually accomplished for any such schedules and rates; together with any and all associated fees. This increase shall automatically take effect in February 2019; and in February of each subsequent year, unless the City affirmatively votes in any given year not to implement such rate and/or fee increase; or in the alternative, determines that it must adopt a higher fee increase.

Section 7. Meter deposit by non-owner occupant

The city shall require a deposit from the occupants of any water unit, when such property is occupied by a person other than the owner thereof, prior to furnishing such premises with any water from the city water system. All deposits collected shall be accomplished pursuant to the deposit fee schedule, which is incorporated in this section by reference.

Section 8. Water service application; liability

Water service applications shall be made by the owner, lessee or authorized agent for the commencement, reinstatement or transfer of water service. The person making application for water service shall be liable for all applicable charges for sewer, water, garbage and other included services which may be a part of city service fees. The applicant shall be the only person authorized to discontinue water service to the location, and no applicant shall be permitted to apply for service in the name of a third party, unless the applicant is an employee, authorized agent, or relative of said third party.

Section 9.

The codifiers of the Municipal Code of Georgia shall use their discretion, as granted by this Ordinance, in connection with the inclusion of this Ordinance within the general Chapter 36 entitled "Utilities".

Section 10:

All laws and parts of law in conflict herewith are specifically repealed.

Section 11:

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this enactment are severable, and if any phrase, clause, sentence, paragraph or section hereof shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this enactment, since the same would have been enacted by the City Council without the incorporation herein of any such unconstitutional phrase, clause, sentence paragraph or section.

ADOPTED AND APPROVED by the City Council of the City of Temple this the _____ day of _____, 2018. Councilmembers _____
_____ voting "Aye" and
_____ voting "No".

BY: _____
HONORABLE MICHAEL C. JOHNSON
MAYOR, CITY OF TEMPLE

ATTEST: _____
KRISTIN ETHEREDGE, CLERK
CITY OF TEMPLE

(seal)