

1 **STATE OF GEORGIA**

2 **CITY OF COLLEGE PARK**

3 **ORDINANCE NO. 2018-11**

4 AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF COLLEGE PARK,  
5 GEORGIA, BY AMENDING ARTICLE I (IN GENERAL) OF CHAPTER 10 (MUNICIPAL  
6 UTILITIES AND SERVICES) IN ITS ENTIRETY; TO PROVIDE FOR SEVERABILITY; TO  
7 REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR  
8 OTHER LAWFUL PURPOSES.

9 **WHEREAS**, the duly elected governing authority of the City of College Park, Georgia  
10 (the “City”) is the Mayor and Council thereof; and

11 **WHEREAS**, the City is empowered to provide utility services, including water and  
12 sewer services, to private parties within its limits and to charge and collect for those services  
13 pursuant to the authority granted to it by the 1983 Constitution of the State of Georgia, including  
14 but not limited to Article IX, Section II, Paragraph III(a) therein; the authority granted to it by  
15 the General Assembly of the State of Georgia, including but not limited to O.C.G.A. § 36-34-5;  
16 and the authority granted to it under the Charter of the City of College Park, including but not  
17 limited to Section 6-10 therein; and

18 **WHEREAS**, the City previously exercised such power, having adopted comprehensive  
19 regulations governing the provision of said utility services and the billing for such provision that  
20 presently is codified in Chapter 10 (“Municipal Utilities and Services”) of its Code of Ordinance;  
21 and

22           **WHEREAS**, the City desires to revise those utility service regulations by amending the  
23       provisions contained in Article I (“In General”) of Chapter 10 (“Municipal Utilities and  
24       Services”) in its Code of Ordinances; and

25           **WHEREAS**, the public health, safety, and general welfare of the citizens of the City will  
26       be positively impacted by the adoption of this Ordinance.

27           **NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR**  
28       **AND COUNCIL OF THE CITY OF COLLEGE PARK**, and by the authority thereof:

29           **Section 1.** The Code of Ordinances of the City of College Park, Georgia is hereby  
30       amended by repealing the text of Article I (“In General”) in Chapter 10 (“Municipal Utilities and  
31       Services”) in its entirety and inserting in lieu thereof the provisions set forth in Exhibit “A”,  
32       which is attached hereto and made a part hereof by reference.

33           **Section 2.** The preamble of this Ordinance shall be considered to be and is hereby  
34       incorporated by reference as if fully set out herein.

35           **Section 3.** (a) It is hereby declared to be the intention of the Mayor and Council that all  
36       sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their  
37       enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

38           (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest  
39       extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this  
40       Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this  
41       Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the  
42       greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this  
43       Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase  
44       of this Ordinance.

45 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance  
46 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise  
47 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the  
48 express intent of the Mayor and Council that such invalidity, unconstitutionality or  
49 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional  
50 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or  
51 sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases,  
52 clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional,  
53 enforceable, and of full force and effect.

54 **Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby  
55 expressly repealed.

56 **Section 5.** This Ordinance shall be codified in a manner consistent with the laws of the  
57 State of Georgia and the City.

58 **Section 6.** The effective date of this Ordinance shall be the date of adoption unless  
59 otherwise specified herein.

60 [SIGNATURES CONTAINED ON NEXT PAGE]

61           **ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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**CITY OF COLLEGE PARK, GEORGIA**

\_\_\_\_\_  
**Jack P. Longino, Mayor**

72   **ATTEST:**

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\_\_\_\_\_  
**Shavala Moore, Interim City Clerk**

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80   **APPROVED BY:**

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**Steven M. Fincher, City Attorney**

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**EXHIBIT A**

[See Attached]

## 87 CHAPTER 10 – MUNICIPAL UTILITIES AND SERVICES

## 88 ARTICLE I. - IN GENERAL

89

90 **Sec. 10-1. – Definitions.**

91 For purposes of this Article, the following terms, words or phrases shall have the  
 92 meanings ascribed to them in this section, except where the context clearly indicates a different  
 93 meaning:

94 (a) *Administrator* means the individual employed by the City as the director of the customer  
 95 service department or his/her designee. In the absence of such employment, the term  
 96 shall mean the individual designated by the mayor and council to oversee the  
 97 enforcement of this Article.

98 (b) *Temporary Discontinuance* means a discontinuance of the provision of any Utility  
 99 Service that is no more than three (3) calendar days in duration.

100 (c) *Utility Service* means any electrical service, any sanitation service, any water service, or  
 101 any sewer service provided by the City.

102

103 **Sec. 10-2. - Meter designation.**

104 In all instances in which meters serving individual units in a multiple unit commercial  
 105 building or a multiple unit residential building are located other than directly adjacent to each  
 106 individual unit, it shall be the duty of the owner of such building to clearly designate and  
 107 maintain each individual meter to correspond with the designation of the unit such meter serves.  
 108 All existing meters shall be brought into compliance with this regulation by the owner, developer  
 109 and management within thirty (30) days of notice of such requirement, or said designation shall  
 110 be made by the city and the expense thereof assessed against the owner. Compliance with the  
 111 foregoing regulations shall be a prerequisite to the connection of new service.

112 **Sec. 10-3. - Application for utility service—Required; minimum deposits.**

113 (a) An application for Utility Service shall be made with the Administrator, who shall require a  
 114 minimum deposit, along with appropriate service charges, for each such application as  
 115 determined by a resolution of the mayor and council.

116 (b) In submitting an application for Utility Service to the Administrator, the applicant shall  
 117 provide the following information:

118 (1) Designation as to whether the applicant seeks the provision of electric service, sanitation  
 119 service, water and sewer service, or any combination thereof;

120 (2) The street address of the property for which the provision of Utility Service is sought;

121 (3) Designation of the type of property (including, but not limited to, the following  
 122 examples: single family residential property, multiple unit residential property, single unit  
 123 commercial property, multiple unit commercial property) for which the provision of  
 124 Utility Service is sought;

125 (4) The name of the person or entity that seeks the provision of Utility Service and that will  
 126 be fully liable for all monetary or other obligations to the City arising from the provision  
 127 of such service;

128 (5) The mailing address and telephone number of the person or entity that will be fully liable  
 129 for all monetary or other obligations arising to the City from the provision of Utility  
 130 Service to the property identified in the application; and

131 (6) Any other information that the Administrator may require to show the requested  
 132 provision of Utility Service would be in full compliance with this Article and all other  
 133 applicable provisions of the City's Code of Ordinances.

134 In the event the application is granted and the requested Utility Service is provided, the  
 135 person or entity that will be fully liable for all monetary or other obligations arising  
 136 therefrom shall ensure that, at all times during the provision of such service, the mailing  
 137 address and telephone number provided to the City in this subsection is current and accurate.  
 138 Said person or entity shall have the duty to immediately notify the City of any change in  
 139 such mailing address or telephone number.

140 (c) At the termination of service, any cash deposit shall first be applied toward any outstanding  
 141 utility charges. Any cash deposit remaining after application thereof to unpaid charges, shall,  
 142 less any service charges, be refunded to the person or entity that is fully liable for all  
 143 monetary obligations for the provision of such service. In the event the person or entity who  
 144 paid the cash deposit cannot be located, the remainder shall be uniquely identified for  
 145 accounting purposes for a period of twelve (12) months. At the end of said twelve (12)  
 146 months, if no claim is made on the funds, and no owner of the funds can be located by the  
 147 Administrator, the City shall reimburse itself for the costs of attempting to locate the owner  
 148 and the balance shall revert to the State of Georgia in accordance with applicable law.

149 (d) For all accounts where the required deposit is five hundred dollars (\$500.00) or more, the  
 150 applicant may, in lieu of remitting a cash deposit, submit to the City any of the following:

151 (1) A payment bond secured by a licensed security bonding company that has first been  
 152 approved by the City, and said bond shall include a clause which gives the City sixty  
 153 (60) days notice prior to its cancellation.

154 (2) A certificate of deposit assigned to the City.

155 (3) A letter of credit from a bank or savings and loan company licensed to do business in  
 156 the State of Georgia, provided that such letter of credit includes a mandatory sixty (60)  
 157 day advance notice to the City for any modification of such letter of credit.

158 (e) On any multiple unit residential property served by a single meter or where the Utility  
 159 Service account is paid by the owner, management service or party other than the consumer,  
 160 the foregoing deposits shall be paid on all accounts existing as of April 1, 1975. On all other  
 161 individual consumer accounts, the foregoing utility deposits shall become effective at the  
 162 time new accounts are established.

163  
 164 **Sec. 10-4. - Same—Filing to avoid charges; false statements.**

165 Whoever makes application for any Utility Service in such person's own behalf, or on behalf  
 166 of another, for the purpose of avoiding past due amounts and charges for previous service to the  
 167 same or separate account; or whoever uses a false name in applying for such service or in any  
 168 other manner attempts to obtain any such service through fraud or false pretense shall be guilty  
 169 of an offense punishable in the City Court of College Park and said application shall be void.  
 170 Any deposit remitted with the application shall be forfeited and applied to any such existing past  
 171 due account.

172 **Sec. 10-5. - Due dates for utility service charges—Delinquency; discontinuance of service.**

- 173 (a) All electric, sanitation, water and sewer charges incurred by a person or entity for the  
174 provision of such Utility Services to one property during a calendar month shall be listed on  
175 a single, monthly bill issued by the City.
- 176 (b) Any bill issued by the City for the provision of any Utility Service shall be due and payable  
177 immediately upon issuance and shall be considered delinquent if not fully paid before 11:59  
178 p.m. on the twenty-first (21<sup>st</sup>) day following the date of such bill; provided, however, that if  
179 such date falls on a Saturday, a Sunday, or a legal holiday observed by the City, then such  
180 bill shall be due and payable by 11:59 p.m. on the following business day.
- 181 (c) In the event the person or entity fully liable for all monetary obligations arising from the  
182 City's provision of a Utility Service to a property fails to fully pay any bill for the provision  
183 of such service before 11:59 p.m. on the twenty-first (21<sup>st</sup>) day following the date of such  
184 bill, a penalty in an amount determined by resolution of the mayor and council shall be  
185 automatically added to any outstanding, unpaid amount due under such bill.
- 186 (d) In the event the person or entity fully liable for all monetary obligations arising from the  
187 City's provision of a Utility Service to a property fails to remit to the City monies for all  
188 amounts shown on the bill required by subsection (a) before 11:59 p.m. on the seventh (7<sup>th</sup>)  
189 calendar day after the past due date indicated on such bill, the City shall have the right,  
190 pursuant to Section 10-13(b), to discontinue the Utility Service. In addition to the right to  
191 discontinue such service, the failure to remit to the City all amounts shown on such bill by  
192 11:59 p.m. on the seventh (7<sup>th</sup>) calendar day after the past due date indicated on the Utility  
193 Service bill shall result in the imposition by the City of an administrative charge as  
194 determined by resolution of the mayor and council. The purpose of such administrative  
195 charge is to defray the cost to the City of identifying, and monitoring delinquent accounts.
- 196 (e) (1) For a period of four (4) years after the date of each bill issued on an account established  
197 for the provision of Utility Service, the City shall maintain a record of each such bill. Said  
198 record shall indicate the date of the bill; the date the bill was issued; the name and mailing  
199 address of the person or entity to whom the bill was sent; the amount owed under the bill,  
200 any prior, unpaid balance owed upon the account prior to the issuance of the bill; and any  
201 payments or credits reflected upon the bill. Said record shall also include any information as  
202 to whether any bill was returned to the City due to the inability of the mail carrier to deliver  
203 such item to the listed mailing address or any information indicating any other delivery  
204 issue.
- 205 (2) Where the City's records show a bill was issued to the person or entity fully liable for all  
206 monetary obligations arising from the provision of the utility service at the current mailing  
207 address provided to the City by such person or entity and said records do not indicate the bill  
208 was returned by the mail carrier as undelivered or any other delivery issue, a rebuttable  
209 presumption arises that such bill was actually received by the person or entity fully liable for  
210 said monetary obligations within five (5) calendar days after the date the bill was issued.

211 **Sec. 10-6. - Same—Special account established for penalty payments.**

212 A separate account of the City, to be denominated "Penalties-Late Utilities Payments," shall  
213 be maintained, through which the funds received for the penalties and administrative charges  
214 described in Section 10-5 shall be collected and disbursed.

215 **Sec. 10-7. - Service charge for returned checks.**

216 There shall be a service charge to cover administrative costs in an amount determined by  
217 resolution of the mayor and council against any Utility Service account where the remitting  
218 person or entity paid any amount due under a Utility Service bill by check and such check has  
219 been returned to the City by the bank for the lack of sufficient funds in the checking account to  
220 honor the check, the closure of the checking account, the stoppage of payment on the check, or  
221 other similar reason. Such service charge shall be in the amount as set by the mayor and council,  
222 from time to time, by resolution.

223 **Sec. 10-8. - Unlawful restoration of service.**

- 224 (a) Whenever any Utility Service shall have been discontinued by the City, it shall be unlawful  
225 for any person or entity except an authorized agent or employee of the City to restore the  
226 service.  
227 (b) Upon the conviction of any person or entity for a violation of this section, the City Court of  
228 College Park may impose a fine not to exceed one thousand dollars (\$1,000.00) for each  
229 violation.

230

231 **Sec. 10-9. - Reconnection charges.**

232 A service charge shall apply for the reconnection and restoration of any disconnected water,  
233 electric or sewer service. Such service charge shall be in an amount as set by the mayor and  
234 council, from time to time, by resolution.

235 **Sec. 10-10. - Liability for utility charges.**

- 236 (a) Any Utility Service furnished by the City may be instituted by the owner or occupant of  
237 premises where such service are available. Such owner or occupant shall be liable for  
238 payment of all rates and charges therefor.  
239 (b) All unpaid charges for sanitation services shall constitute a lien on the property to which such  
240 services were provided in accordance with section 6-10 of the City Charter, and such lien  
241 may be enforced and foreclosed in the same manner as liens for city property taxes.  
242 (c) Provided that the owner of the property is the person who incurred charges for electric, water,  
243 and/or sewer services, all unpaid charges for such services shall constitute a lien on the  
244 property to which such services were provided in accordance with section 6-10 of the City  
245 Charter, and such lien may be enforced and foreclosed in the same manner as liens for city  
246 property taxes. Unpaid charges incurred by a party other than the owner of the property may  
247 constitute a lien on the property provided that the owner of the property indicates in writing  
248 that he will be responsible therefor.

249

250

251 **Sec. 10-11. - Meter tests; replacement or repair of meter.**

- 252
- 253 (a) General meter test. The City may, at its own expense, make routine tests of any Utility
- 254 Service meter when it considers such test desirable.
- 255 (b) Meter test at the request of the customer. The City shall also make tests or inspections of a
- 256 Utility Service meter at the request of a customer who believes his meter to be faulty or
- 257 registering inaccurately. Upon receipt of such a request by the Administrator, accompanied
- 258 by a service charge in an amount determined by resolution of the mayor and council to cover
- 259 the costs of removing the meter, testing and reinstallation, this work shall be accomplished
- 260 and a check of the registering device made. Should the results of the check show the meter
- 261 to be functioning accurately and in accordance with the City's standards, the deposit will be
- 262 forfeited by the customer. Should the results of the check show the registration of the meter
- 263 to be in error in excess of the City's standards or show the meter is registering more utility
- 264 than actually is passing through that device, the City will refund the deposit to the customer.
- 265 (c) Repair or replacement of meter. If the results of the meter test performed by the City under
- 266 this section show the registration of the meter to be in error in excess of the City's standards
- 267 or show the meter is registering more utility than actually is passing through the device, the
- 268 City shall repair or replace the meter at no charge to the customer. The results of the meter
- 269 test show the meter to be functioning accurately and the customer requests the replacement
- 270 of that meter, the City shall replace the meter and shall charge the customer an
- 271 administrative fee in an amount as determined by resolution of the mayor and council.
- 272

273 **Sec. 10-12. - Administrative adjustment of charges.**

- 274
- 275 (a) Any person or entity who is fully liable to the City for all monetary or other obligations
- 276 arising from the provision of any Utility Service may obtain an administrative adjustment to
- 277 any charge imposed for such provision under the following conditions:
- 278 (1) The request for the administrative adjustment must be in writing and must be delivered
- 279 to the Administrator before 11:59 p.m. on the twenty-eighth (28<sup>th</sup>) day after the date of
- 280 the bill initially showing the charge for which an adjustment is sought.
- 281 (2) An administrative adjustment may be granted for any of the following reasons:
- 282 (A) The charge or a portion of the charge is in error due to a misreading or
- 283 malfunction of the meter.
- 284 (B) The charge or a portion of the charge is in error due to an incorrect clerical or
- 285 computer billing entry for the account.
- 286 (C) The property to which the Utility Service is provided did not in fact received the
- 287 service for which the charge was imposed.
- 288 (D) As to water service, the charge or a portion of the charge is due to excessive water
- 289 loss cause by a faulty water heater, a faulty meter, or by a water pipe leak.
- 290 (E) Any other ground for which the Administrator, in his/her discretion, determines
- 291 that an adjustment is appropriate and that the grant of such adjustment would not
- 292 violate any provision of this Article or any other ordinance of the City.
- 293 (3) The following conditions and restrictions shall apply to any administrative adjustment
- 294 sought under subsection (a)(2)(D):
- 295 (A) No administrative adjustment may be granted for excessive water loss due solely
- 296 to a faulty or malfunctioning faucet, spigot or toilet.

- 297 (B) To be eligible for such adjustment, the requestor must submit to the Administrator  
298 documentation or other evidence establishing that the faulty water heater, the  
299 faulty meter or the water pipe leak that caused the excessive water loss has been  
300 repaired.
- 301 (C) In determining the monetary amount of any administrative adjustment, the  
302 Administrator may not consider account information or charges on any account  
303 statement that was issued by the City more than six (6) months before the date of  
304 the bill in issue.
- 305 (4) Individual Financial Hardship. In the case of individual financial hardship, the requestor  
306 may obtain an administrative adjustment that extends (for a maximum of six (6) months)  
307 the period in which the requestor may have to remit to the City the full amount due under  
308 a Utility Service account. The Administrator may grant an administrative adjustment due  
309 to a requestor's individual financial hardship under the following terms:
- 310 (A) The requestor can obtain only an extension of the time in which to pay and cannot  
311 obtain a reduction of any charge (other than penalties assessed under Section 10-  
312 5(c)).
- 313 (B) The requestor must submit to the Administrator documentation or other evidence  
314 establishing (i) the financial hardship; and (ii) the ability to pay future Utility  
315 Service charges as they become due.
- 316 (C) A requestor may obtain only one (1) administrative adjustment due to an  
317 individual financial hardship in any twelve (12) month period.
- 318 (5) Medical Condition. Where any resident of the property has a medical condition that  
319 requires the provision of the Utility Service and additional time is needed to fully pay all  
320 amounts due on the account for such service, the requestor may obtain an administrative  
321 adjustment that extends (for a maximum of six (6) months) the period in which the  
322 requestor may remit to the City the full amount due under a Utility Service account. The  
323 Administrator may grant an administrative adjustment due to such medical condition  
324 under the following terms:
- 325 (A) The requestor can obtain only an extension of the time in which to pay and cannot  
326 obtain a reduction of any charge (other than penalties assessed under Section 10-  
327 5(c)).
- 328 (B) The requestor must submit to the Administrator written documentation from a  
329 medical provider explaining the need for the provision of such Utility Service due  
330 to the resident's medical condition.
- 331 (C) The requestor must submit to the Administrator written documentation or other  
332 evidence establishing the ability to pay future Utility Service charges as they  
333 become due.
- 334 This subsection applies only where the Utility Service is provided to a single family  
335 residential property or a multiple unit residential property for which the Utility Service is  
336 furnished through the use of a separate meter for each unit.
- 337 (b) The Administrator may not grant an administrative adjustment where the written request for  
338 such adjustment is not delivered within the period specified in subsection (a)(1).
- 339 (1) The time limitation in subsection (a)(1) shall not apply where the requestor rebuts the  
340 presumption in Sec. 10-5(e)(2) and the Administrator determines the requestor did not  
341 actually receive the bill showing the charge for which an adjustment is sought.

342 (2) Notwithstanding subsection (b)(1), the Administrator shall have no authority to consider  
 343 an administrative adjustment to any charge where the written request for such adjustment  
 344 is delivered more than three (3) months after the date of the bill initially showing the  
 345 charge for which the adjustment is sought.

346 (c) Extension of due date based on a request for an administrative adjustment.

347 (1) Except as provided in subsection (c)(2) of this section, the submission of a written  
 348 request for an administrative adjustment does not automatically extend the due date for  
 349 the full payment of all charges and assessments shown on a bill or relieve the requestor  
 350 from the monetary obligation for any such charge or assessment. Notwithstanding a  
 351 pending written adjustment request, the failure to timely remit full payment for all  
 352 charges and assessments shown on a bill shall be grounds for the involuntary  
 353 discontinuance of utility service under Section 10-13(b). The Administrator has the  
 354 discretion to waive the requirements of this subsection and to set a new due date for the  
 355 full payment.

356 (2) Where the written request for an administrative adjustment is sought under subsection  
 357 (a)(4) or (a)(5) of this section, the due date for the full payment of all charges and  
 358 assessments for the adjustment is sought shall be automatically extended until seven (7)  
 359 days after the date the Administrator's decision on the request. The Administrator has  
 360 the discretion to grant a further extension, to set a schedule for the payment of the full  
 361 amount due, or to set a new due date for the full payment.

362 (d) Upon the submission of a written request for an administrative adjustment that is timely  
 363 under subsection (a) or (b), the Administrator shall review such request and shall have the  
 364 power to make such further investigation into the circumstances of the request as he deems  
 365 appropriate. The Administrator shall render a decision on the request no later than thirty (30)  
 366 days after the date he receives the written request. In the event the Administrator determines  
 367 that an adjustment is warranted, he may:

368 (1) Make an adjustment of any charge or assessment on the bill for any of the reasons  
 369 identified in subsection (a)(2) to ensure the amount of the bill is based on actual usage;

370 (2) If applicable, determine the amount of any necessary credits toward a future charge or  
 371 assessment for an excess monies received pursuant to subsection (c);

372 (3) If applicable, establish a schedule for the payment of all outstanding balances; and

373 (4) If applicable, waive accumulated interest and penalties.

374 The decision of the Administrator under this subsection shall be dated, in writing, and  
 375 delivered to the requestor at the mailing address shown in the City's records.

376

### 377 **Sec. 10-13. - Discontinuance of Utility Service.**

378

379 (a) Voluntary Discontinuance of Utility Service. A person or entity who is fully liable to the  
 380 City for all obligations arising from the provision of any Utility Service, may discontinue the  
 381 provision of such service by giving written notice to the City that contains the requesting  
 382 party's name, mailing address and telephone number; the address at which the service is  
 383 provided and for which discontinuance is sought; and the desired date upon which such  
 384 service is to be discontinued. Discontinuance shall not relieve the requesting party of the  
 385 obligation to fully pay any amounts due under the account or distinguish any claim held by  
 386 the City or any lien imposed for any past due, unpaid amounts owed for the service, monthly  
 387 service charges, connection fees, meter installation fees or any other charge under the

388 account. Subsequent to such discontinuance, the provision of the Utility Service may be re-  
389 established only in compliance with Section 10-3.

390 (b) Involuntary Discontinuance of Utility Service – Failure to Timely Pay.

391 (1) In General. Whenever the owner or the user of any property provided any Utility  
392 Service by the City is notified of the amount of any charge or assessment due for the  
393 provision of such service by the inclusion of such amount on the bill required by  
394 Section 10-5(a) and fails to remit to the City monies to fully satisfy said amount by  
395 11:59 p.m. on the seventh (7<sup>th</sup>) calendar day after the past due date shown on such  
396 bill, the City shall have the immediate right to discontinue such Utility Service to the  
397 property. After the inclusion of such amount on a bill sent to the address on record of  
398 the owner or user of the property, the City shall have no obligation to provide such  
399 owner or user additional notice of its intent to discontinue the provision of the utility  
400 service. This subsection shall not apply to the provision of water or sewer service to  
401 any multiple unit residential property to which water is furnished through a single  
402 water meter for the entire property.

403 (2) Multiple Unit Residential Property. Whenever the owner of any multiple unit  
404 residential property to which water or sewer service is provided to the entire property  
405 through a single water meter is notified of any charge or assessment due for the  
406 provision of such service by the inclusion of such amount on the bill required by  
407 Section 10-5(a) and fails to remit to the City monies to fully satisfy said amount by  
408 11:59 p.m. on the seventh (7<sup>th</sup>) calendar day after the past due date shown on such  
409 bill, the City shall have the right to discontinue the provision of water and sewer  
410 service to the property subject to the requirements stated in this subsection.

411 (A) After the inclusion of such amount on a bill sent to the address on record of  
412 the owner of such property, the City shall have no obligation to provide such  
413 owner additional notice of its intent to discontinue the provision of water and  
414 sewer service to the property.

415 (B) Ten (10) calendar days prior to the discontinuance of such water and sewer  
416 services, the City shall provide notice to the occupants of said multiple unit  
417 residential property of its intent to discontinue such service by (i) the  
418 placement of a sign on the property in a readily visible location stating the  
419 date the service will be discontinued and the reason for such action; or (ii)  
420 written notice delivered to each unit stating the date the service will be  
421 discontinued and the reason for such action.

422 (3) The City shall impose the fee or fees provided in Section 10-9 on any account for  
423 which Utility Service has been disconnected under subsection (b)(1) or (b)(2) herein.

424 (4) After the discontinuance of any Utility Service under this subsection, the City may  
425 refuse to reestablish the provision of such service to the property (including any  
426 building or premises located thereon) until all outstanding, past due amounts and any  
427 fees imposed under subsection (b)(3) have been remitted to the City. This subsection  
428 shall not apply to the provision of water to any single or multi-family residential  
429 property for which water is furnished through the use of a separate water meter for  
430 each residential unit thereon where the indebtedness to the City was incurred by a  
431 prior owner, occupant, or lessee for water services previously furnished to the  
432 property.

433 (5) After the discontinuance of any Utility Service to any property under this subsection,  
 434 the City shall immediately re-establish the provision of such service to the property  
 435 and impose no fees, penalties or interest under this Article if the following conditions  
 436 are met:

- 437 (A) The person or entity who is fully liable for all monetary or other obligations  
 438 incurred on the account for such service rebuts the presumption in Section 10-  
 439 5(e)(2);
- 440 (B) The Administrator determines said person or entity did not actually receive  
 441 the bill for the account showing the unpaid charges that caused the  
 442 discontinuance; and
- 443 (C) No more than thirty (30) consecutive days have transpired since the date of  
 444 discontinuance of such Utility Service.

445  
 446 (c) Involuntary Discontinuance – Other Grounds

447 (1) In addition to the grounds stated in subsection (b), the City shall have the right to  
 448 discontinue the provision of a Utility Service to any property for any of the following  
 449 grounds:

- 450 (A) A violation of any provision of this Chapter or any other provision in the code  
 451 of ordinances;
- 452 (B) A violation of any rule or regulation pertaining to such Utility Service;
- 453 (C) The unauthorized tampering, molesting or altering of any meter, seal or other  
 454 equipment used by the City to control or regulate the supply of such Utility  
 455 Service;
- 456 (D) Failure of the owner or user of the property to protect the connection, service  
 457 lines and fixtures located on such property for the provision of such Utility  
 458 Service;
- 459 (E) In the event of vacancy of the premises;
- 460 (F) As to water services, insufficiency of water supply due to circumstances  
 461 beyond the City's control;
- 462 (G) Upon the direction of county, state or federal authorities that such Utility  
 463 Service be discontinued to the property; or
- 464 (H) Non-usage of such Utility Service by the property for more than sixty (60)  
 465 consecutive days; or

466 (2) No less than seven (7) calendar days prior to the discontinuance of the provision of a  
 467 Utility Service to any property for a ground stated in subsection (c)(1)(A), (B), (C),  
 468 (D), (E), (F) and (J), the City shall provide notice to the owner and the user of such  
 469 property of its intent to disconnect such service by: (i) written correspondence  
 470 delivered to said owner; or (ii) the placement of a sign in a readily visible location on  
 471 the property. The notice shall identify the date the service will be discontinued, state  
 472 the reason for such action, and inform the owner and the user of the right to request a  
 473 hearing before the Administrator upon the matter.

474 (3) The owner or the user of the property for which the City intends to discontinue Utility  
 475 Service for a ground stated in subsection (c)(1) may seek a hearing before the  
 476 Administrator on the matter by delivering a written request for such hearing to the  
 477 Administrator no later than seven (7) calendar days after the date of the notice  
 478 provided in subsection (c)(2). In the event that a timely written request for a hearing

479 is delivered, the City shall take no further action to discontinue the Utility Service  
 480 until after the Administrator issues a written decision on the matter.

481 (4) Upon the timely filing of a written request for a hearing under subsection (c)(3), the  
 482 Administrator shall hold such hearing as soon as possible. The Administrator shall  
 483 hear the disputes or issues, consider any relevant testimony or evidence, and issue a  
 484 written decision as to whether or not the subject Utility Service should be  
 485 discontinued. A copy of the written decision shall be delivered to the owner or the  
 486 user who requested the hearing.

487 (5) After the discontinuance of any Utility Service under this subsection, the City may  
 488 refuse to reestablish the provision of such service to the property (including any  
 489 building or premises located thereon) until the person requesting such reestablishment  
 490 provides to the City documentation proving that the circumstances which resulted in  
 491 the discontinuance no longer exist. The City shall provide written notice to the  
 492 requesting party of its decision on granting or refusing to reestablish such utility  
 493 service. The requesting party may seek a hearing before the Administrator on that  
 494 decision by delivering a written request for such hearing no later than seven (7)  
 495 calendar days after the notice. The procedures set forth in subsection (c)(4) shall  
 496 apply to a timely written request for such hearing.

497 (d) Temporary Discontinuance of Water or Sewer Services by the City. The City shall have the  
 498 right to temporarily discontinue water or sewer service to any property in any of the  
 499 following situations:

- 500 (1) Under exigent circumstances (including, but not limited to, an emergency);
- 501 (2) Whenever such discontinuance is necessary for repairs ; or
- 502 (3) Whenever such discontinuance is necessary to protect life, health or property from an  
 503 immediate threat;

504 In the event water or sewer service is temporarily discontinued under this subsection, the  
 505 City shall not be liable on any claim arising therefrom for: (i) any damage to real or  
 506 personal property; (ii) any inconvenience; (iii) any interruption in service; (iv) lessening  
 507 of the water supply; (v) inadequate water pressure; (vi) quality of water; or (vii) the flow  
 508 (or the lack of flow) of wastewater.

509 (e) Temporary Discontinuance of Utility Service at the Request of the Customer. In the event  
 510 the provision of any Utility Service is temporarily discontinued by the City at the request of  
 511 the occupant of the property for which such service is provided or at the request of the person  
 512 or entity who is fully liable for all monetary or other obligations arising from the provision of  
 513 such service, a charge shall be imposed upon the account for such service in an amount set by  
 514 the mayor and council, from time to time, by resolution. Any request to discontinue a Utility  
 515 Service for more than three (3) calendar days shall be treated as a request for voluntarily  
 516 discontinuance under subsection (a).

517  
 518 **Sec. 10-14. – Discontinuance, Suspension or Transfer of Utility Service Within 30 days after**  
 519 **Initiation of Service**

520  
 521 In the event that the provision of any Utility Service is initiated to any rental unit in a multiple  
 522 unit residential building and, within thirty (30) days after such initiation, the provision of the  
 523 Utility Service is discontinued, suspended or transferred to another rental unit, a fee shall be  
 524 imposed upon the person or entity who submitted the application for such service. The fee shall

525 be in an amount as determined by resolution of the mayor and council. This subsection shall not  
526 apply to the provision of a Utility Service to any multiple unit residential property for which said  
527 service is provided to the entire property through a single meter.  
528

529 **Sec. 10-15. – Appeal of Administrator’s decision.**

530

531 (a) Any person or entity who is aggrieved by a decision of the Administrator rendered under  
532 Section 10-3, Section 10-12, Section 10-13(c)(4) or Section 10-13(c)(5) may appeal such  
533 decision to the City Manager or his/her designee by delivering a written notice of appeal to  
534 the City Clerk within five (5) calendar days after the date of the Administrator’s decision. In  
535 the event that no appeal is made within said five-day period, the decision of the  
536 Administrator shall be final.

537 (b) In the event a timely notice of appeal is delivered, the City Manager shall review the  
538 documentation and other evidence considered by the Administrator, any additional relevant  
539 documentation and other evidence provided by the appellant or contained in the City’s  
540 records, and shall issue a written decision affirming or reversing the appealed ruling. The  
541 City Manager’s decision on the matter shall be final.

542 (c) The City shall take no further action to discontinue or suspend the provision of the Utility  
543 Service that the appeal concerns until ten (10) calendar days after the date the City Manager  
544 issues the written decision.  
545

545

546 **Secs. 10-16—10-19. - Reserved.**