

STATE OF GEORGIA

CITY OF MCDONOUGH

ORDINANCE NO. 18-09-06(A)

AN ORDINANCE AMENDING TITLE 13, "PUBLIC SERVICES" OF THE CODE OF ORDINANCES, CITY OF MCDONOUGH, GEORGIA; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCDONOUGH AND IT IS HEREBY ORDAINED BY AUTHORITY HEREOF:

SECTION I.

Title 13 of the Code of Ordinances of the City of McDonough, Georgia is hereby amended by deleting specific provisions (as specified by section numbers) contained in the existing Title 13 in their entirety, and inserting the following in lieu thereof, as follows:

13.04.010-Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings shown below.

Account Holder or Customer	means a person, 18 years of age or older, or other legal entity, that is receiving any utility service from the City of McDonough, whose name is specifically listed on an account as the primary entity responsible for decisions regarding the service, and for financial obligations created from the use of the service.
Active Account	means a Contract for Service exists between a customer and the City of McDonough, under which service is rendered.
Administrative Fee/Disconnect Fee	refers to the fee charged to the account immediately after the scheduled payment deadline has passed.
Agreement	refers to all written contracts and/or agreements entered by and between City of McDonough and any other party.
Applicant	shall mean any prospective user, 18 years or older, applying for water, sewer service, and/or garbage service.
Application for Utility Service	means the contractual document which establishes the relationship between the customer/user and the City of McDonough under which service to the customer is rendered.

Application, Agreement and Contract	shall all be considered synonymous when used in this Ordinance.
Billing Date	means the date the bill for services is generated and mailed to the account holder.
Business Day	means the period of each Monday through Friday, from 8:00A.M. to 5:00 P.M., excluding holidays and weekends.
City	means the City of McDonough.
City Council	means Mayor and Councilmembers
Collection Line	refers to the pipes owned and/or operated by City of McDonough and used to collect wastewater from laterals and deliver it to interceptor lines or wastewater treatment facilities.
Complaint	means a statement or question by anyone, whether a utility customer or not, alleging a wrong, grievance, injury, dissatisfaction, illegal action or procedure, dangerous condition or action, or utility obligation.
Curb Stop	means the valve located at the meter for use by the City employee/designee to start or stop service to the meter setting.
Customer or Account Holder	means a person, 18 years of age or older, or other legal entity, that is receiving any utility service from the City of McDonough, whose name is specifically listed on an account as the primary entity responsible for decisions regarding the service, and for financial obligations created from the use of the service.
Defined Service Area	refers to that area within which water, sewer and/or garbage services are provided to customers.
Delinquent	means an account that has remained unpaid, whether in whole, or in part, after the payment deadline date.
Deposit	means a non-interest bearing fee set by City Council which is held by the City of McDonough as security for service being rendered.
Disconnection of Service	means the discontinuance of water, sewer and/or garbage service.
Distribution Main	refers to a pipe owned by the City of McDonough, located in a street, easement, road, right-of-way and/or alley and used to deliver water.
Distribution System (PUBLIC)	means a network of water mains that deliver potable/clean water from the Filtration Plant to the user.
Due Date	means the date the payment is due to the City as shown on a utility bill, generally 15 days after the billing date.
Duration of Contract	means service shall remain in effect until the customer requests that service or contractual agreement is terminated.
Fraudulent Service Connection	means the act of requesting or receiving utility service(s) under fictitious circumstances or any other act done with the intent to deprive City Utilities of its right to payment.

Governing Body	means the Mayor and Councilmembers of the City of McDonough, Georgia.
Hazardous Condition	refers to a condition that jeopardizes the health and welfare of any customers as determined by the City or other regulatory authority.
Leak Adjustment	is a financial adjustment to water and/or sewer usage charges when a customer may experience higher than normal water/sewer bills due to unintentional water loss caused by broken and/or malfunctioning plumbing fixtures.
Master Meter	shall mean a single meter which serves multiple dwellings, commercial, or other units.
Meter	refers to a mechanical device owned by the City of McDonough Water Department and used to measure and record the quantity of water supplied to the customer. The meter is the official recorder of the amount of water consumed by a customer.
Meter Box	means the subsurface structure that houses a water meter, protecting the meter from damage and allowing the City access to the meter for maintenance, investigation, and/or reading.
Meter Tampering	means any willful alterations or interference with the hydrant meter, water meter, meter seal, locks, or other system components belonging to City of McDonough. Tampering includes turning on said valve for the purpose of obtaining water and/or wastewater service to premises without authorization.
Month	means the period between any two consecutive regular billings by the Utility Department for service rendered to a customer. Such billings are scheduled at intervals of approximately thirty (30) days.
Monthly Service Fee	refers to a minimum monthly fee which shall apply regardless of whether any water and/or sewer is used so long as each dwelling unit or place of business remains connected to the water and sewer system.
Owner	refers to a person, firm, private or public corporation, association or other entity, including governmental agencies and other units of government having any interest whatsoever, whether legal or equitable, sole or partial in any premises but does not include a customer renting the premises.
Premises	means any and all real property or tangible personal property capable of being serviced by The City of McDonough Water Department as a result of the existence of a service connection.
Remote Radio Reading Device	refers to a device that works in conjunction with the water meter by assisting the Water Department Employees in taking readings of water usage without accessing the water meter.

Residential Service	means readiness and ability on the part of the City of McDonough to furnish utility service to a residential customer.
Returned Check Fee	refers to a charge to the customer when a payment is returned by a banking institution as unpaid.
Revenues	means any funds received for water, sanitary sewer service, tap fees, service charge fees, disconnect fees, reconnection fees or any and all other charges except for service deposits that may be charged and collected by the City..
Service	means the readiness and ability on the part of the City of McDonough to furnish utility service to the customer.
Service Application and Agreement	refers to a signed agreement between the applicant and the City defining the specific type of service requested, and the responsibilities of each party regarding the service to be provided.
Shall or Will:	when utilized in this Ordinance have a mandatory meaning.
Tampering	means any willful alterations or interference with the fire hydrant, water meter, meter seal, locks, or other system components belonging to City of McDonough. Tampering includes turning on said valve for the purpose of obtaining water and/or wastewater service to premises without authorization.
Tenant	refers to the person(s) who have entered into a written lease agreement with a property owner/landlord for occupation of property.
Unauthorized Use or Theft of Service	refers to obtaining or attempting to obtain water service by deceitful means.
Utility Account	means a combined account for the following services, as applicable: water, wastewater, and/or garbage collection and disposal
Utility Bill	is the notice forwarded to the customer that payment is required for utility service. The bill includes: the billing date, dates of service, charges for utility service, total amount due, and payment due date.
Water Main	means the City's potable/clean water main or pipe owned and maintained by the City to distribute water to customers.
Water Restrictions	means an emergency state or condition exists under which certain water use restrictions have been ordered to minimize water consumption.
Water Service	shall mean water services furnished or available to customers by the City's water system.
Water Service Line	means the potable/clean water line installed and maintained by property owner to carry water from the meter/water main to the building or other use on the property.

13.04.020 Water Rates; Review and Revision

The City Council shall have the authority to determine rates, charges, and fees required for the provision, consumption, operation, maintenance, extension, and expansion of its water and wastewater systems, including those reasonably required for the anticipated growth of the area served. All water service system rates, including both water and sewer, shall be reviewed and revised by action of a resolution by the City Council. A copy of this resolution is on file in and available for inspection in the office of the City Clerk.

13.04.030 No Free Service or Use

No water or sewer service shall be furnished or rendered free of charge to any person, address, firm, corporation or any entity. All water service connections will be metered.

13.04.040 Water/Sewer Billing Minimum

Water and sewer bills will be charged at a minimum monthly rate per residential address or place of business so long as each is connected to the water and/or sewer system. The minimum monthly rate shall apply regardless of whether any water and/or sewer is used so long as each dwelling unit or place of business remains connected to the water and sewer system. Any usage over the minimum monthly rate shall be charged based on the rates established by City Council.

Any customer contesting that all water metered is not being returned to the system may install, at the owner's expense, a separate metering system that is authorized and approved by the City.

13.04.050 - Special Contract Agreements—Generally

Extraordinary circumstances, such as multiple dwelling units, industrial users, and fire protection, shall be governed by special contract agreements made by the City Council, on the recommendation of the city engineer or designated City official.

13.04.060 Application for Service

Applicants must be 18 years old or older to apply for service. Every business operator, property owner or tenant, within the service area of the City of McDonough, must apply for water, sewer, and sanitation (trash removal) services within three (3) business days of taking possession of a property. This date is determined by the closing date for purchases or move-in date for a rental/lease. If service is not established within the time frame specified, the resident will be charged for water consumption from the closing date for purchases or move-in date for a rental/lease.

The applicant must complete the Service Application Form and provide sufficient proof of identification and a copy of the closing statement or valid lease agreement. The completed Service Application and required documents may be submitted to the Customer Service Department located at City Hall, or by email or facsimile.

Service will not be initiated for a potential customer who has an outstanding balance from a previous account until all account(s) are paid in full or resolved to the satisfaction of the City of McDonough Utility Billing Department.

13.04.080 - Second Water Meter—Requirements—Rate

A second water metering system may be installed, at the customer's expense, for the purpose of ground or pool maintenance and other outside usage. Separate metering systems must be approved by the City

of McDonough. The second meter shall not be connected to the household plumbing in any way that will allow water to flow into the sewer system.

Billing of service for the second meter shall include a monthly minimum charge in accordance with the standard water rates for the City of McDonough. The minimum monthly rate shall apply regardless of whether any water is used. Any usage over the minimum monthly rate shall be charged based on the rates established by City Council.

13.04.090 - Multi-family Dwellings

- A. Water service shall be billed by the City on a master meter basis and the landlord or property owner of the multi-family dwelling shall be responsible for paying the utility for all charges contained in such bills. All newly constructed multi-family dwellings shall be billed by the owner or landlord based on sub-unit meters which shall be installed by the owner/developer at the time of the buildings' construction.
- B. Each individual dwelling unit in multi-family buildings shall be metered in such a way that all water used by said dwelling unit can be recorded and billed.

13.04.110 - Water Use; Responsible Party Designated

The builder, owner or tenant will be responsible for all water consumed after the installation of the meter. The builder, owner or tenant shall be responsible for all sewer charges once the sewer inspection has passed by the City of McDonough Water Department.

13.04.130 - Sewer Line Placement

The City shall run a service line from its distribution line to the property line of the user where the distribution line is parallel or adjacent to the property to be served.

13.04.150 - City's Right to Refuse Service

The City reserves the right to refuse service unless the user's piping is installed in such a manner as to prevent cross-connections or backflows.

13.04.160 - Service Interruption Notice

City of McDonough water customers may be notified of any anticipated interruptions of service. Service interruptions may be posted on the City website and Facebook page.

13.04.170 - Water Use Restrictions

Water furnished by the City for consumption by the user, household members or guests shall not be piped to adjacent property. Water shall not be used for irrigation or other purposes except when water is available in sufficient quantity which will not interfere with the regular consumption in the area served. Disregard of this rule shall be sufficient cause for refusal and/or discontinuance of service.

13.04.180 - Placement of Meter or Meter box

No water shall be furnished to any building or premises except through water meters provided by the City of McDonough. A suitable meter placement location, which is unobstructed and accessible at all times, must be provided by the user. The City may install its meter at or near the property line, or at the

City's option, on the user's property within three feet of the property line. Meter installation costs will be charged to the customer at the established rates.

13.04.190 – Private Cut-Off Valve Required

The users shall furnish and maintain a private cut-off valve on the user's side of the meter.

13.04.200 – Piping and Equipment Installation Requirements

The user's piping and equipment shall be installed and maintained at the user's expense in a safe and efficient manner, and in accordance with the sanitary regulations of the State of Georgia Health Department.

13.04.210 – Private Wells Prohibitions

No private wells shall be permitted to be used in connection with the lines of the City's water system.

13.04.220 - City Employee Access

Authorized employees of the City of McDonough shall be permitted access to the customer's premises for the purpose of installing and/or removing City property, inspecting pipes, maintaining and reading the water meter or any other reasonable purpose related to water consumption or water delivery.

Any intentional obstruction of access will result in termination of service and civil penalties. All costs associated with gaining access shall be billed to the property owner or account holder.

13.04.230 – System Extensions – Generally

Extensions to the system shall be made only when the users shall grant or convey, or shall cause to be granted or conveyed, to the City a permanent easement or right-of-way across any property traversed by the water lines.

13.04.240 - Service Disconnection Notice by Account Holder

The account holder is responsible for all bills, penalties, late fees and any other charges incurred until a Disconnection of Service Form or written request to terminate service has been submitted to the City of McDonough Utility Billing Department.

The written request to discontinue service should be submitted at least 2 (two) business days in advance of discontinuing service. Only the account holder may discontinue service. Sufficient identification must accompany the request to terminate service.

13.04.250 - Billing—Payment

All charges for water, wastewater and/or garbage service shall be billed to the customer on one bill by the 15th of each month.

Customers are responsible for their account balance and should be aware of the billing schedule. Failure to receive a bill does not relieve the customer of the obligation to pay by payment deadline date.

Payment is due no later than the due date printed on bill. After the due date, a late fee will be added to the customer's account. To avoid disconnection of service, all charges must be paid in full. Partial payments will be accepted but will not prevent disconnection due to non-payment.

Payments may be submitted to the Customer Service Department located at City Hall or via US Postal Service, telephone or web. Payments shall be posted as of the date received by the City, not by the postmark date. Payments received after 5:00 pm shall be posted on the following business day.

13.04.260 – Deposit

A Security Deposit in the amount specified in the Utility Fee Schedule adopted by the City Council must be paid by all applicants at the time the service application is submitted. Service will not be established until the applicable security deposit is paid.

The security deposit will remain on the account until service is permanently disconnected. A final meter reading will be made on the date service is disconnected and a final bill will be generated. The deposit on the account will be applied to the account balance. Any remaining deposit will be mailed to the forwarding address provided on the Disconnection of Service Form.

If the deposit is insufficient to cover the account balance, a bill for the remaining balance will be mailed to the forwarding address. The City may proceed with collection procedures in the manner provided by law to collect any unpaid balance.

An additional deposit may be required for the following:

- A. Service is disconnected for non-payment.
- B. Monthly average account balance exceeds the deposit.
- C. Payment history on previous account is non-satisfactory.
- D. Bankruptcy has been filed.

13.04.270 - Disconnection for Nonpayment

Water service scheduled for disconnection or that has been disconnected for failure to comply with the payment guidelines will be charged an administrative fee which is determined by City Council. In addition to these charges, a customer disconnected two (2) times for non-payment in a twelve-month period may be required to pay a security deposit or an additional deposit. The deposit will be applied to the account to cover any outstanding balance at the time service is terminated.

Payment for accounts which are scheduled for service disconnection or have been disconnected due to non-payment must pay the account balance and administrative fee by cash, money order or credit card.

Service will be reconnected after the account balance and fees associated with disconnection of service have been paid in full. Service will be reinstated on the same business day when the account balance is paid in full by 4:00 pm local time.

13.04.280 - Nonpayment Dispute Resolution

The City Administrator is empowered to resolve any dispute that may arise under the provisions of section 13.04.270, and after hearing any such dispute may determine that service will be continued or discontinued.

13.04.290 - Disconnection Without Notice Allowed When:

The City reserves the right to discontinue its service without notice for the following reasons:

- A. To prevent fraud or abuse;
- B. Willful disregard of the City's policies;
- C. Emergency repairs;

- D. Insufficiency of water supply beyond the City's control;
- E. Direction of public authorities;
- F. Strike, riot, fire, flood or unavoidable accident;
- G. Failure to correct plumbing issues after notice from the City;
- H. Unauthorized connection of service;
- I. Meter tampering; or
- J. Non-payment.

13.04.300 - Meter Accuracy

If a meter fails to register or registers incorrectly during a billing period, the customer shall be charged on the basis of the average monthly consumption.

Should the accuracy of the meter be in question, a special meter reading or consumption report may be requested by the customer. Requests made after the bill has become delinquent may not be effective in preventing service disconnection.

The City will make a special meter reading at the request of the customer. A Meter Recheck Fee, as approved by City Council, shall be charged for customer requested meter rechecks.

In the event the meter is found to be faulty or if the reading is found to be erroneous the Meter Recheck fee shall be credited to the customer's account and an adjustment shall be made to the account based on average consumption. A new meter shall be installed at no cost to the customer.

Any customer requesting a meter replacement shall be responsible for the cost of the meter and all associated fees based on the Utility Fee Schedule. The meter removed shall be tested for accuracy by an independent company. If the meter is found to be defective, the cost of the meter replacement and associated fees will be refunded to the customer.

13.04.310 - Tampering With City Property Prohibited

It is considered tampering for any unauthorized person, including a licensed plumber, to alter, tamper with, relocate, willfully damage, or bypass a water meter. It is illegal for any person, including a licensed plumber, other than a City of McDonough employee to reconnect a water meter after the service has been disconnected by the City.

Any customer or individual who unlawfully connects to the City's utility system by installing a bypass or by any other means shall be subject to tampering fees, criminal charges and civil penalties. The City shall immediately disconnect any device found supplying water to an unauthorized location/address. Illegal water consumption will be estimated for any service connected without authorization and charged to the account holder/property owner.

Tampering is considered if any consumer, person, legal entity, firm, or corporation, who without authorization of the City:

- A. Connects to or disconnects from a water line of the City;
- B. Connects to or disconnects from a water meter of the City;
- C. Establishes or reestablishes water service from the City
- D. Moves, removes changes, alters, or damages any water meter or water line so as to prevent proper registration of water passing through water meter or line;
- E. Obtains water without authorized connection by the City;

- F. Prevents any other person from obtaining water;
- G. Obstructs or otherwise interferes with the reading or maintenance of any water meter;
- H. Obstructs or otherwise interferes with any water line, meter, fire hydrant, pumping station, or any appurtenances/equipment to the water facilities of the City; or
- I. Creates a hazardous or unsafe condition to the water facilities of the City.

13.04.320 - Leak Adjustments

The City of McDonough Water Department is responsible for maintaining and repairing water lines to the meter. All plumbing and pipes on the property-side of the meter are the responsibility of the property owner/customer. Locating and repairing plumbing leaks on the property-side of the meter is the responsibility of the property owner/customer.

The City of McDonough may make reasonable adjustments to a customer's account that experience exorbitant water/sewer bills due to leaks. In making a determination for a leak adjustment, the City shall take into consideration the cause of the water loss and/or increased consumption.

The City of McDonough shall not be responsible for any expenses incurred in determining a leak exists or for the cost of the repair.

13.08.090 - Powers and Authority of Inspectors

Duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the water and/or sewage works lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

13.08.100 - Protection from Damage

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a property of the City. Any person violating this provision shall be subject to immediate arrest.

13.08.120 - Violations—Penalties

Any person violating any of the provisions of this chapter shall become liable to the City for any expense, loss or damage occasioned the City.

SECTION 3

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

This ordinance shall become effective immediately upon adoption.

So ordained this 6th day of September, 2018.

CITY OF MCDONOUGH, GEORGIA

B.C.

BILLY COPELAND, MAYOR

ATTEST:

APPROVED AS TO FORM:

J.P.

JANIS PRICE, CITY CLERK

J.E.

JAMES ELLIOTT, ATTORNEY

Original signatures on file in Clerk's office.