

Chapter 38. UTILITIES*
ARTICLE I. IN GENERAL

Sec. 38-1. Fluoridation.

The water supply of the city shall be fluoridated. This shall be done in accordance with the procedure recommended by the State Department of Public Health. (Code 1968, §21-1)

Sec. 38-2. Contract.

No utility services will be supplied unless the party desiring or requesting the service sign an application and contract for such service and become responsible for the proper payment of the utility account. (Code 1968, §21-2(1))

Sec. 38-3. Rate Schedules Compliance.

All utility customers of the city shall comply with the established rate schedules of the utilities of the city. Code 1968, §21-2-(2)

Sec. 38-4. Delinquency.

The utility service of any customer not paying his/her bill within 20 days from the billing date shall be subject to be discontinued.

- (1) After a utility service has been discontinued, it shall remain so until all utilities charges as required under existing rate schedules have been paid, together with additional charges. Additional charges such as service charges shall be enacted from time to time by the Mayor and Council.
- (2) For purposes of defining “all utilities charges”, telecommunications services, including but not limited to, CATV, pay per view movies, high speed or dial up Internet service, may be exempted by the City Manager or his/her designee. In all instances, staff shall make efforts to protect the city against financial loss. (Code 1968, §21-2(3); Ord. No. 2111, §1, 4-7-03)

Sec. 38-5. Reasons for Disconnections.

No utility service may be disconnected except for the following reasons:

- (1) Upon the customer’s request,
- (2) When service to the customer constitutes an immediate hazard to persons or property,
- (3) By order of any court or any other authorized public agency,
- (4) Violation of applicable utility rates and regulations approved by the City Council; and
- (5) A bill for past services not paid within at least 20 days after the date of bill.
(Code 1968, §21-2(3a))

***Cross Reference** – Utility, accommodations, policy standards and guidelines; Ch. 22, Art. IX

Sec. 38-6. Cutoff Day.

The 22nd day next after the mailing of utility bills shall be known as cutoff day. A list of all customers failing to pay their utility bills before such cutoff day shall be furnished to each utility department by the City Clerk and Treasurer. Each Utility Superintendent, upon receipt of such lists, shall assign as soon as possible the necessary personnel to work the cutoff lists speedily and accurately. (Code 1968, §21-2(4); Ord. No. 2020, §1, 1-5-98)

Sec. 38-7. Limitations on Disconnection.

In the case of proposed utility disconnections for residential services, no utility service may be disconnected unless:

- (1) Notice has been delivered to the service address or to the address of any party who has undertaken responsibility to pay the bill at least two days prior to date of disconnection. Such notice shall include:
 - a. The earliest date for the proposed disconnection;
 - b. The amount due and the reason for proposed disconnection;
 - c. A telephone number which the affected customer may call for information about the proposed disconnection;
 - d. The procedure for preventing disconnection of service, including one wherein there may exist a medical emergency as described in Section 38-8; and
 - e. Information concerning any programs known to the city which might assist the customer in paying a past due bill.

- (2) The date of the proposed date for disconnection is a business day, when a representative of the city is available to receive payment from the customer.

(Code 1968, §21-2(4a))

Sec. 38-8. Disconnection during Illness.

Service shall not be disconnected for nonpayment of a bill to a residential customer who has a serious illness which would be aggravated by the discontinuation, provided that the customer notifies the city of this condition in writing, with written notice within ten days thereafter, and within ten days of giving such initial notice furnished to the city a written statement from a physician, county board of health, hospital, or clinic identifying the illness, its expected duration, and certifying that the illness would be aggravated by such discontinuance. Such notices should be directed to the City Manager. If such written statement is provided within the period of time authorized, the proposed disconnection will be held in a abeyance for the shorter of either the length of the illness or one month from the date of such initial notice, and the customer may renew the postponement period one additional time by repeating the procedure described in this section. If there is a dispute regarding the existence of serious illness, the case may be referred to the City Manager for final determination. (Code 1968, §21-2-(4b))

Sec. 38-9. Right of Customer to Appeal.

In the case of a disputed bill, the residential customer shall have the right, after all remedial measures with the city have failed, to request, in writing, or orally to be followed by a request in

writing, the City to investigate the dispute before service may be terminated, provided that such a request must be made within ten days after the date of the disputed bill. Any late charges assessed in the case of a disputed bill shall be refunded if it is determined that the customer does not owe the bill. (Code 1968, §21-2-(4c)

Sec. 38-10. Meter for each unit – Exception.

More than one family dwelling structure or more than one place of business shall not be supplied by the same service pipe or line or through the same meter except by special permit for a limited number of days. When two or more dwelling structures or place of business, due to action prior to November 5, 1962, are supplied by the same service pipe or through the same meter, the minimum rate per month for any other family dwelling structure or similar place of business shall be paid on each structure or business by the customer in whose name the utility service is registered on the application and contract. When the meter, through which the multiple service is registered, reveals more utility service has been furnished than is covered by the computed minimum charge, the customer in whose name the account is registered shall pay the regular rate prescribed. (Code 1968, §21-2-(5)

Sec. 38-11. Same – Permit.

The special permit described in Section 38-10 for utility service for one or more places of business or residential structures shall be a written permit which will set forth the circumstances that warrant the granting of such permit. It shall be granted by the Superintendent of the Utility Department affected and shall be subject to review by the City Manager and the City Council. In no case shall this special permit favor the customer to whom it is granted over the ordinary customer occupying a single-family structure or ordinary place of business. (Code 1968, §21-2(6)

Sec. 38-12. Defective Meters.

Where utility meters fail to register the amount of service furnished, bills shall be computed by taking an average of the three most recent months. (Code 1968, §21-2(7)

Sec. 38-13. Fast Meters.

When at the request of the customer or otherwise, utility meters are tested by the utility department or any other party approved by the department and are found to be more than three percent fast, previous bills reflecting such inaccuracy will be adjusted accordingly, but in no case will the adjustment exceed six months prior billing. If a meter is tested at the customer's request more than once in any 12 months period, the consumer shall pay the currently required service charge for such testing but if the meter is found to be more than three percent fast, the consumer's bill will be adjusted as stated in this section, and no service charge will be applied. (Code 1968, §21-2-(8)

Sec, 38-14. Minimum Rate for Late Turn on.

Any utility service cut on prior to the usual meter reading date will be billed according to the appropriate rate schedule for the service rendered, but in no case shall the utility service be billed for less than the minimum charge. (Code 1968, §21-2-(9)

Sec. 38-15. Discontinuance in Emergency.

To avoid waste and in case of emergency, the city reserves the right to discontinue any utility service. (Code 1968, §21-2-(10)

Sec. 38-16. Fire Hydrants.

No person shall under any circumstances take water from any fire hydrant except for fire purposes or when expressly granted permission by the Water Department Superintendent.
(Code 1968, §21-2(11))

Sec. 38-17. Additional Rules and Regulations.

The Superintendent of each city Utility Department shall establish such other rules and regulations as are necessary to conserve utility services, to properly administer the general rules set forth in this chapter, to properly perform the utility services and to fairly, impartially, and efficiently render the department's utility service to the general public and to its customers. Such additional rules and regulations shall be prepared annually and shall be subject to review by the City Manager and the City Council. After the review, the rules and regulations shall be certified by the City Manager as being in full force and effect during the year. (Code 1968, §21-2(12))

Sec. 38-18. Levelized Billing Plan.

The Utilities Director shall implement a levelized billing to allow utilities customers the opportunity to pay bills through an alternative manner that protects the financial integrity of the city. The plan shall allow the utilities department to develop a method of paying so that payment of utility bills is extended over a period of time. Only customers meeting certain criteria developed by the Utilities Director shall be eligible to participate and participating customers shall execute a written contract explaining the plan and expectations of Elberton utilities. Following review of the plan, if satisfactory, it will be certified by the City Manager as being in full effect during the year.
(Ord. No. 2084, §1, 2-5-01)

Secs. 38-19 – 38-24. Reserved.

Sec. 38-25. Deposits.

(a) Credit Review Required. During the process of applying for connection of any utilities services provided by the City through Elberton Utilities (electricity, water/sewer, natural gas, and telecommunications) a credit review of the potential customer, commercial or residential, will be performed.

- (1) For the credit review to occur, potential commercial customers will have to provide at a minimum the full name and address of the company as well as the name, address, and social security number of its primary agent.
- (2) Potential residential customers will have to provide, at a minimum, the full name, address, and social security number of the head of household or resident responsible for payment of service.
- (3) The cost of the credit review is to be paid by the customer and will be included in the account establishment fee.
- (4) A credit review may be waived if the potential customer commercial or residential agrees to pay deposit equal to the estimated average costs for two months of service. The estimated average costs are to be based on either a sample of existing service charges for usage of services similar to those that will be incurred by the potential customer or historical data for an established service.

(5) The City Manager shall designate a limited number of employees to conduct reviews of new or current customers. Credit review activity shall be monitored monthly by the City Manager and/or his/her designee.

(b) Residential Service Deposit. Upon completion of the credit review, the potential customer is to be assigned a deposit of no less than \$25.00 for electricity, \$5.00 for water and \$5.00 for gas; and no more than an amount equal to the estimated average costs for two months of service. The specific amount is based on the credit review score and the customer's status as either a renter or homeowner.

The deposit must be paid in full before services can be connected. Residential deposits, nontransferable, may be paid by cash, check, money order, or credit/charge card.

(c) Commercial Service Deposit or Guarantee. Upon completion of the credit review, the potential commercial customer may be assigned a deposit of no less than 50 percent of the average costs for one month of service with a minimum of \$50.00 for electricity, \$10.00 for water and \$10.00 for gas; and no more than an amount equal to the estimated average costs for two months of service. The specific amount is based on the credit review score. This deposit must be paid in full before services can be connected. A non-transferable cash deposit or satisfactory guarantee approved by the City Manager or his/her designee is required a payment for potential commercial customers deposits.

(d) Industrial Service Deposit or Guarantee. Deposits may be set or negotiated by the City Manager or his/her designee during the service negotiation period.

(e) Telecommunication Service Deposit or Guarantee. Following a credit review, customers utilizing city telecommunications services such as CATV, high speed Internet, etc. may be required to submit a deposit for services including, but not limited to, "pay per view" movies purchases. In lieu of deposits, there may be purchase limitations placed on services such as premium and pay per view.

(f) Existing Utility Service Accounts. Existing accounts with the city through Elberton Utilities are subject to credit reviews and new deposits.

(g) Deposit Exceptions. From time to time rate schedules may be adopted by the Mayor and Council requiring specific deposit requirements different from the requirements set forth in this section.

(Ord. No. 2111, §1, 4-7-03)

Sec. 38-26. Account Establishment Fee.

Nonrefundable accounts establishment fee as set from time to time by the Mayor and Council shall be charged to all new residential and commercial customer accounts. The City Manager during negotiations with industrial customers may charge an account establishment fee as set from time to time by the Mayor and Council to the industrial customer. (Ord. No. 2111, §1, 4-7-03)

Sec. 38-27 – 38-40. Reserved.