

CITY OF SKY VALLEY  
ORDINANCE NO. 11- 04

AN ORDINANCE TO REPEAL ORDINANCE 10- 06 AND REPLACE IT WITH A NEW COMPREHENSIVE WATER ORDINANCE ESTABLISHING SERVICE RULES AND REGULATIONS, WATER RATES, WATER TAP-ON FEES, PENALTIES FOR NON-PAYMENT, AND FOR OTHER PURPOSES.

Whereas, the Code of Ordinances of the City of Sky Valley provide that the Council of the City of Sky Valley may from time to time establish service rules and regulations and water rates consistent with the cost for production of water, water connections, and the operation of the water system.

The Council of the City of Sky Valley hereby ordains:

SECTION I - USER CLASSES AND WATER RATES: From and after the passage of this ordinance, there shall be, and there are hereby adopted, the following user classes and water rate schedules for the City of Sky Valley, as follows:

User Classes:

- (a) Residential User: All individually metered family dwelling units, whether single family or multi-family.
- (b) Multi-family User: All multi-family units that share a meter.
- (c) Commercial User: All non-residential users.

Water charges shall be established by the Council of the City of Sky Valley and amended from time to time as necessary. Water charges shall be established as follows:

| Residential Users by Usage with 2000 gallons minimum as base charge. |             |                    | Commercial and Multi-family Users by Meter Size & Usage |  |                    |
|--|-------------|--------------------|---|--|--------------------|
| Usage  | Base Charge | Per 1000 over Base | Meter Size  | Base Charge for 2000 gallons x size of meter greater than 1" | Per 1000 over Base |
| 2000 or less   | \$30.00     |                    | 3/4"  | \$35.00  | \$10               |
| 2001 – 4999  | \$30.00     | \$10               | 1"  | \$60.00  | \$10               |
| 5000 – 9999  | \$60.00     | \$11               | 1.5"  | \$110.00   | \$10               |
| 10000-14999  | \$115.00    | \$12               | 2"  | \$210.00   | \$10               |
| 15000 - 19999  | \$175.00    | \$13               | 3"  | \$410.00   | \$10               |
| 20000 - 24999  | \$240.00    | \$14               | 4"  | \$510.00   | \$10               |
| 25000 - 34999  | \$310.00    | \$15               | 6"  | \$610.00   | \$10               |
| 35,000 - 49999   | \$460.00    | \$16               | 8"  | \$810.00   | \$10               |
| 50000 +  | \$700.00    | \$17               | 10"   | \$1,010.00   | \$10               |

All water customers located outside of the city limits will be charged one and a half (1.5) times the corresponding base rate type as stated in the above table.

SECTION II – MANDATORY WATER CONNECTION. From and after the passage of this Ordinance, it shall be required that all residences, business establishments, and other structures needing potable water within the City limits of the City of Sky Valley to connect onto the City's water system. This requirement can only be waived by the majority vote of the Council of the City of Sky Valley under a hardship condition whereby it would be unreasonable to require such a connection to the City's water system. Effective immediately no private well shall be installed and no existing well shall continue to be connected to any structure or power which would permit any indoor or outdoor well water use unless authorized by the city council under a hardship condition whereby it would be unreasonable to require such a connection to the City's water system. Notwithstanding anyone presently using a private well as a potable water source will be allowed to continue using that well subject to the limitation that the well may not be connected to the City water system. Anyone presently using such a well must register with the City within 90 days following the effective date of this ordinance.

SECTION III - METERED CUSTOMERS. All users will be required to have metered water usage. The City of Sky Valley will install and maintain the water meters at the time of commencement of service. The fee for relocation of a domestic meter is \$1,500.

SECTION IV – WATER USE. All residences vacated during winter months shall be winterized to protect the plumbing from prevent freezing. Under no circumstances may a water tap be left open to prevent freezing. This practice will be prohibited. This act is a violation of water use conservation by the Georgia Environmental Protection Division. Therefore, any vacated residence detected using water by the City will be assumed to have faulty plumbing internally. Upon this assumption the City will turn off the water to prevent additional damage to the property. The City will also have the right to turn off all unattended outside water use.

SECTION V – GRANDFATHER CLAUSE FOR EXISTING USERS. All Sky Valley water system users as of the effective date of Ordinance 90-5 shall not be required to make application for water service, make a cash security deposit, or pay a connection fee.

SECTION VI – APPLICATION FOR WATER SERVICE. All water consumers desiring to have water service after the effective date of this ordinance shall make application for water service, in person or by agent, at the City Hall of Sky Valley, Georgia.

SECTION VII – CHARGES FOR INITIAL WATER CONNECTION. Water tap-on fees shall be established by the Council of the City of Sky Valley and amended from time to time as necessary. Road bores, road cuts and cased bores will be billed separately.



Water tap-on fees shall be established as follows:

| <b>Water Tap-on Fees – Includes Materials &amp; Labor, except road bores and cuts</b> |  |
|---|--|
| <b>3/4" domestic line tap &amp; meter</b>   | <b>2,500</b>   |
| <b>1" domestic/commercial line tap &amp; meter</b>                                    | <b>5,000</b>   |
| <b>2" commercial line tap &amp; meter in vault</b>                                    | <b>10,000</b>  |
| <b>Other sizes larger than 2"</b>   | <b>10,000 + 5,000 per inch of line size or portion thereof</b> |
| <b>6" Fire Service line tap &amp; meter in vault</b>                                  | <b>30,000</b>  |
| <b>8" Fire Service line tap &amp; meter in vault</b>                                  | <b>40,000</b>  |
| <b>10" Fire Service line tap &amp; meter in vault</b>                                 | <b>50,000</b>  |

SECTION VIII – FLAT FEE AND MINIMUM CHARGES. A minimum charge shall be made for all metered customers on a monthly basis regardless if the water is “on” or “off”. Water service furnished for a given unit shall be used on that unit only and, except for Fire Protection and Fire Departments, the City of Sky Valley shall not, under any condition, furnish water free of charge to anyone.

SECTION IX – CITY’S RESPONSIBILITY AND LIABILITY. The City of Sky Valley shall run a service line from its distribution line to the property line where a distribution line exists so long as an existing distribution line runs immediately adjacent or parallel to the property to be served. No service charge, other than the connection fee referred to in Section VII above will be made for this connection unless road bores or cuts are necessary.

- (a) The City, at its discretion, may make connections to service other properties not adjacent to its lines upon payment of reasonable costs for the extensions of its distribution lines as may be required to render such service.
- (b) The City reserves the right to refuse service unless the consumer’s line or piping is installed in such a manner as to prevent cross-connections or back-flow and meets all City requirements which may be applicable at the time of request.
- (c) The City shall install and maintain a cut-off valve to all users.

SECTION X – CONSUMER’S RESPONSIBILITY AND LIABILITY. Water furnished by the City of Sky Valley shall be used for consumption by the consumer, members of his household and employees only. The consumer shall not sell water to any other person or permit any other person to use said water. Water shall not be used for irrigation or other excessive uses except when water is available in sufficient quantity without interfering with the regular domestic consumption in the area serviced.

- (a) Where a meter or meter box is placed on the premises of a user, a suitable place shall be provided by the consumer, therefore, unobstructed and accessible at all times to the meter readers.
- (b) The consumer shall furnish and maintain a private cut-off valve on the consumer’s side of the meter.

- (c) The consumer's piping and apparatus beyond the City's cut-off valve shall be installed and maintained by the consumer at the consumer's expense, in a safe and efficient manner, and in accordance with the sanitary regulations of the State Health Department, Georgia Environmental Protection Division, and all applicable plumbing and building codes.
- (d) Any water customer requiring a fire line shall install at their expense a double check detector check on the fire line in accordance with City standards.
- (e) In order to be received as a consumer and entitled to receive water from the City's water system, all applicants must offer proof that any private wells located on their property are not physically connected to the lines of the City's water system. Customers and all applicants by becoming consumers of the City's water system must covenant and agree that so long as they can be provided water by the City, they will not permit the connection of any private well on their property to the city's water system and all power to any existing private wells must remain disconnected and otherwise disabled from any use.
- (f) Customers shall not be allowed access to the City's water meter effective immediately due to the sensitivity of the radio read meters that are to be installed. A separate homeowner shut off valve and box will be installed for the customer's use. The City will be responsible for the line up to and including the homeowner shut off valve.
- (g) Requests for the City to turn on/off a city meter or homeowner shut off valve can be made to City Hall during normal business hours. Weekend and emergency shut off requests can be made by calling the Police Department. All requests for meter turn on/off by the City, will be assessed a fee of \$10 per request unless it is determined by the City Manager that it would be hazardous for the Customer to attempt to access the shut off valve. Tampering with the City's meter or box shall subject the customer to a fine not to exceed \$1,000.

#### SECTION XI – ACCESS TO PREMISES AND EXTENSION OF SYSTEM.

- (a) Duly authorized agents of the City of Sky Valley shall have access at all hours to the premises of the consumer for the purposes of installing or removing City property, inspecting piping, reading and testing meters, or for any other purpose in connection with the water service and its facilities.
- (b) Extensions to the water system shall be made only when the owners of the land upon which the extension are to be located shall grant or convey, or shall cause to be granted or conveyed, the City of Sky Valley a permanent easement of right-of-way across any property traversed by the water lines.
- (c) It will not be the City's responsibility to extend water lines to undeveloped areas of the city.
- (d) Water tap-on fees do not include the cost of materials, inspection or installation for the extension of water lines, nor the cost of boring water lines, road cuts, or installing prvs or booster pumps. Those additional costs, if necessary, must be pre-paid in the form of a deposit reflecting the estimated cost to the city of connecting the user to water, pending final determination of the actual cost after the work has been completed. No water service shall be established until all fees have been paid



in full. Alternatively, the applicant can have the installation performed by the private sector as long as the plans have been approved in advance by the city engineer and city manager prior to installation.

SECTION XII – CHANGE OF OCCUPANCY. No less than three (3) days notice must be given, in person or in writing, at the City Hall of the City of Sky Valley to discontinue water service due to change of owner or change of occupancy due to renting. A \$100.00 refundable deposit will be collected from all renters. The departing party shall be responsible for all water consumed up to the time of departure or the departing user's security deposit, if one has been paid, shall be returned to the user upon payment of the final amount owed on the water bill. A partial month's usage for the departing user shall be based on the minimum charge plus the water metered for the portion of the month for which the water was provided. The new occupant shall apply for water service within 48 hours after occupying the premises and failure to do so will make them liable for paying for the water consumed since the last meter reading.

SECTION XIII – METER READING, BILLINGS & COLLECTIONS. Bills to customers for water service shall be mailed out on such day or days of each month as may be determined to be desirable by the City. The failure of water users to pay charges duly imposed shall result in the automatic imposition of the following penalties:

- (a) Nonpayment by the due date will be subject to a penalty of ten percent (10%) per month of the delinquent account.
- (b) Nonpayment for sixty (60) days after the original due date will allow the City, in addition to all other rights and remedies, to terminate water service and in such event, the water user shall not be entitled to receive, nor the City obligated to supply, any water to the consumer.
- (c) If water service is discontinued for nonpayment of water bills as provided above, water service shall not be reconnected until customer's delinquent account, including interest, penalties, and reconnection charges have been paid in full. A reconnection charge of \$250.00 shall be assessed for reconnecting water service when the service has been disconnected for nonpayment of water bills. Bills shall be paid at the City Hall of Sky Valley and a failure to receive bills or notices shall not prevent such bills from becoming delinquent and shall not relieve the consumer from payment of same.
- (d) If water service is discontinued for excessive use violations, the service will not be reconnected until application for service has been applied for, and a \$250.00 connection fee paid.

SECTION XIV – SUSPENSION OF SERVICE.

- (a) Upon discontinuance of service for non-payment of bills, the City may proceed to collect the balance in the usual way provided by law for collection of debts and such debt shall constitute a lien on the property.
- (b) The City reserve a right to discontinue its service without notice for the following additional reasons:
  - (1) To prevent fraud or abuse;
  - (2) Consumer's willful disregard to the City's rules;
  - (3) Emergency repairs;

- (4) Insufficient water supply due to circumstances beyond the City's control;
- (5) Legal processes;
- (6) Direction of public authorities; and
- (7) Strike, riot, fire, flood, and unavoidable accidents.

#### SECTION XV – COMPLAINTS & ADJUSTMENTS.

(a) For all water users:

- (1) PROCEDURE: If the consumer believes his bill to be in error, he shall present his claim, in writing, to City Hall before the bill becomes delinquent. If such claim is made before the discontinuance of service as heretofore provided, the consumer may pay such bill under protest, and said payment shall not prejudice his claim.
- (2) CRITERIA: The City of Sky Valley will only consider requests for reduction of water usage/consumption billing if it is determined in the sole discretion of the City of Sky Valley acting by and through the City Manager that a leak occurred in such a location that would not be readily observable to the property owner.
- (3) ELIGIBILITY: To determine whether or not a water rate adjustment is to be considered the water usage/consumption as billed, which would be the basis of a request for adjustment, must exceed three times the average water bill for the twelve (12) billing cycles immediately preceding the billing cycle for which an adjustment is being sought. If the requested adjustment for water usage does not meet the above criteria no adjustment will be considered.
- (4) COMPUTATION: The maximum adjustment that may be authorized is fifty (50%) of the difference between the billed usage and the average of the twelve (12) immediately preceding monthly billings.
- (5) ADJUSTMENT: The City Manager will be authorized to make adjustments pursuant to the above procedure and criteria. It will be presumed that the City Manager made an appropriate determination based on the facts of each request.
- (6) LIMITATION: Only one request for consideration of a billing adjustment per customer will be considered in any given 5 year period.

(b) For metered water users with disputed meter readings:

- (1) The City will perform special water meter readings at the request of a user at no charge, up to 3 times during a calendar year, when the consumer's water usage is in excess of normal usage by more than 1,000 gallons.
- (2) If the seal of a meter is broken by someone other than a City representative or if the meter fails to register correctly or is stopped for any cause, the user shall pay an amount estimated from the record of his previous bills and/or from other proper data.
- (3) If a meter has been locked by the City and a water user has tampered with or removed the City's lock, the user can be cited for damage to public property and fined in accordance with Section XVII below.



SECTION XVI – NEW SERVICE.

- (a) New service for Private Development within the City limits of Sky Valley:
  - (1) All water line extensions and new service provided for privately owned development interest shall be installed and paid for by the developer.
  - (2) The developer shall submit to the City of Sky Valley five (5) sets of plans and specifications of the proposed water line extensions for approval by the City. All pipe, valves, hydrants, and other components shall conform to City and Georgia EPD minimum standards for public water systems. Fire hydrants shall be located and set in accordance with Fire Department specifications. The submittals thus made shall be reviewed by the Building Inspector to determine if the plans are in compliance with the City Code. The City's Engineer will further review the plans to determine if the materials and methods of construction are in keeping with good construction standards of practice. The City's Engineer shall provide the Developer with a list of changes that need to be made in order that the City's approval be obtained. When such changes have been incorporated into the Developer's plans and specification, the plans will be approved. All plans and specifications for substantial extension or alterations to the City's water system shall be submitted to the Georgia Environmental Protection Division for approval.
  - (3) Prior to the City accepting ownership and operating and maintenance responsibility for the proposed new water line extensions, the private developer shall:
    - (a) Certify that the water lines have been installed in accordance with the approved plans and specifications;
    - (b) Provide all necessary water line maintenance easements to the City; and
    - (c) Deed the water lines over to the City by Standard Warranty Deed.

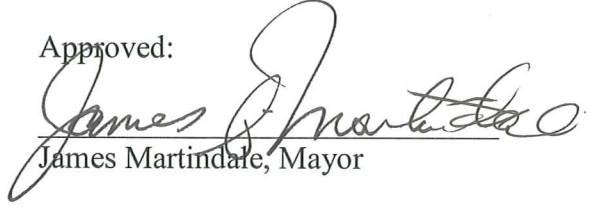
SECTION XVII – PENALTIES FOR VIOLATIONS. Any person who shall violate any of the provisions of this Ordinance shall be deemed guilty of a crime against the City of sky Valley, and upon conviction thereof in the municipal court of said City, shall be fined up to \$1,000 or sentenced up to 6 months imprisonment or both. Each day's violation shall be deemed a separate violation.

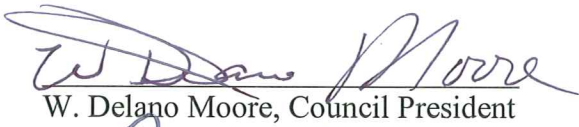
SECTION XVIII – EFFECTIVE DATE. This Ordinance shall take effect December 1, 2010. \ \

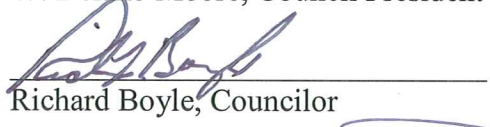
SECTION XIX – CONFLICTING ORDINANCES - SHOULD ANY SECTION OR PROVISION OF THIS ORDINANCE BE DECLARED BY A COURT OF COMPETENT JURISDICTION TO BE UNCONSTITUTIONAL OR INVALID SUCH DECLARATION SHALL NOT AFFECT THE VALIDITY OF THE ORDINANCE AS A WHOLE OR ANY PART THEREOF OTHER THAN THE PART SO DECLARED TO BE UNCONSTITUTIONAL OR INVALID. ALL RESOLUTIONS AND ORDINANCES AND PARTS OF RESOLUTIONS AND ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED.

It is so ordained and approved by vote of the City Council of the City of Sky Valley this 18<sup>th</sup> day of October, 2011.

Approved:

  
James Martindale, Mayor

  
W. Delano Moore, Council President

  
Richard Boyle, Councilor

  
Neil Howard, Councilor

  
Helen Kleiber, Councilor

  
Maureen Platt, Councilor

Attest:

  
Mandi Cantrell, City Clerk

Read and introduced on the 18<sup>th</sup> day of October, 2011.

Adopted on the 18<sup>th</sup> day of October, 2011.