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ORDINANCE

AN ORDINANCE TO AMEND THE SEWER AND WATER ORDINANCE DATED MAY 6, 1997; TO PROVIDE FOR UPDATED TAP AND RATE SCHEDULES; TO PROVIDE FOR METHODS OF PAYMENT, TO PROVIDE FOR COLLECTION OF DELINQUENT ACCOUNTS, TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Dawsonville, Georgia, is authorized by Article IX, Section II, Paragraph III of the Constitution of the State of Georgia of 1983, and O.C.G.A. § 36-35-3 to provide water and sewer utilities; and

WHEREAS, pursuant to the Act incorporating the City of Dawsonville, as amended, dated April 4, 1996 (Hereinafter referred to as "City Charter"), Mayor and Members of City Council are authorized to establish rights, rules, regulations, and ordinances as may be necessary for the operation of its utilities and as they deem proper for the general welfare of the inhabitants of the City of Dawsonville; and

WHEREAS, pursuant to Section 1.12(9) of the City Charter, the City is empowered to acquire, lease, construct, operate, maintain, sell and dispose of public utilities, including sewer and drains, sewage disposal; and

WHEREAS, the City has made a study of its costs related to the provision of water and sewer services including, but not limited to, the current and future production costs, current and future capital costs, current and future maintenance costs, market rates, and other factors, in order to update its tap fees and rate schedule for both water and sewer services; and

WHEREAS, pursuant to Section 1.12(42) of the City Charter, members of the City Council are authorized to make, ordain and establish such bylaws, ordinances, rules and regulations as shall appear necessary for the security, welfare, convenience and interest of the City and the inhabitants thereof and for preserving the health, peace, order and good government of the City.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DAWSONVILLE, GEORGIA AS FOLLOWS:

SECTION 1: INTRODUCTION AND INCORPORATION OF PREVIOUS ORDINANCE

The Dawsonville Water & Sewer Ordinance, originally dated May 6, 1997, along with the Amendments thereto, are incorporated in their entirety by reference herein. Notwithstanding the above, it is agreed that said Ordinance shall be amended to include the provisions as set forth herein and shall hereinafter be included as a part of the Dawsonville Water and Sewer Ordinance previously enacted on or about May 6, 1997, as follows:

SECTION 2: AMENDMENTS TO THE WATER & SEWER ORDINANCE

Section 14-22 Rate Schedule, and Section 14-23 are deleted in their entirety, and a new Section 14-22 Rate Schedule, a new Section 14-23 Connection Fees for Water and Sewer Service, a new Section 14.23.1 Security Deposits, a new Section 14-25.1 Methods of Payment, and a new Section 14-25.2 Delinquent Collection, are adopted as set forth hereinbelow:

Section 14-22: RATE SCHEDULE

- (a) All water furnished by the City of Dawsonville to users or property situated within or without the corporate limits shall be metered and computed monthly and paid for at the following rates, said rates to be first used in computing the monthly bill sent out to customers in November 2005:

WITHIN THE CORPORATE LIMITS

Residential Water Users

0 – 1500 gallons	\$15.00 minimum
over 1500 gallons	\$3.40 per 1000 gallons

Commercial Water Users

0 – 1500 gallons	\$20.00 minimum
over 1500 gallons	\$3.50 per 1000 gallons

OUTSIDE THE CORPORATE LIMITS

Residential Water Users

0 – 1500 gallons	\$20.00 minimum
over 1500 gallons	\$4.75 per 1000 gallons

Commercial Water Users

0 – 1500 gallons	\$30.00 minimum
over 1500 gallons	\$4.80 per 1000 gallons

- (b) All sewer service furnished by the City of Dawsonville to users or property situated within or without the corporate limits shall be computed monthly and paid for as

follows, said rates to be first used in computing the monthly bill sent out to customers in November 2005:

WITHIN THE CORPORATE LIMITS

Residential Sewer Users

0 – 1500 gallons	\$15.00 minimum
over 1500 gallons	\$3.40 per 1000 gallons

Commercial Sewer Users

0 – 1500 gallons	\$40.00 minimum
over 1500 gallons	\$4.00 per 1000 gallons

OUTSIDE THE CORPORATE LIMITS

Residential Sewer Users

0 – 1500 gallons	\$20.00 minimum
over 1500 gallons	\$4.75 per 1000 gallons

Commercial Sewer Users

0 – 1500 gallons	\$50.00 minimum
over 1500 gallons	\$4.80 per 1000 gallons

- (c) Upon the approval of the Water and Sewer Superintendent for the City of Dawsonville, individuals and entities may purchase water in bulk from the City at the rate of \$5.00 for the first one thousand (1,000) gallons or any portion thereof, and an additional \$5.00 for any additional 1,000 gallons or portion thereof. By way of example, if an approved user obtains 700 gallons of water from the City of Dawsonville, the fee charged shall be \$5.00; if an approved user obtains 1,000 gallons of water the fee charged shall be \$5.00; if an approved user obtains 1,100 gallons, the fee charged shall be \$10.00.

Section 14-23: CONNECTION FEES FOR WATER AND SEWER SERVICE

- a. *Water Service.* Effective December 1, 2005, each consumer subscribing to use the water service of the City of Dawsonville shall pay a connection fee associated therewith. This connection fee is not a deposit, but is the connection fee to reimburse the City for its cost and expense in providing a service line, a meter, and labor. The meter shall remain the property of the City. By way of clarification, in the event an owner or user has a single water line serving multiple renters, family members, businesses, etc., each distinct line shall constitute a tap-on fee for purposes of this section in accordance with the applicable provisions of sections 14-37 and 14-38. The connection fee shall be according to the following rate schedule:
- i. For a three quarters ($\frac{3}{4}$) inch meter, which shall only be available for residential purposes appropriate to the anticipated usage, the

connection fee shall be Two Thousand Dollars (\$2,000.00) times the number of connections desired for water service.

- ii. For a one (1) inch meter, the connection fee shall be Two Thousand Five Hundred Dollars (\$2,500.00) times the number of connections desired for water service.
- iii. For a one and a half (1½) inch meter, the connection fee shall be Five Thousand Dollars (\$5,000.00) times the number of connections desired for water service.
- iv. For a two (2) inch meter, the connection fee shall be Eight Thousand Dollars (\$8,000.00) times the number of connections desired for water service.
- v. For a three (3) inch meter, the connection fee shall be Twelve Thousand Dollars (\$12,000.00) times the number of connections desired for water service.
- vi. For a four (4) inch meter, the connection fee shall be Twenty Thousand Dollars (\$20,000.00) times the number of connections desired for water service.
- vii. For a six (6) inch meter, the connection fee shall be Thirty Five Thousand Dollars (\$35,000.00) times the number of connections desired for water service.
- viii. For an eight (8) inch meter, the connection fee shall be Sixty Thousand Dollars (\$60,000.00) times the number of connections desired for water service.

b. *Sewer Service.* Effective December 1, 2005, in addition to the water service fees above, each party shall also pay the amount set out below for connection to sewer service. This connection fee is not a deposit, but is the connection fee to reimburse the City for its cost and expense in providing a service line up to the user's property line as well as the costs associated with any labor. The portion of the sewer line up to the user's property line shall remain the property of the City. By way of clarification, in the event an owner or user has a single sewer line serving multiple renters, family members, businesses, etc., each distinct line shall constitute a tap on fee for purposes of this section in accordance with the applicable provisions of sections 14-37 and 14-48. The connection fee for sewer service shall be according to the following rate schedule:

- i. For a three quarters (¾) inch meter, which shall only be available for residential purposes appropriate to the anticipated usage, the connection fee shall be Four Thousand Dollars (\$4,000.00) times the number of connections desired for sewer service.

- ii. For a one (1) inch meter, the connection fee shall be Five Thousand Dollars (\$5,000.00) times the number of connections desired for sewer service.
- iii. For a one and a half (1½) inch meter, the connection fee shall be Six Thousand Dollars (\$6,000.00) times the number of connections desired for sewer service.
- iv. For a two (2) inch meter, the connection fee shall be Ten Thousand Dollars (\$10,000.00) times the number of connections desired for sewer service.
- v. For a three (3) inch meter, the connection fee shall be Fifteen Thousand Dollars (\$15,000.00) times the number of connections desired for sewer service.
- vi. For a four (4) inch meter, the connection fee shall be Twenty-Five Thousand Dollars (\$25,000.00) times the number of connections desired for sewer service.
- vii. For a six (6) inch meter, the connection fee shall be Forty Thousand Dollars (\$40,000.00) times the number of connections desired for sewer service.
- viii. For an eight (8) inch meter, the connection fee shall be Sixty Thousand Dollars (\$60,000.00) times the number of connections desired for sewer service.

c. *Reconnect Fees.* Effective upon the passage of this Ordinance, with respect to both Water and Sewer Service provided by the City of Dawsonville, in the event that a consumer, after service has been disconnected, requests service to be reconnected, the fees for reconnection will be paid according to the following rate schedule:

- i. First (1st) time reconnect: \$25.00
- ii. Second (2nd) time reconnect: \$50.00
- iii. Third (3rd) time reconnect: \$100.00

Section 14-23.1 SECURITY DEPOSITS AND ADMINISTRATIVE FEES

a. *Residential Security Deposits:* An applicant seeking water or sewer service, or both, shall be required to provide to the City of Dawsonville a security deposit. Only one security deposit shall be required from each applicant, whether or not said applicant is seeking only water service, only sewer service, or both water and sewer service. The schedule for determining the amount of the security deposit required is as follows:

- i. Persons seeking water and/or sewer service who own the property to be serviced: \$75.00.

- ii. Persons seeking water and/or sewer service who rent the property to be serviced: \$150.00.
- b. *Commercial Security Deposits:* The Security deposits required for commercial water and/or sewer accounts shall be determined by the City Council, or its designated agent, as provided for in section 14-19 of this Ordinance.
- c. *Administrative Fees:* An applicant, commercial or residential, seeking water or sewer service, or both, shall be required to pay to the City of Dawsonville an administrative fee in the amount of fifteen dollars (\$15.00). Only one administrative fee shall be required from each applicant, whether or not said applicant is seeking only water service, only sewer service, or both water and sewer service. This administrative fee is not a deposit, but is a fee assessed to reimburse the City for the costs associated with administrative bookkeeping, the administrative labor in beginning and ending service, and providing a final accounting to the applicant.

Section 14-25.1. METHODS OF PAYMENT

- a. The City of Dawsonville shall accept as payment for amounts due under this ordinance the following methods of payment:
 - 1. Cash
 - 2. Check
 - 3. Money Order
- b. The City of Dawsonville does not, at the time of the passage of this ordinance, accept credit cards as a method of payment for amounts due under this ordinance. It is, however, the intent of the City of Dawsonville to accept credit cards as a method of payment in the future. To facilitate the acceptance of credit cards as a method of payment:
- c. The City Council instructs the City Clerk to initiate procedures for the purpose of implementing credit card acceptance as a method of payment for amounts due under this ordinance.
- d. Once the City of Dawsonville is prepared to accept credit cards as a method of payment for amounts due under this ordinance, the City Clerk shall so inform the City Council.
- e. Upon being informed that the City of Dawsonville is prepared to accept credit cards as a method of payment, the City Council may, in its discretion, approve the acceptance of credit cards for amounts due under this ordinance.
- f. Nothing in this section shall require the City of Dawsonville to accept a particular type of credit card for the payment of amounts due under this ordinance.

Section 14-25.2. DELINQUENT COLLECTION

- a. If at any time an amount due under this ordinance is one hundred and twenty (120) days delinquent in payment, the entire amount owed by that customer, whether or not the entire amount is 120 days delinquent, shall be turned over to a collection agency for the purpose of collecting the amount due.
- b. The City Council or its designee may select and enter into an agreement with a collection agency for the purpose of collecting delinquent amounts under this Section.

SECTION 3: REPEAL OF CONFLICTING ORDINANCES

All parts of Ordinances in conflict with the terms of this Ordinance are hereby repealed; but, it is hereby provided that any ordinance or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof and shall be legally construed to be in favor of upholding this ordinance on behalf of the City of Dawsonville.

SECTION 4: SEVERABILITY

If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be invalid or unconstitutional, such invalidity shall not be construed to affect the provisions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. **IT IS HEREBY DECLARED** to be the intent of the City Council of the City of Dawsonville to provide for separate indivisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

SECTION 5: EFFECTIVE DATE

This Ordinance shall take effect upon passage by the City Council of the City of Dawsonville, and the revised rates contained herein shall be effective upon same, unless otherwise provided above.

BE IT ORDAINED by the Mayor and Members of Dawsonville, Georgia City Council this 3rd day of October, 2005.

DAWSONVILLE CITY COUNCIL

By: _____
Joe Lane Cox, Mayor

Jonathan Cox, Council Member

Mike Sosebee, Council Member

ATTESTED TO BY:

Kim Cornelison, City Clerk

Mike Wilson, Council Member

Tim Wimpey, Council Member