

Subject Matter: Amendment to Utilities- Utility Deposit, Fees, Service Charges and Penalties

Date First Presented at Council Public Meeting: 12-21-17

Date of Public Hearing Before City Council: 12-21-17

Date of Second Reading and Adoption at Public Meeting: 01-04-18

**CITY OF FAYETTEVILLE
COUNTY OF FAYETTE
STATE OF GEORGIA**

ORDINANCE NUMBER #0-28-17

CITY OF FAYETTEVILLE, GEORGIA

PREAMBLE AND FINDINGS

WHEREAS, the City of Fayetteville (the “City”) has determined that to serve the needs of the community certain amendments are needed in the City’s Utilities Ordinance; and

WHEREAS, the City has performed a review of the Underground Marking Standards and determined that these changes are needed to continue to serve the citizens of the City; and

WHEREAS, the City hereby adopts, ordains, and enacts the foregoing ordinance amending and modifying the City’s Utilities Ordinance as follows:

WHEREFORE THE CITY OF FAYETTEVILLE HEREBY ADOPTS AND ORDAINS THE FOLLOWING ORDINANCE:

ARTICLE I.

Sec. 86-59. – Utility deposits, fees, service charges, and penalties set by City Council

The City Council shall, by resolution, establish a schedule of deposits, fees, service charges, and penalties for the administration and other matters pertaining to this chapter. The schedule of these charges shall be available on the City of Fayetteville’s website at www.fayetteville-ga.gov and at the City Hall, and may be altered or amended only by action of the City Council.

Sec. 86.60 – Application for utility service – Required; base deposit amounts

- a. *Base deposit amounts.* Application for utility service shall be made with the Billing Coordinator or designee of the Water and Sewer Department, who shall require a base

deposit amount, along with appropriate service charges, for each customer as determined by a resolution of the Mayor and City Council.

- b. *Refund of deposit.* The utility deposit required in subsection (a) of this section shall be retained by the City for eighteen (18) months, without interest, for so long as service is provided by the City to the customer. Provided the customer has maintained a good payment history (no more than 1 penalty in an 18-month period), no returned payments (checks, ACHs, credit cards during a twelve-month period), no disconnects for non-pay during a twelve-month period and there has been no damage to the City's system within said retained (18-month) time frame, the utility deposit will be refunded to the customer. However, the City retains the right to apply any refundable deposit against the customer's account(s) when an outstanding balance exists and then to refund any credit balance remaining.
- c. *Transfer of Deposit.* Deposits are transferrable from one location to another as long as there is no outstanding debt on the account, and the account remains under the same account holder's name. Any balance owed on previous account and a transfer fee will be due before service is connected at new location.
- d. *Poor Payment Policy (Subsequent additional deposits).* Established customers with a history of poor payment will be required to pay a deposit. Poor pay is defined as customer who has had either two NSF returns, including check, ACH, credit card or two disconnect for non-pay during the last consecutive 12-month period. (The poor payment policy will be applied to those not having a good credit history).
- e. *Name Change on Deposit.* A deposit can only be transferred to a different customer in the event of death or divorce or when a business has purchased all assets and legal documents specifically state that the utility deposits are part of the deal to the new owners. Legal documents must be provided to substantiate qualification for transfer under this subsection.
- f. *Change of occupancy.* At least three workdays' notice must be given, to the city to discontinue water and sewer service or to change occupancy. The outgoing party shall be responsible for all water consumed up to the time of departure or the time specified for departure, whichever period is longer. The new occupant shall apply for water service prior to occupying the premises in order to have no interruption of service.

ARTICLE II

This Ordinance shall become immediately effective upon its second reading and adoption by the City Council.

ARTICLE III

The Preamble of this Ordinance shall be construed to be, and is hereby incorporated by reference as if fully set out herein.

ARTICLE IV

This Ordinance shall be codified in the City’s Code of Ordinances at Chapter 86, Article II, Division 2 – RATES, CHARGES AND BILLING Sections 86-59 through 86-60.

ARTICLE V

The repeal of any stricken or deleted language of this ordinance of the now former language of the City (“Former Language”) shall not be construed or held to repeal the Former Language as to any offense committed against such Former Language or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the Former Language, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the herein newly enacted language (“New Language”), so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of the New Language, such provision may be, by the consent of the party affected, applied to any judgment announced after the New Language takes effect.

ARTICLE VI

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

APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF FAYETTEVILLE, at a regular meeting of the Mayor and Council on the 4th day of January, 2018, by the following voting for adoption:

ATTEST:

Edward J. Johnson Jr., Mayor

Kathaleen Brewer, Council Member

Anne Barksdale, City Clerk

Richard J. Hoffman, Council Member

Paul C. Oddo, Jr, Council Member

Harlan Shirley, Council Member

Scott Stacy, Council Member