

Chapter 23

UTILITIES

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ARTICLE I. IN GENERAL

Sec. 23-1. Permit and charges for connections.

No person shall make any connection to the city's water, sewer, electrical systems, without first obtaining a permit to do so from the City Clerk, or his or her designee and paying such connection or tap charges or fees as are prescribed, from time to time, by the City Council. Nothing in this Code or the ordinance adopting this Code shall affect any ordinance prescribing such charges or fees and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

Sec. 23-2. Electricity to be metered.

It shall be unlawful for any person to connect with any city electrical line or use electricity from any line owned by the city without the same being connected with a city meter approved by the City Manager.

Sec. 23-3. Mandatory water connections.

The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and whose property line is now located or may in the future be located within 300 feet of a city public water system line, shall, at the owner's expense, unless otherwise approved by the Mayor and Council of the city, connect such property directly with the city public water system, within 90 days after the date of official notice by the city to the owner to do so.

Sec. 23-4. Wells within the city.

No well shall be allowed within the city for human consumption or human usage, whether the usage be for drinking, toilets, laundry, or other functions and facilities for human beings, within 300 feet of a city public water system line.

No well within the city, wherever located, shall be allowed unless the well meets the requirements of Official Code of Georgia Annotated Section 12-5-134, and unless installed by a licensed water well contractor in the State of Georgia, and unless approval for said well has been granted by the Monroe County Health Department and a copy of said well permit furnished to the building official of the city. The building official shall present the matter to City Council for issuance or denial of a city well permit, which shall be considered by Council at a public meeting with notice and opportunity to be heard by the applicant.

Under no circumstances shall any private well system be connected to the city water system.

Sec. 23-5. Restriction on Outdoor Water of Landscape.

Outdoor watering for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants may occur only between the hours of 4:00 p.m. and 10:00 a.m.; provided, however, that this limitation shall not create any limitation upon the following outdoor water uses:

- (a) Commercial raising, harvesting, or storing of crops; feeding, breeding, or managing livestock or poultry; the commercial production or storing of feed for use in the production of livestock, including,

but not limited to, cattle, calves, swine, hogs, goats, sheep, and rabbits, or for use in the production of poultry, including but not limited to, chickens, hens, ratites, and turkeys, producing plants, trees, fowl, or animals; or the commercial production of aqua-cultural, horticultural, dairy, livestock, poultry, eggs, and apiarian products, or as otherwise defined in O.C.G.A. § 1-3-3;

- (b) Capture and reuse of cooling system condensate or storm water in compliance with applicable ordinances and state guidelines;
- (c) Reuse of gray water in compliance with O.C.G.A. § 31-3-5.2 and applicable local board of health regulations;
- (d) Use of reclaimed waste water by a designated user from a system permitted by the Environmental Protection Division of the Georgia Department of Natural Resources to provide reclaimed waste water;
- (e) Watering personal food gardens;
- (f) Watering new and replanted plants, seeds, or turf in landscapes, golf courses, or sports turf fields during installation and for a period of 30 calendar days immediately following the date of installation;
- (g) Drip irrigation or irrigation using soaker hoses;
- (h) Hand watering with a hose with automatic cutoff or handheld container;
- (i) Use of water drawn from private water wells or surface water by an owner or operator of property if such well or surface water is on said property;
- (j) Watering horticultural crops held for sale, resale, or installation;
- (k) Watering athletic fields, golf courses, or public turf grass recreational areas;
- (l) Installation, maintenance, or calibration of irrigation systems; or
- (m) Hydro-seeding.

The City Council may impose more stringent restrictions as needed, in accordance with state law.

Sec. 23-6. Enforcement.

- (a) The City Manager, or his or her designee shall enforce this ordinance. Violators of this ordinance will be penalized, upon conviction, in accordance with Section 1-14 of this code, unless alternative penalties are provided in this chapter.
- (b) Any violation of this article may also be enforced by a citation or accusation returnable to the Municipal Court, or by any other legal means as set forth in the code of the City of Forsyth or as otherwise allowed by any ordinance or State Law.

Secs. 23-7—23-15. Reserved.

ARTICLE II. WATER

Sec. 23-16. Construction and maintenance of water system; permit.

The City Manager, or his or her designee shall be authorized to establish and enforce reasonable technical, design, and inspection regulations for the construction and maintenance of components of the water system, or pipes tying into the water system, in keeping with contemporary best practices in engineering and construction. For any private person or entity to engage in construction or maintenance work on any part of the city water system, a permit must be obtained from the City Manager or his or her designee for this purpose. The cost of this permit shall be set by City Council by resolution. There is no permit required under this section for persons engaging in water system construction or maintenance work on behalf of the city.

Sec. 23-17. Installation of stop and waste valves to prevent meter damage.

- (a) Where new water taps are installed, the city shall install stop and waste valves, to prevent damage to city water meters. At the request of any customer, the city will install such valves for existing taps.
- (b) The charges for the installation of stop and waste valves pursuant to this section shall be such as are prescribed by the City Council.

Sec. 23-18. Installation of pipe from main to edge of sidewalk.

When the prescribed water tap or connection charge has been paid to the city, the city will furnish, free of further cost, enough pipe, such as is used by the city, to reach from the main to the edge of the sidewalk at the place where the water is to be used, provided the distance from the main where tapped to the edge of the sidewalk is not over 30 feet. In the event such distance is over 30 feet, the person for whom the tap is made shall pay for the number of feet of pipe more than 30 feet that may be necessary to reach the edge of the sidewalk and the cost of laying such pipe. Such person may, at his or her option, be credited on his or her account for excess pipe with the amounts paid on his or her water bill until the full amount due for such additional pipe is paid.

Sec. 23-19. Dripping or leaking pipes.

It shall be unlawful for any person to allow his water pipes to drip or run from the spigots, except when in actual use or when left dripping to prevent the freezing of pipes. If any water pipes burst or should there be any leaks in the water pipes, joints, connections or spigots, it shall be the duty of person living on the premises and using the water where the leaks occur to immediately shut off the water and keep the same shut off until the leaks are stopped. For customers who have opted to receive monthly average water bills throughout the year, the city will not adjust bills to a monthly average during a pay period in which there was a leak. The city may shut off water service to customers who allow leaks to persist.

Sec. 23-20—23-35. Reserved.

ARTICLE III. SEWERS AND SEWAGE DISPOSAL

DIVISION 1. GENERALLY

Sec. 23-36. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

BOD (denoting biochemical oxygen demand). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees Celsius, expressed in milligrams per liter.

Building drain. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

Building sewer. The extension from the building drain to the public sewer or other place of disposal.

Combined sewer. A sewer receiving both surface runoff and sewage.

Garbage. Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.

Industrial wastes. The liquid wastes from industrial manufacturing processes, trade or business, as distinct from sanitary sewage.

Natural outlet. Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Properly-shredded garbage. The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

Sanitary sewer. A sewer which carries sewage and to which storm, surface, and groundwater are not intentionally admitted.

Sewage. A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

Sewage treatment plant. Any arrangement of devices and structures used for treating sewage.

Sewer system. All facilities for collecting, pumping, treating, and disposing of sewage.

Sewer. A pipe or conduit for carrying sewage.

Slug. Any discharge of water, sewage, or industrial waste which, in concentration of any given constituent

or in quantity of flow, exceeds for any period of duration longer than 15 minutes, more than five times the average 24-hour concentration or flows during normal operation.

Storm sewer. A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Suspended solids. Solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids, and which are removable by laboratory filtering.

Sec. 23-37. Violations of article.

- (a) Any person found to be violating any provision of this article, except Section 23-40, which shall be penalized according to Section 1-14 of this code, shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- (b) Any person who shall continue any violation beyond the time limit provided for in subsection (a) above shall be guilty of a misdemeanor.
- (c) Any person violating any of the provisions of this article shall become liable to the city for any expense, loss or damage to the city caused by such violation.

Sec. 23-38. Mandatory sewer connections.

The owners of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, shall, at his expense, install suitable toilet facilities therein and connect such facilities directly with the proper public sewer in accordance with the provisions of this article. This connection must be made within ninety days after the date of official notice to do so, if such public sewer is within three hundred feet of the property line.

Sec. 23-39. Allocation of extra costs when sewer lines run on each side of street instead of down middle.

Where it is more feasible and of benefit to those affected and to the city to run sewer lines on each side of a street instead of running the sewer line down the middle, the City Council may make an equitable allocation of the extra costs of such installation, by charging the owner of the abutting property as much for his or her line into the sewer line as the charge would be if the sewer line was placed in the middle of the street.

Sec. 23-40. Damaging, defacing, etc., sewer system property.

No, unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewer system.

Sec. 23-41. Unlawful disposal of human or animal excrement.

It shall be unlawful for any person to place, deposit, or permit to be deposited any human or animal excrement or other objectionable waste in any unsanitary manner on public or private property within

the city.

Sec. 23-42. Discharge of sewage into natural outlets.

It shall be unlawful for any person to discharge any sewage or other polluted water into any natural outlet within the city of Forsyth, except where suitable treatment has been provided in accordance with this article.

Sec. 23-43. Disposal of storm water, unpolluted drainage and process and industrial cooling water.

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the City Manager, or his or her designee. Industrial cooling water or unpolluted process waters may be discharged, on approval of the City Manager, or his or her designee, to a storm sewer, combined sewer, or natural outlet. No person shall discharge or cause to be discharged any surface water, groundwater, roof runoff, or subsurface drainage to any sanitary sewer.

Secs. 23-44—23-55. Reserved.

DIVISION 2. BUILDING SEWERS

Sec. 23-56. Permit.

- (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City Manager, or his or her designee.
- (b) There shall be two classes of building sewer permits:
 - (1) For residential and commercial service; and
 - (2) For service to establishments producing industrial wastes.

In either case, the owner, or his agent shall make application for the permit on a special form furnished by the city. The application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent. A permit and inspection fee, in such amount as is prescribed by the City Council, shall be paid to the city at the time the application is filed.

Sec. 23-57. Installation to be at owner's expense; owner to indemnify city.

All costs and expense incident to the installation and connection of a building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Sec. 23-58. Separate sewer required for each building; exception.

A separate and independent building sewer shall be provided for every building, except that, where a building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer

from the front building may be extended to the rear building and the whole considered as one building sewer.

Sec. 23-59. Use of old sewers for new buildings.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City Manager, or his or her designee, to meet all requirements of this division.

Sec. 23-60. General specifications.

The size, slope, alignment and materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall conform to the requirements of the building and plumbing codes and other applicable rules and regulations of the city. The City Manager, or his or her designee shall be authorized to establish and enforce reasonable technical, design, and inspection regulations for the construction and maintenance of components of the sewer system, or pipes tying into the sewer system, in keeping with contemporary best practices in engineering and construction.

Sec. 23-61—23-75. Reserved.

DIVISION 3. SEWER USE STANDARDS

Sec. 23-76. Prohibited discharges generally.

(a) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either independently or by interaction with other wastes to:
 - a. Injure or interfere with any sewage treatment process;
 - b. Constitute a hazard to humans or animals;
 - c. Create a public nuisance; or
 - d. Create any hazard in the receiving waters of the sewage treatment plant, including but not limited to, cyanides more than two milligrams per liter in the wastes as discharged to the public sewer.
- (3) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewer system.
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewer system. Examples of such substances include, but are not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair, entrails, and paper products, whether whole or ground.

(b) No person shall discharge or cause to be discharged the following described substances, materials,

waters or wastes, if it appears likely, in the opinion of the City Manager, or his or her designee, that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, or property or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the City Manager, or his or her designee will consider such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- (1) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65° C).
- (2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, more than 100 milligrams per liter, or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (0 and 65°C).
- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipment shall be subject to the review and approval of the City Manager, or his or her designee.
- (4) Any water or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not.
- (5) Any waters or wastes containing iron, chromium, copper, zinc, and similar substances.
- (6) Any water or wastes exerting excessive chlorine, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the City Manager, or his or her designee for such materials.
- (7) Any water or wastes containing phenols or other similar taste or odor-producing substances, in concentrations exceeding limits which may be established by the City Manager, or his or her designee as necessary.
- (8) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City Manager, or his or her designee in compliance with applicable state or federal regulations.
- (9) Any water or wastes having a pH more than 9.5.
- (10) Materials which exert or cause:
 - a. Unusual concentrations of inert suspended solids, such as, but not limited to, Fullers earth, lime slurries and lime residues, or of dissolved solids, such as, but not limited to, sodium chloride and sodium sulfate.
 - b. Excessive discoloration, such as, but not limited to, dye wastes and vegetable tanning solutions.
 - c. Unusual BOD, chemical oxygen demand, or chlorine in such quantities as to constitute a significant load on the sewage treatment works.
 - d. Unusual volume of flow, or concentration of wastes constituting slugs.
- (11) Water or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant cannot effectively treat other water or wastes due to the intensity of treatment required for such substances.

Section 23-77. Authority of City Manager to reject or require pretreatment, flow control and/or additional payment for certain wastes.

If any water or wastes are discharged, or are proposed to be discharged, to the public sewer, which contain the substances or possess the characteristics enumerated in subsection (b) of Section 23-76 and which, in the judgment of the City Manager, or his or her designee, may have a deleterious effect upon the sewer system, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the City Manager, or his or her designee may:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (c) Require control over the quantities and rates of discharge; and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 23-83.

If the City Manager, or his or her designee permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the City Manager, or his or her designee and the requirements of all applicable codes, ordinances, and laws.

Sec. 23-78. Grease, oil and sand interceptors.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the City Manager or his or her designee, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand, or other harmful ingredients. Such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City Manager, or his or her designee and shall be located as to be readily and easily accessible for cleaning and inspection.

Sec. 23-79. Maintenance of pretreatment and flow-equalizing facilities.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Sec. 23-80. Control manholes.

When required by the City Manager or his or her designee, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with necessary meters and other appurtenances in the building sewer. This control manhole will be used to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the City Manager and his or her designee. The manhole shall be installed by the owner, at his or her expense, and shall be maintained to be safe and accessible at all times.

Sec. 23-81. Sampling, testing, etc., wastes.

The city shall have the right to take such samples of waters and wastes and to make such tests,

measurements and analyses as are necessary to enforce the provisions of this division and ensure the cleanliness and operational quality of the sewer system.

Sec. 23-82. City personnel entering private property and easements to enforce division.

- (a) The designees of the City Manager shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this division. City personnel shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper, or other industries, beyond that point having a direct bearing on the kind and source of discharge to the sewers, waterways, or facilities for waste treatment.
- (b) The designees of the City Manager shall be permitted to enter all private properties through which the city holds a duly negotiated easement, for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewer system 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.

Sec. 23-83. Special agreements for treatment of industrial wastes by city.

Nothing contained in this division shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment.

Secs. 23-84—23-95. Reserved.

DIVISION 4. PRIVATE SEWAGE DISPOSAL SYSTEMS

Sec. 23-96. When required or prohibited.

Where a public sanitary or combined sewer is not available under the provisions of Section 23-38, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this division. When such a sewer is so available, it shall be unlawful for any person to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

Sec. 23-97. Permit generally.

Before commencement of construction of a private sewage disposal system, the owner shall obtain a written permit signed by the Monroe County Health Department. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications or other information deemed necessary by the City Manager, or his or her designee. A permit and inspection fee, in such amount as is prescribed by the City Council, shall be paid to the city at the time the application is filed.

Sec. 23-98. When permit effective; inspections.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the City Manager, or his or her designee. The designee of the City Manager shall be allowed to inspect the work at any stage of construction. The applicant for the permit shall notify the City Manager, or his or her designee when the work is ready for final inspection and before any underground

portions are covered. The inspection shall be made within 72 hours of the receipt of such notice by the city.

Sec. 23-99. Specifications.

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the State Department of Public Health.

Sec. 23-100. Septic tank or cesspool not to discharge to natural outlet.

No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Sec. 23-101. Operation and maintenance.

The owner shall operate and maintain private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

Sec. 23-102. Procedure when public sewer becomes available.

When a public sewer becomes available to a property served by a private sewage disposal system, the building sewer shall be connected to such sewer within 60 calendar days, and the private sewage disposal system shall be abandoned, cleaned of sludge, and filled with gravel or dirt. The former private sewer system may be observed and inspected by the designee of the City Manager to determine compliance with this section.

Sec. 23-103. Division not to interfere with requirements of state health department.

No statement contained in this division shall be construed to interfere with any additional requirements that may be imposed by the State Health Department.

Secs. 23-104—23-105. Reserved.

DIVISION 5. STORMWATER MANAGEMENT

Sec. 23-106. Plans required, when; design, construction criteria and related policies.

- (a) It shall be the duty of an owner intending to develop land for residential, commercial, and industrial purposes to prepare and submit a stormwater management plan to the City Manager, or his or her designee for approval prior to engaging in any land-disturbing activities on parcels 1/3 acre or larger in size. Such plan shall be held to reasonable technical design, and inspection regulations in keeping with best practices in construction and engineering. Such plan must be prepared by a professional engineer or a land surveyor licensed by the State of Georgia who will certify that the design meets minimum standards ($\leq 1\%$) and will serve the intended purpose. Any liability associated with the performance and operation of the facility will remain with the designer and owner into perpetuity as designed. The city assumes no liability due to or associated with the design of any stormwater drainage facility.
- (b) Any person aggrieved or affected by any decision of the City Manager, or his or her designee regarding the approval or disapproval of a stormwater management plan may make an appeal, as provided for

in the regulations of the city.

Secs. 23-107—23-115. Reserved.

ARTICLE IV. SERVICE CHARGES

DIVISION 1. GENERALLY

Sec. 23-116. Rates.

The rates for water, sewer, telecommunications (including cable television) and electrical service furnished by the city shall be as prescribed, from time to time, by the City Council. Nothing in this Code or the ordinance adopting this Code shall affect any ordinance prescribing such rates. All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

Sec. 23-117. Deposits as security for payment.

- (a) Before any water, sewer, electrical, or telecommunications (including cable television) services are furnished to any customer by the city, the customer shall make deposits with the city as security for the prompt payment of all charges for such services. Such deposits shall be in the amount prescribed by the City Council. Nothing in this Code or the ordinance adopting this Code shall affect any ordinance prescribing the amount thereof. All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.
- (b) A deposit made pursuant to this section shall be returned to the customer upon termination of the service, if all charges due the city for utility service have been paid. In the event the customer owes the city for such services at the time of termination of services, such deposit shall be used, in whole or in part, to pay the outstanding bill. The deposit by the customer shall serve as consent for such use in such event.

Sec. 23-118. Reserved.

Sec. 23-119. When due and payable; penalty for delinquency.

- (a) The City Council shall prescribe standard utility bill due dates by resolution. The due date will be 20 calendar days after the billing date, with the due date to be printed on the city billing. The cut-off date will be 12 calendar days following the due date.
- (b) If any utility billing of the city, including water, sewer, electrical, and telecommunications (including cable television) is not paid on or before the due date, a penalty will be assessed to any such account on the unpaid balance in an amount to be prescribed from time-to-time by City Council.
- (c) Local, state and federal governments and senior citizens who have exemptions pursuant to Code Section 23-136 are excluded from the penalty set out by subparagraph (b).

Sec. 23-120. Discontinuance of service for delinquency.

- (a) If any utility billing for water, sewer or electrical service rendered by the city is not paid before the

cut-off date, the city shall have the right to discontinue such service to the premises, and the service will not be reinstated until the full utility bill, including any penalty, has been paid in full, together with such reconnection charges as may be prescribed. Any customer who pays a utility bill on the cut-off day at the site of the premises to the city meter reader will be charged such collection fee as prescribed, from time to time, by the City Council. If the full amount of the utility billing and any required deposit upgrade is paid in full during regular business hours of the city of any business day, the reconnect charge will be as prescribed, from time to time by the City Council. If any bill and required deposit upgrade is paid by close of business of any city business day and the reconnection cannot be made before close of business, services will be restored the next business day.

(b) Exceptions to cut-off shall be as follows:

(1) If a customer has a medical letter on file. The medical letter must be renewed every three months. A color-coded seal will be placed on the electric meter to eliminate the possibility of error. The medical letter does not relieve the customer from payment of the bill for services. Any customer with a medical letter that does not pay the due bill within the allotted timeframe will be notified of pending disconnect by door knob notice.

(2) If the high temperature of the day is 40 degrees or less or 100 degrees or more.

(3) Arrangements for payments shall not be made except in special or extenuating circumstances and when approved by the City Manager, or his or her designee. Approval for any arrangement shall be documented in writing, notice of which shall be attached to the bill for which the arrangement is being made, and shall be effective for a definite limited period. Examples of special or extenuating circumstances shall include circumstances such as a catastrophic event in the City or to the customer or the customer's premises, a medical emergency to the customer, or other similar type events or circumstances.

(4) If a customer has established a good payment history for the past 12 months. "Good payment history" is a customer who pays by the due date.

(5) If this is the customer's first utility bill after activation of the service.

(6) If the customer has a voucher from a non-profit agency recognized by the city to pay the utility bill in full, or a written agreement by a non-profit agency recognized by the city to pay a customer's bill, but which will take additional, reasonable time to process by the agency.

(c) When service has been disconnected for nonpayment, and if the deposit on hand with the city is not in the amount of the deposit required by the city at the time of cut-off, then the required deposit must be upgraded prior to reconnection of service.

(d) When services are disconnected for non-payment, or by request of the customer, any amounts due to the city for the utility services after the deposit held by the city is applied to the billing will be due and payable within 30 calendar days of the final bill date. Any amounts left owing and delinquent after the 30 calendar days will be subject to the city's approved collection services.

Secs. 23-121—23-135. Reserved.

DIVISION 2. PARTIAL EXEMPTION FROM ELECTRICAL SERVICE CHARGE FOR CERTAIN SENIOR
CITIZENS

Sec. 23-136. Granted.

Each resident receiving residential electric service from the city who is the head of the household of the residential dwelling unit in which such person resides, and upon whom is imposed a monthly residential electrical service charge for the residential dwelling unit, and who is 65 years of age or older and who has a gross income from all sources, including the income of all members of such person's family residing within such residential dwelling unit, not exceeding \$15,000 per annum, is hereby granted an exemption on the monthly bill for such service charge, which exemption shall be in the amount of \$10.00.

Sec. 23-137. Claimant's affidavit.

- (a) The exemption provided for in Section 23-136 shall not be granted unless an affidavit of the person claiming such exemption, prepared upon forms prescribed and provided by the City Clerk for that purpose, is filed with the City Clerk.

Sec. 23-138. Furnishing false information to obtain.

It shall be unlawful for any person to willfully furnish any false information to the City Clerk to obtain the exemption from a portion of the monthly electrical service charge as provided for in this division.

Sec. 23-139. Procedure upon recipient's disqualification.

If any person has qualified under this division for a reduced electrical service charge and, subsequent thereto, such person becomes disqualified for such exemption, it shall be the duty of such person to immediately notify the City Clerk. The clerk shall immediately remove such person's name from the list of those receiving such exemption. If any such person fails to notify the City Clerk and continues to receive such exemption after being no longer qualified, such person shall be immediately liable to the city for the difference between the amount actually paid for electrical service by such person and the amount that would have been required to be paid by such person without such exemption. Upon the refusal of such person to pay such difference, the City Clerk shall cause all city utility services to be discontinued as to such person's residence until he has paid the difference in full.

Sec. 23-140. Violations of article.

Any person who violates any provision of this division shall, upon conviction, be punished as provided for in Section 1-14 of this Code. In addition, if such person has obtained an exemption under this division when not entitled, such person shall be required to pay in full the amount of exemption obtained by such person to which such person was not entitled. Upon the failure of such person to make such payment, the City Clerk shall cause all city utility services to be discontinued as to such person's residence until the improperly obtained exemption is paid in full.

ARTICLE V. WATER CONSERVATION

Sec. 23-141. Definitions.

- (a) *Commercial.* Any type of building other than residential.
- (b) *Construction.* The erection of a new building or the alteration of an existing building in connection with its repair, renovation, or expansion, including the replacement of a malfunctioning, unserviceable, or obsolete faucet, showerhead, toilet, or urinal in an existing building.
- (c) *Residential.* Any building or unit of a building intended for occupancy as a dwelling, not including a hotel or motel.

Sec. 23-142. Construction standards.

No construction may be initiated within the City of Forsyth for any residential or commercial building of any type which:

- (1) Employs a gravity tank-type, flushometer-valve, or flushometer-tank toilet that uses more than an average of 1.6 gallons of water per flush.
- (2) Employs a shower head that allows a flow of more than an average of 2.5 gallons of water per minute at 60 pounds per square inch of pressure;
- (3) Employs a urinal that uses more than an average of 1.0 gallons of water per flush;
- (4) Employs a lavatory faucet or lavatory replacement aerator that allows a flow of more than 2.0 gallons of water per minute; or
- (5) Employs a kitchen faucet or kitchen replacement aerator that allows a flow of more than 2.5 gallons of water per minute.

Sec. 23-143. Exemptions.

- (a) New construction, and the repair or renovation of an existing building, shall be exempt from the requirements of Section 23-142 when:
 - (1) The repair or renovation of the existing building does not include the replacement of the plumbing or sewage system servicing toilets, faucets or showerheads within such existing buildings; or
 - (2) When such plumbing or sewage system within such existing building, because of its capacity, design, or installation would not function properly if the toilets, faucets or showerheads required by this ordinance were installed; or
 - (3) Such system is a well or gravity flow from a spring and is privately owned by an individual for use in such individual's personal residence; or
 - (4) Units to be installed are:

- a. Specifically designed for use by the handicapped,
 - b. Specifically designed to withstand unusual abuse or installation in a penal institution; or
 - c. Toilets for juveniles.
- (b) The owner, or his agent of a building undergoing new construction or repair or renovation who is entitled to an exemption as specified in subparagraph (a)(2), (3) or (4) of this section shall obtain the exemption by applying for a permit from the City Manager, or his or her designee. The fee for such permit shall be set by City Council by resolution.

Sec. 23-144. Enforcement; penalty.

- (a) This article shall be enforced by the designee of the City Manager.
- (b) For a first offense, the designee of the City Manager may issue a warning to the owner of the building in violation of this article, rather than issuing a citation.
- (c) The first citation given to a property owner for a violation of this article shall result, upon conviction, with a fine of up to \$250.
- (d) The second citation, and all subsequent citations given to a property owner for a violation of this article shall result, upon conviction, with a fine of up to \$500.