

STATE OF GEORGIA            }  
CITY OF EASTMAN            }  
  }  
Ordinance 2024-006         }

CITY WATER METER ALLOWANCES AND PROHIBITIONS

ORDINANCE NO.: 2024-006

AN ORDINANCE TO AMEND ARTICLE II WATER, CHAPTER 38 UTILITIES AND SERVICES OF THE CODE OF ORDINANCES OF THE CITY OF EASTMAN, GEORGIA; TO ESTABLISH ALLOWANCES AND PROHIBITIONS RELATED TO THE USE OF CITY WATER SERVICES; TO PROVIDE CLEAR PROHIBITIONS RELATED TO THE USE OF CITY WATER AND METERS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**WHEREAS**, Article IX, Section II, Paragraph II of the Constitution of the State of Georgia, entitled “Home Rule for Municipalities,” allows the General Assembly to provide by law for the self-government of municipalities and to that end is expressly given authority to delegate its power so that matters pertaining to municipalities may be dealt with without the necessity of action by the General Assembly; and

**WHEREAS**, the Georgia legislature passed *The Municipal Home Rule Act of 1965*, codified under O.C.G.A. § 36-35-1, *et seq.*, authorizing municipal governments to adopt clearly reasonable ordinances, resolutions, or regulations for which no provision has been made by general law; and

**WHEREAS**, the governing authority of the City of Eastman is the City Council; and

**WHEREAS**, the City of Eastman, Georgia, has the legislative power to adopt ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law, and which are not inconsistent with the Constitution of the State of Georgia, or any charter provision applicable thereto; and

**WHEREAS**, the governing authority of the City of Eastman desires to adopt a revised ordinance pertaining to water service and meter regulation; and

**WHEREAS**, pursuant to Municipal Operations Policy 1-1, effective July 1, 2023, the City of Eastman will not allow new connections or expansions to the city's water or sewer system on any property outside city limits; and

**WHEREAS**, the health, safety, and welfare of the citizens of Eastman, Georgia, will be positively impacted by the adoption of this Ordinance; and

**WHEREAS**, the governing authority of the City of Eastman has read and considered the proposed Ordinance;

**NOW THEREFORE, IT IS HEREBY ORDAINED** by the City Council of the City of Eastman, pursuant to the authority vested in that body under the laws of the State of Georgia that:

Section 1.

That Section ARTICLE II – WATER – is hereby repealed and replaced in its entirety with the provisions attached hereto as set forth in Exhibit A.

Section 2.

The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set forth herein.

Section 3.

It is hereby declared to be the intention of the City Council that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their enactment, believed by the Council to be fully valid, enforceable, and constitutional.

Section 4.

In the event any phrase of this Ordinance shall, for any reason, be declared invalid, unconstitutional, or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the

express intent of the Council that such invalidity, unconstitutionality, or unenforceability shall, to the extent allowed by law, not render invalid, unconstitutional, or otherwise unenforceable any of the remaining phrases and that all remaining phrases shall remain valid and of full force and effect.

Section 5.

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

Section 6.

The effective date of this Ordinance shall be the date of its second reading.

**ORDAINED by the City Council of the City of Eastman, pursuant to the authority vested in that body under the laws of the State of Georgia:**

**INTRODUCED** the \_\_\_\_\_ day of \_\_\_\_\_ 2024, the first reading.

**ADOPTED** the \_\_\_\_\_ day of \_\_\_\_\_ 2024, the second reading.

**EFFECTIVE** on the date of the Second Reading.

**CITY OF EASTMAN**

ATTEST:

\_\_\_\_\_  
Graham Snyder, Chair

\_\_\_\_\_  
April Sheffield, City Clerk



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EXHIBIT "A"

**Sec. 38-18. Purpose.**

- (a) The purpose of this article is to comply with the rate structure established by USDA Rural Development and to further comply and implement rate structures previously approved and adopted by the former city council.
- (b) Early on in 2005, the environmental protection division (EPD), department of natural resources of the state, made a determination that discharge from the James Avenue WWTP was contributing to the pollution of Gum Swamp Creek and that the city must begin immediate measures towards eliminating any further pollution.
- (c) On or about March 21, 2007, a consent order was entered into between the city and EPD which obligated the city to have its proposed solution completed by November 2008 or else be obligated to pay to EPD the sum of \$3,000.00 per month for noncompliance. In short, the city's project consists of expanding the Sugar Creek WWTP from 900,000 gallons per day to 1.8 million gallons per day and taking the James Avenue WWTP out of service.
- (d) The city went forward with the project by having an engineering firm to draw up and prepare plans and specifications for the proposed project. An application was made to United States Department of Agriculture, Rural Development (USDA Rural Development) to assist the city in the financing of the improvements needed and required of the city's WWTP. USDA Rural Development approved a loan not to exceed \$7,395,000.00 and a grant not to exceed \$3,920,000.00. The loan and grant funds are to be administered by USDA Rural Development. The loan will be repayable over a period not to exceed 40 years from the date of loan closing. The first payment will be due one month from the date of loan closing and will be a fully amortized payment of principal and interest.

All monthly payments will be due on the same date of each succeeding month for the life of the loan.

- (e) USDA Rural Development formulated a rate structure which would produce a sufficient amount of revenue to meet the obligations necessary to make the loan feasible. The rate structure formulated by USDA Rural Development cannot in any way be altered by the city even though all members of the current city council and those of the former city council attempted to reduce the rates for all users. The system through its users must pay its own way without depending on any other funds from another source.
- (f) On March 27, 2006, a motion was made and adopted by the city council to agree and comply with the USDA Rural Development loan requirements.
- (g) Failure to comply with all of USDA Rural Development's regulations would result in the city's failure to obtain necessary funds to pay for the necessary improvements to the city's wastewater treatment plant.
- (h) In order to promote the public welfare, safety and general welfare and to prevent public and private and possible devastating inconvenience, the sewer rates previously approved by city council and made a condition precedent to obtain the loan and grant from USDA Rural Development are adopted and implemented according to the schedule set forth in Schedule A which is kept and maintained by the clerk.

**Sec. 38-19. Water Rates.**

Water rates are subject to change by the council from time to time, and a schedule of rates is kept and maintained by the clerk.

**Sec. 38-20. Water Meter Required.**

It shall be unlawful for any person to connect to a City water service line without having installed a water meter for the purpose of measuring the water consumed through the tap so made; provided, however, that this section shall not apply to connections for fire suppression lines or to a master meter serving thirty (30) residential units or more.

**Sec. 38-21. Authority for tap, extension.**

- (a) It shall be unlawful for any person to tap to or extend any city water main, city water service line, or use city water with or without a meter, whether within or outside the city, except by authority of the city.

- (b) New connections to the city water system through water mains, water service lines or expansions to the city water system that may increase water capacity shall not be allowed or provided to any property outside city limits. Violation of this section shall subject the offender and/or property owner with costs and fines as set by Sec. 1-8.

**Sec. 38-22. Tampering with meter prohibited, costs for repair or replacement.**

- (a) It shall be unlawful for any person to tamper with any meter installed by the City of Eastman so as to render it inoperable, or otherwise impair its proper operation.
- (b) Costs, according to a schedule kept and maintained by the city clerk to replace digital antennas or meters, or to repair any damage to digital antennas that render a meter inoperable, or otherwise impairs proper operations, shall be added to a location's monthly water bill.

**Sec. 38-23. Bypassing meter prohibited.**

It shall be unlawful for any person to install any water service line or to alter any previously installed water service line so as to cause the same to bypass any meter located upon a service line which itself is connected with a water line owned by the City of Eastman.

**Sec. 38-24. Water/sewer rates for units with additional units within and outside the corporate limits.**

- (a) Any single-family dwelling, apartment complex, trailer, church, organizational building, trailer park or business establishment with one meter (master meter) serving more than one family, organization or business shall pay a minimum bill (water and sewer, if available) for each family unit, organization or business. Each minimum bill shall be billed individually or on one collective billing. The master meter will be allowed 2,000 gallons per additional unit per billing month as the minimum charge and will be billed for all water and sewer fees, if applicable, over the minimum figures gallons at the normal per-1,000-gallon cost for water and sewer, if applicable.
- (b) Garbage fees will be charged monthly according to the most recent schedule of fees kept and maintained by the city clerk.



**Sec. 38-25. Water line extensions.**

- (a) Property owners, developers of subdivisions, developers of mobile home parks, developers of housing projects, contractors of commercial and industrial buildings and all other owners and developers are responsible for the city's cost of installing or laying water lines, including labor, pipe, parts, etc. for the regular fee for installation set by the schedule of rates kept and maintained by the clerk, together with all expenses of installation. Said cost and expenses of installation will be provided by the water department supervisor, or his designee, for approval and agreement prior to installation.
- (b) Property owners and developers will be allowed to contract with private contractors to lay pipe if desired. The city reserves the right to inspect all or any work of such private contractors. Private contractors must be approved by the city and bonded.
- (c) All water system extensions shall be designed and installed per the requirements of the state and the standard specifications of the city and approved by the city. Developments that only involve building water lines may have plans and specifications prepared by the project architect.
- (d) All water system extension designs shall be submitted to the city engineer, or the city's designee, for approval. Once the design has been approved, materials proposed for construction shall be submitted to the city. Only after approval of design and materials shall the developer be permitted to begin construction. Two (2) copies of drawings and an electronic file of these drawings shall be submitted to the city.
- (e) Water supply interconnections. There shall be no physical connections between a drinking water supply and a sanitary or storm sewer, or appurtenance thereof. All facilities furnished with a public drinking water supply will have no physical connection with private wells or other private water supply systems, or any other source of contamination.
- (f) Water lines when finished either inside the city limits or outside city limits, and when accepted by the city for water service become the property of the city, to govern as necessary and the maintenance thereof governed by Sec. 38-28.

**Sec. 38-26. No new connections outside of city limits.**

There shall be no new water connections created, made, or otherwise used outside of city limits without the express authority of the city.

**Sec. 38-27. Payment of bills; penalty.**

- (a) All bills for water, including any required repairs due to customer damage or interference, shall be due and payable at the customer service office upon receipt, and if said payment is not paid in full by 5:00 p.m. on the due date shown on the bill a ten (10%) per cent delinquency penalty shall be added. If said bills are not paid in full within ten (10) days after the date of the bill, water service shall be discontinued without further notice. Provided, however, that when the due date or cut-off date falls on a Saturday, Sunday, or legal holiday, said bills shall become due, said penalty shall attach or said service shall be discontinued on the next succeeding business day after the due date or cut-off date.
- (b) If any service for water is discontinued for nonpayment or failure to pay in full, as provided hereinabove, in no case shall it be reinstated to the same property until the delinquencies, current billing, and reconnection fee shall have been paid in full.
- (c) Any discontinued service, regardless of the reason for discontinuance, which remains continuously discontinued for ninety (90) days from the date of discontinuance, shall be subject to the provisions of Sec. 38-26.
- (d) Any account for water service disconnected for any reason shall be terminated and a new service account shall be established requiring a deposit and connection fee according to the most recent schedule of deposit and fees kept and maintained by the city clerk.

**Sec. 38-28. Maintenance of water lines.**

The property owner shall be responsible for maintenance of water pipes connecting the building served with the outlet side of the utility's meter. Everything on the property owner's side of the meter must be maintained, repaired, or replaced at the expense of the property owner.