

AN ORDINANCE OF THE COUNTY COMMISSIONER OF BARTOW COUNTY FOR THE PURPOSE OF **AMENDING THE CODE OF BARTOW COUNTY, CHAPTER 74, ARTICLE IV RELATING TO FUTURE WATER AND SEWER RATES** AND FOR OTHER PURPOSES, AT THE REGULAR MEETING OF THE COUNTY COMMISSIONER OF BARTOW COUNTY HELD JUNE 7, 2023.

WHEREAS, Bartow County in 2006 adopted a water rate structure set forth in Article IV of Chapter 74 of the Code of Bartow County, based on a rate study that examined the cost of providing water service in relation to the rates charged to customers, and which prior report recommended annual increases to water rates of 4.5%, which provision was effective through the end of 2011 and was subsequently amended through the end of 2013 and 2017 at the same rate of increase; and

WHEREAS, Bartow County re-evaluated its water rate structure and had its water rate study updated by a consultant and such study recommends the continued annual increase of 4.5 percent per year through Fiscal Year 2022; and

WHEREAS, the County Water and Sewer Director has amended the mechanism for future water and sewer rates and has presented said revised rate structure before the Commissioner for review; and

WHEREAS, the Commissioner finds it is in the best interest of the County and the sound financial operation of the Water Department to accept the recommendation as presented and adopt a Water and Sewer Rate Structure as presented.

NOW THEREFORE BE IT ORDAINED AND IT IS HEREBY ORDAINED, that the Code of Bartow County is amended as follows:

Chapter 74. Article IV shall be deleted in its entirety and replaced with the following:

Sec. 74-571. Service Charges and Fees.

ARTICLE IV. WATER AND SEWER RATE STRUCTURE

Sec. 74-571. Service Charges and Fees.

- (1) *Purpose.* It is the purpose of this article to establish a fee mechanism whereby the users of county water and sewer services are charged for those services in an amount established by the county as being necessary to provide adequate financial support for the water and sewer systems. It is also the purpose of this article to meet the cost of steady growth, regulatory requirements, and meeting future system demands. The rate structure is intended to meet the county's goals of full cost recovery of operating the system, sufficient to support future financing of capital projects, ongoing operational costs for the system and to encourage conservation.
- (2) *Actual Rates Published Separately.* The actual rates and fees charged by the county for the water and sewer system services provided shall be published in a separate rate and fee schedule. A copy of the rate and fee schedule shall be on file and available at the office of the county clerk and the office of the director of the county water system.
- (3) *Changes in rates.* The rates charged by the county for the water and sewer system services shall be revised from time to time by approval of the county commissioner as necessary to support the financial needs of the county water and sewer systems.
- (4) *Customer categories defined:*
 - (a) A Residential customer is the owner or occupant of an individual structure used primarily as a residence and assigned one water meter.
 - (b) A Nonresidential customer is:
 - i. The owner, owner's agent or occupant of a structure(s) with assigned water meter(s) that is used for commercial or institutional purpose, not as residence; or
 - ii. The owner/management of a building(s) containing two or more dwelling units served by a single water meter.
 - iii. Customer categories include agricultural, commercial, industrial and irrigation.
 - (c) A Wholesale customer is a governmental or institutional entity that has entered into agreement with the county for the purchase of water and or sewer services, which that entity in turn will provide to its retail customers.
- (5) *When service charges payable.* The payment of the sum due shall be made monthly or at such other time as indicated by the county in accordance with a statement setting forth the amount

due by the date set forth on the statement. Failure to receive notice of the amount due shall in no way relieve the customer, or owner of the property served, from making payment as provided in this section.

- (6) *Reconnection charge when water service interrupted for failure to pay service charge.* Upon the failure of any customer receiving water or sewer service to make payment, the water service shall be interrupted, and in that event a reconnection charge shall be assessed and collected with all arrearages due before the water service will be restored.

Sec. 74-572. Monthly rate schedule.

The county shall bill its customers monthly for water and sewer for the service, maintenance, operation, and amortization of the county water system, based on the amount of water consumed per month by each customer. Water and sewer rates shall be comprised of an (1) availability charge, and a (2) volume charge. The availability charge recovers various fixed costs of providing service, technology costs and increases based on the water meter size (in equivalent meter units). Monthly water volumetric (consumption) charges are based on the volume of water volume used and billed per 1,000 gallons. Monthly sewer volume is billed based on 100% of the customer's water meter reading. Water and sewer availability rates are both based on the water meter size, converted into equivalent meter units, multiplied by the base charges.

- (1) *Service Charge (base fee).* A monthly service charge or "base fee" shall be charged for meter reading, billing, and customer service and some depreciation expenses regardless of water use for each meter size. This fee is billed to active accounts and does not include consumption. Separate fees are charged for each water and sewer account.
- (2) *Water conservation surcharge.* A water conservation surcharge shall be added pursuant to the provisions of the Bartow County Water Service and Conservation Ordinance incorporated herein by reference, as required by the State of Georgia to encourage water conservation. Tiered rates are designed to charge more for higher usage.
- (3) *Leak protection.* The Bartow County Water Department has implemented a leak adjustment policy in association with ServLine by HomeServe that will provide eligible customers Water and Sewer customers with Water and Sewer Service Leak Coverage.
- i. Eligible customers are automatically enrolled with the Water and Sewer Service Leak Coverage and will be billed for this coverage on their monthly water bill for their applicable billing cycle date if their account is active on that date and will be eligible for one (1) leak up to adjustment within a twelve-month period. Residential customers have the option to decline this leak coverage by calling the ServLine Customer Service phone number or submitting a signed Water and Sewer Service Leak Coverage Decline Form to Customer Service.
 - ii. The Bartow County Water Department has also partnered with ServLine to provide residential homeowners the option to enroll in and purchase additional exterior water service line coverage.

- (4) *High Service Area Fee.* A high service area fee shall be charged for the customers that have water service in one of the identified high service area districts. This is to recover costs associated with having water available for potable and fire protection uses in these districts.
- (5) *Low-Pressure Sewer Maintenance Fee.* A low-pressure sewer maintenance fee is a service charge for the customers that have sewer service in one of the areas identified low pressure sewer service areas. This is to recover the costs associated with having sewer service available with a low-pressure grinder pump

Sec. 74-573. Connection fees.

The county shall collect connection fees for both water and sewer.

- (1) *Water Connection fees.* There is hereby levied and assessed a water connection fee for making connections to the county water system. All amounts charged for connection fees to the property owner or user at the time of connection shall be calculated based on the proportional costs of the property being connected by that user. These are one-time fees, collected when a new user applies for a water connection. Water connection fees are based on the water meter size, approved at the time of connection, and such connection shall not be lawfully made prior to payment of such charges. The components included in the water connection fee are as follows:
 - a) *Administrative Sign-up fee.* Each new account shall require payment of an administrative sign-up fee.
 - b) *Deposit for new accounts.* Each new water account shall require a deposit, which shall be returned after payment of the final bill upon closing of the account and any potential balance refunded to the customer.
 - c) *Initial Service (Meter) Fee.* Any new water meter sized 5/8-inch through 12" shall require payment of an initial service fee to cover the cost of a new water meter and appurtenances. The cost of which shall be borne by the property owner or developer.
 - d) *Installation (Tap) Fee.* Any new water meter sized 5/8-inch through 2" where the County installs the water and/or sewer tap shall require payment of an installation fee to cover the cost of providing the tap and materials appurtenant for a new service line.
 - e) *Readiness to Serve Fee.* Any new metered connected shall require payment of a readiness to serve fee based on recovering a proportional cost of water system infrastructure provided to the user including system pipe size, elevated storage, water supply/treatment and pumping to provide peak day capacity based on the requested water capacity or by meter size. The fee is designed to generate the funds sufficient to provide the capacity needed by each user, as well as recover capital costs already expended in providing the existing capacity to serve the user.
 - f) *Cartersville Water Capacity Fee.* For all new meters connected to the County system that are within the Cartersville Service Area, a capacity fee shall be required per the water agreement with the City.

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- (2) *Sewer Connection Fees.* There is hereby levied and assessed a sewer connection fee, for making connections to the county sewer system. the collection, conveyance and treatment capacity required to accommodate the estimated sewage flow, as calculated by the water system, from a property connecting to the county sewer system. All amounts charged for connection fees to the property owner or user at the time of connection shall be calculated based on the proportional costs of the property being connected by that user. These are one-time fees, collected when a new user applies for a sewer connection. Sewer connection fees are based on the water meter size, approved at the time of connection, and such connection shall not be lawfully made prior to payment of such charges. The components included in the sewer connection fee are as follows:
- a) *Administrative Sign-up fee.* Each new account shall require payment of an administrative sign-up fee.
 - b) *Deposit for new accounts.* Each new sewer account shall require a deposit, which shall be returned after payment of the final bill upon closing of the account and any potential balance refunded to the customer.
 - c) *Initial Service (Meter) Fee.* Any new water meter sized $\frac{5}{8}$ -inch through 12" shall require payment of an initial service fee to cover the cost of a new water meter and appurtenances. The cost of which shall be borne by the property owner or developer.
 - d) *Installation (Tap) Fee.* Any new water meter sized $\frac{5}{8}$ -inch through 2" where the County installs the water and/or sewer tap shall require payment of an installation fee to cover the cost of providing the tap and materials appurtenant for a new service lateral.
 - e) *Readiness to Serve Fee.* Any new connection to the sewer system shall require payment of a readiness to serve fee based on recovering a proportional cost of sewer system infrastructure provided to the user including collection system pipe size (including gravity and pressure mains) and lift station pumping to provide capacity requested or by meter size. The fee is designed to generate the funds sufficient to provide the capacity needed by each user, as well as recover capital costs already expended in providing the existing capacity to serve the user.
 - f) *Cartersville Sewer Capacity Fee.* For all new meters connected to the County system that are within the Cartersville Service Area, a capacity fee shall be required per the sewer agreement with the City.
- (3) *Time of payment.* The connection fees, including readiness to serve fees shall be due and payable in full at the time of initial application for service. No connections shall be made to the water or sewer system until all such fees have been accepted by the county.

Sec. 74-574. Additional charges.

Various applicable service charges and rates, which may change from time to time, and are established by the Bartow County Commissioner, include but are not limited to the following:

- (1) *Account transfer fee.* Any existing customer requesting their service be transferred to a different location shall be required to pay a fee to transfer utility service.
- (2) *Tamper fee.* Tamper fees shall be assessed where a meter, meter setter or lock has been disturbed, or for any unauthorized use of a county-owned fire hydrant.
- (3) *Meter Assembly Damage Fee.* Material Damage fees shall be assessed for any customer who is responsible for damage to the meter box, meter box lid, meter, meter setter or lock.

- (4) *Reconnect fee.* Reconnection of a customer's water service for any reason requires the payment of a fee.
- (5) *Convenience Fee.* Customers who pay for utility bills and other utility invoices with a credit or debit card will be charged a convenience fee per transaction.
- (6) *Phone Payment Fee.* Customers requiring assistance over the phone to pay for utility bills and other invoices shall be subject to a fee per transaction.
- (7) *Paper Statement Fee.* Customers that require a paper statement through regular mail will be charged a fee per statement.
- (8) *Late Fees/Penalties.* Customers that have a past-due balance are subject to late fees and penalties. Past due balances after disconnection are subject to collections and are required to pay for postage, notices, collection fees, court processing fees, and attorney's fees.
- (9) *Returned Check Fee.* Customers who have checks returned from their bank for payments shall be subject to a fee.
- (10) *Meter Reread fee.* Customers are authorized to receive one (1) reread without charge during a twelve-month period. Rereads in excess of this number will be charged a fee per occurrence.

Sec. 74-575. Development charges.

In reviewing a development, meaning any construction of a residential or nonresidential use, and including any redevelopment of any of the foregoing, the following charges shall apply:

- (1) *Plan review fee.* A plan review fee shall be imposed for each new set of plans reviewed or each new version of plans reviewed. "Plans" includes preliminary plans, construction plans, and as-builts (final plans).
- (2) *Flow tests.* A request for a fire flow test to be performed will require the payment of a fee per test.
- (3) *Inspection fees.* Inspection fees shall be imposed on any newly installed water and sewer infrastructure (including but not limited to, lines, tanks, connections, pumps, valves, and other appurtenances related to water and sewer infrastructure).
- (4) *Filling and flushing charges.* Water usage for filling and flushing the water system shall be billed per thousand gallons. Volume for pipes shall be calculated by multiplying the volume of the pipes by four. Volume for tanks shall be calculated based on the actual number of times the tank is filled (i.e. actual water used).
- (5) *Temporary Construction/Hydrant Meters.* All water usage from a fire hydrant other than bona fide emergency purposes shall have the water metered through a hydrant meter and billed for the proper charges.
- (6) *Responsibility for payment.* It shall be the responsibility of each developer to bear the full expense of installing required service lines to and within the developers' property for the existing system in a manner as approved by the Bartow County Water and Sewer System, under the provisions of the Bartow County Water Department Development Procedures. No building permits shall be issued in any development until the water department has issued final approval of water and sewer systems.

Sec. 74-576. Annual rate increases.

All rates, fees and charges contained or imposed in this article will be in effect immediately and as amended by from time to time by the Bartow County Commissioner. An annual rate increase can be imposed, if after a review and evaluation of the department's financial status, a determination is made by the water director that an increase is necessary. The water director shall be authorized to affect a rate increase up to 4.5% without additional Commissioner approval. Said review shall be conducted no less than 60 days prior to the effective date of the scheduled increase. Annual increases imposed in this article shall remain in effect through December 31 of the current year. New rates will take effect January 1 of each year.

Sec. 74-577. Additional provisions.

- (1) *Enforcement.* Enforcement of the provisions of this article shall be under the terms and powers of the Bartow County Water Service and Conservation Ordinance and the Bartow County Sewer Service Ordinance, which are incorporated herein by reference.
- (2) *Right to refuse service.* The county shall have the right at all times to refuse to extend service on the basis of a use detrimental to the water or sewer system, lack of payment of required fees, or for any reason which, in the opinion of the county, will cause the extension not to be in the public interest. No payment of any costs, submitting of any petition, or any other act to receive water or sewer service, shall guarantee water or sewer service.

BE IT FURTHER ORDAINED that all Resolutions and Ordinances in conflict herewith are hereby repealed provided, however, that any portion of said Resolutions or Ordinances not in conflict herewith shall remain in full force and effect.

SO ORDAINED AND ADOPTED this 7th day of June, 2023 to be effective immediately, the public health, safety and welfare demanding.

ATTEST:

BARTOW COUNTY, GEORGIA

Kathy Gill, Clerk

Steve Taylor, Commissioner