

## Chapter 13

### PUBLIC UTILITIES SYSTEMS\*

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Section 13-0A ARTICLE I. IN GENERAL

Section 13-1 "System" construed.

The term "system" shall include all real and personal property used for the production, treatment and distribution of electricity, water, gas and like utilities.  
(Code 1958, § 18-1)

Section 13-2 Title, composition, separate financial entities.

(a) The public utility systems shall be known as the utilities department, and shall be composed of the electric, water and gas systems and any additions that may be added thereto from time to time.

(b) Each of these systems is a separate financial entity operating under the control of one (1)

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department, and all payments due for utility services shall be paid to the utilities department.  
(Code 1958, § 18-2)

Section 13-3 Department separate division of city, supervision.

The utilities department shall be a separate division of the city. It shall be answerable to and directly supervised by the city council.  
(Code 1958, § 18-3)

Section 13-4 Utilities committee, composition, appointment, duties.

The mayor shall appoint two (2) councilmembers who, together with the superintendent of the utilities department, shall comprise the utilities committee of the city and who shall advise the city council as to all matters pertaining to the activities of the utilities department.  
(Code 1958, § 18-4)

Section 13-5 Purchasing.

(a) *General supervision.* The utilities committee shall have general supervision of all purchasing and sales or disposal of surplus or unserviceable equipment for the utilities systems.

(b) *Overall supervision.* The superintendent in his capacity as purchasing agent shall have overall supervision of all purchases of supplies, services, and equipment and of all disposal of surplus or unserviceable equipment for the utilities systems.

(c) *Competitive bids.* All purchases shall be authorized and approved by the superintendent and all purchases in excess of five thousand dollars (\$5,000.00) shall be on competitive bid except as hereinafter provided. Bids shall be advertised as hereinafter required or request for informal bids mailed to competitive concerns. Informal bids may be taken for and the superintendent is authorized to purchase any amount of supplies and inventory for installation by the city's own employees, and in the case where it is advantageous to furnish materials and supplies to the city's contractor for installation. In lieu of the sealed bid process the Utilities Superintendent may authorize the use of the reverse auction process.

(d) *Supplies, equipment or services available from only one source.* Repair parts, emergency procurements, unique professional services, equipment or materials available from only one (1) source shall not require competitive bids irrespective of the amount. In all purchases available from only one (1) source, or where quality as well as price is involved, the superintendent or in matters involving over fifteen thousand dollars (\$15,000.00), the utilities committee, shall in their sole discretion make all determinations with respect to the purchase. The award of any contract shall constitute approval of payment therefor in accordance with the terms of said contract. The superintendent may authorize emergency purchase of any repair parts, supplies or services providing that he shall file written justification for such emergency in matters of more than fifteen thousand dollars (\$15,000.00).

(e) *Current bid list; time limit for bidding.* Any legitimate supplier may be placed on the current year's bid list for his products by making such requests each year to the purchasing agent in writing. The time required to enable free and open competition in bidding shall be at the discretion of the purchasing agent except where formal advertising is required. Where formal advertising is required, such advertisement shall be run once during each of the seven (7) days prior to the opening of the bids in a daily newspaper published in the city.

(f) *Manner of advertising for competitive bids or proposals.* Prior to the awarding of a contract for construction work or equipment manufactured to the city's specifications or the issuance of a purchase order for new equipment such as trucks, tractors, ditches, office machinery, etc., of more than fifteen thousand dollars (\$15,000.00), the purchasing agent shall advertise in a local newspaper as previously specified, inviting sealed bids or proposals to be submitted by responsible offerors. Such bids or proposals

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shall be received by the purchasing agent at any time prior to the time set for their opening. All of any bids received shall be opened and read at the time and place designated in the advertisement. Any competitive proposals shall be opened for consideration, but not for disclosure of contents, until final proposals. The superintendent shall be empowered to receive and open bids or proposals. The superintendent shall have the authority to waive formalities related to the opening of bids or proposals.

(g) *Consideration of bids or proposals.* After the opening and reading of all bids submitted, the superintendent of the utilities department together with the department staff or consultants, will make recommendations together with a tabulation of all bids to the city council in a regular or called meeting. The city council may waive any informalities as they see fit and will award the contract to such offeror as the city council may consider in the best interest of the city or may reject any or all bids.

(h) *Absence of proper bids.* In the event that no bids are received after proper advertising, then the city council may empower the superintendent to negotiate with any qualified person or firm.

(i) *Competitive sealed proposals.* The superintendent may solicit competitive sealed proposals and negotiate specifications of such proposals when he determines that competitive sealed bids are impractical or not in the best interest of the city. Adequate public notice of requests for proposals shall be given in the same manner as required for bids in section 13-5(e). The superintendent or in matters involving over twelve thousand dollars (\$12,00000), the city council shall have sole discretion to award contracts to qualified proposers.

(j) *Maintenance of records.* All bids for supplies, services, or equipment purchased by the utilities department shall be kept on file in that department for a period of two (2) years where they may be inspected at any time during regular office hours by any citizen of the city.

(Code 1958, § 18-4.1; Ord. of 4-14-86(2); Ord. of 6-30-99)  
(2005 [13-05(c)], Amended, 03/14/2005; 1999 (13-05), Amended, 06/30/1999)

Section 13-6 Sale of unserviceable and scrap equipment.

When any equipment owned by the utilities department has been to such an extent that it is advisable to dispose of such equipment, the superintendent of the utilities shall determine if the equipment is no longer useful in the service of the city. The superintendent may then dispose of such surplus equipment at public or private sale or by soliciting sealed bids or proposals. Proceeds from such disposal shall be deposited to the proper utilities account. The superintendent is authorized to dispose of accumulated junk or scrap, to the best advantage of the city, by selling, trading, or discarding, whichever in his discretion will be most advantageous to the city.

(Code 1958, § 18-4.2; Ord. of 4-14-86(2))

Section 13-7 Superintendent of utilities department--Head of department, jurisdiction.

The superintendent of the utilities department shall be the head and executive officer of the department and shall have jurisdiction over all persons employed therein.

(Code 1958, § 18-5)

Section 13-8 Same--Authority, duties.

The superintendent of the utilities department shall have the authority to prescribe rules and regulations governing the use of utilities furnished by the city, subject to the approval of the city council, in matters not covered by this Code or any ordinances. It shall be the duty of the superintendent to enforce or cause to be enforced this chapter, all ordinances, rules and regulations governing the sale of water, electricity, and gas and the operation, maintenance, and improvement of these systems. He shall act as purchasing agent for all supplies and equipment used by this department.

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(Code 1958, § 18-6)

Section 13-9 Same--Compensation.

The superintendent of the utilities department shall be paid such salary as may be fixed by the city council prior to appointment to this office.

(Code 1958, § 18-7)

Section 13-10 Same--Bond.

The superintendent of the utilities department shall give bond in the sum of ten thousand dollars (\$10,000.00) payable to the city, conditioned upon the faithful performance of his duties.

(Code 1958, § 18-8)

Section 13-11 Assistant superintendent of utilities department.

There shall be an assistant superintendent of the utilities department who shall be employed by the superintendent and subject to the direction and control of the superintendent.

(Code 1958, § 18-9)

Section 13-12 Meters--Required, furnished and installed by department.

The city will furnish water, electricity, and gas through meters only, such meters to be furnished and installed by the utilities department.

(Code 1958, § 18-10)

Section 13-13 Same--Procedure when failing to register properly.

In the event that the meters installed by the city fail to register properly during any period, the bill will be estimated by the city from readings for a like billing period.

(Code 1958, § 18-11)

Section 13-14 Equipment; unlawful tampering; accessibility.

All meters, valves, pipes, fittings, regulators, wires, etc., furnished by the city and installed on or over private property shall remain the property of the city. It shall be unlawful for any person other than employees of the utilities department to handle in any manner any of the meters or equipment owned by the city. The city shall have access to its meters at all reasonable hours. Should the customer through the enlargement of a building or the closing off, in any manner, of the area where the meter is installed make it not readily accessible, then he shall be required to bear the cost of relocating the meter.

(Code 1958, § 18-12)

Section 13-15 Meter reading and billing; dates payments due and delinquent; penalty for nonpayment; reconnections; meter test charges.

(a) Meters shall be read at intervals of approximately one (1) month and bills mailed as soon thereafter as is practical. Accounts shall be billed according to the following schedule:

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<u>Cycle Zone</u>	<u>Billing Date</u>	<u>Due Date</u>
1	6th of month	24th of month
2	12th of month	30th of month
3	18th of month	6th of month
4	24th of month	12th of month
5	29th of month	17th of month

The charges, which shall be for all utility services up to the latest meter reading, shall be due and payable when rendered.

(b) If the bill shall remain unpaid, it shall be declared delinquent according to the following schedule:

<u>Cycle Zone</u>	<u>Delinquent Date</u>	<u>Cut-off Date</u>
1	27th of month	28th of month
2	3rd of month	4th of month
3	9th of month	10th of month
4	15th of month	16th of month
5	20th of month	21st of month

If the delinquent or cutoff date falls on a Saturday, Sunday, or holiday observed by the City of Thomasville, the delinquent or cutoff date will be the next business day. On the cutoff date, a disconnect order shall be generated and a twenty dollar (\$20.00) disconnect fee charged. The disconnect fee must be paid even if services are not cut out. After service has been discontinued for nonpayment of a bill, such service shall not be reconnected until satisfactory arrangements have been made to pay all arrears including the twenty dollar (\$20.00) disconnect fee. If service is cut in at a time other than normal working hours an additional twelve dollar (\$12.00) after hours delinquent cut in fee will be collected. Any delinquent cutout which is not reconnected within ten (10) days from the date of cut-off shall be considered as a final disconnect, and all past due payments and delinquent fees shall be due and payable at that time.

(c) A charge may be required for a customer-requested meter test, if the accuracy proves to be within industry standards. No charge will be made for a customer-requested meter test if accuracy is not within the industry standards. The requirement and amount of this charge shall be determined by the superintendent of the utilities department in accordance with these guidelines.

(Code 1958, § 18-13; Ord. of 6-22-92; Ord. of 6-14-93)  
(2001 (13-15), Amended, 11/12/2001)

Section 13-16 Application for service; deposits; credit regulations.

(a) A cash deposit, amounting to approximately twice the estimated monthly bill during the period of greatest usage, may be required of the applicant to guarantee the payment of all bills and for the protection of the city's property on the customer's premises. The city reserves the right to require such deposit to be made by the customer or the original deposit to be increased if at any time in the judgment of the city such deposit or increase is necessary for the full protection of the city. The requirement and amount of cash deposit shall be determined by the superintendent of the utilities department in accordance with the established guidelines. A nontransferable certificate of deposit will be issued and means provided for proper refund if the certificate is lost.

(b) When service is discontinued, the amount of the deposit without interest will be credit on the final

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bill to the customer. The excess, if any, shall be paid to the customer.

(c) The city will refund, upon request, the deposit without interest to any customer whose residence or place of business is not mobile, who has received utility service at the same location for twenty-four (24) consecutive months, who has paid his monthly bills promptly and regularly and who is not currently or has not at anytime during the twenty-four (24) months been delinquent.

(d) The city may require a new deposit of any customer who becomes delinquent at any time.

(e) Application for service will not be accepted by the city until the applicant or person for whose benefit applicant is acting has paid or has made satisfactory arrangements to pay to the city all sums then owing and unpaid by him for service rendered by the city for any purpose, whether at these or any other premises. After service has been established, the city reserves the right to discontinue service if it finds service is to be shared with or is in whole or part for the benefit of a person owing the city for previous service whether at these or any other premises.

(Code 1958, § 18-14; Ord. of 2-8-93; Ord. of 9-13-99)

(Ord. 1999-09, Amended, 09/13/2000)

Section 13-17 Collection of bills.

The utilities department shall have the responsibility for the collection of all bills for miscellaneous repairs, materials, line extensions, damages to equipment, or any other just debt to the department. The enforcement of the collection of such bills shall be in the same manner as the bills for water, electric and gas service.

(Code 1958, § 18-15)

Section 13-18 Overpayment, refund or credit.

In all cases of overpayment to the utilities department from whatever cause, the superintendent is authorized to return the overpayment either by refund or credit to the person's account.

(Code 1958, § 18-16)

Section 13-19 Rate schedules subject to change without notice.

The rate schedules of the utilities department are subject to review and change by the city council without notice to the user.

(Code 1958, § 18-17)

Section 13-20 Work on streets or private property, responsibility for protection of utility system.

(a) *General.* Any person or contractor doing work of any nature within the right-of-way of city streets or roadways or on private property shall be held responsible for the protection of all water pipes, gas pipes, underground cables, meters and other equipment which is the property of the city. If it becomes necessary for the city to protect, move, or replace any equipment because of such work then the cost may be charged to and paid by the person or contractor responsible. Such person or contractor shall also hold the city harmless with reference to any public liability or property damage resulting from such activity.

(b) *Requirement to give notice.* Any person or contractor doing work described in paragraph (a) within the utilities system and involving excavation or demolition shall provide timely notice to the city utilities department, 411 West Jackson Street, Thomasville, Georgia 31792, by telephone, not less than three (3) working days prior to any proposed excavation or demolition in the manner provided for in section 13-146 et seq. Such notification shall be for the purpose of giving the utilities department opportunity to identify and mark underground utilities in order to prevent loss of life, injury or destruction

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or property caused by contact with these utilities by the excavator or demolisher.  
(Code 1958, § 18-18)

Section 13-21 Application of rules and regulations.

All rules and regulations not specified as inside or outside the city limits shall apply to the entire utility system.  
(Code 1958, § 18-19)

Section 13-22 Violations, discontinuance of service until corrected.

Upon the discovery of the violation of any provision of this chapter or any ordinance regulating the use of utilities or any rule adopted by the city council for utility operation, it shall be the duty of the superintendent of the utilities department to discontinue utility service to the person guilty of the violation until such violation is corrected and any charges connected therewith are paid.  
(Code 1958, § 18-20)

Section 13-23 Penalty for violation.

Any person violating any of the provisions of this chapter other than the nonpayment of bills for utility service, which nonpayment shall be handled in the authorized and usual commercial practice, shall upon conviction therefor by the municipal court of the city, be punished as provided in section 1-6 of this Code.  
(Code 1958, § 18-21)

Section 13-24 13-24--13-50. Reserved.

Section 13-50A ARTICLE II. ELECTRIC SYSTEM\*

\***Cross reference**--Electrical code, § 5-81 et seq.

Section 13-51 Power plant or equipment, interfering with or molesting prohibited.

It shall be unlawful for any unauthorized person to interfere with or molest in any way the city's power plant, substations, poles, lines or other equipment installed, either on the public rights-of-way or on private property. The term "interfere with" shall include the climbing of utility poles or the attaching of anything to such poles, lines or equipment.  
(Code 1958, § 18-22)

Section 13-52 Point of connection and delivery.

The city will extend service, at no cost to the customer, to the nearest point of attachment on the customer's premises. All wiring beyond this point of delivery shall be installed and maintained by the customer. Customers desiring a special point of delivery from the city's system must bear the excess cost incident thereto.  
(Code 1958, § 18-23)

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Section 13-53 Temporary service.

Customers requiring electric service on a temporary basis may be required by the city to pay all costs for connection and disconnection incidental to the supplying and removing of service equipment. This rule applies to circuses, carnivals, fairs, temporary construction cut-ins and all similar installations. The utilities department reserves the right to refuse to tie in to equipment or users where such facilities fail to meet the requirements of safety and in all instances shall require a "hold harmless" agreement with insurance protection with reference to such tie-ins.

(Code 1958, § 18-24)

Section 13-54 Customer service call, charges for same.

The city will not charge for disconnects or reconnects made in the normal course of business except for an "Account Establishment" fee in accordance with section 13-16 of Chapter 13, "Public Utilities Systems." However, a service charge may be made for any such calls made nights, weekends or holidays, if made strictly for the customer's convenience and if such calls represent no failure or fault on the part of the city.

(Code 1958, § 18-25; Ord. of 2-8-93)

Section 13-55 Rate schedules.

The following schedules are applicable to the service furnished by the electric system. Rates and charges are on file at the City Clerk's office and the administrative offices of the utilities department:

(1) *Electric residential service.*

a. *Applicability:* For all domestic uses of a residential customer in a separately metered single-family dwelling unit. A separately metered pump may be billed on this rate if it supplies domestic water to an individual residence. Largest motor shall not exceed seven and one-half (7 1/2) hp.

b. *Type of service:* Power normally supplied under this rate will be 115/230 volts, single phase, sixty (60) hertz. Three-phase service may be furnished, where available, if the largest motor is not less than five (5) hp. Motor starting currents must conform to City requirements.

c. *Variable Cost Adjustment:* All bills shall be increased or decreased in an amount per kwh equal to the fuel cost per kwh of bulk power as determined by MEAG.

d. *Multiple service:* Where it is impractical to separately meter each unit, two (2) or more dwelling units may be served through a single meter. Where this is done each kwh block in the monthly rate will be multiplied by the number of separate dwelling units so served. The minimum monthly bill under this option shall be the minimum monthly charge times the number of dwelling units served.

e. *Un-metered service:* Where the installation of metering equipment is impractical or installed equipment fails, monthly kwh may be estimated by the City and billed at the applicable monthly rate.

(2) *Security lighting.*

a. *Availability:* To property owners where the low voltage distribution lines of the City are within five hundred (500) feet. Service may be made available to tenants in accordance with the terms of the contract period

b. *Applicability:* Applicable to security lighting on customer property by means of high pressure sodium vapor luminaries supported by short brackets mounted on wood poles in the City's existing distribution system or extension from this system, or on poles owned by the customer, conforming to standard specifications and mutually satisfactory to both the customer and the City. In all cases the luminair, bracket and control equipment shall be installed, owned and maintained by the City. Where the use of poles other than wood is desired by the customer, he shall install, own and maintain such poles and the City shall install, own and maintain the overhead conductors, the brackets and lighting equipment.

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Where the use of underground conductors is desired by the customer, he shall install, own and maintain the underground conductors and the risers up the poles. Security lighting service will be provided only at locations which are accessible to City trucks for servicing purposes. Original locations of lighting fixtures shall be by mutual agreement and any relocation requested by owner after installation is in operation shall be made at owner's expense.

c. *Maintenance:* Existing mercury vapor luminaires will only be maintained by replacement of bulbs or photo-electric cells. Any maintenance requirement beyond bulb and photo-electric cell replacement will result in the removal of the mercury vapor fixture and the installation of a comparable (lumen output) high pressure sodium vapor fixture. Maintenance will be performed as soon as can reasonably be done after notification of the City by the customer that service has been interrupted. Maintenance will be done only during regular working hours.

d. *Contract Period:* Three (3) years.

e. *Cancellation of Contract:* Contract may be canceled by either party on sixty (60) days' written notice; however, should the customer cancel the contract during the first thirty-six (36) months, he shall pay to the City to cover the unamortized cost of installation and removal for each month remaining in the original thirty-six-month period. Tenants wishing to contract for this service may be required to make a deposit per lamp. Such deposit, if required, will be returned on request at the end of the original thirty-six-month contract period.

(3) *Electric general service – small.*

a. *Applicability:* To any general service, commercial or industrial customer of less than fifty (50) kilowatts of maximum monthly demand delivered and metered at one (1) point. Service to two (2) or more premises shall not be combined nor shall service hereunder be shared with others. Service hereunder shall not be resold to any third party.

b. *Type of service:* Single or three-phase, sixty (60) hertz, at a standard voltage.

c. *Variable Cost Adjustment:* All bills shall be increased or decreased in an amount per kwh equal to the fuel cost per kwh of bulk power as determined by MEAG.

d. *Determination of demand.* The maximum billing demand shall be based on the highest KW measurements during the current month and the preceding eleven (11) months as follows:

July through October (summer)

the greatest of :

(i) the current actual demand, or

(ii) ninety-five (95) percent of the highest actual demand occurring in any previous applicable summer month, or

(iii) sixty (60) percent of the highest actual demand occurring on any previous applicable winter month (November through June).

November through June (winter)

the greater of :

(i) ninety-five (95) percent of the highest summer month (July through October), or

(ii) sixty (60) percent of the highest winter month. (including the current month).

In no case shall the billing demand be less than the contract minimum, nor less than five (5) kw.

e. *Un-metered service;* Where the installation of metering equipment is impractical or installed equipment fails, monthly kwh may be estimated by the City and billed at the applicable monthly rate.

f. *Term of contract:* Not less than one (1) year.

g. *Transformer substations:* Specification of primary or secondary metering shall be at the City's option. The City will own, operate and maintain the transformer substation where a single standard secondary voltage is used and only one (1) transformer is required. Where the customer purchases service at primary voltage in order to obtain consolidated billing, and requires more than one (1) transformer station to serve separate loads, all necessary transformer stations shall be owned, operated and maintained by the customer.

h. *Delivery point to major supplier:* The City may elect to sell power under this rate to a major

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power supplier when such supplier has requested a power delivery point.

(4) *Electric general service – medium.*

a. *Applicability:* To any general service, commercial or industrial customer of greater than fifty (50) kilowatts and less than five hundred (500) kilowatts of maximum monthly demand delivered and metered at one (1) point. Service to two (2) or more premises shall not be combined nor shall service hereunder be shared with others. Service hereunder shall not be resold to any third party.

b. *Type of service:* Single or three-phase, sixty (60) hertz, at a standard voltage

c. *Variable Cost Adjustment:* All bills shall be increased or decreased in an amount per kwh equal to the fuel cost per kwh of bulk power as determined by MEAG.

d. *Determination of demand:* The maximum billing demand shall be based on the highest KW measurements during the current month and the preceding eleven (11) months as follows:

July through October (summer)

the greatest of :

(i) the current actual demand, or

(ii) ninety-five (95) percent of the highest actual demand occurring in any previous applicable summer month, or

(iii) sixty (60) percent of the highest actual demand occurring on any previous applicable winter month (November through June).

November through June (winter)

the greater of :

(i) ninety-five (95) percent of the highest summer month (July through October), or

(ii) sixty (60) percent of the highest winter month. (including the current month).

In no case shall the billing demand be less than the contract minimum, nor less than twenty-five (25) kw.

e. *Un-metered service:* Where the installation of metering equipment is impractical or installed equipment fails, monthly kwh may be estimated by the City and billed at the above monthly rate.

f. *Term of contract:* Not less than one (1) year.

g. *Transformer substations:* Specification of primary or secondary metering shall be at the City's option. The City will own, operate and maintain the transformer substation where a single standard secondary voltage is used and only one (1) transformer is required. Where the customer purchases service at primary voltage in order to obtain consolidated billing, and requires more than one (1) transformer station to serve separate loads, all necessary transformer stations shall be owned, operated and maintained by the customer.

h. *Delivery point to major supplier:* The City may elect to sell power under this rate to a major power supplier when such supplier has requested a power delivery point.

(5) *Electric general service – large.*

a. *Applicability:* To any general service, commercial or industrial customer of greater than five hundred (500) kilowatts and less than five thousand (5000) kilowatts of maximum monthly demand delivered and metered at one (1) point. Service to two (2) or more premises shall not be combined nor shall service hereunder be shared with others. Service hereunder shall not be resold to any third party.

b. *Type of service:* Single or three-phase, sixty (60) hertz, at a standard voltage.

c. *Variable Cost Adjustment:* All bills shall be increased or decreased in an amount per kwh equal to the fuel cost per kwh of bulk power as determined by MEAG.

d. *Determination of demand:* The maximum billing demand shall be based on the highest KW measurements during the current month and the preceding eleven (11) months as follows:

July through October (summer)

the greatest of :

(i) the current actual demand, or

(ii) ninety-five (95) percent of the highest actual demand occurring in any previous

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applicable summer month, or

(iii) sixty (60) percent of the highest actual demand occurring on any previous applicable winter month (November through June).

November through June (winter)

the greater of :

(i) ninety-five (95) percent of the highest summer month (July through October), or

(ii) sixty (60) percent of the highest winter month. (including the current month).

In no case shall the billing demand be less than the contract minimum, nor less than two hundred and fifty (250) kw.

e. *Un-metered service:* Where the installation of metering equipment is impractical or installed equipment fails, monthly kwh may be estimated by the City and billed at the applicable monthly rate.

f. *Term of contract:* Not less than five (5) years.

g. *Transformer substations:* Specification of primary or secondary metering shall be at the City's option. The City will own, operate and maintain the transformer substation where a single standard secondary voltage is used and only one (1) transformer is required. Where the customer purchases service at primary voltage in order to obtain consolidated billing, and requires more than one (1) transformer station to serve separate loads, all necessary transformer stations shall be owned, operated and maintained by the customer.

h. *Delivery point to major supplier:* The City may elect to sell power under this rate to a major power supplier when such supplier has requested a power delivery point.

(6) *Electric General Service – Non-Demand.*

a. *Aplicability:* To any general service, commercial or industrial customer using less than three thousand (3000) kwh monthly and having a maximum thirty-minute demand of less than thirty (30) kw delivered and metered at one (1) point. Service to two (2) or more premises shall not be combined nor shall service hereunder be shared with others. Service hereunder shall not be resold to any third party.

b. *Type of service:* Single or three-phase, sixty (60) hertz, at a standard voltage.

c. *Variable Cost Adjustment:* All bills shall be increased or decreased in an amount per kwh equal to the fuel cost per kwh of bulk power as determined by MEAG.

d. *Determination of demand:* Not applicable.

e. *Un-metered service:* Where the installation of metering equipment is impractical or installed equipment fails, monthly kwh may be estimated by the City and billed at the applicable monthly rate.

f. *Term of contract:* not applicable

g. *Transformer substation:* Specification of primary or secondary metering shall be at the City's option. The City will own, operate and maintain the transformer substation where a single standard secondary voltage is used and only one (1) transformer is required. Where the customer purchases service at primary voltage in order to obtain consolidated billing, and requires more than one (1) transformer station to serve separate loads, all necessary transformer stations shall be owned, operated and maintained by the customer.

h. *Delivery point to major supplier:* The City may elect to sell power under this rate to a major power supplier when such supplier has requested a power delivery point.

(7) *Electric temporary/seasonal service, non-agricultural.*

a. *Aplicability:* To temporary or seasonal service. "Temporary service" is defined as service rendered to a transient customer for a single short term of less than five (5) months duration. A "seasonal customer" is defined as a customer with a recurring seasonal pattern of service requirements whether permanently or not permanently connected. A temporary or seasonal customer may elect at his option, to contract for service at a regular applicable rate when it appears that his total bill thereunder including all charges, minimums, and guarantees incident to an annual contract will be less than under this schedule. However, contracting for service at a regular rate does not exempt this type customer from paying any applicable connection charges.

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- b. *Type of service:* Single or three-phase, sixty (60) hertz, at a standard voltage.
- c. *Variable Cost Adjustment:* All bills shall be increased or decreased in an amount per kwh equal to the fuel cost per kwh of bulk power as determined by MEAG.
- d. *Determination of Demand:* The demand for any delivery point shall be based on the highest thirty-minute kw measurements during the current month.
- e. *Un-metered service:* Where the installation of metering equipment is impractical or installed equipment fails, monthly kwh may be estimated by the City and billed at the applicable monthly rate.
- f. *Term of contract:* Not applicable
- g. *Transformer substations:* Specification of primary or secondary metering shall be at the City's option. The City will own, operate and maintain the transformer substation where a single standard secondary voltage is used and only one (1) transformer is required. Where the customer purchases service at primary voltage in order to obtain consolidated billing, and requires more than one (1) transformer station to serve separate loads, all necessary transformer stations shall be owned, operated and maintained by the customer.
- h. *Delivery point to major supplier:* The City may elect to sell power under this rate to a major power supplier when such supplier has requested a power delivery point.

(8) *Electric seasonal service, agricultural*

a. *Applicability:* To any general service, commercial or industrial customer for all electric service of one (1) standard voltage, delivered and metered at one (1) point that also qualifies as an agricultural seasonal customer as described herein. An agricultural seasonal customer operates primarily during non-electrical peak months (SEPTEMBER - JUNE) setting operational demands considerably in excess of the non-operational demand. Service to two (2) or more premises shall not be combined, nor shall service thereunder be shared with others. Service thereunder shall not be resold to any third party.

b. *Type of service:* Single or three (3) phase, sixty (60) hertz, at a standard voltage;

c. *Variable Cost Adjustment:* All bills shall be increased or decreased in an amount per kwh equal to the fuel cost per kwh of bulk power as determined by MEAG.

d. *Determination of demand:* The maximum billing demand shall be based on the highest KW measurements during the current month and the preceding eleven (11) months as follows:

July through October (summer)

the greatest of :

(i) the current actual demand, or

(ii) ninety-five (95) percent of the highest actual demand occurring in any previous applicable summer month, or

(iii) sixty (60) percent of the highest actual demand occurring on any previous applicable winter month (November through June).

November through June (winter)

the greater of :

(i) ninety-five (95) percent of the highest summer month (July through October), or

(ii) sixty (60) percent of the highest winter month. (including the current month).

In no case shall the billing demand be less the contract minimum, nor less than five (5) kw.

e. *Un-metered service:* Where the installation of metering equipment is impractical or installed equipment fails, monthly kwh may be estimated by the City and billed at the applicable monthly rate;

f. *Term of contract:* Not less than one (1) year up to and including five hundred (500) kw maximum anticipated thirty (30) minute kw, nor less than five (5) years over five hundred (500) kw maximum anticipated thirty (30) minute kw;

g. *Transformer substations:* Specification of primary or secondary metering shall be at the City's option. The City will own, operate and maintain the transformer substation where a single standard secondary voltage is used and only one (1) transformer is required. Where the customer purchases service at primary voltage in order to obtain consolidated billing, and required more than one (1) transformer station to serve separate loads, all necessary transformer stations shall be owned, operated

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and maintained by the customer;

h. *Delivery point to major supplier:* The City may elect to sell power under this rate to a major power supplier when such supplier has requested a power delivery point.

(9) *Electric public school general service.*

a. *Applicability:* To any City or county public educational institution offering regular elementary or high school courses.

b. *Type of service:* Single or three-phase, sixty (60) hertz, at a standard voltage.

c. *Variable Cost Adjustment:* All bills shall be increased or decreased in an amount per kwh equal to the fuel cost per kwh of bulk power as determined by MEAG.

d. *Determination of demand:* The maximum billing demand shall be based on the highest KW measurements during the current month and the preceding eleven (11) months as follows:

June through September (summer)

the greatest of :

(i) the current actual demand, or

(ii) ninety-five (95) percent of the highest actual demand occurring in any previous applicable summer month, or

(iii) sixty (60) percent of the highest actual demand occurring on any previous applicable winter month (October through May).

October through May (winter)

the greater of :

(i) ninety-five (95) percent of the highest summer month (June through September), or

(ii) sixty (60) percent of the highest winter month. (including the current month).

In no case shall the billing demand be less than the contract minimum, nor less than five (5) kw. The on-peak billing demand shall be based on the average of the five (5) highest monthly thirty (30) minute kw measurements during the period from June 15th to September 15th. This on-peak billing demand will be that average monthly demand that occurs between the hours of 3:00pm and 7:00pm (EST or EDT) Monday through Friday.

e. *Un-metered service:* Where the installation of metering equipment is impractical or installed equipment fails, monthly kwh may be estimated by the City and billed at the applicable monthly rate.

f. *Term of contract:* Not less than one (1) year. up to and including five hundred (500) kw maximum anticipated thirty (30) minute kw, nor less than five (5) years over five hundred (500) kw maximum anticipated thirty (30) minute kw.

g. *Transformer substations:* Specification of primary or secondary metering shall be at the City's option. The City will own, operate and maintain the transformer substation where a single standard secondary voltage is used and only one (1) transformer is required. Where the customer purchases service at primary voltage in order to obtain consolidated billing, and requires more than one (1) transformer station to serve separate loads, all necessary transformer stations shall be owned, operated and maintained by the customer.

h. *Delivery point to major supplier:* The City may elect to sell power under this rate to a major power supplier when such supplier has requested a power delivery point.

(10) *Electric High Demand general service.*

a. *Applicability:* To any general service, commercial, or industrial customers of greater than 5,000 kw of maximum monthly demand during eight out of twelve consecutive calendar months delivered and metered at one (1) point. Service hereunder shall not be shared with others or resold to any third party.

b. *Type of service:* Single or three-phase, sixty (60) hertz, at a standard voltage.

c. *Variable Cost Adjustment:* All bills shall be increased or decreased in an amount per kwh equal to the fuel cost per kwh of bulk power as determined by MEAG.

d. *Determination of demand:* The maximum billing demand shall be based on the highest KW measurements during the current month and the preceding eleven (11) months as follows:

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July through October (summer)

the greatest of :

- (i) the current actual demand, or
- (ii) ninety-five (95) percent of the highest actual demand occurring in any previous applicable summer month, or
- (iii) sixty (60) percent of the highest actual demand occurring on any previous applicable winter month (November through June).

November through June (winter)

the greater of :

- (i) ninety-five (95) percent of the highest summer month (July through October), or
- (ii) sixty (60) percent of the highest winter month. (including the current month).

In no case shall the billing demand be less than the contract minimum demand, nor less than twenty-five hundred (2500) kw.

e. *Un-metered service:* Where the installation of metering equipment is impractical or installed equipment fails, monthly kwh may be estimated by the City and billed at the applicable monthly rate.

f. *Term of contract:* Not less than ten (10) years.

g. *Transformer substations:* Specification of primary or secondary metering shall be at the City's option. The City will own, operate and maintain the transformer substation where a single standard secondary voltage is used and only one (1) transformer is required. Where the customer purchases service at primary voltage in order to obtain consolidated billing, and required more than one (1) transformer station to serve separate loads, all necessary transformer stations shall be owned, operated and maintained by the customer;

h. *Delivery point to major supplier:* The City may elect to sell power under this rate to a major power supplier when such supplier has requested a power delivery point.

(Code 1958 § 18-26; Ord. of 1-12-87 (1); Ord. of 1-28-88; Ord. of 11-28-88(2); Ord. of 1-8-90; Ord of 6-11-90(1);

Ord. of 7-23-90; Ord. of 10-26-92; Ord. of 10-10-94 § I; Ord. of 1-25-95, § I; Ord of 5-28-98, § I; (2005 (13-55), Amended, 04/11/2005, rate structure change; 2002 (13-55), Amended, 11/25/2002; 2000 (13-55), Amended, 05/08/2000; 1999 (13-55), Amended, 05/24/1999)

Section 13-56 Removal, disconnection, or alteration of load management device.

(a) It shall be unlawful to remove, disconnect, alter or otherwise cause faulty operation of any load management device installed by or on behalf of the utilities department within the city and on premises served by the city's electrical distribution system except as provided elsewhere in this section.

(b) The owner of any apparatus having a city load management device installed may contact the utilities department in writing or by phone during business hours and request removal of the load management device, and it shall be promptly removed by the city.

(c) Emergency service work on equipped apparatuses requiring removal or disconnection of the load management device by licensed electrical or heating and a/c contractors shall be allowed providing that the contractor shall protect the city's device and shall notify the city utilities department within twenty-four (24) hours of disconnect or removal.

(d) Any farm currently under contract to the city to service and/or install load management devices shall be exempt from the provisions of this section while acting on the city's behalf.

(e) Violation of the provisions of this section by holders of licenses granted by the city shall be cause for immediate revocation of the license.

(f) The penalty for violation of this section shall not exceed a fine of seven hundred fifty dollars (\$750.00), imprisonment for sixty (60) days and revocation of a firm's electrical and/or heating and cooling license.

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(Code 1958, § 18-26.1)

Section 13-57 13-57--13-80. Reserved.

Section 13-80A ARTICLE III. WATER SYSTEM

Section 13-81 Interference with water supply or equipment.

In the interest of public safety it shall be unlawful for any unauthorized person to operate, interfere with or have anything to do with the city wells, reservoirs, treatment plants, mains, fire hydrants or other equipment related to the city water supply.

(Code 1958, § 18-27)

Section 13-82 Cross-connection control.

(a) Purpose. The purpose of this section is to:

- (1) Protect the City's public potable water supply from the possibility of contamination by isolating within its customers' private water systems contaminants or pollutants which could backflow through the City's water service connections into the public water system;
- (2) Promote the elimination or control of existing cross connections, actual or potential between its customer's in-plan potable water systems and nonpotable water systems, plumbing fixtures and industrial piping systems; and
- (3) Provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination of all potable water systems.

(b) Superintendent's authority. The City's utilities department superintendent is invested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this section.

(c) Superintendent's responsibility; customer's obligation. The City utilities department superintendent shall be responsible for the protection of the public potable water distribution system from contamination due to backflow of contaminants through the water service connection. If in the judgment of the utilities department superintendent an approved backflow prevention device is required, at the City's water service connection to any customer's premises for the safety of the water system, the utilities department superintendent shall give notice in writing to such customer to install an approved backflow prevention device at each service connection of his premises. The customer shall install such approved device at his own expense, and failure, refusal or inability on the part of the customer to install such device shall constitute a ground for discontinuing water service to the premises until such device has been installed.

(d) Definitions. The following words, terms and phrases, when used in this section shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved means accepted by the water department as meeting an applicable specification stated or cited in this section or as suitable for the proposed use.

Auxiliary water supply means any water supply on or available to the premises other than the purveyor's approved public potable water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source such as a well, spring, river, stream, pond, etc., or used waters or industrial fluids. Auxiliary water may be polluted or contaminated or it may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

Backflow means the flow of water or other liquids, mixtures or substances into the distributing pipes of a potable water supply from any source other than its intended source.

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Backsiphonage means the backing up or siphoning of a foreign liquid into a potable water system.

Backflow preventer means a device or means to prevent backflow.

- (1) Air-gap means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the receptacle. An approved air-gap shall be at least double the diameter of the supply pipe, measured vertically above the top rim of the vessel, in no case less than one (1) inch. When an air-gap is used at the service connection to prevent contamination of the public potable water system, an emergency bypass shall be installed around the air-gap system and an approved reduced pressure device shall be installed in the bypass.
- (2) Double check valve assembly means an assembly of at least two (2) independently acting approved check valves including tightly closing shutoff valves on each side of the check valve assembly and suitable leak detector drains plus connections available for testing the water tightness of each valve. The entire assembly shall meet the specifications and approval of the water department. To be approved, these devices must be readily accessible for maintenance and testing.
- (3) Approved reduced pressure principal backflow prevention device means a device approved by the water department which incorporates two (2) or more spring loaded check valves and automatically operating differential relief valve located between the two (2) checks, two (2) tightly closing shutoff valves, and equipped with necessary appurtenances for testing. The device shall operate to maintain the pressure in the zone between the two (2) check valves less than the pressure on the public water supply side of the device. At cessation of normal flow the pressure between check valves shall be less than the supply pressure. When the inlet pressure is two (2) pounds per square inch (psi) or less than the pressure between the two (2) check valves, the relief valve shall open the atmosphere, thereby providing an air gap within the device. To be approved, these devices must be readily accessible for maintenance and testing and installed in a location where no part of the valve will be or may be submerged.
- (4) Residential dual check valve means an assembly of two (2) in-line spring loaded independently operating check valves in a bronze body construction. The unit shall operate in horizontal or vertical position.

Contamination means to make unclean by contact.

Cross connection means any connection or structural arrangement between a public or a consumer's potable water system and any nonpotable source or water of questionable safety or system through which backflow can occur. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices, and other temporary or permanent devices through which, or because of which, backflow can occur are considered to be cross connections.

Cross-connection controlled means a connection between a potable water system and a nonpotable and/or questionable safety water system with an approved built-in backflow preventer that will continuously afford protection proportionate with the degree of hazard.

Cross-connection control by containment means the installation of an approved backflow prevention device at the water service connection to any customer's premises where it is physically and economically infeasible to find and permanently eliminate or control all actual or potential cross connections to a customer's water system; or it shall mean the installation of an approved backflow prevention device on the service line leading to and supplying a portion of a customer's water system where there are actual or potential cross connections which cannot be effectively eliminated or controlled at the point of cross connection.

Hazard, degree of means a term that is derived from an evaluation of the potential risk to public health and the adverse effect upon potable water system.

- (1) Hazard, health means any condition, device, or practice in a water supply system and its operation that creates, or may create in the judgment of the water department, a danger to the health and well-being of a water consumer.
- (2) Hazard, plumbing means a cross connection in a consumer's potable water system that may

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permit back siphonage in the event of a negative pressure in the supply line.

- (3) Hazard, pollutional means an actual or potential threat to the physical properties of the water system or the potability of the public or the consumer's potable water system, but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.
- (4) Hazard, systems means an actual or potential threat to the physical properties of the public or the consumer's potable water system or of a material not dangerous to health, but aesthetically objectionable that would have a degrading effect on the quality of the potable water in the system.

Industrial fluids system means any system containing a fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollutional or plumbing hazard if introduced into an approved water supply. This may include, but not be limited to:

- (1) Polluted or contaminated waters;
- (2) All types of process waters and used waters originating from the public potable water system which may have deteriorated in sanitary quality;
- (3) Chemicals in fluid form;
- (4) Plating acids and alkalies;
- (5) Circulated cooling waters connected to an open cooling tower and cooling waters that are chemically or biologically treated or stabilized with toxic substances;
- (6) Contaminated natural waters such as from wells, springs, streams, rivers, bays, irrigation canals or systems and ponds; and
- (7) Oils, gases, glycerine, caustic and acid solutions and other liquid and gaseous fluids used in industrial or other processes or for firefighting purposes.

Nontoxic means not toxic.

Pollution means the presence of any foreign substance (organic, inorganic, radiological, or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

Toxic means anything that can injure or kill, that is poisonous.

Water:

- (1) Water, potable means water that is safe for drinking, personal use, or for cooking.
- (2) Water, nonpotable means water which is not safe for human consumption or which is of questionable potability.
- (3) Water purveyor or water department means the City water department.
- (4) Water service connections means the terminal end of a service connection from the public potable water system where the City water department loses jurisdiction and sanitary control over the water at its point of delivery to the consumer's water system. In most cases, the terminal point is at the customer's private gate valve on the downstream side of the meter.
- (5) Water, used means water supplied by a water purveyor from a public potable water system to a consumer's water system after it has passed through the point of delivery and is no longer under the sanitary control of the water purveyor.
- (e) Water system requirements.
  - (1) The water system shall be considered as made up of two (2) parts: the utility system and the customer system.
  - (2) The utility system shall consist of the source facilities and the distribution system, and shall include all those facilities of the water system operated under public health supervision under the control of the utility, up to a point where the customer's system begins.
  - (3) The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the distribution system.
  - (4) The distribution system shall include the network of appurtenances between the source and the

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point of delivery, such as valves, pipes, conduits, tanks, and fittings, used to convey or store water for public consumption or use.

- (5) The customer system shall include those parts of the facilities beyond the termination of the utility distribution system which are utilized in conveying utility delivered domestic water to points of use.
- (f) Policy.
  - (1) No water service connection to any premises shall be installed or maintained by the water purveyor unless the water supply is protected as required by state law and regulation and this Code. Service of water to any premises shall be discontinued by the water purveyor if a backflow prevention device required by the water purveyor in accordance with this Code is not installed, tested, and maintained, or if it is found that a backflow preventive device has been removed by bypass, or if an unprotected cross connection exists on the premises. Service will not be restored until such conditions or defects are corrected.
  - (2) It shall be a violation of this section to effectively remove any backflow prevention device without giving notice of such removal to the utilities department superintendent within seventy-two (72) hours of removal. This violation shall be punishable as provided for in section 1-6 of this Code.
  - (3) The customer system shall be open for inspection at all reasonable times to authorized representatives of the utilities department to determine whether cross connections or other structural or sanitary hazards, including violations of this section, exists. When such a condition becomes known, the utilities superintendent shall deny or discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition in conformance with state and City statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto.
  - (4) An approved backflow prevention device shall also be installed on each service line, as required by the water department, to a customer's water system in a location as specified by a water department representative. In all cases, the backflow prevention device shall be installed to protect against the following conditions:
    - a. In the case of premises having an auxiliary water supply which is not or may not be of safe bacteriological or chemical quality, the public water system shall be protected against backflow from the premises by installing a backflow prevention device in the service line.
    - b. In the case of premises on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing a backflow prevention device in the service line. This shall include the handling of process waters and waters originating from the utility system which have been subject to deterioration in quality.
    - c. In the case of premises having internal cross connections that cannot be permanently corrected and controlled, and intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross connections exist, the public water system shall be protected against backflow from the premises by installing a backflow prevention device in the service line.
  - (5) The type of protection device required shall depend on the degree of hazard which exists as follows:
    - a. In the case of any premises where there is an auxiliary water supply, the public water system shall be protected by an approved reduced pressure principle back- flow prevention device installed above ground.
    - b. In the case of any premises where there is water or a substance that would be objectionable, but not hazardous and nontoxic to health, if introduced into the public water system, the public system shall be protected by an approved double check valve assembly installed in a

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- pit/box with adequate room for testing.
- c. In the case of any premises where there is any material toxic and dangerous to health which is handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected by an approved reduced pressure principle backflow prevention device installed above ground.
  - d. In the case of any premises where there are uncontrolled cross connections, either actual or potential, the public water system shall be protected by an approved reduced pressure principle backflow prevention device installed above ground in the service to the premises.
  - e. In the case of any premises where, because of security requirements or other prohibitions or restrictions it is impossible or impractical to make a complete in-plant cross-connection survey, the public water system shall be protected against backflow from the premises by installing a backflow prevention device in the service line. In this case, an approved reduced pressure principle backflow prevention device shall be installed above ground in the service to the premises.
  - f. In the case of any new water service to a residential customer after passage of the ordinance from which this section derives, an approved residential dual check valve shall be installed in the service line on the customer's side of the stop cock or valve. Both the valve or cock and residential dual check valve shall be located in a box adjacent to the property line.
  - g. In the case of any new fire services after passage of the ordinance from which this section derives consisting of a standpipe service with a pipeline with hose connections smaller than standard two-and-one-half-inch fire hose, an approved dual check valve shall be installed in the service line on the customer's side of the gate valve. Both the gate valve and dual check valve shall be located in a box adjacent to the property line. All hose valves shall be closed and sealed and opened only in the case of fire.
  - h. In the case of any new fire service after the passage of the ordinance from which this section derives, consisting of a fire hydrant, the same standard hydrants as those used by the City shall be conformed with. A gate valve shall be required on the customer's property adjacent to the property line. All hydrants shall be closed and sealed and opened only in the case of fire.
  - i. In the case of any new fire service after passage of the ordinance from which this section derives, consisting of an automatic sprinkler system, an approved double check valve shall be installed in the service line on the customer's side of the customer's required gate valve adjacent to the property line. Both the gate and the dual check valve shall be located in a box with adequate room to provide for testing of the dual check valve.
  - j. In the case of any existing fire service that is a potential source of contamination, the utilities superintendent shall have the right to require that an adequate backflow preventor, as required by the utilities department, be installed in the service on the customer's property, adjacent to the property line.
- (6) Any backflow prevention device required shall be of a model that is approved by the utilities department. The term "approved backflow preventer" shall mean a device that has been manufactured in full conformance with the standards established by the American Water Works Association (AWWA) and/or the American Society of Sanitary Engineers (ASSE) entitled:
- a. AWWA C506, Standard for Backflow Prevention Devices-Reduced Pressure Principle and Double Check Valve Types;
  - b. ASSE, Performance Requirements for Reduced Pressure Principle Backflow Preventers;
  - c. ASSE 1015, Performance Requirements for Double Check Valve Type Back Pressure Preventers;
  - d. ASSE 1024, Dual Check Valve Type Backflow Preventers.
- The above standards have been adopted by the utilities superintendent.
- (7) It shall be the duty of the customer-user at any premises where backflow prevention devices are installed to have thorough inspections and operational tests made at least once a year, or more often in those instances where inspection indicates a need. Test records shall be maintained for a

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period of five (5) years.

- (8) The water department shall inspect and test operations of the backflow preventors at least once a year. The City test shall not replace the customer-user test in subsection (f)(7).
- (9) If a backflow preventor is found to be defective, the customer must repair, overhaul or replace the device at the expense of the customer-user. When repair, overhauling, or replacements have been completed, the customer-user shall be required to certify that the device is repaired and operational to the utilities superintendent.
- (10) In cases where a backflow prevention device fails and/or is found not properly functional, and a toxic substance is a potential contaminant, the utilities superintendent shall require immediate discontinuance of water service to the premises until such time as the backflow prevention device is repaired or replaced and tested. The customer-user shall be required to certify that the device is repaired and operational to the utilities superintendent.
- (11) In cases where a backflow prevention devices fails and/or is found not properly functional, and a nontoxic substance is the only potential contaminant possibly involved, it shall be at the discretion of the utilities superintendent whether immediate discontinuance of water service to the premises shall be carried out or whether the water service shall be left on and a specific time period specified for repairs or replacement of the backflow prevention device. The customer-user shall be required to certify that the device is repaired and operational to the utilities superintendent after repairs or replacements have been carried out.
- (12) All presently installed backflow prevention devices which do not meet the requirements of this section, but were approved devices for the purposes described herein at the time of installation, and which have been properly maintained shall, except for the inspection and maintenance requirements, be excluded from the requirements of these rules so long as the utilities superintendent is assured that they will satisfactorily protect the utility system. Whenever the existing device is moved from the present location or requires more than minimum maintenance or when the utilities superintendent finds that the device no longer provides protection from contaminants, the customer-user shall replace the unit with a backflow prevention device meeting the requirements of this section.
- (13) Making connection to or operating any City hydrant on the utility system is strictly prohibited except by employees of the City in the performance of their official duties.

(g) Implementation schedule.

(1) The utilities department shall investigate all known potential cross-connections sources. Customers with potential sources of contamination will be notified by the water department personal and given five (5) business days to be in compliance with this section. If not in compliance within five (5) business days, the customer will be notified and services discontinued until the requirement to install a backflow device as required by this section has been met.

(2) Any new service shall have the required backflow prevention device installed before connection is made to the City mains.

(3) In the event that an existing water service is cut out for any maintenance, the water service must have the proper private shut-off valve and backflow device installed before water service is turned back on by the City. When customers are delinquent according to the provisions of Section 13-15(b) or the dwelling has been vacated, the tenant or home owner will be given five (5) business days to be in compliance with this section. If not in compliance within (5) business days, the customer will be notified and services discontinued until the requirement to install a backflow device as required by this section has been met.

(h) Backflow device installation. Each person desiring to install any backflow prevention device shall have a valid plumbing qualification certificate and license issued in accordance with the rules and regulations adopted by the City of Thomasville Water and Light Department.

(Code 1958, § 18-28; Ord. of 7-14-86(2); Ord. of 8-22-88(1))

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(2005 (13-82 g), Amended, 09/26/2005)

Section 13-83 Deep wells for waste disposal prohibited.

It shall be unlawful for anyone to use, within the city limits, a deep well for the disposal of waste of any type.

(Code 1958, § 18-29)

Section 13-84 Department to make or supervise main extensions.

The city utilities department will make or supervise all extensions of city water mains in the public streets and roads both inside and outside the city limits.

(Code 1958, § 18-30)

Section 13-85 Connection to unmetered pipe or city main.

No person shall make any connection to any unmetered pipe or main containing water from the city systems, unless such person has first obtained a written permit for such work from the superintendent of the utilities department.

(Code 1958, § 18-31)

Section 13-86 Booster pump installation.

No booster pump shall be installed in any pipe which is connected to the city water system, except where the usage has been approved by the utilities department as not detrimental to service in the area and a written permit issued to that effect.

(Code 1958, § 18-32)

Section 13-87 Water taps.

The applicant for a water tap shall have his service pipe extended to the property line, at a point designated by the utilities department and terminating in a stopcock or valve. In consideration of the tapping fee, which shall be paid to the water and light department in advance, the city will tap the main and extend service to the customer's valve at the property line.

(Code 1958, § 18-33)

Section 13-88 Water tapping fees.

For making water taps and setting meters the following fees shall apply:

		<u>Inside City</u>	<u>Outside City</u>
For 3/4"	Meter & Service	\$550.00	\$550.00
For 1"	Meter & Service	\$650.00	\$650.00
For 1 1/2"	Meter & Service	1 1/2" service no longer offered	
For 2"	Meter & Service	\$1200.00	\$1200.00
Over 2"	Meter & Service	(See * Below)	Cost Plus 25%

\*Estimated cost of labor and material for each individual case, as estimated by the Water Department. These fees include a private cut-off valve, dual check valve and box on Domestic Services (3/4" and 1"); These fees include a private cut-off valve and box for Irrigation taps.

(Code 1958, § 18-34; Ord. of 1-30-92; Ord. of 2-8-93; Ord of 1-9-06; Ord. of 1-10-08)

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Section 13-89 Allowance for salvage.

Where the size of a water meter and service is increased and the age of the original installation does not exceed five (5) years, the superintendent of the utilities department is authorized to credit or refund the depreciated value of the usable equipment salvaged in the change.  
(Code 1958, § 13-89)

Section 13-90 Water rates.

(a) Water rates are on file at the city clerk's office and the administrative offices of the Utilities department.

(b) Inside the Corporate limits of the City - This is a water rate applicable inside the corporate limits of the City of Thomasville. The rate has two components: 1)Base Charge; and 2)Consumption Charge.

Rate Structure

Base Charge (fixed monthly charge)

Consumption Charge (declining block volumetric charge)

(c) Outside the Corporate limits of the City – This is a water rate applicable outside the corporate limits of the City of Thomasville. The rate has two components: 1) Base Charge; and 2) Consumption Charge.

Rate Structure

Base Charge (fixed monthly charge)

Consumption Charge (declining block volumetric charge)

(2001 (13-90), Amended, 07/23/2001)

Section 13-91 Sewer charges.

Sewer rates shall be as are from time to time prescribed in chapter 14 of this Code. (Code 1958, § 18-37)

Section 13-92 Transient customers; installation charges; connection to fire hydrants.

(a) Water may be supplied to transient customers from an unmetered source. In no case shall the customer be allowed to operate a fire hydrant valve.

(b) For customers requiring a single valve and hose connection not exceeding two (2) inches there shall be an installation charge. Charges for usage shall be estimated by the utilities department. A deposit shall be required in accordance with section 13-16.

(c) Larger connections or usage from a fire hydrant will not be permitted except by special permission.

(Code 1958, § 18-38)

Section 13-93 Extensions of water system.

Extension of the water system will be evaluated for each new development independently. Extension to a new development will be discounted based on revenue potential. Water systems inside the new development will be paid for by the developer. The city may enter into a contract with any individual or group in accordance with its water line extension and service connection regulations

(Code 1958, § 18-39; Ord. of 5-28-90, § I; Ord. of 9-9-02)

(2002 (13-93), Amended, 09/09/2002)

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Section 13-94 Special fire protection services.

(a) There are three (3) main types of fire protection service available for use unmetered within the property of commercial and industrial enterprises.

- (1) *Standpipe service*. This consists of a pipeline with hose connections smaller than standard two-and-one-half-inch fire hose used by the city. All hose valves shall be closed and sealed and opened only in case of fire.
- (2) *Fire hydrant service*. This consists of a pipeline with fire hydrants of the same standard as those used by the city. All hydrants shall be closed and sealed and opened only in case of fire.
- (3) *Automatic sprinkler service*. This consists of automatic equipment as specified by the insurance companies. Water supplied for this purpose may be direct or to a water tank as required.

(b) The customer desiring such service shall make application to the water department in writing stating the size connection desired. All connections of such nature from existing mains to the customer's property line shall be done by the city and the customer shall bear the entire cost. There will be no monthly standby charge for special fire protection service, but nothing herein shall be construed as the permission or right to use such unmetered water for any purpose except in case of conflagration.

(c) It shall be the duty of the fire department to regularly inspect all such installations and to report to the utilities department any violation of usage. Any customer in violation of this section shall be billed for unmetered water service in the amount of twenty- five dollars (\$25.00) for each violation.

(Code 1958, § 18-40)

Section 13-95 13-95--13-120. Reserved.

Section 13-120A ARTICLE IV. NATURAL GAS SYSTEM\*

\***Cross reference**--Gas code, § 5-106 et seq.

Section 13-120D DIVISION 1. GENERALLY

Section 13-121 Organization.

The natural gas system is organized under the public utilities systems of the city and all matters covered in article I of this chapter shall be applicable to the gas system.

(Code 1958, § 18-42)

Section 13-122 Gas system renewal and extension reserve fund.

(a) The special fund, known as the "Gas System Renewal and Extension Reserve Fund," is hereby maintained as a separate and unique fund. The city, from revenues derived from the operation of its natural gas system, shall pay into the fund twelve (12) percent of the net income from the system before depreciation charges are made. The monies in the fund shall be used and applied solely for:

- (1) Improvements, extensions, and replacements of buildings, lands, equipment, and distribution and transmission systems now owned and used or which may hereafter be acquired by the city in connection with the operations of its natural gas system; and shall not be used or applied for ordinary operation and maintenance nor for ordinary service connections.
- (2) In case of an emergency having a major effect upon the natural gas system caused by some extraordinary occurrence which makes it necessary to use funds of the gas system for the alleviation or removal of such effects, and an insufficiency of money exists in the revenue fund to meet such emergency.

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(b) No expenditure of money shall be made from this fund except by resolution carried by two-thirds majority vote of the city council.. All depositories and signatures for disbursement of funds shall be designated by a resolution of the city council.

(c) All sums in the fund, in excess of amounts required for immediate disbursement, may be invested in securities which are direct and general obligations of the U.S. Government or its agencies, or guaranteed by the U.S. Government or its agencies as to both principal and interest, municipal and state bonds, bank certificates if protected by escrow of an equal value of the above type investments, or federal savings and loan to the limit covered by insurance except that such funds shall not be invested in bonds of the city. All interest accumulations from the bonds and certificates shall be invested in the fund.

(d) All depositories and all signatures for disbursement of natural gas system funds shall be designated by resolution of the city council.

(Code 1958, § 18-43; Ord. of 9-8-86)

Section 13-123 Interfering with or molesting property or equipment.

It shall be unlawful for any unauthorized person to interfere with or molest in any way the gas metering station, regulating stations, mains, plants, or other equipment installed either on the public rights-of-way or on private property.

(Code 1958, § 18-44)

Section 13-124 Department to make or supervise extension of mains; use of unmetered pipe or main.

The city gas department will make or supervise all extensions of mains in the public streets and roads both inside and outside the city limits. No person shall make any connection to any unmetered pipe or main containing gas from the city system, unless such person has first obtained a written permit for such work from the superintendent of the utilities department.

(Code 1958, § 18-45)

Section 13-125 Natural gas rates and rate structures

(a) Gas rates are on file at the city clerk's office and the administrative offices of the Utilities Department.

b) Residential Customers - This is a gas rate applicable to residential service when supplied through one meter to each individual residence or apartment. The rate has three components: 1) Base Charge; 2) Variable Cost of Gas Charge; and 3) Distribution Charge.

Rate Structure:

Base Charge (fixed monthly charge)

Distribution Charge (volumetric monthly charge)

Variable Cost of Gas - Actual Cost of fuel, capacity and transportation delivery to Citygate

Seasonal Charge - Where service is cut off and within 12 months, re-cut in for the same customer at the same location, such cut off period shall be considered seasonal. With the first bill following such a period, the customer shall be billed a seasonal charge of \$50.00.

c) Commercial Customers -This gas rate is applicable to commercial or firm industrial customers and multiple family dwellings or apartment buildings where service is taken through one meter. No gas may be resold or transmitted to other premises. The rate has three components: 1) Base Charge; 2) Variable Cost of Gas Charge; and 3) Distribution Charge.

Rate Structure:

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Base Charge (fixed monthly charge)

Distribution Charge (volumetric monthly charge)

Variable Cost of Gas - Actual Cost of fuel, capacity and transportation delivery to Citygate

Seasonal Charge - Where service is cut off and within 12 months re-cutin for the same customer at the same location, such cut off period shall be considered seasonal. With the first bill following such a period, the customer shall be billed a seasonal charge of \$50.00.

(d) Firm Industrial Customers - This gas rate is applicable to commercial or firm industrial customers where service is taken at one service location. No gas may be resold or transmitted to other premises. The minimum volume to qualify for this service is 10,000 MCF per year. The rate has three components: 1) Base Charge; 2) Variable Cost of Gas Charge; and 3) Distribution Charge.

Rate Structure:

Base Charge (fixed monthly charge)

Distribution Charge (volumetric monthly charge)

Variable Cost of Gas - Actual Cost of fuel, capacity and transportation delivery to Citygate

Seasonal Charge - Where service is cut off and within 12 months re-cutin for the same customer at the same location, such cut off period shall be considered seasonal. With the first bill following such a period, the customer shall be billed a seasonal charge of \$50.00.

(e) Interruptable Customers -This gas rate is applicable to non residential customers having facilities permitting the use of gas on an interruptible basis and whose usage is sufficient to qualify for this service, provided the City has available from its Supplier an adequate supply of gas to meet the customer's requirements. No gas may be resold or transmitted to other premises. The rate has three components: 1) Base Charge; 2) Variable Cost of Gas Charge; and 3) Distribution Charge.

Rate Structure:

Base Charge (fixed monthly charge)

Distribution Charge (volumetric monthly charge)

Variable Cost of Gas - Actual Cost of fuel, capacity and transportation delivery to Citygate

Gas sold under this schedule shall be subject to curtail in whole or in part during periods of peak demand, upon two hours notice. Each customer may be required to execute a service agreement for a period of not less than three years as a condition precedent to receiving service under this rate schedule.

(f) Commercial Chiller Customers - This gas rate is applicable to commercial or firm industrial customers where service is taken through one meter for commercial chiller purposes and consumption is restricted to the months of March through October. No gas may be resold or transmitted to other premises. The rate has three components: 1) Base Charge; 2) Variable Cost of Gas Charge; and 3) Distribution Charge.

Rate Structure:

Base Charge (fixed monthly charge)

Distribution Charge (volumetric monthly charge)

Variable Cost of Gas - Actual Cost of fuel, capacity and transportation delivery to Citygate

(Code 1958, § 18-46; Ord. of 8-14-00; Ord of 7-23-01)

(2001 (13-125), Amended, 07/23/2001; 2000 (13-125), Amended, 08/14/2000)

Section 13-126 13-126--13-145. Reserved.

Section 13-145D

DIVISION 2. UNDERGROUND UTILITY DAMAGE PREVENTION

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Section 13-146 Short title.

This division may be cited as the "Underground Gas Utility Damage Prevention Provisions."  
(Code 1958, § 18-47(a))

Section 13-147 Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Damage* includes the substantial weakening of structural or lateral support of an underground utility, penetration or destruction of any protective coating, housing or other protective device of an underground utility and the partial or complete severance of an underground utility.

*Demolish* or *demolition* means any operation by which a structure or mass of material is wrecked, razed rendered, moved or removed by means of any tools, equipment or discharge of explosives.

*Excavate* or *excavation* means an operation for the purpose of the movement or removal of earth, rock or other materials in or on the ground by use of mechanized equipment or by discharge of explosives including auguring, backfilling, digging, ditching, drilling, grading, plowing-in, pulling-in, ripping, scraping, trenching and tunneling, but not including the tilling of soil for agricultural purposes.

*Mechanical equipment* means equipment operated by means of mechanical power, including trenchers, bulldozers, power shovels, augers, backhoes, scrapers, drills cable and pipe plows and other equipment used for plowing-in or pulling-in cable or pipe.

*Operator* means any person who owns or operates a utility.

*Person* means any individual; any corporation, partnership, association or any other entity organized under the laws of any state; any subdivision or instrumentality of a state; and any employee, agent, or legal representative thereof.

*Utility* means any line, system or facility used for producing, storing, conveying, transmitting or distributing natural gas.

*Working day* means every day, except Saturday, Sunday and national and legal state holidays.  
(Code 1958, § 18-47(b))

Section 13-148 Effect of excavation and demolition permits.

A permit issued pursuant to law authorizing excavation or demolition operations shall not be deemed to relieve a person from the responsibility for complying with the provisions of this division.  
(Code 1958, § 18-47(c))

Section 13-149 Determining location of underground utilities prior section.

Except as provided in section 13-152, no person may excavate in a street, highway, public space, private easement of an operator or near the location of a utility installed on the premises of a customer by such utility or demolish a building without having first ascertained in the manner prescribed in sections 13-150 and 13-151 the location of all underground utilities in the area that would be affected by the proposed excavation or demolition.  
(Code 1958, § 18-47(d))

Section 13-150 Notice of intent to excavate or demolish.

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- (a) Except as provided in section 13-152, before commencing any excavation or demolition operation designated in section 13-149 each person responsible for such excavation or demolition shall serve written or telephone notice of intent to excavate or demolish at least three (3) but not more than ten (10) full working days to the Utility Protection Center, Inc. 3400 Summit Ridge Parkway, Duluth, Georgia 30096, Telephone: 1-800-282-7411.
- (b) The written or telephone notice required by subsection (a) of this section must contain the name, address, and telephone number of the person filing the notice of intent and, if different, the person responsible for the excavation or demolition, the starting date, anticipated duration, and type of excavation or demolition operation to be conducted, the location of the proposed excavation or demolition and whether or not explosives are to be used.
- (c) If the notification required by this section is made by telephone, an adequate record of such notification shall be maintained by the city utilities department to document compliance with the requirements of this section.
- (d) The Utilities Protection Center (O.K.) web site can be found at [www.gaupc.com](http://www.gaupc.com) to retrieve necessary information associated with utilities location as required by law.

(Code 1958, § 18-47(e); Ord. of 9-9-02  
(2002 (13-53, Amended, 09/19/2002)

Section 13-151 Response to notice of intent to excavate or demolish.

(a) The city utilities department, notified in accordance with section 13-150, shall within two (2) working days after receipt of notice of intent, unless a shorter period is provided by agreement between the person responsible for the excavation or demolition and the operator or the city's representative, supply by appropriate means the following information to the person responsible for the excavation or demolition:

- (1) The approximate location and description of all its underground utilities which may be damaged as a result of the excavation or demolition;
- (2) The location and description of all temporary utility markers indicating the approximate location of the underground utilities in the area of excavation or demolition activity before, as far as practical, the activity begins; and
- (3) Any other information that would assist that person in locating and thereby avoiding damage to the underground utilities.

(b) For the purposes of this section, the approximate location of underground utilities shall mean a strip of land at least three (3) feet wide along a designated or marked centerline but not wider than the actual utility line width plus one and one-half (1 1/2) feet on either side of the centerline of the utility.

(Code 1958, § 18-5-7(i))

Section 13-152 Emergency work.

Compliance with the notice requirements of section 13-150 is not required of persons responsible for emergency excavation or demolition to ameliorate an imminent danger to life, health, or property; provided, however, that such persons give, as soon as practicable, oral notice of the emergency excavation or demolition to the city gas department where such excavation or demolition is to be performed and request emergency assistance from the city gas department in locating and providing immediate protection to its underground utilities. An imminent danger to life, health, or property exists whenever there is a substantial likelihood that loss of life, health or property will result before the

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procedures under sections 13-150 and 13-151 can be fully complied with.  
(Code 1958 § 18-47(g))

Section 13-153 Protection of utilities.

In addition to the notification requirements of section 13-150, each person responsible for any excavation or demolition operation designated in section 13-149 shall:

(1) Plan the excavation or demolition to avoid damage to or minimize interference with underground

utilities in and near the construction area;

(2) Maintain a clearance between an underground utility and the cutting edge or point of any mechanized equipment, taking into account the known limit of control of such cutting edge or point, as may be reasonably necessary to avoid damage to such utilities;

(3) Provide such support for underground utilities in and near the construction area, including during backfill operations, as may be reasonably necessary for the protection of such utilities.

(4) Prior to construction of underground facilities, proposed locations shall be marked with white flags

and white paint *before* all other existing underground utilities have been marked in the work area covered by the proposed construction.

(Code 1958, § 18-47(h); Ord. of 9-9-02)  
(2002 (13-153), Amended, 09/09/2002)

Section 13-154 Notice of damage to utility.

(a) Except as provided by subsection (b) of this section, each person responsible for any excavation or demolition operation designated in section 13-149 that results in any damage to an underground utility shall immediately upon discovery of such damage, notify the operator of such utility of the location and nature of the damage and shall allow the operator reasonable time to accomplish necessary repairs before completing the excavation or demolition in the immediate area of such utility.

(b) Each person responsible for any excavation or demolition operation designated in section 13-149 that results in damage to an underground utility permitting the escape or any flammable, toxic or corrosive gas or liquid shall, immediately upon discovery of such damage, notify the operator, police and fire departments and take any other action as may be reasonably necessary to protect persons and property and to minimize the hazards until arrival of the operator's personnel or police and fire departments.

(Code 1958, § 18-47(i))

Section 13-155 Civil penalties.

Any person who violates any provision of this division shall be subject to a civil penalty not to exceed one thousand dollars (\$1,000.00) for each such violation. Actions to recover the penalty provided for in this section shall be brought by the city at the request of any person in the circuit court in and for the city in which the cause or some part thereof arose. All penalties recovered in such actions shall be paid into the gas renewal and extension fund of the city utilities department. This section does not affect any civil remedies for personal injury or property including underground utilities damage, except as otherwise specifically provided for in this section.

(Code 1958, § 18-47(j))

Section 13-156-13-179. Reserved

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Section 13-180-13-185. Reserved

Section 13-185aARTICLE V. TELECOMMUNICATIONS

Section 13-185d           DIVISION I. CNS

Section 13-186 Cable Television Rates

CNS Cable Television Rates are on file at the city clerk's office and the administrative offices of the Utilities Department.

(1999 (13-186), Added, 06/30/1999)

Section 13-187   Sec. 13-187 - 13-199 RESERVED

Section 200 Article VI. Identity Theft Prevention Program.

Section 13-201. Purpose.

The purpose of this Article is to comply with 16 CFR § 681.2 in order to detect, prevent and mitigate identity theft by identifying and detecting identity theft red flags and by responding to such red flags in a manner that will prevent identity theft.

Section 13-202. Definitions.

For purposes of this Article, the following definitions apply:

- (a) 'City' means the City of Thomasville.
- (b) 'Covered account' means (i) An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a credit card account, mortgage loan, automobile loan, margin account, cell phone account, utility account, checking account, or savings account; and (ii) Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation, or litigation risks.
- (c) 'Credit' means the right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefore.
- (d) 'Creditor' means any person who regularly extends, renews, or continues credit; any person who regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit and includes utility companies and telecommunications companies.
- (e) 'Customer' means a person that has a covered account with a creditor.
- (f) 'Identity theft' means a fraud committed or attempted using identifying information of another

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person without authority.

(g) 'Person' means a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.

(h) 'Personal Identifying Information' means a person's credit card account information, debit card information bank account information and drivers' license information and for a natural person includes their social security number, mother's birth name, and date of birth.

(i) 'Red flag' means a pattern, practice, or specific activity that indicates the possible existence of identity theft.

(j) 'Service provider' means a person that provides a service directly to the City.

Section 13-203. Findings.

(1) The City is a creditor pursuant to 16 CFR § 681.2 due to its provision or maintenance of covered accounts for which payment is made in arrears.

(2) Covered accounts offered to customers for the provision of City services include electric, water, sewer, natural gas, solid waste, telecommunications, cable television, and telephone services.

(3) The City's previous experience with identity theft related to covered accounts is as follows:  
\_\_Not Applicable\_\_.

(4) The processes of opening a new covered account, restoring an existing covered account, and making payments on such accounts have been identified as potential processes in which identity theft could occur.

(5) The City limits access to personal identifying information to those employees responsible for or otherwise involved in opening or restoring covered accounts or accepting payment for use of covered accounts. Information provided to such employees is entered directly into the City's computer system and is not otherwise recorded.

(6) The City determines that there is a low risk of identity theft occurring in the following ways:

a. Use by an applicant of another person's personal identifying information to establish a new covered account;

b. Use of a previous customer's personal identifying information by another person in an effort to have service restored in the previous customer's name;

c. Use of another person's credit card, bank account, or other method of payment by a customer to pay such customer's covered account or accounts; and

d. Use by a customer desiring to restore such customer's covered account of another person's credit card, bank account, or other method of payment.

Section 13-204. Process of Establishing a Covered Account.

(1) As a precondition to opening a covered account in the City, each applicant shall provide the City a valid government issued identification card containing a photograph of the customer or, for customers who are not natural persons, a photograph of the customer's agent opening the account. Such applicant shall also provide any information necessary for the department providing the service for which the covered account is created to access the applicant's consumer credit report. Such information shall be entered directly into the City's computer system and shall not otherwise be recorded.

(2) Each account shall be assigned an account number and personal identification number (PIN) which shall be unique to that account. The City may utilize computer software to randomly generate assigned PINs and to encrypt account numbers and PINs.

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Section 13-205. Access to Covered Account Information.

- (1) Access to customer accounts shall be password protected and shall be limited to authorized City personnel.
- (2) Such password(s) shall be changed by on a regular basis and shall contain the number of letters, numbers and symbols as determined by the Director of Information Systems.
- (3) Any unauthorized access to or other breach of customer accounts is to be reported immediately to the City Manager and the password changed immediately.
- (4) Personal identifying information included in customer accounts is considered confidential and any request or demand for such information shall be immediately forwarded to the City Manager and the City Attorney.

Section 13-206. Credit Card Payments.

- (1) In the event that credit card payments that are made over the Internet are processed through a third party service provider, such third party service provider shall certify that it has an adequate identity theft prevention program in place that is applicable to such payments.
- (2) All credit card payments made over the telephone or the City's website shall be posted to the customer's account information in the computer data base.
- (3) Account statements and receipts for covered accounts shall include only the last four digits of the credit or debit card or the bank account used for payment of the covered account.

Section 13-207. Sources and Types of Red Flags.

All employees responsible for or involved in the process of opening a covered account, restoring a covered account or accepting payment for a covered account shall check for red flags as indicators of possible identity theft and such red flags may include:

- (1) Alerts from consumer reporting agencies, fraud detection agencies or service providers. Examples of alerts include but are not limited to:
  - a. A fraud or active duty alert that is included with a consumer report;
  - b. A notice of credit freeze in response to a request for a consumer report;
  - c. A notice of address discrepancy provided by a consumer reporting agency;
  - d. Indications of a pattern of activity in a consumer report that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as:
    - i. A recent and significant increase in the volume of inquiries;
    - ii. An unusual number of recently established credit relationships;
    - iii. A material change in the use of credit, especially with respect to recently established credit relationships; or
    - iv. An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.
- (2) Suspicious documents. Examples of suspicious documents include:
  - a. Documents provided for identification that appear to be altered or forged;
  - b. Identification on which the photograph or physical description is inconsistent with the appearance of the applicant or customer;
  - c. Identification on which the information is inconsistent with information provided by the applicant or customer;
  - d. Identification on which the information is inconsistent with readily accessible information that is on file with the financial institution or creditor, such as a signature card or a recent check; or
  - e. An application that appears to have been altered or forged, or appears to have been destroyed and reassembled.
- (3) Suspicious personal identification, such as suspicious address change. Examples of suspicious identifying information include:

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- a. Personal identifying information that is inconsistent with external information sources used by the financial institution or creditor. For example:
    - i. The address does not match any address in the consumer report; or
    - ii. The Social Security Number (SSN) has not been issued, or is listed on the Social Security Administration's Death Master File.
  - b. Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer, such as a lack of correlation between the SSN range and date of birth.
  - c. Personal identifying information or a phone number or address, is associated with known fraudulent applications or activities as indicated by internal or third-party sources used by the financial institution or creditor.
  - d. Other information provided, such as fictitious mailing address, mail drop addresses, jail addresses, invalid phone numbers, pager numbers or answering services, is associated with fraudulent activity.
  - e. The SSN provided is the same as that submitted by other applicants or customers.
  - f. The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of applicants or customers.
  - g. The applicant or customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
  - h. Personal identifying information is not consistent with personal identifying information that is on file with the financial institution or creditor.
  - i. The applicant or customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.
- (4) Unusual use of or suspicious activity relating to a covered account. Examples of suspicious activity include:
- a. Shortly following the notice of a change of address for an account, City receives a request for the addition of authorized users on the account.
  - b. A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example:
    - i. The customer fails to make the first payment or makes an initial payment but no subsequent payments.
    - c. An account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:
      - i. Nonpayment when there is no history of late or missed payments;
      - ii. A material change in purchasing or spending patterns;
    - d. An account that has been inactive for a long period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).
    - e. Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's account.
    - f. The City is notified that the customer is not receiving paper account statements.
    - g. The City is notified of unauthorized charges or transactions in connection with a customer's account.
    - h. The City is notified by a customer, law enforcement or another person that it has opened a fraudulent account for a person engaged in identity theft.
- (5) Notice from customers, law enforcement, victims or other reliable sources regarding possible identity theft or phishing relating to covered accounts.

Section 13-208. Prevention and Mitigation of Identity Theft.

- (1) In the event that any City employee responsible for or involved in restoring an existing covered account or accepting payment for a covered account becomes aware of red flags indicating possible identity theft with respect to existing covered accounts, such employee shall use his or her discretion to

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determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Customer Service Manager. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the Assistant City Manager, Customer Services, who may in his or her discretion determine that no further action is necessary. If the Assistant City Manager, Customer Services, in his or her discretion determines that further action is necessary, a City employee shall perform one or more of the following responses, as determined to be appropriate by the Assistant City Manager, Customer Services:

- a. Contact the customer;
- b. Make the following changes to the account if, after contacting the customer, it is apparent that someone other than the customer has accessed the customer's covered account:
  - i. change any account numbers, passwords, security codes, or other security devices that permit access to an account; or
  - ii. close the account;
- c. Cease attempts to collect additional charges from the customer and decline to sell the customer's account to a debt collector in the event that the customer's account has been accessed without authorization and such access has caused additional charges to accrue;
- d. Notify a debt collector within 24 hours of the discovery of likely or probable identity theft relating to a customer account that has been sold to such debt collector in the event that a customer's account has been sold to a debt collector prior to the discovery of the likelihood or probability of identity theft relating to such account;
- e. Notify law enforcement, in the event that someone other than the customer has accessed the customer's account causing additional charges to accrue or accessing personal identifying information; or
- f. Take other appropriate action to prevent or mitigate identity theft.

(2) In the event that any City employee responsible for or involved in opening a new covered account becomes aware of red flags indicating possible identity theft with respect an application for a new account, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Customer Service Manager. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the Assistant City Manager, Customer Services, who may in his or her discretion determine that no further action is necessary. If the Assistant City Manager, Customer Services, in his or her discretion determines that further action is necessary, a City employee shall perform one or more of the following responses, as determined to be appropriate by the Assistant City Manager:

- a. Request additional identifying information from the applicant;
- b. Deny the application for the new account;
- c. Notify law enforcement of possible identity theft; or
- d. Take other appropriate action to prevent or mitigate identity theft.

Section 13-209. Updating the Program.

The City Council shall annually review and, as deemed necessary by the Council, update the Identity Theft Prevention Program along with any relevant red flags in order to reflect changes in risks to customers or to the safety and soundness of the City and its covered accounts from identity theft. In so doing, the City Council shall consider the following factors and exercise its discretion in amending the program:

- (1) The City's experiences with identity theft;
- (2) Updates in methods of identity theft;

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- (3) Updates in customary methods used to detect, prevent, and mitigate identity theft;
- (4) Updates in the types of accounts that the City offers or maintains; and
- (5) Updates in service provider arrangements.

Section 13-210. Program Administration.

The Customer Service Manager is responsible for oversight of the program and for program implementation. The Assistant City Manager, Customer Service, is responsible for reviewing reports prepared by staff regarding compliance with red flag requirements and with recommending material changes to the program, as necessary in the opinion of the Assistant City Manager, Customer Services, to address changing identity theft risks and to identify new or discontinued types of covered accounts. Any recommended material changes to the program shall be submitted to the City Council for consideration by the Council.

(1) The Customer Service Manager will report to the Assistant City Manager, Customer Services, at least annually, on compliance with the red flag requirements. The report will address material matters related to the program and evaluate issues such as:

- a. The effectiveness of the policies and procedures of City in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;
- b. Service provider arrangements;
- c. Significant incidents involving identity theft and management's response; and
- d. Recommendations for material changes to the Program.

(2) The Customer Service Manager is responsible for providing training to all employees responsible for or involved in opening a new covered account, restoring an existing covered account or accepting payment for a covered account with respect to the implementation and requirements of the Identity Theft Prevention Program. The Customer Service Manager shall exercise his or her discretion in determining the amount and substance of training necessary.

Section 13-211. Outside Service Providers.

In the event that the City engages a service provider to perform an activity in connection with one or more covered accounts the Assistant City Manager, Customer Services shall exercise his or her discretion in reviewing such arrangements in order to ensure, to the best of his or her ability, that the service provider's activities are conducted in accordance with policies and procedures, agreed upon by contract, that are designed to detect any red flags that may arise in the performance of the service provider's activities and take appropriate steps to prevent or mitigate identity theft.

Section 13-212. Treatment of Address Discrepancies.

(a) Pursuant to 16 CFR § 681.1, the purpose of this Section is to establish a process by which the City will be able to form a reasonable belief that a consumer report relates to the consumer about whom it has requested a consumer credit report when the City has received a notice of address discrepancy.

(b) Definitions.

For purposes of this article, the following definitions apply:

- (1) 'Notice of address discrepancy' means a notice sent to a user by a consumer reporting agency pursuant to 15 U.S.C. § 1681(c)(h)(1), that informs the user of a substantial difference between the address for the consumer that the user provided to request the consumer report and the address(es) in the agency's file for the consumer.
- (2) 'City' means City of Thomasville.

(c) Policy.

In the event that the City receives a notice of address discrepancy, the City employee responsible for verifying consumer addresses for the purpose of providing the municipal service or account sought by the consumer shall perform one or more of the following activities, as determined to be appropriate by such

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employee:

- (1) Compare the information in the consumer report with:
  - a. Information the City obtains and uses to verify a consumer's identity in accordance with the requirements of the Customer Information Program rules implementing 31 U.S.C. § 5318(l);
  - b. Information the City maintains in its own records, such as applications for service, change of address notices, other customer account records or tax records; or
  - c. Information the City obtains from third-party sources that are deemed reliable by the relevant City employee; or
- (2) Verify the information in the consumer report with the consumer.

(d) Furnishing Consumer's Address to Consumer Reporting Agency.

- (1) In the event that the City reasonably confirms that an address provided by a consumer to the City is accurate, the City is required to provide such address to the consumer reporting agency from which the City received a notice of address discrepancy with respect to such consumer. This information is required to be provided to the consumer reporting agency when:
  - a. The City is able to form a reasonable belief that the consumer report relates to the consumer about whom the City requested the report;
  - b. The City establishes a continuing relation with the consumer; and
  - c. The City regularly and in the ordinary course of business provides information to the consumer reporting agency from which it received the notice of address discrepancy.
- (2) Such information shall be provided to the consumer reporting agency as part of the information regularly provided by the City to such agency for the reporting period in which the City establishes a relationship with the customer.

(e) Methods of Confirming Consumer Addresses.

The City employee charged with confirming consumer addresses may, in his or her discretion, confirm the accuracy of an address through one or more of the following methods:

- (1) Verifying the address with the consumer;
- (2) Reviewing the City's records to verify the consumer's address;
- (3) Verifying the address through third party sources; or
- (4) Using other reasonable processes.