

## Chapter 13

### PUBLIC UTILITIES SYSTEMS\*

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\***Cross references**--Buildings, construction and related activities, Ch. 5; sewerage, Ch. 14; solid waste management 15.

#### 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) 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 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.

(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:

<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 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 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.