

AN ORDINANCE FOR THE CITY OF CLEMSON, SOUTH CAROLINA

***City Code, Municipal Utilities, Chapter 11
Replace: Article 1, Section 11.1-17;
Replace: Article II, Div. 1 - Section 11.25; and Div. 4 - Section 11.64-65***

Now, therefore, be it ordained that the City Code of the City of Clemson,
South Carolina shall be amended:

Done and ordained this the Day of

First Reading:

Larry W. Abernathy, Mayor

Final Reading:

Attest:

Ord. No CC-2011-

Beverly Coleman, Municipal Clerk

CITY OF CLEMSON
Municipal Code Amendment
(City Code, Municipal Utilities, Chapter 11)
(Article 1, Section 11.1-17; Article II, Div. 1, Section 11.25; Div. 4, Section 11.64-65)

ARTICLE I. IN GENERAL

Sec. 11-1. Effective date.

All policies, rates and requirements apply to the City service areas effective July 1, 2011.

Sec. 11-2. Service agreement, termination; billing and payment.

(a) A service agreement must be executed prior to use of water, wastewater, and sanitation services. **A permanent address is required as well as two forms of identification: a social security card and a valid government-issued photo identification document.** In accordance with a weekly cycle billing schedule, utility bills are distributed monthly for the previous month's service. Payment in full is due within 15 calendar days from the date of the bill. After this date, the account is considered delinquent and a 10% late charge is added.

(b) Past due accounts are subject to service disconnection **on or after the 21st calendar day from the "Date of Bill" printed on the billing statement.** As a courtesy, an automated telephone calling system will inform the customer **that their account is delinquent and subject to disconnection.** Exceptions may be approved under extraordinary conditions if requested prior to the **account being deemed delinquent.** Should delinquency continue or **if** it is determined that the customer has tampered with the water meter, the City may seek legal action including, but not limited to, severance of service **and/or** a lien on the property. **Any person(s) that has signed a utility service agreement is** responsible for delinquent accounts.

(c) Delays in mail delivery do not excuse late payments. Customers should check with the Office of Billing Administration regarding non-receipt of utility bills, or any other account matter where specific requests may be required. A night depository is available at City Hall for payment after business hours. Payment options other than cash or personal check include bank draft, credit card (Visa, MasterCard **and Discover**) **as well as the on-line payment system. On-line payment system outages do not excuse responsibility for timely payment or service disconnection.**

Sec. 11-3. Security deposits.

(a) A security deposit is to be paid prior to initiation of service (deposits cannot be transferred).

(b) A security deposit is not required if the customer has a regular service at the location where the irrigation meter is requested; otherwise, a security deposit is required.

(c) The amount of the security deposit shall be set from time to time by City Council.

Section 11-4. Administrative fees.

(a) An administrative fee is required for all new accounts which shall be set from time to time by City Council.

Sec. 11-5. Disconnection fee and Reestablished service.

(a) A disconnection fee shall be set from time to time by City Council.

(b) In order to reestablish service the final bill for service, a disconnection fee, a security deposit and an administrative fee is required. Reestablished service will be assessed against any person(s) that has signed a utility service agreement.

Sec. 11-6. Returned checks.

The maximum fee allowed by law is charged for checks returned for any reason. Such return constitutes nonpayment, and late charges may be imposed and/or service discontinued. Repeat offenders may be required to pay in cash (or equivalent) only.

Sec. 11-7. Water usage rates.

Customer charges apply to each residential, commercial and business unit whether meter is used or not. Commercial and business units are defined by the issuance of business licenses. Such rates shall be as prescribed from time to time by City Council.

Sec. 11-7.1. Water testing charge.

The Department of Health and Environmental Control (DHEC) charges the City an annual fee for water testing. The fee is based on the number of meters in use. The City passes such fee on to its customers as a once-per-year surcharge on the water bill. The fee is calculated by dividing the amount billed by DHEC by the number of meters in use at the time of the DHEC bill.

Sec. 11-8. Sewer usage rates.

Customer charges apply to each residential, commercial and business unit whether meter is used or not. Such rates shall be as prescribed from time to time by City Council. All sewer usage is based upon the exact monthly readings from the customer's water meter. There is no sewer charge on irrigation meters.

Sec. 11-9. Water leak adjustments.

(a) If a customer experiences a water leak from a broken water pipe that results in a dramatic increase in the customer's bill, the City may consider an adjustment based upon such a request by the customer. Proof of the leak is required, such as a plumber's statement, inspection by a City official and/or other necessary documentation to substantiate the problem. The highest consumption

in the period the leak occurred will be used as consideration for an adjustment, provided the customer takes immediate action to correct the problem. No more than two consecutive billing periods will be used for adjustment calculations. **Leaking plumbing fixtures** and/or the carelessness of leaving water running through a spigot or valve **are** not considered grounds for an adjustment.

(b) Upon satisfactory proof of the leak, the City may adjust the customer's bill as follows:

(1) The sewer portion shall be reduced to the **monthly average of the prior three (3) sewer bills**.

(2) The water portion usually will not be **waived** because the City has to pay for all water in the system. Should unusual circumstances or a hardship be proven, the City may reduce the water bill to the average of the previous usage, **then** all water usage above this **monthly average of the prior three (3) water bills** shall be paid for at the City's wholesale cost, plus 35 percent.

(c) **All** water that passes through a meter is the financial responsibility of the customer. This policy is not a customer's right, but simply a method where the City recognizes that broken lines and emergencies may be beyond the customer's control and can cause an undue hardship. This policy is to assist the customer during this hardship. All decisions for adjustments are strictly at the City's discretion and must be considered final.

Sec. 11-10. New service taps.

Irrigation taps are applied for at the Office of Billing Administration.

(a) All new service taps for new construction are initiated through the Office of the Building Inspector. **Wastewater taps to replace septic systems are applied for at the Utilities Department.** **New service** information shall be required including, but not limited to, sketches and plans. The Building Inspector shall forward the request to the Utilities Department for approval and assessment of all fees. Service taps that require special engineering will be forwarded through the Office of the City Engineer for technical approval and then to the Utilities Department for work approval and assessment of fees. All assessed fees are required to be paid in advance of issuance of the building permit. Other specifications for work and materials are on file with the City Engineer.

(b) Backflow prevention devices are required on all new services as specified by the City. Double check and reduced pressure assemblies must be checked annually. Yearly testing forms will be sent out by the City to all applicable customers, who then must have their devices tested at their expense. The test form must be returned to the City within 90 days after receipt of the forms or

water service may be **discontinued**. Other specifications for work and materials are on file with the City Engineer.

Sec. 11-11. Water and sewer impact fees.

(a) Water and sewer impact fees are assessed on the impact of any new construction after August 5, 1985, or the incremental impact caused when an existing service is changed in any manner which causes the classification to increase to a higher impact than has previously been established. Impact fees shall also be assessed against properties outside the City limits that request water service, whether they are existing or new construction.

(b) For the purpose of assessing impact fees, the City uses the concept of residential equivalent units, or REU. An REU is an average household which uses an average of 255 gallons per day of water and sewer.

(c) The water and sewer impact fees for a single residential equivalent unit (REU) shall be as prescribed from time to time by City Council.

(d) The impact fees for nonresidential developments shall be calculated by first determining the number of REU's as shown in the schedule attached to an amendment adopted July 1, 1994, and then multiplying this number of REU's by the impact fees per REU as stated in subsection (c) of this section. The resulting products yield the impact fees for this connection. The minimum impact fees in any and all cases shall be one REU. Additional REU's may be calculated and paid as a fraction of an REU.

(e) Buildings or structures with more than one classification shall be charged an impact fee for each separate classification.

(f) For any structure or facility not specified in the schedule of water and sewer impact fees, the REU factor shall be computed by the City Administrator or his designee by making an engineering determination of the capacity impact of the connection based upon peak water usage capability of the connection divided by 255 gallons per day to yield the number of REU's corresponding to the connection or by any other method which yields an accurate measure of the capacity impact of the subject connection.

(g) Impact fees shall be paid prior to the building permit being issued. If the building permit expires and no building is constructed, as defined by the building code, the owner shall be reimbursed such fees without interest, upon request and not exceeding 12 months after the expiration of the building permit.

Sec. 11-12. Tap fees.

(a) A tap fee is required for each physical water and sewer tap where a City-maintained line is tapped for a metered service. Taps that require line extensions may be installed by the developer through a licensed contractor only after a sketch plan is submitted and approved by the City. All materials and

workmanship shall meet City specifications and be inspected by the City prior to backfilling. All taps installed by the developer that require access in, or the crossing of, a street shall obtain a street cut permit from the Department of Public Works.

(b) Taps installed by the City include all labor and materials required to construct a service line from the nearest available public line to the property line at a point agreed to by the customer and the City. For any service that exceeds 60 feet, the customer shall be charged an additional pro rata fee to install the service as needed.

Sec. 11-13. Waiver of sewer impact and tap fees.

Where the City extends its sewer lines into areas previously served by septic tanks, the impact fee for all existing dwellings at the time the line is DHEC-approved for use is waived. The sewer tap fee for a City-installed four-inch tap is reduced if paid within one year of such DHEC sewer line approval date.

(Amend. of 7-1-91; Ord. No. CC-94-011, 7-1-94)

Sec. 11-14. Sanitation.

(a) Fees for sanitation services shall be set from time to time by City Council.

(b) Use of City roll-carts or containers is mandatory. The City does not pick up loose garbage. Special provisions for the elderly or handicapped may be arranged upon the approval of the sanitation supervisor.

Sec. 11-15. Billing.

The following policy will be observed for billing, collections, and termination of service:

(1) **Billing statements are issued on a monthly basis for water/sewer and residential sanitation service.**

(2) If any account is not paid by the due date, a penalty of ten percent **will** be added.

(3) The City's Finance Director will be responsible for the collection of current and delinquent bills.

Sec. 11-16. Construction rates for new residential and commercial development.

(a) *Residential development.* For a period not to exceed **nine (9)** calendar months, the property owner or contractor will be charged prevailing rates only for the utility services required during the development construction period. Water service will be subject to a customer charge and volume charges. Upon issuance of a certificate of occupancy, or the beginning of the **tenth (10th)** month, the property owner will be charged prevailing rates for water, wastewater, and

sanitation services. Construction period utility service may be extended past **nine (9)** calendar months at the request of the property owner or contractor, and upon approval of the City Administrator.

(b) *Commercial development.* Until a certificate of occupancy is issued by the Office of Planning and Codes Administration, the property owner or contractor will be charged prevailing rates only for the utility services required during the development construction period. Water service will be subject to a customer charge and volume charges. Subsequent to the issuance of a certificate of occupancy, the property owner will be charged prevailing rates for water, wastewater, and sanitation services.

(Ord. No. CC-98-013, 9-8-98)

Sec. 11-17. Setoff debt collection administrative fee.

(a) The City of Clemson, S.C., hereby imposes an administrative fee in the amount of \$25.00 to defray its internal costs of collection for any delinquent debts that are sought to be collected pursuant to the provisions of the Setoff Debt Collection Act, S.C. Code **1992**, § 12-56-10 et. seq. This fee is hereby declared to be a collection cost that arises by operation of law and shall be added to the delinquent debt and recovered from the debtor.

(b) The City of Clemson, S.C., hereby declares that the administrative fee charged by the Municipal Association of South Carolina is also a collection cost to the City/town, which shall also be added to the delinquent debt and recovered from the debtor.

(Ord. No. CC-2006-09, §§ 1, 2, 9-4-06)

Secs. 11-18--11-19. Reserved.

ARTICLE II. SEWER USE

DIVISION 1. GENERALLY

Sec. 11-25. Same--Monthly; basis; payment and delinquency.

City Council shall levy monthly sewer user charges and such charges shall be due and payable **as defined by this section**. The user charges shall be based on actual or estimated water consumption, as provided under sections 11-58 and 11-59. Failure to pay this bill within **fifteen (15) days from the "Date of Bill" printed on the billing statement** shall cause such bill to become delinquent. **On or after the 21st calendar day from the "Date of Bill" printed on the billing statement**, the approving authority may discontinue service as provided for in section 11-28.

DIVISION 4. OPERATIONS AND CONTROL

Sec. 11-64. Same--Discontinuance or prevention.

The approving authority reserves the right to disconnect water service or discontinue the sewer connection by any user until such time as the requirements of this article have been fulfilled to the satisfaction of the approving authority. When deemed necessary by the approving authority to protect the sewer system or the public, the approving authority may discontinue or prevent sewer connection without notice to the user.

(Ord. of 4-18-83, § 410)

Sec. 11-65. Same--Reconnection without authority.

It shall be unlawful for any user to reconnect water or sewer service when the service has been disconnected for noncompliance with this article, or any other reason, until specifically approved by the approving authority. Such approval shall be contingent upon satisfaction of all requirements of this article, including, but not limited to, payment of all penalties, charges, claims, damages, judgments, and costs incident thereto.