

Ordinance No. \_\_

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF COMER, GEORGIA, REGARDING UTILITY DEPOSITS AND DISCONNECTION OF WATER SERVICE.

THE COUNCIL OF THE CITY OF COMER HEREBY ORDAINS:

**WHEREAS**, the Mayor and City Council have determined that it is in the best interests of and consistent with the convenience and necessity of the City of Comer to amend its city code, the following action is taken:

SECTION 1. THE CODE OF ORDINANCES OF THE CITY OF COMER, GEORGIA, IS HEREBY AMENDED BY ADDING SUBSECTIONS 20-112.1 THROUGH 20-112.3, TO READ AS FOLLOWS:

**Section 20-112      Water Bills**

1.     **Utility Deposits.**      All utility customers (also referred to as "users" in this ordinance) shall pay a utility deposit at the time of opening an account with the City, in an amount to be set by resolution and posted along with the water rates pursuant to Section 20-111 of this Ordinance.
  
2.     **Customer Deposits and Past Due Utility Bills.**      After a user's water service has been terminated for nonpayment of any past due utility bill, or closed with any unpaid utility bill outstanding, the City may apply that user's utility deposit to satisfy any outstanding bill for water, sewer, or garbage service. The customer must renew the utility deposit and pay any other required charges or fees before water service is turned back on under Section 20-114.
  
3.     **Discontinuance of Utility Services.**      If a user's utility service has been disconnected for nonpayment of utility bills pursuant to Section 20-113, that user must pay an additional utility deposit in addition to the other charges or fees required by this Ordinance. The additional deposit shall be in an amount no less than twice the average utility bill for that customer. The average utility bill shall be calculated using the greater of the average of either: (a) the customer's past twelve (12) month utility bills, or (b) the customer's entire utility billing history.

SECTION 2.    LIABILITY

Neither the approval of any action under the provisions of this ordinance, nor the compliance with provisions of this ordinance, shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Mayor or City Council for damage to any person or property.

SECTION 3.    CONFLICTS BETWEEN SPECIFIC AND GENERAL PROVISIONS.

Where there is an apparent conflict in this Ordinance between specific and general provisions, it

is the intention hereof that the specific shall control.

SECTION 4. SEVERABILITY.

If any section, provision, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such individuality shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent that this Ordinance would have been adopted had such invalid portion not been included herein.

SECTION 5. REPEAL OF CONFLICTING PROVISIONS.

All ordinances or parts of ordinances in conflict with this ordinance, and not preserved hereby, are hereby repealed.

SECTION 6. EFFECTIVE DATE

This Ordinance shall become effective immediately after its passage and approval in the manner prescribed by law.

Passed and approved this 8 day of May, 2007, at a meeting of the Mayor and Council of the City of Comer, Georgia.

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William E. Burroughs, Mayor, City of Comer

Attest:

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Stephen H. Sorrells, City Clerk  
[CITY SEAL]

Approved as to Legal Form:

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Victor Y. Johnson, City Attorney

