

Chapter 58 - UTILITIES

Article I – IN GENERAL

Sec. 58-11. Provisions saved from repeal.

Sections 22-10—22-91, including the ordinance of February 4, 1975, as amended January 1, 1977, and the resolution of June 14, 1973, of the Baldwin County Code dated June 1979 on the subject of water sewerage and drainage are not repealed and shall continue in full force and effect pending a revision of the subject matter by the county.

Secs. 58-12--58-20. - Reserved.

Article II – WATER

Sec. 58-21. – Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated:

Application: A form used in making a request

Baldwin County: The members of the Baldwin County Board of Commissioners and its agents and employees.

Board: The governing body of the Baldwin County Board of Commissioners.

Commercial development: Any commercial use building or group of commercial use buildings in a single development, or any single commercial use building that may include more than one tenant. Commercial uses include, but are not limited to, a mix of business, professional and retail activities.

Construction of Water Lines - the placing of water lines and the burial thereof in connection with the original line extension project as determined by Baldwin County

Consumer: Any person, corporation, company, partnership, organization (whether for profit or not), association, venture, public body, public agency, public authority, or other entity that uses, has use of , or seeks to use water furnished by Baldwin County.

Customer: Any person, corporation, partnership, joint venture, public body that establishes water and/or sewer services with Baldwin County.

Defined Service Area - the area in which the Baldwin County has extended water lines and is currently, or in the future plans to, serve the citizens of Baldwin County with water, as that area is defined, from time to time, by Baldwin County.

Developer: Any person, corporation, partnership, joint venture, public body or legal entity that is selling, offering for sale, dividing, subdividing or developing property for residential,

commercial or industrial use and is required by law to connect or has connected to Baldwin County's water or sewerage system.

Industrial development: Any building or group of industrial use buildings in a single development, or any single industrial use building that may include more than one tenant, Industrial uses include, but are not limited to, manufacturing, processing, production, assembly and storage.

Leak credit: Adjustments that may be applied to a customer's bill upon receipt of proof that repairs have been made to a customer's water system.

Multi-family development: Any multiple occupancy residential building, including, but not limited to, apartments, townhouses, condominiums, duplexes, triplexes and quadruplexes.

Residential development: Any single-family residential use building or group of single-family residential use buildings in a single development, or any single residential use building that may include more than one tenant.

Schedule of Rates, Fees, and Penalties: The document that sets forth the rates, fees, and penalties associated with a customer's water service. This document is updated from time to time, maintained and kept on file with the Baldwin County's Finance Department.

Standards and Specifications: The document that sets forth the policies, procedures, design requirements, material requirements, and construction requirements of Baldwin County for the design, installation, and construction of water distribution and sanitary sewerage systems. This document is updated from time to time, maintained and kept on file with Baldwin County's Code Enforcement Department.

Water and Sewer Superintendent: The Superintendent of the Baldwin County Water and Sewer Department appointed by the County Manager, and authorized herein to fulfill the requirements of these rules and to be responsible for the operations of the Water and Sewer System or his or her designated authorized deputy, agent, or representative.

Those definitions as set forth in the Georgia State Minimum Standard Plumbing Code, which consists of the latest edition of the International Plumbing Code published by the International Code Council and any other Georgia State Amendments to the International Plumbing Code, are hereby incorporated as part of this ordinance.

Sec. 58-22. - Terms and Conditions of Service.

By establishing an account with Baldwin County, customer acknowledges acceptance of terms and conditions and must abide by all conditions of this Ordinance.

Sec. 58-23. - Access to Customer's Premises by Agents and Employees of Baldwin County.

Duly authorized agents and employees of Baldwin County shall have access at all hours to the exterior premises of the customer and developer for the purposes of installing and removing the property of Baldwin County; inspecting, repairing, and maintaining Baldwin County's facilities; reading and testing meters; and inspecting customer connections that may create negative impacts on Baldwin County's system.

Sec. 58-24. - Initial Water Service Connections.

- (a) Any customer or developer desiring to be provided water service by Baldwin County shall make an application for water service at the office of the Baldwin County Water and Sewer Department located at 3014 Heritage Road, Milledgeville, GA 31061, or other method approved by the Baldwin County. An application for water service shall be made at the Baldwin County Board of Commissioners Annex, 1601 N. Columbia Street, Milledgeville, GA 31061 once the building opens in 2020.
- (b) If the water distribution system is adjacent to or directly across the road from the customer's property and no water line extension is required, service will be provided upon the customer requesting service and meeting the terms of this ordinance and payment of all applicable fees, provided capacity is available.
- (c) Upon complying with the above stated items, the customer will be placed upon the meter installation list. The connection and the meter will be installed by Baldwin County as soon as practicable thereafter. Application for water/sewer connection should be made thirty calendar days in advance. A Service Call Fee, as set forth in the Schedule of Rates, Fees, and Penalties shall apply if site conditions hinder meter installation.

Sec. 58-25. - Charges for Initial Water Service Connections.

- (a) Each customer applying for use of water services of Baldwin County shall pay for the cost of establishing service.
- (b) Any relocation or removal of water lines, meter boxes, fire hydrants and appurtenances to the water system of Baldwin County that are requested by the customer and authorized by Baldwin County, or required by Baldwin County, will be billed to the customer at cost.
- (c) Customers must pay a deposit to Baldwin County in accordance with the Schedule of Rates, Fees, and Penalties. Baldwin County may require an additional deposit for customers whose payment status becomes delinquent.

Sec. 58-26. - Baldwin County's Responsibilities and Liabilities.

- (a) Upon meeting the requirements of Article 4 of this ordinance, Baldwin County will install a water service line as near as practicable to the customer's desired location adjacent to the road right-of-way.

- (b) Baldwin County may install its meter at or near the property line or at Baldwin County's option on the customer's property, typically within three (3) feet of the right of way.
- (c) Baldwin County reserves the right to refuse service if the customer's plumbing system is installed in such a manner as to cause cross connections or backflow.
- (d) Baldwin County assumes no liability for damages caused to private plumbing systems by varying pressure, interrupted services or water quality changes. This includes water loss due to broken or leaking pipes for any reason, or damages to person or property (before and/or after water loss).
- (e) Baldwin County assumes no liability for replacement of and/or damage to landscaping, fencing, or other items that hinder Baldwin County's ability to provide service and/or maintenance to Baldwin County's property.

Sec. 58-27. - Customer's Responsibilities and Liabilities.

- (a) Water furnished by Baldwin County shall be used for consumption by the customer only and shall not be resold unless the customer qualifies for special metering requirements, as covered in Article 13 of this Ordinance. 'The consumer shall not allow anyone else to connect on to the water systems serving the consumer. Disregard of this rule shall be sufficient cause for refusal and/or discontinuance of service.
- (b) The customer has the following additional responsibilities and duties:
 - (1) Where meter or meter box is placed on the premises of a customer, a suitable place shall be provided by the customer therefore, which is unobstructed and accessible at all times. The Customer shall not place any landscaping, fencing, or other items that hinder Baldwin County's ability to provide service and/or maintenance to Baldwin County property.
 - (2) The customer shall furnish and maintain a private cut-off valve on the customer's side of the meter.
 - (3) The customer's piping and apparatus shall be installed and maintained by the customer at the customer's expense and shall prevent backflow as specified in Article 8 of this Ordinance.
 - (4) In order to be received as a customer and entitled to receive water from Baldwin County's water system, all applicants agree that any private wells located on their property are not physically connected to the lines of the Baldwin County's water system; and all applicants, by becoming customers of Baldwin County, agree that so long as they continue to be customers of the Baldwin County, they will not permit the connection of any private wells to the Baldwin County's water system.
 - (5) Irrigation systems are required to have rain sensor shut-off switches, pursuant to O.C.G.A. §12-5-6.
 - (6) Customers shall maintain his or her water system in compliance with the current Georgia State Minimum Standards Plumbing Code and ensure that said system is in water tight condition.

Sec. 58-28. - Backflow Prevention.

An approved Cross Connection Control Program is maintained by Baldwin County's Engineering Department in accordance with the Georgia Rules for Safe Drinking Water (GA Rules & Regulations 391-3-5-.13(4)).

Baldwin County shall deny or discontinue water service to any customer if a required backflow prevention device is not installed or properly maintained according to the Cross Connection Control Program. Water service shall not be restored to such premises until the deficiencies have been corrected or eliminated to the satisfaction of Baldwin County, and in accordance with the rules and regulations of the Georgia Department of Environmental Protection Agency ("Georgia EPD"). Residential connections shall be maintained in accordance with the Georgia State Minimum Standard Plumbing Code (International Plumbing Code with Georgia State Amendments).

Sec. 58-29. - Connections to Baldwin County's Water System by Persons Other Than Baldwin County Personnel.

Only Baldwin County personnel or authorized contractors can connect or tap on to the water distribution system. Violation of this provision shall authorize Baldwin County to immediately terminate water service without notice to the customer.

Sec. 58-30. - Plans and Specifications for Construction of Water Lines.

The Baldwin County shall have the right to specify the requirements, plans and specifications for the construction of water lines in Baldwin County's service area. All water lines shall be constructed according to the Standards and Specifications established and maintained by Baldwin Water and Sewer Department.

Sec. 58-31. - Water Line Extensions.

An approved Baldwin County Water Line Extension Policy is maintained and kept on file with the Baldwin County's Water and Sewer Department.

- (a) Service to Residential, Commercial, and Industrial Developments: If the water line extension is to serve a residential, commercial or industrial development, the line shall be installed at the expense of the developer. Construction shall be per Baldwin County Standards and Specifications and shall be inspected by Baldwin County.
- (b) Service to Residence: Baldwin County residents may request a water line extension to serve their property at a reduced cost. The resident requesting water service must meet the requirements of Baldwin County's Water Line Extension Policy, which may be revised as determined by the Water and Sewer Superintendent.

Sec. 58-32. - Meter Readings.

The water meter serving the customer's property shall typically be read on a monthly basis, or at the discretion of Baldwin County.

Sec. 58-33. - Special Metering Requirements.**(a) Master Meters**

- (1) Water service shall be furnished to multi-family building or mobile home park through master meters and shall be charged at the appropriate rates established in the Schedule of Rates, Fees, and Penalties.
- (2) Commercial developments with multiple tenants shall be metered according to Baldwin County's Standards and Specifications and shall be charged at the appropriate rates established in the Schedule of Rates, Fees, and Penalties.
- (3) If private easements and/or agreements are necessary, they should be established or acquired accordingly and are not the responsibility of Baldwin County.
- (4) Water service shall be billed by Baldwin County and the responsible party shall pay for all charges contained in such bills.
- (5) Multi-Family developments, mobile home parks and commercial development buildings shall comply with State laws and regulations regarding submetering, reporting requirements to regulatory agencies, Georgia State Minimum Standard Plumbing Code, Georgia Rules for Safe Drinking Water (GA Rules and Regulations 391-3-5-.13), and any other requirements of the State. Meeting these requirements is solely the responsibility of the customer and Baldwin County bears no responsibility in this regard.
- (6) Any deviation from master metering configuration, or costs associated with a change in configuration to serve development, shall be at the sole expense of the customer and approved by Baldwin County.
- (7) Existing developments will be evaluated for need of master metering upon submission of plans to upgrade, retrofit or alter existing facilities.
- (8) If any development is master-metered, said development may be considered a public water system per the Georgia Rules for Safe Drinking Water, Chapter 391-3-5, and may be subject to additional regulations and monitoring requirements in accordance with the Safe Drinking Water Act. Baldwin County bears no responsibility for the creation of such a system.

(b) Fire Line Meters

- (1) The necessity of a fire line shall be determined by Code Enforcement and Fire Marshal.
- (2) All fire lines must be metered as detailed in Baldwin County's Standards and Specifications.

- (3) If any existing unmetered fire line should demonstrate continuous consumption, the customer may be required to retrofit the fire line with an appropriate metering system.
- (4) Existing developments will be evaluated for need of fire line metering upon submission of plans to upgrade, retrofit or alter existing facilities.
- (c) Industrial Evaporation & Process Water
 - (1) Whenever an industrial customer uses significant quantities of metered water, as described in Baldwin County's Standards and Specifications, which is not discharged into the Baldwin County's sewer system, the customer may request a credit for the water not being discharged into the sewer system.
 - (2) It is the responsibility of the customer to provide documentation, drawings, or schematics sufficient for an accurate determination of water that does not enter Baldwin County's sewer system. All metering equipment, installation arrangement, and calibration requirements must comply with Baldwin County's Standards and Specifications.
 - (3) It is the sole discretion of Baldwin County to determine if any credits will be granted. The Water and Sewer Superintendent has the authority to assess additional fees due to the requested special services. Such fees shall be established by the Board of Commissioners from time to time and included in the Schedule of Rates, Fees, and Penalties.
 - (4) In order to qualify for credits, the customer must comply with all Baldwin County requirements, in addition to all local and state plumbing codes.

Sec. 58-34. - Rate Schedule.

- (a) All water and sewer rates shall be set from time to time by the Baldwin County Board of Commissioners and included in the Schedule of Rates, Fees, and Penalties.
- (b) Water rates will not increase without sufficient notice to the customer. Notice will be given to the customer by a publication of the rate changes once a week for two weeks in the official newspaper of Baldwin County prior to the rate increase.
- (c) Upon adoption of the annual budget, the water and sewer rates in effect may be increased by 5 percent, unless otherwise determined by Baldwin County. The 5 percent increase shall be computed each year by increasing the previous year's rates by 5 percent. Said rates shall remain in effect until modified, amended or terminated by Baldwin County. All rates shall be approved by Board of Commissioners.
- (d) Rates shall be established for each of the following customer classes: Residential; Commercial; Industrial; Irrigation; Municipal; Multi-family residential, All metered customers of Baldwin County shall be billed in accordance with the rate schedule that is appropriate to them.
- (e) All customers will be required to pay the monthly base charge plus any consumption charges until termination of service, as set forth in the Schedule of Rates, Fees, and Penalties.

Sec. 58-35. - Billing and Collections.

- (a) The customer shall pay promptly on a monthly basis all water registered by the meter serving said property at the rate or rates set by Baldwin County from time to time, which shall include water used, water wasted or leakage.
- (b) The bill shall be paid by the fifteenth (15th) of each month. A Late Payment Fee as stated in the Schedule of Rates, Fees, and Penalties will be assessed on amounts that are not paid by the due date. In the event that the bill assessed thereon is not paid by the end of the business day of the twenty-fifth (25th) day of the month, Baldwin County shall have the right to commence procedures to terminate the water service and charge a nonpayment fee as stated in the Schedule of Rates, Fee and Penalties. If the 25th falls on a weekend or holiday then the nonpayment fee will be imposed if the bill is not paid by the end of the next business day.
- (c) Baldwin County may elect to allow electronic paperless billing. It is the customer's responsibility to maintain an updated electronic billing address. When Baldwin County takes the normal action in sending an electronic paperless bill (or notice of bill), that bill (or notice of bill) is deemed to have the same standing as a paper bill delivered to the customer's physical address. Failure to pay an electronic paperless bill by the due date will be treated in the same manner as traditional billing. Failure of the customer to receive the electronic paperless bill (or notice of bill) does not relieve the customer from the obligation to pay by the due date.
- (d) If customer's account reaches 'cut-off' status, a non-payment fee as stated in the Schedule of Rates, Fees, and Penalties will be added to the customer's account. This fee shall be charged regardless of whether water service is physically terminated. If service is discontinued for non-payment of bill, a Service Termination Fee, as stated in the Schedule of Rates, Fees, and Penalties, will also be added to the customer's account. Baldwin County will not resume water service until the account balance has been satisfied. Customer shall be responsible for any amount due Baldwin County.
- (e) Baldwin County may file a lien against the customer's property for non-payment of amounts owed Baldwin County. If a lien is filed, then a Lien Filing Fee, as stated in the Schedule of Rates, Fees, & Penalties, as well as any interest accrued, will be added to the customer's account each time the lien is filed or renewed.

Sec. 58-36. - Complaints/Adjustments.

- (a) If the customer believes a bill to be in error, Baldwin County shall be notified before the bill becomes delinquent. Any claim shall not be effective in preventing discontinuance of service as heretofore provided. The customer may pay such bill under protest and said payment shall not prejudice the claim.
- (b) Settlement of claims and adjustments of bills are subject to the following additional provisions:

- (1) Any customer who fails to notify Baldwin County within thirty (30) days after the date of said bill of any irregularities or errors that may be in said bill shall waive any right or claim for correction or refund.
- (2) Water meters will be tested at the request of the customer. If the meter is found to be malfunctioning, no charge will be made. However, if the meter is found not to be malfunctioning, the customer will be required to pay a fee as shown in the Schedule of Rates, Fees, and Penalties. Said fee will be added to the next monthly billing.
- (3) If the meter is found to be malfunctioning, Baldwin County may charge for the period since the last known accurate reading based on the average of the three previous months' consumption. A different period may be used if it appears that the previous three months would not correctly reflect the period in which the malfunction occurred.
- (4) Water meters will be re-read at the request of the customer. If it is determined that the original reading was incorrect, then an appropriate adjustment will be made to the customer's bill. However, if it is determined that the original reading was correct, a Service Call Fee as shown on the Schedule of Rates, Fees, and Penalties may be added to the customer's bill.
- (5) If it is determined that a leak is present on a customer's property, and satisfactory documentation of repair is presented to Baldwin County, then a leak credit may be applied to the customer's account.
- (6) Baldwin County staff may exercise discretion in administration of fees.

Sec. 58-37. - Procedures for Termination of Water Service.

- (a) Baldwin County may terminate water services to customers who fail to pay their water bills as required by this Ordinance.
- (b) Baldwin County shall forward to each customer, at the billing address provided by the customer, bills for water services provided. All water bills shall be due on the date set Forth on the bill.
- (c) If payment is not received by the close of business on the tenth (10th) day after the due date of the bill, Baldwin County's personnel may terminate service to the customer at any time after said date.
- (d) Water service shall be terminated without notice to any customer that may be obtaining water through fraudulent means, has issued a payment that has been returned to Baldwin County marked "Insufficient Funds", "Account Closed," or other reason, or is attempting to abscond without the payment of water bills due. The appropriate returned payment fee, as shown on the Schedule of Rates, Fees, and Penalties, will be added to the customer's account in each event of a returned check, ACH, Credit Card Charge back, or other type of returned payment.
- (e) If the customer does not provide access to the meter so that service may be restored, and Baldwin County is required to make an additional service call to restore service, an

additional Service Call Fee as shown on the Schedule of Rates, Fees, and Penalties will be assessed and added to the customer's water bill per service call.

- (f) If service has been discontinued for non-payment, a customer can re-establish service by paying the total amount due Baldwin County, together with any other applicable service call fees, charges and penalties. Baldwin County may also collect additional security deposit for customers whose payment status becomes delinquent.
- (g) Once payment is received, service will typically be restored the following business day.
- (h) Once service has been discontinued by Baldwin County, a customer shall not tamper with the meter or service line without prior authorization. A Tampering Fee as shown on the Schedule of Rates, Fees, and Penalties will be added to the customer's account.
- (i) If Baldwin County physically removes the meter, then a Meter Removal Fee as shown on the Schedule of Rates, Fees, and Penalties will be added to the customer's account.

Sec. 58-38. - Suspension of Services.

- (a) When water service is discontinued by request of the customer to Baldwin County, or by act of Baldwin County, Baldwin County shall apply the refundable deposits to the balance of the bill owed by the customer and refund the difference, if any exists, to the customer.
- (b) Service may be suspended or discontinued without notice for the following reasons:
 - (1) To prevent fraud, abuse, or excessive/negligent water usage.
 - (2) Improper maintenance of irrigation systems.
 - (3) Customer's willful disregard of Baldwin County's rules.
 - (4) Emergency repairs.
 - (5) Insufficiency of water supply due to circumstances beyond Baldwin County's control.
 - (6) Legal processes.
 - (7) Direction of public authorities.
 - (8) Strike, riot, fire, flood, unavoidable accident, actions of others or acts of God
 - (9) When a property owner fails to maintain the water system on the property or the improvements located thereon, in compliance with the current Georgia State Minimum Standards Plumbing Code.
 - (10) Creation of a hazardous or unsafe condition to the water facilities of Baldwin County.
 - (11) Other reasons as determined by Baldwin County.

Sec. 58-39. - Allocation of Water Services.

Baldwin County shall have the right from time to time, if necessary, to allocate water to the customer under specific rules and regulations in effect now or that may later be adopted by Baldwin County or imposed on Baldwin County by the State of Georgia.

- (a) From time to time, it may become necessary for the Water and Sewer Superintendent to impose bans, restrictions or curtailments of water usage.
- (b) The Water and Sewer Superintendent may issue a Notice of Noncompliance to any customer/entity that uses water in violation of the restrictions. Anyone receiving a Notice of Noncompliance must pay the charges as listed on the Notice. Anyone who fails to pay the charges will be subject to termination of water service until such charges are paid in full.

Sec. 58-40. - Prohibition against Tampering with Baldwin County Property.

- (a) Any customer, person, firm or corporation who, without the authorization of Baldwin County:
 - (1) Connects onto a Baldwin County water line;
 - (2) Disconnects a water line from a Baldwin County water line;
 - (3) Connects onto a Baldwin County water meter;
 - (4) Disconnects a Baldwin County water meter;
 - (5) Moves, removes, changes, or alters the location of a water meter;
 - (6) Changes, alters, or damages any water meter or water line so as to prevent proper registrations of water passing through said water meter or line;
 - (7) Obtains water;
 - (8) Prevents any other person from obtaining water;
 - (9) Obstructs or otherwise interferes with the reading or maintenance of any water meter;
 - (10) Obstructs or otherwise interferes with any water line, fire hydrant, pumping station or any appurtenances to Baldwin County water facilities;
 - (11) Creates a hazardous or unsafe condition to the Baldwin County water facilities; may be subject to a Notice of Violation, termination of service, and/or legal action.
- (b) Any customer, person, firm, corporation or legal entity who, without authorization from Baldwin County, takes water from any fire hydrant, designated fire line, or other unmetered line, shall pay to Baldwin County an Unauthorized Usage Fee as shown on the Schedule of Rates, Fees, and Penalties. Additionally, the offending person/entity must pay the value of water used if greater than the amount that would be covered by the stated amount in the Schedule of Rates, Fees, and Penalties, as well as any costs or consequential damages suffered by Baldwin County.
- (c) Any customer, person, firm, corporation, or legal entity which Baldwin County has to take legal action against for violation of any part of this Ordinance shall reimburse Baldwin County all costs, legal expenses, attorney's fees, and expenses associated with the collection thereof that are incurred by Baldwin County as a result of the collection or the enforcement of this Ordinance,
- (d) Any customer, person, firm, or corporation who violates the terms of this Ordinance and does not pay the fees assessed above shall be subject to immediate termination of

water service. At Baldwin County's discretion, said fee may be added to the water bill if a billing account exists. Also, a lien may be filed upon the public records of Baldwin County with the same being collected, as other liens are authorized to be collected under the terms of this Ordinance.

Sec. 58-41. - Amendment to Ordinance.

Since special circumstances frequently occur which require changes, amendments or modifications to this Ordinance, this Ordinance may be amended without notice upon the approval of said changes, amendments or modifications by Baldwin County.

Sec. 58-42. - Enforcement of Ordinance.

Baldwin County shall enforce the terms of this Ordinance through administrative procedures hereinbefore set out or through legal actions in a court of law.

a) Generally

All water system facilities shall be considered the property of the Baldwin County. Any Consumer, Developer, property owner, person, firm, Cooperation, company, joint venture, public body, public authority, or other entity who, without the authorization of the Baldwin County Water and Sewer Department,

- (1) Connects onto a water line of the Baldwin County Water and Sewer Department;
- (2) Disconnects to a water line from a water line of the Baldwin County Water and Sewer Department;
- (3) Connects onto a water meter of the Baldwin County Water and Sewer Department;
- (4) Disconnects a water meter of the Baldwin County Water and Sewer Department;
- (5) Moves, removes, changes, or alters the location of a water meter;
- (6) Changes, alters, or damages any water meter or water line so as to prevent proper registration of water passing through said water meter or line;
- (7) Obtains water or prevents any other person from obtaining water;
- (8) Obstructs or otherwise interferes with the reading or maintenance of any water meter;
- (9) Obstructs or otherwise interferes with any water line, fire hydrant, pumping station or any appurtenances to water facilities of Baldwin County;
- (10) Creates a hazardous or unsafe condition to the water facilities of Baldwin County Water and Sewer Department;

If convicted shall be guilty of a misdemeanor and shall be subject to a fine of no less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1000.00) and/or imprisonment for not less than thirty (30) days nor more than one hundred twenty (120) days.

b) Hearings

The Magistrate Court of Baldwin County, Georgia, shall have jurisdiction to hear, try and dispose of citations that are issued for said violations.

c) Citations

Any consumer, developer, property owner, person, firm, corporation, company, joint venture, public body, public agency, public authority, or other entity who is charged with having violated this Ordinance shall be issued a citation by the Baldwin County Sheriff's Department or a representative of the Baldwin County Water and Sewer Department. Said citation shall require the appearance of the violator in the Magistrate Court of Baldwin County, to answer said charges.

d) Enforcement, Generally

(1) The Baldwin County Water and Sewer Department shall enforce the terms of this ordinance through the administrative procedures herein set out or through legal actions in a court of law. The Baldwin County Water and Sewer Department shall have the power to issue citations and to call upon the Baldwin County Sheriff's Department or any Police Department created by Baldwin County or its successors to enforce the terms of this ordinance.

(2) Any fine which is imposed for violation of any part of this Ordinance shall be collected by the County and paid from the County to the Baldwin County Water and Sewer Department for the purpose of mitigating the costs of constructing, operating, and maintaining the water system of Baldwin County.

e) Water Use Restrictions; Enforcement

(1) Generally;

The Baldwin County Water and Sewer Department shall be empowered, in times of drought or otherwise whenever, at the discretion of the Baldwin County Water and Sewer Department, such measures are needed, to promulgate restrictions on the use of water by consumers.

a. If a Consumer uses water in violation of restrictions imposed by the Baldwin County Water and Sewer Department, the Baldwin County Water & Sewer Department shall be empowered to automatically impose a fine upon said property owner, which shall not exceed \$250.00 per violation. Said fine shall appear on the property owner's current billing and shall be delineated separately from water and sewer use billing in such a manner as would be reasonably likely to inform a person of normal intelligence that a fine is being imposed for violation of water use restrictions.

b. If a fine imposed by the Baldwin County Water and Sewer Department under this Article is disputed by the property owner, said property owner shall, upon written request within fifteen (15) days of the date of the bill which includes the fine (or the next working day if the fifteenth (15th) day is a weekend or legal holiday), be entitled to attempt to resolve the dispute before the Baldwin County Water and Sewer Department and Baldwin County Board of Commissioners. The

dispute shall be presented at the first available board meeting after receipt of the request.

- c. Notice of the property owner's right to dispute shall be included in any bill which imposes a fine and shall read substantially as follows:

1. If you dispute that you have violated Baldwin County's Water Use Restrictions, you have the right to attempt to resolve the dispute within fifteen (15) days (or next working day if the fifteenth (15th) day is a legal holiday or weekend) before the Baldwin County Board of Commissioners. The dispute shall be presented at the first available board meeting after receipt of the request and you will be given three (3) day notice thereof. Continuances will be granted for legal cause only.
2. If, after presenting the dispute before the Baldwin County Board Water and Sewer Department and Baldwin County Board of Commissioners, based on the facts presented, the Board of Commissioners is unable to remove the fine, the same shall become due and payable and the consumer shall have the right to seek a refund in the Superior Court of Baldwin County, by filing a petition therein.

- (2) Termination of Services for Failure to Pay Fine:

If a property owner fails to pay a fine that is due and payable under this Article, the Baldwin County Water and Sewer Department shall be empowered to terminate water services to that property owner.

Sec. 58-43. - Resolution of Apparent Conflicts.

To the extent any ordinances or parts of ordinances are in conflict, that ordinance or part of ordinance adopted most recently shall be construed to repeal the prior ordinance or part of ordinance to the extent the ordinances are in conflict.

Sec. 58-44. - Effective Date of Ordinance.

This Ordinance and amendments shall become effective upon the adoption thereof by the Baldwin County Board of Commissioners.