

ORDINANCE NO. 23-2010  
AN ORDINANCE TO AMEND THE CODE OF ORDINANCES  
SEC. 70-43 PERTAINING TO BILL ADJUSTMENTS FOR WATER AND SEWER  
FOR THE CITY OF TYBEE ISLAND, GEORGIA

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is authorized under Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, and welfare of the citizens of Tybee Island, Georgia, and

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is the Mayor and Council thereof, and

WHEREAS, the governing authority desires to adopt ordinances under its police, zoning, and home rule powers, and

WHEREAS, the City of Tybee Island is authorized by ordinance to establish rules of procedure for council meetings;

WHEREAS, additional obligations have been imposed on the City so as to require the sanitary system treatment of water from some sources thus increasing the cost associated with water use; and

WHEREAS, the governing authority desires to amend Sec. 70-43 so as to change the provisions thereof relating to bill adjustments for water and sewer, and for other purposes;

NOW, THEREFORE, be it ordained by the governing authority of the City of Tybee Island that Sec. 70-43 of the Code of Ordinances of the City of Tybee Island is hereby amended so as to hereafter read as follows:

**Sec. 70-43. Bill adjustment for water leakage and special circumstances.**

The city shall have the right to adjust water and sewer bills in the case of water leakage and other special circumstances such as breaks in the water line. Because of treatment requirements, the circumstances under which bills might be adjusted are limited. A loss of water must be through or as a result of an "excusable defect" in the customer's water line or system. An "excusable defect" is one due to a rupture or leakage caused by weather, settlement, corrosion, wear, or accident. Visible leaks, such as faucet leaks, leaking toilet, above ground

irrigation system components or hose leaks are ineligible. No credit will be granted for sewer charges on swimming pools, spas, or the like. Credit may also be determined by using the data from Mosaic leak detection system when available. The adjustment is limited to a maximum of three consecutive months and must be requested within 90 days of the repair. A plumbing repair bill or other evidence of repair must accompany a request for billing adjustment. The amount of adjustment to a water and/or sewer bill will be determined by crediting one-half (1/2) of the rate charged to usage in excess of the average bill, and shall be approved by the city manager.

It is the intention of the governing body, and it is hereby ordained, that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Tybee Island, Georgia, and the sections of this ordinance may be renumbered if necessary to accomplish such intention.

This Ordinance shall become effective on 13<sup>th</sup> day of January, 2011.

ADOPTED THIS 13<sup>th</sup> DAY OF January, 2011.

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

FIRST READING: 12/09/2010

SECOND READING: 01/13/2011

ENACTED: 01/13/2011