

ORDINANCE # 2010-03
INTRODUCED BY Alexis
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DATE AMENDED 7

ADOPTION

INTRODUCTION

**CITY OF COVINGTON
ORDINANCE NUMBER 2010-2011-03**

**AN ORDINANCE OF THE CITY OF COVINGTON
RESCINDING ORDINANCE 2010-22 AND REPLACING IT,
AMENDING THE FOLLOWING PROVISIONS OF THE
COVINGTON CODE OF ORDINANCES: CHAPTER 98,
UTILITIES, ARTICLE IV. RATES AND CHARGES**

WHEREAS, certain amendments and an addition have been suggested to the section of the Code addressing Utilities; and

WHEREAS, the Covington City Council deems these amendments appropriate to protect the health, safety and welfare of the citizens of Covington; and,

WHEREAS, due to errors contained in Ordinance 2010-22, the Covington City Council rescinds Ordinance 2010-22 and replaces it by Ordinance; and

WHEREAS, the City Council has held its public hearing in accordance with law;

NOW, THEREFORE, be it ordained by the City Council of the City of Covington, at its regular session convened, that Chapter 98, Utilities, Article IV. Rates and Charges, Sections 98-125 and Sections 98-128 through 98-130, be amended to read as follows:

- Sec. 98-125. New Service, Deposits, Account Credits and Methods of Payment.
- (1) ~~Prior to initial use of the city water or sewer, after cutoff for nonpayment or prior to initial city garbage or trash pickup, a user shall make a deposit as follows:~~
 - (a) ~~All residential users, whether connected to city water or not, shall pay a \$75.00 deposit for each residential unit for water service lines not exceeding three-quarters of an inch;~~
 - (1) New Service. The Louisiana Identity Theft Prevention Program Rules require that the City maintain proper documentation validating customers' identities and locations. All applicants for new service must present a valid picture ID and a contact number. Proof of ownership reflecting the name of the person applying for service, or authorization for the applicant to request utility service, such as a lease or letter from the property owner, must be provided. New service requests received after 3:30 p.m. will not be processed until the following business day.
 - (b) ~~All commercial users connected to city water shall pay a \$100.00 deposit for each commercial unit for water service lines not exceeding three-quarters of an inch;~~
 - (2) Deposits.
 - (a) The purpose of the utility deposit is to provide the City with a source of funds to draw upon in the event that a customer does not remit payment for final charges for services received.
 - (b) Each residential customer shall pay a Seventy-Five (\$75.00) Dollar Utility Deposit for water service lines not exceeding three-quarters (3/4") of an inch.
 - (c) Each commercial customer shall pay a One Hundred (\$100.00) Dollar Utility Deposit for water service lines not exceeding three-quarters (3/4") of an inch.

- 1 (d) For service lines greater than three-quarters (3/4") of an inch, residential
2 and commercial users shall pay an installation deposit as follows:
3 (i) For each unit whose service line is one inch, the deposit shall be
4 One Hundred Twenty-Five (\$125.00) Dollars.
5 (ii) For each unit whose service line is one and one-half inches, the
6 deposit shall be One Hundred Fifty (\$150.00) Dollars.
7 (iii) For each unit whose service line is two inches, the deposit shall be
8 One Hundred Seventy-Five (\$175.00) Dollars.
9 (iv) For each unit whose service line is three inches or greater, the
10 deposit shall be Two Hundred (\$200.00) Dollars.
11 (e) All commercial users connected to City sewer only shall pay a deposit of
12 Two Hundred Fifty (\$250.00) Dollars per meter.
13 (f) The deposit shall be kept on the customer's account until such time as the
14 account is terminated by the customer.
15 (g) At such time that an account is terminated by the customer, the City shall
16 apply all or part of the deposit to the payment of all utility obligations. In the event a
17 balance remains in the customer's account, such balance shall be refunded to them. In
18 the event the deposit fails to satisfy the obligation, the customer shall receive a final bill.
19 Should payment of said final bill not be received by the City by the due date, the
20 account shall be forwarded to the City Attorney for collection. The City Attorney may
21 provide user with a second notice by certified mail, demanding payment for services
22 rendered. Should a period of thirty (30) days elapse from the date of the second notice
23 to user, without payment of the account in full, interest will begin to accrue at the rate of
24 judicial interest. In addition, the City may, at its option, take any or all of the following
25 actions:
26 (i) File a lien against the property to which services were rendered;
27 (ii) Seek to collect all amounts due from the customer or owner of
28 record of the property or both for all amounts due, in addition to all costs and attorney's
29 fees associated with such legal proceedings.
30 ~~(e) For service lines greater than three-quarters of an inch, residential and~~
31 ~~commercial users shall pay an installation deposit as follows:~~
32 ~~(i) For each unit whose service line is one inch, the deposit shall be \$125.00.~~
33 ~~(ii) For each unit whose service line is one and one-half inches, the deposit~~
34 ~~shall be \$150.00.~~
35 ~~(iii) For each unit whose service line is two inches, the deposit shall be~~
36 ~~\$175.00.~~
37 ~~(iv) For each unit whose service line is three inches, the deposit shall be~~
38 ~~\$200.00.~~
39 (3) Account Credits. Account credits under Twenty-Five (\$25.00) Dollars will be
40 applied to future bills. Refunds of credit balances under Twenty-Five (\$25.00) Dollars
41 will only be issued when service is terminated. Account credits over Twenty-Five
42 (\$25.00) Dollars will be mailed to the customer.
43 ~~(d) All commercial users connected to city sewer only shall pay a deposit of \$250.00~~
44 ~~per meter.~~
45 (4) Methods of Payment.
46 (a) Payments may be made on-line, through automatic bank draft, by credit
47 card, by personal or corporate check, money order, cashier's check or in cash.
48 (b) Bank verification of funds for temporary checks is required before service
49 will be connected.
50 (c) With the exception of on-line payments, bill stubs must accompany
51 payment. Any payment that does not have the stub may be returned, and delay in
52 payment processing may result in late fees.
53 (d) On-line and credit card transactions require twenty-four (24) hours to
54 process, and late fees may be accrued if payment is not made timely.
55 ~~(2) The deposit set forth may be used by the city to satisfy an unpaid water, sewer,~~
56 ~~trash or garbage charge. In that event, the user shall pay the city an amount sufficient to~~
57 ~~restore the full amount of the deposit required by subsection (1). Subject to the~~
58 ~~provisions hereof, city sewer, water, trash pickup and garbage pickup service may be~~
59 ~~cut off and discontinued in the event the full amount of the deposit is not maintained as~~
60 ~~required herein.~~
61 ~~(3) At the conclusion of service for the user, the city shall render a final bill in usual~~
62 ~~form, applying the deposit to the final bill, accompanied by a specified notice to the user~~

1 informing him of his right to return of any remaining deposit. At the next regular cycle for
2 utility billings, if any due payment is not forthcoming from user, the city may provide user
3 with a second notice by certified mail, once again informing him of his final bill for
4 services rendered. Should a period of 30 days elapse from the date of the second
5 notice to user, without payment of his account in full, interest will begin to accrue at the
6 rate of judicial interest. In addition, the city may, at its option, take any or all of the
7 following actions:

- 8 (a) File a lien against the property to which services were rendered;
9 (b) Seek to collect all amounts due from the record owner of the property if the
10 record owner and user are not the same;
11 (c) Proceed in court against the user, the record owner of the property or both for all
12 amounts due, in addition to all costs and attorneys fees associated with such legal
13 proceedings;
14 (d) Discontinue all water services to the property to which services were rendered
15 and prohibit new service to the same location until full payment is made; or
16 (e) Remove the meter, requiring that a meter installation charge be collected before
17 service can be reconnected.
18 (Code 1977, § 19-24; Ord. No. 2000-50, § 19-24, 12-5-2000; Ord. No. 2009-14, 6-17-
19 2009)

20 Sec. 98-128. Termination of water, sewer, garbage and trash service Charges,
21 penalties, notice and termination of services.

22 (a) Subject to the provisions of this article, water, sewer, garbage and trash services
23 shall be discontinued in the event of the nonpayment of water, sewerage, garbage and
24 trash bills following the expiration of fourteen days (14) after the delinquency of a bill for
25 any of the services set forth in this section. If account remains unpaid for seven days
26 after service discontinued, meter shall be removed to prevent illegal usage of the
27 service by any person.

28 (1) Charges. All accounts and charges for water, sewer and garbage collection
29 services shall be due and payable at City Hall on or before the second (2nd) Tuesday of
30 each month following such service.

31 (b) In order to be reconnected or to have services continued, all outstanding utility
32 bills due the city shall be paid in full. Nonpayment includes attempted payment by
33 insufficient fund check or a closed account. An additional \$25.00 charge will be added
34 for any insufficient fund checks.

35 (Code 1977, § 19-24; Ord. No. 2004-03, 1-6-2004; Ord. No. 2008-32, 9-23-2008)

36 (2) Penalties.

37 (a) If payment is not received when due, a penalty of ten (10%) percent per
38 month shall be added thereto.

39 (b) Should reconnection require after-hours service, the customer shall be
40 charged an additional Fifty (\$50.00) Dollars as an After-Hours Reconnection Fee.

41 (c) Any check returned for insufficient fund shall be charged a Twenty-Five
42 (\$25.00) Dollar NSF fee which must be paid with the current bill balance. The current
43 balance plus NSF fee must be paid by credit card, money order, cashier's check or
44 cash. A personal and/or corporate check will not be accepted for this payment.

45 (d) Once service is scheduled for disconnection, an additional Twenty
46 (\$20.00) Dollar Disconnection Fee will be applied. The Disconnection Fee will be
47 charged within twenty-four (24) hours prior to the scheduled disconnection.

48 (3) Notice.

49 (a) If a utility bill has not been paid on or before the due date as provided in
50 this ordinance, a delinquency and termination notice shall be issued by the Utility Billing
51 Department within five (5) days after the delinquency occurs and mailed to the customer
52 at the billing address.

53 (b) The notice shall state:

54 (i) The amount due, plus ten (10%) percent Delinquency Charge;

55 (ii) Notice that service will be terminated if the billed amount is not paid
56 within fourteen (14) days from the due date;

57 (iii) Notice that once service is scheduled for disconnection, an
58 additional Twenty (\$20.00) Dollar Disconnection Fee will be applied. The Disconnection
59 Fee will be charged within twenty-four (24) hours prior to the scheduled disconnection;

60 (iv) Notice of exact date that the Disconnection Fee will be applied to
61 the account.

1 (4) Termination of Services. Services will be terminated on any account which is not
2 paid in full by the Disconnection Date. Accounts for disconnected services must be paid
3 in full at City Hall, including the Disconnection Fee and current monthly charges to date.
4 Personal checks will not be accepted. The City will reconnect service within twenty-four
5 (24) hours of payment. Services will not be reconnected until the following business
6 day for payments received after 2:00 p.m. Once services are disconnected, minimum
7 monthly charges will continue to accrue until the balance is paid in full and service is re-
8 established or until the customer signs an End of Service Release Form. Should
9 service not be re-established or terminated within sixty (60) days, the City will
10 automatically terminate service, the meter will be removed, and customer will receive a
11 final bill.

12 ~~Sec. 98-129. Late charge for nontimely payment of water, sewer, garbage and trash
13 services-Tampering with service.
14 In addition to the other penalties provided in this article, any water, sewer, garbage, and
15 trash services bill or any portion thereof that remains unpaid at the expiration of 20 days
16 from the mailing of the bill for services rendered shall be subject to an additional late
17 charge in an amount equal to ten percent of the bill or portion thereof that remains
18 unpaid and thereafter, to a late charge penalty of an additional ten percent for each 30-
19 day period such bill remains unpaid.
20 (Code 1977, § 19-25)~~

21 Tampering with or stealing services from a municipal utility is unlawful and such
22 utilities are protected by municipal ordinance (Secs. 1-8, 98-4) and State law (LA RS
23 §14:67.6) Said violation is subject to a fine not less than One Hundred Fifty (\$150.00)
24 Dollars and not exceeding Five Hundred (\$500.00) Dollars or imprisonment of not more
25 than sixty (60) days, or both, for each day the violation continues. Additionally, should
26 tampering include any destruction of City property, additional criminal charges may be
27 filed.

28 ~~Sec. 98-130. Water or sewer service charge Re-Reads.~~

29 ~~(a) If water or sewer service is scheduled for cut off for nonpayment of bills, or for
30 any other reason, the user shall pay a minimum service charge of \$20.00.~~

31 ~~(b) If the reconnection requires unlocking a meter, or after hours reconnection, then
32 the user shall pay an additional \$50.00 to reconnect service.~~

33 ~~(c) A customer questioning a meter's accuracy may request one reread per calendar
34 year. Each subsequent reread request during same calendar year would incur a \$15.00
35 charge if the reread is correct.~~

36 ~~d) No person shall knowingly or intentionally allow the use of water from the city for
37 residential, commercial, industrial, agricultural, governmental, or any other purpose in a
38 manner contrary to city's disconnect procedure. If service is discontinued after violation
39 of the city's disconnect procedure, the city may remove the meter to prevent further
40 violations. After violation of the city's disconnect procedure, service shall be restored
41 only upon payment of a reconnect fee, hereby established at \$150.00, and any other
42 cost incurred by the city in discontinuing service.~~

43 ~~(e) It shall be a crime punishable as set forth in section 10-8 for anyone to knowingly
44 or intentionally allow the use of water from the city after such service has been
45 disconnected in compliance with the city's disconnect procedure. If convicted in
46 Covington Mayor's Court of this crime, the magistrate shall assess, in addition to all
47 fines and penalties, the restoration fee and any other costs incurred by the city as
48 restitution.~~

49 ~~(f) Compliance with the disconnect procedure may also be sought through injunctive
50 relief in the 22nd Judicial District Court.~~

51 ~~(Code 1977, § 19-26; Ord. No. 2004-03, 1-6-2004; Ord. No. 2008-32, 9-23-2008)~~

52 Each customer shall be provided with one (1) complimentary meter re-read per
53 calendar year. There shall be a Fifteen (\$15.00) Dollar per re-read charge should
54 additional re-reads be requested and the read was found to be correct requiring no
55 adjustment.

56
57 **NOW, THEREFORE,** be it further ordained by the City Council of the

58 City of Covington, at its regular session convened, that Chapter 98, Utilities,

1 Article IV Rates and Charges, be amended to add Sec. 98-134 which shall read as
2 follows:

3 **Sec. 98-134. Basic fee schedule**

4	Deposit (residential)	-	\$ 75.00
5	Deposit (commercial)	-	See §98-125(2)(c),(d)
6	Connection Fee	-	\$ 15.00 (established service)
7	Transfer of Utilities Fee	-	\$ 15.00
8	Re-read Fee	-	\$ 15.00
9	Monthly Bill	-	Based on Current Rates
10	Late Penalty	-	10% of bill amount per month
11	Disconnection Fee	-	\$ 20.00
12	After-hours Reconnection Fee	-	\$ 50.00
13	NSF Fee	-	\$ 25.00
14	Tampering Reconnection Fee	-	\$150.00

15
16 **BE IT FURTHER ORDAINED** that all other sections of Chapter 98
17 Utilities, Article IV. Rates and charges remain the same and in full force.

18 **BE IT FURTHER ORDAINED** that if any provision of this ordinance
19 shall be held to be invalid, such invalidity shall not affect other provisions herein
20 which can be given effect without the invalid provision and to this end the
21 provisions of this ordinance are hereby declared to be severable.

22 **WHEREUPON**, this ordinance having been submitted in writing, having
23 been read by title and adopted at a public meeting of the City Council of the City
24 of Covington, State of Louisiana.

25 **WHEREUPON**, Alexius moved for adoption, seconded by
26 Romage and this ordinance was submitted to a vote and resulted in the
27 following:

28	YEAS:	7	NAYS:	0
29	ABSTAIN:	0	ABSENT:	0

30 **PASSED AND ADOPTED** this 4th day of January, ^{2011.} 2010.

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Matthew T. Faust
Matthew T. Faust
PRESIDENT OF THE COUNCIL

Bonnie D. Champagne
Bonnie D. Champagne
CLERK TO THE COUNCIL

1 Presented to the Mayor this 7th day of January, ²⁰¹¹~~2010~~, at 9:00
2 o'clock A.M.

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5 Bonnie D. Champagne
6 Bonnie D. Champagne
7 CLERK TO THE COUNCIL
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11 ²⁰¹¹ Approved or Vetoed by the Mayor this 7th day of January,
12 ~~2010~~.

13
14
15 Candace Watkins
16 MAYOR CANDACE WATKINS
17

18 Received from the Mayor this 7th day of January, 2010, at 1:25
19 o'clock P.M.

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22 Bonnie D. Champagne
23 Bonnie D. Champagne
24 CLERK TO THE COUNCIL
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