

ORDINANCE NO. 2594

(Amending Ordinance Nos. 1838, 2286, 2297, 2473, 2477, and 2580)

**AN ORDINANCE TO AMEND THE CITY OF SUMTER WATER AND SEWER RATES
TO INCLUDE A FEE FOR DAMAGE TO METERS**

WHEREAS, the City of Sumter, South Carolina (the "City") imposes fees and charges for utility service, including without limitation minimum, volumetric, and strength-based rates for water and sewer; connection fees for water and sewer; and administrative fees for delinquency processing and tampering (collectively, "Water and Sewer Fees");

WHEREAS, with respect to the Water and Sewer Fees, Section 98-93 of the City Code, last amended by Ordinance 2580 of 2017, provides penalties and miscellaneous fees for delinquency and tampering;

WHEREAS, the City is authorized by S.C. Code § 5-31-670 to "furnish water to persons for reasonable compensation and charge a minimum and reasonable sewerage charge for maintenance or construction of such sewerage system," pursuant to which it has established the Water and Sewer Fees;

WHEREAS, the City Council of the City (the "City Council") has determined, as a fact and after appropriate investigation, that the City incurs substantial costs in repairing and/or replacing meters that have been damaged by customer or third-party action; and

WHEREAS, the City Council has therefore determined to amend Section 98-93 of the City Code to allow the City to recover such costs;

NOW THEREFORE, CITY COUNCIL HEREBY ORDAINS, IN REGULAR MEETING DULY CALLED AND NOTICED, as follows:

- I. Section 98-93 of the City Code, "Penalties and miscellaneous fees," is hereby amended by adding the following subsections (d) and (e) to the end thereof:
 - (d) The fee charged for repairing or replacing a damaged meter (including any associated equipment and infrastructure) shall be equal to the actual costs incurred in repairing or replacing such damaged meter, equipment, and/or infrastructure, subject to a minimum fee of \$50. This fee shall apply to any unintentional, negligent, or intentional damage caused by the customer or a third party, including without limitation damage caused by vehicles, yard equipment, soil disturbing activities, or misuse. The City, upon investigation, may waive such fee in its reasonable discretion.
 - (e) Each customer of the system shall have an affirmative duty promptly to report meter damage to the City. The failure to report such damage may be

considered as a factor in determining whether to waive the fee for repairing or replacing a damaged meter.

2. This ordinance shall become effective immediately.

[signatures appear on following page]

ENACTED THIS 16TH DAY OF JANUARY, 2018.

CITY OF SUMTER, SOUTH CAROLINA

Joseph T. McElveen, Jr., Mayor

Thomas J. Lowery, Mayor Pro Tem

Robert A. Galiano, Jr., Councilman

Ione J. Dwyer, Councilwoman

Calvin K. Hastie, Sr., Councilman

David P. Merchant, Councilman

Steven H. Corley, Councilman

ATTEST:

Linda D. Hammett, City Clerk

First Reading: January 2, 2018
Second/Final Reading: January 16, 2018