

CHAPTER 106 – COLLECTION OF UNPAID PUBLIC UTILITIES AND OTHER CHARGES

- A. **PURPOSE AND INTENT.** It is the intent of the City of Spring Grove to provide for the health, safety and welfare of its residents. In order to accomplish this role the City must exercise its authority in the collection of unpaid utilities, fines and other costs that may arise. It is the purpose of this chapter to provide for the collection of unpaid utilities, fines and other costs that may be incurred.
- B. **PROVISIONS OF ORDINANCES.**
1. The enabling ordinance, as amended, and all resolutions establishing rates for the rendering of public utility services in the City, including, but not limited to, municipal water, electric power and sanitary sewer, shall remain in full force and effect as they are established.
 2. Owners of record, for the purpose of this Chapter, shall be deemed to have contracted for public utilities and other services, whether or not the property is occupied by the owner of record, or is occupied by a tenant.
- C. **PUBLIC NUISANCE.** The following shall be considered public nuisances.
1. Accumulations of snow and ice outside the Pedestrian High-Traffic Area that are not removed for more than twenty-four (24) hours following the end of the precipitation, which resulted in such accumulations.
 2. Accumulations of garbage and other refuse in the amount and time sufficient to create an impact on the health, safety and general welfare of neighbors and other residents of Spring Grove.
 3. The rank growth of vegetation and noxious weeds. For the purposes of this section, rank growth is defined as a cover of vegetation of any type, cultivated or not, including trees, which has attained or will, if allowed to mature, such a height and density as to be a medium for the rapid spread of fire.
 4. Maintenance of premises in the City in a manner tending to encourage the propagation and harboring of rodents, insects and other vermin.

5. The harboring of venomous serpents or other animals prohibited by Title 500 of this Code, as amended.
6. Any other nuisance as described by the City at some future date.

D. **DELINQUENT UTILITIES COLLECTION.** Any charges for the aforementioned public utilities and other such charges for services related to the public utilities, performed for owners of property in the City of Spring Grove, where the owner(s) of such properties fails to assume and pay the obligations which remain unpaid for a period of thirty (30) days, the City Council may certify the unpaid utilities and/or other charges to the Houston County Auditor as special assessments to be collected with real property taxes payable on such property where services were rendered. As an alternative to levying a lien, the City may, at its discretion, file suit in a civil action to collect amounts as are delinquent and due against the occupant, owner or user of the real estate and shall collect all attorney's fees as well incurred by the city in filing the civil action. Attorney's fees shall be fixed by order of the court.

E. **PUBLIC NUISANCE CHARGES COLLECTION.**

- a. In the event the property owner does not remedy the public nuisance within 7 days after receiving a written notice of the public nuisance from the City, such owner is guilty of a petty misdemeanor and shall be punished by a fine as set forth in Chapter 104 as amended from time to time. After the notice period has lapsed, each day that the property owner does not remedy the public nuisance shall be an independent petty misdemeanor violation of this Provision by the property owner and shall be punished subject to the afore-described fine; in addition to the new petty misdemeanor and fine for each day in which the public nuisance is not abated, the City may also seek all other remedies provided for under this Chapter.
- b. In the event the City, its employees or agents, is required to perform services to correct conditions described in section C of this Chapter, because the property owner(s) or occupants fail to do so, the City Council may correct the situation and otherwise abate the circumstances deemed to constitute a public nuisance as hereinbefore described. The reasonable expenses thereof together with administrative expenses may be certified to the County Auditor as a special assessment upon said property where said services were so performed, to be collected with real property taxes levied thereon. As an alternative to levying a lien, the City may, at its discretion, file suit in a civil action to collect amounts as are delinquent and due against the occupant, owner or user of the real estate and shall collect all attorney's fees as well incurred by the city in filing the civil action. Attorney's fees shall be fixed by order of the court.

F. OBLIGATION OF PROPERTY OWNER. This Chapter shall in no way relieve the owners and occupants of private property from their inherent responsibility to maintain their properties in a safe, sanitary, and healthful condition but merely affords the City a remedy to correct situations likely to adversely affect the public's health, safety, and welfare.

G. PENALTY. Any person who violates a provision of this Chapter shall be deemed to have committed a misdemeanor and shall be charged pursuant to Title 1900 of the Code of Ordinances.