



**TOWN OF THUNDERBOLT
SPECIAL CALLED MEETING
WEDNESDAY, JUNE 6, 2023
6:45 PM**

- 1. Call to order**
- 2. Approval of Meeting Agenda**
- 3. First Reading of Chapters 1 – 4 of the Town Ordinances**
- 4. Adjournment:**

Chapter 1 GENERAL PROVISIONS

Sec. 1-101. How Code designated and cited.

The provisions embraced in the following chapters and sections shall constitute and be designated "The Code of Thunderbolt, Georgia," and may be so cited.

Sec. 1-102. Rules of construction.

In the construction of this Code and of all ordinances, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the mayor and council:

1. *General rule.* All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
2. *Gender—Singular and plural.* Every word in any code provision or ordinance importing the masculine gender shall extend to and be applied to females as well as males; and every word importing the singular number only shall extend and be applied to several persons or things as well as to one person or thing; and every word importing the plural number only shall extend and be applied to one person or thing as well as to several persons or things.
3. *Tenses.* The use of any verb in the present tense shall include the future when applicable.
4. *Delegation of authority.* Whenever a provision requires the head of a department or other officer of the town to do some act or perform some duty, it shall be construed to authorize subordinates to do the required act or perform the required duty unless the terms of the provision designate otherwise.
5. *Computation of time.* The time within which an act is to be done as provided in any code provision or ordinance or in any order issued pursuant to any ordinance, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day be a Sunday or a holiday it shall be excluded; and when any such time is expressed in hours the whole of Sunday, from midnight to midnight, shall be excluded.
6. *Overlapping provisions.* Where any provision of this Code imposes greater restrictions upon the subject matter than any general provisions imposed by this Code, the provision imposing the greater restriction or regulation shall be applicable.

Sec. 1-103. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Advice and consent means an affirmative vote of the majority of the entire town council.

Aldermember or council member means a person who fills an elected position on the legislative branch of the town's governing authority excluding the mayor.

Council or town council means all the aldermembers as a body.

The county or this county means the County of Chatham, Georgia.

Court means the municipal court of the town.

Governing authority means the mayor and town council of the Town of Thunderbolt, Georgia.

Judge means the judge of the municipal court of the town.

Mayor means the mayor of the Town of Thunderbolt, Georgia.

Mayor and council means the mayor and town council of the Town of Thunderbolt, Georgia.

Misdemeanor means a violation of the state criminal law punishable at maximum set by state law.

Municipality shall be construed as synonymous with the term "town," "city," or "municipal corporation."

Oath shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "affirm" and "affirmed" shall be equivalent to the words "swear" or "sworn."

Operate, or any derivative thereof, means that one's ownership, employment, or assistance is playing a part in an enterprise or activity that falls under regulation.

Ordinance means a legislative act of the municipal governing body of a general and permanent nature.

Owner, when applied to a building or to land, includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or of a part of such building or land.

Person includes a corporation, firm, partnership, association, organization, and any other group acting as a unit, as well as an individual.

Personal property includes every specie of property except real property, as hereinafter defined.

Preceding, following means next before and next after, respectively.

Property includes real, personal, and mixed estates and interests.

Real property includes lands, tenements, and hereditaments; and whatever is erected or growing upon or affixed to the land.

Reasonable time or notice shall be deemed to mean only such time as may be necessary for the prompt performance of the act required.

Resolution means a legislative act of the municipal governing body of a special or temporary character.

Shall means mandatory; may is permissive.

Signature, subscription. The word "signature" or "subscription" includes a mark intended as such when the person cannot write.

State. The words "state" or "this state" means the State of Georgia.

Street means and includes any public way, road, highway, street, avenue, boulevard, parkway, alley, viaduct or bridge, and the approaches thereto, within the town.

Tenant or occupant. The word "tenant" or "occupant," when applied to a building or to land, shall include any person holding a written or oral lease of, or who occupies the whole or part of, such building or land, either alone or with others.

Town. See *Municipality*.

Week means seven days. (See section 1-102(5)).

Writing or written includes printing and any other permanent mode of representing words and letters.

Year means a calendar year.

Sec. 1-104. Section headings.

The underlined headings of the divisions within this Code are intended as mere captions to indicate the contents of the section or subsection and shall not be deemed or taken to be titles of such sections, nor as any part of the section or subsection.

Sec. 1-105. Effect of repeal or expiration of Code section.

The repeal of a Code section or ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued or any offense committed, any penalty or punishment incurred, or any proceeding commenced before the repeal took effect or the ordinance expired.

When any ordinance repealing a former Code section, ordinance, clause or provision, shall be itself repealed, such repeal shall not be construed to revive such former Code section, ordinance, clause, or provision, unless it shall be expressly so provided.

Sec. 1-106. Amending Code.

All ordinances passed subsequent to this Code which amend, repeal, or in any way affect this Code shall be numbered in accordance with the numbering system of this Code and printed for inclusion herein. In the case of repealed chapters, sections, and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission from the affected reprinted pages. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as a new code is adopted by the town council.

Amendments to any of the provisions of this Code may be made by specific reference to the section number of this Code in the following language: "That section _____ of The Code of Thunderbolt, Georgia, is hereby amended to read as follows:...." The new provisions may then be set out in full as desired.

In the event a new section not heretofore existing in the Code is to be added, the following language may be used. "The Code of Thunderbolt, Georgia is hereby amended by adding a section (or subsection or chapter) to be numbered _____, which section reads as follows:...." The new provision shall then be set out in full as desired.

All sections, chapters, or provisions sought to be repealed must be specifically repealed by section, chapter, or provision number, as the case may be.

Sec. 1-107. Reserved.

Sec. 1-108. Penalty where no penalty provided.

Whenever in this Code or in any ordinance of the town any act is prohibited or is declared to be unlawful, or whenever in such code or ordinance the doing of any act is declared to be unlawful, and no specific penalty is provided therefore, the violation of such provision of this Code or any ordinance shall subject the person committing the violation to fines, punishment or other penalties to maximum set by state law.

The infliction of a penalty under the provisions of this section shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the town's charter or Code. (Council, 02/12/86)

Sec. 1-109. Severability of parts of Code.

It is hereby declared to be the intention of the governing body that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph, or section of this Code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code. The sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional, invalid or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, that unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Code, since they would have been enacted without the incorporation in this Code of the unconstitutional, invalid or unenforceable phrase, clause, sentence, paragraph or section.

Chapter 2 GOVERNING BODY

ARTICLE I. IN GENERAL

Sec. 2-101. Reserved.

Sec. 2-102. Code of ethics.

1. *Intent.* It is essential to the proper administration and operation of the Town of Thunderbolt that the members of its governing authority be, and give the appearance of being, independent and impartial; that public office not be used for private gain; and that there be public confidence in the integrity of the governing authority. The governing authority finds that the public interest requires that they protect against such conflicts of interest by establishing appropriate ethical standards with respect to the conduct of the members of the governing authority in situations where a conflict may exist.
2. *Definitions.* As used in this chapter, the term:
 - A. *Complaint* means a written sworn statement filed with the mayor or mayor pro term containing specific allegations of misconduct by a council member; provided, however, such allegations must be filed within six months of discovery of the alleged misconduct.
 - B. *Interest* means any direct financial benefit, which is not a remote interest held by or accruing to a member of the governing authority as a result of a contract or transaction that is or may be the subject of an official act or action by or with the town. A member of the governing authority shall be deemed to have an interest in transactions involving:
 - (1) Any person in the member's immediate family; which for this section is defined as father, mother, spouse, brother, sister, children, grandparents, father-in-law, mother-in-law, sister-in-law, brother-in-law, and domestic partner and civil unions recognized under State law all of which include step relationships to the same degree.
 - (2) Any person with whom a contractual relationship exists whereby the member may receive any payment or other benefits unless the member is receiving a benefit for goods or services in the normal course of business for which the member has paid a commercially reasonable rate;
 - (3) Any business in which the member is a director, officer, employee, agent, or shareholder, except as otherwise provided herein;

(4) "Governing authority" or "member of the governing authority" means the mayor or any council member of the Town of Thunderbolt and any member appointed to any boards or commissions of the Town of Thunderbolt.

3. *Prohibitions.* No member of the governing authority shall:

- A. By conduct give reasonable basis for the impression that any person can improperly influence him/her or unduly enjoy his/her favor in the performance of official acts;
- B. Directly or indirectly request, exact, receive, or agree to receive a gift, loan, favor, promise, or thing of value for him/herself or another person if it could reasonably be considered to influence the member in the discharge of official duties;
- C. Disclose or otherwise use confidential information acquired by virtue of his/her official position for his/her or another person's private gain;
- D. Use his/her official position to attempt to secure privileges that are not available to the general public;
- E. Engage in, accept employment with, or render services for any private business or professional activity when such employment or rendering of services is adverse to and incompatible with the proper discharge of official duties;
- F. Engage in any activity or transaction that is prohibited by law now existing or hereafter enacted which is applicable to him/her by virtue of being a member of the governing authority;
- G. Use his/her position to request or require an employee to:
- H. Do clerical work on behalf of the member's family, business, social, church or fraternal interest when such work is not furthering a town interest;
- I. Perform any work outside the employee's normal course of municipal employment;
- J. Purchase goods or services to be used for personal, business, or political purposes; and
- K. Work for the member personally without paying the employee just compensation;
- L. Use government property of any kind for other than official activities, nor shall he/she direct employees to use such property for any purposes other than those officially approved;
- M. Use his/her position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to himself/herself or persons having an interest.

Prohibition (B) of this section shall not apply in the case of:

An occasional non-financial gift of insignificant value;

An award publicly presented in recognition of public service;

A commercially reasonable loan or other financial transaction made in the ordinary course of business by an institution or individual authorized by the laws of Georgia to engage in the making of such a loan or financial transaction;

Campaign contributions made and reported in accordance with Georgia law.

Prohibition (E) of this section shall not apply to a member of the governing authority who is a licensed professional and appears on behalf of any applicant in such professional capacity.

- (4) *Disclosure of conflicts of interest.* An appointed member of the governing authority who has an interest that he/she has reason to believe may be affected by his/her official acts or actions or by the official acts or actions of the governing authority shall disclose the precise nature of such interest by written or verbal statement prior to the governing authority's taking official action on a matter affecting such interest and

abstain from discussion and voting. An elected member of the governing authority shall disclose the nature of any interest he/she has at the time such matter is presented to mayor and council for discussion. Such written or verbal statements shall be recorded into the minutes of the meeting and thus become part of the public record. Following any disclosure made pursuant to this section, the member shall refrain from all ex-parte communications with other members regarding the application in which he/she has an interest.

- (5) *Disqualifications.* A member of the governing authority shall disqualify himself/herself from participating in any official act or action of the town, which results in a financial benefit to the member or a business, or activity in which he/she has an interest, when such benefit is not available to the public at large.
- (6) *Prohibited contracts.* The town shall not enter into any contract involving services or property with a member of the governing authority or with a business in which a member of the governing authority has an interest. This section shall not apply in the case of:
- A. The designation of a bank or trust company as a depository for town funds;
 - B. The borrowing of funds from any bank or lending institution which offers the lowest available rate of interest in the community for such loan;
 - C. Contracts entered into in accordance with the O.C.G.A. § 16-10-6.
 - D. Contracts entered into under circumstances that constitute an emergency situation, provided that the mayor states on the record explaining the emergency.
 - E. Contracts entered into with a member of the governing authority, or with a business in which a member of the governing authority has an interest, provided that such contract is the result of a competitive bid, disclosure of the nature of such member's interest is made prior to the time any bid is submitted, and a waiver of the prohibition is issued by the mayor and council following such disclosure.
- (7) *Restrictions on contracts with former members of the governing authority.* The town shall not enter into any contract with any person or business represented by such person, who has been within the preceding 12-month period a member of the governing authority, unless the contract is awarded by a competitive bid or a committee selection process.
- (8) *Complaints.* Any person having a complaint against any member of the governing authority for an alleged ethics violation shall file in writing a verified complaint setting forth the particular facts and circumstances which constitute the alleged violation against the governing authority. The complaint shall be filed with the mayor, or in the event the complaint regards the mayor, shall be filed with the mayor pro-tem. Upon receipt of a complaint, the mayor, or in the event the complaint regards the mayor, the mayor pro-tem shall forward the complaint to the Board of Ethics. In the event the Board of Ethics finds that the complaint does not set forth sufficient facts to constitute an alleged violation and is found unjustified, frivolous or patently unfounded, it shall be dismissed and the complainant notified in writing immediately. In the event the complaint is found to state sufficient facts to warrant a hearing before the board of ethics.
- (9) *Board of ethics.*
- A. Composition of the board of ethics:
 - (1) The board of ethics of the Town of Thunderbolt shall be composed of five with a quorum of three persons to be appointed as provided in paragraph 2 of this subsection. Each member of the board of ethics shall have been a resident of the town for at least one year immediately preceding the date of taking office and shall remain a resident of the town while serving as a member of the board of ethics. No person shall serve as a member of the board of ethics if the person has, or has had within the preceding one-year period, any interest in any contract, transaction, or official action of the town.

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- (2) The mayor and council members shall designate five qualified citizens who have consented to serve as a member of such board of ethics and who will be available for a period of two years to be called upon to serve in the event a board of ethics is necessary. Independent legal counsel shall be provided to the Board of Ethics.
 - (3) The members of the board of ethics shall serve without compensation. The governing authority of the town shall provide meeting space for the board of ethics. Subject to budgetary procedures and requirements of the town, the town shall provide the board of ethics with such supplies and equipment as may be reasonably necessary for it to perform its duties and responsibilities.
- B. The constituted board of ethics shall have the following duties and powers:
- (1) To establish procedures, rules and regulations governing its internal organization and conduct of its affairs;
 - (2) To hold a hearing within 90 days after the receipt of complaint. Failure to hold a hearing within the specified time shall result in dismissal of the complaint as to the transaction and shall prevent re-filing for at least a period of six months if a complaint arises from the same incident;
 - (3) To prescribe forms, for the disclosure required in this chapter and to make available to the public information disclosed as provided in this section;
 - (4) To receive and hear complaints of violations of the standards required by this chapter;
 - (5) To make such investigation and response to a complaint as it deems necessary to determine whether any person has violated any provisions of this chapter;
 - (6) To hold such hearings and make such inquiries as deemed necessary to investigate and rule upon complaints;
 - (7) To report its findings to the governing authority for such action as the governing authority deems appropriate.
- (10) *Service of complaint; hearings and disposition of complaints.* The board of ethics, as appointed herein set forth, shall cause the complaint to be served on the member of the governing authority charged as soon as reasonably feasible. Service may be by courier or by certified mail, return receipt requested. A hearing shall be held within 90 days after filing of the complaint. The board of ethics shall conduct the hearing in accordance with the procedures and regulations it establishes but, in all circumstances, the hearing shall include the taking of testimony and the cross-examination of witnesses. The decision of the board of ethics shall be rendered to mayor and council within five days after completion of the hearing.
- (11) *Penalty and member rights.*
- A. Any member of the governing authority who knowingly violates any provision of the code of ethics provided in this chapter shall be subject to public reprimand or censure.
 - B. At any hearing held by the board of ethics, the member of the governing authority who is the subject of inquiry shall have the right to written notice of the allegations at least ten business days before a hearing, to be represented by counsel, to hear and examine the evidence and witnesses and to present evidence and witnesses in opposition or in extenuation.

Sec. 2-103. Municipal elections—Conformance with Georgia municipal election code:

The procedures and requirements for election of all elected officials of the Town of Thunderbolt as to special or general elections shall be in conformity with the provisions of the Georgia elections code.

(Ord. of 12-9-2020)

Cross reference(s)—Elections code, O.C.G.A Title 21.

ARTICLE II. MAYOR

Sec. 2-201. General authority.

The mayor shall be the chief executive officer for the Town of Thunderbolt and shall have general supervision over the affairs of the town.

Sec. 2-202. Powers and duties.

The mayor shall have the following duties and their corresponding powers:

1. *Execute town laws.* To see that all laws of the town are faithfully enforced;
2. *Reserved.*
3. *Vote on legislative questions.* To vote as a member of the town council on all legislative questions before the town council;
4. *Reserved.*
5. *Reserved.*
6. *Reserved.*
7. *Execute legal documents.* To sign and execute all legal documents affecting the town which are duly authorized by council vote. (Amended 11/19/1998; council, 1/14/2004; 3/10/2010);
8. *Appointment of standing committees.* To appoint standing committees as needed; but the mayor may at any time alter the committees and make such changes as the interest of the town may require;
9. *Calling special council sessions.* To call special sessions of council as allowed by state law.
10. *Official council advisor.* To advise the town council by recommending the adoption of such measures as he may deem necessary and expedient;
11. *Reserved.*
12. *Audit financial operations.* To cause the books and records of the town and of its officers and departments to be inspected annually;
13. The mayor's salary shall be as set and approved by Council.
14. *Reserved.* (Council, 1/14/2004)

(Ord. of 12-9-2020)

ARTICLE III. TOWN COUNCIL

Sec. 2-301. Composition.

The town council shall consist of six council members who are elected at large to serve simultaneous four-year terms.

(Ord. of 12-9-2020)

Sec. 2-302. General authority.

The town council shall be the legislative body of the municipality and it shall exercise limited administrative control as granted by local ordinance, town charter, and state law.

(Ord. of 12-9-2020)

Sec. 2-303. Powers and duties.

The town council shall have the following duties and their corresponding powers:

1. *Legislative town laws:* To consider and enact town ordinances and resolutions.
2. *Exercise financial control.* To fix an annual budget for the town and approve all expenditures.
3. *Reserved.*
4. *Reserved.*
5. *Reserved.*
6. *Reserved.*
7. *Reserved.*
8. *Schedule of council meetings.* To meet in a regularly scheduled monthly session which is on the second Wednesday of each month, as has been determined by council vote, and to call special sessions by majority vote as applicable to state law.(Council, 2/8/1967—in part) (Amended 1/14/2004)
9. *Salary.* Each council member's salary shall be set as approved by Council.

(Ord. of 12-9-2020)

Sec. 2-304. Rules for the conduct of council meetings.

1. Robert's Rules of Order, Newly Revised 11th Edition or any subsequent edition thereof shall apply to council meetings when the majority of council members present demand that such be followed. The general rules for the conduct of council meetings are as follows:
 - A. *Call to order.* All meetings of the council shall be open to the public. The mayor, or in his absence, the mayor pro tempore, shall take the chair at the hour appointed for any regular, temporarily adjourned, special, or called meeting; and shall immediately call the council to order.
 - B. *Roll call.* Before proceeding with the business of the council, the Mayor will identify the council members in attendance, and the town clerk will enter the attendance in the minutes.
 - C. *Reserved.*
 - D. *Agenda for meetings.* The following matters shall be taken up for consideration at all regular meetings of the mayor and council of the Town of Thunderbolt.
 - (1) Called to order by presiding officer.
 - (2) Approval of minutes of previous meeting.
 - (3) Financial Report
 - (4)

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- (5) Reports of special committees.
 - (6) Old business.
 - (7) New business.
 - (8) Announcements and communications.

All items to be placed on the agenda at a regular meeting of the mayor and council of the Town of Thunderbolt will be submitted to the clerk of council by 12:00 p.m. on the Friday prior to the regularly scheduled meeting. The proposed agenda will be ~~emailed~~ distributed to each member by 5:00 p.m. on the Friday prior to the regularly scheduled meeting. If matters arose after noon on Friday that warrant consideration, the Mayor and Council may, with two thirds vote of Council, add items to the agenda at the time the meeting is called to order. Notwithstanding the other portions of this paragraph, the Mayor and Council may by two thirds vote add addition items to the agenda if the matter requires immediate discussion and decision and cannot be delayed to the next Council meeting. (Council, 4/13/1994)

- E. *Reading of minutes.* Unless a reading of the minutes of a council meeting is requested by a council member, such minutes may be approved without a reading if the town clerk has previously furnished each member with a copy thereof.
- F. *Reports by committees.* Any business coming before the town council concerning the subject matter of which any standing or special committee has jurisdiction, may be referred to the proper committee for investigation and report. It shall be the duty of each standing or special committee, whenever required by the mayor or by the town council, or any member of the town council, to examine any matter referred to such committee, and make a report thereof at the next regular meeting of the town council, or show good cause why no report is made. Such reports shall not be in writing unless so directed by the presiding officer.

Each standing committee shall inquire into the condition the matters within its jurisdiction, and make such reports and recommendations from time to time as may be necessary.

- G. *Manner of addressing council.* No member, while the town council is in session, shall speak on any subject unless recognized by the presiding officer. Every speaker shall address the chair, and no member shall interrupt anyone who is speaking, except to call him to order or for explanation.
- H. *Limitations on addressing council.* Any person not a member of town council who desires to address the council shall first secure the permission of the presiding officer and then shall give his name and address in an audible tone of voice for the record; directing his remarks to the council as a body rather than to any particular member, limiting such remarks to five minutes unless additional time is granted by chairperson. This section does not apply to department heads who are at the meeting to answer questions or make statements concerning any matter.
- I. *Ordinances, resolutions, contracts and interlocal agreements.* Unless otherwise provided in this Code, all ordinances, resolutions, contracts and interlocal agreements of the town shall be approved, introduced, and adopted in the following manner:
 - (1) *Administrative staff approval.* All ordinances, resolutions, and contract documents shall, before presentation to the council, have been approved as to form and legality by the town attorney or his authorized representative, All such instruments shall have first been referred to the Town Administrator and to head of departments under whose jurisdiction the administration of the subject matter of the ordinance, resolution, or contract document would devolve and be approved
 - (2) *Introduction and adoption.*

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- a. Ordinances, resolutions, and other matters or subjects requiring action by the council must be introduced and sponsored by a member of the council except that the mayor or town attorney may present ordinances, resolutions, and matters or subjects to the council, and any councilman may assume sponsorship thereof by moving that such ordinances, resolutions, matters, or subjects be adopted.
 - b. Reserved.
 - c. An ordinance, resolution, or contract shall be deemed adopted or approved when it receives the affirmative vote of the majority of the governing authority.
 - d. An ordinance or amendment to an ordinance shall first be presented to the mayor and council for consideration at a regular council meeting or duly called meeting of the town council at which time no action on such ordinance shall be taken but the ordinance shall be received as information. At the next regularly scheduled meeting of the mayor and council, but not less than 15 days after the ordinance or amendment to an ordinance was first presented to the mayor and council, the ordinance or amendment to an ordinance may be adopted and shall be considered adopted or approved when it receives the affirmative vote of the majority of the governing authority. (Council, 10/13/2010)
- J. *Recording vote.* Whenever any member shall request it, the yeas and nays of the members present shall be recorded on the minutes on any question taken.
- K. *Questions of order.* The presiding officer shall decide all questions of order, but any councilman who is dissatisfied with the decision may appeal to the town council in the manner provided by Roberts' Rules of order for appealing from decisions of presiding officers.
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ARTICLE IV. PERSONNEL/TOWN ADMINISTRATOR/PERSONNEL BOARD

Sec. 2-401. Purpose and scope.

The purpose of this chapter is to articulate policies which shall provide for the fair and equitable treatment of all employed by the Town of Thunderbolt. The purpose of the chapter is also to establish a personnel system which shall develop and maintain an effective and responsible work force for the Town of Thunderbolt and to set forth the duties and responsibilities of a town administrator.

Sec. 2-402. Town administrator.

The town administrator if desired by town council shall be responsible to the mayor and council for the general administration of the personnel program. The town administrator shall appoint, demote, suspend, and remove those town officers and employees under his/her direction and control, except for those who are elected by the people of the Town of Thunderbolt or whose appointment is otherwise provided for. The town administrator shall make appointments, demotions, dismissals, and suspensions in accordance with federal and state law, this chapter and other applicable rules, regulations, ordinances or policies of the Town of Thunderbolt.

In addition, the town administrator will:

- A. Recommend to the mayor and council revisions to the personnel ordinance for approval;
- B. Prepare and recommend to the mayor and council revisions to the pay plan for approval;

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- C. Determine administrative, professional and managerial positions to be excluded from entitlement to overtime compensation, in accordance with the Fair Labor Standards Act as amended;
 - D. Establish and maintain a roster of all persons in the town service, setting forth each officer and employee, title of position, salary, and changes in title and status, and such other data as may be deemed desirable or useful;
 - E. Develop and administer such recruiting programs as may be necessary to obtain an adequate supply of qualified applicants to meet the needs of the town;
 - F. Develop and coordinate training and education programs for town employees;
 - G. Investigate periodically the operation and effect of the personnel provisions of this chapter;
 - H. Prepare, implement, and revise as necessary, personnel procedures consistent with the policies of the mayor and council;
 - I. Develop administrative procedures and rules necessary to carry out the provision of this chapter;
 - J. Perform such other duties as may be assigned by the mayor and council which are consistent with the purpose and scope of this chapter;
 - K. Supervise the operation of equal employment opportunity programs.

Sec. 2-403. Administration responsibilities.

In addition to the personnel duties outlined above, the town administrator at the direction of town council shall also:

- A. Be responsible for keeping town council abreast of the financial health of the Town of Thunderbolt, and prepare an annual budget for consideration of the council and oversee the execution of the budget as adopted by council.
- B. Prepare presentations for annual lobbying with our state delegation from the senate and house.
- C. Execute the policies and procedures developed by the Town of Thunderbolt Town Council.
- D. Oversee daily operations of all departments within the town, coordinate activities between departments when necessary, and work with department heads in carrying out the objectives of town council.
- E. Prepare reports to the state and federal agencies on behalf of the Town of Thunderbolt.
- F. Supervise and manage all purchasing done by the Town of Thunderbolt.
- G. Manage the Town of Thunderbolt's assets according to provisions of the town.
- H. Approve all payments of accounts payable and authorize payroll.
- I. Perform any other duties or responsibilities requested by town council.

Sec. 2-404. Personnel records.

It shall be the policy of the Town of Thunderbolt to ensure that personnel files are maintained in such a way as to comply with the state and federal laws. Personnel files maintained by the Town of Thunderbolt are subject to inspection and may be disclosed only as provided by applicable law and in accordance with town procedure.

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- A. The complete system of personnel files and records for respective departments shall be maintained as set forth in the Personnel Handbook and Policy Manual adopted by the mayor and council of the Town of Thunderbolt.
 - B. No public official may destroy, sell, loan or otherwise dispose of any public record except as provided for in local, state or other applicable laws.

Sec. 2-405. Employees affected.

The provisions of this chapter shall be applicable to all employees except as provided below:

Exempted from this chapter as "employee" are members of the town council, the town administrator, the clerk to the mayor and council, town officials appointed by the mayor and council, boards or committees performing services on a voluntary basis, the town attorney, seasonal and temporary employees and employees during their probationary period.

Sec. 2-406. Personnel board.

There is hereby created and established the Town of Thunderbolt Personnel Board which shall consist of three members. No person shall be appointed to the board who is not a citizen of the United States for at least five years. The members shall be appointed to the board by the mayor subject to the approval of the town council. Each member shall serve for a term of three years except for the initial appointments to the board by the mayor and council. The initial members shall be designated for the terms as follows: One for a term of one year, one for a term of two years and one for a term of three years. A member of the personnel board may be removed for good cause before the end of the term for which such member was appointed. A vacancy in an unexpired term shall be filled by the mayor and council by appointment for the remainder of the term. (Number of years approved, Council, 7/31/2006)

- A. No member of the board shall be related by blood or marriage to any member of the mayor and council of the Town of Thunderbolt or to the town administrator or to any current town employee. The personnel board shall serve without compensation except that they shall be paid a standard per diem for expenses incurred on personnel business or personnel board training. The standard per diem shall follow federal rate for mileage and location per diem. ~~set by the mayor and council from time to time.~~
- B. The personnel board at its first meeting of each year but no later than February 1 of each calendar year shall elect one of its members as chairman, who shall be responsible for calling and presiding at all meetings.
- C. The personnel board shall determine its operating procedures by a written resolution of the personnel board which operating procedures shall be confirmed by the mayor and council.

Sec. 2-407. Employee performance appraisal program.

The town administrator shall prepare a system for evaluating the performance of all employees subject to this personnel ordinance. The performance review shall promote an approach to discussion between an employee and supervisor in which frank and open discussion can be held concerning performance strength and weaknesses, how well performance standards are being met and how the employee and supervisor can work together to improve performance. The supervisor and the employee together should plan goals for the coming year and methods for goal accomplishment. The performance evaluation may also be used in determining salary increments, as a factor in determining order of layoffs, as a basis for training, promotion, transfer of dismissal, and for such other purposes as set forth in the Town of Thunderbolt personnel procedures.

Sec. 2-408. The appeals process and the grievance procedure.

It is the policy of the Town of Thunderbolt to attempt with all due speed to resolve grievances on an individual employee basis. Any employee shall be afforded the opportunity to pursue resolution of a problem or grievance without fear of reprisal in accordance with the personnel procedures.

Sec. 2-409. Separation and disciplinary action.

1. *Separation.* When conditions such as employee needs, economic stress, physical infirmity, retirement, death, or punitive action, warrant steps to separate the employee from the town's service such action shall be recommended-administered by the department head and/or Town Administrator or Designee where appropriate for approval by the town administrator. These steps shall be implemented fairly and objectively and in accordance with applicable laws and the Town of Thunderbolt personnel procedures.
2. *Disciplinary action, suspension, and dismissal.* It shall be the intent of the Town of Thunderbolt in establishing this policy to provide town employees a fair, clear and useful tool for correcting and improving performance problems, as well as to provide a process to assist management in handling instances of unacceptable personal conduct.

Any employee, regardless of occupation, position or profession may be warned, demoted, suspended or dismissed for just cause. The degree and type of action shall be based upon the sound and considered judgment of the appropriate authority in accordance with the provisions of the Town of Thunderbolt personnel procedures.

Sec. 2-410. Appeal to personnel board.

An employee may appeal any disciplinary action involving demotion, suspension or termination as decided upon by the town administrator to the Town of Thunderbolt personnel board. The employee who wishes to make such an appeal must file a written appeal with the town administrator's office within five business days of the date that the town administrator issues a conclusion concerning any such disciplinary action for any employee subject to this chapter.

The employee must notify the chairman of the personnel board of the Town of Thunderbolt, and the town administrator in writing of his or her desire to appeal to the personnel board of the Town of Thunderbolt. After receiving a written appeal to the personnel board of the Town of Thunderbolt, the chairman of the personnel board will schedule a hearing for said employee within a reasonable time not to exceed ten business days, and notify in writing the employee of the appeal date, time and place. (Not to exceed number of business days approved, council 7/31/2006).

The board shall keep its office and shall hold its meetings in the town hall, and all of said meetings shall be open to the public except for any portion of the meeting which may be closed pursuant to applicable law. The board shall hold a meeting in January to elect a chairman and to conduct any other business necessary at such time. The board may meet thereafter as needed to perform any of its duties. It is the duty of the board as a body:

- A. After public hearing, to adopt, rescind or amend any disciplinary action rendered by the town administrator. The decision by the board shall be placed in writing and a copy of such shall be placed in the employee's personnel file.
- B. To keep minutes of its own meetings and such other records as the board may deem necessary.

In any investigation or hearing conducted by the board, it shall have the power to examine witnesses under oath and to compel their attendance or the production of evidence supported by subpoena issued in the name of the board and signed by the chairman. It shall be the duty of the chief of police of the Town of Thunderbolt to cause all such subpoenas to be served. Any person who shall be served with this subpoena to appear and testify or

to produce books or papers issued in the course of any investigation or hearing who shall disobey or neglect to obey such subpoena shall be guilty of a misdemeanor. The board in its discretion has the right to limit the number of subpoenas that will be issued in any case. No subpoena however shall be issued unless the cost of serving same should be paid to the clerk of council of the Town of Thunderbolt. The payment of the cost of issuing any subpoena shall be in a reasonable amount based upon the actual preparation and serving of such subpoena and such funds shall be placed in the general fund of the Town of Thunderbolt.

The decision by the personnel board concerning any personnel action shall be final. (Article IV adopted by council, 3/28/2006)

ARTICLE V. DEPARTMENTS, OFFICERS, AND OTHER AGENTS OF THE TOWN



Sec. 2-501. Public works department.

1. *Composition.* The department of public works shall consist of the director of public works, who shall be the head of the department, and all officers and employees assigned thereto by the mayor or council.
2. *Reserved.*
3. *Duties of director/designee.* The director of public works/designee shall have the following duties and their corresponding powers:
 - A. To provide for and supervise the care, maintenance, construction, and extension of all streets, sidewalks, street gutters and drains, alleys, and public ways;
 - B. To have charge of and be responsible for the care, maintenance, and operation of the town water distribution system, the sanitary sewer system and disposal plant, and the street lighting system;
 - C. To have charge of and supervision over all public property of the town, not assigned to some other department or officer;
 - D. To have charge of and be responsible for the condition of all motor vehicles and other equipment of the town, and of all buildings or places in which the same are housed or kept;
 - E. To be the custodian of all tools, equipment, and other personal property belonging to the town and not assigned to care of any other public officer of the town; and
 - F. To perform such additional duties as may be assigned to him from time to time ~~the mayor~~.

Sec. 2-502. Sanitation department.

1. The Mayor and Council may contract sanitation services but if the Mayor and Council desire to have a separate sanitation department, such department shall consist of the supervisor of such department who shall supervise all officers and employees of the town assigned to such department. Otherwise, the duties of the sanitation department shall be part of public works department whose director shall have the duties as set forth hereinbelow in paragraph 4.
2. *Exclusive town franchise.* The Town of Thunderbolt shall be in charge of the collection and disposal of all garbage, refuse, and similar materials falling within the jurisdiction of the town's garbage ordinances. (Council, 7/8/81)
3. *Reserved.*
4. *Duties and powers of director/designee.* The director of sanitation shall have the following duties and their corresponding powers:

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- A. To provide adequate services to fulfill public sanitation requirements and serve those paying garbage pick-up fees;
 - B. To maintain those resources of the town which are devoted to garbage services;
 - C. To directly, or by delegation, maintain records needed by the town; and
 - D. To perform such additional duties as may be assigned to him from time to time.

Sec. 2-503. Water and sewage department.

- 1. *Composition.* The department of water and sewage shall consist of the director of water and sewage and all others assigned to departmental duties by the mayor and council.
- 2. *Reserved.*
- 3. If the Mayor and Council desire to have a separate water and sewage department, such department shall consist of the supervisor of such Department who shall supervise all officers and employees of the town assigned to such department. Otherwise the duties of the water and sewage department shall be part of the public works department whose Director shall have the duties as set forth hereinbelow in paragraph 3.
 - A. To provide adequate water and sewage services to the public;
 - B. To supervise the maintenance of those resources which are under the water and sewage department;
 - C. To enter, or authorize another to enter, upon presentation of proper credentials and identification, all properties being served by the department for the purpose of maintenance or enforcement of ordinances relevant to water and sewage services;
 - D. To directly, or by delegation, maintain records needed by the town; and
 - E. To perform such additional duties as may be assigned to him from time to time. the

Sec. 2-504. Police department.

- 1. *Composition.* The police department shall consist of the chief of police or designee and such other officers and personnel. In the exercise of his duties, the police chief shall have the power to establish and enforce rules and regulations for the government of the members and employees of the department, which rules shall, however, be consistent with the ordinances of the town and all state and federal laws.
- 2. *Duties.* The police chief/designee shall have the following duties:
 - A. To attend all meetings of the town council and all trials before the municipal court; when available or designee
 - B. To see to the proper service of all summonses, subpoenas, citations, executions, attachments, and rules of the town council;
 - C. To see the collection of all fines and costs imposed by the municipal court;
 - D. To see that the ordinances, rules, and regulations of the town and all statutes applicable therein are faithfully enforced;
 - E. To preserve the public peace, prevent infractions of the law, and arrest violators thereof;
 - F. To protect the rights of persons and property;
 - G. To oversee the conduct of the officers and personnel of the police force, and to be held strictly responsible for such conduct and for the general good order of the department;

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- H. To keep adequate records of all personnel and equipment of the department including a log of all questions, activities, and investigations;
 - I. To submit a monthly report outlining the number and type of arrests for state offenses, the number and type of arrests for state offenses, the number and type of cases involving violations of municipal ordinances, and the number of arrests made and cases reported by each police officer;
 - J. To submit monthly to the Georgia Department of Public Safety the "Uniform Crime Report" prescribed by state law (see O.C.G.A. § 35-3-36); and to oversee and ensure all timely filings of any records or reports required by law or court.

 - K. To discharge such other duties as may be required of him..

Sec. 2-505. Fire department. (Revised 10/09/2013)

1. *Composition.* The fire department shall consist of the fire chief or designee and such other personnel as the authorized by mayor and council.
2. *Fire chief/designee.* The fire chief shall be chosen from duly qualified applicants. The procedure for the designation of the fire chief shall be based on the recommendation of the town administrator/designee. The fire chief shall be the chief executive officer over the day-to-day operations of the fire department but subject to the town Code of Ordinances. In the exercise of their duties, the fire chief shall have the power to establish and enforce rules and regulations known as standard operating procedures for the operation of the fire department, including, but not limited to, the manner in which full-time firefighters, part-time firefighters, and volunteer firefighters become employees or volunteers of the department. All such rules and regulations shall be consistent with the ordinances of the town and applicable laws.
- 3.
4. *Paid fire personnel.* The paid firefighters shall meet the qualifications to be firefighters, as set forth in the standard operating procedures. The Fire Chief shall submit a completed pre-employee investigation file to the town administrator/designee for the town administrator's final approval to hire any such paid firefighter.
5. *Volunteer fire personnel.* Volunteer personnel shall be selected based on the qualifications and criteria set forth in the standard operating procedures for the fire department. Firefighters shall be required to submit to a background investigation to ensure the applicant meets all the standards that the town expects from firefighters, as well as from any other employee of the town.
6. *Duties.* The fire chief/designee shall have the following duties:
 - A. To administer all regulations governing the extinguishing of fires;
 - B. To manage all personnel working under the authority of the department;
 - C. To manage and maintain all equipment, grounds, and other resources allocated to the department;
 - D. To work in cooperation with the other departments of the town or elsewhere as be directed by the town administrator/designee;
 - E. To attend all council meetings of the town or other meetings of personnel of the town as directed by the town administrator/designee, unless permission to be absent is granted by the town administrator/designee;
 - F. To keep adequate records of all personnel and equipment of the department including a log of all activities, and any fire investigation handled by the department;

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- G. To submit a monthly report to the town administrator/designee outlining the number and type of fires the department handles and the type and class of training fire department personnel attend; and
 - H. To discharge such other duties as may be required of him/her by the town administrator/designee.

(Ord. of 10-16-2018)

Sec. 2-505.1. Public safety director.

If the mayor and council elect to have a public safety director, the public safety department shall consist of a public safety director whose duties shall consist of overseeing the operations of both the police department and the fire department. The public safety director shall have full authority to direct the operations of both the police department and the fire department, as well as to oversee the duties of the clerk of court. If the mayor and council elect to have a public safety director the chief of police and the fire chief shall submit reports to and receive directions from the public safety director who shall report to the town administrator/designee.

(Adopted 7/10/2013; Ord. of 10-16-2018)

Sec. 2-506. The town attorney.

1. *Appointment and qualifications.* The town attorney shall be appointed by the mayor, by and with the advice and consent of the town council, and shall serve until a successor is appointed and has qualified. No person shall be so appointed unless he is a member in good standing of the State Bar of Georgia and has been actively engaged in the practice of law for at least three years preceding his appointment.
2. *Powers and duties.* The town attorney or his representative shall be the legal advisor and representative of the town and in such capacity shall:
 - A. Advise the council or its committees or any town officer, when thereto requested, upon all legal questions arising in the conduct of town business;
 - B. Prepare or revise ordinances when so requested by the council or any committee thereof, and keep the Code of Ordinances of the town up-to-date and properly indexed;
 - C. Give his opinion upon any legal matter or question submitted to him by the council, or any of its committees, or by a town officer;
 - D. Attend all council meetings in their entirety for the purpose of giving the council any legal advice requested by its members;
 - E. Prepare for execution all contracts and instruments to which the town is a party and approve, as to form, all bonds required to be submitted to the town;
 - F. Prepare, when authorized by the council, all charges and complaints against, and appear in the municipal court in the prosecution of every person charged with a violation of this Code or of a town ordinance or of any regulations adopted under authority of the charter, and see to the full enforcement of all judgments or decrees rendered or entered in favor of the town;
 - G. Defend any and all suits and actions at law or equity brought against the town, unless otherwise directed by town council;
 - H. Make immediate report to the mayor and council of the outcome of any litigation in which the town has an interest;
 - I. Make an annual report to the mayor and council of all pending litigation in which the town has an interest and the status thereof;

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- J. Have the power to adjust, settle, compromise or submit to arbitration, any action, causes of action, accounts, debts, claims, demands, dispute and matters in favor of or against the town or in which the town is concerned as debtor or creditor now existing or which may hereafter arise not involving or requiring payment to exceed that agreed upon by the town council and the town attorney;
 - K. Keep complete and accurate records of the following which records shall forever remain the property of the town:
 - (1) All suits in which the town had or has an interest, giving the names of the parties, the nature of the action, the disposition of the case or its status, if pending, and the briefs of counsel;
 - (2) All written opinions prepared by the town attorney and all certificates or abstracts of titles furnished by him to the town, or any department or official thereof; and
 - L. Render such other legal services as may be required by the mayor or council.
3. *Compensation.* The town attorney shall be compensated according to a monthly fixed fee which is mutually agreed upon with the town council for routine services, but this amount may be modified by agreement for extraordinary services.

Article VI. Reserved

Article VII. Reserved

ARTICLE VIII. PERSONNEL POLICIES AND PROCEDURES

Sec. 2-801. Personnel system incorporations by reference.

The book entitled *Thunderbolt Personnel Handbook and Policy* is hereto attached and incorporated herein in its entirety and made a part of this article. (Council, 8/2001) Changes to the Thunderbolt Personnel Handbook and Policy approved by Mayor and Council are considered adopted as a part of this ordinance.

Sec. 2-802. Reserved.

(Council, 12/13/1956 and 4/1/1974)

Sec. 2-803. Retirement benefit plan.

The town has adopted the Georgia Municipal Employee Retirement Benefits System and the same is incorporated herein. (Council, 7/11/1973, and 5/14/80 and 10/10/1984)

Sec. 2-804. Town's defense of claims against officers and employees.

1. *Definitions.* For the purpose of this chapter, the following words and phrases shall have the meaning respectively assigned to them by this section.

Claim includes all claims presented against an employee prior to institution of a proceeding.

Employee means paid staff or approved volunteer firefighters of the Town of Thunderbolt who perform services on a regular basis.

Town Officers shall mean elected or appointed persons performing duties for the Town of Thunderbolt.

Proceeding includes any matter of civil nature in or before any court or agency of this state or any other state or of the United States.

2. *Defense of employees.* Whenever any claim is made or proceeding is brought against an employee or a town officer asserting personal liability for damages arising out of the authorized performance of his duties or in any way connected therewith, whether based on negligence, violation of contract rights or violation of civil, constitutional, common law or other statutory rights, whether federal, state, or local, the Town of Thunderbolt shall, upon his written request, provide for his defense unless otherwise limited by the terms of this section. The provisions of this section shall not apply unless the employee provides notice in writing of any claim or proceeding to their immediate superior with copies to the Town Administrator, Town Attorney & Mayor, said notice to be given within 10 days after the employee has notice of a claim and/or within five days after the employee has been served with process or summons in a proceeding initiated against them.
3. *Grounds for refusal of defense.*
 - A. The Town of Thunderbolt shall refuse to provide for the defense of a claim or proceeding brought against an employee or town officer if it determines that:
 - (1) The act or omission did not arise out of and in the course of his employment;
 - (2) The employee or town officer acted or failed to act because of actual or intentional misconduct, fraud, corruption, or malice;
 - (3) Defense of the claims or proceedings by the Town of Thunderbolt would create a conflict of interest between the town and the employee or town officer;
 - (4) The proceeding is a criminal prosecution;
 - (5) Provision of a defense against the claim or proceeding would not be in the best interest of the Town of Thunderbolt;
 - (6) The employee or town officer acts or fails to act as a result of, or at a time when, his own self-indulgence substantially impaired his judgment (as, for example, an officer or employee who causes damage or injury while intoxicated or under influence of drugs while on the job);
 - (7) The employee or town officer acts or fails to act, except in emergencies or the existence of extenuating circumstances, directly contrary to advice of the town attorney; or
 - (8) The employee acts or fails to act in such manner as to constitute a criminal act (as, for example, misappropriation of property or funds).
 - B. Nothing contained herein shall be construed to prohibit the Town of Thunderbolt from providing a defense against a claim or proceeding where there is a conflict of interest between one employee or group of employees of the town as compared with another employee or group of employees.
 - C. The determinations required by subsection (3)(A) of this section shall be made by the mayor and council with advice from the Town Attorney.
 - D. Upon approval of the defense of a claim or proceeding against an employee, the mayor shall refer the matter to the town attorney for disposition. However, in the event two or more employees or groups of employees are involved, and the interest of one employee or group of employees conflicts with the interest of another employee or group of employees, then and in such event, the town shall provide legal representation of both groups with an attorney not associated with the town.
4. *Payment of judgments and settlement of claims.*

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- A. Where defense of a claim or proceeding against an employee is provided by this section, all final judgments awarded in courts of competent jurisdiction against employees in proceedings to which this section applies or any amount payable under any settlement of such proceeding or of claims in accordance with this section shall be paid by the Town of Thunderbolt as hereinafter provided. All compromises of claims of proceedings governed by this section shall be submitted to the council for its prior approval.
 - B. Notwithstanding the foregoing, payments of judgments and claims shall be limited as follows:
 - (1) No sum will be paid on behalf of any employee in any one claim or proceeding in excess of the liability limits in the town's general liability insurance policy.
 - (2) No sum will be paid under the provisions of this section for punitive or exemplary damages.
 - (3) No sum shall be paid under the provisions of this section unless the claimant unconditionally releases the employee and the Town of Thunderbolt from any and all claims, causes of action, or judgments arising out of the subject occurrence.
 - (4)
 - (4) There is excluded further from the operation of this section any claim or proceeding as to which insurance is provided by the Town of Thunderbolt.
5. *Construction.*
- A. Nothing herein contained shall be deemed to constitute any waiver by the Town of Thunderbolt of the governmental immunity afforded it under the Constitution and laws of the State of Georgia.
 - B. Nothing contained herein shall be interpreted in any way to reduce or eliminate the rights of any employee of the town against any other party. (Council, 1/10/1979)

(Ord. of 12-9-2020)

Chapter 3 BUDGET AND REVENUE

ARTICLE I. BUDGET

Sec. 3-101. Reserved.

(Town Charter § 33(a)).

Sec. 3-102. Fiscal year.

The town shall operate on a fiscal year which shall begin on the first day of January and end on the last day of December (Charter § 10(e)(20); Council, as presently amended).

Sec. 3-103. Procedures for adoption of budget.

The municipal budget shall be introduced, approved, amended, and adopted by ordinance passed by not less than a majority of the full membership of the town council. The procedure shall be as follows:

1. *Introduction and approval.* The municipal budget shall be adopted pursuant to to all state & federal guidelines, laws and directives, etc.

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2. *Budget message.* When introduced to the town council for approval, the municipal budget shall be accompanied by a budget message which shall explain the budget both in fiscal terms and in terms of the work programs. The budget message shall outline the proposed financial policies of the town for the ensuing fiscal year; described the important features of the budget; indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for each change; summarize the town's debt position; and include such other material as will provide a complete synopsis of the financial condition of the town.
 3. *Form and content of budget.* The municipal budget shall be prefaced by a clear general summary of its contents and shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures for the ensuing fiscal year. It shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the preceding fiscal year. Separate items shall be included for at least the following:
 - A. Administration, operation, and maintenance expenses of each department or office of the town, including a breakdown for salaries and wages for each such unit;
 - B. Interest and debt redemption charges;
 - C. Proposed capital expenditures, detailed by departments and offices when practicable;
 - D. Cash deficits of the preceding year;
 - E. Contingent expenses in an amount not more than three percent of the total amount of administration, operation, and maintenance expenses;
 - F. Such reserves as may be deemed advisable by the town council.

The total of proposed expenditures shall not exceed the total of anticipated revenue.

4. *Capital program.* A five-year capital program may be submitted to the town council at the same time that the budget and budget message are introduced for approval. Such capital program shall include:
 - A. A clear, general summary of its contents.
 - B. A list of all capital improvements which are proposed to be undertaken for the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements.
 - C. Cost estimates, method of financing, and recommended time schedules for each such improvement.
 - D. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

5.

Sec. 3-104. Transfer of appropriations.

The council may at any time during the fiscal year transfer part or all of any unencumbered appropriation balance from one program to another within a department or office and from department or office to another.
(Revised 12.13.2006)

Sec. 3-105. Revenue short-fall or surplus.

Should the income of the town be decreased by law or otherwise, it shall be the duty of the council to immediately adjust its budget so as to comply with such decreased revenue. In the event of any increase in revenue, which increase has become definite and reasonably certain by an increase in income, the council may revise the budget accordingly and take such anticipated receipts into consideration in the budget. (Revised 12.13.2006)

Sec. 3-106. Emergency appropriations.

Notwithstanding any other provision of this article, the council may make emergency appropriations after the adoption of a budget, for a purpose which was not foreseen at the time of the adoption thereof, or for which adequate provision was not made therein. Such an appropriation shall be made only to meet a public emergency affecting life, health, safety, property, or the public peace, and shall be made only out of actual unappropriated revenues or surplus. If there is no surplus, then temporary borrowing in notes may be made, provided that the repayment of any such borrowed amounts are included as an appropriation in the next succeeding year's budget (Charter, § 33(a)).

Sec. 3-107. Lapse of appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the next succeeding year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation.

Sec. 3-108. Reserved.

(Revised 12.13.2006)

Sec. 3-109. Reserved.

ARTICLE II. REVENUE

Sec. 3-201. Ad valorem tax.

1. *Reserved.*
2. *Reserved.*
3. *Reserved.*
4. *When taxes due and payable.* Ad valorem taxes shall become due One the schedule approved via Council for collection via the Town or approved Vendor. Tax bills showing the assessed valuations, amount of taxes due, tax due dates, and information as to delinquency dates and penalties shall be sent to tax payers at least 60 days prior to due date, but failure to send a tax bill shall not invalidate any tax.
5. *Reserved.*
6. *Reserved.*

7. *Reserved.* (Council, as presently amended 02/12/1986).

Sec. 3-202. Local option sales tax.

A combination town-county local sales and use tax is hereby levied by the governing authority of the Town of Thunderbolt, Georgia.

Sec. 3-203. Malt, alcoholic, and wine beverage excise taxes.

1. *Rates of levy.* Each wholesale dealer in malt beverages, distilled spirits, or wines shall pay, in addition to the regular license provided by this chapter, a tax on beverages sold to retailers located with the Town of Thunderbolt, in accordance with the following schedule.

- A. *Malt beverages.* For beverage, ale, malt liquor, or other malt beverages, the tax is as designated by O.C.G.A. § 3-5-80 or the current guiding law
- B. *Liquor.* For liquor sold to retailers located within the Town of Thunderbolt for sale either by the package or by the drink, the tax is as designated by O.C.G.A. § 3-4-80 or the current guiding law.
- C. *Wine.* For wine sold to retailers located within the Town of Thunderbolt, the tax is as designated by O.C.G.A. § 3-6-60 or the current guiding law.

Nothing herein shall be considered as levying a license fee or tax on malt beverages, distilled spirits, or wines sold to U.S. military reservations. (Council, 3/9/1983).

- 2. *Forwarding of tax proceeds and verification.* Each wholesale dealer or distributor receiving, selling, shipping or delivering distilled spirits, or wines to wholesalers or retailers in the Town of Thunderbolt shall, as a condition to the privileges of carrying on said business in Thunderbolt, make a return to the town treasurer by the 20th day of the month following the month for which the tax is due, and shall pay therewith the taxes imposed by this chapter. Said dealer or distributor shall also file with his monthly return a certified copy of his report of monthly sales to retailers made to the State of Georgia Department of Revenue. (Council, 3/9/1983).
- 3. *Business records.* Each wholesale dealer in distilled spirits (which shall include all alcoholic beverages excepting beer and wine) shall keep 51-A and 51-B records available for inspection at all times by duly authorized agents and/or representatives of the Town of Thunderbolt. Such records shall show the amount and quantity of each item sold by each wholesaler to each retailer and said wholesaler shall collect at the time of the delivery to said retailer the license tax under their ordinance. (Council, 6/13/1973).
- 4. *Access for inspection.* The Town of Thunderbolt shall by its duly authorized agent, for the purpose of ascertaining the correctness of any statement required to be filed by this chapter, have free and complete access, for the purpose of examination, at all reasonable times, to any books, papers, records, or memoranda bearing upon said statement. (Council, 3/9/1983).
- 5. *Late monetary penalty.* When any wholesale dealer in alcoholic beverages fails to make a return or to pay the full amount of the tax on or before the due date provided herein, there shall be imposed a penalty to be added to the tax in the amount of \$5.00 or five percent, whichever is greater, for each additional 30 days, or fraction thereof during which the failure to pay continues; provided, however, that if such failure to pay is due to providential cause shown to the satisfaction of the town treasurer in an affidavit form attached to the return and remittance within ten days of the due date, such payment shall be accepted without penalty. (Council, 3/9/1983).
- 6. *Monetary penalty for fraud.* In case of a false or fraudulent return or the failure to file a return, where willful intent exists to defraud the town of any tax due, a penalty of 50 percent of the tax due shall be assessed, and any wholesale dealer so defrauding the town shall be subject to other penalties of law. (Council, 3/9/1983).

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7. *Revocation of license.* If any wholesale dealer or distributor fails or refuses to make the returns herein provided for, the Town of Thunderbolt shall notify said party in writing, and if the returns are not made and license taxes remitted within five days from date of said notice, the municipality may withdraw from said wholesale dealer or distributor the privilege of doing business in the Town of Thunderbolt by revoking his license. On such failure to make returns and pay the license taxes accrued, the Town of Thunderbolt shall proceed to assess the amount of taxes due under this chapter from retail dealers who have purchased from such wholesale dealer or distributor, from the best information available, and proceed to collect said license taxes as provided by ordinance for the collection of delinquent license taxes. (Council, 6/13/1973).
 8. *License necessary for transacting business.* It shall be a violation of this chapter for any person, firm, or corporation to sell at retail within the Town of Thunderbolt, any malt beverages, wines, or distilled spirits on which the license taxes herein provided for have not been paid to the wholesale dealer or distributor for the municipality. (Council, 6/13/1973).
 9. *Unlawful distribution to retailer without license.* It shall be unlawful and a violation of this chapter for any wholesale dealer or distributor, person, firm, or corporation, to deliver any malt beverages, wines, or distilled spirits to any retail dealer in the Town of Thunderbolt, without first collecting the license taxes. (Council, 6/13/1973).
 10. *Violators subject to confiscation and revocation of business license.* Any person, firm, or corporation engaged in the distribution by wholesale for any of the beverages mentioned in said ordinance willfully violating the same shall be subject to revocation of their license to do business within the corporate limits of the Town of Thunderbolt, and all liquor found in the possession of any retail establishment of said Town of Thunderbolt which has not paid said tax or reported same under said ordinance shall be subject to confiscation by the municipal authorities of the Town of Thunderbolt, in addition to the other penalties set forth in said ordinance, and sold by the chief of police and ex officio tax collector, and the receipts thereof paid the clerk of council and ex officio treasurer. (Council, 6/13/1973).
 11. *Revocation as provided for elsewhere is applicable for violation.* Any retailers violating the provisions of this chapter shall, in addition to the penalties hereinabove set forth, be subject to revocation of their license to do business in said Town of Thunderbolt as provided in other ordinance of the Town of Thunderbolt. (Council, 6/13/1973).
 12. *Aiding and abetting violation of chapter.* Any person, firm or corporation violating any of the provisions of this chapter, or who shall assist any retail dealer in malt beverages, wines, or distilled spirits in the Town of Thunderbolt, to evade or avoid the payment of the license taxes herein provided for shall be guilty of a violation of this chapter and on conviction thereof in the municipal court of said town shall be subject to punishment. (Council, 6/13/1973).
 13. *Unlawful possession of untaxed beverage.* It shall be unlawful for any person, firm, or corporation engaged in the sale as retail dealer of alcoholic, vinous, or malt beverages, to have in his possession any of such beverages unless the tax required by the Town of Thunderbolt, shall first have been paid to the wholesaler, distributor, or other source delivering or causing said beverages to be delivered to said retail dealer, and whenever any such beverages are found in possession of a retail dealer where records of the payment of said tax shall not appear upon the records of the wholesale liquor dealer to the municipality, it will be presumed that said tax has not been paid and the burden shall be upon the retailer to prove said fact. (Council, 6/13/1973).

(Ord. of 12-9-2020)

Sec. 3-204. Gross premium tax on insurers.

1. *Life insurers.* There is hereby levied for each license year an annual tax based solely upon gross direct premiums upon each insurer writing life, accident and sickness insurance within the Town of Thunderbolt in the amount equal to one percent of the gross direct premiums received during the calendar year in accordance with O.C.G.A. § 33-8-8.1. Gross direct premiums, as used in this section, shall mean gross direct premiums as used in O.C.G.A. § 33-8-8.4. The premium tax levied by this section is in addition to license fees. The tax levied shall be due and payable as required by state law. (Enabling legislation, O.C.G.A. § 38-8-8.1).
2. *All other insurers.* There is hereby levied for the license year, 1984 and for each year thereafter, an annual tax upon each insurer, other than an insurer transacting business in the class of insurance designated in subsection 1 of O.C.G.A. § 33-3-5, doing business within the Town of Thunderbolt in an amount equal to two and one-half percent of the gross direct premiums received during the calendar year, in accordance with O.C.G.A. § 33-8-8.2. The tax levied shall be due and payable as required by state law. Gross direct premiums as used in this section shall mean gross direct premiums as used in O.C.G.A. § 33-8-8.2(a). (Enabling legislation, § 33-8-8.2) (Council, 11/09/1983).

Sec. 3-205. Telephone utility franchise fee.

1. *Rate of levy.* Subject to any state law preempting local ordinances, each telephone company operating in the Town of Thunderbolt shall pay a franchise fee in the amount of three percent of the recurring local service revenues received by such company from subscribers located within the Town of Thunderbolt. Said fee shall be paid in quarterly installments, each of which shall be due on or before the last day of the second month following the end of each calendar quarter and shall be based on recurring local service revenues billed during such calendar quarter. From the charges above, will be deducted the dollar value of the concession granted to the Town of Thunderbolt on its telephone charges in the year immediately preceding the current budget year. Said sum shall be in lieu of any and all other franchise, specific, occupational, license, excise and special taxes, charges, levies or assessments of every nature and kind upon said business, but shall not be in lieu of ad valorem taxes.
2. *Definitions. Recurring local service revenues* means:
 - A. Monthly charges for local exchange service, including:
 - (1) Charges for additional listings and joint users;
 - (2) The guarantee portion of the charge for semi-public pay station services;
 - (3) Charges for local message rate service, including mobile service local messages; and
 - (4) Subscriber station revenues from teletypewriter exchange service.
 - B. Charge for morse transmission, signaling, data transmission, remote metering and supervisory control, where both terminals point are within the town limits.
 - C. All charges for local private line services (except audio and video program transmission services) where both terminals of the private line are within the town limits.
 - D. Nothing in the definition shall preclude the charging of a separate franchise fee for the transmission of audio or video programs to customers by CATV companies. (Council, 3/9/1983).

(Ord. of 12-9-2020)

Chapter 4 TOWN SERVICES

ARTICLE I. TOWN GARBAGE AND COLLECTION SERVICES

Sec. 4-101. Exclusive town franchise.

The Town of Thunderbolt shall be in charge of the collection and disposal of all garbage, trash, recycling, refuse and similar materials within the confines of the municipality of the Town of Thunderbolt and shall be the sole provider for such services for residential users and commercial users that do not have a need for large Dumpsters and use outside sources for such collection and disposal. All person, firms, and corporations residing in or doing business in the municipal limits of the Town of Thunderbolt are hereby required to properly store for collection all garbage, trash, refuse, recycle and similar materials in compliance with the ordinances of town.

(Ord. of 10-26-2016)

Sec. 4-102. Types of town services.

1. Regular family and commercial collection service shall be provided for:
 - A. Trash which is defined as all non-putrescible solid waste such as leaves, yard clippings, straw, wood, metal, and other similar material normally accumulated in the care and maintenance of residential and commercial property.
 - B. Garbage which is defined as refuse and similar materials that are not trash and can be reasonably placed in standard carts authorized by the Town of Thunderbolt for garbage use only.
 - C. Small tree branches or other small items not readily containerized which meet other criteria of this chapter.
 - D. Recycle materials as defined in the contract with the vendor who will pick up such material.
2. Special collection service shall be the responsibility of the person or entity of the property.

(Ord. of 10-26-2016)

Sec. 4-103. Fee schedules.

1. The rate for garbage, recycle and trash pickup will be established by the Mayor and Council from time to time and maintained on a rate schedule maintained by the Town.
- 2.
3. Reserved.
- 4.

(Ord. of 10-26-2016)

Sec. 4-104. Responsibility for storage and placement of trash or garbage.

1. *Liability.* Property owners and occupants are responsible for maintaining in a neat and orderly manner, garbage, recycle and trash containers and bundles prepared and stored in accordance with the provisions of this section until collection is made.
2. *Containers.* Garbage, trash and recycle containers for materials to be picked up by the town or its vendor shall be issued and approved by the governing authority.

Materials placed in containers must be packaged so as to minimize sanitation problems and must not make the weight of the cart unmanageable.

Containers provided to residents by the Town or its vendor for either garbage collection, recycle collection, or trash collection as provided for in this ordinance shall be placed near the curb, or near the street, but not in the street, or in such other acceptable place approved by the Town Administrator/designee and its vendor.

Containers shall be placed at the curb by 5:00 am on the morning of scheduled collection, but no earlier than 5:00 pm on the day prior to scheduled collection. Containers shall be returned by the resident to the rear or side yard location no later than 9:00 pm on the day of collection. When replaced to their non curb position the containers should be next to the side or rear wall of the living structure so that if practicable the containers are not seen from the street or placed in a spot not next to the living structure but away from the curb/ street and not on the street right of way and buffered by a fence, shrubbery or trees so that the carts are not visible from the street on the street side of the container and at least one other side of the container as vehicles travel down the street.

Customers should make suitable arrangements with neighbors or friends to set out and remove their containers from the curbside if absent during the hours specified herein.

The vendor for garbage, recycle, or trash collection shall provide a schedule to each resident receiving collection services which schedule shall indicate the days on which such collection will be made.

Any person who is physically unable to place the garbage, recycle container near the curb or near the street by reason of physical limitation shall be excused of doing so by submitting a written request to the town administrator setting forth such physical limitations and receiving permission from the town administrator (with approval from the vendor) to be excluded from placing the container at the curb or near the street.

A customer allowing a container to remain at the curbside pickup site outside the hours specified herein or who leaves the container in a spot in violation of the provisions of this ordinance shall be deemed to create a nuisance. Containers observed to be at curbside at times not allowed or left at a spot in violation of the provisions of this ordinance shall be cited with an explanation of the infraction. A fee, as stated in the town's rate schedule for the violation of the provisions of this ordinance, will be charged on the next monthly utility bill for each occasion on which a customer violates the provisions of this section of the ordinance. The customer shall be responsible for placing the container in a location in compliance with the provisions of this ordinance. Each day that the container is left in a position that is in violation of the provisions of this ordinance shall be considered a separate violation. Any customer who receives a charge on his bill for violation of this ordinance may appeal in writing within 15 days of the date of the bill the infraction to the town administrator/designee who will have authority to remove the charge or determine that the charge was properly assessed.

3. *Container exceptions.* Trash which is not readily containerized is eligible for pick-up by the town if:
 - A. It is stacked and stored in a neat and orderly manner, properly placed as described for trash containers, and it is capable of being easily loaded in the hopper of a rear-loading refuse packer truck; and

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- B.
4. *Placement.* If garbage collection is provided from a public lane or alley, trash collection shall be made from the same location. If garbage collection is made from the side or rear of the property, trash collections shall be made from the resident's property at the curb line in front of the property. Collection service shall not be made from fenced yards with a locked gate or with a loose running dog, nor shall it be provided to properties where containers are located more than 150 feet from a usable roadway. Other collection service will be determined by the town.
5. *Collection exceptions.* Collection service shall not be provided for the following items:
- A. Materials used in the construction of buildings or resulting from the demolition of buildings.
 - B. Logs and limbs resulting from commercial, contracted, or major tree trimming operations.
 - C. Waste from manufacturing establishments which accumulates as a result of conducting business.
 - D. Explosive, inflammable, toxic, or other hazardous liquids or materials. (Council, as presently amended for section 4-104).

(Ord. of 10-26-2016)

Sec. 4-105. Placement of yard waste in garbage cans.

It shall be unlawful to place trash in the garbage cans expressly authorized by the Town of Thunderbolt for **garbage** only.

- 1. Reserved.
- 2. Proper owner or occupants responsibility for preparation storage and placement of trash for collection:
 - A. Trash, yard clippings and brush that cannot fit in a container provided by the Town or its vendor (see exception in paragraph 3 below).
 - B. Trash shall also include small tree branches or small items not readily containerized provided that such items meet the following criteria:
 - (1) Such items are stacked and stored in a neat and orderly manner.
 - (2) Such items must be placed for pickup in the location as described in section 4-104(4).
 - (3) Such items must be able to be loaded easily in the collection hopper (lengths approximately three feet). (Revised 5/13/2009)
- 3. *Collection service by town.*
 - A. Regular trash collection service shall be provided for when placed and stored as required by this chapter.

If a container is not available leaves, yard clippings and brush may be placed in paper yard waste bags.
- 4.
- 4. *Loose and non-containerized trash prohibited, property owner or occupant responsibility for removal.*
 - A. Any trash or debris which has not been containerized, bundled, or stored in accordance with the provisions of this chapter shall be prohibited

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- B. Where such trash or debris has been placed in the public right-of-way, the owner and the occupants of abutting private property shall be responsible for its removal and storage as provided by this chapter.
 - 6. *Reserved.*
 - 7. *Effect of ordinance.*
 - A. Discarded bulk items may be picked up based upon the current service provided. All items will remain on the owners property except placed by the curb per the ordinance.

(Ord. of 10-26-2016 ; Ord. of 12-9-2020)

ARTICLE II. WATER REGULATIONS

Sec. 4-201. Applications.

All applications for the use of water shall be made in writing on forms furnished by the Town of Thunderbolt. Forms shall be specifically and properly filled in and personally signed by the owner or tenant, or their duly authorized representatives. An application when accepted by the Town of Thunderbolt, or upon its performance of the services applied for shall constitute a contract between the owner or tenant and the Town of Thunderbolt for the services rendered, its prescribed rates therefore and, to comply with all the rules and regulations applicable to the service. Before water service is rendered the full amount of any fees due including but not limited to a required deposit, the extension of water lines, and the tapin fee, and any other amount specified, as per applications and agreement, must be paid.

(Ord. of 10-26-2016)

Sec. 4-202. Powers and authority of inspectors.

The operator and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this chapter.

(Ord. of 10-26-2016)

Sec. 4-203. Service pipe, stopcock and tap specifications.

Service pipes from mains for private dwelling houses shall conform to accepted and adopted practices in compliance with the state & federal guidelines. No stopcock or tap larger than three-fourths of an inch will be allowed to be used except on express permission from the water department.

(Ord. of 10-26-2016)

Sec. 4-204. Cost of laying service pipes borne by applicant.

The cost of laying water pipes from the mains to the property line will be borne by the applicant, as herein provided.

(Ord. of 10-26-2016)

Sec. 4-205. Shut off for violation of regulations.

- A. The town reserves the right to shut off the water at any time the rules and regulations are violated.
- B. *Interfering with utility services.* Any customer who cuts off locks, breaks valves or causes other damage to the water system of the Town of Thunderbolt in an attempt to restore water service after such water service has been cut off by the Town of Thunderbolt for nonpayment or violation of any other provision of this article shall be subject to a fine for such activity of \$250.00 plus any cost incurred by the Town of Thunderbolt to repair any damages caused by the water system as a result of the customer attempting to restore water service. (Council, 3/10/2010)
- C. Water bills shall be due and payable as shown on the bill. If a bill is not paid by the water cutoff date shown on the bill the account will be placed on a water cutoff list. Once an account has been listed on the water cut-off list, there shall be an additional fee owed to reinstate the customer as a customer in good standing. The additional fee shall be known as a reconnection fee and shall be on the rate schedule currently adopted by Mayor and Council. The reconnection fee shall be imposed once the account is placed on the water cutoff list regardless of whether the water has actually been cut off. Once the reconnection fee is paid, the customer will be considered in good standing and water service shall be reconnected, if it had actually been disconnected. If disconnected, the water shall be reconnected within 24 hours after the appropriate fee has been paid, unless the reconnection fee is paid on a Friday or on a day for a legal holiday, in which event, the Town will have the next business day to make the physical reconnection of the water. (Council, 6/08/2011)
- D. The town administrator or his designee is given discretion to work with water customers on a payment schedule for reconnection fees if the customer demonstrates a financial condition that would cause a hardship on the customer to pay the reconnection fee in one payment. (Council, 6/08/2011)

(Ord. of 11-10-2015 ; Ord. of 10-26-2016)

Sec. 4-206. Responsibility for compliance with regulations.

Owners of real estate and the premises thereof are responsible that the water service furnished to them or to said property is used according to these rules and regulations; and are responsible for any tenant and other person occupying or using that property.

(Ord. of 10-26-2016)

Sec. 4-207. Mandatory connection to water system required.

All owners of real property or consumers of water within the town shall connect or cause to be connected all plumbing and water fixtures on the real estate owned by them, or on the premises occupied or using water, with the town water system when available.

(Ord. of 10-26-2016)

Sec. 4-208. Meters.



- 1. Meters shall be installed as close to the property line of the customer as possible. All connections shall be approved by the Public Works Director or designee and subjected to inspection. Only those persons where meters have been installed will be furnished water from the town water system.
- 2. The duly authorized agent of the town shall have at all times free access to the premises for the purpose of reading the meter or removing the same for the purpose of testing its accuracy.

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3. Each meter shall become a permanent fixture upon the property or premises where installed and may be transferred upon the transfer of ownership of the property or premises to provide for continued water service to that property.
 4. The size of the water meter shall be in accordance with the rules and regulations of the water department of the town. Should the property owner disagree with the ruling of the water department, the decision of the Town Administrator /designee shall be final.
 5. Water laterals to be maintained by the owner. The owner of the property serviced by town water service shall be responsible for maintaining the water pipes between the plumbing fixtures on the property to the property line or the water meter and for keeping them in good operating condition and free from all internal obstructions.
 6. Duplexes, multiple-family dwellings and houses divided into several apartments to be occupied by separate families, excluding hotels and motels, shall be so equipped that each unit can be supplied with a separate meter at the discretion of the Town Administrator/designee. The rate for each meter shall be based on the service rate schedule; provided, however, that in the case of existing buildings one (1) meter of the proper size may continue to be utilized. The rates for that meter shall be based on a standby minimum base charge for each unit, and each unit will be, assigned a separate account number. The actual water usage shall be computed on the primary unit, according to the meter reading, and so billed. In all such instances of duplexes, multiple-family dwellings and houses divided into several apartments, the property owner shall be billed all service charges for all units.

(Ord. of 10-26-2016)



Sec. 4-209. Gravel wall wells and limerock wells.

1. It shall be lawful for any individual person, firm or business to dig a gravel wall well as hereinafter defined; provided, however, it shall be within the discretion of the governing body, upon petition, to permit any digging, installation and use of any well provided an application is made and a permit is granted prior to the digging of that well. That well shall in no way be connected into the town water system. The maximum depth permitted for any gravel wall well shall be 100 feet, and this depth shall not be exceeded in any instance.
2. It shall be unlawful for any individual person, firm or business, within the corporate limits of the municipality to dig or install a limerock well, as hereinafter defined, and there shall be no exceptions to this prohibition.
3. Gravel wall wells are defined as wells that obtain their water from the saturated sands between the ground surface and the top of the limerock aquifer. These wells shall consist of a well screen surrounded by a seven-inch thick wall of gravel.
4. Limerock wells are defined as those wells which are drilled into the limerock aquifer, containing a steel casing through the overlying sands so as to seal off the water above the aquifer.

(Ord. of 10-26-2016)

Sec. 4-210. Well uses and restrictions.

The governing body shall provide proper application forms for the making of application for the digging of a gravel wall well. There shall be no human consumption of water obtained from the gravel wall well, and any gravel wall well shall be used only for purposes of watering lawns, flowers, shrubbery, etc. Neither shall the water from that well be used for the bathing of individuals or for swimming pools, nor for the washing and cleaning of clothing.

(Ord. of 10-26-2016)

Sec. 4-211. Permit fee for wells.

The permit fee for sinking a well and for inspection to ascertain that the well is not connected to the town water system shall be as set forth in the rate schedule.

(Ord. of 10-26-2016 ; Ord. of 12-9-2020)

Sec. 4-212. Payment responsibility of lessor.

Any person owning property either within or without the town which is supplied water by the town shall be personally and individually responsible for the costs and charges of that water so furnished,

(Ord. of 10-26-2016)

Sec. 4-213. Lien against property.

In final resort, the property owners shall be liable for all unpaid bills, charges and penalties due for water service and the amount of money involved shall be a lien against the property.


(Ord. of 10-26-2016)

Sec. 4-214. Shutoff for repairs.

The town shall have the right to shut off the water supply for the purpose of making any additions and repairs as may be desired or necessary to the water system, and the town shall not be liable to any customer for any damage resulting from that shutoff. (Council, 1935 and 02/12/1986)

(Ord. of 10-26-2016)

Sec. 4-215. Restriction on outdoor water of landscape.

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1. Outdoor watering for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants may occur only between the hours of 4:00 p.m. and 10:00 a.m.; provided, however, that this limitation shall not create any limitation upon the following outdoor water uses:
 - A. Commercial raising, harvesting, or storing of crops; feeding, breeding, or managing livestock or poultry; the commercial production or storing of feed for use in the production of livestock, including, but not limited to, cattle, calves, swine, hogs, goats, sheep, and rabbits, or chickens, hens, ratites, and turkeys; producing plants, trees, fowl, or animals; or the commercial production of aqua cultural, horticultural, dairy, livestock, poultry, eggs, and apiarian products or as otherwise defined in O.C.G.A. § 1-3-3;
 - B. Capture and reuse of cooling system condensate or storm water in compliance with applicable town ordinances and state guidelines;
 - C. Reuse of gray water in compliance with O.C.G.A. § 31-3-5-2 and applicable local board of health regulations;
 - D. Use of reclaimed waste water by a designated user from a system permitted by the environmental protection division of the Georgia Department of Natural Resources to provide reclaimed waste water;
 - E. Watering personal food gardens;

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- F. Watering new and replanted plant, seed, or turf in landscapes, golf courses, or sports turf field during installation and for a period of 30 days immediately following the date of installation;
 - G. Drip irrigation or irrigation using soaker hoses;
 - H. Hand watering with a hose with automatic cutoff or handheld container;
 - I. Use of water withdrawn from private water wells or surface water by an owner or operator of property if such well or surface water is on said property;
 - J. Watering horticultural crops held for sale, resale or installation;
 - K. Watering athletics fields, golf courses, or public turf grass recreational areas;
 - L. Installation, maintenance, or calibration of irrigation systems; or
 - M. Hydroseeding.

(Ord. of 10-26-2016)

Sec. 4-216. Enforcement.

- 1. No person shall use or allow the use of water in violation of the restrictions on outdoor water use contained in ordinance.
- 2. The town's code enforcement officer shall be the enforcement authority for this chapter. The town administrator/designee may also authorize other departments as may be deemed necessary to support enforcement.
- 3. *Criminal and alternative penalties.* Any violation of this section may also be enforced by a citation or accusation returnable to the magistrate court/municipal court or by any other legal means as set forth in this Code.
- 4. *Reserved.*
- 5. *Reserved.*

(Ord. of 10-26-2016)

ARTICLE III. SEWAGE DISPOSAL REGULATIONS

Sec. 4-301. Chapter 4, article III amended 8/10/2011.

(Refer to section Ordinances Incorporated by Reference, Chapter 16)

ARTICLE IV. WATER, SEWER AND SOLID WASTE RATES AND FEES

These services will be operated as enterprise activities in that they will be self funded by payment for services rendered. They will not collect revenue over expense except to fund contingency funds for maintenance, repairs, and to provide for unexpected expenses.

(Ord. of 10-26-2016)

Sec. 4-401. Usage rate for water/sewer/solid waste.

Water, sewer, and solid waste fees and base charges will be adjusted by town council from time to time as needed. In addition, on January 1 and July 1 of each year the fees and/or base charges will be adjusted to provide revenues to fund the actual cost of providing services to all customers of Thunderbolt. The prior six months of available data history will be used to make these adjustments. However, no downward adjustments will be made unless there is a 50 percent contingency of annual operating cost in the water fund and a 50 percent contingency of annual operating cost in the sewer and solid waste funds to make repairs and unexpected expenses. Any such adjustments shall not be implemented until approved by the mayor and council at the first available date for consideration of such adjustments (Revised 7/14/2010)

1. Water rates: Water rates shall be set by the Mayor and Council and the rates shall be on a rate schedule maintained by the Town Administrator or Town Finance Clerk.
 - A. Master metered complexes will use the formula provided and accepted??:
 - B.
 - C. *Reserved.*
2. Waste water (sewer) rates: Sewer rates shall be set by the council and the rates shall be on a rate schedule maintained by the town administrator/designee or finance clerk.

(Ord. of 10-26-2016 ; Ord. of 12-9-2020)

Sec. 4-402. Reserved.



Sec. 4-403. Tap-in fees for water or sewerage.

Tap-in fees for water or sewerage service shall be set by the Mayor and Council and the rates shall be on a rate schedule maintained by the Town Administrator or Finance Clerk.

(Ord. of 10-26-2016)

Sec. 4-404. Reserved

(Council, 1/19/1977).



ARTICLE V. EMERGENCY COST RECOVERY

Sec. 4-501. Definitions.

For the purpose of this article, the following definitions shall apply unless the context indicates or requires a different meaning.

1. *Accident*, including natural disaster, means an unforeseen or unexpected happening or occurrence which of itself causes great harm or damage, or which creates the potential for great harm or damage to individuals and/or property, and which requires immediate and prudent securing and monitoring by the town, and/or agents of the town, to reduce the potential for such damage, but not including emergency incidents.
2. *Dangerous or hazardous substances or materials* means any substance (including gases or vapors) if spilled, leaked, or otherwise released from its container, is dangerous or harmful to the environment, or human or

animal life, health, or safety, or otherwise constitutes a danger, threat or nuisance to the public health, safety, or welfare, including, but not limited to, such substances as chemicals and gases, explosives, radioactive materials, petroleum or petroleum based products, poisons, biologic agents, flammables, combustibles, hazardous wastes, or corrosives.

3. *Emergency incident* includes by not limited to a bomb threat, vehicle fire, an illegal fire, extrication from vehicles involved in accidents, damage to the town's utility infrastructure sewer/water lines, pump stations, manholes and walls affecting public utility supply and service, and accident related cleanup or any incident that threatens health and safety.
4. *Emergency response* means the providing, sending and/or utilization of public works, water/sewer personnel, police, fire and/or rescue services by the town at an emergency incident or at an incident involving the release of a dangerous or hazardous substance or material, or at an accident requiring immediate response by the town and/or agents of the town.
5. *Responsible party* means any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity responsible for an emergency incident or any other tenant, occupant or party in control of real and/or personal property from which, onto which or related to which there is a public safety or fire emergency incident, and their heirs, estates, successors and assigns.

(Ord. of 10-26-2016)

Sec. 4-502. Duty to remove and clean up.

It shall be the duty of any person, firm, corporation, public or private utility, or any other entity directly or indirectly causing, contributing to, or allowing the leakage, spillage or any other release of dangerous or hazardous substances or materials, or owning or controlling property affected thereby or requiring the securing and monitoring of sites or locations of accidents and/or natural disasters, including downed power lines, ruptured gas mains, gas service conduits, water and sewer mains, occupancy leads, telephones lines, or cable television lines, to immediately secure, monitor, and clean up the area or location in such manner that the area or location involved is fully restored to the condition existing prior to such occurrence. The town shall have no duty to contain, clean up or dispose of any release of hazardous substances or materials, or other materials, but in emergency situations either the fire chief, chief of police, public works director, or the director of the water and sewer department, or their respective designees, shall have the authority to take whatever action is reasonably necessary to protect the health, safety, and welfare of the general public including securing and monitoring sites of accidents or providing for or arranging for the containment, removal, or cleanup of any hazardous substances or materials. These and other emergency actions or remediation to protect the public are subject to cost recovery.

(Ord. of 10-26-2016)

Sec. 4-503. Duty to pay for cleanup costs.

A responsible party shall be liable to the town and shall reimburse the town for all costs and expenses, including the costs incurred by the town or any agents the town engages, for the complete abatement, cleanup, restoration and/or securing of an area affected by an emergency incident. .

(Ord. of 10-26-2016)



Sec. 4-504. Invoicing cleanup costs.

1. The town will invoice the responsible party for billable costs using established rate schedules. The following schedules are used in the invoice production:
 - (a) Costs encumbered for heavy equipment and apparatus will be invoiced using the Federal Emergency Management Agency (FEMA) cost schedules or actual costs.
 - (b) Costs encumbered for personal costs are invoiced using an established rate schedule. Hourly rates are established by position classification, job assignment and training certification levels.
 - (c) Consumable or expendable items are invoiced at actual item replacement costs.
 - (d) Equipment lost or damaged is invoiced at actual repair costs or if replacement is indicated, at actual cost of replacement.
 - (e) Disposal costs are invoiced using the Federal Emergency Management Agency (FEMA) cost schedules or actual costs.
 2. The town shall submit a bill for cleanup costs to the responsible party by first class mail or personal delivery. The bill shall require full payment within 30 days from date of billing. If remuneration is not received within 30 days, a second invoice shall be generated adding allowable interest for late payment and re-billed to the responsible party. If the invoice is not paid within 60 days of its initial submission, the town shall have the right to bring such action in the appropriate court to collect such costs. If the responsible party is the owner of real property affected or partially affected by the release of hazardous materials, or requiring emergency securement or monitoring, the town shall have the right to collect the cost cleanup, restoration and/or of any emergency response in the same manner as provided for the levy and collection of real property taxes against said property.
 3. Reserved.
 4. Reserved. (Council, 2/11/2009)
- (Ord. of 10-26-2016)

ARTICLE VI. IDENTITY THEFT PREVENTION PROGRAM



Sec. 4-601. Short title.

This article shall be known as the identity theft prevention program. ; (Ord. of 10-26-2016)

Sec. 4-602. Purpose.

The purpose of this article is to comply with 16 CFR § 681.2 in order to detect, prevent and mitigate identity theft by identifying and detecting identity theft red flags and by responding to such red flags in a manner that will prevent identity theft.

(Ord. of 10-26-2016)

Sec. 4-603. Definitions.

For purposes of this article, the following definitions apply:

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- (a) *Town* means the Town of Thunderbolt.
 - (b) *Covered account* means (i) an account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a credit card account, mortgage loan, automobile loan, margin account, cell phone account, utility account, checking account, or savings account; and (ii) any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation, or litigation risks.
 - (c) *Credit* means the right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefor.
 - (d) *Creditor* means any person who regularly extends, renews, or continues credit; any person who regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit and includes utility companies and telecommunications companies.
 - (e) *Customer* means a person that has a covered account with a creditor.
 - (f) *Identity theft* means a fraud committed or attempted using identifying information of another person without authority.
 - (g) *Person* means a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.
 - (h) *Personal identifying information* means a person's credit card account information, debit card information bank account information and drivers' license information and for a natural person includes their Social Security number, mother's birth name, and date of birth.
 - (i) *Red flag* means a pattern, practice, or specific activity that indicates the possible existence of identity theft.
 - (j) *Service provider* means a person that provides a service directly to the town.

(Ord. of 10-26-2016)

Sec. 4-604. Findings.

- (1) The town is a creditor pursuant to 16 CFR § 681.2 due to its provision or maintenance of covered accounts for which payment is made in arrears.
- (2) Covered accounts offered to customers for the provision of town services include water, sewer, and sanitation accounts.
- (3) The town's previous experience with identity theft related to covered accounts is as follows:
- (4) The processes of opening a new covered account, restoring an existing covered account, making payments on such accounts, have been identified as potential processes in which identity theft could occur.
- (5) The town limits access to personal identifying information to those employees responsible for or otherwise involved in opening or restoring covered accounts or accepting payment for use of covered accounts. Information provided to such employees is entered directly into the town's computer system and is not otherwise recorded.
- (6) The town determines that there is a risk of identity theft occurring in the following ways (if any):

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- a. Use by an applicant of another person's personal identifying information to establish a new covered account;
 - b. Use of a previous customer's personal identifying information by another person in an effort to have service restored in the previous customer's name;
 - c. Use of another person's credit card, bank account, or other method of payment by a customer to pay such customer's covered account or accounts;
 - d. Use by a customer desiring to restore such customer's covered account of another person's credit card, bank account, or other method of payment.

(Ord. of 10-26-2016 ; Ord. of 12-9-2020)

Sec. 4-605. Process of establishing a covered account.

- (1) As a precondition to opening a covered account in the town, each applicant shall provide the town with personal identifying information of the customer: valid driver's license or other governmental issued ID card with photograph or other identification satisfactory to the Mayor or designee. **Such information shall be entered directly into the town's computer system and shall not otherwise be recorded.**
- (2) Each account shall be assigned an account number and personal identification number (PIN) which shall be unique to that account. The town may utilize computer software to randomly generate assigned PINs and to encrypt account numbers and PINs.

(Ord. of 10-26-2016)

Sec. 4-606. Access to covered account information.

- (1) Access to customer accounts shall be password protected and shall be limited to authorized town personnel.
- (2) Such password(s) shall be changed on a regular basis, shall be at least eight characters in length and shall contain letters, numbers and symbols.
- (3) Any unauthorized access to or other breach of customer accounts is to be reported immediately to the town administrator and the password changed immediately.
- (4) Personal identifying information included in customer accounts is considered confidential and any request or demand for such information shall be immediately forwarded to the town administrator and the town attorney.

(Ord. of 10-26-2016)

Sec. 4-607. Credit card payments.

- (1) In the event that credit card payments that are made over the internet are processed through: a third party service provider, such third party service provider shall certify that it has an adequate identity theft prevention program in place that is applicable to such payments.
- (2) All credit card payments made over the telephone or the town's website shall be entered directly into the customer's account information in the computer data base.
- (3) Account statements and receipts for covered accounts shall include only the last four digits of the credit or debit card or the bank account used for payment of the covered account.

(Ord. of 10-26-2016 ; Ord. of 12-9-2020)



Sec. 4-608. Sources and types of red flags.

All employees responsible for or involved in the process of opening a covered account, restoring a covered account or accepting payment for a covered account shall check for red flags as indicators of possible identity theft and such red flags may include:

- (1) Alerts from consumer reporting agencies, fraud detection agencies or service providers. Examples of alerts include, but are not limited to:
 - A. A fraud or active duty alert that is included with a consumer report;
 - B. A notice of credit freezes in response to a request for a consumer report;
 - C. A notice of address discrepancy provided by a consumer reporting agency;
 - D. Indications of a pattern of activity in a consumer report that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as:
 - i. A recent and significant increase in the volume of inquiries;
 - ii. An unusual number of recently established credit relationships;
 - iii. A material change in the use of credit, especially with respect to recently established credit relationships; or
 - iv. An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.
- (2) Suspicious documents. Examples of suspicious documents include:
 - A. Documents provided for identification that appear to be altered or forged;
 - B. Identification on which the photograph or physical description is inconsistent with the appearance of the applicant or customer;
 - C. Identification on which the information is inconsistent with information provided by the applicant or customer;
 - D. Identification on which the information is inconsistent with readily accessible information that is on file with the financial institution or creditor, such as a signature card or a recent check; or
 - E. An application that appears to have been altered or forged or appears to have been destroyed and reassembled.
- (3) Suspicious personal identification, such as suspicious address change. Examples of suspicious identifying information include:
 - A. Personal identifying information that is inconsistent with external information sources used by the financial institution or creditor, for example:
 - i. The address does not match any address in the consumer report; or
 - ii. The Social Security Number (SSN) has not been issued, or is listed on the Social Security Administration's Death Master File.
 - B. Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer, such as a lack of correlation between the SSN range and date of birth.

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- C. Personal identifying information or a phone number or address, is associated with known fraudulent applications or activities as indicated by internal or third-party sources used by the financial institution or creditor.
 - D. Other information provided, such as fictitious mailing address, mail drop addresses, jail addresses, invalid phone numbers, pager numbers or answering services, is associated with fraudulent activity.
 - E. The SSN provided is the same as that submitted by other applicants or customers.
 - F. The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of applicants or customers.
 - G. The applicant or customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
 - H. Personal identifying information is not consistent with personal identifying information that is on file with the financial institution or creditor.
 - I. The applicant or customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report. 
- (4) Unusual use of or suspicious activity relating to a covered account. Examples of suspicious activity include:
- A. Shortly following the notice of a change of address for an account, town receives a request for the addition of authorized users on the account.
 - B. A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example:
 - i. The customer fails to make the first payment or makes an initial payment but no subsequent payments.
 -  C. An account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:
 - i. Non-payment when there is no history of late or missed payments;
 - ii. A material change in purchasing or spending patterns;
 - D. An account that has been inactive for a long period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).
 - E. Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's account.
 - F. The town is notified that the customer is not receiving paper account statements.
 - G. The town is notified of unauthorized charges or transactions in connection with a customer's account.
 - H. The town is notified by a customer, law enforcement or another person that it has opened a fraudulent account for a person engaged in identity theft.
- (5) Notice from customers, law enforcement, victims or other reliable sources regarding possible identity theft or phishing relating to covered accounts.

(Ord. of 10-26-2016)

Sec. 4-609. Prevention and mitigation of identity theft.

- (1) In the event that any town employee responsible for or involved in restoring an existing covered account or accepting payment for a covered account becomes aware of red flags indicating possible identity theft with respect to existing covered accounts, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the finance director. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the finance director, who may in his or her discretion determine that no further action is necessary. If the finance director in his or her discretion determines that further action is necessary, a town employee shall perform one or more of the following responses, as determined to be appropriate by the finance director:
 - a. Contact the customer;
 - b. Make the following changes to the account if, after contacting the customer, it is apparent that someone other than the customer has accessed the customer's covered account:
 - i. Change any account numbers, passwords, security codes, or other security devices that permit access to an account; or
 - ii. Close the account;
 - c. Cease attempts to collect additional charges from the customer and decline to sell the customer's account to a debt collector in the event that the customer's account has been accessed without authorization and such access has caused additional charges to accrue;
 - d. Notify a debt collector within 24 hours of the discovery of likely or probable identity theft relating to a customer account that has been sold to such debt collector in the event that a customer's account has been sold to a debt collector prior to the discovery of the likelihood or probability of identity theft relating to such account;
 - e. Notify law enforcement, in the event that someone other than the customer has accessed the customer's account causing additional charges to accrue or accessing personal identifying information; or
 - f. Take other appropriate action to prevent or mitigate identity theft.
- (2) In the event that any town employee responsible for or involved in opening a new covered account becomes aware of red flags indicating possible identity theft with respect to an application for a new account, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the finance director. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the finance director, who may in his or her discretion determine that no further action is necessary. If the finance director in his or her discretion determines that further action is necessary, a town employee shall perform one or more of the following responses, as determined to be appropriate by:
 - a. Request additional identifying information from the applicant;
 - b. Deny the application for the new account;
 - c. Notify law enforcement of possible identity theft; or

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- d. Take other appropriate action to prevent or mitigate identity theft.

(Ord. of 10-26-2016)

Sec. 4-610. Updating the program.

The town council shall annually review and, as deemed necessary by the council, update the identity theft prevention program along with any relevant red flags in order to reflect changes in risks to customers or to the safety and soundness of the town and its covered accounts from identity theft. In so doing, the town council shall consider the following factors and exercise its discretion in amending the program:

- (1) The town's experiences with identity theft;
- (2) Updates in methods of identity theft;
- (3) Updates in customary methods used to detect, prevent, and mitigate identity theft;
- (4) Updates in the types of accounts that the town offers or maintains; and
- (5) Updates in service provider arrangements.

(Ord. of 10-26-2016 ; Ord. of 12-9-2020)

Sec. 4-611. Program administration.

The Town Administrator/designee is responsible for oversight of the program and for program implementation. The town administrator/designee is responsible for reviewing reports prepared by staff regarding compliance with red flag requirements and with recommending material changes to the program, as necessary in the opinion of town administrator/designee to address changing identity theft risks and to identify new or discontinued types of covered accounts. Any recommended material changes to the program shall be submitted to the town council for consideration by the council.

- (1) The Utilities Manager/designee will report to the town administrator at least annually, on compliance with the red flag requirements. The report will address material matters related to the program and evaluate issues such as:
 - a. The effectiveness of the policies and procedures of town in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;
 - b. Service provider arrangements;
 - c. Significant incidents involving identity theft and management's response; and
 - d. Recommendations for material changes to the program.
- (2) The Utilities Manager/designee is responsible for providing training to all employees responsible for or involved in opening a new covered account, restoring an existing covered account or accepting payment for a covered account with respect to the implementation and requirements of the identity theft prevention program. The Utilities Manger/Designee shall exercise his or her discretion in determining the amount and substance of training necessary.

(Ord. of 10-26-2016)

Sec. 4-612. Outside service providers.

In the event that the town engages a service provider to perform an activity in connection with one or more covered accounts the Utilities Manager/designee shall exercise his or her discretion in reviewing such arrangements in order to ensure, to the best of their ability, that the service provider's activities are conducted in accordance with policies and procedures, agreed upon by contract, that are designed to detect any red flags that may arise in the performance of the service provider's activities and take appropriate steps to prevent or mitigate identity theft.

(Ord. of 10-26-2016)

ARTICLE VII. TREATMENT OF ADDRESS DISCREPANCIES

Sec. 4-701. Short title.

This article shall be known as the "treatment of address discrepancies." ;hn0; (Ord. of 10-26-2016)

Sec. 4-702. Purpose.

Pursuant to 16 CFR § 681.1, the purpose of this article is to establish a process by which the town will be able to form a reasonable belief that a consumer report relates to the consumer about whom it has requested a consumer credit report when the town has received a notice of address discrepancy.

(Ord. of 10-26-2016)

Sec. 4-703. Definitions.

For purposes of this article, the following definitions apply:

- (1) *Notice of address discrepancy* means a notice sent to a user by a consumer reporting agency pursuant to 15 U.S.C. § 1681(c)(h)(1), that informs the user of a substantial difference between the address for the consumer that the user provided to request the consumer report and the address(es) in the agency's file for the consumer.
- (2) *Town* means Town of Thunderbolt.

(Ord. of 10-26-2016)

Sec. 4-704. Policy.

In the event that the town receives a notice of address discrepancy, the town employee responsible for verifying consumer addresses for the purpose of providing the municipal service or account sought by the consumer shall perform one or more of the following activities, as determined to be appropriate by such employee:

- (1) Compare the information in the consumer report with:
 - a. Information the town obtains and uses to verify a consumer's identity in accordance with the requirements of the customer information program rules implementing 31 U.S.C. § 5318(1);

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- b. Information the town maintains in its own records, such as applications for service, change of address notices, other customer account records or tax records; or
 - c. Information the town obtains from third-party sources that are deemed reliable by the relevant town employee; or
- (2) Verify the information in the consumer report with the consumer.

(Ord. of 10-26-2016)

Sec. 4-705. Furnishing consumer's address to consumer reporting agency.

- (1) In the event that the town reasonably confirms that an address provided by a consumer to the town is accurate, the town is required to provide such address to the consumer reporting agency from which the town received a notice of address discrepancy with respect to such consumer. This information is required to be provided to the consumer reporting agency when:
- a. The town is able to form a reasonable belief that the consumer report relates to the consumer about whom the town requested the report;
 - b. The town establishes a continuing relation with the consumer; and
 - c. The town regularly and in the ordinary course of business provides information to the consumer reporting agency from which it received the notice of address discrepancy.
- (2) Such information, shall be provided to the consumer reporting agency as part of the information regularly provided by the town to such agency for the reporting period in which the town establishes a relationship with the customer.

(Ord. of 10-26-2016)

Sec. 4-706. Methods of confirming consumer addresses.

The town employee charged with confirming consumer addresses may, in his or her discretion, confirm the accuracy of an address through one or more of the following methods:

- (1) Verifying the address with the consumer;
- (2) Reviewing the town's records to verify the consumer's address;
- (3) Verifying the address through third party sources; or
- (4) Using other reasonable processes.

(Ord. of 10-26-2016 ; Ord. of 12-9-2020)