

## CHAPTER 22

### UTILITIES

**Art. I. In General, {{22-1 - 22-23**

**Art. II. Identity Theft Prevention Program, {{22-24 – 22-38**

#### ARTICLE I. IN GENERAL

##### **Sec. 22-1. Definition.**

For the purposes of this chapter, the word "utility" shall be construed to mean and include water, sewer and/or any other utility service furnished by the City to consumers thereof. (Ord. of 3-14-83)

##### **Sec. 22-2. Scope of provisions.**

All pertinent provisions of this chapter are hereby made a part of the terms and conditions whereby the City shall furnish any utility service to any person, or whereby the City shall make any utility connections, or perform any work of any kind in connection with the furnishing of any utility service pursuant to the rules and regulations of the mayor and council. (Ord. of 3-14-83)

##### **Sec. 22-3. Service to comply with technical provisions.**

Any utility service furnished under the provisions of this chapter shall be in accordance with and in compliance with all applicable technical provisions of this Code, state law and City ordinances, rules and regulations. (Ord. of 3-14-83)

##### **Sec. 22-4. Rules, regulations.**

The mayor and council shall have the authority to establish by rule or regulation such standards and specifications as may be deemed necessary for the installation, construction and maintenance of any utility service system owned and operated by the City within or without the City and under the management of the mayor and council. Such rules, regulations, standards and specifications shall be filed in the office of the City Clerk. Violation of such rules, regulations, standards and specifications shall be deemed an offense. (Ord. of 3-14-83)

##### **Sec. 22-5. Inspection outside City**

In order to protect the utility service supply, the City will not make any water or sewer taps outside the City limits until the premises involved have been inspected and approved by the plumbing inspector. (Ord. of 3-14-83)

**Sec. 22-6. Right of entry.**

Any authorized inspector of the City shall have free access at any time to all premises supplied with any utility service by the City for the purpose of examination in order to protect the utility services from abusive use. (Ord. of 3-14-83)

**Sec. 22-7. Termination of service authorized.**

The City shall have the right to disconnect or refuse to connect or reconnect any utility service for any of the following reasons:

- (a) Failure to meet the applicable provisions of law;
- (b) Violation of the rules and regulations pertaining to utility service;
- (c) Nonpayment of bills;
- (d) Willful or negligent waste of service due to improper or imperfect pipes, fixtures, appliances or otherwise;
- (e) Molesting any meter, seal or other equipment controlling or regulating the supply of utility service;
- (f) Theft or diversion and/or use of service without payment therefor;
- (g) Vacancy of premises. (Ord. of 3-14-83)

**Sec. 22-8. Liability of City for damage.**

The City shall not be liable for any damage to any customer of any utility service furnished by the City due to backflow of the sewerage system, failure of supply, interruption of service or any other cause outside the direct control of the City.  
(Ord. of 3-14-83)

**Sec. 22-9. Utility service - Application required.**

- (a) Any person desiring any utility service furnished by the City shall make application for the same to the City. Such application shall contain the applicant's name, address, and the users for which such utility service is desired. (Ord. of 3-14-83)
- (b) Any person desiring any utility service furnished by the City shall make a utility deposit according to the following chart: (Revised Ord. of 3/10/2008)

	<b>Inside City</b>	<b>Outside City</b>
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<b>RESIDENTIAL</b>		
Water Only	40.00	60.00
Garbage Only	30.00	60.00
Sewer Only	40.00	65.00
Water & Garbage	70.00	120.00
Water & Sewer	80.00	125.00
Garbage & Sewer	70.00	125.00
Water, Sewer & Garbage	110.00	185.00
<b>COMMERCIAL</b>		
Water Only	75.00	110.00
Sewer Only	75.00	95.00
Garbage (Cart)	55.00	75.00
Garbage (Dumpster)	1 Month Garbage Fee	1 Month Garbage Fee
Water & Garbage (Cart)	130.00	185.00
Water & Garbage (Dumpster)	75.00 + 1 Month Garbage Fee	100.00 + 1 Month Garbage Fee
Sewer & Garbage (Cart)	125.00	165.00
Sewer & Garbage (Dumpster)	75.00 + 1 Month Garbage Fee	100.00 + 1 Month Garbage Fee
Water, Sewer & Garbage (Cart)	200.00	275.00
Water, Sewer & Garbage (Dumpster)	100.00 + 1 Month Garbage Fee	150.00 + 1 Month Garbage Fee

(Revised with Amended Ord. of 1/09/2017 (Sec 20-27))

**Sec. 22-10. Same - Not available to debtors.**

The City may decline or fail or cease to furnish utility service to any person who may be in debt to the City for any reasons, except current taxes and special assessments. (Ord. of 3-14-83)

**Sec. 22-11. Same - Permit.**

Approval of the application for any utility service shall be deemed permission for such service. (Ord. of 3-14-83)

**Sec. 22-12. Same - Use assumed.**

All premises connected to any utility service of the City shall be assumed to be using such utility service and the owner or occupant shall be charged there for so long as such premises shall remain connected with the utility service. (Ord. of 3-14-83)

**Sec. 22-13. Not to use contrary to permit.**

Any person having a permit from the City for the use of any utility service offered by the City who shall use such utility service for any purpose other than mentioned in such permit or who shall make any unauthorized changes in such service shall be deemed guilty of an offense. (Ord.

of 3-14-83)

**Sec. 22-14. Damage, trespass of equipment.**

It shall be unlawful for any person, not having authority to do so, to open any water hydrant or tamper with any utility service furnished by the City to consumers, or to in any other way molest, damage, or trespass upon any equipment or premises belonging to the City connected with any utility service. (Ord. of 3-14-83)

**Sec. 22-15. Temporary interruption of service.**

The City reserves the right to cut off any utility service without notice in case of emergencies. When an interruption in service is necessary for the maintenance and improvement of the utility system, affected customers will be notified as circumstances permit. (Ord. of 3-14-83)

**Sec. 22-16. Restricting Use.**

The City hereby reserves the right to at any time restrict or prevent the use of any utility service furnished by the City during periods of emergency or circumstances demanding such restriction or prevention of use. (Ord. of 3-14-83)

**Sec. 22-17. Sale of service by customer.**

It shall be unlawful for any person to resell to others any utility service obtained from the City except only by special arrangement with the mayor and council. (Ord. of 3-14-83)

**Sec. 22-18. Connections to service.**

Connections for any utility service furnished by the City shall be made only under the supervision of the building inspector. (Ord. of 3-14-83)

**Sec. 22-19. Separate connections.**

Every building, structure or consumer in the City shall have a separate utility service connection. (Ord. of 3-14-83)

**Sec. 22-20. Unlawful connections**

It shall be unlawful for any person to make any connection in any manner to any utility system, whether owned by the City or not, without the prior knowledge and consent of the owner of such utility system. (Ord. of 3-14-83)

**Sec. 22-21. Unlawful use.**

It shall be unlawful for any person, other than employees of the city, to connect, turn on, turn off,

or disconnect any utility service offered by the City, or remove, replace or repair any equipment connected to any such utility service. (Ord. of 3-14-83)

**Sec. 22-22. Maintenance of system by consumer.**

The consumer of any utility service furnished by the City shall maintain and keep in good repair all connections, appliances and other apparatus installed and used in connection with such utility service. (Ord. of 3-14-83)

**Sec. 22-23. Penalties.**

Any violation of the provisions of this chapter by any person, firm or corporation shall be punished, upon conviction of said offense, as is provided for in the City Charter and Municipal Code. (Ord. of 3-14-83)

**ARTICLE II**

**IDENTITY THEFT PREVENTION PROGRAM**

**Section 22 - 24. Short Title**

This article shall be known as the Identity Theft Prevention Program.

**Section 22 - 25. 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.

**Section 22 - 26. Definitions.**

For purposes of this Article, the following definitions apply:

- (a) 'City' means the City of East Dublin.
- (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 therefore.
- (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 city.

**Section 22 - 27. Findings.**

- (1) The city 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 city services as of the date of passage of this ordinance include water, sewer, and garbage.
- (3) The City of East Dublin has not experienced identity theft related to covered accounts.
- (4) The processes of opening a new covered account, restoring an existing covered account and making payments on such accounts have been identified as potential processes in which identity theft could occur.
- (5) The city 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 city’s computer system and is not otherwise

recorded.

- (6) The city determines that there is a low risk of identity theft occurring in the following ways (*if any*):
  - 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.

#### **Section 22 - 28. Process of Establishing a Covered Account.**

- (1) As a precondition to opening a covered account in the city, each applicant shall provide the city with personal identifying information of the customer, such as, a valid government issued identification card containing a photograph of the customer or, for customers who are not natural persons, a photograph of the customer's agent opening the account. Such information shall be entered directly into the city'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 city may utilize computer software to randomly generate assigned PINs and to encrypt account numbers and PINs.

#### **Section 22 - 29. Access to Covered Account Information.**

- (1) Access to customer accounts shall be password protected and shall be limited to authorized city personnel.
- (2) Such password(s) shall be changed by the City Clerk, or his or her designee, on a regular basis, shall be at least 8 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 City 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 City Administrator and the City Attorney.

#### **Section 22 - 30. 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 city'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.

## **Section 22 - 31. 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 freeze 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.
  - 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, city 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. Nonpayment 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 city is notified that the customer is not receiving paper account statements.
  - g. The city is notified of unauthorized charges or transactions in connection with a customer's account.
  - h. The city 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.

## **Section 22 - 32. Prevention and Mitigation of Identity Theft.**

- (1) In the event that any city 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 City Clerk. 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 City Clerk, who may in his or her discretion determine that no further action is necessary. If the City Clerk in his or her discretion determines that further action is necessary, a city employee shall perform one or more of the following responses, as determined to be appropriate by the City Clerk:
  - 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 twenty four (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 city employee responsible for or involved in opening a new covered account becomes aware of red flags indicating possible identity theft with respect 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 City Clerk. 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 City Clerk, who may in his or her discretion determine that no further action is necessary. If the City Clerk in his or her discretion determines that further action is necessary, a city employee shall perform one or more of the following responses, as determined to be appropriate by the City Clerk:

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

### **Section 22 - 33. Updating the Program.**

The city 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 city and its covered accounts from identity theft. In so doing, the city council shall consider the following factors and exercise its discretion in amending the program:

- (1) The city'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 city offers or maintains; and
- (5) Updates in service provider arrangements.

### **Section 22 - 34. Program Administration.**

- (1) The City Clerk is responsible for oversight of the program and for program implementation. The City Administrator 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 the City Administrator, 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 city council for consideration by the council.
- (2) The City Clerk will report to the City 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 city 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;
  - d. Recommendations for material changes to the Program.

- (3) The City Clerk 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 City Clerk shall exercise his or her discretion in determining the amount and substance of training necessary.

#### **Section 22 - 35. Outside Service Providers.**

In the event that the city engages a service provider to perform an activity in connection with one or more covered accounts the City Clerk shall exercise his or her discretion in reviewing such arrangements in order to ensure, to the best of his or her 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.

#### **Section 22 - 36. Treatment of Address Discrepancies.**

- (1) Pursuant to 16 CFR § 681.1, the purpose of this Section is to establish a process by which the city 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 city has received a notice of address discrepancy.
- (2) For purposes of this Section '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.
- (3) In the event that the city receives a notice of address discrepancy, the city 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:
  - (A) Compare the information in the consumer report with:
    - i. Information the city 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(l);
    - ii. Information the city maintains in its own records, such as applications for service, change of address notices, other customer account records or tax records; or
    - iii. Information the city obtains from third-party sources that are deemed reliable by the relevant city employee; or
    - iv. Verify the information in the consumer report with the consumer.

#### **Section 22 - 37. Furnishing Consumer's Address to Consumer Reporting Agency.**

- (1) In the event that the city reasonably confirms that an address provided by a consumer to the city is accurate, the city is required to provide such address to the consumer reporting agency from which the city 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 city is able to form a reasonable belief that the consumer report relates to the consumer about whom the city requested the report;
  - b. The city establishes a continuing relation with the consumer; and
  - c. The city 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 city to such agency for the reporting period in which the city establishes a relationship with the customer.

## **Section 22 - 38. Methods of Confirming Consumer Addresses.**

The city 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 city's records to verify the consumer's address;
- (3) Verifying the address through third party sources; or
- (4) Using other reasonable processes.

### **Section 2**

The preamble to this ordinance is hereby incorporated into this ordinance as if set out fully herein.

### **Section 3**

All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

### **Section 4**

The adoption date of this ordinance is October 12, 2009.

### **Section 5**

The effective date of this ordinance is October 12, 2009.