

Proposed Ordinance #0-12-24
Subject Matter: Amendments to Chapter 86, Rate Amendment
Date of Public Hearing Before City Council: 06-20-24
Date of Adoption: 07-18-24
Date of Notice Published in Fayette County News: 07-10-24

**CITY OF FAYETTEVILLE
COUNTY OF FAYETTE
STATE OF GEORGIA**

**ORDINANCE NUMBER 0-12-24
CITY OF FAYETTEVILLE, GEORGIA**

PREAMBLE AND FINDINGS

AN ORDINANCE OF THE CITY OF FAYETTEVILLE

WHEREAS, Mayor and City Council of the City of Fayetteville (the “City”) desire to amend the City’s existing water and sewer rate schedules to comply with the 2010 and 2013 Series Water and Sewer Revenue Bond that was retired and replaced with the PFA Revenue Bonds Series 2019 require debt coverage;

WHEREAS, the Ordinance will aid the City in meeting the PFA Revenue Bonds Series 2019 required debt coverage by implementing a 5% increase rate structure.

WHEREFORE THE CITY OF FAYETTEVILLE HEREBY ADOPTS AND ORDAINS THE FOLLOWING ORDINANCE:

ARTICLE I

The Mayor and City Council do hereby ordain and enact these additions to the City’s ordinances codified at Section 86-62 and 86-65 of the City of Fayetteville’s Code by adding and including language contained hereinafter which is double-underlined (double-underlined) to the original text as follows:

DIVISION 2. RATES, CHARGES AND BILLING

Sec. 86-62. Basic rates.

There is hereby adopted the following sewer and water rate schedules for the city:

(1) *Sewer rates.*

- a. For all residential customers, whose service is provided by the city, the sewer rate shall be:
 - 1. Monthly water usage from zero gallons to 2,000 gallons ~~\$23.22~~ 24.38 minimum;
and
 - 2. Monthly water usage in excess of 2,000 gallons, an additional ~~\$4.26~~ 4.47 per 1,000 gallons used in excess of the initial 2,000 gallons.
- b. Reserved.
- c. For all commercial customers, whose service is provided by the city, the water rate shall be:
 - 1. Monthly water usage from zero gallons to 2,000 gallons ~~\$41.94~~ 44.04 minimum;
and
 - 2. Monthly water usage in excess of 2,000 gallons, an additional ~~\$4.26~~ 4.47 per 1,000 gallons used in excess of the initial 2,000 gallons.

(2) *Water rates.*

- a. For all residential customers, whose service is provided by the city, the water rate shall be:
 - 1. Monthly water usage from zero gallons to 2,000 gallons, ~~\$21.29~~ 22.35 minimum;
and
 - 2. Monthly water usage in excess of 2,000 gallons, an additional ~~\$4.25~~ 4.46 per 1,000 gallons used in excess of the initial 2,000 gallons up to 10,000 gallons.
 - 3. Monthly water usage in excess of 10,000 gallons shall be billed at 125 percent of the city's residential per gallon charge.
 - 4. Monthly water usage in excess of 20,000 gallons shall be billed at 200 percent of the city's residential per gallon charge in order to encourage water conservation.
 - b. Reserved.
 - c. For all commercial customers, whose service is provided by the city, the water rate shall be:
 - 1. Monthly water usage from zero gallons to 2,000 gallons, ~~\$39.08~~ 41.03 minimum;
and
 - 2. Monthly water usage in excess of 2,000 gallons, an additional ~~\$4.25~~ 4.46 per 1,000 gallons used in excess of the initial 2,000 gallons.
- (3) *Minimum charge.* The minimum charge for water and/or sewer shall be based upon the number of existing residential or commercial units, which potentially may be served by each water meter. A minimum charge shall be charged for each apartment unit and each commercial, business or industrial unit being occupied by different occupants or being put to different uses, or for each unit separated from another unit by a firewall. The number of minimum charges billed per meter is subject to change as the configuration or use of a building or structure changes.

(Ord. No. 0-11-01, art. V, 4-19-01; Ord. No. 0-42-05, arts. I, II, 12-1-05; Ord. No. 0-3-06, arts. 1, 2, 4-6-06; Ord. No. 0-17-07, §§ 1, 2, 7-19-07; Ord. No. 0-22-08, art. 1, 8-7-08; Ord. No. 0-7-10, art. I, 7-15-10; Ord. No. 0-13-12, art. I, 7-19-12; Ord. No. 0-13-13, art. II, 8-1-13; Ord. No. 0-9-14, arts. I, II, 7-17-14; Ord. No. 0-20-15, arts. I, II, 9-3-15; Ord. No. 0-11-16, arts. I, II, 7-7-16; Ord. No. 0-11-17, art. I, 7-20-17; Ord. No. 0-15-18, arts. I, II, 7-19-18; Ord. No. 0-18-19, arts. I, II, 7-18-19; Amend. of 8-1-22)

Sec. 86-62. Basic rates.

There is hereby adopted the following sewer and water rate schedules for the city:

(1) *Sewer rates.*

- a. For all residential customers, whose service is provided by the city, the sewer rate shall be:
 - 1. Monthly water usage from zero gallons to 2,000 gallons \$24.38 minimum; and
 - 2. Monthly water usage in excess of 2,000 gallons, an additional \$4.47 per 1,000 gallons used in excess of the initial 2,000 gallons.
- b. Reserved.
- c. For all commercial customers, whose service is provided by the city, the water rate shall be:
 - 1. Monthly water usage from zero gallons to 2,000 gallons \$44.04 minimum; and
 - 2. Monthly water usage in excess of 2,000 gallons, an additional \$4.47 per 1,000 gallons used in excess of the initial 2,000 gallons.

(2) *Water rates.*

- a. For all residential customers, whose service is provided by the city, the water rate shall be:
 - 1. Monthly water usage from zero gallons to 2,000 gallons, \$22.35 minimum; and
 - 2. Monthly water usage in excess of 2,000 gallons, an additional \$4.46 per 1,000 gallons used in excess of the initial 2,000 gallons up to 10,000 gallons.
 - 3. Monthly water usage in excess of 10,000 gallons shall be billed at 125 percent of the city's residential per gallon charge.
 - 4. Monthly water usage in excess of 20,000 gallons shall be billed at 200 percent of the city's residential per gallon charge in order to encourage water conservation.
- b. Reserved.
- c. For all commercial customers, whose service is provided by the city, the water rate shall be:
 - 1. Monthly water usage from zero gallons to 2,000 gallons, \$41.03 minimum; and
 - 2. Monthly water usage in excess of 2,000 gallons, an additional \$4.46 per 1,000 gallons used in excess of the initial 2,000 gallons.

- (3) *Minimum charge.* The minimum charge for water and/or sewer shall be based upon the number of existing residential or commercial units, which potentially may be served by each water meter. A minimum charge shall be charged for each apartment unit and each commercial, business or industrial unit being occupied by different occupants or being put to different uses, or for each unit separated from another unit by a firewall. The number of minimum charges billed per meter is subject to change as the configuration or use of a building or structure changes.

(Ord. No. 0-11-01, art. V, 4-19-01; Ord. No. 0-42-05, arts. I, II, 12-1-05; Ord. No. 0-3-06, arts. 1, 2, 4-6-06; Ord. No. 0-17-07, §§ 1, 2, 7-19-07; Ord. No. 0-22-08, art. 1, 8-7-08; Ord. No. 0-7-10, art. I, 7-15-10; Ord. No. 0-13-12, art. I, 7-19-12; Ord. No. 0-13-13, art. II, 8-1-13; Ord. No. 0-9-14, arts. I, II, 7-17-14; Ord. No. 0-20-15, arts. I, II, 9-3-15; Ord. No. 0-11-16, arts. I, II, 7-7-16; Ord. No. 0-11-17, art. I, 7-20-17; Ord. No. 0-15-18, arts. I, II, 7-19-18; Ord. No. 0-18-19, arts. I, II, 7-18-19; Amend. of 8-1-22)

Sec. 86-65. Unmetered water.

- (a) To obtain water from the city water and department at an unmetered source, the customer shall first obtain a permit from the city, and pay such deposit as may be required. A customer using unmetered water shall have said permit within his possession at all times the customer is using the city's water from the unmetered source. The unmetered water permit shall be valid only for those dates indicated on the permit, and water may be withdrawn from the city's system only from those locations designated on the permit. The department shall furnish a meter to the customer for the metering of water at the designated source. The customer shall meter all water consumed by the customer at the designated location.

An individual obtaining city water from an unmetered source without a city permit, or obtaining city water from an unmetered source without paying the city the rates provided in this section, or failing to have a valid permit within his possession at any time during use at an unmetered source, or use of city water at an unmetered source not designated in the permit, or on days or at times not designated in the permit, or failure to use the meter supplied by the city at any time water is being withdrawn from the city's system at an unmetered source shall be in violation of this section and shall be subject to a fine not to exceed \$1,000.00 for each violation. Each day of a continuing violation of this section shall be considered as a separate violation.

The customer obtaining water at an unmetered source shall be billed for usage at the following rates:

- (1) Water usage during terms of permit issued from zero to 5,000 gallons, ~~\$39.08~~ \$41.03 minimum; and
 - (2) Water usage during terms of permit issued in excess of 5,000 gallons, an additional ~~\$4.25~~ \$4.46 per 1,000 gallons used in excess of the initial 5,000 gallons.
- (b) Temporary use of water meters.
- (1) The city shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may be otherwise obtained, he finds that:
 - a. Any meter box to be removed for connection will be replaced as soon as connection is made and such replacement will conform to or be of greater quality than the initial installation.
 - b. The length of any temporary connection shall have a line no less than six feet long with a standpipe with no less than one-half foot, equipped with a water faucet or hose bib.
 - c. Any temporary lines connected to a city water meter for use during a construction project will be per the sketch on record with the city and/or city water and sewer superintendent.
 - (2)
 - a. A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.
 - b. Any person obtaining a permit from the city shall be held responsible for any violation of this article, which shall constitute an ordinance violation, returnable to the city court, and punishable as provided in the city's Charter.
 - (3) Operation of the meter box valve.
 - a. No person, without authorization from the city, shall operate the valve in the meter box except during connection and any operation of the meter box valve shall be done with the proper type of valve tools specifically used for the operation of curbstops.
 - b. It shall be a violation of this article for any person to operate a meter box valve or obtain water from any unmetered source except in compliance with any regulations set by the city.

(Ord. No. 0-11-01, art. V, 4-19-01; Ord. No. 0-3-06, arts. 1, 2, 4-6-06; Ord. No. 0-17-07, §§ 1,2, 7-19-07; Ord. No. 0-16-22, 7-21-22)

Sec. 86-65. Unmetered water.

- (a) To obtain water from the city water and department at an unmetered source, the customer shall first obtain a permit from the city, and pay such deposit as may be required. A customer using unmetered water shall have said permit within his possession at all times the customer is using the city's water from the unmetered source. The unmetered water permit shall be valid only for those dates indicated on the permit, and water may be withdrawn from the city's system only from those locations designated on the permit. The department shall furnish a meter to the customer for the metering of water at the designated source. The customer shall meter all water consumed by the customer at the designated location.

An individual obtaining city water from an unmetered source without a city permit, or obtaining city water from an unmetered source without paying the city the rates provided in this section, or failing to have a valid permit within his possession at any time during use at an unmetered source, or use of city water at an unmetered source not designated in the permit, or on days or at times not designated in the permit, or failure to use the meter supplied by the city at any time water is being withdrawn from the city's system at an unmetered source shall be in violation of this section and shall be subject to a fine not to exceed \$1,000.00 for each violation. Each day of a continuing violation of this section shall be considered as a separate violation.

The customer obtaining water at an unmetered source shall be billed for usage at the following rates:

- (1) Water usage during terms of permit issued from zero to 5,000 gallons, \$41.03 minimum; and
 - (2) Water usage during terms of permit issued in excess of 5,000 gallons, an additional \$4.46 per 1,000 gallons used in excess of the initial 5,000 gallons.
- (b) Temporary use of water meters.
- (1) The city shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may be otherwise obtained, he finds that:
 - a. Any meter box to be removed for connection will be replaced as soon as connection is made and such replacement will conform to or be of greater quality than the initial installation.
 - b. The length of any temporary connection shall have a line no less than six feet long with a standpipe with no less than one-half foot, equipped with a water faucet or hose bib.
 - c. Any temporary lines connected to a city water meter for use during a construction project will be per the sketch on record with the city and/or city water and sewer superintendent.
 - (2)
 - a. A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.
 - b. Any person obtaining a permit from the city shall be held responsible for any violation of this article, which shall constitute an ordinance violation, returnable to the city court, and punishable as provided in the city's Charter.
 - (3) Operation of the meter box valve.
 - a. No person, without authorization from the city, shall operate the valve in the meter box except during connection and any operation of the meter box valve shall be done with the proper type of valve tools specifically used for the operation of curbstops.
 - b. It shall be a violation of this article for any person to operate a meter box valve or obtain water from any unmetered source except in compliance with any regulations set by the city.

(Ord. No. 0-11-01, art. V, 4-19-01; Ord. No. 0-3-06, arts. 1, 2, 4-6-06; Ord. No. 0-17-07, §§ 1,2, 7-19-07; Ord. No. 0-16-22, 7-21-22)

ARTICLE III

This Ordinance shall become immediately effective upon its second reading and adoption by the City Council.

ARTICLE IV

The Preamble of this Ordinance shall be construed to be, and is hereby incorporated by reference as if fully set out herein.

ARTICLE V

If any sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, sentence, paragraph, or section of this Ordinance shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such an illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

ARTICLE VI

The additions made to City Code Section 86-62 and Section 86-65 of the Code of Ordinances of the City of Fayetteville by this ordinance shall not be construed or held to negate any offense committed against such Section 86-62 and Section 86-65 or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under Section 86-62 and 86-65, or in any way affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the herein newly enacted Code Section ("New Section") takes effect, save only that proceedings thereafter shall conform to the New Section, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of the New Section, such provision may be, by the consent of the party affected, applied to any judgment announced after the New Section takes effect. This Savings Clause shall extend to all repeals, either by express words or implication.

ARTICLE VII

Article Two of this Ordinance shall remain codified at Chapter 86, of the City's Code of Ordinances.

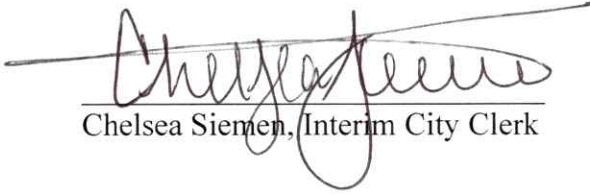
BE IT RESOLVED, that the Mayor and Council of the City of Fayetteville, Georgia do hereby adopt the attached City of Fayetteville


SO RESOLVED, this 15th Day of August 2024.

ABSENT

Edward J. Johnson, Jr., Mayor


Attest:


Chelsea Siemen, Interim City Clerk


Richard J. Hoffman, Mayor Pro Tem


T. Joe Clark, Councilmember


Niyah Glover, Councilmember


Darryl Langford, Councilmember


Scott Stacy, Councilmember