

**AN ORDINANCE
BY COUNCILMEMBER CARLA SMITH
AS AMENDED BY CITY UTILITIES COMMITTEE**

07-O-2523

AN ORDINANCE TO SET A SEPARATE WATER RATE PURSUANT TO ATLANTA CITY CODE CHAPTER 154, ARTICLE III, DIVISION 3 (RATES, CHARGES AND RELATED MATTERS), SECTIONS 111 (AUTHORITY TO FIX WATER RATES) AND 112 (ESTABLISHED), FOR CUSTOMERS WITH METERS OR DEVICES THAT HAVE BEEN GRANTED EXEMPTIONS FROM THE SEWER SERVICE CHARGE PURSUANT TO ATLANTA CITY CODE CHAPTER 154, ARTICLE V, DIVISION 3 (RATES AND CHARGES), SECTION 277, (SEWER SERVICE CHARGE), SUBSECTION (E), TO ENCOURAGE CONSERVATION OF WATER RESOURCES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City"), pursuant to its charter, has the responsibility of providing water and sewer service to its residents and customers; and

WHEREAS, since 2006, northern Georgia has been experiencing a drought that has significantly worsened in recent months due to extremely low levels of rainfall; and

WHEREAS, in August of 2007, rivers, lakes and streams in north Georgia were at or near record lows and according the U.S. Army Corp of Engineers, Lake Lanier may be at an historic low by the end of 2007;

WHEREAS, on September 28, 2007, the Director of the Environmental Protection Division, Department of Natural Resources, State of Georgia Declared Drought Response Level Four water use restrictions for the northern third of Georgia; and

WHEREAS, on October 20, 2007 Governor Perdue signed an executive order declaring a state of emergency in 85 counties in Georgia due to the historic drought; and

WHEREAS, due to the recent drought, Governor Purdue ordered that holders of withdrawal permits and public water supply systems with operating permits in the counties subject to Declared Drought Response Level Four water use restrictions, including the City of Atlanta, be required to reduce water withdrawals/production by ten percent (10%) compared to water withdrawals/production during winter 2006, beginning November 1, 2007; and

WHEREAS, it is in the best interest of the City to discourage nonessential use and consumptive use of water so as to ensure the continuance of an adequate water supply for its residents and customers as well as for downstream users and the environment; and

WHEREAS, the Atlanta City Code Chapter 154, Section 277, subsection (e) permits water customers who can show to the satisfaction of the Commissioner of the Department of Watershed Management that a significant portion of the water used by said customer, as measured by the water meter or meters, does not enter the water pollution control

facilities, to install an additional meter or other device to establish the portion that does not enter the City's sewer system or another public sewer system and to not be billed the sewer service charge for said portion; and

WHEREAS, the City's current tiered rate structure encourages conservation but fails to fully discourage consumptive uses of water such as on-site sewage management systems (i.e. septic tanks) and use of water for irrigation; and

WHEREAS, to promote a reduction in said usage it is in the best interests of the City to charge a higher rate for consumptive usage of water such as outdoor water use measured by a separate meter or device; and

WHEREAS, it is in the best interests of the City to exempt from this charge industrial consumptive usage of water by an industrial user to the extent that said usage is the commercial item manufactured by the industrial user that is ultimately consumed off-site, such as a consumer beverage or cleaning product; and

WHEREAS, it is in the best interests of the City to set the rate for meters not subject to the sewer service charge pursuant to Atlanta City Code § 154-277(e) to be equivalent to the charge for usage greater than six hundred cubic feet starting on the Effective Date, plus one hundred percent (100%); and

WHEREAS, it is in the best interests of the City to begin charging the aforementioned rate as soon as possible and immediately upon the enactment of this ordinance (the "Effective Date").

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

SECTION 1: That as authorized by Chapter 154, Article III, Division 3 (Rates, Charges, and Related Matters), Sections 111 and 112, the rates and charges for the city water service shall be established immediately upon enactment of this ordinance (the "Effective Date") as follows:

that monthly In-City and Outside City water rates for domestic, commercial, industrial and other users of the City of Atlanta system whose usage is measured by separate meters or devices and whose used water is not returned to the City's wastewater sewer system or another public wastewater sewer system and who are not charged a sewer service charge pursuant to Atlanta City Code § 154-277(e) shall be charged a water rate equivalent to the charge for usage greater than six hundred cubic feet plus one hundred percent (100%) for all usage between the Effective Date and June 30, 2008;

SECTION 2: That the water rate for separate meters or devices measuring water used by customers that is not returned to the City's wastewater system shall not apply to industrial users to the extent that said usage is the water used in the commercial item

manufactured by the industrial user that is ultimately consumed off-site such as a consumer beverage or cleaning product.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

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