

**AN ORDINANCE  
BY CITY UTILITIES COMMITTEE**

**AN ORDINANCE TO AMEND CHAPTER 154 (UTILITIES), ARTICLE III (WATER), DIVISION 3 (RATES, CHARGES AND RELATED) OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS REQUIRE THAT ALL NEWLY CONSTRUCTED MULTI-FAMILY OR MIXED USE BUILDINGS CONTAINING RESIDENTIAL UNITS INSTALL SEPARATE WATER METERS FOR EACH RESIDENTIAL UNIT; TO REQUIRE THE INSTALLATION OF SEPARATE METERS IN MULTI-FAMILY OR MIXED USED BUILDINGS UNDERGOING MAJOR RENOVATION INVOLVING THE REPAIR OR REPLACEMENT OF PLUMBING FIXTURES; AND FOR OTHER PURPOSES.**

**WHEREAS**, since 2006, northern Georgia has been experiencing a historic and exceptional drought that the State of Georgia predicts will continue to affect the state's water resources; and

**WHEREAS**, the Water Conservation Action No. 5 of the Water Supply and Water Conservation Management Plan ("Plan") of the Metropolitan North Georgia Water Planning District ("District"), adopted in 2003 and amended in 2006, recommends that local water service providers "require that all new multi-family buildings (i.e. apartments, town homes, condominiums) be built with either individual water utility owned meters on each unit" or that water be measured by the use of "sub-unit meters owned and managed by the property owner with a utility owned master meter;" and

**WHEREAS**, the National Multiple Family Submetering and Allocation Billing Program Study found a reduction of 15.3% (21.8 gal/day/unit) in the amount of water used by rental properties as contrasted with rental properties where the water is measured by an individual meter; and

**WHEREAS**, the time and location of water leaks will be more readily detected by individual customers if their water usage is measured by individual meters which will in turn encourage conservation, faster repairs, and reduce the needless waste of water; and

**WHEREAS**, it is in the best interests of the City to implement the water conservation measures recommended in the Plan through the promotion of water conservation by providing and allowing for the measurement of water use in each individual residential unit within a multi-family or mixed-use building.

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

**SECTION 1.**

That the existing Chapter 154, Article III, Division 3, Section 154-115 entitled Residential customers served through single meter be deleted and replaced with the following:

Use of submeters in multifamily or mixed use structures containing residential units; Existing residential customers served through a single meter during construction.

(a) No water shall be supplied nor any building permit issued to any newly constructed multi-family residential building or structure or mixed use building or structure containing residential units except through the use of a submeter that measures the quantity of water that is provided to each residential unit. This requirement shall not apply to those applications received by the Bureau of Buildings prior to July 1, 2009.

(b) No water shall be supplied nor any building permit issued to any existing multi-family or mixed use building or structure containing residential units having major renovations performed involving the replacement or repair of water pipes or drain pipes unless the owner or operator installs submeters that measure the quantity of water provided to each residential unit. This requirement shall not apply to those applications received by the Bureau of Buildings prior to July 1, 2009.

(c) The Commissioner of the Department of Watershed Management and the Director of the Bureau of Buildings shall have the authority to waive the requirement of installing submeters for only existing structures undergoing major renovation involving the replacement or repair of water pipes or drain pipes. Applicant shall be required to show that submetering is not feasible given the cost of the submetering and the design of the building. If the Director and Commissioner determine, after review of the application, that fulfilling the requirement is not feasible due to the cost of the submetering and the design of the building, a waiver may be granted. A waiver may only be granted if such a request is submitted in writing to the Commissioner of the Department of Watershed Management and the Director of the Bureau of Buildings with documentation to include, but not limited to, the following: (1) Applicant's name and address; (2) Reason for the request; (3) Submission of the building plans and documentation of the cost of submetering the building. Additional documents may be requested. If granted, said waiver shall be in writing.

(d) The Department of Watershed Management will not read or bill the submeter(s) required in this section. The Department will only read the master or main meter associated with a water and sewer account of the City of Atlanta. All maintenance, repair and testing of the submeters shall be at the building owner or operator's expense.

(e) Monthly water and sewer rates and charges applicable to a single account will be charged while under construction for structures that have more than one house, apartment or condominium living unit on one meter. As soon as any part of the building is

occupied, water and sewer base charges will be applicable for each house, apartment or condominium living unit that may be occupied and monthly rates and charges for water consumption and sewer service will be computed based on each unit having used water within each consumption range of the adopted rate schedule.

## **SECTION 2**

That Appendix E of the Atlanta Housing Code, Article II, Section 20(c) entitled "Minimum Standards" shall be amended by adding a new subsection (3) which states the following:

3. The installation of submeters to measure water usage shall be required as described in Article II, Section 154-115 of the Code for newly constructed multifamily or mixed use buildings containing residential units or any existing multi-family or mixed use building or structure containing residential units having major renovations performed involving the replacement or repair of water pipes or drain pipes.

## **SECTION 3.**

If any provision, clause, sentence or paragraph of this ordinance, or the application thereof to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this ordinance which can be given effect without the invalid provisions or application and, to this end, the provisions of this ordinance are hereby declared to be severable.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Committee of Purview:** CITY UTILITIES COMMITTEE

**Caption:** AN ORDINANCE TO AMEND CHAPTER 154 (UTILITIES), ARTICLE III (WATER), DIVISION 3 (RATES, CHARGES AND RELATED) OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS REQUIRE THAT ALL NEWLY CONSTRUCTED MULTI-FAMILY OR MIXED USE BUILDINGS CONTAINING RESIDENTIAL UNITS INSTALL SEPARATE WATER METERS FOR EACH RESIDENTIAL UNIT; TO REQUIRE THE INSTALLATION OF SEPARATE METERS IN MULTI-FAMILY OR MIXED USED BUILDINGS UNDERGOING MAJOR RENOVATION INVOLVING THE REPAIR OR REPLACEMENT OF PLUMBING FIXTURES; AND FOR OTHER PURPOSES.

**Council Meeting Date:** March 2, 2009- First Read

**Requesting Dept.:** Watershed Management

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

**Example:** *The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.*

The purpose of this legislation is to implement the Water Conservation Action No. 5 of the Water Supply and Water Conservation Management Plan ("Plan") of the Metropolitan North Georgia Water Planning District ("District"), adopted in 2003 and amended in 2006, that recommends local water service providers "require that all new multi-family buildings (i.e. apartments, town homes, condominiums) be built with either individual water utility owned meters on each unit" or that water be measured by the use; of "sub-unit meters owned and managed by the property owner with a utility owned master meter

**2. Please provide background information regarding this legislation.**

**Example:** *The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.*

The National Multiple Family Submetering and Allocation Billing Program Study found a reduction of 15.3% (21.8 gal/day/unit) in the amount of water used by rental properties as contrasted with rental properties where the water is measured by an individual meter. The time and location of water leaks will be more readily detected by individual customers if their water usage is measured by individual meters which will in turn encourage conservation, faster repairs, and reduce the needless waste of water.

**3. If Applicable/Known:**

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):**
- (b) **Source Selection:**
- (c) **Bids/Proposals Due:**
- (d) **Invitations issued:**
- (e) **Number of Bids:**
- (f) **Proposals Received:**
- (g) **Bidders/Proponents:**
- (h) **Term of Contract:**

**4. Fund Account Center (Ex. Name and number):**

**Fund:** \_\_\_\_\_ **Account:** \_\_\_\_\_ **Center:** \_\_\_\_\_

**5. Source of Funds: Example: Local Assistance Grant n/a**

**6. Fiscal Impact: n/a**

**Example: This legislation will result in a reduction in the amount of \_\_\_\_\_ to Fund Account Center Number \_\_\_\_\_.**

**7. Method of Cost Recovery: n/a**

**Examples:**

- a. **Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.**
- b. **Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.**

**This Legislative Request Form Was Prepared By: Maisha L. Wood**

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: \_\_\_\_\_ Maisha L. Wood \_\_\_\_\_

Contact Number: \_\_\_\_\_ (404) 330-6887 \_\_\_\_\_

Originating Department: \_\_\_\_\_ Department of Watershed Management \_\_\_\_\_

Committee(s) of Purview: \_\_\_\_\_ City Utilities \_\_\_\_\_

Chief of Staff Deadline: \_\_\_\_\_ February 12, 2009 \_\_\_\_\_

Anticipated Committee Meeting Date(s): \_\_\_\_\_ February 25, 2009 \_\_\_\_\_

Anticipated Full Council Date: \_\_\_\_\_ March 2, 2009 \_\_\_\_\_

Legislative Counsel's Signature: \_\_\_\_\_  \_\_\_\_\_

Commissioner Signature: \_\_\_\_\_  \_\_\_\_\_

Chief Procurement Officer Signature: \_\_\_\_\_ n/a \_\_\_\_\_

CAPTION

AN ORDINANCE TO AMEND CHAPTER 154 (UTILITIES), ARTICLE III (WATER), DIVISION 3 (RATES, CHARGES AND RELATED) OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS REQUIRE THAT ALL NEWLY CONSTRUCTED MULTI-FAMILY OR MIXED USE BUILDINGS CONTAINING RESIDENTIAL UNITS INSTALL SEPARATE WATER METERS FOR EACH RESIDENTIAL UNIT; TO REQUIRE THE INSTALLATION OF SEPARATE METERS IN MULTI-FAMILY OR MIXED USED BUILDINGS UNDERGOING MAJOR RENOVATION INVOLVING THE REPAIR OR REPLACEMENT OF PLUMBING FIXTURES; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any): n/a

Mayor's Staff Only

Received by CPO: \_\_\_\_\_ Received by LC from CPO: \_\_\_\_\_  
(date) (date)

Received by Mayor's Office: \_\_\_\_\_ Reviewed by: \_\_\_\_\_  
(date) (date)

Submitted to Council: \_\_\_\_\_  
(date)