

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 010-033

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING CHAPTER 82 OF THE CODE OF ORDINANCES OF THE TOWN BY AMENDING SEWER RATES AND WATER RATES FOR ALL CUSTOMER CLASSIFICATIONS AND BY AMENDING THE VOLUME INCLUDED IN THE MONTHLY MINIMUM BILL FOR MULTI-FAMILY, MUNICIPAL, COMMERCIAL SMALL, INDUSTRIAL LARGE, HOTEL/MOTEL, SPRINKLER LARGE, AND SPRINKLER SMALL USERS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Addison, Texas (the "City") is a home rule municipality having full power of local self government pursuant to Article 11, Section 5 of the Texas Constitution and its Home Rule Charter; and

WHEREAS, the City Council is authorized by Section 2.08.p. of the City Charter to provide for a sanitary sewer and water system, and the City is authorized by law (including, without limitation, Sections 552.001 and 552.017, Tex. Loc. Gov. Code) to own, construct and operate a water and sewer system and to prescribe rates therefor; and

WHEREAS, the City's water and sewer utility rates have not been adjusted in the last two years; and

WHEREAS, the City has conducted a review and evaluation of the City's water and sewer utility rates and has determined therefrom that the rates need to be adjusted as set forth herein to support the operating, maintenance, and capital needs of the City's water and sewer utility system.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

Section 1. The Code of Ordinances (the "Code") of the Town of Addison, Texas (the "City") is hereby amended as follows (additions are underlined, deletions are ~~struck through~~):

A. Chapter 82 (Utilities), Article I (In General), Division 5 (Rates and Charges) of the Code is hereby amended in part as follows:

1. Section 82-76 (Sewage rates) of the Code is amended by amending subsections (1) (Sewer minimum bills) and (2) (Sewer volume rate) thereof to hereafter read as follows:

(1) *Sewer minimum bills*. Minimum monthly bill shall be applied to all customers based upon customer classification and shall include an allowance for volume based upon water consumed as follows:

Customer Classification:	Minimum Monthly Bill	Volume Included (Gallons)
Single-Family Residential	\$ <u>15.02</u> 13.50	2,000
Multifamily Residential	<u>321.70</u> 68.75	<u>70</u> 15 ,000
Municipal /Schools	<u>96.20</u> 90.00	20,000
<u>Municipal</u>	<u>51.10</u>	<u>10,000</u>
Commercial Large (meter size greater than or equal to two inches)	<u>172.87</u> 162.25	37,000
Commercial Small (meter size less than two inches)	<u>28.55</u> 17.75	<u>53,000</u>
Industrial Large (meter size greater than or equal to two inches)	<u>172.87</u> 345.00	<u>3780,000</u>
Industrial Small (meter size less than two inches)	<u>19.53</u> 17.75	3,000
Hotel/Motel	<u>457.00</u> 345.00	<u>10080,000</u>

(2) *Sewer volume rate.* All volume which exceeds the amount allowed in the minimum bill shall be charged at a rate of \$4.51~~25~~ per 1,000 gallons of water consumed for all customer classifications.

2. Section 82-77 (Water rates) of the Code is amended to hereafter read as follows:

(1) *Water minimum bills.* Minimum monthly bill shall be applied to all customers based upon customer classification and shall include an allowance for volume based upon water consumed as follows:

Customer Classification:	Minimum Monthly Bill	Volume Included (Gallons)
Single-Family Residential	\$ <u>10.84</u> 9.10	2,000
Multifamily Residential	<u>157.90</u> 35.75	<u>70</u> 15 ,000
Municipal /Schools	<u>49.40</u> 46.00	20,000
<u>Municipal</u>	<u>27.70</u>	<u>10,000</u>
Commercial Large (meter size greater than or equal to two inches)	<u>86.29</u> 80.85	37,000
Commercial Small (meter size less than two inches)	<u>16.85</u> 11.15	<u>53,000</u>
Industrial Large (meter size greater than or equal to two inches)	<u>86.29</u> 169.00	<u>3780,000</u>
Industrial Small (meter size less than two inches)	<u>12.51</u> 11.15	3,000

Hotel/Motel	<u>223.00</u> 169.00	<u>100</u> 80 ,000
Sprinkler Large (meter size greater than or equal to two inches)	<u>180.00</u> 115.70	<u>40</u> 27 ,000
Sprinkler Small (meter size less than two inches)	<u>71.25</u> 25.50	<u>15</u> ,000
Fire Meters	<u>23.36</u> 21.40	8,000

(2) *Water volume rate.* All volume which exceeds the amount allowed in the minimum bill shall be charged at a rate of \$2.17~~05~~ per 1,000 gallons of water consumed for all customer classifications, with the exceptions as noted in subsection (3) below.

(3) *Water conservation volume rate.* Single-family residential customers shall be charged a rate of \$4.35~~10~~ per 1,000 gallons of water for all water consumed in excess of 15,000 gallons. Sprinkler (large and small) customers shall be charged for all volume, which exceeds the amount allowed in the minimum bill, at a rate of \$4.35~~10~~ per 1,000 gallons of water consumed.

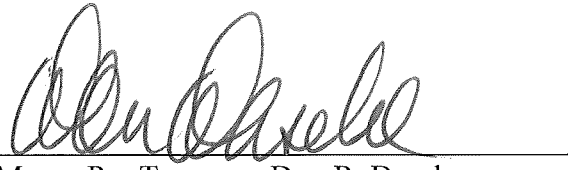
Section 2. Savings; Repealer. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those Ordinances are in direct conflict with the provisions of this Ordinance. Provided, however, that the repeal of such ordinances or parts of such ordinances, and the amendments and changes made by this Ordinance, shall not affect any right, property or claim which was or is vested in the City, or any act done, or right accruing or accrued, or established, or any suit, action or proceeding had or commenced before the time when this Ordinance shall take effect; nor shall said repeals, amendments or changes affect any offense committed, or any penalty or forfeiture incurred, or any suit or prosecution pending at the time when this Ordinance shall take effect under any of the ordinances or sections thereof so repealed, amended or changed; and to that extent and for that purpose the provisions of such ordinances or parts of such ordinances shall be deemed to remain and continue in full force and effect.

Section 3. Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 4. Premises. The above and foregoing premises are true and correct and are incorporated herein and made a part of this Ordinance.

Section 5. Effective Date. This Ordinance shall become effective October 1, 2010 and be applied to monthly customer bills beginning with the November 2010 billing cycle.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the 21st day of September 2010.

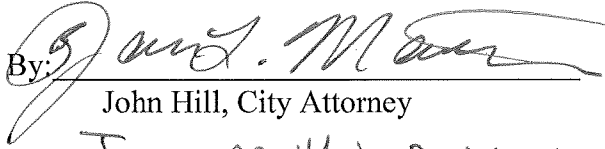


Mayor Pro Tempore, Don R. Daseke

ATTEST:

By: 
Lea Dunn, City Secretary

APPROVED AS TO FORM:

By: 
John Hill, City Attorney
Jason Mathis, Assistant
City Attorney