

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 011-008

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING CHAPTER 82 (UTILITIES) OF THE CODE OF ORDINANCES OF THE TOWN BY AMENDING THE SEWER AND WATER MINIMUM BILLS FOR THE MULTI-FAMILY RESIDENTIAL CUSTOMER CLASSIFICATION AND INCLUDING A MULTI-FAMILY LARGE USER AND A MULTI-FAMILY SMALL USER; AMENDING THE VOLUME INCLUDED IN THE MONTHLY MINIMUM BILL FOR MULTI-FAMILY LARGE USER AND MULTI-FAMILY SMALL USER; PROVIDING AN ADJUSTMENTS CLAUSE; 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 the City has determined that the rates need to be adjusted as set forth herein.

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

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 subsection (1) (Sewer minimum bills) 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	\$15.02	2,000
Multifamily Residential <u>Large (meter size greater than or equal to two inches)</u>	<u>172.87</u> 321.70	<u>37,000</u> 70,000
Multifamily Residential <u>Small (meter size less than two inches)</u>	<u>73.65</u>	<u>15,000</u>

Schools	96.20	20,000
Municipal	51.10	10,000
Commercial Large (meter size greater than or equal to two inches)	172.87	37,000
Commercial Small (meter size less than two inches)	28.55	5,000
Industrial Large (meter size greater than or equal to two inches)	172.87	37,000
Industrial Small (meter size less than two inches)	19.53	3,000
Hotel/Motel	457.00	100,000

2. Section 82-77 (Water rates) of the Code is amended by amending subsection (1) (Water minimum bills) thereof 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	\$10.84	2,000
<u>Multifamily Residential Large (meter size greater than or equal to two inches)</u>	<u>86.29</u> 157.90	<u>37,000</u> 70,000
<u>Multifamily Residential Small (meter size less than two inches)</u>	<u>38.55</u>	<u>15,000</u>
Schools	49.40	20,000
Municipal	27.70	10,000
Commercial Large (meter size greater than or equal to two inches)	86.29	37,000
Commercial Small (meter size less than two inches)	16.85	5,000
Industrial Large (meter size greater than or equal to two inches)	86.29	37,000
Industrial Small (meter size less than two inches)	12.51	3,000
Hotel/Motel	223.00	100,000
Sprinkler Large (meter size greater than or equal to two inches)	180.00	40,000
Sprinkler Small (meter size less than two inches)	71.25	15,000
Fire Meters	23.36	8,000

Section 2. Adjustments. Ordinance No. 010-033, adopted September 21, 2010 (i) established a minimum monthly water and sewer bill, based upon a certain volume of water consumed, for the multifamily residential customer classification, and (ii) applied that minimum bill to monthly customer bills beginning with the November 2010 billing cycle. As set forth in Section 1 above, this Ordinance modifies the minimum monthly water and sewer bill for multifamily residential classifications (the "2011 minimum bill amount"). The City Manager is directed to review multifamily residential accounts to determine if, for the November 2010 and December 2010 billing periods, those accounts would have been billed a reduced amount had the 2011 minimum bill amount been in effect during those periods. If the City Manager determines that, for those periods, any of those accounts would have been billed a reduced amount, the City Manager is authorized and directed to credit those accounts the difference between the amount actually billed and the amount that would have been billed had the 2011 minimum bill amount been in effect.

Section 3. 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 4. 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 5. Premises. The above and foregoing premises are true and correct and are incorporated herein and made a part of this Ordinance.


Section 6. Effective Date. This Ordinance shall become effective January 11, 2010 and be applied to monthly customer bills beginning with the January 2011 billing cycle.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS on this the 11th day of January 2011.



Mayor Joe Chow

ATTEST:

By: 
Lea Dunn, City Secretary

APPROVED AS TO FORM:

By: 
John Hill, City Attorney