

RESOLUTION NO. 08- 017

A RESOLUTION ESTABLISHING THE AMOUNT OF USE RATES FOR WATER AND SEWER SERVICE, THE AMOUNT OF CONNECTION FEES FOR WATER SERVICE AND THE AMOUNT OF CONNECTION/CAPACITY FEES FOR SEWER SERVICE; REPEALING CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the City of Flowery Branch is authorized by Art. IX, §II, ¶ III of the Constitution of the State of Georgia, O.C.G.A. § 36-35-3 and Art. VI, § 6.6 of the Charter of the City of Flowery Branch to assess and collect fees, charges and tolls for sewer, sanitary, health services or any other services within and without the corporate limits of the city for the total cost to the city of providing such services; and

WHEREAS, Ordinance No. 100-F authorizes the City Council of the City of Flowery Branch to set the amounts of rates for water and sewer service use, connection fees for water service and connection/capacity fees for sewer service by resolution.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Flowery Branch that the rates for water and sewer service use, the connection fees for water service and the connection/capacity fees for sewer service shall be as follows:

Section 1. Water and Sewer Use Rates.

WATER USE RATES

I. Within the Corporate Limits

A. Established Residential Water Users

0 – 4,500 gallons	\$19.90 minimum charge
Tier 2 – 4,501 to 7,500 gallons	\$4.35 per 1,000 gallons
Tier 3 – 7,501 gallons and over	\$5.80 per 1,000 gallons

B. New (After June 2000) Residential Water Users

1. New Single Family Residential Water Users

0 – 4,500 gallons	\$24.89 minimum charge
Tier 2 – 4,501 to 7,500 gallons	\$5.60 per 1,000 gallons
Tier 3 – 7,501 gallons and over	\$7.46 per 1,000 gallons

2. New Multi-Family Residential Water Users (Per Unit Rates)

0 - 3,355 gallons	\$18.55 minimum charge
Tier 2 – 3,356 to 7,500 gallons	\$5.60 per 1,000 gallons
Tier 3 – 7,501 gallons and over	\$7.46 per 1,000 gallons

For new multi-family residential water users utilizing a master meter, the above per unit rate shall be based on the average stabilized occupancy which is defined as 92% of full occupancy.

C. Non-Residential Water Users

0 – 7,000 gallons	\$24.89 minimum charge
Tier 2 – 7,001 to 60,000 gallons	\$5.22 per 1,000 gallons
Tier 3 – 60,001 gallons and over	\$6.96 per 1,000 gallons

II. Outside the Corporate Limits

A. Residential Water Users

0 – 4,500 gallons	\$24.89 minimum charge
Tier 2 – 4,501 to 7,500 gallons	\$7.82 per 1,000 gallons
Tier 3 – 7,501 gallons and over	\$10.42 per 1,000 gallons

B. Non-Residential Water Users

0 – 7,000 gallons	\$24.89 minimum charge
Tier 2 – 7,001 to 60,000 gallons	\$8.97 per 1,000 gallons
Tier 3 – 60,001 gallons and over	\$11.96 per 1,000 gallons

SEWER USE RATES

I. Within the Corporate Limits

A. Established Residential Sewer Users

0 - 4,500 gallons	\$22.39 minimum charge
4,501 gallons and over	\$4.15 per 1,000 gallons

B. New (After June 2000) Residential Sewer Users

1. New Single Family Residential Sewer Users

0 - 4,500 gallons	\$29.87 minimum charge
4,501 gallons and over	\$4.98 per 1,000 gallons

2. New Multi-Family Residential Sewer Users (Per Unit)

0 – 3,355 gallons	\$22.28 minimum charge
3,356 gallons and over	\$4.98 per 1,000 gallons

For new multi-family residential sewer users utilizing a master meter, the above per unit rate shall be based on the average stabilized occupancy which is defined as 92% of full occupancy.

C. Non-Residential Sewer Users

0 – 7,000 gallons	\$29.87 minimum charge
7,001 gallons and over	\$7.33 per 1,000 gallons

II. Outside the Corporate Limits

A. Residential Sewer Users

0 - 4,500 gallons	\$39.73 minimum charge
4,501 gallons and over	\$6.62 per 1,000 gallons

B. Non-Residential Sewer Users

0 – 7,000 gallons	\$39.82 minimum charge
7,001 gallons and over	\$11.93 per 1,000 gallons

Section 2. Account Service Fees

Customers receiving Account Statements for Water and Sewer will be charged \$2.50 per month, while customers receiving Account Statements for only water or only sewer will be charged \$1.50 per month.

Section 3. Hardship Rates

SENIOR CITIZENS: Upon making written application on such forms as provided by the City Manager, a discount of \$10.00 monthly will be applied to the minimum water bill in which the head of the household is 65 years of age or older. The applicant must also verify through their latest tax return that total household income is less than 125% of the City's Poverty Rate as determined by the US Census Bureau.

DISABLED: Upon making written application on such forms as provided by the City Manager, a discount of \$10.00 monthly will be applied to the minimum water bill in which the head of the household has been declared disabled by the US Social Security Administration or the US Department of Veterans Affairs. The applicant must also verify through their latest tax return that total household income is less than 125% of the City's Poverty Rate as determined by the US Census Bureau.

Section 4. Water Connection Fees.

RESIDENTIAL WATER CONNECTION FEES
(Fees Are Per Connection)

Tap Size/Meter Size In Inches	Tap/Meter and Sizing (TMS)	Administration Fee (A)	Total
¾	\$4,500.00	\$50.00	\$4,550.00
Larger Than ¾	To be negotiated and approved by the City of Flowery Branch	\$50.00	TMS+A

NON-RESIDENTIAL WATER CONNECTION FEES
(Fees Are Per Connection)

Tap Size/Meter Size In Inches	Tap/Meter and Sizing (TMS)	Administration Fee (A)	Total
¾	\$2,000.00	\$50.00	\$2,050.00
1.0	\$3,220.00	\$50.00	\$3,270.00
1.5	\$6,200.00	\$50.00	\$6,250.00
2.0	\$9,200.00	\$50.00	\$9,250.00
3.0	Cost of Meter Plus \$16,500.00	\$50.00	TMS+A
4.0	Cost of Meter Plus \$26,000.00	\$50.00	TMS+A
6.0	Cost of Meter Plus \$52,000.00	\$50.00	TMS+A
Larger Than 6.0	To be negotiated and approved by the City of Flowery Branch	\$50.00	TMS+A

Section 5. Sewer Connection/Capacity Fees.

RESIDENTIAL SEWER CONNECTION/CAPACITY FEES
(Fees Are Per Connection)

Tap Size/Meter Size In Inches	Tap/Meter and Sizing (T, M and S)	Administration Fee (A)	Total
¾	\$4,500.00	\$50.00	\$4,550.50
Larger Than ¾	To be negotiated and approved by the City of Flowery Branch	\$50.00	TMS+A

NON-RESIDENTIAL SEWER CONNECTION/CAPACITY FEES

The sewer connection/capacity fee for non-residential users is Twenty Two and No/100 Dollars (\$22.00) per gallon. Except that the sewer connection/capacity fees for restaurants as defined by the City of Flowery Branch Zoning Code which are located within the corporate boundary of the City of Flowery Branch shall be in accordance with the following chart:

With a license to sell distilled spirits by the drink	\$10.00 per gallon
With a license to sell beer and/or wine for consumption on the premises	\$16.00 per gallon
With no license to sell any alcoholic beverage on the premises	\$22.00 per gallon

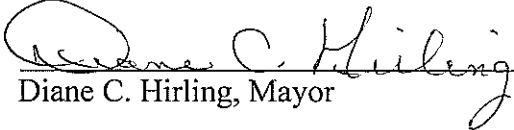
If any restaurant shall fail to obtain a license to sell alcoholic beverages on the premises for any reason, the difference in the sewer connection/capacity fee shall be paid to the City of Flowery Branch.

Section 6. Repeal of Conflicting Resolutions. Any part of any prior resolutions in conflict with the terms of this Resolution, are hereby repealed to the extent of the conflict; but it is hereby provided, that any resolution, ordinance or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof and shall be legally construed to be in favor of upholding this Resolution on behalf of the City of Flowery Branch.

Section 7. Severability. If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Resolution shall be declared invalid or unconstitutional by any court or competent jurisdiction or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstance shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid, or the application of the Resolution to other circumstances no so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Flowery Branch to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

Section 8. Effective Date. This Resolution shall become effective the date it is adopted by the Council of the City of Flowery Branch.

SO RESOLVED this 15th day of October, 2008.



Diane C. Hirling, Mayor



Craig Lutz, Council Member, Post 1

Signatures continued on next page

Signatures continued

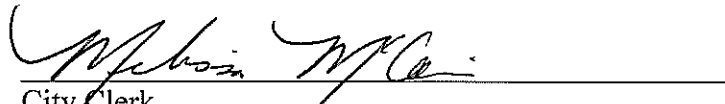

Chris Fetterman, Council Member, Post 2


Pat Zalewski, Council Member, Post 3

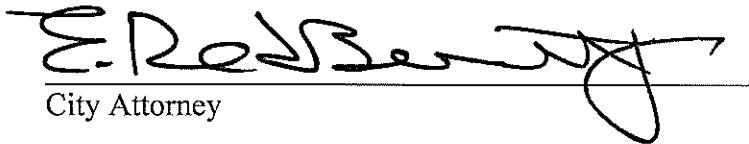

Allen J. Bryans, Sr., Council Member, Post 4


Mary Jones, Council Member, Post 5

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney