

ORDINANCE 2018-01

WATER ORDINANCE AND RATE SCHEDULE

AN ORDINANCE CONTAINING THE CONDITIONS OF WATER SERVICE TO BE FURNISHED BY THE TOWN OF PISGAH, ALABAMA AND FIXING AND PRESCRIBING RATES, CHARGES AND TERMS OF THE WATER RATE SCHEDULE

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PISGAH, ALABAMA AS FOLLOWS:

SECTION 1. DEFINITIONS

Water System – “Water System” means all facilities for the gathering, impounding treatment, transmission and distribution of water for domestic use or for industrial use or both, together with all appurtenances to any such facilities within the present corporate limits of the Town of Pisgah and the surrounding territory.

Town - ‘Town’ shall mean the Town of Pisgah

Dwelling – ‘Dwelling’ a self-contained unit of accommodations, whether a house, manufactured home, residence, abode, campers, apartments, a place to live. Building that are used for any type of business that is serviced by electricity may be required to connect to the Town’s water system.

SECTION 2. INSTALLATION OF RIGHT OF WAY

The Town of Pisgah water lines, meters and fire hydrants shall be installed on public right of way after proper permission and permits are obtained from state, county and town wherever applicable.

When conditions exist that prohibit installation on public right of way, installation shall be as close as possible to public right of way, after written easement is obtained from affected land owner.

SECTION 3: ACCESS TO PREMISES

Duly authorized agents of the Town shall have access, at all reasonable hours, to the premises of the user, for the purpose of installing or removing Town property, inspecting piping, reading and testing meters, or for any other purpose in connection with the Town service and facilities.

Each customer, by having or leaving his/her premises connected to the facilities of the Town and accepting services therefore, shall consent and agree to such access and such removal.

SECTION 4. APPLICATION FOR SERVICE

A person requesting service, whether a new service or at an existing service, shall make application for service in person at the Town Hall office and pay in full any fees required. Each user's service must be separately metered at a single delivery and metering point. (See Town of Pisgah Water Rate Schedule, Exhibit A, for applicable fees.)

SECTION 5. METERS

After application and appropriate fees are paid, a meter shall be installed upon each connection to the water system by employees of the Town of Pisgah. (See Town of Pisgah Water Rate Schedule, Exhibit A, for applicable fees.)

Each residential dwelling, commercial or industrial building shall have its own separate and independent water meter and connection. All meters, service connections, and other equipment furnished by the Town shall be and remain the property of the Town of Pisgah.

(With this Ordinance the Town chooses to grandfather in the existing businesses that are being served by connection to a personal dwelling water meter – the Town will not require a meter to be set, however, it will require that a minimum bill be charged per month for the attached business. See Attachment B for a listing of businesses being grandfathered.)

A duly authorized agent of the Town shall read the meter at least once in each month for billing purposes and checking water usage.

SECTION 6. CUSTOMER'S RESPONSIBILITY

The customer shall be responsible for connecting and furnishing all service lines from the meter to the dwelling. The customer must replace the meter box after installation of his/her service lines.

All leaks from the meter's customer's side shall be the responsibility of the customer to repair.

SECTION 7. EXCESSIVE WATER USE, LEAKS

In the event a customer reports leaks or other problems concerning his/her water service and such problems are determined to be the responsibility of the customer, the Town shall have the authority to work out a payment plan with the customer if the bill is \$50.00 over the minimum charge of water. The Town cannot adjust water usage.

SECTION 8. DEPOSITS

In order to secure the prompt payment of accounts and charges for services, facilities, and connections afforded by the Town through its water system, and as a condition precedent to the rendering of such services, each residential, commercial and industrial customer shall deposit with the Town an amount per meter servicing each dwelling owned or leased by said customer. Landlords who keep the rental property water accounts in their name must make deposit for each dwelling. Water deposits are held in a non-interest bearing account by the Town of Pisgah. (See Town of Pisgah Water Rates and Fee Schedule, Exhibit A, for applicable fee.)

SECTION 9. CHANGE OF OCCUPANCY

Not less than three (3) business days' notice must be given in person, or in writing, at the Town Hall office, to discontinue service or to change occupancy. The discontinuing party shall be responsible for all service up to the time of departure.

The new occupant must apply for service within three (3) business days of occupying the premises, and failure to do so will make him liable for the service from the last meter reading.

SECTION 10. LANDLORDS AND RENTERS

Land owners who rent properties have the option of keeping the water meter connection in his/her name or requiring their renters to apply for service in their name. Should a landlord require the renter to apply for service, the landlord must notify the Town office in person or by phone call that the renter has his/her permission to apply for service.

The Town will disconnect any rental residence that is 30 days past due, however, should a renter move out of the dwelling and leave a balance due, the landlord will be held responsible for the balance due, plus any disconnect and reconnect fees. The Town will not reconnect water services until the balance on the account is paid in full.

SECTION 11. DEATH OF A CUSTOMER

When the Town of Pisgah is notified or learns of a death of a customer with an open water account, the Town will after thirty (30) days notify the Estate of the customer, that the Town will be closing out the water account of the deceased customer.

The deceased owner's deposit will be applied to the deceased's outstanding bill. Should there be a balance due after applying the deposit the bill must be paid in full by the Estate within 15 days after receiving notice from the Town concerning closing the account. If the deceased

does not owe the Town, then the deposit will be issued to the Estate of the deceased person within 15 days of closing the water account.

In the event that the residence of the deceased person is still occupied, rented, or inherited by other owners, then within 15 days of closing the account, the occupant of the dwelling must make application and make a deposit for continued service.

SECTION 12. PERMITTING ANOTHER TO USE

It shall be unlawful for any person, who is a water customer of the Town of Pisgah, to allow any other person the use of water through his connection, or hydrants, either for compensation, or as a gratuity, or under any arrangement to share the water rental. The intent of this section is to prevent the larceny of water and it shall be so construed.

SECTION 13. PROCURING TOWN WATER – FIRE PLUGS

It shall be unlawful for anyone to take or use any Town water procured in any way except through the normal distribution metered system. No one except members of the fire department or an employee of the Town's Water System shall open or close any valve of any pipe, fire hydrant or water plug.

Fireplugs are to be exposed for easy access to the fire department or Town employees. There shall not be any vegetation planted near fireplugs, such as flowers, vines, shrubbery, nor decorative fencing.

SECTION 14. TAMPERING WITH METERS

In the event a meter has been tampered with, lock or the seal broken, the affected service to the customer may be disconnected and/ or a service charge assessed. Moreover, if any substance, article or material is placed on or in the vicinity of a meter which ultimately results in causing a meter to malfunction, this shall be interpreted as meter tampering and the affected service to a customer may be discontinued and/ or a service charge assessed.

SECTION 15. UNAUTHORIZED RECONNECTION OF SERVICE

Any person who connects or reconnects a dwelling, commercial or industrial building to water services without the authority or permission of the Town of Pisgah shall be guilty of a Class C misdemeanor and subject to punishment as provided by law and further be assessed a fee of One Hundred Dollars (\$100.00), plus cost of material and labor for any damages to the property of the Town.

SECTION 16. VOLUNTARY DISCONTINUANCE OF SERVICE

A customer may, at any time, request the discontinuance of service, and upon the payment of all charges for water afforded any customer, together with the cut-off fee, the deposit therefore made by the customer shall be refunded without interest.

SECTION 17. BILLINGS AND LATE FEES

All users on the Town's Water System shall be billed monthly. Bills are due by the 10th of each month. If the 10th falls on a week-end or a holiday, then the due date will be the next business day.

(a) A late payment charge shall be added to each bill that remains unpaid after the due date in the amount as shown on the Town of Pisgah's Water Rates and Fee Schedule.

(b) Payments received by mail after the due date will not be charged a late fee provided the U.S. postmark is on or before the due date regardless as to when the payment is actually received.

(c) For any check presented to the Town in payment of said customer's bill that is subsequently returned unpaid to the Town by the issuing bank for any reason, the Town shall have the right to assess and add to the customer a return check fee and late charges in the amount shown on the Town's Water Rates and Fee Schedule.

Should a customer issue the Town of Pisgah more than two returned checks, then the Town shall have the authority to request that payments be made in cash or money order.

SECTION 18. INVOLUNTARY DISCONTINUANCE OF SERVICE

Any customer failing or refusing to pay his or her bill or any part thereof for water services ten (10) days (20th of month) after the due date (10th of month) of said bill shall be subject to disconnection from the Town's Water System and shall be subject to a fee for disconnection as shown on the Town's Water Rates and Fee Schedule. The Town shall have the authority to disconnect the connection to the Water until such time as full payment is received for all amounts due.

Field employees cannot accept payments of any form for delinquent or current bills. All bills must be paid at the Town Hall office, or by U.S. Mail before water can be restored.

Repeat offenders, those whose water services has been disconnected, more than twice (2) shall be required to have an additional deposit of twenty dollars (\$20.00) added to the base deposit rate.

SECTION 19. RECONNECTION SERVICE

Upon the payment of all amounts due for water service, together with all applicable fees and charges as herein provided, services shall be reconnected to the premises of the customer.

The Town of Pisgah will restore water service during regular business hours (8 a.m. – 4 p.m.) or the next business day after full payment is received. The Town will charge a reconnection fee as shown on the Town of Pisgah's Water Rates and Fee Schedule.

SECTION 20. COLLECTIONS

By accepting water services from the Town, the customer agrees to pay the town's cost of collection and enforcement, including reasonable attorney's fees (whether suit is actually filed or not), in the event the customer defaults on his/her obligation to pay the charges and fees for water service.

When any bill for water, together with all applicable fees, remains unpaid for one hundred and twenty (120) days, the Town shall be authorized to file a lien in the land records of the Office of Probate Judge of Jackson County against the real property served by the delinquent account for the past due amount. The past due amount shall be a lien upon the property in favor of the Town to be collected as other debts are collected or liens enforced.

The Town of Pisgah shall notify the property owner by registered mail, addressed to the address on file for the parcel, of said delinquent account and the amount of the lien to be assessed. At any time within fifteen (15) days after such notice has been mailed by the Town, the property owner shall have the right to file in writing with the Town Clerk any objection against the lien. The Town Council, at its next meeting after the filing of such protest, shall hear such protest and any evidence which the property owner may offer. The Council may confirm, modify, or cancel the proposed lien fixing the assessment.

SECTION 21. DELINQUENT ACCOUNTS

As a condition precedent to initiating water at a particular location, a prospective customer must certify to the Town that neither the customer, nor his or her spouse, nor any other resident in the household proposed to be served has any delinquent utility bills with the Town. Any misrepresentation concerning that information shall be grounds for discontinuation of service.

If the Town determines that an occupant of a household provided with water service by the Town owes a delinquent utility bill or bills to the Town, the Town shall be authorized to transfer the entire amount of the delinquent bill or bills to the current, active customer account of the household.

Prior to the transfer of said delinquent bills, the Town shall provide written notice of its intent to transfer and an opportunity for the affected customer to object and contest said transfer. Following the transfer of said delinquent bills, the customer shall pay any delinquent bill or bills transferred to his or her account at the time the charges for his or her current utility service are due. In the event said charges are not paid when due, the customer's account shall be subject to involuntary discontinuance of service.

Following the involuntary discontinuance of water for non-payment, no member of a customer's family or any person living in the same house, building, or on the premises with the customer where the water service has been discontinued shall have the right to make a deposit for water service, or to request that the water service be reconnected at such location, so long as 1) the delinquent customer lives on the premises; and 2) the water and all applicable fees remain unpaid.

SECTION 22. COPY TO CUSTOMER

Upon request, any customer shall be furnished a copy of this Ordinance and the Town of Pisgah's Water Rates and Fee Schedule. However, regardless of whether a customer has received a copy of this Ordinance or said Rates and Fee Schedule, every customer agrees to the terms of this Ordinance and said rates, fees, charges and terms set forth herein and therein, by accepting service from the Water System of the Town of Pisgah.

SECTION 23. TOWN OF PISGAH WATER RATES AND FEE SCHEDULE

The Town hereby adopts the Town of Pisgah Water Rates and Fee Schedule, attached hereto as Exhibit A and expressly incorporated herein by reference.

Automatic Increase – Effective March 1 of 2019, the base rate for water within and without Town limits as shown on the Town of Pisgah Water Rates shall automatically increase by approximately seven percent (.07%) ; effective, March 1, 2020 the base Water Rate shall increase by approximately seven percent (.07%); then beginning March 1, 2021, and each year thereafter, the basis Water Rate as shown on the Town's Water Rates and Fee Schedule shall increase by approximately two percent (2%), unless action is taken by the Town Council.

The Town of Pisgah Water Rates and Fee Schedule shall be subject to adjustment by ordinance of the Town Council of the Town of Pisgah.

SECTION 24. ORDINANCES REPEALED

All Ordinances or parts of Ordinances insofar as the same, conflict with the provisions of this Ordinance are hereby repealed and all amendments thereto, rates and fee schedules, are hereby repealed.

SECTION 25. SEVRABILITY

The provisions of this Ordinance are severable. If any section, subsection, schedule or provisions of this Ordinance be for any reason declared void or invalid, such invalidity shall not affect any other section, sub-section, schedule or provision of this Ordinance.

SECTION 26. EFFECTIVE DATE

This Ordinance 2018-01 shall become effective immediately upon its adoption and posting in three places as required by law.

ADOPTED AND APPROVED this the 05th day of February, 2018.

Leamon Smith, Mayor

'EXHIBIT A'

TOWN OF PISGAH WATER RATES AND FEE SCHEDULE

Water Base Rate – Minimum – 0 to 2000 gallons.....

		3/2018	3/2019	3/2020	3/2021
In Town Limits	¾ inch line	\$21.00	\$22.50	\$24.00	\$24.50
In Town Limits	1 inch line	\$21.00	\$22.50	\$24.00	\$24.50
In Town Limits	2 inch line	\$29.00	\$31.00	\$33.25	\$33.00
Outside Limits	¾ inch line	\$26.00	\$27.80	\$29.80	\$30.40
Outside Limits	1 inch line	\$26.00	\$27.80	\$29.80	\$30.40
Outside Limits	2 inch line	\$34.00	\$36.40	\$39.00	\$39.60

Water Usage Rates over Minimum gallons.....

\$5.00 per thousand	2001 to 4500 gallons
\$4.00 per thousand	4501 to 9500 gallons
\$3.58 per thousand	9501 to 14,500 gallons
\$2.00 per thousand	14,501 and up gallons

New Meter Set and Connection Fees.....

¾ inch Tap Set	\$450.00
1 inch Tap Set	\$700.00
2 inch Tap Set	Material and Labor Cost

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Refundable Deposit Per Meter	\$100.00
Disconnect/Cut Off Fee.....	\$ 20.00
Reconnect/Cut On Fee.....	\$ 20.00
Return Check Fee.....	\$ 25.00
Late Fee.....	10%
Tampering, Unauthorized Connection Fee.....	\$ 100.00

EXHIBIT B

Grandfathered in businesses where water service is provided through the home dwelling....
These business will not be required to install a meter, but will be required to pay a minimum
water service charge.

Shorty McCrary	10227 Al. Hwy 71	Pisgah, Al.	Auto Repair Shop
Brian Steinmetz	9822 Al. Hwy 71	Pisgah, Al.	River Run Kennels
John Fuller	214 Co. Rd. 748	Pisgah, Al.	Towing and Auto Repair
Chris Beaman	354 Co. Rd. 432	Pisgah, Al.	Auto Repair
Dennis Law	902 Co. Rd. 388	Pisgah, Al.	Dump Truck Hauling