

ORDINANCE NUMBER 090908

AN ORDINANCE TO AMEND THE PROVISIONS FOR WATER SERVICES

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

**Section 1.** That Ordinance Number 72 be and the same is hereby amended to read as follows:

“Section 1. All customers of the water works system of the Town of Wilsonville shall comply with the rules and regulations hereinafter set out with reference to the operation of the water works system, as well as such conditions and restrictions included in the water services contract as may be determined from time to time by the Town of Wilsonville.

Section 2. All meters, meter boxes, necessary fittings and pipe from main to inside curb line or property line of the customer will be furnished by the Town of Wilsonville and shall remain its property and be accessible to and subject to its control. They shall be conveniently located at a point approved by the public works superintendent or other officer designated by the Council, and when located on the premises of the customer, a proper place and protection thereafter shall be provided by the customer.

Section 3. Meters will be maintained by the Town of Wilsonville so far as ordinary wear and tear are concerned, but damage due to freezing from top of meter box, or due to fire placed inside meter box, or hot water, or external cause, or any other cause, shall be paid by the customer.

Section 4. No customer, plumber, owner, or other unauthorized person shall break the seal, or turn the water on or off at any curb stop or corporation stop, or disconnect or remove the meter without consent of the public works superintendent or other officer designated by the Council. A customer, plumber, owner, or other unauthorized person doing so without such consent shall be liable for any damages caused by such action and the expense of repairing the same shall be recovered from such person.

Section 5. A cut-off valve will be placed in the customer service line on the premises of the customer between the meter and the customer distribution system to be used in case of break or other necessity, whereby pipes or fixtures to be repaired can be cut off without the necessity of using the curb stop. The cut-off valve must be maintained in good order and condition at all times.

Section 6. A Charge of Fifteen Dollars (\$15.00) shall be made for turning water service on or on at the request of the customer.

Section 7. The Town of Wilsonville shall in no event be responsible for maintaining any service line or fixtures owned by the customer nor for defects in the lines or fixtures on the property of the customer. The consumer shall, at all times, comply with all regulations of the Town of Wilsonville relative to the service line and make all changes in his line required on account of change in grade or otherwise. All injury to service pipes or street mains caused by careless or negligent acts, or improper filling or excavation, shall be chargeable to the person causing such damage and the expense of repairing the same shall be recovered from such person.

Section 8. As necessity may arise in case of break, emergency, or for other unavoidable cause, the Town of Wilsonville shall have the right to temporarily cut off the water supply in order to make necessary repairs and connections. In such cases, the Town of Wilsonville shall not be liable in damages for any inconvenience, loss, damage, or injury suffered by the customer by the interruption in service, lessening of the supply, inadequate pressure, or any other loss or damage reasonably beyond its control.

Section 9. (a) No customer will be allowed to furnish water to another person, except in case of emergency, and then only limited to two (2) weeks. Each separate residence, tenant, or place of business, if supplied with a water connection or if using water from the Town's main, shall be considered a separate building and pay a separate minimum. Each customer's water service must be separately metered at a single delivery and metering point.

(b) Notwithstanding the provisions of paragraph (a) above, there shall be only one master meter for a manufactured home community (as defined in the Wilsonville Zoning Ordinance), and the billing for water service shall be to the owner or operator of the manufactured home community. The leased units will not be metered separately.

Section 10. (a) The water customer shall pay for such water at such rates, time and place during normal business hours as determined by the Town of Wilsonville. The rate schedule is as follows:

<b>Gallons</b>	<b>Water Rate</b>
Minimum up to 2,000	\$ 20.00
Next up to 8,000	\$ 5.50 per kgl
Next up to 10,000	\$ 4.50 per kgl
Next up to 20,000	\$ 4.00 per kgl
Next up to 40,000	\$ 3.50 per kgl
Next over 40,000	\$ 2.86 per kgl

(b) Payment is due ten (10) days after the bill is rendered. Failure to receive a bill shall not prevent such bill from becoming delinquent, nor relieve a customer from the obligation of payment. A service charge of ten percent (10%) shall be made on each bill unpaid on the fifteenth (15<sup>th</sup>) of the month after the bill is submitted to the customer.

(c) Water bills shall be deemed delinquent on the fifteenth (15<sup>th</sup>) day after the second month of nonpayment and the water supply to the customer who is

delinquent in the payment of said bill shall be cut off for non-payment of water bill.

- (d) After water is cut off by the Town of Wilsonville, the customer shall pay an appropriate service charge, as determined from time to time by the Council or, if designated by the Council, by the public works superintendent, in addition to the full amount of the unpaid bill prior to having service restored.
- (e) An application for service where no tap on is needed shall be submitted to the public works superintendent or other officer designated by the Council, with a deposit of \$30.00 for resident owners or \$100.00 for renters or other non-owner occupants prior to being provided water service. When water service is discontinued and all bills are paid, the balance of the security deposit shall be returned to the customer, with no interest. Customers requiring a tap shall pay an additional tap-on fee of \$1,000.00. Applications must be in writing, on forms furnished by the Town of Wilsonville, and must be signed by the customer. Any owner or occupant of any premises obtaining water service without submitting a proper application and deposit shall be guilty of a violation and subject to punishment as provided for violation of Town ordinances.

Section 11. A returned check will result in an additional charge of \$30.00.

Section 12. In the event of a water loss due to accidental discharge or leak, a customer may apply, in writing, to the Town Utility Clerk or the Town Clerk for an adjustment to the monthly bill. Upon approval, a billing adjustment may be made if all of the following conditions exist:

- (a) Only one monthly billing adjustment per calendar year (January—December);
- (b) Application must be made in writing, by the customer, upon discovery of a leak. When notification is given to the Town Utility Clerk the leak has been repaired, the amount to be credited (forgiveness) will be figured, using the highest monthly charge posted during the leak episode;
- (c) Average usage, as calculated by the billing software, will be used and fifty percent (50%) of water usage charge, sewer usage charge (where applicable), and associated utility tax for usage above the average will be credited to the account for the month applied for; and
- (d) Water loss must have resulted from accidental discharge or leak.

## **Section 2. Repealer.**

Any ordinance heretofore adopted by the Town Council of the Town of Wilsonville, Alabama, which is in conflict with this ordinance is hereby repealed to the extent of such conflict.

## **Section 3. Severability.**

If any part, section, or subdivision of this ordinance shall be held unconstitutional or invalid for any reason in a court of law, such holding shall not be construed to invalidate

or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

**Section 4. Effective Date.**

This Ordinance shall become effective immediately upon its adoption and publication or posting as required by law.

ADOPTED AND APPROVED THIS THE 7th DAY OF December, 2009.

Attest:

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Town Clerk

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Mayor