

ORDINANCE NUMBER 05-02

AN ORDINANCE ESTABLISHING CHARGES, RATES AND FEES FOR CONNECTING TO AND USE OF THE MUNICIPAL WASTEWATER SYSTEM OF THE TOWN OF EVA, ALABAMA AND PROVIDING A METHOD OF BILLING FOR USE CHARGES

WHEREAS, the Town Council of the Town of Eva, Alabama, has, by Ordinance Number 05-01, provided for public sewer service in the Town of Eva, Alabama; and

WHEREAS, said Ordinance Number 05-01 provides that rates, fees, charges and billing for such sewer services shall be established by separate ordinance.

NOW, THEREFORE, be it ORDAINED by the Town Council of the Town of Eva, Alabama (“Town”) as follows, to-wit:

Section 1. Definitions.

Those definitions set out in Section 1 of Ordinance Number 05-01 of the Town of Eva, Alabama (“Ordinance No. 05-01”) shall be applicable to this Ordinance, except that the municipal wastewater shall be referred to herein as “public sewer.” Additionally, the term “customer” shall mean any resident, property owner or other person either utilizing the public sewer or for whom such use is required by Ordinance No. 05-01.

Section 2. Billing Agreement.

The Mayor shall be and is hereby authorized to enter into and thereby bind the Town to an agreement with the Cullman County Water Department substantially in conformity with the specimen agreement attached hereto as Exhibit “A” for billing and collection of the Town’s usage charges for the public sewer.

Section 3. Sewer Usage Charges.

a. Every customer shall pay for use of the public sewer each month an amount equal to each such customer’s water bill for the property in question for each month, payable when the water bill for that month is payable in accordance with the billing agreement referred to in Section 2 of this Ordinance.

b. As to any customer discharging any incompatible pollution or any wastewater containing contaminants not normally associated with domestic sewage, charges shall be as prescribed by the manager based on the Town’s additional cost of treating such wastes over normal domestic sewage. Such charges shall not exceed the basic rate plus the actual additional cost, as nearly as such cost can be reasonably determined, of treating such waste as opposed to normal domestic wastewater.

c. As to any significant industrial user, rates shall be determined by negotiation between such users and the control authority.

Section 4. Sewer Tap Fees.

A sewer tap fee shall be charged to every customer for connecting any building sewer or other sewer servicing such customer to the public sewer. The Town will supply and install all necessary tanks, pumps and related materials. The amount of the tap fee shall be equal to the actual cost incurred by the Town in providing and installing any tank, pump or other facility or materials necessary to allow such connection to the public sewer, unless agreed otherwise by the manager and customer where special circumstances require special equipment, materials or facilities, such as

with industrial or large institutional or commercial customers. Actual expenses for purposes of calculating the applicable tap fee include all costs for labor, material, equipment and other expenses directly incurred for the particular connection in question.

Section 5. Billing.

a. Billing for sewer service shall be done according to the agreement referred to in Section 2 hereof.

b. Payment by customers shall be made when the water bill on which the sewer charge appears for the property in question is due and shall be deemed late when the water bill is deemed late by the Cullman County Water Department ("Department"). A late charge equal to that charged by the Department for water service shall be charged for sewer service, as well.

Section 6. Exception to Tap Fees When Sewer First Becomes Available.

a. The Town shall absorb all costs associated with connection of any customer to the public sewer, including necessary tanks, pumps and building sewer and electrical connections thereto where a customer commits, by a date designated by the control authority, to connect to and use the public sewer when the sewer first becomes available to serve the property in question, with availability being as defined in Ordinance Number 05-01 and further provided that such connection is made during construction of the public sewer serving such property or as otherwise agreed by the control authority. The customer shall be responsible for payment for the building sewer line to the point of connection to the public sewer, except as to the closing and plugging of any existing septic tanks, the cost of which shall be paid by the Town.

b. The exception set out in subsection (a) hereof shall apply only where the customer agrees to and does grant to the Town, without compensation, any necessary easement for making the public sewer available and installing and maintaining all necessary lines, tanks, pumps and other materials, equipment or facilities.

Section 7. Effective Date.

This Ordinance shall be effective immediately upon its adoption and publication according to law.

ADOPTED and APPROVED this the _____ day of _____, 2005.

APPROVED BY:

Gary Livingston, Mayor

ATTEST:

(Seal)

Judy Fortenberry, Town Clerk