

ORDINANCE NUMBER 23-03

AN ORDINANCE AMENDING ORDINANCE NO. 05-01 OF THE TOWN OF EVA, ALABAMA, WITH RESPECT TO THE SANITARY SEWAGE SYSTEM OF SAID TOWN, BY MAKING PROVISIONS FOR OWNERSHIP OF GRINDER PUMPS AND OTHER EQUIPMENT; PROVIDING FOR WATER RATE DISCOUNTS FOR CUSTOMERS WHO OWN LOW GRAVITY PUMPS ON THEIR PROPERTY; MAKING PROVISIONS FOR ENFORCEMENT; REQUIRING CERTAIN PERMITS; AND REQUIRING GREASE TRAPS FOR CERTAIN LOCATIONS

WHEREAS, the Town Council of the Town of Eva, Alabama ("Council"), adopted Ordinance No. 05-01 of said Town on July 5, 2005; and

WHEREAS, said Ordinance No. 05-01 established rules and regulations for a sanitary sewage system for the Town; and

WHEREAS, in particular, Ordinance No. 05-01 provided that the Town would be the owner of all low gravity pumps, tanks and individual grinder pump stations; and

WHEREAS, the Council has determined that all tanks, low gravity pumps, individual grinder pump stations and related tanks and components installed after May 31, 2023, shall belong to the property owners; and

WHEREAS, the Council finds that to compensate owners who are required to own the aforesaid items, such owners should receive a discount in their water rate because of the fact that persons who utilize low gravity pumps owned by the Town are not responsible for the purchase or maintenance of same; whereas persons installing such items after May 31, 2023 shall be responsible for such costs.

NOW, THEREFORE, be It ORDAINED by the Town Council of the Town of Eva, Alabama, as follows, to-wit:

Section 1. Ordinance No. 05-01 of the Town of Eva, Alabama (Ord. 05-01) is hereby

amended by the addition of a Section 14.1, to be entitled and to read in its entirety as follows:

"Section 14.1 Ownership of tanks and pumps installed after May 31, 2023.

(a) All tanks, low gravity pumps, individual pump stations and related components, as defined in this Ordinance, which are owned by the Town pursuant to Section 14 of this Ordinance, shall remain owned by the Town, subject only to the provisions of subparagraph (d) of this Section 14.1. All tanks, low gravity pumps, individual grinder pump stations and all appurtenances to such items which are installed after May 31, 2023, shall be and remain the property of the property owner and the heirs, successors and assigns of said owner.

(b) All low gravity pumps which are installed on property where no such pumps are installed as of May 31, 2023, or as additional or replacement pumps on property where low gravity pumps are already installed and owned by the Town pursuant to Section 14, shall be purchased from the Town, unless the Town specifically approves, in writing, a pump purchased from another source by the property owner. The purpose of this requirement is to assure that the types and quality and pumps will remain uniform for more efficient and reliable use and maintenance. The Town shall sell the pumps to the property owners at the Town's actual cost with no mark up.

(c) The owner of all low gravity pumps, individual pump stations and related components which are installed after May 31, 2023 per subsection (b) hereof shall be responsible for all maintenance, upkeep, proper operation and all other instances of ownership and operation of such equipment, including all expenses associated therewith, and, likewise, so shall any property owner who elects to take ownership of such equipment pursuant to subsection (d) hereof.

(d) (i) Any owner who desires to take ownership of the low gravity pump, tank, individual grinder pump station and related components may do so by notifying the Town on a form provided by the Town approved for that purpose. Upon acceptance of the application for ownership by the Town, the owner shall own such equipment and shall be fully responsible for all such equipment not owned by the Town the same as are the owners of such equipment installed after May 31, 2023 under subsections (b) and (c) of this Section 14.1. This responsibility shall be as to all such equipment which is in place as of the date that the property owner takes ownership of the same, as well as any subsequent replacement, in whole or in part, of the same thereafter.

(ii) The new owner(s) of any commercial, business or other non-single-family residential real property to whom such property is conveyed after the

effective date of this ordinance, whether the tanks, pump stations and related components are owned by the Town or the person/entity conveying the property to the new owner(s), shall take ownership of all such items upon such conveyance and shall be subject to all other provisions of this ordinance relating to such items and the sanitary sewer system of the Town.

Section 2. Ord. 05-01 is hereby further amended by adding to the existing Section 10 (Rates, Fees and Charges), a subsection (c), which said subsection (c) shall read, in its entirety, as follows:

"(c) Each property owner who installs a low gravity pump pursuant to Section 14.1(b) and (c), or who takes ownership of such existing equipment on his or her property pursuant to Section 14.1(d), shall be entitled to a discount from the water rates charged by the Town to customers who utilize such equipment owned by the Town. The amount of the discount shall be set from time to time by the Council. If the Council decreases the discount at any time, all customers with better discounts than those set by the new, decreased discount, shall be entitled to retain the better discount. However, if the discount is increased by the Council so that the discount becomes better than that initially set for customers under this subsection, all such customers shall receive the benefit of the better discount."

Section 3. Ord. 05-01 is hereby further amended by adding Section 17, which said section shall read, in its entirety, as follows:

"Section 17. Miscellaneous Provisions.

(a) No owner shall be issued a Certificate of Occupancy (CO) for any property which does not comply in all aspects with the requirements of Ord. 05-01 with regard to the sanitary sewage system of the Town. Likewise, no person shall occupy a building where no such CO has been issued. Without limitation of the foregoing provision, it is specifically provided that no CO shall be issued, and no person shall occupy a building, unless there is an approved, properly installed and properly operating low gravity pump and any other required, individual grinder pump station and any tank or other required components properly connected to the sanitary sewage system of the Town and functioning properly.

(b) Before the installation or replacement of any low gravity pump, individual grinder pump station, tank or other appurtenance to the same, the owner shall purchase a permit for such installation from the Town and all such installation

and replacements shall be in full compliance with all requirements of this Ordinance.

(c) Any restaurant or commercial facility where a Health Department permit is required due to the offer for sale, or furnishing, of food items prepared at the facility, or which otherwise disposes of food waste on-site, shall have a grease trap approved by the Town and any other authority from which approval is required, which said grease trap shall be cleaned out on an as-needed basis so as to prevent discharge of grease and food or other waste into the sanitary sewer system of the Town and, in no case, shall said traps be cleaned out less often than at six months intervals."

Section 4. In the event any portion of this Ordinance shall be declared invalid or unenforceable, the remaining portions shall remain in full force and effect.

Section 5. This Ordinance shall be effective immediately upon its adoption and publication according to law.

ADOPTED and APPROVED this the 9th day of May, 2023.

APPROVED BY:


Gary Livingston, Mayor

ATTEST:

(Seal)




Kathy Nelson, Town Clerk

LWM/zip0223/evl/ordinance
T107-23M

Recorded 9-13-24

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(b) All low gravity pumps which are installed on property where no such pumps are installed as of May 31, 2023, or as additional or replacement pumps on property where low gravity pumps are already installed and owned by the Town pursuant to Section 14, shall be purchased from the Town, unless the Town specifically approves, in writing, a pump purchased from another source by the property owner. The purpose of this requirement is to assure that the types and quality and pumps will remain uniform for more efficient and reliable use and maintenance. The Town shall sell the pumps to the property owners at the Town's actual cost with no mark up.

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(d) (i) Any owner who desires to take ownership of the low gravity pump, tank, individual grinder pump station and related components may do so by notifying the Town on a form provided by the Town approved for that purpose. Upon acceptance of the application for ownership by the Town, the owner shall own such equipment and shall be fully responsible for all such equipment not owned by the Town the same as are the owners of such equipment installed after May 31, 2023 under subsections (b) and (c) of this Section 14.1. This responsibility shall be as to all such equipment which is in place as of the date that the property owner takes ownership of the same, as well as any subsequent replacement, in whole or in part, of the same thereafter.

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ADOPTED and APPROVED this the 9th day of May, 2023.

APPROVED BY:


Gary Livingston, Mayor

ATTEST:

(Seal)


Kathy Nelson, Town Clerk

LWM/zip0223/cv/Ordinance
T107-23M

Town/Cashier: FRB-23-TXNOMLES / Tara
Trans: 24516.530823.698812
REC Recording Fee 21.00
AFF Special Fee (Act 95-424) 5.00
FIL Filing Fee 1.00
Total Fees: \$ 27.00

State of Alabama, Morgan County
I certify this instrument was filed on
09-13-2024 11:07:21 AM
and recorded in NISC Book
2024 at pages 6213 - 6219
Gres Cain - Probate Judge