

## **ORDINANCE NUMBER 23- 05**

### **AN ORDINANCE AMENDING ORDINANCE NO. 05-01 OF THE TOWN OF EVA, ALABAMA, BY ELIMINATING MANDATORY CONNECTION TO, AND USE OF, THE TOWN'S SANITARY SEWAGE SYSTEM UNDER CERTAIN CIRCUMSTANCES**

**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 certain rules and regulations for a sanitary sewage system for the Town, among which were requirements for mandatory connection to, and use of, the sanitary sewage system under specific circumstances; and

**WHEREAS**, the Town Council has determined that, provided that approved alternative systems are utilized, the public health and welfare can be effectively served by elimination of the mandatory connection to, and use of, the Town's sanitary sewage system.

**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 is hereby amended by deletion of the entire language of Section 7(b) of said ordinance and substitution of the following, so that hereafter, said Section 7(b) shall read, in its entirety, as follows:

"(b). All existing or newly constructed buildings or structures required by law to incorporate wastewater disposal systems shall be connected to the Town's sanitary sewage system, unless the property owner, at the owner's option, elects to forego connection to, and use of, the sanitary sewage system and, instead, to make use of an approved alternative wastewater disposal system. For purposes of this section, an approved alternative wastewater disposal system shall be a system which is constructed and at all times maintained and properly functioning in accordance with a permit issued for an alternative wastewater disposal system for the property in question by the Morgan County Health Department and/or any other regulatory agency from which such permitting is required.

**Section 1.** Ordinance No. 05-01 of the Town of Eva, Alabama is hereby amended by

deletion of the entire language of Section 7(c) of said ordinance and substitution of the following, so that hereafter, said Section 7(c) shall read, in its entirety, as follows:

"(c). The disposal of wastewater by means other than use of the Town's sanitary sewage system, or an alternative system which the owner has elected to install pursuant to subsection (b) above, is prohibited and shall be a violation of this ordinance.

**Section 3.** Ordinance No. 05-01 of the Town of Eva, Alabama is hereby amended by deletion of the entire language of Section 7(d) of said ordinance and substitution of the following, so that hereafter, said Section 7(d) shall read, in its entirety, as follows:

"(d). In the event that an approved alternative wastewater disposal system located on a property as allowed in subsections (b) and (c) above should become inoperable or ineffective to the extent that it no longer meets with health department or other regulatory criteria, or is obviously in such a state that it has become ineffective for the sanitary and otherwise appropriate disposal of wastewater, and such disposal system is not repaired to the satisfaction of the Morgan County Health Department or other regulatory agency with authority to require such compliance, or as required by officials of the Town of Eva, the owner of said property's option to refrain from connection to, and use of, the Town's sanitary sewage system may be revoked by Town officials. In such event, all structures on said property which are required to have wastewater disposal systems shall be connected to the Town's sanitary sewage system in accordance with the directives of the Town officials.

**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 14<sup>th</sup> day of November, 2023.

APPROVED BY:



Ordinance No. 23-05  
Page 3

ATTEST:

(Seal)



[Redacted Signature]  
Kathy Taylor, Town Clerk

LWM/zip1123/eva.ordinance  
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