

CITY OF ASHFORD
Ordinance number 2023-008

This Ordinance Repeals Ordinance No. 10-001 & 11-007 & 2021-001

AN ORDINANCE ADOPTING RATES AND SERVICE RULES AND REGULATIONS OF THE WATER AND SEWER SYSTEM FOR THE CITY OF ASHFORD.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHFORD, ALABAMA('City') as follows:

I. TYPES OF SERVICES

- (A) The Water and Sewer rate schedule set forth below contemplates a single user, such as one family dwelling, one farm dwelling with appurtenances, or one commercial operation, and will not be lowered without the prior written consent of Rural Development.
- (B) Extraordinary circumstances, such as subdivision extensions, multiple dwelling units, industrial users, shall be governed by special contract agreements made by the City Council

II. RATE SCHEDULE

- (A) Commencing with the adoption of this Ordinance for the services contemplated by paragraph I(A) above, the rates are hereby established as follows:

Residential Water Rates:

First 2000 Gallons or less per month is **\$19.53/minimum**.
After the first 2000 Gallons, **\$3.92 per 1000 Gallons** thereafter per month.

Small Business Water Rates:

First 2000 Gallons or less per month is **\$19.53/minimum**.
After the first 2000 Gallons, **\$3.92 per 1000 Gallons** thereafter per month.

Commercial Water Rates (1 Inch Meter or Larger):

First 10,000 Gallons or less per month is **\$58.92/minimum**.
After the first 10,000 Gallons, **\$3.92** per 1000 Gallons thereafter per month.

Residential Sewer Rates:

First 2000 Gallons (based on the usage from water meter) or less per month is \$22.51 minimum.

After the first 2000 Gallons, a \$3.92 per 1000 Gallons thereafter per month.

Small Business Sewer Rates:

First 2000 Gallons (based on the usage from water meter) or less per month is \$22.51 minimum.

After the first 2000 Gallons, \$3.92 per 1000 Gallons thereafter per month.

Commercial Sewer Rates:

First 10,000 Gallons (based on the usage from water meter) or less per month is \$84.41 minimum.

After the first 10,000 Gallons, \$3.92 per 1000 Gallons thereafter per month.

(B) On January 1 of each year following the adoption of this Ordinance, all water and sewer rates set and established in this WATER AND SEWER ORDINANCE, may be increased annually (as of January 1, of each year) by three percent (3%) of the water and sewer rates set and established as of December 31 of the immediate preceding calendar year, upon approval of the City Council.

III. APPLICATION FOR SERVICE

(A) The property owner or the tenant shall make application for service in person at the office of the Water Clerk of Ashford, Alabama and at that time the necessary deposit shall be made as required.

(B) A cash security deposit of \$125.00 will be required of all property owners when water service is made available. A cash security deposit of \$200.00 will be required of all tenants when water service is made available.

IV. CHARGES FOR USERS AGREEING TO USE SERVICE

(A) Each property owner subscribing to use the service of the City shall pay a connection fee of \$500.00. The price set forth herein is for the average residential meter. Larger meters are subject to an additional cost. The sewer tap is \$2,000.00, with an additional \$100.00 if on the opposite side of the main line. The water impact fee is \$500.00 and the sewer impact fee is \$1,000.00. The bore fee is \$1,200.00. The ¾ inch installation is \$2,000.00 and the 1 inch installation is \$2,250.00. The 2 inch installation

will be the contractor's price. All prices are subject to change due to the fluctuation of cost of meter, materials, etc.

V. MINIMUM CHARGE

(A) Water furnished for a given lot shall be used on that lot only. Each property owner's service must be separately metered at a single delivery and metering point.

(B) Commencing with the date water is made available to the property owner; the property owner will be required to pay the minimum charge for the service each month.

(C) Except for Fire Protection, the City shall not under any condition furnish water free of charge to anyone.

VI. CITY'S RESPONSIBILITY AND LIABILITY

(A) The City shall run a service line from its distribution line to the property line where the distribution line exists, or is to be constructed, and runs immediately adjacent and parallel to the property to be served.

(B) The City may make connections to service other properties not adjacent to its lines upon payment of reasonable costs for the extensions of its distribution lines as may be required to render such service.

(C) The City may install its meter at or near the property line or, at the City's option, on the property owner's property within three (3) feet of the property line.

(D) The City reserves the right to discontinue service unless the property owner's lines or piping are installed in such a manner to include a double backflow preventer.

(E) Under normal conditions, the property owner will be notified of any anticipated interruption of service.

VII. PROPERTY OWNER'S RESPONSIBILITY

(A) Where a meter or meter box is placed on the premises of a property owner, a suitable site shall be provided by the property owner, unobstructed and accessible at all times to the meter reader.

(B) The property owner shall furnish and maintain a private cut-off valve on the property owner's side of the meter.

(C) The property owner's piping and apparatus shall be installed and maintained by the property owner at the property owner's expense, in a safe and efficient manner and in accordance with the City's rules and regulations and in full compliance with the sanitary regulations of the State Health Department.

(D) Water furnished by the City shall be used for consumption by the property owner, members of his household, tenants, and employees only. The property owner shall not sell water to any other person or permit any other person to use said water. Water shall not be used for irrigation, fire protection, or other purposes, except when water is available in sufficient quantity without interfering with the regular domestic consumption in the area served. Disregard for the rule shall be sufficient cause for refusal or discontinuance of service.

VIII. ACCESS TO PREMISES

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

(B) Extensions to the system shall be made only when the property owner shall grant or convey, or shall cause to be granted and conveyed, to the City a permanent easement or right of way across any property traversed by the lines.

IX. CHANGE OF OCCUPANCY

(A) Not less than three (3) days advance notice must be given in person or in writing, at the City office, to discontinue service on a change of occupancy.

(B) The outgoing property owner shall be responsible for all water consumed up to the time of departure or the time specified for departure, whichever period is longest. Failure to notify the City of his/her departure shall make the outgoing property owner responsible for all water consumed up to the time of a new application for service.

(C) The new property owner shall apply for service within forty-eight (48) hours after occupying the premises and failure to do so shall make him/her liable for the water consumed since the last meter reading.

X. METER READING, BILLING, LIEN, COLLECTING.

(A) Meters will be read and bills rendered monthly, but the City reserves the right to vary the dates and length of period covered, temporarily or permanently if it deems the same necessary or desirable.

(B) Bills for water will be calculated in accordance with the City's rate schedule applied to the amount consumed for the period covered by the meter readings. Except when a property owner orders turnoff less than one (1) month after turn-on, the minimum bill to the property owner for such period shall be equal to the minimum charge for one (1) full month's service.

(C) Bills shall be paid by mail, online or in person at the Ashford City Hall. A drop box has been provided for the convenience of the customer.

(D) Bills are due in full when rendered, delinquent after 4:00 p.m. the 10th day of the month and a \$10.00 penalty shall automatically be added to such bills if not paid by 4:00 p.m. the 10th day of the month.

(E) Delinquent notices may be mailed to the customer the 15th day of the month but whether mailed or not, if payment is not made by 4:00 p.m. the 25th day of the month, an **additional \$100.00 delinquent administrative fee** will be added and service may be disconnected. **After hours reconnect will result in a \$50.00 reconnect fee for non-payment only.**

(F) Failure to receive bills or notices shall not prevent such bills from being delinquent nor relieve the property owner from responsibility for payment.

(G) Only one payment extension will be granted within a six (6) month period per customer. All extensions will be approved by the Mayor prior to being granted to the customer.

(H) Charges for the provision of water and sewer services to the property shall become a lien against the real property and shall be recordable and enforceable in the same manner as other liens against real property in the State of Alabama.

XI. SUSPENSION OF SERVICES

(A) When services are disconnected and all bills have been paid, the security deposit will be refunded

(B) Upon disconnection of service for nonpayment of bills, the security deposit will be applied by the City toward the settlement of the account. Any balance will be refunded to the property owner. However, if the security deposit is not sufficient to pay the bill in full, the City may proceed to collect the balance in the manner provided by law for the collection of debts.

(C) Service disconnected for nonpayment of bills will be restored only after bills, including administrative and service fees, are paid in full.

(D) The City reserves the right to discontinue its service without notice for the following additional reasons:

1. The prevention of fraud or abuse;
2. Property owner's willful disregard of the City's rules and regulations;
3. Emergency repairs;
4. Insufficiency of water supply due to circumstances beyond the City's control;
5. Legal processes;
6. Direction of Public Authorities;
7. Strike, Riot, Fire, Flood, Accident, or any unavoidable cause

(E) The City may, in addition to lawful prosecution, permanently refuse service to any property owner who tampers with a meter or other measuring device.

XII. COMPLAINTS, ADJUSTMENTS

(A) If the property owner believes his bill to be in error, he shall present his claim, in person, at the office of the Water Clerk, City of Ashford, Alabama, before the bill becomes delinquent. If such claim is made after the bill becomes delinquent, the claim shall not prevent the discontinuance of service as heretofore provided. The property owner may pay such bill under protest and said payment shall not prejudice his claim of error.

(B) The City will make special meter readings at the request of the property owner and may charge a fee of \$10.00. If such special reading discloses that the meter was misread, NO CHARGE shall be made.

(C) If the seal of a meter or valve is broken by other than the City's representative or if the meter fails to register correctly or is stopped for any cause, the property owner shall pay an amount estimated from the record of his previous bills and/or from other proper data.

XIII. REPEALER AND JUDICIAL DECISION AFFECTING

This Water and Sewer Ordinance repeals any and all Water and Sewer Ordinances heretofore adopted by the City Council of the City of Ashford, Alabama, specifically Ordinance Number 10-001. Also, any ordinance heretofore adopted by the City Council of the City of Ashford, Alabama, which is in conflict with this ordinance, is hereby repealed to the extent of such conflict. If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, 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.

XIV. RECORDING AND CERTIFICATION

The Ordinance shall be recorded in a book kept for that purpose, shall be authenticated by the signature of the City Clerk and the City Clerk shall append a certificate hereto stating therein the dates, time and location of the posting of this Ordinance within the City of Ashford.

XV. PUBLICATION

This Ordinance shall, pursuant to Alabama Code § 11-45-8, be published by posting copies hereof in three (3) public places within the municipality, one of which shall be either the post office or the Mayor's office in the City of Ashford, Alabama.

XVI. EFFECTIVE DATE.

This Ordinance shall take effect five (5) days after it is first posted as required herein.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Ashford to be affixed this 18th day of December, 2023.

Authenticated:

Janet Rumley, City Clerk

Council Member _____ moved that said Ordinance be adopted,
which motion was seconded by Council Member _____ and,
upon said motion being put to vote, the following vote was recorded:

YEAS _____

NAYS _____

The Mayor thereupon announced that said motion had been passed and the Ordinance adopted.

ADOPTED AND APPROVED THIS THE 18th DAY OF December 2023.

Mayor Carole Barfield

Mayor Pro-Tem Ronnie Whitehead

Councilmember John Massey

Councilmember Josh Johnson

Councilmember Blake Rosenkoetter

Councilmember James Smith

ATTEST:

Janet Rumley, City Clerk
City of Ashford
STATE OF ALABAMA
HOUSTON COUNTY

I, the undersigned, City Clerk of Ashford, Alabama, do hereby certify that the above and foregoing Ordinance was properly posted in three (3) different locations, to wit: Ashford City Hall, Ashford Post Office and City of Ashford Website, advertised and duly adopted by the City Council of the City of Ashford, Alabama.

Janet Rumley, City Clerk

Date