

ORDINANCE NUMBER 2006-02

AN ORDINANCE REPEALING ORDINANCE NUMBER 2001-03 AND AMENDING ORDINANCE NUMBER 2000-04 OF THE TOWN OF FALKVILLE, ALABAMA BY REVISING THE WATER SERVICE RATES EXPRESSED IN SECTION 2 THEREOF

WHEREAS, the Town Council of the Town of Falkville, Alabama ("Council") notes that the Council has not increased water service rates for water customers of the Town of Falkville, Alabama in several years; and

WHEREAS, the Council has carefully studied its costs in providing water services and made comparisons to the rates of other entities providing water service; and

WHEREAS, the Council has determined that to continue to provide quality service and infrastructure upgrades and maintenance at a level it deems appropriate for the health and welfare of its customers an increase in service rates is necessary.

NOW, THEREFORE, be it **ORDAINED** by the Town Council of the Town of Falkville, Alabama, as follows:

Section 1. Ordinance Number 2001-03 of the Town of Falkville, Alabama, is hereby repealed.

Section 2. Ordinance Number 2000-04 of the Town of Falkville, Alabama is hereby amended by deletion of the entire language of Section 2 thereof and by substituting for same the following so that hereafter said Section 2 shall read, in its entirety, as follows, to-wit:

"Section 2. The following schedule of rates, services, regulations and related provisions shall apply to the provision of water and sewer utility services in the Town of Falkville, Alabama, to-wit:

1 TYPES OF SERVICES

(A) The rate schedule set forth contemplates a single user, such as a one family dwelling, one farm dwelling with appurtenances, or one commercial operation.

(B) Extraordinary circumstances, such as multiple unit dwellings, subdivision extensions or industrial users, may be governed by special contract agreements made by the Town council.

(C) No sewer services shall be extended to any areas or customers outside the Town limits of the Town of Falkville.

(D) Except for fire protection, the Town shall not under any condition furnish water free of charge.

(E) A utility availability charge in an amount equal to the water and sewer tap fee will be assessed to any new customer connecting to the system. Fees on multiple unit

developments will be paid prior to development permits being issued; otherwise, to be paid along with tap fees.

II Water service rates

(A) Inside Town limits

1. Residential (3/4" or 1" meters):

First 2,500 gallons or less \$11.40
Over 2,500 gallons \$ 3.00
Per 1000 gallons

2. Commercial (3/4" or 1" meters):

First 4000 gallons or less \$15.90
Next 11,000 gallons \$ 3.00
All over 15,000 gallons \$ 2.10
Per 1000 gallons

3. All 2" meters:

First 20,000 gallons or less \$ 59.40
All over 20,000 gallons \$ 2.10
Per 1000 gallons

4. All meters over 2":

First 50,000 gallons or less \$121.90
All over 50,000 gallons \$ 2.10
Per 1000 gallons

5. The minimum charges, as provided in the rate schedule, shall be made for each connection through a single delivery and metering point per metering period (one month).

(B) Outside Town limits

1. Residential (3/4" or 1" meters):

First 2,500 gallons or less \$ 13.39
Over 2,500 gallons \$ 3.30
Per 1000 gallons

2. Commercial (3/4" or 1" meters):

First 4000 gallons or less \$ 18.34
Next 11,000 gallons \$ 3.30
Any over \$ 2.31
Per 1000 gallons

3. All 2" meters:

First 20,000 gallons or less \$ 66.19
All over 20,000 gallons \$ 2.31
Per 1000 gallons

- 4. All meters over 2":
First 50,000 gallons or less\$135.49
All over 50,000 gallons \$ 2.31
Per 1000 gallons
- 5. The minimum charges, as provided in the rate schedule, shall be made for each connection through a single delivery and metering point per metering period (one month).

III. WATER TAP FEES

- 1. 5/8" and 3/4" meter\$350.00
- 2. 1" meter\$400.00
- 3. 2" and above actual cost
- 4. In instances where the Towns actual cost of installation of water taps exceeds the applicable fee specified herein, the customer shall pay the actual cost to the Town in labor, materials, and other expenses over and above the tap fee.
- 5. Actual cost of installation will include costs associated with labor, materials, equipment, and any other expense associated with project.

IV. SEWER SERVICE RATES

(A) Inside Town limits

- 1. Inside Town limits – gravity sewer
First 3,000 gallons or less\$11.30
All over 3,000 gallons\$.60
Per 1000 gallons
- 2. Discount customers with grinder pumps:
First 3,000 gallons or less\$11.30
All over 3,000 gallons\$.60
Per 1000 gallons

(B) SEWER SERVICE RATES

- 1. Outside Town limits – gravity sewer
First 3000 gallons\$13.58
All over 3,000 gallons\$.66
- 2. Discount customers with grinder pumps:
First 3,000 gallons\$13.58
All over 3,000 gallons\$.66

(C) SEWER CUSTOMER ADJUSTMENTS AND SURCHARGES

- 1. A discount customer who supplies electricity for users of a grinder pump other than his own household or business shall be given credit of \$5.50 to compensate for the use of said electricity.

2. A discount customer whose grinder pump is supplied with electricity by another customer shall, in addition to regular sewer rate charges, pay an additional \$5.50 per billing cycle.
3. In addition to the regular rates established hereby, any user discharging wastes other than those normally associated with domestic sewer use should be charged a surcharge equal to the Town's additional costs of treating such wastes. The utility department head shall determine such cost and see that the customer is billed for the same.
4. The minimum charge, as provided in the rate schedule, shall be made for each connection through a single delivery point, per metering period (one month).
5. The town will no longer accept maintenance of new grinder pumps. The town will not allow more than one customer per grinder pump.

(D) SEWER TAP FEES

1. For sewer taps of 4" \$350.00
2. For sewer taps over 4" Actual cost
3. In instances where the Town's actual cost of installation of sewer taps exceeds the applicable fee specified herein, the customer shall pay. In addition to the specified tap fee, the actual costs to the Town in labor, materials, and other expenses over and above the tap fee.
4. Actual cost of installation will include costs associated with labor, materials, equipment and any other expense associated with project.

V APPLICATION FOR SERVICE

- (A) The consumer will make application for service in person at the office of the Falkville Town Hall and at the same time make the necessary payments as required.
- (B) A non-refundable service charge of \$45.00 will be required of all consumers at the time of application for service.

VI TOWN OF FALKVILLE'S RESPONSIBILITY AND LIABILITY

- (A) The Town may install its meter at or near the property line or, at the Town's option, on the consumer's property within 3 feet of the property line.
- (B) The Town reserves the right to refuse service unless the consumer's lines or piping are installed in such a manner as to prevent cross-connection or backflow.
- (C) Under normal conditions, the consumer will be notified of any anticipated interruption of service.

VII CONSUMER'S RESPONSIBILITY

- (A) The consumer shall provide a suitable place where a meter or meter boxes is placed on the premises of the consumer, unobstructed and accessible at all times by the meter reader.
- (B) The consumer shall furnish and maintain a private cut-off valve on the consumer's side of the meter. The Town will provide a like valve on its side of such meter, to be used by the Town only.
- (C) The consumer's piping and apparatus shall be installed and maintained by the consumer at the consumer's expense, in a safe and efficient manner, and in accordance with the Town's rules and regulations and in full compliance with the regulations of the State Health Department.
- (D) The consumer, members of his household and his employees shall use water furnished by the Town for consumption only. The consumer 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 any other purposes, except when water is available in sufficient quantity without interfering with the regular domestic consumption in the area served. Disregard for this rule shall be sufficient cause for refusal or discontinuance of service.

VIII ACCESS TO PREMISES

- (A) Duly authorized agents of the Town shall have access at all reasonable hours to the premises of the consumer for the purpose of installing or removing Town property, inspecting piping, reading and testing meters, or for any other purpose in connection with the Town's service and facilities.
- (B) Extensions of the system shall be made only when the consumer shall grant or convey to the Town, or shall cause to be granted or conveyed to the Town, a permanent easement or right of way across any property traversed by the water lines.

IX METER READING - BILL COLLECTING

- (A) Reading - Meters will be read monthly, but the Town reserves the right to vary the dates or length of period covered, temporarily or permanently if necessary or desirable.
- (B) Billing -
 - 1. Bills will be rendered monthly, but the Town reserves the right to vary the dates or length of period covered, temporarily or permanently if necessary or desirable.
 - 2. Bills for water will be figured in accordance with the rate schedule approved by the Town council and will be based on the amount consumed for the period covered by the meter readings, except where a consumer orders turn off less than one month after turn on, the minimum bill to such consumer for such period shall be equal to the minimum charge for one full month's service.

3. Readings from different meters will not be combined for billing.
- (C) Collecting
1. Bills are due when rendered, delinquent after the 10th day of the month, and a 10% penalty shall automatically be added to such bills that are delinquent.
 2. If payment is not received in the office by the 20th day of the month, service will be discontinued and will not be cut back on until the payment and the reconnection charge is paid in full. The reconnection charge during working hours is \$25.00 and the charge for after hours is \$50.00.
 3. The customer's failure to receive bills shall not prevent such bills from becoming delinquent nor relieve the customer from payment.

X SUSPENSION OF SERVICES

- (A) When services are discontinued and all bills have been paid, the meter deposit, if any, will be refunded.
- (B) Upon discontinuance of service for non-payment of bills, the meter deposit, if any, will be applied by the Town toward settlement of the account. Any balance amounting to \$1.00 or more will be refunded to the customer, but if the meter deposit is not sufficient to cover the bill, the Town may proceed to collect the balance in the usual way provided by law for collection of debts. This paragraph does not apply to customers without a meter deposit.
- (C) The Town reserves the right to discontinue its service without notice for the following reasons:
1. To prevent fraud or abuse.
 2. Consumer's willful disregard to Town's rules.
 3. Emergency repairs.
 4. Insufficient water supply due to circumstances beyond the Town of Falkville's control.
 5. Legal processes.
 6. Strike, riot, fire, floods, accident or any unavoidable cause.
 7. Direction of public authorities.
 8. The occurrence of any act, which, in the opinion of the Town council would be a violation of Section 13A-8-23 of the Code of Alabama, as last amended. Neither the Town, nor its employees or agents shall be liable to the customer for a determination that an act of a customer would be or is in violation of said Section 13A-8-23 so long as said determination is made in good faith by said council, employees, or agents.
- (D) Any damage from any source to a meter, meter box, service line or locking device serving a customer whether committed by that customer or not, shall be the full responsibility of the customer and the customer must pay

the cost of repair or replacement of said item or items in full plus a \$50.00 (fifty) fee to the Town before the service is restored. The cost of such damages will be determined by the Town. The Town may, in addition to prosecution by law, permanently refuse service to any customer who tampers with or damages a meter or any other measuring device.

XI COMPLAINTS – ADJUSTMENTS – LEAKS

- (A) The operations manager and Mayor will review all requests for adjustments before any action or adjustment is taken.
- (B) As a direct result of air in lines due to main line breaks; the mayor is authorized to make adjustments to water bills, upon receiving a formal recommendation from the operations manager.
- (C) The Town will make special meter readings at the request of a customer for a fee of \$3.00 provided, however, that if such special reading discloses that the meter was over read, no fee would be charged.
- (D) Meters will be tested at the request of the consumer upon payment of a \$10.00 fee to the Town for the actual cost of making the test, provided, however, that if the meter is found to over-register beyond 3% of the correct volume, no fee will be charged.
- (E) If the seal of a meter is broken by other than the Town's employees or if the meter fails to register correctly or is stopped for any cause, the consumer shall pay an amount estimated from the record of his previous bills and/or other data at the option of the Town.
- (F) In the event of an extraordinary water usage due to a leak on the consumer's side of the meter, if verified by the Mayor or Operations Manager, mayor may credit consumers bill an amount of nor more than consumer's sewer use charges for the estimated water lost.

XII FIRE HYDRANTS

- (A) All fire hydrants in the Town of Falkville service area are the property of the Town of Falkville. No individual, group or organization has the authority to use these fire hydrants without a meter attached thereto and provided by the Town of Falkville utilities with the single and only exception being for their use in the actual fighting of a fire.
- (B) Each fire hydrant will be subjected to a flow test annually. If an organization wishes to keep records of the flow test, it must furnish to the Town Clerk the name, address and phone number of the person in the organization who will keep records. The Town of Falkville will notify this individual so that he or she might be present at the flow test.
- (C) If an organization wishes to flow test any meter in addition to the annual flow test performed by the Town of Falkville utilities, it must secure permission prior to the flow test. While permission

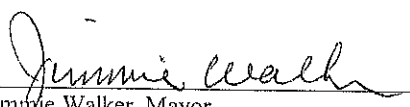
will be freely granted, an employee of the Town will install a water meter on the hydrant prior to the additional test and the organization will be charged for the water passing through the meter.

- (D) Flow tests will be performed at a time to be set by the Town of Falkville so that a diminution in pressure will not occur to the residential customers along the line on which the fire hydrant being tested is located.
- (E) No one, other than an agent or employee of the Town of Falkville has authority to mark or cover any hydrant for any reason.
- (F) Fire hydrants will be installed at customer request at actual cost of installation. Actual cost of installation will include cost associated with labor, materials, equipment and any other expense associated with project.
- (G) It shall be unlawful and an offense for any person to use any fire hydrant in an unauthorized manner, or in any manner contrary to the provisions hereof, or to tamper with or knowingly damage a fire hydrant within the municipal limits or police jurisdiction of the Town of Falkville, Alabama. Any person committing such an offense shall be guilty of a misdemeanor, punishable by a fine of up to Five Hundred Dollars (\$500.00) or by imprisonment for up to six (6) months, or by both such fine and imprisonment, together with an assessment of restitution for any damage or inconvenience caused by such unlawful conduct.
- (H) Any person or business wishing to use an extraordinary amount of water, for example, in filling a swimming pool, and desiring to do so by use of a fire hydrant, must apply for permission to use the hydrant. If hydrant is accessible, the utility department head will grant permission if to do so will not cause undue inconvenience to other customers or undue strain on the water system. If approved, a meter shall be set on the hydrant and the charge for water shall be at the residential or commercial rate depending on the particular customer. A fee for setting the meter and use of equipment shall be charged as follows: \$25.00 fee, \$3.00 per 1000 gallons. The hose and any other equipment past the meter will be the customer's responsibility."

Section 2. The effective date of this Ordinance, following its adoption and publication according to law, shall be September, 2006.

ADOPTED and APPROVED this the 5 day of September 2006.

APPROVED BY:


Jimmie Walker, Mayor

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ATTEST:

(Seal)

Belinda Ealey
Belinda Ealey, Town Clerk

ORDINANCE NO. 2010-1

AN ORDINANCE REPEALING ORDINANCE NUMBER 2008-08 AND AMENDING ORDINANCE NUMBER 2006-02 OF THE TOWN OF FALKVILLE, ALABAMA BY REVISING THE WATER SERVICE RATES, THE SEWER SERVICE RATES AND THE WATER ADJUSTMENT PROCEDURE EXPRESSED IN SECTION 2 THEREOF AND PROVIDING FOR FUTURE WATER AND SEWER SERVICE AND TAP RATE ADJUSTMENTS TO BE BY RESOLUTION

Section 1. Ordinance Number 2008-08 of the Town of Falkville, Alabama, is hereby repealed, effective at 12:00 a.m. March 15, 2010, except that the repeal of said Ordinance Number 2008-08 shall not affect the application of rates and practices thereunder during the effective period of said ordinance from its effective date through 12:00 a.m. March 15, 2010, nor shall said repeal be deemed to revive the rates set out in Ordinance 2006-02 or affect any rights, obligations or charges which accrued or actions taken pursuant to or arising from the provisions of said ordinances during their effective periods. The rates established under Section 2 hereof shall continue in effect until the effective date of any new rates established pursuant to Sections 3 or 4 hereof.

Section 2. Ordinance Number 2006-02 of the Town of Falkville, Alabama ("Town") is hereby amended by deletion of the entire language of Section 2 thereof and by substituting for same the following so that hereafter said Section 2 shall read, in its entirety, as follows, to-wit:

"Section 2. The following schedule of rates and services shall be charged by the Town and paid by the consumer for the provision of water and sewer utility services by the Town and the following regulations and provisions relating to same shall be observed and followed by the Town and the consumer, to-wit:

I TYPES OF SERVICES

(A) The rate schedule set forth contemplates a single user, such as a one family dwelling, one farm dwelling with appurtenances, or one commercial operation.

(B) Extraordinary circumstances, such as multiple unit dwellings, subdivision extensions or Industrial users, may be governed by special contract agreements made by the Town Council.

(C) No sewer services shall be extended to any areas or customers outside the town limits of the Town of Falkville.

(D) Except for fire protection, the Town shall not under any condition furnish water free of charge.

(E) A utility availability charge in an amount equal to the water and sewer tap shall be assessed to any new customer connecting to the system. Fees on multiple unit developments shall be paid prior to development permits being issued unless authorized in writing by the Town to be paid along with tap fees.

II WATER SERVICE RATES

(A) Inside Town limits:

1. Residential (3/4" or 1" meters):

First 2,000 gallons or less	.....	\$ 13.00
Over 2,000 gallons	.....	\$ 3.30
		Per 1000 gallons

2. Commercial (3/4" or 1" meters):

First 3000 gallons or less	.....	\$ 17.50
Next 11,000 gallons	.....	\$ 3.30
All over 14,000 gallons	.....	\$ 2.31
		Per 1000 gallons

3. All 2" meters:

First 10,000 gallons or less	.....	\$ 65.00
All over 10,000 gallons	.....	\$ 2.40
		Per 1000 gallons

4. All meters over 2":

First 35,000 gallons or less	.....	\$140.00
All over 35,000 gallons	.....	\$ 2.40
		Per 1000 gallons

5. The minimum charges, as provided in the rate schedule, shall be for each connection through a single delivery and metering point metering period (one month).

made
per

(B) Outside Town limits:

1. Residential (3/4" or 1" meters):

First 2,000 gallons or less	.....	\$ 16.25
Over 2,000 gallons	.....	\$ 4.00
		Per 1000 gallons

2. Commercial (3/4" or 1" meters):

First 2000 gallons or less	.....	\$ 25.00
Next 11,000 gallons	.....	\$ 3.60
All over 11,000 gallons	.....	\$ 2.50
		Per 1000 gallons

3. All 2" meters:
- | | | |
|------------------------------|-------|------------------|
| First 10,000 gallons or less | ..... | \$ 75.00 |
| All over 10,000 gallons | ..... | \$ 2.75 |
| | | Per 1000 gallons |
4. All meters over 2":
- | | | |
|------------------------------|-------|------------------|
| First 35,000 gallons or less | ..... | \$150.00 |
| All over 35,000 gallons | ..... | \$ 2.75 |
| | | Per 1000 gallons |
5. The minimum charges, as provided in the rate schedule, shall be for each connection through a single delivery and metering point metering period (one month).
- made
per

III WATER TAP FEES

- | | | | |
|----|---------------------|-------|-------------|
| 1. | 5/8" and 3/4" meter | ..... | \$350.00 |
| 2. | 1" meter | ..... | \$400.00 |
| 3. | 2" and above | ..... | actual cost |
4. In instances where the Town's actual cost of installation of water taps exceeds actual cost to the applicable fee specified herein, the customer shall pay the Town in labor, materials and other expenses over and above the tap fee.
5. Actual cost of installation shall include costs associated with labor, materials, equipment and any other expense associated with the project.

IV SEWER SERVICE RATES

(A) Inside Town limits:

1. Inside Town limits - gravity sewer
- | | | |
|-----------------------------|-------|------------------|
| First 2,500 gallons or less | ..... | \$ 13.00 |
| All over 2,500 gallons | ..... | \$ 1.00 |
| | | Per 1000 gallons |
2. Discount customers with grinder pumps:
- | | | |
|-----------------------------|-------|------------------|
| First 2,500 gallons or less | ..... | \$ 13.00 |
| All over 2,500 gallons | ..... | \$ 1.00 |
| | | Per 1000 gallons |

(B) Sewer Service Rates:

1. Outside Town limits - gravity sewer
- | | | |
|------------------------|-------|-----------------|
| First 2,500 gallons | ..... | \$ 15.00 |
| All over 2,500 gallons | ..... | \$ 1.10 |
| | | Per 100 gallons |
2. Discount customers with grinder pumps:

First 2,500 gallons	\$ 15.00
All over 2,500 gallons.....	\$ 1.10
	Per 100 gallons

(C) Sewer Customer Adjustments and Surcharges:

1. A discount customer who supplies electricity for users of a grinder pump other than his own household or business shall be given credit of \$5.50 to compensate for the use of said electricity.
2. A discount customer whose grinder pump is supplied with electricity by another customer shall, in addition to regular sewer rate charges, pay an additional \$5.50 per billing cycle.
3. In addition to the regular rates established hereby, any user discharging wastes other than those normally associated with domestic sewer use shall be charged a surcharge equal to the Town's additional costs of treating such wastes. The utility department head shall determine such cost and see that the customer is billed for the same.
4. The minimum charge, as provided in the rate schedule, shall be made for each connection through a single delivery point, per metering period (one month).
5. The Town shall not accept maintenance responsibility for new grinder pumps. There shall be no more than one customer per grinder pump.

(D) Sewer Tap Fees

1. For sewer taps of 4" \$350.00
2. For sewer taps over 4" Actual cost
3. In instances where the Town's actual cost of installation of sewer taps exceeds the applicable fee specified herein, the customer shall pay, in addition to the specified tap fee, the actual costs to the Town in labor, materials, and other expenses over and above the tap fee.
4. Actual cost of installation shall include costs associated with labor, materials, equipment and any other expense associated with the project.

V APPLICATION FOR SERVICE

- (A) The consumer shall make application for service in person at the office of the Falkville Town Hall and at the same time make the necessary payments as required.
- (B) A non-refundable service charge of \$45.00 shall be required of all consumers at the time of application for service.

VI TOWN OF FALKVILLE'S RESPONSIBILITY AND LIABILITY

- (A) The Town may install its meter at or near the property line or, at the Town's option, on the consumer's property within 3 feet of the property line.
- (B) The Town reserves the right to refuse service unless the consumer's lines or piping are installed in such a manner as to prevent cross-connection or backflow.
- (C) Under normal conditions, the consumer should be notified of any anticipated interruption of service.

VII CONSUMER'S RESPONSIBILITY

- (A) The consumer shall provide a suitable place where a meter or meter box is placed on the premises of the consumer, unobstructed and accessible at all times by the meter reader and service personnel.
- (B) The consumer shall furnish and maintain a private cut-off valve on the consumer's side of the meter. The Town will provide a like valve on its side of such meter, to be used by the Town only.
- (C) The consumer's piping and apparatus shall be installed and maintained by the consumer at the consumer's expense, in a safe and efficient manner, and in accordance with the Town's rules and regulations and in full compliance with the regulations of the State Health Department and ADEM.
- (D) A consumer, members of his household and his employees shall use water furnished by the Town for that consumer's consumption only. The consumer 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 any other purposes, except when water is available in sufficient quantity without interfering with the regular domestic water pressure, flow rate or consumption in the area served. Disregard for this rule shall be sufficient cause for limitation, restriction, refusal or discontinuance of service.

VIII ACCESS TO PREMISES

- (A) Duly authorized agents of the Town shall have access at all reasonable hours to the premises of the consumer for the purpose of installing, maintaining or removing Town property, inspecting piping, reading and testing meters, or for any other purpose in connection with the Town's service and facilities.
- (B) Extensions of the system shall be made only when the consumer shall grant or convey to the Town, or shall cause to be granted or conveyed to the Town, a permanent easement or right of way across any property traversed by the water lines.

IX METER READING - BILL COLLECTING

- (A) Reading - Meters will be read monthly, but the Town reserves the right to vary the dates or length of period covered, temporarily or permanently, in its discretion.

(B) Billing -

1. Bills will be rendered monthly, but the Town reserves the right to vary the dates or length of period covered, temporarily or permanently, in its discretion.
2. Bills for water shall be figured in accordance with the rate schedule approved by the Town council and will be based on the amount consumed for the period covered by the meter readings, except where a consumer orders turn off less than one month after turn on, the minimum bill to such consumer for such period shall be equal to the minimum charge for one full month's service.
3. Readings from different meters shall not be combined for billing.

(C) Collecting -

1. Bills are due when rendered, delinquent after the 10th day of the month, and a 10% penalty shall automatically be added to such bills that are delinquent and shall be paid by the customer the same as regular charges.
2. If full payment and penalty is not received in the office by the 20th day of the month, service shall be discontinued and shall not be restored until the payment, penalty and the reconnection charge are paid in full.
3. Reconnect fee during regular business hours shall be \$50.00 and for non-business hours shall be \$75.00.

X SUSPENSION OF SERVICES

- (A) When services are discontinued and all bills have been paid, the meter deposit, if any, shall be refunded.
- (B) Upon discontinuance of service for non-payment of bills, the meter deposit, if any, shall be applied by the Town toward settlement of the account. Any balance amounting to \$1.00 or more will be refunded to the customer, but if the meter deposit is not sufficient to cover the bill, the Town may proceed to collect the balance in the usual way provided by law for collection of debts. This paragraph does not apply to customers without a meter deposit.
- (C) The Town reserves the right to discontinue its service without notice for the following reasons:
1. To prevent fraud or abuse.
 2. Consumer's willful disregard of Town's rules.
 3. Emergency repairs.
 4. Insufficient water supply due to circumstances beyond the Town of Falkville's control.
 5. Legal processes.
 6. Strike, riot, fire, floods, accident, Acts of God or any unavoidable cause.
 7. Direction of public authorities.
 8. The occurrence of any act, which, in the opinion of the Town

council would be a violation of Section 13A-8-23 of the *Code of Alabama*, as last amended. Neither the Town, nor its employees or agents shall be liable to the customer for a determination that an act of a customer would be or is in violation of said Section 13A-8-23 so long as said determination is made in good faith by said council, employees, or agents.

- (D) Any damage from any source to a meter, meter box, service line or locking device serving a customer, whether committed by that customer or not, shall be the full responsibility of the customer and the customer shall pay the cost of repair or replacement of said item or items in full plus a \$50.00 (fifty dollar) fee to the Town before the service is restored. The cost of such damages shall be determined by the Town. The Town may, in addition to prosecution, or in lieu thereof, permanently refuse service to any customer who tampers with or damages a meter or any other measuring device.

XI COMPLAINTS - ADJUSTMENTS - LEAKS

- (A) The operations manager and Mayor shall review all requests for adjustments before any action or adjustment is taken or made.
- (B) If a consumer's service is adversely affected as a direct result of air in lines due to main line breaks, the Mayor is authorized to make reasonable adjustments to water bills, upon receiving verification of such causation from the operations manager.
- (C) The Town will make special meter readings at the request of a customer for a fee of \$3.00 provided, however, that if such special reading discloses that the meter was over-read, said fee shall not be charged.
- (D) Meters will be tested at the request of the consumer upon payment of a \$10.00 fee to the Town to defer the cost of making the test, provided, however, that if the meter is found to over-register beyond 3% of the correct volume, no such fee will be charged.
- (E) If the seal of a meter is broken by other than the Town's employees, or if a meter fails to register correctly or is stopped for any cause, the consumer shall pay an amount estimated from the record of his previous bills and/or other data at the option of the Town.
- (F) In the event of an extraordinary water usage due to a leak on the consumer's side of the meter, the Mayor may credit the consumer's account by calculating said consumer's average monthly water consumption at the location in question over the immediately preceding twelve (12) months and subtracting that twelve (12) month average from the total gallons used during the billing cycle in which the leak is reported and repaired and charging the consumer for said billing cycle at his or her normal rate for the water used up to the average monthly consumption and \$1.50 per thousand (1000) gallons of water used above said average monthly consumption. The Mayor shall be authorized to allow the charges at \$1.50 per thousand gallons to be paid in up to twelve (12) consecutive monthly installments at the request of the consumer. No such adjustment shall be made unless the consumer proves such a leak existed and was repaired through plumber's invoices, invoices from plumbing suppliers or other documentation to the Mayor's satisfaction. Furthermore, no consumer shall receive more than one such adjustment in

any twelve (12) month period.

XII FIRE HYDRANTS

- (A) All fire hydrants in the Town of Falkville service area are the property of the Town of Falkville. No individual, group or organization shall use these fire hydrants without a meter attached thereto and provided by the Town of Falkville Utilities with the single and only exception being for their use in the actual fighting of a fire.
- (B) Each fire hydrant will be subjected to a flow test annually. If an organization wishes to keep records of the flow test, it must furnish to the Town Clerk the name, address and phone number of the person in the organization who will keep records. The Town of Falkville will notify this individual so that he or she might be present at the flow test.
- (C) If an organization wishes to flow test any meter in addition to the annual flow test performed by the Town of Falkville Utilities, it must secure permission prior to the flow test. While permission will be freely granted, an employee of the Town shall install a water meter on the hydrant prior to the additional test and the organization will be charged for the water passing through the meter.
- (D) Flow tests pursuant to subsection (C) shall only be performed at a time to be set by the Town of Falkville so that a diminution in pressure is least likely to occur to the residential customers along the line on which the fire hydrant being tested is located.
- (E) No one, other than an agent or employee of the Town of Falkville shall mark or cover any hydrant for any reason.
- (F) Fire hydrants may be installed at customer request at actual cost of installation. Actual cost of installation shall include cost associated with labor, materials, equipment and any other expense associated with the project.
- (G) It shall be unlawful and an offense for any person to use any fire hydrant in an unauthorized manner, or in any manner contrary to the provisions hereof, or to tamper with or knowingly damage a fire hydrant within the municipal limits or police jurisdiction of the Town of Falkville, Alabama. Any person committing such an offense shall be guilty of a misdemeanor, punishable by a fine of up to Five Hundred Dollars (\$500.00) or by imprisonment for up to six (6) months, or by both such fine and imprisonment, together with an assessment of restitution for any damage or inconvenience caused by such unlawful conduct.
- (H) Any person or business wishing to use an extraordinary amount of water (for example, in filling a swimming pool) and desiring to do so by use of a fire hydrant, must apply for permission to use the hydrant. If a hydrant is accessible, the utility department head shall grant permission if to do so will not cause undue inconvenience to other customers or undue strain on the water system. If approved, a meter shall be set on the hydrant and the charge for water shall be at the customer's regular rate. A fee for setting the meter and use of equipment shall be charged at \$35.00 plus \$3.30 per 1000 gallons used. The hose and any other equipment on the customer's side of the meter shall be the customer's responsibility."

Section 3. Water service rates and water tap fees shall hereafter be in the amounts hereafter set by resolution of the Council, but shall remain at the amounts set by this Ordinance pending the adoption of any such resolution by the Council.

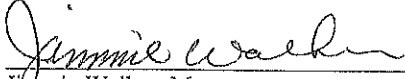
Section 4. Sewer service rates and sewer tap fees shall hereafter be in the amounts hereafter set by resolution of the council, but shall remain at the amounts set by this Ordinance pending the adoption of any such resolution by the Council.

Section 5. Except as specifically amended by this Ordinance and any future resolutions pursuant to this Ordinance, said Ordinance No. 2006-02 shall remain in full force and effect as first written.

Section 6. The effective date of this Ordinance, following its adoption and publication according to law, shall be March 15, 2010.

ADOPTED and **APPROVED** this the 2 day of March, 2010.

APPROVED BY:



Jimmie Walker, Mayor

ATTEST:

(Seal)



Belinda Ealey, Town Clerk

RESOLUTION NUMBER 2014-71
A RESOLUTION PURSUANT TO SECTION 3 OF
ORDINANCE NUMBER 2010-1 OF THE TOWN OF
FALKVILLE, ALABAMA ESTABLISHING NEW RATES
FOR WATER AND SEWER TAP FEES

WHEREAS, Ordinance Number 2010-1 of the Town of Falkville, Alabama provided in Section 5 of said Ordinance that tap fees could be set by resolution of the Council from time to time; and

WHEREAS, the Town Council of the Town of Falkville, Alabama has determined that it is necessary to adopt new rates for water tap and sewer tap fees.

NOW, THEREFORE, be it RESOLVED by the Town Council of the Town of Falkville, Alabama that, effective immediately, rates for sewer and water tap fees shall be charged in accordance with the following schedules:

A. Water Tap Fees

1. ~~5/8" and 3/4" meter~~ \$300.00 plus actual costs of materials
2. ~~1" meter~~ \$350.00 plus actual costs of materials
3. ~~2" meter~~ \$400.00 plus actual cost of materials
4. Base fee on each size meter includes labor and equipment.
5. Actual costs of materials will be adjusted semi-annually.

See Resolution 2017-66

B. Sewer Tap Fees

1. For Sewer tap of 4" \$400.00 plus actual cost of materials
2. For Sewer tap over 4" \$450.00 plus actual cost of materials
3. Base fee includes labor and equipment.
4. Actual costs of materials will be calculated semi-annually.

C. Cost Overruns

1. With regard to both water and sewer taps, in instances of extraordinary circumstances which cause the Town's actual expense to be higher than the amount charged by the schedule, the customer shall pay the actual, documented additional expense. Examples of such circumstances include, but are not limited to boring, material and outside contractor costs where the particular installation is more costly than normal due to rock, boring requirements and other such exceptional conditions or circumstances.

DONE and RESOLVED this the 3rd day of November, 2014.

APPROVED BY:



Bob Ramey, Mayor

ATTEST:

(SEAL)



Dawn Estes, Town Clerk

ORDINANCE NO. 2015-02

AN ORDINANCE AMENDING ORDINANCE NUMBER 2006-02 OF THE TOWN OF FALKVILLE, ALABAMA AS PREVIOUSLY AMENDED BY ORDINANCE NUMBER 2010-01 OF SAID TOWN BY DEFINING "MATERIALS" AS USED IN SECTION 2(IV)(D) THEREOF AND BY FURTHER DEFINING CONSUMER RESPONSIBILITY IN SECTION 2(VII) THEREOF

Section 1. Ordinance Number 2006-02 of the Town of Falkville, Alabama ("Town") as previously amended by Ordinance Number 2010-1 of said Town, is hereby amended by deletion of the entire language of Section 2(IV)(D) thereof and by substituting for same the following so that hereafter said Section 2(IV)(D) shall read, in its entirety, as follows, to-wit:

"(D) Sewer Tap Fees

1. For sewer taps of 4" as set by resolution
2. For sewer taps over 4" as set by resolution
3. In instances where the Town's actual cost of installation of sewer taps, grinder pumps or other materials exceeds the applicable fee specified herein, the customer shall pay, in addition to the specified tap fee, the actual costs of installation to the Town.
4. 'Actual cost of installation' as used above shall include costs associated with labor, materials, equipment and any other expense associated with the project. The cost of materials shall, in cases where grinder pumps are required, include, but not be limited to, the cost of the grinder pump and piping from the grinder pump to the sewer header."

Section 2. Ordinance Number 2006-02 of the Town of Falkville, Alabama ("Town"), as previously amended by Ordinance Number 2010-01 of said Town, is hereby amended by deletion of the entire language of Section 2(VII) thereof and by substituting for same the following so that hereafter said Section 2(VII) shall read, in its entirety, as follows, to-wit:

"VII CONSUMER'S RESPONSIBILITY

- (A) The consumer shall provide a suitable place where a meter or meter box or grinder pump, if applicable, is placed on the premises of the consumer, unobstructed and accessible at all times by the meter reader and service personnel.
- (B) The consumer shall furnish and maintain a private cut-off valve on the consumer's side of the meter. The Town will provide a like valve on its side of such meter, to be used by the Town only.
- (C) The consumer's piping and apparatus shall be installed and maintained by the consumer at the consumer's expense, in a safe and efficient manner, and in accordance with the Town's rules and regulations and in full compliance with the regulations of the

State Health Department and ADEM. However, in cases where a grinder pump is utilized, the grinder pump shall be furnished and installed by the Town at the customer's expense as provided in Section 2(D) hereof. Once a grinder pump has been installed it shall be deemed the customer's property and all responsibility for and cost of maintenance, repair or replacement shall be the customer's responsibility. The Town will assign to the customer any warranty which comes with any new grinder pump installed. Furthermore, all grinder pumps in place as of the effective date of Ordinance Number 2015-02 of the Town of Falkville, Alabama shall be likewise deemed the property of the customer on whose property it is situated and shall be subject to the provisions stated above as to responsibility for maintenance, repair or replacement.

- (D) A consumer, members of his household and his employees shall use water furnished by the Town for that consumer's consumption only. The consumer 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 any other purposes, except when water is available in sufficient quantity without interfering with the regular domestic water pressure, flow rate or consumption in the area served. Disregard for this rule shall be sufficient cause for limitation, restriction, refusal or discontinuance of service.
- (E) The piping and apparatus referred to in subsection (c) above shall include all piping, equipment, grinder pumps and any other apparatus of any description which exists on the customer side of the water meter box or the sewer header or connection point to the municipal sewer main as the case may be."

Section 3. Except as specifically amended by this Ordinance and any future resolutions pursuant to this Ordinance, said Ordinance No. 2006-02 as previously amended shall remain in full force and effect as previously written and amended.


Section 4. This Ordinance shall be effective immediately following its adoption and publication according to law.

ADOPTED and APPROVED this the 3rd day of February, 2015.

APPROVED BY:


Bob Ramey, Mayor

ATTEST:
(Seal)


Dawn Estes, Town Clerk

RESOLUTION NUMBER 2017-66

WHEREAS, the Town Council of the Town of Falkville, Alabama ("Council") has determined that, due to an increase in its costs of securing water for resale to consumers within the Town of Falkville, Alabama ("Town") it is necessary to increase the rates charged to consumers for water provided to such consumers by the Town by so provided; and

WHEREAS, Section 3 of Ordinance No. 2010-1 of the Town allows such rate adjustments to be made by resolution of the Council.

NOW, THEREFORE, be it RESOLVED by the Town Council of the Town of Falkville, Alabama that the rates charged to consumers for water provided by the Town shall, be effective **October 2017** billing cycle, following adoption of this Resolution, be as follows:

(A) Inside Town limits:

1. Residential (3/4" or 1" meters):

First 2,000 gallons or less	\$ 17.01
Over 2,000 gallons	\$ 4.39
	Per 1000 gallons

2. Commercial (3/4" or 1" meters):

First 3000 gallons or less	\$ 22.94
Next 11,000 gallons	\$ 4.39
All over 14,000 gallons	\$ 3.11
	Per 1000 gallons

3. All 2" meters:

First 10,000 gallons or less	\$ 85.04
All over 10,000 gallons	\$ 3.22
	Per 1000 gallons

4. All meters over 2":

First 35,000 gallons or less	\$184.92
All over 35,000 gallons	\$ 3.22
	Per 1000 gallons

5. The minimum charges, as provided in the rate schedule, shall be made for each connection through a single delivery and metering point per metering period (one month).

(B) Outside Town limits:

1. Residential (3/4" or 1" meters):

First 2,000 gallons or less	\$ 21.21
Over 2,000 gallons	\$ 5.28
	Per 1000 gallons

2. Commercial (3/4" or 1" meters):

First 2000 gallons or less	\$ 32.47
Next 11,000 gallons	\$ 4.76
All over 11,000 gallons.	\$ 3.35
	Per 1000 gallons

3. All 2" meters:
First 10,000 gallons or less \$ 94.94
All over 10,000 gallons \$ 3.67
Per 1000 gallons
4. All meters over 2":
First 35,000 gallons or less \$197.82
All over 35,000 gallons \$ 3.67
Per 1000 gallons
5. The minimum charges, as provided in the rate schedule, shall be made for each connection through a single delivery and metering point per metering period (one month).

III WATER TAP FEES

1. 5/8" and 3/4" meter \$350.00
2. 1" meter \$400.00
3. 2" and above actual cost
4. In instances where the Town's actual cost of installation of water taps exceeds the applicable fee specified herein, the customer shall pay the actual cost to the Town in labor, materials and other expenses over and above the tap fee.
5. Actual cost of installation shall include costs associated with labor, materials, equipment and any other expense associated with the project.

IV SEWER SERVICE RATES

(A) Inside Town limits:

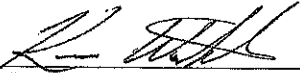
1. Inside Town limits - gravity sewer
First 1,500 gallons or less \$ 18.76
All over 1,500 gallons \$ 1.45
Per 1000 gallons
2. Discount customers with grinder pumps:
First 1,500 gallons or less \$ 18.76
All over 1,500 gallons \$ 1.45
Per 1000 gallons

(B) Sewer Service Rates:

1. Outside Town limits - gravity sewer
First 1,500 gallons \$ 21.64
All over 1,500 gallons \$ 1.59
Per 1000 gallons
2. Discount customers with grinder pumps:
First 1,500 gallons \$ 21.64
All over 1,500 gallons \$ 1.59
Per 1000 gallons

RESOLVED this the 3rd day of October, 2017.

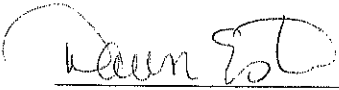
APPROVED BY:



Ken Winkles, Mayor

ATTEST:

(SEAL)



Dawn Estes, Town Clerk

RESOLUTION NUMBER 2018-66

**A RESOLUTION PURSUANT TO ARTICLE II OF
CHAPTER 44, *FALKVILLE CODE*, ESTABLISHING
WATER AND SEWER SERVICE ACCOUNT FEES**

WHEREAS, the Town Council of the Town of Falkville, Alabama ("Council") deems it appropriate to revise its provisions for water and sewer account service fees; and

WHEREAS, Sec. 44-21, *Falkville Code*, authorizes such service fees to be set by resolution of the Council; and

WHEREAS, Sec. 44-25(c)(3), *Falkville Code*, provides that service reconnection fees are to be set by resolution of the Council.

NOW, THEREFORE, be it RESOLVED by the Town Council of the Town of Falkville, Alabama as follows:

1. Account Origination Fees

a. A separate account origination fee shall be required to open each account that is for water service only, water and sewer service or sewer service only. If water and sewer service or water service only is sought by any single customer, a separate account shall be required for each water meter. If sewer service only is sought a separate account shall be required for each sewer connection.

b. An account origination fee for each account opened, whether new or following an account closure and/or a disconnection of service, shall be charged as follows:

1.	Business/industrial accounts	\$150.00
2.	Residential account	\$ 90.00
3.	Rental unit owner accounts	\$ 25.00

2. Delinquent Accounts

If an account remains unpaid in full at 4:30 p.m. on the 20th day of the month in which it is due a \$50.00 service fee will be assessed and the account will be placed for closing and disconnection of service(s) as provided in subsection (3) below.

3. Closing Accounts

Any delinquent account which has not been paid in full, including the \$50.00 service fee assessed pursuant to subsection (2) above, by 4:30 p.m. on the 2nd day of the next following month

shall be closed and the service(s) associated with each such account shall be disconnected.

4. **Reinstatement of Service**

To have service reconnected or continued after account closure pursuant to subsection (3) above for non-payment, for each account which was so closed (whether service was physically disconnected or not) the customer shall be required to open a new account and pay the account origination fee required by subsection 1(b) above and, additionally pay the full balance due on the closed account, including the \$50.00 service fee pursuant to subsection (2) above.

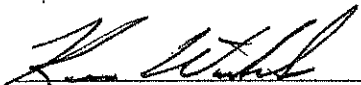
5. Any customers seeking service and whose account was closed or whose service was disconnected with a balance due prior to the effective date of this Resolution shall, before service is provided, open a new account and comply with the requirements of sections 1 and 4 above, to include payment of all sums due under the prior account, the \$50.00 fee and the origination fee.

6. The provisions of this Resolution shall be deemed to supersede the provisions of any previous resolution to the contrary to the extent any such provisions are in conflict.

7. The provisions of this Resolution shall be effective the 4th day of December, 2018 following adoption by the Council, except that the \$50.00 fee assessment provided in Section 2 shall not be effective until June 1, 2019.

DONE this the 3rd day of December, 2018.

APPROVED BY:



Ken Winkles, Mayor

ATTEST:

(SEAL)



Dawn Estes, Town Clerk

RESOLUTION NUMBER 2022-61

WHEREAS, the Town Council of the Town of Falkville, Alabama (“Council”) has determined that, due to an increase in its costs of securing water for resale to consumers within the Town of Falkville, Alabama (“Town”) it is necessary to increase the rates charged to consumers for water provided to such consumers by the Town so provided; and

WHEREAS, Section 3 of Ordinance No. 2010-1 of the Town allows such rate adjustments to be made by resolution of the Council.

NOW, THEREFORE, be it RESOLVED by the Town Council of the Town of Falkville, Alabama that the rates charged to consumers for water provided by the Town shall, effective with the January, 2023 billing cycle next following adoption of this Resolution, be as follows:

I. WATER SERVICE RATES

(A) Inside Town limits:

1. Residential (3/4" or 1" meters):

First 2,000 gallons or less	.....	\$ 17.09
Over 2,000 gallons	.....	\$ 4.43
		Per 1000 gallons

2. Commercial (3/4" or 1" meters):

First 3000 gallons or less	.....	\$ 23.06
Next 11,000 gallons	.....	\$ 4.43
All over 14,000 gallons	.....	\$ 3.15
		Per 1000 gallons

3. All 2" meters:

First 10,000 gallons or less	.....	\$ 85.44
All over 10,000 gallons	.....	\$ 3.26
		Per 1000 gallons

4. All meters over 2":

First 35,000 gallons or less	.....	\$186.32
All over 35,000 gallons	.....	\$ 3.26
		Per 1000 gallons

5. The minimum charges, as provided in the rate schedule, shall be made

for each connection through a single delivery and metering point per metering period (one month).

(B) Outside Town limits:

1. Residential (3/4" or 1" meters):

First 2,000 gallons or less	.....	\$ 21.29
Over 2,000 gallons	.....	\$ 5.32
		Per 1000 gallons

2. Commercial (3/4" or 1" meters):

First 2000 gallons or less	.....	\$ 32.55
Next 11,000 gallons	.....	\$ 4.80
All over 11,000 gallons	.....	\$ 3.39
		Per 1000 gallons

3. All 2" meters:

First 10,000 gallons or less	.....	\$ 95.34
All over 10,000 gallons	.....	\$ 3.71
		Per 1000 gallons

4. All meters over 2":

First 35,000 gallons or less	.....	\$199.22
All over 35,000 gallons	.....	\$ 3.71
		Per 1000 gallons

5. The minimum charges, as provided in the rate schedule, shall be made for each connection through a single delivery and metering point per metering period (one month).

II. WATER TAP FEES

1. 5/8" and 3/4" meter \$350.00
2. 1" meter \$400.00
3. 2" and above actual cost

4. In instances where the Town's actual cost of installation of water taps exceeds the applicable fee specified herein, the customer shall pay the actual cost to the Town in labor, materials and other expenses over and

above the tap fee.

5. Actual cost of installation shall include costs associated with labor, materials, equipment and any other expense associated with the project.

III. SEWER SERVICE RATES

(A) Inside Town Limits:

1. Gravity Sewer

First 1,500 gallons or less	\$ 18.76
All over 1,500 gallons	\$ 1.45
	Per 1000 gallons

2. Discount customer with grinder pumps:

First 1,500 gallons or less	\$ 18.76
All over 1,500 gallons	\$ 1.45
	Per 1000 gallons

(B) Outside Town Limits:

1. Gravity Sewer

First 1,500 gallons or less	\$ 21.64
All over 1,500 gallons	\$ 1.59
	Per 1000 gallons

2. Discount customer with grinder pumps:

First 1,500 gallons or less	\$ 21.64
All over 1,500 gallons	\$ 1.59

RESOLVED this the 5th day of December, 2022.


APPROVED BY:



Ken Winkles, Mayor

ATTEST:

(SEAL)



Dawn Estes, Town Clerk

LWM/zip1222/falkville.resolution.waterrateincrease
T102-22M