

City of Riverside

379 DEPOT STREET • RIVERSIDE, ALABAMA • 205.338.7692

RIVERSIDE WATER DEPARTMENT ORDINANCE 2023-0320

**AN ORDINANCE TO REPEAL AND REPLACE ORDINANCE 2017-0606, AMENDING
AND PRESCRIBING POLICIES, PROCEDURES AND TERMS
PERTAINING TO OPERATIONS OF THE RIVERSIDE WATER SYSTEM.**

Section I. Intent

Whereas, it is in the public interest to build, expand, construct, and maintain the public water supply system in the City of Riverside; and
Whereas, it is in the public interest to provide a reasonable rate for the use of these facilities; and
Whereas, it is in the public interest to provide an adequate procedure relating to the use of the facilities;
Therefore, be it ordained and enacted by the City Council of the City of Riverside, Alabama, as follows:

Section II. Rates and Policy for Water

A. Accountability

All customers of the public water system shall have their water usage determined by the use of a meter, which measures water usage by the gallon. Billing for water usage shall be by the month. Meters shall be located to allow adequate access for reading.

B. Water Rates

1. **Rate & Fee Schedule:** The City Council shall establish rates for the use of the public water supply as to properly provide for the debts service, the operating costs, proper maintenance, expansion of the system, and for the employment of adequate personnel to operate the system. The rates for water service for residential, commercial, and industrial usage furnished by the city shall be as shown on the 'Riverside Water Rate and Fee Schedule', which shall be subject to subject to annual adjustment as laid out in Section B.2 as well as amendment by ordinance of the City Council.
2. **Annual Increase:** Each year, beginning with the October billing, the Base Rate for water shall be increased by 3.0% to allow for increased operating cost. In addition to any change in base cost, the rate per thousand gallons shall increase by \$0.10 per thousand gallons for each service level, or as determined by the City Council. Each year the rate per gallon and the base rate shall be revised to reflect this change and to protect the public interest; a notice will be posted at Riverside Water Department, City Hall, and on the Water Bill to notify water customers of such increase or change.

C. Leak Discount:

The Water Department recognizes that leaks may occur without the knowledge of the customer. In such event where the customer's one-month water usage exceeds Five Hundred Dollars (\$500), the condition and cause of the leak shall be inspected and upon recommendation of the Utility Superintendent and with proof of the repair of the leak by the customer, an adjustment can be made.

Relief may not be granted for misuse, abuse, failure to correct a known leak, or other like or similar conditions. This reduction may only be granted to a customer once in any twelve-month period. This relief may only be granted to single users and not for multiple users. Adjustment shall be limited to one half the one-month water usage amount over five hundred dollars.

Should a customer experience extenuating circumstances regarding a water leak on the customer's side of the meter, they may be referred to come before the city council.

D. Tap Fees

All new residential meter connections shall be charged a tap-on fee as shown on the city Water Rate and Fee Schedule, which shall be subject to adjustment by ordinance of the city council.

For connections requiring a road bore performed by a private contractor, such charge as made by the contractor shall be included. For all connections greater, or as provided in other sections of this ordinance, than the regular size connection, additional cost required for such installation shall be in addition to such cost over the established tap fee. The Utility Superintendent, in his discretion, may elect to have any road bores performed by a private contractor if the workload of the Water Department is such that the Department cannot perform the bore in a reasonable time or equipment is not available to perform such bore.

Connections to the water system for proposed residential subdivision developments, commercial developments, industrial developments, or other multi-user developments shall be charged a tap on fee, as shown on the city Water Rate and Fee Schedule and all cost associated with making such connection to the water system of the City. This connection fee is intended to apply to those extensions of the system in which the developer will be placing meter connections on lots or developed parcels for residential, commercial, or other uses. In such applications, the tap fee will apply to the metered user. The tap fee for this application will be as shown on the city Water Rate and Fee Schedule.

The Water Department may accept partial payments of tap-on fees given the payment plan has been set-up through the Water Department. The initial payment for a tap is \$500 and the payment plan balance must be paid within one calendar year. Payment of monthly tap fee not received by the last open business day before the 15th of the month, regardless of a holiday or closure reserved by Riverside City Hall, will result in a late fee being applied to the customer's balance. This partial payment provision applies only to residential users.

E. Location of Meters

All meters shall be placed in such location as to allow adequate access to the meter. In no instance will meter boxes be placed behind fences, inside buildings, under buildings, in vehicle parking areas or behind concealing shrubs, or such other barriers, which could hinder the location or reading of the meter. Meters shall be placed on the edge of the right of way of streets. Approval of meter locations inconsistent with this ordinance may be made when in the public interest. Such approval must be obtained in writing from the Utility Superintendent prior to placing meter in unauthorized locations.

F. New Account

Accounts may be established in person at Riverside Water Department located inside Riverside City Hall. All account owners shall provide name, social security number, valid driver's license, physical service address of the account, mailing address, phone number for the service location, and emergency numbers for the account. Payment by cash, check, money order, or cashier's check is an acceptable method of payment to establish new service. Account owner claims sole responsibility for service charges and any associated fees for the life of the account.

The City Council shall establish from time to time the amount of the connection and deposit fee required on all residential, commercial, industrial, multifamily, or other new accounts. The amount of the deposit shall be shown on the city Water Rate and Fee Schedule and shall be adequate to protect the system from loss from delinquent or other nonpaying accounts.

G. Rental Account

The owner/landlord of all single-family, multi-family or similar type rental accounts are responsible for water usage when vacancies occur at said properties with an outstanding balance. The owner/landlord shall be responsible for the billing of said property until the said account balance is paid in full. The owner/landlord may then close said account or rent property to another tenant. All previous outstanding balances for said property must be paid in full before a new water account is created. The owner/landlord will remain responsible for the billing at said address until the new tenant requests the service be put in their name.

H. Seasonal Customer

Residents of the Riverside Water Department may request their accounts to be placed on seasonal billing if the property will be UNOCCUPIED for a period of 3 or more months. There is a \$30 disconnect/reconnect fee for this change. During the time the property is unoccupied, monthly charges (if applicable) will be as follows:

Fire: \$10.00/month

Garbage: Current Established Rate

During the seasonal disconnect garbage service will be suspended. If the property has water usage from the meter reads the seasonal customer's account is subject to the regular charges as well as a \$25.00 penalty. While on the seasonal plan, customer will still be responsible for monthly fees for fire protection by the Riverside Fire & Rescue Department. Failure to pay any overdue amounts will result in a delinquent account fee of \$50 added to the seasonal reconnect rate. To have service restored after the unoccupied period, a reconnect fee of \$30 must be paid.

I. Service Relocation

The customer may request relocation of the water meter and/or meter box. The Water Department shall approve the proposed site of the relocation of the water meter and/or meter box in writing before the relocation is made. The following rates shall apply for relocation of the water meter and/or meter box:

Relocation of the meter box to a point on the same service line as that line upon which the meter box is presently located to a different location on the same line may be performed for a fee of one hundred dollars (\$100.00) plus material and labor, within twenty (20) feet of the existing location, unless such move creates an unusual or more expensive relocation.

J. Payments

The Water Department may accept cash, checks, cashier checks, and/or money orders by mail, drop box or in person at Riverside Water Department inside City Hall. Payments may also be made by debit card, credit card, and automatic debit online through a contracted third-party payment technology company. A convenience fee may be charged to the customer for any electronic payment method. Such convenience fee assessed on all electronic payments are by a third-party payment technology company. The Water Department receives absolutely no additional revenue from this service fee.

A drop box located outside of the Water Department located at City Hall allows customers to make payments after office hours. It is requested that the total amount due must be made by check or money order, and all payments should be in a sealed envelope.

The Water Department, in its discretion, may accept partial payment for a water service bill by the last open business day before the 15th of the month, regardless of a holiday or closure reserved by Riverside City Hall. The acceptance of the partial payment does not waive any late charges for failure to pay in full on an account by the last open business day before the 15th of the month, regardless of a holiday or closure reserved by Riverside City Hall.

K. Disconnection for Non-Payment

Water service shall be paid for in the month following usage or billing. In the event payment is not made by the last open business day before the 15th of the month, regardless of a holiday or closure reserved by Riverside City Hall, the Water Department will discontinue service to the service address.

The Water Department shall discontinue service to customers who fail to pay for water services. Payment for service is due and payable monthly. Payment for an account not received by the last open business day before the 25th of the month, regardless of a holiday or closure reserved by Riverside City Hall, is subject to disconnection. Failure to receive a bill for service does not relieve a customer or the responsibility of payment on an account.

Customers with past due balances that fail to reduce those past due amounts by the last open business day before the 25th of the month, regardless of a holiday or closure reserved by Riverside City Hall, are also subject to loss of service. Customers with past due balances are expected to make full payment on the account to reestablish service. Accounts that are identified as delinquent and are placed on the delinquent list are subject to delinquent charges over and above the amounts due for water services. A delinquent fee, as shown on the city Water Rate and Fee Schedule, will be added to all delinquent accounts after said account is placed on the delinquent list.

The Water Department is authorized to allow continuation of service if the loss of service to a customer could result in loss of life or create life-threatening conditions.

L. Procedure for Reconnection

Once an account is deemed delinquent and placed on the delinquent list, the account balance, including all penalties and fees, must be paid in full by cash, money order, or cashier's check to reestablish service.

Reconnection request shall be made before 3:00 p.m. Monday thru Friday to have service restored on that day. For reconnection request made after 3:00 p.m. service shall be restored the following day. In the event the customer shall request service be restored on the same day and request is received after

3:00 p.m. there shall be a fee of fifty dollars (\$50.00) in addition to the outstanding balance. Reconnections can only be requested in person at the Water Department during regular business hours.

M. Fees for Returned Checks

Fees for returned checks, as shown on the city Water Rate and Fee Schedule, shall be the maximum rate as permitted under Alabama Law. This fee shall apply to all returned checks whether due to insufficient funds, stop payment or bank error. In the event payment by check is dishonored or returned for any purpose the Water Department shall cause such meter to be removed or locked after notice to the customer of the returned check. Such notice shall be by any of the following methods: Certified mail, regular mail, or notice left on the premises of the service address, the most desirable location being the door of the service address facing the roadway or in the event there is no entrance to the service address facing the roadway such entrance that would be visible from the driveway leading to the service address. Payment for reconnection shall be made by cash, cashier's check, and money order.

In the event the customer's check is dishonored or returned the customer may not submit a check to Riverside Water Department for payment of service for twelve (12) months.

N. Penalties for Nonpayment

All charges for service are due and payable when the bill is received. A past-due balance penalty as shown on the city Water Rate and Fee Schedule shall be applied to each account for which full payment has not been received by the last open business day before the 15th of the month, regardless of a holiday or closure reserved by Riverside City Hall. Penalty late fees are applied at the close of business of the last open business day before the 15th of the month, regardless of a holiday or closure reserved by Riverside City Hall, to unpaid balances carried forward.

O. Discontinuance of Service

A customer may, at any time, request the discontinuance of service, and upon the payment of all charges for water service afforded any customer, the deposit theretofore made by the customer shall be refunded without interest.

An account assigned to a property shall not be transferred until full payment of any past due balances are paid or transferred to the new account. In the event of divorce or separation, no change in the account may occur until full payment is made or the account balance is transferred to the new account. Where unrelated persons reside in a household, any member of that household may not make a new account until any balance owed is paid in full. The intent of this section is to prevent closing an account with money owed and to establish a new account in a different name.

P. Reimbursement for Material

Uniformity of materials utilized in the water system is important for quality control, repair and replacement of parts and equipment. In order to maintain and promote the use of uniformity of materials, private contractors may purchase parts and materials from the Water Department on an emergency basis or when suitable materials are not reasonably available for use on expansions of the system. The price for the purchase of said materials shall be calculated by adding the cost of the materials plus a five percent (5%) handling charge plus the applicable sales tax computed only on the cost of the material. Such payment shall be made prior to the removal of the material from the Water Department's control.

In the event of an emergency payment shall be made on the next business day following the purchase of the material. When materials are used in any expansions that are Water Department initiated, no handling charges shall apply.

Q. Private Construction and Subdivision Development

To assure uniformity of construction and safety, all private additions to the system shall be subject to following guidelines:

- (1) All projects involving water system storage, new sources, pumping stations, or water main additions that will significantly affect system hydraulics must be permitted by the State Department of Environmental Management prior to construction, which means the developer must have a complete hydraulics analysis completed.
 - a) Requirements:
 1. Any and all water main road crossings must be cased using steel casing, and 3” PVC for long sided meter sets is permitted.
 2. All contractors must be bonded and licensed.
 3. Easements or rights-of-way must be a minimum of 20 feet wide, and must be deeded to the City prior to installation.
- (2) Plans of the proposed construction shall be furnished to the City prior to starting construction of the addition to the water system. After written approval, construction may begin on the addition to the system. Any change to the plans shall be submitted for approval prior to making such changes. Three sets of “as built plans” of any addition to the water system must be submitted prior to the City’s acceptance of the addition to the water system. All construction must be designed for possible future expansion if possible.
- (3) All work must be inspected by the City. All pipe, valves, meter, fire hydrants, or connections of any sort must remain uncovered until approved for covering by the City.
- (4) Fire Hydrants shall be installed at dead end lines for adequate flushing of lines. All services shall be installed on the edge of the right of way of all streets to permit adequate access to the meter. Three-way fire hydrants shall be installed every 1,000 ft.
- (5) Six-inch C900 or ductile pipes or better must be utilized; connections must be made to all lots, and the Water Department will place all meters; all meter services will be made with copper tubing, type K or better; and all curb stops will be a compressed meter coupling with built-in locking cutoff valves. All water lines must be adequately tested for physical integrity.
- (6) A copy of the bacteriological sample results from the installed water line must be obtained prior to the Water Department permitting meter installations and public use.
- (7) Water leaks of any sort, size, amount, type or cause are not acceptable and must be adequately repaired or material replaced prior to acceptance for public use by the Water Department water lines.
- (8) The person, corporation, or entity causing the water line to be installed shall be responsible for all maintenance on the line for one year from the date of acceptance by the City. During the one-year probationary period, the City may perform repair work on the line for the protection of its customers. Such work shall be charged to the responsible party. For the performance of such work, the City shall charge the responsible party for all material, labor, equipment usage, plus twenty percent overhead and expenses, and estimated water loss due to the leak. In the event payment by the responsible party is not paid within thirty (30) days, then no further meters or services shall be placed in the development until the assessed charges have been paid. If said charges are not paid within sixty (60) days, the City shall cause a lien to be filed in the appropriate manner to prevent financial loss to the system.

When said water line addition to the City has been completed, the responsible party shall request of the Utility Superintendent preliminary acceptance of the water lines. If the installation has been as prescribed by this ordinance, the Utility Superintendent of the system shall grant preliminary acceptance and cause such report to be made to the members of the City Council at their next regular scheduled meeting and so noted in the minutes of the meeting. Upon the passing of one year from that date, acceptance of the system shall automatically occur unless the probationary period is extended on the request of the Utility Superintendent. An extension of the probationary period may be necessary when, during the one-year period, the installation is found to be defective due to faulty labor, workmanship, defective materials or other conditions as contained in this ordinance. The developer shall have a service installed on each lot or tract in the development. There will be only one residence or commercial unit attached to each meter or as prescribed by this ordinance. The tank overflow elevation of the system is at seven hundred and sixty-eight (768) feet above sea level. Services will not be connected for which the elevation exceeds six hundred and eighty (680) feet above sea level without prior approval of the City Council.

- (9) All guidelines set forth by ADEM Water Supply Division 7 will be adhered to at all times.
- (10) All platted lots in the development must have a connection to the water system. The Panning and Zoning Commission of the City shall not grant approval of the final plat until such service connections have been performed in accordance with the guidelines of the Water Department.

R. Master Meters

Master meters are permitted for certain applications such as motels, hotels, camping sites, multifamily dwellings, recreation complexes industrial developments, recreational vehicle parks, and other nonpermanent uses. Master meters are not intended for residential uses such as single-family housing. The billing for master meter applications shall be in the following manner:

- (1) Multifamily: Attached or detached dwellings units, and rented or occupied part-time or longer period of time, each habitable unit will be considered as a single family dwelling for billing purposes. The minimum monthly billing shall be equal to the number of single family habitable units times the minimum rate established in Section II, B (1) plus the water usage rate for measured quantity of water used as measured.
- (2) Motels, hotels, campsites, recreation parks, recreational vehicle parks and other similar temporarily habitable places that rent rooms or sites for occupancy on a daily on longer basis, but which are not designed per permanent habitation: the billing rate shall be the minimum billing rate for a nonresidential rate and location.

S. Additional Meters

The use of a single meter for additional uses is permitted for other than residential or other uses on the same site. For billing purposes water usage shall be charged as shown on the city Water Rate and Fee Schedule and shall apply to each new additional meter. This type of multiple uses is discouraged but can be permitted, especially when the multiple uses is not of permanent application.

T. Tampering with Meter

The customer shall not tamper with the meter or any part in the meter box and the customer shall not cause anything to backflow into the main water line. Tampering with meter will result in a two-hundred-dollar (\$200) fee, material costs, labor and any other expenses incurred by the Water Department and/or criminal charges.

U. Outside Cut-off Device

There shall be placed a cut-off valve outside of the meter box on the customer side on all installations after the date of this ordinance. Customers shall not utilize the shut-off valve located inside the meter box. The customer is responsible for the placement and maintaining, at his or her own expense, of the cutoff valve outside the meter box. The cutoff valve shall be installed at the backflow valve installed by the water system. Guidelines set forth for cross connections and backflow are set in Ordinance 2004-0420.

V. Water Conservation

The water service may be cut off for not following guidelines set forth during times of mandatory water conservation. Guidelines are set in the City of Riverside Emergency Water Conservation Plan (Ordinance 2017-0516).

W. Septic Tank

All residential customers must submit to the Water Superintendent and Building Inspector a letter of septic tank approval for usage from the St. Clair County Health Department before water service can be provided.

X. Damages

Riverside Water Department shall not be responsible for damage to water heaters and/or elements due to lack of water or water pressure. Ensure a check valve is properly attached to water heaters to prevent a backflow of water. See guidelines for cross connections and backflow as set in Ordinance 2004-0420.

Section III. Violations and Penalty

The City shall have the authority to take all measures, criminal and/or civil, allowed by law to seek reimbursement for any reduction in utility rates achieved based on intentional misrepresentation, fraud, or deceit, and to seek any and all other penalties available under the law.

Section III. Connection Policy

It shall be the policy of the City of Riverside not to extend either water or sewer, to new developments or individuals that are not within the corporate limits of the City without approval from the City Council. Developments that adjoin the present corporate limits shall annex such land into the City upon request for service. For developments that are not contiguous the developer shall petition the City for annexation for action of the legislature. The City, in its discretion, may permit the extension of service to those developments whose annexation is dependent on action of the legislature.

It has been the policy of this City to extend water service to newly annexed areas and to unserved areas of the City. Nothing in this ordinance shall prohibit the City Council from providing for the extension of water services to any portion of the City which the City Council believes is in the public interest or for the protection and safety of the residents to the City.

Section V. Other Utilities and Services

All sewer and garbage fees for services provided shall be provided through and in accordance with contracts with providers, as may be adopted from time to time by the city council, according to law. These fees shall be payable monthly and said charges shall be designated on the utility bills delivered by the city. Each bill shall be payable when rendered and shall be delinquent if not paid by the 15th of each month.

Section VI. Theft of Service.

It shall be unlawful for any person or other entity to receive water without first establishing an account with the City of Riverside. The penalty for such unauthorized use shall be as prescribed by the Code of Alabama 1975, as amended. It shall be unlawful to tamper with the water meter or meterbox, to remove any device designed to prevent the use of the meter. Criminal charges will be filed and damage to water meter or other devices will be charged to the customer.

Section VII. Water Rate and Fee Schedule.

The City hereby adopts the Riverside Water Rate and Fee Schedule, attached hereto as Exhibit A and expressly incorporated herein by reference. The Riverside Water Rate and Fee Schedule shall be subject to annual adjustment as laid out in Section B.2 or amendment by ordinance of the City Council.

Section VII. Repeal of Inconsistent Ordinances.

Any Ordinance, or portion thereof, in conflict with this Ordinance shall be and is hereby repealed on the effective date of this Ordinance.

Section VIII. Severability.

The provisions of this ordinance are severable. If any provision, section, paragraph, sentence, or part thereof, or the application thereof to any person or thing shall be held unconstitutional or invalid by any court of competent jurisdiction, such holding shall not affect or impair the remainder of this ordinance or the remaining persons or things to which it applies, it being the legislative intent to enact each provision, section, sentence, paragraph, and part hereof, and the application thereof, separately and severally from each other.

Section XI. Adoption and Effective Date.

This ordinance shall become effective upon its adoption and publication as required by law.

ADOPTED AND APPROVED THIS 20th DAY OF March, 2023.