

ORDINANCE NO. 2154

AN ORDINANCE ADJUSTING WATER AND SEWER FEES AND GARBAGE RATES

WHEREAS, the City of Northport has not adjusted water and sewer fees, or garbage rates in over ten years; and,

WHEREAS, the costs of providing these services has increased significantly; and,

WHEREAS, the City of Northport finds that an adjustment reflecting closer to actual cost of providing services is essential to maintain services and quality of life.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHPORT, ALABAMA AS FOLLOWS:

1. The City amends Chapter 42, Article V of the Northport Municipal Code, as set forth in Exhibit "A" which is attached hereto and incorporated by reference as if fully set out verbatim.
2. The City amends Chapter 74, Article IV of the Northport Municipal Code, as set forth in Exhibit "B" which is attached hereto and incorporated by reference as if fully set out verbatim.
3. This Ordinance shall become effective immediately upon passage and publication.

ORDAINED this the 19th day of September, 2022.

**CITY COUNCIL OF THE
CITY OF NORTHPORT**

BY: _____



Jeff Hogg, Its President

ATTEST:



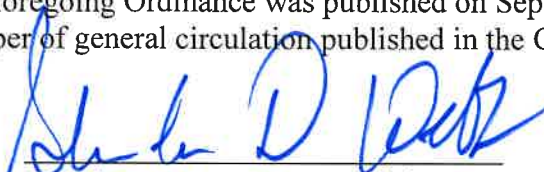
Glenda D. Webb, City Administrator

APPROVED this the 19th day of September, 2022.



Bobby Herndon, Mayor

I hereby certify that the above and foregoing Ordinance was published on September 28, 2022, in the Northport Gazette, a newspaper of general circulation published in the City of Northport.



Glenda D. Webb, City Administrator

1st Reading: September 8, 2022
Motion By: Hogg
2nd Reading: September 19, 2022
Motion By: Hinton
Second By: Bobo
Publication: September 28, 2022

EXHIBIT “A”

CHAPTER 42

HEALTH AND SANITATION

ARTICLE V. SOLID WASTE

42-132. - Garbage service charge

- (a) Except as otherwise specified herein, each occupant of the premises upon which garbage is produced or accumulated shall pay to the city in accordance with the provisions of this article, monthly charges or fees for services rendered by or on behalf of the city in the collection of garbage from any premises occupied by such occupant.
- (b) Effective January 1, 2023, the rate for the collection of residential garbage in the city shall be \$16.60 per cart per month, and the rate for the collection of commercial garbage in the city shall be \$27.12 per cart per month. Effective January 1 each proceeding year, both the residential and commercial rates will be subject to an annual increase equal to increases in the U.S. Bureau of Labor Statistics Consumer Price Index for All Urban Consumers for the South (Southeast Regional CPI-U); all items, not seasonally adjusted, calculated from July to July. The new effective rate shall be incorporated into the budget ordinance for that year and amend the rates reflected herein automatically. If there is a decrease or no change in the Southeast Regional CPI-U, then there will be no change in rates for that year.
- (c) All bills for services rendered hereunder shall be due and payable monthly and the fees charged hereunder shall be set out on the utility bill for water mailed out by the city. The city and its departments shall not accept the payment of any utility, such as water, unless the fee for garbage services is also paid. All delinquent accounts are subject to the same penalties as are imposed by the city and its departments in connection with delinquent accounts for such services rendered by the city, except as hereinafter provided. The city shall have the authority to cease rendering any utility service, such as water and garbage service, if any one of the charges therefore is not paid.
- (d) In all places where water service is not provided, the garbage service charge provided for shall be paid monthly as set out on the utility bill mailed out by the city.
- (e) The owner of an apartment building or of a multiple unit house, or the owner of a group of tenant houses, shall unless otherwise directed by the city pay the garbage service charge herein provided for each family unit in such multiple unit or tenant houses,

whether or not any of such family units are occupied. Such charge shall be shown on the water bill for water service for such premises to which the owner supplies water.

- (f) Any garbage service charge which is not paid in full within 30 days after the time from which it is due shall be delinquent. No garbage shall be collected from any premises where payment of the garbage service charge is delinquent.
- (g) No person within the city shall be permitted to refuse to accept such garbage and trash service, and the failure of any person to receive such service by reason of such refusal shall not exempt him from the payment of charges herein provided therefore, except only those persons residing in areas in which no garbage or trash collection service is provided for the entire area or commercial customers who provide a copy of a valid third-party commercial garbage contract. In such instances where no service is rendered, no charge shall be made.

EXHIBIT “B”

CHAPTER 74

UTILITIES

ARTICLE IV. WATER AND SANITARY SEWER RATES

DIVISION 1. GENERALLY

74-177. Fees and deposits for accounts with history of delinquency, second accounts; fee for unlocking water meter after unauthorized reconnection.

- (a) For accounts that have been terminated due to delinquency, the deposit shall be \$150.00.
- (b) For existing customers who have continuously held an account with the city for two years or more where there has been no delinquency for the previous two years, the deposit for a second account shall be \$0.00.
- (c) The fee for delinquent accounts shall be \$50.00. When a service order is issued to disconnect water service for a delinquent account a \$50.00 delinquent account fee will be applied to the past due balance.
- (d) The fee for an unauthorized connection shall be \$100.00.

Secs. 74-178—74-191. Reserved.

DIVISION 2. WATER RATES

Sec. 74-192. Water rates.

- (a) *Commodity rates.*
 - (1) *General rate.* The general commodity rate shall be \$3.69 per 1,000 gallons for all water consumed per water meter effective October 1, 2010. A 3.25 percent rate increase to the above rates shall be applied on October 1 of each year beginning October 1, 2011.
 - (2) *Rural water authority rate.* Effective October 1, 2010, the rate applicable to rural water authorities shall be \$3.69 per 1,000 gallons for all consumption under 400,000 gallons, and \$2.65 per 1,000 gallons for all consumption over 400,000 gallons (per water meter). Effective January 1, 2011, rural water authorities will pay the general commodity rate for all water consumed.
- (b) *Additional monthly charges.*
 - (1) *Administrative fee.* For administration cost, each customer shall be charged an administrative fee as defined in the schedule below. Beginning January 1, 2023, the existing administrative fee in the schedule below will increase by \$1.50 in accordance

with rate study recommendations. On January 1, 2024, the administrative fee will increase by \$1.50 for each Rate Code. Future adjustments may be made in accordance with rate study recommendations.

| Water Administrative Fee Schedule | | | | |
|-----------------------------------|--------|-----------|--------------|--------------|
| Rate Code | Water | 2010-2022 | Jan. 1, 2023 | Jan. 1, 2024 |
| WA1 | 5/8" | \$7.71 | \$9.21 | \$10.71 |
| WA2 | 3/4" | 8.55 | 10.05 | 11.55 |
| WA3 | 1" | 10.34 | 11.84 | 13.34 |
| WA4 | 1 1/2" | 16.52 | 18.02 | 19.52 |
| WA5 | 2" | 25.53 | 27.03 | 28.53 |
| WA6 | 3" | 42.23 | 43.73 | 45.23 |
| WA7 | 4" | 73.94 | 75.44 | 76.94 |
| WS7 | 4" | 73.94 | 75.44 | 76.94 |
| WA8 | 6" | 115.72 | 117.22 | 118.72 |
| WA9 | 8" | 235.85 | 237.35 | 238.85 |

- (2) Reserved.
- (3) *Total monthly charge for water.* The total monthly charge to each customer shall equal the sum of the administrative fee plus the commodity rate for consumption as established in this section.

Secs. 74-193—74-206. Reserved.

DIVISION 3. SEWER RATES

Sec. 74-207. Sewer rates.

- (a) *Commodity rates.*
- (1) Wastewater customers (customers paying wastewater based on quantity of metered water consumed). The rate for wastewater for all customers shall be \$3.69 per 1,000 gallons of metered water effective October 1, 2010. A 3.25 percent rate increase to the above rates shall be applied on October 1 of each year beginning October 1, 2011.
 - (2) The city reserves the right to require a customer to install a wastewater meter if the city determines that circumstances require the same.
 - (3) Notwithstanding anything contained in this section to the contrary, no residential sewer customer shall be charged more than \$39.00 per month for sewer service under this section. That rate cap shall not apply to nonresidential customers and shall not affect any other administrative or sewer charges provided for in this chapter.
- (b) *Additional monthly charges.*

- (1) *Administrative fee.* For wastewater administrative cost, each wastewater customer shall be charged an administrative fee as defined in the schedule below. Beginning January 1, 2023, the existing administrative fee will be adjusted according to the schedule, below. On January 1, 2024, the administrative fee will increase by \$1.50 for each Rate Code. Future adjustments may be made in accordance with rate study recommendations.

| Sewer Administrative Fee Schedule | | | | |
|-----------------------------------|--------|-----------|--------------|--------------|
| Rate Code | Sewer | 2010-2022 | Jan. 1, 2023 | Jan. 1, 2024 |
| R SA1 | 5/8" | \$8.48 | \$9.98 | \$11.48 |
| C SA2 | 3/4" | 9.32 | 10.82 | 12.32 |
| C SA3 | 1" | 11.34 | 12.84 | 14.34 |
| C SA4 | 1 1/2" | 15.52 | 17.02 | 18.52 |
| C SA5 | 2" | 30.53 | 32.03 | 33.53 |
| C SA6 | 3" | 57.23 | 58.73 | 60.23 |
| C SA7 | 4" | 73.94 | 75.44 | 76.94 |
| C SA8 | 6" | 115.72 | 117.22 | 118.72 |
| C SA9 | 8" | 165.84 | 167.34 | 168.84 |
| C SC1 | 5/8" | 10.83 | 12.33 | 13.83 |
| R SR2 | 3/4" | 9.32 | 10.82 | 12.32 |
| R SR3 | 1" | 11.34 | 12.84 | 14.34 |

- (2) Reserved.
- (3) *Total monthly charge for wastewater.* The total monthly charge to each wastewater customer shall be equal to the sum of the monthly administrative fee plus the commodity charge for consumption as established in this section.

Sec. 74-208. Reserved.

Sec. 74-209. Connection charges, deposits, and other fees.

Each customer may be charged connection charges, deposits and/or other fees in addition to the rates and charges where applicable:

- (a) *Deposit.* Each customer desiring to connect with the water and/or sewer system shall make a deposit with the city as security for payment of bills for water and sanitary sewer system. Said deposit shall be \$75.00 for a residential or a commercial customer. Upon termination of service, the deposit shall be applied to any outstanding and unpaid balance. Thereafter the remainder of the deposit shall be returned to the customer. No interest shall be allowed on any such deposit.
- (b) *Deposit for second account.* Existing customers who have continuously held an account with the city for two years or more where there has been no delinquency for the previous two years, the deposit for a second account shall be \$0.00.
- (c) *Delinquency Deposit.* For accounts that have been terminated due to delinquency, the deposit shall be \$150.00.
- (d) *Connection fee.* Customers who initiate service where a water meter has previously been installed or who have service reconnected for any reason shall pay a connection fee of \$25.00.
- (e) *Connection and material charges.*
 - (1) *Connection Charge.* Where a new water service is required the customer shall pay a connection charge based upon the water meter size and type. This charge shall cover the material and labor cost of installing said meter. The connection charge for meters larger than two inches shall be determined by the city utilities department at the time of service initiation based upon current labor and material costs. The charges shall be:

| Meter Size (Inches) | Charge |
|---------------------|-----------|
| $\frac{5}{8}$ | \$ 550.00 |
| 1 | 675.00 |
| 2 | 2,000.00 |

- (2) *Material Charge.* Where a new water service is required and the connection is made by the developer and not the city, the customer shall pay a material charge based upon the water meter size and type. The charge shall be:

| Meter Size (Inches) | Charge |
|---------------------|-----------|
| $\frac{5}{8}$ | \$ 100.00 |
| 1 | 150.00 |
| 2 | 1,000.00 |

The connection charge for meters larger than two inches shall be determined by the city utilities department at the time of service initiation based upon current labor and material costs.

- (g) Fire service connection charge. Where a customer requests a fire service connection for a dedicated automatic sprinkler system the customer shall pay a fire service connection charge based upon the size and type of connection. This charge shall cover the material and labor cost of installing the required appurtenances from the main to the property line complete with valve and valve box at the main. The charge shall be determined by the city utilities department at the time of service initiation based upon current labor and material costs.
- (h) Late payment penalty. All bills for water and sanitary sewer service shall be rendered monthly on the same statement. Payments for water furnished by and from the water system will not be accepted without payment of the sanitary sewer charge billed on the same statement and payment of the sanitary sewer charge will not be accepted without payment of the charge for water billed on the same statement. Each bill for water and sanitary sewer service shall be due when rendered. Each bill shall be subject to a late charge of ten percent if payment has not been received by 4:30 P.M. on the due date. Each bill shall be delinquent if not paid by the due date.
- (i) Delinquent account fee. The fee for delinquent accounts shall be \$50.00. When a service order is issued to disconnect water service for a delinquent account, a \$50.00 delinquent account fee will be applied to the past due balance.
- (j) Unauthorized connection fee. The fee for an unauthorized connection shall be \$100.00.
- (k) Returned check fee. Water and sewer users who pay their bills to the city by check shall be required to pay the city the additional sum of \$28.00 as a service charge on each returned check. Such fee shall increase by \$1.00 on January 1 of each successive year until January 1, 2003, at which time the maximum fee shall be \$30 for each returned check. Any returned checks must be redeemed by the maker thereof in cash, money order or certified funds.

Secs. 74-210—74-219. Reserved.

DIVISION 4. CAPITAL CHARGES FOR THE PROVISION OF WATER AND/OR SEWER SERVICE CAPACITY TO NEW CONNECTIONS TO THE SYSTEM

Sec. 74-220. Purpose.

The purpose of this division shall be to levy capital charges for the extension of water and/or sewer service on granting a request for, or requiring installation of, a permanent tap for service to undeveloped, newly developed or redeveloped properties. Such fees, as specified in the schedule of capital charges, shall be payable at the time that a building permit is granted or the application of a tap installation is approved.

Sec. 74-221. Definitions.

Applicable facilities. Applicable facilities for water service shall include source of supply, treatment, pumping, water storage reservoirs, transmission, interconnections, mains, hydrants, pumping stations, and other related facilities or costs incurred to provide service. Similar facilities for sewer service shall include treatment facilities, collector and interceptor sewer lines, pumping stations, and other related facilities or costs incurred to provide service. Applicable facilities shall also include all capital equipment used in the day-to-day operation of the water and sewer departments of the city as such resources are essential to the operation of the system and provision of water and sewer service.

Sec. 74-222. Determination of the capital charge system.

Capital charges for the extension of water and sewer service shall be in addition to any charges assessed against a property for the construction of the local line and facilities to tap into the water main or sewer collector line except that the sewer system development charge shall be collected in lieu of the special tap fees applicable to the Upper Smith Creek and Carrolls Creek sanitary sewer projects. Said fees shall not include costs for service to be recovered through ongoing user fees charged to customers.

Sec. 74-223. Schedule of capital charges.

- (a) *Water system development fee.* Prior to the issuance of a building permit and prior to any approval of an application for a tap installation each applicant requesting water service from the city to an address or service location not previously served by the city's water system shall pay a system development fee in accordance with the water meter size fee schedule listed herein below:

| <i>Meter Size</i> | <i>System Development Charge</i> |
|-------------------|----------------------------------|
| 5/8" or 3/4" | \$1,254 |
| 1" | 2,132 |
| 2" | 6,161 |
| 3" | 10,474 |
| 4" | 17,806 |
| 6" | 30,269 |
| 8" | 51,457 |

The water system development fees listed above are based on the use of a compound type water meter approved by or provided by the city. In the event that a different type of meter is approved for use the fee shall be adjusted to be applicable to the comparable meter type and size specified in this section.

There shall be no water system development fee charged for sprinkler meters where existing service meters are in place, or where water service meters will be installed and a system

development fee has been paid for the service meter at the same location and billed to the same account as the service meter.

Whenever a customer wishes to change the size of an existing water service meter the fee or credit for the new meter shall be the difference between the fee for the existing water service meter and the applicable fee for the replacement meter. If a fee is due the fee shall be paid before the replacement meter is installed. If a credit is due the credit amount will be paid from the development fee banking account to the customer's service account and applied as an account credit.

- (b) *Sewer system development charge.* Prior to the issuance of a building permit and prior to any approval of an application for a tap installation each applicant requesting sewer service from the city to an address or service location not previously served by the city's water system shall pay a system development fee in accordance with the water meter size fee schedule listed herein below:

| <i>Meter Size</i> | <i>System Development Charge</i> |
|-------------------|----------------------------------|
| 5/8" or 3/4" | \$1,453 |
| 1" | 2,470 |
| 2" | 7,139 |
| 3" | 12,136 |
| 4" | 20,631 |
| 6" | 35,072 |
| 8" | 65,340 |

There shall be no sewer system development fee for or related to sprinkler meters.

Whenever a customer wishes to change the size of an existing water service meter the fee or credit for the new meter shall be the difference between the fee for the existing water service meter and the applicable fee for the replacement meter. If a fee is due the fee shall be paid before the replacement meter is installed. If a credit is due the credit amount will be paid from the development fee banking account to the customer's service account and applied as an account credit.

Sec. 74-224. Accounting and use of development fees.

Development fee funds of an amount set forth by temporary resolution may be used to pay annual bond indebtedness payments owed by the water/sewer system where the debt incurred and designated to be paid, all or in part, with development fee funds was incurred for new or expanded water/sewer capital projects.

Development fee funds may, by the adoption of a temporary resolution, be expended for water/sewer system fixed asset capital projects including water treatment and distribution infrastructure improvements, and wastewater collection and treatment infrastructure improvements.

Development fee funds may be transferred to water/sewer reserve accounts and/or otherwise designated as reserve funds. Funds removed from development fee accounts and deposited into reserve fund accounts or designated as reserve funds shall immediately and permanently be

subject to guidelines as set for in city code section(s) regarding and describing the method of designation, use and reimbursement of water/sewer system reserve funds.

Development fee funds shall not be used for any water/sewer system operational expenses or water/sewer system routine or recurring water/sewer system maintenance.

Development fee funds shall not in any way be used, applied, or pledged as payment for any general fund expense.

Section 74-225. Equitable individual rate adjustments.

A direct customer of the city water and sewer system may petition the city utilities department, on a form provided for that purpose, for equitable relief from up to three (3) months of "extraordinary" water bills. An equitable rate adjustment can be approved to a customer's charge for water consumption which has passed through the customer's metering device, but due to circumstances beyond the control of said customer, was not used for the benefit of the customer.

For an equitable rate adjustment to be approvable, all of the following criteria must be met:

- a. There must have been no previous adjustment on behalf of the petitioner or at the same address or location within the preceding forty-eight (48) months; and
- b. The water utilized which is the subject of a petition must have passed through a city-approved metering device of one inch (1") or smaller; and
- c. The bill or bills must reflect "extraordinary" consumption, which city staff must confirm to be an amount not less than three (3) times the average monthly volume consumption and eleven thousand (11,000) gallons more than the average monthly volume consumption at that location for the preceding twelve (12) months.

The maximum adjustment is five hundred and seventy-five dollars (\$575.00) total, not to exceed seventy-five percent (75%) of current rate on the excess water usage.

Petitioner must certify that:

- a. The "extraordinary" bill(s) for water consumption charged to petitioner is the direct and proximate result of water loss due to a breakage or leak in petitioner's waterline, which was unknown to the petitioner at the time and not attributable to the petitioner or any of the petitioner's officers, agents, employees, or contractors;
- b. Such breakage or leak has been repaired and there is no further loss or wastage of water supported by satisfactory evidence to that effect;
- c. Such water was lost to the extent that no person, firm, or corporation, either with or without petitioner's permission, used the water which passed through petitioner's meter in excess of the normal average monthly volume consumption for the preceding twelve (12) months as herein defined.

Petitioner must also present a written statement of a licensed plumber or other evidence to the satisfaction of the utilities department, certifying to the foregoing facts, above.

The use of the term "waterline" herein shall be construed to mean all water lines, facilities, appurtenances, and devices existing on the customer's side of the city's water meter.

City staff will review and approve or deny the claim, notifying the petitioner of the decision. Should the claim be approved, an equitable adjustment will be made in the amount due from petitioner. The utilities department will correct its billing records to reflect such adjustment. Should the claim be denied, the petitioner may appeal to Small Claims Court.

Any equitable adjustment to a customer's water bill as authorized pursuant to the provisions hereof shall also include an adjustment in the sanitary sewer service charge for the same period on account of consumption of water which does not enter the sewer system, if the customer's sanitary sewer service charge is calculated on the basis of consumption of water. This means for residential customers with a Sewer cap, there shall be no adjustment. For commercial customers with no Sewer cap, the maximum adjustment is eighty cents (\$0.80) per one thousand (1,000) gallons of excess usage for a toilet issue only.

Secs. 74-226—74-230. Reserved.