

ORDINANCE NO. 2017 - 4846

AN ORDINANCE AMENDING ORDINANCE NO. 2017-4737, FIXING AND PRESCRIBING RATES, CHARGES, TERMS, AND CONDITIONS OF SERVICES TO BE FURNISHED BY THE WATER AND SEWER SYSTEMS OF THE CITY OF PELL CITY, ALABAMA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PELL CITY, ALABAMA, AS FOLLOWS:

Section A: That the provisions of Section 4, Water and Sewer Rates, and Section 22, City of Pell City Water and Sewer Rate and Fee Schedule, of Ordinance No. 2017-4737 are hereby amended to read as follows:

SECTION 4. WATER AND SEWER RATES.

(a) The rates for water service for residential, commercial, and industrial usage furnished by the City of Pell City shall be as shown on the City of Pell City Water and Sewer Rate and Fee Schedule, which shall be subject to adjustment by ordinance of the City Council of the City of Pell City.

(b) A sewage disposal service charge shall be paid by the owner or owners of each premises which shall dispose of sewage wastes originating from or on such premises by discharge thereof into any sanitary sewer served by the City sewer system. The sewage disposal charge shall be computed on the basis of the quantity of water used upon the premises so served by the sewer system, as measured by the meter reading of the water system serving such premises, except as provided in subsection (c) below. The rates for sewer service for residential, commercial, and industrial usage furnished by the City of Pell City shall be as shown on the City of Pell City Water and Sewer Rate and Fee Schedule, which shall be subject to adjustment by ordinance of the City Council of the City of Pell City.

(c) In cases where the character of the sewage from any premises is such that it imposes an unreasonable burden upon the sewer system, the service rendered by the sewer system to such premises may be given a special classification in City's schedule of sewer service charges and an additional charge may be made for such special classification of service, or the City may require such sewage to be treated in such manner as shall be specified by the City before it is discharged into the sewer system.

(d) **Automatic Increase** – Effective January 1, 2018, and each year thereafter, the rates for water and sewer service as shown on the City of Pell City Water and Sewer Rate and Fee Schedule shall automatically increase by three (3%) percent, unless action is taken by the City Council.

(e) **Low-Income Senior Citizen Discount.**

(1) **Reduced Water and Sewer Rates.** The City of Pell City hereby authorizes a reduced monthly rate for residential low-income senior citizen customers of the City's water and sewer utilities. The reduced rate shall be known as the "Low-Income Senior Citizen Rate" as shown on the City of Pell City Water and Sewer Rate and Fee Schedule, which shall be subject to adjustment by ordinance of the City Council of the City of Pell City.

(2) **Eligibility.**

(a) The Low-Income Senior Citizen Rate shall be available to any household that meets the following criteria:

- i. The residence seeking to receive the Low-Income Senior Citizen Rate must be occupied by one (1) or more senior citizens, aged sixty-five (65) years or older at the time of

application, who is the named customer and responsible for the City's water or sewer service provided at the residence.

- ii. The total gross household income for all household occupants, regardless of age, from all sources (such as Social Security, Disability payments, Veteran's benefits, pensions, rents, annuities, retirement account withdrawals, etc.) must not exceed \$14,400 per year.

(b) The Low-Income Senior Citizen Rate shall be available for residential customers only; non-residential customers shall be ineligible to receive such rate.

(3) Application Procedures.

- i. The City Manager, or his or her designee, shall create an application form and a renewal form to comply with the provisions of this Ordinance. Applications shall be available at the City Hall of the City of Pell City or mailed to a customer of the City, upon request.
- ii. Persons wishing to apply for the Low-Income Senior Citizen Rate shall file a written application with the City on the form approved by the City. This form shall include a statement in which the applicant attests under oath that the information provided by the applicant is true and correct to the best of the applicant's knowledge.
- iii. The applicant must provide proof of age demonstrating that the he or she is 65 years or older. The applicant shall establish this requirement by providing a birth certificate, driver's license or other valid Alabama identification, or other reliable official documentation of age.
- iv. The applicant must provide proof of household income demonstrating that the total gross household income for all household occupants, regardless of age, from all sources does not exceed \$14,400 per year. The applicant shall establish this requirement by providing a copy of the most recent Federal Income Tax returns of all occupants residing in the household or, in the absence of a Federal Income Tax return, other reliable official documentation of annual household income.
- v. The City may require any other information from the applicant reasonably necessary to determine the applicant's eligibility.

(4) Annual Application Required.

- i. Applications for the Low-Income Senior Citizen Rate shall be completed annually.
- ii. A notice of renewal of application shall be mailed annually by the City to the then existing water or sewer customers receiving the Low-Income Senior Citizen Rate. The completed renewal application form shall be returned to the City within 45 days, or the Low-Income Senior Citizen Rate shall be removed from the customer's account.

- iii. For new applicants, the Low-Income Senior Citizen Rate shall commence on the next subsequent billing date following approval of the applicant's application.

(5) Violation—Penalties.

The City hall 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 22. CITY OF PELL CITY WATER AND SEWER RATE AND FEE SCHEDULE.

The City hereby adopts the City of Pell City Water and Sewer Rate and Fee Schedule, attached hereto as Exhibit A and expressly incorporated herein by reference. The City of Pell City Water and Sewer Rate and Fee Schedule shall be subject to adjustment by ordinance of the City Council of the City of Pell City.

Section B: Severability. If any section or provision of this Ordinance shall hereafter be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of any other section or provision of this Ordinance.

Section C: Repeal of Conflicting 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 D: Effective Date. This Ordinance shall become effective immediately upon its adoption and publication as required by law.

ADOPTED AND APPROVED this 27th day of November, 2017.

James McGowan - Council President

ATTEST:

Penny Isbell - City Clerk

APPROVED this 27th day of November, 2017.

William T. Pruitt, IV - Mayor

ATTEST:

Penny Isbell - City Clerk

CERTIFICATION

I, Penny Isbell, Clerk of the City of Pell City, hereby certify that the above Ordinance was duly adopted by the City Council of the City of Pell City at a regular meeting held on the 27th day of November, 2017, and that same has been published in accordance with law in the *St. Clair News Aegis* on the 30th day of November, 2017.

City Clerk