

ORDINANCE NO. 2022 - 5739

AN ORDINANCE AUTHORIZING THE USE OF LOW-PRESSURE SANITARY SEWER COLLECTION SYSTEMS IN THE CITY OF PELL CITY, ALABAMA UNDER CERTAIN LIMITED CIRCUMSTANCES

WHEREAS, the City of Pell City, Alabama has previously prohibited the use of low-pressure sanitary sewer collection systems in the City; and,

WHEREAS, the City Council of the City of Pell City has determined that it is wise, prudent, and in the best interest of the citizens of the City to allow the use of low-pressure sanitary sewer collection systems in the City under certain limited circumstances as set forth herein.

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

Section 1. Gravity Sewer Preferred; Low-Pressure Sanitary Sewer Collection Systems Permissible.

The preferred method for sewer collection in the City of Pell City shall be gravity sewer collection systems with central lift stations. All developments shall install conventional gravity collection systems unless otherwise deemed technically infeasible and recommended on a case-by-case basis by City staff and the City Engineer. The City may allow or direct the utilization of a low-pressure sanitary sewer collection system where it is determined to be in the best interest of the City, as determined by City staff and the City Engineer.

Section 2. Design of Low-Pressure Sanitary Sewer Collection Systems.

Low-pressure sanitary sewer collection systems shall be designed and constructed in accordance with all applicable City regulations, including, but not limited to, the City's subdivision regulations and the sanitary sewer standards of construction.

Section 3. Requirements for Low-Pressure Sanitary Sewer Collection Systems.

To ensure continuity in installations and to maintain an acceptable level of service, developments to be served by low-pressure sanitary sewer collection systems shall be subject to the following requirements:

1. No low-pressure sanitary sewer collection system ("LPSS") shall be installed in the City without the express written permission of the City. Any developer, landowner, person, or entity (collectively, "Applicant") seeking to install a LPSS shall submit a written application to the City for consideration together with payment of the applicable application fee (if any) and all required supporting documentation.
2. The Applicant shall be solely responsible for the overall design of the LPSS. The City shall not be responsible for any design elements of the LPSS.
3. The City shall not be responsible for the design, operation, or maintenance of the LPSS or individual grinder pumps, pump tank(s), controls, piping, valves, or appurtenances.
4. Low pressure force mains shall be installed within private easements and the City shall have no ownership or maintenance responsibility of these lines.
5. A separate service connection shall be required for each lot or parcel proposed to be served by a LPSS. For lots or parcels with multiple service connections, a single connection to the City's system may be permitted only when approved by the City.
6. All grinder pumps, pump tanks(s), piping, controls and appurtenances shall be installed by a single, properly licensed subcontractor retained by the Applicant, and the installing subcontractor shall be approved by the City before any work is performed.

7. All equipment utilized in the LPSS must be approved by the City prior to installation. Any equipment or improvements installed without the prior approval of the City shall not be eligible for service.

8. As a condition of the approval of any LPSS for residential development, a developer or landowner shall require the formation and incorporation of a Homeowner's Association ("HOA") under Alabama law, which shall be responsible for ensuring that the LPSS remains in compliance with all applicable rules and regulations of the City.

9. The HOA shall engage the services of a third-party service provider for the maintenance, repair, and replacement of the LPSS, including the force mains, service connections, and grinder pump systems. The third-party service provider shall be properly licensed and shall be approved by the City. Services provided by the third-party service provider shall include, but not limited to:

a. Performing maintenance and/or replacement services on an on-call basis 24 hours per day, seven days per week. All service calls shall be responded to within two (2) hours of the placement of a service call. All necessary repairs shall be completed within 24 hours of the service call. In the event of an active sanitary sewer overflow, the third-party service provider shall be onsite within two (2) hours and the overflow shall cease within four (4) hours of the initial report. If not repaired by the specified time, the City may disconnect water service until the appropriate repairs are made.

b. Services provided shall include maintenance and/or replacement of parts, materials, or equipment attributable to manufacturing or construction defects and normal wear and tear.

c. The HOA and the third-party service provider shall be required to notify the City and the St. Clair County Health Department of any cancellations or discontinuance of the service contract required herein.

d. The requirements set forth herein, including the requirement of a third-party service provider, shall be perpetual and shall run as a continuing requirement for provision of service by the City. The developer or landowner shall provide the City with documentation acceptable to the City that clearly demonstrates that an enforceable mechanism for complying with this requirement has been established.

e. All costs associated with the engagement of a third-party service provider shall be solely borne by the HOA for the development. The City shall not be responsible for any costs whatsoever. Under no circumstances shall the City assume responsibility for any costs associated with a third-party service provider or the privately owned and maintained grinder pump systems and appurtenances of the LPSS.

10. No person or entity other than the City shall have access to the City's water shut off valve for any customer served by the City. The Applicant seeking permission to install a LPSS may install, at its own expense, a separate shut off valve to discontinue service to a lot or parcel for the non-payment of any sanitary sewer fees imposed on the lot or parcel by the Applicant, the HOA, or any other person or entity. The City shall not participate in or be involved with any such action.

11. Standard City charges and fees shall apply to each sanitary sewer service connection and shall be billed directly to the customer by the City in accordance with standard City practice. The City shall not bill for or collect any charges related to the third-party service contract required herein or for any other charges imposed by the HOA or any entity other than the City. Non-payment of City charges and fees may result in discontinuance of service by the City.

Section 4. This Ordinance shall be published as provided by law.

Section 5. 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 6. Repeal of Conflicting Ordinances. Any Ordinance in conflict with this Ordinance shall be and is hereby repealed on the effective date of this Ordinance.


Section 7. Effective Date. This Ordinance shall become effective upon approval, passage, and publication as required by law.

ADOPTED AND APPROVED this 22nd day of August 2022.



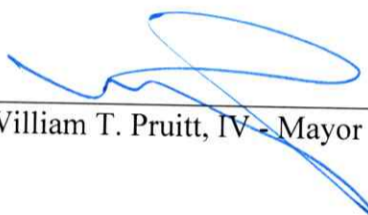
W. Judge Alverson - Council President

ATTEST:



Sheree D. Pruitt - City Clerk

APPROVED this 8th day of August 2022.



William T. Pruitt, IV - Mayor


ATTEST:



Sheree D. Pruitt - City Clerk

CERTIFICATION

I, Sheree D. Pruitt, 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 22nd day of August 2022, and that the same has been published by posting in accordance with §11-45-8, Ala. Code 1975, by posting a copy of the Ordinance in three public places within the municipality, one of which was the Mayor's office in the City, on this the 22nd day of August 2022. I further certify and confirm that the City shall take reasonable steps to maintain the posting for not less than 30 days. In addition, the City shall include a copy of this Ordinance on its website for 30 days.



City Clerk