

Having previously been introduced at the **March 19, 2026** council meeting, Council Member _____ moved the adoption of the following Ordinance, which was seconded by Council Member _____:



ORDINANCE 26-2XX

AN ORDINANCE REPEALING AND REPLACING ORDINANCE 26-266 AND ADOPTING A NEW CHAPTER 44, ARTICLE II - WATER

WHEREAS, the City of Alabaster has historically relied on the independent Alabaster Water Board for the ownership, operation, and management of the municipal waterworks system since the 1950s; and

WHEREAS, on January 12, 2026, the Alabaster City Council unanimously approved a resolution, at the request of the Alabaster Water Board, to transfer all assets, liabilities, employees, and operations of the Water Board to the City of Alabaster, effective March 1, 2026, to align water service under unified city governance; and

WHEREAS, this transfer creates an opportunity to integrate water service administration directly into the City's operations, streamline processes, enhance coordination with other municipal utilities and services, and better serve residents with one vision, one goal, and one focus; and

WHEREAS, the existing provisions of Chapter 44, Article II of the *Alabaster Code of Ordinances (2015)* are outdated, fragmented, and in need of comprehensive revision to reflect current best practices, regulatory requirements, and the City's direct operational responsibility for the waterworks system; and

WHEREAS, the adoption of a modernized water service ordinance is necessary to ensure the reliable, safe, affordable, and equitable delivery of potable water; to promote water conservation; to protect public health through measures such as mandatory backflow prevention and prompt leak repairs; to establish clear rules for connections, metering, billing, and collections; and to provide for financial sustainability of the system; and

WHEREAS, the new ordinance incorporates updated rate structures effective March 2026 (consistent with prior board-adopted adjustments), affordability measures for qualifying fixed-income residents, enhanced customer protections and responsibilities, and enforcement mechanisms to safeguard the public water supply; and

WHEREAS, to ensure the waterworks system's long-term capacity and financial stability for new growth, it is appropriate to continue the System Development Fees previously established by the Alabaster Water Board;

WHEREAS, to ensure smooth operations after the transfer of the Alabaster Water Board to the City effective March 1, 2026, the Director of Infrastructure and Utilities needs authority to continue compatible prior policies; and

WHEREAS, the City Council finds that these revisions are in the best interest of the health, safety, and welfare of the residents and businesses of Alabaster, both within and outside the city limit

THE PUBLIC GOOD REQUIRING, THE CITY COUNCIL OF THE CITY OF ALABASTER HERBY ORDAINS AS FOLLOWS:

Section 1 - Repeal

Ordinance Number 26-266 is hereby repealed and replaced herewith.

Section 2 – Adoption of New Water Ordinance.

There is hereby adopted a new Chapter 44, Article II, Water Service, of the *Alabaster Code of Ordinances (2015)* as follows:

ARTICLE II. WATER SERVICE

DIVISION 1. GENERALLY

Sec. 44-10. Purpose and Scope. This article establishes the rules, regulations, rates, and procedures for the City of Alabaster's waterworks system to ensure reliable, safe, and equitable water service, promote conservation, protect public health, and maintain financial sustainability. It applies to all users within and outside city limits, superseding prior board policies upon adoption.

Sec. 44-11. Definitions. As used in this article:

- a) Commercial user: Any non-residential user, including businesses, industries, offices, and multi-unit residential properties (e.g., apartments with 5+ units) served by master meters.
- b) Residential user: A user at premises used for single-family or small multi-family (up to 4 units) residential purposes, served by individual meters.
- c) Waterworks system: The City's water supply, treatment, distribution, and related facilities.
- d) Backflow preventer: A device to prevent contaminants from entering the potable water system.
- e) Reduced-Rate Eligible: Fixed-income residents qualifying for discounts based on Social Security retirement/disability status and income thresholds set by the City.

Sec. 44-12. Consent to Provisions. All water users consent to this article's terms by applying for or receiving service.

Sec. 44-13. Prior Water Board Policies.

The Director of Infrastructure and Utilities may adopt as City policies any rules, procedures, or guidelines previously used by the Alabaster Water Board that do not conflict with this article.

These adopted policies will apply to water service operations until changed or replaced by the Director or the City Council.

The Director will make a list of any adopted policies available to the public (such as on the City website or at the utility office) and notify the City Council of new adoptions.

Sec. 44-14. Water Service Outside City Limits – Annexation Requirement.

(a) The City of Alabaster may provide water service to properties located outside the current corporate limits of the City, subject to all other applicable provisions of this article, including payment of the outside-city premium set forth in Sec. 44-53, deposits, tap fees, system development fees, and any other requirements.

(b) As a condition of receiving or continuing to receive water service from the City, any property owner requesting new or extended water service to a parcel located outside the corporate limits shall, if requested by the Director of Infrastructure and Utilities, annex the property into the City of Alabaster if the property is contiguous to the City's corporate limits (or can be made contiguous in accordance with Alabama law) and the owners are legally eligible and able to petition for annexation under Title 11, Chapter 42 of the Code of Alabama 1975, as amended.

(c) Failure to complete annexation within a reasonable time period specified by the Director of Infrastructure and Utilities (not to exceed 180 days from the date of application, unless extended by the City Council) may result in denial of service or disconnection of service after notice and an opportunity to be heard.

Sec. 44-15 - 44.20. Reserved

DIVISION 2. SERVICE RULES

Sec. 44-21. Application for Service. Prospective customers must apply in person, online, or via approved forms at the City's utility office, providing identification and agreeing to terms. Service begins upon deposit payment and inspection.

Sec. 44-22. Deposits.

- a) Residential Rental: \$150; Commercial: \$250.
- b) Combined deposits possible with sewer/garbage services.
- c) Hydrant Meter - \$3,000
- d) Master Meter - \$1,000

Sec. 44-23. City's Maintenance Responsibility. The City maintains mains and service lines up to the meter. Connections and taps performed only by city employees or authorized agents.

Sec. 44-24. Customer Responsibilities.

- a) Maintain pipes and fixtures beyond the meter, including protection from frost and leaks.
- b) Repair leaks within 7 days of notice; failure may result in shutoff and fines as set forth in Sec. 44-73.
- c) Prohibit resale, sharing, or unauthorized use of water service.
- d) Provide and maintain properly located shutoff valves (stop valves) and, where applicable, stop-and-waste valves to allow draining of pipes.
- e) Maintain tanks/reservoirs in sanitary condition.

Sec. 44-25. Backflow Prevention.

(a) Required Installation on All Connections. A suitable, approved backflow prevention device shall be installed on every water service connection to protect the public water system from contamination due to backflow or backsiphonage.

- 1. For new connections and service line/meter replacements smaller than 2 inch in size, the City shall install a basic backflow prevention device (such as a dual check valve) at the meter or as close as practicable to the service connection, at no initial cost to the customer unless otherwise specified.
- 2. For all other connections, the customer shall install and maintain an approved backflow prevention device at the customer's sole expense, in accordance with the degree of hazard present on the premises and the City's cross-connection control program.

(b) Testing and Maintenance. The City may require periodic testing and maintenance of backflow prevention devices at the customer's expense.

- 1. Devices on premises with potential or actual hazards (including but not limited to complex irrigation systems over 1/3 acre, auxiliary water sources, booster pumps, chemical handling, industrial processes, medical facilities, or other high-hazard activities) shall be testable assemblies (e.g., double check valve or reduced-pressure-principle backflow preventer) meeting ADEM and City standards.
- 2. When required, customers shall arrange for testing by a certified backflow tester and submit certified test results to the City within the timeframe specified in the City's notice.
- 3. All testing, repairs, and maintenance shall be at the customer's expense. The City shall provide reasonable notice of any required testing or maintenance.
- 4. The Director of Infrastructure and Utilities may adopt additional policies in relation to backflow as may be necessary to maintain the integrity of the system and comply with changing regulatory requirements.

(c) Enforcement. Failure to install, test (when required), maintain, or submit required documentation for a backflow prevention device shall constitute a violation of this article. The

City may disconnect water service after notice, as provided in Sec. 44-58, until compliance is achieved.

Sec. 44-26. Right of Entry. Authorized personnel may enter premises at reasonable hours for inspections, repairs, or meter reading. Refusal allows shutoff without liability.

Sec. 44-27. Shutoffs for Repairs or Emergencies. City may shut off water without notice for repairs, extensions, leaks, or emergencies.

Secs. 44-28 – 44.34. Reserved.

DIVISION 3. CONNECTIONS AND FEES

Sec. 44-35. Permit Required. Written application and payment of tap fees and System Development Fees shall be required prior to any connections.

Sec. 44-36. Tap, Connection, and System Development Fees.

(a) Tap and Connection Fees. The City shall charge the following fees for physical taps, connections, and meter installations:

(1) 3/4" meter: \$500

(2) 1" meter: \$550

(3) Larger meters: Scaled as provided (e.g., 2": \$1,850; sizes >2": determined by the Director of Infrastructure and Utilities plus 10% of actual cost)

(4) Fire hydrant meter: \$\$3,000 deposit

(5) Other fees:; Reconnect \$80; Tampering \$500; NSF \$30; Meter test \$150 (refundable if inaccuracy >3%)

(b) System Development Fees. In addition to tap and connection fees, a one-time System Development Fee shall be charged for new water service connections, meter upsizes, or new construction to fund system capacity expansions. Fees are as follows (effective upon adoption or March 1, 2026, consistent with prior Alabaster Water Board schedules):

(1) 3/4" meter: \$2,400

(2) 1" meter: \$4,000

(3) 2" meter: \$12,700

(4) 4" meter: \$40,000

(5) 6" meter: \$79,900

(6) 8" meter: \$127,900

(7) Multi-family/residential units (master metered): \$1,500 per unit

(8) Larger or non-standard sizes: Determined by the Director of Infrastructure and Utilities based on equivalent residential units (ERUs) or actual capacity impact

(c) All fees in this section are due prior to connection or service activation. The City Council may adjust these fees by resolution adopted at any regular or special called council meeting.

Sec. 44-37. Master Service Agreement for Multi-Unit or Rental Properties.

(a) For properties with master meters (e.g., apartments with 5+ units) or where service is provided to individual rental properties, the property owner (landlord) may be required to execute a Master Service Agreement in a form approved by the City Council.

(b) The Agreement shall include:

- 1) Acknowledgment that the owner is jointly and severally liable for all water service and sewer charges, penalties, and related fees incurred at the property.
- 2) Provisions for disconnection of service for nonpayment by the owner or any tenant/occupant.

- 3) Inclusion of a continuing general lien clause on the real property: "It is understood and agreed that the Water User (property owner), his/her/its successors and assigns, gives, grants, and conveys to the City of Alabaster a continuing general lien on and upon the real property served hereby."

(c) Execution of the Master Service Agreement is a condition of service for such properties. The City may discontinue service for non-compliance, consistent with Alabama law and the City's enforcement authority.

Secs. 44-38 — 44-40. Reserved.

DIVISION 4. METERS

Sec. 44-41. Installation and Testing. City installs uniform meters at its expense (up to meter cost). Periodic free tests; customer-requested tests refunded if inaccurate beyond industry standards (adjustment up to 30 days prior).

Sec. 44-42. Fire Suppression Systems.

Private fire suppression (protection) systems shall be metered, and water from such systems shall not be used for any non-fire protection purpose. Monthly charges shall be based on the size of the service line (e.g., \$1per inch of diameter, as determined by the Director of Infrastructure and Utilities). The City makes no guarantee as to the pressure or volume of water available for fire protection purposes and shall not be liable for any resulting damages.

Sec. 44-43. Meter Failures.

In cases of meter failure, bills shall be estimated based on the average usage over the prior twelve (12) months or other appropriate data.

Secs. 44-44 — 44-50. Reserved.

DIVISION 5. RATES AND CHARGES

Sec. 44-51. Rate Schedule.

The rates and charges for water and sewer service shall be as established by resolution of the City Council and may be amended from time to time by subsequent resolution. Until amended by the City Council, the following rates shall apply effective March 2026:

(a) Minimum Charge. This is a fixed monthly availability charge that includes an initial allowance of gallons as noted below:

(1) 3/4" Meter: \$26.70 (includes first 2,500 gallons).

(2) 1" Meter: \$54.75 (includes first 6,000 gallons).

(3) 1 1/2" Meter: \$99.65 (includes first 11,600 gallons).

(4) Larger Meters: Scaled as determined by the Director of Infrastructure and Utilities (higher minimums with adjusted allowances).

(5) Reduced-Rate Eligible: \$10 discount on the minimum charge for qualifying customers, as provided in Sec. 44-52.

(b) Usage Tiers. Charges per 1,000 gallons over the minimum allowance:

(1) For 3/4" Meter:

(i) 2,501 to 15,000 gallons: \$7.94.

(ii) Over 15,000 gallons: \$8.62.

(2) For 1" Meter:

(i) 6,001 to 18,500 gallons: \$7.94.

(ii) Over 18,500 gallons: \$8.62.

(3) For 1 1/2" Meter and Larger: Similar tiered structure, with \$7.94 up to the higher threshold, then \$8.62.

(4) Sprinkler/Fire Line: \$8.62 flat per 1,000 gallons (or as determined by the Director of Infrastructure and Utilities).

(5) Wholesale/Commercial: Negotiated or per applicable tier.

(6) Multi-Unit/Master Metered: Per-unit minimums where applicable, plus usage.

(c) Outside City Limits. Water service provided to properties outside the corporate limits of the City shall be subject to a flat premium of \$10.00 per month added to the base monthly minimum charge, as more fully provided in Sec. 44-53.

(d) Annual Review and Adjustment.

Annually, on October 1, all rates shall automatically increase by the percentage change in the Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) for Water and Sewer and Trash Collection Services.

The Director of Infrastructure and Utilities shall present an annual financial update to the City Council in June, including revenues, expenses, debt service, and capital needs. The City Council may, by resolution, approve any additional rate increases above the automatic CPI-U adjustment if determined to be necessary.

Sec. 44-52. Reduced-Rate Program.

(a) The City maintains a reduced-rate program for qualifying fixed-income customers to promote affordability.

(b) Eligibility: Customer for the prior year; all household income is solely from Social Security or Disability; proof required. Must reside in the home where service is provided.

(c) Benefits: \$10 reduction on minimum water charge; applicable sewer/garbage discounts per current policy.

(d) Application: Annual during open enrollment; incomplete or late applications denied. The Director of Infrastructure and Utilities may administer rules and updates.

Sec. 44-53. Outside City Premium. All water service furnished to customers outside the corporate limits of the City of Alabaster shall include a flat monthly premium of \$10.00 added to the base minimum charge. This premium is in addition to all other applicable rates, usage charges, and fees. The City Council may adjust or waive this premium by resolution.

Secs. 44-54 — 44-55. Reserved.

DIVISION 6. BILLING AND COLLECTION

Sec. 44-56. Billing. Monthly bills via mail or electronic; due 10 days after rendering. Combined with sewer/garbage possible.

Sec. 44-57. Penalties.

(a) Late Payments. A late fee of ten percent (10%) shall be applied to the unpaid balance.

(b) Non-sufficient Funds (NSF). Any payment returned for non-sufficient funds shall revert the account to delinquent status, and applicable NSF fees shall apply as set forth in Sec. 44-36(c).

Sec. 44-58. Disconnections.

(a) The City may discontinue water service for accounts with a previous statement balance of \$25 or more.

(b) Service shall be restored only after full payment of all delinquent amounts, including penalties and reconnection fees.

(c) The City may refuse or discontinue service to any premises where the account holder or any member of the household is delinquent on prior water service charges, regardless of change in occupancy.

(d) Disconnection for nonpayment shall comply with due process requirements and may be accompanied by placement of a lien on the property if applicable under a Master Service Agreement (Sec. 44-37).

Sec. 44-59. Complaints and Adjustments.

(a) If a customer believes a bill is in error, the customer shall present the claim in person or in writing to the utility office before the bill becomes delinquent. Any claim presented after delinquency shall not prevent disconnection of service as provided in this article.

(b) The customer may pay the disputed bill under protest, and such payment shall not prejudice the customer's right to seek an adjustment or refund.

(c) Special meter readings or tests shall be available upon request, subject to applicable fees, which shall be refunded if the meter is found to be inaccurate beyond industry standards. Adjustments shall be made based on prior usage averages or other reasonable data.

Secs. 44-60 — 44-64. Reserved.

DIVISION 7. WATER CONSERVATION AND EMERGENCIES

Sec. 44-65. Conservation Plan. Four stages implemented by The Director of Infrastructure and Utilities based on supply/demand:

- a) Stage I (Voluntary): Limit non-essential use.
- b) Stage II (Alert): Outdoor watering on odd/even days.
- c) Stage III (Warning): Restricted days/hours; bans on vehicle washing, pool filling except exemptions.
- d) Stage IV (Emergency): Full outdoor bans; essential use only. Notifications via website, social media, and public announcements. Exemptions for nurseries, health/safety.

Sec. 44-66. Emergency Declarations.

(a) The Mayor is authorized to declare a water emergency in cases of shortages, breakdowns, or other critical conditions affecting the waterworks system. Such declaration may include temporary bans on non-essential water uses (e.g., wastes, outdoor watering) to conserve supply.

(b) Violations of an emergency declaration shall be subject to fines as provided in Sec. 44-67, with each day of violation constituting a separate offense.

Sec. 44-67. Penalties.

(a) Any violation of this division shall constitute an ordinance violation, punishable by a fine of up to \$500 per day for each day the violation continues and up to six months in jail.

(b) The City may seek injunctive relief through appropriate legal proceedings to enforce compliance.

(c) For repeat offenders, the City may discontinue water service in addition to other penalties, subject to notice and due process as provided in this article.

Secs. 44-68 — 44-70. Reserved.

DIVISION 8. REPAIR OF WATER LEAKS

Sec. 44-71. Purpose. The purpose of this division is to protect the health, safety, and welfare of the residents of the City of Alabaster by requiring property owners and occupants to repair water leaks promptly to conserve water, prevent property damage, and protect the public water supply.

Sec. 44-72. Definitions. For the purposes of this division, the following definitions shall apply:

- a) Occupant: Any person or entity that resides in, leases, or otherwise occupies the property.
- b) Property owner: The legal owner of record of the real property where the water leak is occurring.

- c) Public water system: The municipal water supply system operated by the City of Alabaster.
- d) Water leak: Any visible or detectable escape of water from plumbing systems, fixtures, irrigation systems, or other sources connected to the public or private water supply.

Sec. 44-73. Duty to Repair Water Leaks.

(a) Owner Responsibility. Property owners within the City of Alabaster shall repair any water leak on their property or in plumbing systems under their control within seven (7) days of discovering the leak or receiving notice from the City.

(b) Occupant Responsibility. Occupants shall notify the property owner or the City within twenty-four (24) hours of detecting a water leak on the occupied property.

(c) Immediate Repair for Hazardous Leaks. If the leak poses an immediate public health hazard, endangers property, or could cause substantial damage, the property owner or occupant shall arrange for immediate repairs within twenty-four (24) hours of detection or notification by the City.

Sec. 44-74. Notification of Water Leak.

Upon discovering a water leak—whether through the City's water monitoring system, inspection, or a report from a resident or occupant—the City shall issue a notice to the property owner of record. The notice shall specify the property address and nature of the leak and the required timeframe for repairs as set forth in Sec. 44-73.

Sec. 44-75. Failure to Repair.

If the property owner fails to repair the leak within the required timeframe, the City may, in its discretion:

- (1) Impose a fine of \$50.00 per day for each day the violation continues beyond the allotted period;
- (2) Perform or cause the necessary repairs and charge the property owner for the cost of repairs plus an administrative fee; or
- (3) Discontinue water service to the property, provided the property owner receives a final written or email notice at least seventy-two (72) hours prior to disconnection.

Sec. 44-76. Exceptions. If the property owner can demonstrate that extraordinary circumstances prevent timely repair, they may request a one-time extension from the City for up to fourteen (14) days. The City may waive penalties or enforcement if the leak is found to result from city-related infrastructure failure.

Sec. 44-77. Enforcement and penalties. Violation of this division shall be an offense against the City and may be enforced by the City of Alabaster. In the case of termination of water service, such termination shall be carried out by the City. Each day a violation continues after notice has been provided shall constitute a separate offense.

Secs. 44-78 — 44-82. Reserved.

Section 3 – Effective Date

This Ordinance shall be effective upon its passage and publication as required by law.

ADOPTED AND APPROVED THIS 13TH DAY OF APRIL 2026.

ATTEST:

CITY OF ALABASTER

J. Mark Frey, City Clerk

Greg Farrell, Council President

APPROVED:

Scott Brakefield, Mayor