

Having previously been introduced at the October 28, 2024, council meeting, Council Member PATE moved the adoption of the following Ordinance, which was seconded by Council Member RAKESTRAW:



ORDINANCE 24-212

AN ORDINANCE REQUIRING THE REPAIR OF WATER LEAKS WITHIN THE CITY OF ALABASTER, ALABAMA

THE PUBLIC GOOD REQUIRING IT, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALABASTER, ALABAMA AS FOLLOWS:

WHEREAS, the City of Alabaster recognizes that potable water is a vital and limited resource essential to the health, safety, and well-being of its residents; and

WHEREAS, the State of Alabama, like many regions, faces increasing challenges related to the availability of potable water due to population growth, drought conditions, and environmental factors; and

WHEREAS, the efficient use and conservation of potable water are necessary to ensure a reliable and sustainable water supply for present and future generations; and

WHEREAS, water leaks, whether occurring in public or private systems, result in significant loss of potable water, contributing to unnecessary strain on the municipal water supply and increased costs for water treatment and delivery; and

WHEREAS, unrepaired water leaks can cause property damage, increase the risk of water contamination, and negatively impact the environment by contributing to water waste and erosion; and

WHEREAS, timely detection and repair of water leaks is a crucial element in the City's commitment to promoting responsible water use and environmental stewardship; and

WHEREAS, the City of Alabaster is committed to ensuring the sustainable management of its water resources by encouraging residents and property owners to promptly repair water leaks; and

WHEREAS, the City of Alabaster, in accordance with its duty to protect the public health and welfare, finds it necessary to establish clear requirements for the prompt repair of water leaks to safeguard the city's potable water supply;

NOW, THEREFORE, the public good requiring it, be it ordained by the City Council of Alabaster, Alabama, as follows:

Section 1: Purpose

The purpose of this ordinance 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.

Section 2: Definitions

For the purposes of this ordinance, the following definitions shall apply:

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.

Property Owner: The legal owner of record of the real property where the water leak is occurring.

Occupant: Any person or entity that resides in, leases, or otherwise occupies the property.

Public Water System: The municipal water supply system operated by the Alabaster Water Board or any other authorized entity providing water to the City of Alabaster's residents.

Section 3: Duty to Repair Water Leaks

Owner Responsibility: Property owners within the City of Alabaster shall be responsible for repairing water leaks on their property or connected to plumbing systems under their control within seven (7) days of discovering the leak or being notified by the Alabaster Water Board.

Occupant Responsibility: Occupants of properties shall be required to notify the property owner or the Alabaster Water Board if they detect a water leak on the property they are occupying within 24 hours of discovering the leak.

Immediate Repair of Hazardous Leaks: If the water leak poses a public health hazard, endangers property, or could cause substantial damage, the property owner or occupant must arrange for immediate repairs within 24 hours of detection or notification by the Alabaster Water Board.

Section 4: Notification of Water Leak

Upon discovering a water leak, either through the Alabaster Water Board's water monitoring system, inspection, or by a report from a resident or occupant, the Alabaster Water Board shall issue a written notice or email to the property owner advising of the leak.

The notice shall specify the location and nature of the leak, and the required time period for repairs as outlined in Section 3.

Section 5: Failure to Repair

If the property owner fails to repair the water leak within the time limits provided in this ordinance, the Alabaster Water Board shall notify the City of the failure to repair and the City of Alabaster may then: impose a fine of \$50 per day for each day the violation continues beyond the allotted time period.

Perform or cause to be performed the necessary repairs and charge the cost of repairs plus an administrative fee to the property owner.

The City reserves right for the Alabaster Water Board to terminate water service to any property where the owner fails to comply with the repair requirements, provided that the property owner receives a final written or email notice at least 72 hours before service termination.

Section 6: Exceptions

If the property owner can demonstrate that extraordinary circumstances prevent timely repair, they may request a one-time extension from the Alabaster Water Board for up to 14 days.

The City may waive penalties or enforcement if the leak is found to result from a City or Alabaster Water Board related issue or public infrastructure failure.

Section 7: Enforcement and Penalties

Violation of this ordinance shall be a civil offense and may be enforced by the City of Alabaster and, in the case of termination of water service, the Alabaster Water Board.

Each day a violation continues after notice has been provided shall constitute a separate offense.

Section 8: Severability

If any section or provision of this ordinance is found to be invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions of the ordinance, which shall remain in full force and effect.

Section 9: Effective Date

This Ordinance shall become effective upon its passage and execution as provided by law.

ADOPTED AND APPROVED THIS 7TH DAY OF NOVEMBER 2024.

ATTEST:

CITY OF ALABASTER


J. Mark Frey, City Clerk


Sophie Martin, Council President

APPROVED:


Scott Brakefield, Mayor