

ORDINANCE No. 2018- 10

REGULATION OF WATER METERS AND FIRE HYDRANTS

WHEREAS, the Town Council of Triana has a compelling interest in regulating and monitoring the water supply and the rates of use for water in the Town;

WHEREAS, the Town Council of Triana has a compelling interest in ensuring that all fire hydrants throughout the Town are working properly and that all such infrastructure is used properly and efficiently;

WHEREAS, in order to regulate and monitor residential and commercial water use, the Town of Triana maintains water meters that are vital for the this function, and checks such meters regularly;

WHEREAS, safeguarding the structural integrity of the Town's water meters and fire hydrants are critical for properly regulating and monitoring water use, and for ensuring the availability of water for emergency purposes. Further, that a compelling government interest exists in the preservation of the Town's water meters and fire hydrants;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TRIANA, ALABAMA AS FOLLOWS:

Section 1 – Title

This Ordinance shall be known as the “Regulation of Water Meters and Fire Hydrants” for the Town of Triana.

Section 2 – Incorporation

The recitals set forth above are incorporated into this ordinance as the findings of the Town Council.

Section 3 – Purpose

The purpose of this ordinance is to safeguard the structural integrity of residential and commercial water meters and fire hydrants in the Town of Triana. Further, by protecting the Town's water meters and fire hydrants, the Town is better equipped to regulate and monitor properly water use and to respond to certain emergencies where water use is critical.

Section 4 – Scope

This Ordinance shall apply to every water meter and fire hydrant within the city limits of the Town of Triana, residential and commercial. This Ordinance shall take effect immediately upon passage and approval by the Town Council.

Section 5 – Regulation

Only those persons employed by the Town of Triana, and/or given express authorization by the Town or its representative shall or attempt to install, remove, repair, alter, adjust, amend, read, reset, or take similar action with respect to any water meter within the Town of Triana.

Only those persons employed by the Town of Triana, and/or given express authorization by the Town or its representatives shall or attempt to install, remove, repair, alter, adjust, amend, use, open, close, reset or take similar action with respect to any fire hydrant within the Town of Triana.

Section 6 – Penalties

(a) Any person found to be in violation of this ordinance with respect to water meters shall be fined two hundred (\$200.00) dollars for a first offense, and five hundred (\$500.00) dollars for any subsequent offense within a two-year time period from the date that the first offense occurred.

(b) Any person found to be in violation of this ordinance with respect to fire hydrants shall be fined five hundred (\$500.00) dollars for a first offense, and one thousand dollars (\$1,000.00) for any subsequent offense within a two-year time period from the date that the first offense occurred. Further, any violators of this subsection shall also be charged the rate of \$6 per 1,000 gallons for all water extracted from a fire hydrant without proper authorization.

(c) Any person found to be in violation of this ordinance with respect to either water meters and/or fire hydrants shall pay fees for or reimburse the Town of Triana for locking and re-locking meters for which the violator is responsible, installing new meters to replace those damaged by any violator, repairing any water meter or hydrant damaged by any violator, resetting water meters, and/or repairing any damage caused from unlawful water use pursuant to this ordinance.

Section 6 – Severability

In the event any section, subsection, sentence clause or phrase of this ordinance shall be declared or held invalid or unconstitutional by any court of competent jurisdiction, such holding shall in no manner affect the other sections, sentences, clauses or phrases of this ordinance, which shall remain in full force and effect, as if the section, subsection, sentence clause or phrase so declared or held invalid or unconstitutional were not originally a part thereof.

Section 7 – Definitions

Water meter – This phrase shall refer to any device that monitors and/or measures the volume of public water used by residential or commercial buildings.

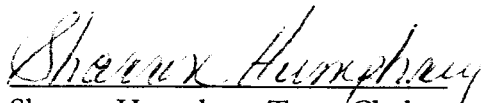
Fire hydrant – A visible fixture placed inside or outside of a building that is connected to a public or municipal water line and/or water network.

APPROVED and ADOPTED this 10 day of August, 2018



Mary Caudle, Mayor

ATTEST:



Sharron Humphrey, Town Clerk