

## ARTICLE VI. - WATER DISTRIBUTION SYSTEM EXPANSION POLICY

## Sec. 16-170. - Purpose and intent.

The purpose of this article is to establish minimum standards for the design and construction of the water distribution system. These minimum standards are intended to protect and promote the public health, safety and welfare by insuring the city's water system continues to provide citizens and customers safe and reliable drinking water and fire protection.

(Ord. No. 8626, 11-21-2017)

## Sec. 16-171. - Definitions.

Whenever the following terms are used in this article, they shall have the meaning respectively ascribed to them unless the context clearly indicates otherwise:

*City:* The City of Tuscaloosa, a municipal corporation.

*City engineer:* The city engineer of the City of Tuscaloosa or his/her designee.

*Cost of water mains:* The entire engineering cost, cost of pipe valves, fire hydrants, service lines, fittings, jointing, materials, trenching, backfilling, labor, labor additives, amounts set aside for contingencies, supervision, easement acquisition, if any, and all other expenses necessary in connection with the installation of water mains, water main expansions, or any part thereof, or incident thereto, excluding only the cost of a meter set.

*Department or the department:* The office of infrastructure and public services (IPS) of the city.

*Developer:* Any person, firm partnership, corporation or other legal entity engaged in or seeking to engage in development activity as herein defined including a developer that has been issued a water distribution system permit pursuant to the provisions of this article.

*Development:* Any man made or earth change to property within the area including but not limited to preparation of land for the construction of buildings or other structures, mining, dredging, filling, grating, re-grating, paving, clearing, excavation or drilling operations. This definition also includes changes or improvements to any property subject to these regulations in the installation of utilities.

*Director or the director:* Director of IPS or his/her designee.

*Parcel:* Any lot or tract of land not subdivided, but including one (1) lot subdivision, for which water service is requested.

*Subdivision:* The division of a lot, tract, or parcel of land into two (2) or more lots, plots, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development. The term "subdivision" includes resubdivision. Any subdivision to be served with water must be completely inside the corporate limits to be treated as being inside the corporate limits for purposes of allocating construction costs.

*Water system expansion:* The water mains and appurtenances required to extend, expand, or improve the distribution system of the city in order to provide a safe and reliable level of water service to a site.

*Water distribution system permit estimate:* The estimated cost in full for materials, labor and incidental expenses to complete the expansion or replacement to the city's water distribution system.

(Ord. No. 8626, 11-21-2017)

## Sec. 16-172. - Water distribution system permit required.

- (a) *General.* Any person or entity desiring to construct an expansion of water services, or alter the city's water mains or water distribution system must first obtain a water distribution system permit. All design, materials, and construction of expansions to the water distribution system of the city shall be in accordance with the this Code, as amended or any further amendments, and must conform to the latest revision of the city water distribution system engineering standards. At no time will the city, or its agents or employees, be designated or otherwise indicated to be the "on job responsible official."
- (b) *Registration and licensing.* A professional engineer licensed in the state shall perform all designs of expansion to the water distribution system of the city. Construction of expansions to the water distribution system of the city shall be performed by contractors approved by the city and in strict accordance with the ordinances of the city.
- (c) *Procedure (city constructed, city contracted, or developer constructed expansion).* The following procedure shall be followed for the application and performance of a water system expansion.
- (1) The engineer for the developer or individual desiring to expand the water distribution system of the city shall make application for a water distribution system permit.
  - (2) Prior to application for a water distribution system permit in a subdivision, the developer must have received preliminary approval from the city planning commission in the form of an approved preliminary plat, and city council for a PUD, before any work pertaining to the water system expansion can proceed.
  - (3) The engineer for the developer shall provide the water utilities plan and the completed water distribution system permit application.
  - (4) If required, the engineer shall resubmit revised plans following review and comment.
  - (5) Once the water system expansion design has been approved, the developer's engineer shall submit an estimate showing the cost of the work to be performed. The water distribution system permit estimate shall consist of the estimated cost in full for materials, labor and incidental expenses to complete the expansion to the city's water distribution system. The water distribution system permit estimate should not include items outside the limits of city owned facilities of the water distribution system.
  - (6) IPS will review and comment on the water distribution system permit estimate. Once there are no further comments, IPS will approve or deny the water distribution system permit application. The developer shall submit a performance bond in accordance with Section 16-173. Design CAD files must also be submitted to IPS at this time. Once the performance bond and design CAD files on an approved water distribution system permit application have been submitted to the satisfaction of IPS the water distribution system permit will be issued.
  - (7) The developer or the developer's representative shall submit a materials list to IPS for IPS review and approval prior to ordering materials. IPS will review to verify conformance with approved plan and standard specifications per the city water distribution system engineering standards.
  - (8) The design engineer will provide all staking for the location of mains and appurtenances to be constructed.
  - (9) The project shall be accessible to the city for inspection by the city at all times.
  - (10) A mandatory preconstruction meeting shall be held prior to beginning construction. IPS will schedule the project pre-construction conference. The design engineer of the project shall attend. IPS will schedule the project pre-construction conference following approval of the submitted approved materials list.
  - (11) Materials arriving on site shall be inspected and approved by the city prior to the installation of the water distribution system. The developer's contractor shall be responsible for supplying the delivery ticket that the contractor receives for materials delivered on site for use in the city's water distribution system.
  - (12) The design engineer will provide resident project observation and shall prepare record drawings, including valve location details. The city will, at its own discretion perform additional resident observation.

- (13) The developer's contractor shall install the water distribution system per the approved plan.
- (14) Easements, if necessary, shall be submitted to IPS and the office of the city attorney for review and approval. No water system expansion will be accepted for service until all easements have been prepared and granted to the city.
- (15) No water system expansion will be accepted for service until the following have been provided to IPS and accepted:
  - a. Record drawings showing the installed size, type and location of water mains, and other appurtenances as constructed. (In CAD format)
  - b. Valve details for every valve showing a minimum of two (2) ties to permanent structures.
  - c. GPS coordinates of each valve and fire hydrant installed.
- (16) Once water distribution system improvements have been accepted, and all applicable reimbursements and fees described in subsection 16-181(a) have been paid, the performance bond will be released and the water distribution system permit will be closed.
- (17) All water mains and expansions thereof, and appurtenances thereto which are installed pursuant to this article shall be, and remain the sole property of the city regardless of the amount of payment required from any person or corporation for the cost of installing said mains, expansion of water system and appurtenances thereto.
- (d) *Limits of city owned facilities.* The following shall be the limits of city owned and maintained water facilities:
  - (1) The backflow preventer of a domestic service or master meter.
  - (2) The backflow preventer of a fire main.

(Ord. No. 8626, 11-21-2017)

Sec. 16-173. - Water distribution system permit performance bond.

- (a) The city engineer shall require, prior to the issuance of a water distribution system permit, a water distribution system permit performance bond, on a form provided by the city. The water distribution system permit performance bond shall cover damage to existing public infrastructure within construction limits during construction and failure to construct required public infrastructure improvements.
- (b) Surety. Water distribution system permit performance bonds shall include good and sufficient surety in an amount equal to one and one-tenths (1.1) times the amount of construction costs of the water system expansion including any related development or construction. The surety thereon must be approved by the city attorney and shall be one of the following: a cash deposit, an irrevocable letter of credit, or an insurance company doing business by an agent in the state through an attorney-in-fact.
- (c) Once water distribution system improvements have been accepted, the performance bond will be released and the water distribution system permit will be closed.

(Ord. No. 8626, 11-21-2017)

Sec. 16-174. - Tying onto completed water distribution system expansion.

When an expansion of the water system has been completed, the city may thereafter extend its system from the subdivision, parcel, or other developments so completed, or tie onto the expanded water system, or any part thereof, for the purpose of supplying other users with water service, and no refund to the developer will be made for such expansion or further service.

(Ord. No. 8626, 11-21-2017)

Sec. 16-175. - Parcels or subdivisions abutting streets or other rights-of way.

Where water mains are installed in a street or other public right-of-way, service lines will be extended from the main to all parcels or subdivisions which abut the street or right-of-way on either side during, and as a part of, the installation of the distribution main.

(Ord. No. 8626, 11-21-2017)

Sec. 16-176. - Relocation of mains.

If any water mains, fire hydrants, water meters, etc., have to be relocated or adjusted due to changes in grade, conflict with owners roadway pipes or storm pipes or in street design or any other conflict that would necessitate the relocation of any existing water main facilities, the developer must obtain a water distribution system permit prior to performing said work.

(Ord. No. 8626, 11-21-2017)

Sec. 16-177. - Requirement for added water pressure.

If greater or lesser water pressure or water flow than is normally provided by the IPS is required, the cost to obtain the required pressure or flow shall be paid for by the developer or property owner.

(Ord. No. 8626, 11-21-2017)

Sec. 16-178. - Contracts with other public entities.

Any contracts with water authorities, water districts, or any other contracts entered into by the city for distribution of its water supply to other public entities must state that when customers from this project are incorporated into the city limits, the city shall acquire the customers, in addition to all facilities constructed as a part of said project.

(Ord. No. 8626, 11-21-2017)

Sec. 16-179. - Fire hydrants and service mains.

- (a) *Fire hydrants [generally.]* No water distribution system expansion shall include fire hydrants to be installed on any water main smaller than six (6) inches in diameter.
- (b) *Location of fire hydrants; requirements.* Water distributions system expansions shall be designed so that fire hydrants will be located within one thousand (1,000) feet of each other and so that each building is within five hundred (500) feet of a fire hydrant. If, in the judgment of the fire department, providing adequate fire protection to the subdivision or parcel served requires a shorter distance between hydrants, said hydrants will be installed as directed by the fire department. Further, all fire hydrants installed must contain two (2) two-and-one-half-inch hose connections and one four-and-one-half-inch hose connection. All fire hydrants installed must be traffic model or breakaway type models meeting department specifications.
- (c) *Additional fire hydrants requested.* If any additional fire hydrants are requested by the developer (other than those required by this policy (reference subsection (b))), then the developer shall pay to the city, in advance, the total cost of all or any such installations.
- (d) *Installation on meters.* No fire hydrant system or fire sprinkler system shall be installed on any domestic metered service, except as allowed for a NFPA 13d system. Where a master meter is utilized, a completely separate water line composed of ductile iron must be installed for all fire hydrant and/or fire sprinkler systems.
- (e) *Backflow prevention device required.* All fire line connections to the city water distribution system shall be protected with backflow prevention devices or detector check valves.

(Ord. No. 8626, 11-21-2017)

## Sec. 16-180. - Master meters, meter sets, etc.

- (a) *Master meter.* Where a master meter(s) is requested, whether in a subdivision or parcel or whether within or without the corporate limits of the city, the developer will pay in advance the full cost of the same including installation of the master meter(s). Where a master meter is utilized, a completely separate water line composed of ductile iron must be installed for all fire hydrants and/or fire sprinkler systems. In addition, if a master meter is to be installed off the public right-of-way, the terms and conditions of subsection (b)(3) shall apply.
- (b) *Meter sets:*
- (1) *Meter sets on right-of-way.* Where a meter set(s) is requested to be located within public rights-of-way, the cost thereof shall be as established by the governing body of the city.
  - (2) *Meter sets off right-of-way.* Where a meter set(s) is requested and/or must be installed off public right-of-way, the cost thereof shall be as established by the governing body of the city. In addition, the provisions of subsection (b)(3) shall also apply.
  - (3) If IPS determines that easements are necessary or needed, then no installation will be undertaken by the city until adequate easements are conveyed to the city.

In addition, regardless of whether easements are required, any developer requesting meter sets not on public right-of-way shall sign a document provided by the city whereby the developer and the developer's assigns guarantee access to the city to each such meter set, service lines, and related facilities and, in the event that any damage is done by city to any property while servicing or otherwise gaining access to such meter sets or service lines or facilities, the developer agrees to indemnify and hold harmless the city, its officers, agents and employees, and to otherwise release the city's officers, agents and employees from any liability.

(Ord. No. 8626, 11-21-2017)

## Sec. 16-181. - Installation of equipment and mains.

All water mains, service lines, fire hydrants, water meters, fire line connections, and any other equipment or appliances installed pursuant to this article shall be installed and maintained by the personnel of IPS or a contractor on behalf thereof and shall be installed in public rights-of-ways except as otherwise provided herein. Provided, however, that the city may issue a permit to a developer of the subdivision or parcel whereby the developer agrees to install water mains and necessary equipment subject to the following terms and conditions:

- (1) The developer shall agree to reimburse the city all direct and indirect cost and expenses for the inspection and testing of the installation and function of the said waterlines by representatives of the city inspection and testing fees shall be nonrefundable.
- (2) If the developer is going to install the waterlines, then the developer shall be duly licensed by the State of Alabama as a general contractor and classified as MU (municipal and utility work) and sub classified as MU-2 (water projects and plants) or the developer may employ a contractor to install the waterlines and said contractor shall be so licensed.
- (3) The issuance of such a permit will not convey any proprietary interest to the developer in the system or any appurtenance or component thereof, and developer shall agree that once it is completed and accepted by the city it shall be the exclusive property of the city to the same and like extent as if the city had installed the waterlines itself.
- (4) The developer shall be fully responsible for compliance with the terms and conditions of the permit and all applicable city ordinances or adopted design standards, and shall ensure that any contractor employed by the developer does so as well.

(Ord. No. 8626, 11-21-2017)

## Sec. 16-182. - Cost recovery water mains; and fees.

(a) *Definitions.* As used in this section, the following terms shall have the respective meanings ascribed to them below:

*Cost recovery water main or mains(s):* A water main for transporting treated water of one or more varying sizes and/or pumps, pump houses, and/or water storage tanks, including all appurtenances extending or enlarging the water distribution system of the city or improving the service thereof, designed and/or installed acquired, purchased or funded, in whole or in part, by or on behalf of the city, at the expense of the city, designated as a cost recovery water main by the city council and to which a cost recovery fee shall apply and not in response to a request for water distribution system expansion pursuant to this Code.

*Water main cost recovery fee:* A one-time fee as established by ordinance to be imposed per service account or connection, whether directly or indirectly, to a cost recovery water main at the time the water meter, fire line or other connection is made, by or on behalf of a system customer.

(b) *Authority of city to elect to construct.* The city council may elect to acquire, purchase, designate, fund, in whole or in part, or construct cost recovery water mains for which it will recover all or a portion of the cost of the acquisition, design, ESDC (engineering services during construction), construction or installation of water mains, lines or appurtenances, including pumping stations and water tanks, which extend or enlarge the city's treated water distribution system or improve the service thereof through the establishment of a cost recovery fee as provided for herein.

(c) *Preference for water system distribution expansion policy.* The cost recovery water main system as established herein is not intended to be utilized as a substitute for or in lieu of the proper application of the water system distribution expansion policy of the city as set out in Sections 16-170 through 16-181.

(d) *Implementation of cost recovery water main system and fees.* The city council may, if it so elects, at any time before or after the acquisition, purchase or funding, design, construction and/or installation of water mains or appurtenances extending or enlarging the water distribution system of the city or improving the service thereof, utilize the provisions of this section to recover the cost of the same, as follows:

(1) *Report by IPS.* At the council's request, the city engineer (or in the event of a conflict the mayor) shall prepare a written report to the council in regard to any such proposed cost recovery water main which shall contain the following information:

- a. A description of the proposed or completed water main or mains and a statement as to how and in what manner the water main or mains benefit the city or improve the water distribution system.
- b. Any known or proposed developments in the area with developer funded water distribution system expansions which could be utilized for the expansion of the distribution system in lieu of the cost recovery system.
- c. A description and map of the area in which the water main/mains have been or will be located and the area served by the proposed cost recovery water main.
- d. The actual or an estimated cost of the expansion, enlargement, and/or improvement of such water main(s), including all costs and expenses related either directly or indirectly to the same, including, but not limited to, design, right-of-way or easement acquisition, legal expenses and fees, construction, ESDC, cost of equipment and facilities, administration, claims, damages, interest, finance costs, and all other related costs.
- e. A statement that none of the water mains to be cost recovery water mains have been:
  1. Installed pursuant to Section 16-170 et seq., or
  2. By authority of applicable state statutes for public assessment of water mains, or
  3. The cost thereof has been included in a city's cost of service study and incorporated into the city's

rate structure.

- f. Any other information which the city engineer deems pertinent.
- (2) *Consideration by the council.* Upon receipt of the report from the city engineer, the city council may adopt a resolution implementing a cost recovery water main, which resolution shall contain the following information:
- a. Designating the "cost recovery water mains."
  - b. Establishing the estimated cost to be recovered for the extension, enlargement or improvement of such water mains and related appurtenances. Provided, however, neither the cost of water mains installed pursuant to Section 16-170 et seq., nor that of water mains installed pursuant to state statutory authority for public assessment water mains or mains the cost of which has been included into the city's rate structure may be recovered by operation of a water main cost recovery fee.
  - c. Imposing the water main cost recovery fee to be collected upon each new service account or service connection, whether directly or indirectly, to the cost recovery water main(s) as herein provided.
- (e) *Water main cost recovery fee generally.*
- (1) From and after the date of the resolution of the city council designating a cost recovery water main(s), the water main cost recovery fee as herein established shall be imposed upon and collected from each new service account or service connection, whether directly or indirectly, to the cost recovery water main(s) at or before the time a water meter, fire line or other service connection is made by or on behalf of the customer of the water system.  
  
The water main cost recovery fee shall be paid for each such service account or service connection, whether directly or indirectly, to the cost recovery water main until the entire cost for all of the water mains are recovered in full by the city.
  - (2) *Multiple cost recovery mains/termination of cost recovery fees.* The city council may, by subsequent resolution, expand, alter, enlarge or add to a cost recovery water main; in which case the fees for additional and existing water mains shall continue to be imposed for all new connections to all of the cost recovery water mains until such time as the total cost of all such mains is recovered, regardless of whether or when the cost is to be recovered for any particular main.  
  
Once all the cost for all the cost recovery water mains have been recovered by the city, then the imposition of the water main cost recovery fee shall cease for connections to the cost recovery water mains.
  - (3) *Cost recovery fees; applicability.* It is the intent and purpose of the water main cost recovery fee to enable the city to recover the cost of constructing water distribution expansions, appurtenances, improvements. To that end, water main cost recovery fees are not to be circumvented or avoided by customers or connections obtaining treated water of the city indirectly. The water main cost recovery fee shall be imposed and collected on each service account or connection, whether directly or indirectly, by means of a water distribution system expansion, or otherwise to a cost recovery water main. All customers of the city water distribution system who obtain treated water which is transported to them in whole or in part by means of a cost recovery water main shall be subject to payment of the water main cost recovery fee.
  - (4) *Payment generally.* The cost recovery fee as provided herein shall be paid in full to the city water and sewer department as any other fee or charge of said department subject to the same administrative fees and regulations and the same shall be paid prior to any actual access, connection or meter set by or on behalf of any customer of the city water distribution system. The water main cost recovery fee as established herein shall be in addition to all other applicable fees, rates and charges as required by city ordinance.
  - (5) *Waiver of fee.* The water main cost recovery fee shall be waived under the following circumstances:
    - a. Prior to the actual access or connection to a cost recovery water main, the land upon which the establishment to be served by the access or connection is permanently, completely and lawfully annexed

into the corporate limits of the city; or

- b. The establishment is an industrial or manufacturing facility located within one (1) of the following designated industrial parks:
1. Tuscaloosa County Industrial Park (Tuscaloosa Municipal Airport).
  2. The Kaulton Industrial Park of the City of Tuscaloosa Industrial Development Board.
  3. The Mercedes-Benz Industrial Park.
  4. The Cedar Cove Technology Park.

NOTE: The designation of an industrial park or area pursuant to the provisions hereof does not constitute an "official" designation of an industrial park for the purpose of tapping fee sewer, Section 16-143.

- c. The establishment to be served by the access or connection is a department or facility of the state; or
- d. The entity to be served is a public water system organized pursuant to applicable state law and has, prior to the date of the establishment of the cost recovery water main, entered into a written contract with the city for water service at prevailing rates or amendments thereto.
- e. Mains accessing cost recovery water mains wherein fifty (50) per cent or greater of the cost of construction thereof is funded by the state, county, or federal government or agency thereof as part of a program or policy to promote public health through the provision of potable, treated water to rural customers wherein the waiver of the cost recovery fee would serve as an inducement to abandon the utilization of wells, cisterns, or other potentially unsafe sources of drinking water.
- (f) *Connection prohibited prior to payment of fee.* It shall be unlawful for any property owner, plumber or other person to make or cause to be made any connection with any city cost recovery water main without having first paid the water main cost recovery fee as provided in this section.
- (g) *Water main cost recovery fee enumerated.* Except as otherwise provided herein, each water customer of the city who is subject to a water main cost recovery fee shall pay a one-time water main cost recovery fee per service connection or equivalent meter according to the following schedule:

Service Connection or Meter Size (inches)	Number of Equivalent Meters or Service Connections	Water Main Cost Recovery Fee
¾	1.5	960.75
1	5.0	1,601.25
1½	5.0	3,202.50
2	8.0	5,124.00
3	15.0	9,607.50
4	25.0	16,012.50
6	50.0	32,025.00



8	80.0	51,240.00
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Provided, however, that the city council may elect to establish and impose, as provided for herein, a different water main cost recovery fee for any particular cost recovery water main by specifying the same in the resolution designating the cost recovery main(s).

(Ord. No. 8626, 11-21-2017)

Sec. 16-183—16-199. - Reserved.