

Ordinance No. 03-2026-05

Ordinance Amending Ordinance No. 08-2007-05 of the Geneva Water Works and Sewer Board Relating to Sewer Service Line Responsibility, Blockages, Customer Cleanouts, Fees, and Allocation of Risk

Section 1. Title; Authority

1. This ordinance shall be known and may be cited as the Ordinance Amending Ordinance No. 08-2007-05 Relating to Sewer Service Line Responsibility, Blockages, Customer Cleanouts, Fees, and Allocation of Risk.
2. This ordinance is enacted by the City of Geneva, Alabama (the City), acting by and through the Geneva Water Works and Sewer Board (the Board or GWWSB), pursuant to applicable provisions of Alabama law and the City's home rule and police powers, including but not limited to the power to own, operate, regulate, and maintain municipal water and sewer systems and to prescribe rules, regulations, and charges for sewer service.

Section 2. Findings and Purpose

1. The City and the Board find and determine that:
 - The Board owns and operates the municipal sanitary sewer system serving customers within the City and certain surrounding areas.

- Ordinance No. 08-2007-05 currently governs, among other matters, the allocation of responsibility between the Board and its customers for the maintenance, repair, and clearing of blockages in sewer lines, including sewer service laterals.
- In order to promote clarity, fairness, and operational efficiency, and to minimize disputes regarding the limits of the Boards responsibility for blockages and maintenance of sewer service lines, it is necessary and desirable to amend Ordinance No. 08-2007-05 to more precisely define the point at which responsibility for blockages and maintenance shall shift from the customer to the Board.
- It is further necessary and desirable to establish clear rules governing:
 2. The allocation of responsibility for blockages in existing customer service lines relative to the curb or the edge of the asphalt where no curb exists;
 - The allocation of responsibility for new sewer service line installations occurring on or after January 1, 2026, measured from the sewer main to the end of the pipe installed by the Board or to the point where the customers pipe begins, as applicable; and
 - The imposition of a fee when the Board is requested to or must perform cleaning or clearing operations at a customer's existing cleanout, and the allocation of risk and responsibility for any damage to property and/or sewer lines which may occur in connection with such cleaning or clearing operations.
- 3. The purpose of this ordinance is therefore to:
 - a. Amend and supplement Ordinance No. 08-2007-05;
 - b. Clarify the scope of the Board's responsibility for blockages in sewer service lines with reference to the curb line or, in the absence of a curb, the edge of the asphalt; and

- c. Establish responsibility for new installations of sewer service lines occurring on or after January 1, 2026, with reference to the sewer main and the endpoint of the pipe installed by the Board or the point where the customers pipe begins; and
 - d. Establish a specific cleanout service fee and clarify that any damages to property and/or sewer lines occurring during such cleanout activities are at the customers risk, subject to applicable law.
4. This ordinance is intended to be read in pari materia with Ordinance No. 08-2007-05 and all other ordinances, rules, regulations, and policies of the City and the Board relating to the municipal sewer system. Except as expressly amended herein, Ordinance No. 08-2007-05 shall remain in full force and effect.

Section 3. Definitions

1. For purposes of this ordinance and for purposes of the relevant portions of Ordinance No. 08-2007-05 as amended hereby, the following terms shall have the meanings set forth below, unless the context clearly requires otherwise. To the extent any term is already defined in Ordinance No. 08-2007-05, the definitions below shall supplement and, in the event of an irreconcilable conflict, shall control.
2. **Board or GWWSB** means the Geneva Water Works and Sewer Board, its successors and assigns, and any duly authorized officers, employees, agents, and contractors acting within the scope of their authority.
3. **Customer** means the person, firm, corporation, governmental entity, or other legal entity in whose name sewer service is provided by the Board for a particular premises, and, as the context requires, the owner of the premises served by the Boards sewer system.

4. **Sewer main** means a Board-owned sewer line or conduit, located generally within public rights-of-way or Board easements, that collects wastewater from two or more customer service laterals and conveys such wastewater to larger trunk lines, interceptors, pumping stations, or treatment facilities. The sewer main does not include any individual customers service lateral or private sewer line.
5. **Service lateral or sewer service line** means the pipe, line, conduit, or appurtenance that connects a customer's building, structure, or internal plumbing system to the Boards sewer main. Unless expressly stated otherwise by this ordinance or by other Board regulations, a service lateral is deemed to run from the point of connection with the sewer main to the point of connection with the customers building sewer or internal plumbing system.
6. **Curb** means the raised or otherwise distinct concrete, stone, or similar structure, generally located at the edge of the paved street or roadway, which separates the paved travel way from the adjacent sidewalk, grass, shoulder, or right-of-way edge. Where a curb is present, the curb line for purposes of this ordinance is the face of the curb nearest to the premises being served.
7. **Edge of the asphalt** means, in locations where there is no curb, the outside edge of the paved portion of a public street, roadway, or traveled way, as reasonably determined by the Board in the field. For the avoidance of doubt, the edge of the asphalt shall refer to the lateral limit of the paved surface and not to any gravel shoulder or unpaved portion of the right-of-way.
8. **Blockage** means any condition, including but not limited to accumulations of grease, debris, tree roots, foreign objects, pipe collapse, or other obstructions, which impedes, restricts, or prevents the normal flow of wastewater through a sewer line, including any service lateral or sewer main.
9. **Cleanout or customer cleanout** means a vertical or near-vertical pipe, riser, or appurtenance, typically capped at or near ground level, installed for the purpose of providing access to a

sewer service line for inspection, maintenance, and cleaning. A customer cleanout is a cleanout located on, or serving, a particular customers premises, whether or not located within the public right-of-way, and whether installed by the Board, the customer, or a prior owner, unless expressly designated by the Board as a Board-owned and maintained facility.

10. **New installation** means, for purposes of this ordinance:

- Any new sewer service connection or sewer service line constructed and connected to the Boards sewer main on or after January 1, 2026; and
- Any complete replacement of an existing service lateral from the sewer main to the point of connection with the customers piping, occurring on or after January 1, 2026; and
- Any other installation or construction activity expressly designated in writing by the Board as a new installation for purposes of this ordinance.
- Incidental repairs, spot repairs, or partial replacements that do not result in the replacement or installation of the entire service lateral from the main to the customers line shall not, by themselves, be deemed new installations, unless specifically designated in writing by the Board.

11. **Property** means the real property, land, structures, improvements, landscaping, fixtures, and other real or personal property located on or associated with the premises served by the Boards sewer system, including, without limitation, driveways, sidewalks, lawns, fences, utilities, and other improvements, whether located within or outside of a public right-of-way or easement.

Section 4. Amendment of Ordinance No. 08-2007-05 Allocation of Responsibility for Blockages Relative to Curb or Edge of Asphalt

1. Ordinance No. 08-2007-05 is hereby amended to add the following provision, which shall be codified in the appropriate section of the City's ordinances or Board regulations, and which shall supersede any inconsistent language in Ordinance No. 08-2007-05 regarding responsibility for sewer blockages:

2. Responsibility past the curb or edge of asphalt existing installations.

For sewer service lines and installations in existence prior to January 1, 2026 (and not otherwise qualifying as new installations under this ordinance):

- a. The Board shall be responsible, as between the Board and the customer, for the clearing and removal of any blockage that is determined by the Board to be located in the portion of the service lateral **past the curb plus one foot**, that is, from the face of the curb nearest the premises being served to the point of connection with the sewer main.
- b. In locations where no curb exists, the Board shall be responsible, as between the Board and the customer, for the clearing and removal of any blockage that is determined by the Board to be located in the portion of the service lateral **past the edge of the asphalt plus one foot**, that is, from the edge of the paved roadway, as reasonably determined by the Board, to the point of connection with the sewer main.
- c. The customer shall remain responsible, as between the Board and the customer, for the clearing and removal of any blockage located on the customers side of the curb or, where no curb exists, on the customers side of the edge of the asphalt, including but not limited to the portion of the service lateral running from the building or structure to such curb or edge of asphalt, and any internal plumbing.

3. Determination of blockage location.

The Board shall have the discretion to determine, using reasonable methods and professional judgment, the approximate location of a blockage for purposes of allocating responsibility under this section. The Board may use, without limitation, visual inspection, camera inspection, line locating equipment, rodding, or other standard techniques. In the event the exact point of the blockage cannot be determined with certainty, the Boards good-faith determination of whether the blockage lies past the curb or edge of asphalt shall govern as between the Board and the customer.

4. No assumption of ownership of private lines.

Nothing in this section shall be construed as transferring ownership of the customers service lateral or other private piping to the Board. The Boards responsibility to clear blockages past the curb or edge of asphalt, as described herein, shall be solely an allocation of maintenance responsibility and cost as between the Board and the customer and shall not create or imply ownership or control of private property beyond that necessary to perform Board responsibilities.

**Section 5. Amendment of Ordinance No. 08-2007-05
Allocation of Responsibility for New Installations Effective
January 1, 2026**

1. Ordinance No. 08-2007-05 is further amended to add the following provision, to govern new installations occurring on or after January 1, 2026:

Board responsibility from sewer main to end of Board-installed pipe or point where customers pipe begins new installations.

For all new installations, as defined in Section 3 of this ordinance, that occur on or after January 1, 2026:

- a. The Board shall be responsible, as between the Board and the customer, for the maintenance, repair, and clearing of blockages in that portion of the service lateral extending **from the sewer main to the end of the pipe installed by the Board**, or, where applicable, **to the point where the customers pipe begins**, whichever is the appropriate demarcation based on the installation design adopted and approved by the Board.
- b. The Boards responsibility shall include blockages and failures occurring within that Board-responsible segment, subject to any lawful limitations of liability under applicable law and subject to the customers compliance with all applicable rules, regulations, and prohibitions regarding discharge of prohibited materials into the sewer system.

2. **Customer responsibility for remainder of service lateral new installations.**

For all such new installations:

- a. The customer shall be responsible, as between the Board and the customer, for the maintenance, repair, and clearing of blockages in any portion of the service lateral or building sewer **from the point where the Boards responsibility ends (i.e., the end of the Board-installed pipe or the point where the customers pipe begins) back toward and including the customers premises and internal plumbing.**
- b. The customers responsibilities shall include ensuring that only permitted substances are discharged into the sewer system, and that no inappropriate physical alterations,

connections, or discharges are made that could damage the service lateral, the sewer main, or the Boards facilities.

i. **Documentation of demarcation point.**

For each new installation, the Board may, but shall not be obligated to, prepare and retain documentation identifying the approximate location and nature of the demarcation point between Board-installed pipe and the customers pipe. Such documentation may include, without limitation, as-built drawings, sketches, connection permits, or written descriptions. In the event of a dispute as to the precise location of the demarcation point, the Boards good-faith determination, based on available records and field conditions, shall govern as between the Board and the customer.

ii. **No retroactive effect.**

This section shall apply only to new installations occurring on or after January 1, 2026, and shall not be construed to alter the allocation of responsibility for blockages or maintenance of service laterals in existence prior to that date, except to the extent that an older lateral is fully replaced and thereby becomes a new installation as defined herein.

Section 6. Customer Cleanout Services; Fee; Allocation of Risk

Ordinance No. 08-2007-05 is further amended to add the following provision relating to customer cleanouts:

1. **Customer cleanout service fee.**

In the event the Board is requested by a customer, or determines in its discretion that it is necessary, to open, access, clean, clear, or otherwise perform work in or through a customer's cleanout in connection with the investigation, diagnosis, or attempted resolution of a blockage, backup, or other sewer service issue, the Board shall charge the customer a **cleanout service fee in the amount to be approved by the Board** for each such visit or service event, unless a different fee is then in effect pursuant to a duly adopted rate schedule.

2. **Billing and payment.**

The cleanout service fee shall be billed to the customer on the customers regular utility bill or in such other manner as the Board may prescribe, and shall be due and payable in accordance with the Boards standard billing and collection policies. Non-payment of such fee may be treated as a delinquency in sewer charges and may result in collection actions or other remedies consistent with Board policy and applicable law.

3. **Customers assumption of risk for property damage.**

By requesting, authorizing, or allowing the Board to open, access, clean, or clear a customer's cleanout, the customer acknowledges and agrees that:

All work performed by or on behalf of the Board at or through the customers cleanout is performed **at the customers risk** with respect to any damage to the customers property and/or sewer lines that may occur as a result of such work, including, without limitation:

- i. Damage to the customers service lateral or other private piping;
- ii. Damage to landscaping, driveways, sidewalks, or other surface or subsurface improvements; and
- iii. Incidental damage reasonably related to the performance of such work.

- iv. Except to the extent otherwise required by applicable law, **the Board shall not be liable for any costs, losses, or repairs associated with such damage**, whether direct or indirect, foreseeable or unforeseeable, arising out of or related to the Boards access to or work at or through the customers cleanout.

4. No waiver of governmental or statutory immunities.

Nothing in this section shall be construed to:

- a. Waive, limit, or impair any sovereign immunity, governmental immunity, statutory immunity, or other immunity, defense, or limitation of liability available to the Board, the City, or their officers, officials, employees, or agents under applicable law; or
- b. Create any new cause of action or expand any existing cause of action against the Board, the City, or their officers, officials, employees, or agents.
- c. Any liability of the Board or the City, if any, for damages occurring in connection with work at or through a customer's cleanout shall be governed exclusively by applicable law, and the provisions of this ordinance shall be interpreted consistently with such law.

5. No obligation to perform cleanout work.

Nothing in this ordinance shall obligate the Board to perform work at or through a customer's cleanout in any particular case. The Board may, in its sole discretion, decline to perform such work and may direct the customer to engage a licensed plumber or other private service provider at the customers expense.

Section 7. Construction; Conflicts; Severability

1. Construction with existing ordinances.

This ordinance shall be construed together with Ordinance No. 08-2007-05 and all other ordinances and regulations of the City and the Board relating to the municipal sewer system. In the event of any direct conflict between the provisions of this ordinance and the provisions of Ordinance No. 08-2007-05 or any other prior ordinance or regulation, the provisions of this ordinance shall control to the extent of such conflict.

2. Severability.

If any section, subsection, paragraph, sentence, clause, or provision of this ordinance, or the application thereof to any person, entity, or circumstance, shall be held invalid, illegal, or unenforceable by a court of competent jurisdiction, such invalidity, illegality, or unenforceability shall not affect any remaining portion of this ordinance or the application of such portion to any other person, entity, or circumstance, and the remaining portions of this ordinance shall continue in full force and effect. It is the express intent of the City and the Board that this ordinance would have been adopted even if such invalid, illegal, or unenforceable portion had not been included herein.

Section 8. Effective Date; Applicability

1. General effective date.

Except as otherwise expressly provided herein, this ordinance shall take effect and be in force from and after its adoption by the City and the Board and from and after such publication or posting as may be required by law.

2. Effective date for new installations.

The provisions of Section 5 of this ordinance relating to **new installations** shall apply only to installations occurring on or after **January 1, 2026**, as specified therein.

3. Application to existing installations.

The provisions of Section 4 of this ordinance governing the allocation of responsibility for blockages past the curb or edge of asphalt shall apply to all existing installations, subject to Section 5 with respect to any installations that qualify as new installations on or after January 1, 2026.

4. Application of cleanout fee and risk allocation.

The provisions of Section 6 of this ordinance relating to the customer cleanout service fee and allocation of risk shall apply to all customer cleanout work performed by or on behalf of the Board on or after the general effective date of this ordinance.

Adopted and approved by the City Council of the City of Geneva, Alabama, and by the Geneva Water Works and Sewer Board, on this 2nd day of March, 2026.

City of Geneva, Alabama

By: DAOBHg
Name: David B. Hayes
Title: Mayor

Attest:

By: Lisa Johnson
Name: Lisa Johnson
Title: City Clerk

Geneva Water Works and Sewer Board

By: Randall Meek

Name: Randall Meeks
Title: Chairman

Attest:
By: Mayleigh Austin
Name: Mayleigh Austin
Title: Secretary/manager