

Chapter 36
WATER & SEWER SYSTEM

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Section 6.36.010 Charges for Services.

The following monthly water rates shall apply under this chapter.

- A. Residential: Per family dwelling or unit is charged per month. Residential is restricted to service used exclusively for general domestic purposes and utilities are paid directly by the household itself.
- B. Non-Residential: Includes offices, lodges, bunkhouses, hotels, stores, and etc.
- C. Multi-facility: Owners of a multi-facility dwelling units shall be charged the monthly rate per unit.

Section 6.36.020 Utility Rates.

- A. Water and sewer rates shall be established by the City Council annually via non-code ordinance.
- B. Disconnect and reconnect. Charges shall be assessed against any customer whose water and sewer service is disconnected, reconnected, or requires customer-caused maintenance. Where maintenance is required not because of utility negligence, charges shall be assessed at actual cost to the utility plus 10% for overhead and billing expense. When the property owner is vacating the property to which service is provided, the disconnect fee shall be a flat rate of \$100.00. All reconnect fees shall be \$100.00.
- C. If customers utilizing the standby water rates travel through the city for seven days or less and do not go back on regular city services, those meters shall be read at the end of that month and shall be charged the regular water and sewer rates per gallon plus an upcharge of two cents per gallon.

Section 6.36.025 Dock Water Rates and Permits.

- A. A seasonal peak water utility charge shall be added to all residential and commercial water utility customers for the months of May through November in order to cover the cost of providing water to the city dock during peak months. Dock water rates shall be provided for in the water and sewer rate schedule discussed under 6.36.020(a) of this Code.
- B. Any residence or business not connected to city water utility services shall purchase Water Dock Use Permits seasonally from the city office for the months of May through October. Water Dock Use Permits shall be provided for in the water and sewer rate schedule discussed under 6.36.020(a) of this Code.

Section 6.36.030 Billing.

The rate and charges provided for in this section shall be collected from the owner, occupants and users of the premises within the jurisdiction of the City of Cold Bay and shall go into effect at such time as the services and or other matters creating the charges are provided by the City of Cold Bay.

- A. Responsibility for payment. All persons receiving water or sewer service from the City or having such service available shall be obligated to pay for such service as set out in the appropriate rate schedule. In case of a landlord tenant relationship, the landlord shall be liable for all billings. Failure to receive a utility bill shall not relieve the customer of responsibility for payment.
- B. Billings shall be made monthly. Each bill shall contain the final date on which payment is due. If the bill is not paid when due, the account shall be considered delinquent unless other arrangements have been made in writing with the Director before the due date. If bill is not paid by the 20th of each month customer shall be charged a late fee, which will be on the next billing invoice.
- C. Disputed billings. When a customer disputes the correctness of a bill, he/she shall deposit the amount of the disputed bill at the time of the written complaint is lodged pending final settlement of the bill. Failure to make such dispute in writing with the appropriate deposit shall make that account delinquent.
- D. Non-payment of bills. A customer's water service may be discontinued if charges are not paid as required by this chapter and any regulations issued hereunder.

Section 6.36.040 Delinquent Accounts.

The Director shall, before discontinuing service to a customer whose account is delinquent, do the following:

- A. An account becomes delinquent on the 25th of each month, upon delinquency mail or deliver a notice to the customer that the account is delinquent;
- B. 15 days after an account becomes delinquent, mail or deliver a Notice of Intent to Disconnect Service. The Notice shall state the date service will be terminated if the account is not brought current before the date. The disconnect date shall not be less than five days from the date the Notice is mailed or delivered.
- C. The day before the disconnect date, an agent of the City shall deliver a written notice to the customer stating water is being turned off until all delinquent accounts have been paid in full. Delivery of the notice to the premises is considered delivery to the customer.

Section 6.36.050 Background.

The Cold Bay City Council has acted to establish Cold Bay Water and Sewer Utility Department, hereafter referred to as the utility department, to provide for health and welfare of the residents of Cold Bay. The City Council shall oversee and manage the Cold Bay water and sewer system.

Section 6.36.060 Establishment.

The Cold Bay City Council shall operate, maintain, construct, replace and manage (collect user payments) for the Cold Bay water and sewer utility department in

accordance with the provisions of this Chapter and all relevant rules, policies and procedures.

Section 6.36.070 Cold Bay City Council Powers and Duties.

The City Council Shall:

- A. Operate, maintain, construct, repair and replace the city owned system.
- B. Appoint appropriate employees of the Cold Bay water and sewer utility department per the personnel policies and procedures for the City of Cold Bay.
- C. Each year prepare, pass and make available to the public an annual budget and capital improvement program of the utility.
- D. Administer the utility department's budget and capital improvement program as enacted.
- E. Formulate and enforce the general rules and policies for the utility department practices with the City of Cold Bay. The Council shall generally have full and complete responsibility of all the systems and their operations and fiscal affairs.
- F. Study, decide and implement public utility matters such as, but not limited to rates, fiscal matters, expansion or extension of services and public relations.
- G. Purchase and sell property as needed. Real property regulations in this Code apply.
- H. Assume such other authority and perform such other duties related to the utility department.

Section 6.36.080 Meetings.

- A. The Cold Bay water and sewer utility department shall be part of the agenda of regular monthly council meetings under the Public Works Directors Report.
- B. The City Treasurer shall report on the utility department's monthly financial reports under the regular financial report provided identifying the enterprise fund accounts.
- C. Special and emergency meetings concerning the utility department may be held as the need arises.

Section 6.36.090 Separation of Funds.

The utility shall have separate records. Accounts shall be maintained by the city to reflect financial conditions of the utility, including income and expenses.

Section 6.36.100 Definitions.

Unless the context requires otherwise, the following definitions apply to this chapter:

- A. Applicants: An individual, firm, corporation making applications for utility service from the City of Cold Bay under the terms and regulations.

- B. Billing Period: An interval of approximately one month between successive billing dates as established by the utility department, except for beginning or final billing periods.
- C. City: The City of Cold Bay, Alaska, state recognized second class city.
- D. City Council: The seven member governing body of the City of Cold Bay, Alaska.
- E. Cross Connections: Any physical connection between the water system or another water source and the sewer system.
- F. Contract: The contract for water and sewer service between a customer and the City, which shall incorporate by reference Chapter 36 of the Code of Ordinances of the City and rules and regulations issued there under.
- G. Customer: An individual, firm or corporation whose application for service has been approved and who receives utility service from the city. By being accepted and receiving services, a customer or user thereby agrees to abide by the terms set forth in these regulations. In all cases the property owner will be considered the responsible party.
- H. Customer Service Line: The line, pump, septic tank, equipment, fittings and valves from the mainline connection to and within the dwelling.
- I. Delinquent: All "past due" amounts and associated finance or late charges, for billing purposes, from one billing cycle which are received by the utility department as of the close of the subsequent billing cycle.
- J. Director: Public Works Director and City Administrator
- K. Potable Water: Water filtered and treated and suitable for consumption. The water meets current standards set by Alaska Utility Department of Environmental Conservation for public drinking water.
- L. Sewage Pump Company: Any person who moves or transports sewage, waste water, or other liquids and solids regulated by this chapter and utilizes the sewage service dump.
- M. Sewer Lagoon: An open containment cell, or cells for the disposal and treatment of septic waste.
- N. Solid Waste: Garbage, rubbish, paper and waste material including all animal and vegetable refuse from food or food preparation, and dead animals.
- O. Utility Department: The City of Cold Bay City Council and all employees associated with the provision of water and sewer services.

Section 6.36.110

Service Area

The City of Cold Bay Water and Sewer Utility Department's service area shall be within the corporate limits of the city and contiguous area as is immediately adjacent to the city's water distribution system. The city may provide service within the city limits that is economic to construct, operate and maintain. The city may provide service to

customers outside of the corporate limits of the city on terms and conditions acceptable to the city council.

Section 6.36.120 Description of Service.

The Cold Bay City Council shall provide the following services:

- A. Water distribution system: the city shall, whenever possible, provide a safe and fully operational water distribution system to users within the utility service area. The water distribution system shall meet the following requirements:
1. Quantity: As far as reasonably possible, a continuous and sufficient supply of water shall be supplied to customers at adequate pressure.
 - i. Neither the city nor the city council shall be liable for damage resulting from interruption in water service due to improvements, repairs, shortages of supply, or other unseen circumstances.
 - ii. Whenever possible, all customers to be potentially affected by an interruption in service will be notified prior to shut down. Local notices posted in at least three (3) public places and word of mouth shall be used.
 2. Quality: Safe water shall be provided at all times. Treatment of potable water may include chlorination.
 3. Water service preference: In the event of potable water shortage, the city has the right to give preferences in the matter of furnishing services to customers. The order of service preference, within the confinement of the system, is as follows:
 - i. Primary Users:
 1. Health Facilities
 - ii. Secondary Users:
 1. Private Residences
 2. Businesses and Commercial Users
 3. Other Transient users and Special Contract Users (Lowest Priority)
 4. Potable water storage shall be conserved to ensure an uninterrupted supply to the primary users.
- B. Sewer Collection System: The city shall provide safe and fully operational sewer collection systems to users in the service area. The sewer collection systems shall be able to handle normal sanitary wastes discharged to it without freezing, plugging, or otherwise affecting building drain lines under normal operating conditions.

Section 6.36.130 Classification of Service.

The class of services shall be as follows.

- A. Residential service: Shall consist of all service for domestic purposes supplied to a single family dwelling unit.
- B. Health Services: Community Health Clinic
- C. Commercial Services: Shall consist of all commercial business establishments and multiple family dwelling units. If a customer is located in both a single family dwelling unity and a business establishment, the commercial rate shall apply.

Section 6.36.140 Public Access and Utility Easement.

The city shall acquire appropriate and enforceable interest in the customer's lot to construct, maintain and operate the city water and sewer lines. If it becomes necessary for the city to expend funds to obtain easements, money due to the utility shall be paid by the customer for service at the time those costs are incurred.

Section 6.36.150 Access to Property.

- A. All city employees performing utility business shall have free access at reasonable hours to exterior parts of a customer's building.
- B. Access shall be for the purpose of reading meters, to inspect connections, piping and fixtures and to determine the manner and extent to which the utility is being used.
- C. When it is necessary to enter a customer's building for the same purposes, the customers shall be given notice. The city shall not assume the duty of inspecting the customer's service line, plumbing or equipment.
- D. In the event a customer refuses to provide access to the city in a reasonable period of time, the service may be terminated for non-compliance.
- E. In the event of leaks or breaks in a customer's service lines the city shall turn off the water at the stub until such time repairs are made by the customer.

Section 6.36.160 Immunities Preserved.

Nothing in these rules and regulations, nor any actions taken or arising under them, shall constitute consent by the City of Cold Bay to the sale, disposition, lease or encumber the lands or interests in the land or other assets (including cash and cash equivalents) of the City of Cold Bay.

Section 6.36.170 Services.

- A. The customer shall own and maintain the customer service line as defined in 6.36.100(H).

- B. Service Installation Charge: The applicant shall submit a service connection fee based on actual cost when he/she files for service, where no service previously existed, or for a change in service size or location, or a reconnection of an existing service. In the case of a new service, this fee may include all costs from the main to the lot line, including the costs of a pit opening and tapping saddle at the main. Service line installation is the responsibility of the customer, and may be made by the City at the City's discretion only. Work undertaken by the City shall be charged to the customer.
- C. Any customers doing work around the main service line must have advance arrangements for a scheduled inspection with the city water and sewer operator before the trench is filled. The city shall not turn water access on or off during the weekends or holidays.
- D. Service Installation Codes: All installations must comply with Universal Plumbing Standards.
- E. Upon approval of the subdivided lots, property owners shall incur all costs of installation of service and shall be charged and assessed water and sewer charges. Charges shall begin upon plat approval by Platting Authority.
- F. Customer Plumbing
 1. The customer's plumbing, which includes the customer service line from the main to the house and all plumbing, piping and fixtures, and other equipment intended to carry water, sewage, waste water, and drainage, shall comply with the Uniform Plumbing Code. Special attention shall be given to the elimination of any possible cross connection.
 2. Customer freeze-ups or leaks that effect public health or the efficiency of Cold Bay water and sewer system are to be immediately repaired by the customer. The city may, at the utility department's discretion, repair and bill the customer if he is not able to make the repairs. The city may repair the water and sewer system if the customer has abandoned the service location temporarily and repair is the only means of rectifying issues adversely affecting the utility. The customer has the responsibility to notify the city immediately of any problem with the customer's plumbing that could have adversely affect the water and sewer utility department.
 3. It shall be a violation of this ordinance for customers to operate, cause or permit unauthorized operations or any kind of equipment on the service connections.
 4. It shall be a violation of this ordinance for any customers to make or remake a service connection without prior knowledge and written approval of the city as detailed by this ordinance.
 5. No water hook-up shall be done without prior arrangements for sewer hook-up. This applies to all residential and non-residential.

6. It shall be a violation of this ordinance to have temporary water and sewer lines installed across other property lines.

Section 6.36.180 Water Meters.

- A. Meter Requirements: The city may require the installation of a water meter at all residential, non-residential, commercial and industrial lines. The city shall install all meters at the customer's expense on all current dwellings and all new future dwellings. The city shall charge for such service at the established meter rate set forth by the Cold Bay City Council via annual non-code ordinance.
- B. Location of Meters: Meters shall be placed at a reasonable location to have access by public works department.
- C. Joint use of Meters: The joining of several customers to take advantage of a single minimum charge and/or large quantity rates is prohibited.
- D. Tampering: Customers are prohibited from tampering with water meters in any form.

Section 6.36.190 Unusual Demands.

Whenever an abnormally large quantity of water is desired for any purpose, arrangements must be made with the city prior to taking water. Permission to take water in large quantities may be given only if other customers are not inconvenienced. Purchase of large quantities of water may be billed under a separate category and for a separate amount from the customer's usual rate.

Section 6.36.200 Resale of Utility Service.

Resale of a utility service by a customer is expressly prohibited.

Section 6.36.210 Main Extensions.

- A. Extensions of water distributions or sewer collection mains to areas or houses not currently being serviced shall be installed only after an agreement is signed by the customer and authorized by the city council. Utility main extensions may require advance payment by the applicant for the cost of extension.
- B. The City Council, using appropriate advice, shall determine the proper location of main extension. Easements or permits secured for main extensions across property not owned by the city shall be obtained in the name of the City of Cold Bay. All rights and title to the main shall be included in the easement.

Section 6.36.220 Customer Utility Service Agreement.Making of connections:

- A. All connections to the city water and sewer systems shall be made at the expense of the user.
- B. Costs of connection and all appropriate regulations governing connection, including the use of self-help, shall be declared by resolution of the Council.
- C. All individual water service and sewer connections and repairs, modifications, or disconnections shall be made only under the terms and conditions as set forth by the regulations of the State of Alaska as adopted by the City and such further regulations as the City may make.
- D. No applications for water or sewer service will be accepted between November 1 and May 1 except as dictated by special conditions as the Director may impose.
- E. City shall refuse or discontinue service to any premises when it is deemed necessary to protect the system from fraud or abuse. Discontinuance for either case may be made immediately upon receipt of knowledge of the circumstances.
- F. All contracts take effect the day they are signed. Rates shall be charged and bills rendered for water and sewer services from the date the water systems are connected with the water and sewer systems
- G. Failure or interruptions of service for any reasonable period of time shall not constitute a breach of contract or warranty on the part of the City or in any way relieve the customer from performing his obligations under the contract, ordinances or regulations.
- H. Application for water and sewer service and/or connection: It shall be unlawful for any person to construct, alter, extend, or use individual water and sewage disposal system except by permission of the Director.
- I. Each application for water and/or sewer service connection shall be in writing, signed by all persons having ownership of record in the property and shall include the following:
 1. Legal name and address of applicant;
 2. The type of service requested;
 3. Description of the property and building and the uses of the service for which the water service and/or sewer service is requested;
 4. Such additional information as the City may be required to demonstrate that the proposed connection complies with this ordinance.
 5. No permit shall be approved for any pit privy that is not a minimum if 100' from any well, spring, or stream.
- J. The Director may require an inspection of the piping, fixtures and appliances prior to approving any application for water and/or sewer service, and cause any such found to be unsatisfactory to be repaired, replaced, or disconnected prior to water and sewer hookup.

- K. If the Director is satisfied that the application and the proposed connection complies with this ordinance and applicable regulation relating to the water and sewer systems, the application shall be approved and a permit shall be issued.
- L. Any person whose application for connection has been denied or conditionally approved may appeal to the City Council as its next regularly scheduled meeting.
- M. Installation of service lines: All consumer lines to the point of connection to the city water and sewer lines shall be installed by the user, at his own expense, and remain his responsibility for maintenance and repair. A person obtaining a water and/or sewer permit shall have five days from starting work to complete the connection and notify the Director that the connection is complete. If an applicant requires more than five days and a street alley, or right of way is obstructed or partially obstructed, the applicant may be assessed a penalty.
- N. Non-code resolution for rate structure will be reviewed annually.

Section 6.36.230 Temporary Disconnection.

Each customer who intends to be out of town temporarily (more than 30 days) for any reason shall notify the Public Works Director or City Office at least one ten (10) days prior in writing before leaving if the customer wishes to have the water turned off.

Section 6.36.240 Termination of Service for Unsafe Customer Facilities.

- A. Unsafe facilities or unsanitary facilities: The city may terminate services to any premises without prior notice where plumbing facilities, appliances, or equipment, using water or discharging waste water are dangerous, unsafe, or not in conformity with standard plumbing practices.
- B. Cross Connections: The city shall terminate services to any person or premises where a cross connection exists. Services may not be restored until the cross connection is eliminated.

Section 6.36.250 Termination of Service for Water Waste.

The city may terminate service when water is wastefully or negligently used on a customer's premises. If the customer does not correct the problem immediately, the service shall be terminated one day after notification. Allowing the water to run continuously to prevent a freeze up rather than installing proper insulation and electrical heat tape is considered water wasting. At the discretion of the city, a customer may be allowed to continue service with a water meter at a higher rate based on consumption. Failure to fix leaking plumbing in a timely manner is considered a waste of water.

Section 6.36.260 Termination of Service Detrimental to Others.

The city may refuse to furnish water, restrict water service, or immediately terminate service to any premises where excessive demands by the customer will result, or have resulted in inadequate service to other customers. The determination of excessive demand may vary depending on current city water resources and water and sewer equipment conditions.

Section 6.36.270 Termination of Service for Fraud and Abuse.

The city shall refuse or terminate service to any customer or premises where it is deemed necessary to protect the city from fraud or abuse of service. Termination of service for one or both of the causes will be made immediately upon receipt of knowledge by the city that such a condition exists.

Section 6.36.280 Restoration of Service.

- A. Restoration of service shall require a reconnection fee. Restoration of service following termination for non-payment of bills shall be made only after payment of current and past due charges, and reconnection fee.
- B. Restoration following termination because of unsafe facilities, waste water, fraud, abuse, or non-compliance with these rules and regulations may be made only after the irregularity has been corrected. Any associated charges for disconnection or repairs undertaken by the city must be paid in full. The city must be assured, in writing, the irregularity will not recur.
- C. The property owner shall provide access to arctic boxes for connection and reconnection of service including removal of all snow drifts around the box.
- D. The customer is responsible for insuring that interior facilities are in good condition prior to restoration of service. Any costs for cleaning or thawing a service line prior to reconnection shall be paid by the customer.

Section 6.36.290 Responsibility of Equipment.

- A. Responsibility for customer equipment: The city shall not be liable for any loss or damage of any nature whatsoever caused by any defect in the customer's service line, plumbing or equipment. Nor shall the city be liable for lost or damage due to interruption of service or temporary changes in water pressure.
- B. The customer shall be responsible for the conditions of the plumbing system within his premises when water service is turned on. All drain valves should be closed to prevent water damage.
- C. The customer shall be responsible for maintaining proper heat within his property to ensure that pipes do not freeze up. Electrical heat tape shall be used whenever outside temperature dips below 32 degrees Fahrenheit. The customer shall pay for all costs associated with keeping his service lines from freezing. The

city may hold the customer liable for any damage or loss to the city owned equipment caused by customer freeze ups.

Section 6.36.300 Sewer Lines.

- A. Operation: No person(s) shall place any substance including, but not limited to, animal and fish carcasses, trash, oils, solids, refuse or trash, rocks or gravel in any sewer line, or in any manner damage or tamper with them.
- B. Damage to main lines: Any persons who damages the main lines or any attachments shall be responsible for the cost of its complete repair and return to service.
- C. Dumping refuse, chemicals or trash into sewer lines: Any persons who damages a sewer main or interrupts sewer service by placing restricted items into the system shall be responsible for all repairs to the sewer lines and treatment works.
- D. Any violation of the above is grounds for imposition of civil penalties.

Section 6.36.310 Penalties.

Any person violating the rules and regulations included in this ordinance shall be subject to a civil penalty not to exceed \$1,500 upon conviction. Each separate incident and each separate day upon which an offense occurs shall be a separate offense and damages.

Section 6.36.320 Suspension of Rules.

No employee of the city is authorized to suspend or alter any of the provisions without specific approval or direction of the city council. This shall be allowed only in cases of emergency involving loss of life, property or which put the water and sewer system operational in jeopardy.

Section 6.36.330 Constitutionally and Saving Clause.

If any clause, sentence, paragraph, section or portion of these rules and regulations is judged to be invalid by a state or federal court, it shall not affect, impair or invalidate the remainder of the ordinance. The judgement shall not be confirmed in its operation to the clause, paragraph or portion directly involved in the controversy in which it is rendered.