

## CHAPTER 5.25: OPERATION OF SEWER UTILITY

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### **5.25.010. Definitions**

City: Wherever the word "city" is used it shall refer to the City of Aniak, Alaska, a second class City incorporated under the laws of the State of Alaska.

Applicant: Whenever the word "applicant" is used, it shall mean the person or persons, firm or Corporation making application for sewer service from the City of Aniak under the terms of this Chapter.

Customer/User: Whenever the words "customer" or "user" are used, it shall mean an applicant who has been accepted and who receives sewer services from the City. A customer agrees to abide by the terms set forth in this chapter.

City Council: Whenever the word "City Council" is used, it shall refer to the City Council of Aniak, Alaska, or its designated agent.

Customer Service Line: The customer service line shall be that part of the piping from the main line to the dwelling or point of use. [Ord. #06-1]

### **5.25.020. Governing Body**

- A. Responsibilities: The City Council shall be responsible for setting an annual budget for costs and expenditures prepared by the City Manager, as well as payment records of consumers. The council will be responsible for setting sewer user fees, and modifications to these written sewer ordinances. The Council shall regularly review the maintenance and performance of the operation of the sewer system based on reports submitted by the Remote Maintenance Worker, the Public Health Service, Office of Environmental Health, the State of Alaska Department of Environmental Conservation, the City Manager, and any other appropriate reports and studies.
- B. Meetings: The City Council shall meet no less than once each quarter to review current utility costs, operations, finances, and user records. However, the Council will meet more

often should the Manger or Council so request. All Meetings of the Council shall be preceded by at least 3 day notice to each member and shall be open to the Public. [Ord. #06-1]

### **5.25.030. Service Area**

The Sewer System Service Area is considered the original City of Aniak Site.

T17N R57W Sections: 1,2,3,11,12, and the N1/2 of 10, 13 and 14

T17N R56E Sections: The S1/2 of 6, all of 7, and the N1/2 of 18

The City master planned the sewer extension as defined in the "SEWER EXTENSION FEASIBILITY STUDY PRELIMINARY REPORT FOR CITY OF ANIAK, ALASKA, FINAL", JULY 1999. The Sewer Service System Service Area may be extended beyond the original City Site with approval by the RCA. [Ord. #06-1]

### **5.25.040. Description of Service**

- A. Supply: The City will exercise reasonable diligence and care to deliver sewer service and to avoid, insofar as reasonably possible, any interruption of service. The City shall not be liable for damage resulting from interruption in service for improvements, repairs, shortages of supply, or other unforeseen circumstances; including, but not limited to, frozen or broken lines or lift station equipment. Whenever possible, and whenever time permits, all customers to be potentially affected by an interruption in service will be notified prior to interruption.
- B. Ownership of Sewer System: All sewer mains and appurtenances, except customers' service lines as defined by Section 5.25.010, herein, are the property of the City.
- C. Disposal of Sewage and Liquid Waste: It shall be unlawful for any person to dispose of sewage, liquid wastes, or human waste within the city by any method other than through the utilization of the city sewage disposal system or a state approved onsite disposal system. Any residence or inhabited business building located within 200 feet of any community sewer line shall be required to connect to the City's sewer system, provided that the building is at an elevation higher than the sewer line, unless otherwise agreed to by the City Council by resolution. An owner of a building to be served by an individual sewage system must receive an approved permit by the City council.
- D. Operation of Individual Systems. It shall be unlawful for any person to operate or maintain an individual sewage disposal system that may contaminate any source of drinking, public, or domestic water supply. Such systems shall comply with the applicable standards of the Alaska Department of Environmental Conservation (18 AAC72).
- E. Illegal Discharges. It shall be unlawful for any person to discharge sewage or other domestic wastes on the surface of the ground within the city.
- F. Alterations of Individual Systems: It shall be unlawful for any person to construct, alter or extend an individual sewage disposal system except by written authorization by the City. [Ord. #06-1]

### **5.25.050. Application for Service**

Each applicant for sewer service shall sign an application form provided by the City Clerk giving

- A. Legal name, address of the applicant, and date of the application,
- B. Legal description and sketch of the property and building for which the sewer service is required,
- C. The name and address of the person who will install the service line from the building to be served to the city sewer systems,
- D. A description of the fixtures to be used in the structure or building,
- E. An agreement to be responsible for and pay promptly all charges for the service in accordance with this ordinance,
- F. Permission to allow the City to make the connection and grant of easement and right-of-way,
- G. Such additional information as the City Council may require to demonstrate that the proposed connection complies with this ordinance and any applicable regulations adopted by the City Council.

In signing this form, the customer agrees to abide by this ordinance. The application is a request for service, and does not bind the City to furnish the service. [Ord. #06-1]

### **5.25.060. Deposits**

- A. Deposits and Establishment of Credit: At the time of application for service, the Applicant shall make a deposit equivalent to the estimated bill for two months of service, plus an estimate of the cost for service installation. Should the cost of service installation exceed the deposit amount, the applicant will make an additional deposit to maintain a deposit of two months of service cash balance within two weeks following notification of the amount by the City Clerk. After a period of one year, the deposit amount will be credited towards the customer's account, and deducted from future bills, providing the account has been kept current during the previous 12-month period. In no case will the deposit be considered as a payment on account until after the initial 12 month period has passed. Should the account be closed during the 12 months, the deposit will be applied toward the closing bill, with any excess refunded to the customer.
- B. Forfeiture of Deposit: If an account becomes delinquent and it is necessary to institute legal action to recover the amount due on the account, the deposit shall be applied to the unpaid balance of the account.
- C. Amendment of Service Application: Customers desiring a material change in the size, type, character, or extent of equipment or operation which would result in a material change in the amount of effluent generated, shall give the City written notice of such change prior to the change taking place. An amended application will be filed with the City, and any changes to the rate will occur prior to the change in service occurring. All customers desiring a change in the size, location, or the number of services shall fill-out an amended application. The request for amended service may be denied should the applicant have an outstanding bill due to the City. [Ord. #06-1]

### **5.25.070. Main Extensions**

- A. Within the City Sewer Service Area: Sewer extensions to areas or houses not currently being served with sewer shall be installed only after application has been submitted to and authorization by the City Council. An application for a permit for the construction, alteration, or extension of an individual sewage disposal system shall be made in writing to the City and shall include the following:
  - 1. Legal name and address of the applicant.
  - 2. Legal description and sketch of the property on which the construction, alteration or extension is proposed.
  - 3. Plans and specifications of the proposed sewer main and such additional information as the City may deem necessary to demonstrate that the proposed construction shall comply with this ordinance and the standards set forth by the Alaska Department of Environmental Conservation.
  - 4. Construction permit from Alaska Department of Environmental ConservationAll extensions of sewer services may require advance payment by the applicant or a group of applicants for the cost of the extension before they can be provided by the City.
- B. Locations of Extensions, Easements, and Titles: The City will make sewer main extensions only on rights-of-way, easements, or publicly owned property. Easements or permits secured for main extensions across property not owned by the City shall be obtained by the applicant in the name of the City along with all rights and title to the main at the time of installation. [Ord. #06-1]

### **5.25.080. Services**

- A. The customer shall own, install, and maintain the customer service line.
- B. Service Connection Charge: At the time the applicant files for service, where no service previously exists, or if he is filing for a change in service size or location, or if he is applying

for a re-connection of a service connection there shall be a charge as indicated in Section 5.25.060 (A) of this ordinance.

- C. Service Installation Procedures: All connections to the City sewer system shall be made at the expense of the customer. Costs of the connection and all appropriate regulations including the use of self-help and use of City equipment shall be established by the City Manager. The City reserves the right to determine if the customer is capable of self-installation, and the City reserves the right to bill the customer for additional work incurred by the City to correct inappropriate, deficient, or inadequate connections.
- D. Service Installation Codes: All individual sewer connections, repairs, and modifications shall be made only under the terms and conditions of the Uniform Plumbing Code currently in effect within the State of Alaska, as well as any further regulations as the City might make. Service connections are not allowed that relies upon an intertie with another existing service line, rather than a direct connection to sewer main.
- E. Customer Plumbing:
  - 1. The Customer's Plumbing, which shall include the customer service line and all plumbing, piping, fixtures, and other appurtenances intended to carry sewage, wastewater, and drainage, shall comply with the plumbing code.
  - 2. Customer plumbing problems that affect the integrity of the City sewer system or the public health, are to be immediately repaired by the customer. The City reserves the right to make repairs and bill the customer for repairs should the customer have abandoned the service location without proper notification temporarily. It is the responsibility of the customer to notify the City immediately of any problems with the customers' plumbing that could have an adverse affect upon the City system.
  - 3. The customer shall be responsible for maintaining proper heat within his property to insure that pipes do not freeze-up, causing harm or damage to customer's premises. The customer shall be liable for any damage or loss to the City caused by customer freeze-up.
  - 4. It shall be a violation of this ordinance for customers to operate, cause, or permit unauthorized operations or appurtenances on the service connections.
  - 5. It shall be a violation of this ordinance for any customer to make, or remake a service connection without the prior knowledge and approval of the City as detailed by this ordinance.
  - 6. It shall be a violation of this ordinance for any private individual to sell City sewage services to another. [Ord. #06-1]

## **5.25.090. Sewer Rates**

Sewer rates to be charged for the various classifications of services will be published in a separate attachment, which will be established and reviewed by the City Council on a periodic basis. [Ord. #06-1]

## **5.25.100. Notices**

- A. Notices to Customers: Notices to customers from the City will normally be given in writing and either mailed or delivered to the customer at his last known address. Where conditions warrant, and in emergencies, the City may notify either by telephone, or messenger.
- B. Notices from Customers: Notices from the customer to the City is to be given in writing, by the customer or his authorized representative at the City office or to the City Clerk. Notices that result in a change in service or in work being performed by the City for the customer must be accompanied by a signed repair order or work order. [Ord. #06-1]

## **5.25.110. Billing and Payment**

- A. Monthly Bills: All bills will be mailed monthly, normally by the 25<sup>th</sup> of the month. The bill will contain a statement of present charges due including the billing for the past month. All bills are due and payable prior to the 25<sup>th</sup> of the following month.

- B. Delinquent Bills: All bills not paid prior to the mailing of a subsequent bill will be considered delinquent. The City reserves the right to add an interest penalty to delinquent bills, not to exceed 1.5% per month on the unpaid balance.
- C. Delinquent Notice: At the discretion of the City Clerk, a notice of delinquency shall be mailed to each delinquent account on or after ten (10) days from the date the account becomes delinquent.
- D. Responsibility for Payment of Monthly Bills and/or Repair or Service Charges: In all cases the lesser/owner is responsible for the utility bills of tenants. All persons who own, operate, or maintain a structure or any part of a structure for the purpose of providing space on a lease or rental basis whether for consideration or not shall be responsible for sewer services provided to the rented or leased structure. [Ord. #06-1]

### **5.25.120. Pre-Existing Accounts**

- A. For those residential customers presently having service with the City without a signed agreement or service application on file with the City, their service will continue as it exists without a signed agreement, unless their account becomes delinquent. However, all existing accounts, delinquent or not, are subject to the remaining provisions of this ordinance.
- B. All existing residential accounts that are delinquent by three months or \$100, whichever comes first, will be allowed 60 days to bring their accounts current. If the delinquent bill is not paid within 60 days from the date of the notice, the City has the right to file a court claim. The service owner agrees to pay court costs associated with any delinquent bills. [Ord. #06-1]

### **5.25.130. Administration and Enforcement**

- A. This ordinance shall be administered and enforced by the City Council. The City Council shall have the authority to establish and regulate rates for the sewer system and collection services for all customers, but no person shall be bound by any such rate unless it shall have been posted for the public inspection for the five consecutive days after its adoption at the City Office, the Post Office, and two other public locations, all within Aniak, Alaska.
- B. A current file of all rates adopted by the City Council under this ordinance shall be available for public inspection during regular business hours at the City Office. [Ord. #06-1]

### **5.25.140. Discontinuance**

- A. Discontinuance by Customer Order: Each customer about to vacate any premises supplied with sewer services by the City shall give at least 5 days written notice of his intentions specifying the date the service is to be discontinued. Otherwise, a customer will be responsible for service supplied to such premises until a written notice is received. Within one week of the time specified in the notice to discontinue service, a total bill minus any deposits due to the customer will be rendered which is due and payable immediately. The amount of the bill for the current billing period will be determined by prorating the number of days of service received in the given month divided by the total number of days in the month, times the usual monthly charge for the customer.
- B. Discontinuance for Improper Customer Facilities/Unsafe facilities or Unsanitary Facilities: The City may discontinue services to any premises without prior notice where plumbing facilities, appliances, or equipment discharging wastewater are dangerous, unsafe, or not in conformity with the plumbing code of the City.
- C. Discontinuance for Service Detrimental to Others: The City may refuse to furnish sewer service, or immediately terminate service to any premises where contaminants other than sewage, wastewater, gray water or other usual sewage is introduced into the system. Contaminants include, but are not limited to, waste oil, battery acid, insecticides or other poisons, anti-freeze, paint thinners solvents and any other pollutant or toxic substance as listed by EPA or the State of Alaska DEC. The person causing the contamination shall be

subject to paying the costs for any clean-up or damage that might occur as a consequence of the contamination.

- D. Discontinuance for Fraud or Abuse: The City will refuse or discontinue service to any customer or premises where it is deemed necessary to protect the City from fraud or abuse of service. Discontinuance of service for one or both of these causes will be made immediately upon receipt of knowledge by the City that such condition or conditions exist.
- E. Discontinuance for Non-compliance: Unless otherwise specified by specific sections of this ordinance, a customer may have service discontinued for violation of any provision of this ordinance following five days from the written notification of such impending termination of service. [Ord. #06-1]

### **5.25.150. Restoration of Services**

Restoration of service following discontinuance for non-payment of bill shall be made only after payment of current and past due charges, the restoration charge(s), and posting a deposit as herein provided.

Restoration following discontinuance for unsafe facilities, fraud, abuse or non-compliance with this ordinance will be made only after: the irregularity has been corrected; any associated charges for disconnection or repairs undertaken by the City have been paid; and, the City has been assured that the irregularity will not occur again.

Restoration of the service will be made at the expense of the owner of the service. [Ord. #06-1]

### **5.25.160. Access to Property**

The City, through its designated representative (s) is hereby authorized to make inspections at reasonable times between 8:00 am and 6:00 p.m. to determine satisfactory compliance with this ordinance and regulations issued by the City Council. Consumers by virtue of applying for connection to the City sewer system or for permits to construct individual water and sewer systems are considered to have knowledge of the provisions of this Chapter and to have authorized such inspections. The City does not, however, assume the duty of inspecting the customer's service line, plumbing, or equipment and shall not be therefore responsible. [Ord. #06-1]

### **5.25.170. Interruption of Service**

- 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 loss or damage due to interruption of service
- B. Unscheduled Interruptions: If unscheduled interruptions last more than 15 days in any calendar month it will be considered as a non-charge month, in determining a Customer's sewer bill except in the case of flooding. Flooding conditions occur periodically out of the control of the City. Because of the flooding, the system incurs additional operating costs.
- C. Scheduled Interruptions: The City will provide advance notice of scheduled temporary interruptions in service. The City will make an effort to contact all Customers 24 hours in advance of the scheduled interruption in service, stating the probable duration of the interruption in service. Scheduled interruptions will not last more than 24 hour. [Ord. #06-1]

### **5.25.180. Manholes and Sewer Mains**

- A. Operation: No person or persons other than those designated and authorized by the City shall place any substance including, but not limited to, animal and fish carcasses, refuse or trash, rocks or gravel, or honey-bucket wastes in any City manhole, sewer main, or clean-out or in any manner damage or tamper with a manhole, sewer main or clean-out. Any violation of this regulation will be prosecuted according to the law.
- B. Damage to Manholes and Sewer Mains: Any person who damages a manhole, sewer main or any of the attachments or appurtenance thereof, shall be responsible for the complete repair and return to service. This is in addition to the penalties as outlined in section 6.06.190.

- C. Moving a Manhole or Sewer Main: When a manhole or sewer main has been installed in the location specified by the proper authority the City has fulfilled its obligation. If a property owner or other party desires to change the location of the manhole or sewer main, he shall bear all costs of such changes. Any changes in the location must receive prior approval by the City.
- D. Dumping Refuse, Chemicals, or Trash into Sewer Lines: Any person who damages a sewer main or interrupts sewer service through placing trash, refuse, animal carcasses, rocks or other matter not intended to be placed in a sewer will be responsible for all damages and repairs to the sewer lines, septic tanks, and sewage treatment facilities that is a consequence of their act. [Ord. #06-1]

### **5.25.190. Penalties**

Any person violating sections of this ordinance shall, upon conviction, be punished by a fine not to exceed \$5,000. Each separate incidence and each separate day upon which an offense occurs shall be a separate offense. Other Federal and State Regulations may be evaluated for violations. [Ord. #06-1]

### **5.25.200. Customer Complaints**

The City will respond to the substance of each service complaint within 10 working days of its receipt. If the City does not resolve a complaint to the customer's satisfaction, the customer may refer the matter to the Regulatory Commission of Alaska, 701 West Eight Avenue, Suite 300, Anchorage, Alaska 99501. The Commission's telephone number is (907) 276-6222, toll-free at 1-800-390-2782, or TDD (907) 276-4533. [Ord. #06-1]

### **5.25.210. Suspension of Rules**

No employee of the City is authorized to suspend or alter any of the provisions herein without specific approval or direction of the City Council, except in cases of emergency involving loss of life or property or which would put the sewer system operation in jeopardy. [Ord. #06-1]

### **5.25.220. Easements**

Each applicant and customer gives and grants to the City an easement and right of way on and across his property for the inspection or installation of sewer service lines, and all necessary valves, equipment and attachments therewith. Should a service connection need to cross the property of another (other than the City), the applicant is responsible for securing the easement from the other property owner in the name of the City. [Ord. #06-1]

### **5.25.230. Accounting & Disbursement**

All moneys collected for sewer utilities will be used strictly for maintenance, extension, repair, capital improvement and operation of the sanitation systems. All moneys collected for sewer services shall be deposited in a separate bank account by the City Treasurer and any disbursement must be approved by the City Council in their annual budget. Two City Council members shall serve as check signers. A separate accounting shall be kept of these moneys and monthly financial reports provided to the City Council. [Ord. #06-1]