

Introduced by: City Manager Baird
Introduction Date: January 23, 2007
Public Hearing: February 13, 2007
Action: Passed
Vote: 5-1

CITY OF BETHEL, ALASKA

Ordinance #07-03

AN ORDINANCE REGARDING REFERENCES TO SANITARY CANS THAT WILL AMEND SECTIONS 13.08.010, 13.08.025, 13.08.080, 13.08.125, AND 13.05.240 OF THE BETHEL MUNICIPAL CODE

Whereas, the goal of "putting the honey bucket in the museum" is a top priority of the State of Alaska Department of Environmental Conservation (State of Alaska FY2002 and FY 2003 Governor's Operating Budget, Department of Environmental Conservation Facility Construction and Operations BRU/Component);

Whereas, sanitary cans represent a health hazard to households that utilize them and City Workers that facilitate disposal;

Whereas, it has been recognized as a City policy to eliminate use of and service for sanitary cans;

Whereas, the current reference sanitary cans in the Bethel Municipal Code represents an archaic service that is no longer supported by the Public Works Department;

Whereas, the Bethel City Council wishes to help ensure health and welfare of the citizens of Bethel by reducing the health risks associated to those that may be exposed to sanitary cans;

Whereas, adopting an ordinance amending references to sanitary cans in the Bethel Municipal Code will help to ensure that the Code represents current recognized practice of City policy.

THEREFORE BE IT ORDAINED by the City Council of Bethel, Alaska, that:

SECTION 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Bethel Municipal Code.

SECTION 2. Amendment. Sections 13.08.010, 13.08.025, 13.08.080, 13.08.125, and 13.08.240 of the Bethel Municipal Code are to be amended as follows (new language is underlined and old language is stricken out):

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13.08.010 Definitions.

As used in this chapter:

A. "Applicant" means the person or persons, firm or corporation or other entity making application for sewer service from the department under the terms of this chapter.

B. "City approved sewage system" means a holding tank or service line that meets requirements set forth in this chapter.

BC. "Customer" means an applicant whose application has been accepted by the department.

CD. "Customer service lines" means that part of the sewer system which is situated on the customer's property or other private property over which the customer has control.

DE. "Department" means the city public works department.

EE. "Designee" means a person or business that has been approved by the city to collect, transport and dispose of sewage.

FG. "Financial need" means a person meets the standards developed by the finance department in accordance with government standards, which are reviewed and approved annually by the city council.

GH. "Interceptors" means all trunk, main and lateral sewer lines of every kind which are connected to and used for the collection of sewage from the customer service lines and its delivery to the sewage treatment plant, except customer service lines.

HI. "Person" means the head of the household occupying or maintaining a premises and the owner or manager of a premises.

IJ. "Premises" means any dwelling, office or building located within the boundaries of the city that are connected to the dedicated road system whose occupants or invitees create or accumulate sewage at least weekly. Each unit in a multi-occupied structure is considered to be a separate premises.

JK. "Sanitary can" means a five-gallon standard metal or plastic container any device used for the collection of human waste, excluding a city approved sewage system. (Ord. 94-125 § 4: prior code § 11.12.010)

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13.08.025 Mandatory subscription.

~~A. Each person shall be jointly and severally responsible to subscribe for sewer service from the city and shall so subscribe for city-approved sewer service no later than October 1, 1994. The city or its designee shall regularly collect sewage from each premises by either an interceptor or by a holding tank or sanitary can collection service.~~

~~B. Each person shall be jointly and severally responsible to provide and maintain at least one sanitary can upon any premises; except that owners and occupants of premises served by a sewer interceptor or holding tank shall not be required to provide and maintain any sanitary can upon the premises. (Ord. 94-12S § 5)~~

13.08.080 Credit--Deposits--Assistance.

Each person required to subscribe to sewer collection service shall establish credit with the finance department.

A. Establishment of Credit. A utility deposit will be required. A deposit equal to the estimated bill for two months' service, but not less than one hundred dollars shall be required.

B. Deposits. The deposit is not a payment on account. In the event the person making the deposit is no longer required to subscribe to sewer collection service, the deposit will be applied to the closing bill, and any amount in excess of the closing bill will be refunded to such person. The city shall pay interest of three percent on any deposit.

C. Forfeiture of Deposit. If a customer's account becomes delinquent, the deposit shall be applied to the unpaid balance and an additional deposit equal to the estimated bill for two months' service shall be paid within thirty days of the date the original deposit was applied to the delinquent balance.

D. Assistance. The city shall provide assistance ~~for sanitary can service~~ to any subscriber proving financial need. (Ord. 94-12S § 7: Amds. 10 (part) and 12, § 2 to Ord. 85: prior code § 11.12.040(2))

13.08.160 Holding tanks and sanitary cans.

A. All persons required to subscribe to sewer collection services but to whom a sewer is not available shall have sewage collected from their property or residence provided that the location, type of holding tank ~~or sanitary can~~, and access thereto is approved by the department. Quantity and frequency of sewer services shall be determined by

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regulations or orders of the department and approved by the council by resolution, and the rate charged for such sewage collection services shall be determined by the council by ordinance.

13.08.240 Sanitary facilities nuisance declared.

Any building inhabited or owned by any person required to subscribe to sewage collection services for which no subscription for sewage service has been made, or for which delinquent charges for sewage services exist, or whose facilities for the disposal of sewage are not in serviceable working order, or have not been approved by either the city or the state, or whose sewage facilities consist solely of a sanitary can ~~without adequate antiseptic treatment of human excrement~~, or whose sewage facilities are unsanitary or dangerous to health or safety shall be and is deemed and declared a common or public nuisance. (Ord. 94-12S § 11 (part))

SECTION 3. Effective Date. This ordinance shall become effective immediately upon passage by the City Council.

ENACTED THIS 13th DAY OF FEBRUARY, 2007, BY A VOTE OF 5 IN FAVOR AND 1 OPPOSED.



Daniel C. Leinberger, Mayor

ATTEST:



Sandra Modigh, City Clerk