

ORDINANCE NO. 82

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF RATES TO BE CHARGED FOR WATER SERVICE BY THE CITY OF BETHEL, FOR THE OPERATION AND USE OF THE WATER SYSTEM, AND PROVIDING PENALTIES FOR NON-PAYMENT FOR WATER SERVICE AND FOR VIOLATIONS OF THIS ORDINANCE.

THE CITY OF BETHEL ORDAINS AS FOLLOWS:

SECTION 1. Definitions.

- (1) "Council" means the Council of the City of Bethel.
- (2) "Department" means the City of Bethel Public Works Department.
- (3) "Applicant" means the person or persons, firm or corporation or other entity making application for water service from the Department under the terms of this Ordinance.
- (4) "Customer" means an applicant whose application has been accepted by the Department.
- (5) "Water connection" means that part of the water distribution system connecting the water main with the lot line of the property being furnished the water service or with the lot line of the nearest property abutting the water main if the water connection must first cross this abutting property to reach the property being served.
- (6) "Water extension" means that part of the water distribution system extending from the water connection into the premises served.
- (7) "Water main" means that part of the water distribution system intended to serve more than one water connection.

SECTION 2. Water Service Area.

- (1) Area. The water service area shall be such area within the City of Bethel and such nearby territory as the Council shall from time to time include within the water service area by resolution.
- (2) Required connection. Upon completion of construction of a water main in front of, alongside of, or adjacent to improved property in an area, the Department shall notify the City Clerk who shall publish a notice that the water service is available to serve inhabitants of that area who shall make application for service or connect to the system within one year after the date of the published notice. Should the owner of improved property fail to so do, a charge shall be made each month until connection is made. This charge shall be equal to the monthly minimum for the type of service that would be furnished were water service supplied. The charge will be levied upon and collected in the same manner as an assessment for the improved property.

(3) Segregation. When water service has been provided for improved property, all wells and springs on such property shall be completely segregated from the City water system.

SECTION 3. Conditions of Service.

(1) Supply. Water service shall be provided by the Department, which shall exercise reasonable diligence and care to deliver a continuous and sufficient supply of water to customers in adequate pressure and to avoid, insofar as reasonably possible, any shortage or interruption in delivery.

The City shall not be liable for damage resulting from interruption in service or lack of service. Temporary suspension of service by the Department for improvements and repairs may be necessary. Whenever possible, and when time permits, all customers affected by such suspension will be notified prior thereto by notice through news media or otherwise.

(2) Quality. The Department will exercise reasonable diligence to supply safe and potable water at all times.

(3) Ownership. All water mains, water connections, valves, fittings, hydrants and other appurtenances, except water extension lines shall be the property of the City, unless otherwise provided by the Council by written contract.

(4) Classes of Service. The classes of service shall be residential or commercial. Residential services shall consist of all services where water is supplied for domestic purposes to a single family dwelling unit. Commercial services shall consist of all services where water is supplied for a commercial or business establishment, or multi-dwelling units. If water is supplied to a customer for use in both a single family dwelling unit and a business establishment, the rate for commercial services shall apply for the combined usage.

(5) Resale of Water. Resale of water shall be permitted only pursuant to written contract between the Council and the party proposing to sell water.

(6) Service Preference. In case of a water shortage, the Department may give preferences to customers as public convenience or necessity requires. Water service to customers outside the City shall at all times be subject to the prior superior rights of the customers within the City.

SECTION 4. Application for Service.

(1) Application Form. Each applicant for water service shall sign an application form provided by the City Clerk, giving the date of application, location of the premises to be served, the date applicant desires services to begin, class of service, the address for mailing bills, the size of line required, and such other information as the Department may reasonably require. By signing the application, the applicant agrees to abide by this Ordinance and all resolutions or regulations promulgated thereunder and the applicant agrees to have placed in an approved location a number which conforms to the street numbering system of the City of Bethel. The application is a request for service and does not require the City to furnish service.

(2) Deposits and Establishment of Credit. At the time application for service is made, the applicant shall establish credit with the City Clerk.

(a) Establishment of Credit. Credit will be established based on an applicant's past utility records and an utility deposit will not be required if it is determined that an applicant has a good credit rating. A deposit equal to the estimated bill for one (1) month's service, but not less than twenty dollars (\$20.00), shall be required if an applicant has been delinquent in the payment of utility bills issued by the City or if such applicant is considered to be a poor credit risk.

(b) Deposits. No service shall be furnished until the deposit is made with the City Clerk, and the applicant will be given a receipt for the deposit. The deposit is not a payment on account. In the event water service is discontinued, the deposit will be applied to the closing bill, and any amount in excess of the closing bill will be refunded to the applicant. The City need not pay interest on any deposit.

(c) Forfeiture of Deposit. If a customer's account becomes delinquent and service is discontinued, the deposit shall be applied to the unpaid balance. Water service will not be restored to the premises to which the account is delinquent or to that customer at other premises until all outstanding water bills due the Department from customer have been paid and the cash deposit replaced, equal to the estimated bill for two (2) months' service at the time service is discontinued, together with a ten dollar (\$10.00) service charge for restoration of services.

(3) Amended Applications. Applicants or customers desiring a change in the size of line, class or location of service, or any change in equipment or operation which the Department considers material, shall file an amended application.

SECTION 5. Water Mains and Water Connections.

(1) Within the City. Water mains to areas within the City not presently served with water shall be installed only upon authorization of the Council.

(2) Outside the City. Water mains outside the City shall be installed only at the expense of the customers served.

(3) Ownership. All water mains and water connections, whether within or without the City, shall be the property of the City, and shall be installed by the Department or the applicants, in accordance with plans and specifications approved by the Department.

(4) Location. All water mains and water connections shall be on rights-of-ways, easements or public property. All easements or right-of-way permits secured for water mains and water connections shall be obtained in the name of the City.

SECTION 6. Customer Services.

(1) Water Extension. The water extension shall be owned, installed and maintained by the applicant for water service.

(2) Service Connection Charge. At the time the applicant files for water service where service has previously existed, or if the applicant is filing for a change in service class, size, or location, the applicant shall submit with his application a service connection charge which will cover the actual cost to the Department of the connection, plus 25%.

(3) Installation Procedure. Regulations, orders, or procedures governing the installation of water extensions shall be promulgated by the Department, subject to approval of the Council by resolution. All water extensions and repairs, modifications or disconnections thereof shall be made only on the terms and conditions set forth in the Uniform Plumbing Code (Current Edition) and such further regulations, orders, or procedures as the Council may approve by resolution.

(4) Joint Services Water Extensions. The Department may, at its option, serve two or more premises or customers with one water extension connection, provided that such joint service water extension lines shall be such a size to provide a capacity of not less than the combined capacity of the individual water extension lines. No water extension service shall be permitted to other customers except that under written contract approved by Council.

(5) Number of Water Extension Connections on Premises. The owner of a single parcel of property may apply for and receive as many connections as he and his tenants may require, provided his application or applications meet the requirements of this Ordinance.

(6) Water Holding Tanks. Customers to whom a water main is not available may have water delivered to their properties for discharge into holding tanks, provided that the location, type of holding tank, and access thereto is approved by the Department. Quantity and frequency of delivery shall be determined by regulations or orders of the Department and approved by the Council by resolution, and the rate charged for such delivery shall be determined by the Council by ordinance.

(7) Fire Protection and Other Water Use. A customer having fire protection facilities on the premises or who uses water for other purposes through the same water extension connection shall be charged at the applicable rate for that customer's class of service, regardless of such other use.

(8) Temporary Water Use. Temporary water extensions and water connections may be provided by the Department for a period not to exceed six (6) months, unless an extension is granted by the Department. Costs of connection, deposits, charges for installation and removal of equipment shall be established by the Department, subject to approval by the Council by ordinance.

(9) Customer's Plumbing.

(a) The customer's plumbing, which shall include the water extension lines and all plumbing, piping, fixtures and other appurtenances carrying or intended to carry water on property owned or controlled by the customer, shall comply with the plumbing regulations of the City of Bethel.

(b) Customers shall install a suitable control valve in the water extension line at a location approved by the Department, the operation of which valve will control the entire water supply to the premises served. It will be a violation of this Ordinance for the customer to operate, cause or permit unauthorized operation of the control valve, except in the case of emergencies.

SECTION 7. "WATER MEETERS"

(1) Meter Requirements. The Department may require installation of a water meter at the customer's expense for any water service.

(2) Location of Meters. Meters shall be placed in a location approved by the Department.

(3) Joint Use of Meters. Meters cannot be used by more than one customer except as provided by written contract with the Department.

SECTION 8. Water Rates.

Water rates shall be determined by the Council, adopted by ordinance, and shall be available in the City Clerk's office for public inspection during regular business hours.

SECTION 9. Notices.

(1) Notices to Customers. Notices from the Department to a customer will normally be given in writing, and either mailed to or delivered to the customer at his last known address. Where conditions warrant and emergencies, the Department may notify the customer either by telephone or messenger.

(2) Notices from Customers. Notices from customers to the Department may be given by the customer or his authorized representative orally or in writing at the office of the City Clerk or to the Utility Services Foreman of the Department duly authorized to receive notices or complaints.

(3) Notice of Discontinuance for Repairs. Notices from the Department to a customer providing for the discontinuance of service for the purpose of repairs shall be given to a customer in writing twenty four (24) hours prior to such discontinuance, except in the case of emergencies.

SECTION 10. Billing and Payment.

(1) Mailing. All bills shall be mailed on or before the 10th day of each month.

(2) Payment of Bills. Each bill entered shall be due upon receipt. If the bill is not paid by the last day of the month in which mailed, the account shall be considered delinquent.

(3) Delinquent Accounts.

(a) The City Clerk shall send a Notice of Account Delinquency to each customer on or after ten (10) days after the account becomes delinquent.

(b) On or before fifteen (15) days after an account becomes delinquent, the turn-off notice shall be sent to the customer. The notice shall state a date on or after which water will be turned off if the delinquent account is not paid in full prior thereto. Such date will be not less than five (5) nor more than fifteen (15) days from the date of the notice.

The delivery to the premises served or mailing to the address on record of the customer shall be considered a delivery to the customer.

(c) On the turn-off date, any agent of the Department or City may turn off the water service.

SECTION 11. Discontinuance of Service.

(1) On Customer Request. Each customer shall give the Department written notice of his intention to discontinue water service at least two (2) days prior to the date he wishes water service discontinued, and shall specify the date service is to be discontinued; otherwise, the customer will be responsible for all water supplied to the premises until the Department shall receive notice of such discontinuance. Upon discontinuance of water service, a bill shall be rendered and such bill shall be payable immediately. In no case will the bill be less than the monthly minimum specified in the current water rate schedule for the class or classes of water service heretofore furnished.

(2) Non-Payment of Water Service Charges. If water service charges are not paid when due by any person, firm, corporation or other entity whose premises are served by water service, then the water service provided to that customer may be discontinued because of the default in the payment of the water service charges.

(3) Proper Customer Facility.

(a) The Department may refuse to furnish water and may discontinue water service to any premises without prior notice where plumbing facilities, appliances or equipment using water are dangerous, unsafe, or not in conformity with the plumbing regulations of the City.

(b) Cross Connections. No physical connection between the water service system and any other water source shall be permitted, and the Department may discontinue services to any persons or premises where a cross connection exists without notice.

(4) Other Reasons. The Department may discontinue service to any customer, upon five (5) days written notice, for any of the following reasons:

(a) Wasteful or negligent use of water.

(b) Excessive use of water resulting in inadequate service to other customers.

(c) Fraud or abuse by the customer.

(d) Unauthorized turn-on of water after discontinuance of water service by the Department.

(e) Non-compliance with this Ordinance or any regulations, resolutions or orders issued pursuant thereto.

SECTION 12. Access to Property.

Employees of the Department shall have free access at all reasonable hours to any and all parts and structures of the premises in which water is or may be delivered for the purposes of inspecting connections, the conditions of the conduits and fixtures, and the manner and extent to which the water is being used. The Department does not, however, assume the duty of inspecting the water extension line or the customer's plumbing and equipment, and shall not be responsible therefor.

SECTION 13. Responsibility for Equipment.

The City shall not be liable for any loss or damage of any nature whatsoever caused by any defect in the water extension line or the customer's plumbing or equipment, nor shall the City be liable for loss or damage due to interruption of service or changes in pressure. The customer shall be responsible for valves on his premises being turned off when the water service is turned on.

SECTION 14. Fire Hydrants.

(1) Operation. No person or persons other than those designated and authorized by the Department shall open any fire hydrant belonging to the City, attempt to draw water from it or in any manner damage or tamper with it.

(2) Damage to Fire Hydrants. Any person who damages a fire hydrant shall be responsible for its complete repair and return to service. Any person damaging the fire hydrant shall be subject to penalties provided for in this Ordinance.

(3) Moving a Fire Hydrant. Any party desiring to change the size, type or location of a fire hydrant shall bear all costs of such changes. Any changes in the size, type or location of a fire hydrant shall be approved by the Department and by the Fire Department of the City of Bethel.

SECTION 15. Administration and Enforcement.

This Ordinance shall be administered and enforced by the City Manager. The City Council shall have the authority to establish and regulate monthly rates for water service pursuant to Chapter 48 of Title 29, Alaska Statutes. All rates and other charges adopted by the Council shall be by ordinance and available for public inspection during regular business hours at the office of the City Clerk. All monies collected for water services will be separately accounted for by the City Finance Director of the City of Bethel and used for such purposes and disbursed by the Council as it may deem appropriate. The City Council may adopt such additional regulations, resolutions, orders, provisions and procedures pertaining to water service as it deems proper.

SECTION 16. Penalties.

Any person violating any of the provisions of this Ordinance shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment in the City Jail for a period not exceeding thirty (30) days, or by both such fine and imprisonment.

SECTION 17. Suspension of Rules.

No employee of the Department is authorized to suspend or alter any of the provisions hereof without specific approval or direction of the City Council, except in cases of emergency involving a danger of loss of life or property or which would place the water system operation in jeopardy.

SECTION 18. Easements and Rights-of-Way.

Each applicant and customer gives and grants to the City an easement and right-of-way on and across his property for the installation of water connections, water extensions and water mains and the necessary valves and equipment used in connection therewith.

SECTION 19. Prior Ordinances.

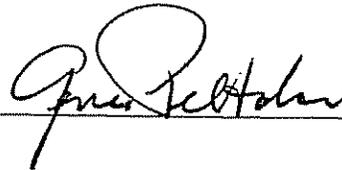
All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 20. Constitutionality and Saving Clause.

If any clause, sentence, paragraph, section or portion of this Ordinance for any reason shall be judged invalid by a court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its operation to the clause, sentence, paragraph, section or portion of this Ordinance directly involved in the controversy in which the judgment is rendered.

PASSED AND APPROVED by the Council of the City of Bethel this 22nd day of November, 1976.

Mayor



Attest:

Olga C. Kingak
City Clerk

Posted: November 15, 1976

1st Reading: November 8, 1976

2nd Reading: November 22, 1976

AMENDMENT 1
to
ORDINANCE 82

AN AMENDMENT TO ORDINANCE 82, AN ORDINANCE ESTABLISHING RATES FOR CITY WATER SERVICE.

BE IT ORDAINED BY THE CITY COUNCIL OF BETHEL, ALASKA THAT ORDINANCE 82 IS HEREBY AMENDED BY ADDING TO SECTION 3, CONDITIONS OF SERVICE, PARAGRAPHS 7 AND 8 AS FOLLOWS:

PARAGRAPH 7: MINIMUM REQUIREMENTS

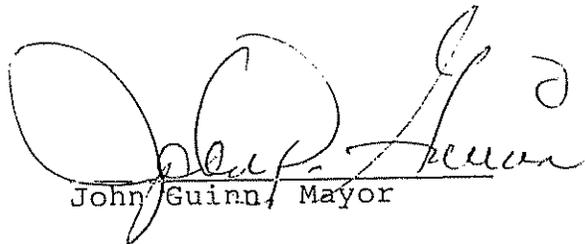
NO APPLICATION FOR WATER SERVICE WILL BE GRANTED IF THE RESIDENCE FOR WHICH THE APPLICATION IS MADE DOES NOT INCLUDE A WATER AND SEWER SYSTEM CONFORMING TO MINIMUM REQUIREMENTS. THE SYSTEM MUST BE DESIGNED IN SUCH A WAY AS NOT TO POSE A POTENTIAL NUISANCE OR HAZARD TO NEIGHBORS.

PARAGRAPH 8: NEW OR MODIFIED SYSTEMS

AN APPLICATION FOR WATER ON A NEW WATER AND SEWER SYSTEM OR ON ONE FOR WHICH MAJOR MODIFICATIONS ARE TO BE MADE MUST BE SUBMITTED WITH THE FOLLOWING INFORMATION:

A DESCRIPTION OF THE WATER AND SEWER SYSTEM PROPOSED FOR PLACEMENT ON THE LOT. EACH PROPOSED OR MODIFIED SYSTEM SHALL HAVE WATER TANKS CONFORMING TO THE MINIMUM SIZE REQUIREMENTS OF 300 GALLONS PER TANK PER ONE BEDROOM UNIT WITH INCREMENTS IN SIZE OF 100 ADDITIONAL GALLONS PER ADDITIONAL BEDROOM. SEWAGE HOLDING TANKS SHALL BE SIZED 200 GALLONS LARGER THAN THE MINIMUM SIZE WATER TANK. TANK SIZE BEYOND THE MINIMUM REQUIREMENT SHALL BE THE OWNER'S RESPONSIBILITY. WAIVERS TO THE ESTABLISHED REQUIREMENTS SHALL BE GRANTED BY THE CITY OF BETHEL PUBLIC WORKS DEPARTMENT AT THE TIME OF APPLICATION UPON AN OWNER SHOWING PROOF OF ABILITY AND ATTEMPT TO CONNECT TO AN EXISTING PIPED SYSTEM OR TO CONNECT TO A WELL. SPECIAL CONSIDERATION WITH REGARD TO MINIMUM SIZE REQUIREMENTS SHALL BE GRANTED UPON THE APPROVAL OF THE BETHEL PUBLIC WORKS DEPARTMENT, SUCH APPROVAL OR DENIAL SUBJECT TO REVIEW BY THE BETHEL CITY COUNCIL.

PASSED AND APPROVED THIS *3rd* DAY OF OCTOBER, 1984.


John Guinn, Mayor

ATTEST:


Wayne J. Maier, City Clerk