

corporation, by lawful action of the city except as shall be expressly provided for in this title.

Section 4. Section 13.08.010 of the Bethel Municipal Code is hereby amended to read as follows:

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. "Customer" means an applicant whose application has been accepted by the department.
- C. "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.
- D. "Department" means the city public works department.
- E. "Designee" means a person or business that has been approved by the City of Bethel to collect, transport and dispose of sewage.
- F. "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.
- G. "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.
- H. "Person" means the head of the household occupying or maintaining a premises and the owner or manager of a premises.
- I. "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.
- J. "Sanitary Can" means a five gallon standard metal or plastic container used for the collection of human waste.

Section 5. Chapter 13.08 of the Bethel Municipal Code is amended by adding a new section 13.08.025 to read as follows:

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.

Section 6. Section 13.08.070 of the Bethel Municipal Code is hereby amended to read as follows:

13.08.070 Obedience to Rules and Regulations. Each person required to subscribe to sewer collection service shall sign a service form provided by the department, giving the date, location of the premises to be served, class of service, the address for mailing bills and such other information as the department may reasonably require. All persons required to subscribe to sewer collection services shall abide by the rules and regulations established by the city and by the requirements set forth in this chapter, including alterations and amendments which may be made from time to time.

Section 7. Section 13.08.080 of the Bethel Municipal Code is hereby amended to read as follows:

Section 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 (3%) 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 (30) 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.

Section 8. Section 13.08.160 of the Bethel Municipal Code is hereby amended to read as follows:

13.08.160 Holding Tanks and Sanitary Cans. 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 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.

Section 9. Section 13.08.220 of the Bethel Municipal Code is hereby amended to read as follows:

13.08.220 Delinquency. A. The city shall send a notice of account delinquency to each customer on or after ten days after the account becomes delinquent.

B. On or before fifteen days after an account becomes delinquent, a notice of delinquency and public nuisance shall be sent to the customer and to the owner of the premises. The notice shall state a date on or after which the premises will be declared a public nuisance if the delinquent account is not paid in full prior thereto. Such date shall not be less than five not more than fifteen days from the date of the notice. The delivery to the premises served or mailing to the address on record of the customer and of the owner shall be considered a delivery to the customer and to the owner.

C. If the delinquency has not been cured by the date stated in the notice, the city may declare the premises a public nuisance and proceed to abate said nuisance in accordance with Section 13.08.241.

D. Interest on delinquent accounts shall be paid at the rate of ten and one-half percent (10.5%) per annum.

Section 10. Section 13.08.230 of the Bethel Municipal Code is hereby amended to read as follows:

13.08.230 Discontinuance--Customer Request. Each person who is moving from a premise for which they were required to subscribe for sewer service shall give the department written notice of their intention to move from the premises at least two days prior to the date of their move. Said notice shall specify whether the premises will continue to be inhabited following their departure and the name of the owner of the premises. Failure to give the required notice means the person shall remain jointly and severally liable for all sewage removed from the premises until the department receives the notice required by this section. Upon receipt of the notice required by this section, 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 sewer rate schedule for the class or classes of sewer service theretofore furnished.

Section 11. Sections 13.08.240 and 13.08.250 of the Bethel Municipal Code are hereby repealed in their entirety and replaced by the following sections:

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 of Bethel or the State of Alaska, or whose sewage facilities consist 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.

13.08.241 Abatement of Nuisance. Any common or public nuisance as defined by section 13.08.240 shall be abated as follows:

A. The owner of the property and an inhabitant of the building shall be given a notice to abate by the city manager, by the police chief or by any of their designees.

B. The notice shall include:

- (1) The address of the property and the name of the record owner;
- (2) A short description of the nuisance;
- (3) An order to abate the nuisance in a manner acceptable to the city;
- (4) A statement that if such abatement is not completed within forty-eight (48) hours of service of the notice, the city is authorized to issue a citation for a violation and impose a fine of up to one hundred dollars per day for each day abatement of the nuisance is not completed.
- (5) A statement that the City shall provide assistance to any subscriber proving financial need.

C. Forty-eight (48) hours after service of the notice to abate, the city shall inspect the premises and determine whether the nuisance is still present. If, in the best judgement of the city, the owner or any inhabitant of the premises has not acted to abate the nuisance or their actions to abate have failed, the City shall issue a citation to the owner and any inhabitant of the premises.

13.08.243 Violation. It is unlawful for any person to continue any violation of which they have received notice beyond the period specified in such notice. Each day for which any violation continues shall be considered a separate violation.

13.08.245 Injunctive Relief. The City may seek injunctive relief to halt a continuing violation of this chapter or to mandate compliance with this chapter or both.

13.08.247 Penalty. Any person who violates any provision of this chapter shall be subject to a fine of not more than one hundred dollars.

Section 12. Section 13.08.290 of the Bethel Municipal Code is hereby amended to read as follows:

Section 13.08.290 Unlawful Sewage Disposal. It is unlawful for a person to dispose of sewage, liquid waste or human excreta from any premises by any method other than through utilization of the city sewer service or its appointed designee.

Section 13. Section 13.08.300 of the Bethel Municipal Code is hereby amended to read as follows:

Section 13.08.300 Individual Sewer System. It is unlawful for any person to operate or maintain an individual sewage disposal system without a State of Alaska wastewater discharge permit 18 AAC 72.010.

Section 14. Effective Date. This ordinance shall be effective August 1, 1994.

PASSED AND APPROVED THIS 28TH DAY OF JUNE, 1994.



Donna J. Chris, Mayor

ATTEST:



Connie Tucker, City Clerk

Introduced by: City Manager Hunter
Date: May 10, 1994
Public Hearing: May 24, 1994
Action: Amended by Substitute Ordinance #94-12S
Vote: None

ORDINANCE #94-12

AN ORDINANCE AMENDING CHAPTER 13.08 OF THE BETHEL MUNICIPAL CODE TO REQUIRE SUBSCRIPTION TO MUNICIPAL SEWER SERVICES

WHEREAS, there exists in the City of Bethel a public health problem related to the illegal dumping of untreated human waste by persons who decline to become customers of the City's trucked sewage service or to properly dispose of their human waste through other means; and

WHEREAS, enforcement of the current prohibition on the illegal dumping of human waste is both difficult and impracticable; and

WHEREAS, requiring all persons who reside on or own buildings in the City of Bethel to subscribe to City of Bethel sewer service will further the public health and better enable the City to exercise its police power to enforce the prohibition on improper disposal of human waste;

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY OF BETHEL, ALASKA:

Section 1. This is a code ordinance.

Section 2. If any part of provision of this ordinance or application thereof to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgement shall be confined in its operation to the part, provision or application directly involved in the controversy in which this judgement shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision or application.

Section 3. This ordinance shall not be construed as abating any action now pending under, or by virtue of, prior existing laws or as discontinuing abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, or as waiving right of the city under any section or provision existing at the time this ordinance is adopted, or as vacating or annulling any right obtained by any person, firm, or corporation, by lawful action of the city except as shall be expressly provided for in this title.

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- C. "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.
- D. "Department" means the city public works department.
- E. "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.
- F. "Person" means the head of the household occupying or maintaining a premises and the owner or manager of a premises.
- G. "Premises" means any dwelling, office or building located within the boundaries of the city 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.
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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.

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Section 7. Section 13.08.080 of the Bethel Municipal Code is hereby amended to read as follows:

Section 13.08.080 Credit--Deposits. Each person required to subscribe to sewer collection service shall establish credit with the city clerk.

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

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 five percent (5%) 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 (30) days of the date the original deposit was applied to the delinquent balance.

Section 8. Section 13.08.160 of the Bethel Municipal Code is hereby amended to read as follows:

13.08.160 Holding Tanks and Sanitary Cans. 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 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.

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B. On or before fifteen days after an account becomes delinquent, a notice of delinquency and public nuisance shall be sent to the customer and to the owner of the premises. The notice shall state a date on or after which the premises will be declared a public nuisance if the delinquent account is not paid in full prior thereto. Such date shall not be less than five not more than fifteen days from the date of the notice. The delivery to the premises served or mailing to the address on record of the customer and of the owner shall be considered a delivery to the customer and to the owner.

C. If the delinquency has not been cured by the date stated in the notice, the city may declare the premises a public nuisance and proceed to abate said nuisance in accordance with Section 13.08.241.

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13.08.230 Discontinuance--Customer Request. Each person who is moving from a premise for which they were required to subscribe for sewer service shall give the department written notice of their intention to move from the premises at least two days prior to the date of their move. Said notice shall specify whether the premises will continue to be inhabited following their departure and the name of the owner of the premises. Failure to give the required notice means the person shall remain jointly and severally liable for all sewage removed from the premises until the department receives the notice required by this section. Upon receipt of the notice required by this section, 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 sewer rate schedule for the class or classes of sewer service theretofore furnished.

Section 11. Sections 13.08.240 and 13.08.250 of the Bethel Municipal Code are hereby repealed in their entirety and replaced by the following sections:

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 of Bethel or the State of Alaska, or whose sewage facilities consist 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.

13.08.241 Abatement of Nuisance. Any common or public nuisance as defined by section 13.08.240 shall be abated as follows:

A. The owner of the property and an inhabitant of the building shall be given a notice to abate by the city manager, by the police chief or by any of their designees.

B. The notice shall include:

- (1) The address of the property and the name of the record owner;
- (2) A short description of the nuisance;
- (3) An order to abate the nuisance in a manner acceptable to the city;
- (4) A statement that if such abatement is not completed within forty-eight (48) hours of service of the notice, the city is authorized to enter the premises and summarily evacuate all inhabitants and close the premises to the public.

C. Forty-eight (48) hours after service of the notice to abate, the city shall inspect the premises and determine whether the nuisance is still present. If, in the best judgement of the city, the owner or any inhabitant of the premises has not acted to abate the nuisance or their actions to abate have failed, the premises may be ordered closed to occupancy by the chief of police or his designee until the sewage system is in serviceable working order and has been inspected and approved by the City of Bethel Department of Public Works or until the delinquent charges for sewer service have been paid.

13.08.242 Failure to Vacate Premises Unlawful. It is unlawful for any person who owns or occupies any building which is a common or public nuisance as defined in Section 13.08.240 to fail or refuse to vacate the building and close the building to the public when ordered to do so by any police officer of the city.

13.08.243 Violation. It is unlawful for any person to continue any violation of which they have received notice beyond the period specified in such notice.

13.08.245 Injunctive Relief. The city may seek injunctive relief to halt a continuing violation of this chapter or to mandate compliance with this chapter or both.

Section 12. Section 13.08.290 of the Bethel Municipal Code is hereby amended to read as follows:

Section 13.08.290 Unlawful Sewage Disposal. It is unlawful for a person to dispose of sewage, liquid waste or human excreta from any premises by any method other than through utilization of the city sewer service.

Section 13. Section 13.08.300 of the Bethel Municipal Code is hereby amended to read as follows:

Section 13.08.300 Individual Sewer System. It is unlawful for any person to operate or maintain an individual sewage disposal system.

Section 14. Effective Date. This ordinance shall be effective July 1, 1994.

PASSED AND APPROVED THIS _____ DAY OF _____, 1994.

Donna J. Chris, Mayor

ATTEST:

Connie Tucker, City Clerk