

Introduced by: Council Member Sigmon
Date: March 11, 2014
Public Hearing: March 25, 2014
Action: Passed
Vote: 7-0

CITY OF BETHEL, ALASKA

Ordinance #14-08

AN ORDINANCE AMENDING SECTION 13.04 WATER SERVICE

THEREFORE BE IT ORDAINED by the City Council of Bethel, Alaska, that the Bethel Municipal Code shall be amended and revised as follows:

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

SECTION 2. Amendment The Bethel Municipal Code Section 13.04, is amended as follows (new language is underlined and ~~old language is stricken out~~):

Chapter 13.04 WATER SERVICE

Sections:

<u>13.04.010</u>	Definitions.
<u>13.04.020</u>	Area of service.
<u>13.04.025</u>	<u>Mandatory Application</u>
<u>13.04.030</u>	Connection to proximate main required.
<u>13.04.040</u>	Segregation of private water supply.
<u>13.04.050</u>	Service continuity and quality.
<u>13.04.060</u>	Ownership of facilities.
<u>13.04.070</u>	Classes of service.
<u>13.04.080</u>	Resale of water.
<u>13.04.085</u>	Sale of metered water in bulk.
<u>13.04.090</u>	Preference during shortage.
<u>13.04.100</u>	Application for service.
<u>13.04.110</u>	Credit establishment – Deposits.
<u>13.04.120</u>	Service changes.
<u>13.04.130</u>	Mains and connections.
<u>13.04.140</u>	Water extension.
<u>13.04.150</u>	Service connection – Charge.
<u>13.04.160</u>	Service connection – Procedure.
<u>13.04.170</u>	Multiple service on one (1) extension.
<u>13.04.175</u>	<u>Service to Multi-Dwelling Units</u>

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- 13.04.180 Holding tank service.
- 13.04.190 Fire protection service.
- 13.04.200 Temporary service.
- 13.04.210 Customer's plumbing.
- 13.04.220 Control valve.
- 13.04.230 Commercial service meters.
- 13.04.240 Rates.
- 13.04.250 Notices.
- 13.04.260 Billing.
- 13.04.270 Delinquent accounts.
- 13.04.280 Shutoff – By request.
- 13.04.290 Shutoff – Nonpayment of charges.
- 13.04.300 Shutoff – Improper plumbing.
- 13.04.305 Access for Water Deliveries
- 13.04.310 Shutoff – Waste or noncompliance.
- 13.04.320 Access for inspection.
- 13.04.330 Liability of city and customer.
- 13.04.340 Fire hydrants.
- 13.04.350 Easement and right-of-way.
- 13.04.360 Experiments and innovations.
- 13.04.370 Suspension of provisions.
- 13.04.380 Administration and enforcement.
- 13.04.390 Violation – Penalty.

13.04.010 Definitions.

As used in this chapter:

- A. "Applicant" means the person or persons, firm or corporation or other entity making application for water service from the finance department under the terms of this chapter.
- B. "Customer" means an applicant whose application has been accepted by the finance department.
- C. "Department" means the city public works department.
- D. "Multi-Dwelling Unit" means premises that contain three or more dwelling units, including apartment complexes and trailer courts
- E. "Property Owner" means the legal owner of a property where utility services are being provided by the City of Bethel.
- F. "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 (1st) cross this abutting property to reach the property being served.
- G. "Water extension" means that part of the water distribution system extending from the water connection into the premises served.

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H. "Water main" means that part of the water distribution system intended to serve more than one (1) water connection.

13.04.020 Area of service.

The water service area shall be such area within the city and such nearby territory as the council from time to time includes within the water service area by resolution.

13.04.025 Mandatory Application

Each location within the City of Bethel shall have a signed application for water services on file at the City of Bethel. Property owners may apply for exemptions from service to the finance department. Such exemptions will not be unreasonably denied if the customer can demonstrate:

- a. Water is being obtained from an alternate and reliable water source, such as a well and no contamination of the ground in or around the home is occurring as a result of the alternate water source; or
- b. That the home is vacant and/or under construction (in such case the exemption shall be temporary); or
- c. Other reasons which in the sole discretion of the public works department reasonably justify an exemption.

13.04.030 Connection to proximate main required.

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 (1) year after the date of the published notice. Should the owner of improved property fail to do so, 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.

13.04.040 Segregation of private water supply.

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.

13.04.050 Service continuity and quality.

A. Supply.

1. 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.
2. 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.

B. Quality. The department will exercise reasonable diligence to supply safe and potable water at all times.

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13.04.060 Ownership of facilities.

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~~

13.04.070 Classes of service.

The classes of service shall be residential or commercial.

- A. Residential services shall consist of all services where water is supplied for domestic purposes to a single-family dwelling unit.
- B. Commercial services shall consist of all services where water is supplied for a commercial or business establishment, or multi-dwelling units.
- C. 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.

13.04.080 Resale of water.

Resale of water shall be permitted only pursuant to written contract between the council and the party proposing to sell water. Only water purchased from the City of Bethel or pre-packaged water may be re-sold within the City limits.

13.04.085 Sale of metered water in bulk.

Resale of metered water in quantities of one hundred (100) gallons or more per fill is permitted only pursuant to a written contract executed between the city and the party proposing to buy water in bulk. The city is authorized to enter into such contracts on behalf of the city.

13.04.090 Preference during shortage.

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.

13.04.100 Application for service.

Each applicant for water service shall sign an application form provided by the city clerk finance office, 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~~ fill required, and such other information as the finance department may reasonably require. By signing the application, the applicant agrees to abide by this chapter and all resolutions or regulations promulgated under this chapter and the applicant agrees to have placed in an approved location a number which conforms to the street numbering system of the city. The application is a request for service and does not require the city to furnish service.

13.04.110 Credit establishment – Deposits.

At the time application for service is made, the applicant shall establish credit with the finance department.

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A. Establishment of Credit. A water utility deposit will be required if the applicant has no previous credit history with the finance department. A deposit equal to two (2) months' service, but not less than ~~one two~~ two hundred dollars (~~\$100~~) (\$200), shall be required. Credit history will be based upon an applicant's past utility payment record and a deposit will not be required if it is determined that the applicant has not been delinquent more than once in the applicant's most recent twelve (12-) month period. The deposit is refundable after two (2) years of timely payments. ~~Once a customer has established an acceptable credit history for twelve (12) months, the deposit may be refunded.~~ The deposit will be waived by receipt of a recent letter of good payment history from another utility company.

B. Deposits. No service shall be furnished until the deposit is made with the finance department, ~~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.

C. Forfeiture Application of Deposit. If a customer's account becomes delinquent and service is discontinued, the deposit shall be applied to the unpaid balance. ~~Water service shall not be restored to the customer at any premises in which the customer resides within the city until all outstanding water bills due the city from the customer have been paid and the cash deposit replaced in an amount equal to the department's estimated bill for two (2) months' service together with a a thirty five dollars (\$35) service charge for the restoration of service.~~

D. Resumption of Services. Water service shall not be restored to the customer at any premises in which the customer resides within the city until:

- 1) All outstanding water bills due to the city from the customer have been paid;
- 2) The cash deposit is replaced in an amount equal to the customer's estimated bill for two (2) months' service has been made; and
- 3) A restoration service fee of thirty-five dollars (\$35) or the actual restoration cost, whichever is greater, has been paid.

13.04.120 Service changes.

A. Increased Level of Service for hauled customer. Existing customers in good standing may increase their level of service without an additional deposit due providing the original deposit equals two (2) months of service. Customers who are not in good standing shall be required to pay all outstanding balances before an increased level of service will be provided.

B. Decreased Level of Service for hauled customers. Existing customers may decrease their level of service. A reduction in deposit will not be given.

C. Fees for Changes in Level of Service for hauled customers.

1. Two (2) changes in level of service per calendar year shall be allowed to a customer in good standing at no charge. Thereafter, a fee of twenty-five dollars (\$25) will be due for any additional changes made. Customers not in good standing will be required to pay twenty-five dollars (\$25) for each change in level of service.

2. ~~Per calendar year, two (2) reconnections after a disconnection shall be given to a customer in good standing at no charge. All reconnections thereafter will be charged a twenty five dollar (\$25) reconnection fee. Customers not in good standing will be required to pay fifty dollars (\$50) for each reconnection after a disconnection.~~

D. Fees for temporary disconnect and reconnect.

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1. Piped customers will be assessed actual costs for each temporary disconnect/reconnect as identified in the City of Bethel Fee and Rate Schedule.

13.04.130 Mains and connections.

A. Within the City. Water mains to areas within the city not presently served with water shall be installed only upon authorization of the council.

B. Outside the City. Water mains outside the city shall be installed only at the expense of the customers served.

C. Ownership. All water mains and water connections, whether within or ~~without~~ outside 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.

D. Location. All water mains and water connections shall be on rights-of-way, 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.

13.04.140 Water extension.

The water extension shall be owned, installed and maintained by the applicant for water service.

13.04.150 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 twenty-five (25) percent.

13.04.160 Service connection – 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.~~

13.04.170 Multiple service on one (1) extension.

A. The department may, at its option, serve two (2) or more premises or customers with one (1) water extension connection; provided, that such joint service water extension lines shall be of such a size as 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.

B. 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 chapter.

13.04.175 Service to Multi-Dwelling Units

Service and billing to multi-dwelling units where there is only one connection or one holding tank will be the sole responsibility of the property owner.

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13.04.180 Holding tank service.

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. In new home construction, the minimum water holding tank size shall be determined by the chart below:

Number of Bedrooms	Water Tank Size
One bedroom	600 gallons
<u>One to Two bedrooms</u>	800 gallons
Three bedrooms	1,000 gallons
Four bedrooms	1,200 gallons

New home construction is defined as all new homes where the site permit is approved after ~~September 30, 2005~~ September 1, 2014.

13.04.190 Fire protection service.

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.

13.04.200 Temporary service.

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.

13.04.210 Customer's plumbing.

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 between the water system and the home, shall comply with Uniform Plumbing Code (current edition) ~~the plumbing regulations of the city~~.

13.04.220 Control valve.

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 chapter for the customer to operate, cause or permit unauthorized operation of the control valve, except in the case of emergencies.

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13.04.230 Commercial service meters.

- A. Requirement. The department may require installation of a water meter at the customer's expense for any commercial service.
- B. Location. Meters shall be placed in a location approved by the department.
- C. Joint Use. Meters cannot be used by more than one (1) customer except as provided by written contract with the department city.

13.04.240 Rates.

The city manager or the council may introduce an ordinance to increase or decrease the water rates ~~by May first (1st) of each year or at any other time~~ in order to charge reasonable water rates. ~~The water rates shall be available in the city clerk's office for public inspection during regular business hours.~~

13.04.250 Notices.

- A. 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 during emergencies, the department may notify the customer either by telephone or messenger.
- B. From Customers. Notices from customers to the department shall be given by the customer in writing on a city utility form to the utility/finance office or to the utility services foreman of the department duly authorized to receive notices or complaints.
- C. 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.

13.04.260 Billing.

- A. All bills shall be mailed on or before the fifth (5th) day of each month.
- B. Each bill entered shall be due upon receipt. If the bill is not paid by the twenty-fifth (25th) day of the month in which mailed, or twenty (20) days after the date the bill is mailed, whichever is later, the account shall be considered delinquent.
- C. If the date upon which a bill would be considered delinquent falls on a day that the city does not conduct business, the bill will become delinquent at the end of the next day that the city conducts business.
- D. Payments sent by mail and postmarked on or before the day that a bill would be considered delinquent will not be considered delinquent.
- E. Allowances for late payments from circumstances that delay normal payment of bills and delays in the mail such as bad weather, volcanic eruptions or national emergencies can be made by appropriate city staff.
- F. Customers shall have ninety (90) days beyond the current payment due date for any corrections or adjustments.

13.04.270 Delinquent accounts.

- A. The finance department shall send a notice of account delinquency to each customer when the account becomes delinquent.

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B. Within fifteen (15) days after an account becomes delinquent water ~~will~~ may be turned off if the delinquent account is not paid in full prior thereto.

C. Prior to shut-off of delinquent accounts, the finance department will send a notice of shut-off giving a final date due for payment. If the customer is not the property owner, a copy of the shut-off notice will be sent to the property owner as well.

D. A non-sufficient funds (NSF) check is not payment on your account. Should the City receive a NSF check for payment of an account on the Shut Off list, water service will be terminated with no further notice from the City. In addition to the turn-off and turn-on fees, and all past due amounts, a \$30.00 NSF fee will be required to be paid in certified funds or cash before sewer service will be restored.

E. On the turn-off date, any agent of the department or city may turn off the water service.

F. Interest on delinquent accounts shall be paid at the rate of fifteen (15%) percent per annum. Delinquent payments, with interest, shall constitute a lien on ~~real and personal~~ the real property ~~of the person or entity whose where~~ the account is delinquent.

G. The city has the authority to collect from the delinquent customer all expenses that relate to the collection effort including: (1) cost of collection; (2) attorney's fees; (3) recorder's fees; (4) court costs.

13.04.280 Shutoff – By 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 receives 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 theretofore furnished.

13.04.290 Shutoff – Nonpayment of 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.

13.04.300 Shutoff – Improper plumbing.

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. 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.

C. The City shall not be held liable for water damage to any property where the customer has failed to install adequate operative water tanks.

D. The City shall not be held liable for water damage where the customer has failed to install an adequate operative overflow system or has failed to keep the overflow line properly cleared and maintained.

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13.04.305 Access for Water Delivery

- A. Customers are responsible for maintaining their driveways clear and accessible on dates of scheduled and requested water deliveries.
- B. The City will not be responsible for providing services to an address if the driveway is not accessible. This includes any obstruction (such as, but not limited to, parked vehicles, freezer vans, snow, ice, animals, wastes, toys, appliances, snow mobiles, etc.)
- C. If the overflows are frozen and the City does not have access to the water tank, the City will not be responsible for filling the tank.
- D. If service cannot be completed due to the circumstances described in this section, the City will leave a blue tag at the customer's home advising of the problem in sufficient detail to allow the customer an opportunity to address the issue before the next regularly scheduled delivery.
- E. A credit for service will not be given for missed services that result from customer's actions.

13.04.310 Shutoff – Waste or noncompliance.

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. ~~Noncompliance with this chapter or any regulations, resolutions or orders issued pursuant thereto.~~

13.04.320 Access for inspection.

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 therefore.~~

13.04.330 Liability of city and customer.

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.

13.04.340 Fire hydrants.

- A. 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.
- B. Damage. 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 chapter or in law.

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C. Moving. 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 city fire department ~~of the city~~.

13.04.350 Easement and right-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.

13.04.360 Experiments and innovations.

Nothing in this chapter shall be construed to prohibit the use of experimental and/or innovative processes or procedures for water service. The operation of such device, process or procedure shall have the prior approval of the ~~public works committee of or~~ the city council. The committee shall approve all such devices, processes and procedures that are not in conflict with the health and welfare of the city. Applications for approval of such devices, processes and procedures shall be made to the public works director and appeal from a decision of the public works committee shall be to the council ~~as a whole~~.

13.04.370 Suspension of provisions.

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.

13.04.380 Administration and enforcement.

This chapter 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 AS 29.48. 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 moneys collected for water services will be separately accounted for by the city finance director and used for such purposes and disbursed by the council as it deems appropriate. The city council may adopt such additional regulations, resolutions, orders, provisions and procedures pertaining to water service as it deems proper.

13.04.390 Violation – Penalty.

~~Any person violating any of the provisions of the chapter shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars (\$500). Each day that a person violates any section of this chapter shall be considered a separate violation, or by imprisonment in the city jail for a period not exceeding thirty (30) days, or by both such fine and imprisonment. Any person violating any of the provisions of this chapter is guilty of an infraction and shall be fined \$300.~~

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

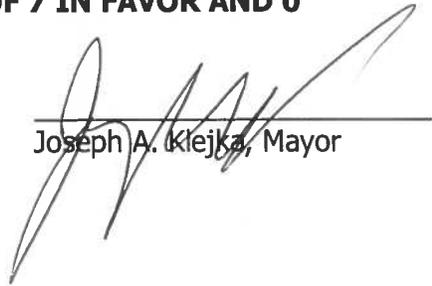
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**ENACTED THIS 25 DAY OF MARCH 2014, BY A VOTE OF 7 IN FAVOR AND 0
OPPOSED.**

ATTEST:



Lori Strickler, City Clerk



Joseph A. Klejka, Mayor