

# Title 13

## Utilities

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### Chapter 13.04

#### Sewer Connections

### Sections:

- 13.04.010 Required--Penalty.
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- 13.04.030 Septic tanks allowed when.
- 13.04.040 Definitions
- 13.04.050 Property Affected
- 13.04.060 Responsibility
- 13.04.070 Penalty for Violation

**13.04.010 Required--Penalty.** A. It shall be the duty of every owner of real property in the City to connect such property with the nearest public sewer in the City, providing that the public sewer is within two hundred feet of the property.

B. The City Manager shall notify the property owner on the location of the nearest public sewer and the approximate point of connection. If such owner fails or neglects to connect his property with such sewer within thirty days after the giving

of such notice, such owner shall be deemed guilty of an infraction and shall be subject to the general penalty designated in Section 1.08.010 of this code. (Ord. 89-12, Ord. 74-23 Sec. 1(part), 1974)

**13.04.020 City action to connect premises.** Upon the failure of the owner to connect his property with the nearest public sewer during the thirty day interval, the City shall make proper sewer connections from the property to the nearest sewer under the direction of the City Manager, and the cost thereof shall be taxed against the property, and such cost shall bear interest at eight percent per year, and the cost and interest shall be a lien against the property benefited thereby, which lien shall be foreclosed and the property sold as provided by law. (Ord. 74-23 Sec. 1(part), 1974)

**13.04.030 Septic tanks allowed when.** The City Council reserves the right to waive the above provisions and to permit temporary installation and use of septic tank provided:

A. The lot and planned installation is subject to Kenai Peninsula Borough regulations;

B. The installation meets the standards and specifications of the 1973 edition of the Uniform Plumbing Code;

C. Permit for use of septic tank shall be valid until such time as sewer lines are installed within a reasonable distance of the lot. Reasonable distance shall be determined by the City Council and its decision shall be final. Within thirty days after notice from the City Manager of the availability of a sewer line, property owner shall no longer be permitted to use a septic tank;

D. No building shall be occupied unless it is connected with a sewer or approved septic tank installation. (Ord. 74-23 Sec. 1(part), 1974)

**13.04.040 Definitions.** "Maintenance" means any repairs or upkeep of the Spruce Street Force Main Sewer extensions. (Ord. 97-03)

**13.04.050 Property Affected.** Lots 1 (one), 2 (two), 3 (three), 4 (four) and 5 (five) of Fleming Giles Estates Subdivision. (Ord. 97-03)

**13.04.060 Responsibility.** It shall be the sole responsibility of the property owners of each of the above individual lots for the maintenance and operation of each of the individual force sewer mains to be extended in Spruce Street to each of the above individual referenced lots. Each of the property owners of each individual lot shall also have sole responsibility for the maintenance and proper operation of the pump system to be installed at each home. (Ord. 97-03)

**13.04.070 Penalty for Violation.** The City may levy a monetary penalty should the property owner fail in his responsibility for maintenance and operation of the force mains and force mains system on their individual lot. Should the violation continue, the City, at its discretion, may repair the force mains and levy against either the property or property owner or both. (Ord. 97-03)

## Chapter 13.08 Side Sewers

### Sections:

- 13.08.010 Definitions.
- 13.08.020 Construction permit--Required.
- 13.08.030 Construction permit--Obtaining.
- 13.08.040 Permit issuance.
- 13.08.050 Permit fee--Term.
- 13.08.060 Work inspection.
- 13.08.070 Work testing--Expense responsibility.
- 13.08.080 Construction materials.
- 13.08.090 Cast iron pipe use.
- 13.08.100 Connections by City.
- 13.08.110 Pipe laying.
- 13.08.120 Backup danger precautions.
- 13.08.130 Unlawful discharges.

**13.08.010 Definitions.** A. "Public sewer" means a sewer or appurtenant facility other than a side sewer, either owned or operated by or within the jurisdiction of the City.

C. "Sewage" means water-carrying waste discharged from the sanitary facilities of buildings occupied or used by people.

D. "Side sewer" whenever used in this title, means any sewer line used or installed by any persons to conduct waste from any property to a public sanitary sewer. (Ord. 74-23 Sec. 1(part), 1974)

**13.08.020 Construction permit--Required.** It is unlawful for any person to make an opening in any public sewer or to connect any private sewer or side sewer therewith, or to lay, repair, alter or construct any sewer to be connected to a public sewer unless such person has first obtained a side sewer permit from the City Manager. Violation of this section is punishable by a fine established in section 1.08.040 of this code. (Ord. 74-23 Sec. 1 (part), 1974; Ord. 16-06)

**13.08.030 Construction permit--Obtaining.** It is unlawful for any person to discharge or cause to be discharged into any public sewer or into any side sewer discharging into any public sewer storm water, rain water, roof run-off, cooling water, subsurface waters, or unpolluted industrial process waters. Violation of this section is punishable by a fine established in section 1.08.040 of this code. (Ord. 74-31 Sec. 1 (part), 1974; Ord. 16-06)

**13.08.040 Permit issuance.** Upon approval of the plans and specifications, and upon payment of all required fees and charges, the City Manager shall issue a permit to perform the work. (Ord. 74-23 Sec. 1(part), 1974)

**13.08.050 Permit fee--Term.** The fee for a permit issued as herein provided shall be established by the City Council and the permit fee shall include the cost of the required inspection and connection to the public sewer. Work shall be completed under the terms of the permit within a period of ninety calendar days. In the event that work is not completed within ninety days, a new permit must be obtained and an additional fee paid. (Ord. 74-31 Sec. 1(part), 1974)

**13.08.060 Work inspection.** It is unlawful for any person to cover or backfill any side sewer, private sewer or lateral without having called for and received an inspection and approval by the City Manager. The City Manager or his authorized inspectors shall be given twenty-four hours' notice when construction is ready for inspection. The City Manager shall inspect and make such tests deemed necessary to insure that the new work meets all requirements of the plans, specifications and permit and is in strict accordance with all applicable provisions of this title in respect to materials and workmanship. (Ord. 74-31 Sec. 1(part), 1974)

**13.08.070 Work testing--Expense responsibility.** The City Manager may require side sewers to be tested by means of water or air. Such tests, where required, shall be at the expense of the person installing the side sewer. All side sewers installed shall conform to the following minimum requirements:

- a. Minimum Size. Four inches to property line. Four inches from property line to building;
- b. Minimum Grade. Two percent;
- c. Minimum cover at edge of surfaced area of road, street, avenue, alley or other public way shall be three feet;
- d. Minimum cover at property line shall be three feet. (Ord. 74-31 Sec. 1(part), 1974)

**13.08.080 Construction materials.** Side sewers shall be constructed of any of the following materials, or other equivalent materials when approved by the City Manager:

- A. Transite pipe;
- B. Cast iron pipe;
- C. Rusebury (plastic), plastic pipe may only be used on private property.

(Ord. 74-31 Sec. 1(part), 1974)

**13.08.090 Cast iron pipe use.** Cast iron pipe shall be used where a side sewer is constructed within ten feet of a potable water pipe. Special pipe bedding consisting of gravel or concrete may be required, where, in the judgment of the City Manager, unsuitable ground conditions exist. (Ord. 74-31 Sec. 1(part), 1974)

**13.08.100 Connections by City.** The connection of the side sewer into the public sewer shall be made into a sewer saddle at an angle of not less than forty-five degrees. All connections to the public sewer shall be made only by the City. (Ord. 74-31 Sec. 1(part), 1974)

**13.08.110 Pipe laying.** All side sewer pipes shall be laid in a straight line between bends. All changes in grade or line shall be made with a one-eighth bend or wye ninety degree change with wye and one-eighth bend. There shall be not less than one cleanout provided for each side sewer and/or each total change of ninety degrees. (Ord. 74-31 Sec. 1(part), 1974)

**13.08.120 Backup danger precautions.** Whenever a situation exists involving an unusual danger of backups from the public sewer, the City Manager may prescribe a minimum elevation at which the side sewer may be discharged to the public sewer. (Ord. 74-31 Sec. 1(part), 1974)

**13.08.130 Unlawful discharges.** It is unlawful for any person to discharge or cause to be discharged into any public sewer or into any side sewer discharging into any public sewer storm water, rain water, roof run-off, cooling water, subsurface waters, or unpolluted industrial process waters. (Ord. 74-31 Sec. 1(part), 1974)

## Chapter 13.16 Sewer Utilities--Application and Conditions of Service

### Sections:

13.16.010 Application for service.

13.16.020 Policies and conditions of service.

**13.16.010 Application for service.** Initial applications for service shall be made at the city offices; provided, that all requirements of Sections 13.08.010, 13.08.030, 13.08.040, 13.08.050, 13.08.060, 13.08.070, 13.08.080, 13.08.090, 13.08.110 and all other pertinent sections of Title 13 of the City Code have been complied with. The applicant requesting such services agrees to conform to the

rules and regulations contained in the City's rules and regulations for water and sewer ordinances. (Ord. 80-8 (part), 1980)

**13.16.020 Policies and conditions of service.** A. No person shall install a sewer extension (side sewer) without providing a cleanout, outside the building to be served and if the sewer extension consists of a pipe longer than eighty feet between the sewer main and the buildings to be served, there shall be installed a cleanout at intervals not exceeding eighty feet. If the pipe connecting the sewer main to the building to be served changes direction in any manner exceeding forty five degrees in one bend or two or more bends, place at an interval of not greater than ten feet, additional cleanouts for each such change of direction shall be installed.

B. No person shall install a sewer extension without a check valve if the lowest outlet in the building to be serviced is below the elevation of the top of the manhole nearest the service connection.

C. Frozen Connections--Responsibility. Customers will be responsible for all frozen sewer connections and extensions and the City will not be responsible therefore.

D. Discontinuance of Service--Notice--Liability. The City may at any time without notice discontinue sewer services for repairs and the like without liability for resultant loss or damage. Public notice of service interruptions will be given whenever possible, but the City shall not be bound to do so. (Ord. 80-8 (part), 1980)

## Chapter 13.20 Sewer Utilities--Customer Service Complaints

### Sections:

13.20.010 Customer complaints.

**13.20.010 Customer complaints.** A. In the event a customer desires to file a complaint regarding any bill or service, the complaint will be filed in writing outlining the details of the dispute. The City Manager will make such investigations as required by the particular case and report the results thereof in writing to the customer.

B. In the event the complaint is not satisfied by the city office, the complaint can be presented to the City Council by filing a formal appearance request. The appearance request shall be filed in the city office by four p.m. Wednesday, in order

to appear before the Council the following Wednesday. The decision by the Council in all matters arising under this title shall be final. (Ord. 80-8 (part), 1980)

## Chapter 13.24 Sewer Utilities Reimbursement Policies

### Sections:

13.24.010 For sewage blockages.

**13.24.010 For sewage blockages.** A. If it is determined that a backup problem stems from a broken connection within the City's sewer easement or a main line plug and the property owner notifies the city office prior to incurring costs for rodding and/or thawing, the customer is eligible for a reimbursement of these costs.

B. The City will reimburse the customer for: 1). a power rodder when operated by a licensed, bonded rodding service and, 2). steam thawing when performed by a licensed bonded rodding service or contractor if:

1. It is determined that the total cost has been paid to the vendor; and
2. An original copy of the vendor's invoice, marked paid, is submitted to the City within sixty days of the date the work was performed; and, when one or both of the following conditions are met:
  - a. It is determined that the backup and/or freezing was caused by a main line plug,
  - b. If, after excavation, it is determined that a line failure either in the sewer connection or main line created the backup. (Ord. 80-8 (part), 1980)

## Chapter 13. 28 Sewer Utilities--Assessment Policies

### Sections:

13.28.010 Computing assessable costs--For setting assessment district in east addition.

13.28.020 Reimbursement agreements.

**13.28.010 Computing assessable costs--For setting assessment district in east addition.** A. Project costs for assessment purposes shall be the lesser amount of:

1. Construction cost plus twenty percent for non-construction costs including but not limited to engineering and design, surveys, soil investigations, inspection and construction supervision, and interest costs; plus right-of-way lost acquisition costs;

2. The last approved estimate plus ten percent; or

3. The total cost of the improvement less any applicable grants received by the City to be applied against the cost of the district being assessed.

B. Construction costs for the purpose of this section shall be defined as those costs accumulated by the city personnel actually performing the work in the improvement district, and by their on-site supervisors along with the equipment and supplies use to complete the work.

C. Last Approved Estimate. For the purpose of this section, last approved estimate shall mean the amount contained in that particular estimate made by the City for the project. If there has been more than one estimate transmitted to the property owners, the amount transmitted last in period of time shall be deemed to be the last approved estimate. (Ord. 80-8 (part), 1980)

**13.28.020 Reimbursement agreements.** A. When a property owner desires sanitary sewer service and the City has an existing sewer nearby, the property owner will be allowed to extend the sewer provided the extension is built to City specifications. The entire cost of the extension is at the expense of the property owner and he will agree to pay such costs in lieu of assessment for use of sewers. Upon completion, the City agrees to assure full responsibility and control of said sewer.

B. Should construction of the extension also make sewer service available to other property that has not been previously assessed and that is not otherwise served, the City will reimburse the person who extended the sewer for assessments or charges in lieu of assessments levied for service to such other property. Reimbursement shall be in the amount of such assessment or charges in lieu of assessment provided that reimbursement shall not exceed the proportion of the total cost of the extension which the other property served bears to the total assessable area, including the property of the person who extends the sewer, served by the extension.

C. Reimbursement from assessments or charges to other property as described above shall not become due until such time as each assessment is levied,



or the charges have become due and a lien to secure payment of such assessment or charges has been filed for record in the office of the district recorder.

D. The City Council reserves the right at any time to alter, amend, change or add to these rules, regulations and conditions of service or to substitute other rules and regulations, and to change rates subject to statutory requirements as to public hearing and notice. (Ord. 80-8 (part), 1980)

## Chapter 13.32 Sewer Utilities--General Provisions

### Sections:

13.32.010 Definitions.

**13.32.010 Definitions.** A. "Industrial waste" means waste other than domestic waste.

B. "Domestic sewage" means containing human or animal excreta, other than industrial waste.

C. "Sewage" or "sewerage system" means all facilities for collecting, pumping, treating and disposing of sewage.

D. "Sewer" means a pipe or conduit for carrying sewage.

E. "Storm sewer" or "storm drain" means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial polluted waste.

F. "Utility" refers to the City of Seldovia sewer system.

G. "Sanitary sewer" means a sewer which carries sewage and to which storm, surface, and ground waters are excluded.

H. "Service connection" means the pipe and appurtenances required to connect an individual property or facility to the sanitary lateral sewer. The system shall start at the lateral sewer and terminate at the property line or easement limit and shall not include the necessary further extension of this system onto private property.

I. "Cleanout" means a pipe inserted into the sewer extension through which a cleaning device can be inserted into the sewer extension.

J. A "customer" or "consumer" is an individual, firm, corporation, partnership, institution or association, receiving sewer service from the utility.

K. May. The word "may" is considered as permissive.

L. "Sewer service charges" means those one time or periodic charges which may be levied upon a user of the sewer system by the owner or operator of the system.

M. "Will" or "shall," when used in Chapters 13.12 through 13.28, are considered mandatory. (Ord. 80-8 (part), 1980)

## Chapter 13.36 Seldovia Water Utility--Scope of Rules and Regulations

### **Sections:**

13.36.010 Intent.

13.36.020 Adoption.

13.36.030 Applicability.

13.36.040 Compliance with applicable law.

13.36.050 Waiver or modification of regulations.

**13.36.010 Intent.** It is the intent of this chapter to establish rules and regulations for the operation of the Seldovia water utility and to provide a means for obtaining funds for the operation, repair, maintenance, replacement and indebtedness payments from revenues produced by the system, and to provide a schedule of water utility rates. (Ord. 80-9 (part), 1980)

**13.36.020 Adoption.** These rules and regulations were adopted by the City, hereinafter referred to as "SWU" (Seldovia, water utility) by the ordinance codified in this chapter, enacted by the City Council, to be effective on the 1st day of May, 1980. Copies of these rules and regulations, together with schedules of rates, charges and pertinent information are available at SWU offices, City Hall, Seldovia, Alaska. (Ord. 80-9 (part), 1980)

**13.36.030 Applicability.** These rules and regulations apply to all services rendered and facilities constructed or installed by SWU unless specifically provided otherwise in a special contract approved by the City Council. (Ord. 80-9 (part), 1980)

**13.36.040 Compliance with applicable law.** The SWU water production, treatment, and distribution system will be operated in accordance with applicable federal, state, borough, and city laws. (Ord. 80-9 (part), 1980)

**13.36.050 Waiver or modification of regulations.** These rules and regulations may not be waived by an officer, agent or employee of SWU. They may not be modified, amended or changed in any way without approval of the City Council. (Ord. 80-9 (part), 1980)

## Chapter 13.40 Seldovia Water Utility--Nature and Types of Service

### Sections:

- 13.40.010 Water Service.
- 13.40.020 Exclusive nature of service.

**13.40.010 Water service.** SWU provides water on a permanent basis for domestic, commercial and fire protection uses. The water provided contains an adequate residual of chlorine to meet the minimum health requirements established by the state of Alaska. (Ord. 80-9 (part), 1980)

**13.40.020 Exclusive nature of service.** Water connections to city water mains shall be installed only by the City, or the City's authorized contractor or agent, and then only upon payment of fees as prescribed by the City, and as set forth in the schedule of fees and charges. (Ord. 80-9 (part), 1980)

## Chapter 13.44 Seldovia Water Utility--Extension of Service

### Sections:

- 13.44.010 Main extensions within the city limits.
- 13.44.020 Benefited area.
- 13.44.030 Amortization of costs.
- 13.44.040 Main extension by total contribution.
- 13.44.050 Future assessment or contribution.

**13.44.010 Main extensions within the city limits.** A. Water mains will be constructed and extended within the City by the creation of a special improvement

district pursuant to AS 29.63.010 through 29.65.085 or by total contribution, of payment in lieu of assessment

B. Creation of Assessment Districts. Action to create a special assessment district may be initiated by the City Council or by a petition signed by the owners of one half in value of the property to be benefited by the water main extension. A special assessment district will be created if the Council finds, after hearing, that the main extension is necessary and of benefit to the properties to be assessed, and, if initiated by petition, that the petition was signed by an adequate number of qualified persons.

C. Amount of Assessment. Each parcel within an assessment district will be assessed its pro rata share of one hundred percent of the cost of the system actually installed. The pro rata share shall be based on the benefited area of the property, and all assessable costs shall be divided on a square foot basis among all properties specially benefited by the main extension.

D. Payment of Assessments. Special assessments shall be paid in five equal payments unless the City Council, at the time of levy, establishes payments at other intervals during the five-year period following assessment. Dates when assessment payments become due and delinquent will be established by the resolution of the Council confirming the assessment role. Within thirty days after the date of that resolution, each customer will be notified in writing of the amount of the assessment, the schedule of payment and delinquencies and the amount of penalty and interest. Deferred or installment payments will bear interest on the unpaid balance from the due date of the first payment until paid in full at the net effective interest rate of the bonds sold to finance the water improvements. The customer will be notified not less than thirty nor more than sixty days prior to the due date of the first payment. A penalty, amount to be established by resolution of the Council at time of confirming the assessment role, will be added to all assessments or installments not paid when due and the payment due, including penalty shall bear interest from the due date. If payment is not made when due, SWU may demand payment of the entire remaining balance, including applicable interest and penalties. (Ord. 80-9 (part), 1980)

**13.44.020 Benefited area.** A. The benefited area to be utilized by SWU when applying the feasibility criteria of this section consists of all of the property abutting the proposed main from the end of the existing system through the area or areas desiring service. The benefited area shall include the property abutting on both sides of the main or right-of-way in which the main is constructed, to a depth of one hundred fifty feet from the abutting property line. However, if SWU is prohibited by a governmental agency from constructing water connections under any portion of a road right-of-way, only those properties that can actually be served by the main without crossing the road right-of-way will be included in the benefited area. Areas for which a contribution to SWU in the form of an assessment or payment in lieu of assessment was made or for which a binding assessment or

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agreement to make a payment in lieu of assessment to SWU is outstanding, will not be included in the benefited area unless a new or improved service will be available as a result of the extension, or the extension is for the purpose of replacing obsolete facilities.

B. The benefited area shall contain all area that would logically be included in the project to complete service loops, intrasystem ties or otherwise provide for an integrated system. (Ord. 80-9 (part), 1980)

**13.44.030 Amortization of costs.** A main extension will not be constructed by SWU unless the gross projected revenues reasonably expected from the benefited area during the ten year period following construction will be adequate to amortize the costs to be incurred to serve the benefited area. When calculating the amortization period, undeveloped tracts of land within the benefited area that can be subdivided will be considered as providing revenue equivalent to a single family dwelling unless the tract owner agrees to subdivide and accept service to the subdivided lots within two years after completion of the project. (Ord. 80-9 (part), 1980)

**13.44.040 Main extension by total contribution.** Property owners desiring service who cannot obtain the required signatures for the creation of an assessment district or to satisfy feasibility requirements may have water service extended to their property by executing a reimbursement agreement with SWU. The agreement will provide for payment in lieu of assessment by the person or persons desiring the extension equivalent to that which would have been levied against 100% of the benefited area. Costs in excess of the standard assessment or payment in lieu of assessment incurred by person making total contribution will be reimbursed with interest at the bond rate as other property owners connect to the extension and pay or commit themselves to pay their pro rata portion of the costs. In addition, persons desiring extension by full contribution shall agree to accept water service to their property within two years after completion of the project or to pay liquidated damages as provided in Section 13.18.020(B) of these rules and regulations. (Ord. 80-9 (part), 1980)

**13.44.050 Future assessment or contribution.** Assessment or commitments for payments in lieu of assessment will be required for all main extensions installed to serve properties not wholly included within the area benefited by a previous main extension, and the provisions of this rule may not be construed as permitting additional main extensions without assessments or contributions. (Ord. 80-9 (part), 1980)

## Chapter 13.48 Seldovia Water Utility—Liability

### Sections:

- 13.48.010 Irregularity or failure of service.
- 13.48.020 Interruptions for repairs or modifications.
- 13.48.030 Customer facilities.

**13.48.010 Irregularity or failure of service.** SWU will exercise reasonable diligence to furnish and deliver a regular and continuous supply of water to the customer under constant pressure, but will not be liable for damages caused by interruptions, shortages, irregularities or failures due to accidents, interference by third parties or conditions beyond the control of SWU. (Ord. 80-9 (part), 1980)

**13.48.020 Interruptions for repairs or modifications.** SWU reserves the right to temporarily suspend the delivery of water service when necessary for the purpose of making a repair, modification or improvement to the system. If not precluded by emergency conditions, SWU will make a reasonable effort to give notice to the customer, either through the use of public media or individual communications. Repairs or improvements will be completed expeditiously and, so far as it is feasible, the work will be performed at time that will cause the least inconvenience to the customer. (Ord. 80-9 (part), 1980)

**13.48.030 Customer facilities.** The customer's plumbing facilities shall conform to and be installed in compliance with state statutes and regulations, borough and city ordinances and these rules and regulations. SWU does not expressly or impliedly warrant the adequacy, safety or other characteristics of a structure, its plumbing or equipment by virtue of any inspection or nonrejection of the plumbing or facilities. If inconsistencies exist between standards established by any of the above referenced statutes, regulations or ordinances, the most stringent standards shall be applied. (Ord. 80-9 (part), 1980)

## Chapter 13.52 Seldovia Water Utility--General Service Conditions

### Sections:

- 13.52.020 Contribution for main construction required.
- 13.52.040 Easements or rights-of-way required.
- 13.52.050 Maintenance responsibility.
- 13.52.060 Access to premises and facilities.
- 13.52.070 Permits.

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- 13.52.080 Resale or redistribution of water.
- 13.52.090 Required facilities and inspection.
- 13.52.100 Waste of water.

**13.52.020 Contribution for main construction required.** SWU will furnish water to a property only if that property has been assessed for main construction or has paid or executed a secured agreement to make a payment in lieu of assessment for main construction, as provided in Sections 13.44.010 through 13.44.060 of these rules and regulations. The payment in lieu of assessment shall be the *pro rata* share, computed on a square foot basis, of one hundred percent of the cost of the system actually installed. If the system installed is larger than eight inches, the payment in lieu of assessment shall be the *pro rata* share of one hundred percent of the cost of an eighth-inch equivalent system. The required payments shall include interest from the date of the completion of the project at the net effective interest rate of the bond sold to finance the water improvements. (Ord. 80-9 (part), 1980)

**13.52.040 Easements or rights-of-way required.** SWU will construct, own, operate, and maintain water facilities only in the rights-of-way of public streets, roads, or highways which it has a legal right to occupy or on public or private property across which easements or rights-of-way satisfactory to SWU may be obtained by grant, purchase or condemnation under terms that SWU determines to be economically feasible. As a condition of service, SWU may require the execution of an easement or easements providing suitable right-of-way for the construction and maintenance of the water mains, connections and associated distribution and fire protection facilities determined by SWU to be necessary to serve the customer's premises. (Ord. 80-9 (part), 1980)

**13.52.050 Maintenance responsibility.** SWU will maintain and repair all main and all service connections that have been accepted for maintenance and operation by SWU. SWU will not be responsible for damages produced or costs incurred prior to acceptance of the system for operation. The customer is responsible for maintaining and repairing the water extension. SWU will be responsible for thawing frozen mains and the customer shall be responsible for thawing frozen water connections and water extensions from the main to the premises unless the freezing of the extension or connection was caused by an act of SWU not in conformance with these rules and regulations. (Ord. 80-9 (part), 1980)

**13.52.060 Access to premises and facilities.** A. A properly identified employee of SWU shall have access to the premises of a customer at all reasonable times for the purpose of turning the water service on or off, reading meters, testing or inspecting the customer's facilities or equipment, or installing or repairing, removing or exchanging facilities or equipment belonging to SWU.

B. If reasonable access to the premises is not available as required by this rule, at a time when SWU desires to conduct an inspection or perform an

authorized activity on the customer's premises, the customer will be notified by door hanger or other written notice of the unauthorized obstruction to access. The customer will be charged a fee as set forth in the schedule of fees and charges for return visits necessitated by the lack of access. If access is not available after the expiration of twenty-four hours from posting or delivery of other written notice, SWU may discontinue water service until assurances of future access, satisfactory to SWU, have been provided.

C. SWU desires to accommodate the occupants of residential premises who are unavailable to permit access to the dwelling because of employment or other circumstances. Pursuant to that objective, SWU employees will attempt to telephone customers when access is denied or communicate with neighbors or others who may be informed. Customers are requested to notify SWU if access may be impaired due to vacation or other absences.

D. The customer shall keep the key box lid and thaw wire exposed and their location marked, if necessary, and shall maintain access to the key box at all times. If access to the key box is obstructed, the customer will be responsible to reimburse SWU for all costs necessarily incurred by it to obtain access to commence or terminate service. (Ord. 80-9 (part), 1980)

**13.52.070 Permits.** The customer shall obtain for SWU all special permits and licenses not normally held or acquired by water utilities, that are necessary to install and maintain its service facilities and carry out its contract or service obligations with the customer. (Ord. 80-9 (part), 1980)

**13.52.080 Resale or redistribution of water.** Water of SWU is provided only for the benefit of the premises actually connected and billed. A customer may not sell any of the water furnished by SWU unless the customer has executed a contract with SWU for wholesale supply of water or is accepting the service under a schedule that specifically authorizes the resale of the water. A customer may not furnished or provide water with or without charge to another premise located in an area where a service connection or turn-on could be applied for, nor to the occupants of such premises. (Ord. 80-9 (part), 1980)

**13.52.090 Required facilities and inspection.** Water service will not be provided to any premises that is not equipped with an inside shutoff valve, nor will service be provided to any property unless SWU has performed an inspection of the on-property line, as constructed, to ascertain the type of pipe and fittings utilized in the line, the relation of the service line to the sewer line, and other aspects necessary to insure delivery of the proper volume of uncontaminated water under sufficient pressure. (Ord. 80-9 (part), 1980)

**13.52.100 Waste of water.** Customer facilities and equipment shall be maintained and utilized in a manner that will avoid unnecessary waste of water. If substantial quantities of water are being wasted due to disrepair or customer

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facilities, SWU may, thirty days after written notice to the customer concerning the required repair, discontinue water service to the premises. (Ord. 80-9 (part), 1980)

## Chapter 13.56 Seldovia Water Utility--Service Connections and Extensions

### Sections:

- 13.56.010 Required water connections.
- 13.56.020 Connection permits.
- 13.56.030 Compliance with specifications.
- 13.56.040 Governmental permits.
- 13.56.050 Permits for roadway crossings.
- 13.56.060 Extended water connections.

**13.56.010 Required water connections.** No service connection and extension shall be constructed and installed from the water main to each building served on the abutting property unless the property owner has accepted responsibility for payment of billings for water service. (Ord. 80-9 (part), 1980)

**13.56.020 Connection permits.** The developer or property owner or authorized agent shall acquire a permit from the city office for each water connection and for each water extension prior to its construction. The developer or owner must complete the permit application, designate on the permit application the size of the connection to be constructed if it is to be larger than the standard three-fourths-inch connection and pay a fee or deposit as set forth in the schedule of fees and charges. No water connection will be made or permitted without the required permit. (Ord. 80-9 (part), 1980)

**13.56.030 Compliance with specifications.** Water connections and water extensions shall be constructed and installed in compliance with the standard construction specification of the City. New water connections and extensions as well as repair to existing extensions, must be inspected by SWU personnel before the water is turned on. An inspection fee, in an amount set forth in the schedule of fees and charges, shall be paid at the time of the application for a permit to construct the water connection or extension or repair the water extension. (Ord. 80-9 (part), 1980)

**13.56.040 Governmental permits.** The developer, owner or contractor shall acquire all permits and pay all fees established by any governmental unit as a condition for the installation or construction of a water service connection or extension. If the governmental unit requires SWU to obtain the permit and accept responsibility the developer, owner or contractor shall reimburse SWU for all costs

incurred to obtain the permit and provide a two-year guarantee secured by a bond to SWU sufficient to cover possible damages or liabilities. (Ord. 80-9 (part),1980)

**13.56.050 Permits for roadway crossings.** The applicant for a permit to install a water connection under a road right-of-way shall guarantee the water connection project for two years and post a bond with SWU in an amount determined by the City Manager to be adequate to cover the cost of repairing any damage to the roadway caused by the installation of the water connection. The principal sum of the bond may not be less than five thousand dollars. A bond may not be accepted by SWU unless the form of the bond has been approved by the city attorney. (Ord. 80-9 (part), 1980)

**13.56.060 Extended water connections.** A. SWU will provide residential water service to a property located within two hundred feet of a main through an extended water connection under the conditions set forth in this section. Service will be provided by a one-inch water connection constructed in the right-of-way or in an easement provided by the customer. Only one customer may be served from the extended connection. The keybox for the connection shall be installed at the first property line adjacent to the main on the customer's side of the right-of-way and the customer shall be responsible for repair and maintenance of the water connection and extension from that point.

B. A person desiring to receive service through an extended connection shall make application to SWU for service and agree to participate in the sharing of costs associated with future main extensions to serve the property through an assessment or payment in lieu of assessment. Payment of the costs of an extended connection is in addition to and not in lieu of any other assessment or payment in lieu of assessment associated with an extension of a main to serve the property. (Ord. 80-9 (part), 1980)

## Chapter 13.64 Seldovia Water Utility--General Provisions

### Sections:

- 13.64.010 Customer complaints.
- 13.64.020 Discontinuance of service.
- 13.64.030 Main shutoffs.
- 13.64.040 Relocation of fire hydrants.
- 13.64.050 Cross-connections.
- 13.64.060 Service turn-ons and turnoffs.
- 13.64.070 Location of keyboxes.
- 13.64.080 Definitions.

13.64.090 Water connection.

**13.64.010 Customer complaints.** A. A customer desiring affirmative action by SWU may file a complaint with SWU concerning the adequacy of the water service provided or the failure of SWU to comply with the rules and regulations or rate schedules established by this title. A complaint may be filed only by a customer who is directly affected by the action or inaction that is the subject of the complaints, or by his authorized representative.

B. A service complaint may be oral or in writing and directed to the attention of the City Manager. If the City Manager requests, the complaint shall be reduced to writing and signed by the customer or his authorized representative. It shall set forth the name, address and telephone number of the complaining party; the nature of the complaint; supporting facts, including pertinent dates, and the remedy requested. City Manager will investigate the complaint and respond to the customer in writing within ten days. Complaints that are not resolved by the City Manager to the satisfaction of the customer may be presented to the City Council. (Ord. 80-9 (part), 1980)

**13.64.020 Discontinuance of service.** SWU may discontinue water service and remove its equipment or facilities from the premises if the customer fails or refuses to comply with any provisions of these rules and regulations or a provision of a current contract. Except as otherwise provided in these rules and regulations, SWU will give notice of discontinuance of service and the reason for the discontinuance by mail and door hanger. Notice will be mailed not less than ten days prior to shutoff and a door hanger will be placed not less than twenty-four hours prior to termination of service. (Ord. 80-9 (part), 1980)

**13.64.030 Main shutoffs.** A. If a customer intentionally prevents SWU from discontinuing service by interfering with access to the keybox or by turning the water on after SWU has discontinued service, SWU may, after ten days written notice to the customer, excavate and turn off the water supply by closing the corporation valve on the main. If, during the ten-day period following notice, the customer provides adequate assurances to SWU that access will be available and that the facilities or access to them will not be tampered with again, SWU will not utilize the main shutoff.

B. If SWU closes the corporation valve as provided in this section, the valve will not be reopened until the customer pays for all outstanding billings as well as the costs incurred by SWU to close the corporation valve and reopen it. (Ord. 80-9 (part), 1980)

**13.64.040 Relocation of fire hydrants.** If a property owner requests SWU to relocate a fire hydrant, he shall reimburse SWU for the actual cost of the relocation. (Ord. 80-9 (part), 1980)

**13.64.050 Cross-connections.** A cross-connection may not be constructed between any portion of the SWU water facilities or any portion of the customer water facilities and any possible source of contaminated water. This prohibition shall apply, but not be limited to, fire sprinkler systems. (Ord. 80-9 (part), 1980)

**13.64.060 Service turn-ons and turnoffs.** SWU will not discontinue service for a billing delinquency during the period between noon on Friday and eight a.m. on Monday. Service will be turned on or off at the request of a customer only if the customer is physically present at the premises to observe or respond to inquiry. Unless otherwise specifically provided by this ordinance, water may be turned on or off only by authorized personnel of SWU. Each customer is entitled to one turn-on and one turnoff without charge, at each location where service is provided. A charge will be levied by SWU as specified in the schedule of fees and charges for all other turn-ons and turnoffs, as well as turnoffs requested by a customer to be performed during hours other than the normal business hours of SWU. (Ord. 80-9 (part), 1980)

**13.64.070 Location of keyboxes.** A. SWU will locate, without charge to the customer the keybox and thaw wire related to service for the premises. This service will be provided once for each customer at each location of service, without charge. A charge will be levied for subsequent locate services as provided in the schedule of fees and charges.

B. SWU will locate its facilities without charge to the customer when requested for the purpose of excavation or construction on the property that might otherwise damage the water service facilities. If the water locate service is requested to be performed at a time other than normal working hours, a charge will be levied in compliance with the schedule of fees and charges. (Ord. 80-9 (part), 1980)

**13.64.080 Definitions.** The definitions in this section are applicable to the terms as used anywhere in Chapters 13.32. through 13.60 unless the context in which the term is used clearly indicates that another or different definition should be applied as used in Chapter 13.32 through 13.60:

A. "Accessible" means capable of being reached quickly for operation, removal or inspection without requiring those desiring access to climb ladders, to climb over or remove obstacles or to unlock doors.

B. "City" means the City of Seldovia, Alaska.

C. "Commercial or industrial service" means the type of service rendered to a premises utility primarily or substantially for business purposes or other than as living accommodation for occupants.

D. "Completion of construction" means the date upon which the City Manager based on inspection reports, that the extension is complete and fully operable and he accepts the extension for operation and maintenance.

E. "Cost of construction" means the total cost of constructing the facility involved, including the costs for property acquisition, design and engineering, legal fees, permit fees, administrative overhead and the total cost of the final construction work.

F. "Dwelling unit" means one or more rooms and kitchen facilities in a building or portion of a building designed as a unit for occupancy by not more than one family for living and sleeping purposes.

G. "Eight-inch equivalent water system" means a system equal to an eight-inch water system including all mains, valves, tees, crosses, fire hydrants and other fittings or connections that would normally be included as part of the water system installed.

H. "Home occupation" means an occupation conducted in a residential dwelling by the residents of the unit that is secondary to the use of the dwelling for living purposes and does not involve more than one paid assistant who does not reside on the premises.

I. "Locate" means to discover and mark the horizontal course of a water facility on the overlying surface.

J. "Manager" means the City Manager or his designee.

K. "Comprehensive plan" means that plan prepared by the engineering firm of Pacific Rim Planners and adopted by the City and borough in 1980.

L. "Normal business hours" means the hours between eight a.m. and five p.m. on Monday through Friday, excluding recognized City of Seldovia holidays.

M. "Residential service" means the type of service made available to single-family or multiple-family dwelling units, such as duplexes or triplexes, not available for transient occupancy.

N. "Townhouse" means two or more dwelling units owned by separate individuals but connected by one or more common walls.

O. "Type of service" means either residential service or commercial or industrial service, as those terms are defined in this section.

P. "Water connection" means that part of the water distribution systems connecting the water main with the lot line of the property abutting the water main.

Q. "Water extension" means that part of the water distribution system extending from the water connection into the premises served.

R. "Water main" means that part of the water distribution system intended to serve more than one water connection.

S. "SWU" means Seldovia water utility, which shall be comprised of the City Council and Mayor, with the Mayor voting only in case of a tie. (Ord. 80-9 (part), 1980)

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**13.64.090 Water connection.** Water connection to city water mains shall be installed only by the City or by the City's authorized contractor or agent. No person shall install a water extension without first obtaining a written permit from the City. The fee for such permit shall be as prescribed by the City. (Ord. 80-9 (part), 1980)

## Chapter 13.72

### Seldovia Water and Sewer Utility--Rates, Payment and Collection

#### Sections:

13.72.010 Water and sewer service--monthly rates.

13.72.020 Water and sewer rates--revisions.

13.72.030 Connect/disconnect service charge.

13.72.040 Billing and collection.

13.72.050 Non-payment--service disconnected.

13.72.060 Service responsibility.

13.72.070 Terms of service.

13.72.080 Billing for unauthorized service.

13.72.090 Unpaid bills--lien on property.

**13.72.010 Water and sewer service--monthly rates.** Water supplied to any connected service by the Seldovia water utility and sewer rental for any currently connected water service will be charged on a flat monthly rate in accordance with the schedules approved by the City Council. (Ord. 87-17 Sec. 3, 1987)

**13.72.020 Water and sewer rates--revisions.** The rates charged for water and sewer utilities may be changed from time to time by the Seldovia City Council. Any time a rate is changed, the new rates become effective only after 30 days' notice to customers and publication. Publication may be accomplished by posting in at least three public places. (Ord. 87-17 Sec. 3, 1987)

**13.72.030 Connect/disconnect service charge.** In order to receive service from the Seldovia water and sewer utilities, a customer must first sign a service connect order and pay a refundable deposit and a nonrefundable connect fee, the amount of which is in accordance with the fee schedules approved by the City Council during the annual budget process.. (Ord. 87-17 Sec. 3, 1987; Ord. 99-07)

**13.72.040—Billing and collection.** A. Utility bills are due and payable on or before the 30<sup>th</sup> of the month following the month for which services are billed.

B. Failure to pay water and sewer bill in full by the due date shall render the account delinquent and result in a late payment charge set by resolution.

C. All legal fees, collections fees and costs associated with resolving a delinquent account shall be borne by the account holder. (Ord. 17-20)

**13.72.050 Non-payment--service disconnected.** A. Any person failing to pay a utility bill by the 60th day after the date of billing will be served notice that their utility service will be disconnected within 5 (five) business days of Notification of Disconnect. Notice shall be hand-delivered or notice left on a door hanger on the premises giving the person 5 business days from the date and time of the notice in which to remedy the delinquency. (Ord. 87-17 Sec. 3, 1987)

B. Any utility disconnected under a section will be assessed a \$15.00 service call fee.

1. The account holder shall be sent a notice of account delinquency via certified mail indicating the amount of the account balance, including all charges. The notification shall indicate the deadline that the account holder must pay the delinquent account balance or by which they must sign a Payment Agreement to prevent a shut off of the utility service.

2. A door hanger shall be placed at the residence of the delinquent account holder indicating the amount of the account balance, including all charges. The door hanger shall indicate the deadline that the account holder must pay the delinquent account balance or by which they must sign a Payment Agreement to prevent a shut off of the utility service.

3. All legal fees and costs associated with resolving a delinquent utility account shall be borne by the account holder. In the case where the account is held by a tenant who fails to resolve the delinquent account, the

landlord and tenant shall be jointly responsible for the delinquent and any associated charges, costs and attorney fees.

4. The City will attempt to contact by certified mail the property owner if the delinquent account is for a tenant. It is the responsibility of property owners to notify the City of tenant-owner relationships and to provide the city with current contact information. (Ord. 13-01)

C. The lien created in this section may be foreclosed upon pursuant to the procedures set forth in Section 13.72.090.

1. The City of Seldovia shall place a lien upon any and all real property serviced by any of the utility referenced in this title for the payment of all charges incurred by the utility customer with the City. This lien shall be superior to any and all other liens to the maximum extent allowed under State Law.

2. The City shall maintain a list of all individuals whose utility accounts with the City are more than 60 days delinquent. The list shall include the name of the individual holding the account with the City utility, the legal description of the property serviced by the utility, and the amount delinquent. The City shall place a lien to be recorded for the amounts owed, including fees, costs and attorney fees, within 14 business days from the date of delinquency, Notification of Disconnect. (Ord. 13-01)

**13.72.060 Service responsibility.** A. Each customer is responsible to report any changes in billing address or information to the City of Seldovia.

B. A customer who is listed on the City's records as the person or entity responsible for the water and sewer bill at a specific location shall be billed for that service until notice by telephone, mail or in person, of a change in occupancy. Such notice shall specify the date service is to be discontinued. Notice shall be provided at least five days prior to the change of occupancy. If the customer fails to provide the required notice, the customer will be charged for a water service furnished to the premises until the City is provided with adequate notice of change of occupancy. (Ord. 87-17 Sec. 3, 1987)

**13.72.070 Term of service.** Unless otherwise provided in a written contract for service, the minimum term for which utility service will be rendered is thirty days. A customer taking service for less than the minimum term will be billed for the minimum monthly charge specified in the rate schedule for the type of service. (Ord. 87-17 Sec. 3, 1987)

**13.72.080 Billing for unauthorized service.** A person who appropriates or accepts water and/or sewer service from the City without applying for service and



otherwise complying with the rules and regulations shall be billed at the rate for the type of service that would have otherwise been applicable from the date of the turn-on or, if that date cannot be established, from the date of construction of the water connection or from the date of the last paid service for the connection. In addition, the customer will be billed for a penalty equal to 20% of the amount to be billed for the unauthorized turn-on or turn-off. (Ord. 87-17 Sec. 3, 1987)

**13.72.090 Unpaid bills--lien on property.** All water and sewer utility charges due and unpaid become a lien against the real property served in accordance with AS 09.40.010--09.40.220. (Ord. 87-17 Sec. 3, 1987)