

Title 15
PUBLIC SERVICES*

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Chapter 15.04

WATER*

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* For statutory provisions requiring state approval of plans for water supply systems, see AS 46.03.720(b); for provisions on certification of water supply operators, see AS 46.30.010 et seq.

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15.04.010 Supply terms generally.

A. The borough will exercise reasonable diligence and care to deliver a continuous and sufficient supply of water to the customer at a proper pressure and to avoid any shortage or interruption in delivery.

B. The borough will serve water at the pressure available and will reduce the pressure where necessary to protect the piping and, within reasonable limits, as satisfactory to the customer. Where pumping is required to serve a customer at too high an elevation to be served by gravity, the borough may, at its option, require the customer to provide a suitable pump as a condition of service. The installation shall be subject to approval by the water superintendent. [Ord. 217 § 5, 1968; prior code § 54.10.010.]

15.04.015 Connection to borough water supply required.

The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the borough or on borough property and abutting any street, alley or right-of-way in which there is now located or may be in the future located a public water supply of the borough is required at his expense to install facilities therein and to connect such facilities directly with the proper public water supply in accordance with the provisions of this chapter within 14 days after date of official notice to do so; provided, that the public water supply is within 200 feet of the property line. [Ord. 608 § 4, 1995.]

15.04.020 Water quality.

The borough will exercise reasonable diligence to supply safe and potable water at all times. [Ord. 217 § 5, 1968; prior code § 54.10.015.]

15.04.030 Borough property.

All water mains, valves, fittings, hydrants, and other appurtenances, except customer service lines, shall be the property of the borough. [Ord. 217 § 5, 1968; prior code § 54.10.020.]

15.04.040 Special contracts.

When the applicant's requirements for water are unusual or large, or necessitate considerable special or reserve equipment or capacity, the borough reserves the right to make special contracts, the provisions of which are different from and have exceptions to the regularly published water rates, and the provisions of this chapter. This special contract shall be in writing and signed by the applicant and the assembly. [Ord. 217 § 5, 1968; prior code § 54.10.025.]

15.04.050 Resale of water.

Resale of water shall only be permitted under special contract, in writing, between the assembly and the person or party selling the water. [Ord. 217 § 5, 1968; prior code § 54.10.030.]

15.04.060 Service preference.

In case of shortage of supply, the borough reserves the right to give preference in the matter of furnishing service to customers and interests of the borough from the standpoint of public convenience or necessity. Water service to users outside the borough boundaries shall, at all times, be subject to the prior and superior rights of the customers within the borough. [Ord. 217 § 5, 1968; prior code § 54.10.035.]

15.04.070 Application for service.

Each applicant for water service shall sign an application form provided by the borough giving date of application, location of premises, whether they have been served before, the date on which applicant desires to have service begin, purpose for which service is to be used, the address for mailing or delivery of bills, the applicant's address (owner, tenant, or agent), the class and size of service, and such other information as the borough may reasonably require. In signing the application, the customer agrees to abide by the borough code. The application is merely a written request for service and does not bind the borough to serve. The borough may refuse to install new services between October 15th and April 1st due to frozen ground or "spring thaw" conditions that would adversely affect borough utilities and/or rights-of-way. [Ord. 432 § 5, 1982; Ord. 217 § 5, 1968; prior code § 54.10.040.]

15.04.080 Credit establishment.

A. At the time application for service is made, the applicant shall establish his credit with the borough.

B. The credit of the applicant will be deemed established as follows:

1. If the applicant makes a cash deposit with the borough to secure payment of bills for service; the deposit shall be a sum equal to the estimated bill for two billing periods but not less than \$10.00;
2. If the applicant has promptly paid all accounts due the borough for a period of 12 consecutive billing periods;
3. If the applicant can otherwise convince the borough that all bills will be paid when due. [Ord. 217 § 5, 1968; prior code §§ 54.10.045, 54.10.050.]

15.04.090 Deposits – Terms.

At the time the deposit is given to the borough, the applicant will be given a receipt for the same. The deposit is not to be considered as a payment on account. The deposit will be returned to the customer,

less any amount due the borough for service, when service to the customer is discontinued. The borough may, at its option, return the deposit without application, provided all bills have been paid promptly for 12 consecutive billing periods. [Ord. 601 § 5, 1995; Ord. 278 § 5, 1973; prior code § 54.10.055.]

15.04.100 Deposits – Forfeiture.

If an account becomes delinquent and it is necessary to turn off the service, the deposit shall be applied to the unpaid balance due. Water service will not be restored to that customer at the same or different premises until all outstanding bills due the borough have been paid and the cash deposit replaced. [Ord. 217 § 5, 1968; prior code § 54.10.060.]

15.04.110 Ownership and maintenance.

The borough shall own, install, and maintain all services and installations; and maintenance shall only be performed by authorized employees or agents of the borough. The customer shall own, install, and maintain the customer service line. [Ord. 217 § 5, 1968; prior code § 54.10.065.]

15.04.120 Service connection charge.

A. At the time the applicant files for any service where no service previously existed, or if he is filing for a change in service size or location, he shall submit with his application the service connection charge.

B. This charge is to cover the actual cost to the borough to install the service from the main to and including the meter and the meter housing. The service connection charge shall be as determined by the borough in the current published water rate schedule. [Ord. 217 § 5, 1968; prior code § 54.10.070.]

15.04.130 Size of service pipe – Changes.

A. The borough will furnish and install a service of such size and at such locations as the applicant requests, provided such requests are reasonable and that the size of service pipe shall be three-quarters of an inch. The borough may refuse to install a service line which is undersized or oversized.

B. Permanent changes in the size of the service line requested by the customer shall be paid by the customer on the basis of actual cost to the borough for making the change. [Ord. 217 § 5, 1968; prior code §§ 54.10.075, 54.10.080.]

15.04.140 Length of service pipe.

A. Where the main is in a public right-of-way, the meter will be placed at the right-of-way line nearest the property to be served for the standard connection fee, provided the length of service does not exceed the width of the right-of-way.

B. Where the main is on an easement or publicly owned property other than designated rights-of-way, the service shall be installed to the boundary of the easement or public property by the borough, provided the length of service does not exceed 30 feet.

C. If, in either case cited in subsection (A) or (B) of this section, the length of service line to the meter location exceeds the maximum stated, the applicant shall pay the extra cost of the line on the basis of actual cost to the borough for labor, materials and equipment rental, plus 15 percent. [Ord. 217 § 5, 1968; prior code § 54.10.085.]

15.04.150 Joint service connections.

A. The borough may, at its option, serve two or more premises with one service connection. On new service connections, the inside diameter of such joint lines shall be sufficient to provide a carrying capacity not less than the combined capacity of individual service lines of the same size as the meters installed.

B. Service extensions from an existing service to other occupancies or ownerships than that for which the existing service was intended shall not be permitted except under special considerations approved by the assembly. [Ord. 217 § 5, 1968; prior code § 54.10.090.]

15.04.160 Number of service connections on premises.

The owner of a single parcel of property may apply for and receive as many services as he and his tenants require, provided his application or applications meet the requirements stated in this chapter. [Ord. 217 § 5, 1968; prior code § 54.10.095.]

15.04.170 Standby fire protection service – Connections.

Standby fire protection service connections of two-inch size and larger will be installed only if adequate provisions are made to prevent the use of water from such services for purposes other than fire extinguishing. Sealed fire sprinkler systems with water-operated alarms shall be considered as having such provisions. The borough may require that a suitable detector check meter be installed in the standby fire protection service connections to which hose lines or hydrants are connected. [Ord. 217 § 5, 1968; prior code § 54.10.100.]

15.04.180 Standby fire protection service – Charges.

Charges for standby fire protection service will be as stated in the published water rate schedule. No charge will be made for water used in the standby fire protection services to extinguish accidental fires or for routine testing of the fire protection system. The customers shall pay the full cost of the standby fire protection service connection, any required detector check meters, and any required special water meter installed solely for the service to the standby connection. [Ord. 217 § 5, 1968; prior code § 54.10.105.]

15.04.190 Standby fire protection service – Violations of regulations.

If water is used from a standby pipe connection service in violation of these regulations, an estimate of the amount used will be computed by the borough. The customer shall pay for the water used at the regular rates, including the minimum charge based on the size of the service connection and subsequent bills rendered on the basis of the regular water rates. [Ord. 217 § 5, 1968; prior code § 54.10.110.]

15.04.200 Other fire protection services.

A service having fire protection facilities on the premises and water for other purposes flowing through the same service connection shall be considered as an ordinary service and shall be metered. All water used through that service, regardless of its use, will be charged at the regular rates. [Ord. 217 § 5, 1968; prior code § 54.10.115.]

15.04.205 Meters – Where required.

Water meters shall be required for all services except:

A. Residential service to two or fewer units used solely for residential purposes, or any number of mobile homes; and

B. Fire protection service lines not used in any manner for unmetered domestic supply; and

C. Commercial/industrial properties where water is only used for restrooms, breakrooms, closed heating systems, and routine janitorial uses; and

D. Where the property was connected to municipal water prior to the passage date of the ordinance codified in this section, the property will continue to be billed at unmetered rates until such time as the municipality chooses to install a meter. [Ord. 829 § 1, 2008.]

15.04.210 Meters – Damage prevention.

The customer shall use all possible care to prevent damage to the meter or to any other loaned facilities of the borough. If the meter or other facilities are damaged, the cost of making repairs shall be assessed to the customer. If the loaned materials are returned in satisfactory condition and all bills paid, the full amount of the equipment deposit will be returned to the temporary customer at the termination of service. [Ord. 217 § 5, 1968; prior code § 54.10.120.]

15.04.220 Meters – Control valve and stop.

A. Customers shall install a suitable control valve in the customer service line as close to the meter as possible, the operation of which will control the entire water supply to the premises served.

B. It is a violation of this chapter for the customer to operate or cause unauthorized operation of the meter stop or any other appurtenances on the service connection. [Ord. 217 § 5, 1968; prior code § 54.10.125.]

15.04.230 Meters – Ownership and maintenance.

The borough will own and maintain all water meters. The borough will not pay rent or any other charge for a meter or other water facilities, including housing and connections, located on a customer's premises. [Ord. 217 § 5, 1968; prior code § 54.10.130.]

15.04.240 Meters – Installation.

Installation of water meters shall be performed only by authorized employees or agents of the borough. All meters shall be sealed by the borough at the time of installation, and no seal shall be altered or broken except by one of its authorized employees or agents. [Ord. 217 § 5, 1968; prior code § 54.10.135.]

15.04.245 Meters – Submeters.

The utility shall install one meter for multiple-occupancy buildings owned by a single entity or individual. If the owner desires individual meters for each unit, the owners shall install meters at the owner's expense, and read and bill the tenants at the owner's cost. The utility shall have no interest or responsibility for the maintenance, upkeep, or reading of any submeters or any other facility on the customer line except as provided herein. [Ord. 829 § 1, 2008.]

15.04.250 Meters – Size and type.

Applicant may request and receive any size meter regularly stocked or furnished by the borough, provided the request is reasonable; and further provided, that the meter is not greatly oversized or undersized, as determined by the superintendent. The borough reserves the right to determine the type of meter to be installed. [Ord. 217 § 5, 1968; prior code § 54.10.140.]

15.04.260 Meters – Location.

The property owner shall provide a place for installation of the meter that is acceptable to the water utility. The meter will be installed wherever the applicant desires within reason, but the location must be approved by the borough. The meter will not be located in driveways or other locations where drainage to the meter or its related parts may occur. The meter must be located in an area that is heated, dry, and accessible for repair and replacement of the meter, as determined by the water utility. A shutoff valve shall be installed by the property owner ahead of the meter yoke. The water utility may install a remote readout; a suitable place for the remote unit shall be provided by the owner and shall be satisfactory to the water utility. [Ord. 829 § 1, 2008; Ord. 217 § 5, 1968; prior code § 54.10.145.]

15.04.270 Meters – Joint use services.

The joining of several customers to take advantage of the single minimum charges and large quantity rates shall be prohibited; except under special contract, in writing, with the assembly. [Ord. 217 § 5, 1968; prior code § 54.10.150.]

15.04.280 Meters – Changes in size or location.

If, for any reason, a change in size of a meter and service is required, the installation will be accomplished on the basis of a new connection, and the customer's application shall be amended. Meters or services moved for the convenience of the customer will be relocated only at the customer's expense. [Ord. 217 § 5, 1968; prior code § 54.10.155.]

15.04.290 Water rates – Publication.

The water rates to be charged for size of service, including minimum charges, charges for water used over the specified minimum, charges for specified commercial users, and service connection charges, shall be published in separate schedules. These schedules, approved by the assembly, shall become a part of this chapter. These water rates and service connection charges may be revised by ordinance, following a public hearing. [Ord. 370 § 5, 1978; prior code § 54.10.160.]

15.04.300 Notices to customer.

Notices from the district to the customer will normally be given in writing and either mailed or delivered to him at his last known address. Where conditions warrant and in emergencies the borough may notify either by telephone or messenger. [Ord. 217 § 5, 1968; prior code § 54.10.165.]

15.04.310 Notices from customer.

Notices from the customer to the borough may be given by the customer or his authorized representative orally or in writing at the office of the borough or to an agent of the borough duly authorized to receive notices or complaints. [Ord. 217 § 5, 1968; prior code § 54.10.170.]

15.04.320 Meter readings.

A. Meters will be read and customers billed on the basis of the meter reading to the nearest 1,000 gallons; that is, no charge will be made for amounts from one to 499 gallons, and the charge for amounts from 500 to 999 gallons will be for 1,000 gallons.

B. The borough will keep an accurate account on its books of all readings of meters; and such account, so kept, shall be offered at all times, places, and courts as prima facie evidence of the use of water service by the customer. [Ord. 217 § 5, 1968; prior code § 54.10.175.]

15.04.330 Flat rates.

Where meters have not been installed, nor rates set for meters, the customers shall be charged on the basis of the charges as set forth in schedules adopted pursuant to WMC 15.04.290. [Ord. 370 § 5, 1978; prior code § 54.10.180.]

15.04.340 Billing period.

Meters shall be read and bills shall be rendered monthly. [Ord. 217 § 5, 1968; prior code § 54.10.185.]

15.04.350 Bills – Proration of certain.

Opening or closing bills, or bills that for any other reason cover a period containing 10 percent more days or 10 percent less days than in the normal billing period, shall be prorated. [Ord. 217 § 5, 1968; prior code § 54.10.190.]

15.04.360 Bills – Separate required – Exception.

All meters or services supplying a customer's premises shall be billed separately, except that where the borough has, for operating purposes, installed two or more meters or services in place of one, the readings may be combined for billing. [Ord. 217 § 5, 1968; prior code § 54.10.195.]

15.04.363 Bills – Adjustments – Refunds.

No adjustments in customer's monthly billing rate will be made, except upon the written request of the customer. The customer shall be responsible for notifying the borough of changes in their establishment which may require a change in monthly rate. Upon written request, a monthly billing rate shall be adjusted by the borough if good cause is shown for such an adjustment. If the customer's rate is adjusted, refunds will only be made from the date the adjustment was requested in writing. [Ord. 483 § 4, 1985.]

15.04.370 Bills – Disputes.

When a customer disputes the correctness of a bill, he shall deposit the amount of the disputed bill at the time the complaint is lodged, to preclude discontinuance of service pending final settlement of the bill or bills. Subsequent bills shall be paid or placed on deposit in a similar manner. Failure of the customer to make such a deposit shall warrant discontinuance of service, as provided under this chapter. [Ord. 217 § 5, 1968; prior code § 54.10.200.]

15.04.380 Bills – Payment by due date.

Each bill rendered shall become due on the twentieth day of each month. If the bill is not paid by that date, the account shall be considered delinquent and interest will be charged at the maximum rate allowable under AS 45.45.010 unless arrangements have been made with the assembly, in writing, that specify another due date. [Ord. 680 § 4, 2000; Ord. 217 § 5, 1968; prior code § 54.10.205.]

15.04.390 Bills – Delinquency notices.

A reminder of account delinquency shall be sent, at the discretion of the superintendent, to each delinquent account on or about 30 days after the account becomes delinquent. [Ord. 217 § 5, 1968; prior code § 54.10.210.]

15.04.400 Bills – Turnoff notice for delinquencies.

On or about 40 days after an account becomes delinquent, a turnoff notice shall be sent to the customer. The notice shall state a date on which water will be turned off if the delinquent account is not paid in full prior thereto. [Ord. 217 § 5, 1968; prior code § 54.10.215.]

15.04.410 Service turnoff for delinquent accounts – Method.

On the turnoff date, the meter reader or other agent of the borough shall deliver a written notice to the customer stating that the water service is being turned off until all delinquent amounts have been paid. The meter reader or other agent of the borough shall immediately thereafter turn off the service. A delivery to any person residing at the address served by the meter shall be considered a delivery to the customer. If there is no person present at the address served, then the notice may be left on the premises stating that water service will be discontinued on the following morning. If delinquent bills are not paid by the following morning, the meter reader shall return to the premises, shut off the water service, and leave a notice that the water service has been turned off until all delinquent accounts have been paid. [Ord. 217 § 5, 1968; prior code § 54.10.220.]

15.04.420 Service turnoff for delinquent accounts – Charges.

In all instances where water has been turned off because of account delinquency, a \$5.00 disconnect service charge shall be imposed; a reconnect service charge of \$5.00 shall be made for the restoration of service, in which case replacement of the cash deposit, as stated in this chapter, will be required. [Ord. 278 § 5, 1973; prior code § 54.10.225.]

15.04.430 Installment payments for delinquent accounts.

In cases of extreme hardship, the superintendent shall have the discretion of renewing service to a delinquent account upon receipt of a satisfactory installment plan for the payment of the overdue account. [Ord. 217 § 5, 1968; prior code § 54.10.230.]

15.04.440 Meter accuracy – Generally.

All meters will be tested prior to installation. No meter will be placed in service or allowed to remain in service which is known to have an error in registration in excess of five percent under conditions of normal operation. [Ord. 217 § 5, 1968; prior code § 54.10.235.]

15.04.450 Meter accuracy – Testing upon customer request.

A customer may, giving not less than seven days' notice, request the borough to test the meter serving his premises. The borough will require the customer to deposit the testing fee. This fee shall be \$25.00 for meters one inch and smaller and for meters larger than one inch shall be an estimate of the cost of testing the meter as determined by the superintendent. The deposit will be returned to the customer if the test reveals the meter to overregister more than five percent under conditions of normal operation. If the meter is operating satisfactorily or if the meter underregisters more than five percent under the standard test conditions, the deposit shall be forfeited to the borough. Customers may, at their option, witness any meter tests which they request. [Ord. 829 § 1, 2008; Ord. 217 § 5, 1968; prior code § 54.10.240.]

15.04.460 Meter accuracy – Testing upon borough request.

If, upon comparison of past water usage, it appears that a meter is not registering properly, the district may, at its option, test the meter and adjust the charges accordingly if the meter either overregisters or underregisters. No charge for meter testing will be made to the customer for the meter test under these conditions. [Ord. 217 § 5, 1968; prior code § 54.10.245.]

15.04.470 Meter accuracy – Bill adjustment for inaccuracies.

A. When, upon test, a meter is found to be registering more than five percent fast under normal operating conditions, the borough will refund to the customer the full amount of the overcharge, based on corrected meter readings, for those billing periods that the meter was in use where good cause can be shown for the adjustment, and where the customer has notified the borough in writing of the need for the test. In no case shall refunds be made in excess of the applicable statute of limitations period.

B. When, upon test, a meter is found to be registering more than 10 percent slow, the borough may bill the customer for the amount of the undercharge, based upon corrected meter readings, for those billing periods that the meter was in use where good cause could be shown for the adjustment. In no case shall the customer be charged for a period in excess of the applicable statute of limitations period.

C. Nonregistering Meters. The borough will bill for water consumed while the meter was not registering. The bill will be computed upon an estimate of consumption based either upon the comparison with the customer's prior use during the same season of the previous year, or upon a reasonable comparison with the use of other customers receiving the same class of service during the same season and under similar circumstances and conditions, or both. [Ord. 829 § 1, 2008; Ord. 483 § 5, 1985; Ord. 217 § 5, 1968; prior code §§ 54.10.250, 54.10.255.]

15.04.480 Meter accuracy – Bills for nonregistering meters.

The borough will bill the customer for water consumed while the meter was not registering. The bill will be computed upon an estimate of consumption based either upon the customer's prior use during the same season of the previous year, or upon a reasonable comparison with the use of other customers receiving the same class of service during the same season and under similar circumstances and conditions, or both. [Ord. 217 § 5, 1968; prior code § 54.10.260.]

15.04.490 Discontinuance of service – Upon customer request.

A. Each customer about to vacate any premises supplied with water service by the borough shall give the borough written notice of his intentions at least two days prior thereto, specifying the date service is to be discontinued; otherwise, he will be responsible for all water supplied to such premises until the borough receives notice of such removal.

B. At the time specified by the customer that he expects to vacate the premises where service is supplied or that he desires to be discontinued, the meter will be read and a bill rendered which is payable immediately. In no case will the bill be less than the proportionate share of the monthly minimum specified in the schedule applying to the size of service furnished. [Ord. 217 § 5, 1968; prior code § 54.10.265.]

15.04.495 Temporary discontinuance of service – Upon customer request.

Repealed by Ord. 829. [Ord. 432 § 6, 1982.]

15.04.500 Discontinuance of service – For nonpayment of bills.

A customer's water service may be discontinued if the water bill is not paid in accordance with the procedures set forth in this chapter. [Ord. 217 § 5, 1968; prior code § 54.10.270.]

15.04.510 Discontinuance of service – For water waste.

Where water is wastefully or negligently used on a customer's premises, seriously affecting the general service, the borough may discontinue service if such conditions are not corrected after due notice by the borough. [Ord. 217 § 5, 1968; prior code § 54.10.275.]

15.04.520 Discontinuance of service – For detrimental service.

The borough may refuse to furnish water and may discontinue service to any premises where excessive demand by one customer will result in inadequate service to others. [Ord. 217 § 5, 1968; prior code § 54.10.280.]

15.04.530 Discontinuance of service – For fraud or abuse.

The borough will refuse or discontinue service to any premises where it is deemed necessary to protect the borough from fraud or abuse. Discontinuance of service from one or both of these causes will be made immediately upon receipt of knowledge by the borough that the condition or conditions exist. [Ord. 217 § 5, 1968; prior code § 54.10.285.]

15.04.540 Discontinuance of service – For noncompliance with regulations.

The borough may, upon five days' notice, discontinue service to a customer's premises for failure to comply with any of the provisions of this chapter. [Ord. 217 § 5, 1968; prior code § 54.10.295.]

15.04.545 Turn-on and turn-off fee.

Except for the initial turn-on that occurs when a property is connected to the municipal water system for the first time, each customer or applicant for service shall pay all costs for turning on or turning off the water service to the property, whether the turn-on or turn-off is due to the customer or applicant's request, nonpayment, interruption due to unsafe facilities, water waste, fraud, abuse, or noncompliance with any of the provisions of this chapter. The fee shall be computed at actual costs to the borough for labor, materials, and equipment, plus 15 percent overhead, with a minimum charge of \$25.00. [Ord. 829 § 1, 2008.]

15.04.550 Unauthorized turning on or off of service.

A. If water service is turned on or turned off at the curb stop by any person not specifically authorized to do so by the water utility, a fee of \$100.00 shall be paid by the property owner.

B. Where water service has been discontinued for any reason and the water is turned on by the customer or other unauthorized person, the water may then be shut off at the main, the meter removed, or other preventative measures put into place. The charges for instituting these measures shall be computed at actual cost to the borough plus 15 percent overhead, but not less than \$25.00. These charges shall be billed to the offending customer and water shall not be furnished to the premises until such charges are paid and the borough has reasonable assurances that the violation will not recur, at which time the offending customer will be billed any costs associated with re-establishing service plus 15 percent overhead, but not less than \$25.00. [Ord. 829 § 1, 2008; Ord. 217 § 5, 1968; prior code § 54.10.290.]

15.04.560 Restoration of service.

Repealed by Ord. 829. [Ord. 217 § 5, 1968; prior code § 54.10.300.]

15.04.570 Unusual water demands.

A. When an abnormally large quantity of water is desired for filling a swimming pool, log pond, or for other purposes, arrangements must be made with the utility prior to taking such water.

B. Permission to take water in unusual quantities will be given only if the borough facilities and other consumers are not inconvenienced.

C. Payment for such water will be in accordance with the regular schedule for water rates if service is through a meter or will be fixed by the assembly in the case of a nonmetered service. [Ord. 217 § 5, 1968; prior code § 54.10.305.]

15.04.580 Access to premises for inspections.

The duly appointed employees of the borough, under the direction of the superintendent, shall have free access at all reasonable hours of the day to any and all parts of structures and premises in which water is or may be delivered for the purpose of inspecting connections, the conditions of conduits and fixtures, and the manner and extent in which the water is being used. The borough does not, however, assume the duty of inspecting the customer's line, plumbing, and equipment, and shall not be responsible therefor. [Ord. 217 § 5, 1968; prior code § 54.10.310.]

15.04.590 Nonliability of borough for damages – Customer responsibilities.

A. The borough shall not be liable for any loss or damage of any nature whatsoever caused by any defect in the customer's line, plumbing, or equipment, nor shall the borough be liable for loss or damage due to interruption of service or temporary changes in pressure.

B. The customer shall be responsible for valves on his premises being turned off when the water service is turned on. [Ord. 217 § 5, 1968; prior code § 54.10.315.]

15.04.600 Equipment remains borough property – Access.

Borough equipment on the customer's premises remains the property of the borough and may be repaired, replaced, or removed by the borough employees or agents at any time without consent of the customer. No payment will be made to the property owner for the right to install, maintain, replace, or remove borough equipment and must in no way interfere with its operation. The property owner must keep vicious dogs or other animals secured or confined to avoid interference with the utility operation and maintenance. [Ord. 217 § 5, 1968; prior code § 54.10.320.]

15.04.610 Customer responsibility for damage to borough equipment.

The customer shall be liable for any damage to equipment owned by the borough which is caused by an act of the customer, his tenants, agents, employees, contractors, licensees, or permittees. Damage to equipment shall include but not be limited to breaking of seals and locks, tampering with meters, injury to meters, including but not limited to damage by hot water or steam, and damaged meter boxes, curb stops, meter stops, and other service appurtenances. [Ord. 217 § 5, 1968; prior code § 54.10.325.]

15.04.620 Fire hydrant restrictions.

No person or persons other than those designated and authorized by the borough shall open any fire hydrant belonging to the borough, attempt to draw water from it, or in any manner damage or tamper with it. Any violation of this regulation will be prosecuted according to law. No tool other than special hydrant wrenches shall be used to operate a hydrant valve. In cases where a temporary service has been granted

and water is received through a fire hydrant, an auxiliary external valve will be provided to control the flow of water. [Ord. 217 § 5, 1968; prior code § 54.10.330.]

15.04.630 Service connection charges.

A. All service connections to customers shall be charged at the actual cost of materials, equipment, and labor, plus 15 percent, with the following minimum charges per connection:

SERVICE CONNECTION CHARGES	
Size of Service (in inches)	Minimum Charges
3/4	\$350.00
1	\$406.00
2	\$594.00
3 and over	\$650.00

B. Any additional charges including service connection charges for services larger than those stated will be based on the actual cost of materials and installation plus 15 percent. [Ord. 833 § 37, 2009; Ord. 477 § 5, 1985; Ord. 432 § 7, 1982; Ord. 278 § 5, 1973; prior code § 54.10.070(Schedule A).]

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15.04.640 Monthly water rates.

A. The following monthly rates shall apply to all metered properties:

Monthly Metered Water Rates

	Monthly Allowance	Base (Per Month)	Volume Charge (Per 1,000 Gallons)
Metered Residential	4,000 gallons	\$20.00	\$1.50 Effective July 1, 2009: \$1.88
Metered Commercial	4,000 gallons	\$20.00	\$1.50 Effective July 1, 2009: \$1.88
Large Commercial	500,000 gallons	\$300.00	\$0.30 Effective Jan. 1, 2009: \$0.50 Effective July 1, 2009: \$0.63
Bulk Water	0 gallons	\$50.00 (per sale)	\$10.00 Effective July 1, 2009: \$12.50

B. The following monthly water rates shall apply to all nonmetered properties:

Table 15.04.640A – Monthly Water Rates – Nonmetered Properties

Class A – Residential	
Designation	Rate
Inside service area, per family unit	\$24.36 Effective July 1, 2009: \$30.45

Note A: The residential schedule is restricted to service used exclusively for general domestic purposes.
Note B: Where central laundry facilities are furnished for the exclusive use of tenants in apartment buildings or trailer courts, no charge in addition to above will be made.

Table 15.04.640B – Monthly Water Rates – Nonmetered Properties

Class B – Commercial and Industrial – Flat Rates	
Designation	Rate (eff. 7/1/09)
Bakeries	\$115.28
Bars	\$115.28
Barbershops:	
One chair	\$28.80
Per each additional chair	\$23.06
Beauty shops:	
One basin	\$28.80
Per each additional basin	\$23.06

Table 15.04.640B – Monthly Water Rates – Nonmetered Properties (Continued)

Class B – Commercial and Industrial – Flat Rates	
Designation	Rate (eff. 7/1/09)
Canneries:	
Shellfish canneries	\$576.25
Fish processing	\$614.63
Rinsing and packaging only	\$115.28
Saltwater process only	\$115.28
Churches	\$28.80
Cleaners and cleaning plants	\$57.51
Clubs, lodges – Without bar or restaurant facilities	\$28.80
Cold storage plants	\$614.63
Convenience store	\$16.65
Docks	\$143.95
Docks or marinas for small boats, including oil docks	\$96.08
Garages, service stations, car lots:	
Without washrack	\$57.51
With washrack	\$86.44
Grocery stores:	
Without meat market	\$43.09
With meat market	\$89.21
Hospitals	\$229.08
Hydrants, fire, each	\$18.26
Hotels and motels:	
10 rooms or less	\$86.44
Over 10 rooms, per room	\$6.71
Laundromats, self-service:	
Under 30-pound capacity, per machine	\$35.18
30 pounds or over capacity, per machine	\$61.38
Meat markets	\$46.08
Multifamily (per unit)	\$23.33
Oceangoing freight and passenger vessels taking water:	
0 – 3,600 gallons	\$59.11
Each additional gallon	\$0.03
Office building:	
Per employee	\$1.88
Each additional plumbed office	\$28.80
Each additional unplumbed office	\$6.71
Offices, medical	\$97.96

Table 15.04.640B – Monthly Water Rates – Nonmetered Properties (Continued)

Class B – Commercial and Industrial – Flat Rates	
Designation	Rate (eff. 7/1/09)
Offices, medical	\$97.96
Offices, dental:	\$97.96
Without laboratory and/or x-ray unit	\$28.80
Plane floats	\$57.51
Public showers:	
First two stalls	\$30.78
Per each additional stall	\$7.50
Ranger district (Forest Service)	\$295.29
Restaurants, lunch counters, etc.:	
Up to and including 30 seats	\$86.44
Over 30 seats	\$115.28
Fountain only	\$28.80
Sawmills	\$1,920.74
Schools, per classroom	\$19.03
Shops and stores	\$28.80
Stores – Dry goods, gifts, etc.	\$30.78
Swimming pool, public	\$390.21
Theaters, seating 500 people or less	\$57.51

Rates herein apply to the average monthly usage. No adjustments will be made for seasonal work.

Note 1: All commercial enterprises consisting of more than one facility shall be charged the sum of the applicable rates for each facility.

Note 2: The monthly rate for any establishment not herein designated shall be determined by the borough assembly. Until such rate may be established, the rate deemed most applicable shall apply, subject to adjustment. [Ord. 834 § 4, 2009; Ord. 833 § 38, 2009; Ord. 829 § 1, 2008; Ord. 751 § 5, 2004; Ord. 716 § 5, 2002; Ord. 641 § 5, 1998; Ord. 566 § 5, 1990; Ord. 520 § 5, 1987; Ord. 507 § 5, 1986; Ord. 483 § 6, 1985; Ord. 477 § 6, 1985; Ord. 432 § 8, 1982; Ord. 370 § 5, 1978; prior code § 54.10.160(Schedule B).]

Chapter 15.08**SEWERS***

Sections:

- 15.08.010 Definitions.
- 15.08.020 Connection to borough sewer required.
- 15.08.025 Sewage pumps.
- 15.08.030 Dwellings deemed nuisance – Closing to occupancy.
- 15.08.040 Dwellings deemed nuisance – Compliance required.
- 15.08.050 Application for service.
- 15.08.060 Service connection charge.
- 15.08.070 Private sewage disposal.
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- 15.08.090 Harmful discharges prohibited.
- 15.08.100 Grease, oil and sand interceptors required when.
- 15.08.110 Certain discharges requiring review and approval – Preliminary treatment facilities.
- 15.08.120 Maintenance of preliminary treatment facilities.
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- 15.08.213 Bills – Adjustments – Refunds.
- 15.08.220 Industrial cost recovery.
- 15.08.230 Penalty for violation.
- 15.08.240 Schedule of rates and charges.

15.08.010 Definitions.

For the purpose of this chapter the following definitions shall apply:

A. “B.O.D.” (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees centigrade expressed in parts per million by weight.

B. “Building sewer” means that part of the lowest horizontal piping of a drainage system which receives the discharge from waste pipes inside the walls of the building and conveys it to the public sewer, beginning on the outside of the building wall and ending at the property line.

C. “Director” means the director of public works of the borough or his authorized deputy, agent or representative. The director may also be the health officer, if the assembly so appoints.

* For statutory provisions requiring state permits for sewerage systems, see AS 46.03.720(a); for provisions on certification of wastewater system operators, see AS 46.30.010 et seq.

D. "Inspector" means the person or persons in the borough department of public works duly authorized by the borough to inspect and approve the installation of building sewers and their connection to the public sewer system.

E. "Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

F. "Public sewer" means a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

G. "Service lines" means the sewage pipe laid from the sewer main to the point of discharge of the sewage user's building.

H. "Sewage" means the water-carried wastes from residences, business buildings, institutions and industrial establishments.

I. "Sewage works" means all facilities for collecting, pumping, treating and disposing of sewage.

J. "Sewer mains" or "main" means the pipe laid parallel to a street, road or alley for the purposes of carrying away sewage discharged from the service lines.

K. "Suspended solids" means solids that either float on the surface or are in suspension in water, sewer, or other liquids; and which are removable by laboratory filtering. [Ord. 364 § 5, 1977; Ord. 228 § 5, 1969; prior code § 42.70.150.]

15.08.020 Connection to borough sewer required.

A. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the borough or on borough property and abutting any street, alley or right-of-way in which there is now located or may be in the future located a public sewer of the borough is required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter within 14 days after date of official notice to do so; provided, that the public sewer is within 200 feet of the property line unless the connections cannot be made with a gravity flow system, then the property owner may install on-site sewage disposal approved by the State Department of Environmental Conservation.

B. It is unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the borough or on borough property or in any area under the jurisdiction of the borough any human or animal excrement, garbage, or other objectionable waste which ordinarily would be regarded as sewage or industrial wastes.

C. Except as otherwise provided in this chapter, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facilities intended or used for the disposal of sewage. [Ord. 607 § 4, 1995; Ord. 437 § 4, 1982; Ord. 364 § 5, 1977; Ord. 228 § 5, 1969; prior code § 42.70.030.]

15.08.025 Sewage pumps.

A. The borough will purchase and install for residential users only, a sewage pump where a gravity flow system is not reasonably possible from the sewer main to the residential dwelling. Only existing occupied residential dwellings on existing public sewer mains shall be eligible for the purchase and installation of a sewage pump by the borough after application, and submission of such information as is required to the borough manager.

B. The borough manager, subject to appeal and final determination by the assembly, shall determine who will qualify to have a sewage pump purchased and paid for by the borough, which determination as to sewer mains to be constructed in the future, to be determined on the cut-off date as hereinafter provided. The borough has determined that five residential users now qualify for the purchase and installation of a sewage pump by the borough.

C. In a residential district which is not presently served by a public sewer main, the borough will purchase and install a sewage pump when a public sewer line is constructed and installed; however, the borough will only purchase and install a sewage pump in lieu of a gravity flow system for those existing occupied residential structures which the borough manager may determine cannot be served by a gravity flow system, such determination to be made as of the date of award of the construction contract for the sewer main. If during the course of construction of the sewer main it is determined that a gravity flow system is not reasonably possible for other sewer users, additional sewage pumps may be purchased and installed by the borough after application to and approval by the borough manager.

D. Except as provided in subsection (E) of this section, the borough shall only purchase and install the sewage pumps or pay the cost of a sewage pump determined to be adequate by the borough. Any substitution, replacement, operation, maintenance or other cost associated with the sewage pump shall be the responsibility of the residential user.

E. In areas that must be served by a combination gravity flow and sewage pump system for connection to the main collection system, the borough will purchase, install, maintain and operate the sewage pump. A service charge of five percent will be added to the monthly rate charged for service to offset the additional costs to the borough.

F. Nothing in this section shall preclude a residential, commercial or industrial user who cannot install a gravity flow system, from designing, purchasing, installing, operating and maintaining a sewer system upon their own property if the system receives approval from the Alaska Department of Environmental Conservation. Any property owner that installs their own sewer system shall be responsible for all costs of design, purchase, installation, operation, and maintenance, replacement or other costs associated with the system. [Ord. 519 § 5, 1987; Ord. 437 § 5, 1982; Ord. 427 § 4, 1982.]

15.08.030 Dwellings deemed nuisance – Closing to occupancy.

A. Any occupied dwelling house or structure, or any dwelling house or structure intended for human occupancy, within the jurisdiction of the borough, the toilet facilities whereof are not connected with the borough sewer system as required in WMC 15.08.020 or are not in serviceable working order; or the toilet facilities whereof consist of a privy without adequate antiseptic treatment of human excrement; or the toilet facilities whereof are so designated as to permit human excrement or waste matter to fall onto the beach, water, ground or any pit below; or the toilet facilities whereof, or the disposal of human excrement therefrom, are in anywise unsanitary, malodorous, or dangerous to health or safety, is deemed and declared a common or public nuisance.

B. Any common or public nuisance, as defined in subsection (A) of this section, found within the jurisdiction of the borough shall summarily be ordered closed to occupancy by the chief of police or his deputy after the expiration of the notice period set forth in WMC 15.08.020 or 15.08.230(B) until the toilet facilities of the dwelling house or structure have been connected with the borough sewer system if required by WMC 15.08.020 or are in serviceable order, or both. [Ord. 228 § 5, 1969; prior code § 42.70.130.]

15.08.040 Dwellings deemed nuisance – Compliance required.

It is unlawful for any person to maintain, lease or use for human occupancy any dwelling house or structure which is a common or public nuisance as defined in WMC 15.08.030 or for any person main-

taining, leasing or using for human occupancy any such dwelling house or structure which is a common or public nuisance to fail or refuse forthwith to close the dwelling or structure for human occupancy when ordered to do so by any police officer of the borough. [Ord. 228 § 5, 1969; prior code § 42.70.140.]

15.08.050 Application for service.

The sewer utility will require each prospective customer to sign an application for sewer service and to pay a service connection charge. Application must be made in writing on a standard form at the office of the borough building official. [Ord. 228 § 5, 1969; prior code § 42.70.010.]

15.08.060 Service connection charge.

Sewer connections to the borough sewer mains shall be installed only by the borough. The installation charge shall be \$250.00 for installing sewer line from the sewer main to the property line of the customer. The borough shall also bill, in addition to the installation charge, for labor and materials for the removal and replacement of concrete or asphalt, plus 10 percent to cover administrative and inspection costs. [Ord. 364 § 5, 1977; prior code § 42.70.020.]

15.08.070 Private sewage disposal.

A. When a public sanitary sewer is not available under the provisions of WMC 15.08.020, the building sewer shall be connected on a private sewage disposal system which shall be examined by an inspector to ensure compliance with all requirements of pertinent ordinances, rules, regulations, or statutes.

B. At such times as a public sewer becomes available to a property served by a sewage disposal system as provided in WMC 15.08.020, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

C. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the borough, and all such private sewage facilities, as provided in this section, shall be the responsibility of the user or owner of said private sewage disposal system, and the borough is in nowise responsible for any maintenance or repair, or stoppage or breakage, nor for any damages resulting therefrom, in such private sewage disposal systems.

D. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by federal or state officials. [Ord. 364 § 5, 1977; Ord. 228 § 5, 1969; prior code § 42.70.040.]

15.08.080 Building sewers.

A. A separate and independent building sewer shall be provided for every building; exceptions will be allowed only by special permission granted by the director of public works for good cause shown.

B. Old building sewers or portions thereof may be used in connection with new buildings only when they are found on examination and test by the inspector to meet all requirements of this chapter.

C. For the purpose of regulating the construction, addition, enlargement, conversion, equipment, use and maintenance of the sewage system as provided in this chapter, the specifications shall be those contained in that certain compilation of rules and regulations, prepared by the American Society of Mechanical Engineers, which compilation is known as the Uniform Plumbing Code, a code adopted by reference as the law of the borough.

D. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the borough.

E. All building sewers shall have a cleanout accessibly located at the property line, of a size and design acceptable to the director of public works. [Ord. 364 § 5, 1977; Ord. 228 § 5, 1969; prior code § 42.70.050.]

15.08.090 Harmful discharges prohibited.

No persons shall discharge or cause to be discharged to any public sewer any harmful waters or wastes, whether liquid, solid or gas, capable of causing obstruction to the flow in the sewers, damage or hazard to structures, equipment and personnel of the sewage works, or other interference with the proper operation of the sewage works. [Ord. 228 § 5, 1969; prior code § 42.70.060(a).]

15.08.100 Grease, oil and sand interceptors required when.

Grease, oil and sand interceptors shall be provided when, in the opinion of an inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amount or any flammable wastes, sand and other harmful ingredient except that such interceptors shall not be required for private living quarters or dwelling units. Where installed they shall be maintained by the owner, at his expense, in continuously efficient operation at all times. [Ord. 228 § 5, 1969; prior code § 42.70.060(b).]

15.08.110 Certain discharges requiring review and approval – Preliminary treatment facilities.

A. The admission into the public sewers of any waters or wastes having the following:

1. A five-day biochemical oxygen demand greater than 300 parts per million by weight; or
2. Containing more than 350 parts per million by weight of suspended solids; or
3. Containing any quantity of substances having the characteristics described in WMC 15.08.160;

or

4. Having an average flow greater than two percent of the average daily flow to the borough shall be subject to the review and approval of the director of public works.

B. Where necessary, in the opinion of the director of public works, the owner shall provide at his expense such preliminary treatment as may be necessary to do the following:

1. Reduce the biochemical oxygen demand to 300 parts per million and the suspended solids to 350 parts per million by weight; or
2. Reduce objectionable characteristics or constituents to within the maximum limits provided for in WMC 15.08.160; or
3. Control the quantities and rates of discharge of such waters or wastes.

C. Plan, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the director of public works, and of the Alaska Department of Environmental Conservation, and no construction of such facilities shall be commenced until said approvals are obtained in writing. [Ord. 364 § 5, 1977; prior code § 42.70.060(c).]

15.08.120 Maintenance of preliminary treatment facilities.

Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. [Ord. 228 § 5, 1969; prior code § 42.70.060(d).]

15.08.130 Manholes in building sewers.

When required by the director of public works, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the director of public works. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. [Ord. 228 § 5, 1969; prior code § 42.70.060(e).]

15.08.140 Permit required prior to sewer work.

No unauthorized person shall uncover, make any connections with, or opening into or use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the director of public works. [Ord. 228 § 5, 1969; prior code § 42.70.060(f).]

15.08.150 Certain waters prohibited.

No person shall discharge, permit or cause to be discharged any storm drainage water, surface water, groundwater, roof runoff, subsurface drainage or cooling water, to or in any sanitary sewer. [Ord. 228 § 5, 1969; prior code § 42.70.060(g).]

15.08.160 Prohibited substances.

Except as otherwise provided in this chapter, no person, firm or corporation shall cause to be discharged or allowed to be discharged into its sewer line or system any of the following described waters or wastes:

- A. Any liquid or vapor having a temperature higher than 200 degrees Fahrenheit;
- B. Any water or waste which may contain more than 50 parts per million, by weight, of fat, oil or grease;
- C. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
- D. Any garbage that has not been properly shredded;
- E. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstructions to the flow in sewers or other interference with the proper operation of the sewage works;
- F. Any waters or wastes having a pH lower than 4.0 or higher than 12.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;
- G. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters or the sewage treatment plant;
- H. Any waters or wastes containing suspended solids of such character and quality that unusual attention or expense is required to handle such materials at the sewage treatment plant;
- I. Any noxious or malodorous gas or substance capable of creating a public nuisance. [Ord. 364 § 5, 1977; Ord. 228 § 5, 1969; prior code § 42.70.070.]

15.08.170 Service lines.

The service lines of the sewer system that run from the user's building to the sewer main line shall be maintained and repaired by the user or owner, and the borough is in nowise responsible for the construction, maintenance or repair; nor is the borough in anywise responsible for freezing, stoppage or breakage in the service line or for any other claim or action arising from the existence, operation or condition of the sewer service line. [Ord. 228 § 5, 1969; prior code § 42.70.080.]

15.08.180 Nonliability of borough for certain malfunctions.

The borough shall not be held responsible or liable for any claim or action due to or arising from any suspension of operation, breakage, unavoidable accident or injury of any kind occurring to, or caused by, the sewer mains by an act of God, beyond the borough's control, or caused by the elements, strikes, riots or a public enemy. [Ord. 228 § 5, 1969; prior code § 42.70.090.]

15.08.190 Protection from damage – Penalty for violation.

It is unlawful for any unauthorized person to maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewer works, and any such person shall be punishable as provided for in WMC 1.20.010. [Ord. 833 § 61, 2009; Ord. 290 § 5, 1973; prior code § 42.70.100.]

15.08.200 Right of entry for inspection.

The department of public works inspector and other duly authorized employees of the borough bearing proper credentials and identification shall be permitted to enter upon all properties, at reasonable hours, for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this chapter. [Ord. 228 § 5, 1969; prior code § 42.70.110.]

15.08.205 Funds – Accounting system.

The sewer fund, owned and operated by the borough, shall be operated from an enterprise fund separate from the general fund. An accounting system for each fund shall be established within the general accounting system of the borough, and shall be set up and maintained as to reflect the financial condition of the enterprise. A balance sheet and statement of income and expense shall be made for the sewer fund annually and as often as the borough assembly may require. [Ord. 713 § 4, 2002.]

15.08.206 Use of moneys.

None of the income money or property of the sewer fund shall be placed in the general fund or be used for the benefit of anything outside of the fund to which it belongs without due compensation or due value received and returned. [Ord. 713 § 4, 2002.]

15.08.210 Rates and charges – Adoption – Delinquencies – Collection.

A. The rates and charges shown on the adopted schedule of rates and charges are established for public sewer facilities furnished by the municipality-owned sewer systems; provided, that such schedule of rates and charges, at the discretion of the assembly, shall be subject to revisions from time to time by ordinance of the assembly adopting and establishing such revised and/or changed schedule of rates and charges; and the revised and/or changed schedule of rates and charges shall, on the effective date therein expressed, become of full force and effect and subject to all the provisions of this chapter.

B. In the event the charges for sewerage service are not paid by the twentieth of the month for such service, such charges shall be deemed and declared to be delinquent and shall accrue interest at the maximum rate allowable under AS 45.45.010.

C. All sewerage service may be discontinued without further notice if the rates or charges for such service are not paid within 30 days after rendition of the bill therefor. If such service is discontinued, the applicable provisions of WMC 15.08.030 and 15.08.040 shall apply. Any remedy provided for in this chapter shall be deemed to be cumulative as to any other legal remedy provided for or otherwise available.

D. The rates and charges provided for in this section shall be collected from the owners, occupants and users of the premises within the jurisdiction of the borough and shall go into effect at such time as the services and/or other matters creating the charges are provided by the borough. [Ord. 681 § 4, 2000; Ord. 369 § 4, 1978; Ord. 364 § 5, 1977; prior code § 42.70.120.]

15.08.213 Bills – Adjustments – Refunds.

No adjustments in customer's monthly billing rate will be made except upon the written request of the customer. The customer shall be responsible for notifying the borough of changes in their establishment which may require a change in the monthly rate. Upon written request, a monthly billing rate shall be adjusted by the borough if good cause is shown for such an adjustment. If the customer's rate is adjusted, refunds will only be made from the date the adjustment was requested in writing. [Ord. 483 § 7, 1985.]

15.08.220 Industrial cost recovery.

Any industrial users of a sewer facility constructed with Environmental Protection Agency grant funds awarded after March 1, 1973, shall repay that portion of the grant amount allocatable to the treatment of its wastes. The method of repayment and procedures for handling the repayment shall be in accordance with Sections 34.905-6, 35.905-7, 35.905-8, 35.925-12, 35.928 and 35.935-13 of the Environmental Protection Agency Rules and Regulations for Water Pollution Control Construction Grants for waste treatment works as published in Volume 39, Number 29 of the Federal Register dated February 11, 1974. [Ord. 364 § 5, 1997; prior code § 42.70.125.]

15.08.230 Penalty for violation.

A. Any person found to be violating any provisions of this chapter, except WMC 15.08.190, shall be served by the borough with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

B. It is unlawful for any person to continue any violations, except WMC 15.08.190, beyond the time limit of 14 days. The 14-day limitation shall not apply when the violation constitutes a clear and present danger to the public health; such clear and present danger is unlawful from its inception, and subject to summary abatement, or to the applicable provisions of WMC 15.08.030 and 15.08.040. Each day in which any violation continues shall be deemed a separate offense.

C. Any person violating any of the provisions of this chapter shall become liable to the borough for any expense, loss or damage occasioned the borough by reason of such violation. [Ord. 228 § 5, 1969; prior code § 42.70.160.]

15.08.240 Schedule of rates and charges.

A. The monthly rate shall be computed on the unit basis of \$25.00 per unit or fraction thereof for Class A and Class B users who are provided service by the municipal collection and treatment system.

B. The monthly rate shall be computed on the basis of \$30.00 per unit or fraction thereof for Class A and Class B users who are provided service by the Shoemaker treatment system.

C. Rates for service provided under 15.08.025(E) shall be computed at the monthly rate set forth in subsections (A) or (B) of this section plus five percent surcharge.

D. Liveaboard units shall be charged the same as the Class A residential rate.

Table 15.08.240A – Sewage Rates	
Class A – Residential Rates	
Designation	Effective
	7/1/04
Per family unit	\$31.92

Note 1: The residential schedule is restricted to service used exclusively for general domestic purposes.

Note 2: Where central laundry facilities are furnished for the exclusive use of tenants in apartment building or trailer courts, no charge in addition to above will be made.

Table 15.08.240B – Sewage Rates	
Class B – Commercial Rates	
Designation	Effective
	7/1/04
Bakeries	\$95.79
With initial preparation off-premises	\$47.89
Bars	\$95.79
Barbershops:	
Two chairs	\$31.92
Per each additional chair	\$15.96
Beautyshops:	
Two basins	\$31.92
Per each additional basin	\$15.96
Canneries:	\$31.92
Shellfish canneries	Special
Fish processing	Special
Rinsing and packaging only	Special
Salt water process only	Special
Churches	\$31.92
Cleaners and cleaning plants	\$63.85
Clubs and lodges:	
Without bar or restaurant facilities	\$31.92
With bar or restaurant facilities	\$63.85
Cold storage plants	Special
Convenience stores	\$17.98
Docks	\$31.92

Table 15.08.240B – Sewage Rates (Continued)	
Class B – Commercial Rates	
Designation	Effective
	7/1/04
Garages, service stations, car lots:	
Without washrack	\$31.92
With washrack	\$63.85
Grocery stores:	
Without meat market	\$31.92
With meat market	\$63.85
Hotels and motels:	
Per room	\$7.19
First 10 rooms or less	\$95.79
Over 10 rooms, per room	\$6.36
Hospitals:	
2 ERUs plus per-bed charge of 0.4 ERU 24 beds	\$370.44
Laundromats:	
Self-service per machine	\$52.67
Under 30-pound capacity, per machine	\$15.96
30-pound or over capacity, per machine	\$47.89
Multifamily (per unit)	\$31.92
Office buildings	
Per employee	\$3.17
Each additional plumbed office	\$31.92
Each additional unplumbed office	\$6.36
Offices, medical	\$17.98
With laboratory and/or x-ray unit	\$63.85
Without laboratory and/or x-ray unit	\$31.92
Offices, dental:	\$31.92
With laboratory and/or x-ray unit	\$63.85
Without laboratory and/or x-ray unit	\$31.92
Public showers:	
First two stalls	\$31.92
Per each additional stall	\$6.36
Ranger district (Forest Service)	\$249.09
Restaurants, lunch counters, etc.:	
Up to and including 30 seats	\$95.79
Each additional 20 seats or fraction thereof	\$31.92
Lunch counters, drive-in or fast food, of less than 30 seats	\$47.89
Industrial	Special
Schools, per class room	\$13.71
Shops and stores	\$31.92
Stores – drygoods, gift, etc.	\$31.92

Table 15.08.240B – Sewage Rates (Continued)	
Class B – Commercial Rates	
Designation	Effective
	7/1/04
Swimming pool, public	\$255.48
Roominghouses	\$31.92
Each bed	\$6.36

Note 1: Rates herein apply to the average monthly usage. No adjustments will be made for seasonal work.

Note 2: A commercial enterprise consisting of more than one facility shall be charged the sum of the applicable rates for each facility.

Note 3: Special Users. Each special user shall be evaluated separately based on the average flow, B.O.D., and suspended solids characteristic of its wastewater contribution. The flow, B.O.D., and suspended solids loadings shall be determined from estimates or measurements and tests made by borough officials or its engineer. The monthly rate for any establishment not herein designated shall be determined by the borough assembly. Until such rate may be established, the rate deemed most applicable by the borough manager shall apply, subject to adjustment from the date the customer in writing requests an adjusted rate. The borough manager shall notify the customer in writing of the rate determination.

Note 4: Industrial or Special User Charge. Where industrial or special users are contributing wastes from sanitary conveniences and domestic sources only, 1.00 unit will be charged for the first 20 employees and 0.05 unit for each additional employee. The charge for wastes from other than sanitary conveniences and domestic sources will be computed by use of the following equation:

$$\text{SUMC} = \frac{f}{420} [1 + \frac{(b - 1)}{B} + \frac{(s - 1)}{S}] C$$

Where:

“SUMC” represents the special user’s monthly charge;

“f” represents the special user’s average flow in gallons per day (not less than 420 gallons per day);

“420” represents the average flow of one equivalent user in gallons per day;

“C” represents the constant monthly cost factor, delivered as provided below;

“b” represents the average B.O.D. loading of the user’s wastewater contribution, expressed in parts per million (not less than 200 parts per million);

“B” represents the allowable limit of B.O.D. loading above which a user’s surcharge shall be levied, hereby designated as being 200 parts per million;

“s” represents the average suspended solids loading of the user’s wastewater contribution, expressed in parts per million (not less than 200 parts per million); and

“S” represents the allowable limit of suspended solids loading above which a user’s surcharge shall be levied, hereby designated as being 200 parts per million.

Service Connection Charges. All service connections to customers shall be charged at the actual cost of materials, equipment and labor, plus 15 percent, with a minimum charge of \$300.00 per connection. [Ord. 752 § 5, 2004; Ord. 681 § 4, 2000; Ord. 642 § 5, 1998; Ord. 572 § 5, 1991; Ord. 564 § 5, 1990; Ord. 519 § 6, 1987; Ord. 506 § 5, 1986; Ord. 483 § 8, 1985; Ord. 478 § 5, 1985; Ord. 453 § 5, 1983; Ord. 396 § 5, 1990.]

Chapter 15.12**ELECTRICITY**

Sections:

- 15.12.010 Authority to establish and maintain power plant.
- 15.12.020 Authority to enter into contracts – Terms.
- 15.12.030 Administration.
- 15.12.035 Permits – Approval – Posting – Fees – Issuance.
- 15.12.040 Permits – When required – When not required.
- 15.12.045 Inspections.
- 15.12.050 Meter deposits.
- 15.12.055 Electrical connection fees.
- 15.12.060 Service entrance and connection – Terms of service.
- 15.12.065 Extension policies.
- 15.12.070 Multiple unit service connections.
- 15.12.080 Resale of service.
- 15.12.090 Customer’s installations.
- 15.12.100 Customer’s operations.
- 15.12.110 Agreements not signed by assembly and mayor not binding – Personal employee gain prohibited.
- 15.12.130 Customer’s responsibility.
- 15.12.140 Discontinuance of service.
- 15.12.150 Frauds on borough or utility prohibited.
- 15.12.160 Demand – Defined – Determination – Terms.
- 15.12.170 Service charges.
- 15.12.172 Customer service inspection.
- 15.12.180 Rates – Based on consecutive service.
- 15.12.190 Fuel adjustment charge.
- 15.12.192 Hydroelectrical wholesale power rate adjustment.
- 15.12.195 Meter rates – Definitions.
- 15.12.200 Meter rates – Residential service (Schedule A).
- 15.12.210 Meter rates – Small commercial service (Schedule B).
- 15.12.215 Meter rates – Large commercial service (Schedule C).
- 15.12.220 Meter rates – Industrial service (Schedule D).
- 15.12.222 Rate for separately metered heat and hot water.
- 15.12.223 Electrical rate incentive.
- 15.12.225 Fuel displacement rate – Governmental.
- 15.12.230 Shore service for boats.
- 15.12.240 Use of poles.
- 15.12.250 *Repealed.*

15.12.010 Authority to establish and maintain power plant.

The borough through its assembly is empowered to purchase, construct, establish and maintain a plant or plants for the generation, distribution and use of electricity for the purposes of light, heat and power in the borough. [Ord. 238 § 5, 1969; prior code § 54.20.010.]

15.12.020 Authority to enter into contracts – Terms.

A. The borough through its duly authorized officers is empowered to enter into any and all contracts necessary in order to provide the borough and its inhabitants with an adequate and suitable power plant for the generation and distribution of electricity, and is fully empowered to enter into any and all such

contracts in such form as shall not be contrary to or in violation of the laws of Alaska applicable to municipal corporations.

B. Any such agreements or contracts entered into by the borough pursuant to this section shall provide that the public utility contracted for shall not be operated or maintained by funds raised by taxation, but from revenue collected for service rendered by such plant, plants or utilities, from the customer or users thereof.

C. In any contract which the borough may enter into for the acquisition, purchase, maintenance and operation of a borough light plant or public utility, the borough through its assembly is authorized to agree by said contract with the party furnishing the plant, equipment and public utility, that the rates and tariffs thereof for the users and customers of the light plant or public utility, until the purchase price contracted to be paid for the light plant or public utility, may be fixed and established either by contract or by the party furnishing the light plant and public utility, which shall then apply and be in full force and effect until the purchase price has been paid, unless modified, altered or changed by the mutual consent of the borough and the party furnishing such light plant and public utility. [Ord. 238 § 5, 1969; prior code § 54.20.012.]

15.12.030 Administration.

A. The borough light department is charged with administering the business in connection with the acquisition, establishment, operation and maintenance of the light plant or public utility.

B. The borough through its assembly is given full and complete authority, whether specifically mentioned in this chapter or not, to effectually and completely accomplish the purpose and intention of subsection (A) of this section. [Ord. 238 § 5, 1969; prior code §§ 54.20.020, 54.20.032.]

15.12.035 Permits – Approval – Posting – Fees – Issuance.

Electrical installations shall be made only upon receipt of permits approved by the office of the electrical superintendent. Permits are to be posted in a conspicuous location whenever electrical installations are being made and must be displayed until such time as final approval has been received on the entire installation. Permits shall be issued only upon submission of drawings and/or a complete description in writing of the work to be performed and the payment of the following fee(s):

- A. Residential up to six meter sockets: \$25.00.
- B. Residential over six meter sockets: \$50.00.
- C. Commercial: \$50.00.
- D. Temporary: \$20.00.

The above fees include two inspections, one rough-in and one final.

E. For each additional inspection made necessary for defective workmanship or material or for recall by customer: \$35.00.

Barring complications, permits will be issued within three business days from the time of application. [Ord. 693 § 4, 2000.]

15.12.040 Permits – When required – When not required.

No electrical equipment shall be installed within or on any building, structure or premises, public or privately owned, nor shall any alteration or addition be made in any such existing facilities without first securing a permit from the office of the electrical superintendent. No permits will be required for the following:

A. Minor repair work, replacing lamps, or the connection of portable electrical equipment to existing suitable permanently installed receptacles.

B. The installation, alteration or repair of electrical equipment installed by or for the electrical utility for use in the generation, transmission, distribution or metering of electricity. [Ord. 693 § 4, 2000.]

15.12.045 Inspections.

All electrical work requiring an electrical permit must pass inspection prior to electrical service being rendered, and under no circumstances will service be supplied until all electrical wiring passes inspection. In the event of remodeling or additions to structures having existing service, the failure to pass electrical inspection will result in service being discontinued until wiring is brought up to code. All electrical wiring shall pass inspection prior to being covered (insulation, sheetrock, etc.). All covering in place prior to inspection will be required to be removed before inspection takes place. [Ord. 693 § 4, 2000.]

15.12.050 Meter deposits.

All customers requesting new electrical service shall be required to establish an account with the borough and make a deposit in the following amount before service is rendered:

Residential: \$100.00.

Commercial: \$200.00.

Persons who make deposits for property they own will be refunded after one year or 12 consecutive months of good credit. All other customers' deposits will be refunded less any amount due the borough for service, when service is discontinued. Deposits shall bear simple interest at five percent per year but shall not apply to any part of less than a full month, said interest credit or payment to be given no less frequently than semiannually. [Ord. 693 § 4, 2000; Ord. 601 § 4, 1995; Ord. 305 § 6, 1974; prior code § 54.20.050(d).]

15.12.055 Electrical connection fees.

After the office of the electrical superintendent has seen the plans and issued the electrical permit, the following connection fees shall be paid. These rates are for overhead service within 100 feet of an existing power pole and for a single point of attachment.

Residential:

Temporary	\$50.00
100, 150 and 200 amp	\$400.00
Over 200 amp – See commercial connections schedule	

Commercial (single-phase):

100, 150 and 200 amp	\$500.00 plus transformer cost
Over 200 but less than 400 amp	\$600.00 plus transformer cost
Over 400 amp	\$800.00 plus transformer cost

Commercial (three-phase):	
100, 150, and 200 amp	\$700.00 plus transformer cost
Over 200 amp	\$700.00 plus transformer cost plus \$10.00 per KVA required

For services which are in excess of 100 but less than 200 feet from existing power poles and not requiring a service pole, an additional charge of \$3.00 will be added for each foot over 100 feet. [Ord. 693 § 4, 2000.]

15.12.060 Service entrance and connection – Terms of service.

A. The electric utility shall deliver power to a predetermined point of delivery on the customer's premises. It shall be the responsibility of the customer to furnish all labor, material, and equipment necessary to install and maintain all other premises wiring, including the service entrance. Such installation shall meet all national, state and borough codes, rules, regulations, and standards.

B. The electric utility shall supply one meter per service connection. All additional meters will be installed at a cost of \$10.00 per meter. The electric utility will furnish and the customer will be charged for any instrument transformers necessary for metering. All meters and instrument transformer cabinets will be sealed by the electric utility, and no such seal shall be tampered with or broken except by a representative of the electric utility. It shall be the responsibility of the customer to take all reasonable and proper precautions to prevent damage to electric utility property on his/her premises. The customer shall not permit any person, except as authorized by the electric utility, to make any connections, repairs and changes to electric utility property on his/her premises and in the event any defect therein is discovered, the customer shall notify the electric utility immediately.

C. All customers shall furnish, install, maintain and replace at their own expense any step-down transformers or protective devices required to facilitate the delivery of electric service to the customer's premises to be approved by the electric utility in advance.

D. The customer shall convey to the borough all necessary rights-of-way or utility easements required to install and maintain the service connection.

E. The customer shall install a service entrance at a location approved by the electric utility. Such location shall be suitable for the preservation of the integrity of the meter(s) and shall be free from any adverse conditions. All wiring on the customer's premises shall be done at the customer's expense, with the exception of instrument transformer wiring, which will be done by the electric utility.

F. The customer shall maintain an accessible clear space for the electric utility to install, read and maintain meter(s). Such space shall have the following minimums: 48 inches in front of the meter; 24 inches to either side of the meter; 84 inches in height.

G. The electric utility shall have the right to enter upon the premises of the customer at all reasonable times for the purpose of inspecting, repairing, or removing any and all equipment, appliances, and wiring of the electric utility.

H. The customer is responsible for maintaining a six-foot minimum clearance for the protection of the service drop. If the customer fails to maintain the required clearance the electric utility will give notice in writing of the failure. If after 30 days from receipt of notice, the customer has still not maintained the clearance, the electric utility will supply, and the customer will be charged for, all labor and equipment necessary to maintain the clearance. The electric utility will maintain all clearances within 15 feet of primary distribution lines.

I. Whenever any actions taken by the customer result in any part of the electrical system, either the customers or the utilities, become noncompliant with national, state or borough rules, regulations, codes or standards, the customer shall, at the customer's expense, take all steps necessary to bring the system back into compliance.

J. A combination meter base/main disconnect type service entrance equipment is required to facilitate de-energizing the premises wiring in an emergency. No meter will be installed unless a main breaker/disconnect exists with the meter socket.

K. All rental units, either single-family or multifamily, shall have a means by which the electric utility can open and seal open the main disconnect for each structure or rental unit within a structure.

L. Meters shall be installed so that a single meter is between 5.5 feet and 6.5 feet above finished grade, platform, deck, etc. In the case of multiple ganged meters, as allowed by the National Electric Code, the top meter may be no more than 6.5 feet above finished grade.

M. Where there is an electrical meter that is unattainable to be read or inspected because of an animal the utility believes to be dangerous or have potential to do bodily harm, the electric utility, upon written notice or telephone communication to the owner or the landlord, will disconnect the service until corrections are made. [Ord. 821 § 1, 2008; Ord. 808 § 4, 2007; Ord. 693 § 4, 2000; Ord. 556 § 4, 1990.]

15.12.065 Extension policies.

A. Any person desiring an extension of the electrical utility service shall make application at the office of the electrical superintendent.

B. Extensions shall be made at the convenience of the electric utility and only after approval of proper design and feasibility by the electrical superintendent or a duly appointed representative.

C. The applicant may contract with a licensed contractor qualified to install the electric utility line extension, have the electric utility install the electrical utility line extension, or the electric utility may contract with a licensed contractor qualified to install an electric line extension.

D. Upon the applicant's acceptance of the cost and agreement by the applicant and the electric utility to proceed, both parties shall enter into a written agreement. The terms of the agreement shall include a completion date and the cost of the electric utility extension and such other provisions as may be required and deemed necessary.

E. 1. If the utility is to install the service, the property owner shall be required to deposit with the borough an amount equal to 50 percent of the cost of the electric utility line extension. Full payment must be made prior to energizing the electric utility extension.

2. If the property owner contracts to install the electric utility line extension, the installation shall be inspected and approved by the electrical superintendent. Any associated charges and costs shall be paid in full prior to energizing the electric utility line extension.

F. Upon inspection and approval of the electric utility line extension by the electrical superintendent and full payment of the project costs, ownership of the electric utility line extension shall be transferred to the borough and shall become and remain property of the borough.

G. The borough has established a "per pole span" fee for all electric utility extensions. These fees include easement and right-of-way acquisition, surveying, and design, engineering, administrative costs, materials, labor and equipment.

Secondary: \$1,500 per pole span.

Primary (single-phase): \$3,500 per pole span.

Primary (three-phase): \$4,500 per pole span. [Ord. 804 § 4, 2007; Ord. 693 § 4, 2000.]

15.12.070 Multiple unit service connections.

A single meter to measure the electrical consumption of two or more separate dwelling units shall not be permitted for new construction or apartment conversions after January 1, 1990. The meter reading on existing multiple dwelling units serviced by a single meter shall be calculated by dividing the meter reading by the number of units served. The rate imposed to each unit by WMC 15.12.200 shall be applied as if each unit were metered separately. Conversely, if there is more than one meter at a customer's premises, each meter shall be read and billed separately and the readings from two or more meters shall not be combined. [Ord. 556 § 5, 1990.]

15.12.080 Resale of service.

The customer shall not resell the electrical energy furnished by the borough unless such resale is specifically approved by the borough assembly. [Ord. 556 § 6, 1990.]

15.12.090 Customer's installations.

A. The borough reserves the right to refuse to connect with or render service to any applicant or any customer where such connections and/or rendition will adversely affect the service rendered to its other customers or where the applicant or customer has not complied with all national, state, and borough rules, regulations, codes and standards pertaining to the service to be rendered by the borough.

B. The borough may require the installation of necessary filters or other devices to prevent or suppress such interference caused by any one or more of but not limited to the following: fluorescent lighting, motors, power-driven handtools, battery chargers, appliances, electric signs, and/or any other type of electrical equipment which tends to cause radio interference.

C. Suitable protective devices on the customers' premises may be required whenever the electric utility deems such installation necessary to protect its property or that of its customers.

D. Nothing in this section shall be construed as placing upon the borough any responsibility for permitting the continuation or maintenance of any of the customer's wiring, current consuming devices, plumbing, or other equipment and the borough shall not be held liable for any loss or damage resulting from any defects in the customer's installations and shall not be held liable for damage to persons or property arising from the use of the service on the premises of the customers. There shall be no adjustments on meter readings, due to defective ground, and/or defective wiring beyond the meter. [Ord. 693 § 4, 2000; prior code § 54.20.041.]

15.12.100 Customer's operations.

In the case of hoist and elevator motors, electric furnaces, wireless installations, or other equipment of like character where the use of electrical current is intermittent or subject to violent fluctuation which may interfere with normal service, the borough may require the customer to provide at his own expense equipment which will reasonably limit such fluctuation. The borough reserves the right to refuse to supply a service of a character which may seriously impair service to any customer who shall continue to use appliances or apparatus detrimental to the service of others, after being notified by the borough of such detriment to the service. Electric motors of 20 horsepower and larger shall use reduced-voltage starting equipment or torque convertors approved by the borough. [Ord. 238 § 5, 1969; prior code § 54.20.042.]

15.12.110 Agreements not signed by assembly and mayor not binding – Personal employee gain prohibited.

A. No promise, agreement or representation of any official, employee or agent of the borough not contained in this chapter shall be binding on the borough unless same is approved by the assembly in writing and signed by the mayor.

B. It is unlawful for any official, employee or agent of the borough to ask, demand, receive or accept any personal compensation or consideration for any service rendered to consumers of electrical energy, or other persons, in connection with supplying or furnishing electric energy by the borough. [Ord. 238 § 5, 1969; prior code § 54.20.043.]

15.12.130 Customer's responsibility.

A. It shall be the customer's responsibility to provide suitable protective equipment such as fuses, single-phase meter protecting, circuit breakers and relays adequate to protect his equipment. If three-phase equipment is used, it shall be the customer's responsibility to protect it against phase failure, and also under and over voltage.

B. The electricity department will take all reasonable precautions to prevent phase failure or abnormal voltage variations, but cannot guarantee that such conditions may not occur, due to circumstances beyond its control.

C. The customer's wiring shall be in accordance with National Electrical Code Standards. The electrical department will reserve the right to refuse or discontinue service to a customer where the customer's equipment or wiring is in hazardous condition, or not in conformity with lawful codes and local conditions.

D. The customer shall be solely responsible for the maintenance and safety of his wiring and equipment, and the electrical department shall not be any way liable for accident or damage occurring to the customer or to third parties because of contract with or failure of any portion of the customer's responsibility.

E. The borough shall have the right to temporarily suspend the supply of electrical energy to a customer whenever it finds it necessary to make repairs or improvements to its system; however, when possible, reasonable notice shall be given and repairs or improvements shall be prosecuted with reasonable diligence and, insofar as feasible, in a manner likely to cause the least inconvenience to customers.

F. Customers who have life-support equipment or otherwise require uninterrupted or emergency power shall notify the borough light department in writing. Such customers shall purchase at their own

expense and maintain on-site an automatic emergency power supply suitable to their needs. The borough shall not be responsible nor liable for its failure to deliver a satisfactory supply of energy to such customers notwithstanding their extraordinary need or their prior notice to the borough. [Ord. 669 § 4, 2000; Ord. 556 § 8, 1990.]

15.12.140 Discontinuance of service.

A. The borough reserves the right to cut off the supply of electric current and discontinuance service in the event the customer fails to comply with the provisions of this chapter or any rule or regulation made hereunder.

B. The right to discontinue service for default may be exercised whenever and as often as default occurs and neither delay nor omission on the part of the borough to enforce this rule shall be deemed waived of its right to enforce this rule at any time so long as the default continues.

C. Service shall be discontinued by the borough in the following manner: Notice shall be given by telephone call, personal contact or by hanging a notice on the customer's door informing them that service will be discontinued in five working days if the full delinquent amount has not been paid or a signed contract for payments has not been consummated with the electrical department. If notice cannot be given in the above manner, then notice shall be provided by certified letter or publication. If no contact can be made, then power shall be disconnected within five working days of the mailing of the notice. In the case of fraudulent use of service, as determined by the electrical department, the borough may discontinue service without notice.

D. The due date for monthly electric utility bills is the twentieth day of the month except when such date falls on a weekend or borough holiday. In that event, the due date is the last borough business day before such weekend or holiday. The bill shall become delinquent if payment is not actually received on or before the due date. Payments placed in the City Hall drop box after 5:00 p.m. or on a weekend or borough holiday will be deemed received the next borough business day. Interest will be added to the delinquent account at the maximum rate allowable under AS 45.45.010. Service to customers with delinquent accounts may be discontinued in accordance with the procedures in this code. Service may not be reestablished until the account is paid in full, plus the following charges:

Charge for disconnect	\$20.00
Charge for reconnect	\$20.00
Total extra cost	\$40.00

Customers ordering temporary disconnection of service will be charged for this service at the following rates:

Charge for disconnect	\$20.00
Charge for reconnect	\$20.00
Total extra cost	\$40.00

The right is reserved to refuse service to anyone who is indebted to the borough for light or power, merchandise or labor and material in connection with electric service.

Where scheduling does not permit normal service reconnection on the same day as requested, the customer may elect to pay an after-hours charge equal to the actual cost of overtime labor to obtain reconnection of service that day; otherwise, service will be reconnected the next business day.

E. Electric utility service will not be disconnected for nonpayment of a delinquent account in the following situations:

1. Life-support equipment is used and the customer is dependent on that utility service for the operation of the apparatus;
2. The customer presents evidence that establishes that such termination will seriously affect the health or safety of the customer or of a member of the customer's household provided the customer has made prior credit arrangements with the borough light department;
3. The customer has made prior credit arrangements for payment and is complying with the terms of such credit arrangement. Credit payment and arrangements must specify the payment dates, payment amount, and review dates. The credit arrangement shall be a commitment by the customer to pay the delinquent portion of the bill on a specified date, or in equal payments over a specified period of time that is agreeable with the credit personnel of the finance department. If payments are not being made as agreed, service shall be subject to disconnection;
4. For delinquency in the payment of utility service rendered to a prior customer at the same premises where service is currently being provided, except in the instance where the prior delinquent customer continues to reside on the premises. [Ord. 768 § 1, 2005; Ord. 737 § 4, 2003; Ord. 736 § 4, 2003; Ord. 682 § 4, 2000; Ord. 556 §§ 9, 10, 1990; Ord. 455 §§ 8, 9, 1984; Ord. 238 § 5, 1969; prior code § 54.20.046.]

15.12.150 Frauds on borough or utility prohibited.

It is unlawful for any person, firm or corporation, by any manner or means whatever, to divert, acquire, take, or use, any electricity or electric energy of or from the utility or any of its facilities, with the intent to steal or embezzle the same, or to avoid payment therefor, or in any manner to defraud the borough or the utility. [Ord. 230 § 6, 1969; prior code § 54.20.120.]

15.12.160 Demand – Defined – Determination – Terms.

A. "Demand" means the greatest average rate at which energy is used within any period of 15 consecutive minutes.

B. Determination. The demand of any power installation will ordinarily be determined by assessment in proportion to the connected load. It may be determined, at the borough's option, by test. The customer may, at his own expense, install a demand meter for the measurement of the billing demand. The meter for such purpose shall be approved by the borough and shall be tested for accuracy at the borough's option. Where a demand meter is used, the demand for billing purposes will never be less than that determined as outlined under subsection (E) of this section.

C. Heating. Noninductive heating and cooking appliances will be included in the determination of the demand.

D. High-Frequency Equipment. The demand of all such equipment shall be assessed in the same manner as are motors under power schedules and the full demand so determined shall be included in the total demand under the applicable schedule.

E. Motors. Each horsepower of manufacturer's rating shall be considered as 1,000 watts.

1. The billing demand under all power schedules will be the following percentages of the name-plate ratings of all of the motors in the installation:
 - a. One hundred percent of total rating of one motor;
 - b. Ninety percent of total rating of two motors;
 - c. Eighty percent of total rating of three motors;
 - d. Seventy-five percent of total rating of four or more motors.
2. Except that horsepower demand is never less than the following:
 - a. One hundred percent rating of the largest motor;
 - b. Ninety percent rating of the two largest motors;
 - c. Eighty-five percent rating of the three largest motors.

3. Namesplates on machines are to be manufacturers' nameplates and, if otherwise, the capacity of the equipment is to be determined by test when delivering its maximum output. Expense of any such test shall be paid for by the consumer.

4. In the event the customer has a demand in excess of the demand so determined, then the measured maximum demand shall determine the demand for billing purposes.

5. Should any motor deliver more than 110 percent of its rating, the borough shall base its demand charges upon actual input as determined by test.

F. Miscellaneous Equipment. When the use of miscellaneous equipment is permitted under the power schedule, the assessed demand of such shall be determined by taking the full-rated capacity of all miscellaneous equipment. [Ord. 455 § 10, 1984; Ord. 238 § 5, 1969; prior code § 54.20.060.]

15.12.170 Service charges.

A. The service charges for new or modified service shall be computed as follows:

1. The borough shall furnish the meter at no charge to the customer. The customer shall pay the borough for any instrumentation transformers required to be installed to properly meter the customer's electrical energy usage.

2. Whenever, within a five-year period, additional customers connect to an existing three-phase transformer installation, the one-time cost shall be recalculated and equalized among all such customers. Such customers shall forthwith make payment or receive reimbursement, as appropriate, to effectuate such equalization. However, should a new service require the electric utility to upgrade the existing three-phase transformer installation to accommodate the additional load, the customer shall be charged at new service rates.

B. When a customer requests a change in an existing service installation, the electric utility will disconnect the service so that the customer can make the necessary changes, and reconnect the service after the changes have been made and inspected. A disconnect/reconnect fee of \$150.00 will be charged.

C. The foregoing covers overhead service only. Underground service must be paid for by the customer and the work performed under the supervision of the borough. All underground service must be properly maintained by the customer. [Ord. 693 § 4, 2000; Ord. 556 § 11, 1990.]

15.12.172 Customer service inspection.

The electric utility will periodically test customer's meters for accuracy and when necessary, in the opinion of the electric utility, will replace a customer's meter. When a customer requests his meter be checked by the electric utility, a fee of \$30.00 will be charged to the customer if the meter is found to be accurate. [Ord. 693 § 4, 2000.]

15.12.180 Rates – Based on consecutive service.

A. All rates in all tariffs, unless otherwise stated therein, are based on a minimum of 12 months of consecutive service delivered to one location of one customer for a period or term of not less than one year, unless otherwise specifically stated in the rate schedules.

B. All rates are for service only and do not cover charges which will be made for installing, reconnecting, or moving from one location to another any service and/or equipment not the property of the borough. All additional charges shall be reasonable and shall be determined by the electrical superintendent, and/or his duly authorized agent.

C. All rate schedules under this chapter are based on service to one customer at one point and will not apply for purposes of resale or redistribution in territory where the borough has, or is willing to provide, distribution facilities. [Ord. 693 § 4, 2000; Ord. 230 § 6, 1969; prior code § 54.20.050(a), (f), (g).]

15.12.190 Fuel adjustment charge.

A. In addition to the charges and rates set forth in this chapter, there shall be a fuel surcharge applied to the kilowatt hour sales of electrical energy whenever diesel fuel is used to generate electrical energy during the billing period immediately preceding the current billing period.

The fuel surcharge rate shall be calculated as set forth in subsection (B) of this section.

$$B. \quad R = \frac{((G \times P)/D) - T}{K} \times D$$

For purposes of the above formula:

R = Rate to be charged for the fuel surcharge portion of the monthly bill;

G = Gallons of diesel used during the preceding billing period;

P = Price per gallon based on latest fuel delivery during the billing period of diesel consumption;

D = KWHs produced by diesel generation for the billing period;

T = Cost per KWH that is paid to purchase power from Tyee (Four Dam Pool);

K = Total KWHs sold during the preceding billing period (including KWHs sold to the borough).

C. The fuel surcharge rate shall be applied to KWHs sold. For example, if R under the above formula equals 0.053 per KWH, then the fuel surcharge would equal 5.3 cents for each KWH sold to the customer. [Ord. 769 § 1, 2005; Ord. 473 § 5, 1985; Ord. 465 § 4, 1984; Ord. 416 § 3, 1981.]

15.12.192 Hydroelectrical wholesale power rate adjustment.

A. Applicability. An adjustment shall be made to each billing for kilowatt hours rendered under Schedule A, Schedule B, Schedule C, and shore service for boats to reflect increases or decreases in the wholesale power rate charged per kilowatt hour for the purchase of energy generated by the Lake Tyee Hydroelectric Project. The adjustment will be effective the first billing period following the date the wholesale power rate is set as provided in the long term power sales agreement between the borough and Alaska Power Authority, et al. The base wholesale power rate used to determine the adjustment is \$0.068 per kilowatt hour, which rate was effective July 1, 2002.

B. Method of Calculation. The adjustment shall be calculated as follows: The actual energy charge per kilowatt hour will be adjusted to the nearest tenth of a cent to reflect changes in the base wholesale power rate. [Ord. 721 § 4, 2002.]

15.12.195 Meter rates – Definitions.

A. “Primary voltage level” means service of electrical energy at a voltage between 2.4 kV (kilovolts) and 13.8 kV (kilovolts) inclusive.

B. “Secondary distribution level” means service of electrical energy at a voltage below 2.4 kV (kilovolts).

C. The definitions provided in this section shall apply to the rates for residential service, small commercial, large commercial, and industrial. [Ord. 411 § 9, 1981; prior code § 54.20.095.]

15.12.200 Meter rates – Residential service (Schedule A).

A. Availability. Residential service under this schedule shall be limited to single phase, two or three wire 120/140 service. All installations shall be subject to the approval of the electric utility.

B. Rate.

Customer charge:	\$8.00 per month
Energy charge:	
0 – 300 KWH	\$0.126 per KWH
301 – 1,200 KWH	\$0.102 per KWH
Over 1,200 KWH	\$0.08 per KWH

[Ord. 834 § 1, 2009; Ord. 813 § 1, 2008; Ord. 721 § 4, 2002; Ord. 693 § 4, 2000; Ord. 643 § 5, 1998; Ord. 530 § 6, 1987; Ord. 495 § 5, 1986; Ord. 473 § 6, 1985; Ord. 411 § 5, 1981; prior code § 54.20.070.]

15.12.210 Meter rates – Small commercial service (Schedule B).

A. Classification. Small commercial service includes lighting, cooking, appliances, and motors in professional mercantile, commercial, and other establishments not classed in Schedule A. This rate shall be for commercial users that use less than an average of 30,000 KWH per month, based upon the previous 12-month average consumption, and are served at secondary distribution voltage level.

B. Availability. Small commercial service under this schedule shall be limited to single phase 120/240 volts service. All installations shall be subject to the approval of the electric utility.

C. Rate. Schedule B.

Customer charge:	\$9.00 per month
Energy charge:	\$0.116 per KWH

[Ord. 834 § 2, 2009; Ord. 791 § 4, 2007; Ord. 721 § 4, 2002; Ord. 693 § 4, 2000; Ord. 643 § 5, 1998; Ord. 530 § 7, 1987; Ord. 495 § 6, 1986; Ord. 473 § 7, 1985; Ord. 411 § 6, 1981; prior code § 54.20.080.]

15.12.215 Meter rates – Large commercial service (Schedule C).

A. Classification. Large commercial service includes lighting, cooking, appliances, and motors in professional mercantile, commercial, and other establishments not classed in Schedule A. This rate shall be for commercial users that use an average of 30,000 KWH per month, or more, based upon the previous 12-month average consumption, and are served at secondary distribution level.

B. Availability. Large commercial service under this schedule shall be limited to single- or three-phase 115 and/or 230 volt service. All installations shall be subject to the approval of the electric utility.

C. Demand Charge. The rate in this section does not include a demand charge. The borough reserves the right to adopt a demand charge after installation of KW demand meters and adoption of rates as required by law.

D. Rate. Schedule C.

Customer charge:	\$13.50 per month
Energy charge:	
0 – 70,000 KWH	\$0.107 per KWH
Over 70,000 KWH	\$0.103 per KWH

[Ord. 834 § 3, 2009; Ord. 791 § 4, 2007; Ord. 721 § 4, 2002; Ord. 693 § 4, 2000; Ord. 643 § 5, 1998; Ord. 530 § 8, 1987; Ord. 495 § 7, 1986; Ord. 473 § 8, 1985; Ord. 411 § 7, 1981; prior code § 54.20.085.]

15.12.220 Meter rates – Industrial service (Schedule D).

A. Classification. Industrial service includes customers that receive service at a primary voltage level.

B. Availability. Service delivered under this schedule shall be three-phase, 60-cycles, alternating current at a primary voltage to be specified by the electric utility. All installations shall be subject to the approval of the electric utility.

C. Power Factor.

1. Adjustment of Demand for Power. The rate in this section does not include a charge for a power factor. The borough reserves the right to adopt an adjustment of demand for power factor following installation of KW demand and RKVA reactive meters and adoption of rates as required by law.

2. Demand Charge. The rate in this section does not include a demand charge. The borough reserves the right to adopt a demand charge after installation of demand meters and adoption of rates as required by law.

D. The rates established for large commercial service in WMC 15.12.215 shall apply for industrial service until such time as an agreement contemplated by subsections (E) and (F) of this section is entered into and becomes effective between the borough and the industrial user.

E. Rates. Pursuant to the provisions of Section 5-14(C) of the Charter, the rates to be established for the same of electrical energy to industrial users shall be as negotiated between the borough, and the industrial user, and as formalized between the borough, and the industrial users, and as formalized in a written contract authorized by resolution of the assembly.

F. The rights and remedies of any patrons or any consumer shall not be abridged, reduced or lost by virtue of the existence of a contract between a patron or consumer of electrical energy and the borough. The protection provided by this section shall exist in all contracts between the borough and a consumer or patron whether or not it is written therein. Notwithstanding the failure of the following list to include all rights and remedies of patrons or consumers, it is generally recognized that a patron or consumer is entitled to a supply of electrical energy or services without unjust or undue discrimination, without an unreasonable preference or advantage to any other patron or consumer, and without unjust or undue discrimination, as between classes of service. Nothing in this section prohibits the establishment of reasonable classifications of service or requires unreasonable investment in facilities. [Ord. 693 § 4, 2000; Ord. 495 § 8, 1986; Ord. 484 § 5, 1985; Ord. 473 § 9, 1985; Ord. 411 § 8, 1981; prior code § 54.20.090.]

15.12.222 Rate for separately metered heat and hot water.

A. Classification. Separately metered electricity used for electric furnaces/boilers and electric water heaters.

B. Availability. For the rates set forth in this section to apply, the electric furnace/boiler or electric water heater or both must be metered on a meter separate from the meter for other electric service. Such separate meters will be supplied by the borough. The rate set forth in this section is only available for devices that have the primary purpose of providing building heat or hot water to the building's plumbing system. It is not available for other devices that may involve providing heat or heating water such as hot tubs, saunas, stoves or other appliances.

C. Rate.

Customer charge:	One-half the applicable monthly customer charge for the class of service
Energy charge:	\$0.08/KWH

D. Transformers. For service under this section, the borough will provide any transformer upgrades for residential service and commercial service transformers under 75 Kva at no cost to the customer. Any other transformer upgrades must be paid for by the customer.

E. Exclusive Use. No other electric usage shall be connected to the separate meter for electric furnaces/boilers and electric water heaters.

F. Other Terms and Conditions. Except as otherwise expressly provided for in this section, all the provisions of this chapter shall apply to service under this section including, but not limited to, WMC 15.12.055, Electrical connection fees, WMC 15.12.060, concerning terms of service, WMC 15.12.190, Fuel adjustment charge, and WMC 15.12.192, Hydroelectric wholesale power rate adjustment.

G. Ineligibility. If an electric usage other than that permitted by this section is connected to the separate meter required by this section, both the customer and any property owned by the customer shall be ineligible for service at the rate provided for in this section for a period of three years for the first such instance and shall be permanently ineligible for such rate upon the second such instance.

H. Penalties. Any violation of this section is punishable as provided for in WMC 1.20.010, as that section may be amended, revised or replaced, and each day the violation continues shall constitute a separate offense. [Ord. 833 § 61, 2009; Ord. 789 § 1, 2006.]

15.12.223 Electrical rate incentive.

Notwithstanding KWH fee Schedules B, C, and D of this chapter, the assembly may upon a finding of beneficial public interest by resolution offer an electrical rate incentive to new or expanded commercial or industrial users who comply with all of the following stipulations:

A. The incentive rate shall be no less than \$0.07 per KWH.

B. The rate shall apply only to electricity consumed in the new or expanded portion of the business and shall be measurable by installation of a separate electrical meter.

C. The term of this incentive shall not exceed five years from date of meter hookup nor continue longer than seven days after any billing for electrical service becomes delinquent.

D. All other customer charges related to the delivery of electric service shall be charged as per provisions of this chapter. [Ord. 725 § 4, 2002.]

15.12.225 Fuel displacement rate – Governmental.

A. The rates of this section shall apply only to federal, state or local governmental agencies.

B. Eligible loads must be capable of being served by the customer's existing fuel fired energy source and be capable of interruption of electric services at any time.

C. The rate shall be established by contract between Wrangell light department and the customer. [Ord. 578 § 4, 1992.]

15.12.230 Shore service for boats.

A. This section applies to any and all vessels, regardless of size, that are not serviced under WMC 15.12.200 or 15.12.210.

B. This service is available to all locations where shore service facilities are provided by the borough. This is a combination rate for lighting and heating only.

C. Only single-phase service, 110 volts will be furnished from controlled shore outlets limiting the demand to the billing demand. Shore outlets shall be under the exclusive control of the borough. All boats and vessels shall be charged a flat rate based on a 20-ampere fuse as follows:

20-amp fuse: \$27.16 per month.

D. Contracts shall be for not less than a monthly charge, payable in advance at the monthly rate. [Ord. 556 § 12, 1990; Ord. 530 § 9, 1987; Ord. 473 § 10, 1985; Ord. 388 § 4, 1979; Ord. 382 § 5, 1979; prior code § 54.20.100.]

15.12.240 Use of poles.

A. Power poles and service poles belonging to the electric utility or for which the electric utility has jurisdiction may not be used for any purpose other than electrical power transmission and distribution, unless per a written pole attachment agreement.

B. The annual rate for each attachment to any pole by any user, the rate to include right-of-way maintenance by the borough at the base of the pole only, shall be as follows:

1. \$14.00 per attachment effective January 1, 2001.

C. All poles used in the transmission and distribution of electrical power will be approved by the electric utility and be treated with an approved preservative. [Ord. 693 § 4, 2000; Ord. 678 § 4, 2000; Ord 543 § 5, 1988.]

15.12.250 Service rates outside city limits.

Repealed by Ord. 833. [Ord. 230 § 6, 1969; prior code § 54.20.110.]

Chapter 15.16**CEMETERY**

Sections:

- 15.16.010 Established.
- 15.16.020 *Repealed.*
- 15.16.030 Recordkeeping.
- 15.16.040 Cemetery operation and maintenance.
- 15.16.050 Purchase of graves.
- 15.16.055 Columbarium.
- 15.16.060 Applications required for burial or disinterment.
- 15.16.070 Opening and closing graves.
- 15.16.080 Uniformity of grounds and markers.
- 15.16.090 Price of graves – Perpetual care required.
- 15.16.100 Disposal of unused grave.
- 15.16.110 Investment fund.
- 15.16.120 Use of cemetery roads restricted.

15.16.010 Established.

The municipal cemetery now owned and operated by the borough, located in U.S. Survey 1336, shall be known as the Wrangell Memorial Cemetery, and the municipal cemetery now owned and operated by the borough, located in U.S. Survey 3402, Tract "A," Lot 3 shall be known as the Sunset Gardens Cemetery. The municipal cemeteries shall be available, subject to the provisions of this chapter, to all persons irrespective of race, religion, creed or color. [Ord. 499 § 4, 1986.]

15.16.020 Caretaker – Appointment and salary.

Repealed by Ord. 799. [Ord. 256 § 5, 1970; prior code § 45.50.030.]

15.16.030 Recordkeeping.

The borough clerk shall keep books or records recording the names of owners of all graves owned or sold, the names of persons interred therein, the date of death and burial and such other statistics as may be necessary. [Ord. 256 § 5, 1970; prior code § 45.50.040.]

15.16.040 Cemetery operation and maintenance.

The borough manager shall provide for the annual costs of care and maintenance of the cemeteries in the borough budget, which costs will include the ground upkeep and such other operation and maintenance as may be necessary. [Ord. 499 § 5, 1986.]

15.16.050 Purchase of graves.

No purchase of cemetery graves shall be made except upon requisition approved by the borough clerk and payment for all purchases made shall be made to the finance director. [Ord. 256 § 5, 1970; prior code § 45.50.060.]

15.16.055 Columbarium.

A. Definition. A structure of vaults lined with recesses for cinerary urns. There shall be 100 niches located at the Sunset Gardens Cemetery. The dimension for each niche shall be 12 inches by 12 inches by 15-1/2 inches which may accommodate one or two urns.

B. Fee. The fee per niche shall be \$235.00. The fee per opening and closing for each niche shall be \$50.00. [Ord. 732 § 4, 2003.]

15.16.060 Applications required for burial or disinterment.

No burial or disinterment shall be permitted within the cemetery without first making application to the borough clerk for the purpose of recording the name of the person to be buried, or disinterred, the name of the owner of the grave, and such other information as may be required. [Ord. 256 § 5, 1970; prior code § 45.50.070.]

15.16.070 Opening and closing graves.

A. No person shall be permitted to open and close graves within a borough cemetery, except upon application to the borough clerk. Permission may be given for a person to bury cremated remains under supervision of the borough. Except for disinterment, the borough shall open and close all graves. A fee shall be collected from the persons requesting the opening and closing of all graves, including burial and disinterment. The borough shall have no obligation to perform the disinterment, and may contract said service to private enterprise. All disinterments shall be done under the supervision of the borough.

B. The fee for each opening and closing of a burial grave shall be \$650.00, except the fee for the burial of a child six years of age or younger shall be \$300.00. If the opening and closing of a burial grave is done on a holiday, Saturday or Sunday, the charge shall be \$775.00 or \$400.00 for the grave of a child six years of age or younger. Cremated remains will be buried by the borough for a charge of \$30.00.

C. The funeral director, or person in charge, shall notify the borough when a burial grave is to be opened, and shall give the date and time graveside services will be conducted, which notice shall be given no less than 48 hours in advance of any service. Notice given less than 48 hours' notice will be charged extra labor fees or any overtime hours required, equal to the hourly pay and benefit cost of employee required. [Ord. 799 § 2, 2007; Ord. 602 § 4, 1995; Ord. 537 § 4, 1988; Ord. 499 § 6, 1986; Ord. 433 § 4, 1982; Ord. 256 § 5, 1970; prior code § 45.50.080.]

15.16.080 Uniformity of grounds and markers.

A. It is highly desirable that uniformity be maintained and, in order to maintain such uniformity, the borough reserves the right to standardize the design and material used for markers, to prohibit the planting of trees and shrubs, and to prohibit the erection of fences or other structures of any kind to carry out such uniformity. Maximum size for the base of markers shall be 36 inches by 20 inches and 18 inches high. The maximum weight of markers shall be 250 pounds. Crosses shall not exceed three feet in height and width.

B. No temporary decoration, marker or monument may be placed upon or near a grave which extends above the surface of the ground except on the day of burial, on Memorial Day, Fourth of July and Veterans' Day, and these shall be removed within seven days thereafter. All permanent markers shall be set on foundations constructed and installed to the specifications of the borough except those markers that have built-in foundations. No marker shall extend beyond border of grave (three and one-half feet by nine feet). Upon request, the borough will install the markers for a fee of \$50.00.

C. Sunset Gardens Cemetery began operation in 1966. The borough desires that this cemetery be maintained in a uniform manner and the following rules shall apply:

No enclosure of any kind, such as a fence, roping, hedge, border or ditch shall be permitted around any grave, and no grave shall be raised above the established grade. The borough shall remove all materials prohibited by this section which may be in place at the passage of the ordinance codified in this sec-

tion, or which may in the future be placed on or near any grave, after giving 30 days' notice of such action to any known party which may have an interest therein.

D. *Repealed by Ord. 799.*

E. The borough reserves the right to make special exceptions to the rules set forth in this section or to adopt additional rules by resolution in order to properly operate and maintain the cemeteries. [Ord. 799 § 3, 2007; Ord. 766 § 5, 2005; Ord. 602 § 5, 1995; Ord. 499 § 7, 1986; Ord. 256 § 5, 1970; prior code § 45.50.090.]

15.16.090 Price of graves – Perpetual care required.

A. The sale price of graves, including the perpetual care of same, shall be \$200.00 for a single grave. There may be reserved certain areas, or fractional graves, for the burial of infants under six years of age at a cost of \$100.00 per grave, including perpetual care. Cremains plots in Block 28 shall be \$75.00. Effective October 1, 1988, where physically possible, and notification is given to the borough prior to the first burial, more than one but not more than two burials may occur in one grave site plot, at no additional cost. Cremated remains may be buried in the same grave site as long as space is available and consent of the owner is given.

B. No graves shall be sold after the passage of the ordinance codified in this chapter other than on a perpetual-care basis. [Ord. 602 § 6, 1995; Ord. 545 § 4, 1988; Ord. 256 § 5, 1970; prior code § 45.50.100.]

15.16.100 Disposal of unused grave.

It is provided that the owner of any unused cemetery grave may dispose of the grave to any other person, subject, however, to written approval of the borough clerk. [Ord. 256 § 5, 1970; prior code § 45.50.150.]

15.16.110 Investment fund.

All moneys received from the sale of graves shall be deposited in the general fund of the borough. [Ord. 256 § 5, 1970; prior code § 45.50.170.]

15.16.120 Use of cemetery roads restricted.

No person shall drive any horse or vehicle in or through the cemetery, its roads or paths, for ordinary purposes of traffic and travel, nor permit any cattle, horses, sheep, hogs or other stock of any kind to enter in or upon or to feed or graze in the cemetery. [Ord. 256 § 5, 1970; prior code § 45.50.190.]

Chapter 15.18**GARBAGE***

Sections:

- 15.18.010 Definitions.
- 15.18.020 Refuse containers – Specifications.
- 15.18.025 Refuse containers – Borough-owned.
- 15.18.030 Refuse containers – Maintenance.
- 15.18.040 Refuse containers – Location.
- 15.18.050 Disposal – Restricting generally.
- 15.18.060 Sanitation department.
- 15.18.061 Funds – Accounting system.
- 15.18.062 Use of moneys.
- 15.18.070 Collection or disposal fees.
- 15.18.075 Monofill disposal permit and fees.
- 15.18.080 Collection times and frequency.
- 15.18.090 Notification of collection need.
- 15.18.100 Disposal at and maintenance of municipal solid waste handling facility.
- 15.18.110 Penalty for violation.

15.18.010 Definitions.

The following words, when used in this chapter, shall have the meanings respectively ascribed to them:

A. “Garbage” includes all refuse accumulations of animal, fruit or vegetable matter that attend the preparation, use, cooking, dealing in, or storage of meat, fish, fowl, vegetables or fruits and containers originally used for such foodstuffs.

B. “Refuse” means garbage or rubbish or both.

C. “Rubbish” means nonputrescible solid wastes such as wastepaper, cardboard, wood, tin cans, glass, bottles, yard rakings, tree limbs, bedding, metals, trash, sweepings and all other similar substances which may become nuisances from all public and private establishments and residences.

Rocks, dirt, car bodies and scrap iron are excluded. [Ord. 809 § 4, 2008; Ord. 200 § 5, 1967; prior code § 42.40.110. Formerly 9.04.010.]

15.18.020 Refuse containers – Specifications.

A. Except as provided in subsection (B) of this section, each and every owner, tenant, housekeeper or other person occupying any room, dwelling, house, apartment or other building or portion thereof and producing or being responsible for the disposal of refuse shall provide sturdy, pest-proof receptacles with a capacity not to exceed 33 gallons approved by the borough manager or his authorized agent for residential use. Such containers shall not exceed 55 pounds in weight in full.

B. It shall be the duty of every person, firm or corporation owning, managing, operating, leasing or renting any commercial premises, including apartment buildings with more than two apartments or mixed commercial buildings with three or more apartments, to maintain a pest-proof bulk storage container or containers provided by the borough sanitation department.

* For statutory provisions on garbage and solid waste services, see AS 29.35.050.

Code reviser’s note: Ord. 812 amends Ch. 9.04 WMC, which was recodified to Ch. 15.18 WMC by Ord. 809.

C. It shall be the duty of every person, firm or corporation owning, managing, operating, leasing or renting any premises or dwelling unit to place the daily accumulations of refuse in the container or containers required in this chapter, and it shall be the duty of every person placing garbage in any such container to eliminate, as far as possible, all water and liquid from such garbage and to securely bag garbage before placing same in such container. [Ord. 812 § 1, 2008; Ord. 809 § 4, 2008; Ord. 764 § 5, 2005; Ord. 660 § 5, 1999; Ord. 634 § 4, 1997; Ord. 574 § 4, 1991. Formerly 9.04.020.]

15.18.025 Refuse containers – Borough-owned.

A. All bulk storage containers shall be provided and owned by the borough sanitation department. An additional lease fee, as set forth in Table 15.18.070, shall be assessed in addition to collection charges on all borough-owned bulk storage containers.

B. Customer-owned bulk storage containers previously approved by the borough sanitation department shall be allowed to remain in service until the end of their usable life, at which time they will be replaced by borough-owned bulk storage containers. [Ord. 812 § 2, 2008.]

15.18.030 Refuse containers – Maintenance.

A. Every person in possession, charge or control of any place where refuse is created or accumulated shall provide sufficient number of containers to accommodate all refuse accumulated between successive collections.

B. The owner of a multiple dwelling less than three units shall furnish or require his tenants to furnish proper garbage containers. Refuse containers furnished by the tenants located at multiple dwellings shall be marked so as to indicate the apartment to which they belong.

C. Each container shall be kept closed except when it becomes necessary to deposit or to remove refuse. Each container shall be kept clean and upright so as not to create an odor nuisance or endanger public health or safety.

D. All borough-owned bulk storage containers shall be maintained and repaired by the borough. [Ord. 812 § 3, 2008; Ord. 809 § 4, 2008; Ord. 660 § 5, 1999; Ord. 200 § 5, 1967; prior code § 42.40.020. Formerly 9.04.030.]

15.18.040 Refuse containers – Location.

A. Containers approved for use by the borough manager or his authorized agent, in which refuse is placed to be removed by the borough or its authorized collector, shall be located in plain view in an accessible location at the ground level or on an open platform or open porch not more than four feet above the adjacent roadway and so placed that they may be reached from the ground by the collector. They shall not be located within a building or other structure unless such building or structure has been approved for refuse storage by the borough manager or his authorized agent. If the premises on which such refuse accumulates abuts on a public alley, such container shall be located immediately adjacent to such alley. If such alley is not available but a private driveway is available said container shall be located immediately adjacent to such driveway. The containers shall be placed at the edge of the developed roadway. If more than one container is necessary to hold the refuse accumulated at a customer's premises, or if more than one container is used for the refuse from any one building, all containers shall be placed at the same location on the premises. A residential customer may choose to not place their refuse containers at the edge of the developed roadway and have the container picked up for an additional fee if said container is within 40 feet of the developed roadway.

B. The borough or its authorized collector will not be required to collect refuse, garbage or rubble where there are obstructions such as excessive snow in pathway to containers, vicious dogs, excessive

liquid in containers, parked vehicles, etc. [Ord. 809 § 4, 2008; Ord. 660 § 5, 1999; Ord. 644 § 5, 1998; Ord. 574 § 4, 1991. Formerly 9.04.040.]

15.18.050 Disposal – Restricting generally.

A. It is unlawful for any person to deposit refuse which may be offensive, noxious, or dangerous to the public health on any private property, public ground, alley, street, area, way, or on other public place within the borough limits where it may become dangerous or offensive to the public health.

B. Outside burning of rubbish or other combustible materials shall be restricted to authorization or special permit of the fire chief.

C. Nothing contained in this chapter shall be construed to prevent a person from removing rubbish from his private property and transporting it to any approved disposal area; provided, that all borough regulations relating to the use of the disposal area are complied with; and provided further, that the private hauling shall not excuse said person from paying a refuse collection or disposal fee. [Ord. 809 § 4, 2008; Ord. 383 § 5, 1979; prior code § 42.40.040. Formerly 9.04.050.]

15.18.060 Sanitation department.

A. The sanitation department shall collect and dispose of refuse accumulated and make occasional inspections for compliance with this chapter.

B. It shall acquire such equipment and hire such employees as may be necessary to fulfill effectively its duties.

C. No person shall operate any other public refuse collection system without permission of the assembly. [Ord. 809 § 4, 2008; Ord. 200 § 5, 1967; prior code § 42.40.050. Formerly 9.04.060.]

15.18.061 Funds – Accounting system.

The sanitation fund, owned and operated by the borough, shall be operated from an enterprise fund separate from the general fund. An accounting system for each fund shall be established within the general accounting system of the borough, and shall be set up and maintained as to reflect the financial condition of the enterprise. A balance sheet and statement of income and expense shall be made for the sanitation fund annually and as often as the borough assembly may require. [Ord. 809 § 4, 2008; Ord. 712 § 4, 2002. Formerly 9.04.061.]

15.18.062 Use of moneys.

None of the income money or property of the sanitation fund shall be placed in the general fund or be used for the benefit of anything outside of the fund to which it belongs without due compensation or due value received and returned. [Ord. 809 § 4, 2008; Ord. 712 § 4, 2002. Formerly 9.04.062.]

15.18.070 Collection or disposal fees.

A. Every owner, occupant, liveaboard, tenant or lessee within the borough's garbage collection service area shall receive refuse pickup service and shall pay such fees as are set forth in this section unless waiver of service is authorized by the borough manager or his authorized agent, after special investigation of conditions upon which the waiver is requested.

B. Residential service shall consist of the removal of refuse substances, as defined in this chapter, in containers approved by the borough manager or his authorized agent, weighing with contents when full not over 55 pounds, or the equivalent thereof, once weekly.

C. The borough manager shall have the authority to waive any fees in Table 15.18.070 for a period of up to two weeks during community clean-up projects.

D. All customers shall be billed on the basis of the charges as set forth in Table 15.18.070.

E. Interest will be charged to all delinquent accounts in accordance with the rates set forth in AS 45.45.010. Delinquency shall occur after the twentieth day of the month.

Table 15.18.070 – Monthly Refuse Collection or Disposal Fees	
Mandatory Rates for All Occupants or Persons	
Designation	Monthly Rate
Residential Collection:	
One 32-gallon container (minimum charge)	\$21.98
Two 32-gallon containers	\$36.65
Each additional 30-gallon container	\$7.33
Off curbside pick-up/month	\$12.22
Commercial-Industrial Collection:	
Per 32-gallon container	\$21.98
2 cubic yard dumpster	
1 pick-up/week	\$79.40
2 pick-ups/week	\$158.81
3 pick-ups/week	\$238.21
4 pick-ups/week	\$317.62
5 pick-ups/week	\$397.02
One extra pick-up/month	\$19.85
More than one extra pick-up/month will be billed at the appropriate rate.	
4 cubic yard dumpster	
1 pick-up/week	\$158.81
2 pick-ups/week	\$317.62
3 pick-ups/week	\$476.42
4 pick-ups/week	\$635.23
5 pick-ups/week	\$794.04
Special one-time extra pick-up/month	\$39.71
More than one extra pick-up/month will be billed at the appropriate rate.	

Landfill Charges:	
Up to 1 cubic yard (minimum charge)	\$12.00
Each additional cubic yard	\$6.00
Cars (each)	
No tires and no fluids	\$30.00
With tires and fluids	\$80.00
Batteries (each)	\$3.00
Washers and dryers (each)	\$12.00
Refrigerators and freezers (each with Freon)	\$42.00
Cardboard, glass and aluminum (if separated)	Free
Bulk Storage Container Leasing:	
1- and 2-yard painted	\$10.00
1- and 2-yard galvanized	\$7.06
4-yard painted	\$20.58
4-yard galvanized	\$14.98

Note 1: The monthly rates for any establishment not herein designated shall be determined by the borough assembly. Until such rate may be established, the rate deemed most applicable shall apply, subject to adjustment. [Ord. 833 § 40, 2009; Ord. 812 § 4, 2008; Ord. 809 § 4, 2008; Ord. 792 § 1, 2007; Ord. 742 § 5, 2004; Ord. 715 § 5, 2002; Ord. 679 § 4, 2000; Ord. 660 § 5, 1999; Ord. 644 § 5, 1998; Ord. 575 § 4, 1991; Ord. 574 § 4, 1991; Ord. 571 § 5, 1991. Formerly 9.04.070.]

15.18.075 Monofill disposal permit and fees.

A. In order to facilitate land development, the borough monofill landfill disposal site may be used for the disposal of unclassified land development excavation materials as provided for in this section.

B. A permit must be obtained from the public works department prior to the disposal of any material. The terms of the permit shall establish the following:

1. The quantities of material for which disposal is allowed;
2. The location where disposal is allowed;
3. The grading requirements required;
4. Any access road maintenance requirements for quantities above 150 cubic yards;
5. The duration of the permit; and
6. Such other terms and conditions as the public works department may require.

C. The disposal fees for the monofill are \$1.00 per cubic yard of material.

D. For purposes of this section, “unclassified excavation materials” means any material excavated in the process of land development except demolition materials, trees, brush, stumps and other similar materials.

E. In addition to the penalties provided for in WMC 15.18.110, any person who disposes of any material at the monofill with a permit, in violation of the terms and conditions of this permit, the provisions of this section may be excluded from use of the monofill. In addition to any other remedies available to it, the borough shall have the right to enforce this section by injunctive relief. [Ord. 809 § 4, 2008; Ord. 777 § 1, 2006. Formerly 9.04.075.]

15.18.080 Collection times and frequency.

Refuse shall be collected at such frequent intervals as to prevent health or fire hazards or unsightly conditions; provided, that collections shall be made not less than once a week from each residence, shop, store or other establishment and not less than twice a week from restaurants, boardinghouses or other places where conditions require more frequent collections. The assembly may set and alter by resolution the intervals between collections. [Ord. 809 § 4, 2008; Ord. 200 § 5, 1967; prior code § 42.40.070. Formerly 9.04.080.]

15.18.090 Notification of collection need.

All occupants and persons in possession, charge or control of premises and places in or upon which refuse is created or accumulated shall notify the authorized garbage collection service of the borough that collection of refuse from such place is required; provided, that the failure of said person or occupant to notify the borough shall not excuse the payment of the refuse collection or disposal fees. [Ord. 809 § 4, 2008; Ord. 383 § 5, 1979; prior code § 42.40.080. Formerly 9.04.090.]

15.18.100 Disposal at and maintenance of municipal solid waste handling facility.

The sanitation department shall dispose of refuse by conveying it to a municipal solid waste handling facility or other places designated by the assembly. Such municipal solid waste handling facility shall be kept in as sanitary condition as circumstances permit, using every reasonable means to destroy or cover the refuse and prevent it from becoming a refuge or breeding place for rats or other pests, or otherwise endangering public health and safety. [Ord. 809 § 4, 2008; Ord. 644 § 5, 1998; Ord. 200 § 5, 1967; prior code § 42.40.090. Formerly 9.04.100.]

15.18.110 Penalty for violation.

Any person keeping refuse in containers other than authorized by this chapter, or who keeps upon any premises in the borough refuse which is offensive, or who fails to perform any act required by this chapter, shall have committed a violation which, upon conviction, is punishable by a fine not exceeding \$150.00 per violation. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues after the violator has been given actual or constructive notice of violation. [Ord. 809 § 4, 2008; Ord. 290 § 5, 1973; prior code § 42.40.100. Formerly 9.04.110.]

