CODE ORDINANCE

Sponsor: Assemblymember Vehrs
Introduced: 06/06/06
Public Hearing: 06/20/06
Amended: 06/20/06
Adopted: 06/20/06

MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 06-124(AM)

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 5.25.060, SERVICE AREA NO. 36: TALKEETNA SEWER AND WATER SERVICE AREA, AND AMENDING THE "OPERATING RULES, RATES, AND PROCEDURES FOR THE USE OF SUPPLY OF PUBLIC SEWER AND WATER SYSTEMS IN TALKEETNA, ALASKA."

WHEREAS, the Talkeetna Sewer and Water Service Area No. 36 has had two substantial rate increases since June 7, 2005, for residential and commercial service; and

WHEREAS, the Talkeetna Sewer and Water Service Area No. 36 has requested that the Administration continue to find economies and revenues for the service area; and

WHEREAS, the Administration has reviewed the "Operating Rules, Rates and Procedures" and found items that can be modified to improve efficiencies, increase revenue, more accurately distribute the costs, and enhance enforcement; and

WHEREAS, the Talkeetna Sewer and Water Service Area No. 36 has requested the Administration proceed with these changes; and

WHEREAS, these regulation and fee changes are being requested in order to sustain the current level of services provided to the residents in the Talkeetna area.

BE IT ENACTED:

Section 1. Classification. Section 2 of this ordinance is of a general and permanent nature and shall become a part of the borough code. Section 3 is non-code.

Section 2. Amendment of section. MSB 5.25.060(C) is hereby amended to read as follows:

(C) The borough adopts, by reference, the "Operating Rules, Rates and Procedures for the Use and Supply of Public Sewer and Water Systems in Talkeetna, Alaska," for the Talkeetna Sewer and Water Special Service Area, as amended August 1995 for the water systems, as amended January 1996, for the sewer systems, as amended June 2005, for water and sewer systems, **and as amended June 2006, for sewer and water systems.** The Talkeetna Sewer and Water Special Service Area regulations may be amended by the manager as required for the operation of the sewer and water system.

Section 3. Amendment of operating rules, rates, and procedures for the Talkeetna Sewer and Water Service Area, Public Sewer System.

Section 1, Definitions, is hereby amended to read as follows:

1.1.19 "Facility" means a dwelling unit.

Section 6, GENERAL SERVICE CONDITIONS, is hereby amended to read as follows:

6.2.1 Unless specifically provided in a written contract for service, the minimum term of service is thirty days. A customer taking service for less than this minimum term will be billed **monthly, in advance**, for the minimum monthly charge specified under the applicable rate schedule.

6.6.1 No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit. A violator will be charged for each unauthorized connection in accordance with the rate schedule, plus **a 25 percent penalty,** which is a part of these Operating Rules, Rates and Procedures, **from the date the unauthorized connection was made. If that date cannot be established, the customer will incur a penalty equal to the applicable monthly rate for the entire proceeding year plus 25 percent, or $750 whichever is greater.**

6.9.1 All costs and expense incidental to the installation and connection of the building sewer **service** shall be borne by the owner. The owner shall defend and indemnify the Utility from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer **service**.

6.10 A separate sewer **service** shall be provided for each building served on the property unless the property owner has accepted responsibility for payment of billings for sewer service to all

premises on the property and has a statement to that effect on file with the Utility. If more than one structure is connected to a single sewer service connection, the service will be considered a commercial account and charged accordingly.

6.11.1 Old building sewer **services** may be used in connection with new buildings only when they are found, on examination and test by the Borough Manager or [his authorized] designee, to meet all requirements of this ordinance.

Section 7, PROHIBITED MATERIALS, is hereby amended to read as follows:

7.3.1No person shall discharge or cause to be discharged the following described substances, materials, water, or wastes if it appears likely the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Borough Manager or **authorized** designee, will give consideration to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, and other pertinent factors. The substances prohibited are:

7.4 Improper Drainage

7.4.1 Any person who violates Sections 7.2 **or** [and] 7.3 of these Operating Rules, Rates and

Procedures is subject to immediate disconnection from the Utility sewer system. Prior to reconnection of the sewer service, it must be shown that the cause of the discharge of prohibited discharge or materials has been eliminated. Any costs to the Utility associated with the discharge of such prohibited discharge or materials shall be borne by the party responsible for such prohibited acts.

Section 8, SERVICE CONNECTIONS AND EXTENSIONS, is hereby amended to read as follows:

8.1.1 Mandatory connection to the Talkeetna Sewer and Water Service Area system is required for all new facilities constructed after (date of adoption of these amendments) and for all existing systems that fail if the sewer connection is within 150 feet of the lot commencing after (date of adoption of these amendments). All new connections shall be installed by November 1st of the same year that the application for permit was obtained, or if application is obtained after November 1st, then the period for compliance shall extend until the November 1st of the following year. Failure to connect to sewer within the specified timeframe allowed shall result in a penalty, whether commercial or residential, as set forth in Section 12, Fees and Special Charges - Non-Recurring, Failure to Connect, until such time as connection is made. An owner of existing property that is required to hook up, and has been notified in writing that he or she must

hook up to the system and has not connected to the system within 12 months of notification, will also incur a penalty, whether commercial or residential, as set forth in Section 12, Fees and Special Charges – Non-Recurring, Failure to Connect.

8.1.2 One service connection shall be constructed and installed from the sewer to each building served on the property unless the property owner has accepted responsibility for payment of billings for sewer service to all premises on the property and has a statement to that effect on file with the Utility. A multi-resident facility shall be charged one monthly residential sewer fee per unit of residence. If more than one structure, recreation vehicle (RV), or mobile home is connected to a single sewer service connection, the service shall be considered a commercial account and charged accordingly.

8.1.3 Property owners with more than one structure, RV, or mobile home connected to a single water source who wish to discontinue service to one or more of the structures may be billed for only the remaining structure(s), commercial or residential, provided that they comply with all of the following terms:

a) Submit all as-built drawings and grant utility easements to service branches and meters if installed; and

b) Pay for a tamperproof key box cap that becomes the

property of the Utility; and

c) Complete the service work order form and pay the turn on and turn off charge for the job to be performed by the Utility Operator.

8.1.4 All costs associated with sewer connection will be borne by permittee as described in 8.2.1.

8.3.2 The Utility will require the Contractor/Owner to deposit $500 for each stub-out connection or to deposit $750 for each mainline connection. This deposit is not the permit fee. After the connection is inspected and photographed by the Utility Operator and all drawings and required papers are on file with the Utility, the deposits, which are not interest bearing, will be refunded to the Contractor/Owner.

Section 9, DEPOSITS, BILLINGS, AND REPAYMENT, is hereby amended to read as follows:

9.2.1The Utility will refund the deposit after two years of service **upon request** providing that, in the interim period, the Utility has not been forced to disconnect that customer's service for reasons of delinquency in payment of charges or that the customer has not been delinquent in payment more than once in any 12 consecutive months, or is not delinquent at the end of the two year period. **When service is discontinued and the account balance is zero**, the deposit is to be returned to the customer **upon request** within 25 days of discontinuance of service. The deposit is **not** interest bearing and cannot be assigned.

9.8.1 **Bills** will be considered past due and subject to a late charge or finance charge of 10 ½

percent per annum from due date to the collection of the account if not paid within 25 days after billing date. **Accounts in arrears shall pay, monthly, 20 percent of the amount in arrears plus applicable penalties, in addition to the current month. Any waiver or other payment agreement must be in writing and signed by the customer and by the Borough's authorized representative.**

9.9.1The Matanuska-Susitna Borough may discontinue **water, and thereby** sewer service, if a customer permits a bill to become delinquent past **30 days**. The Matanuska-Susitna Borough will notify the customer of a contemplated [sewer] **water, and thereby sewer** [water], disconnect by a door hanger placed at least 48 hours prior to discontinuance of service. **There shall be a $30 charge for delivering a shut-off or delinquency notice for water, and thereby, sewer service.** Any account which is over **60** [90] days in arrears will be turned over to a collection agency. A sum equal to 15 percent of the outstanding balance of the account will be added as a service charge, and the account balance, including the service charge, will accrue interest at the rate of 10 ½ percent per annum from the due date to collection of the account.

9.12 Change of **Ownership (Ratepayer)** [Occupancy]

9.12.1 A customer who is listed on the Utility records as the person or entity responsible for utility consumption at a specific location shall give notice in

writing by mail, or in person, of intended change in **ownership (ratepayer)** [occupancy], specifying the date on which service is to be discontinued. Notice shall be provided at least five days prior to the change of **ownership (ratepayer)** [occupancy]. If the customer fails to provide the required notice, he will be charged for a sewer service furnished to the premises until the Utility provides service to a successor **owner** [occupant].

Section 10, General Provisions, is hereby amended to read as follows:

10.1.1 Customer complaints may be filed in writing or orally and directed to the attention of the Manager of the Matanuska-Susitna Borough, or **authorized** [his] designee. The Manager, or **authorized** [his] designee, may request that an oral complaint be reduced to writing and signed by the customer or his authorized representative who is directly affected by the subject of the complaint.

Section 11, MONTHLY RATES, is hereby amended to read as follows:

11.1.3 [STUB-OUT] Stand-by unless paying a Water [STUB-OUT] Stand-by **(Interrupted Service)** Fee

11.2.4 Unauthorized Connection

Monthly charges from the date the unauthorized connection was made plus 25%. If no date can be established, charge the full proceeding year or $750.00

whichever is greater. [$ 93.75 each & monthly charges]

11.2.5 Failure to Connect Penalty - Residential

$44.93 per month until connection is made

11.2.6 Failure to Connect Penalty - Commercial

$86.25 per month until connection is made

11.3.1 Application Fee **A waiver may be available for those with proof of two years stub-out payment at that location.**

11.3.2 Contractor w/Deposit for As-Built Drawings:Stub-Out Connection

$500.00 per each

11.3.3 Contractor w/Deposit for As-Built Drawings: Mainline Tap Connection

$750.00 per each

11.3.4 **Mainline** Sewer **Tap** Connection Permit Fee

Section 4.Amendment of operating rules, rates, and procedures for the Talkeetna Sewer and Water Service Area, Public Water System. Section 1, Definitions, is hereby amended to read as follows:

1.1.17 "Facility" means a dwelling unit.

Section 3, NATURE AND TYPES OF SERVICES, is hereby amended to read as follows:

3.2.1 To accommodate seasonal needs, the Utility will provide water service to facilities to be turned on annually at a time specified by the customer each spring and discontinued at a date in the fall or winter designated by the customer. The customer shall be charged **a Turn On/Turn Off fee and a monthly**

Interrupted Service Fee [Fee to reimburse the Utility for the cost of turning on, shutting off, and draining the Utility facilities]. Rates to be charged for this service shall be in accordance with **Section 12 Fees and Special Charges - Non- Recurring and** Section 13 **Water Rates.**

Section 6, GENERAL SERVICE CONDITIONS, is hereby amended to read as follows:

6.2.1 Unless specifically provided in a written contract for service, the minimum term of service is thirty days**, which will be billed the minimum monthly charge specified under the applicable rate schedule plus the metered charges from the previous month.** A customer taking service for less than this minimum term will be billed, **in advance,** for the minimum monthly charge specified under the applicable rate schedule.

6.7.1 If equipment or facilities owned by the Utility within the Talkeetna Sewer and Water Service Area are damaged, tampered with, seals broken, or otherwise damaged, the Utility will discontinue water service to the customer until such time as satisfactory assurance has been provided that the facilities will be free from future interference. The customer shall reimburse the Utility for any damage to the equipment or facilities, for the estimated loss of revenue**, and bring the account balance to zero** prior to re-connection. **Delinquent accounts disconnected due to**

tampering shall be turned over to a collection agency by the Utility immediately.

6.11.2 Unauthorized Connection

6.12.1 No person shall uncover, make any connections with or opening into, use, alter, or disturb water connection or appurtenance thereof without first obtaining a written permit. A violator will be charged for each unauthorized connection in accordance with the rate schedule, plus a 25 percent penalty, which is a part of these Operating Rules, Rates, and Procedures, from the date unauthorized connection was made. If that date cannot be established, the customer will incur a penalty equal to the applicable monthly rate for the entire proceeding year plus 25 percent, or $750 whichever is greater.

Section 8, SERVICE CONNECTIONS AND EXTENSIONS, is hereby amended to read as follows:

8.1.1 Mandatory hook-up to the Talkeetna Sewer and Water Service Area system is required for all new facilities constructed after March 17, 1992 and for all existing systems that fail. Mandatory hook-up is not required for structures existing prior to March 17, 1992. **All new connections shall be installed by November 1st of the same year the application for permit was obtained, or if application is obtained after November 1st, then the period for compliance shall extend until the November 1st of the following year. Failure to connect to water within the specified timeframe allowed shall result in a penalty, whether commercial or residential, as set forth in Section 12, Fees and Special Charges - Non-Recurring, Failure to**

Connect, until such time as connection is made. An owner of existing property that is required to hook up and has been notified that he or she must hook up to the system and has not connected to the system within 12 months of notification, will also incur a penalty, whether commercial or residential, as set forth in Section 12, Fees and Special Charges - Non-Recurring, Failure to Connect.

[8.1.2 A monthly stand-by fee for service stub-outs on all new water mains constructed after March 17, 1992 is required until such time as services are connected for use. Fees for this service shall be in accordance with Section 13, Water Rates.]

8.1.2 A monthly stand-by fee **will be charged to a service that requests a temporary shut off as set forth in Section 13, Water Rates.**

8.1.3 One service connection shall be constructed and installed from the water main to each building served on the property unless the property owner has accepted responsibility for payment of billings for water service to all premises on the property and has a statement to that effect on file with the Utility. **Multiple residential units on one lot shall be charged one monthly residential water fee per unit of residence.** If more than one structure, recreation vehicle (RV), or mobile home is connected to a single water service connection, the service must be metered and will be considered a commercial account and

charged accordingly.

8.1.4 Property owners with more than one structure, RV, or mobile home connected to a single water source who wish to discontinue service to one or more of the structures may be billed for only the remaining structure(s), commercial or residential, provided they comply with all of the following terms:

a) Submit all as-built drawings and grant utility easements to service branches and meters if installed; and

b) Pay for a borough approved tamperproof key box cap that becomes the property of the Utility; and

c) Complete the service work order form and pay the turn on and turn off charge for the job to be performed by the Utility Operator.

8.3.2 The Utility will require the Contractor/Owner to deposit $500 for each stub-out connection or to deposit $750 for each mainline connection. This deposit is not the permit fee. After the connection is inspected and photographed by the Utility Operator and all drawings and required papers are on file with the Utility, the deposits, which are not interest bearing, will be returned to the Contractor/Owner.

Section 9, DEPOSITS, BILLINGS and REPAYMENTS, is hereby amended to read as follows:

9.2.1 The Utility will refund the deposit after two years of service **upon request** providing that,

in the interim period, the Utility has not been forced to disconnect that customer's service for reasons of delinquency in payment of charges or that the customer has not been delinquent in payment more than once in any 12 consecutive months, or is not delinquent at the end of the two year period. **When service is discontinued and the account balance is zero,** the deposit is to be returned, **upon customer request,** within 25 days [of discontinuance of service]. The deposit is not interest bearing and cannot be assigned.

9.8.1 Bills will be considered past due and subject to a late charge or finance charge of 10 ½ percent per annum from due date to collection of the account if not paid within twenty-five days after billing date. **Active accounts in arrears shall pay, monthly, 20 percent of the amount in arrears in addition to the current month, plus applicable penalties. Any waiver or other payment agreement must be in writing and signed by the customer and the Borough's authorized representative.**

9.9.1 The Utility may discontinue water services if a customer permits a bill to become delinquent. **Five calendar days after delinquency,** the Utility will notify the customer of **imminent discontinuance of service** [a contemplated turnoff] by a door hanger placed at least forty-eight hours prior to discontinuance of service. **There shall be a $30 charge for delivering a shut-off or delinquency notice.** Any

account which is over [90] **60** days in arrears will be turned over to a collection agency by the Matanuska-Susitna Borough Talkeetna Sewer and Water Service Area **and service shall be disconnected**. A sum equal to fifteen percent of the outstanding balance of the account will be added as a service charge; and the account balance, including service charge, will accrue interest at the rate of 10 ½ percent per annum from the due date to collection of the account.

9.14 Change of [Occupancy] **Ownership (Ratepayer)**

9.14.1 A customer who is listed on the Utility records as the person or entity responsible for water consumption at a specific location shall give notice in writing by mail, or in person, of an intended change in [occupancy] **ownership (ratepayer)**, specifying the date on which service is to be discontinued. Notice shall be provided at least five days prior to the change of [occupancy] **ownership (ratepayer).** If the customer fails to provide the required notice, the customer will be charged for water service furnished to the premises until the Utility provides service to a successor **owner** [occupant].

Section 11, GENERAL PROVISIONS, is hereby amended to read as follows:

[11.5.2 Each customer is entitled to one turn-on and one turn-off per year without charge at each location where service is provided.]

Section 12, FEES AND SPECIAL CHARGES, – Non Recurring, is hereby amended to read as follows:

12.12Shut-Off/Delinquency Notice & Delivery Fee

$30.00 per each

12.13 Unauthorized Connection

Monthly charges from the date the unauthorized connection was

made plus 25%. If no date can be established, charge the full proceeding year or $750.00 whichever is greater.

12.14 Failure to Connect Penalty – Residential

$44.93 per month until connection is made

12.15Failure to Connect Penalty – Commercial

$50.31 per month until connection is made

12.3.1 Application Fee **(Waiver available for those with proof of two years stub-out payment at that location.)**

12.3.2 Contractor w/Deposit for As-Built Drawings:

Stub-Out Connection

$500.00 per each

12.3.3 Contractor w/Deposit for As-Built Drawings: Mainline Connection

$750.00 per each

Section 13, WATER RATES, is hereby amended to read as follows:

[13.1 Stub-Out Stand-By [$18.75 per month]

13.2 Commercial Metered ($**43.75** per month minimum)

13.6 **Service Charge 10 ½ % of outstanding balance**

13.15 Interrupted Service Fee **(Standby-by Fee)**

Section 5. Effective date. This ordinance shall take effect upon adoption by the Matanuska-Susitna Borough Assembly.

ADOPTED by the Matanuska-Susitna Borough Assembly this 20 day of June, 2006.

/S/
TIMOTHY L. ANDERSON, Borough Mayor

ATTEST:

/S/
MICHELLE M. MCGEHEE, CMC, Borough Clerk (SEAL)

PASSED UNANIMOUSLY: Woods, Allen, Colberg, Kvalheim, Bettine, Colver, and Vehrs