

AGENDA  
FOR THE  
SPECIAL MEETING  
OF THE CITY COUNCIL  
FOR THE CITY OF THORNE BAY:  
CITY HALL COUNCIL CHAMBERS  
**MONDAY, OCTOBER 8, 2018, 6:30 p.m.**

There will be a workshop of the City Council at 6:00 p.m.

1. CALL TO ORDER:
2. PLEDGE TO FLAG:
3. ROLL CALL:
4. APPROVAL OF AGENDA:
5. MAYOR'S REPORT:
6. ADMINISTRATIVE REPORTS: (City Administrator & City Clerk)
7. PUBLIC COMMENTS:
8. COUNCIL COMMENTS:
9. NEW BUSINESS:
  - A. Certificate of Election, Certifying the results of the October 2, 2018 – General Municipal Election for the City of Thorne Bay, discussion and action item:
10. ORDINANCES FOR PUBLIC HEARING:
  - A. Ordinance 18-10-08-01, amending Title 13 – Utilities, Chapters 3.14-Sewer, 13.52-Water, 13.70-Solid Waste, discussion and action item:
11. ORDINANCES FOR INTRODUCTION:
  - A. Ordinance 18-10-15-01, amending Title 2 – Administration and Personnel, Chapter 2.24 – Officers and Employees, Sections 2.24.060-Annual Leave, 2.24.070 – Sick Leave, 2.24.090-Compensation, Subsection 2.24.090 (B) – Overtime, discussion and action item:
12. CONTINUATION OF PUBLIC COMMENT:
13. CONTINUATION OF COUNCIL COMMENT:
14. ADJOURNMENT:



## CITY OF THORNE BAY

P.O. BOX 19110  
THORNE BAY, ALASKA 99919  
(907) 828-3380  
FAX (907) 828-3374

### CERTIFICATE OF ELECTION

#### CITY OF THORNE BAY ALASKA

THIS IS TO CERTIFY that on the 2<sup>nd</sup> day of October 2018, Lucinda Edenfield, Ben Williams, Lee Burger, and Harvey McDonald, were elected to the office of the City Council for the City of Thorne Bay, Alaska, as confirmed by the city council of the City of Thorne Bay upon completion of the final canvassing of ballots on Friday, October 5<sup>th</sup>, 2018, at the City Hall Council Chambers, of the City of Thorne Bay Alaska.

### OFFICIAL RESULTS OF THE OCTOBER 2, 2018, GENERAL MUNICIPAL ELECTION

<u>Candidate Name and Office Seat</u>	<u>Total Votes Received</u>
Lucinda Edenfield, Seat (D) – 3-year term	_____
Ben Williams, Seat (E) – 2-year term	_____
Lee Burger, Seat (F) – 3-year term	_____
Harvey McDonald, Seat (G) – 3-year term	_____

Alaska this 8<sup>th</sup>, day of October 2018.

\_\_\_\_\_  
Harvey McDonald, Mayor

ATTEST:

\_\_\_\_\_  
Teri Feibel, CMC, City Clerk

### OFFICIAL RESULTS FOR THE CITY OF THORNE BAY

October 8, 2018 – Agenda for the Special City Council Meeting

**GENERAL MUNICIPAL ELECTION  
OCTOBER 2, 2018**

***Total votes cast for the October 2, 2018, General Municipal Election: 75***

**Sixty-six (66)** Ballots Counted on Election Day and reflected in the results below.

**Eight (8)** Absentee Ballots were cast, and Canvassed, the results are reflected below

**One (1)** Questioned Ballots were cast and **Zero (0)** Questioned ballots were counted.

**CANVASSED VOTES (POLLS & CANVASSED)  
FOR THE THORNE BAY GENERAL MUNICIPAL ELECTION  
OCTOBER 2, 2018**

**TOTAL VOTES COUNTED AT THE POLLS: 66**

**Council Seat D:**

Lucinda Edenfield: 51

Write In: 8

**Council Seat E:**

Ben Williams: 61

Write In: 1

**Council Seat F:**

Lee Burger: 58

Write In: 2

**Council Seat G:**

Harvey McDonald: 57

Write In: 4

**TOTAL VOTES COUNTED AT CANVASSING MEETING: 8**

**Council Seat D:**

Lucinda Edenfield: \_\_\_\_\_

Write In: \_\_\_\_\_

**Council Seat E:**

Ben Williams: \_\_\_\_\_

Write In: \_\_\_\_\_

**Council Seat F:**

Lee Burger: \_\_\_\_\_

Write In: \_\_\_\_\_

**Council Seat G:**

Harvey McDonald: \_\_\_\_\_

Write In: \_\_\_\_\_

CITY OF THORNE BAY  
ORDINANCE 18-10-08-01

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, AMENDING THORNE BAY MUNICIPAL CODE TITLE 13-UTILITIES, ADDING CHAPTER 13.02-APPLICATION FOR SERVICES; AND AMENDING CHAPTERS AND SECTIONS AS DESCRIBED HEREIN.

BE IT ENACTED BY THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA

Section 1.     Classification. This ordinance is of a general and permanent nature, the chapter and section hereby amended shall be added to the Thorne Bay Municipal Code.

Section 2.     Severability. If any provisions of this ordinance or any application thereof to any person or circumstances is held invalid, the circumstances shall not be affected thereby.

Section 3.     Addition of Chapter and Sections. Amending Title 13-Utilities, Adding Chapter 13.02-Account Deposits and Establishment of Credit, Adding Sections 13.02.010- Application Form, 13.02.020-Account Deposits and Establishment of Credit, and 13.02.030- Forfeiture of Deposit, the chapter and sections are hereby added to the Thorne Bay Municipal Code and the chapter and sections shall read as set forth in this ordinance.

Amendment of Chapters and Section. The title and chapters of Title 13-Utilities are hereby amended and added to the Thorne Bay Municipal Code and shall be read as set forth in this ordinance.

Section 4.     Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED October 8, 2018

\_\_\_\_\_  
Harvey McDonald, Mayor

ATTEST:

\_\_\_\_\_  
Teri Feibel, CMC

[Introduction: September 18, 2018]

[Public Hearing: October 8, 2018]

ADDITIONS ARE IN BOLD

~~Deletions have a strikethrough~~

TITLE 13  
UTILITIES

ADDING CHAPTER:

13.02 APPLICATION FOR SERVICES

- 13.04 Sewer
- 13.08 Collection System
- 13.12 Application for Sewer Service
- 13.14 Sewer Service Rate
- 13.20 Prohibited Acts
- 13.24 Misc. Provisions
- 13.28 Water

**DELETING CHAPTER:**

~~13.32 Application for Services~~

- 13.36 Water Main Extensions
- 13.40 Service Requirements
- 13.48 Water Rate
- 13.52 Discontinuance of Water Service
- 13.56 Responsibility for Water equipment
- 13.60 Fire Hydrant
- 13.64 Water Service Misc. Provisions
- 13.68 Service Penalties
- 13.70 Solid Waste

➤ **Amending Title 13 – Utilities, by adding the Chapter 13.02 – Application for Services.**

CHAPTER 13.02

APPLICATION FOR SERVICES:

- 13.02.010 APPLICATION FORM.**
- 13.02.020 APPLICATION AMENDMENTS.**
- 13.02.030 ACCOUNT DEPOSITS AND ESTABLISHMENT OF CREDIT.**
- 13.02.040 FORFEITURE OF DEPOSIT.**

13.02.010 APPLICATION FORM.

EACH APPLICANT FOR MUNICIPAL SERVICES SHALL SIGN AN APPLICATION FORM PROVIDED BY THE CITY CLERK GIVING THE DATE OF APPLICATION, LOCATION OF PREMISES TO BE SERVED, THE DATE APPLICANT DESIRES SERVICES TO BEGIN, PURPOSE FOR WHICH SERVICE IS TO BE USED, THE ADDRESS FOR MAILING OF THE BILLINGS AND SUCH OTHER INFORMATION AS THE DEPARTMENT MAY REASONABLY REQUIRE. IN SIGNING THE APPLICATION, THE CUSTOMER AGREES TO ABIDE BY THE LAWS AND ORDINANCES FOR THE SERVICE REQUESTED. THE APPLICATION IS A REQUEST FOR SERVICE AND DOES NOT BIND THE CITY TO FURNISH SERVICE. IF THE APPLICATION IS PROPERLY COMPLETED AND THE CONNECTION FEE PLUS ESTIMATED COSTS OF ANY CONSTRUCTION TO BE DONE BY THE CITY HAVE BEEN PAID, THE CLERK SHALL ISSUE A WORK ORDER FOR THE ACTIVATION OF SERVICES TO THE DEPARTMENT.

13.02.020 APPLICATION AMENDMENTS.

- A. CUSTOMERS DESIRING A MATERIAL CHANGE IN THE SIZE, CHARACTER OR EXTENT OF EQUIPMENT OR OPERATION, SHALL GIVE THE DEPARTMENT WRITTEN NOTICE OF SUCH CHANGE PRIOR TO THE CHANGE AND THE APPLICATION FOR SERVICE SHALL BE AMENDED.
- B. CUSTOMERS DESIRING A CHANGE IN THE SIZE, LOCATION OR NUMBER OF SERVICES SHALL FILL OUT AN AMENDED APPLICATION.

13.02.030 ACCOUNT DEPOSITS AND ESTABLISHMENT OF CREDIT.

A PERSON REQUESTING SERVICES FROM THE CITY OF THORNE BAY WILL BE REQUIRED TO DEPOSIT A SUM OF MONEY EQUAL TO THE ESTIMATED AMOUNT FOR TWO MONTHS BILLING FOR THE SERVICE REQUESTED TO GUARANTEE PAYMENT FOR ANY INDEBTEDNESS RESULTING FROM THE FURNISHED SERVICE. THE TOTAL DEPOSIT AMOUNT ANY CUSTOMER WILL BE REQUIRED TO PAY WILL SHALL NOT EXCEED \$500.00. AT THE TIME THE DEPOSIT IS GIVEN, THE APPLICANT WILL BE GIVEN RECEIPT FOR THE SAME. THE DEPOSIT IS NOT TO BE CONSIDERED AS A PAYMENT ON ACCOUNT.

ORDINANCE 18-10-08-01

A. EXCEPTION FOR DEPOSIT REQUIREMENT:

1. A DEPOSIT WILL NOT BE REQUIRED OF ANY PERSON WHO:
  - i. HAS HAD MUNICIPAL SERVICES CONTINUALLY FOR A PERIOD OF TWO YEARS; AND
  - ii. THE SERVICE HAS NOT BEEN FORCED TO DISCONNECT FOR REASONS OF DELINQUENCY IN PAYMENT OF CHARGES; AND
  - iii. THE CUSTOMER HAS NOT BEEN DELINQUENT IN PAYMENT MORE THAN ONCE IN ANY 12 CONSECUTIVE MONTHS.
  - iv. FOR ALL CUSTOMERS ESTABLISHED AFTER 2016; WHO HAVE A MINIMUM DEPOSIT ON FILE OF \$200.00.

B. DEPOSIT REFUNDS:

1. DEPOSITS ARE NOT REFUNDED UNTIL THE CUSTOMER HAS CEASED PURCHASING SERVICES FROM THE MUNICIPALITY
2. ANY DEPOSIT REMAINING AFTER THE CUSTOMER HAS CEASED PURCHASING THE SERVICE FROM THE MUNICIPALITY, WILL BE REFUNDED TO A CUSTOMER IN THE NEXT BILLING CYCLE IF THE CUSTOMER HAS PAID ALL ACCRUED MUNICIPAL BILLS.

13.02.040 FORFEITURE OF DEPOSITS.

IF AN ACCOUNT BECOMES DELINQUENT, AND IT IS NECESSARY TO TERMINATE THE SERVICE, THE DEPOSIT SHALL BE APPLIED TO THE UNPAID BALANCE DUE. SERVICE SHALL NOT BE RESTORED TO THOSE PREMISES OR THAT CUSTOMER AT DIFFERENT PREMISES UNTIL ALL OUTSTANDING BILLS DUE THE CITY FROM THE CUSTOMER HAVE BEEN PAID AND THE CASH DEPOSIT IS REPLACED.

➤ **Amending Section 13.04.145 – Stub out – unplumbed.**

CHAPTER 13.04

SEWER – GENERAL PROVISIONS SECTIONS:

**13.04.145 STUB OUT – UNPLUMBED-SERVICE AVAILABILITY:**

All unimproved lots on the water and sewer line will be charged a monthly SERVICE AVAILABILITY FEE ~~inactive fee~~, according to the current rate schedule, to help offset the cost of operating and maintaining the water and sewer system. No unimproved lots will be allowed to connect to the system until all fees are paid. This amount may include interest and penalties on delinquent accounts. Any change of ownership is the customer's responsibility to disclose any amount owed on the lot to the new owner.

➤ **REPEALING CHAPTER 13.12 – APPLICATION FOR SEWER SERVICES;**

CHAPTER 13.12

APPLICATION FOR SEWER SERVICE SECTIONS:

~~13.12.010 APPLICATION FORM.~~

~~13.12.020 DEPOSITS AND ESTABLISHING CREDIT.~~

~~13.12.030 DEPOSITS.~~

~~13.12.040 FORFEITURE OF DEPOSIT.~~

~~13.12.010 APPLICATION FORM.~~

~~Each applicant for sanitary sewer service shall sign an application form provided by the city clerk giving the date of application, the location of the premises to be served, the date the applicant desires service to begin, the purpose for which such service is to be used, the address for mailing of the billings, and such other information as is required by Chapters 13.04 through 13.24 or as the department may reasonably require. In signing the application, the customer agrees to comply with Chapters 13.04 through 13.24. The application is a request for service and does not bind the city to furnish service. If the application is properly completed and the connection fee plus estimated costs of any construction to be done by the city have been paid, the clerk shall issue a permit for the work to the applicant and the department.~~

~~13.12.020 DEPOSITS AND ESTABLISHING CREDIT.~~

~~At the time application for service is made, the applicant shall establish his credit with the clerk. The credit of the applicant will be deemed established if the applicant makes a cash deposit to secure the payment of bills for sewer service. The deposit shall be a sum equal to the estimated bill for two months service but shall not be less than five dollars and No service shall be furnished until the deposit is made with the clerk.~~

~~13.12.030 DEPOSITS.~~

~~At the time the deposit is given, the applicant will be given receipt for the same. The deposit is not to be considered as a payment on account. In the event that water service is discontinued as provided in Sections 13.14.040 through 13.14.070, the deposit will be applied to the total amount due for sewer and water service and any amount in excess of the total amount due will be refunded.~~

~~13.12.040 FORFEITURE OF DEPOSITS.~~

~~If an account becomes delinquent for sewer service, construction costs or a connection fee and it is necessary to terminate the water service, the deposit shall be applied to the unpaid balance due. Water service shall not be restored to those premises or that customer at different premises until all outstanding bills due the city from the customer have been paid and the cash deposit is replaced.~~



**CHAPTER 13.14**  
**SEWAGE SERVICE RATES**

➤ **Adding the Section of 13.14.005 – Application for Sewer Services.**

➤ **Amending Sections**

- **13.14.010 Sewage Service Rates.**
- **13.14.040 Collection of Delinquent Accounts,**
- **13.14.050 Delinquency Notice,**
- **13.14.070 Termination of Service,**
- **13.14.080 Temporary Discontinuance of Service.**

**AMENDMENTS OF CHAPTER 13.14 – SHALL READ AS FOLLOWS:**

**13.14.005 APPLICATION FOR SEWER SERVICES:**

**APPLICATION FOR SEWER SERVICES SHALL BE COMPLETED AS SET FORTH IN CHAPTER 13.02.010-13.02.040.**

**13.14.010 SEWAGE SERVICE RATES.**

The sanitary sewage service rates to be charged for service and connection charges shall be as set forth **BY RESOLUTION OF THE CITY COUNCIL**, ~~in Schedule “A”~~ and incorporated in this chapter by reference. The city reserves the right to establish different rates for sewage service supplied inside and outside the city limits.

**13.14.040 COLLECTION OF DELINQUENT ACCOUNTS.**

The city may use all legal means and pursue all legal remedies to collect unpaid sanitary sewer service charges. The city, in addition to the foregoing, ~~may~~ **SHALL** terminate all water service supplied by the city to the premises owned or occupied by a person who has failed to pay the sewer service charges when due in accordance with the procedure set out in Sections 13.14.050 through 13.14.070.

**13.14.050 DELINQUENCY NOTICE.**

The City clerk’s **OFFICE** may, but shall not be required to, send a notice of delinquent account ten days after the account becomes delinquent.

**13.14.070 TERMINATION OF SERVICE.**

An agent of the city shall terminate the ~~water~~ service on the date so specified in the notice of termination of service unless the account is paid in full.

ORDINANCE 18-10-08-01

**13.14.080 Temporary Discontinuance of service.**

A customer may request a temporary discontinuance of sewer service upon advance written notice to the City. ~~All disconnections will be no less than thirty days and no more than 120 days without written approval from the City Council.~~ Temporary Discontinuance of service will be charged a monthly **SERVICE AVAILABILITY FEE** ~~inactive fee~~, according to the current rate schedule established by Resolution and incorporated in this chapter by reference. Any reconnection within thirty days of discontinuance will be charged the rate established for the full month in which such service restored. (Ord. 15-03-17-02)

CHAPTER 13.28

WATER - GENERAL PROVISIONS

➤ **AMENDING CHAPTER 13.28-WATER – GENERAL PROVISIONS AS FOLLOWS**

**13.28.095 UNIMPROVED OR DISCONTINUED.**

All unimproved lots or discontinued services on the water line will be charged a monthly **SERVICE AVAILABILITY FEE** ~~inactive fee~~, according to the current rate schedule established by Resolution and incorporated in this chapter by reference, to help offset the cost of operating and maintaining the water system. No unimproved lots or discontinued services will be allowed to connect to the system until all fees are paid. This amount may include interest and penalties on delinquent accounts. In the event of a change of ownership in the property, it will be the responsibility of the customer to disclose any amount owed to the new owner.

➤ **REPEALING CHAPTER 13.32 – APPLICATION FOR WATER SERVICES;**

**CHAPTER 13.32**

**APPLICATION FOR WATER SERVICE**

~~13.32.010 — APPLICATION FORM.~~

~~13.32.020 — DEPOSITS AND ESTABLISHMENT OF CREDIT.~~

~~13.32.030 — ESTABLISHMENT OF CREDIT.~~

~~13.32.040 — DEPOSITS.~~

~~13.32.050 — FORFEITURE OF DEPOSIT.~~

~~13.32.060 — APPLICATION AMENDMENTS.~~

**13.32.010 APPLICATION FORM:**

~~Each applicant for water service shall sign an application form provided by the city clerk giving the date of application, location of premises to be served, the date applicant desires services to begin, purpose for which service is to be used, the address for mailing of the billings, the size of meter required and such other information as the department may reasonably require. In signing the application, the customer agrees to abide by Chapters 13.28 through 13.68. The application is a request for service and does not bind the city to furnish service.~~

**13.32.020 DEPOSITS AND ESTABLISHMENT OF CREDIT:**

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

**13.32.030 ESTABLISHMENT OF CREDIT:**

~~The credit of the applicant will be deemed established if the applicant makes a cash deposit to secure the payment of bills for service. The deposit shall be a sum equal to the estimate bill for one month's service but not less than \$100.80 and no service shall be furnished until the deposit is made with the clerk.~~

**13.32.040 DEPOSITS:**

~~At the time the deposit is given, the applicant will be given a receipt for the same. The deposit is not to be considered as a payment on account. In the event the service is discontinued, the deposit will be applied to the closing bill and any amount in excess of the closing bill will be refunded.~~

**13.32.050 FORFEITURE OF DEPOSIT:**

~~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 these premises or that customer at different premises until all outstanding bills due the city from the customer have been paid and the cash deposit replaced, together with a \$100.00 service charge as provided in Section 13.52.110.~~

**13.32.060 APPLICATION AMENDMENTS:**

~~Customers desiring a material change in the size, character or extent of equipment or operation, which would result in a material change in the amount of water used, shall give the department written notice of such change prior to the change and the application for service shall be amended. Customers desiring a change in the size, location or number of services shall fill out an amended application.~~

CHAPTER 13.48  
WATER RATES

➤ **Amending Sections**

- 13.14.010 Water Service Rates,
- 13.14.020 Notices to Customers,
- 13.14.040 Meter Readings,
- 13.48.080 DELINQUENCY NOTICE,
- 13.48.090 TERMINATION NOTICE,

AMENDMENT OF SECTIONS SHALL READ AS FOLLOWS:

**13.48.010 WATER SERVICE RATES.**

The water rates to be charged for each class of service, including minimum charges, charges for water used over the minimum and service connection charges, shall be set forth **BY RESOLUTION OF THE CITY COUNCIL in schedule "C"** and incorporated herein by reference. All customers who participate in water services and have city sewer connections must participate in sewer utility service unless otherwise approved by the department.

**13.48.020 NOTICES TO CUSTOMERS.**

Notices from the department to the customer will normally be given in writing and either mailed to or delivered to him at his last known address. Where conditions warrant and in emergencies, the department may notify either by telephone, **EMAIL** or messenger.

**13.48.040 METER READINGS.**

Meters will be read, and customers billed on the basis of the meter reading to the nearest one thousand gallons. Meter shall be read **ON OR ABOUT THE 24<sup>TH</sup> OF EACH MONTH, OR AS REASONABLY CLOSE AS POSSIBLE.** ~~within three days of the last day of each month.~~

**13.48.080 DELINQUENCY NOTICE.**

The **city BILLING** clerk may, but shall not be required to, send a notice of delinquent account ten days after the account becomes delinquent.

**13.48.090 TERMINATION NOTICE.**

Within fifteen days after an account becomes delinquent, a notice of termination of service shall be sent to the customer. The notice shall state a date on or after which water will be turned off if the delinquent account is not paid in full prior thereto. Such date will not be less ~~that~~ **THAN** five, or more than fifteen days from the date of the notice. A delivery to the premises served by the meter or mailing to the address of record of the customer shall be considered a delivery to the customer.

ORDINANCE 18-10-08-01

CHAPTER 13.52  
DISCONTINUANCE OF WATER SERVICE

➤ Amending Sections to read as follows:

- 13.52.010 Temporary Discontinuance of Service,
- 13.52.080 Unauthorized Turn-On,

CHAPTER 13.52-WATER

13.52.010 TEMPORARY DISCONTINUANCE OF SERVICE.

A customer may request a temporary discontinuance of water service upon advance written notice to the City. ~~All disconnections will be no less than thirty days and no more than 120 days without written approval for the City Council.~~ Temporary Discontinuance of service will be charged a monthly **SERVICES AVAILABILITY FEE inactive fee**, according to the current rate schedule established by Resolution and incorporated in this chapter by reference. Any reconnection within thirty days of discontinuance will be charged the rate established for a full month's water service. Customer will be charged a ten-dollar **ADMINISTRATIVE** service charge (plus tax) to have such service restored.

13.52.080 UNAUTHORIZED TURN-ON.

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 or the meter removed. The charges for shutting off the water at the main or removing the meter shall be computed at actual cost to the department plus **TWENTY-FIVE** ~~fifteen (15)~~ percent overhead, but not less than five dollars. These charges shall be billed to the offending customer and water shall not be furnished to the premises or customer until such charges are paid and the department has reasonable assurance that the violation will not reoccur.

CHAPTER 13.68  
SERVICE-PENALTIES

➤ Amending Section 13.68.010 to read as follows:

~~13.68.010 — DESIGNATED.~~

~~Any person violating any of the provisions of Chapters 13.28 to 13.60 and Chapter 13.68 shall, upon conviction thereof, be punished by a fine not exceeding three hundred dollars or by imprisonment in jail for a period not exceeding thirty days, or by both such fine and imprisonment.~~

13.68.010 VIOLATIONS AND PENALTIES

**ANY PERSON WHO VIOLATES OR CAUSES OR PERMITS TO BE VIOLATED ANY PROVISION OF THIS CHAPTER OR FAILS OR REFUSES TO COMPLY WITH ANY LAWFUL ORDER OR DIRECTION OF THE LITTER ENFORCEMENT OFFICER ON BEHALF OF THE CITY IN CONNECTION WITH THIS CHAPTER, IS GUILTY OF AN INFRACTION AND SHALL BE PUNISHED BY THE FINE ESTABLISHED IN THE 1.16.035 FINE SCHEDULE OR NO FINE IS LISTED IN THE FINE SCHEDULE, THEN BY THE FINE ESTABLISHED IN 1.16.030.**

CHAPTER 13.70  
SOLID WASTE

➤ **REPEALING SECTIONS:**

- ~~13.70.120 DEPOSIT AND ESTABLISHMENT OF CREDIT.~~
- ~~13.70.130 DEPOSIT TERMS.~~
- ~~13.70.140 DEPOSIT FORFEITURE.~~
- ~~13.70.160 APPLICATION AMENDMENTS.~~

➤ **ADDING SECTION 13.70.400 VIOLATIONS AND PENALTIES**

**13.70.400 VIOLATIONS AND PENALTIES**

➤ **AMENDING SECTIONS:**

- 13.70.172 ALUMINUM SEGREGATION.
- 13.70.174 ASH DISPOSAL.
- 13.70.176 SPECIAL WASTE.
- 13.70.180 ACCESS TO LANDFILL.
- 13.70.182 PROHIBITED SUBSTANCES.
- 13.70.186 UNAUTHORIZED USE OF COLLECTION CONTAINERS, TRASH RECEPTACLES, AND DUMPSTERS.
- 13.70.300 Temporary Discontinuance of service – Customer Request.
- 13.70.310 CHANGE OF APPLICANT NAME AND BILLING ADDRESS.
- 13.70.370 PROTECTION FROM DAMAGE-PENALTY FOR VIOLATION.

➤ **AMENDED SECTIONS OF CHAPTER 13.70 – SOLID WASTE, SHALL READ AS FOLLOWS:**

13.70.110 APPLICATION FOR SERVICES:

APPLICATION FOR SEWER SERVICES SHALL BE COMPLETED AS SET FORTH IN CHAPTER 13.02.010-13.02.040.

~~**13.70.110 APPLICATION FOR SERVICE.**~~

~~Each applicant for solid waste service shall sign an application form provided by the clerk giving the date of application, location of premises, whether applicant has had previous service and the location of same, the date applicant desires service to begin, purpose for which service is to be used, the address for mailing of the billings, the applicant's street address, the applicant's mailing address (if different than the billing address); whether applicant is the owner, tenant or agent of the premises, the class and size of service requested and such other information the city may reasonably require. In signing the application, the customer agrees to abide by the rules and regulations set forth in this chapter. The application is merely a written request for service and does not bind the city to furnish service. (Ord. 88-48 § 5(part), 1988)~~

## ORDINANCE 18-10-08-01

### ~~13.70.120 DEPOSIT AND ESTABLISHMENT OF CREDIT.~~

~~At the time application for service is made, the applicant shall establish his credit with the city through the clerk. The credit of applicant will be deemed established if the applicant makes a cash deposit to secure the payment of bills for service. The deposit shall be a sum equal to one month's solid waste rate charge in effect at the time application for service is made for solid waste service. No service shall be furnished applicant until the deposit is made with the clerk except where applicant is an industrial firm or governmental unit that can sufficiently prove to the clerk that all bills will be paid when due. (Ord. 88-48 § 5(part), 1988)~~

### ~~13.70.130 DEPOSIT TERMS.~~

~~At the time the deposit is given to the clerk, applicant will be given a receipt for same. The deposit is not to be considered as a payment on account. In the event the service is discontinued, the deposit will be applied to the closing bill and any amount in excess of the closing bill will be refunded to customer. The city will not pay interest on any deposits. (Ord. 96-20 § 3(part), 1996; Ord. 88-48 § 5(part), 1988)~~

### ~~13.70.140 DEPOSIT FORFEITURE.~~

~~If an account becomes delinquent and it is necessary to terminate service, the deposit shall be applied to any unpaid balance due. Solid waste service will not be restored to the premises or that customer at different premises until all outstanding bills due the city from the customer have been paid and the cash deposit replaced, together with a fifteen dollar service charge. (Ord. 88-48 §5(part), 1988)~~

### ~~13.70.160 APPLICATION AMENDMENTS.~~

~~Customers desiring a material change in the size, character or extent of service which would result in a material change in the amount of solid waste disposal shall fill out and file an amended application with the clerk reflecting such change prior to the change and the application for service shall be amended and, if applicable, the solid waste rate charge shall likewise be amended. (Ord. 88-48 §5(part), 1988)~~

### 13.70.172 ALUMINUM SEGREGATION.

All service customers, landfill users and dumpster users are encouraged to segregate aluminum cans from other refuse. Service customers shall place aluminum cans in a separate container which will be collected by the city at no cost to the customer. Landfill users shall segregate and deposit aluminum cans at the landfill at no cost to the user. Dumpster users shall segregate and deposit aluminum cans in the dumpster designated "FOR ALUMINUM CANS ONLY" at no cost to the user. **Persons who IT IS UNLAWFUL FOR ANY PERSON TO** deposit anything other than aluminum in a collection container, refuse receptacle, or dumpster designated "FOR ALUMINUM CANS ONLY". ~~shall be subject to a twenty five dollar fine.~~ (Ord. 04-06-03-02 §4, 2004; Ord. 94-07 §5(part), 1994)

## ORDINANCE 18-10-08-01

### **13.70.174 ASH DISPOSAL.**

It is unlawful for any person to place, or authorize another to place, any ash in any collection container, refuse receptacle, or dumpster. It is unlawful for any person to place, deposit or attempt to dispose of, or permit another to place, deposit or attempt to dispose of any ash containing contaminants, chemicals or substances prohibited by federal or state laws or regulations at the landfill. Uncontaminated ash may be transported by customer to the landfill facility for disposal. Ash shall be fully combusted. Non-combusted materials shall be segregated from the ash before acceptance at the landfill facility. The landfill operator may require customer to provide appropriate documentation certifying that the ash meets all federal or state standards before accepting same for disposal. ~~Violators shall be subject to a fifty-dollar fine plus any costs incurred by city for environmental cleanup of illegally disposed of ash.~~ (Ord. 94-07 §5(part), 1994)

### **13.70.176 SPECIAL WASTE.**

It is unlawful for any person to place, or authorize another to place, in any collection container, refuse receptacle, or dumpster the following items: household hazardous waste, paint, batteries, antifreeze, chlorine, acetylene, masonry in excess of one-half inch thick, concrete, ferrous metals with a thickness greater than one-eighth inch or three-eighths inch in diameter, wood with a thickness greater than two inches, steel cable more than three-eighths inch in diameter, copper with a thickness greater than one-half inch thick, tires, pressurized tanks/canisters, or other items designated by the landfill operator which may damage the facility baler equipment. The above items may be transported by customer to the landfill facility for disposal. ~~Violators shall be subject to a twenty-dollar fine.~~ (Ord. 94-07 §5(part), 1994)

### **13.70.180 ACCESS TO LANDFILL.**

The municipal landfill for solid waste disposal shall be opened only by individuals authorized by the city. The landfill for solid waste shall be opened to the public for dumping on days and during hours designated by the department and posted at the landfill. Authorized landfill users shall dump only in areas designated by the landfill operator. Non-authorized dumping of solid waste shall not be permitted. ~~Violators shall be subject to a fifty-dollar fine.~~ (Ord. 90-18 §5(part), 1990)

### **13.70.182 PROHIBITED SUBSTANCES.**

It is unlawful for any person to place or deposit, or permit another to place or deposit, in any collection container, refuse receptacle, dumpster or in the landfill any hazardous or poisonous wastes, saturated oily waste, liquid petroleum products, bulk liquids, liquid septic tank pumping, commercial fish processing waste, radioactive material, asbestos containing waste, liquid solvents, strong acids or bases, explosives, polychlorinated biphenyls and any hazardous waste defined and regulated under 40 CFR 261, as amended, or prohibited by permit stipulations for the landfill facility. ~~Violators shall be subject to a three hundred-dollar fine plus any costs incurred by city for environmental cleanup of illegally disposed of waste described in this section.~~ (Ord. 94-07 § 5(part), 1994)



## ORDINANCE 18-10-08-01

### **13.70.186 UNAUTHORIZED USE OF COLLECTION CONTAINERS, TRASH RECEPTACLES, AND DUMPSTERS.**

It is unlawful for any person to place, or permit another to place, any refuse in any collection container, refuse receptacle or dumpster unless the refuse is from the premises served by the container or from the premises, activity, or facility at which the receptacle or dumpster is located. ~~Violators shall be subject to a fifty dollar fine.~~ (Ord. 94-07 § 5(part), 1994)

### **13.70.300 Temporary Discontinuance of service – Customer Request.**

A customer may request a temporary discontinuance of garbage service upon advance written notice to the City. ~~All disconnections will be no less than thirty days and no more than 120 days without written approval for the City Council.~~ Temporary discontinuance of service will be charged a monthly **SERVICE AVAILABILITY FEE** ~~inactive fee~~, according to the current rate schedule established by Resolution incorporated in this chapter by reference. Any reconnection within thirty days of discontinuance will be charged the rate established for a full month's garbage service. Customer will be charged a ten-dollar service charge (plus tax) to have such service restored. Garbage service may not be discontinued while water and sewer services are being delivered and used in the home.

### **13.70.370 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 solid waste service. ~~and any such person shall be subject to immediate arrest and, upon conviction, shall be punishable by a fine not to exceed three hundred dollars or imprisonment not in excess of thirty days or both, at the discretion of the court.~~ (Ord. 88-48 § 5(part), 1988)

## ➤ **ADDING SECTION 13.70.400-VIOLATIONS AND PENALTIES**

### **13.70.400 VIOLATIONS AND PENALTIES**

**Any person violating any provision of this chapter is guilty of an infraction and shall be punished by the fine established in 1.16.035 if the offense is listed in that fine schedule or by the fine established in 1.16.030 if the offense is not listed in the fine schedule.**

CITY OF THORNE BAY  
ORDINANCE 18-10-15-01

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, AMENDING TITLE 2-ADMINISTRATION AND PERSONNEL, CHAPTER 2.24-OFFICERS AND EMPLOYEES, SECTIONS 2.24.060 – ANNUAL LEAVE; SECTION 2.24.070-SICK LEAVE, AND 2.24.090- COMPENSATION; SUBSECTION (C)-OVERTIME

BE IT ENACTED BY THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA

- Section 1. Classification. This ordinance is of a general and permanent nature, the chapter and section hereby amended shall be added to the Thorne Bay Municipal Code.
- Section 2. Severability. If any provisions of this ordinance or any application thereof to any person or circumstances is held invalid, the circumstances shall not be affected thereby.
- Section 3. Amendment of Chapter. Amending Title 2-Administration and Personnel, Chapter 2.24-Officers and Employees, Sections 2.24.060 – Annual Leave; Section 2.24.070-Sick Leave, and 2.24.090- Compensation; Subsection (C)-Overtime, is hereby amended and added to the thorne bay municipal code.
- Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED October 15, 2018

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Harvey McDonald, Mayor

ATTEST:

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Teri Feibel, City Clerk

[Introduction: October 8, 2018]  
[Public Hearing: October 15, 2018]

## ORDINANCE 15-10-15-01

ADDITIONS ARE IN BOLD AND CAPITALIZED

Deleted items are ~~stricken~~

### CHAPTER 2.24 - OFFICERS AND EMPLOYEES

#### Section:

#### 2.24.060 ANNUAL LEAVE.

**M. Notice of Annual Leave.** All employees shall serve at least two weeks' notice of anticipated annual leave to the mayor or his/her designee in writing and secure written permission for leaves.

1. Any employee that is approved for a draw for any amount will not be deducted in full in the upcoming paycheck, the employee will guarantee this amount by maintaining the full number of vacation hours at the amount necessary to pay back the draw if their employment should end prior to fulfilling their debt unless authorized by the mayor.
2. Any annual leave otherwise taken shall be deemed as unauthorized, and no vacation pay is permitted, and no other benefits shall accrue. Unauthorized annual leaves may be reason for termination. (Ordinance 17-12-05-01; Prior Ord. 09-02-17-01 & Ord. 8201-2 § 6, 1986)

**N. TRANSFER OR DONATION OF ANNUAL LEAVE. ONLY UNDER EXTENUATING CIRCUMSTANCES, MAY AN EMPLOYEE DONATE A PORTION OF HIS/HER ACCRUED ANNUAL LEAVE TO ANOTHER EMPLOYEE.**

1. **MUST BE APPROVED BY THE MAYOR OR CITY ADMINISTRATOR; AND**
2. **SHALL NOT BE MORE THAN 40 HOURS OF LEAVE;**
3. **THE ANNUAL LEAVE RATE SHALL BE PAID AT THE RATE OF THAT EMPLOYEE WHO IS DONATING THE TIME.**

#### Section: 2.24.070 SICK LEAVE

**A. Policy.** All permanent full-time and part-time employees shall accrue and may use as accrued, sick leave on the basis of:

1. **Permanent Full-time.** Four hours per pay period;
2. **Permanent Part-time.** At 50% of the rates established for full-time employees.
3. **Permanent Short-hours Employees.** Permanent short-hour employees shall accrue sick leave at 25% of the rate established for full time employees.

**B. Notification to Superior.** Any employee absent due to illness or injury shall immediately notify the city offices within one hour after the normal time for reporting for duty, or as soon as possible. Failure to keep superior informed of expected return date may result in termination of employment.

**C. Upon Separation.** Upon his/her separation, the unused sick leave of the employee is automatically canceled without pay.

## ORDINANCE 15-10-15-01

### **D. TRANSFER OR DONATION OF SICK LEAVE. SICK LEAVE IS NONTRANSFERABLE.**

**E. Accumulation.** Sick leave accrued, but not used, shall accumulate until termination of employment. Upon the death of any employee, any unused sick leave in his/her account will be paid in cash to his/her beneficiaries at the employee's rate of pay at the time of death.

### **F. Availability of Sick Leave.**

1. Sick leave shall be granted only in the following instances, or as otherwise deemed allowable by the mayor or his/her designee:

- i. **Medical or Dental Appointments.** An employee may be granted sick leave for medical or dental appointment for himself, herself, or immediate family.
- ii. **Illness or Injury.** An employee may be granted sick leave for personal illness or injury where his/her presence on the job could jeopardize his or her health or that of fellow employees. An employee may be granted sick leave to attend to the injury or illness of a member of his or her immediate family.
- iii. **Death in the Family.** An employee may be granted sick leave to attend the funeral of a member of his/her immediate or extended family.

### **2. SICK LEAVE MAY NOT BE PAID IN ADDITION TO WORK PERFORMED AND PAID FOR IN EXCESS OF 40 HOURS PER WEEK.**

- i. **EXAMPLE: EMPLOYEE WORKS MONDAY – FRIDAY AND LOGS 40 HOURS OF WORK ON HIS TIME SHEET (MONDAY THROUGH FRIDAY). HE/SHE PUTS DOWN 6 HOURS OF SICK LEAVE FOR SATURDAY THAT SAME WEEK. THIS EMPLOYEE WILL NOT BE GRANTED THE USE OF 6 HOURS SICK LEAVE.**

**F. Doctor's or Nurse's Certificate.** More than five consecutive days sick leave used may require a signed medical certificate.

**G. Under certain circumstances,** a permanent, non-probationary employee may be entitled to leave for family or medical matters under the Alaska Family Act and upon application for same. (Ord. 17-05-02-01; Prior Ordinances: 17-12-05-01; Ord. 96-07 § 3(part), 1996: Ord. 8201-2 § 7, 1986)

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### Section: 2.24.090 COMPENSATION.

#### **B. Overtime.**

1. Employees who work over forty hours per week shall be compensated at the rate of one and one-half their hourly rate.
2. Employees, except employees specifically hired to work on holidays, who are authorized to work on stated city holidays will be compensated at the rate of usual holiday pay plus regular pay for each hour they work up to eight hours then at regular overtime rates for time worked over eight hours.

**ORDINANCE 15-10-15-01**

- 3. OVERTIME MUST BE PRE-AUTHORIZED IN WRITING, BY THE CITY ADMINISTRATOR OR MAYOR.**
- 4. OVERTIME SHOULD NOT BE REQUESTED, NOR WILL IT BE AUTHORIZED, EXCEPT IN EXTENUATING CIRCUMSTANCES, SUCH AS WEATHER EMERGENCIES, FACILITY EMERGENCIES, OR SCHEDULE DEADLINE REQUIREMENTS.**
- 5. UNAUTHORIZED OVERTIME WILL BE DEEMED INSUBORDINATION, AND NO OVERTIME PAY WILL BE PERMITTED. UNAUTHORIZED OVERTIME MAY BE REASON FOR IMMEDIATE TERMINATION.**

**D. Pay Increases.** The mayor may adjust an employee's rate of pay according to the quality of service rendered, length of service, and funding availability, **IN ACCORDANCE WITH THE MOST RECENT PAY SCHEDULE ADOPTED BY RESOLUTION OF THE CITY COUNCIL.** (Ord. 03-08-21-01 §4, 2003; Ord. 94-11 §5(part), 1994; Ord. 8201-2 §9,1986), Ord. 09-02-03-01