


CITY OF THORNE BAY
ORDINANCE 19-04-02-02

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, - AMENDING
TITLE 13-UTILITIES;

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 Section. The title and chapters of Title 1 - General Provisions, Chapter 1.16 - General Penalty, Section 1.16.035-Minor Offense Fine Schedule, adding fines for offenses listed in Title 13-Utilities, and amending Title 13 Utilities;
- Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED April 2, 2019



Harvey McDonald, Mayor

ATTEST:



Teri Feibel, CMC

[Introduction: March 19, 2019]
[Public Hearing: April 2, 2019]

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Amending Title 13-Utilities
Chapter and Sections shall read as follows:

CHAPTER 13.14 - SEWAGE SERVICE RATES

13.14.030 PAYMENT OF BILLS.

All bills shall be mailed on ~~or before the last~~ **THE FIRST** working day of the month. All charges for sanitary sewer service shall be due when the bill containing the service charges is mailed.

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, 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. (Ordinance 18-10-08-01)

13.20.050 PENALTY FOR VIOLATION.

~~Any person violating any of the provisions contained in this chapter shall, upon conviction thereof, be punished as provided in Chapter 1.16.~~

- A. ANY PERSON VIOLATING ANY PROVISION OF THIS CHAPTER SHALL BE DEEMED 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 IF NOT LISTED IN 1.16.035 THEN BY THE FINE PROVIDED IN 1.16.030
- B. IF A VIOLATION CONTINUES, EACH DAY'S VIOLATION SHALL BE DEEMED AS A SEPARATE VIOLATION.

CHAPTER 13.40 - SERVICE REGULATIONS

13.40.090 STANDBY FIRE PROTECTION SERVICE CONNECTIONS VIOLATIONS OF REGULATIONS.

If water is used from a standby pipe connection service in violation of Chapters 13.28 through 13.68, **VIOLATORS WILL BE CONSIDERED GUILTY OF AN INFRACTION AND SHALL BE PUNISHED BY THE FINE ESTABLISHED IN SECTION 1.16.035 OF THE THORNE BAY MUNICIPAL CODE.**

~~an estimate of the amount used will be computed by the department. 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.~~

13.44.70 LOCATION DETERMINATION.

- A. The council shall from time to time determine the premises, or classifications of premises, on which water meters shall be required. The department shall make such installations as are directed by the council.
- B. Before making any installation of a meter, the occupant of the premises on which a meter is to be installed shall be informed of the necessity for such installation and notify the occupant that access is necessary to make the installation at a time convenient to the department.
- C. **ANY PERSON REFUSING TO GRANT ACCESS FOR SUCH PURPOSE OF METER INSTALLATION OR METER READING, SHALL HAVE SERVICES DISCONTINUED AND SHALL BE GUILTY OF AN INFRACTION AND PUNISHED BY THE FINE ESTABLISHED IN 1.16.135 OF THE THORNE BAY MUNICIPAL CODE. IF VIOLATION IS NOT LISTED IN 1.16.035, THEN BY THE FINE IN 1.16.030.**
- D. ~~If any person refuses to grant access for such purpose and allow the installation at a suitable place approved by the department, the clerk shall give the customer receiving service to the premises five days' written notice that water service will be discontinued for failure to allow the installation and access for such purpose. At the expiration of such period, if the meter has not been installed with permission of the customer and person in possession, water service to such persons on those premises shall be discontinued. If any person refuses or prevents access to premises for the purpose of reading, repairing or replacing any meter, service to such premises shall after such notice be discontinued.~~

CHAPTER 13.48 – WATER RATES

13.48.030 NOTICES FROM CUSTOMERS.

Notices from the customer to the department may be given by the customer or his authorized representative ~~orally or~~ in writing at the office of the clerk at city hall or to an agent of the department duly authorized to receive notices or complaints.

13.48.060 MAILING BILLS.

All bills shall be mailed on ~~or before~~ the first business day of the month, or as reasonably close.

13.48.080 DELINQUENCY NOTICE.

The clerk's office may, but shall not be required to, send a notice of delinquent account ~~ten~~ **FIFTEEN** days after the account becomes delinquent.

CHAPTER 13.52 - DISCONTINUANCE OF WATER SERVICE

13.52.080 UNAUTHORIZED TURN-ON.

DELETING:

~~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 (25) 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. (Ordinance 18-10-08-01)~~

ADDING:

- A. IT IS UNLAWFUL FOR ANY CUSTOMER OR OTHER UNAUTHORIZED PERSON TO TURN-ON WATER SERVICES WHERE SERVICES HAD BEEN DISCONTINUED FOR ANY REASON. VIOLATORS ARE SUBJECT TO THE PENALTIES AS DESCRIBED IN TBMC CHAPTER 1.16.035.**
- B. UNAUTHORIZED TURN ON BY ANY PERSONS SHALL BE DEEMED AN INFRACTION, AND PUNISHABLE BY A FINE AS SET FORTH IN CHAPTER 1.16.035 OF THE TNBMC. (Ordinance 18-10-08-01)**

CHAPTER 13.60 - FIRE HYDRANTS

13.60.010 OPERATION.

No persons or persons other than those designated and authorized by the department shall open any fire hydrant belonging to the department, 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 received water through a fire hydrant, an auxiliary external valve will be provided to control the flow of water.

CHAPTER 13.70 - SOLID WASTE

13.70.030 PARTICIPATION IN SOLID WASTE SERVICE REQUIRED.

- A. All customers who participate in water **OR** sewer ~~or electrical~~ service must participate in solid waste utility service unless otherwise approved by the department.
- B. It is unlawful for any person to place, deposit or permit to be deposited in any manner upon public or private property within the city or on city property or in any area under the jurisdiction of the city any garbage which is not designated as a solid waste disposal site, trash or other waste which ordinarily is regarded as solid waste or industrial waste. (Ord. 88-48 § 5(part), 1988)

13.70.150 SOLID WASTE RATE SCHEDULE.

The solid waste rate schedule to be charged for service, landfill users, and dumpster permits shall be as set forth in the most current solid waste rate schedule adopted and approved by resolution of the city council and incorporated herein by reference.

~~Service customers are required to pay service fees as hereinafter provided in this chapter. Landfill users are required to pay all landfill fees at the landfill gate prior to being admitted into the landfill. Dumpster permit fees are required to be paid at the office of the city clerk on or before the first of each month.~~ (Ord. 90-18 §5(part), 1990)

13.70.220 BILLING PERIOD.

Billings shall be mailed ~~once~~ **ON THE FIRST BUSINESS DAY OF THE MONTH, OR AS REASONABLY CLOSE.** ~~a month~~. (Ord. 88-48 § 5(part), 1988)

13.70.260 BILLS-DISCONTINUANCE-DELINQUENCY NOTICE FOR DELINQUENCIES.

~~On or about five~~ FIFTEEN days after an account becomes delinquent, a discontinuance/delinquency notice shall be sent to the customer, stating the date on which the solid waste service will be discontinued if the delinquent account is not paid in full prior thereto. The stated discontinuance date shall be no sooner than ten days following the date of mailing or personal delivery of the discontinuance notice to the customer. The discontinuance notice shall contain a statement informing the customer of his right to an informal hearing before the mayor or his/her designee (during regular office hours, on any day at least one day prior to the stated discontinuance date), such hearing to be held only upon the request of the customer, and for the purpose of providing an opportunity for the customer to present any facts he may have that place the delinquency of his account in dispute. (Ord. 03-01-16-02 § 3(part), 2003: Ord. 88-48 § 5(part), 1988)