



TITLE 13 – UTILITIES

THORNE BAY MUNICIPAL CODE
CODIFIED MAY 15, 2019

TITLE 13 – UTILITIES

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CHAPTER - 13.02 APPLICATION FOR SERVICES:**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. (Ordinance 18-10-08-01)

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. (Ordinance 18-10-08-01)

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 the maximum deposit requirement as set forth by resolution. 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 18-12-04-02; Prior 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. (Ordinance 18-10-08-01)

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. (Ordinance 18-10-08-01)

CHAPTER 13.03-DELINQUENT ACCOUNTS & SECURING COLLECTION OF DEBTS**13.03.010 ACCOUNTS CONSIDERED DELINQUENT.**

Utility bills not paid by the twentieth day of the month following mailing shall be considered delinquent and will be assessed a finance charge of 0.875% (percent) each month until paid in full. (Ordinance 19-05-07-01)

13.03.020 DELINQUENCY NOTICE.

The clerk's office may, but shall not be required to, send a notice of delinquent account ten days after the account becomes delinquent. (Ordinance 19-05-07-01)

13.03.030 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 which water will be turned off if the delinquent account is not paid in full prior thereto. Such date shall not be less than five or more than fifteen days from the date of notice. A delivery to the premises receiving utility services or mailing to the address of record of the customer shall be considered a delivery to the customer. (Ordinance 19-05-07-01)

13.03.040 TERMINATION OF SERVICE.

An agent of the city shall terminate services on the date so specified in the notice of termination of service unless the account is paid in full. (Ordinance 19-05-07-01)

13.03.050 LIENS & COLLECTION.

The city may use all legal means and pursue all legal remedies to collect unpaid utility service fees and charges. (Ordinance 19-05-07-01)

- a. Upon any delinquency, all rates, fees, charges, assessments, penalties, and interest due and owing under this title shall constitute a lien of the city upon the real property receiving the benefit of the service or utility. (Ordinance 19-05-07-01)

- b. Upon any delinquency, all rates, fees, charges, assessments, penalties, and interest due and owing under this title shall constitute a lien of the city upon the personal property of person who requested service. (Ordinance 19-05-07-01)
- c. The city may create, record, and provide notice of a lien to secure payment of past due utility rates, fees, charges, assessments, penalties, and interest as described in this section. A lien may be recorded by the city in the Ketchikan Recorder's District, recording district 102, in the first judicial district, and in the State Recorder's Office UCC Central File System, as applicable; however, failure to so record said interests shall not be construed as a waiver or abrogation of any and all priorities, rights and interests of the city at law and in equity. (Ordinance 19-05-07-01)
- d. Upon full satisfaction of payment of all fees, charges, interest, penalties, and costs for recording a notice of lien and discharge of lien, due and owing to the city, the city shall record a certificate discharging the lien. (Ordinance 19-05-07-01)
- e. In an action to enforce a lien, the court shall allow as part of the costs all money paid for drawing the lien and for filing and recording the lien claim and discharge of lien, and a reasonable attorney fee for the foreclosure of the lien. (Ordinance 19-05-07-01)
- f. The remedy provided in this section is not exclusive and shall be in addition to all other remedies available to the city to collect past due utility fees and charges owed under this chapter. (Ordinance 19-05-07-01)

CHAPTER 13.04 - SEWER – GENERAL PROVISIONS**13.04.010 DEFINITIONS.**

For purposes of this chapter and Chapters 13.08 through 13.24:

- A. “Applicant” means the person, persons, firm, association, or corporation making application to the department for sanitary sewer service under the terms of this chapter. For Statutory provisions regarding municipally owned utilities, see AS § 29.48.030(2) and Chapters 13.08 through 13.24;
- B. “Customer” means any person, firm, association or corporation which uses the sanitary sewer service of the city.

13.04.20 EXTENSIONS OF SERVICE.

The sewer system of the city shall be extended to such areas in and outside of the city limits at the city council from time to time determines.

13.04.030 DESCRIPTION OF SERVICE.

Sewer service shall be provided by the public works department (the department), which will exercise reasonable diligence to insure the uninterrupted operation of the system.

13.04.040 NON-LIABILITY OF CITY.

The city shall not be liable for damages resulting from interruption in service or lack of service. Suspension of service by the department for improvements and repairs will from time to time be necessary. Whenever possible, and when time permits, all customers affected will be notified prior to the suspension of service by notice through postings and newspaper.

13.04.050 OWNERSHIP OF SYSTEM.

All interceptors, pumps stations, valves, fittings, outfall pipes, lift and force mains, aeration equipment, inlet and outfall facilities, and other appurtenances, except “customer service lines” as defined in Section 13.08.060 shall be the property of the city. (Ord. 88-48, ss5 (part), 1988)

13.04.060 SEWAGE TREATMENT PLANT.

The city shall construct, own, and maintain a facility to be used for the treatment of effluent deposited in the sanitary sewer collection system.

13.04.145 STUB OUT – UNPLUMBED:

All unimproved lots on the water and sewer line will be charged a monthly service availability 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. (Ordinance 18-10-08-01 ss Part)

CHAPTER 13.08 - COLLECTION SYSTEM**13.08.010 COMPOSITION.**

The collection system shall consist of all pump stations, interceptors, customer service lines, valves, fittings, and other appurtenances used for the collection and transmission of effluent to the sewage treatment plant.

13.08.020 INTERCEPTORS DEFINED.

Interceptors are the pipes of relatively large diameter which are connected to and used for the collection of effluent from the customer service lines and its delivery to the sewage treatment plant.

13.08.030 INTERCEPTORS-WITHIN CITY LIMITS.

Sanitary sewer interceptor extensions to areas with the city limits not presently served by the existing sewage system shall be installed only after authorization by the city council.

13.08.040 INTERCEPTORS-OUTSIDE CITY LIMITS.

Sanitary sewer interceptor extensions outside the city limits shall be extended only at the expense of the customers served. The extensions shall become the property of the city at the time installed. The city council shall determine the specifications of the extensions, which shall be made of suitable material approved by the council. Extensions outside the city limits shall be installed by the department or by the customers to be served thereby in accordance with plans and specifications approved by the city council and pursuant to agreements between the customers to be served and the city.

13.08.050 LOCATION OF INTERCEPTOR EXTENSION.

The department will make sanitary sewer interceptor extensions only in areas over which it holds rights-of-way, easements or title.

Easements or permits secured for extensions shall be obtained in the name of the city together with all rights and title to the extension at the time of installation.

13.08.060 CUSTOMER SERVICE LINES DEFINED.

The “customer service line” of any customer shall be that part of the system, which is situated on the customer’s property or other private property over which he has control.

13.08.070 OWNERSHIP OF CUSTOMER SERVICE LINE.

The customer shall own, install and maintain the customer service line. (Ord. 89-23 ss5 (part), 1989; Ord. 88-45 ss5 (part), 1988)

13.08.080 SIZE OF CUSTOMER SERVICE LINE.

The department will furnish and install a customer service line at the customer’s expense, of such size and at such locations as the applicant requests, provided such requests are reasonable, an interceptor is available for connection and the size requested is one that is approved by the department. The minimum inside diameter of a Residential customer service line shall be four inches and of any other customer, six inches. The department may refuse to install a customer service line, which is undersized or oversized as determined by the City Administrator.

13.08.090 CHANGES IN SIZE OF CUSTOMER SERVICE LINE.

Permanent changes in the size of the customer service line requested by the customer shall be paid for by the customer on the basis of actual cost to the department for making the change.

13.08.100 JOINT SERVICE CONNECTIONS.

The department may, at its option, serve two or more premises with one connection to the interceptor. In such case, the inside diameter of the joint customer service lines shall be of a size sufficient to efficiently carry all effluent which will be produced on the premises.

13.08.110 NUMBER OF SERVICE LINES.

The owner of a single parcel of property may apply for and receive as many customer service lines as he and his tenants may require, provided his application or applications meet the requirements of Chapters 13.04 through 13.24.

13.08.120 CONSTRUCTION COSTS.

At the time the applicant applies for sewage service where no such service previously existed, or if the applicant applies for a change in the size of the customer service line or location, he shall submit with his application a statement of whether he had installed or will install the customer service line or whether the city is requested to do so. "If the customer makes such installation, he shall furnish such proof as is required by the department to establish that the line is properly constructed and of sufficient size to carry the sewage and pay a connection fee for connecting to the interceptor. No connection will be made to an interceptor except by the city as the request of the customer.

13.08.130 CUSTOMER'S PLUMBING.

The customer's plumbing, which includes the customer's service line and all plumbing, piping, fixtures and other appurtenances carrying or intended to carry sewage, shall comply with the plumbing code of the city.

13.08.140 REQUIRED CONNECTIONS.

Wherever there is now, or may hereafter be, constructed within the city limits, an interceptor for the purpose of transmitting sewage to the sewage treatment plant, the owner or owners of the property abutting on any street, alley or right-of-way along which the interceptor is constructed, must connect all improvements on such property in which any sewage or liquid waste is produced, with a customer service line and an interceptor.

Whenever the city notifies in writing any owner or owners of property to connect such improvements to such line and interceptor, it shall be the duty of such owner or owners to make application, pay the prescribed fees, and complete the connection with the interceptor within thirty days from the date of the notice. The department may, for good and sufficient reason, extend the time for the completion of the connection.

CHAPTER 13.14 - SEWAGE SERVICE RATES**13.14.005 APPLICATION FOR SEWER SERVICES**

Application for sewer services shall be completed as set forth in chapter 13.02.010-.040. (Ordinance 18-10-08-01)

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 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. (Ordinance 18-10-08-01)

13.14.020 CHARGES PLACED ON BILL.

All sanitary sewer service charges, except the connection fee, shall be placed on the bill for city water service charges.

13.14.030 PAYMENT OF BILLS.

- A. All bills shall be mailed on the first working day of the month or as reasonably close. All charges for sanitary sewer service shall be due when the bill containing the service charges is mailed.
- B. Bills not paid by the twentieth day of the month following mailing shall be considered delinquent and will be assessed a finance charge of .875% each month until paid in full. (Ordinance 19-04-02-02-Amending Title 13)

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)

13.14.050 DELINQUENCY NOTICE.

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

13.14.060 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 which water will be turned off if the delinquent account is not paid in full prior thereto. Such date shall not be less than five or more than fifteen days from the date of notice. A delivery to the premises receiving sanitary sewer services or mailing to the address of record of the customer shall be considered a delivery to the customer.

13.14.070 TERMINATION OF SERVICE.

An agent of the city shall terminate services 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. Temporary Discontinuance of service will be charged a monthly service availability 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 sewer service. Customer will be charged a ten-dollar charge (plus tax) to have such service restored. (Ordinance 18-10-08-010; Prior Ord. 15-03-17-02)

CHAPTER 13.20 - PROHIBITED ACTS**13.20.010 DESIGNATED.**

IT is unlawful and a violation of Chapters 13.04 through 13.24 for a customer or any other person to deposit or allow being placed into the sanitary sewage collection system any of the following materials:

- A. Petroleum, coal tar, vegetable and mineral oils and products, and their derivatives and wasters;
- B. Greases, oils, and sludge's from service stations, garages, repair shops, machine shops, cleaning establishments or other industries or establishments;
- C. Explosive or inflammable liquids and gasses;
- D. Acids, alkalis or other corrosive liquids, gases or substances of sufficient strength to damage sewers, manholes, pumping stations or treatment plant units;
- E. Paints or waste products from paint manufacturing;
- F. Substances which will form deposits or obstructions in the sewage collection system or which, when mixed with sewage, will precipitate material and thus form deposits in the system;
- G. Ashes, cinders, sand, earth, coal, rubbish or metals of any kind;
- H. Live steam, exhaust steam or water having a temperature above one hundred forty degrees Fahrenheit;
- I. Un-ground refuse, garbage or waste materials;
- J. Offal from slaughterhouses and fish processing plants;
- K. Dead animals;
- L. Sulfite of sulfated liquor and "white" water from pulp mills.

13.20.020 PROHIBITED CONNECTIONS.

It is unlawful for any person to make any connection which will cause or result in any waste water entering the sanitary water system from any roof, roof drain, cellar, yard, foundation drain, cooling water discharge, spring, swamp area, manhole cover, cross-connected storm or combined sewer, catch basin, storm drain, surface runoff, street waters, or other drainage.

13.20.030 CONNECTIONS MADE WITHOUT PERMIT.

It is unlawful and a violation of Chapters 13.04 through 13.24 for any customer or other person to connect a customer service line to an interceptor without first making application, paying the connection fee, and securing a permit there for from the city clerk.

13.20.040 INTERFERENCE AND TAMPERING.

It is unlawful and a violation of Chapters 13.04 through 13.24 for any person to open any manhole or sewage life station, enter into, or interfere or tamper with any sewer, manhole, sewage lift station, property at the sewage treatment plant or stabilization pond.

13.20.050 PENALTY FOR VIOLATION.

- 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. (Ordinance 19-04-02-02; (part))

CHAPTER 13.24 - MISCELLANEOUS PROVISIONS**13.24.010 ACCESS TO PROPERTY.**

All duly appointed employees of the department, under the direction of the superintendent of the department, shall have free access at all reasonable hours of the day to any and all parts of structures and premises from which sewage is carried for the purpose of inspecting connections, the condition of pipes and fixtures, and the quantity and composition of the sewage. The department does not however assume the duty of inspecting customer service lines, plumbing and equipment, and shall not be responsible, therefore.

13.24.020 SUSPENSION OF RULES.

No employee of the department is authorized to suspend or alter any of the provisions contained in Chapters 13.04 through 13.20 and this chapter without specific approval or direction of the city council, except in cases of emergency involving loss of life or property, or which would place the operation of the sanitary sewer system in jeopardy.

13.24.030 EASEMENT.

Each applicant and user gives and grants to the city an easement and right-of-way on and across his property for the installation of customer service lines, interceptors, valves, and other necessary equipment.

CHAPTER 13.28 - WATER - GENERAL PROVISIONS**13.28.010 DEFINITIONS.**

For the purposes of this chapter and Chapters 13.36 through 13.68, the following terms shall have the meanings herein prescribed:

- A. Whenever the word “applicant” is used, it means the person, or persons, firm or corporation making application for water service from the public works department (the department) under the terms of these regulations;
- B. Whenever the words “customer” or “user” are used, they mean an applicant who has been accepted and who receives water service from the department.

13.28.020 SERVICE AREA.

The water service area shall be such area within the ‘city limits of Thorne Bay (the city) and such contiguous territory as is immediately adjacent to the city’s water distribution system. The system shall be extended to such areas in and outside the city as the council from time to time determines.

13.28.030 SUPPLY.

Water service shall be provided by the department, which will exercise reasonable diligence and care to deliver a continuous and sufficient supply of water to customers at adequate pressure and to avoid so far as reasonably possible any shortage or interruption in delivery. The city shall not be liable for damage resulting from interruption in service or lack of service. Temporary suspension of service by the department for improvements and repairs will be necessary. Whenever possible, and when time permits, all customers affected will be notified ‘prior’ to shutdowns by postings and news media.

13.28.040 QUALITY.

The department will exercise reasonable diligence to supply safe and potable water at all times.

13.28.050 OWNERSHIP OF SYSTEM.

All water mains, valves, fittings, hydrants and other appurtenances, except “custom service lines,” as defined in Section 13.40.010, shall be the property of the city. (Ord. 88-48 ss (part), 1988)

13.28.060 CLASSES OF SERVICE.

The classes of service shall be Residential, commercial, standby fire and contract as further qualified by the number after the class as follows:

1. Inside city limits;
2. Outside city limits.

13.28.070 RESIDENTIAL SERVICE.

Residential services shall consist of all services for domestic purposes supplied to a single-family dwelling unit.

13.28.080 COMMERCIAL SERVICE.

Commercial services shall consist of all services where water is supplied for a commercial or business establishment, or multi-dwelling units.

13.28.090 STANDBY FIRE SERVICES.

Standby fire service shall consist of those services where water is available or used for fire protection only. (Ord. 88-48 §5 (part) 1988)

13.28.095 UNIMPROVED OR DISCONTINUED.

All unimproved lots or discontinued services on the water line will be charged a monthly service availability 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.

13.28.100 CONTRACT SERVICES.

Contract services shall consist of those services for industrial or independent water district purposes under contracts authorized by the city council.

13.28.110 SPECIAL CONTRACTS.

When the applicant's (such as an independent water district) requirements for water are unusual or large or necessitate considerable special or reserve equipment or capacity, the city council reserves the right to make a special contract, the provisions of which are different from and have exceptions to the regularly published water rates and regulations. All special contracts shall be in writing, signed by the applicant, approved by the council and signed by the mayor and city clerk.

13.28.120 RESALE OF WATER.

Resale of water shall be permitted only under special contract, in writing, between the city council and the party selling the water. (Ord. 88-48 §5 (part) 1988).

13.28.130 SERVICE PREFERENCE.

In case of shortage of supply, the department has the right to give preference to customers and interests as public convenience or necessity requires. Water service to users outside of the city limits shall at all times be subject to the prior and superior rights of the customers within the city limits.

CHAPTER 13.32

REPEALED BY ORDINANCE 18-10-08-01

RESERVED (ORDINANCE 18-10-08-01)

CHAPTER 13.36 - WATER MAIN EXTENSIONS

13.36.010 WITHIN CITY LIMITS.

The city shall install water main extensions to areas within the city limits not presently served with water only after authorization.

13.36.020 OUTSIDE CITY LIMITS.

Water mains outside the city limits shall be extended only at the expense of the customers served. The main extensions shall become the property of the city at the time installed.

The city council shall determine the size of the main extensions and all extensions shall be made of suitable material approved by the city council. Extensions outside the city limits shall be installed by the department or by the customers, in accordance with plans and specifications approved by the city council.

13.36.030 LOCATION OF EXTENSIONS.

The department will make water main extensions only on rights-of-way, easements or publicly owned property. Easements or permits secured for main extensions shall be obtained in the name of the city along with all rights and title to the main at the time of installation.

CHAPTER 13.40 - SERVICE REGULATIONS

13.40.010 DEFINITION.

The “customer service line” shall be that part of the piping on the customer’s or other private property. The customer shall own, install and maintain the customer service line.

13.40.020 SERVICE CONNECTION CHARGE.

At the time the applicant files for 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. The service connection charge is to cover the actual cost to the department to install the meter (including meter cost) and the service from the main to the meter. The service connection charge shall be as set in the current published water rate schedule.

13.40.030 SIZE OF SERVICE.

The department 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 requested is one that is listed by the department. The minimum size of service shall be three-fourths inch. The department may refuse to install a service line which is undersized or oversized as determined by the council.

13.40.040 CHANGES IN SERVICE SIZE.

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 department for making the change.

13.40.050 JOINT SERVICE CONNECTIONS.

The department may, at its option, service two or more premises with one connection. On new service connections, the inside diameter of such joint lines shall be sufficient to provide a carrying capacity of not less than the combined capacity of individual service lines of the same size as the meters installed. Service extensions from an existing service to other occupancies or ownerships than that for which the existing service was intended shall not be permitted nor shall separate residences be permitted to receive service through one meter except under special contract approved by the city council.

13.40.060 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 may require, provided his application or applications meet the requirements of Chapters 13.28 through 13.68.

13.40.070 STANDBY FIRE PROTECTION SERVICE CONNECTIONS – PURPOSE.

Standby fire protection service connections or 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 department 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. All piping on the customer's premises shall be installed in accordance with the plumbing code of the city.

13.40.080 STANDBY FIRE PROTECTION SERVICE CONNECTIONS – CHARGES FOR SERVICE.

Charges for standby fire protection service will be 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 for the service to the standby connection.

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 Fine Schedule. (Ordinance 19-04-02-02; (part).).

13.40.100 FIRE SERVICE CONNECTIONS OTHER THAN STANDBY.

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 metered as such. All water used through that service, regardless of its use, will be charged at the regular rates.

13.40.110 TEMPORARY SERVICE CONNECTIONS.

For water service of a temporary nature, applicants shall be required to pay in advance the estimated cost of installation and removal of metering equipment and materials, plus a reasonable depreciation charge for the use of equipment and material furnished by the water department. The applicant shall also pay his water bill in advance and based on an estimate of the quantity to be used, or he shall otherwise establish satisfactory credit.

13.40.120 TEMPORARY SERVICE CONNECTION – TIME LIMIT.

Temporary service connections shall be disconnected and terminated within six months after installation unless an extension of time is granted in writing by the department.

13.40.130 TEMPORARY SERVICE CONNECTION – CHARGE FOR WATER SERVED.

Charges for water furnished through a temporary service connection shall be at the established rates set forth in the current water rate schedule.

13.40.140 TEMPORARY SERVICE CONNECTION – INSTALLATION CHARGE AND DEPOSITS.

The applicant for temporary service will be required:

- A. To pay the department, in advance, the estimated cost of installing and removing all facilities necessary to furnish each service;
- B. To deposit an amount sufficient to cover bills for water during the entire period such temporary service may be used, or to otherwise establish credit approved by the department;
- C. To deposit with the utility an amount equal to the value of any equipment loaned by the department to such applicant.

13.40.130 TEMPORARY SERVICE CONNECTION – RESPONSIBILITY FOR METERS AND INSTALLATION.

The customer shall use all possible care to prevent damage to the meter or to any other loaned facilities of the department. If the meter or other facilities are damaged, the cost of making repairs shall be deducted from the deposit refund. 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.

13.40.160 CUSTOMER'S PLUMBING – PLUMBING CODE.

The customer's plumbing, which shall include the customer's service line and all plumbing, piping, fixtures and other appurtenances carrying or intended to carry water, sewer or drainage, shall comply with the plumbing code of the city.

13.40.170 CUSTOMER'S PLUMBING – CONTROL VALVES.

Customers shall install a suitable control valve in the customer service line at a location determined by the department, the operation of which will control the entire water supply to the premises served. In the event a customer's service is discontinued for any reason, a control valve must be installed if none exists, as provided by this section. It shall be a violation of Chapters 13.28 through 13.68 for the customer to operate, cause or permit unauthorized operation of the meter stop or any appurtenances on the service connection.

CHAPTER 13.44 - WATER METERS

13.44.010 OWNERSHIP.

The department will own and maintain all water meters. The department will not pay rent or any other charge for a meter or other water facilities, including housing and connections on a customer's premises.

13.44.020 INSTALLATION.

Installation of water meters shall be performed only by authorized employees of the department the department at the time of installation shall seal all meters, and no seal shall be altered or broken except by one of its authorized employees.

13.44.030 SIZE AND TYPE.

Applicant may request and receive any size meter regularly stocked or furnished by the department, provided the request is reasonable and further provided that the meter is not greatly oversized or undersized, as determined by the superintendent of the department. The department reserves the right to determine the type of meter to be installed.

13.44.040 LOCATION.

Meters shall be placed either inside or under a heated building at such suitable place as is most convenient, but the location must be approved by the department. The meters will not be located where damage to the meter or its related parts may occur. Each meter shall have a remote recording device, which can be read from outside the building.

13.44.050 JOINT USE.

The joining of several customers to take advantage of the single minimum charges and large quantity rates is prohibited, except under special contract, in writing with the city council.

13.44.060 CHANGES IN SIZE OR LOCATION.

If for any reason a change in the 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 so amended. Meters or services moved for the convenience of the customer will be relocated only at the customer's expense.

13.44.070 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 shall be punished by the fine established in 1.16.035 Fine Schedule. (Ordinance 19-04-02-01; (part))

13.44.080 METER ACCURACY.

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 two percent under conditions of normal operation.

13.44.090 STANDARD TEST.

Meter tests will be conducted in accordance with standards of practice established by the American Water Works Association.

13.44.100 TEST ON CUSTOMER REQUEST.

A customer may, giving not less than seven days' notice, request the department to test the meter servicing his premises. Customers may at their option witness any meter tests, which they request.

13.44.110 TEST ON DEPARTMENT REQUEST.

If, upon comparison of past water usage, it appears that a meter is not registering properly, the department may at its option test the meter and adjust the charges accordingly if the meter either over registers or under registers. No charge for meter testing will be made to the customer for the meter test under these conditions.

13.44.120 CREDITS OR DEBITS.

No credits or debits will be borne by the city or the customer should the tested meter show variance high or low, from the accuracy defined in Section 13.44.080.

13.44.130 NON-REGISTERED METERS.

The department 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 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.

13.44.140 METER INSTALLATION MANDATORY.

- A. Water meters shall be mandatory for all water services installed after the effective date of the ordinance codified in this section. Customers requesting water meters on existing services will not be allowed to revert to a flat rate billing. The intent of the city council is to work toward one hundred percent metered services within the system.
- B. The city, at its discretion and expense, may require the installation of meters on existing services.

CHAPTER 13.48 - WATER RATES

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 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. (Ordinance 18-10-08-01)

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.

13.48.030 NOTICES FROM CUSTOMERS.

Notices from the customer to the department may be given by the customer or his authorized representative 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. (Ordinance 19-04-02-02; (part))

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 24th of each month, or as reasonably close as possible. (Ordinance 18-10-08-01)

13.48.050 RECORDS.

The department will keep an accurate account of its books of all readings of meters.

13.48.060 MAILING BILLS.

All bills shall be mailed on the first business day of the month, or as reasonably close.
(Ordinance 19-04-02-02)

13.48.070 PAYMENT OF BILLS.

Each bill rendered shall be due when mailed. All bills not paid by the twentieth day of the month following mailing shall be considered delinquent and will be assessed a finance charge of .875% a month until paid in full.

13.48.080 DELINQUENCY NOTICE.

The clerk's office 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 than live, 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.

13.48.100 TERMINATION OF SERVICE.

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

13.48.110 DISCONNECT/RECONNECT CHARGE.

In all instances where water has been turned off or scheduled to be turned off because of delinquent accounts, a twenty-five-dollar service charge shall be assessed.

CHAPTER 13.52 - DISCONTINUANCE OF WATER SERVICE**13.52.010 TEMPORARY DISCONTINUANCE OF SERVICE.**

A customer may request a temporary discontinuance of water service upon advance written notice to the City. Temporary Discontinuance of service will be charged a monthly service availability 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 services charge (plus tax) to have such service restored. (Ordinance 18-10-08-01)

13.52.020 NONPAYMENT OF BILLS.

A customer's water service may be discontinued if the water bill is not paid in accordance with the procedures listed in Section 13.48.070.

13.52.030 UNSAFE FACILITIES.

The department may refuse to furnish water and may discontinue services to any premises without prior notice where plumbing facilities, appliances or equipment using water are dangerous, unsafe or not in conformity with the plumbing code of the city.

13.52.040 CROSS CONNECTIONS.

A cross connection is defined as any physical connection between the water system and another source. Such cross connections are unlawful. The department will discontinue service to any persons or premises where a cross connection exists. Service will not be restored until the cross connection is eliminated. Customers using water from one or more sources in addition to receiving water from the department on the same premises shall maintain separate systems for each; and the department's water supply facilities shall be separated from any and all other systems by an air gap of not less than one foot, or if in the ground, by not less than five feet.

13.52.050 WATER WASTE.

Where water is wastefully or negligently used on a customer's premises, seriously affecting the general service, the department may discontinue service if such conditions are not corrected after notice by the department.

13.52.060 SERVICE DETRIMENTAL TO OTHERS.

The department may refuse to furnish water and may discontinue service to any premises where excessive demands by one customer will result in inadequate service to others.

13.52.070 FRAUD OR ABUSE.

The department will refuse service or discontinue service to any premises where it is deemed necessary to protect the department from fraud or abuse. Discontinuance of service from one or both of these causes will be made immediately upon receipt of knowledge by the department that the condition or conditions exist.

13.52.080 UNAUTHORIZED TURN-ON.

- 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 Fine Schedule. (Ordinance 19-04-02-02; in part; prior Ordinance 18-10-08-01)

13.52.090 NONCOMPLIANCE WITH REGULATION.

The department may, upon five days' notice, discontinue service to a customer's premises for failure to comply with any of the provisions of Chapters 13.28 through 13.68.

CHAPTER 13.56 - RESPONSIBILITY FOR WATER EQUIPMENT**13.56.010 RESPONSIBILITY FOR CUSTOMER EQUIPMENT.**

The city 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 city be liable for loss or damage due to interruption of service or temporary changes in pressure. The customer shall be responsible for valves on his premises being turned off when the water service is turned on.

13.56.020 RESPONSIBILITY FOR DEPARTMENT EQUIPMENT.

City equipment on the customer's premises remains the property of the city and may be repaired, replaced or removed by the department employees 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 city equipment on his premises. The property owner must keep vicious dogs or other animals secured or confined to avoid interference with the utility operation and maintenance.

13.56.030 DAMAGE TO DEPARTMENT EQUIPMENT.

The customer shall be liable for any damage to equipment owned by the city, 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 damages by hot water or steam, and damaged meter boxes, and other appurtenances.

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. 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. (Ordinance 19-04-02-02; in part)

13.60.020 MOVING A FIRE HYDRANT.

When a fire hydrant has been installed in the locations specified by the proper authority, the department has fulfilled its obligation. If a property owner or other party desires to change the size, type or location of the hydrant, he shall bear all costs of such changes. Any changes in the location of a fire hydrant must be approved by the department and the fire department.

CHAPTER 13.64 WATER SERVICE – MISCELLANEOUS PROVISIONS**13.64.010 RESTORATION OF SERVICE.**

Restoration of service after discontinuance for non-payment of bills shall be made after payment of current and past due charges and the restoration charge and posting a deposit as hereinbefore provided. Restoration of service after discontinuance of service for unsafe facilities, water waste, fraud, abuse or for noncompliance with this chapter and Chapters 13.28 through 13.68 will only be made after the irregularity has been corrected and the department has been assured that the irregularity will not reoccur.

13.64.020 UNUSUAL DEMANDS.

When an abnormally large quantity of water is desired for filling a swimming pool, pond or for other purposes, arrangements must be made with the utility prior to taking such water. Permission to take water in unusual quantities will be given only if the department facilities and other consumers are not inconvenienced.

13.64.030 ACCESS TO PROPERTY.

All duly appointed employees of the department, under the direction of the superintendent of the department, 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 purposes of inspecting connections, the conditions of conduits and fixtures, and the manner and extent in which the water is being used. The department does not, however, assume the duty of inspecting the customer's line, plumbing and equipment, and shall not be responsible, therefore.

13.64.040 SUSPENSION OF RULES.

No employee of the department is authorized to suspend or alter any of the provisions herein without specific approval or direction of the city council, except in cases of emergency involving loss of life or property of which would place the water system operation in jeopardy.

13.64.050 EASEMENT.

Each applicant and user give and grants to the city an easement and right-of-way on and across his property for the installation of water mains and the necessary valves and equipment in connection therewith.

CHAPTER 13.68 - SERVICE-PENALTIES**13.68.010 VIOLATIONS AND PENALTIES**

Any person who violates or causes or permits to be violated any provision of this chapter is guilty of an infraction and shall be punished by the fine established in 1.16.035, or if no fine is listed in the fine schedule, then by a fine established in 1.16.030. (Ordinance 18-10-08-01)

CHAPTER 13.70 - SOLID WASTE

13.70.010 DEFINITIONS.

For the purposes of this chapter and Sections 13.70.010 through 13.70.390, the following terms shall have the meanings herein prescribed:

- A. **"Applicant"** means the person or persons, firm or corporation making application for solid waste service from the city public works department (the department) under the terms of this chapter;
- B. **"Customer"** or **"user"** means an applicant who has been accepted and who receives solid waste service from the department.
- C. **"Clerk"** means the city clerk or the utility clerk for the city. (Ord. 88-48 § 5(part), 1988)

13.70.020 AUTHORITY TO ESTABLISH AND TO OPERATE A SOLID WASTE UTILITY SERVICE.

The city of Thorne Bay (hereinafter "city") through its city council, is empowered to purchase, construct, establish, maintain, and operate necessary facilities for the purposes of providing solid waste service in the city. (Ord. 88-48 § 5(part), 1988)

13.70.030 PARTICIPATION IN SOLID WASTE SERVICE REQUIRED.

- A. All customers who participate in water or sewer 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. (Ordinance 19-04-02-02, in part; prior Ord. 88-48 § 5(part), 1988)

13.70.040 DESCRIPTION OF SERVICE.

Solid waste service shall be provided by the department which will exercise reasonable diligence to insure the uninterrupted service. (Ord. 88-48 § 5(part), 1988)

13.70.050 NO LIABILITY OF CITY.

The city shall not be liable for damages resulting from interruption in service or lack of service. The city reserves the right to interrupt service for reasonable periods of time in the event of mechanical breakdown and illness or injury of department solid waste personnel. Whenever possible, and when time permits, all customers affected will be notified prior to the suspension of service by posted notice. (Ord. 88-48 § 5(part), 1988)

13.70.060 CLASSES OF SERVICE.

The classes of service shall be Residential, commercial and contract. (Ord. 88-48 § 5(part), 1988)

13.70.070 RESIDENTIAL SERVICE.

Residential service shall be solid waste service for domestic purposes supplied to a single-family dwelling unit consisting of one solid waste pickup once a week. (Ord. 90-18 § 5(part), 1990)

13.70.080 COMMERCIAL SERVICE.

Commercial service shall be solid waste service where solid waste is collected from a commercial or business establishment, or multi-dwelling units above a funplex. Service shall consist of one solid waste pickup once a week. (Ord. 90-18 § 5(part), 1990)

13.70.090 CONTRACT SERVICE.

Contract service shall consist of service for industrial or independent solid waste disposal purposes under contracts authorized by the city council. (Ord. 88-48 § 5(part), 1988)..

13.70.100 SPECIAL CONTRACTS.

When the applicant's requirements for solid waste disposal are unusual or large or necessitate considerable special or reserve equipment or capacity, the city council reserves the right to make a special contract, the provisions of which are different from and have exceptions to the regularly published solid waste rates and regulations. All special contracts shall be in writing, signed by the applicant, approved by resolution of the city council and signed by the chief executive officer and the city clerk. (Ord. 88-48 § 5(part), 1988)

13.70.110 APPLICATION FOR SERVICE.

Application for Solid Waste Services shall be completed as set forth in chapter 13.02.010-13.02.040. (Ordinance 18-10-08-01; Prior Ord. 88-48 § 5(part), 1988)

13.70.120 REPEALED

(Ordinance 18-10-08-01; Prior Ord. 88-48 § 5(part), 1988)

13.70.130 REPEALED

(Ordinance 18-10-08-01; Prior Ord. 96-20 § 3(part), 1996; Ord. 88-48 § 5(part), 1988)

13.70.140 REPEALED

(ORDINANCE 18-10-08-01; PRIOR ORD. 88-48 §5(PART), 1988)

3.70.150 SOLID WASTE RATE SCHEDULE.

- A. 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.
- B. Service customers are required to pay service fees as hereinafter provided in this chapter. (Ordinance 19-04-02-02; in part; Ord. 90-18 §5(part), 1990)

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)

13.70.170 CUSTOMER REQUIREMENTS.

Solid waste will be placed in covered receptacles within ten feet of a public street, city right-of-way or in other designated places. Residential receptacles shall not be larger than thirty-three gallons, commercial receptacles shall be approved dumpsters not larger than four cubic yards and/or thirty-three-gallon receptacles. Cardboard boxes and/or plastic garbage bags may be placed alongside the container. (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. 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". (Ordinance 18-10-08-01; Prior Ord. 04-06-03-02 §4, 2004; Ord. 94-07 §5(part), 1994)

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. (Ordinance 18-10-08-01; Prior 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. (Ordinance 18-10-08-01; Prior 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. (Ordinance 18-10-08-01; Prior 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 (Ordinance 18-10-08-01; Prior Ord. 94-07 § 5(part), 1994)

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. (Ordinance 18-10-08-01; Prior Ord. 94-07 § 5(part), 1994)

13.70.190 NOTICES TO CUSTOMERS.

Notices from the city or 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 city or department may notify customer either by telephone or messenger. (Ord. 88-48 § 5(part), 1988)

13.70.200 NOTICES FROM CUSTOMER.

Notices from customer to the city or department may be given by the customer or his authorized representative in writing at the office of the clerk in City Hall or to an agent

of the department duly authorized to receive notices or complaints. (Ord. 88-48 § 5(part), 1988)

13.70.210 ACCOUNTING RECORDS.

The city will keep an accurate account on its books, and such account so kept, shall be offered at all times, places and courts as prima facie evidence of the use of solid waste service by the customer. (Ord. 88-48 § 5(part), 1988)

13.70.220 BILLING PERIOD.

Billings shall be mailed on the first business day of the month or as reasonably close. (Ordinance 19-04-02-02, in part; Prior Ord. 88-48 § 5(part), 1988)

13.70.230 BILLS-SEPARATE REQUIRED-EXCEPTION.

All services supplying a customer's premises shall be billed separately, except that where the department has, for operating purposes, installed two or more services in place of one. (Ord. 88-48 § 5(part), 1988)

13.70.240 BILLS-DISPUTES.

When a customer disputes the correctness of a bill, he shall deposit the amount of the disputed bill with the clerk 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. 88-48 § 5(part), 1988)

13.70.250 BILLS-PAYMENT BY DUE DATE.

All bills not paid by the twentieth day of the month following mailing shall be considered delinquent and will be assessed a finance charge of .875% each month

until paid in full. If the due date falls on a weekend or holiday observed by the City, the due date shall be the close of business on the next business day of the City. (Ord. 09-10-19-01) Ord. 95-10 § 3(part), 1995: Ord. 88-48 § 5(part), 1988)

13.70.260 BILLS-DISCONTINUANCE-DELINQUENCY NOTICE FOR DELINQUENCIES.

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. (Ordinance 19-04-02-02; prior Ord. 03-01-16-02 § 3(part), 2003: Ord. 88-48 § 5(part), 1988)

13.70.270 SERVICE DISCONTINUANCE FOR DELINQUENT ACCOUNTS-METHOD.

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 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.

13.70.280 INSTALLMENT PAYMENTS FOR DELINQUENT ACCOUNTS.

The chief executive officer, or his designee, shall have the discretion of maintaining or renewing service to a delinquent account upon receipt of a satisfactory installment plan for the payment of the overdue amount. Should customer breach the terms of any such agreement, solid waste service will be immediately discontinued without further notice. (Ord. 03-01-16-02 § 3(part), 2003: Ord. 88-48 § 5(part), 1988)

13.70.290 DISCONTINUANCE OF SERVICE-CUSTOMER REQUEST.

Each customer about to vacate any premises supplied with solid waste service by the city shall give the city written notice of his intentions to discontinue the service, specifying the date service is to be discontinued; otherwise, customer will be responsible for all solid waste services supplied to such premises until the city receives such notice of discontinuance. (Ord. 88-48 § 5(part), 1988)

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. Temporary discontinuance of service will be charged a monthly service availability 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. (Ordinance 18-10-08-01)

13.70.310 CHANGE OF APPLICANT NAME AND BILLING ADDRESS.

When an owner of customer's premises requests in writing that service be changed from the name of the customer into the owner's name only and that the billing address be changed to the owner's address, and provided that customer and owner are not in violation of any of the provisions of this chapter, such request shall be

honored by the city upon city's receipt of a five-dollar service charge to perform such change. (Ord. 88-48 § 5(part), 1988)

13.70.320 DISCONTINUANCE OF SERVICE-FRAUD OR ABUSE.

The city will refuse or discontinue service to any premises where it is deemed necessary to protect the city from fraud or abuse. Discontinuance of service for one or both of these causes will be made immediately upon receipt of knowledge by the city that the condition or conditions exist. (Ord. 88-48 § 5(part), 1988)

13.70.330 DISCONTINUANCE OF SERVICE-NONCOMPLIANCE WITH REGULATIONS.

Except as otherwise provided in this chapter, the city will, upon ten days' written notice, discontinue service to a customer's premises for failure to comply with any of the provisions of this chapter. (Ord. 88-48 § 5(part), 1988)

13.70.340 SERVICE RESTORATION.

Service restoration after discontinuance of service for violation of Sections 13.70.320 or 13.70.330 will be made after the irregularity has been corrected and the city has been assured that the irregularity will not reoccur. The restoration charge shall be twenty-five dollars plus past due amounts accrued and any other charges due that the city may have incurred to correct the irregularity or to repair any damage that may have occurred due to the irregularity. (Ord. 88-48 § 5(part), 1988)

13.70.350 NON-LIABILITY OF CITY FOR DAMAGES.

City shall not be liable for any loss or damage of any nature whatsoever to customer's receptacles, nor shall the city be liable for loss or damage due to interruption of service or lack of service. (Ord. 88-48 § 5(part), 1988)

13.70.360 EQUIPMENT REMAINS CITY PROPERTY-ACCESS.

City equipment on customer's premises remains the property of the city and may be repaired, replaced or removed by city employees or agents at any time without consent of customer. No payment will be made to the property owner for the right to install, maintain, replace or remove city equipment and customer shall in no way interfere with city's operation. The customer must keep vicious dogs or other animals secured or confined at all times when services are being performed by department on customer's premises. (Ord. 88-48 § 5(part), 1988)

13.70.370 PROTECTION FROM DAMAGE.

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. (Ordinance 18-10-08-01; Prior Ord. 88-48 § 5(part), 1988)

13.70.380 CUSTOMER RESPONSIBILITY FOR DAMAGE TO CITY EQUIPMENT.

Customer shall be liable for any damage to equipment owned by city which is caused by an act of customer, his tenants, agents, employees, contractors, licensees or permittees. (Ord. 88-48 § 5(part), 1988)

13.70.390 AUTHORITY TO ENTER INTO CONTRACTS-TERMS.

The city, through its duly authorized officers, is empowered to enter into any and all contracts necessary in order to provide the city and its inhabitants with solid waste service. (Ord. 88-48 § 5(part), 1988)

13.70.400 VIOLATIONS AND PENALTIES.

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 the fine schedule. (Ordinance 18-10-08-01)