

Proposed by:	Civic Affairs Committee
Attorney Review:	11/25/2011
First Reading:	02/02/2012
Second Reading:	02/16/2012
Vote: 6 Aye	0 Nay 0 Absent

## MUNICIPALITY OF SKAGWAY, ALASKA ORDINANCE NO. 12-02

### AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING TITLE 13 PUBLIC UTILITIES BY AMENDING CHAPTER 13.04, THROUGH CHAPTER 13.30.

**WHEREAS**, Amendments are required to address change in status from city to borough government; and

**WHEREAS**, the Civic Affairs Committee is conducting a review of the Municipal Code in conjunction with the code re-write to update the Municipal Code;

### NOW THEREFORE BE IT ORDAINED AND ENACTED BY THE MUNICIPALITY OF SKAGWAY, ALASKA AS FOLLOWS:

**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become a part of the Skagway Municipal Code.

**Section 2. Purpose.** To amend Title 13 Public Utilities by amending Chapter 13.04 Public Utilities Generally, Chapter 13.08 Water Service System, Chapter 13.12 Water Quality Protection, Chapter 13.20 Solid Waste Collection and Disposal and Chapter 13.30 Cemeteries.

**Section 3. Amendment.** The Skagway Municipal Code is hereby amended (~~strike through~~) indicates text to be deleted from and (**bold underscore**) indicates text added to the current code. Chapter 13.04 Public Utilities Generally, Chapter 13.08 Water Service System, Chapter 13.12 Water Quality Protection, Chapter 13.20 Solid Waste Collection and Disposal and Chapter 13.30 Cemeteries are hereby amended as follows.

#### Chapter 13.04 PUBLIC UTILITIES GENERALLY

Sections:

- 13.04.010 City **Municipally**-operated utilities.
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- A. The city **municipally**-operated water system and **water quality protection (sewer)** system **and the solid waste and disposal system** are public utilities, and shall be operated in a businesslike manner. These public utilities, and such other public utilities and enterprises as the ~~council~~ **assembly** may require, shall be operated from a fund separate from the general fund. An accounting system for each such fund shall be established within the general accounting system of the city **municipality**, and shall be set up and maintained so as to reflect the financial condition of each enterprise and its income and expense. All balance sheets and statements of income and expense (profit and loss) shall be made for each enterprise annually and as often as the ~~council~~ **assembly** may require, and published annually in a condensed form.
- B. None of the income, money, resources or property of the water system, ~~or sewer system~~ **or solid waste system** shall be placed in the general fund or be used for

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the benefit of anything outside of the fund to which it belongs without due compensation or due value received in return; provided, that this shall not prohibit payment into the general fund by such utilities of an amount in lieu of taxes reasonably estimated to be the amount which ~~said~~ the utilities would pay in taxes if ~~they~~ the utilities were privately owned.

Chapter 13.08  
WATER SERVICE SYSTEM

Sections:

- 13.08.010 Terminology.
- 13.08.020 Description of service.
- 13.08.030 Service area.
- 13.08.040 Main extensions.
- 13.08.050 Application for service.
- 13.08.060 Services.
- ~~13.08.070 Meters.~~
- ~~13.08.080 Meter error.~~
- 13.08.090 Discontinuance of service.
- 13.08.100 Restoration of service.
- 13.08.110 Unusual demands.
- 13.08.120 Access to property.
- 13.08.130 Responsibility for equipment.
- 13.08.140 Fire hydrants.
- 13.08.150 Billing and payment.
- 13.08.160 Rates and fees to be charged for water service.
- 13.08.170 Limitation on refund actions.
- 13.08.180 Violation--Penalty.

13.08.010 Terminology.

As used in this chapter:

- A. "Applicant" means the person, firm or corporation making application for water service from the city municipality under the terms of this chapter.
- B. "Customer" or "user" means an applicant who has been accepted and who receives water service from the city municipality.
- C. "Customer service line" means that part of the piping on the customer's or other private property.

13.08.020 Description of service.

- A. Supply.
  - 1. The city municipality shall exercise reasonable diligence and care to deliver a continuous and sufficient supply of water to customers in a manner that is commercially reasonable and taking into account the municipality's remote location, the cost to the municipality and other special factors such as weather. ~~at adequate pressure and to avoid so far as reasonably possible any shortage or interruption in delivery.~~
  - 2. The city municipality shall not be liable under any circumstances for damage resulting from interruption in service, lack of service, or reduction in service or failure of meters. Temporary suspension of service by the city municipality for improvements and repairs will be necessary. Whenever possible, and when time permits, all customers

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who may be affected will be notified prior to shutdowns by notice through news media as may be then available within the municipality.

3. Where pumping is required to serve a customer at an elevation too high to be served by gravity/normal well-pump pressure, the city municipality may, at its option, require the customer to provide, at the customer's expense, a suitable pump installation as a condition of service. The installation shall be subject to approval by the city borough manager.
- B. Quality. The city municipality will exercise reasonable diligence care to supply safe and potable water at all times.
- C. Ownership of System. All water mains, valves, ~~meters~~, fittings, hydrants and other appurtenances, except customer service lines and ~~customer-installed meters~~, shall be the property of the city municipality.
- D. Classes of Water Service. The classes of service shall be Residential, Commercial, Standby Fire, and Contract, as further qualified and defined as follows:
  1. Residential Service. Residential service shall consist of all services for domestic purposes supplied to an individual dwelling, whether it be a house, a cabin, a single apartment attached to or within a commercial building, ~~or a mobile home within or outside of a mobile home park,~~ or a recreational vehicle, camper or trailer within or outside of an RV Park used for long term occupancy. Multifamily dwellings are included in the Commercial Service classification. For billing purposes, each building or living unit thereof separately served by a ~~three-quarter~~ one-inch (3/4 1") meter or service line shall be one (1) unit.
  2. Commercial Service. Commercial service shall consist of all services not falling under the Residential, Standby Fire, or Contract classifications. ~~For billing purposes, commercial units shall be determined (wherever a water meter is in use) by the sizes of the meter as follows:~~
    - a. ~~Each building, or portion thereof, being served by a single five-eighths-inch (5/8") or three-quarter 1-inch (3/4 1") water meter shall be considered one (1) unit;~~
    - b. ~~Each building being served by a single one-inch (1") water meter shall be considered two (2) units;~~
    - c. ~~Each building being served by a single one and one-half inch (1-1/2") water meter shall be considered three (3) units;~~
    - d. ~~Each building being served by a single two-inch (2") water meter shall be considered four (4) units; and~~
    - e. ~~Each building being served by a single four-inch (4") water meter shall be considered five (5) units.~~
  3. ~~If more than one (1) building is served by the same meter, the units for each building will be computed and billed separately, according to the size of the water meter. If water is supplied to a single piece of property for both residential and commercial use as defined herein, the residence shall be considered one (1) unit and the number of commercial units shall be determined by the size of the water meter as set forth above.~~
43. ~~Wherever water meters are not used, †~~The size of the water service lines shall determine the number of billable units, with the rates to be charged in accordance with the procedure at Section 13.08.160.
54. Standby Fire Service. Standby fire service shall consist of those services where water is available or used for fire protection only.

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65. Contract Service. Contract service shall consist of those services for applicants whose requirements for water are unusual or large, or necessitate considerable special or reserve equipment or capacity. A special contract shall be written and signed by the applicant and the ~~city council~~ **borough assembly**. Resale of water shall only be permitted under special contract, in writing, between the ~~council~~ **assembly** and the person or party selling the water.

13.08.030 Service area.

The water service area shall be such area within the ~~corporate limits~~ **Skagway Valley east of the Skagway River to the Klondike Highway Bridge on 23<sup>rd</sup> Street** of the city, and such contiguous territory as is immediately adjacent to the city's **municipality's** water distribution system. The system shall be extended to such areas in and outside the city **this area** as the ~~council~~ **assembly** from time to time determines.

13.08.040 Main extensions.

- A. East of the Skagway River. Water main extensions to areas within the ~~city limits~~ **Skagway Valley** not presently served with water may be installed only after authorization by the ~~council~~ **assembly** and only in accordance with plans, specifications, and methods of funding approved by the ~~council~~ **assembly**. All costs associated with the extensions will be assessed against the benefited property in the form of an assessment district. The assessment shall be based on the abutting front footage of the property to be benefited.
- B. West of the Skagway River. Water mains west of the Skagway River shall be extended only at the expense of the customers served. The main extensions shall become the property of the city **municipality** at the time installed. The ~~city council~~ **borough assembly** shall determine the size of the main extensions, and all extensions shall be constructed of suitable material approved by the city **municipality**. Extensions west of the Skagway River shall be installed by the city **municipality**, or by the customers in accordance with plans and specifications approved by the city **municipality**.
- C. Locations of Extensions. The city **municipality** 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 **municipality** along with all rights and title to the main at the time of installation.

13.08.050 Application for service.

- A. An applicant for water service shall sign an application form provided by the city **municipality**, giving the date of application, location of premises to be served, whether premises have been served before, the date applicant desires service to begin, purpose for which service is to be used, the address for mailing of the billings, ~~the size of water meter installed,~~ and such other information as the city **municipality** may reasonably require. If water and sanitary sewer service are both requested, one (1) application form will be sufficient.
- B. The applicant shall provide the information required above and shall submit the appropriate fees as established by resolution of the ~~city council~~ **borough assembly**. In signing the application, the customer agrees to comply with the provisions of this chapter. The application is a request for service and does not bind the city **municipality** to furnish service.

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- C. No person supplied with water from the city municipality's mains will be entitled to use it for any purposes other than for those stated in the application, or to supply, in any way, other persons or families. Should the owner or occupant of the premises wish to use the water for purposes other than those stated in the application, a new application must be made and a permit obtained for ~~same~~ that use.

13.08.060

Services.

A. Customer's Facilities.

1. The customer shall own, install and maintain the customer service line.
2. The customer's plumbing, which shall include the customer service line and all plumbing, piping, fixtures and other appurtenances carrying or intended to carry water, shall comply with the city's municipality's plumbing code, SMC Chapter 15.02.040. The customer service line shall be copper or other material approved by the city municipality.
3. Customers shall install a suitable control valve in the customer service line at a location determined by the city municipality, 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, at the customer's expense. All control valves shall be installed by the city municipality, and the following billing procedure shall apply:
  - a. The city municipality shall make a cost estimate for the installation which the customer shall pay in advance;
  - b. Upon completion of the installation, as determined by the city municipality, the ~~treasurer~~ accounts payable clerk shall bill any additional expenses or refund any excess from the cost estimate collected so that the city municipality will collect its actual costs of labor, material and equipment used in construction, plus an allowance of twenty-five percent (25%) of such costs for overhead.

B. Unauthorized Operation. It shall be a violation of this chapter for the customer to operate, cause or permit unauthorized operation of the ~~meter stop~~ (control valve) or any appurtenances on the service connection.

C. Service Charges.

1. Service Connection Charges. At the time the applicant files for initial service or for a change in service sizes or location, he shall submit with his application the service connection charge as established by resolution of the city council borough assembly, in accordance with the procedure specified in Section 13.08.050.
2. ~~Meter Installation Fee. When meters are installed by the city~~ municipality, the customer shall pay a water meter installation fee, established by resolution of the city council borough assembly, payable at the date of application.
3. ~~Meter Inspection Fee. The authorized installation of any meter by other~~ than city municipal personnel shall require an inspection by the city municipality, for a fee as established by resolution of the city council borough assembly, to guarantee the adequacy of the installation and to seal the meter.

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- D. Size of Service. The city municipality 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 city municipality. The minimum size of service shall be ~~three-fourths~~ one inch (~~3/4~~ 1"). The city municipality may refuse to install a service line which is undersized or oversized, as determined by the city borough manager.
- E. Joint Service Connections.
- ~~1. The city municipality may, at its option, serve two (2) or more premises with one (1) connection. On new service connections, the inside diameter of such joint line 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.~~
  21. 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 (1) service line ~~except with written approval of the city manager.~~
  32. When property provided with a service connection is partitioned, the existing service connection, if any, shall be considered as being assigned to the lot or parcel of land nearest to the ~~meter or~~ service terminus.
- F. Number of Service Connections on Premises. The city municipality reserves the right to limit the number of houses or buildings, or the area of land under one (1) ownership, to be supplied by one (1) connection.
- G. Temporary Service Connections.
1. Application and Payment. 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 city municipality.~~ The applicant shall also pay his water bill ~~in advance~~, based on an estimate of the quantity to be used, or shall otherwise establish satisfactory credit.
  2. Time Limit. Temporary service connections shall be disconnected and terminated within six (6) months after installation unless an extension of time is granted in writing by the city municipality.
  3. Charge for Water Furnished. Charges for water furnished through a temporary service connection shall be at the established rates set forth in the current water rate schedule.
  4. Installation Charge and Deposits. The applicant for temporary service will be required to:
    - a. Pay the city municipality, in advance, the estimated cost of installing and removing all facilities necessary to furnish each service;
    - b. 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 city municipality;
    - c. Deposit with the city municipality an amount equal to the value of any equipment loaned by the city municipality to such applicant.
  5. Responsibility for ~~Meters and~~ Equipment. The customer shall use all possible care to prevent damage to the ~~meter or to~~ any other loaned facilities equipment of the city municipality. If the ~~meter or other~~

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facilities equipment are damaged, the cost of making repairs shall be the responsibility of the customer.

- H. Standby Fire Protection Service Connections.
1. Charges for Service. Charges for standby fire protection service will be as established by resolution of the ~~city council~~ borough assembly. 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.~~
  2. Violations of Code. If water is used from a standby fire connection service in violation of this chapter, an estimate of the amount used will be computed by the ~~city~~ municipality. 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.
- I. 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 rate.
- J. Plumbers Making Connections.
1. No plumber or other person will be allowed to make connections with the ~~city~~ municipal mains, or to make alterations in pipes or other fixtures connected ~~therewith~~ to the mains, or to connect pipes when they have been disconnected, or to turn water on or off on any premises, without permission from the ~~city~~ municipality.
  2. Plumbers doing work by which water may be drawn from the ~~city~~ municipal mains, must make a true, accurate and full written report to the ~~city~~ municipality of the work done, on forms furnished by the ~~city~~ municipality, within three (3) days after the completion of the work.
  3. Plumbers violating this title or the ~~city's~~ municipality's plumbing code in any particular, or failing to perform their work according to this chapter and the ~~city's~~ municipality's plumbing codes, or executing such work unskillfully to the detriment or damage of the ~~city~~ municipal waterworks, shall not be allowed to make any more connections with the ~~city~~ municipal mains for such period as the public works committee may prescribe. Any faulty work installed not meeting the requirements set forth in the codes as adopted by the ~~city~~ municipality shall be repaired, replaced and/or removed from the system, as determined by the public works committee, at the sole expense of the individual or firm supplying faulty material or providing faulty workmanship.
- K. Customers outside the Water Service Area. Residents living outside of the area serviced by the municipal water system may have need of acquiring a potable water supply. Residents wishing to receive a potable water supply from the municipality shall pay a rate equal to the contract services rate established by resolution of the assembly each time they fill their containers. The water division of the public works department shall designate one location to be used for this purpose.**

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13.08.070 ~~Meters.~~

A. ~~Determination of Premises Requiring Meters.~~

1. ~~The council assembly shall from time to time determine the premises, or classifications of premises, on which water meters shall be required through recommendations from the water division of the public works department.~~
2. ~~The city municipality may either install the meter or require the customer to do so. In either case, the meter shall be subject to testing for accuracy upon installation and from time to time thereafter.~~
3. ~~For city municipally installed meters, the public works department shall make such installations as are directed by the council assembly. Before the city municipality installs 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 shall be notified that access is necessary to make the installation at a time convenient to the city municipality. If any person refuses to grant access for such purpose to allow the installation at a suitable place approved by the city municipality, the city borough clerk shall give the customer receiving service to the premises five (5) days' written notice that the 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 the premises for the purpose of the city's municipality's reading, repairing or replacing any meter, service to such premises shall after such notice be discontinued. The city municipality will not pay rent or any other charge for a meter or other water facilities installed by the city municipality on private premises to serve those premises, including housing and connections on a customer's premises.~~

B. ~~Discontinuance of Service If Unable to Install Service. When the council assembly by resolution determines that meters shall be installed throughout a certain area, on premises facing certain streets or on certain classifications of premises, the council assembly shall either direct the public works department to make such installations in connection with water service to all such premises, except where meters have already been installed, or in the alternative the council assembly may direct and require the owners of those premises to install meters. If any customer refuses to allow or to make such installation on his premises and the metering of water to those premises, notice of discontinuance of service shall be given and the service discontinued after a five (5) day notice. If a meter is ordered installed on any premises and the customer service line or other piping is in such poor condition that a meter connection cannot be made, the city municipality shall give written notice of such defect to the customer and demand the repair or replacement of the customer service line or other piping within such time as the city municipality shall consider reasonable, considering weather and other conditions. If such line is not repaired or replaced and in satisfactory condition for installation of the meter within the time allowed in the notice, service will be discontinued after a five (5) day notice.~~

C. ~~Size and Type. The city municipality reserves the right to determine the size and type of meter to be installed.~~

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- D. ~~Installation. Installation of city municipally furnished water meters shall be performed only by authorized employees of the city municipality. Installation of customer-furnished water meters shall be performed only by persons holding a plumber's certificate of fitness issued by the state pursuant to AS 18.62. All meters shall be sealed by the city municipality at the time of installation, and no seal shall be altered or broken except by one of the city's municipality's authorized employees.~~
- E. ~~Location of Meters. Meters shall be placed either inside or under a heated building at such suitable place as is most convenient; provided, that if the city municipality determines that it is impractical to install a meter inside or under a building, it may be installed with the city's municipality's written permission at another location; and further provided that every location of a meter must be approved by the city borough manager's designee. A meter 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 a building on which the same shall be mounted.~~
- F. ~~Joint Use of Meters. The joining of several customers to take advantage of the single minimum charges and large quantity rates are prohibited, except under special contract, in writing, with the city council's borough assembly's approval.~~
- G. ~~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 by the city municipality for the convenience of the customer will be relocated only at the customer's expense.~~

13.08.080 ~~Meter error.~~

- A. ~~Meter Accuracy. All meters will be tested according to city municipal specification 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 (2%) under conditions of normal operation.~~
- B. ~~Meter Test. Meter tests will be conducted in accordance with standards of practice established by the American Water Works Association.~~
1. ~~On Customer Request. A customer may, giving not less than seven (7) days' notice, request the city municipality to test the meter servicing his premises. The city municipality will require the customer to deposit the testing fee. This fee shall be ten dollars (\$10.00) for meters three-quarters-inch (3/4") and smaller. For meters larger than three-quarters-inch (3/4"), the fee shall be an estimate of the cost of testing the meters, as determined by the public works department. The deposit will be returned to the customer if the test reveals the meter to overregister more than two percent (2%) under the standard test conditions; otherwise the deposit shall be retained by the city municipality. Customers may at their option witness any meter tests which they request.~~
2. ~~On City Municipal Request. If, upon comparison of past water usage, it appears that a meter is not registering properly, the city municipality may, at its option, test the meter. If it appears that the meter has been either overregistering or underregistering, the customer's charges will be adjusted. No charge for the meter testing will be made to the customer for the meter test under these conditions.~~
- C. ~~Adjustment of Bills for Meter Error.~~

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1. ~~The city municipality shall make adjustments for past bills which were based upon inaccurate meter readings after reliable readings have been established. If reliable readings are not established within five (5) months after the city municipality has determined that a specific meter is inaccurate, the past billings may be based upon a comparable customer's average consumption. Adjustments of fifty dollars (\$50.00) or more require council assembly approval.~~
2. ~~In the case of a nonregistering meter, the city municipality will bill the customer for water consumed which the meter was not registering. The bill will be computed according to the procedure set for estimated billings, established by resolution of the city council borough assembly.~~

13.08.090

Discontinuance of service.

A.

On Customer Request.

1. Each customer about to vacate any premises supplied with water service by the city municipality shall give the city municipality written notice of his intentions at least two (2) days prior thereto, specifying the date service is to be discontinued; otherwise, he will be responsible for all water supplied to such premises until the city municipality receives notice of vacation. The city municipality shall shut off the control valve within four (4) days, and the customer shall be billed in accordance with the rate schedule adopted by resolution of the city council borough assembly.
2. If a customer requests discontinuance of service in his name but requests that the control valve not be turned off, the city municipality shall read the meter and the customer shall be billed in accordance with the rate schedule adopted by resolution of the city council borough assembly. From the date of discontinuance of service in such customer's name, and as long as the control valve remains on, the property owner shall be liable for the monthly service charge and for any water usage registering on the meter, to be billed in accordance with rates established by resolution of the city council borough assembly.

B.

For Nonpayment of Bills. A customer's water service may be discontinued in accordance with the procedures of Section 13.08.150 if the water bill is not timely paid.

C.

Because of Improper Customer Facilities.

1. Unsafe Facilities. The city municipality may refuse to furnish water and may discontinue services to any premises without prior notice where plumbing facilities, appliances or equipment using water are may be dangerous, unsafe or not in conformity with the city's municipality's plumbing code.
2. Cross-Connections. "Cross-connection" means any physical connection between the water system and another source. Such cross-connections are unlawful. The city municipality will discontinue service to any premises where a cross-connection exists. Service will not be restored until the cross-connection is eliminated. Customers using water from one (1) or more sources in addition to receiving water from the city municipality on the same premises shall maintain separate systems for each; and the city's municipality's water supply facilities shall be

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separated from any and all other systems by an air gap of not less than one foot (1'), or if in the ground, by not less than five feet (5').

- D. Water Waste. Where water is wastefully or negligently used on a customer's premises, the ~~city~~ municipality may discontinue service, **in the sole discretion of the municipality**, if such conditions are not corrected after **verbal or written** notice by the ~~city~~ municipality.
  - E. Service Detrimental to Others. The ~~city~~ municipality may refuse to furnish water and may discontinue service to any premises where excessive demands by one (1) customer ~~will~~ **may** result in inadequate service to others.
  - F. Service Preference. In case of a shortage of supply, the ~~city~~ municipality reserves the right to give preference ~~in the matter of~~ **for** furnishing service to customers and **the** interests of the ~~city~~ municipality, **considering** ~~from the standpoint of~~ public convenience or necessity.
  - G. Fraud or Abuse. The ~~city~~ municipality will refuse or discontinue service to any premises where it is deemed necessary to protect the ~~city~~ municipality from fraud or abuse. Discontinuance of service for one (1) or both of these causes will be made immediately upon ~~receipt of~~ knowledge by the ~~city~~ municipality that the condition or conditions exist.
  - H. Unauthorized Turnon or Turnoff. 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 ~~city~~ municipality, plus twenty-five percent (25%) overhead, but not less than fifteen dollars (\$15.00). These charges shall be billed to the offending customer, and water shall not be furnished to the premises until such charges are paid and the ~~city~~ municipality has reasonable assurance that the violation will not reoccur. The same procedure and charges shall be applied in cases where the water has been turned off by an unauthorized person.
  - I. Noncompliance with Code. The ~~city~~ municipality may, upon five (5) days' notice, discontinue service to a customer's premises for failure to comply with any of the provisions of this chapter.
- 13.08.100 Restoration of service.
- A. At Customer Request. If a customer requests that his service be restored, when it has been discontinued for reasons other than specified in subsections B and C below, the ~~city~~ municipality shall **make reasonable efforts to** restore service at its earliest convenience, provided all appropriate fees have been paid **by the customer**.
  - B. After Discontinuance for Nonpayment of Bills. If the ~~city~~ municipality has turned off a customer's water for nonpayment of bills, the service will be restored only after payment of current and past-due charges, and payment of a fee as established for turning the customer's water service off and on.
  - C. After Discontinuance for Unsafe Facilities, Water Waste, Fraud, Abuse or Noncompliance with this Chapter. If the ~~city~~ municipality has turned off a customer's water for any of the reasons listed in this section other than customer request, restoration of service will only be made after payment of a fee established by resolution of the ~~city council~~ **borough assembly** for turning the customer's water service off and on, and after any ~~irregularity has~~ **and all irregularities have** been corrected and the ~~city~~ municipality assured **in writing by the customer** that the irregularity **or irregularities** will not reoccur.

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13.08.110 Unusual demands.

When an abnormally large quantity of water is desired, arrangements must be made with the city municipality prior to taking such water. Permission to take water in unusual quantities will be given only if the city municipal facilities and other consumers are not inconvenienced. **What constitutes an unusual quantity shall be determined by the municipality in its sole discretion.**

13.08.120 Access to property.

- A. All duly appointed employees of the city municipality shall have free access at all reasonable hours of the day to any and all outdoor portions of properties to which water is or may be delivered, for the purpose of making such inspections as are necessary to the effectiveness of the water system and to determine compliance with the requirements of this chapter. The city municipality does not, ~~however,~~ assume **any responsibility for or** the duty of inspecting the customer's line, plumbing and equipment, ~~and shall not be responsible therefor.~~ **Under no circumstances shall the municipality be responsible for or liable for anything related to the customer's line, plumbing or equipment.** All employees shall be furnished with, and upon the request of any customer shall display, ~~appropriate~~ evidence of identification.
- B. Except in emergency situations where the city borough manager or his designee has cause to believe immediate action is required to prevent destruction of property, such as flooding from a broken water pipe, building entries shall require either the consent of an occupant or a valid warrant authorizing the entry or inspection. Failure of an occupant to grant permission for entry of authorized city municipal employees for inspections ~~hereunder~~ may result in termination of water service to those premises, following **verbal or written** notice **by the** ~~and opportunity for a hearing before the city~~ borough manager or his designee.

13.08.130 Responsibility for equipment.

- A. Responsibility for Customer Equipment. The city municipality 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 municipality 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.
- B. Responsibility for City Municipal Equipment. City Municipal equipment on the customer's premises remains the property of the city municipality, and may be repaired, replaced or removed by city municipal 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 municipal equipment on his premises to serve those premises. The property owner must keep ~~vicious~~ dogs or other animals secured or confined to avoid interference with the utility operation and maintenance.
- C. Damage to City Municipal Equipment. The customer shall be liable for any damage to equipment owned by the city municipality which is caused by an act of the customer, his tenants, agents, employees, contractors, **invitees, guests,** 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~~

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~~but not limited to damages by hot water or steam, and damaged meter boxes and other appurtenances.~~

13.08.140 Fire hydrants.

- A. Operation. No person or persons other than those designated and authorized by the city municipality shall open any fire hydrant belonging to the city municipality, attempt to draw water from it, or in any manner damage or tamper with it. ~~Any violation of this regulation will be prosecuted according to law.~~ No tool other than special hydrant wrenches shall be used to operate a hydrant valve. In cases where a temporary service has been granted and water is received through a fire hydrant, an auxiliary external valve will be provided to control the flow of water.
- B. Moving a Fire Hydrant. When a fire hydrant has been installed in the location specified by the proper authority, the city municipality has fulfilled its obligation. If a property owner or other person 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 city municipality.

13.08.150 Billing and payment.

- A. Property Owners Responsible. Payment for the water services provided under this chapter shall be the responsibility of the owner of the premises served, and adoption and publication of this chapter constitutes legal notice of this responsibility to all owners of real property within the city municipality.
- B. Billing. Bills will be mailed quarterly, at the beginning of the three (3) month service period to which they apply. Payment is due at the end of the three (3) month service period to which the bill applies. Any bill not paid ~~within twenty (20) days~~ after the due date for payment shall be considered delinquent.
- C. Delinquent Accounts.
  - 1. Reminder. A reminder of account delinquency may be sent, at the discretion of the city municipality, to each delinquent customer on or after ten (10) days after the account becomes delinquent.
  - 2. Penalty and Interest. A penalty of ten percent (10%) shall be added to a delinquent account for the first month of delinquency or any fraction thereof, and an additional ten percent (10%) shall be added for each additional month of delinquency or fraction thereof. Interest at the rate of fifteen percent (15%) per annum from the date of delinquency until paid shall also accrue.
  - 3. Termination Notice. On or after twenty (20) days after an account becomes delinquent, a turnoff notice ~~or a letter of intent to go to small claims court~~ shall be hand-delivered or sent to the customer. The notice shall state a date on or after which either the water will be turned off or court action will be initiated, if the delinquent account is not paid in full prior ~~thereto~~ to that date, and shall give the customer notice of his right to a hearing ~~before~~ meeting with the city borough manager or his designee (no later than a specified date) to contest the termination decision. Such termination date will not be less than five (5) nor more than fifteen (15) days from the date of notice. A delivery to the premises served or mailing by registered certified mail to the address of record of the customer or by hand delivery to the customer of record or the

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customer's representative shall be considered a delivery to the customer.

4. Service Turnoff. On the turnoff date, the ~~meter reader or other agent of the city~~ municipality shall turn off the service. The ~~city~~ municipality shall not be liable to property owner or tenants or anyone else occupying the premises for damages resulting from water turnoff because of a ~~landlord's failure to pay delinquent accounts~~ by either the property owner or tenant.

- ~~5. Service Charge. In all instances where water has been turned off because of delinquent accounts, a twenty-dollar (\$20.00) nonrefundable service charge shall be made for the restoration of service.~~

D. Charges when Service Established or Discontinued.

1. A customer shall be considered to be receiving water service as long as his control valve is turned on. Turn-on and shut ~~turn-off~~ procedure and fees are specified in Sections 13.08.090 and 13.08.100. If service is furnished for only a portion of the billing month, the customer shall be billed for that portion as follows:
  - a. Five (5) days or less, no charge;
  - b. Six (6) to sixteen (16) days: one half (1/2) monthly charge.
    - ~~i) Meters. One-half (1/2) service charge plus one-half (1/2) the minimum water usage charge plus established gallonage charge,~~
    - ~~ii) Unmetered. One-half (1/2) service charge plus one-half (1/2) monthly charge;~~
  - c. Sixteen (16) days or more, full monthly charge.
2. If service is established or discontinued at customer request, the customer may also request that he be sent a bill for that month's services at a specific date other than one during the normal billing week.

13.08.160 Rates and fees to be charged for water service.

The rates to be charged and collected for water service and for making connections to the system shall be established by resolution of the ~~city council~~ borough assembly, and shall become a part of this section by incorporation by reference. Such rates for water service shall be designed to recover the costs of the yearly maintenance and operation costs of the water system according to each user's fair share of those costs.

13.08.170 Limitation on refund actions.

A claim for a water utility charge refund must be filed within one (1) year from the payment due date of the monthly billing upon which refund is sought, or the refund claim is forever barred. The intent of this section is to preclude presentment of stale claims.

13.08.180 Violation--Penalty.

Violation of any provision of this chapter shall be a noncriminal infraction, subject to penalty not exceeding one hundred dollars (\$100.00).

Chapter 13.12  
WATER QUALITY PROTECTION

Sections:

- 13.12.010 Definitions and abbreviations.
- 13.12.020 Description of service.

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- 13.12.030 Use of public WQPS required.
- 13.12.040 WQPS extensions.
- 13.12.050 Private wastewater disposal.
- 13.12.060 Building drains and connections.
- 13.12.065 Services.**
- 13.12.070 Use of the public water quality protection systems.
- 13.12.080 Industrial cost recovery.
- 13.12.090 Protection from damage.
- 13.12.100 Powers and authority of inspectors.
- 13.12.110 Penalties.
- 13.12.120 Application for service.
- 13.12.130 Billing and payment.
- 13.12.140 Charges for water quality protection service.

- 13.12.010 Definitions and abbreviations.

Unless specifically indicated otherwise, the meanings of terms used in this chapter are as follows:

1. "WQP" means water quality protection.
2. "WQPS" means water quality protection system.
3. "Applicant" means the person, persons, firm, association or corporation making application to the city **municipality** for WQPS services under the terms of this chapter.
4. "BOD (biochemical oxygen demand)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Centigrade (20 C.), expressed in milligrams per liter.
5. "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the public WQPS.
6. "COD (chemical oxygen demand)" means the total quantity of oxygen required for oxidation of organic matter to carbon dioxide and water.
7. "Combined drain" means a drain receiving both surface runoff and wastewater.
8. "Garbage" means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
9. "Industrial wastes" means the liquid wastes from any nongovernmental users of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under the following divisions:  
Division A -- Agriculture, Forestry and Fishing;  
Division B -- Mining;  
Division D -- Manufacturing;  
Division E -- Transportation, Communications, Electric, Gas and Sanitary Services;  
Division I -- Services.

A user in the divisions listed may be excluded if it is determined that the user will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

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10. "Natural outlet" means any outlet into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.
11. "Person" means any individual, firm, company, association, society, corporation or group.
12. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
13. "Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in the public WQPS, with no particle greater than one-half inch (1/2") (1.27 centimeters) in any dimension.
14. "Public WQPS" means those systems necessary to protect water quality in which all owners of abutting properties have equal rights, and are controlled by public authority.
15. "Sanitary WQPS" means a WQPS which carries wastewater and to which stormwaters, surface waters and groundwaters are not intentionally admitted.
16. "Wastewater" means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwaters, surface waters and stormwaters as may be present.
17. "Wastewater treatment plant" means any arrangement of devices and structures used for treating wastewater.
18. "WQPS works" means all facilities for collecting, pumping, treating and disposing of wastewater.
19. "Shall" is mandatory; "may" is permissive.
20. "Slug" means any discharge of water, wastewater or industrial waste which in concentration of any given constituent or in quality of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
21. "Storm drain" (sometimes termed "storm sewer") means a WQPS which carries storm and surface waters and drainage, but excludes wastewater and industrial wastes, other than unpolluted cooling water.
22. "Superintendent" means the city **borough** manager or his authorized ~~deputy, agent, or representative.~~
23. "Suspended solids" means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
24. "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

13.12.020

Description of service.

- A. The city **municipality** shall exercise reasonable ~~diligence and~~ care to provide a continuous service of receiving wastewater from the customer and avoid unnecessary stoppages or interruptions of the flow of wastewater in the city's **municipality's** WQP works.
- B. The city **municipality** shall not be liable for damages resulting from interruption of service or lack of service. Temporary suspension of service by the city **municipality** for improvements and repairs will from time to time be necessary.

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Whenever possible, and when time permits, all customers **who may be** affected will be notified prior to the suspension of service by notice through news media **as reasonably practicable within the municipality.**

13.12.030 Use of public WQPS required.

- A. It is unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the ~~city~~ **municipality**, or in any area under the jurisdiction of the ~~city~~ **municipality**, any human or animal excrement, garbage or other objectionable waste.
- B. It is unlawful to discharge to any natural outlet within the ~~city~~ **municipality**, or in any area under the jurisdiction of the ~~city~~ **municipality**, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
- C. Except as hereinafter provided, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
- D. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the ~~city~~ **municipality** and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined WQPS of the ~~city~~ **municipality**, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public WQPS in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so, provided that said public WQPS is within one hundred feet (100') (30.5 meters) of the property line.

13.12.040 WQPS extensions.

- A. Public WQPS extensions to areas within the ~~city~~ **municipal** limits not presently served by the existing WQPS may be installed only after authorization by the ~~city council~~ **borough assembly** and only in accordance with plans, specifications and methods of funding approved by the ~~council~~ **assembly**. The ~~city~~ **municipality** shall apply standard procedures for special assessment districts (AS 29.46) for funding of WQPS extensions. All cost associated with the extension shall be assessed against the benefited property in the form of an assessment district. The assessment shall be based on the abutting front footage of the property to be benefited.
- B. Public WQPS extensions to areas west of the Skagway River shall be extended only at the expense of the customers served. The extensions shall become the property of the ~~city~~ **municipality** at the time installed. The ~~city council~~ **borough assembly** shall determine the size of the extensions and the extensions shall be constructed of suitable material approved by the ~~council~~ **assembly**. ~~Extensions outside the city limits shall be installed by the city 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.~~

13.12.050 Private wastewater disposal.

- A. Where a public sanitary or combined WQPS is not available under the provisions of subsection D of Section 13.12.030, the building drain shall be connected to a private wastewater disposal system complying with the provisions of this section.

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- B. Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the designated city municipal official. The application for such permit shall be made on a form furnished by the city municipality, which the applicant shall supplement by any plans, specifications, and other information as deemed necessary by the city municipal official. A permit and inspection fee as established by resolution of the ~~city council~~ borough assembly shall be paid to the city municipality at the time the application is filed.
  - C. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the city municipality. A representative of the city municipality shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the city municipality when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the city municipality.
  - D. The type, capacities, location and layout of a private wastewater disposal system shall comply with all recommendations of the Alaska Department of Environmental Conservation. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
  - E. At such time as a public WQPS becomes available to a property served by a private wastewater disposal system, as provided in subsection D of Section 13.12.030, a direct connection shall be made to the public WQPS in compliance with this chapter, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be abandoned and filled with suitable material.
  - F. The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the city municipality.
  - G. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the state.
  - H. When a public WQPS becomes available, the building drain shall be connected to the system within sixty (60) days, and the private wastewater disposal system shall be cleaned of sludge and filled with clean, bank-run gravel or dirt at the owner's expense.
- 13.12.060 Building drains and connections.
- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public WQPS component or appurtenance thereof without first obtaining a written permit from the city municipality.
  - B. There shall be two (2) classes of building drain permits, the owner or his agent shall make application on a special form furnished by the municipality. The permit application shall be supplemented by any plans, specifications or other information considered pertinent by the municipality. A permit and inspection fee as established by resolution of the borough assembly shall be paid to the municipality at the time the application is filed. The two (2) classes of building drain permits are as follows:
    - 1. For residential and commercial service; ~~and~~ or
    - 2. For service to establishments producing industrial wastes.

~~In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent by the city. A permit and inspection fee as established by resolution of the city council for a residential or~~

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~~commercial building drain permit or for an industrial building drain permit shall be paid to the city at the time the application is filed.~~

- C. All costs and expenses incident to the installation and connection of the building drain shall be borne by the owner. The owner shall indemnify the ~~city~~ **municipality** from any loss or damage that may directly or indirectly be occasioned by the installation of the building drain.
- D. The ~~city~~ **municipality** may, at its option, serve one (1) or more buildings located on property belonging to the same owner with a single connection to the public WQPS during the period of said ownership. The ~~city~~ **municipality** shall render a single bill to the property owner, which shall include the WQPS service charge for the entire property. Upon subsequent subdivision and sale of such property, that portion not directly connected with the public WQPS shall be separately connected with the public WQPS. It is unlawful for the new owner to continue to use or maintain such indirect connection.
- E. Old building drains may be used in connection with new buildings only when they are found, on examination and test by the ~~city~~ **municipality**, to meet all requirements of this chapter.
- F. The minimum inside diameter of a residential building drain line shall be four inches (4"), and the minimum inside diameter of any other building drain line shall be six inches (6"). The minimum grade shall have a fall of not less than two feet (2') per one hundred feet (100') for four-inch (4") lines, and one foot (1') per one hundred feet (100') for six-inch (6") lines.
- G. Whenever possible, the building drain shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public WQPS, sewage carried by such building drain shall be lifted by an approved means and discharged into the building drain at the owner's expense.
- H. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building drain which in turn is connected directly or indirectly to a public WQPS.
  - I. No person shall run excessive domestic water into a public WQPS during the winter months in an attempt to avoid freezing conditions within the building drain.
- J. The ~~city~~ **municipality** shall determine the acceptability of construction materials and methods. Generally, the building drain shall be placed below the frost depth to prevent freezing, and be of nonporous material such as concrete with rubber gaskets, cast iron, thick-wall (SDR-35) PVC or Class 2400 asbestos cement sewer pipe. The ~~city~~ **municipality** may also require the applicant to test the building drain installation for infiltration. If the latter is required, the infiltration requirements of recognized agencies will be acceptable; i.e., Northwest Pollution Control, or American Public Works Association.
- K. The connection of the building drain into the public WQPS shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the ~~city~~ **municipality**. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the ~~city~~ **municipality** before installation.
- L. The applicant for the building drain permit shall notify the ~~city~~ **municipality** when the building drain is ready for inspection and connection to the public WQPS. The connection shall be made under the supervision of the designated ~~city~~ **municipal** official.

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- M. All excavations for building drain installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the ~~city~~ **municipality**.
- N. Building drains shall be maintained by the owner of the property served thereby.

**13.12.065 Services.**

**A. Facilities.**

- 1. The customer shall own, install and maintain the customer service line beginning at the property line.**
- 2. The municipality shall provide WQPS service lines from the main line to the property line.**
- 3. The customer is responsible for all costs incurred for repairing damage to the service line between the property and the main line of the WQPS.**

13.12.070 Use of the public water quality protection systems.

- A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any WQPS.
- B. No person shall discharge or cause to be discharged any of the following described waters or wastes to the public WQPS:
  - 1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
  - 2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interactions with other wastes, to injure or interfere with any treatment process, constitute a hazard to humans or animals, create a public nuisance, or create a hazard in the receiving waters of the wastewater treatment plant, including but not limited to cyanides in excess of two (2) mg/l or CN in the wastes as discharged to the public WQPS;
  - 3. Any waters or wastes having a pH above or below 5.0 to 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the WQPS;
  - 4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in the WQPS, or other interference with the proper operation of the wastewater works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- C. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely, in the opinion of the ~~city~~ **municipality**, that such wastes can harm either the WQPS, wastewater treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the representative of the ~~city~~ **municipality** will give consideration to such factors as quantities of subject wastes in relation to flows and velocities in the WQPS, materials of construction of the WQPS lines, nature of the wastewater treatment

process, capacity of the wastewater treatment plant, degree of treatability of wastes in the wastewater treatment plant, and other pertinent factors. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150° F.);
2. Any water or waste containing fats, gas, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l, or containing substances which may solidify or become viscous at temperatures between thirty-two degrees Fahrenheit (32° F) and one hundred fifty degrees Fahrenheit (150° F.) and zero degrees Celsius (0°C) and sixty-five degrees Celsius (65°C-);
3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the city municipality;
4. Any waters or wastes containing strong acid from pickling wastes, or concentrated plating solutions, whether neutralized or not;
5. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the city for such materials;
6. Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the city municipality as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, and other public agencies regulating such discharge to the receiving waters;
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the city municipality in compliance with applicable state or federal regulations;
8. Materials which exert or cause:
  - a. Unusual concentrations of inert suspended solids or of dissolved solids,
  - b. Excessive discoloration,
  - c. Unusual BOD, chemical oxygen demand or chlorine requirements, in such quantities as to constitute a significant load on the sewage treatment works, and
  - d. Unusual volume of flow or concentration of wastes constituting "slugs," as defined herein;
9. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

**D. Authorization by Municipality.**

1. If any waters or wastes are discharged, or are proposed to be discharged to the public WQPS, which waters contain the substances or possess the characteristics enumerated in subsection C of this section, and which in the judgment of the city municipality may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which

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- otherwise create a hazard to life or constitute a public nuisance, the ~~city~~ **municipality** may:
- a. Reject the wastes;
  - b. Require pretreatment to an acceptable condition for discharge to the public WQPS;
  - c. Require control over the quantities and rates of discharge; and/or
  - d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or WQP charges under the provisions of subsection I of this section.
2. If the ~~city~~ **municipality** permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the ~~city~~ **municipality**, and subject to the requirements of all applicable codes, ordinances and laws.
- E. Grease, oil and sand interceptors shall be provided when, in the opinion of the ~~city~~ **municipality**, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the ~~city~~ **municipality**, and shall be located as to be readily and easily accessible for cleaning and inspection.
- F. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- G. When required by the ~~city~~ **municipality**, the owner of any property serviced by a building drain carrying industrial wastes shall install a suitable control manhole together with meters and other appurtenances in the building drain necessary to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with approved plans. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.
- H. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at such control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public WQPS to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the WQPS works, to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls where pH's are determined from periodic grab samples.
- I. No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the ~~city~~ **municipality** and any industrial concern whereby an industrial waste of unusual strength or character

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may be accepted by the city municipality for treatment, subject to payment therefor by the industry.

13.12.080 Industrial cost recovery.

- A. All industrial users shall be required to pay that portion of the federal assistance grant under P.L. 92-500 allocable to the treatment of waste from such users.
- B. The system for industrial cost recovery shall be implemented and maintained according to the following requirements:
  - 1. Each year during the industrial cost recovery period, each industrial user of the treatment works shall pay its share of the total federal grant amount divided by the recovery period.
  - 2. The industrial cost recovery period shall be equal to thirty (30) years, or the useful life of the treatment works, whichever is less.
  - 3. Payments shall be made by industrial users no less often than annually. The first payment by an industrial user shall be made not later than one (1) year after such user begins use of the treatment works.
  - 4. An industrial user's share shall be based on all factors which significantly influence the cost of the treatment works, such as strength, volume, and flow rate characteristics. As a minimum, an industrial user's share shall be based on its flow versus treatment works' capacity, except in unusual cases.
  - 5. An industrial user's share shall be adjusted when there is a substantial change in the strength, volume or flow rate characteristics of the user's wastes, or if there is an expansion or upgrading of the treatment works.
  - 6. An industrial user's share shall not include any portion of the federal grant amount allocated to unused or unreserved capacity.
  - 7. An industrial user's share shall include any firm commitment to the city municipality of increased use by such user.
  - 8. An industrial user's share shall not include an interest component.
- C. This requirement applies only to those features of wastewater treatment and transportation facilities which have been constructed with federal assistance administered by the U.S. Environmental Protection Agency under P.L. 92-500.

13.12.090 Protection from damage.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the WQPS. ~~Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.~~

13.12.100 Powers and authority of inspectors.

- A. The superintendent and other duly authorized employees of the city municipality, ~~bearing proper credentials and identification~~ shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this chapter. In the event the person in charge of the property denies permission or entry, the superintendent or his representative shall obtain a warrant before entry. The superintendent or his representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the WQP lines or waterways or facilities for waste treatment.

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- ~~B.~~ While performing the necessary work on private properties referred to in subsection A above, the superintendent or duly authorized employees of the city **municipality** shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the city ~~municipal~~ employees; and the city **municipality** shall indemnify the company against loss or damage to its property caused by city ~~municipal~~ employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by this chapter.
- ~~CB.~~ The superintendent and other duly authorized employees of the city **municipality** bearing proper credentials and identification shall be permitted to enter all private properties through which the city **municipality** holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the WQPS lying within such easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
- ~~DC.~~ No employee of the city **municipality** is authorized to suspend or alter any of the provisions contained in this chapter without specific approval or direction of the city council **borough assembly**, except in cases of emergency involving loss of life or property, or which would place the operation of the WQPS in jeopardy.

13.12.110 Penalties.

- A. Any person found to be violating any provision of this chapter except Section 13.12.090 shall be served by the city **municipality** with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person who continues any violation beyond the time limit provided for pursuant to subsection A of this section is guilty of a noncriminal infraction and shall be fined in an amount not exceeding one hundred dollars (\$100.00) for each violation. Each day in which any such violation continues shall be deemed a separate offense.
- C. Any person violating any of the provisions of this chapter shall become liable to the city **municipality** for any expense, loss or damage occasioned the city **municipality** by reason of such violation.

13.12.120 Application for service.

- A. An applicant for WQP service shall sign an application form provided by the city **municipality**, giving the date of application, location of premises to be served, whether premises have been served before, the date applicant desires service to begin, purpose for which service is to be used, the address for mailing of the billings, and such other information as the city **municipality** may reasonably require. If water and WQPS service are both requested, one (1) application form will be sufficient.
- B. The applicant shall provide the information required above, and shall submit the appropriate fees as established by resolution of the city council **borough assembly**. In signing the application, the customer agrees to comply with this chapter. The application is a request for service, and does not bind the city

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municipality to furnish service. When the application form is properly completed and the appropriate fees have been paid, a permit shall be issued by the ~~city~~ municipality to commence work.

13.12.130 Billing and payment.

All provisions concerning billing, payment and collection of delinquent accounts for service rendered by the ~~city~~ municipality under this chapter shall be identical to those set forth for water service in Section 13.08.150.

13.12.140 Charges for water quality protection service.

- A. Criteria for Establishing Rates and Charges. The rates to be charged for sanitary sewer service and for making connections to the system shall be established by resolution of the ~~city council~~ borough assembly. Such rates for WQP service shall be designed to assure that each recipient of water treatment service, ~~either inside or outside the city,~~ pays his proportionate share of the cost of operation and maintenance of the treatment works, including replacement of such facilities during the life of the project, in accordance with the requirements of the Environmental Protection Agency. The WQP service rates and fees shall be reviewed annually.
- B. Charges for Contract WQP Service. Rates for any contract WQP service shall be specified in a contract with the ~~city~~ municipality, taking into consideration strength, volume and flow characteristics.
- C. Charges for Service to Industrial Users.
  1. The ~~city~~ municipality shall recover from all industrial users, as defined in the Standard Industrial Classification Manual 1972, or subsequent issues, published by the Office of Management and Budget of the United States, who discharge waste for treatment in the treatment plant of the WQPS, that portion of the amount of all grants for the construction of the treatment facilities contributed by the U.S. Environmental Protection Agency which is allocable to the treatment of wastes from such users. The contribution required to be paid by each industrial user shall be determined and assessed by the ~~council~~ borough assembly annually in the month of September and the first assessment shall be made within four months of the completion of the improvements and additions to the WQPS commenced in 1974, a portion of the cost of which is from a grant by the Environmental Protection Agency. Such assessments shall be made for thirty (30) consecutive years, referred to herein as the "recovery period." The assessments shall be made in such amount each year against each industrial user as is necessary for each to pay his allocable share of one-thirtieth (1/30) of such grants. The determination of each industrial user's share shall be based on all factors which significantly influence the cost of the treatment works, including strength, volume and flow characteristics. The system for industrial cost recovery and all assessments shall be made, implemented and maintained in accordance with the requirements, guidelines and regulations of the Environmental Protection Agency.
  2. Monthly WQP service rates for industrial customers shall be determined by the ~~city~~ municipality on an individual basis taking into consideration strength, volume and flow characteristics.

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- D. WQPS Connection Fee. WQPS connection fees shall be paid in full prior to commencement of any work necessary to furnish WQP service to any residence, building or parcel. Said WQPS connection fees shall be in accordance with the rate effective on the date of issuance of the permit.
- E. Industrial Waste Testing Fee. The testing fee shall be based upon actual costs of the tests. The ~~city~~ **municipality** shall estimate the cost of testing and shall require a cash deposit equal to the estimated cost of the test from the applicant prior to the start of testing.

Chapter 13.20  
SOLID WASTE COLLECTION AND DISPOSAL

Sections:

- 13.20.010 Purpose.
- 13.20.020 Definitions.
- 13.20.030 Responsibility for administration.
- 13.20.040 Preparation of solid wastes for collection.
- 13.20.050 Refuse containers.
- 13.20.060 Storage and removal of refuse.
- 13.20.070 Limitations on collection.
- 13.20.080 Disposal area.
- 13.20.090 Protection from damage.
- 13.20.100 Penalties.
- 13.20.110 Application for service.
- 13.20.120 Discontinuance of service.
- 13.20.130 Billing and payment.
- 13.20.140 Charges for solid waste service.

13.20.010 Purpose.

The ~~city council~~ **borough assembly** finds that the maintenance of health and sanitation requires compulsory and universal collection, transfer and disposal of solid wastes.

13.20.020 Definitions.

Meanings of the terms "garbage," "refuse," "rubbish" and "ashes" are the same as defined in Chapter 8.02 of this code.

13.20.030 Responsibility for administration.

- A. The ~~city~~ **municipality** shall be responsible for the collection, transfer and disposal of all solid wastes within the ~~city~~ **municipality** except as hereinafter set forth; and no person shall collect and dispose of, or transfer over the streets of the ~~city~~ **municipality**, any solid wastes without first obtaining a written permit from the ~~city~~ **municipality** to do so.
- B. The administration of the solid waste collection, transfer and disposal system shall be under the jurisdiction of the ~~city~~ **borough** manager.
- C. The ~~city council~~ **borough assembly** shall have the right to enter into a contract with a private firm for the collection, transfer and disposal of solid wastes from the ~~city~~ **municipality** for a term not to exceed five (5) years. In entering into such a contract, the ~~city council~~ **borough assembly** shall apply a competitive selection process and shall consider the following requirements for the contractor:

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1. The knowledge and prior experience of the applicant in the solid waste collection, transfer and disposal business;
2. The ability of the applicant to furnish all necessary equipment and personnel required in the conduct of such business;
3. The financial responsibility of the applicant;
4. The capacity of the applicant to indemnify the ~~city~~ municipality and its inhabitants against a failure on his part to fulfill the terms of the contract or against any injuries occurring to the ~~city~~ municipality or any of its inhabitants in the performance of such contract.

13.20.040 Preparation of solid wastes for collection.

- A. Garbage shall be drained of surplus water, wrapped or put in bags, and deposited in an approved container for collection.
- B. Ashes shall be allowed to cool before they are deposited in any container.
- C. Grass clippings, leaves, garden and hedge trimmings and ordinary accumulations of tree prunings of less than one inch (1") in diameter shall be considered collectible wastes. Grass clippings, leaves and similar material shall be placed in approved containers. Bulkier accumulations, such as acceptable hedge and tree prunings, shall be cut into pieces not over four feet (4') long and placed at the designated location on the day of collection. It shall be understood that these clippings, leaves, trimmings and prunings shall not include the large accumulation of brush from extensive hedge or tree trimmings, which shall be classified as bulky wastes.
- D. All cardboard boxes and/or packaging materials shall be broken down with maximum length not to exceed twenty-four inches (24").
- E. On collection days, containers shall be placed at the curb or shoulder area where the premises are served from the street, and at the rear of the lot of those premises served from alleys or otherwise served from the rear. When circumstances warrant, exceptions may be made to the above, but only upon express authorization.
- F. It is unlawful for any person within the ~~city~~ municipality to abandon refrigerators, iceboxes, wardrobe trunks or any other containers, equipment or appliances having self-locking doors ~~without first removing and detaching the doors or covers from same.~~

13.20.050 Refuse containers.

- A. It shall be the duty of every occupant or owner of every residence or other building, structure or premises where refuse is produced for collection, to provide and at all times maintain in good condition, one (1) or more adequate, suitable and not easily corrodible containers for such refuse. Such containers shall be equipped with adequate handles and tight-fitting covers sufficient to keep out water and to prevent disturbance by animals and entrance of insects. Each container shall not exceed a capacity of thirty (30) gallons. The containers shall be kept closed except when being filled or emptied and shall be kept in a clean and sanitary condition.
- B. Any container that does not conform to the provisions of this chapter, or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof, shall be promptly replaced by an approved container upon receipt of notice to that effect from the ~~city~~ municipality. If not replaced within ten (10) days after receipt of such notice, the

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nonconforming or defective container shall be disposed of by the collector as waste.

13.20.060 Storage and removal of refuse.

- A. It is unlawful for any person owning or occupying any building, lot or premises within the ~~city~~ **municipality** to allow any garbage or refuse to collect and remain upon such premises; provided, however, that this provision shall not be construed as interfering with building under a building permit during the course of construction and within a reasonable time thereafter.
- B. It is unlawful for any person, upon vacating or moving from dwellings, storerooms, or any other buildings, structures or premises, to fail to remove all solid wastes from such buildings and premises, or to fail to place the premises in a thoroughly sanitary condition within twenty-four (24) hours after the premises are vacated.
- C. It is unlawful for any person to sort, scatter, dump, deposit or cause to be deposited any solid wastes along the bank of or in any canal, ditch, creek or river, or in any natural body of water, or in any street, alley or park, or on any lot, place or premises in the ~~city~~ **municipality**, whether public or private. Such wastes shall be disposed of only in private or public disposal areas approved by and operated in accordance with rules and regulations set forth by the ~~city~~ **municipality**.

13.20.070 Limitations on collection.

- A. The collection of bulky wastes, construction and demolition wastes, dead animals, industrial and special wastes, animal excrement, and other wastes shall not be deemed to constitute a part of the regular solid waste collection service of the ~~city~~ **municipality**; provided, however, that such solid wastes may be collected by the ~~city~~ **municipality** as a special pickup service.
- B. Spent oils or greases accumulated at garages, filling stations or similar establishments will not be removed except for the convenience of the ~~city~~ **municipality**.

13.20.080 Disposal area.

- A. The disposal area will be open in accordance with the schedule set by the ~~city~~ **municipality** and posted at the disposal area and at ~~city hall~~ **the borough administrative offices**.
- B. The disposal area shall be maintained by the ~~city~~ **municipality** or its authorized collector, and no dumping shall be permitted except under the explicit directions and supervision of the ~~city~~ **municipality**.
- C. The ~~city~~ **municipality** reserves the right to prohibit deposit of abandoned vehicles, refrigerators and other undesirable bulky wastes at the disposal area.

13.20.090 Protection from damage.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the city's **municipality's** solid waste system. ~~Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.~~

13.20.100 Penalties.

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- A. Any person found to be violating any provision of this chapter except Section 13.20.090 shall be served by the ~~city~~ **municipality** with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person who continues any violation beyond the time limit provided pursuant to subsection A above shall be guilty of a noncriminal infraction, and shall be fined in an amount not exceeding one hundred dollars (\$100.00) for each violation. Each day in which any such violation continues shall be deemed a separate offense.
- C. Any person violating any of the provisions of this chapter shall become liable to the ~~city~~ **municipality** for any expense, loss or damage occasioned the ~~city~~ **municipality** by reason of such violation.

13.20.110 Application for service.

- A. An applicant for solid waste collection, transfer and disposal shall sign an application form provided by the ~~city~~ **municipality** giving the date of application, location of premises to be served, whether premises have been served before, the date applicant desires service to begin, purpose for which service is to be used, the address for mailing of the billings, and such other information as the ~~city~~ **municipality** may reasonably require. If water, sanitary sewer and/or solid waste service are requested, one (1) application form will be sufficient.
- B. The applicant shall provide the information required above, and shall sign the application. In signing the application, the customer agrees to comply with this chapter. The application is a request for service, and does not bind the ~~city~~ **municipality** to furnish service.

13.20.120 Discontinuance of service.

Each applicant about to vacate any premises supplied with solid waste service by the ~~city~~ **municipality** shall give the ~~city~~ **municipality** written notice of his intentions at least two (2) days prior thereto, specifying the date service is to be discontinued; otherwise, he will be responsible for all solid waste service supplied to such premises until the ~~city~~ **municipality** receives notice of vacation. The ~~city~~ **municipality** shall discontinue service and the customer shall be billed in accordance with the rate schedule adopted by resolution of the ~~city council~~ **borough assembly**.

13.20.130 Billing and payment.

All provisions concerning billing, payment, and collection of delinquent accounts for service rendered by the ~~city~~ **municipality** under this chapter shall be identical to those set forth for water service in Section 13.08.150.

13.20.140 Charges for solid waste service.

- A. The rate to be charged for the collection, transfer and disposal of solid wastes shall be established by resolution of the ~~city council~~ **borough assembly**, and shall become a part of this section by incorporation by reference. Such rates shall be designed to assure that each recipient of service pays his proportionate share of the costs of the maintenance and operation of the solid waste system.
- B. If service is furnished for only a portion of the billing month, the applicant shall be billed for that portion as follows:
  - 1. Five (5) days or less, no charge;

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2. Six (6) to sixteen (16) days, one-half (1/2) the established monthly charge;
3. Sixteen (16) days or more, full monthly charge.

Chapter 13.30  
CEMETERIES

Sections:

13.30.010 Operation and maintenance.

13.30.020 Fees.

13.30.010 Operation and maintenance.

Responsibility for operation, maintenance and funding support of the city municipal cemeteries rests with the ~~city council~~ borough assembly. The civic affairs committee shall exercise oversight of cemetery matters on behalf of the ~~city council~~ borough assembly. Operation and maintenance of the cemeteries shall be performed by the public works department. Cemetery burial records and financial records shall be maintained by the city borough clerk. The ~~city council~~ borough assembly shall appropriate funds as necessary to operate and maintain the city municipal cemeteries.

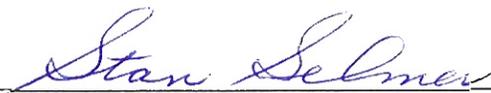
13.30.020 Fees.

The fees for purchase of lots and interment functions performed by the city municipality shall be as established by resolution of the ~~city council~~ borough assembly.

**Section 4. Severability.** If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

**Section 5. Effective Date.** This ordinance shall become effective immediately upon adoption.

**PASSED AND APPROVED** by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this 16<sup>th</sup> day of February, 2012.

  
Stan Selmer, Mayor

ATTEST:

  
Emily A. Deach, Borough Clerk

(SEAL)

