

**Title VII**

**Utilities**

**Chapters:**

Chapter 7.01	Water rates
Chapter 7.02	Sewer rates
Chapter 7.03	Coffman Cove Water & Sewer Department
Chapter 7.04	Rules and Regulations for Water & Sewer
Chapter 7.05	Sanitation Service

**Chapter 7.01**

**Water Rates**

**Sections:**

7.01.010	Charges for service
<b>Section 7.01.010</b>	<b>Charges for service</b>

The following monthly water rates shall apply under this chapter.

- A. Residential
  - 1. Per family dwelling or unit is charged per month. Note: Residential schedule is restricted to service used exclusively for general domestic purposes.
- B. Non-Residential
  - 1. Non- Residential includes bed and breakfasts, offices, beauty shops, stores, etc.
  - 2. All service connections to customers shall be charged the actual costs of materials, equipment and labor.

**Chapter 7.02**

**Sewer Rates**

**Sections:**

7.02.010	Charges for service
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**Section 7.02.010**                      **Charges for service**

The rate and charges provided for in this section shall be collected from the owner, occupants and users of the premises within the jurisdiction of the City of Coffman Cove and shall go into effect at such time as the services and or other matters creating the charges are provided by the City of Coffman Cove.

- A. Billing, adjustments and refund
  - 1.No adjustments in customer’s monthly billing rate will be made except upon the written request of the customer. The customer shall be

responsible for notifying the City of any changes in their establishment which may require a change in the monthly billing rate.

2. Upon written request, a monthly billing rate shall be adjusted by the City if good cause is shown for such adjustment. If the customer's rate is adjusted, refunds will only be made from the date the adjustment was requested in writing.

**B. Penalty for violation**

1. Any person found to be violating any provisions of this chapter shall be served by the City of Coffman Cove 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 the notice, permanently cease all violations.
2. It is unlawful for any person to continue any violations beyond the time limit of (14) fourteen days. The (14) fourteen day limitation shall not apply when the violation constitutes a clear and present danger to public health. (Such clear and present danger is unlawful.)
3. Any person violating any of the provisions of this chapter shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

**C. Schedule of rates and charges**

1. The monthly rate shall be computed on the basis of a fee per unit, dwelling or fraction thereof for class A and B users who are provided service by the municipal collection and treatment system

(Ordinance 94-3)

**Chapter 7.03**

**Coffman Cove Water & Sewer Utility Department**

**Sections:**

7.03.010	Background
7.03.020	Establishment
7.03.030	Coffman Cove City Council powers and duties
7.03.040	Compensation
7.03.050	Meetings
7.03.060	Audit
7.03.070	Separation of funds
7.03.080	Rules and regulations

**Section 7.03.010                      Background**

The Coffman Cove City Council has acted to establish Coffman Cove water and sewer utility department, hereafter referred to as the utility department, to provide

for health and welfare of the residents of Coffman Cove. The City Council shall oversee and manage the Coffman Cove water and sewer system.

**Section 7.03.020                      Establishment**

The Coffman Cove City Council shall operate, maintain, construct, replace and manage (collect user payments) for the Coffman Cove water and sewer utility department in accordance with these provisions.

**Section 7.03.030                      Coffman Cove City Council powers and duties**

The City Council shall:

- A. Operate, maintain, construct, repair and replace the City owned utility system.
- B. Appoint, retain, hire, promote, layoff, suspend, demote, or remove all employees of the Coffman Cove water and sewer utility department.
- C. Each year, prepare, pass and make available to the public an annual budget and capital improvement program of the utility. Make available to Alaska state legislature and Governor a capital improvement request for the utility department.
- D. Administer the utility department's budget and capital improvement program as enacted.
- E. Formulate and enforce the general rules and policies for the utility department practices within the City of Coffman Cove. The Council shall generally have full and complete responsibility of all the systems and their operations and fiscal affairs. This includes the utility department's maintenance, operation, expansion, extension and improvements.
- F. Study, decide and implement public utility matters such as, but not limited to, rates, fiscal matters, personnel staffing, labor and relations, expansion or extension of services and public relations.
- G. Purchase and sell property as needed. Real property regulations set in Title IV, Coffman Cove Code of Ordinances, apply.
- H. Assume such other authority and perform such other duties related to water and sewer utility department.

**Section 7.03.040                      Compensation**

When the utility department's matters are part of the agenda of a regular City Council meeting, the compensation shall not be separate but shall be part of the regular City Council compensation.

**Section 7.03.050 Meetings**

- A. The Coffman Cove water and sewer utility department shall be part of the agenda of regular monthly Council meetings.
- B. The City Treasurer shall report on the utility department's monthly revenues and expenditures, payment records of customers and other utility concerns.
- C. Special and emergency meetings concerning the utility department shall be held as the need arises.

**Section 7.03.060 Audit**

The Coffman Cove City Council may provide for an annual independent audit of the accounts and financial transaction of the utility department. Copies of the audit shall be available to the public upon request.

**Section 7.03.070 Separation of funds**

- A. The utility shall have separate records. Accounts shall be maintained by the City to reflect financial conditions of the utility, including income and expenses.

**Section 7.03.080 Rules and regulations**

The City Council shall adopt by ordinance rules and regulations for the orderly and efficient operation of the utility department.

**Chapter 7.04**

**Rules and Regulations for Water & Sewer**

**Sections:**

- 7.04.010 Definitions
- 7.04.020 Service area
- 7.04.030 Ownership of a utility system
- 7.04.040 Administration and enforcement
- 7.04.050 Description of service
- 7.04.060 Classification of service
- 7.04.070 Public access and utility easement

7.04.080	Access to property
7.04.090	Immunities preserved
7.04.100	Services
7.04.110	Water meters
7.04.120	Unusual demands
7.04.130	Resale of utilities
7.04.140	Main extensions
7.04.150	Customer utility service agreement
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7.04.170	Establishment of credit and deposit
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7.04.200	Termination Notice
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7.04.220	Reconnect Charge
7.04.230	Collection from owner of property
7.04.240	Temporary disconnection by customer order
7.04.250	Termination of service of unsafe customer facilities
7.04.260	Termination of service of water wastes
7.04.270	Termination of service detrimental to others
7.04.280	Termination of service fraud or abuse
7.04.290	Termination of service for unauthorized reconnections
7.04.300	Restoration of service
7.04.310	Responsibility of equipment
7.04.320	Mainlines
7.04.330	Community septic tanks
7.04.340	Fire hydrants
7.04.350	Penalties
7.04.360	Suspension of rules
7.04.370	Constitutionality and saving clause
7.04.380	Property Liens

(Ordinance 24 04)

### **Section 7.04.010**

### **Definitions**

Unless the context requires otherwise, the following definitions apply to this chapter:

- A. Applicant: The person or person's firm or corporation making applications for utility server from the City of Coffman Cove under terms of the regulations.
- B. Billing period: An interval of approximately one month between successive billing dates as established by the utility department, except for beginning or final billing periods.

- C. Bulk water: Water purchased in large quantities at irregular intervals (at least 500 gallons).
- D. City: The City of Coffman Cove, state recognized second class City.
- E. City Council: The seven member governing body of the City of Coffman Cove, Alaska
- F. Cross connection: Any physical connection between the water system or another water source and the sewer system.
- G. Customer, user or property owner: An Applicant who has been accepted and who receives utility service from the City. By being accepted and receiving services, a customer or user thereby agrees to abide by the terms set forth in these regulations. In all cases the property owner will be considered the responsible party.
- H. Customer service line: The line, pump, septic tank, equipment, fittings and valves from the mainline connection to and within the dwelling, not to include water meters.
- I. Delinquent:: All “past due” amounts and associated finance or late charges, for billing purposes, from one billing cycle which are received by the utility department as of the close of the subsequent billing cycle
- J. Potable water: Water filtered and treated and suitable for consumption. The water meets current standards set by Alaska Utility Department of Environmental Conservation for public drinking water.
- K. Septic lagoon: An open containment cell, or cells, for the disposal and treatment of septic waste.
- L. Solid waste: Garbage, rubbish, paper and waste material including all animal and vegetable refuse from food or food preparation, and dead animals.
- M. Utility department: The Coffman Cove City Council

**Section 7.04.020                      Service area**

The Coffman Cove Water and Sewer Utility Department’s service area shall be within the corporate limits of the City and contiguous area as is immediately adjacent to the City’s water distribution system. The City may provide service within the City limits that is economic to construct, operate and maintain. The City may provide service to customers outside of the corporate limits of the City on terms and conditions acceptable to the City Council. The service area may be

changed by an amendment to the Certificate of Public Convenience and necessity approved by the Alaska Public Utilities Commission.

**Section 7.04.030                      Ownership of Utility Systems**

All utility system components including water and sewer mains, valves, fittings, equipment, meters, except customers' service lines, as defined in section 7.04.010 (H), are the property of the City of Coffman Cove.  
(Ordinance 15-04)

**Section 7.04.040                      Administration and enforcements**

- A. These rules and regulations shall be administered and enforced by the City Council.
- B. A current file of rates adopted by the City Council shall be available for public inspection during regular business hours at the Coffman Cove City office.
- C. The City Council may adopt additional regulations, provisions and procedures pertaining to water and sewer they deem proper.

**Section 7.04.050                      Description of service**

The Coffman Cove City Council shall provide the following services

- A. Water distribution system: the City shall provide a safe and fully operational water distribution system to users within the utility service area. The water distribution system shall meet the following requirements:
  - 1. Quantity: As far as reasonably possible, a continuous and sufficient supply of water shall be supplied to customers at adequate pressure.  
Neither the City nor the City Council shall be liable for damage resulting from interruption in water service due to improvements, repairs, shortages of supply, or other unseen circumstances.  
Whenever possible, all customers to be potentially affected by an interruption in service will be notified prior to shutdown. Local notices posted in at least three public places and word of mouth shall be used.
  - 2. Quality: Safe water shall be provided at all times. Treatment of potable water shall include filtration and chlorination.

3. Water service preference: In the event of potable water shortage, the City has the right to give preferences in the matter of furnishing services to customers.

The order of greater preference, within the confinement of the system, is as follows:

Primary users:

- A. School and health facilities.

Secondary users:

- A. Private residences
- B. Businesses and commercial users
- C. Other transient users and special contract users (lowest priority)

Potable water storage shall be conserved to ensure an uninterrupted supply to the primary users.

- B. Sewer collection system: The City shall provide safe and fully operational sewer collection systems to users in the service area. The sewer collection systems shall be able to handle normal sanitary wastes discharged to it without freezing, plugging, or otherwise affecting building drain lines under normal operating conditions

1. Septic tanks: A septic tank is required on any property located on the outfall system. No septic tanks shall be installed in the Right of Way. The septic tank must be installed on the property owner's lot, prior to any water service connections being made. Purchase and installation of septic tanks will be the responsibility of the owner. Septic tanks must be of a DEC approved design and capacity that is sufficient for the household or business that the tank will be used for.

2. Septic tank pumping: The City is responsible for pumping all septic tanks on the outfall line. Each property (or service) is charged a monthly septic pumping fee to offset the cost of pumping the tank. Individual tanks will be checked at least once every three (3) years on a rotating basis by subdivision. Septic tanks will be pumped as required by the DEC Approval to Operator Permit.

If your septic tank requires being pumped more than once every three years the pumping shall be done at the owner's expense.

Notice of intent to pump shall be mailed to each customer 30 days prior to inspection and pumping.

Regularly scheduled inspections and pumping of septic tanks is mandatory for all services located on the outfall line system. Failure to comply shall result in disconnection of water and sewer service until septic tank inspection is complete. (Ordinance 15-04)

Section 7.04.070                      Public access and utility easement

The City shall acquire an appropriate and enforceable interest in the customer's lot to construct, maintain and operate the water and sewer lines. If it becomes necessary for the City to expend funds to obtain easements, moneys due committed by the utility shall be paid by the customer for service at the time those costs are incurred.

Section 7.04.080                      Access to property

All City employees performing utility business shall have free access at reasonable hours to exterior parts of a customer's building. Access shall be for the purpose of reading meters, and to inspect connections, piping and fixtures and to determine the manner and extent to which the utility is being used. When it is necessary to enter a customer's building for the same purposes, the customers will be given notice in accordance with section 23.02.190. The City shall not assume the duty of inspecting the customer's service line, plumbing or equipment.

In the event a customer refuses to provide access to the City in a reasonable period of time, the service may be terminated for non-compliance in accordance with section 7.04.030.

In the event of leaks or breaks in a customer's service lines the City shall turn off the water at the stub until such time as repairs are made by the customer. (Ordinance 15-04)

Section 7.04.090                      Immunities preserved

Nothing in these rules and regulations, nor any actions taken or arising under them shall constitute consents by the City of Coffman Cove to the sale, disposition, lease or encumbrance of the lands, interests in the land or other assets (including cash and cash equivalents) of the City of Coffman Cove.

Section 7.04.100                      Services

A.     The customer shall own and maintain the customer service line as defined in 7.04.010 (H).

B.     Service installation charge: The applicant shall submit a service connection fee based on actual cost when he files for service, where no service previously existed, or

for a change in service size or location, or for a reconnection of an existing service. In the case of a new service, this fee may include all costs from the main to the lot line, including the costs of a pit opening and tapping saddle at the main. The service line shall be installed by the customer.

C. Any customers doing work around the main service line must have advance arrangements for a scheduled inspection with the City Water and Sewer Operator before the trench is filled. No water turn off or turn on during weekends.

D. Service installation codes: All individual water and sewer connections, repairs and modifications shall be made only under the terms and conditions of the Uniform Plumbing Code (UPC, State of Alaska). Any electrical improvements shall be made in accordance with applicable electrical codes and regulations. The City may require other terms and conditions in addition to UPC and electrical codes and regulations.

E. Upon approval of the subdivided lots property owners shall incur all costs of installation of service and shall be charged and assessed water and sewer charges. Charges shall begin upon plat approval by Platting Authority.

F. Customer Plumbing:

1. The customer's plumbing, which shall include the customer service line from the main to the house, and all plumbing, piping and fixtures, and other equipment intended to carry water, sewage, waste water, and drainage, shall comply with the Uniform Plumbing Code. Special attention shall be given to the elimination of any possible cross connection.

2. Customer freeze-ups, or leaks that effect public health or the efficiency of the Coffman Cove water and sewer system, are to be immediately repaired by the customer. The City may repair and bill the customer if he is not able to make the repairs. The City may repair the water and sewer system if the customer has abandoned the service location without notification, or he is away from the service location temporarily. The customer has the responsibility to notify the City immediately of any problem with the customer's plumbing that could adversely affect the water and sewer utility department.

3. It shall be a violation of this ordinance for customers to operate, cause or permit unauthorized operations or any kind of equipment on the service connections.

4. It shall be a violation of this ordinance for any customers to make or remake a service connection without prior knowledge and written approval of the City as detailed by this ordinance.

5. It shall be a violation of this ordinance for any individual to secure bulk water from the City without prior arrangements having been made.

6. No water hook-up shall be done without prior arrangements for sewer hook-up, this applies to all residential and non-residential.

7. It shall be a violation of this ordinance to have temporary water and sewer lines installed across other property lines. Temporary lines must follow City standards as set forth in the Coffman Cove Water & Sewer Standard Book.

(Ordinance 15-04)

Section 7.04.110 Water meters

A. Meter requirements: The City will require installation of a water meter at all residential, non-residential, commercial, and industrial or school lines. The City shall retain ownership of each meter. The meters shall be installed at the customer's expense on new installations only. The City shall charge for such service at the established meter rate set in schedule A.

B. Location of meters: Meters shall be placed at the edge of the property, within the public Right of Way.

C. Joint use of meters: The joining of several customers to take advantage of a single minimum charge and/or large quantity rates is prohibited.

D. Tampering: Customers are prohibited from tampering with water meters in any form.

(Ordinance 24 04)

Section 7.04.120 Unusual demands

Whenever an abnormally large quantity of water is desired for any purpose, arrangements must be made with the City prior to taking water. Permission to take water in large quantities will be given only if other customers are not inconvenienced. Purchase of large quantities of water may be billed under a separate category and for a separate amount from the customer's usual rate.

Section 7.04.130 Resale of utility service

Resale of a utility service by a customer is expressly prohibited.

(Ordinance 24 04)

Section 7.04.140 Main extensions

Extensions of water distributions or sewer collection mains to areas or houses not currently being served shall be installed only after an agreement is signed by the customer and authorized by the City Council. Utility main extensions may require advance payment by the applicant for the cost of extension.

The City Council, using appropriate advice, will determine the proper location of main extension. Easements or permits secured for main extensions across property not owned by the City shall be obtained in the name of the City of Coffman Cove. All rights and title to the main shall be included in the easement.

Section 7.04.150                      Customer utility service agreement

The City shall provide a service application form to each applicant. In signing this form and attachments, the applicant agrees to abide by all the rules and regulation adopted by the City of Coffman Cove. The City will provide water and sewer services only when an agreement is signed by the lot owner. Service may be denied if the applicant has any outstanding bills with the City.

A.     Application for service: Each applicant shall complete a utility service application provided by the utility Clerk giving the date of the application, location of the premises, the class and size of the service requested and such other information the City may reasonably require. In signing the application, the customer agrees to abide by the City of Coffman Cove's health and safety ordinance. The application is merely a written request for service and does not bind the City to furnish service. The City may refuse to connect new service between October 15<sup>th</sup> and April 1<sup>st</sup> due to frozen ground or other conditions that would adversely affect the City's utilities and/or easements and right-of-way.

Section 7.04.160                      Utility rates

The City provides water and sewer under a rate schedule designed to recover sufficient revenues from all customers to generally cover the costs of service. Utility rates, found on "schedule A", to be charged for the various classification of services, shall be passed by resolution and published separately by the City Council. Schedule A will be reviewed, and if necessary revised and approved through resolution not less than once a year. No person shall be bound by any such rate unless it has been posted for public inspection within the community of Coffman Cove for five consecutive days prior to its adoption.

Section 7.04.170                      Establishment of credit

At the time application for service is made, the applicant shall establish his credit with the City through the Clerk. The application for service shall contain the information needed to establish credit.

Section 7.04.180                      Billing and payment

All bills shall be mailed on or before the last working day of the month. Each bill rendered shall be due when mailed. All bills not paid by the twentieth day of the month following mailing shall be considered delinquent.  
(Ordinance 24 04)

Section 7.04.190 Delinquency Notice

The City Clerk may, but shall not be required to, send a notice of a delinquent account 10 days after the account has become delinquent.

(Ordinance 24 04)

Section 7.04.200 Termination Notice

Within 15 days after an account becomes delinquent, a notice of termination of service shall be sent to the customer. The notice shall state a date on or after which water will be turned off if the delinquent account is not paid in full prior thereto. Such date will be not less than five nor more than 15 days from the date of the notice. A delivery to the premises served by the meter or mailing to the address of record of the customer shall be considered a delivery to the customer.

(Ordinance 16 02)

(Ordinance 24 04)

Section 7.04.210 Termination of service

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

(Ordinance 24 04)

Section 7.04.220 Reconnect Charge

In all instances where water has been turned off because of delinquent accounts, a service charge set by City Council Resolution shall be made for the restoration of service.

(Ordinance 24 04)

Section 7.04.230 Collection from owner of property

Section 7.04.240 Temporary disconnection by customer order

Each customer who intends to be out of town temporarily (more than 30 days) for any reason shall notify the Treasurer at least one week before leaving. Such notice will be in writing and is needed only if the customer would like the water turned off at the stub-out.

(Ordinance 24 04)

Section 7.04.250 Termination of service for unsafe customer facilities

A. Unsafe facilities or unsanitary facilities: The City may terminate services to any premises without prior notice where plumbing facilities, appliances, or equipment, using water or discharging waste water are dangerous, unsafe, or not in conformity with standard plumbing practices.

B. Cross connections: The City will terminate service to any person or premises where a cross connection exists. Services will not be restored until the cross connection is eliminated.

Section 7.04.260 Termination of service for water waste

The City may terminate service when water is wastefully or negligently used on a customer's premises. If the customer does not correct the problem immediately, the service will be terminated. Allowing the water to run continuously to prevent a freeze up rather than installing proper insulation and electrical heat tape is considered wasting water. Failure to fix leaking plumbing in a timely manner is considered a waste of water.

Section 7.04.270 Termination of service detrimental to others

The City may refuse to furnish water, restrict water service, or immediately terminate service to any premises where excessive demands by the customer will result, or have resulted in inadequate service to other customers. The determination of excessive demand may vary depending on current City water resources and water and sewer equipment conditions.

Section 7.04.280 Termination of service for fraud or abuse

The City will refuse or terminate service to any customer or premises where it is deemed necessary to protect the City from fraud or abuse of service. Termination of service for one or both of these causes will be made immediately upon receipt of knowledge by the City that such condition(s) exist.

Section 7.04.290 Termination of service for unauthorized reconnection

The City shall shut off water and sewer at the main for any unauthorized reconnection when service has been terminated for any reason. This shall be done without notice. The City may seek to impose the civil penalty set in section 7.04.350.

(Ordinance 24 04)

Section 7.04.300 Restoration of service

Restoration of service shall require a reconnection fee. Restoration of service following termination for non-payment of bills shall be made only after payment of current and past due charges, and the reconnection fee.

Restoration following termination because of unsafe facilities, waste water, fraud, abuse, or non-compliance with these rules and regulations will be made only after the irregularity has been corrected. Any associated charges for disconnection or repairs

undertaken by the City must be paid in full. The City must be assured, in writing, the irregularity will not recur.

The property owner shall provide access to arctic boxes for connection and reconnection of service including removal of all snow drifts around the box.

The customer is responsible for ensuring that interior facilities are in good condition prior to restoration of service. Any costs for cleaning or thawing a service line prior to reconnection shall be paid by the customer.

#### Section 7.04.310                      Responsibility of equipment

A.      Responsibility for customer equipment: The City shall not be liable for any loss or damage of any nature whatsoever caused by any defect in the customer's service line, plumbing or equipment. Nor shall the City be liable for lost or damage due to interruption of service or temporary changes in water pressure.

B.      The customer shall be responsible for the conditions of the plumbing system within his premises when water service is turned on. All drain valves should be closed to prevent water damage.

C.      The customer shall be responsible for maintaining proper heat within his property to ensure the pipes do not freeze up. Electrical heat tape shall be used whenever outside temperature dips below 32 degrees Fahrenheit. The customer shall pay for all costs associated with keeping his service lines from freezing. The City may hold the customer liable for any damage or loss to the City owned equipment caused by customer freeze ups.

#### Section 7.04.320                      Main lines

A.      Operation: No person(s) shall place any substance including, but not limited to, animal and fish carcasses, refuse or trash, rocks or gravel in any main line, or in any manner damage or tamper with them.

B.      Damage to main lines: Any persons who damages the main lines or any attachments shall be responsible for the cost of its complete repair and return to service.

C. Dumping refuse, chemicals or trash into sewer lines: Any persons who damages a sewer main or interrupts sewer service by placing trash, refuse, animal carcasses, rocks or other matter will be responsible for all repairs to the sewer lines and treatment works

Any violation of the above is grounds for imposition of civil penalties.

Section 7.04.330 Community Septic tanks

Downtown and the school area use a community septic tank.

Grease Traps are required by all commercial hook-ups including restaurants, bed and breakfasts, lodges, rental trailers, apartment building, schools and business where food service is provided.

The individual property owner shall inspect and maintain grease traps.

Any persons who damages City-owned sewer mains or tanks as a result of failure to properly maintain grease traps, will be responsible for all repairs to the sewer lines, tanks and associated equipment.

The City shall inspect and pump the community septic tanks in accordance with the DEC Approval to Operate Permit.

(Ordinance 15-04)

Section 7.04.340 Fire hydrants

A. Operation: No person(s) shall attempt to tamper with or draw water from a hydrant in any manner that may damage it. In cases where temporary service has been granted from a fire hydrant, an auxiliary external valve will be used to control the flow of water.

B. Damage to fire hydrants: Any person who damages a fire hydrant shall be responsible for the cost of its complete repair and return to service. This may be in addition to the penalty in section 23.02.340.

C. Only City employees and volunteer firemen shall be allowed to use, or inspect the fire hydrants.

Section 7.04.350 Penalties

Any person violating the rules and regulations included in this ordinance shall be subject to a civil penalty not to exceed \$300 upon conviction. Each separate incident and each separate day upon which an offence occurs shall be a separate offence and damages.

Section 7.04.360                      Suspension of rules

No employee of the City is authorized to suspend or alter any of the provisions without specific approval or direction of the City Council. This will be allowed only in cases of emergency involving loss of life, property or which put the water and sewer system operational in jeopardy.

Section 7.04.370                      Constitutionality and saving clause

If any clause, sentence, paragraph, section or portion of these rules and regulations is judged to be invalid by a state or federal court, it shall not affect, impair or invalidate the remainder of the ordinance. The judgment shall not be confirmed in its operation to the clause, sentence, paragraph or portion directly involved in the controversy in which it is rendered.

(Ordinance 15-04)

Section 7.04.380                      Property Liens

The City of Coffman Cove shall have a property lien upon any and all property that has been serviced by any and all of the utilities referenced in this Title for the payment of all charges incurred by the utility customer with the City. This lien shall be superior to any and all other liens to the maximum extent allowed under State Law.

The City Treasurer shall maintain a list of all customers whose utility accounts with the City are delinquent. The list shall include the individual whose name is stated on the account with the City, the legal description of the property serviced by the City and the amount delinquent. The City Clerk shall cause a lien in favor of the City to be recorded in the Recording District in which the property is located for the amounts owed, including fees, costs and attorney fees, for any account ninety (90) or more days delinquent.

The customer of the City utility shall be responsible for all administrative fees, costs and attorney fees incurred by the City in the collection of the delinquent utility bills and said amount shall be included in the lien in favor of the City.

Fees for the administrative costs of filing on notices of liens and releasing of liens shall be:

Filing of notices of liens: twenty-five dollars (\$25), plus recorder's office filing fee.  
Release of liens: twenty-five dollars (\$25), plus recorder's office filing fee.

(Ordinance 22-01)  
(Ordinance 24 04)

Chapter 7.05  
Sanitation Service

Sections:

7.05.010	Definitions
7.05.020	Solid Waste Collection and Disposal System
7.05.030	Enforcement and Disputes
7.05.040	Separation and Recycling
7.05.050	Hazardous Waste/Prohibited Substances
7.05.060	Prohibited Acts
7.05.070	Containers
7.05.080	Construction and Demolition Materials
7.05.090	Organic Waste Disposal
7.05.100	Disposal Site
7.05.110	Violations and Penalty
7.05.120	Effective Date

Section 7.05.010 Definitions. The words herein shall be defined as follows the purposes of their interpretation in the ordinance.

A. "Business Establishments" means any building or component part thereof, wherein there is conducted any type of commercial business, for retail, wholesale, professional, or otherwise.

B. "City" shall mean the City of Coffman Cove.

C. "Combustible Refuse" means all prepared garbage, trash, and refuse, which can be consumed or largely consumed by fire.

D. "Container" shall mean metal cans, plastic cans and bags, or metal boxes with lids commonly referred to as dumpsters.

E. "Hazardous Waste" means wastes defined in Section 7.

F. "Noncombustible Refuse" means all ashes and refuse which cannot be consumed or largely consumed by fire.

G. "Person" means any person, firm, partnership, association, institution, corporation, or governmental agency.

H. "Prepared Solid Waste" means waste material from kitchens, dining rooms, and similar places, from which liquids have been drained and solid matter separately wrapped or contained.

I. "Raw Solid Waste" means waste material not prepared as in subparagraph H of this section.

J. "Refuse" shall be synonymous with the terms "garbage", "solid waste" and "waste" and shall mean and include, but not limited to. Sweeping; cleanings; trash; rubbish; litter; ashes; offal; animal excreta; animal carcasses; tree or shrub trimmings; dirt; paper; cartons; boxes; wood; metals; tin cans; brick; plaster; industrial wastes; domestic wastes; leaves; residue of animals sold as meat; fruit, or vegetable matter from kitchens, dining rooms, market places dealing or handling meats, fowl, fruit, grain, vegetables; or any waste substance which may become a nuisance. The term shall not include earth and wastes from building operations, nor shall it include solid wastes resulting from industrial processing and manufacturing operations such as food processing.

K. "Residence" means any private dwelling.

L. "Organic Waste" means any biodegradable matter including dirt, rock, trees, brush, mud, etc.

(Ordinance 22-02)

Section 7.05.020 Solid Waste Collection and Disposal System. The City shall provide for and establish a solid waste collection and disposal system for the citizens and occupants of residential, commercial, governmental, and industrial premises in the City, which system shall include collection and disposal services at or near each occupied premises on a regularly scheduled basis.

Section 7.05.030 Enforcement and Disputes. The Mayor (or designee) shall represent the City in the coordination of solid waste collection and disposal services and the enforcement of the regulations and guidelines provided in this Ordinance. The Council shall have full authority to resolve any disputes between the City and any person occupying a residential, commercial, government or industrial premises regarding solid waste collection and disposal services.

Section 7.05.040 Separation and Recycling. The City reserves the right to, and may at its option, require the separation of solids and liquids, glass, plastic, paper, metal or other component parts of refuse, and may require the deposit thereof in separate containers or receptacles and prescribe the method of disposal thereof.

Section 7.05.050 Hazardous Waste / Prohibited Substances. It is prohibited for any person to place or deposit , or permit another to place or deposit, in a collection container, refuse receptacle or dumpster the following items: household hazardous waste, paint, batteries, antifreeze, chlorine, acetylene, tires, pressurized cans/tanks/canisters, any poisonous or hazardous wastes(insecticides and or garden chemicals), saturated oily wastes, liquid petroleum products, bulk liquids, septic tank pumpings, commercial fish or meat processing waste, radioactive material, asbestos, liquid solvents, strong acids or bases, explosives, polychlorinated biphenyls and any hazardous waste defined and regulated under 40CFR 261, as amended, or prohibited by permit stipulations of the Thorne Bay Landfill Facility. Violators shall be liable for any costs incurred by the City for environmental cleanup or illegally disposed waste described in this section.

Section 7.05.060 Prohibited Acts. It shall be unlawful:

A. For any person to throw, place, dispose of, sink or cause to be thrown, placed, sunk or disposed of, any solid waste upon the margin of, or into, any body or water within the City Limits, which includes the zone of influence of the City watershed. The zone of influence includes, but is not limited to, the areas locally known as Half Dog, First Dog and Second Dog;

B. For any person to abandon any type of, or parts of, any vehicle, boat, trailer, building, appliance, furniture or bulk waste of any sort upon any premises, road, turnout or rock pit, either public or private or adjacent thereto, within the City Limits.

C. For any person to cast, leave or keep on any road, turnout or rock pit within the City Limits solid waste, ashes, sawdust or rubbish of any kind so as to obstruct the road or so it can be blown away by the wind;

D. For any person to throw, place or scatter any solid waste, rubbish, trash or other refuse, over or upon any premises, road, turnout or rock pit, either public or private, or adjacent thereto, either with or without the intent to remove or burn the same, or to suffer or permit any premises owned, occupied or controlled by such person, from the accumulation of refuse, to become or remain unsanitary, unsightly, unsafe to public health or hazardous by fire;

E. For any person to store or permit the storage of solid waste on or about their premises occupied by them, unless such refuse is kept separately in those certain containers provided for in Section 9 below;

F. For any person to deposit or permit to fall from any vehicle any solid waste, refuse or ashes on any public road, turnout or rock pit within the City Limits, provided, this shall not be construed to be placing solid waste, refuse or ashes in a container complying with the provisions of the ordinance preparatory to having such material collected and disposed of in the manner provided herein;

G. For any person occupying a residence to dispose of or store solid waste in refuse containers unless such solid waste has been prepared for collection, removal and disposition in compliance with the definition of "prepared solid waste" as set out in Section 1., provided that fruit and vegetable waste resulting from canning, preserving and pickling operations which contain high moisture content and are not susceptible to ready draining shall be deposited and segregated with noncombustible refuse;

H. For any person to tamper with, remove or deposit any refuse in any collection container other than their own.

I. For any person to dump or place any solid waste, refuse or ashes on any premises within the City Limits without the consent of the owner of such premises.

J. For any person to dispose of any solid waste other than at an approved solid waste disposal site.

#### Section 7.05.070 Containers.

A person occupying a residential, commercial, governmental or industrial premises shall at all times keep or cause to be kept portable containers for the disposal therein of solid waste and shall cause to be deposited therein such solid waste. Nonmetal containers shall be watertight, not less than two millimeters in thickness, and not more than fifty (50) pounds full weight. Metal containers shall be watertight, not more than twelve (12) pounds empty weight, and not more than fifty (50) pounds full weight. All containers shall be properly closed so as to prevent spillage. Such containers shall be kept in sanitary condition, and the outsides thereof free from accumulated grease and decomposed matter.

On collection day all containers, refuse or debris, shall be placed by the road. Dumpsters shall be located on a level surface in an area that can be easily accessed by the sanitation truck. Dumpsters must have approved lids and should be locked. A key for the lock must be made available to the City or you must be responsible for unlocking the dumpster on collection day.

There shall be a delivery fee for dumpsters as stated in Attachment A Garbage Rate Schedule. Dumpsters not easily accessible each week for emptying will be picked up and returned to the City, also, dumpsters not used on a weekly basis will be returned to the City.

If any individual moves a dumpster after it has been placed by the City, and there is damage resulting from such a move, there will be a repair charge assessed for the damage done. See Attachment A Garbage Rate Schedule.

Section 7.05.080 Construction or Demolition Materials. Materials resulting from demolition, renovation, remodeling or construction of buildings or structures shall not be deposited in containers. The collection, removal and disposal of such materials be

made by separate arrangement with the City. Fees and charges resulting from collection, removal and disposal shall be based on container measure or weight.

#### Section 7.05.090 Organic Waste Disposal.

The City provides an allotted bay area for disposal of organic waste for local contractors which will be contingent on following City policy and will be available on a first come, first served basis. All waste shall be organic biodegradable dirt, rock, trees, brush, mud, etc., and shall be dumped in the allotted bay. Any excess overburden will be expelled over the side of hilltop.

A daily log shall be kept of all waste dumped with information on where it came from, including the date dumped. At any time, the City may ask to see the contractor's billing to verify all waste payments have been made. The waste area shall be maintained by the contractor at the contractor's expense.

A \$500 initial deposit for contractors will be due to satisfy the Waste Area Agreement & Account Application (See Attachment I) in conjunction with the regular \$1/yard waste area fee. All other payments must be made when the job is completed or monthly, whichever is first and all paperwork must be turned in at that time. If payment is not provided with paperwork within a timely manner, the City may require daily payment.

The gate to the waste area must be kept locked when not hauling. The gate must be closed every night. Failure to close the gate may result in higher dump fees. Any illegal dumping should be reported immediately to the City office. Private Individuals/Non-Contractors will only be allowed to dump when accompanied by a City employee.

(Ordinance 23-01)

Section 7.05.100 Disposal Site. The City shall deliver all solid waste that the City collects to an approved solid waste disposal site.

Section 7.05.110 Violations and Penalty. Any person violating any of the provisions of this ordinance shall be liable for any and all cost incurred to clean up and/or rectify the violation. These costs shall include, but not be limited to, cost of clean up, any legal or professional fees and/or expenses incurred, and all cost to the City relating from the violation.

Section 7.05.120 Effective Date. This ordinance shall be in full force and effective five (5) days after passage and publication by posting as provided by law.