

AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE TITLE 13 TO REVISE AND CLARIFY WATER AND SEWER SERVICE PROCEDURES.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance shall be effective May 1, 2014.

Section 4. Amendment of Section 13.04.050. Haines Borough Code 13.04.050 is amended, as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED

13.04.050 Application for service.

A. Application Form. Each applicant for water service shall sign an application form provided by the chief fiscal officer giving the date of application, the date the 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 required, and such other information as the borough may reasonably require.

B. An application for water service hook-up shall be processed as follows:

1. The applicant shall provide the information required by subsection (A) of this section and shall submit the required fees and charges as set out in HBC 13.04.045, if applicable.

a. Application Fee. There shall be a nonrefundable water hook-up application fee for individual water hook-ups. There shall be a special nonrefundable application fee if the application is for water service in a subdivision or development involving an extension of water mains or the installation of four or more water hook-ups (HBC 13.04.045). The purpose of the application fee is to cover administrative costs to review the application.

b. Permit Fee. If the proposed hook-up requires permits or approvals from other agencies, the borough may either require the applicant to obtain these approvals at the applicant's expense prior to approval of the hook-up application, or the applicant shall submit the permit fee and an administrative charge (HBC 13.04.045) to the borough and the borough shall make application for the required permits.

2. The applicant shall sign a statement on the application verifying that the applicant agrees to be responsible for any and all of the borough's costs above the minimum hook-up fee. By signing the application, the applicant agrees to abide by the requirements of this chapter. The application is a request for service and does not bind the borough to furnish service.

3. Hook-Up Fee. The purpose of the hook-up fee is to pay for the borough's cost of material, labor, and equipment to install the water service line from the water main to the applicant's property line. The hook-up fee shall be the minimum fee amount, plus any additional cost to the borough related to the actual hook-up installation. When the department approves the application, the applicant shall submit the minimum hook-up fee as required in

(B)(2) of this section, as well as the expansion charge as required by HBC 13.04.055. Following full payment of these fees, the chief fiscal officer shall acknowledge payment on the application form. Provided all other approvals are complete, the chief fiscal officer's record of receipt of fees constitutes final approval of the application. The hook-up shall not occur prior to full payment of fees and final approval of the application. **The water service hook-up fee and any other fees shall be a lien against the property served in the same manner and to the same extent as a lien for special assessments and shall be enforced in the same manner provided for special assessment liens.**

4. Inspection Fee. If, in situations such as subdivisions or in local improvement district projects, the borough does not perform the work to connect the water service from the water main to the adjacent property line, the applicant shall pay an inspection fee for each hook-up in lieu of a hook-up fee. If the project involves a water main extension, there shall be an additional minimum inspection fee for the inspection of the first 100 feet of main extension or portion thereof, and an additional charge for each foot over 100 (HBC 13.04.045).

Section 5. Amendment of Section 13.04.150. Haines Borough Code 13.04.150 is amended, as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED

13.04.150 Main extensions.

A. Water main extensions may be installed to areas not presently served with water only after authorization of the assembly by resolution and only in accordance with plans, specifications, and methods of funding approved by the assembly.

B. The owners of property adjacent to or benefiting from a water main extension shall bear all costs of the main extension, including fire hydrants and water service lines, unless all or a portion of such costs are paid for by grant funds. The costs borne by the property owners shall also include design, permitting, construction, and inspection costs. The owners shall pay these costs through an owner-built or local improvement district, or any other method of payment or financing authorized by the assembly by resolution.

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

D. All main extension or customer service line work performed on public property or utility easement, unless performed by the borough, shall be performed by a contractor licensed by the state. As a prerequisite to commencing any work on the utility, the contractor shall furnish the borough with:

1. State of Alaska contractor's license;
2. Proof of worker's compensation insurance, if required by law;
3. A bond in the amount of \$5,000;
4. Other proof of capability to perform such work as required by the borough.

The contractor shall provide the borough with accurate as-built drawings for the work within 45 days of the completion of the installation. If the borough has not received accurate as-built drawings by the end of the 45 days, water service shall be discontinued to those properties served by the project.

E. If a property owner makes an application to have the department extend a water main to serve the owner's property, the department may enter into a refund agreement with the owner under which the owner may receive a refund for part of the cost of constructing the extension. If the department approves the application

and enters into a refund agreement with the owner, the owner will pay the department, prior to construction of the extension, a connection charge equal the estimated cost of constructing the extension as determined by the department. Thereafter, the department will collect a connection charge from any property owner who, within 20 years of the completion of the extension, connects to the extension with a service line. The amount of the subsequent connection charges shall be equal to the actual cost of the construction of the extension, divided by the total number of connection charges collected for that extension. The department will also charge a five percent (5%) administration fee whenever a connection charge is assessed. Whenever connections to the extension are approved by the department and connection charges are collected for such connections, the amounts of such connection charges shall be proportionally refunded to all persons or entities that have previously paid a connection charge. Refunds will be allowed only when service line connections are directly tapped to an extension. Refunds will not be allowed when additional extensions are connected to an extension. Refunds to an owner who pays a construction charge will follow the title of the property initially served by the extension.

Section 6. Amendment of Section 13.04.160. Haines Borough Code 13.04.160 is amended, as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGHS ARE BE DELETED

13.04.160 Service charges.

A. Service Connection Charges. At the time the applicant files for initial service or for a change in service size or location, the applicant shall submit with the application the minimum service connection charge in accordance with the rates and procedures specified in HBC 13.04.045 and 13.04.050. The final signing of the application form will verify the applicant's understanding that the applicant will be liable for the borough's actual cost of installing the connection from the main to the property line. Additional costs, if any, shall be billed at the completion of the work. The chief fiscal officer shall calculate the bill upon completion of the work by the borough for the customer, based upon the actual costs of labor and material, a reasonable charge for equipment used, and an allowance of 15 percent of such costs and charges for overhead expenses.

B. Meter Installation Fee. When a meter is installed by the department as per HBC 13.04.170, the customer shall pay a water meter installation fee (HBC 13.04.045), payable at the date of application. This charge is intended to cover the cost of installation of the meter, not the value of the meter.

C. Meter Rental Fee. When a meter is installed as per HBC 13.04.170, the customer shall pay a one-time water meter rental fee equal to the cost of the meter, payable at the date of application.

~~D.~~ Meter Inspection Fee. The authorized installation of any meter by other than borough personnel shall require an inspection by the department, or an assigned representative thereof, for a fee as set out in HBC 13.04.045, to guarantee the adequacy of the installation and to seal the meter.

~~E.~~ Meter Testing Fee. The meter testing fee shall be charged as per HBC 13.04.190.

EF. Frost Bottom Replacement. Frost bottoms broken through freezing of the customer service line shall be the responsibility of the customer. A fee as set out in HBC 13.04.045 shall be charged for frost bottom replacement.

FG. Meter Repair or Replacement. Meters broken through freezing or abuse of the customer shall be the responsibility of the customer. The costs of meter replacement or repair shall be paid for by the customer as replacement cost, to include the cost of the meter or meter part and the labor and materials required for its repair or replacement, plus a 15 percent overhead charge.

Section 7. Amendment of Section 13.04.180 Haines Borough Code 13.04.180 is amended, as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGHS ARE BE DELETED

13.04.180 Commercial Customers required to have metered water service.

A. All public, commercial, or industrial buildings constructed after May 5, 1975, and requiring water service shall have metered water service. ~~The cost of the meters shall be added to the water service hook-up fee.~~

B. Building owners applying for a change of use requiring water service shall have metered service. ~~The cost of the meter shall be added to the water service hook-up fee.~~

Section 8. Amendment of Section 13.04.270. Haines Borough Code 13.04.270 is amended, as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGHS ARE BE DELETED

13.04.270 Billing and payment.

A. Responsibility of Property Owners. The rates and charges established either in this chapter or as specified in the current assembly-approved water-sewer rate schedule shall be collected from the owners of the premises receiving service. Passage and publication of the ordinance codified by this chapter shall be deemed notice to all owners of real estate of their liability for water service supplied to any occupant or user of such service on their property.

B. Meter Reading – Billing. Water meters will be read and customers billed on the basis of those readings. Meters shall be read near the twentieth day of each month and customers billed before the end of that month. Residential customers will be billed every month before the end of the month at the rates specified in the current assembly-approved water-sewer rate schedule.

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

D. Payment of Bills. Each bill rendered shall be due when mailed. If the bill is not paid by ~~the twentieth day of the month following~~ **billing due date specified on the bill**, the account shall be considered delinquent.

E. Delinquent Accounts.

1. Delinquent Notice. A reminder of account delinquency may be sent, at the discretion of the chief fiscal officer, to each delinquent customer on or after 10 days after the account has become delinquent.

2. Turn-Off or Court Notice. On or after 15 days after an account becomes delinquent, a turn-off notice or a letter of intent to go to small claims court 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. Such date will not be less than five and no more than 15 days from the date of notice. A delivery to the premises served or mailing to the address of record of the customer shall be considered a delivery to the customer.

3. Service Turn-Off. On the turn-off date, the authorized department official or other agent of the borough shall turn off the service. The borough shall not be liable to tenants for damages resulting from water turn-off because of a landlord's failure to pay delinquent accounts.

4. Service Charge. In all instances where water has been turned off because of a delinquent account, a nonrefundable connection/service charge shall be made as specified in the current assembly-approved water-sewer rate schedule for the termination and restoration of services in addition to replacement of the cash deposit as required in HBC 13.04.060(B).

5. Interest Charges. Accounts will be charged one and one-half percent interest per month after becoming delinquent ~~for 30 days.~~

6. Liens. If a lien has been recorded, any delinquent amount owed to the utility shall constitute a lien upon the real estate for which water service is supplied, and the utility is authorized to file sworn statements showing such delinquencies in the office of the recorder of the Haines recording district.

F. Charges for Partial Month. A customer shall be considered to be receiving water service as long as the customer's control valve is turned on. Turn-on and shut-off procedures are specified in HBC 13.04.280 and 13.04.290, and fees are specified in the current assembly-approved water-sewer rate schedule. If service is for only a portion of the billing month, a nonmetered customer shall be billed as follows: Up to 15 days in a calendar month – one-half the monthly charge; 16 days or more in a calendar month – full monthly charge. Metered customers shall be billed the flat rate plus standard charges for water usage registering on their meter.

G. Exemptions and Adjustments to Charges. The manager and the chief fiscal officer shall have the authority to make all necessary adjustments or exemptions to the charges established in this chapter when directed to do so by the assembly or if, in the opinion of the manager or chief fiscal officer, such actions are in the public interest. Any adjustments or exemptions shall be made a part of the borough's public financial records along with an authorizing statement by the responsible party as to the reasons for the action taken. The decision of the manager or chief fiscal officer shall be final unless overruled by the assembly.

Section 9. Amendment of Section 13.04.280(A). Haines Borough Code 13.04.280(A) is amended, as follows:

NOTE: STRIKETHROUGH ITEMS ARE DELETED

13.04.280 Discontinuance of service.

A. On Customer Request. ~~Each customer about to vacate any premises supplied with water service by the department shall give the borough written notice of the customer's intentions at least two days prior thereto, specifying the date service is to be discontinued; otherwise, the customer will be responsible for all water supplied to such premises until the borough receives notice of vacation.~~

~~±~~ If the customer requests that the control valve be turned off, the request shall be accompanied by the minimum shut-off fee as specified by the current assembly-approved water-sewer rate schedule. Upon receipt of the shut-off fee, the borough will shut off the valve

within four days and will bill the customer for any shut-off fees in excess of the amount paid, computed at an hourly rate as specified by the current assembly-approved water-sewer rate schedule. Once the control valve has been turned off, no monthly bill will be rendered until the customer requests that the valve be turned on.

~~2. If the customer gives notice of vacation but does not desire that the control valve be turned off, the customer will be liable for the monthly base charge as specified by the current assembly approved water sewer rate schedule. If any water registers on the meter, the customer will also be liable for the gallonage charges.~~

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Section 10. Amendment of Section 13.08.020. Haines Borough Code 13.08.020 is amended, as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED

13.08.020 Main extensions.

A. A sewer main extension may be installed to an area not presently served with sewer only after authorization of the assembly by resolution and only in accordance with plans, specifications, and methods of funding approved by the assembly.

B. The owners of property adjacent to or benefiting from a sewer main extension shall bear all costs of the main extension, including manholes and sewer service lines, unless all or a portion of such costs are paid for by grant funds. The costs borne by the property owners shall also include design, permitting, construction, and inspection costs. The owners shall pay these costs through an owner-built or local improvement district or any other method of payment or financing authorized by the assembly by resolution.

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

D. All main extension or customer service line work performed on public property or utility easement, unless performed by the borough, shall be performed by a contractor licensed by the state. As a prerequisite to commencing any work on the utility, the contractor shall furnish the borough with:

1. State of Alaska contractor's license;
2. Proof of worker's compensation insurance, if required by law;
3. A bond in the amount of \$5,000;
4. Other proof of capability to perform such work as required by the borough.

The contractor, or the superintendent of public works if work is performed by the borough, shall provide the borough with accurate as-built plans for the work within 45 days of the completion of the installation.

E. If a property owner makes an application to have the department extend a sewer main to serve the owner's property, the department may enter into a refund agreement with the owner under which the owner may receive a refund for part of the cost of constructing the extension. If the department approves the application and enters into a refund agreement with the owner, the owner will pay the department, prior to construction of the extension, a connection charge equal the estimated cost of constructing the extension as determined by the department. Thereafter, the department will collect a connection charge from any property owner who, within 20 years of the completion of the extension, connects on to the extension

with a service line. The amount of the subsequent connection charges shall be equal to the actual cost of the construction of the extension, divided by the total number of connection charges collected for that extension. The department will also charge a five percent (5%) administration fee whenever a connection charge is assessed. Whenever connections to the extension are approved by the department and connection charges are collected for such connections, the amounts of such connection charges shall be proportionally refunded to all persons or entities that have previously paid a connection charge. Refunds will be allowed only when service line connections are directly tapped to an extension. Refunds will not be allowed when additional extensions are connected to an extension. Refunds to an owner who pays a construction charge will follow the title of the property initially served by the extension.

Section 11. Amendment of Section 13.08.120(B). Haines Borough Code 13.08.120(B)(3) is amended, as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED

13.08.120 Application for service.

A. Application Form. Each applicant for sanitary sewer service shall sign an application form provided by the chief fiscal officer giving the date of application, the date the applicant desires service to begin, purpose for which service is to be used, the billing address, the construction standards of the private service line, and such other information as the borough may reasonably require.

B. Applications for sewer service hook-up shall be processed as follows:

1. The applicant shall provide the information required by subsection (A) of this section and shall submit the required fees and charges as specified in the current assembly-approved water-sewer rate schedule.

a. Application Fee. There shall be a nonrefundable sewer hook-up application fee for individual sewer hook-ups. There shall be a special nonrefundable application fee if the application is for sewer service in a subdivision or development involving an extension of sewer mains or the installation of five or more sewer hook-ups. The purpose of the application fee is to cover administrative costs to review the application.

b. Permit Fee. If the proposed hook-up requires permits or approvals from other agencies, the borough may either require the applicant to obtain these approvals at the applicant's expense prior to approval of the hook-up application, or the applicant shall submit the permit fee and an administrative charge (HBC 13.08.115) as specified in the current assembly-approved water-sewer rate schedule to the borough and the borough shall make application for the required permits.

2. The applicant shall sign a statement on the application verifying that the applicant agrees to be responsible for any and all of the borough's costs above the minimum hook-up fee. By signing the application, the applicant agrees to abide with the requirements of this chapter. The application is a request for service and does not bind the borough to furnish service.

3. Hook-Up Fee. The purpose of the hook-up fee is to pay for the borough's cost of material, labor, and equipment to install the sewer service line from the sewer main to the applicant's property line. The hook-up fee shall be the minimum fee amount, plus any additional cost to the borough related to the actual hook-up installation. **The sewer hook-up fee and any other fees shall be a lien against the property served in the same manner**

and to the same extent as a lien for special assessments and shall be enforced in the same manner provided for special assessment liens.

When the department approves the application, the applicant shall submit the minimum hook-up fee as required in subsection (B)(2) of this section, as well as the expansion charge as required by HBC 13.08.125. Following full payment of these fees, the chief fiscal officer shall acknowledge payment on the application form. Provided all other approvals are complete, the chief fiscal officer's record of receipt of fees constitutes final approval of the application. The hook-up shall not occur prior to full payment of fees and final approval of the application.

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Section 12. Amendment of Section 13.08.230. Haines Borough Code 13.08.230 is amended, as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

13.08.230 Billing and payment.

A. Liable Parties. All sanitary sewer service charges, except the connection fee, shall be placed on the bill for borough water service, but those who do not receive water service shall be billed separately. The rates and charges herein established and as specified in the current assembly-approved water-sewer rate schedule shall be collected from the owners of the premises receiving service. Passage and publication of the ordinance codified by this chapter shall be deemed notice to all owners of real estate of their liability for sewer service supplied to any occupant or user of such service on their property.

B. Payment Deadline. All charges for sanitary sewer service shall be due when the bill containing the water and/or sewer service charges is mailed. If the bill is not paid by the **billing due date specified on the bill**, ~~twentieth day of the month following billing~~, the account shall be considered delinquent.

C. Delinquent Accounts.

1. Delinquent Notice. A reminder of account delinquency may be sent, at the discretion of the chief fiscal officer, to each delinquent customer on or after 10 days after the account has become delinquent.

2. Turn-Off or Court Notice. On or after 15 days after an account becomes delinquent, a turn-off notice or a letter of intent to go to small claims court shall state a date on or after either the sewer or water will be disconnected or turned off or court action will be initiated, if the delinquent account is not paid in full prior thereto. Such date will not be less than five nor more than 15 days from the date of notice. A delivery to the premises served or mailing to the address of record of the customer shall be considered a delivery to the customer.

3. Service Turn-Off. On the turn-off date, the authorized department official or other agent of the borough shall turn off the service. The borough shall not be liable to tenants for damages resulting from sewer disconnects or water turn-off because of a landlord's failure to pay delinquent accounts.

4. Service Charge. In all instances where the sewer has been disconnected or the water turned off because of a delinquent account under this section, a nonrefundable service charge as specified in the current assembly-approved water-sewer rate schedule shall be made for the restoration of services in addition to replacement of cash deposit as required in HBC 13.08.120(C).

5. Liens. If a lien has been recorded, any delinquent amount owed to the utility shall constitute a lien upon the real estate for which water service is supplied,

and the utility is authorized to file sworn statements showing such delinquencies in the office of the recorder of the Haines recording district.

D. Interest Charges. **Accounts will be charged** ~~One~~ and one-half percent interest per month ~~will be added to charges~~ **after becoming** delinquent ~~over 30 days~~.

E. Exemptions and Adjustments to Charges. The manager and the chief fiscal officer shall have the authority to make all necessary adjustments or exemptions to the charges and fees established in this title when directed to do so by the assembly or if, in the opinion of the manager or chief fiscal officer, such actions are in the public interest. Any adjustments or exemptions shall be made a part of the borough's public financial records along with an authorizing statement by the responsible party as to the reasons for the action taken. The decision of the manager or chief fiscal officer shall be final unless overruled by the assembly.

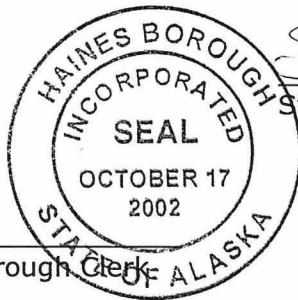
F. Residential Sprinkler Allowance. For the period from June 1st to August 31st of each year a metered residential customer may apply to the utility for a "sprinkler allowance." Upon submittal of the completed application form to the borough by the customer the borough shall authorize the allowance. Such allowance shall be determined by calculating the metered usage which exceeds the minimum 4,000 gallons per month. Any amounts in excess of the 4,000 gallons per month per unit during this period will only be charged at 50 percent of the metered usage. The purpose of this allowance is to make an adjustment for the metered usage based upon water meter registers where not all the water used is collected and treated by the sewer system.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 12 DAY OF MARCH, 2014.

ATTEST:



Michelle L. Webb, Interim Borough Clerk




Stephanie Scott, Mayor

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| Date Introduced: | 10/22/13 - Referred to G.A.S. Committee |
| Date of First Public Hearing: | 02/11/14 |
| Scheduled for Second Hearing: | 02/25/14 - Replaced with a substitute ordinance |
| Date of Second Public Hearing: | 03/12/14 - Adopted |