

CITY OF COFFMAN COVE  
ORDINANCE 24 - 04

AN ORDINANCE AMENDING TITLE VII, UTILITIES

**Section 1. Purpose.**

To add, delete and amend the language of Title VII, Utilities.

**Section 2. Classification.**

This Ordinance is of general and permanent nature and shall become part of the Municipal Code.

**Section 3. Prior Ordinance Superseded**

The Code supersedes any and all Ordinances adopted prior to this code and not included within this Code at the time of this Code's adoption.

**Section 4. Severability.**

If any provision of this Ordinance or application thereof to any person or circumstance is held invalid the remainder of this Ordinance shall not be affected thereby.

**Section 5. Titles and Chapters Adopted and/or Amended:**

**Section 7.03.080 Rules and regulations**

- A. The city council shall adopt *by ordinance* rules and regulations for the orderly and efficient operation of the utility department.
- B. ~~[The city council may establish rules and regulations imposing fines or penalties for violations. Rules or regulations must be publicized in accordance with the procedures set in paragraph "c" of this section.~~
- C. ~~All proposed rules and regulations, including additions, deletions, amendments and modification of existing rules and regulations shall be considered only after public notice and hearing. Public notices shall be accomplished by posting prominently in at least three public places within the community of Coffman Cove, Alaska. A descriptive summary of proposed rules and regulations or regulations, including the date and time of the public hearing by the city council shall be included as well as a statement that the full text of the proposed rules or regulations are available for public inspection at the Coffman Cove City Hall. The proposed rules and regulations shall take effect upon the date set in the notices as approved by the city council.]~~

**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 agreement
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
7.04.160	Utility rates
7.04.170	Establishment of credit and deposit
7.04.180	Billing and payment
7.04.190	<del>[Notices and complaint procedures]</del> <i>Delinquency notice</i>
7.04.200	<del>[Non-sufficient funds check]</del> <i>Termination notice</i>
7.04.210	<del>[Late fee]</del> <i>Termination of service</i>
7.04.220	<del>[Termination of service by customer order removed]</del> <i>Reconnect charge</i>
7.04.230	<del>[Disconnection of service]</del> <i>Collection from owner of property</i>
7.04.240	<i>Temporary disconnection by customer order</i>
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 for fraud or abuse
7.04.290	Termination of service for unauthorized reconnections
<del>7.04.390</del>	<del>Delinquent Utility Account Resolution Process]</del>

#### Section 7.04.060 Classification of service

~~[The city reserves the right to make a special contract where the requirements for services is large or unusual, or requires special services, equipment of capacity. The provisions may differ from the regularly published utility rates and regulations. The city shall be notified by the customer of any changes in the plumbing fixtures that require higher water use. The mayor or designated staff is empowered to negotiate such contracts. After each negotiation, the city council shall review and approve or reject the contract.]~~

#### [Section 7.04.065

~~When it is deemed in the best interests of the city to do so, the city council may through resolution vary from the adopted utility bill payment policies, payment schedules, and shut-out requirements as outlined in this code and establish utility service payment arrangements with individual utility customers, annual a utility~~



~~customer's outstanding utility service debts or set special requirements for utility service within the city. Said resolution shall identify the merits or reasoning for any variance and shall specify in sufficient detail the provisions and requirements of any such arrangement.~~

#### Section 7.04.110 Water meters

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 ~~[except under special contract from the city council].~~

#### Section 7.04.130 Resale of utility service

Resale of a utility service by a customer is expressly prohibited ~~[except through special contract shall be in writing. The city may directly sell services to individuals or businesses, but only in those cases where applications is made to the city prior to the sale, and is not done at the expense of the other users].~~

#### Section 7.04.180 ~~[Bills – payment by the due date]~~ *Billing and payment*

~~[Each bill rendered shall contain the final date on which payment is due. If the bill is not paid by the due date, the account shall be considered delinquent unless arrangements have been made with the Treasurer, in writing, that specifies another due date. If the date falls on a weekend or holiday observed by the city, the due date shall be the close of business on the next business day of the city. Bills not paid by the due date shall be subject to a monthly late charge on any balance due.~~

- ~~A. Bills – turn off delinquency notice for delinquency: Forty five days after the account becomes delinquent, a turn off delinquency notice shall be sent to the customer, stating the date on which the water will be turned off if the delinquent account is not paid in full prior thereto. (attachment D ) The stated turn-off date shall be no sooner than ten days following the turn-off notice to the customer. The turn-off notice shall contain a statement informing the customer of his/her right to an informal hearing before the treasurer during regular office hours, on a day at least one day prior to the stated turn-off date. Such hearing shall only be held upon the request of the customer, and for the purpose of providing an opportunity for the customer to present any facts he/she may have that place the delinquency of his/her account in dispute. The decision of the City Treasurer will constitute the final decision of the city.~~
13. Service turn-off for delinquent accounts – method: On the turn-off date, the agent of the city shall deliver written notice to the customer by personal delivery stating the water service is being turned off until all delinquent amounts have been paid. The agent of the city shall immediately there after turn off the service. A delivery to any person over the age of 18, majority residing at the address served shall be considered a delivery to the customer. In the event no person is present at the address served, the notice may be left on the premises stating the water service will be discontinued



at 12:00 noon of the next day. If delinquent bills are not paid within that period, the agent of the city shall return to the premises, shut off the water and leave a notice that the water service has been turned off until all delinquent amounts have been paid in full.]

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.

**Section 7.04.190 [Notices and complaint procedures] Delinquency notice**

- A. ~~[Notices to customers: Notices to customers from the city of any kind of activities related to water and sewer will normally be in writing and mailed or delivered to the customer. Where conditions warrant, and in emergencies, the city may notify customers by telephone or public notice.~~
- B. ~~Notices from customers: Notices from customers to the city shall be given in writing to the utility clerk. Notices that result in a change of service or in work being performed by the city for the customer must be accompanied by a repair work order signed by the customer responsible for payment.~~
- C. ~~Customer complaint procedures: The city desires to resolve any customer complaint in the most expeditious manner with the appropriate staff of the city. The city will respond to each complaint within five working days of its receipt.]~~

The city clerk may, but shall not be required to, send a notice of delinquent account 10 days after the account becomes delinquent.

**Section 7.04.200 [Non-sufficient funds check] Termination notice**

~~[Customers tendering payment with a non-sufficient funds check will be charged a fee equal to the corresponding bank charges. When the city is notified by the customer's bank that there are insufficient funds to cover the check tendered for water and sewer services, the city may require the customer to pay in cash or by money order to guarantee the customer's payment to the city.~~

~~No customer who tenders a non-sufficient funds check will be relieved of obligation to pay the city under the original terms of the bill and entitled to defer the city's right to disconnect service for non-payment of bills. (Ordinance 16 02)]~~

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.

**Section 7.04.210 [Open] 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.

**Section 7.04.220 [Open] 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.

**Section 7.04.230 [Disconnection of service] Collection from owner of property**

**[Disconnection procedures are as follows:**

~~Ten days after the notice of delinquency has been sent, and a decision has been made, the Treasurer shall send the final notice (attachment E) to the customer. The notice shall be hand-delivered and posted on the door of the customer's place of residence. The notice shall state that the utility operator or designee has been instructed by the accounts receivable department according to our collection policy, to disconnect service at 12:00 noon of the next day. The Treasurer shall also include procedures for reconnection notice (attachment F), which describes the procedures for reconnection.]~~

The rates and charges established for water services shall be collected from the owner of record of the real property receiving water services. "Owner" means the person or persons, corporation or other legal entity holding title to land, or as a vendee or vendees under a land sales contract, or holding any other title or interest in land, including, but not limited to, equitable, legal or joint interest of record.

Nothing in this section shall be construed to restrict or compromise the City's right and discretion to accept payment for water services from other than the owner and the City may, in its discretion, pursue any legal remedy, including an action in court, to collect payment for water services from any owner, tenant, occupant or user of real property.

**Section 7.04.240 Temporary disconnection by customer order**

**[Procedure for 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 ~~can~~ *will* be in writing ~~[or verbal]~~ and is needed only if the customer would like the water turned off at the stub-out.

**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 [~~one day after notification~~]. Allowing the water to run continuously to prevent a freeze up rather than installing proper insulation and electrical heat tape is considered wasting water. [~~At the option of the city, a customer may be allowed to continue service if he has installed a meter at his expense and he pays a rate based upon consumption.~~] 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 15-04)]~~

#### **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 access boxes for connection and reconnection of service including removal of all snow drifts around the box.

The customer is responsible for ~~[insuring]~~ 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 7.04.380 Property Liens**

A. 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. ~~[As outlined in AS 29.35.010 (17), the City has legal authority to provide by ordinance for the creation, recording, and notice of a lien on real or personal property to secure payment of past due utility fees, costs incurred by the municipality in the abatement of an unsafe or dangerous building, and other fees and charges provided for by ordinance; except as otherwise provided by state law, when recorded, a municipal lien under this paragraph has priority over all other liens except:~~

- ~~1. Liens for property taxes, special assessments, and sales and use taxes;~~
- ~~2. Liens that were perfected before the recording of the lien under this paragraph;~~
- ~~3. Liens that, under state law, are prior, paramount, and superior to all other liens; and~~
- ~~4. mechanics' and material men's liens for which claims of lien under AS 34.35.070 or notices of right to lien under AS 34.35.064 have been recorded before the recording of the lien under this paragraph.]~~

B. The ~~[Billing Clerk]~~ *City Treasurer* shall maintain a list of all customers whose utility accounts with the City are ~~[seriously]~~ delinquent ~~[as defined in section 7.04.390, and are not paid in full as described in Coffman Cove City Code Section 7.04.180]~~. 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 ~~[Billing]~~ *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 ~~[from the date of delinquency]~~.

C. 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.

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

#### **[Section 7.04.390 Delinquent Utility Account Resolution Process]**

- A. ~~Past Due Accounts: When a utility account is not paid in full by the due date listed on the utility bill, the account becomes past due. Section 7.04.010 defines "delinquent" as 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. When the account becomes delinquent, a finance charge of \$10 per month is assessed on the past due account balance, including each successive bill that the account is past due. Failure to receive mail will not be recognized as a valid excuse for late payments. The customer whose account is past due shall receive their next regular utility bill stating the account balance.~~
- B. ~~When an account is determined to be delinquent, the City will send the account holder a notice by certified mail or other mail delivery service that provides acknowledgment of delivery. The notice will provide a copy of the most recent utility~~