

SELDOVIA
CITY COUNCIL

WEDNESDAY
March 27, 2019
6:00PM



SPECIAL MEETING
MULTI-PURPOSE ROOM

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**AGENDA FOR A SPECIAL MEETING
OF SELDOVIA CITY COUNCIL
COUNCIL CHAMBERS
Wednesday
March 27, 2019
6:00pm**

ROJAS LETHIN SWEATT COLBERG CAMPBELL MORRISON
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- A. Call to Order & Roll Call:
- B. Pledge of Allegiance:
- C. Excused Absences:
- D. Agenda Approval:
- E. Consent Agenda: *(All items under the Consent Agenda are approved with a single motion, no discussion, and one vote. A Council Member may request to remove an item(s) for discussion and a separate vote.)*
 - 1. Approval of Minutes: Minutes of the Regular Meeting, March 11, 2019
 - 2. Payment Approval Report:
 - 3. Ordinance Introduction:
- F. Mayoral Proclamations:
- G. Public Presentation Prior Notice: (each presenter has up to 10 min)
- H. Public Presentation for Items not on Agenda: (public has 3 min each)
- I. Committee and Advisory Board Reports: (each member has 5 min)
- J. Public Hearings:
 - 1. Discussion- RESOLUTION 19-18 A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF SELDOVIA, ALASKA, ESTABLISHING THE MIL RATE FOR FY 2020. (recommended adoption April 22, 2019)
 - a. Presentation by Staff or Council
 - b. Council Discussion
 - c. Public Presentation or Hearing (public has 3 min each)
 - d. Action/Disposition
 - 2. RESOLUTION 19-19 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACT WITH MEDOVA HEALTHCARE FOR EMPLOYEE HEALTH INSURANCE
 - a. Presentation by Staff or Council
 - b. Council Discussion
 - c. Public Presentation or Hearing (public has 3 min each)
 - d. Action/Disposition
 - 3. ACTION MEMORANDUM 19-09 APPROVING THE CAMERON 2019 CONDITIONAL USE PERMIT FOR FRANK RABY 1984 REPLAT LOT 4A BLK 9
 - a. Presentation by Staff or Council
 - b. Council Discussion
 - c. Public Presentation or Hearing (public has 3 min each)
 - d. Action/Disposition
- K. Unfinished Business:
 - 1. Discussion- DOT Land Relinquishment Application- Seldovia Airport
 - a. Presentation by Staff or Council
 - b. Council Discussion
 - c. Public Presentation or Hearing (public has 3 min each)
 - d. Action/Disposition

L. New Business:

1. ACTION MEMORANDUM 19-08 RECOMMENDING THE APPOINTMENT OF KIRK ZINCK AS THE REPRESENTATIVE FOR SELDOVIA TO THE PRINCE WILLIAM SOUND REGIONAL CITIZENS' ADVISORY COUNCIL (PWSRCAC)
 - a. Presentation by Staff or Council
 - b. Council Discussion
 - c. Public Presentation or Hearing (public has 3 min each)
 - d. Action/Disposition
2. ORDINANCE 19-08 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA, AMENDING TITLE 13 UTILITIES; ADOPTING CHAPTERS 13.02 DEFINITIONS AND 13.04 GENERAL PROVISIONS, REPEALING CHAPTERS 13.16, 13.20, 13.32, 13.36, 13.64, AND 13.72, AND AMENDING TITLE 1 GENERAL PROVISIONS SECTION 1.08.040 TO ADOPT CODE SECTION 13.04.055
 - a. Presentation by Staff or Council
 - b. Council Discussion
 - c. Public Presentation or Hearing (public has 3 min each)
 - d. Action/Disposition
3. ORDINANCE 19-09 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA, AMENDING TITLE 15 HARBORS AND BOAT MOORAGE; ADOPTING SECTION 15.04.060 CHARGES ON DELINQUENT ACCOUNTS, AMENDING 15.04.050, 15.16.120, 15.16.200, AND REPEALING 15.20.210
 - a. Presentation by Staff or Council
 - b. Council Discussion
 - c. Public Presentation or Hearing (public has 3 min each)
 - d. Action/Disposition

M. Administration Reports:

1. Treasurer's Report: See Laydown
2. City Manager's Report: See Laydown
3. Chief of Police Report: See Laydown

M. Informational Items Not Requiring Action:

1. The next FY20 Budget Workshop is scheduled for April 08, 2019 at 4:00pm.

O. Executive Session:

P. Council and Mayor Comments Concerning Items Not on the Agenda:

Q. Next Meeting: Regular Meeting will be held on Monday, April 8, 2019 at 6:00 pm

R. Adjournment:

* IF YOU REQUIRE SPECIAL ASSISTANCE TO ATTEND THE MEETING, PLEASE NOTIFY THE CITY OFFICE 24 HOURS IN ADVANCE AND ARRANGEMENTS WILL BE MADE *

Seldovia City Council Regular Meeting March 27, 2019

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Pages 14-50	Ordinance 19-08 Title 13 Amendment- DRAFT
Pages 51-64	Ordinance 19-09 Title 15 Amendment and Late Fee- DRAFT

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Introduced by:
Date:
Action:
Vote:

RESOLUTION 19-18

A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF SELDOVIA, ALASKA, ESTABLISHING THE MIL RATE FOR FY 2020.

WHEREAS, the Kenai Peninsula Borough requires a municipality's Mil Rate to be established before June 15 of each year; and

WHEREAS, the City of Seldovia recognizes the need to provide and fund basic services for the citizens of Seldovia; and

WHEREAS, the costs of providing services are consistently high; and

WHEREAS; fiscal support from the State of Alaska and outside agencies continues to diminish; and

WHEREAS, the City of Seldovia has enacted a tax package for the mil rate to remain at 7.5 mils to support and provide basic City services which includes a City property tax mil rate of 7.5 mils, a Borough tax mil rate of 4.5, a Recreational Service Area tax mil rate of .75mils, a winter sales tax rate to remain at 2.0%, a summer sales tax rate to remain at 4.5%, a Borough sales tax rate to remain at 3%; and

WHEREAS, the adopted FY19 budget reflects this Mil Rate at 7.5 mils;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Seldovia sets the Mil Rate for Real Property at 7.5 mils for the Fiscal Year beginning on July 1, 2019 and continuing to the following June 30, 2020.

PASSED AND APPROVED by a duly constituted quorum of the City Council of the City of Seldovia, Alaska, on this ____ day of _____ 2019.

ATTEST:

APPROVED:

Heidi Geagel, City Clerk

Dean Lent, Mayor

**CITY OF SELDOVIA
RESOLUTION 19-19**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA
AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACT WITH
MEDOVA HEALTHCARE FOR EMPLOYEE HEALTH INSURANCE**

WHEREAS, the City Council of the City of Seldovia adopted Resolution 19-13 on January 14, 2019 authorizing the City Manager issue a request for proposals for city employee health insurance and to provide notice of withdraw to the current employee health insurance; and

WHEREAS, the City of Seldovia received proposals from a consultant which were evaluated by City Administration, and agreed that the best proposal for health insurance was the one submitted by Medova Healthcare; and

WHEREAS, Medova Healthcare offered comparable insurance to current employee city staff insurance with lower premiums; and

WHEREAS, the City of Seldovia aspires to offer exceptional employee health coverage while remaining cost-effective and budget-minded; and

WHEREAS, by entering into contract there will be a significant monthly savings to employees and a 44% savings to the City of Seldovia.

NOW THEREFORE: BE IT RESOLVED THAT: the City Council of the City of Seldovia authorizes the city manager to enter into contract with Medova Healthcare for employee health insurance with a term beginning July 1, 2019 and to execute all appropriate documents.

PASSED AND APPROVED by a duly constituted quorum of the City Council of the City of Seldovia, on this 27th day of March, 2019.

ATTEST:

APPROVED:

Heidi Geagel, City Clerk

Dean Lent, Mayor

Approved	Denied
Public Hearing:	
Date Action Taken:	
Attest:	

**CITY OF SELDOVIA
ACTION MEMORANDUM 19-09**

Title: Approving the Cameron 2019 Conditional Use Permit for Frank Raby 1984 Replat Lot 4A Blk 9.

Agenda of: March 27, 2019

Originator: Heidi Geagel, City Clerk

Date: 03/14/2019

Route to:	Department Head	Signature	Date
X	City Clerk	<i>Heidi Geagel</i>	03/19/2019
X	City Manager		
X	Planning Commissioner	<i>Paula Cheluccia</i>	03-21-2019

Attachment(s):

- Conditional Use Permit Application- Cameron
- Lot 4A Blk9 Parcel Imagery
- KPB Assessing Department Property Details
- 1992 Approved Building Permit

Summary Statement:

Applicant Kathy Cameron has filed an application for a conditional use with the City of Seldovia. The application requests to allow for a residential use that is currently allowed as a conditional use per SMC 18.44.030 and states that the main residence has been located on the described lot since 1992; it is a single family, wood framed home.

City staff have reviewed the application and accompanying documents and have attached the approved building permit for the 32x40 house from 1992. According to SMC chapter 18.84 Nonconformity, use or occupancy that legally exists prior to the adoption of the code shall be considered nonconforming and may continue but may not be expanded.

SMC 18.84.010 Intent. When any lot, Structure, use or occupancy legally exists prior to the adoption of this zoning code (adopted May 27, 1998), but does not meet the requirements of this zoning code. it shall be considered a nonconforming lot, structure or use. Except as provided in this zoning code, nonconformities may continue but may not be expanded.

**CITY OF SELDOVIA
CONDITIONAL USE PERMIT
APPLICATION FORM
FEE: \$150.00**

Name: Kathy Cameron

Mailing Address: PO BOX 47 Seldovia, Alaska 99663

Legal description of lot/lots: T 8S R 14W SEC 32 SEWARD MERIDIAN SL 0850003 FRANK RABY 1984 REPLAT OF BLOCK 9 & 10 & REPLAT OF TRACT 1 SELDOVIA SCHOOL SITE LOT 4-A BLK 9

KPB Parcel ID #19204306

Zoning District of lot/lots: Commercial

Description of neighboring land use: Outbuildings and storage for commercial fishing operation, primarily for the F/V Joann Marie

Description of proposed use (include dimensional plot plan, and other maps and diagrams):

The main residence has been located on the described lot since 1992; it is a single family, wood framed home. The request is to allow for residential use that is currently allowed as a conditional use per SMC 18.44.030.

Signature of land owner

Date

.....
Date Received: _____
Receipt No: _____
Public Hearing: _____

For City Office use only

P&Z Approval: _____

Attest: _____





Kenai Peninsula Borough, Alaska

Assessing Department

[Go Back](#)
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[Print Report](#)
[Property Taxes](#)

General Info

Property Owner:
CAMERON KATHY
PO BOX 47
SELDOVIA AK 99663-0047

[Change of Address](#)
[Owner\(s\)](#)
Property ID

19204306

Address

333 ANDERSON WAY

Transfer Date

1/1/2015

Document / Book Page

DC10003116

Acreage

0.2600

Tax Authority Group

10 - SELDOVIA CITY

Legal Description

Description

T 8S R 14W SEC 32 Seward Meridian SL 0850003 FRANK RABY 1984 REPLAT OF BLOCK 9 & 10 & REPLAT OF TRACT 1 SELDOVIA SCHOOL SITE LOT 4-A BLK 9

Value History

Year	2018	2017	2016	2015	2014	2013	2012	2011	2010
Reason	Main Roll Certification	Main Roll Certification	Main Roll Certification	Main Roll Certification	Main Roll Certification	Main Roll Certification	Main Roll Certification	Main Roll Certification	Main Roll Certification
Land Assd	\$27,100	\$27,100	\$27,100	\$31,800	\$31,800	\$31,800	\$31,800	\$31,800	\$31,800
Imp Assd	\$149,900	\$146,000	\$123,200	\$122,400	\$105,600	\$106,800	\$108,100	\$117,200	\$125,000
Total Assd	\$177,000	\$173,100	\$150,300	\$154,200	\$137,400	\$138,600	\$139,900	\$149,000	\$157,000

Extension Details

R01

[A. Profiles](#)
[Floor Area](#)
[Exterior Features](#)

Story

Attribute

Detail

Type

1 L FRAME

Occupancy

Single family

Roof Structure

Gable

Roof Cover

Metal

Heating

Forced hot air

Stories

1.0

Bathrooms

1

Bathrooms (Half)

1

Feature

Wood Stove

1 Exterior Wall

Vinyl siding-economy

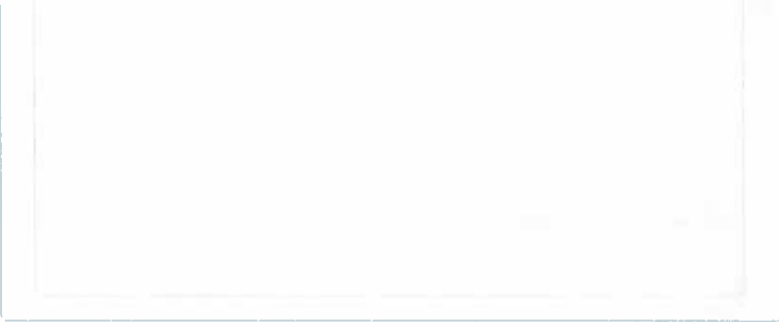
1 Interior Wall

Normal for Class

1 Interior Flooring

Base Allowance

Address	333 ANDERSON WAY
Type	1 L FRAME
Grade	Avg
Year Built	1992
Value	\$145,500



Sketch Legend

Improvements								
Code	Description	Year	Building	Length	Width	Units	Unit Type	Value
DRIVE	Gravel Driveway	3000	R01	0	0	1	IT	\$1,500
SHEDGP	Shed - Gen Purpose Frame, up to 10'eave	2013	R01	16	16	256	SF	\$2,900

POST THIS CARD AT OR NEAR FRONT OF BUILDING
CITY OF SELDOVIA

92-09

BUILDING DEPARTMENT
INSPECTION RECORD

\$ 126.50 paid

Type	Occupancy

Job Address Lot 5a Block 9
Nature of Work new building frame construction
Use of Building residence
Building Permit No. 92-09 Date Issued 10-6-92
Owner Eugene Cameron
Contractor Jim Hecks and self

Inspector must sign all spaces pertaining to this job

INSPECTION

DATE

INSPECTOR

Foundations:

Setback

Excavation

Reinforcing

Pour no concrete until inspection has been made

Concrete Slab Floor

Electrical (Groundwork)

Plumbing (Groundwork)

Do not pour floor until above has been signed

Rough Framing

Cover no work until above has been signed

Rough Plumbing

Rough Electrical

Final

Chapter 18.84 Nonconformity

Sections:

- 18.84.010 Intent.
- 18.84.020 Nonconforming Lots.
- 18.84.030 Nonconforming Structures.
- 18.84.040 Nonconforming Uses.
- 18.84.050 Elimination of Nonconforming Lots, Structures and Uses.

18.84.010 Intent. When any lot, Structure, use or occupancy legally exists prior to the adoption of this zoning code (adopted May 27, 1998), but does not meet the requirements of this zoning code, it shall be considered a nonconforming lot, structure or use. Except as provided in this zoning code, nonconformities may continue but may not be expanded.

18.84.020 Nonconforming Lots. Each parcel of land of record on the effective date of this zoning code or amendments thereto may be developed in conformity with all other provisions of this zoning code even though such parcel fails to meet the minimum lot size required. However, owners of contiguous parcels on the effective date of this zoning code or amendments thereto, which parcels would not meet the minimum lot size if considered separately, shall not be permitted to sell or develop the contiguous parcels in a manner which increases the number of nonconforming parcels.

18.84.030 Nonconforming Structures. Nonconforming structures are subject to the following restrictions:

- A. No such structure may be enlarged or altered in a way which increases its nonconformity;
- B. Any such structure, which is moved for any reason for any distance whatever, shall thereafter conform to the regulations for the zone in which it is located after it is moved.

18.84.040 Nonconforming Uses. Nonconforming uses are subject to the following provisions:

- A. No structure shall be altered except as permitted in this zoning code.
- B. Nonconforming uses shall not be extended to occupy any land outside nonconforming structures.
- C. When a nonconforming use is discontinued for 1 (one) year, the use shall not thereafter be permitted except in conformance with the regulations of this zoning code.

D. When a nonconforming structure is destroyed, all associated nonconforming uses shall be deemed terminated.

E. The nonconformity shall not be moved to any other portion of the lot or the parcel.

18.84.050 Elimination of Nonconforming Lots, Structures and Uses. A reasonable schedule for the termination of a nonconforming lot, structure or use, or combination thereof, which significantly impairs the public health, safety and general welfare or the rights of neighboring property owners pursuant to this zoning code, shall be established by amendment to the Seldovia Zoning Code.

Approved	Denied
Public Hearing:	
Date Action Taken:	
Attest:	

CITY OF SELDOVIA
ACTION MEMORANDUM 19-08

Recommending the Appointment of Kirk Zinck as the representative for Seldovia to the Prince William Sound Regional Citizens' Advisory Council (PWSRCAC)

Originator: Heidi Geagel, City Clerk

Agenda of: March 27, 2019

Date: 03/14/2019

Route to:	Department Head	Signature	Date
X	City Clerk	<i>Heidi Geagel</i>	03/19/2019
X	City Manager	<i>Camie Camen</i>	3/19/19

Attachment(s):

- Kirk Zinck Letter of Interest

Summary Statement:

The term for the PWSRCAC representative for Seldovia is set to expire May 2019.

The current PWSRCAC representative for Seldovia, Alison Rein, has stated that she will no longer be able to represent Seldovia.

Kirk Zinck expressed an interest in representing Seldovia on the PWSRCAC board when the position was previously posted and has filed a letter of interest with the City of Seldovia upon the new opening.

The term will begin immediately and will be set to expire May 2021.

Administration recommendation: Approve Action Memorandum 19-08.

Kirk Zinck, Ph.D.
PO Box 69
Seldovia, AK 99663
kzinck@alaska.net

March 9, 2019

To Members of the Seldovia City Council:

I am writing to express my desire to represent the interests of Seldovians and other citizens of Kachemak Bay, on the Prince William Sound Regional Citizen Advisory Council.

I am a lifelong Alaskan who remembers well the Exxon Valdez Oil Spill of 1989 and its devastating impact upon the environment, inhabitants (human and animal) and economy of coastal areas affected by this tragedy. In the present, as I interact with Seldovians and other people in a variety of southcentral communities, I still encounter people whose lifestyle and means of making a living was significantly and forever altered by the effects of the 1989 oil spill.

While changes and improvements in transporting oil (and other hazardous cargo) have evolved over the past 30 years, ocean transportation will continue for decades to come. This reality presents an ongoing risk to the environment, lifestyle, and economic well-being of coastal Alaskans. It is a risk our society chooses to accept (and moderate), so we can obtain the benefits of oil production. Through a combination of participatory oversight and good fortune, we have not suffered another large oil spill. Yet we must remain aware and involved in the management and protection that are critical aspects of transporting oil. This is a shared responsibility. Despite the drawbacks and disagreements related to oil production, we all benefit from the production and the use of petroleum products.

In seeking the advisory board position, I anticipate being an informed and active participant in protecting and honoring our coastal areas and ways of life. My participation will allow me to devote time, energy, and knowledge to protecting the environment and preserving the unique lifestyle opportunities afforded to those who live on the coast. It will allow me to “give back” some of the benefits I derive by living here, so that present occupants and future generations may continue to experience and enjoy living and working in coastal Alaska.

I recognize that I must devote time and energy to become well informed about oil transportation in Prince William Sound and the Gulf of Alaska. I expect that I must also get “up to speed” quickly on current plans, problems, and issues, and specific concerns of Seldovia residents. I am willing to devote the necessary time and energy to these tasks. My goals include becoming an informed and influential participant in the advisory process, emphasizing the translation of knowledge and ideas into action (as appropriate), and ensuring that citizens I represent retain a voice in decisions related to oil transportation and environmental preservation.

I believe that I can offer informed, active, and credible service as Seldovia’s representative on the Prince William Sound Regional Citizen Advisory Council. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Kirk Zinck".

Kirk Zinck, Ph.D.

**CITY OF SELDOVIA
ORDINANCE 19-08**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA,
AMENDING TITLE 13 UTILITIES; ADOPTING CHAPTERS 13.02 DEFINITIONS AND 13.04
GENERAL PROVISIONS, REPEALING CHAPTERS 13.16, 13.20, 13.32, 13.36, 13.64, AND 13.72,
AND AMENDING TITLE 1 GENERAL PROVISIONS SECTION 1.08.040 TO ADOPT CODE
SECTION 13.04.055**

SECTION 1. CLASSIFICATION: This ordinance is permanent in nature and shall become a part of the Municipal Code of the City of Seldovia.

SECTION 2: SEVERABILITY: If any provision of this ordinance or any application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application to another person or circumstances shall not be affected thereby.

SECTION 3. ENACTMENT: ADOPTING CHAPTERS 13.02 DEFINITIONS AND CHAPTER 13.04 GENERAL PROVISIONS, REPEALING CHAPTERS 13.16, 13.20, 13.32, 13.36, 13.64, AND 13.72, AND AMENDING TITLE 13 BY REMOVING LANGUAGE IN ~~STRIKEOUT~~ AND ADDING LANGUAGE IN **HIGHLIGHT** TO READ AS FOLLOWS:

**Title 13
Utilities**

Chapters:

13.02 Definitions

13.04 General Provisions

13.046 Sewer Connections

13.08 Side Sewers

~~13.16 Sewer Utilities--Application and Conditions Service~~

~~13.20 Sewer Utilities--Customer Service Complaints~~

13.24 Sewer Utilities--Reimbursement Policies

13.28 Sewer Utilities--Assessment Policies

~~13.32 Sewer Utilities--General Provisions~~

~~13.36 Seldovia Water Utility--Scope of Rules and Regulations~~

13.40 Seldovia Water Utility--Nature and Types of Service

13.44 Seldovia Water Utility--Extension of Service

13.48 Seldovia Water Utility--Liability

13.52 Seldovia Water Utility--General Service Conditions

13.56 Seldovia Water Utility--Service Connections and Extensions

~~13.64 Seldovia Water Utility--General Provisions~~

Chapter 13.02 Definitions

Sections:

13.02.010 Title.

13.02.020 Definitions.

13.02.010 Title. This title shall be known as the "utility ordinance of the city of Seldovia, Alaska."

13.02.020 Definitions. Except where the context otherwise requires, the following words and phrases shall have the following meaning:

"Accessible" means capable of being reached quickly for operation, removal or inspection without requiring those desiring access to climb ladders, to climb over or remove obstacles or to unlock doors.

"Applicant" Means a person, including a corporation, partnership, association, and governmental unit or agency, who requests utility service or the extension of utility facilities or interconnection under these provisions and who may be synonymous, as circumstances permit, with "developer," "owner," "contractor," "builder," and similar terms associated with the improvement and development of real property and the construction of buildings and related improvements and their heirs, successors.

"City" means the City of Seldovia, Alaska.

"Class of service." Means the type of service rendered by the city to a customer under a particular rate schedule

"Cleanout" means a pipe inserted into the sewer extension through which a cleaning device can be inserted into the sewer extension.

"Commercial or industrial service" means the type of service rendered to a premise's utility primarily or substantially for business purposes or other than as living accommodation for occupants.

"Completion of construction" means the date upon which the City Manager based on inspection reports, that the extension is complete and fully operable and he accepts the extension for operation and maintenance.

"Comprehensive plan" means that plan prepared by the engineering firm of Pacific Rim Planners and adopted by the City and borough in 1980. a compilation of policy statements, goals, standards, and maps for guiding the physical, social, and economic development, both private and public, of Seldovia, and adopted by the City of Seldovia in 2014.

"Cost of construction" means the total cost of constructing the facility involved, including the costs for property acquisition, design and engineering, legal fees, permit fees, administrative overhead and the total cost of the final construction work.

A "customer" or "consumer" is an individual, firm, corporation, partnership, institution or association, receiving sewer service from the utility. in whose name a utility account is held and the occupant, resident or tenant of any premises served by a city utility.

"Domestic sewage" means containing human or animal excreta, other than industrial waste.

"Duplex" or "duel-residence" a building divided into two dwelling units with a separate entrance for each.

"Dwelling unit" means one or more rooms and kitchen facilities in a building or portion of a building designed as a unit for occupancy by not more than one family for living and sleeping purposes.

"Eight-inch equivalent water system" means a system equal to an eight-inch water system including all mains, valves, tees, crosses, fire hydrants and other fittings or connections that would normally be included as part of the water system installed.

"Home occupation" means an occupation conducted in a residential dwelling unit by the residents of the unit that is secondary to the use of the dwelling for living purposes and does not involve more than one paid assistant who does not reside on the premises.

"Industrial waste" means waste other than domestic waste.

"Large commercial service rate" a service billing rate to a single property that includes 3 dwelling units or more (e.g. triplexes, or fourplexes), or three or more services in on one property, including a residence with two commercial purposes. Restaurants and bars are automatically considered large commercial regardless of their number of services.

"Locate" means to discover and mark the horizontal course of a water facility on the overlying surface.

"Keybox (curb valve, curb cock)." Means the shut-off point for water service, which is the property of the customer.

"Maintenance" means any repairs or upkeep of the Spruce Street Force Main Sewer extensions, force mains, and force mains system. (Ord. 97-03)

"Manager" means the City Manager or his designee.

"May". The word "may" is considered as permissive.

"Multiple Use Buildings" means a single water connection with multiple services, such as a duplex, office building, commercial building, or a commercial building with a residence.

"Normal business hours" means the hours between eight a.m. and five p.m. on Monday through Friday, excluding recognized City of Seldovia holidays.

"Occupied" reside or have one's place of business in a building.

"Premises" Means the real property of the customer in a single location being served by the city.

"Public sewer" means a sewer or appurtenant facility other than a side sewer, either owned or operated by or within the jurisdiction of the City. any sewer collection system operated by or under the authority of the city.

"Residence" a single-family dwelling unit occupied for 30 consecutive days.

"Residential service" or "Base Rate Residential Service" means the type of service made available to single-family or multiple-family dwelling units occupied for 30 consecutive days, such as duplexes or triplexes, not available for transient occupancy. Except for "home occupations", activities of a nature requiring a business license, advertising, or whose profits and expenses are shown against federal income taxes will be classified as "commercial."

"Townhouse" means two or more dwelling units owned by separate individuals but connected by one or more common walls.

"Transient Occupancy" means the rental of a dwelling unit for less than 30 consecutive days, nightly or weekly rentals.

"Type of service" means either residential service or commercial service or industrial service, as those terms are defined in this section.

"Sanitary sewer" means a sewer which carries sewage and to which storm, surface, and ground waters are excluded.

"Side sewer" whenever used in this title, means any sewer line used or installed by any persons to conduct waste from any property to a public sanitary sewer. (Ord. 74-23 Sec. 1(part), 1974)

"Service" Means the furnishing of a utility to a given location.

"Service connection" Means the pipe and appurtenances required to connect an individual property or facility to the sanitary sewer. The service connection shall start at the collection system and terminate at the property line or easement limit and shall not include the building sewer.

"Service Sewer connection" means the pipe and appurtenances required to connect an individual property or facility to the sanitary lateral sewer. The system shall start at the lateral sewer and terminate at the property line or easement limit and shall not include the necessary further extension of this system onto private property.

"Sewer" means a pipe or conduit for carrying sewage.

"Sewer service charges" means those one time or periodic charges which may be levied upon a user of the sewer system by the owner or operator of the system.

"Sewage" means water-carrying waste discharged from the sanitary facilities of buildings occupied or used by people.

"Sewerage system" means all facilities for collecting, pumping, treating and disposing of sewage.

"Side sewer" whenever used in this title, means any sewer line used or installed by any persons to conduct waste from any property to a public sanitary sewer. (Ord. 74-23 Sec. 1(part), 1974)

"Small commercial service rate" means a billing service rate for a property with two small services, and includes; duplexes or dual-residences, community centers, or a single residence with a with a commercial purpose, including bed and breakfasts with a residence.

"Small service" or "small commercial service" means a property with a commercial business purpose (e.g. gift shops, gas stations, bed and breakfast without a residence), restaurants and bars are not considered a small service.

"Storm sewer" or "storm drain" means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial polluted waste.

"SWU" means Seldovia water utility, which shall be comprised of the City Council and Mayor, with the Mayor voting only in case of a tie. (Ord. 80-9 (part), 1980)

"Utility" refers to the City of Seldovia sewer system.

"Water connection" means that part of the water distribution systems connecting the water main with the lot line of the property abutting the water main.

"Water extension" means that part of the water distribution system extending from the water connection into the premises served.

"Water main" means that part of the water distribution system intended to serve more than one water connection.

"Will" or "shall," when used in Chapters 13.12 through 13.28, are considered mandatory. (Ord. 80-8 (part), 1980)

Chapter 13.04 General Provisions

Sections:

- 13.04.010 Intent.
- 13.04.020 Applicability.
- 13.04.030 Compliance with applicable law.
- 13.04.040 Waiver or modification of regulations.
- 13.04.050 Connect/disconnect service charge.
- 13.04.055 Required--Penalty.
- 13.04.060 Required-- water and sewer connections.
- 13.04.065 Required-- Service fee.
- 13.04.070 Customer facilities.
- 13.04.080 Maintenance responsibility.
- 13.04.090 Penalty for Violation.
- 13.04.100 Application for service.
- 13.04.110 Water and sewer service--monthly rates.
- 13.04.120 Water and sewer rates--revisions.
- 13.04.130 Billing and collection.
- 13.04.140 Non-payment--service disconnected.
- 13.04.150 Service responsibility.
- 13.04.160 Terms of service.
- 13.04.170 Billing for unauthorized service.
- 13.04.180 Unpaid bills--lien on property.
- 13.04.190 Discontinuance of service.

13.04.200 Main shutoffs.

13.04.210 Service turn-ons and turnoffs.

13.04.220 Customer complaints.

13.04.010 Intent. It is the intent of this chapter to establish rules and regulations for the operation of the Seldovia water and sewer utility and to provide a means for obtaining funds for the operation, repair, maintenance, replacement and indebtedness payments from revenues produced by the system, and to provide a schedule of water and sewer utility rates. (Ord. 80-9 (part), 1980)

13.04.020 Applicability. These rules and regulations apply to all services rendered and facilities constructed or installed by SWU unless specifically provided otherwise in a special contract approved by the City Council. (Ord. 80-9 (part), 1980)

13.04.030 Compliance with applicable law. The SWU water production, treatment, and distribution system will be operated in accordance with applicable federal, state, borough, and city laws. (Ord. 80-9 (part), 1980)

13.04.040 Waiver or modification of regulations. These rules and regulations may not be waived by an officer, agent or employee of SWU. They may not be modified, amended or changed in any way without approval of the City Council. (Ord. 80-9 (part), 1980)

13.04.050 Connect/disconnect service charge. In order to receive service from the Seldovia water and sewer utilities, a customer must first sign a service connect order and pay a refundable deposit and a nonrefundable connect fee, the amount of which is in accordance with the fee schedules approved by the City Council during the annual budget process. (Ord. 87-17 Sec. 3, 1987; Ord. 99-07)

13.04.055 Required--Penalty. A. It shall be the duty of every owner of real property in the City to connect such property with the nearest public main in the City, providing that the public main is within two hundred feet of the property.

B. The City Manager shall notify the property owner on the location of the nearest public main and the approximate point of connection. If such owner fails or neglects to connect his property with such sewer and water within thirty days after the giving of such notice, such owner shall be deemed guilty of an infraction and shall be subject to the general penalty designated in Section 1.08.010 of this code.

C. No building shall be occupied unless it is connected with a water extension and a side sewer or approved septic tank installation.

13.04.060 Required-- water and sewer connections. No service connection and extension shall be constructed and installed from the water main to each building served on the abutting property unless the property owner has accepted responsibility for payment of billings for water service. (Ord. 80-9 (part), 1980)

13.04.065 Required-- Service fee. Properties with an existing service line incorporated into the water utility system shall be charged a minimum base rate as established in the Seldovia fee schedule for the continued upkeep and maintenance of the utility system notwithstanding the property's occupied status.

13.04.070 Customer facilities. The customer's plumbing facilities shall conform to and be installed in compliance with state statutes and regulations, borough and city ordinances and these rules and regulations. SWU does not expressly or impliedly warrant the adequacy, safety or other characteristics of a structure, its plumbing or equipment by virtue of any inspection or nonrejection of the plumbing or facilities. If inconsistencies exist between standards established by any of the above referenced statutes, regulations or ordinances, the most stringent standards shall be applied. (Ord. 80-9 (part), 1980)

13.04.080 Maintenance responsibility. SWU will maintain and repair all main and all service connections that have been accepted for maintenance and operation by SWU. SWU will not be responsible for damages produced or costs incurred prior to acceptance of the system for operation. The customer is responsible for maintaining and repairing the water extension. SWU will be responsible for thawing frozen mains and the customer shall be responsible for thawing frozen water connections and water extensions from the main to the premises unless the freezing of the extension or connection was caused by an act of SWU not in conformance with these rules and regulations. (Ord. 80-9 (part), 1980)

13.04.090 Penalty for Violation. The City may levy a monetary penalty should the property owner fail in his responsibility for maintenance and operation of the force mains and force mains system on their individual lot. Should the violation continue, the City, at its discretion, may repair the force mains and levy against either the property or property owner or both. (Ord. 97-03)

13.04.100 Application for service. Initial applications for service shall be made at the city offices; provided, that all requirements of Sections 13.08.010, 13.08.030, 13.08.040, 13.08.050, 13.08.060, 13.08.070, 13.08.080, 13.08.090, 13.08.110 and all other pertinent sections of Title 13 of the City Code have been complied with. The applicant requesting such services agrees to conform to the rules and regulations contained in the City's rules and regulations for water and sewer ordinances. (Ord. 80-8 (part), 1980)

13.04.110 Water and sewer service--monthly rates. Water supplied to any connected service by the Seldovia water utility and sewer rental for any currently connected water service will be charged on a flat monthly rate in accordance with the schedules approved by the City Council. (Ord. 87-17 Sec. 3, 1987)

13.04.120 Water and sewer rates--revisions. The rates charged for water and sewer utilities may be changed from time to time by the Seldovia City Council. Any time a rate is changed, the new rates become effective only after 30 days' notice to customers and publication. Publication may be accomplished by posting in at least three public places. (Ord. 87-17 Sec. 3, 1987)

13.04.130—Billing and collection. A. Utility bills are due and payable on or before the 30th of the month following the month for which services are billed.

B. Failure to pay water and sewer bill in full by the due date shall render the account delinquent and result in a late payment established in the Seldovia Fee Schedule.

C. All legal fees, collections fees and costs associated with resolving a delinquent account shall be borne by the account holder. (Ord. 17-20)

13.04.140 Non-payment--service disconnected. A. Any person failing to pay a utility bill by the 60th day after the date of billing will be served notice that their utility service will be disconnected within 5-(five) 10 (ten) business days of Notification of Disconnect. Notice shall be hand-delivered, sent via certified mail, or notice left on a door hanger on the premises giving the person 5 business days from the date and time of the notice is left in which to remedy the delinquency. (Ord. 87-17 Sec. 3, 1987)

B. Any utility disconnected under a section will be assessed a \$15.00 service call fee in accordance with the fee schedules approved by the City Council.

1. The account holder shall be sent a notice of account delinquency via certified mail indicating the amount of the account balance, including all charges. The notification shall indicate the deadline that the account holder must pay the delinquent account balance or by which they must sign a Payment Agreement to prevent a shut off of the utility service.

2. A door hanger shall be placed at the residence of the delinquent account holder indicating the amount of the account balance, including all charges. The door hanger shall indicate the deadline that the account holder must pay the delinquent account balance or by which they must sign a Payment Agreement to prevent a shut off of the utility service.

3. All legal fees and costs associated with resolving a delinquent utility account shall be borne by the account holder. In the case where the account is held by a tenant who fails to resolve the delinquent account, the landlord and tenant shall be jointly responsible for the delinquent and any associated charges, costs and attorney fees.

4. The City will attempt to contact by certified mail the property owner if the delinquent account is for a tenant. It is the responsibility of property owners to notify the City of tenant-owner relationships and to provide the city with current contact information. (Ord. 13-01)

C. The lien created in this section may be foreclosed upon pursuant to the procedures set forth in Section 13.72.090.

1. The City of Seldovia shall place a lien upon any and all real property serviced by any of the utility 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.

2. The City shall maintain a list of all individuals whose utility accounts with the City are more than 60 days delinquent. The list shall include the name of the individual holding the account with the City utility, the legal description of the property serviced by the utility, and the amount delinquent. The City shall place a lien to be recorded for the amounts owed, including fees, costs and attorney fees, within 14 business days from the date of delinquency, Notification of Disconnect. (Ord. 13-01)

13.04.150 Service responsibility. A. Each customer is responsible to report any changes in billing address or information to the City of Seldovia.

B. A customer who is listed on the City's records as the person or entity responsible for the water and sewer bill at a specific location shall be billed for that service until notice by telephone, mail or in person, of a change in occupancy. Such notice shall specify the date service is to be discontinued. Notice shall be provided at least five days prior to the change of occupancy. If the customer fails to provide the required notice, the customer will be charged for a water service furnished to the premises until the City is provided with adequate notice of change of occupancy. (Ord. 87-17 Sec. 3, 1987)

13.04.160 Term of service. Unless otherwise provided in a written contract for service, the minimum term for which utility service will be rendered is thirty days. A customer taking service for less than the minimum term will be billed for the minimum monthly charge specified in the rate schedule for the type of service. (Ord. 87-17 Sec. 3, 1987)

13.04.170 Billing for unauthorized service. A person who appropriates or accepts water and/or sewer service from the City without applying for service and otherwise complying with the rules and regulations shall be billed at the rate for the type of service that would have otherwise been applicable from the date of the turn-on or, if that date cannot be established, from the date of construction of the water connection or from the date of the last paid service for the connection. In addition, the customer will be billed for a

penalty equal to 20% of the amount to be billed for the unauthorized turn-on or turn-off. (Ord. 87-17 Sec. 3, 1987)

13.04.180 Unpaid bills--lien on property. All water and sewer utility charges due and unpaid become a lien against the real property served in accordance with AS 09.40.010--09.40.220. (Ord. 87-17 Sec. 3, 1987)

13.04.190 Discontinuance of service. SWU may discontinue water service and remove its equipment or facilities from the premises if the customer fails or refuses to comply with any provisions of these rules and regulations or a provision of a current contract. Except as otherwise provided in these rules and regulations, SWU will give notice of discontinuance of service and the reason for the discontinuance by mail and door hanger. Notice will be mailed not less than ten days prior to shutoff and a door hanger will be placed not less than twenty-four hours prior to termination of service. (Ord. 80-9 (part), 1980)

13.04.200 Main shutoffs. A. If a customer intentionally prevents SWU from discontinuing service by interfering with access to the keybox or by turning the water on after SWU has discontinued service, SWU may, after ten days written notice to the customer, excavate and turn off the water supply by closing the corporation valve on the main. If, during the ten-day period following notice, the customer provides adequate assurances to SWU that access will be available and that the facilities or access to them will not be tampered with again, SWU will not utilize the main shutoff.

B. If SWU closes the corporation valve as provided in this section, the valve will not be reopened until the customer pays for all outstanding billings as well as the costs incurred by SWU to close the corporation valve and reopen it. (Ord. 80-9 (part), 1980)

13.04.210 Service turn-ons and turnoffs. SWU will not discontinue service for a billing delinquency during the period between noon on Friday and eight a.m. on Monday. Service will be turned on or off at the request of a customer only if the customer is physically present at the premises to observe or respond to inquiry. Unless otherwise specifically provided by this ordinance, water may be turned on or off only by authorized personnel of SWU. Each customer is entitled to one turn-on and one turnoff without charge, at each location where service is provided. A charge will be levied by SWU as specified in the schedule of fees and charges for all other turn-ons and turnoffs, as well as turnoffs requested by a customer to be performed during hours other than the normal business hours of SWU. (Ord. 80-9 (part), 1980)

13.04.220 Customer complaints. A. In the event a customer desires to file a complaint regarding any bill or service, the complaint will be filed in writing outlining the details of the dispute. The City Manager will make such investigations as required by the particular case and report the results thereof in writing to the customer.

B. In the event the complaint is not satisfied by the city office, the complaint can be presented to the City Council by filing a formal appearance request. The appearance request

shall be filed in the city office by four p.m. Monday ~~Wednesday~~, in order to appear before the Council, the following Monday ~~Wednesday~~. The decision by the Council in all matters arising under this title shall be final. (Ord. 80-8 (part), 1980)

C. A complaint may be filed only by a customer who is directly affected by the action or inaction that is the subject of the complaints, or by his authorized representative.

Chapter 13.046 Sewer Connections

Sections:

13.046.010 Required--Penalty.
~~13.046.020 City action to connect premises.~~
13.046.030 Septic tanks allowed when.
~~13.042.040 Definitions~~
~~13.04.050 Property Affected~~
13.046.060 Responsibility
~~13.04.070 Penalty for Violation~~
13.06.080 Policies and conditions of service.

13.046.010 Required--Penalty. A. It shall be the duty of every owner of real property in the City to connect such property with the nearest public sewer in the City, providing that the public sewer is within two hundred feet of the property.

B. The City Manager shall notify the property owner on the location of the nearest public sewer and the approximate point of connection. If such owner fails or neglects to connect his property with such sewer within thirty days after the giving of such notice, such owner shall be deemed guilty of an infraction and shall be subject to the general penalty designated in Section 1.08.010 of this code. (Ord. 89-12, Ord. 74-23 Sec. 1(part), 1974)

~~**13.046.020 City action to connect premises.** Upon the failure of the owner to connect his property with the nearest public sewer during the thirty day interval, the City shall make proper sewer connections from the property to the nearest sewer under the direction of the City Manager, and the cost thereof shall be taxed against the property, and such cost shall bear interest at eight percent per year, and the cost and interest shall be a lien against the property benefited thereby, which lien shall be foreclosed and the property sold as provided by law. (Ord. 74-23 Sec. 1(part), 1974)~~

13.046.030 Septic tanks allowed when. The City Council reserves the right to waive the above provisions and to permit temporary installation and use of septic tank provided:

A. The lot and planned installation is subject to Kenai Peninsula Borough regulations;

B. The installation meets the standards and specifications of the 1973 edition of the Uniform Plumbing Code;

C. Permit for use of septic tank shall be valid until such time as sewer lines are installed within a reasonable distance of the lot. Reasonable distance shall be determined by the City Council and its decision shall be final. Within thirty days after notice from the City Manager of the availability of a sewer line, property owner shall no longer be permitted to use a septic tank;

D. No building shall be occupied unless it is connected with a sewer or approved septic tank installation. (Ord. 74-23 Sec. 1(part), 1974)

~~**13.04.040 Definitions.** "Maintenance" means any repairs or upkeep of the Spruce Street Force Main Sewer extensions. (Ord. 97-03)~~

~~**13.04.050 Property Affected.** Lots 1 (one), 2 (two), 3 (three), 4 (four) and 5 (five) of Fleming Giles Estates Subdivision. (Ord. 97-03)~~

13.04.060 Responsibility. It shall be the sole responsibility of the property owners of each of the above individual lots; Lots 1 (one), 2 (two), 3 (three), 4 (four) and 5 (five) of Fleming Giles Estates Subdivision for the maintenance and operation of each of the individual force sewer mains to be extended in Spruce Street to each of the above individual referenced lots. Each of the property owners of each individual lot shall also have sole responsibility for the maintenance and proper operation of the pump system to be installed at each home. (Ord. 97-03)

~~**13.04.070 Penalty for Violation.** The City may levy a monetary penalty should the property owner fail in his responsibility for maintenance and operation of the force mains and force mains system on their individual lot. Should the violation continue, the City, at its discretion, may repair the force mains and levy against either the property or property owner or both. (Ord. 97-03)~~

13.06.080 Policies and conditions of service. A. No person shall install a sewer extension (side sewer) without providing a cleanout, outside the building to be served and if the sewer extension consists of a pipe longer than eighty feet between the sewer main and the buildings to be served, there shall be installed a cleanout at intervals not exceeding eighty feet. If the pipe connecting the sewer main to the building to be served changes direction in any manner exceeding forty-five degrees in one bend or two or more bends, place at an interval of not greater than ten feet, additional cleanouts for each such change of direction shall be installed.

B. No person shall install a sewer extension without a check valve if the lowest outlet in the building to be serviced is below the elevation of the top of the manhole nearest the service connection.

C. Frozen Connections--Responsibility. Customers will be responsible for all frozen sewer connections and extensions and the City will not be responsible therefore.

D. Discontinuance of Service--Notice--Liability. The City may at any time without notice discontinue sewer services for repairs and the like without liability for resultant loss or damage. Public notice of service interruptions will be given whenever possible, but the City shall not be bound to do so. (Ord. 80-8 (part), 1980)

Chapter 13.08 Side Sewers

Sections:

~~13.08.010 Definitions.~~

13.08.020 Construction permit--Required.

~~13.08.030 Construction permit--Obtaining.~~

13.08.040 Permit issuance.

13.08.050 Permit fee--Term.

13.08.060 Work inspection.

13.08.070 Work testing--Expense responsibility.

13.08.080 Construction materials.

13.08.090 Cast iron pipe use.

13.08.100 Connections by City.

13.08.110 Pipe laying.

13.08.120 Backup danger precautions.

13.08.130 Unlawful discharges.

~~**13.08.010 Definitions.** A. "Public sewer" means a sewer or appurtenant facility other than a side sewer, either owned or operated by or within the jurisdiction of the City.~~

C. ~~"Sewage" means water carrying waste discharged from the sanitary facilities of buildings occupied or used by people.~~

D. ~~"Side sewer" whenever used in this title, means any sewer line used or installed by any persons to conduct waste from any property to a public sanitary sewer. (Ord. 74-23 Sec. 1(part), 1974)~~

13.08.020 Construction permit--Required. It is unlawful for any person to make an opening in any public sewer or to connect any private sewer or side sewer therewith, or to lay, repair, alter or construct any sewer to be connected to a public sewer unless such person has first obtained a side sewer permit from the City Manager. Violation of this section is punishable by a fine established in section 1.08.040 of this code. (Ord. 74-23 Sec. 1 (part), 1974; Ord. 16-06)

~~**13.08.030 Construction permit--Obtaining.** It is unlawful for any person to discharge or cause to be discharged into any public sewer or into any side sewer discharging into any public sewer storm water, rain water, roof run off, cooling water, subsurface waters, or unpolluted industrial process waters. Violation of this section is punishable by a fine established in section 1.08.040 of this code. (Ord. 74-31 Sec. 1 (part), 1974; Ord. 16-06)~~

13.08.040 Permit issuance. Upon approval of the plans and specifications, and upon payment of all required fees and charges, the City Manager shall issue a permit to perform the work. (Ord. 74-23 Sec. 1(part), 1974)

13.08.050 Permit fee--Term. The fee for a permit issued as herein provided shall be established by the City Council and the permit fee shall include the cost of the required inspection and connection to the public sewer. Work shall be completed under the terms of the permit within a period of ninety calendar days. In the event that work is not completed within ninety days, a new permit must be obtained and an additional fee paid. (Ord. 74-31 Sec. 1(part), 1974)

13.08.060 Work inspection. It is unlawful for any person to cover or backfill any side sewer, private sewer or lateral without having called for and received an inspection and approval by the City Manager. The City Manager or his authorized inspectors shall be given twenty-four hours' notice when construction is ready for inspection. The City Manager shall inspect and make such tests deemed necessary to insure that the new work meets all requirements of the plans, specifications and permit and is in strict accordance with all applicable provisions of this title in respect to materials and workmanship. (Ord. 74-31 Sec. 1(part), 1974)

13.08.070 Work testing--Expense responsibility. The City Manager may require side sewers to be tested by means of water or air. Such tests, where required, shall be at the expense of the person installing the side sewer. All side sewers installed shall conform to the following minimum requirements:

- a. Minimum Size. Four inches to property line. Four inches from property line to building;
- b. Minimum Grade. Two percent;
- c. Minimum cover at edge of surfaced area of road, street, avenue, alley or other public way shall be three feet;
- d. Minimum cover at property line shall be three feet. (Ord. 74-31 Sec. 1(part), 1974)

13.08.080 Construction materials. Side sewers shall be constructed of any of the following materials, or other equivalent materials when approved by the City Manager:

A. ~~Transite pipe;~~ Ductile Iron;

B. Cast iron pipe;

C. Rusebury (plastic), plastic pipe may only be used on private property.

(Ord. 74-31 Sec. 1(part), 1974)

13.08.090 Cast iron pipe use. Cast iron pipe shall be used where a side sewer is constructed within ten feet of a potable water pipe. Special pipe bedding consisting of gravel or concrete may be required, where, in the judgment of the City Manager, unsuitable ground conditions exist. (Ord. 74-31 Sec. 1(part), 1974)

13.08.100 Connections by City. The connection of the side sewer into the public sewer shall be made into a sewer saddle at an angle of not less than forty-five degrees. All connections to the public sewer shall be made only by the City.

(Ord. 74-31 Sec. 1(part), 1974)

13.08.110 Pipe laying. All side sewer pipes shall be laid in a straight line between bends. All changes in grade or line shall be made with a one-eighth bend or wye ninety degree change with wye and one-eighth bend. There shall be not less than one cleanout provided for each side sewer and/or each total change of ninety degrees. (Ord. 74-31 Sec. 1(part), 1974)

13.08.120 Backup danger precautions. Whenever a situation exists involving an unusual danger of backups from the public sewer, the City Manager may prescribe a minimum elevation at which the side sewer may be discharged to the public sewer. (Ord. 74-31 Sec. 1(part), 1974)

13.08.130 Unlawful discharges. It is unlawful for any person to discharge or cause to be discharged into any public sewer or into any side sewer discharging into any public sewer storm water, rain water, roof run-off, cooling water, subsurface waters, or unpolluted industrial process waters. (Ord. 74-31 Sec. 1(part), 1974)

~~Chapter 13.16~~

~~Sewer Utilities—Application and Conditions of Service~~

~~Sections:~~

~~13.16.010 Application for service.~~

~~13.16.020 Policies and conditions of service.~~

~~**13.16.010 Application for service.**~~ Initial applications for service shall be made at the city offices; provided, that all requirements of Sections 13.08.010, 13.08.030, 13.08.040, 13.08.050, 13.08.060, 13.08.070, 13.08.080, 13.08.090, 13.08.110 and all other pertinent sections of Title 13 of the City Code have been complied with. The applicant requesting such services agrees to conform to the rules and regulations contained in the City's rules and regulations for water and sewer ordinances. (Ord. 80-8 (part), 1980)

~~**13.16.020 Policies and conditions of service.**~~ A. No person shall install a sewer extension (side sewer) without providing a cleanout, outside the building to be served and if the sewer extension consists of a pipe longer than eighty feet between the sewer main and the buildings to be served, there shall be installed a cleanout at intervals not exceeding eighty feet. If the pipe connecting the sewer main to the building to be served changes direction in any manner exceeding forty five degrees in one bend or two or more bends, place at an interval of not greater than ten feet, additional cleanouts for each such change of direction shall be installed.

B. No person shall install a sewer extension without a check valve if the lowest outlet in the building to be serviced is below the elevation of the top of the manhole nearest the service connection.

C. Frozen Connections--Responsibility. Customers will be responsible for all frozen sewer connections and extensions and the City will not be responsible therefore.

D. Discontinuance of Service--Notice--Liability. The City may at any time without notice discontinue sewer services for repairs and the like without liability for resultant loss or damage. Public notice of service interruptions will be given whenever possible, but the City shall not be bound to do so. (Ord. 80-8 (part), 1980)

~~Chapter 13.20~~

~~Sewer Utilities--Customer Service Complaints~~

~~Sections:~~

~~13.20.010 Customer complaints.~~

~~**13.20.010 Customer complaints.**~~ A. In the event a customer desires to file a complaint regarding any bill or service, the complaint will be filed in writing outlining the details of the dispute. The City Manager will make such investigations as required by the particular case and report the results thereof in writing to the customer.

B. In the event the complaint is not satisfied by the city office, the complaint can be presented to the City Council by filing a formal appearance request. The appearance request shall be filed in the city office by four p.m. Wednesday, in order to appear before the

~~Council the following Wednesday. The decision by the Council in all matters arising under this title shall be final. (Ord. 80-8 (part), 1980)~~

Chapter 13.24 Sewer Utilities Reimbursement Policies

Sections:

13.24.010 For sewage blockages.

13.24.010 For sewage blockages. A. If it is determined that a backup problem stems from a broken connection within the City's sewer easement or a main line plug and the property owner notifies the city office prior to incurring costs for rodding and/or thawing, the customer is eligible for a reimbursement of these costs.

B. The City will reimburse the customer for: 1). a power rodder when operated by a licensed, bonded rodding service and, 2). steam thawing when performed by a licensed bonded rodding service or contractor if:

1. It is determined that the total cost has been paid to the vendor; and
2. An original copy of the vendor's invoice, marked paid, is submitted to the City within sixty days of the date the work was performed; and, when one or both of the following conditions are met:
 - a. It is determined that the backup and/or freezing was caused by a main line plug,
 - b. If, after excavation, it is determined that a line failure either in the sewer connection or main line created the backup. (Ord. 80-8 (part), 1980)

Chapter 13.28 Sewer Utilities--Assessment Policies

Sections:

13.28.010 Computing assessable costs--For setting assessment district in east addition.

13.28.020 Reimbursement agreements.

13.28.010 Computing assessable costs--For setting assessment district in east addition. A. Project costs for assessment purposes shall be the lesser amount of:

1. Construction cost plus twenty percent for non-construction costs including but not limited to engineering and design, surveys, soil investigations, inspection and construction supervision, and interest costs; plus right-of-way lost acquisition costs;
2. The last approved estimate plus ten percent; or
3. The total cost of the improvement less any applicable grants received by the City to be applied against the cost of the district being assessed.

B. Construction costs for the purpose of this section shall be defined as those costs accumulated by the city personnel actually performing the work in the improvement district, and by their on-site supervisors along with the equipment and supplies use to complete the work.

C. Last Approved Estimate. For the purpose of this section, last approved estimate shall mean the amount contained in that particular estimate made by the City for the project. If there has been more than one estimate transmitted to the property owners, the amount transmitted last in period of time shall be deemed to be the last approved estimate. (Ord. 80-8 (part), 1980)

13.28.020 Reimbursement agreements. A. When a property owner desires sanitary sewer service and the City has an existing sewer nearby, the property owner will be allowed to extend the sewer provided the extension is built to City specifications. The entire cost of the extension is at the expense of the property owner and he will agree to pay such costs in lieu of assessment for use of sewers. Upon completion, the City agrees to assure full responsibility and control of said sewer.

B. Should construction of the extension also make sewer service available to other property that has not been previously assessed and that is not otherwise served, the City will reimburse the person who extended the sewer for assessments or charges in lieu of assessments levied for service to such other property. Reimbursement shall be in the amount of such assessment or charges in lieu of assessment provided that reimbursement shall not exceed the proportion of the total cost of the extension which the other property served bears to the total assessable area, including the property of the person who extends the sewer, served by the extension.

C. Reimbursement from assessments or charges to other property as described above shall not become due until such time as each assessment is levied, or the charges have become due and a lien to secure payment of such assessment or charges has been filed for record in the office of the district recorder.

D. The City Council reserves the right at any time to alter, amend, change or add to these rules, regulations and conditions of service or to substitute other rules and regulations, and to change rates subject to statutory requirements as to public hearing and notice. (Ord. 80-8 (part), 1980)

~~Chapter 13.32~~ ~~Sewer Utilities—General Provisions~~

~~Sections:~~

~~13.32.010 Definitions.~~

~~13.32.010 Definitions.~~ A. "Industrial waste" means waste other than domestic waste.

B. "Domestic sewage" means containing human or animal excreta, other than industrial waste.

C. "Sewage" or "sewerage system" means all facilities for collecting, pumping, treating and disposing of sewage.

D. "Sewer" means a pipe or conduit for carrying sewage.

E. "Storm sewer" or "storm drain" means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial polluted waste.

F. "Utility" refers to the City of Seldovia sewer system.

G. "Sanitary sewer" means a sewer which carries sewage and to which storm, surface, and ground waters are excluded.

H. "Service connection" means the pipe and appurtenances required to connect an individual property or facility to the sanitary lateral sewer. The system shall start at the lateral sewer and terminate at the property line or easement limit and shall not include the necessary further extension of this system onto private property.

I. "Cleanout" means a pipe inserted into the sewer extension through which a cleaning device can be inserted into the sewer extension.

J. A "customer" or "consumer" is an individual, firm, corporation, partnership, institution or association, receiving sewer service from the utility.

K. May. The word "may" is considered as permissive.

L. ~~"Sewer service charges" means those one time or periodic charges which may be levied upon a user of the sewer system by the owner or operator of the system.~~

M. ~~"Will" or "shall," when used in Chapters 13.12 through 13.28, are considered mandatory. (Ord. 80-8 (part), 1980)~~

~~Chapter 13.36~~ ~~Seldovia Water Utility--Scope of Rules and Regulations~~

~~Sections:~~

~~13.36.010 Intent.~~

~~13.36.020 Adoption.~~

~~13.36.030 Applicability.~~

~~13.36.040 Compliance with applicable law.~~

~~13.36.050 Waiver or modification of regulations.~~

~~**13.36.010 Intent.** It is the intent of this chapter to establish rules and regulations for the operation of the Seldovia water utility and to provide a means for obtaining funds for the operation, repair, maintenance, replacement and indebtedness payments from revenues produced by the system, and to provide a schedule of water utility rates. (Ord. 80-9 (part), 1980)~~

~~**13.36.020 Adoption.** These rules and regulations were adopted by the City, hereinafter referred to as "SWU" (Seldovia, water utility) by the ordinance codified in this chapter, enacted by the City Council, to be effective on the 1st day of May, 1980. Copies of these rules and regulations, together with schedules of rates, charges and pertinent information are available at SWU offices, City Hall, Seldovia, Alaska. (Ord. 80-9 (part), 1980)~~

~~**13.36.030 Applicability.** These rules and regulations apply to all services rendered and facilities constructed or installed by SWU unless specifically provided otherwise in a special contract approved by the City Council. (Ord. 80-9 (part), 1980)~~

~~**13.36.040 Compliance with applicable law.** The SWU water production, treatment, and distribution system will be operated in accordance with applicable federal, state, borough, and city laws. (Ord. 80-9 (part), 1980)~~

~~**13.36.050 Waiver or modification of regulations.** These rules and regulations may not be waived by an officer, agent or employee of SWU. They may not be modified, amended or changed in any way without approval of the City Council. (Ord. 80-9 (part), 1980)~~

Chapter 13.40

Seldovia Water Utility--Nature and Types of Service

Sections:

13.40.010 Water Service.

13.40.020 Exclusive nature of service.

13.40.010 Water service. SWU provides water on a permanent basis for domestic, commercial and fire protection uses. The water provided contains an adequate residual of chlorine to meet the minimum health requirements established by the state of Alaska. (Ord. 80-9 (part), 1980)

13.40.020 Exclusive nature of service. Water connections to city water mains shall be installed only by the City, or the City's authorized contractor or agent, and then only upon payment of fees as prescribed by the City, and as set forth in the schedule of fees and charges. (Ord. 80-9 (part), 1980)

Chapter 13.44

Seldovia Water Utility--Extension of Service

Sections:

13.44.010 Main extensions within the city limits.

13.44.020 Benefited area.

13.44.030 Amortization of costs.

13.44.040 Main extension by total contribution.

13.44.050 Future assessment or contribution.

13.44.010 Main extensions within the city limits. A. Water mains will be constructed and extended within the City by the creation of a special improvement district pursuant to AS 29.63.010 through 29.65.085 or by total contribution, of payment in lieu of assessment

B. Creation of Assessment Districts. Action to create a special assessment district may be initiated by the City Council or by a petition signed by the owners of one half in value of the property to be benefited by the water main extension. A special assessment district will be created if the Council finds, after hearing, that the main extension is necessary and of benefit to the properties to be assessed, and, if initiated by petition, that the petition was signed by an adequate number of qualified persons.

C. Amount of Assessment. Each parcel within an assessment district will be assessed its pro rata share of one hundred percent of the cost of the system actually installed. The pro rata share shall be based on the benefited area of the property, and all assessable costs shall be divided on a square foot basis among all properties specially benefited by the main extension.

D. Payment of Assessments. Special assessments shall be paid in five equal payments unless the City Council, at the time of levy, establishes payments at other intervals during the five-year period following assessment. Dates when assessment payments become due and delinquent will be established by the resolution of the Council confirming the assessment role. Within thirty days after the date of that resolution, each customer will be notified in writing of the amount of the assessment, the schedule of payment and delinquencies and the amount of penalty and interest. Deferred or installment payments will bear interest on the unpaid balance from the due date of the first payment until paid in full at the net effective interest rate of the bonds sold to finance the water improvements. The customer will be notified not less than thirty nor more than sixty days prior to the due date of the first payment. A penalty, amount to be established by resolution of the Council at time of confirming the assessment role, will be added to all assessments or installments not paid when due and the payment due, including penalty shall bear interest from the due date. If payment is not made when due, SWU may demand payment of the entire remaining balance, including applicable interest and penalties. (Ord. 80-9 (part), 1980)

13.44.020 Benefited area. A. The benefited area to be utilized by SWU when applying the feasibility criteria of this section consists of all of the property abutting the proposed main from the end of the existing system through the area or areas desiring service. The benefited area shall include the property abutting on both sides of the main or right-of-way in which the main is constructed, to a depth of one hundred fifty feet from the abutting property line. However, if SWU is prohibited by a governmental agency from constructing water connections under any portion of a road right-of-way, only those properties that can actually be served by the main without crossing the road right-of-way will be included in the benefited area. Areas for which a contribution to SWU in the form of an assessment or payment in lieu of assessment was made or for which a binding assessment or agreement to make a payment in lieu of assessment to SWU is outstanding, will not be included in the benefited area unless a new or improved service will be available as a result of the extension, or the extension is for the purpose of replacing obsolete facilities.

B. The benefited area shall contain all area that would logically be included in the project to complete service loops, intrasystem ties or otherwise provide for an integrated system. (Ord. 80-9 (part), 1980)

13.44.030 Amortization of costs. A main extension will not be constructed by SWU unless the gross projected revenues reasonably expected from the benefited area during the ten year period following construction will be adequate to amortize the costs to

be incurred to serve the benefited area. When calculating the amortization period, undeveloped tracts of land within the benefited area that can be subdivided will be considered as providing revenue equivalent to a single family dwelling unless the tract owner agrees to subdivide and accept service to the subdivided lots within two years after completion of the project. (Ord. 80-9 (part), 1980)

13.44.040 Main extension by total contribution. Property owners desiring service who cannot obtain the required signatures for the creation of an assessment district or to satisfy feasibility requirements may have water service extended to their property by executing a reimbursement agreement with SWU. The agreement will provide for payment in lieu of assessment by the person or persons desiring the extension equivalent to that which would have been levied against 100% of the benefited area. Costs in excess of the standard assessment or payment in lieu of assessment incurred by person making total contribution will be reimbursed with interest at the bond rate as other property owners connect to the extension and pay or commit themselves to pay their pro rata portion of the costs. In addition, persons desiring extension by full contribution shall agree to accept water service to their property within two years after completion of the project or to pay liquidated damages as provided in Section 13.18.020(B) of these rules and regulations. (Ord. 80-9 (part), 1980)

13.44.050 Future assessment or contribution. Assessment or commitments for payments in lieu of assessment will be required for all main extensions installed to serve properties not wholly included within the area benefited by a previous main extension, and the provisions of this rule may not be construed as permitting additional main extensions without assessments or contributions. (Ord. 80-9 (part), 1980)

Chapter 13.48 Seldovia Water Utility—Liability

Sections:

13.48.010 Irregularity or failure of service.
13.48.020 Interruptions for repairs or modifications.
~~13.48.030 Customer facilities.~~

13.48.010 Irregularity or failure of service. SWU will exercise reasonable diligence to furnish and deliver a regular and continuous supply of water to the customer under constant pressure, but will not be liable for damages caused by interruptions, shortages, irregularities or failures due to accidents, interference by third parties or conditions beyond the control of SWU. (Ord. 80-9 (part), 1980)

13.48.020 Interruptions for repairs or modifications. SWU reserves the right to temporarily suspend the delivery of water service when necessary for the purpose of making

a repair, modification or improvement to the system. If not precluded by emergency conditions, SWU will make a reasonable effort to give notice to the customer, either through the use of public media or individual communications. Repairs or improvements will be completed expeditiously and, so far as it is feasible, the work will be performed at time that will cause the least inconvenience to the customer. (Ord. 80-9 (part), 1980)

~~**13.48.030 Customer facilities.** The customer's plumbing facilities shall conform to and be installed in compliance with state statutes and regulations, borough and city ordinances and these rules and regulations. SWU does not expressly or impliedly warrant the adequacy, safety or other characteristics of a structure, its plumbing or equipment by virtue of any inspection or nonrejection of the plumbing or facilities. If inconsistencies exist between standards established by any of the above referenced statutes, regulations or ordinances, the most stringent standards shall be applied. (Ord. 80-9 (part), 1980)~~

Chapter 13.52

Seldovia Water Utility--General Service Conditions

Sections:

13.52.020 Contribution for main construction required.

13.52.040 Easements or rights-of-way required.

~~13.52.050 Maintenance responsibility.~~

13.52.050 Location of keyboxes.

13.52.060 Access to premises and facilities.

13.52.070 Permits.

13.52.080 Resale or redistribution of water.

13.52.090 Required facilities and inspection.

13.52.100 Waste of water.

13.52.110 Relocation of fire hydrants.

13.52.020 Contribution for main construction required. SWU will furnish water to a property only if that property has been assessed for main construction or has paid or executed a secured agreement to make a payment in lieu of assessment for main construction, as provided in Sections 13.44.010 through 13.44.060 of these rules and regulations. The payment in lieu of assessment shall be the *pro rata* share, computed on a square foot basis, of one hundred percent of the cost of the system actually installed. If the system installed is larger than eight inches, the payment in lieu of assessment shall be the *pro rata* share of one hundred percent of the cost of an eighth-inch equivalent system. The required payments shall include interest from the date of the completion of the project at the net effective interest rate of the bond sold to finance the water improvements. (Ord. 80-9 (part), 1980)

13.52.040 Easements or rights-of-way required. SWU will construct, own, operate, and maintain water facilities only in the rights-of-way of public streets, roads, or highways which it has a legal right to occupy or on public or private property across which easements or rights-of-way satisfactory to SWU may be obtained by grant, purchase or condemnation under terms that SWU determines to be economically feasible. As a condition of service, SWU may require the execution of an easement or easements providing suitable right-of-way for the construction and maintenance of the water mains, connections and associated distribution and fire protection facilities determined by SWU to be necessary to serve the customer's premises. (Ord. 80-9 (part), 1980)

~~**13.52.050 Maintenance responsibility.** SWU will maintain and repair all main and all service connections that have been accepted for maintenance and operation by SWU. SWU will not be responsible for damages produced or costs incurred prior to acceptance of the system for operation. The customer is responsible for maintaining and repairing the water extension. SWU will be responsible for thawing frozen mains and the customer shall be responsible for thawing frozen water connections and water extensions from the main to the premises unless the freezing of the extension or connection was caused by an act of SWU not in conformance with these rules and regulations. (Ord. 80-9 (part), 1980)~~

13.52.050 Location of keyboxes. A. SWU will locate, without charge to the customer the keybox and thaw wire related to service for the premises. This service will be provided once for each customer at each location of service, without charge. A charge will be levied for subsequent locate services as provided in the schedule of fees and charges.

B. SWU will locate its facilities without charge to the customer when requested for the purpose of excavation or construction on the property that might otherwise damage the water service facilities. If the water locate service is requested to be performed at a time other than normal working hours, a charge will be levied in compliance with the schedule of fees and charges. (Ord. 80-9 (part), 1980)

13.52.060 Access to premises and facilities. A. A properly identified employee of SWU shall have access to the premises of a customer at all reasonable times for the purpose of turning the water service on or off, reading meters, testing or inspecting the customer's facilities or equipment, or installing or repairing, removing or exchanging facilities or equipment belonging to SWU.

B. If reasonable access to the premises is not available as required by this rule, at a time when SWU desires to conduct an inspection or perform an authorized activity on the customer's premises, the customer will be notified by door hanger or other written notice of the unauthorized obstruction to access. The customer will be charged a fee as set forth in the schedule of fees and charges for return visits necessitated by the lack of access. If access is not available after the expiration of twenty-four hours from posting or delivery of other written notice, SWU may discontinue water service until assurances of future access, satisfactory to SWU, have been provided.

C. SWU desires to accommodate the occupants of residential premises who are unavailable to permit access to the dwelling because of employment or other circumstances. Pursuant to that objective, SWU employees will attempt to telephone customers when access is denied or communicate with neighbors or others who may be informed. Customers are requested to notify SWU if access may be impaired due to vacation or other absences.

D. The customer shall keep the keybox lid and thaw wire exposed and their location marked, if necessary, and shall maintain access to the keybox at all times. If access to the keybox is obstructed, the customer will be responsible to reimburse SWU for all costs necessarily incurred by it to obtain access to commence or terminate service. (Ord. 80-9 (part), 1980)

13.52.070 Permits. The customer shall obtain for SWU all special permits and licenses not normally held or acquired by water utilities, that are necessary to install and maintain its service facilities and carry out its contract or service obligations with the customer. (Ord. 80-9 (part), 1980)

13.52.080 Resale or redistribution of water. Water of SWU is provided only for the benefit of the premises actually connected and billed. A customer may not sell any of the water furnished by SWU unless the customer has executed a contract with SWU for wholesale supply of water or is accepting the service under a schedule that specifically authorizes the resale of the water. A customer may not furnish or provide water with or without charge to another premise located in an area where a service connection or turn-on could be applied for, nor to the occupants of such premises. (Ord. 80-9 (part), 1980)

13.52.090 Required facilities and inspection. Water service will not be provided to any premises that is not equipped with an inside shutoff valve, nor will service be provided to any property unless SWU has performed an inspection of the on-property line, as constructed, to ascertain the type of pipe and fittings utilized in the line, the relation of the service line to the sewer line, and other aspects necessary to insure delivery of the proper volume of uncontaminated water under sufficient pressure. (Ord. 80-9 (part), 1980)

13.52.100 Waste of water. Customer facilities and equipment shall be maintained and utilized in a manner that will avoid unnecessary waste of water. If substantial quantities of water are being wasted due to disrepair or customer facilities, SWU may, thirty days after written notice to the customer concerning the required repair, discontinue water service to the premises. (Ord. 80-9 (part), 1980)

13.52.100 Relocation of fire hydrants. If a property owner requests SWU to relocate a fire hydrant, he shall reimburse SWU for the actual cost of the relocation. (Ord. 80-9 (part), 1980)

Chapter 13.56

Seldovia Water Utility--Service Connections and Extensions

Sections:

13.56.010 Required--Penalty.

13.56.015 City action to connect to premises.

13.56.0120 Required water connections.

13.56.0230 Connection permits.

13.64.035 Cross-connections.

13.56.0340 Compliance with specifications.

13.56.0405 Governmental permits.

13.56.050 Permits for roadway crossings.

13.56.060 Extended water connections.

13.56.070 City action to connect premises.

13.56.010 Required--Penalty. A. It shall be the duty of every owner of real property in the City to connect such property with the nearest public main in the City, providing that the public water main is within two hundred feet of the property.

B. The City Manager shall notify the property owner on the location of the nearest public water main and the approximate point of connection. If such owner fails or neglects to connect his property with such main within thirty days after the giving of such notice, such owner shall be deemed guilty of an infraction and shall be subject to the general penalty designated in Section 1.08.010 of this code.

C. No building shall be occupied unless it is connected with a water service extension.

13.56.0120 Required water connections. No service connection and extension shall be constructed and installed from the water main to each building served on the abutting property unless the property owner has accepted responsibility for payment of billings for water service. (Ord. 80-9 (part), 1980)

13.56.0230 Connection permits. The developer or property owner or authorized agent shall acquire a permit from the city office for each water connection and for each water extension prior to its construction. The developer or owner must complete the permit application, designate on the permit application the size of the connection to be constructed if it is to be larger than the standard three-fourths-inch connection and pay a fee or deposit as set forth in the schedule of fees and charges. No water connection will be made or permitted without the required permit. (Ord. 80-9 (part), 1980)

13.56.035 Cross-connections. A cross-connection may not be constructed between any portion of the SWU water facilities or any portion of the customer water facilities and

any possible source of contaminated water. This prohibition shall apply, but not be limited to, fire sprinkler systems. (Ord. 80-9 (part), 1980)

13.56.0340 Compliance with specifications. Water connections and water extensions shall be constructed and installed in compliance with the standard construction specification of the City. New water connections and extensions as well as repair to existing extensions, must be inspected by SWU personnel before the water is turned on. An inspection fee, in an amount set forth in the schedule of fees and charges, shall be paid at the time of the application for a permit to construct the water connection or extension or repair the water extension. (Ord. 80-9 (part), 1980)

13.56.0405 Governmental permits. The developer, owner or contractor shall acquire all permits and pay all fees established by any governmental unit as a condition for the installation or construction of a water service connection or extension. If the governmental unit requires SWU to obtain the permit and accept responsibility the developer, owner or contractor shall reimburse SWU for all costs incurred to obtain the permit and provide a two-year guarantee secured by a bond to SWU sufficient to cover possible damages or liabilities. (Ord. 80-9 (part), 1980)

13.56.050 Permits for roadway crossings. The applicant for a permit to install a water connection under a road right-of-way shall guarantee the water connection project for two years and post a bond with SWU in an amount determined by the City Manager to be adequate to cover the cost of repairing any damage to the roadway caused by the installation of the water connection. The principal sum of the bond may not be less than five thousand dollars. A bond may not be accepted by SWU unless the form of the bond has been approved by the city attorney. (Ord. 80-9 (part), 1980)

13.56.060 Extended water connections. A. ~~SWU will provide residential water service to a property located within two hundred feet of a main through an extended water connection under the conditions set forth in this section.~~ Service will be provided by a one-inch water connection constructed in the right-of-way or in an easement provided by the customer. Only one customer may be served from the extended connection. The keybox for the connection shall be installed at the first property line adjacent to the main on the customer's side of the right-of-way and the customer shall be responsible for repair and maintenance of the water connection and extension from that point.

B. A person desiring to receive service through an extended connection shall make application to SWU for service and agree to participate in the sharing of costs associated with future main extensions to serve the property through an assessment or payment in lieu of assessment. Payment of the costs of an extended connection is in addition to and not in lieu of any other assessment or payment in lieu of assessment associated with an extension of a main to serve the property. (Ord. 80-9 (part), 1980)

~~Chapter 13.64~~ ~~Seldovia Water Utility General Provisions~~

~~Sections:~~

~~13.64.010 Customer complaints.~~
~~13.64.020 Discontinuance of service.~~
~~13.64.030 Main shutoffs.~~
~~13.64.040 Relocation of fire hydrants.~~
~~13.64.050 Cross connections.~~
~~13.64.060 Service turn ons and turnoffs.~~
~~13.64.070 Location of keyboxes.~~
~~13.64.080 Definitions.~~
~~13.64.090 Water connection.~~

~~**13.64.010 Customer complaints.** A. A customer desiring affirmative action by SWU may file a complaint with SWU concerning the adequacy of the water service provided or the failure of SWU to comply with the rules and regulations or rate schedules established by this title. A complaint may be filed only by a customer who is directly affected by the action or inaction that is the subject of the complaints, or by his authorized representative.~~

~~B. A service complaint may be oral or in writing and directed to the attention of the City Manager. If the City Manager requests, the complaint shall be reduced to writing and signed by the customer or his authorized representative. It shall set forth the name, address and telephone number of the complaining party; the nature of the complaint; supporting facts, including pertinent dates, and the remedy requested. City Manager will investigate the complaint and respond to the customer in writing within ten days. Complaints that are not resolved by the City Manager to the satisfaction of the customer may be presented to the City Council. (Ord. 80-9 (part), 1980)~~

~~**13.64.020 Discontinuance of service.** SWU may discontinue water service and remove its equipment or facilities from the premises if the customer fails or refuses to comply with any provisions of these rules and regulations or a provision of a current contract. Except as otherwise provided in these rules and regulations, SWU will give notice of discontinuance of service and the reason for the discontinuance by mail and door hanger. Notice will be mailed not less than ten days prior to shutoff and a door hanger will be placed not less than twenty four hours prior to termination of service. (Ord. 80-9 (part), 1980)~~

~~**13.64.030 Main shutoffs.** A. If a customer intentionally prevents SWU from discontinuing service by interfering with access to the keybox or by turning the water on after SWU has discontinued service, SWU may, after ten days written notice to the customer, excavate and turn off the water supply by closing the corporation valve on the main. If, during the ten day period following notice, the customer provides adequate~~

assurances to SWU that access will be available and that the facilities or access to them will not be tampered with again, SWU will not utilize the main shutoff.

B. If SWU closes the corporation valve as provided in this section, the valve will not be reopened until the customer pays for all outstanding billings as well as the costs incurred by SWU to close the corporation valve and reopen it. (Ord. 80-9 (part), 1980)

~~13.64.040 Relocation of fire hydrants.~~ If a property owner requests SWU to relocate a fire hydrant, he shall reimburse SWU for the actual cost of the relocation. (Ord. 80-9 (part), 1980)

~~13.64.050 Cross connections.~~ A cross-connection may not be constructed between any portion of the SWU water facilities or any portion of the customer water facilities and any possible source of contaminated water. This prohibition shall apply, but not be limited to, fire sprinkler systems. (Ord. 80-9 (part), 1980)

~~13.64.060 Service turn-ons and turnoffs.~~ SWU will not discontinue service for a billing delinquency during the period between noon on Friday and eight a.m. on Monday. Service will be turned on or off at the request of a customer only if the customer is physically present at the premises to observe or respond to inquiry. Unless otherwise specifically provided by this ordinance, water may be turned on or off only by authorized personnel of SWU. Each customer is entitled to one turn-on and one turnoff without charge, at each location where service is provided. A charge will be levied by SWU as specified in the schedule of fees and charges for all other turn-ons and turnoffs, as well as turnoffs requested by a customer to be performed during hours other than the normal business hours of SWU. (Ord. 80-9 (part), 1980)

~~13.64.070 Location of keyboxes.~~ A. SWU will locate, without charge to the customer the keybox and thaw wire related to service for the premises. This service will be provided once for each customer at each location of service, without charge. A charge will be levied for subsequent locate services as provided in the schedule of fees and charges.

B. SWU will locate its facilities without charge to the customer when requested for the purpose of excavation or construction on the property that might otherwise damage the water service facilities. If the water locate service is requested to be performed at a time other than normal working hours, a charge will be levied in compliance with the schedule of fees and charges. (Ord. 80-9 (part), 1980)

~~13.64.080 Definitions.~~ The definitions in this section are applicable to the terms as used anywhere in Chapters 13.32. through 13.60 unless the context in which the term is used clearly indicates that another or different definition should be applied as used in Chapter 13.32 through 13.60:

A. ~~"Accessible" means capable of being reached quickly for operation, removal or inspection without requiring those desiring access to climb ladders, to climb over or remove obstacles or to unlock doors.~~

B. ~~"City" means the City of Seldovia, Alaska.~~

C. ~~"Commercial or industrial service" means the type of service rendered to a premises utility primarily or substantially for business purposes or other than as living accommodation for occupants.~~

D. ~~"Completion of construction" means the date upon which the City Manager based on inspection reports, that the extension is complete and fully operable and he accepts the extension for operation and maintenance.~~

E. ~~"Cost of construction" means the total cost of constructing the facility involved, including the costs for property acquisition, design and engineering, legal fees, permit fees, administrative overhead and the total cost of the final construction work.~~

F. ~~"Dwelling unit" means one or more rooms and kitchen facilities in a building or portion of a building designed as a unit for occupancy by not more than one family for living and sleeping purposes.~~

G. ~~"Eight-inch equivalent water system" means a system equal to an eight-inch water system including all mains, valves, tees, crosses, fire hydrants and other fittings or connections that would normally be included as part of the water system installed.~~

H. ~~"Home occupation" means an occupation conducted in a residential dwelling by the residents of the unit that is secondary to the use of the dwelling for living purposes and does not involve more than one paid assistant who does not reside on the premises.~~

I. ~~"Locate" means to discover and mark the horizontal course of a water facility on the overlying surface.~~

J. ~~"Manager" means the City Manager or his designee.~~

K. ~~"Comprehensive plan" means that plan prepared by the engineering firm of Pacific Rim Planners and adopted by the City and borough in 1980.~~

L. ~~"Normal business hours" means the hours between eight a.m. and five p.m. on Monday through Friday, excluding recognized City of Seldovia holidays.~~

M. ~~"Residential service" means the type of service made available to single-family or multiple family dwelling units, such as duplexes or triplexes, not available for transient occupancy.~~

N. ~~"Townhouse" means two or more dwelling units owned by separate individuals but connected by one or more common walls.~~

O. ~~"Type of service" means either residential service or commercial or industrial service, as those terms are defined in this section.~~

P. ~~"Water connection" means that part of the water distribution systems connecting the water main with the lot line of the property abutting the water main.~~

Q. ~~"Water extension" means that part of the water distribution system extending from the water connection into the premises served.~~

R. ~~"Water main" means that part of the water distribution system intended to serve more than one water connection.~~

S. ~~"SWU" means Seldovia water utility, which shall be comprised of the City Council and Mayor, with the Mayor voting only in case of a tie. (Ord. 80-9 (part), 1980)~~

T.

~~**13.64.090 Water connection.** Water connection to city water mains shall be installed only by the City or by the City's authorized contractor or agent. No person shall install a water extension without first obtaining a written permit from the City. The fee for such permit shall be as prescribed by the City. (Ord. 80-9 (part), 1980)~~

~~Chapter 13.72~~

~~Seldovia Water and Sewer Utility Rates, Payment and Collection~~

~~Sections:~~

~~13.72.010 Water and sewer service monthly rates.~~

~~13.72.020 Water and sewer rates revisions.~~

~~13.72.030 Connect/disconnect service charge.~~

~~13.72.040 Billing and collection.~~

~~13.72.050 Non payment service disconnected.~~

~~13.72.060 Service responsibility.~~

~~13.72.070 Terms of service.~~

~~13.72.080 Billing for unauthorized service.~~

~~13.72.090 Unpaid bills lien on property.~~

~~**13.72.010 Water and sewer service monthly rates.** Water supplied to any connected service by the Seldovia water utility and sewer rental for any currently connected~~

water service will be charged on a flat monthly rate in accordance with the schedules approved by the City Council. (Ord. 87-17 Sec. 3, 1987)

~~**13.72.020 Water and sewer rates revisions.**~~ The rates charged for water and sewer utilities may be changed from time to time by the Seldovia City Council. Any time a rate is changed, the new rates become effective only after 30 days' notice to customers and publication. Publication may be accomplished by posting in at least three public places. (Ord. 87-17 Sec. 3, 1987)

~~**13.72.030 Connect/disconnect service charge.**~~ In order to receive service from the Seldovia water and sewer utilities, a customer must first sign a service connect order and pay a refundable deposit and a nonrefundable connect fee, the amount of which is in accordance with the fee schedules approved by the City Council during the annual budget process.. (Ord. 87-17 Sec. 3, 1987; Ord. 99-07)

~~**13.72.040 Billing and collection.**~~ A. Utility bills are due and payable on or before the 30th of the month following the month for which services are billed.

B. Failure to pay water and sewer bill in full by the due date shall render the account delinquent and result in a late payment charge set by resolution.

C. All legal fees, collections fees and costs associated with resolving a delinquent account shall be borne by the account holder. (Ord. 17-20)

~~**13.72.050 Non payment service disconnected.**~~ A. Any person failing to pay a utility bill by the 60th day after the date of billing will be served notice that their utility service will be disconnected within 5 (five) business days of Notification of Disconnect. Notice shall be hand delivered or notice left on a door hanger on the premises giving the person 5 business days from the date and time of the notice in which to remedy the delinquency. (Ord. 87-17 Sec. 3, 1987)

B. Any utility disconnected under a section will be assessed a \$15.00 service call fee.

1. The account holder shall be sent a notice of account delinquency via certified mail indicating the amount of the account balance, including all charges. The notification shall indicate the deadline that the account holder must pay the delinquent account balance or by which they must sign a Payment Agreement to prevent a shut off of the utility service.

2. A door hanger shall be placed at the residence of the delinquent account holder indicating the amount of the account balance, including all charges. The door hanger shall indicate the deadline that the account holder must pay the delinquent account balance or by which they must sign a Payment Agreement to prevent a shut off of the utility service.

3. All legal fees and costs associated with resolving a delinquent utility account shall be borne by the account holder. In the case where the account is held by a tenant who fails to resolve the delinquent account, the landlord and tenant shall be jointly responsible for the delinquent and any associated charges, costs and attorney fees.

4. The City will attempt to contact by certified mail the property owner if the delinquent account is for a tenant. It is the responsibility of property owners to notify the City of tenant-owner relationships and to provide the city with current contact information. (Ord. 13-01)

C. The lien created in this section may be foreclosed upon pursuant to the procedures set forth in Section 13.72.090.

1. The City of Seldovia shall place a lien upon any and all real property serviced by any of the utility 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.

2. The City shall maintain a list of all individuals whose utility accounts with the City are more than 60 days delinquent. The list shall include the name of the individual holding the account with the City utility, the legal description of the property serviced by the utility, and the amount delinquent. The City shall place a lien to be recorded for the amounts owed, including fees, costs and attorney fees, within 14 business days from the date of delinquency, Notification of Disconnect. (Ord. 13-01)

~~13.72.060 Service responsibility.~~ A. Each customer is responsible to report any changes in billing address or information to the City of Seldovia.

B. A customer who is listed on the City's records as the person or entity responsible for the water and sewer bill at a specific location shall be billed for that service until notice by telephone, mail or in person, of a change in occupancy. Such notice shall specify the date service is to be discontinued. Notice shall be provided at least five days prior to the change of occupancy. If the customer fails to provide the required notice, the customer will be charged for a water service furnished to the premises until the City is provided with adequate notice of change of occupancy. (Ord. 87-17 Sec. 3, 1987)

~~13.72.070 Term of service.~~ Unless otherwise provided in a written contract for service, the minimum term for which utility service will be rendered is thirty days. A customer taking service for less than the minimum term will be billed for the minimum monthly charge specified in the rate schedule for the type of service. (Ord. 87-17 Sec. 3, 1987)

~~**13.72.080 Billing for unauthorized service.** A person who appropriates or accepts water and/or sewer service from the City without applying for service and otherwise complying with the rules and regulations shall be billed at the rate for the type of service that would have otherwise been applicable from the date of the turn-on or, if that date cannot be established, from the date of construction of the water connection or from the date of the last paid service for the connection. In addition, the customer will be billed for a penalty equal to 20% of the amount to be billed for the unauthorized turn-on or turn-off. (Ord. 87-17 Sec. 3, 1987)~~

~~**13.72.090 Unpaid bills lien on property.** All water and sewer utility charges due and unpaid become a lien against the real property served in accordance with AS 09.40.010-09.40.220. (Ord. 87-17 Sec. 3, 1987)~~

SECTION 4. MINOR OFFENSE TABLE 1.08.040

13.04.055	Water and Sewer Required--Penalty	
13.08.020	Altering any public sewer connection prior to obtaining permit	\$500
13.08.130	Unlawful discharge into any public sewer or side sewer	\$500

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective July 01, 2019.

ADOPTED by a duly constituted quorum of the City Council of the City of Seldovia, Alaska this ____ day of _____, 2019.

ATTEST:

Heidi Geagel, City Clerk

APPROVED:

Dean Lent, Mayor

Vote:
Colberg-
Campbell-
Morrison-
Rojas-
Lethin-

**CITY OF SELDOVIA
ORDINANCE 19-09**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA,
AMENDING TITLE 15 HARBORS AND BOAT MOORAGE; ADOPTING SECTION 15.04.060
CHARGES ON DELINQUENT ACCOUNTS, AMENDING 15.04.050, 15.16.120, 15.16.200, AND
REPEALING 15.20.210**

SECTION 1. CLASSIFICATION: This ordinance is permanent in nature and shall become a part of the Municipal Code of the City of Seldovia.

SECTION 2: SEVERABILITY: If any provision of this ordinance or any application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application to another person or circumstances shall not be affected thereby.

SECTION 3. ENACTMENT: ADOPTING SECTION 15.04060, AMENDING SECTIONS 15.04.050, 15.16.120, 15.16.200, AND REPEALING 15.20.210 BY REMOVING LANGUAGE IN ~~STRIKEOUT~~ AND ADDING LANGUAGE IN **HIGHLIGHT** TO READ AS FOLLOWS:

**Chapter 15.04
General Provisions**

Sections:

- 15.04.010 Purpose.
- 15.04.011 Access to Harbor or Port Facilities
- 15.04.020 City facilities use--Responsibility.
- 15.04.030 Registration with Harbormaster.
- 15.04.031 Establishing a Stall Waiting List
- 15.04.040 Moorage charges.
- 15.04.050 Electrical charges.
- 15.04.060 Charges on delinquent accounts.**

15.04.010 Purpose. This title shall be deemed in exercise of the powers of the City Council for the protection, safeguarding and orderly moorage and control of boats, and for the protection and general welfare of the public, and all of its provisions shall be liberally construed for the accomplishment of that purpose. (Prior code Sec. 8.005(a))

15.04.011 Access to Harbor or Port Facilities. The City shall at all times have the right to refuse the use of any city dock or terminal or harbor facility by any person,

equipment, materials, or vessel or to remove any vessel, or person or cargo at any time from any city dock or terminal, or harbor facility. This right shall be reserved at all times to the City without responsibility for demurrage¹, loss or damage when:

- (1) Previous arrangements for berthing, space, receiving or unloading have not been made with the Harbormaster, or
- (2) The vessel is unsafe or hazardous and may pose risk to life or property; or
- (3) The value of the vessel, in the opinion of the Harbormaster is less than the probable service charges and other charges to its use of the city dock or terminal, or harbor facility; or
- (4) during periods of congestion, or in cases of emergency, when, in the judgment of the Harbormaster, the circumstances prevailing or likely to occur will prevent the city docks or terminal, or harbor facilities, or any portion of them from providing customary services to the public. For vessels that may be hazardous or become a menace to other vessels, their occupants, or city facilities, the Harbormaster or City Manager may require an operator or owner of a vessel to furnish evidence that there is currently in effect liability insurance in an amount satisfactory to the City by filing a certificate of insurance or other satisfactory evidence signed by an agent or officer of the insurance company and stating the effectiveness and expiration date thereof. (Ord. 13-07)

15.04.020 City facilities use--Responsibility. The use of any city-owned or operated mooring facilities automatically gives permission to officers of the City to board boats for the purpose of enforcing this title and other city ordinances, and to move said boats as necessity or emergencies require. The City assumes no liability for loss or damage to boats moored at any such facility or for the movement thereof. (Prior code Sec. 8.005(b))

15.04.030 Registration with Harbormaster. Every act or statement required to be made by a vessel owner or agent of such owner shall be made, by the owner of the boat and person, or if by an agent, the necessity thereof shall be stated and shown; provided, that the operator of any vessel shall, for the purposes of this act, be considered the legal agent or the owner. It shall be the duty of the operators of all boats tying up to facilities in the small boat harbor to register with the Harbormaster, giving the name and ownership, overall length, beam and draft of said boats. (Prior code Sec. 8.005(c))

¹ Holding of cargo carrier: detention or delay of a cargo carrier during its loading or unloading process, beyond its scheduled time of departure; Compensation for loading or unloading delay: compensation paid when there is a delay in loading or unloading a carrier causing a delay in the carrier's departure.

15.04.031 (a) Establishing a Harbor Stall Waiting List. A. The Harbormaster shall establish and maintain a reserved stall waiting list or lists. The list(s) shall include the sign up date, the name, address, and telephone number of the applicant, the stall size requested, and any other information requested by the Harbormaster and payment of a fifteen-dollar fee. An applicant shall notify the Harbormaster in writing of any change of address or telephone number immediately. (Ord. 89-1)

B. Any individual, partnership, corporation or governmental agency may apply for use of a reserved stall. All applicants, except government agencies, shall designate a single individual whose name shall appear on the waiting list and who shall be responsible for payment of all fees. Any changes in the individual designated may result in the applicant's loss of priority on the waiting list, except as specifically provided in subsection 15.04.031(f).

C. Separate lists may be maintained by the Harbormaster for different stall sizes available in the boat harbor. An applicant or reserved stall licensee may be placed on one or more of these lists.

D. The Harbormaster shall place applicants on the waiting list on a first come/first-served basis and only upon receipt of all requested information and payment of the annual waiting list fee of fifteen dollars. The annual waiting list fee will be accepted only from the individual whose name appears on the waiting list. The fee is neither refundable nor creditable to the berth lessee.

E. An applicant need not own or operate a vessel to be placed on the waiting list.

F. Upon the death of an applicant, the applicant's rank on the waiting list shall be transferred to the surviving spouse upon written request to the Harbormaster.(Ord. 89-1)

15.04.040 Moorage charges. A schedule of mooring charges and service fees shall be established by non-code ordinance of the Council and shall be subject to review and revision as occasion demands. (Ord. 80-21 Sec. 2, 1980: Ord. 80-4 Sec. 2, 1980)

15.04.050 Electrical charges. A schedule of electrical charges shall be established by resolution of Council **the Seldovia Fee Schedule** and shall be subject to review and revision as occasion demands. (Ord. 81-12)

15.04.060 Charges on delinquent accounts. All invoices except for damages to City of Seldovia property, will be declared delinquent thirty (30) days after the billing date (statement date) and failure to pay the invoice bill in full by the due date shall render the account delinquent and result in a late payment charge established by the Seldovia Fee Schedule.

*For statutory provisions regarding general city powers see AS Secs. 29.35.010 and 29.35.250.

Chapter 15.14 Set Nets and Gill Nets

Sections:

15.14.010 Prohibition of set nets and gill nets within the stated waters of the city limits.

15.14.020 **Penalty.**

15.14.010 Prohibition of set nets and gill nets within the stated waters of the city limits. Prohibition of set nets or gill nets within the Seldovia Slough, within an area of one hundred feet on either side of the Seldovia City boat haul out and the Seldovia Small Boat Harbor and within a two hundred fifty foot area on the northwest side of the main entrance of the Small Boat Harbor of Seldovia and to the northern-most point of land of the Seldovia East Addition next to the southeast side of the breakwater: No person shall and it is unlawful to place subsistence or commercial set nets or gill nets in water within the said areas of the city limits of the City of Seldovia. (Ord. 96-12A)

15.14.020 Penalty. Violation of this chapter is an infraction and punishable by a fine established in section 1.08.040 of this code. (Ord. 16-06)

Chapter 15.16 Small Boat Harbor

Sections:

15.16.010 Loading dock.

15.16.020 Gridiron.

15.16.030 Floats--Kept free of objects.

15.16.040 Emergency services.

15.16.050 Raising sunken boats.

15.16.060 Dumping debris prohibited.

15.16.070 Occupant to keep area neat.

15.16.080 Skiffs attached to boat.

15.16.090 Welding prohibited on float.

15.16.100 Float assignment.

15.16.110 Services of Harbormaster.

15.16.120 Mooring without payment prohibited.

15.16.130 Float bumpers.

- 15.16.140 Wheeled vehicles on float facilities.
- 15.16.150 Anchoring prohibited where.
- 15.16.160 Children under twelve on or near floats.
- 15.16.165 Dogs on float facilities.
- 15.16.170 Combustible liquids.
- 15.16.180 Mooring fees--Collections.
- 15.16.190 Mooring agreement.
- 15.16.200 Fees--Miscellaneous Services.
- 15.16.210 Live-aboard Policy.

15.16.010 Loading dock. The loading dock in the small boat harbor is open to the public without charge, but moorage at said dock is limited to the period of actual loading and unloading operations only. (Prior code Sec. 8.025(a))

15.16.020 Gridiron. The gridiron in the small boat harbor is open to the public on a reserved basis, according to scheduled fees. (Ord. 80-4 Sec. 6, 1980)

15.16.030 Floats--Kept free of objects. All floats shall be kept clear of any objects or items that are not appurtenances to the floats. Any such items found on the floats are subject to impoundment. Impounded items will be released after proof of ownership and payment of an impoundment fee. Items not claimed within ninety days may be sold by the City. (Ord. 80-4 Sec. 7, 1980)

15.16.040 Emergency services. Boats requiring emergency service by city employees will be charged for such service by the City at cost. (Prior code Sec. 8.025(d))

15.16.050 Raising sunken boats. The actual cost of raising and moving sunken boats will be charged to the owner. In all instances, attempts shall be made to notify the owner or operator of the boat before such action is taken by the City. Abandoned boats will be impounded and after ninety days, if not reclaimed, sold at public auction otherwise disposed of as authorized by law for the disposition of such personal property. (Ord. 74-34 Sec. 1(part), 1974; prior code Sec. 8.025(e))

15.16.060 Dumping debris prohibited. No person in charge or occupying any boat shall dump or throw garbage, paper, bottles, cans, or debris into the waters or onto the floats at the small boat harbor. The Harbormaster shall provide garbage cans of sufficient size and number, to be mounted on racks on the loading dock, for collection by the garbage collector. No person shall pump bilges containing oil or gasoline or transferred gasoline or any other highly inflammable liquid or substance within the confine on the small boat harbor. Violation of this section is an infraction punishable by a fine established in section 1.08.040. (Prior code Sec. 8.025(f); Ord. 16-06)

15.16.070 Occupant to keep area neat. Persons in charge of or occupying boats shall at all times keep the floats and premises adjacent to such watercraft in a neat and orderly condition, free from trash, rubbish, repair parts, machinery equipment and debris of all kinds. (Prior code Sec. 8.025(g))

15.16.080 Skiffs attached to boat. No boat moored within the small boat harbor shall have skiff tied along the side or stern except when actually in use. (Prior code Sec. 8.025(h))

15.16.090 Welding prohibited on float. For the safety of the general public and protection of the boat float, there shall be no welding on the boat float unless authorized by the Harbormaster. Violators of this section shall be subject to fine established in Section 1.08.040 of this code. (Ord. 89-12, Ord. 74-34 Sec. 1 (part), 1974: prior code Sec. 8.025(i); Ord. 16-06)

15.16.100 Float assignment. Float assignments and other mooring spaces shall be designated by the Harbormaster and his decision shall be final. (Ord. 75-10 Sec. 2, 1975)

15.16.110 Services of Harbormaster. The Harbormaster is granted the power and authority to, from time to time as circumstances require but without any obligation or duty to do so, and without any obligation or liability on his part or that of the City for his failure to do so, replace defective mooring lines, attach additional mooring lines, pump vessels which are in a dangerous condition for lack of pumping, and to move any boat for the purpose of protecting such boat from fire or other hazard or for the protection of other vessels or property therefrom. (Ord. 75-10 Sec. 3, 1975)

15.16.120 Mooring without payment prohibited. It is unlawful for any person to moor, berth, tie, attach or connect to any harbor improvement or facility, any vessel, or other waterborne structure for an overnight period without paying ~~rental charges~~ **moorage fees**. Violators of this section shall be subject to the fine established in Section 1.08.040. (Ord. 80-4 Sec. 8, 1980; Ord. 16-06)

15.16.130 Float bumpers. Float bumpers made from used tires, rope, old fire hose, etc., shall not be secured either permanently or temporarily to the float system under any circumstance. The lessee may install standardized premolded rubber, vinyl bumpers of commercial manufacture if so desired. (Ord. 75-10 Sec. 5, 1975)

15.16.140 Wheeled vehicle on float facilities. There shall be no driving of any wheeled bicycle or wheeled or tracked motorized piece of equipment upon the float facilities, except equipment authorized by the Harbormaster. (Ord. 75-10 Sec. 6, 1975)

15.16.150 Anchoring prohibited where. Anchoring in open areas in the small boat harbor is prohibited. Violators of this section shall be subject to the fine established in Section 1.08.040. (Ord. 75-10, Sec. 7, 1975; Ord. 16-06)

15.16.160 Children under twelve on or near floats. It is unlawful for any children under the age of twelve years to be on or near any float or dock within the city harbor, unless accompanied by an adult. (Ord. 75-10 Sec. 8, 1975)

15.16.165 Dogs on float facilities. Only dogs at heel or on a leash shall be allowed on floats to and from boats. Owners are responsible for messes and damage caused by their dog. (Ord. 90-06, Ord. 84-3 Sec. 2, 1984)

15.16.170 Combustible liquids. It is unlawful for any person to store upon any of the floats, docks or gangways owned, constructed or maintained by the City, any gasoline, lubricating oil or other combustible liquids or oils of any nature or description. (Ord. 75-10 Sec. 9, 1975)

15.16.180 Mooring Fees--Collections. Mooring fees shall be paid in accordance with the published schedule. Delinquent accounts for stall rentals are cause to have the stall cancelled and are subject to the collection in accordance with the credit policy adopted by the Council City Council and in effect. All mooring, grid, energy and other miscellaneous harbor fees shall constitute a lien against the vessel, its tackle, gear, appurtenances and other similar property of the owner or operator. (Ord. 87-17 Sec. 4, 1987)

15.16.190 Mooring agreement. As a condition precedent to securing of moorage space each owner or authorized agent shall, in writing, agree to the removal of his boat by the Harbormaster in the event of delinquent fees. All cost of removal of any boat shall be at the owner's expense and risk. (Ord. 80-4 Sec. 10, 1980)

15.16.200 Fees for miscellaneous harbor services. A fee of ~~\$10.00 a day~~ established by the Seldovia Fee Schedule will be paid by any vessel not paying moorage in Seldovia for any use of these harbor facilities: fresh water, cleaning station, fish weighing scales and carcass pens. Said payment shall be made for day rate before usage, to Harbormaster's office. (Ord 8918)

15.16.210 Live-aboard Policy. A. A person living aboard a boat in the Seldovia Boat Harbor for fifteen days within any thirty-day period is considered a liveaboard for purposes of this section.

B. Pets may be kept on a live-aboard vessel at the discretion of the Harbormaster.

C. Vessels being used for live-aboard purposes must meet all sanitary requirements as established by the United States Coast Guard.

D. Oil, gas, electric or wood heating units must be installed and utilized in conformance with manufacturer's specifications.

- E. Live-aboards shall be current on all moorage and other boat harbor charges to be able to occupy a vessel for this purpose.
- F. Owner shall maintain in effect during the term of this agreement liability covering Owner's employees, invitees, and passengers, and covering damage to Harbor property and other vessels and facilities by the operation of the Vessel. If the Vessel carries passenger for hire, the liability insurance shall cover bodily injury, including death, in an amount not less than \$100,000.00 per person, \$300,000.00 combined single limit per occurrence, (including property damage). All required policies of liability insurance shall name City as an additional insured with waiver of subrogation.
- G. Vessel must be capable of getting underway at all times.
- H. Vessel meets all U.S. Coast Guard requirements for safe navigation on the water.
- I. The vessel occupants (s) are owners, and/or signers, of the moorage agreement. The agreement is a license, not a rental agreement. Therefore, no rental rights can be presumed. Transient vessels which use the harbor facilities for two week or less are exempted from this subsection.
- J. Occupants of live-aboard vessels shall not park more than one vehicle within the harbor areas at any time. During periods of snow accumulation, the owners of such vehicles shall park vehicles as directed by the harbormaster to facilitate snow removal. Failure to follow direction of the harbormaster may result in removal of the vehicle at the owner's expense.
- K. Live-aboard fees shall be established by a non-code ordinance of the City Council. (Ord. 94-01; Ord. 14-09)

Chapter 15.20 Enforcement

Sections:

- 15.20.010 Enforcing officer.
- 15.20.015 Unpaid fees and charges
- 15.20.016 Impound vessel procedure
- 15.20.017 Limitation of liability
- 15.20.018 Nuisances declared—Removal
- 15.20.019 Nuisances—Abatement procedure

15.20.020 Harbormaster duties.
15.20.030 Moorage refusal to violators.
15.20.040 Citations.
~~15.20.210 Live-aboard Policy.~~

15.20.010 Enforcing officer. The Chief of Police of the City shall have direct supervisory responsibility for all city moorage facilities and waterways and is authorized to enforce the provisions of this title. (Prior code Sec. 8.015(a))

15.20.015 Unpaid fees and charges. Any vessel upon which mooring fees, utility charges or any other City fees or charges have accrued may be impounded and sold by the City for the unpaid charges and fees under the provisions of 15.20.016. Interest on delinquent fees and charges shall accrue at the rate of ten and one-half (10.5%) percent. (Ord 09-05 Sec 2, 2008)

15.20.016 Impounded vessel procedure. A. At least ten days prior to impounding any vessel, the City shall cause to be posted on the vessel, in the harbormaster's office, the City Clerk's office and on the bulletin board at the entrance of the United States Post Office, notice of such action to be taken by the City. A copy of the notice may be mailed by certified mail return receipt requested, to the owner or operator of the vessel at his last known address, which address shall be the same as that furnished in accordance with the regulations of the moorage agreement. The notice is effective when mailed. The notice shall contain the name and/or number of the vessel, the name and address, if known, of the owner or operator and location of the vessel. If the address of the owner or operator of the vessel cannot be determined, notice shall also be published at least once in a newspaper of general circulation in the City.

B. As to any vessel proposed for impoundment with the exception of any vessel deemed to constitute a clear and present danger to the public health, safety and general welfare, an owner or operator of the vessel has the right to a preimpoundment administrative hearing to determine whether there is probable cause to impound the vessel if such person files a written demand, on forms so provided for such a hearing, with the City within ten days after such person has learned such vessel will be impounded or within ten days after the return of mail receipt of the notice required by subsection a. of this section, whichever occurs first.

C. A hearing shall be conducted before a hearing officer designated by the City Manager within forty-eight hours of receipt of written demand therefor from the person seeking the hearing unless the person waives the right to a speedy hearing. Saturdays, Sundays and City holidays are to be excluded from the calculation of the forty-eight hour period. The hearing officer shall be someone other than the persons who will direct the impounding and storage of the vessel. The sole issue before the hearing officer shall be whether there is probable cause to impound the vessel in question. "Probable cause to impound" shall mean such a state of facts as would lead a person of ordinary care and prudence to believe that there was breach of federal, local or municipal law or regulation, or any agreement entered into pursuant thereto, rendering the vessel subject to impoundment. The hearing officer

shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The person demanding the hearing shall carry the burden of establishing that such person has the right to possession of the vessel. The harbormaster/city manager shall carry the burden of establishing that there is probable cause to impound the vessel in question. At the conclusion of the hearing, the hearing officer shall prepare a written decision. A copy of such decision and reasons therefore shall be provided to the person demanding the hearing and the owner of the vessel if such owner is not the person requesting the hearing. The hearing officer's decision in no way affects any criminal proceeding connection with the impound in question and any criminal charges involved in such proceeding may only be challenged in the appropriate court. The decision of the hearing officer is final and may only be appealed to the Superior Court. Failure of the owner or operator to request or attend a scheduled preimpoundment hearing shall be deemed a waiver of the right of such hearing.

D. The hearing officer shall only determine that as to the vessel in question either that there is probable cause to impound the vessel or that there is no such probable cause. In the event that the hearing officer determines that there is no probable cause, the hearing officer shall prepare and date a Certificate of No Probable Cause, copies of which shall be given to the owner or operator and to the harbormaster. Upon receipt of such Certificate of Probable Cause, the harbormaster may proceed with impoundment and disposition of the vessel by removal, sale or destruction as authorized by this title.

E. Any vessel impounded shall be held by the City for a period not less than thirty days during which the City shall publish in a newspaper of general circulation in the City a notice describing the vessel in general terms, the name and/or number, if any, the name and address of the owner, or operator, if known, or if not known shall so state the location of the vessel and intention of the City to sell the same at public auction, on a day and at a place and time certain, not less than ten days prior to the sale, for cash to the highest and best bidder. At any time prior to the auction, the owner or operator may redeem the vessel by cash payment of all City charges against the vessel.

F. If at the public sale there are no bidders for the vessel, the City may destroy, sell at private sale or otherwise dispose of the vessel. The disposition is to be made without liability of the City, its employees or agent to the owner, master or any lien holder of the vessel. (Ord 09-05 Sec 2, 2008)

15.20.017 Limitation of Liability. A. The authority granted to the harbormaster pursuant to this chapter shall not create any obligation or duty requiring the harbormaster to take action to protect or preserve any vessel or property located within, or utilizing the small boat harbor.

B. The City does not accept control of vessels or other property moored or store in the small boat harbor. When the City assigns moorage space to a vessel or assigns storage space to a vessel or other property, the City is not accepting possession or control of the vessel or other property. Unless the vessel or other property is formally impounded by the

City, the vessel or other property shall at all times remain in the exclusive possession and control of the owner or operator of said property and the City is not acting, and shall not be held liable in any manner, as a warehouseman or a bailee.

C. Even when the vessel is impounded by the City, the City shall not be liable for the safekeeping or condition of the vessel and shall not be held liable in any manner, as a warehouseman or a bailee.

D. The City shall not be liable for any loss or damage resulting from use of the small boat harbor or any small boat harbor facility from any cause whatsoever, except and to the extent solely caused by the City's own negligence or intentional misconduct. The City disclaims any and all other liability, whether for negligence or other tort, in contract or otherwise, and specifically disclaims any warranty or whatsoever kind of nature including, but not limited to any warranty of workmanlike service or performance. The liability of the City for damages caused solely by its own negligence or intentional misconduct shall be limited to the reasonable cost of repairing the vessel or other property that was moored or store in, or making use of, the small boat harbor or small boat harbor facilities. The owner of the vessel or other property assumes all responsibility for any and all other claims or damages otherwise resulting, including, but not limited to, claims by owners or third-parties for property damage, personal injury or death, pollution or discharge of a polluting or hazardous substance (together with clean-up, removal and remediation of same), as well as any direct, indirect, special, consequential or commercial damages, claims for loss of profits or earnings, or other claims or damages of whatever kind of nature.

E. Each owner of a vessel or other property moored or stored in, or making use of the small boat harbor or small boat facilities, releases and agrees to defend, hold harmless, and indemnify the City and its officers, employees and agents from and against any and all losses, claims, demands, actions, damages, liabilities or expenses of every kind, character and nature whatsoever (including, but no limited to, personal injuries, death, environmental contamination, property damage or employee liability) arising out of, resulting from, or in any way related to use of the small boat harbor by the owner or owner's agent, employees, invitees, guests or passengers, except where liability for same is caused solely by the City's own negligence or intentional misconduct. Defense shall include payment of actual attorney's fees and costs. The owner waives any right of subrogation against the City which might otherwise arise upon payment of a loss by owner's insurers. (Ord 09-05 Sec 2, 2008)

15.20.018 Nuisances declared—Removal. A. For the purposes of this title and in the interest of the greatest use of the facilities of the Seldovia harbor and the municipal waters by the general public, vessels in the Seldovia harbor and elsewhere on the municipal waters that are illegally moored, cause an obstruction to navigation, or that are abandoned or derelicts or unfit or unseaworthy or which are maintained in such manner as to make them liable to sinking for lack of being pumped or other maintenance, or which are unsafe or which are maintained in a manner as to constitute a fire hazard, and sunken vessels and vessels in imminent danger of sinking, are declared to be nuisances and subject to abatement and removal from the Seldovia harbor or other municipal waters by the City or

its agents, without liability of the City for any damage done by virtue of the removal or for any of its consequences.

B. Refuse of all kinds or any other obstructions or debris are declared to be public nuisances, and it shall be unlawful for any person to place, or cause to be placed, any public nuisance in the Seldovia harbor or in the municipal waters, or on the shores thereof. Nets, gear, and other materials left on any float or dock for more than twelve hours are hereby declared a public nuisance. Any person causing or permitting the nuisances to be placed as aforesaid shall remove the same and upon his failure to do so, the same may be removed or cause to be removed or stored commercially, all costs of such commercial removal or storage shall be paid by and recoverable from the person creating the nuisances and shall not excuse the person responsible therefore from prosecution hereunder. Any nuisance under this subsection may be impounded, disposed of by destruction, private or public sale, or by any other means deemed reasonable by the harbormaster. Such disposition is to be made without liability of the City, its employees or agents to the owner, master or any lien holder of the nuisance.

C. Vessels declared a nuisance under subsection a. of this section that do not constitute a clear and present danger to the public health, safety and general welfare may be moved, impounded, or disposed of according to the procedure provided in section Impound vessel procedures 15.20.016. (Ord 09-05 Sec 2, 2008)

15. 20.019 Nuisances—Abatement procedure. A. Unless otherwise provided, the procedure set forth in this section shall apply whenever a vessel has been impounded or removed or a nuisance vessel abated pursuant to subsection 15.20.016(a) or otherwise, and the preimpoundment administrative hearing procedures of section 15.20.016 were not followed.

B. An impoundment is effective when a written order of impoundment is placed on a vessel. An order of impoundment shall identify the vessel, state the reasons for impoundment, and be dated and signed by the harbormaster or his/her authorized designee. An impounded vessel may be immediately towed or otherwise removed upon the order of the harbormaster. Nothing in this subsection b. shall be construed to prevent the City from using alternatives to impoundment, including without limitation removal or other means to abate a nuisance.

C. When action is taken to impound, remove, or otherwise abate a nuisance vessel, notice of such action shall be placed on the vessel if possible, and within 6 hours a copy of the notice shall be personally delivered or placed in the U.S. mail addressed to the owner of the vessel. The notice is effective when mailed. The notice shall include the following substantive provisions:

ATTENTION: The vessel _____ has been impounded/removed/abated by the City of Seldovia harbormaster as a public nuisance for the following reasons:

As the owner of the vessel you have the following options (those that apply are checked):

_____ The vessel has been impounded and you may recover possession of the vessel by paying to the person having custody of the vessel the towing, storage, and other charges that may have accrued. The vessel is at the following location:

_____ The vessel has been removed and you may recover possession of the vessel at the following location:

_____ The vessel has been destroyed. You may direct any inquiries to the City of Seldovia City Manager.

_____ The following action has been taken, and any option you may have is described below: _____

If you believe the vessel was improperly impounded, removed, or otherwise abated, you may:

1. In the case of an impoundment, recover possession of the vessel by paying any towing, storage, or other charges that have accrued, and you may claim a refund or reimbursement by filing a demand (on a form provided by the City) for an administrative hearing before a hearing officer as to whether the harbormaster had a sufficient factual and legal basis to impound the vessel; or
2. In the case of an impoundment , you may demand return of the vessel without paying the towing, storage, or other charges by filing a demand (on a form provided by the City) for an administrative hearing before a hearing officer as to whether the harbormaster had a sufficient factual and legal basis to impound the vessel; or
3. You may in any other case file a demand (on a form provided by the City) for an administrative hearing before a hearing officer as to whether the harbormaster had a sufficient factual and legal basis to impound, remove, or abate the vessel.

To be entitled to such a hearing, your written demand must be filed with the City Clerk (a) within 5 workdays after you learned that your vessel was impounded, removed, or otherwise abated or (b) within 15 workdays after the City mailed notice to the vessel owner of the action taken, whichever is earlier. If you fail to make a timely request for a hearing you will lose all right to challenge the sufficiency of the basis for the action taken.

If timely requested, the hearing must be held within 48 hours after the filing of your written demand, not including, Saturdays, Sundays, and City holidays, unless you waive your right to a speedy hearing. A determination that there was an insufficient factual or legal basis for the action taken will require the release of the vessel to the owner without payment of the towing, storage, or other accrued charges, or it will entitle the owner to a refund or reimbursement if the charges were already paid.

A hearing may be demanded by filing the appropriate form with the City Clerk at Seldovia City Hall between 8:00 a.m. and 5 p.m. on any day other than Saturday, Sunday and City holidays. (Ord 09-05 Sec 2, 2008)

15.20.020 Harbormaster duties. A Harbormaster, who shall have police power on the floats and loading zone, shall be appointed by the City Manager as an officer of the City. The Harbormaster shall be assigned to enforce the provisions of this title; shall establish adequate fire and security watch; maintain within working hours an adequate log of the registration data of all boats using small harbor facilities showing the dates of occupancy of berthing facilities; establish rule for the mooring of occupancy of berthing facilities; establish rule for the mooring of boats in specified areas so as to facilitate movement of traffic in the small boat harbor facilities showing the dates of occupancy of berthing facilities; establish rules for the mooring of boats in specified areas so as to facilitate movement of traffic in the small boat harbor, such regulations to be based upon the length and draft; collect fees established by the Council and pay over such fees to the City clerk-treasurer. It is the Harbormaster's duty to recommend or prepare budget input and to exercise full control within the budgetary limits established, with Council approval. (Ord. 80-12 Sec. 1, 1980; Ord. 80-4 Sec. 11, 1980)

15.20.030 Moorage refusal to violators. In addition to the penalties provided by this code, the City will refuse moorage facilities to violators of this title or persons in arrears of authorized fees and charges. (Ord. 80-4 Sec. 12, 1980)

15.20.040 Citations. Unless other designated above, if an offense in Title 15 of the city code is not listed on the fine schedule, the offense is punishable by the general penalty established in section 1.08.010. (Ord. 81-14, 1981; Ord. 16-06)

~~**15.20.210 Live aboard Policy.** A. A person living aboard a boat in the Seldovia Boat Harbor for fifteen days within any thirty day period is considered a liveaboard for purposes of this section.~~

- B. ~~Pets may be kept on a live aboard vessel at the discretion of the Harbormaster.~~
- C. ~~Vessels being used for live aboard purposes must meet all sanitary requirements as established by the United States Coast Guard.~~
- D. ~~Oil, gas, electric or wood heating units must be installed and utilized in conformance with manufacturer's specifications.~~
- E. ~~Live aboards shall be current on all moorage and other boat harbor charges to be able to occupy a vessel for this purpose.~~
- F. ~~Live aboard fees shall be established by a non code ordinance of the City Council.~~
(Ord. 92-04)

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective July 01, 2019.

ADOPTED by a duly constituted quorum of the City Council of the City of Seldovia, Alaska this ____ day of _____, 2019.

ATTEST:

Heidi Geagel, City Clerk

APPROVED:

Dean Lent, Mayor

Vote:
Colberg-
Campbell-
Morrison-
Rojas-
Lethin-
Sweatt-