

**CITY OF CORDOVA, ALASKA
SUBSTITUTE ORDINANCE 1108**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA, AMENDING
CORDOVA MUNICIPAL CODE SECTION 1.28.085; REPEALING AND REENACTING
CORDOVA MUNICIPAL CODE TITLE 14; AND ENACTING CORDOVA MUNICIPAL CODE
CHAPTER 8.36; REGARDING CITY UTILITIES AND RELATED MATTERS.**

BE IT ORDAINED by the City Council of the City of Cordova, that:

Section 1. Cordova Municipal Code 1.28.085 is amended by adding at the end of the part of the table headed, "Health and Safety" the following:

Code Ref.	Code Title	Fine per Day
8.36.020	Deposit—Objectionable waste prohibited	\$300.00
8.36.030	Deposit—Certain substances prohibited in natural outlet	\$300.00
8.36.040	Private sewage disposal systems	\$300.00

Section 2. Cordova Municipal Code 1.28.085 is amended by deleting the tables headed, "Water—Rates" and "Garbage", and replacing them with the following:

Public Services		
Code Ref.	Code Title	Fine per Day
14.08.060	Water service—prohibited conduct	\$300.00
14.20.030	Refuse collection required	\$75.00
14.20.060	Refuse collection—obstructions prohibited	\$75.00
14.20.070	Refuse collection—delivery to disposal site or incinerator	\$75.00
14.20.080	Containers—specifications	\$75.00
14.20.090	Containers—location	\$75.00
14.20.100	Containers—depositing other than refuse prohibited	\$75.00
14.20.110	Containers—unauthorized use prohibited	\$75.00
14.20.120	Garbage—unauthorized transport prohibited	\$75.00
14.20.130	Garbage—vehicle requirements	\$75.00
14.20.160	Trespassing, removal of material from refuse disposal site	\$75.00

Section 3. Cordova Municipal Code Title 14 is repealed and reenacted to read as follows:

Title 14 - PUBLIC SERVICES

Chapters:

- Chapter 14.04 – UTILITIES GENERALLY
- Chapter 14.08 – WATER SERVICE
- Chapter 14.12 – SEWER SERVICE
- Chapter 14.20 – REFUSE
- Chapter 14.24 – CITY CEMETERIES

Chapter 14.04 - UTILITIES GENERALLY

Sections:

14.04.010 - Definitions

14.04.020 – Utility service fees and charges.
14.04.030 - Responsibility for utility service fees and charges.
14.04.040 - No implied approval.
14.04.050 - Customer account; service agreement; deposit.
14.04.060 – Utility service to tenants.
14.04.070 – Water, sewer and storm water connections.
14.04.080 – Administration of utility service fees and charges.
14.04.090 - Due date and delinquency.
14.04.100 - Billing errors and disputes.
14.04.110 - Temporary discontinuation of service.
14.04.120 - Disconnection.
14.04.130 - Resale of service prohibited.
14.04.140 - Enforcement.

14.04.010 – Definitions. In this title:

"Commercial" means retail establishments, restaurants, hotels, offices, and other establishments engaged in commercial enterprise.

"Connection" means all pipes, fittings and appurtenances for water, sewer or storm drainage between the facility property line and the main.

"Customer" means a person with whom the city contracts to provide utility service.

"Disconnection" means the permanent termination of utility service by the removal of all or part of the connection to a facility.

"Dwelling unit" means one or more rooms designed as a unit for occupancy by not more than one family sharing common living, bath and kitchen areas.

"Facility" means a structure or parcel of real property to which city utility service is provided or to be provided.

"Industrial" means wholesale establishments, canneries, processors, hospitals, and other activities involving the assembling, fabrication, finishing, manufacturing and packaging of tangible personal property.

"Industrial waste" means the liquid wastes from industrial processes as distinct from sewage.

"Main" means city-owned pipes along public streets or rights-of-way used for distributing water or collecting sewage or storm water.

"Month" means a calendar month.

"Multifamily dwelling" means a building that contains two or more dwelling units.

"Professional surveyor" means a person who is registered as a professional land surveyor under the laws of the State of Alaska.

"Service line" means all pipes, fittings and appurtenances for water, sewer or storm drainage between the facility property line and the plumbing of the facility.

"Sewage" means waterborne human wastes or graywater derived from dwelling units and other facilities

"Sewer" means a pipe that carries sewage and to which stormwater, surface water and groundwater are not intentionally admitted.

"Single-family dwelling" means a building that contains one dwelling unit.

"Storm sewer" means a pipe that carries storm water and surface water and drainage but excludes sewage and polluted industrial wastes.

"Stub-in" means a junction between a main and a connection.

"Tenant" means a person that is occupying or using a facility that the person does not own.

"Utility" means the water, sewer or garbage utility of the city.

“Wholesale establishment” means a place of business primarily engaged in selling or distributing merchandise to purchasers for resale or incorporation in other products or services.

14.04.020 – Utility service fees and charges. Except as this title provides otherwise, the council by resolution shall determine from time to time the amounts of all fees for utility service. Such fees and charges shall be payable in the amount stated in the resolution that is in effect as of the date that payment is due.

14.04.030 - Responsibility for utility service fees and charges. The customer shall be responsible for all fees and charges for utility service to each facility for which the customer has established a customer account under Section 14.04.050, from the time the customer establishes the customer account until the date as of which the customer has discontinued the utility service in accordance with Section 14.04.110. The customer and the owner of the facility shall be jointly and severally responsible for all fees and charges for utility service to a facility of which the customer is not the owner. The owner of a facility remains responsible for all fees and charges for utility service to the facility regardless of the absence of a customer account for the facility, or the establishment or discontinuance of a customer account for the facility.

14.04.040 - No implied approval. The city's provision of utility service to a facility, or charging for that service, does not imply that the use of the facility complies with any other local, state or federal legal requirement.

14.04.050 - Customer account; service agreement; deposit.

A. A person may obtain utility service from the city only after establishing a customer account for the service. There shall be a single customer account for each facility, and only one facility for each customer account. The account is established upon the city's receipt of:

1. A utility service agreement in a form approved by the city, signed by the customer;
2. If the customer does not own the facility that is to be served, the written consent of the owner of the facility required under Section 14.04.060; and
3. The required deposit and administrative fee.

B. The city may require proof of ownership from the person identified in the utility service agreement as the owner of the facility to which service is provided.

C. The deposit required to open a customer account for utility service shall be equal to one and one-half times the monthly cost of each utility service provided to the customer. If the charge for a utility service varies with usage, the city shall determine the deposit amount for that service based on its estimate of that usage. The city may apply the deposit to any delinquent balance on the customer's account, and as a condition of continuing service may require the customer to restore any deposit amount that has been so applied. The city shall return a deposit to the customer if the account has not been delinquent at any time during a period of 24 consecutive months.

14.04.060 - Utility service to tenants.

A. Before a person other than the owner who occupies a facility may establish a customer account for utility service to the facility the person must file with the city the written consent of the owner of the facility in which the owner agrees to pay any delinquent charges for utility service, and any charges for utility service to the facility that accrue after the customer has discontinued the utility service.

B. Except as provided in subsection (A) of this section, a customer account for utility service

to a facility that is a mobile home park, multifamily dwelling or multiple occupancy commercial building must be established by the owner of the facility.

C. The owner of a facility that is a mobile home park, multifamily dwelling or multiple occupancy commercial facility shall be responsible for the maintenance, repair, connection and disconnection of all pipes, fittings and appurtenances for conveying water or wastewater that are located on the owner's property.

D. The owner of a facility that is a mobile home park, multifamily dwelling or multiple occupancy commercial building shall not be required to supply a written consent as required in subsection (A) of this section for water or sewer service to those units of the facility that are equipped with a water service containing an effective water valve readily accessible by city personnel. In such a facility, each tenant will be independently responsible for establishing its individual customer account for utility services.

14.04.070 – Water, sewer and storm water connections.

A. No person may excavate, alter, disturb, connect to, or disconnect from, any city water, sewer or storm water main except as permitted under this section.

B. No person may connect any facility to a city water, sewer or storm water main without first obtaining a permit therefor and paying the applicable connection fee. The owner of the facility or the owner's agent shall apply for the permit on a form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the city.

C. No person may change any facility that is connected to the city water or sewer system in a manner that increases substantially the facility's demand for water or sewer utility service without first paying any applicable expansion fee.

D. The city shall construct at the customer's expense any stub-in and connection to a city water, sewer or storm water main that is required to provide service to the customer. The city will commence construction only after receiving from the customer the applicable connection fee and a deposit equal to the city's estimate of the construction cost. The city will determine the actual cost of construction after the construction is completed. If the amount of the customer's deposit exceeds the actual cost, the city shall refund the excess to the customer. If the actual cost exceeds the amount of the customer's deposit, the customer shall pay the excess to the city before the customer will be permitted to connect to the main.

E. The customer shall construct any required service line at the customer's expense, in conformity with the city's standard specifications, or the owner may request that the city install the service line at the customer's expense.

1. If the customer will construct the service line, the customer may commence construction only after paying to the city the connection fee required under subsection (B) of this section, the cost of any necessary stub-in and connection to the water or sewer main as provided in subsection (D) of this section, and the fee prescribed by the city for inspecting the service line construction.

2. If the city will construct the service line, the city will commence construction only after receiving from the customer the fees and costs described in paragraph (1) of this subsection, plus a deposit equal to the city's estimate of the construction cost. The city will determine the actual cost of construction after the construction is completed. If the amount of the customer's deposit exceeds the actual cost, the city shall refund the excess to the customer. If the actual cost exceeds the amount of the customer's deposit, the customer shall pay the excess to the city before the city will commence utility service.

F. The customer is responsible for repairing and maintaining each service line that is connected to the customer's facility, whether the service line is on the property of the customer or the property of another. To determine the extent of the customer's repair and maintenance responsibility, the city will locate the property line of the customer's facility. A customer who disagrees with the city's location of a property line under this subsection may have corners marked or a survey performed by a professional surveyor at the customer's expense to locate the property line. Necessary repair work may proceed while a property line location dispute is being resolved, with the cost of the work being allocated on the basis of a subsequent marking of corners or survey. If a customer does not perform any necessary repair or maintenance of a service line, the city, upon 24 hours' written notice to the customer, or immediately if the public health requires it, may commence such repairs and maintenance and charge the costs thereof to the customer.

G. At the time a water leak within 15 feet of either side of the property line is being repaired, the property owner shall replace or repair any missing or inoperable valve box in the water line that is being repaired.

H. If the city finds that a facility has been connected to the city water, sewer or storm water main without payment of the applicable connection or expansion fee, the city at any time may determine and assess the applicable connection or expansion fee that is in effect at the time of the assessment, plus interest from the date of the connection or expansion until payment at a rate of ten percent per annum or the highest legal interest rate, whichever is less.

14.04.080 – Administration of utility service fees and charges.

A. The city from time to time shall determine the classification and type of utility service provided to a customer based on actual use factors or changes in use.

B. The charge for a partial month of utility service that is payable on a monthly basis shall be computed based on a daily rate.

C. The charge for utility service to a facility that is a single-family dwelling that is payable on a monthly basis shall be reduced by 50 percent for any month in which no person occupies the dwelling other than a person over the age of seventy and that person's spouse, and the prior year's Alaska Permanent Fund Dividend application for each occupant identifies the facility as the occupant's primary place of residence. The presence in a dwelling of one or more visitors for a period no longer than fourteen days in a month does not affect eligibility for this discount.

D. The city shall determine from time to time the use classification of any facility for which charges for utility service are based on its use classification. The city will change the use classification of a facility upon the application of a customer supported by evidence demonstrating to the satisfaction of the city that the change is warranted. A change in use classification shall be subject to any applicable expansion fee.

14.04.090 – Due date and delinquency.

A. Charges for utility service are due and payable no later than 25 days after the end of the month in which the service was provided, and shall be delinquent if not paid on or before the due date.

B. Charges for utility service that have not been paid within 35 days after the date of delinquency are subject to the accrual of the applicable penalty charge

C. The city manager, at his discretion, may authorize a payment plan for a customer whose account is delinquent. The city manager shall submit delinquent accounts for which a payment plan has not been authorized for collection by the method that the city manager determines to be in the best interest of the city.

14.04.100 – Billing errors and disputes.

A. The city will correct any utility billing error which it discovers or of which it is given notice not later than the end of the third billing period after the billing period in which the error occurred. The city shall refund any resulting overpayment to the customer, and bill the customer for any resulting underpayment.

B. A customer may contest the amount of any utility service charge not later than the end of the third billing period after the billing period for which the contested amount was charged, by written notice to the city manager. The written notice shall include without limitation the following information:

1. Identification of the bill on which the contested amount appeared;
2. A statement of the amount that is contested; and
3. A statement of the reasons why the customer believes the contested amount to be in error.

C. The city manager shall respond to a timely notice contesting a utility charge within 10 working days after receiving the notice. A customer that is dissatisfied with the city manager's response may submit the matter to the city council at its next regular meeting occurring at least 10 working days after the date of the city manager's response. The decision of the city council on a disputed utility charge shall be final.

D. Contesting a utility service charge does not affect the obligation to make timely payment of any uncontested utility service charge or portion thereof.

14.04.110 – Temporary discontinuation of service.

A. The city may discontinue any utility service:

1. For which service charges are delinquent after the tenth day of the first month following the date of delinquency;
2. For which there is no utility service billing agreement or for which no customer account has been established; or
3. Which is being used or maintained in violation of any provision of this title.

B. Water service shall be discontinued by turning off the service. Sewer service shall be discontinued by turning off the water service to the facility.

C. At least five working days before discontinuing service under subsection (A) of this section, the city shall provide the customer with written notice by certified or registered mail, return receipt requested, of the discontinuation of service, or shall post notice of the discontinuation of service on the affected facility.

D. The city will discontinue utility service at the request of a customer, upon the customer's payment of the cost of discontinuing the service.

E. During any discontinuation of utility service, the customer shall continue to pay any applicable minimum monthly charge for the service.

F. The city will restore discontinued service at the request of a customer, upon the customer's payment of all unpaid minimum monthly charges that accrued during the period of service discontinuation, all delinquent service charges, penalty and interest, and the cost of discontinuing and restoring the service. The customer shall pay such charges and costs when due, but in any event before the city restores discontinued service.

14.04.120 – Disconnection.

A. The city may permanently disconnect any connection to a facility that has been vacant for a minimum of five years, or to prevent a hazard to public health or safety.

B. The city will permit the record owner to disconnect a connection to a facility that is

vacant of any buildings or improvements. The owner shall bear the cost of removing the connection. Once a connection has been removed, it may not be reinstalled until the owner has applied for and received a permit for the new connection.

C. No utility service charges shall accrue during the time that the utility service is disconnected.

14.04.130 - Resale of service prohibited. No person may resell city utility service without first obtaining the written permission of the city.

14.04.140 – Enforcement.

A. The city manager shall enforce this title. Upon application by a customer showing that compliance with a requirement of this title regarding the customer's facility is unreasonable or impractical, the city manager may waive or vary the requirement upon finding that the waiver or variance will have no adverse effect on the public health, safety or welfare.

B. Every person who owns or occupies a facility connected to a city utility service is subject to the provisions of this title, and the right of the city to discontinue service in the event of the person's failure to comply with the terms and provisions of this title, including without limitation the person's failure to make timely payment of all rates and charges fixed and established in this title.

C. Every person who owns or occupies a facility connected to a utility service shall provide authorized city employees with access to the facility at all reasonable times for investigating violations of this chapter or for conducting routine inspections. Refusal to permit any reasonable inspection or investigation shall be grounds for discontinuance of utility service.

Chapter 14.08 - WATER SERVICE

Sections:

14.08.010 - Water meters.

14.08.020 – Turning water service on and off.

14.08.030 - Water connection required.

14.08.040 - Temporary water service to vessels.

14.08.050 - Use of fire hydrants.

14.08.060 - Prohibited conduct.

14.08.010 - Water meters. Water meters are required for water service to all new commercial and industrial buildings, and upon any major remodeling of an existing commercial or industrial building. Where metered water service is provided, the customer shall pay the city the cost of the water meter and the cost of its installation. Where the city installs a water meter without payment by the customer, the city may recover the cost of the water meter and its installation by charging a monthly fee in addition to charging for water service. The city shall own and control water meters at all times.

14.08.020 – Turning water service on and off. The city shall turn water service on or off subject to payment of the applicable fee.

14.08.030 - Water connection required. The owner of a facility that is located on a lot adjacent to a street, alley or right-of-way where a city water main is located not more than one hundred fifty feet from the nearest point at which the lot adjoins the street, alley or right-of-way must cause the facility to be connected to the water main at the owner's expense within ninety days after official notice to do so.

14.08.040 - Temporary water service to vessels. Water service to a vessel temporarily moored to a dock shall include either a physical separation between the supply hose and the receiving vessel with a width not less than two and one-half times the diameter of the supply hose, or a backflow prevention device approved by the city.

14.08.050 - Use of fire hydrants. No person other than a member of the fire department performing official duties or an authorized employee of the city may connect to, turn on or turn off any fire hydrant without first obtaining a permit from the city.

14.08.060 - Prohibited conduct. No person may:

A. Willfully or knowingly permit the city water supply to be depleted or wasted by causing or permitting water to flow from any pipe, faucet, tap or other outlet except to use the water for residential, commercial or industrial purposes.

B. Draw water from a city water main without first opening a customer account for water service with the city.

C. Pollute, or make unpalatable or unwholesome or unhealthful, any water used, kept or intended for human consumption or domestic purposes.

D. Fail to install a city-approved backflow prevention device required by the city to prevent the backflow of unsanitary material into the city water system.

Chapter 14.12 – SEWER SERVICE

Sections:

14.12.010 – Definitions.

14.12.020 – Separate service line required.

14.12.030 - Use of old service line.

14.12.040 - Service line—Excavation.

14.12.050 - Service line—Pipe specifications.

14.12.060 - Service line—Depth and grade.

14.12.070 - Service line—Lifting sewage.

14.12.080 - Service line—Size and slope.

14.12.090 - Service line—Joints.

14.12.100 - Service line—Location.

14.12.110 - Service line—Inspection.

14.12.120 - Grease, oil and sand interceptors.

14.12.130 - Control manhole.

14.12.140 - Preliminary treatment facilities.

14.12.150 - Deposit—Certain waters prohibited in public sewer.

14.12.160 - Deposit—Prohibited wastes designated.

14.12.170 - Measurements, tests and analyses.

14.12.180 – Sewer connection required

14.12.190 - Special agreements.

14.12.010 – Definitions. In this chapter:

"pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

"Public works director" means the director of public works or the director's designee.

"Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.

"Suspended solids" means solids that either float on the surface of, or are in suspension in water, sewage or other liquids.

"Wastewater collection and treatment system" means a system including sanitary sewers, sewer mains, pump stations, processing and treatment facilities, holding ponds, etc., all used for the gathering, transporting, and treating of wastewater prior to its re-entry into rivers, streams, or other bodies of water.

14.12.020 - Separate service line required. A separate and independent service line shall be provided for every facility, except that where one facility stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear facility through an adjoining alley, courtyard or driveway, the service line from the front building may be extended to the rear building and the whole considered as one service line.

14.12.030 - Use of old service line. An existing service line that served an abandoned or demolished facility may be used to serve a new facility only when the public works director finds that it meets all requirements of this chapter.

14.12.040 - Service line—Excavation.

A. All excavations for service line installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city

B. All excavations required for the installation of a service line shall be open trench work unless otherwise approved by the public works director. Pipe laying and backfill shall be performed in accordance with specifications for APW project AAA 50-A-43, except that no backfill shall be placed until the work has been inspected.

14.12.050 - Service line—Pipe specifications. The service line shall be extra heavy cast iron, heavy vitrified clay pipe, concrete pipe or bituminized fiber pipe, polyvinyl chloride schedule 40, or acrylonitrile-butadiene-styrene (ABS) Schedule 40 as approved by the city. Joints shall be tight and waterproof. Any part of the service line that is located within ten feet of a water service pipe shall be constructed of cast iron pipe with leaded joints. Cast iron pipe with leaded joints may be required by the public works director where the service line is exposed to damage by tree roots. If installed in filled or unstable ground, the service line shall be of cast iron pipe, except that nonmetallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the public works director.

14.12.060 - Service line—Depth and grade. Whenever possible, the service line shall be brought to the facility at an elevation below the basement floor. No service line shall be laid parallel to or within three feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The service line shall be laid at uniform grade and in straight alignment in so far as possible. Changes in direction shall be made only with properly curved pipe and fittings.

14.12.070 - Service line—Lifting sewage. If a service line is too low to permit gravity flow to the connection, sanitary sewage carried by such service line shall be lifted by approved artificial means for discharge into the connection.

14.12.080 - Service line—Size and slope. The size and slope of the service line shall be subject to

the approval of the public works director, but in no event shall the diameter be less than six inches for cast iron, cement or vitrified clay pipe, or four inches for bituminized fiber pipe, polyvinyl chloride (PVC) or acrylonitrile-butadiene-styrene (ABS). The slope of such pipe shall be not less than one-eighth inch per foot.

14.12.090 - Service line—Joints.

- A. All joints shall be made gastight and watertight.
- B. Cast iron pipe joints shall be firmly packed with oakum or hemp and filled with molten lead, not less than one inch deep. Lead shall be run in one pouring and caulked tight. No paint, varnish or other coating shall be permitted on the jointing material after the joint has been tested and approved.
- C. All joints in vitrified clay pipe or between such pipe and metals shall be made with approved hot-poured jointing material or cement mortar as specified below.
- D. Material for hot-poured joints shall not soften sufficiently to destroy the effectiveness of the joint when subject to a temperature of one hundred sixty degrees Fahrenheit, nor be soluble in any of the wastes carried by the drainage system. The joint shall be first caulked tight with jute, hemp or similar approved material.
- E. Cement joints shall be made by packing a closely twisted jute or oakum gasket of suitable size to fill partly the annular space between the pipes. The remaining space shall be filled and firmly compacted with mortar composed of one part Portland cement and three parts mortar sand. The material shall be mixed dry; only sufficient water shall be added to make the mixture workable. Mortar which has begun to set shall not be used or retempered. Lime putty or hydrated lime may be substituted to the extent of not more than twenty-five percent of the volume of the Portland cement that may be added.
- F. Other jointing materials and methods may be used only by approval of the public works director.

14.12.100 - Service line—Connection. The connection of the service line into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If the public sewer is twelve inches in diameter or less, and no properly located "Y" is available, the owner shall, at his expense, install a "Y" branch in the public sewer at the location specified by the public works director. Where the public sewer is greater than twelve inches in diameter, and no properly located "Y" branch is available, a neat hole may be cut into the public sewer to receive the service line with entry in the downstream direction at an angle of about forty-five degrees. A forty-five-degree ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the service line at the point of connection shall be the same or of a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the public works director.

14.12.110 - Service line—Inspection. The applicant for the service line installation shall notify the public works director when the service line is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the public works director.

14.12.120 - Grease, oil and sand interceptors.

- A. Grease, oil and sand interceptors shall be provided when, in the opinion of the public works director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except, that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the public works director, and shall be located so as to be readily and easily

accessible for cleaning and inspection.

B. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

14.12.130 - Control manhole. When required by the public works director, the owner of any facility served by a service line carrying industrial wastes shall install a suitable control manhole in the service line to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the public works director. The manhole shall be installed by the customer at its expense, and shall be maintained by the customer so as to be safe and accessible at all times.

14.12.140 - Preliminary treatment facilities. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously.

14.12.150 - Deposit—Certain waters prohibited in sanitary sewer. No person may discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters into any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the public works director. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the public works director to a storm sewer or natural outlet.

14.12.160 - Deposit—Prohibited wastes designated. Except as provided in this chapter, no person may discharge or cause to be discharged any of the following described waters or wastes into any sanitary sewer:

- A. Any liquid or vapor having a temperature higher than one hundred degrees Fahrenheit;
- B. Any water or waste which may contain more than one hundred parts per million, by weight, of fat, oil or grease;
- C. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
- D. Any garbage that has not been properly shredded;
- E. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in a sewer or interference with the proper operation of a sewage treatment plant;
- F. Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage treatment plant;
- G. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant;
- H. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at a sewage treatment plant;
- I. Any noxious or malodorous gas or substance capable of creating a public nuisance;
- J. Any waters or waste from foundation drains, roof leaders and areaway drains.

14.12.170 - Measurements, tests and analyses. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in Section 14.12.160 shall be determined

in accordance with "Standard Methods for the Examination of Water and Sewage" and shall be determined at the control manhole provided for in Section 14.12.130, or upon suitable samples taken at said control manhole. In the event that no control manhole has been required, the control manhole shall be considered to be the nearest manhole in the sewer downstream of the point at which the service line is connected.

14.12.180 – Sewer connection required. The owner of any facility used for human occupancy that is located on a lot adjacent to a street, alley or right-of-way where a city sewer main is located not more than one hundred fifty feet from the nearest point at which the lot adjoins the street, alley or right-of-way must cause the facility to be connected to the sewer main at the owner's expense within ninety days after official notice to do so.

14.12.190 - Special agreements. Notwithstanding any provision of this chapter, the city may enter into a special agreement with customer under which industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment the fees and charges provided in the agreement.

Chapter 14.20 – REFUSE

Sections:

- 14.20.010 - Purpose.
- 14.20.020 - Definitions.
- 14.20.030 - Refuse collection required.
- 14.20.040 - Refuse collection—Service type and frequency.
- 14.20.050 - Refuse collection—schedule of collection routes.
- 14.20.060 - Refuse collection—Obstructions prohibited.
- 14.20.070 - Refuse collection—Delivery to disposal site or incinerator.
- 14.20.080 - Containers—Specifications.
- 14.20.090 - Containers—Location.
- 14.20.100 - Containers—Depositing other than refuse prohibited.
- 14.20.110 - Containers—unauthorized use prohibited.
- 14.20.120 - Garbage—unauthorized transport prohibited.
- 14.20.130 - Garbage—vehicle requirements.
- 14.20.140 - Rubble—collection and disposal
- 14.20.150 - Trespassing, removal of material from refuse disposal site.

14.20.010 - Purpose. The purpose of this chapter is to provide for the collection and removal of garbage and refuse within the corporate limits of the city to protect the health and well-being of the inhabitants of the city.

14.20.020 - Definitions. In this chapter:

"Authorized collector" means a person with whom the city has contracted or whom the city has licensed to collect and dispose of refuse.

"Bag" means a refuse bag constructed of either polyethylene or paper approved by the city manager for indoor and outdoor storage of dry, wet and flammable refuse.

"Commercial service" means service that is not residential service.

"Container" or "can" means a sturdy receptacle, either furnished by the city or approved by the city manager for refuse collection for commercial or residential service.

"Garbage" means food waste.

"Holiday" means a recognized city holiday under Section 4.48.040.

"Refuse" means all forms of solid waste including garbage and rubbish, but excluding rubble.

"Residential service" means service to one or more dwelling units.

"Rubbish" means grass clippings, hedge trimmings under three feet in length, paper and small light scrap lumber.

"Rubble" means brushwood, heavy yard trimmings which cannot be conveniently cut into three-foot lengths, discarded fence posts, ashes, cinders, street sweeping, catch basin muck, concrete, mortar, stones, bricks, scrap metal or other similar construction materials, trees or materials resulting from the erection or destruction of buildings.

14.20.030 - Refuse collection required. The city shall provide refuse collection and disposal within the city subject to and in accordance with the provisions of this chapter. A person who owns or occupies a facility where refuse is generated shall contract with the city or its authorized collector for refuse collection service, unless exempted from the collection requirement by the city manager.

14.20.040 - Refuse collection—Service type and frequency. The city or its authorized collector shall collect and remove refuse from customers' facilities according to the following schedule:

A. Residential service shall consist of the removal of refuse from containers weighing not more than 75 pounds when full, a minimum of once weekly. When a holiday is observed on the normal day of collection, the collection will be made the following day.

B. Commercial service shall consist of the removal of refuse either from containers weighing not more than 75 pounds when full, or from dumpsters as frequently as the owner or the city manager determines to be necessary.

14.20.050 - Refuse collection—schedule of collection routes. The city or its authorized collector shall maintain on file with the city manager a current schedule of its refuse collection routes, and the city or the authorized collector shall follow the routes shown in that schedule.

14.20.060 - Refuse collection—Obstructions prohibited. No person may obstruct the collection of refuse required under this chapter from a facility owned or controlled by the person, including without limitation by the presence of excessive snow, vicious animals or parked vehicles. The city or its authorized collector need not collect refuse from a facility where such an obstruction is present.

14.20.070 - Refuse collection—Delivery to disposal site or incinerator. All refuse that is collected in the city shall be delivered to a city-approved disposal site or incinerator, and deposited there in the place and manner designated by the city manager.

14.20.080 - Containers—Specifications.

A. The customer shall provide a sufficient number of containers having a capacity of twenty to thirty-three gallons for the storage of refuse before its collection.

B. A customer owning or controlling a facility that generates a quantity of refuse that is impractical to store in containers described in subsection (A) of this section, shall maintain a sufficient number of dumpsters of a type and size approved by the city manager for the storage of refuse before its collection.

C. The customer shall place the daily accumulation of refuse other than rubbish in a container provided under this section, eliminating as far as possible all liquid from the refuse and securely wrapping the refuse in an impermeable bag before placing it in the container.

14.20.090 - Containers—Location. Before the time for refuse collection, the customer shall place all containers of refuse for collection in plain view at the same accessible location at the facility no less than 20 feet from the nearest roadway. The containers shall be placed at ground level or on an open platform or porch not more than four feet above the adjacent roadway, so that they may be reached from the ground by the collector. If the facility abuts a public alley, the containers shall be placed immediately adjacent to the alley. If the facility does not abut a public alley, but is served by a private driveway, the containers shall be placed immediately adjacent to the roadway.

14.20.100 - Containers—Depositing other than refuse prohibited. No person may deposit any material other than refuse in a container from which refuse is to be collected under this chapter. The city or its authorized collector need not collect refuse from a container that holds material other than refuse.

14.20.110 - Containers—unauthorized use prohibited. No person may deposit refuse in a refuse container provided for the use of another facility or customer without the permission of the person who owns or controls the other facility, or the other customer.

14.20.120 - Refuse—unauthorized transport prohibited. No person other than the city or its authorized collector may operate a motor vehicle transporting garbage in the city **for profit**.

14.20.130 - Refuse—vehicle requirements. A vehicle used to transport refuse **garbage for profit** must be of a size approved by the city manager, and kept in good running order and in a clean, sanitary condition.

14.20.140 - Rubble—collection and disposal A licensed collector or the owner shall collect and dispose of rubble within the city.

14.20.150 - Trespassing, removal of material from refuse disposal site. No person may:

A. Enter or remain in any area at a refuse disposal site that is closed to the public, except in the course of employment by the city or an authorized collector.

B. Remove refuse or rubble from any site maintained by the city or its authorized operator for refuse disposal without prior authorization from the city manager.

Chapter 14.24 - CITY CEMETERIES

Sections:

14.24.010 - Purpose.

14.24.020 - Definitions.

14.24.030 - Designation of city cemeteries.

14.24.040 - Ownership and regulation of city cemeteries.

14.24.050 - Operation and maintenance of city cemeteries.

14.24.060 - Permitted burials.

14.24.070 - Burial sites.

14.24.080 - Burial work.

14.24.090 - Grave markers and decorations.

14.24.100 - Prohibited acts.

14.24.110 - Liability of the city.

14.24.010 - Purpose. The purpose of this chapter is to establish and maintain community cemeteries with adequate administrative provisions for proper burial, continuity of operation, accountable recordkeeping, protection of public property, and the safety, health and welfare of the public.

14.24.020 - Definitions. In this chapter:

"Burial" means the permanent disposition of the remains of deceased person by interment in an earth grave.

"Burial permit" means a permit from the city allowing a burial in a burial site.

"Burial preparation" means the excavation, backfill and removal of excess material from a burial site.

"Burial site" means a plot of land in a city cemetery that is six feet wide by twelve feet long, designated for burial purposes.

"City cemetery" means any of the cemeteries described in Section 14.24.030.

"Disinterment" means the legal removal of a deceased person's remains from a grave.

"Grave" means an excavation not exceeding three feet wide by seven feet long within the boundaries of a burial site for a burial.

"Vault" or "rough box" is a commercial vault purchased from a funeral home or a plywood box purchased from the community hospital that is used to protect a casket from damage during burial preparation on an adjacent burial site.

14.24.030 - Designation of city cemeteries. There are four city cemeteries, described as follows:

- A. The Cordova Cemetery is located along the Copper River Highway, within U.S. Survey 1765, and Copper River and Northwestern Railway Terminal Ground B.
- B. The Lakeview Cemetery is located along Power Creek Road within U.S. Survey 1268.
- C. The Odiak Cemetery is located within U.S. Survey 2981, Block 10, Lot 7.
- D. The Old Eyak Cemetery is located within U.S. Survey 3345, Block 2.

14.24.040 - Ownership and regulation of city cemeteries.

A. The cemeteries designated in Section 14.24.030 are owned by the city and all burial sites within them shall remain in the ownership and authority of the city.

B. All land within each city cemetery shall be subject to the provisions of this chapter, and regulations adopted under this chapter.

C. The city council may, by resolution, establish fees, deposits and charges for the use of the city cemeteries.

14.24.050 - Operation and maintenance of city cemeteries.

A. The city manager shall administer the operation and maintenance of the city cemeteries.

B. The city manager shall cause each city cemetery to be surveyed, and a map of each cemetery, showing the burial sites in the cemetery, to be prepared. The city clerk shall maintain the map of each city cemetery.

C. The city clerk shall maintain records of burial permits, and the identity and location of

burial of all persons buried in the city cemeteries.

D. The city at any time may enlarge, reduce, replat or change the boundaries of a city cemetery; establish or modify roads, walks, drainage and other facilities in a city cemetery; and enter upon any burial site for the purpose of operating, maintaining, landscaping, repairing or improving a city cemetery.

E. The city will maintain the city cemeteries, including maintenance of their common facilities such as roads, walks, fences, drainage and landscaping; lawn mowing; and trash removal. The city shall not be responsible for maintaining grave markers or decorations, or landscaping placed on a burial site by the users of that site. The city reserves the right to remove any tree, shrub, plant, fencing or other structure or memorial located on any burial site which becomes dangerous or detrimental to the operations of the cemetery or interferes with or encroaches upon adjacent burial sites.

14.24.060 - Permitted burials.

A. Only human remains may be buried in a city cemetery.

B. No remains may be buried in a city cemetery until the city clerk has issued a burial permit for the burial. An application for a burial permit shall be in a form approved by the city manager, shall identify the person to whom the permit is issued, identify the person whose remains are to be buried, and designate the burial site for the burial. The application shall be accompanied by the required burial fee and a copy of the state permit for the burial.

14.24.070 - Burial sites. Burial sites cannot be reserved. The city shall designate the burial site for a burial when the burial permit is issued. In selecting a burial site, the city will consider the preference of the permittee under the burial permit, but retains discretion to select the burial site.

14.24.080 - Burial work.

A. The permittee under a burial permit shall be responsible for all burial work at the burial site, including without limitation burial preparation, burial, disinterment, site cleanup, and any related work. The city manager shall require a deposit, in an amount to be established by resolution, to assure satisfactory completion of the permittee's work. The deposit shall be refunded upon satisfactory completion of the permittee's work.

B. Under a written agreement in a form approved by the city manager, the permittee under a burial permit may contract with the city to perform burial preparation at the burial site, subject to the availability of city equipment and personnel for this purpose. The permittee shall pay the city its actual costs for labor, equipment and materials required to perform the burial preparation. Before the city performs the work, the burial permittee may be required to post a deposit equal to the city's estimate of the cost of the burial preparation work. The city will determine the actual cost of burial preparation after the construction is completed. If the amount of the deposit exceeds the actual cost, the city shall refund the excess to the permittee. If the actual cost exceeds the amount of the deposit, the permittee shall pay the excess to the city.

C. Burials shall conform to the following requirements:

1. All burial work shall be confined within the burial site.
2. A casket shall be placed in a vault or rough box and centered between the side boundaries of the burial site.
3. The burial excavation shall be to a depth that provides a minimum of forty-two inches between the ground surface of the burial site and the top of vault or rough box.
4. Excavated material shall not be placed upon another burial site.
5. Backfill for the excavation shall consist of D-1 gravel.

14.24.090 - Grave markers and decorations.

A. The city shall identify each grave in the Copper River Highway Cemetery and the Lakeview Cemetery by placing a half-inch rebar with an aluminum or plastic surveyor's cap stamped with a number in the ground of the burial site.

B. All other grave markers or decorations shall be provided by the burial permittee and shall conform to the following requirements, provided that the city manager may give written permission for a variation from the requirements of this section upon finding that the strict enforcement of the requirements of this section would cause undue hardship, and the requested variation will not harm the interest of any other burial site user or the public.

1. A concrete slab with dimensions not exceeding three feet by seven feet, reinforced with wire and rebar, may be placed over a burial site. No topsoil will be allowed under the slab. Subsoil beneath the slab shall consist of well-compacted and well-drained materials (i.e., sand or one-inch-minus gravel).

2. Fences, rock outlines or other grave site containment structures may not extend beyond the length or width allowed for a concrete slab under this subsection.

3. Grave site markers or memorials may not extend beyond the length or width of the grave nor exceed seven feet in height.

14.24.100 - Prohibited acts.

A. Except as authorized by the city manager for the operation and maintenance of the cemetery or the preparation of a burial site for a burial, no person may operate a motor vehicle in a cemetery except on roads designated for such operation, and for the purpose of visiting a grave or attending a burial.

B. No person may willfully remove, damage or destroy any markers, monuments or property in a city cemetery.

C. No person may remove a grave identifier installed by the city.

D. No person may bury remains in a city cemetery, or perform other work on a burial site, except in accordance with the requirements of this chapter and any rule, order or regulation issued thereunder, and any permit required therefor under this chapter.

E. No person may disinter remains in a city cemetery without an order for exhumation.

14.24.110 - Liability of the city. In performing maintenance in city cemeteries, the city will take reasonable precautions to protect grave markers and burial sites from loss or damage, but beyond taking such reasonable precautions the city shall not be responsible for loss or damage to grave markers or burial sites regardless of cause.

Section 4. Cordova Municipal Code Chapter 8.36 is enacted to read as follows:

Chapter 8.36 – WASTEWATER DISPOSAL

Sections:

8.36.010 – Definitions.

8.36.020 - Deposit—Objectionable waste prohibited.

8.36.030 - Deposit—Certain substances prohibited in natural outlet.

8.36.040 - Private sewage disposal system.

8.36.010 -- Definitions. As used in this chapter:

"Industrial waste" means the liquid wastes from industrial processes as distinct from sewage.

"Natural outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

"Sewage" means waterborne human wastes or graywater derived from dwelling units and other facilities

8.36.020 - Deposit—Objectionable waste prohibited. No person may place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste.

8.36.030 - Deposit—Certain substances prohibited in natural outlet. No person may discharge to any natural outlet within the city or in any area under the jurisdiction of the city, any sewage, industrial wastes or other polluted waters; except where suitable treatment has been provided in accordance with this chapter.

8.36.040 - Private sewage disposal systems.

A. When city sewer service is not available under the provisions of Section 14.12.180, a facility shall be connected to a private sewage disposal system complying with the provisions of this chapter.

B. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Alaska Department of Environmental Conservation. No septic tank or cesspool shall be permitted to discharge to any city sewer or natural outlet.

C. The owner of a facility shall operate and maintain all private sewage disposal facilities serving the facility in a sanitary manner at all times, at no expense to the city.

D. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 14.12.180, a direct connection shall be made to the public sewer in compliance Title 14 and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

E. Except as provided in this section, it is unlawful to construct or maintain any privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

Section 5. This ordinance shall be effective thirty (30) days after its passage and publication. This ordinance shall be enacted in accordance with Section 2.13 of the Charter of the City of Cordova, Alaska, and published in the Cordova Times, a newspaper of general circulation in the City, within ten (10) days after its passage.

1st reading: March 14, 2013

2nd reading and public hearing: March 20, 2013

PASSED AND APPROVED THIS 20th DAY OF MARCH, 2013.




James Kacsh, Mayor

Attest: 
Susan Bourgeois, City Clerk