

Submitted by: Chairman of the Assembly at the
Request of the Mayor

Prepared by: Anchorage Water & Wastewater
Utility

For reading: June 8, 2004

CLERK'S OFFICE
AMENDED AND APPROVED
Date: 6-22-04

ANCHORAGE, ALASKA
AO No. 2004-99 *As Amended*

1 AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 26.40
2 TO UPDATE AND ADD PROVISIONS TO ESTABLISH ENFORCEMENT
3 MECHANISMS FOR UNAUTHORIZED USES OF MUNICIPAL WATER SERVICE
4 AND PROPERTY, AND AMENDING ANCHORAGE MUNICIPAL CODE SECTION
5 14.60.030, FINE SCHEDULE, TO ADD FINES FOR UNAUTHORIZED USES.
6

7
8 WHEREAS, the Anchorage Water and Wastewater Utility (AWWU) has the authority to
9 recover costs incurred by AWWU from damages resulting from a code violation; and
10

11 WHEREAS, AWWU has authority to levy penalties of up to \$1,000 per day for such violation;
12 and
13

14 WHEREAS, implementation of an effective hydrant use program is critical to continuance of
15 Anchorage's urban development without diminishing public health and safety, and the quality
16 of service delivered to customers; now therefore,
17

18 **THE ANCHORAGE ASSEMBLY ORDAINS:**
19

20 **Section 1.** Anchorage Municipal Code chapter 26.40 is hereby amended and new sections are
21 added to read as follows:
22

23 **26.40.010 Rates, Fees, and Charges.**
24

25 Water service rates, fees and charges are as established in the Anchorage Water and
26 Wastewater Utility (herein "AWWU" or "Utility") [MUNICIPAL] water [UTILITY]
27 tariff which has been duly adopted and approved by the Regulatory Commission of
28 Alaska [STATE PUBLIC UTILITIES COMMISSION], unless another rate, fee or charge
29 is provided for in a special contract filed with and approved by the Regulatory
30 Commission of Alaska [STATE PUBLIC UTILITIES COMMISSION].
31

32 (AO No. 89-51(S-3); AO No. 91-142(S-1))
33

34 **26.40.020 Compliance With Rules and Regulations.**
35

36 A. Customers accepting water service must agree to abide by the rules and
37 regulations established in the duly approved AWWU [MUNICIPAL] water

1 [UTILITY] tariff and by those set forth in this Code, including those alterations or
2 amendments which may be made from time to time.

3
4 B. The Utility reserves the right to establish [, BY ORDINANCE OR AS
5 CONDITIONS IN WATER USE PERMITS,] more stringent standards or
6 requirements in its water use permits to [ENSURE THE CONTINUED
7 INTEGRITY OF] protect water quality and prevent damage to the municipal
8 water system.

9
10 C. All customers receiving water service are obligated to pay for such service in
11 accordance with the applicable rate schedule in the approved
12 AWWU water tariff.

13
14 D. Failure to receive a water billing for any given period of time does not relieve the
15 customer of the responsibility for full payment of service provided.

16
17 **26.40.030 Additional Conditions of Service.**

18
19 A. The municipality may refuse to permit any person to connect to a water main or to
20 be served directly or indirectly by water from the [MUNICIPAL WATER]
21 Utility, and may refuse to accept a water main for operation and
22 maintenance purposes unless the main was constructed and installed pursuant to a
23 written agreement with the municipality or the municipality can otherwise assure
24 itself that the main was constructed and installed in compliance with the
25 applicable requirements and specifications of the [MUNICIPAL
26 WATER] Utility.

27
28 B. The [MUNICIPAL WATER] Utility will maintain and repair all mains and all
29 service connections that have been accepted for maintenance and operation
30 by the Utility, but will not be responsible for maintaining and repairing the water
31 service extension or for damage to the service connection caused by freezing.

32
33 C. Customers are responsible for thawing all frozen water service connections and
34 service extensions from the main to the premises, unless the freezing of the
35 service connection or service extension was caused by an act of the Utility not in
36 conformity with the AWWU water tariff.

37
38 D. The customer shall keep the key box lid and thaw wire exposed and their location
39 marked, if necessary, and shall maintain access to the key box at all times.

40
41 E. A properly identified employee of the [MUNICIPAL WATER] Utility shall have
42 access to the premises of a customer at all reasonable times for the
43 purpose of turning the water service on or off, reading meters, testing or
44 inspecting the customer's facilities or equipment, or installing or repairing,
45 removing or exchanging facilities or equipment of the [MUNICIPAL
46 WATER] Utility.

1
2 **26.40.040** **Prohibited acts.**
3

4 It shall be unlawful for any person:

- 5
6 A. Other than an authorized employee of the [MUNICIPAL WATER] Utility, to turn
7 on or turn off any water service or water main.
8
9 B. Other than an authorized employee of the [MUNICIPAL WATER] Utility or a
10 member of a fire department in connection with official duties, to connect to, turn
11 on or turn off any fire hydrant located on the municipal water system without first
12 obtaining a permit from the [MUNICIPAL WATER] Utility, [AND] agreeing to
13 comply with AWWU's hydrant use rules, and [TO] paying those charges
14 established by tariff or established on the permit. Validation of a hydrant use
15 permit is contingent on the permittee's vehicle and water use apparatus passing an
16 inspection by an AWWU representative.
17
18 C. To connect to, interfere with or alter the meters, valves, bypasses or other
19 facilities of the [MUNICIPAL WATER] Utility used in connection with rendering
20 water service; or to permit connection to, interference with or alteration by any
21 other person except an authorized agent or employee of the Utility.
22
23 D. To allow the premises of a facility which is served by the [MUNICIPAL
24 WATER] Utility to be connected to another water system, including a private
25 well or other on-property facility, or to have the service from another system
26 readily available to the premises or facility in such a manner that the integrity of
27 the [MUNICIPAL WATER] Utility water service may be jeopardized.
28 Notwithstanding the prohibitions of this section, standby service may be permitted
29 by the [MUNICIPAL WATER] Utility to customers, such as hospitals, medical
30 clinics and government facilities, who receive water service through two-inch or
31 larger service connections, if it is determined that the failure of the water supply
32 would be detrimental to the public health, welfare or security, provided that such a
33 customer must provide and install at its own expense a backflow preventer of the
34 reduced pressure principle type prior to commencement of service.
35
36 E. To allow a cross connection to be constructed between any portion of the
37 [MUNICIPAL WATER] Utility water system or any portion of any customer
38 water facilities and any possible source of contaminated water. This prohibition
39 shall apply to, but not be limited to, fire sprinkler systems.
40
41 F. To sell any of the water furnished by the [MUNICIPAL WATER] Utility unless
42 the person holds a valid certificate of public convenience and necessity issued by
43 the Regulatory Commission of Alaska [STATE PUBLIC UTILITIES
44 COMMISSION] for retail sale of water, or is exempt from certification under AS
45 42.05. [AND HAS EXECUTED A CONTRACT WITH THE [MUNICIPAL
46 WATER UTILITY FOR BULK OR WHOLESALE SUPPLY OF WATER.]
47

- 1 G. To furnish or provide water with or without charge to other premises located in an
2 area where a service connection or turn-on could be supplied by the
3 [MUNICIPAL WATER] Utility upon application.
4

5 **26.40.050 Fluoridation of water.**
6

- 7 A. The manager of the [MUNICIPAL WATER AND WASTEWATER] Utility is
8 authorized and directed to continue supplementing the fluoride content of the
9 water supply, to maintain a level of not more than 1.3 parts per million.
10
11 B. All techniques used to apply fluoride, including testing the water before and after
12 the addition of fluoride, determining the fluoride content, and testing for purity of
13 the fluoride chemicals, shall, in all respects, comply with the rules and standards
14 set by the Alaska [STATE] Department of Environmental Conservation, and the
15 National Primary Drinking Water Regulations.
16
17 C. The personnel who will make the necessary analyses and apply the fluoride will
18 be state-certified water treatment operators.
19

20 (AO No. 90-12)
21

22 **26.40.060 Right to administrative ruling or appeal.**
23

24 Except where a special order of the Utility has been issued, a user or interested party
25 shall have the right to administrative procedures provided in the AWWU water tariff or in
26 Chapters 3.60, 14.30 and 14.40, to challenge a grant or denial given under this chapter.
27 After exhausting administrative remedies, a user or interested party may appeal to the
28 Regulatory Commission of Alaska or superior court, whichever body has jurisdiction over
29 the matter.
30

31 **26.40.070 Penalties.**
32

- 33 A. In addition to any other remedy or penalty provided by law, a person who violates
34 a provision of this chapter, or a rule, regulation, permit, variance or order issued
35 pursuant to this chapter, shall be subject to
36
37 1. A civil penalty as set forth in Section 14.60.030; or
38 2. If no penalty is set out in Section 14.60.030, a civil penalty as set out in
39 Section 1.45.010B. for each offense;
40 3. Injunctive relief; or
41 4. Criminal penalties as provided in Section 1.45.040A.
42

43 Upon application for injunctive relief and a finding that a person is violating a
44 provision of this chapter, or a rule, regulation, permit, variance or order issued
45 pursuant to this chapter, the superior court shall grant injunctive relief to restrain
46 the violation.
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B. The Utility may discontinue or disconnect a user’s water service, in accordance with the AWWU water tariff if a person violates a provision of this chapter, or a rule, regulation or permit issued pursuant to this chapter.

C. In addition to B. above, the Utility may suspend or revoke, in accordance with the AWWU water tariff, any special water use permit or authorization issued to a person who violates a provision of this chapter or a rule, regulation, or permit issued pursuant to this chapter.

D. Each day of violation of a provision of this chapter, or a rule, regulation, permit, variance or order issued pursuant to this chapter, shall constitute a separate offense.

26.40.080 Recovery of costs incurred by the Utility.

A person violating a provision of this chapter, or who damages, causes damage to, or impairs the municipality’s water system, shall be liable to the Utility for all expenses, losses, or damages caused by such action or violation. The Utility shall bill the user for the costs incurred by the Utility for all cleaning, repair or replacement work caused by the user’s action or violation. Refusal to pay the assessed costs shall constitute a violation of this Chapter and may result in discontinuance or disconnection of service in accordance with the AWWU water tariff.

Section 2. Anchorage Municipal Code Section 14.60.030 is hereby amended to read as follows *(the remainder of the section is not affected and therefore not set out)*:

14.60.030 Fine schedule.

The fine schedule under this chapter is as follows:

<u>Code Section</u>	<u>Offense</u>	<u>Penalty/Fine</u>
***	***	***
<u>26.40.020</u>	<u>Compliance with rules and regulations</u>	<u>\$ 75.00 up to \$1,000.00</u>
<u>26.40.040</u>	Prohibited acts:	
	A. Unauthorized action on water main	\$ 75.00 <u>up to \$1,000.00</u>
	B. Unauthorized use of fire hydrant	\$ 75.00 <u>up to \$1,000.00</u>
	C. Unauthorized connection to or interference with water facilities	\$ 75.00 <u>up to \$1,000.00</u>
	D. Connection with other water systems	\$ 75.00 <u>up to \$1,000.00</u>
	E. Cross connection to possible sources of contaminated water	\$ 75.00 <u>up to \$1,000.00</u>
	F. Unauthorized sale of water	\$ 75.00 <u>up to \$1,000.00</u>

1 G. Unauthorized giving away of water \$ 75.00 up to \$1,000.00

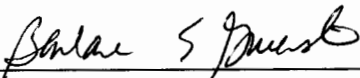
2
3 (AO No. 90-12)

4
5 **Section 3.** This ordinance shall become effective immediately upon passage and approval by
6 the Assembly.

7
8 PASSED AND APPROVED by the Anchorage Assembly this 20th day of June, 2004.

9
10
11 
12 _____
13 Chairman

14 ATTEST:

15
16 
17 _____
18 Municipal Clerk
19

Municipality of Anchorage
Summary of Economic Effects - Utilities

AO Number: 2004-99

Title: Amendments to AMC 26.40 and AMC 14.60

Sponsor: Mayor

Preparing Agency: AWWU

Others Affected: None

CHANGES IN EXPENDITURES AND REVENUES (Thousands of Dollars)

Operating Revenues:	FY	FY	FY	FY	FY
Total Operating Revenues:					
Operating Expenses:					
Total Operating Expenses:					
Non-Operating Revenues:					
Total Non-Operating Revenues:					
Non-Operating Expenses					
Total Non-Operating Expenses:					
NET INCOME (Regulated)					
Positions: FT/PT/TEMP					

Impact on General Government: YES NO (If yes, attach SEE for General Government agency impacted.)

Public Sector Economic Effects: The Public sector economic effects are less than \$30,000 for each of the next four years, exempting the requirement for detailed costing information.

Private Sector Economic Effects are expected to be negligible.

The revised Water Service Ordinance and Fine schedule does not require AWWU to implement any new programs but simply provides more authority to administer the existing Fire Hydrant Use Program, as well as other water use related activities.

There may be more positive economic effects coming from less property loss and fire damages gained with increased enforcement reducing illegal hydrant use in Anchorage neighborhoods with more assurances that neighborhood fire hydrants will be available for the Anchorage Fire Department's fire suppression activities when needed.

Prepared By: Kris Warren, Treatment Division Manager, AWWU
(Name, Title)

Telephone: 564-2799

Validated by OMB: _____ Date: _____

Approved by: _____ Date: _____
(Director, Preparing Agency)

MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 468 -2004

Meeting Date: June 8, 2004

1 **From: MAYOR**

2
3 **Subject: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE**
4 **CHAPTER 26.40 TO UPDATE AND ADD PROVISIONS TO ESTABLISH**
5 **ENFORCEMENT MECHANISMS FOR UNAUTHORIZED USES OF**
6 **MUNICIPAL WATER SERVICE AND PROPERTY, AND AMENDING**
7 **ANCHORAGE MUNICIPAL CODE SECTION 14.60.030, FINE**
8 **SCHEDULE, TO ADD FINES FOR UNAUTHORIZED USES.**
9

10 Anchorage Water and Wastewater Utility proposes amendments and new sections to Chapter
11 26.40 and Section 14.60.030 to enhance the Utility's ability to ensure the safety, integrity and
12 security of the municipal water system, to increase fines for violations, authorize suspension of
13 water service and/or the recovery of costs associated with the repair of damages caused by a
14 violation(s).

15
16 THE ADMINISTRATION RECOMMENDS ADOPTION OF THE AMENDMENTS TO
17 CHAPTER 26.40 AND SECTION 14.60.030.
18

19
20
21 Prepared by: Mark Premo, P.E., General Manager, AWWU

22 Concur: Denis C. LeBlanc, Municipal Manager

23 Respectfully submitted: Mark Begich, Mayor
24

25 Fund Certification: Jeff Sinz, Chief Fiscal Officer

26 *Fund – DeptID – Account – Project – Budget Period - \$Amount*

27 *(Source of funds)*

Content Information**Content ID :** 001801**Type:** Ordinance - AOAN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE
CHAPTER 26.40 TO UPDATE AND ADD PROVISIONS TO ESTABLISH**Title:** ENFORCEMENT MECHANISMS FOR UNAUTHORIZED USES OF
MUNICIPAL WATER SERVICE AND PROPERTY, AND AMENDING
ANCHORAGE MUNICIPAL CODE SECTION 14.60.030**Author:** gibsonam**Initiating
Dept:** AWWU**Date
Prepared:** 5/6/04 12:01 PM**Director
Name:** Mark Premo**Assembly
Meeting** 06/08/04**Date:****Public
Hearing** 06/22/04**Date:**

30

SUMMARY FILE

2004 JUN -1 AM 11:59

MAY 1

Workflow History

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>
AllOrdinanceWorkflow	5/6/04 12:33 PM	Checkin	gibsonam	Public	001801
AWWU_SubWorkflow	5/6/04 12:35 PM	Approve	premomc	Public	001801
AllOrdinanceWorkflow	5/18/04 8:20 AM	Reject	pearcydl	Public	001801
AllOrdinanceWorkflow	5/19/04 9:10 AM	Checkin	gibsonam	Public	001801
AWWU_SubWorkflow	5/19/04 9:11 AM	Approve	premomc	Public	001801
OMB_SubWorkflow	5/19/04 9:12 AM	Approve	pearcydl	Public	001801
Legal_SubWorkflow	5/19/04 5:01 PM	Approve	fehlenrl	Public	001801
AllOrdinanceWorkflow	5/20/04 3:47 PM	Reject	katkusja	Public	001801
AllOrdinanceWorkflow	5/21/04 11:53 AM	Checkin	gibsonam	Public	001801
AWWU_SubWorkflow	5/21/04 11:58 AM	Approve	premomc	Public	001801
OMB_SubWorkflow	5/25/04 5:05 PM	Approve	pearcydl	Public	001801
Legal_SubWorkflow	5/25/04 5:36 PM	Approve	fehlenrl	Public	001801
MuniManager_SubWorkflow	5/27/04 6:02 AM	Approve	leblancdc	Public	001801
MuniMgrCoord_SubWorkflow	5/27/04 2:49 PM	Approve	katkusja	Public	001801

CONSENT AGENDA - INTRODUCTION