



CITY OF NORTH POLE
Regular Meeting November 5, 2018
North Pole Council Chambers
125 Snowman Lane, North Pole, Alaska
www.northpolealaska.com

Monday, November 5, 2018
Committee of the Whole: 6:30 p.m.
Regular City Council Meeting – 7:00 p.m.

MAYOR

Michael Welch
488-8584

CITY CLERK

Judy Binkley
488-8583

COUNCIL MEMBERS

Avery Thompson	388-5351
Doug Isaacson	322-3133
Aino Welch	488-5834
DeJohn Cromer	347-2808
David Skipps	750-5106
Perry Walley	347-0135

1. **Call to Order/Roll Call**
2. **Pledge of Allegiance to the US Flag**
3. **Invocation**
4. **Approval of the Agenda**
5. **Approval of the Minutes**
6. **Communications from the Mayor**
 - a. Proclamation: Small Business Saturday
 - b. Re-organization of Council
7. **Council Member Questions of the Mayor**
8. **Communications from Department Heads, Borough Representative and the City Clerk**

9. Ongoing Projects Report

10. Citizens Comments (Limited to Five (5) minutes per Citizen)

11. Old Business

- a. Ordinance 18-23, An Ordinance of the North Pole City Council Updating Chapter 01 Garbage and Refuse to Title 8 Health and Safety.
- b. Ordinance 18-24, An Ordinance of the North Pole City Council Updating Chapter 02 Public Hazards to Title 8 Health and Safety.
- c. Ordinance 18-25, An Ordinance of the North Pole City Council Updating Chapter 03, Animal Nuisances to Title 8 Health and Safety.
- d. Ordinance 18-26, An Ordinance of the North Pole City Council Amending Chapter 04 Nuisances, Title 8 Health and Safety.
- e. Ordinance 18-27, An Ordinance of the North Pole City Council Amending Title 12 Maintenance of Streets, Road Rights of Way, Sidewalks or City Property.

12. New Business

- a. Resolution 18-13, A Resolution of the North Pole City Council Designating City Officials Authorization to Sign on City of North Pole Accounts.
- b. Ordinance 18-28, An Ordinance of the North Pole City Council Amending Title 2, North Pole Municipal Code Chapter 2.12, Section 2.12.030 A, Relating to City Council Meeting Times.
- c. Ordinance 18-29, An Ordinance of the North Pole City Council Establishing the 2019 Operating and Capital Budget.
- d. Ordinance 18-30, An Ordinance to Revise Title 13, Chapters 13.04, 13.08, 13.12, 13.16, 13.24, and 13.28 as Necessary to Regulate Water Utility Services Outside of the Limits.

13. Council Comments

14. Adjournment

Detailed information and copies of agenda documents may be obtained at the Office of the City Clerk, 125 Snowman Lane or on the City website www.northpolealaska.com. Notice of Council Action is available at City Hall and on the City website following the meeting. Council Meetings are aired live via audio streaming from the City's website. Inquiries concerning ADA compliance or accommodations should be directed to the City Clerk.



**Committee of the Whole – 6:30 P.M.
Regular City Council Meeting – 7:00 P.M.**

A regular meeting of the North Pole City Council was held on Monday, October 15, 2018 in the Council Chambers of City Hall, 125 Snowman Lane, North Pole, Alaska.

CALL TO ORDER/ROLL CALL

Mayor Ward called the regular City Council meeting of Monday, October 15, 2018 to order at 7:03 p.m.

There were present:

Avery Thompson – Mayor Pro Tem
David Skipps – Deputy Mayor Pro Tem
Aino Welch – Alt Dep Mayor Pro Tem
Santa Claus
Doug Isaacson
Perry Walley
Mayor Ward

Absent/Excused

PLEDGE OF ALLEGIANCE TO THE U.S. FLAG

Led by Mayor Ward

INVOCATION

Invocation was given by Mayor Ward

APPROVAL OF AGENDA

Mr. Thompson *moved to approve the agenda of October 15, 2018*

Seconded by Mr. Skipps

DISCUSSION

Mr. Thompson *moved to consent the following items:*

New Business:

- b. Request to Accept the 2018 SHSP Grant for \$67,323.00 20SHSP-GY18.
- c. Ordinance 18-23, An Ordinance of the North Pole City Council Updating Chapter 01 Garbage and Refuse to Title 8 Health and Safety.
- d. Ordinance 18-24, An Ordinance of the North Pole City Council Updating Chapter 02 Public Hazards to Title 8 Health and Safety.
- e. Ordinance 18-25, An Ordinance of the North Pole City Council Updating Chapter 03,

Animal Nuisances to Title 8 Health and Safety.

- f. Ordinance 18-26, An Ordinance of the North Pole City Council Amending Chapter 04 Nuisances, Title 8 Health and Safety.
- g. Ordinance 18-27, An Ordinance of the North Pole City Council Amending Title 12 Maintenance of Streets, Road Rights of Way, Sidewalks or City Property.
- h. Request to Approve a Revision to the Alasconnect Agreement.

Seconded by Mr. Claus

Discussion

None

On the amendment

PASSED

Yes: 7 – Skippis, Walley, Thompson, Claus, Isaacson, Welch, Ward

No: 0

Absent: 0

On the Agenda as amended

Discussion

Mr. Isaacson moved to postpone the following item:

New Business:

- a. Request From Jesse Douglass for Forgiveness of Utility Bills Left by Tenants.

PASSED

Yes: 7 – Skippis, Walley, Thompson, Claus, Isaacson, Welch, Ward

No: 0

Absent: 0

On the Agenda as amended

Discussion

None

PASSED

Yes: 7 – Skippis, Walley, Thompson, Claus, Isaacson, Welch, Ward

No: 0

Absent: 0

APPROVAL OF MINUTES

Mr. Thompson *moved to approve the Minutes of October 1, 2018*

Seconded by Ms. Welch

Discussion

None

PASSED

Yes: 7 – Skipps, Walley, Thompson, Claus, Isaacson, Welch, Ward

No: 0

Absent: 0

COMMUNICATIONS FROM THE MAYOR (Audio 3:53)

- The Governor and the Commissioner and a bunch of legislators were at City Hall last week for the Military Facility Zone signing. The City was officially designated as the first military facility zone in the state of Alaska.
- I was able to give the Alaska Travel Industries a welcome with the other mayors at the annual meeting that was at the Carlson Center.
- I would like to congratulate our new Mayor and Council and it's been an honor and a privilege to serve the City for the last 6 years.
- Proclamation: Presented the September Student of the Month proclamation to Sarah Bixby.

Certification of the October 2, 2018 Election

City Clerk Binkley gave a presentation on the election results and the report of the election Canvass Board.

Mr. Thompson *moved to certify the election of October 2, 2018*

Seconded by Mr. Isaacson

Discussion

None

PASSED

Yes: 7 – Skipps, Walley, Thompson, Claus, Isaacson, Welch, Ward

No: 0

Absent: 0

New and re-elected officials sworn in:

Michael Welch
David Skipps
Perry Walley
DeJohn Cromer

Mr. Thompson *moved to suspend the rules until 7:45 for a community reception.*

Seconded by Mr. Skipps

COUNCIL MEMBER QUESTIONS OF THE MAYOR

None

COMMUNICATIONS FROM DEPARTMENT HEADS, BOROUGH REPRESENTATIVE AND THE CITY CLERK

Fire Dept., Chief Coon (Audio 15:17)

- FF-1 class is still ongoing, the class will test out on December 1st.
- I submitted a Federal Assistance to Firefighters Grant for new turn-out gear, automated chest compression device, and funds for confined space rescue training. There would be a 10% match if approved.
- The Fire Department is also participating in a regional grant application to fund radios for the Fire Department. It too would have a 10% match if selected.
- Michelle is working with Laserfiche to electronically store some of our fire, EMS, and training records.
- The Tanana Valley Firefighters Association held their annual firefighter ball this last weekend. Members of the North Pole Fire Department received the following awards:
 - NPF - Fire Prevention Program of the Year
 - Sam Fagerstrom – EMS Person of the Year
 - Geoff Coon – Chief Officer of the Year
- Additionally, Captain Kevin Haywood was awarded the State of Alaska Fire and Life Safety Educator of the Year. The State Fire Marshall flew up from Anchorage to personally give this award to Kevin.
- The Department had two significant structure fires in the last month. One on Finell Drive and one at Tanana Apartments. The fire at the apartment complex was complicated by the fact that one of the occupants had to be transported to the hospital for smoke inhalation. The fire was contained to the apartment of origin and the attic directly above the apartment of origin. In both of these incidents, we were able to control the fire due to the close proximity to the fire station. In both incidents we received automatic aid from North Star Volunteer Fire Department and Eielson Fire Department.
- FD budget looks good and we are expecting to be underbudget in several areas. It would

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be good to transfer any underbudget funds into the fleet replacement fund as we are expecting to spend everything in the fund to replace an ambulance this year.

- **Maintenance Report:**
 - C-21 is still at the shop for repairs.
 - Squad 21 is still waiting for some parts to repair the pump.
 - Medic 23 has been down graded to reserve status. This is the ambulance that will go to auction after the new one is placed in service.
 - Several of the light and medium duty vehicles will be undergoing “B” inspections and repairs.
- **Ms. Welch** asked what the total amount we would receive for grants if we were lucky enough to get everything we applied for. Chief Coon replied it would probably be \$500,000
- **Mr. Thompson** asked what the number from savings in different categories is that we would be looking at to transfer into the fleet fund. Chief Coon replied that the Fire Department is probably \$50,000 - \$60,000 under budget and moving that towards the fleet fund would be a nice start.
- **Mr. Claus** encouraged fellow and new Council members to do the free ICS FEMA training online.
- **Mr. Thompson** asked when Eielson starting providing mutual aid or automatic response. Chief Coon replied it was about 3 weeks ago.

Police Dept., Chief Dutra

None

Finance, Tricia Fogarty

None

Director of City Services, Bill Butler (Audio 26:25)

Building Department

- Single building permit issued since last Council meeting.
 - Valuation of building permit applications to date: \$16.4 million.
 - Value is deceptive because the \$4.1 million project at the middle school has been delayed until Spring 2019.

Public Works

- Last of Public Works’ temporary hires will be leaving within a week and Public Works will be down to its two full-time employees.
- Preparing for winter – roundabouts prepared for Christmas decorations, benches and planters removed to facilitate plowing sidewalks, preparing equipment for winter plowing and sanding.

Utility Department

- Sulfolane settlement
 - Insulation being installed on 750,000 water tank.
 - 16 inch water mains that surfaced have been buried and final connections on Zone 2 being completed.
 - Rapidly approaching substantial completion of Peridot Pump House and modifications at Water Treatment Plant.
- City received verbal notification that the Air Force has approved the North Pole Utility to be the provider of water to Moose Creek.
 - Air Force would like to see construction begin in 2018, but this is not realistic. In months ahead, hope to see formal agreement between City and Air Force and release of funding to start engineering in late 2018 or early 2019.
 - Optimistic schedule would be for construction to begin and completed in in 2019.
- Per- and Polyfluoroalkyl Substances (PFAS)
 - Pollen Environmental conducted bi-annual sampling of City wells for PFAS compounds and took the first sample of treated wastewater effluent for PFAS compounds.
 - Expect results in approximately three weeks.
- **Mr. Claus** asked if the City was still planning to name the Peridot Pump House after Buzz. Mr. Butler replied that it would probably happen in the springtime when things look nicer and the construction site is cleared up.

Natural Gas Utility Board

- Nothing new to report on IGU.

Borough Representative – Mr. Thompson (Audio 30:08)

- I gave a quick brief and let them know of our individuals that were elected to City Council as well as the new Mayor and gave a very brief rundown for the military facility zone.
- The meeting overall was contentious and there was a lot of public comment. They addressed a lot of different issues, but none of which really seemed to be affecting us right now.

City Clerk's Office, Judy Binkley (Audio 31:00)

- Congratulations to our newly and re-elected officials.
- AML is coming up in November so if Council members are interested in attending, please let me know and I'll make the arrangements. I just received the updated itineraries so I'll be sending those out soon.

- We are still working on putting together the health fair for our employees. We will have an expert to our health insurance plan on-site to answer questions. We are also hoping to get a local physical therapist and eye doctor to participate as well. It will be November 8th from 7:30-10:30 in the morning. Council welcome to attend but will have to pay for your own tests.
- I attended Caselle training last week and participated in the HR module classes. I was able to learn a few tips and tricks and hope to implement some of those in the near future.
- We are accepting applications for the 2019 Hotel/Motel Bed Tax Grant until October 31st at 5pm. The application is on the website.
- **Mr. Thompson** asked when AML information is needed by to make all the travel arrangements. City Clerk Binkley replied that sooner is better but there's no hard deadline.

ONGOING PROJECTS

None

CITIZENS COMMENTS – (Limited to Five (5) minutes per Citizen) (Audio 32:56)

- **Steve Dutra**, 125 Snowman Lane: Congratulated new and re-elected Council Members and Mayor. Thanked Santa Claus and Mayor Ward for everything they have done for the department and City.
- **John Ellis**, 141 E Fifth Avenue: Congratulated newly elected people. Stated that the street sign on Davis Boulevard is wrong. The sign says Davis Street but it should be Davis Boulevard.

OLD BUSINESS

None

Public Comment

None

NEW BUSINESS

REQUEST TO APPROVE AN EXTENDED WARRANTY FOR SUSPECT FUSION WELDS INSTALLED AS PART OF THE WATER SYSTEM EXPANSION PROJECT.

(Audio 37:52)

Mr. Butler introduced the request.

Public Comment

None

Mr. Thompson *moved to approve an extended warranty for suspect fusion welds installed as part of the water system expansion project.*

Seconded by Mr. Skipps

Discussion

None

PASSED

Yes: 7 – Skipps, Walley, Thompson, Claus, Isaacson, Welch, Ward

No: 0

Absent: 0

Mr. Thompson *moved to adjourn into executive session to discuss the legal strategy of the City of North Pole in reference to PFOS/PFOA at 8:20 p.m.*

Seconded by Ms. Welch

Mayor Ward brought the meeting back to order at 9:45 p.m.

COUNCIL COMMENTS (Audio 46:00)

Mr. Isaacson – None

Mr. Claus – Thank you to everybody for the past 3 years, Council, Mayor, Department Heads, and Staff. I hope you'll all go out and vote next month.

Mr. Thompson – Thank you Mr. Claus for your service on the Council. Thank you, Mayor and I wish you the best at the Borough. It's been amazing to be able to sit next to you this year and I appreciate everything you've taught me on Council.

Mr. Walley – Echo those statements. Have fun at the Borough.

Mr. Skipps – Thank you, Mr. Claus for serving on Council. Thank you Mayor. We did a lot of extra stuff outside to get stuff going for the City. I want to thank you for your leadership.

Ms. Welch – Thank you, Mr. Claus for serving on Council the last 3 years. Welcome to the new and re-elected officials. Good luck to the Mayor in your new position.

Mayor Ward – Thank you, Mr. Claus for your service on Council. It's been an amazing experience to serve as Mayor for the City of North Pole. I was pretty young when I got into this and it was like hitting a brick wall, but you get up and just keep going. I've learned a lot working with Council, our staff, and community.

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Mr. Isaacson *moved to adjourn the meeting at 9:47 p.m.*

Seconded by Ms. Welch

The regular meeting of Monday, October 15, 2018 adjourned at 9:48 p.m.

These minutes passed and approved by a duly constituted quorum of the North Pole City Council on Monday, November 5, 2018.

Michael W. Welch, Mayor

ATTEST:

Judy Binkley, North Pole City Clerk

Office of the Mayor
City of North Pole

Proclamation

Whereas: the government of North Pole, Alaska, celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are currently 30.2 million small businesses in the United States, they represent 99.7 percent of all businesses with employees in the United States, are responsible for 65.9 percent of net new jobs created from 2000 to 2017; and

Whereas: small businesses employ 47.5 percent of the employees in the private sector in the United States; and

Whereas: 90% of consumers in the United States say Small Business Saturday has had a positive impact on their community; and

Whereas: 89% of consumers who are aware of Small Business Saturday said the day encourages them to Shop Small all year long; and

Whereas: 73% of consumers who reportedly Shopped Small at independently-owned retailers and restaurants on Small Business Saturday did so with friends or family; and

Whereas: the most reported reason for consumers aware of the day to shop and dine at small, independently-owned businesses was to support their community (64%); and

Whereas: North Pole, Alaska, supports our local businesses that create jobs, boost our local economy and preserve our communities; and

Whereas: advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

Now, therefore I, Michael W. Welch, Mayor of the City of North Pole, do hereby proclaim November 24, 2018 as:

Small Business Saturday

And urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

Michael W. Welch

Michael W. Welch, Mayor

ATTEST:

Judy L. Binkley
Judy L. Binkley, North Pole City Clerk



**CITY OF NORTH POLE
ORDINANCE 18-23**

**AN ORDINANCE OF THE NORTH POLE CITY COUNCIL UPDATING
CHAPTER 01 GARBAGE AND REFUSE TO TITLE 8 HEALTH AND
SAFETY**

WHEREAS, changes to the North Pole Municipal Code is a continually changing requirement;
and

WHEREAS, the City of North Pole should be amended to conform to the requirements of the
City and to provide clarification and guidance as needed; and

WHEREAS, the City desires to make changes to the Code of Ordinances to allow it to be
enforceable through a simple violation; and

WHEREAS, updates to the Health and Safety Title of the City's Code of Ordinances are needed
to clarify degrees of violations and how the city may need to act to abate certain issues; and

WHEREAS, this ordinance provides for a violation schedule that is simple to enforce; and

WHEREAS, the proposed ordinance is intended protect the best interest of the public; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of North Pole:

Section 1. This ordinance is of a general and permanent nature and shall be codified in the North
Pole Code of Ordinances.

Section 2. Title 8 Health and Safety, Chapter 01 Garbage and Refuse is added in the North Pole
Code of Ordinances as by inserting the text underlined:

8.01.010 Purpose of chapter.

The purpose of this chapter is the protection of the public health, safety and welfare of the people
of the City of North Pole and to maintain an environment free from garbage and refuse nuisances
within the City.

8.01.020 Garbage and refuse containers required.

It shall be the duty of every person in possession, charge or control of any premises, business
establishment or industrial establishment where garbage and refuse is created or accumulates, at
all times, to keep or cause to be kept dumpsters or portable metal or plastic containers for the
deposit therein of garbage and refuse; and to deposit or cause to be deposited the same therein.
Such containers shall be kept in a sanitary condition, free from accumulating grease,
decomposing material, and/or offensive smells.

8.01.030 Garbage – Deposit only in places designated.

No person shall throw into or deposit upon any public street, highway, thoroughfare, public road, lane, alley, public place or grounds within the limits of the City or upon any private premises or anywhere, except the place or places designated by the Fairbanks North Star Borough Solid Waste Division, any garbage and refuse of any kind.

8.01.040 Garbage and refuse, covered loads.

No person shall transport garbage and refuse of any kind, in any container other than covered and enclosed vehicles, closed boxes, bags, cans or receptacles, through any street, avenue, alley, highway or public place in the City.

8.01.050 Burning of refuse or garbage.

No person shall burn any garbage or refuse to include wastepaper, boxes, rubbish, debris, brush, grass, weeds and cuttings from trees, lawns or gardens, without a permit from the fire chief.

8.01.100 Enforcement.

A. The City Mayor, Police Chief or designated representatives are authorized to enforce the provisions of this chapter.

~~B. Any citizen who desires to register a complaint under this chapter may initiate enforcement with the Mayor or Police Chief.~~

B. Any person may file a complaint under this chapter with the Mayor or Police Chief and request enforcement of the alleged violation.

8.01.110 Violations and penalties.

~~A. It shall be a violation of this chapter for any person or corporation to violate any of the provisions established in this chapter in addition to all other remedies available in law or equity.~~

~~B. Each day the violation continues constitutes a new violation.~~

~~a. A person or corporation who violates any provision of this chapter shall be guilty of a minor offense, punishable by the fine listed in the fine schedule in 1.20.030, or if no fine is listed in the fine schedule then by a fine not to exceed \$500.~~

A. A person who violates any provision of this chapter shall be guilty of a minor offense, punishable by the fine listed in the fine schedule in 1.20.030 or if no fine is listed in the fine schedule then by a fine not to exceed \$500.

B. Each day the violation continues constitutes a new violation.

C. Fines for violations are separate from and in addition to all other remedies authorized by law or equity.

8.01.120 Abatement – Notices – Costs – Fines.

- A. The City may file a civil action in Superior Court to abate a nuisance and all costs and expenses of such abatement, removal, remediation or other remedy and full actual attorney fees and costs incurred by the City in any legal proceeding to abate the nuisance shall be paid by the persons or corporation committing, creating, keeping, maintaining or causing such nuisance or nuisances.

Section 3. Effective date.

This ordinance shall become effective upon passage.

PASSED AND APPROVED by a duly constituted quorum of the North Pole City Council this ____ day of ____, 2018.

Michael W. Welch, Mayor

ATTEST:

Judy L. Binkley, North Pole City Clerk

PASSED/FAILED Yes: No: Absent:

**CITY OF NORTH POLE
ORDINANCE 18-24**

**AN ORDINANCE OF THE NORTH POLE CITY COUNCIL UPDATING
CHAPTER 02 PUBLIC HAZARDS TO TITLE 8 HEALTH AND SAFETY**

WHEREAS, changes to the North Pole Municipal Code is a continually changing requirement;
and

WHEREAS, the City of North Pole should be amended to conform to the requirements of the
City and to provide clarification and guidance as needed; and

WHEREAS, the City desires to make changes to the Code of Ordinances to allow it to be
enforceable through a simple violation; and

WHEREAS, updates to the Health and Safety Title of the City's Code of Ordinances are needed
to clarify degrees of violations and how the City may need to act to abate certain issues; and

WHEREAS, this ordinance provides for a violation schedule that is simple to enforce; and

WHEREAS, the proposed ordinance is intended for Public Hazards that may require abatement
by the City, however it does not preclude the City from pursuing all measures if it is deemed to be
necessary to protect the best interest of the public; and

WHEREAS, it is in the best interest of the City to pursue the most cost effective solution to
abating an issue if the property owner will not abate the Public Hazard; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of North Pole:

Section 1. This ordinance is of a general and permanent nature and shall be codified in the North
Pole Code of Ordinances.

Section 2. Title 8 health and safety, Chapter 02 Public Hazards is added in the North Pole Code
of Ordinances as by inserting the text underlined:

8.02.010 Purpose of chapter.

The purpose of this chapter is the protection of the public health, safety and welfare of the people
of the City of North Pole and to address public hazards that may require corrective action in
order to prevent further harm to the City and or residents that may include abatement by the City.

8.02.020 Unwholesome wells or ground water.

- A. Any wells or ground water which is impure, contaminated or unwholesome, or which has
been rendered impure, contaminated or unwholesome by reason of any defiling,
hazardous substance, or poisonous substance, is declared a nuisance and public hazard
injurious to health; and no person or corporation shall cause, maintain or continue such
nuisance-hazard.

B. "Hazardous substance" is defined as:

- a. Any material, element or compound that is defined as a hazardous substance under the laws or regulations of the State of Alaska or the United States; or
- b. Any material, element or compound that, when it enters into or on the surface or subsurface land or water, endangers the public health or welfare, or fish, animals, vegetation or any part of the natural habitat in which they are found; or
- c. Any substance the Alaska Department of Environmental Conservation considers a regulated contaminant; or
- d. Any substance not defined by AS 46.09.900 or 46.03.826, 18 AAC 75.990, 42 USC 9601 through 9657, or 29 CFR 1910.1200 or listed as a regulated contaminant under 18 AAC 75 shall be considered a "hazardous substance" when present in ground water in excess of tap water levels as defined by the Environmental Protection Agency's Regional Screening Level User's Guide.

C. A person or corporation whose well or ground water has been rendered impure, contaminated or unwholesome by a hazardous substance that originated from the property of another shall not be in violation of this section or subject to the provisions of NPMC 8.04.170.

8.02.030 Groundwater and soil contamination from garbage prohibited.

No person shall throw or place anything defiling, or any poisonous substance, decayed animal or vegetable matter or filth into, or cause or allow the same to pass or enter into any creek, well or river water or into any water pipe within the City whereby such water is rendered impure or unwholesome.

8.02.040 Open excavations, basements, pits and unsecured buildings Prohibited.

- A. It is unlawful for any person or persons to maintain any hazard listed in this section.
- B. All open pits, unfilled excavations and open pit foundations except gravel pits are declared to be a public hazard, except that this subsection shall not apply to any of the above conditions where construction of a building is actively underway under a proper building permit and where the construction has not been suspended for more than fifteen days or that are secured with fencing or barricades.
- C. All buildings which are unoccupied, abandoned or deteriorated should be locked up, boarded up or otherwise secured from ingress or egress as to not invite trespassers and malicious mischief.
 - a. If a building has broken windows or doors-points of entry, this constitutes a hazardous condition and all broken windows or doors-points of entry shall be boarded and secured;
- D. Attractive hazards dangerous to children in the form of:
 - a. Abandoned and broken equipment, or
 - b. Hazardous holes or excavations, or
 - c. Neglected machinery, or
 - d. Abandoned automobiles or appliances;
 - e. Any other condition that may attract unwanted trespassers and malicious mischief.

8.02.050 Privies and outhouses.

- A. No person shall maintain any outdoor pit privy (outhouse) within the City, and such is declared to be a hazard to the good health of the community and a nuisance.
- B. This section does not apply to portable outhouse or toilet facilities where the waste is pumped and or treated.

8.02.060 Junk vehicles-heavy equipment.

- A. It is unlawful for any person to place upon public property not set aside by law as a refuse disposal site, or upon any private property, except licensed junk yards, in excess of 4 wrecked, junked or abandoned vehicles and or pieces of heavy equipment.
- B. It is unlawful for any owner, lessee, agent, tenant or occupant to allow or permit to remain on any property owned or controlled by him, except licensed junk yards, in excess of 4 wrecked, junked or abandoned vehicles and or pieces of heavy equipment.
- C. A motorized vehicle or piece of motorized equipment is deemed to be a 'wrecked, junked or abandoned' for the purpose of this section if two or more of the following conditions exist:
 - a. It is without a valid current registration or license with the State of Alaska (if applicable);
 - b. It is not operational due to mechanical failure or condition;
 - c. It has remained inoperable for 180 consecutive days on private property;
 - d. It is extensively damaged, such damage including but not limited to any of the following: broken window or windshield; or missing wheels, tires, motor, or transmission;
 - e. It is equal in value only to the fair market value of the scrap/parts in it.

8.02.100 Enforcement.

- A. The City Mayor, Police Chief or designated representatives are authorized to enforce the provisions of this chapter.
- ~~B. Any citizen who desires to register a complaint under this chapter may initiate enforcement with the Mayor or Police Chief.~~
- B. Any person may file a complaint under this chapter with the Mayor or Police Chief and request enforcement of the alleged violation.

8.02.110 Violations and penalties.

- ~~A. It shall be a violation of this chapter for any person or corporation to violate any of the provisions established in this chapter in addition to all other remedies available in law or equity.~~
- ~~B. Each day the violation continues constitutes a new violation.~~

~~C. A person or corporation who violates any provision of this chapter shall be guilty of a minor offense, punishable by the fine listed in the fine schedule in 1.20.30 or if no fine is listed in the fine schedule then by a fine not to exceed \$500.~~

A. A person who violates any provision of this chapter shall be guilty of a minor offense, punishable by the fine listed in the fine schedule in 1.20.030 or if no fine is listed in the fine schedule then by a fine not to exceed \$500.

B. Each day the violation continues constitutes a new violation.

C. Fines for violations are separate from and in addition to all other remedies authorized by law or equity.

8.02.120 Abatement – Notices – Costs – Fines.

A. The City may file a civil action in Superior Court to abate a nuisance and all costs and expenses of such abatement, removal, remediation or other remedy and full actual attorney fees and costs incurred by the City in any legal proceeding to abate the nuisance shall be paid by the persons or corporation committing, creating, keeping, maintaining or causing such nuisance or nuisances.

Section 3. Effective date.

This ordinance shall become effective upon passage.

PASSED AND APPROVED by a duly constituted quorum of the North Pole City Council this ____ day of ____, 2018.

Michael W. Welch, Mayor

ATTEST:

Judy L. Binkley, North Pole City Clerk

PASSED/FAILED

Yes:

No:

Absent:

**CITY OF NORTH POLE
ORDINANCE 18-25**

**AN ORDINANCE OF THE NORTH POLE CITY COUNCIL UPDATING
CHAPTER 03 ANIMAL NUISANCES TO TITLE 8 HEALTH AND
SAFETY**

WHEREAS, changes to the North Pole Municipal Code is a continually changing requirement;
and

WHEREAS, the City of North Pole should be amended to conform to the requirements of the
City and to provide clarification and guidance as needed; and

WHEREAS, the City desires to make changes to the Code of Ordinances to allow it to be
enforceable through a simple violation; and

WHEREAS, updates to the Health and Safety Title of the City's Code of Ordinances are needed
to clarify degrees of violations and how the City may need to act to abate certain issues; and

WHEREAS, this ordinance adds a new chapter to the Health and Safety Title of Code of
Ordinances; and

WHEREAS, this ordinance provides for a violation schedule that is simple to enforce; and

WHEREAS, the Animals section of code as proposed does not prohibit or restrict the ability of
the Fairbanks North Star Borough to enforce its own code; and

WHEREAS, the City chooses to add additional regulation to protect the citizens and residents of
the City of North Pole; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of North Pole:

Section 1. This ordinance is of a general and permanent nature and shall be codified in the North
Pole Code of Ordinances.

Section 2. Title 8 Health and Safety, Chapter 03 Animal Nuisances is added in the North Pole
Code of Ordinances as by inserting the text underlined:

8.03.010 Purpose of chapter.

The purpose of this chapter is the protection of the public health, safety and welfare of the people
of the City of North Pole.

8.03.020 Animals biting.

- A. No animal shall bite persons or other animals. Whenever any animal bites a person, the
person so bitten and the owner of the animal shall immediately notify the police
department and the Fairbanks North Star Borough Animal Control Department.

- 33 B. If an animal bites a person or another animal the owner of the animal has violated this
34 section of code and is punishable by the provisions of this chapter.
35 C. Additional animal regulations may apply as part of the Fairbanks North Star Borough
36 Code Title 22 and shall be followed and enforced by the Fairbanks North Star Borough.

37 **8.03.030 Proper Restraint Of Animals.**

38 No owner or caretaker shall fail to properly restrain his or her animal to prevent it from
39 running at large.

40 **8.03.040 Animal Waste.**

41 No dog or cat owner shall fail to remove excreta deposited by his dog or cat on public areas,
42 recreation areas or on any other person's property.

43 **8.03.100 Enforcement.**

44 A. The City Mayor, Police Chief or designated representatives are authorized to enforce the
45 provisions of this chapter.

46 ~~B. Any citizen who desires to register a complaint under this chapter may initiate~~
47 ~~enforcement with the Mayor or Police Chief.~~

48 B. Any person may file a complaint under this chapter with the Mayor or Police Chief
49 and request enforcement of the alleged violation.

50 **8.03.110 Violations and penalties.**

51 ~~A. It shall be a violation of this chapter for any person or corporation to violate any of the~~
52 ~~provisions established in this chapter in addition to all other remedies available in law or~~
53 ~~equity.~~

54 ~~B. Each day the violation continues constitutes a new violation.~~

55 ~~C. A person or corporation who violates any provision of this chapter shall be guilty of a~~
56 ~~minor offense, punishable by the fine listed in the fine schedule in 1.20.030 or if no fine~~
57 ~~is listed in the fine schedule then by a fine not to exceed \$500.~~

58 A. A person who violates any provision of this chapter shall be guilty of a minor offense,
59 punishable by the fine listed in the fine schedule in 1.20.030 or if no fine is listed in the fine
60 schedule then by a fine not to exceed \$500.

61 B. Each day the violation continues constitutes a new violation.

62 C. Fines for violations are separate from and in addition to all other remedies authorized by
63 law or equity.

8.03.120 Abatement – Notices – Costs – Fines.

- A. The City may file a civil action in Superior Court to abate a nuisance and all costs and expenses of such abatement, removal, remediation or other remedy and full actual attorney fees and costs incurred by the City in any legal proceeding to abate the nuisance shall be paid by the persons or corporation committing, creating, keeping, maintaining or causing such nuisance or nuisances.

Section 3. Effective date.

This ordinance shall become effective upon passage.

PASSED AND APPROVED by a duly constituted quorum of the North Pole City Council this ____ day of ____, 2018.

Michael W. Welch, Mayor

ATTEST:

Judy L. Binkley, North Pole City Clerk

PASSED/FAILED Yes: No: Absent:

**CITY OF NORTH POLE
ORDINANCE 18-26**

**AN ORDINANCE OF THE NORTH POLE CITY COUNCIL AMENDING
CHAPTER 04 NUISANCES, TITLE 8 HEALTH AND SAFETY**

WHEREAS, changes to the North Pole Municipal Code is a continually changing requirement;
and

WHEREAS, the City of North Pole should be amended to conform to the requirements of the
City and to provide clarification and guidance as needed; and

WHEREAS, the City desires to make changes to the Code of Ordinances to allow it to be
enforceable through a simple violation; and

WHEREAS, updates to the Health and Safety Title of the City's Code of Ordinances are needed
to clarify degrees of violations and how the city may need to act to abate certain issues; and

WHEREAS, this ordinance provides for a violation schedule that is simple to enforce; and

WHEREAS, the Public Nuisance section of code as proposed does not add any additional rules
to the existing code it only provides for the ability of the City to enforce its code though
citations; and

WHEREAS, the proposed ordinance is intended for nuisances that should not require abatement
however it does not preclude the City from pursuing abatement measures if it is deemed to be in
the best interest of the public and or is a public hazard; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of North Pole:

Section 1. This ordinance is of a general and permanent nature and shall be codified in the North
Pole Code of Ordinances.

Section 2. Title 8 HEALTH AND SAFETY, Chapter 04 NUISANCES is amended in the North
Pole Code of Ordinances as by inserting the text underlined, and removing the lines that have
been ~~stricken~~:

8.04.010 Purpose of chapter.

The purpose of this chapter is the protection of the public health, safety and welfare of the people
of the City of North Pole and to address Public Nuisance violations that shall be addressed
through a citation issued by the City of North Pole.

8.04.020 Public nuisances designated—Acts prohibited.

A. Public nuisances shall include but not be limited to whatever is forbidden by any
provision of this chapter.

- 33 B. It is unlawful for any person to commit, create or maintain any public nuisance
34 enumerated in this chapter.

35 **8.04.030 Marijuana oil, flammable extraction – Prohibited.**

- 36 A. Methods to process marijuana oil using a flammable extraction method are hereby
37 prohibited within North Pole City limits.

38 a. “Flammable extraction method” is defined as using a flammable or explosive
39 chemical, series of chemicals or fluid to extract oil from a marijuana plant.

40 b. Methods of marijuana oil extraction that do not involve flammable or explosive
41 materials are not a violation of this section.

- 42 B. A person or corporation that processes marijuana oil using a flammable extraction
43 method is in violation of this section and subject to a violation of this section.

44 **8.04.040 Escape of soot, cinders, etc.**

- 45 A. Dangers to Public Health.

46 a. It is unlawful for any person to permit or cause the escape of such quantities of
47 soot, cinders, noxious acids, fumes and gases in such place or manner as to:

48 b. Be detrimental to any person or the public;

49 c. Endanger the health, comfort and safety of any such person or of the public.

- 50 B. The escape of such matter is declared to be a public nuisance and is a violation of this
51 section.

52 C. Definitions. “Cinders,” “dust,” “fly ash,” “noxious acids,” “fumes” and “gases” as used
53 in this section shall be considered to be all matter including smoke, cinders, dust and soot
54 formed as the result of the combustion of fuels which are carried in the gas streams so as
55 to reach the external air and which have not been completely consumed by the
56 combustion process.

57 **8.04.050 disturbing the peace.**

- 58 A. A person commits the offense of disturbing the peace if:

59 a. With intent to disturb the peace and privacy of another not physically on the same
60 premises or with reckless disregard that the conduct is having that effect after
61 being informed that it is having that effect, the person makes unreasonably loud
62 noise.

63 b. In a public place or in a private place of another without consent, and with intent
64 to disturb the peace and privacy of another or with reckless disregard that the

conduct is having that effect after being informed that it is having that effect, the person makes unreasonably loud noise.

- c. Between the hours of 11:00 p.m. and 7:00 a.m., operates or uses a pile driver, pneumatic hammer, bulldozer, road grader, loader, power shovel, derrick, backhoe, power saw, manual hammer, motorcycle, snow machine or other instrument, appliance or vehicle which generates loud sounds or noise, after having been informed by another that such operations or use is disturbing the peace and privacy of others.
- d. Keeps any dog or other animal which is allowed to engage in frequent or prolonged barking or other loud noise-producing activity, after having been informed by another that such frequent or prolonged barking or noise-producing activity is disturbing the peace and privacy of others.
- e. Repeatedly or continuously sounds any horn or other sound-producing warning device on a motor vehicle when such repeated or continued sounding is not necessary to warn of any danger.
- f. After being informed by a police officer that the conduct is in violation of this subsection (A), refuses to abate the prohibited activity.

B. As used in this section, “noise” is “unreasonably loud” if, considering the nature and purpose of the defendant’s conduct and the circumstances known to the defendant, including the nature of the location and the time of day or night, the conduct involves a gross deviation from the standard of conduct that a reasonable person would follow in the same situation. “Noise” does not include speech that is constitutionally protected.

- a. “Loud sound” in a public place means sound which is loud enough to inhibit the ability of a not unduly sensitive person in the same place to speak freely without leaving the same place.
- b. “Loud sound” in a private place means sound which is loud enough to awaken a not unduly sensitive person in another private place.
- c. The inside and outside of buildings and separate residences within an apartment house, and separate rooms within a hotel, are different places.

C. The following sound or noise is not prohibited by this section:

- a. Noise of safety signals, warning devices and emergency pressure relief valves when used for their warning or emergency purposes.
- b. Noise produced by any authorized emergency vehicle when responding to an emergency call or when otherwise authorized by law or ordinance to activate its sirens or other warning devices.

- 100 c. Noises necessarily produced in the course of work required to protect persons or
101 property from imminent peril.
- 102 d. Noise produced by any activity for which a permit has been issued pursuant to
103 subsection (D) of this section.
- 104 D. Applications for a permit for relief from the application of this section to any activity on
105 the basis of undue hardship may be made to the Mayor or his duly authorized
106 representative. A nonrefundable application fee and a permit fee, as set forth in the City's
107 schedule of fees and charges for services, will be charged for the City's processing of an
108 application. Any permit granted by the Mayor under this subsection shall contain all
109 conditions upon which such permit has been granted and shall specify a reasonable time
110 that the permit shall be effective. The Mayor or duly authorized representative may grant
111 the relief as applied for if he/she finds that:
- 112 a. Additional time is necessary for the applicant to alter or modify his activity or
113 operation to comply with this section; or
- 114 b. The activity, operation or noise source will be of a temporary duration and cannot
115 be done in a manner that would comply with other subsections of this section; and
- 116 c. No other reasonable alternative is available to the applicant.
- 117 d. However, the Mayor may prescribe any conditions or requirements he deems
118 necessary to minimize adverse effects upon the community or the surrounding
119 neighborhood.
- 120

121 **8.04.100 Enforcement.**

- 122 A. The City Mayor, Police Chief or designated representatives are authorized to enforce the
123 provisions of this chapter.
- 124 ~~B. Any citizen who desires to register a complaint under this chapter may initiate~~
125 ~~enforcement with the Mayor or Police Chief.~~

126 B. Any person may file a complaint under this chapter with the Mayor or Police Chief and
127 request enforcement of the alleged violation.

128 **8.04.110 Violations and penalties.**

- 129 ~~A. It shall be a violation of this chapter for any person or corporation to violate any of the~~
130 ~~provisions established in this chapter in addition to all other remedies available in law or~~
131 ~~equity.~~
- 132 ~~B. Each day the violation continues constitutes a new violation.~~

~~C. A person or corporation who violates any provision of this chapter shall be guilty of a minor offense, punishable by the fine listed in the fine schedule in 1.20.030 or if no fine is listed in the fine schedule then by a fine not to exceed \$500.~~

A. A person who violates any provision of this chapter shall be guilty of a minor offense, punishable by the fine listed in the fine schedule in 1.20.030 or if no fine is listed in the fine schedule then by a fine not to exceed \$500.

B. Each day the violation continues constitutes a new violation.

C. Fines for violations are separate from and in addition to all other remedies authorized by law or equity.

8.04.120 Abatement – Notices – Costs – Fines.

A. The City may file a civil action in Superior Court to abate a nuisance and all costs and expenses of such abatement, removal, remediation or other remedy and full actual attorney fees and costs incurred by the City in any legal proceeding to abate the nuisance shall be paid by the persons or corporation committing, creating, keeping, maintaining or causing such nuisance or nuisances.

Section 3. Effective date.

This ordinance shall become effective upon passage.

PASSED AND APPROVED by a duly constituted quorum of the North Pole City Council this ____ day of ____, 2018.

Michael W. Welch, Mayor

ATTEST:

Judy L. Binkley, North Pole City Clerk

PASSED/FAILED Yes: No: Absent:

**CITY OF NORTH POLE
ORDINANCE 18-27**

**AN ORDINANCE OF THE NORTH POLE CITY COUNCIL AMENDING TITLE 12
MAINTENANCE OF STREETS, ROAD RIGHTS OF WAY, SIDEWALKS OR CITY
PROPERTY**

WHEREAS, changes to the North Pole Municipal Code is a continually changing requirement;
and

WHEREAS, the City of North Pole should be amended to conform to the requirements of the
City and to provide clarification and guidance as needed; and

WHEREAS, the City desires to make changes to the Code of Ordinances to allow it to be
enforceable through a simple violation; and

WHEREAS, this ordinance provides for a violation schedule that is simple to enforce,

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of North Pole:

Section 1. This ordinance is of a general and permanent nature and shall be codified in the North
Pole Code of Ordinances.

Section 2. Title 12 Streets, Sidewalks and Public Places Chapter 12 Snow Removal is amended
in the North Pole Code of Ordinances as by inserting the text underlined, and removing the lines
that have been ~~stricken~~:

Chapter 12.12

***MAINTENANCE OF STREETS, ROAD RIGHTS OF WAY, SIDEWALKS OR CITY
PROPERTY***

12.12.010 Snow removal – Clearing streets of vehicles.

The Mayor or the Mayor's designee may, as often as it deems necessary, cause all streets, or
certain streets or portions of streets, to be cleared of all vehicles for set periods of time for the
removing of snow without hindrance and to close such streets or portions thereof during snow
removal.

12.12.020 Parking during street cleaning and snow removal

- A. The Mayor or the Mayor's designee is authorized to determine and designate by proper
signs places in which stopping, standing or parking of vehicles would be prohibited
during certain hours of the day for the purpose of removal of snow, ice, rocks, gravel,
dirt, debris, litter or other accumulation upon public streets, highways, alleys, sidewalks,
places, city parking lot or other place where the city by law or written agreement has a
legal duty to make such a removal.

- B. When official signs prohibiting parking during certain hours of the day are erected as authorized in this section, no person shall stop, stand or park a vehicle in such a designated place during the proscribed time.

12.12.030 Parking prohibited over 24 hours.

No person shall park a vehicle on any city street, highway, public way, right-of-way or city-owned parking lot for a period of time longer than 24 consecutive hours unless otherwise posted. If a vehicle posted with notice of this violation is moved within 24 hours of posting, there is no fine; if not, the vehicle is subject to a ~~minimum~~ fine listed in the fine schedule in 1.20.030 is \$50.00 and the vehicle is subject to towing and impound. In the case of impound, the vehicle's owner shall pay all the costs of impound, including towing and storage, in accordance with the fee schedule on file at the City Clerk's office.

12.12.100 Enforcement.

- A. The City Mayor, Police Chief or designated representatives are authorized to enforce the provisions of this chapter.
B. Any person may file a complaint under this chapter with the Mayor or Police Chief and request enforcement of the alleged violation.

12.12.110 Violations and penalties.

- A. A person who violates any provision of this chapter shall be guilty of a minor offense, punishable by the fine listed in the fine schedule in 1.20.030 or if no fine is listed in the fine schedule then by a fine not to exceed \$300.
B. Each day the violation continues constitutes a new violation.
C. Fines for violations are separate from and in addition to all other remedies authorized by law or equity.

Section 3. Effective date.

This ordinance shall become effective upon passage.

PASSED AND APPROVED by a duly constituted quorum of the North Pole City Council this ____ of ____, 2018.

Michael W. Welch, Mayor

ATTEST:

Judy L. Binkley, North Pole City Clerk

PASSED/FAILED Yes: No: Absent:

**CITY OF NORTH POLE
RESOLUTION 18-13**

**A RESOLUTION OF THE NORTH POLE CITY COUNCIL DESIGNATING CITY OFFICIALS
AUTHORIZATION TO SIGN ON CITY OF NORTH POLE ACCOUNTS**

WHEREAS, in order to carry out the financial responsibilities of city government the City Council must designate two or more city officials to sign and endorse checks, drafts or other orders on behalf of the City of North Pole; and

WHEREAS, there is a change in personnel on the North Pole City Council and it is necessary for the City Council to designate city officials who will be authorized to sign and endorse checks, drafts or other orders on all City of North Pole accounts; and

WHEREAS, it is prudent for the City to seek financial services that safeguard the financial resources of the City providing the highest level of service at the most affordable cost and best interest rates.

THEREFORE, BE IT RESOLVED that the following city officials are hereby designated and authorized to sign and endorse checks, drafts or other orders on behalf of the City of North Pole. This authority will remain in effect until revoked in writing.

BE IT FURTHER RESOLVED that the city officials listed below are authorized to receive information pertaining only to deposits, balances, items paid or items returned on City accounts. This authority will remain in effect until revoked in writing.

Michael W. Welch

DeJohn Cromer

Avery S. Thompson

Perry Walley

Doug W. Isaacson

David A. Skipps Sr.

Judy L. Binkley

PASSED AND APPROVED by a duly constituted quorum of the City Council of the City of North Pole, Alaska this ____ day of ____, 2018.

Michael W. Welch, Mayor

ATTEST:

Judy L. Binkley, North Pole City Clerk

PASSED/FAILED

Yes:

No:

Absent:

**CITY OF NORTH POLE
ORDINANCE 18-28**

**AN ORDINANCE OF THE NORTH POLE CITY COUNCIL AMENDING TITLE 2,
NORTH POLE MUNICIPAL CODE CHAPTER 2.12, SECTION 2.12.030 A, RELATING
TO CITY COUNCIL MEETING TIMES**

WHEREAS, Chapter 2.12, Section 2.12.030 A is and was created to present rules governing
City Council Meeting times; and

WHEREAS, the City Council desires to move the meeting time in December to allow
individuals time to enjoy the holiday season.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of North Pole:

Section 1. This ordinance is of a general and permanent nature and shall be codified in the North
Pole Code of Ordinances.

Section 2. Title 2, Chapter 2.12, Section 2.12.030 A is amended in the North Pole Code of
Ordinances as by inserting the text underlined, and removing the lines that have been ~~stricken~~:

2.12.030 Council meeting – Time and place.

- A. Prior to any regular City Council meeting, there shall be held a committee of the whole
meeting, at a time designated by the Mayor, to discuss items on the agenda. No business
may be transacted at a committee of the whole meeting. The regular City Council
meetings shall commence at 7:00 p.m. and shall adjourn at 10:00 p.m. unless the time is
extended by an affirmative vote of at least four members. No meeting shall extend
beyond midnight. Regular Council meetings shall be scheduled for the first and third
Mondays of each month and the first and second Monday of December unless otherwise
posted.

Section 3. Effective date.

This ordinance shall become effective upon passage.

PASSED AND APPROVED by a duly constituted quorum of the North Pole City Council this
____ of _____, 2018.

Michael W. Welch, Mayor

ATTEST:

Judy L. Binkley, North Pole City Clerk

PASSED/FAILED Yes: No: Absent:

**CITY OF NORTH POLE
ORDINANCE 18-29**

**AN ORDINANCE OF THE NORTH POLE CITY COUNCIL
ESTABLISHING THE 2019 OPERATING AND CAPITAL BUDGET**

WHEREAS, pursuant to City of North Pole Home Rule Charter Section VI the Mayor has proposed an operating budget with anticipated income and expenditures of the City during the next fiscal year; and

WHEREAS, pursuant to Title 4 Revenue and Finance Chapter 25 the Mayor has proposed capital and vehicle fleet- reserve fund budgets for the City and City Utility that are contingent upon council approval of the ordinance reinstating the funding mechanism; and

WHEREAS, The City of North Pole operates a water and sewer utility through an enterprise fund and thus the Mayor has proposed an operating and capital budget for the Utility with anticipated income and expenditures of the City during the next fiscal year; and

WHEREAS, The City of North Pole has established budgets for the City Debt Service, Non-Major and Community Funds that are outside of the general operating, capital and vehicle fleet-reserve budgets; and

WHEREAS, The Budget is a living document that needs to be adjusted as needed to reflect actual conditions; and,

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of North Pole:

Section 1. This ordinance is of a special nature and shall not be included in the North Pole Code of Ordinances.

Section 2. There is hereby appropriated to the 2019 General Fund Operating Budget (Fund 1) from the following sources of revenue for the City of North Pole in the amount indicated to the departments named for the purpose of conducting the business of said departments of the City of North Pole, Alaska, for the fiscal year commencing January 1, 2019 and ending December 31, 2019.

Revenue Source	Mayor Recommended	Council Appropriation
Taxes: Property	612,500	612,500
Taxes: General Sales	3,899,999	3,899,999
Taxes: Alcohol	285,000	285,000
Taxes: Tobacco	165,000	165,000
Taxes: State collected Shared Taxes	15,000	15,000
Licenses and Permits	34,000	34,000
Fees & Services	589,300	589,300
Fines & Penalties	112,000	112,000
Intergovernmental Revenue	229,500	229,500
Other: Miscellaneous	19,500	19,500
Transfers in From Fund Balance (FB)	0	0
Transfer In (from other funds)	14,985	14,985
Total	5,976,784	5,976,784

Section 3. There is hereby appropriated to the 2019 General Fund Operating Budget (Fund 1) expenditures for the City of North Pole in the amount indicated.

Department Expenditures	Mayor Recommended	Council Appropriated
Administration	526,495	526,495
Clerk & HR	257,028	257,028
Police Department	2,184,556	2,184,556
Fire Department	2,259,423	2,259,423
Public Works	749,282	749,282
Total	5,976,784	5,976,784

Section 4. There is hereby appropriated to the 2019 Major Enterprise Operating, Capital and Fleet Budget from the following sources of revenue for the City of North Pole Utilities in the amount indicated to the departments named for the purpose of conducting the business of said Utility Departments of the City of North Pole, Alaska, for the fiscal year commencing January 1, 2019 and ending December 31, 2019. A Major Enterprise Fund is used to account for operations that are financed and operated in a manner similar to a private business enterprise.

Fund #	Description	Mayors Recommendations		Council Appropriations	
		Revenue	Expenditures	Revenues	Expenditures
25	Utility Fund Fleet	30,000	30,000	30,000	30,000
41	Utility Fund Water	857,258	857,258	857,258	857,258
42	Utility Fund Sewer	821,800	821,800	821,800	821,800
43	Utility Capital Projects	350,000	350,000	350,000	350,000
51	Water Fund Reserves	172,035	172,035	172,035	172,035
52	Sewer Fund Reserves	177,144	177,144	177,144	177,144
Total		2,408,237	2,408,237	2,408,237	2,408,237

Section 5. There is hereby appropriated to the 2019 North Pole City Budget revenue and expenditures for the following Capital and Vehicle Replacement-Reserve Funds in the amount indicated. The following Funds are committed by Ordinance and can only be used for the specific purpose as defined by City Code.

Fund #	Description	Mayors Recommendations		Council Appropriations	
		Revenue	Expenditures	Revenues	Expenditures
20	Capital Projects Reserves	114,250	114,250	114,250	114,250
21	Admin Fleet Fund	15,401	15,401	15,401	15,401
22	Fire Fleet Fund	220,000	220,000	220,000	220,000
23	Police Fleet Fund	68,000	68,000	68,000	68,000
24	Public Works Fleet Fund	80,000	80,000	80,000	80,000
Total		497,651	497,651	497,651	497,651

Section 6. There is hereby appropriated to the 2019 North Pole City Budget revenue and expenditures for the following Non-Major Funds in the amounts indicated. Non-Major Funds are established to finance a particular activity and are created from receipts of designated and restricted funds.

		Mayors Recommendations		Council Appropriations	
Fund	Description	Revenue	Expenditures	Revenues	Expenditures
04	Building Department	188,904	188,904	188,904	188,904
10	Litigation Fund	75,000	75,000	75,000	75,000
12	ABADE- Dept of Justice	38,555	38,555	38,555	38,555
13	ABADE – State Forfeitures	18,000	18,000	18,000	18,000
14	IRS Forfeitures	260	260	260	260
15	Impound Lot	60,000	60,000	60,000	60,000
Total		380,719	380,719	380,719	380,719

Section 7. There is hereby appropriated to the 2019 North Pole City Budget revenue and expenditures for the following Debt Service Fund in the amounts indicated. The Debt Service Fund is used to account for the accumulation of resources for, and the payment of, general obligation bond and special assessment debt principle, interest and related cost for issuance that are not accounted for elsewhere.

Fund	Description	Mayor Recommendation		Council Appropriations	
		Revenue	Expenditures	Revenues	Expenditures
3	Assessment Fund	146,288	146,288	146,288	146,288
Total		146,288	146,288	146,288	146,288

Section 8. There is hereby appropriated to the 2019 North Pole City Budget revenue and expenditures for the following Community Purpose Funds in the amounts indicated. Community Purpose Funds are established to finance a particular activity or event and are created from receipts of designated funds.

		Mayors Recommendations		Council Appropriations	
Fund	Description	Revenue	Expenditures	Revenues	Expenditures
05	Bed Tax Grant Fund	79,500	79,500	79,500	79,500
08	North Pole Festival Fund	5,000	5,000	5,000	5,000
09	NP Community Ice Rink	10,500	10,500	10,500	10,500
Total		95,000	95,000	95,000	95,000

Section 9. There is hereby appropriated to the 2019 North Pole City Budget revenue and expenditures for the following Grant Funds in the amounts indicated. The Grant Funds are used to account for the tracking of Grant projects and revenues and expenditures.

Fund	Description	Mayors Recommendations		Council Appropriations	
		Revenue	Expenditures	Revenues	Expenditures
30	Administration Grants	0	0	0	0
31	Fire Department Grants	0	0	0	0
32	Police Department Grants	75,621	75,621	75,621	75,621
33	Public Works Grants	65,000	65,000	65,000	65,000
11	Bryne Jag Grant	40,000	40,000	40,000	40,000
Total		180,621	180,621	180,621	180,621

Section 10. Supplemental: See appendix 2019 A for the budget breakdown of revenues and expenditures per individual account line.

Section 11. Effective date. This ordinance shall become effective January 1, 2019.

PASSED AND APPROVED by a duly constituted quorum of the North Pole City Council this ____ day of ____, 2018.

Michael W. Welch, Mayor

ATTEST:

Judy L. Binkley, North Pole City Clerk

PASSED/FAILED
Yes:
No:
Absent:

**CITY OF NORTH POLE
ORDINANCE NO. 18-30**

**AN ORDINANCE OF THE CITY OF NORTH POLE, ALASKA TO AMEND TITLE 13,
PUBLIC SERVICES RELATED TO PROVIDING UTILITY SERVICES OUTSIDE THE
CITY LIMITS OF THE CITY OF NORTH POLE AND TO UPDATE THE ORDINANCE**

WHEREAS, changes to the public services practices and policies is a continually changing requirement; and

WHEREAS, the City of North Pole Municipal Code should be amended to conform to the requirements of the City; and

WHEREAS, the 2018 Water System Expansion Project will begin registering water system customers beginning in December 2018 and the Code needs to be amended to reflect AS 29.35.020(a) that gives authority for the City to apply the North Pole Municipal Code outside the city limits related to operation of the North Pole Utility; and

WHEREAS, the Code needs to be amended to reflect AS 29.35.010(17) that gives authority for the North Pole Municipal Code to be applied outside the city limits related to the creation, recording and notice of a lien to secure payment of past due utility fees and obtain lien priority.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of North Pole:

Section 1. This ordinance is of a general and permanent nature and shall be codified.

Section 2. Title 13 is amended in the North Pole Code of Ordinances as in the attached document.

Section 3. Effective date. This ordinance shall become effective January 1, 2019.

PASSED by a duly constituted quorum of the North Pole City Council this ____ day of _____, 2018.

Michael W. Welch, Mayor

ATTEST:

Judy L. Binkley, North Pole City Clerk

PASSED/FAILED Yes: No: Absent:

Chapter 13.04
PURPOSES

Sections:

13.04.010 Scope of title.

13.04.010 Scope of title.

A. Water and Sewer Services within City Limits. The City water and sewer utility, hereinafter in this title called the North Pole Utility, was formed to serve the residents of the City, to provide residents with the sanitation, protection and convenience afforded by a municipal water and sewer utility system and to promote an improved community environment. It is the intent of the ordinance codified in this title to establish the rules, regulations and methods for the operation and use of the North Pole Utility to the benefit of the City residents.

B. Water and Sewer Services outside the City Limits. The North Pole Utility may also offer water and sewer utility services beyond its corporate City limits as per AS 29.35.020 Extraterritorial jurisdiction in service areas authorized by the Regulatory Commission of Alaska. ~~so long as doing so does~~ Provision of these services should not impede delivery of utility services to residents of the City nor be projected to increase utility rates for City residents. (Ord. 16-16 § 2, 2016; Ord. 82-8 § 1.A, 1982)

Chapter 13.08
ADMINISTRATIVE PROVISIONS

Sections:

13.08.010 Utility services.

13.08.020 Management of the water and sewer utilities.

13.08.030 Basis of the City utility rate structure.

13.08.040 Property of the City water and sewer utilities.

13.08.050 Disposal of utilities, utility-owned material or equipment.

13.08.060 Authorized operations and maintenance personnel.

13.08.070 Right of inspection and access.

13.08.080 Service to areas outside City limits.

13.08.090 Service to areas outside existing assessment districts.

13.08.010 Utility services.

A. The City North Pole Utility ~~water utility service~~ provides a pressurized, piped water supply used by the citizens as a potable water supply and firefighting source of water. The City sewer utility provides a piped wastewater collection, treatment and disposal service in a manner which safeguards the health of the citizens ~~of the City~~ and protects the area's environment.

B. All utility improvements shall be in accordance Alaska Department of Environmental Conservation requirements; ~~with the most current edition of the Uniform Plumbing Code adopted by the City Council~~; City of North Pole Utility construction standards ~~Utility Standards of Construction and the Service Line Requirements~~; and a written agreement between the City and developer that includes approved plans produced by a ~~registered~~ professional engineer registered in the State of Alaska. (Ord. 16-16 § 2, 2016; Ord. 15-05 § 2, 2015; Ord. 12-01 § 2, 2012; Ord. 00-16 § 2, 2000; Ord. 82-8 § 1.B, 1982)

13.08.020 Management of the water and sewer utilities.

A. The management of the North Pole Utility including billings, accounting and collections, review of applications for utility services, preparation of contracts for utility service, and enforcement of the rules and regulations of the utilities as established in the ordinance codified in this title shall be the responsibility of the Mayor or Mayor's designee.

B. The operation and maintenance of the utility system including the maintenance and repair of equipment, supervision of improvements to the systems, maintenance of records of operations and development of an annual operating budget shall be the responsibility of the Director of City Services.

C. Copies of all rates, rules and regulations which have been approved by the Council shall be filed and maintained by the City Clerk and shall be open for inspection by the public at the office of the Clerk. (Ord. 16-16 § 2, 2016; Ord. 12-01 § 2, 2012; Ord. 82-8 § 1.C, 1982)

13.08.030 Basis of the City utility rate structure.

The rate structure for the City utility services is set so as to make the North Pole Utility self-perpetuating without profit accumulation. (Ord. 16-16 § 2, 2016; Ord. 12-01 § 2, 2012; Ord. 82-8 § 1.D, 1982)

13.08.040 Property of the City water and sewer utilities.

All equipment, meters, pipes, regulators, pumps, structures and other contrivances supplied by ~~the City for~~ the North Pole Utility shall remain the property of the North Pole Utility and may be removed whenever the City Council elects. (Ord. 16-16 § 2, 2016; Ord. 12-01 § 2, 2012; Ord. 82-8 § 1.E, 1982)

13.08.050 Disposal of utilities, utility-owned material or equipment.

The City may sell, lease or otherwise dispose of a municipal utility, utility-owned material or equipment as per Section 13.4 of the City Charter. (Ord. 16-16 § 2, 2016; Ord. 12-01 § 2, 2012; Ord. 82-8 § 1.F, 1982)

13.08.060 Authorized operations and maintenance personnel.

Only City employees and contractors approved by the ~~Utilities Supervisor~~ Mayor or Mayor's designee are authorized to install, repair, remove, inspect or exchange any portion of the City utility system. (Ord. 16-16 § 2, 2016; Ord. 12-01 § 2, 2012; Ord. 82-8 § 1.G, 1982)

13.08.070 Right of inspection and access.

A. Right of Inspection. The North Pole Utility reserves the right to perform an inspection of the customer's premises at any time it deems necessary to determine that all piping, fixtures and related utility structures are in proper operating condition. Such inspection shall be performed ~~in~~ during normal business hours unless an emergency exists which may jeopardize the utility system or the health and welfare of the citizens or the environment. ~~of the City.~~

B. Right of Access.

1. The North Pole Utility reserves the right to access a customer's premises to disconnect the customer's water service in the event the account has become delinquent.

2. Tampering with the North Pole Utility disconnection devices shall result in a fine of \$500 (five hundred dollars) and/or termination of water utility service. Customer shall also be liable for the cost to repair and / or replace any damaged North Pole Utility equipment, as well as service charges. (Ord. 16-16 § 2, 2016; Ord. 12-01 § 2, 2012; Ord. 08-25 § 2, 2008; Ord. 82-8 § 1.H, 1982)

13.08.080 Service to areas outside City limits.

If not within the corporate limits of the City, a property owner can make application to the City for ~~City utility~~ North Pole Utility service provided they are within the North Pole Utility's Alaska Regulatory Commission authorized service area. As a condition of service, the property owner must agree, in writing, to the rules and regulations of the North Pole Utility. The ~~Council~~ Mayor or Mayor's designee will review all applications for utility service from property owners not within the corporate limits and reserves the right to refuse service to such applicants. (Ord. 16-16 § 2, 2016; Ord. 12-01 § 2, 2012; Ord. 82-8 § 1.I, 1982)

13.08.090 Service to areas outside existing assessment districts.

A. To the extent that a property or portion thereof is not levied an assessment from an existing assessment district, a tie-in fee shall be charged upon application to the City for connection to a ~~municipally approved or constructed water or sewer main.~~ The North Pole Utility.

B. Tie-In Charge Rates. ~~Residential and commercial properties' water~~ Water and sewer tie-in fees shall be the following:

Water service line size	Water tie-in & inspection fees	Sewer tie-in & inspection fees
3/4 ¹ inches to 2 inches	\$200 <u>\$250</u>	\$200 <u>\$250</u>
Greater than 2 inches up to 4 inches	\$250 <u>\$300</u>	\$250 <u>\$300</u>
Greater than 4 inches	\$300 <u>\$350</u>	\$300 <u>\$350</u>

1. The Service Line Requirements require installation of 1 inch or greater service lines. Existing ¾ inch existing service lines are grandfathered in.

~~C. Water service will be provided contingent upon connection to the City sewer facilities when sewer service is available (NPMC 13.12.090). Sewer service may be provided independent of City water connection when City sewer service is not available.~~

1 ~~D.C.~~ Application and payment in full of the tie-in charge shall be made before any construction
2 commences. All construction shall be in accordance with Chapter 13.12 NPMC. The tie-in
3 charge includes the inspection fee.

4 ~~E.D.~~ Private Wastewater Disposal.

5 1. Where a public sewer is not available under the provisions of ~~the Uniform Plumbing~~
6 ~~this~~ Code (~~UPC~~), the building sewer shall be connected to a private wastewater disposal
7 system complying with the same provisions and applicable City, State and Federal
8 requirements.

9 2. Upon completion of construction of a sewer system extension in an area, the City shall
10 publish a notice that sewer service is available to serve the property owners of that area.

11 a. The owner of a property located within the corporate City limits of the City of
12 North Pole ~~as defined in NPMC 13.20.020(A)(4)~~ and served by a private wastewater
13 disposal system shall have installed or cause to be installed, at ~~his~~ the property
14 owner's expense, a connection to the public sewer within no less than two years from
15 the date such sewer service is declared to be available, or any other timetable as
16 prescribed by City Council or City code (NPMC 13.20.020). Prior to the sale of a
17 property served by a private wastewater disposal ~~service~~ system, hookup to the
18 wastewater service is required when available. The connection shall be of a type and
19 installed in a manner consistent with this chapter. Monthly wastewater fees as
20 established by City code shall begin at time of such connection.

21 b. The owner of a property located outside of the corporate City limits of the City of
22 North Pole may connect to a sewer system extension provided they are within the
23 North Pole Utility's Alaska Regulatory Commission authorized service area. ~~in an~~
24 ~~area~~ Connection to the sewer system shall be at ~~their~~ the property owner's expense.
25 The connection shall be of a type and installed in a manner consistent with this
26 chapter. Monthly wastewater fees as established by City code shall begin at time of
27 such connection. (Ord. 16-16 § 2, 2016; Ord. 12-01 § 2, 2012; Ord. 11-05 § 2, 2011;
28 Ord. 08-25 § 2, 2008; Ord. 01-03 § 2, 2003; Ord. 00-16 § 2, 2000; Ord. 00-08 § 2,
29 2000; Ord. 99-18 § 2, 1999; Ord. 83-5, 1983; Ord. 82-8 § 1.J, 1982)

Chapter 13.12
CUSTOMER SERVICE

Sections:

- 13.12.010 Application for service.**
- 13.12.020 Contract for utility service.**
- 13.12.030 Construction of extensions to City utility system.**
- 13.12.040 Permitting utility system construction and standards of construction.**
- 13.12.050 Access to property.**
- 13.12.060 Refusal of service.**
- 13.12.070 Resale of service.**
- 13.12.080 Designation of point of connection.**
- 13.12.090 Compulsory connection to City water and sewer utility.**
- 13.12.100 Customer accounting and payments.**
- 13.12.110 Appeal of utility billings.**
- 13.12.120 Vacation of property.**
- 13.12.130 Disconnection of utility service.**
- 13.12.140 Service interruptions.**
- 13.12.150 Prohibited acts.**

13.12.010 Application for service.

A. To receive utility service from the City, property owners must file a completed application form for utility service with the North Pole Utility Department. The application must be signed by ~~the property owner~~ all parties who have an ownership interest in the whose property that is to receive the utility service.

B. Applicants for utility service shall be required to pay any previous indebtedness to the City, if any exists, including penalties, ~~and the~~ The property to be served by the North Pole Utility City's utilities must be free of all utility liens prior to being eligible for service. All special assessment payments or payments in lieu of assessment due or delinquent against the property ~~to which the improvement is~~ to be connected must be paid to the City prior to the connection of utility service.

C. Connection fees and established rates for utility service are as outlined in Chapter 13.24 NPMC.

D. The completed application will be reviewed by the Mayor or Mayor's designee. The North Pole Utility may require the applicant's property to be inspected by a representative of the North

Pole Utility to ensure that the fixtures or equipment to be provided utility service comply with the North Pole Utility's Service Line Requirements; are in good repair and in proper service; and will not jeopardize the operation of the North Pole Utility.

E. In the case where an applicant is requesting service for commercial, industrial, governmental, institutional or residential property which is to be subdivided, the review may require submission of further information which will be requested in writing from the ~~Mayor's office~~ Mayor or Mayor's designee.

F. A new application must be made should a parcel of property for which utility service is requested change ownership. (Ord. 16-16 § 2, 2016; Ord. 12-02 § 2, 2012; Ord. 82-8 § 2.A, 1982)

13.12.020 Contract for utility service.

A. An approved application for utility service will constitute a contract between the applicant(s) ~~property owner and renter~~ and the City whereby the City agrees to provide water and sewer utility service to the property under the rules, regulations and methods established for the operation of the water and sewer utilities. Also see NPMC 13.12.100(D)(4).

1. New Property Owner. An individual, commercial enterprise or institution becomes a utility customer from the date they take ownership of a property where the property has active utility service regardless of whether they have submitted a utility contract. The new property owner is responsible for all utility charges from the date they take ownership of the property and all charges documented in the liens against the property including liens for outstanding delinquent utility bills incurred by past and current renters of the property.

2. New Renter. An individual, commercial enterprise or institution becomes a utility customer from the date they become a renter of a property where the property has active utility service regardless of whether they have submitted a utility contract. The new renter is responsible for all utility charges from the date they rent the property.

3. Landlord Responsibility for Delinquent Utility Charges. When the applicant for utility service is a renter, the property owner is legally responsible for the renter's utility charges.

4. Rental Property with a History of Delinquencies. When a rental property has a history of delinquent utility customers, the North Pole Utility will only create a utility account in the name of the property owner. A history of delinquencies shall be defined as two or more tenant delinquencies at the property within a 36 month ~~twelve-month~~ period.

1 B. All contracts shall take effect from the day they are signed, or as otherwise deemed effective
2 under the utility ordinance, whichever is earlier, and rates will be charged and bills rendered for
3 water service from the date or dates the premises are connected with the North Pole Utility.

4 C. All contracts shall continue in effect thirty days after written notice of discontinuance is
5 filed in the office of the North Pole Utility and until all charges and penalties imposed have been
6 paid in full.

7 D. For utility accounts in owner-renter relationships, failure to submit a utility contract signed
8 by the property owner and renter within thirty days of the renter beginning tenancy of a property
9 and failure to pay in full the required utility deposit(s) are grounds for the North Pole Utility to
10 terminate utility service to the property. A legally authorized agent of a property owner may sign
11 in lieu of the property owner, provided the agent provides proof of authority to enter into a
12 legally binding contract on behalf of the property owner.

13 1. Verbal Notice. Upon learning of a renter without a signed utility contract, the North
14 Pole Utility shall attempt to contact the renter and property owner by telephone if the North
15 Pole Utility has viable telephone numbers to notify them of the requirement to submit a
16 signed contract and to pay the required deposits. The parties shall have five business days
17 from receipt of a verbal notice to submit the signed contract and to pay the required
18 deposits. A voice mail, text message or other electronic verbal message is equivalent to a
19 telephone contact for the purposes of this section. If the North Pole Utility does not have
20 telephone contact information for the renter or property owner, the North Pole Utility shall
21 proceed immediately to sending written notices as described in subsection (D)(2) of this
22 section.

23 2. Written Notice. If the renter and property owner do not submit a utility contract signed
24 by the renter and property owner and pay the required deposits within ~~five~~ ten business
25 days of the telephone contact, the North Pole Utility shall send notices by certified mail or
26 commercial delivery service that requires a signed delivery receipt to the renter and
27 property owner if the North Pole Utility has mailing addresses ~~and~~ or a door hanger ~~shall~~
28 may be placed at the residence of the renter. The written notice shall notify the renter and
29 property owner that they must submit a utility contract signed by the renter and property
30 owner and pay the required deposits within ten business days; otherwise the North Pole
31 Utility will initiate ~~legal~~ action to shut off water service.

1 3. Termination of Water Service. If the renter and property owner do not submit a utility
2 contract signed by the renter and property owner and pay the required deposits within ten
3 business days after the written notices have been sent or door hanger has been placed nor
4 consent has been given to the City entering the premises to shut off the water service, the
5 City may initiate action to disconnect water service to the property address. Should it not
6 be practical, at the sole discretion of the City, to disconnect the water service due to
7 weather or other conditions, and upon proof of compliance with this chapter, the City shall
8 be entitled to a writ of assistance and an order allowing it to enter the premises served by
9 the North Pole Utility for the purpose of shutting off the water service and to verify, at
10 reasonable intervals based upon the circumstances, that the water shutoff device has not
11 been bypassed or tampered with. If the North Pole Utility initiates legal action to terminate
12 water service, a liquidated damages fee of \$50 (fifty dollars) shall also be assessed to the
13 utility account.

14 4. Responsibility for Costs and Liquidated Damages. The property owner and renter shall
15 be jointly responsible for the failure to submit a signed utility contract and any associated
16 charges, costs or attorney fees.

17 E. For utility accounts where the property owner is the utility customer, failure to submit a
18 utility contract signed by ~~the property owner~~ all parties who have an ownership interest in the
19 property within thirty days after taking ownership of the property and failure to pay in full the
20 required utility deposit(s) are grounds for the North Pole Utility to terminate utility service to the
21 property. Resolution of a property owner without a signed utility contract shall follow the steps
22 listed in subsections (D)(1) through (4) of this section. (Ord. 16-16 § 2, 2016; Ord. 12-02 § 2,
23 2012; Ord. 82-8 § 2.B, 1982)

24 **13.12.030 Construction of extensions to City utility system.**

25 A. Any water distribution or sewage collection systems which are to become part of the City's
26 utility system will be installed, financed and connected by the creation of special assessment
27 districts, service district or by contract between the City and the property owner whose property
28 is to be served by the North Pole Utility. All proposed additions to either the City water
29 distribution system or sewage collection system shall be constructed in accordance with the
30 North Pole Utility Utility Standards of Construction and the Service Line Requirements ~~design~~
31 ~~and construction standards for the City water and sewer utility system~~ and shall be inspected and
32 approved by the City before operation.

1 B. No property owner or his agent or developer shall commence construction of an extension
2 of the City water or sewer system other than individual service laterals without first obtaining a
3 permit issued by the City Council and an Approval to Construct from the Alaska State
4 Department of Environmental Conservation. After such plans and specifications have been
5 approved, no substantial changes therein shall be made without first submitting a detailed
6 statement of such proposed changes to the City Council for review and approval.

7 C. The property owner whose property is to be served by proposed utility extensions, other
8 than individual service laterals, or the developer of a utility extension shall provide the Mayor or
9 Mayor's designee with construction plans and specifications as part of a developer agreement for
10 the installation of the utility extension. These plans and specifications shall be certified by a
11 ~~registered~~ an engineer registered in the State of Alaska and accompanied by an engineering
12 report summarizing assumptions and design criteria. Property owners requesting individual
13 service laterals shall submit a completed utility tie-in permit application that includes a site plan
14 showing location and proposed materials for approval by the Director of City Services their
15 designee.

16 D. The Mayor or Mayor's designee, in reviewing applications, plans and specifications, or
17 engineering reports, shall consider the adequacy of the project to meet present and future needs
18 of the area served, the functional and sanitary features of the design of the project, the economics
19 of the project as compared to possible alternatives, the availability of existing water and sewer
20 facilities, and the suitability of the project with respect to present or future uses of the affected
21 area.

22 E. The property owner or developer of a utility extension shall provide the Mayor or Mayor's
23 designee with a construction schedule so that the work may be inspected by the City. The City
24 reserves the right to refuse utility service to the property owner if the proposed extensions are not
25 constructed according to the City's Utility Standards of Construction and the Service Line
26 Requirements ~~utility construction standards~~. As built drawings of the utilities shall be submitted
27 to the City as a condition of service.

28 F. Prior to acceptance of the utility system extension by the City, the property owner or
29 developer shall grant and record utility easements as required by the City for access to and
30 maintenance of the utility system.

31 G. Construction of a project for which plans and specifications have been approved must be
32 completed and accepted within two years following approval or such approval will be void.

Extensions will be granted when delays in construction are beyond the control of the property owner or developer. A bond may be required for the uncompleted portion of the work. (Ord. 16-16 § 2, 2016; Ord. 12-02 § 2, 2012; Ord. 08-25 § 2, 2008; Ord. 00-16 § 2, 2000; Ord. 82-8 § 2.C, 1982)

H. No extension to the North Pole Utility will be considered for acceptance until the system has received an Approval to Operate from the Alaska Department of Environmental Conservation.

I. A condition of acceptance by the City for the operation and maintenance of any extension to the North Pole Utility is provision of a two-year warranty, with warranty bond on the totality of materials and labor for the construction.

13.12.040 Permitting utility system construction and standards of construction.

A. Permitting Utility System Construction. The Utility Administrative Code details the processes and requirements that shall be followed by a developer to obtain the permits required prior to constructing a utility system extension.

B. Standards of Construction. The methods and materials used to construct utility service facilities connected to the City's water and sewer utility systems shall conform to the adopted City Utility Standards of Construction and the Service Line Requirements ~~utility construction standards of the City~~, the standards established by the Alaska State Department of Environmental Conservation, and the edition of the Uniform Plumbing Code adopted by the City Council ~~as modified by the City's utility construction standards~~. (Ord. 16-16 § 2, 2016; Ord. 12-02 § 2, 2012; Ord. 08-25 § 2, 2008; Ord. 82-8 § 2.D, 1982)

13.12.050 Access to property.

Owners of property served by the City water and sewer utilities must maintain and allow year round access to the service connection for inspection, maintenance and repair. (Ord. 16-16 § 2, 2016; Ord. 12-02 § 2, 2012; Ord. 82-8 § 2.E, 1982)

13.12.060 Refusal of service.

The City reserves the right to refuse to render service to any customer when such service will interfere with the City's service to its other customers, or which will cause abnormal demands upon the City's facilities, or which if served will result in financial loss to the City, or which would be discriminatory as to one class of customer, or where the applicant has not complied with the regulations of the City concerning the rendering of utility service. Suitable protective devices may be required whenever or wherever the system finds such devices necessary to

1 protect the customer's property, the property of other customers or the property of the system.
2 (Ord. 16-16 § 2, 2016; Ord. 12-02 § 2, 2012; Ord. 82-8 § 2.G, 1982)

3 **13.12.070 Resale of service.**

4 A. No purchaser of City water or sewer utility service shall connect the utility service with the
5 corresponding service of any other person or in any way resell or supply, rebill or supply any
6 other person or premises with water or sewer service through his services. The sole exception is
7 the commercial resale of water authorized by a written agreement between the enterprise and the
8 City. ~~unless covered by the terms of a written contract with the City.~~

9 B. Any purchaser of City water or sewer utility service who connects the utility service with
10 the corresponding service of any other person or in any way resells or supplies, rebills or
11 supplies any other person or premises with water or sewer service through his services may be
12 subject to immediate termination of water and sewer utility services. (Ord. 16-16 § 2, 2016; Ord.
13 12-02 § 2, 2012; Ord. 82-8 § 2.H, 1982)

14 **13.12.080 Designation of point of connection.**

15 The City Utility Supervisor, or ~~his~~ their designated representative, shall determine the point at
16 which new utility services are to be connected to the City's existing utility system. (Ord. 16-16
17 § 2, 2016; Ord. 12-02 § 2, 2012; Ord. 82-8 § 2.I, 1982)

18 **13.12.090 Compulsory connection to City water and sewer utility.**

19 A. Mandatory connection to the North Pole Utility within the city limits. Connection to the
20 City water and sewer utility system shall be mandatory within the corporate City limits of the
21 City of North Pole, within a voter-approved special assessment district or whenever the property
22 has direct access to the municipal water and/or sewer facilities and the structure on the property
23 is within two hundred feet of the municipal water and/or sewer facility. The owner of a property
24 shall have installed or cause to be installed, at ~~his~~ their expense, a connection to the public water
25 or sewer within no less than two years from the date such service is declared to be available, or
26 any other timetable as prescribed by City Council or City code. Prior to the sale of a property
27 served by the City water or sewer service system, hookup to the service is required. The
28 connection shall be of a type and installed in a manner consistent with the North Pole Municipal
29 Code and Utility Service Line Stantards and Utility Standards of Construction ~~standards of~~
30 ~~construction.~~ Monthly utility fees as established by City code shall begin at time of such
31 connection. Failure to connect to available water and/or sewer service within the two-year time
32 period shall be cause for the property owner to be billed and required to pay the applicable
33 monthly water and/or sewer flat rate fee on an ongoing month-by-month basis.

B. Optional connection to the North Pole Utility water system outside the city limits. The owner of a property located outside of the corporate City limits of the City of North Pole may connect to a municipal water and/or sewer facilities extension if they are within the North Pole Utility's Alaska Regulatory Commissioned authorized service area; there is adequate system capacity; and only at the sole discretion of the North Pole Utility. Connection to the municipal water and/or sewer facilities shall be at their expense. The connection shall be of a type and installed in a manner consistent with this chapter. Monthly water fees as established by City code shall begin at time of such connection. (Ord. 16-16 § 2, 2016; Ord. 12-02 § 2, 2012; Ord. 04-08 § 2, 2004; Ord. 01-03 § 2, 2003; Ord. 82-8 § 2.J, 1982)

13.12.100 Customer accounting and payments.

A. It is the duty of the North Pole Utility to keep accounts of all property owners whose property is served by the City water and sewer utility, and to enter on such accounts all charges and penalties, and to fix meter reading dates and billing dates as necessary to efficiently execute the accounting requirements of the North Pole Utility.

B. Meters will be read on the same date each month whenever practical. The North Pole Utility reserves the right to read meters every other month and to bill the customer for consumption on an estimated basis for the intervening month. Where the meter readers are unable to ~~gain access to the customer's premises to read the meters,~~ the North Pole Utility may estimate the consumption until the meter readers are able to ~~gain access~~ read the meters.

C. Any discrepancies in utility bills must be reported in writing within thirty days after the billing date; otherwise the account will be considered correct.

D. Deposits.

1. New Account Deposits. All ~~property owners~~ utility account applicants applying to receiving receive service from the North Pole Utility or having the service available shall be obligated to pay for such service in accordance with the appropriate rate schedule as outlined in NPMC 13.24.020, and shall pay a deposit as outlined below.

New account deposit

Meter size <u>Water service line diameter</u>	Water deposit	Sewer deposit
3/4 <u>and 1 inch</u>	\$75	\$75

New account deposit

Meter size <u>Water service line diameter</u>	Water deposit	Sewer deposit
1 inch	\$100	\$100
1 1/2 inches	\$150 <u>\$100</u>	\$150 <u>\$100</u>
2 inches	\$200 <u>\$150</u>	\$200 <u>\$150</u>
3 inches	\$225 <u>\$200</u>	\$225 <u>\$200</u>
4 inches	\$250	\$250
5 inches	\$275 <u>\$300</u>	\$275 <u>\$300</u>
6 inches or larger	\$300 <u>\$350</u>	\$300 <u>\$350</u>

2. Return of Deposit. When the customer terminates their account, they may request that the account balance at the time of account termination be charged to the deposit and any balance due the customer will be refunded ~~from the liability account~~, and processed as such. Where an owner/occupant vacates the property without clearing their account of debt within thirty days from the termination of the account, the City of North Pole Utility shall deduct the balance owed to the City from the deposit plus a \$10 (ten dollar) processing fee and return ~~the~~ any balance to the former account holder.

3. Property Owner-Tenant Responsibilities. In the case of a property owner-tenant relationship, the property owner shall be held liable for all billings. Should ownership of the property change, the new owner shall assume all obligations of utility service including the liability for all billings. The property owner, upon request to the City, shall be provided a copy of the tenant's billing history.

4. Should legal ownership of the property serviced by the North Pole Utility change, the new owner shall immediately contact the City to establish an account. Regardless of whether a new account is established, the owner shall be fully responsible for all obligations arising from utility service to the property, including the liability for all past unpaid or ongoing utility billings documented in liens against the property, including liens for outstanding delinquent utility bills incurred by past and current renters of the property. Also see NPMC 13.12.020.

E. All charges owed by any person for sewer or water service rendered by the North Pole Utility may be billed as a unit. However, charges for water and sewer may be paid separately. For new connections, service shall be charged in proportion to the monthly charge from the date when the connection from the customer's property is made to the lines of the North Pole Utility.

F. *Repealed.*

G. Failure to make payment by the date specified on monthly statements will cause the account to become past due. A late charge of up to the maximum interest rate allowed by law will be added to the past due amount and will appear on the following bill. Failure to receive mail will not be recognized as a valid excuse for late payments. Accounts may be assigned to a collection agency. (Ord. 16-16 § 2, 2016; Ord. 12-02 § 2, 2012; Ord. 10-03 § 2, 2010; Ord. 08-25 § 2, 2008; Ord. 08-07 § 2, 2008; Ord. 01-03 § 2, 2003; Ord. 00-16 § 2, 2000; Ord. 00-11 § 2, 2000; Ord. 99-24 § 2, 1999; Ord. 82-8 § 2.K, 1982)

13.12.110 Appeal of utility billings.

A. Any North Pole Utility customer who believes ~~his~~ their utility billing is unjust and inequitable as applied to ~~his~~ their property may make written application to the City Council requesting a review of ~~his~~ the utility billing. The application shall include the facts and data upon which the appeal is based.

B. While awaiting Council review of ~~his~~ the appeal, the customer shall pay the amount of the disputed bill to the City ~~within thirty days from the mailing date~~ prior to the due date of the next regular utility bill to avoid becoming delinquent. Subsequent bills shall be paid in full within the prescribed time limit.

C. Payment of disputed bills as required by this section shall not be deemed to prejudice an otherwise valid contest.

D. Review of the request shall be made by the City Council who shall determine if it is substantiated or not, including recommending further study of the matter by a designated representative.

E. If the request is determined to be substantiated, the charges for the customer shall be recomputed based on the Council approved terms, and the new charges thus recomputed shall be applicable retroactively up to one year.

F. In instances where a utility customer billing appeal relates to a situation limited to forgiveness of sewer service and associated charges where the customer can document the water upon which the charges are calculated was not discharged into the sewer system, the Mayor or ~~his~~ the Mayor's designee may waive these charges without the appeal proceeding to the City Council for approval. Should such an appeal be granted by the Mayor or ~~his~~ the Mayor's designee, ~~he~~ the waived charges shall be reported ~~the waiver of these charges~~ to the City Council. (Ord. 16-16 § 2, 2016; Ord. 12-02 § 2, 2012; Ord. 00-16 § 2, 2000; Ord. 82-8 § 2.L, 1982)

13.12.120 Vacation of property.

Each customer about to vacate any premises receiving water and/or sewer services from the North Pole Utility shall give the North Pole Utility written notice ~~of his intentions~~ at least ten days prior thereto, specifying the date service is to be discontinued; otherwise, he will be responsible for all North Pole Utility water and/or sewer charges until the North Pole Utility receives notice of such removal. At the time specified by the customer that he expects to vacate the premises where service is supplied, a closing bill will be rendered which is payable immediately. (Ord. 16-16 § 2, 2016; Ord. 12-02 § 2, 2012; Ord. 82-8 § 2.N, 1982)

13.12.130 Disconnection of utility service.

A. North Pole Utility service may be disconnected if any charge has not been paid in full on the date it becomes past due or delinquent or for any other reason established by City of North Pole ordinances.

B. A notice of disconnect shall be served by an officer of the City of North Pole at a minimum of seventy-two hours in advance of the disconnection. To halt the disconnection, the customer shall pay all outstanding utility charges, including all interest and liquidated damages payments, in advance of the action to disconnect. In situations involving disconnection, the City shall only accept payment in cash or certified check. If it is necessary to issue a disconnect order for nonpayment of any North Pole Utility service, a \$50 ~~100 (one hundred)~~ fifty dollar processing charge shall be added to the customer's bill. In case service is disconnected for any violation of the provisions of this chapter, or under this section, such service shall not be furnished or resumed to the delinquent customer at the premises or any other premises where the delinquent customer applies for service until all arrears have been paid in full and a reconnect fee has been paid.

C. Whenever it is necessary for the North Pole Utility to discontinue the utility service to enforce the collection of a delinquency, a \$50 ~~250 (two hundred)~~ fifty dollar reconnect fee will

1 be charged in addition to the delinquent amount and ~~both~~ all amounts must be paid before the
2 utility service will be restored. The North Pole Utility will not be responsible for any damages or
3 freezing occurring as a result of discontinuance of service ~~for unpaid billings~~. In addition, the
4 customer shall pay all associated costs, including but not limited to, tie-in and permit fees,
5 excavation, repaving, compacting, etc. Monthly billings for water and sewer charges shall be
6 continued on the delinquent account. The property owner shall be responsible for all charges and
7 attorney's fees thus incurred. (Ord. 16-16 § 2, 2016; Ord. 12-02 § 2, 2012; Ord. 08-25 § 2, 2008;
8 Ord. 82-8 § 2.O, 1982)

9 **13.12.140 Service interruptions.**

10 The North Pole Utility reserves the right to temporarily suspend services when necessary for the
11 purpose of new installations, repairs, testing, modification, expansion, correction or replacement
12 of the system. The North Pole Utility will attempt to notify affected utility users of impending
13 service interruptions where possible and where not precluded by emergency conditions. The
14 North Pole Utility will exercise reasonable diligence in avoiding inconvenience which may arise
15 out of ~~necessary~~ service interruptions. The North Pole Utility shall not be liable to the customer
16 for breach of contract or any loss or damage which may be caused by failure of the North Pole
17 Utility to deliver service. (Ord. 16-16 § 2, 2016; Ord. 12-02 § 2, 2012; Ord. 82-8 § 2.P, 1982)

18 **13.12.150 Prohibited acts.**

19 A. No person without first obtaining a permit from the ~~City of North Pole~~ Utility shall be
20 allowed to make a connection or alteration to any facility of the North Pole Utility ~~or to make~~
21 ~~alterations in any conduit, pipe or other fitting connecting directly therewith, or to connect pipes~~
22 ~~where they have been disconnected, or to turn water service on or off to any premises.~~ No person
23 other than an authorized employee of the North Pole Utility may turn on or turn off any water
24 main of the North Pole Utility system.

25 B. A violation for the purposes of this section shall be any individual unpermitted act listed
26 below:

- 27 1. Connecting to a water main;
- 28 2. Connecting to a sewer main;
- 29 3. Making alterations ~~in~~ to any facility of the North Pole Utility including any conduit,
30 pipe or other fitting connecting directly to a water main, sewer main, service connection or
31 other utility facility;

4. Connecting pipes where they have been disconnected;
5. Turning water service on to a premises;
6. Turning water service off to a premises;
7. Turning on a water main;
8. Turning off a water main;
9. Turning on a fire hydrant without North Pole Utility Department authorization;
10. Turning off a fire hydrant without North Pole Utility Department authorization.

11. Tampering with a water meter;

12. Tampering with a backflow prevention device.

C. ~~Violations of the provisions of this section shall constitute a violation.~~ Any The person or entity responsible for violating this section of the Municipal Code shall be subject to a fine of up to \$1,000 (one thousand dollars) for each violation, plus be liable for any damages to City and private property; any City-related expenses to correct a violation; and for the estimated value of any discharged water or wastewater. (Ord. 16-16 § 2, 2016; Ord. 12-02 § 2, 2012; Ord. 09-06 § 2, 2009)

1 Chapter 13.16
2 WATER SERVICES

3 Sections:

- 4 13.16.010 Utility rates, fees and charges.
5 13.16.020 Additional conditions of service.
6 13.16.030 Multiple water services.
7 13.16.040 Bulk and temporary water sales.
8 13.16.050 Liability.
9 13.16.060 Prohibited acts.

10 13.16.010 Utility rates, fees and charges.

11 A. Rates for the installation of water meters, connection fees and monthly user charges are set
12 forth in Chapter 13.24 NPMC.

13 B. The customer or other party approved by the City provides and pays for all expenses
14 required to install the necessary water pipe, valves, and fittings to connect his the property to the
15 North Pole Utility water distribution system. ~~at the point of connection designated by the~~ The
16 Director of City Services ~~Utility Supervisor~~ or his their designated representative determines the
17 point of connection to the water main. Water meters shall be installed by a ~~contractor~~ mechanical
18 administrator or plumber licensed in the State of Alaska and the installation shall be inspected by
19 the Director of City Services ~~Utility Supervisor~~ or their designee. (Ord. 16-16 § 2, 2016; Ord. 12-
20 03 § 2, 2012; Ord. 82-8 § 3.A, 1982)

21 C. 2017 Sulfolane Legal Settlement Credits

- 22 1. Credits. Properties identified by the 2017 Sulfolane Legal Settlement Agreement are
23 eligible to receive the following customer credits:
24 • Credit for the first \$2,000 dollars of water usage charges;
25 • Credit for utility deposit charge;
26 • Credit for utility tie-in fee;
27 • Waving of Facility Repair and Replacement Charge through December 31, 2022.
28
29 2. Appeal of eligibility for 2017 Sulfolane Legal Settlement Credits. Property owners who
30 think they have improperly been excluded from eligibility for 2017 Sulfolane Legal
31 Settlement Agreement credits must submit a written appeal to the North Pole Utility. The
32 appeal will be assessed by a committee composed of the parties to the settlement
33 agreement. The written appeal must provide the following:
34 • Name of all parties who have an ownership interest in the property;

- Legal address of property requesting to be tied-in to the North Pole Utility and receive credits;
- Property Lot and Block identification;
- Property owner contact telephone number;
- Date improvements were first constructed on property;
- Proof of value of improvements on property as of January 1, 2017 according to Fairbanks North Star Borough Assessor's Office.

13.16.020 Additional conditions of service.

A. All residential, commercial, educational, industrial, institutional and governmental users shall be metered. Water meters may be installed at any time deemed necessary by the North Pole Utility in accordance with the requirements of the North Pole Utility. Installation must conform to the Utility Service Line Requirements and the Utility Standards of Construction. ~~utility standards of construction.~~

B. The City may refuse to permit any person to connect to a water main or to be served directly or indirectly by water from North Pole Utility, and may refuse to accept a water main for operation and maintenance purposes unless the main was constructed and installed pursuant to a written agreement with the City or the City can otherwise assure itself that the main was constructed and installed in compliance with the applicable requirements and specifications of the North Pole Utility.

C. The North Pole Utility will maintain and repair all mains that have been accepted for maintenance and operation by the North Pole Utility but will not be responsible for maintaining the customer's service connection or for damage to the service connection caused by freezing that results from negligence or a willful act on the part of the customer.

D. The customer's service from point of connection to the City main or the customer's building ~~plumbing~~ shall be kept in repair by the owner or occupant of the premises, who shall be responsible for all breaks in the line and for any damages resulting incidentally therefrom, other than those caused by acts of the North Pole Utility. The City shall not be responsible for damages in service lines freezing resulting from the ~~shut off down~~ of a customer's service for a delinquent account. In the case of a frozen water service, the customer shall be responsible for thawing the service line from the main to the building unless the freezing condition can subsequently be demonstrated to have been the result of a malfunction of the City's utility system beyond the control of the customer.

1 1. Exposing a Customer Service Line Break and/or Disconnecting Service in the Event of
2 a Service Line Break. In the event of a customer service line break resulting from freezing
3 or other causes, the North Pole Utility shall disconnect as quickly as is feasible ~~the service~~
4 ~~to the broken service line~~ to protect public health and safety, ~~and to limit damage to public~~
5 and private property and reduce water wasted.

6 E. All persons, prior to receiving service from the North Pole Utility, shall provide a separate
7 shutoff valve inside the building or structure for which service is being requested. The valve
8 shall be located on the service line entering the building, ahead of any branch lines, where it is
9 readily accessible in the event of emergency.

10 F. Where the customer's service line is in excess of fifty feet, the customer ~~of the City main~~
11 ~~water line~~ shall have installed an approved circulation pump system. A circulation pump may
12 also be required in any event where freeze up has occurred, regardless of the service line length
13 ~~the distance of the main from the point of connection~~.

14 G. Installation of Water Connection and Water Supply Line.

15 ~~1.—All water connections shall be installed and mains tapped by a contractor licensed by~~
16 ~~the State of Alaska. As a prerequisite to commencing any work on the Utility, the~~
17 ~~contractor shall obtain a permit from the Utility Department where they must furnish:~~

18 ~~a.—State of Alaska contractor's license number;~~

19 ~~b.—Proof of workman's compensation insurance, if required by law;~~

20 ~~c.—A bond in the amount of \$5,000 (five thousand dollars) if the work is occurring in~~
21 ~~or will affect a City of North Pole road right of way;~~

22 ~~d.—Proof of payment of City of North Pole Utility tie in fees (NPMC 13.08.090(B));~~

23 ~~e.—Should the work be in or directly affect a State of Alaska road right of way, proof~~
24 ~~of authorization to work in this right of way;~~

25 ~~f.—Should the work be in or directly affect private property other than the property~~
26 ~~owner making the utility connection, proof of authorization to work in this private~~
27 ~~property;¹~~

g.—Should the work or utility connection require an easement or vacation of an easement, proof that the easement or vacation has been obtained;

h.—Other proof of capability to perform such work as required by the Utility Department;

i.—Commencing work without a permit from the Utility Department shall be subject to fines as specified in NPMC 13.12.150, Prohibited acts.

2.—A minimum of forty eight hours' notification is required to schedule an inspection by the North Pole Utility.

3.—All work must be inspected by the North Pole Utility before water is returned to the main and the work is covered. Work not inspected by the North Pole Utility before it is covered shall be re-excavated for inspection by the North Pole Utility at the owner's expense.

4.—The service line connection shall be installed according to the City of North Pole utility standards of construction. (Ord. 16-16 § 2, 2016; Ord. 12-03 § 2, 2012; Ord. 08-25 § 2, 2008; Ord. 04-08 § 2, 2004; Ord. 01-13 § 2, 2001; Ord. 00-16 § 2, 2000; Ord. 85-4 § 1, 1985; Ord. 82-8 § 3.B, 1982)

1. All excavations on City property or North Pole Utility infrastructure may only be performed by a contractor licensed by the State of Alaska. All water connections shall be installed and mains tapped by a mechanical contractor or plumber licensed by the State of Alaska. All work must conform to the North Pole Utility service line standards and the version of the Uniform Plumbing Code adopted by the City Council. In the event that a conflict exists between the Utility Service Line Requirements service line standards and the Uniform Plumbing Code, the most stringent provision shall apply.
2. As a prerequisite to commencing any work on any facility of the North Pole Utility, the contractor shall obtain a permit from the North Pole Utility furnishing the following items with the permit application:
 - a. State of Alaska professional license numbers as a Contractor, Mechanical Contractor; Plumber Journeyman Certificate of Fitness or Plumber Utility Certificate of Fitness;
 - b. Alaska Business License number;

- c. City of North Pole Business License number if worked is performed within the City of North Pole City Limits;
- d. The contractor shall provide proof of commercial general liability insurance for all operations performed by the contractor on an occurrence basis against claims for personal injury; bodily injury; death and property damage, including loss of use.
- e. Proof of workman's compensation insurance, if required by law;
- f. City of North Pole Excavation Permit if excavation will occur in a City road right-of-way or on City property.
- g. A work plan including a work schedule.
- h. City of North Pole Utility Tie-in Permit, if tie-in will occur (NPMC 13.08.090(B)).
- i. Payment of any outstanding charges owed to the City by the property owner or contractor.
- j. Should the work be in or directly affect a State of Alaska road right-of-way, proof of authorization to work in the State right-of-way;
- k. Should the work be in or directly affect Fairbanks North Star Borough property or road right-of-way, proof of authorization to work in Borough property;
- l. Should the work be in or directly affect private property, other than the property owner making the utility connection, proof of authorization to work in the other property owner's private property;
- m. Should the work or utility connection require an easement or vacation of an easement, proof that the easement or vacation has been obtained;
- n. Other proof of capability to perform such work as required by the North Pole Utility;
3. Commencing work without a permit from the North Pole Utility shall be subject to fines as specified in NPMC 13.12.150, Prohibited acts.
4. All work must be inspected by the North Pole Utility.

- 1 a. A minimum of forty-eight hours' notification is required to schedule an inspection by
2 the North Pole Utility.
3
- 4 b. The North Pole Utility or their authorized representative must be present to observe and
5 inspect the physical tapping of the water main. Before water is returned to the main and
6 the work is covered, the work must be inspected by the North Pole Utility or their
7 authorized representative. Work not inspected by the North Pole Utility or their
8 authorized representative before it is covered shall be re-excavated at the owner's
9 expense for re-inspection.
10
- 11 5. Installation of water meter
12
- 13 a. Water meter installation at time of tie-in. If the tie-in is providing water service to a
14 structure, even if the structure is under construction, the North Pole Utility or their
15 authorized representative must inspect and approve the plumbing within the structure
16 directly related to the tie-in to assure compliance with the North Pole Utility's service
17 line requirements. A water meter shall be installed at this time and a utility account
18 created.
19
- 20 b. Water meter installation not at time of tie-in.
21
- 22 1. If not providing water to a structure at the time of the connection, the property
23 owner must provide adequate protection to prevent damage to and/or freezing of
24 the service line connections.
25
- 26 2. When the service line is eventually connected to the structure, the property owner
27 shall notify the North Pole Utility 48 hours before the service is to be extended to
28 the structure. The North Pole Utility or their authorized representative must
29 inspect and approve the plumbing within the structure directly related to the tie-in
30 to assure compliance with the North Pole Utility's service line requirements. A
31 water meter shall be installed at this time and a utility account created.
32
- 33 6. Single permit for installation of multiple water connections. If a developer will be
34 installing multiple identical water connections as part of a single development and all
35 installations will occur during the same year, the developer may request to submit a
36 single application. Authorization to submit a single permit application for multiple
37 installations is at the sole discretion of the Mayor or the Mayor's designee. Authorization
38 to submit a single water installation permit does not lessen the service-specific
39 information that must be provided as part of the application for each service connection.
40 The same inspection requirements apply to each individual tie-in regardless of the

1 number of tie-ins covered by the multiple service tie-in application. Calculation of the
2 permit fees shall not be reduced when a developer is allowed to submit a single
3 application for multiple installations.

4
5 H. Cross-connection control.

- 6
7 1. Purpose and scope. The purpose of this section is to protect the public health by controlling
8 or eliminating actual or potential installation of cross-connections. The control or
9 elimination of cross-connections shall be in accordance with this code, the North Pole
10 Utility's Cross Connection Control Program and the edition of the Uniform Plumbing Code
11 adopted by the City Council. In the event that a conflict exists between the Cross
12 Connection Control Program adopted herein and the Uniform Plumbing Code, the most
13 stringent provision shall apply.
- 14
15 2. Unsafe facilities. The City may refuse to furnish water and may discontinue services to
16 any premises where plumbing facilities, appliances, or equipment using water are
17 dangerous, unsafe, or not in conformity with the City's Municipal Code. No potable
18 water service connection to any premises shall be installed or continued in use by a
19 customer unless the potable water supply is protected by all necessary backflow
20 prevention devices and assemblies. The installation or maintenance of a cross-
21 connection, which will endanger the quality of the customer's water supply, shall be
22 unlawful and is prohibited.
- 23
24 3. Cross-connection inspection. No water service shall be provided until it has been
25 inspected by the North Pole Utility for possible cross-connections and been approved as
26 being protected from such cross-connections.
- 27
28 4. Inspections will be made periodically of all potentially hazardous buildings, structures, or
29 improvements of any nature now receiving water from the North Pole Utility, for the
30 purpose of determining whether cross-connections exist. Such inspections shall be made
31 by the North Pole Utility or their designated representative. Any building modification
32 requiring a plumbing or mechanical permit may require a cross-connection inspection and
33 compliance.
- 34
35 5. Possible cross-connections. All water services shall be constructed with backflow
36 assemblies or devices. The minimum requirements shall be a double check valve
37 assembly (non-testable) Enhanced levels of backflow preventions assemblies and
38 devices shall be installed in any premises where, in the judgment of the North Pole Utility,
39 the nature and extent of activities, or the materials used or stored on the premises, could
40 present a hazard to the potable water supply in the event a cross-connection were to be

made; even though such cross connection has not been made. Such circumstances include, but are not limited to:

- a. Premises having an auxiliary water supply.
- b. Premises having intricate plumbing arrangements which make it impractical to ascertain whether or not cross-connections in fact exist.
- c. Premises where entry is restricted so that inspection for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure that cross-connections do not exist.
- d. Premises having a repeated history of cross-connections being established or re-established.
- e. Premises on which any substance is handled under pressure, so as to permit entry into the water supply. This shall include the handling of process waters and cooling waters.
- f. Premises where materials of a toxic or hazardous nature are handled in such a way that if back siphonage should occur, a health hazard might result.
- g. The following facilities, when connected to a potable water supply, require backflow prevention assemblies or devices unless the North Pole determines that no hazard exists:
 - Bulk water fill stations
 - Car wash facilities;
 - Chemical plants;
 - Fire sprinkler systems;
 - Food or beverage processing plants;
 - Greenhouses
 - High rise or other buildings above system pressure reactors, which require booster pumps;
 - Hospitals, mortuaries, and clinics, including veterinary clinics;
 - Irrigation systems;
 - Laboratories;
 - Laundries and dry cleaners;
 - Manufacturing facilities;
 - Medical and dental facilities;
 - Metal plating industries;
 - Petroleum processing or storage plants;
 - Piers and docks;
 - Radioactive material processing plants, nuclear or other facilities where radioactive materials may be utilized
 - Sand, gravel and concrete plants or other material processing plants
 - Sewage treatment plants;

- Water systems not within the definition of potable water supply
- Waterfront facilities.

13.16.030 Multiple water accounts services for a single structure.

A. Definition of service connection and service line as according to the Alaska Department of Environmental Conservation (ADEC)

1. According to 18 AAC 80.1990 (133) "service connection" means a single building or structure that receives water for human consumption from a public water system; "service connection" includes a residence, school, hospital, clinic, office, restaurant, gas station, hotel, motel, washeteria, or watering point; "service connection" does not include mobile facilities; for purposes of this paragraph, "mobile facilities" includes planes, boats, recreational vehicles, and tents.
2. According to 18 AAC 80.1990 (134) "service line" means the pipe works that extend from a water distribution main line to a single service connection.
3. A single customer connection serving multiple separate properties is classified as a water main and is regulated by the ADEC and is considered a water main extension by the North Pole Utility. ADEC requires a permit application; conducts a plan review before issuing an approval to construct such a facility. The North Pole Utility requires a written agreement approved by the City Council to construct such and extension to the utility system. While ADEC approval is required, approval by ADEC does not guarantee or constitute any approval of the City Council or North Pole Utility.

B. In buildings occupied by two or more water customers, the water service to each customer must be individually metered and adequately valved to permit disconnection of any customer without interrupting service to the other customers in the building. Existing services that do not meet these requirements will be disconnected, unless the owner of the building has done one of the following:

1. ~~A.~~ Entered into a written contract with a ~~contractor~~ mechanical administrator or plumber licensed by the State to modify the water service to meet the following requirements:
 - a. ~~1.~~ All plumbing connections installed to provide multiple metering from a single master service line must comply with the City of North Pole service line requirements for water and wastewater commercial and residential structures and the provisions of the latest version of the Uniform Plumbing Code and amendments adopted by the City.
 - b. ~~2.~~ The property owner must submit a scaled drawing with a scale of no less than one-half inch equals one foot in the drawing of the water meter installation.

c. 3. The property owner must install plumbing such that each dwelling unit receiving water services is plumbed separately.

d. 4. Adequate space must be provided between individual water meters such that they can be manually read by the North Pole Utility and there is adequate space to repair or replace a meter.

e. 5. The water meters must be in a heated secure location readily accessible by the North Pole Utility.

f. 6. The North Pole Utility shall inspect any multi-metered dwelling's utility connections before authorizing the installation of water meters and before providing water service to the dwelling.

g. 7. Tampering with water meters is a violation of North Pole Municipal Code and violation of these provisions may result in termination of individuals' water service or termination of water service to the entire dwelling at the sole discretion of the North Pole Utility. See NPMC 13.08.070(A) and (B); 13.12.060; 13.12.150; and 13.16.060(A).

h. 8. The service line from the water main to the water meters is the sole responsibility of the property owner. (See NPMC 13.16.020(D).)

C. B. Has contracted to be the sole customer for the water service and has had a master water meter installed to meter all water used in the building; or

D. C. Has entered into an agreement with the North Pole Utility to guarantee payment of all water service into the building. (Ord. 17-15 § 2, 2017; Ord. 16-16 § 2, 2016; Ord. 12-03 § 2, 2012; Ord. 82-8 § 3.C, 1982)

13.16.040 Bulk and temporary water sales.

Bulk water sales shall be charged at the current bulk water per gallon water charge, including facilities repair and replacement charge, plus a service charge ~~of which shall be a minimum of \$25 (twenty five dollars) or ten percent of the transaction, whichever is greater.~~ Each discharge of water shall be considered an individual transaction and subject to a service charge. (Ord. 16-16 § 2, 2016; Ord. 12-03 § 2, 2012; Ord. 00-16 § 2, 2000; Ord. 82-8 § 3.D, 1982)

13.16.050 Liability.

1 A. The North Pole Utility shall not be held liable for damage by fire, flooding, freezing, or
2 other causes resulting from defective piping, fixtures or appliances on the customer's premises
3 supplied with water from the North Pole Utility.

4 B. Inspection of piping, fixtures and appliances shall not create any liability against the North
5 Pole Utility or the employees thereof for damages to persons or property resulting from defective
6 piping, fixtures or appliances on the premises. (Ord. 16-16 § 2, 2016; Ord. 12-03 § 2, 2012; Ord.
7 00-16 § 2, 2000; Ord. 82-8 § 3.E, 1982)

8 **13.16.060 Prohibited acts.**

9 A. No person without first obtaining a permit from the City of North Pole shall be allowed to
10 make a connection to any facility of the North Pole Utility or to make alterations in any conduit,
11 pipe or other fitting connecting directly therewith, or to connect pipes where they have been
12 disconnected, or to turn water service on or off in any premises. No person other than an
13 authorized employee of the North Pole Utility may turn on or turn off any water main of the
14 North Pole Utility system. **Individuals committing such acts are subject to a fine as specified in**
15 **13.12.150 (C)**

16 B. No person other than an authorized employee of the North Pole Utility or a member of the
17 Fire Department in connection with official duties may connect to, turn on, or turn off any fire
18 hydrant located on the North Pole Utility system without first obtaining a contract from the City.
19 Illicit connection to, turn-ons or turn-offs of any fire hydrant shall result in a fine **as specified in**
20 **13.12.150 (C)** ~~of \$1,500 (one thousand five hundred dollars)~~ plus liability for the estimated value
21 of any discharged water and liability for damage to all public or private property caused by the
22 illicit connection to or turn-on or turn-off of a fire hydrant.

23 C. No person may allow a premises or facility which is served by the North Pole Utility to be
24 connected to another water system, including a private well or other on-property facility, or to
25 have service from another system readily available to the premises or facility in such a manner
26 that the integrity of the North Pole Utility water service may be jeopardized. **In such**
27 **circumstances, the customer's service may be subject to immediate termination.** Notwithstanding
28 the prohibitions of this section, standby service may be permitted by the North Pole Utility to
29 customers, such as hospitals, clinics or government facilities, if it is determined that the failure of
30 the water supply would be detrimental to the public health, welfare or security; provided, that
31 such a customer must install at his own expense a backflow preventer of a type approved by the
32 ~~Utility Supervisor~~ **Director of City Services** or ~~his~~ **their** designated representative, prior to
33 commencement of service.

1 D. In accordance with the North Pole Utility's cross-connection restrictions (NPMC 13.16.020,
2 H) latest adopted edition of the Uniform Plumbing Code adopted by the City Council, the North
3 Pole Utility will not permit any cross-connection and will discontinue service to any persons or
4 premises where a cross-connection exists. The property owner will be responsible for any
5 expenses associated with disconnection and reconnection of utility service. Service will not be
6 restored until the cross-connection is eliminated. Customers using water from one or more
7 sources in addition to receiving water from the North Pole Utility ~~on~~ at the same premises shall
8 maintain separate systems for each. ~~and the North Pole Utility's water supply facilities shall be~~
9 ~~separated from any and all other systems, by an air gap of not less than one foot, or if in the~~
10 ~~ground, by not less than five feet.~~

11 E. *Repealed by Ord. 12-03.*

12 F. No person may furnish or provide water with or without charge to another premises ~~located~~
13 ~~in an area where a service connection could supply water from the North Pole Utility.~~ The
14 service may be disconnected for any utility customer performing such acts.

15 G. No person may waste water supplied by the North Pole Utility. In the event that water
16 wasting is found to jeopardize the functioning of the North Pole Utility, the North Pole Utility
17 may disconnect the service where water is being wasted. (Ord. 16-16 § 2, 2016; Ord. 12-03 § 2,
18 2012; Ord. 09-06 § 3, 2009; Ord. 08-25 § 2, 2008; Ord. 00-16 § 2, 2000; Ord. 82-8 § 3.F, 1982)

**Chapter 13.24
UTILITY RATES**

Sections:

13.24.020 Metered water and sewer utility rates.

13.24.030 Senior determination.

~~**13.24.040 Emergency utility customer payment fund.**~~ **Repealed**

13.24.050 Meter installation.

13.24.080 Significant industrial user charges.

13.24.090 *Repealed.*

13.24.100 Negotiated rates.

13.24.110 Flat rates.

13.24.120 Account deposits.

~~**13.24.130 Round-up utility rate.**~~ **Repealed**

13.24.020 Metered water and sewer utility rates.

Monthly water and sewer utility rates beginning January 1, 2018, shall be the following:

Customer class	Per gallon water	Monthly base water charge	Per gallon sewer charge ¹	Monthly base sewer charge	FRR ² – Water per gallon charge	FRR ² – Sewer per gallon charge	FRR ² Significant industrial discharger, sewer
Single-family residential	\$0.01750 <u>\$0.01880</u>	\$5	\$0.0165 <u>\$0.01682</u>	\$5	\$0.0025	\$0.0025	–
Senior single-family residential	\$0.00875 <u>\$0.0094</u>	\$5	\$0.00825 <u>\$0.00841</u>	\$5	\$0.0025	\$0.0025	–
Multifamily residential	\$0.01750 <u>\$0.01880</u>	\$25	\$0.01650 <u>\$0.01682</u>	\$25	\$0.0025	\$0.0025	–
Commercial	\$0.01750 <u>\$0.01880</u>	\$25	\$0.01650 <u>\$0.01682</u>	\$25	\$0.0025	\$0.0025	–
Commercial/significant industrial discharger	\$0.01750 <u>\$0.01880</u>	\$25	\$0.01650 <u>\$0.01682</u>	\$25	–	–	\$0.003911

Customer class	Per gallon water	Monthly base water charge	Per gallon sewer charge ¹	Monthly base sewer charge	FRR ² – Water per gallon charge	FRR ² – Sewer per gallon charge	FRR ² Significant industrial discharger, sewer
Bulk water charge	\$0.03						
Fire hydrant meter	\$0.03	\$500 deposit ³					

1. The monthly sewer charge for the months of May, June, July and August will be capped at an amount not to exceed the average of the water usage during the months September through April for single-family and senior single-family residential customers only.

2. Facility repair and replacement: funds generated to repair and replace utility capital infrastructure.

3. Fire hydrant meter deposit: The deposit is returned if the equipment is returned in good working order with no damages. Any damages to the equipment are deducted from the deposit. Any damages in excess of the deposit are added to the customer's bulk water charges invoice.

(Ord. 17-27 § 2, 2017; Ord. 16-28 § 2, 2016; Ord. 16-16 § 2, 2016; Ord. 15-22 § 2, 2015; Ord. 13-16 § 2, 2013; Ord. 12-24 § 2, 2013; Ord. 12-04 § 2, 2012; Ord. 11-11 § 2, 2011; Ord. 11-01 (Substitute A) § 2, 2011; Ord. 11-01 § 2, 2011; Ord. 08-25 § 2, 2008)

13.24.030 Senior determination.

A. Senior Single-Family Residential. Senior citizens sixty-five years or older need only submit a utility discount rate request form once to receive the discounted rate for the duration of their utility account with the City. (Ord. 16-16 § 2, 2016; Ord. 12-04 § 2, 2012)

13.24.040 Emergency utility customer payment fund. Repealed

~~A. Purpose of the Emergency Fund. The City of North Pole recognizes that residential utility customers can encounter emergency situations that make paying their monthly utility bills a hardship. To help prevent residential utility customers' utility accounts becoming delinquent, the City has created the emergency fund. A residential utility customer facing an emergency that could cause them a financial hardship may apply for temporary assistance to pay a portion or their entire North Pole Utility bill.~~

1 B.—Contributing to the Emergency Fund. North Pole Utility customers shall be provided with
2 the option to contribute to the emergency fund. Customers will be provided the option to
3 contribute any sum they wish to the emergency fund either as an addition to their utility payment
4 or as a separate payment. Provision will be provided on monthly utility bills for customers to
5 make donations to the emergency fund. When terminating their utility accounts, customers will
6 be provided the option to transfer all or part of their deposits to the emergency fund.
7 Contributions to the emergency fund are not tax deductible. The City at its discretion may make
8 a contribution to the emergency fund. Any City funds contributed to the emergency fund cannot
9 at a later date be withdrawn by the City from the fund.

10 C.—Management of Emergency Funds. All funds contributed to the emergency fund shall be
11 deposited in a dedicated interest earning account wholly separate from the operating funds of the
12 City. Emergency funds can only be used to offset North Pole water and sewer utility bills of
13 residential utility customers requesting assistance. Emergency funds cannot be used to pay utility
14 assessments; liquidated damages payments; commercial or multifamily utility bills; utility tie-in
15 fees; or accounts delinquent for nonemergency reasons. The purpose of the emergency fund is to
16 provide temporary assistance to utility customers facing short-term hardships and not to provide
17 ongoing utility bill subsidies for utility customers.

18 D.—Awarding of Emergency Funds.

19 1.—Emergency Fund Committee. An independent committee recommended by the Mayor
20 and approved by the City Council shall recommend emergency fund awards to utility
21 customers applying for assistance to pay their monthly North Pole Utility bills. The
22 Committee shall be composed of no more than seven members, but always an odd number.
23 The Director of City Services or his representative shall be an ex-officio member of the
24 Committee. A minimum of a majority of the Committee must be present at a meeting to
25 recommend an award of emergency funds. In the event a quorum of the Committee is
26 unable to meet in time to make award recommendations to the Mayor, the Mayor has the
27 authority to make awards without the Committee's recommendation. In the event the
28 Mayor must make awards without the Committee's recommendation, the Mayor shall
29 provide a written explanation of the reason he has authorized a payment from the
30 emergency fund and the criteria he used for making the payment authorization. All
31 recommendations made by the Committee, Mayor correspondences authorizing payments
32 and records of payments from the emergency fund shall be maintained by the City Clerk.

33 a.—Guidelines for Awarding Emergency Funds.

i.—~~Significant decline in household income to one hundred fifty percent or below the poverty level as defined by the most current Federal Health and Human Services Poverty Guidelines.~~

ii.—~~Unexpected major household expenses like medical, emergency home repair, emergency automobile repair, etc.~~

iii.—~~Changes in family status like divorce, separation, or deployment of a military spouse.~~

iv.—~~Other criteria as documented by the Committee and/or Mayor.~~

2.—~~Awarding Emergency Funds. The Committee can recommend award assistance no greater than funds available in the emergency fund and cannot recommend awards that create a financial liability for the City. No applicant for an emergency fund award can receive an award that exceeds \$125 (one hundred twenty five dollars) per month. Awards are not cash payments but direct transfers from the emergency fund to the North Pole Utility to offset the applicant's utility bill. The Committee will make its recommendations in writing for awards from the emergency fund to the Mayor. The Mayor has final authority for approving emergency fund awards.~~

3.—~~Application for Emergency Fund Award. A North Pole Utility customer seeking an award from the emergency fund to help them pay all or part of their North Pole Utility bill shall provide a written explanation of why they need an award. The explanation shall include the dollar amount of their utility bill and the dollar amount of their award request. Applicants shall submit their request for an award no later than the twentieth of the month. If the twentieth of the month falls on a weekend or holiday the application is due on the first business day following the twentieth. (Ord. 16-16 § 2, 2016; Ord. 12-04 § 2, 2012; Ord. 08-25 § 2, 2008)~~

13.24.050 Water meters ~~installation~~ required.

Water meters are required on all services connected to the City North Pole Utility water system or sewer system. Meters shall be installed at the time of service connection to the North Pole Utility and utility billing shall begin at the time of service connection. All new construction with access to the City water system must install a meter loop to facilitate meter installation. The North Pole Utility will furnish an approved meter for each service. The customer shall ensure that the North Pole Utility has access to the meter for repair, replacement and performance of maintenance on the meter. All meters must be installed in a heated/conditioned space. (Ord. 16-

16 § 2, 2016; Ord. 12-04 § 2, 2012; Ord. 08-25 § 2, 2008; Ord. 04-08 § 2, 2004; Ord. 01-13 § 2, 2001; Ord. 00-16 § 2, 2000; Ord. 99-14 § 2, 1999; Ord. 97-18 § 3, 1997; Ord. 96-19 § 2, 1996; Ord. 95-21 § 2, 1995; Ord. 82-8 § 5.E, 1982)

13.24.080 Significant industrial (SIU) user charges.

In addition to the commercial rate cited in NPMC 13.24.020, significant industrial users (SIU), as defined in NPMC 13.20.010(D), shall be subject to the following added charges:

A. Facilities Replacement Rate (FRR). This rate shall offset the cost of the City's facilities used by the SIU. These funds will provide for replacing, increasing and/or augmenting the facilities so used to accommodate the private and commercial usage originally planned for.

1. The following table contains the factors that shall be used in calculating the FRR:

	LIFE	INTEREST	
COMPONENT	(Months)	(Annum)	CRF
Lift stations	120	7%	0.0116
Treatment works	240	7%	0.0078
Sewer lines	480	7%	0.0062

i = Interest rate = 7.00%/year

CRF = Capital recovery factor (uniform series)

C = Construction value = Cost of major component

Q_{siu} = SIU flow (k gal./mo.)

Q_{des} = Design capacity flow (k gal./mo.)

FRR = Facilities replacement rate (\$/k gal.)

Each major component (lift station, treatment works, lagoon, sewer line) of the SIU flow path shall be considered separately as to its design life and SIU proportion of flow capacity. The aggregate sum of the component shares shall be divided by the estimated total SIU monthly flow to arrive at a rate.

$$FRR = \frac{Q_{siu}}{\text{total SIU monthly flow}} \times C \times CRF + \text{for each major component} \times \frac{1}{\text{total SIU monthly flow}}$$

Qdes

Qsiu

The FRR shall be revised whenever there is a significant change in any of the affecting factors, but not more than once a year.

B. High Strength Surcharge. In order to maintain a high quality of treatment and effluent discharge to the public waterways, it is the intention of the City to require any SIU to pretreat their sewage to meet the regulating parameters set forth in this section. If the SIU's discharge into the City's system exceeds these parameters due to an accidental discharge, the SIU shall in addition to the requirements in other sections and any fines and penalties be subject to the following high strength surcharge (HSS):

$$\text{HSS} = \frac{\text{BOD}_{\text{siu}} (\text{excess})}{200 \text{ mg/l}} \times R + \frac{\text{TSS}_{\text{siu}} (\text{excess})}{200 \text{ mg/l}} \times R + \frac{\text{COD}_{\text{siu}} (\text{excess})}{500 \text{ mg/l}} \times R + \frac{\text{T}_{\text{siu}} (\text{deficit})}{36^{\circ}\text{F}} \times R$$

where:

BOD_{siu} (excess) = BODs of significant industrial user's discharge, minus 200 mg/l.

TSS_{siu} (excess) = Total suspended solids of significant industrial user's discharge, minus 200 mg/l.

COD_{siu} (excess) = COD of significant industrial user's discharge, minus 500 mg/l.

T_{siu} (deficit) = 45°F minus temperature of significant industrial user's discharge at the point of connection.

R = The commercial rate cited in NPMC 13.24.020.

The duration of HSS shall be from last permit compliant sample to the succeeding permit compliant sample measured by either the City or the SIU.

This charge applies only when the SIU discharge into the City's system exceeds two hundred milligrams per liter BOD⁵, and/or two hundred milligrams per liter total suspended solids, and/or five hundred milligrams per liter chemical oxygen demand, and/or the temperature is less than forty degrees Fahrenheit.

C. SIU-Specific **Industrial Pretreatment Program (IPP)** Fees. In addition to all other charges under this chapter, each SIU shall pay for any services specifically associated with that SIU for

1 the administration, monitoring, or enforcement of the IPP. SIU-specific IPP services shall
2 include, but are not limited to, IPP development costs, permit application and renewal, plan
3 review, IPP compliance monitoring laboratory and inspection work, and spill or permit violation
4 response work. The charges for such services will include the City's direct costs including
5 charges from subcontractors, plus an administrative overhead fee from the City, and will be
6 charged directly to the SIU. (Ord. 16-16 § 2, 2016; amended during 2015 reformat; Ord. 12-15
7 § 3, 2012; Ord. 12-04 § 2, 2012; Ord. 08-05 § 2, 2008; Ord. 01-16 § 2, 2001; Ord. 97-18 § 3,
8 1997; Ord. 96-19 § 2, 1996; Ord. 95-21 § 2, 1995; Ord. 93-6 § 2, 1993; Ord. 88-1 § 2, 1988; Ord.
9 87-12 § 3, 1987)

10 **13.24.090 Fee for connection to City utility mains.**

11 *Repealed by Ord. 12-04.* (Ord. 08-05 § 2, 2008; Ord. 98-16 § 2, 1998; Ord. 97-18 § 3, 1997; Ord.
12 96-19 § 2, 1996; Ord. 95-21 § 2, 1995; Ord. 93-6 § 2, 1993; Ord. 87-12 § 3, 1987; Ord. 82-8
13 § 5.G, 1982)

14 **13.24.100 Negotiated rates.**

15 Rates for special or temporary usage of utility services which are not strictly addressed in this
16 chapter shall be established by the City Council on an individual case basis. (Ord. 16-16 § 2,
17 2016; Ord. 12-04 § 2, 2012; Ord. 97-18 § 3, 1997; Ord. 96-19 § 2, 1996; Ord. 95-21 § 2, 1995;
18 Ord. 93-6 § 2, 1993; Ord. 87-12 § 3, 1987; Ord. 82-8 § 5.H, 1982)

19 **13.24.110 Flat rates.**

20
21 A. Utility customers within the city limits of the City of North Pole. Customers within the
22 city limits of the City of North Pole whose water service is unmetered or whose water
23 meter is nonfunctional or the Utility is unable to replace the water meter shall be charged
24 the ~~following~~ flat rates based upon their customer class. Customers' failure to connect to
25 available water and/or sewer service within the mandated two-year time period shall be
26 cause for the property owner to be billed and required to pay the applicable monthly
27 water and/or sewer flat rate fee on an ongoing month by month basis as per NPMC
28 13.12.090, Compulsory connection to City water and sewer utility.

29
30 B. Utility customers outside of the city limits of the City of North Pole. Customers outside
31 of the city limits within the City of North Pole's recognized service area are not obligated
32 to connect to the North Pole Utility and are not subject to the application of the flat rate
33 unless their water service is unmetered or whose water meter is nonfunctional or the
34 Utility is unable to replace the water meter shall be charged the flat rates based upon their
35 customer class.

C. Monthly water and sewer utility flat rates beginning January 1, 2019 2012, shall be the following:

Customer class	Water	Monthly base water charge	Sewer	Monthly base sewer charge	FRR water	FRR sewer	FRR significant industrial discharger, sewer	Total monthly charge
Single-family residential	\$70 50	\$5	\$70 50	\$5	\$5	\$5	—	\$140 120
Senior single-family residential	\$25	\$5	\$25	\$5	\$5	\$5	—	\$70
Multi-family residential ¹	\$70 50	\$25	\$70 50	\$25	\$5	\$5	—	\$140 120
Senior multi-family residential	\$100	\$25	\$100	\$25	\$10	\$10	—	\$270
Commercial ²	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
Commercial/ significant industrial discharger ²	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD

1. Multi-family Water, Sewer, FRR Water, FRR Sewer and Total monthly charge are assessed per living units. ~~The Base charge water and Base charge sewer is a single charge~~ A single Water Base Charge and a single Sewer Base Charge is assessed for the entire multi-family unit dwelling.
2. Commercial and Commercial significant industrial discharger Flat Rates are To-Be-Determined (TBD) on a case-by-case basis by the North Pole Utility.

(Ord. 16-16 § 2, 2016; Ord. 12-04 § 2, 2012)

13.24.120 Account deposits.

A. Creation of Water and Sewer Utility Accounts. New utility customers shall be charged a deposit as according to 13.12.100 Customer accounting and payment.

~~1. Deposits, Water. There is a \$75 (seventy five dollar) deposit required to open a utility water account.~~

1 ~~2.—Deposits, Sewer. There is a \$75 (seventy five dollar) deposit required to open a utility~~
2 ~~sewer account.~~

3 B. ~~Return of Utility Account Deposit.~~

4 ~~1.—An account holder with no delinquent utility charges or other delinquent charges owed~~
5 ~~to the City of North Pole during the account holder's first twenty four months of their~~
6 ~~utility account shall receive one hundred percent of their deposit(s) returned to them.~~

7 ~~2.—An account holder with only one month where their account carried delinquent utility~~
8 ~~charges in the first twenty four months of their account and no delinquent charges in the~~
9 ~~second twenty four months of their utility account and no other delinquent charges owed to~~
10 ~~the City of North Pole shall receive one hundred percent of their deposit(s) returned to~~
11 ~~them after twenty four months.~~

12 ~~3.—An account holder's utility deposit(s) shall be held until the account holder closes the~~
13 ~~account if they have one month where their account carried delinquent utility charges~~
14 ~~during the first forty eight months of their utility account.~~

15 B. C. ~~Application of Deposit to Final Utility Charges.~~

16 1. A utility account holder's utility deposit shall be applied to their final utility bill.
17 Should there be an outstanding balance in the deposit after payment of the final utility bill,
18 the balance shall be returned to the former account holder.

19 2. The utility shall make a good faith effort to return the balance of a former utility
20 account holder's outstanding utility deposit; however, any utility deposits returned or not
21 claimed after a period of three months shall be transferred to sewer or water miscellaneous
22 utility revenue account as appropriate. (Ord. 16-16 § 2, 2016; Ord. 15-05 § 2, 2015)

23 **13.24.130 Round-up utility rate. Repealed**

24 A.—~~Voluntary Participation. Utility account holders may voluntarily choose to participate in the~~
25 ~~round-up program and they may withdraw from the program at any time.~~

26 B.—~~The round-up utility rate shall be calculated by rounding up the total monthly utility charge~~
27 ~~on a utility bill to the nearest whole dollar amount; for example, a utility bill calculated at \$77.23~~
28 ~~(seventy seven dollars and twenty three cents) would be rounded up to \$78 (seventy eight~~
29 ~~dollars).~~

1 ~~C.—The revenue generated by the round-up program shall be used to support the emergency~~
2 ~~utility customer payment fund established in NPMC 13.24.040.~~

3 ~~D.—Funds generated by the round-up program shall be deposited in a dedicated fund. (Ord. 16-~~
4 ~~16 § 2, 2016; Ord. 15-05 § 2, 2015)~~

5

Chapter 13.28
LIEN ON REAL ESTATE FOR DELINQUENT UTILITY PAYMENTS
AND ACCOUNT RESOLUTION PROCEDURES

Sections:

13.28.010 Lien rights.

13.28.020 Delinquent utility account resolution process.

13.28.010 Lien rights.

A. The City of North Pole shall have a lien upon any and all real property serviced by any of the utilities referenced in this title for the payment of all charges incurred by the utility customer with the City. As according to AS 29.35.010(17) Extraterritorial jurisdiction, the City has legal authority to have a lien upon any and all real property serviced by any of the utilities to North Pole Utility customers outside of the city limits and within any water or sewer services areas authorized by the Regulatory Commission of Alaska. This lien shall be superior to any and all other liens to the maximum extent allowed under State law.

B. The Utility Billing Clerk shall maintain a list of all individuals whose utility accounts with the City are more than ninety days delinquent. The list shall include the name of the individual holding the account with the North Pole Utility, the legal description of the property serviced by the North Pole Utility, and the amount delinquent. The Utility Billing Clerk shall cause a lien to be recorded for the amounts owed, including fees, costs and attorney fees, ninety days from the date of delinquency.

C. The lien created in this section may be foreclosed upon pursuant to the procedures set forth in NPMC 13.28.020.

D. The customer of the City utility shall pay all administrative fees, costs and attorney fees incurred by the City in the collection of the delinquent utility bills and said amount shall be included in the lien in favor of the City. (Ord. 16-16 § 2, 2016; Ord. 11-04 § 2, 2011; Ord. 99-7 § 3, 1999)

13.28.020 Delinquent utility account resolution process.

A. Past due accounts. When a utility account is not paid in full by the due date listed on the utility bill, the account becomes past due. When the account balance becomes past due it is assessed a late charge calculated a 0.00875 percent on the past due account balance. Failure to receive mail will not be recognized as a valid excuse for late payments. The customer

1 whose account is past due shall receive their next regular utility bill indicating the account
2 balance including any late and additional charges.

3
4 When a utility account for a tenant becomes past due, the landlord shall be sent a notice that
5 their tenant's account has become past due. The notice shall state that should the tenant not
6 pay the next utility bill in full, the account shall be declared delinquent and the utility account
7 shall be transferred to the landlord and the landlord shall be responsible for all past and future
8 utility charges accrued for the account.

9
10 B. Delinquent account. A utility account shall be declared delinquent if the balance of all
11 charges due on the account are not paid in full by the due date for the first bill issued after the
12 utility account became past due. If the delinquent account is for a tenant, when the account is
13 determined to be delinquent, the North Pole Utility shall transfer the account to the property
14 owner who will be responsible for all past and future charges assessed to the account.

15
16 1. When an account has been determined to be delinquent, the North Pole Utility will send
17 the account holder a notice by certified mail or other mail delivery service that provides
18 acknowledgement of delivery. The notice will provide a copy of the most recent utility
19 bill that shows the delinquent account balance; indicates the amount of the account
20 balance, including all additional charges; and notification that the account holder has
21 fifteen (15) business days from the date that the notice was mailed to pay in full the
22 delinquent account balance or sign a legally binding confession of judgment that creates a
23 payment plan.

24 a. The account balance shall include a late charge calculated at 0.00875 percent of the
25 account balance with each successive bill that the account is past due or delinquent
26 since the account became past due.

27 b. The utility account shall be assessed a liquidated damages fee of a \$25 (twenty-five
28 dollar) to process and mail the delinquent notice.

29
30 C. Seriously delinquent account. If a utility account is not paid in full by the due date of the
31 second utility bill after the account became past due, the account shall be declared seriously
32 delinquent, the City shall do the following:

33
34 1. When an account has been declared to be seriously delinquent, the North Pole Utility will
35 send the account holder a notice by certified mail or other mail delivery service that
36 provides acknowledgement of delivery. The notice will provide a copy of the most recent
37 utility bill that shows the delinquent account balance; indicates the amount of the account
38 balance, including all additional charges; and notification that the account has been
39 declared seriously delinquent and that the account has been turned over to the City
40 Attorney for foreclosure.

2. If the North Pole Utility has declared a utility account to be seriously delinquent, the North Pole Utility shall add a liquidated damages charge to the account balance equal to applying and removing a lien; and turn the account over to the City Attorney for foreclosure.
3. The North Pole Utility shall be entitled to terminate water service to a delinquent utility account holder if the account holder has neither paid the delinquent utility account balance in full by the deadline specified in the notification of serious delinquency nor signed a confession of judgment, the City may initiate action to disconnect water service to the delinquent property service address. (NPMC 13.12.130(B)).
4. All legal fees and costs associated with resolving a delinquent utility account shall be borne by the property owner. The property owner shall be responsible for the delinquent account and any associated charges, costs or attorney fees.
5. All accounts not paid in full upon completion of the above process, including account holders who fail to timely satisfy the terms of a confession of judgment, shall be subject to foreclosure of the entire parcel of real estate served by the North Pole Utility by complaint filed in the District or Superior Courts of the State of Alaska, as appropriate for the amount due. Upon presenting proof of completion of the process set forth in this chapter, and after the passage of sixty days from service of the foreclosure complaint, the City shall be entitled to a judgment of foreclosure against the real estate and judgment against the property owner, unless the account has been paid in full plus costs, attorney fees and interest incurred until the account is paid in full.
6. Upon the sale of foreclosed real estate, the property owner shall be entitled to all proceeds in excess of the amount owed to the City, after payment of all costs of sale or any other costs or attorney fees incurred by the City in collecting on the account. (Ord. 16-16 § 2, 2016; Ord. 11-04 § 2, 2011)

~~A. Thirty Days Past Due Accounts. When a utility account becomes thirty days past due, the customer shall receive their regular utility bill indicating the account balance including any additional charges. In addition to sending the account holder their utility bill, the City shall do the following:~~

- ~~1. The account balance shall include a late charge calculated at 0.00875 percent of the delinquent account balance.~~

2.—The account holder shall be sent by regular U.S. mail a separate notification that the account is delinquent.

B.—Sixty Days Past Due Accounts. When an account becomes sixty days past due, the customer shall receive their regular utility bill indicating the account balance including any additional charges. In addition to sending the account holder their utility bill, the City shall do the following:

1.—The account balance shall include a late charge calculated at 0.00875 percent of the delinquent account balance.

2.—A lien shall be filed against the property owner responsible for the account. If the utility account holder is a tenant, the lien shall be filed against the property owner.

3.—The utility account shall be assessed a liquidated damages fee equivalent to the charges to file and remove a lien plus a \$25 (twenty five dollar) filing fee.

4.—The account holder shall be sent a notice of account delinquency via mail indicating the amount of the account balance, including all additional charges, and notification that a lien has been filed against the property.

5.—The City will attempt to contact, by 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.

C.—Ninety Days Past Due. When an account becomes ninety days past due, the account holder shall receive their regular utility bill indicating account balance including any additional charges. In addition to sending the account holder their utility bill, the City shall do the following:

1.—The account balance shall include a late charge calculated at 0.00875 percent of the delinquent account balance.

2.—A liquidated damages charge of \$50 (fifty dollars) shall be added to the account balance after determination of the late charge.

3.—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

1 which they must sign a legally binding confession of judgment specifying a repayment plan
2 to prevent a shutoff of water service.

3 4. *Repealed by Ord. 16-16.*

4 5.—~~The North Pole Utility shall be entitled to terminate water service to a delinquent~~
5 ~~utility account holder if the account holder has neither paid the delinquent utility account~~
6 ~~balance in full by the deadline specified in the certified mail notification nor signed a~~
7 ~~confession of judgment, the City shall initiate action to disconnect water service to the~~
8 ~~delinquent property service address. (NPMC 13.12.130(B)). Should it not be practical, at~~
9 ~~the sole discretion of the North Pole Utility, to disconnect the water service due to weather~~
10 ~~or other conditions, the North Pole Utility may initiate legal action to shut off water service~~
11 ~~to the property. Upon proof of compliance with this chapter, the City shall be entitled to a~~
12 ~~writ of assistance and an order allowing it to enter the premises served by the Utility for the~~
13 ~~purpose of shutting off the water service and to verify, at reasonable intervals based on the~~
14 ~~circumstances, that the water shutoff device has not been bypassed or tampered with.~~

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

19 7.—~~The City will attempt to contact by certified mail the property owner if the delinquent~~
20 ~~account is for a tenant. It is the responsibility of property owners to notify the City of~~
21 ~~tenant owner relationships and to provide the City with current contact information.~~

22 8.—~~All accounts not paid in full upon completion of the above process, including account~~
23 ~~holders who fail to timely satisfy the terms of a confession of judgment, shall be subject to~~
24 ~~foreclosure of the entire parcel of real estate served by the Utility by complaint filed in the~~
25 ~~District or Superior Courts of the State of Alaska, as appropriate for the amount due. Upon~~
26 ~~presenting proof of completion of the process set forth in this chapter, and after the passage~~
27 ~~of sixty days from service of the foreclosure complaint, the City shall be entitled to a~~
28 ~~judgment of foreclosure against the real estate and judgment against the account holder,~~
29 ~~unless the account has been paid in full plus costs, attorney fees and interest incurred until~~
30 ~~the account is paid in full.~~

31 9.—~~Upon the sale of foreclosed real estate, the property owner shall be entitled to all~~
32 ~~proceeds in excess of the amount owed to the City, after payment of all costs of sale or any~~

1 ~~other costs or attorney fees incurred by the City in collecting on the account. (Ord. 16-16~~
2 ~~§ 2, 2016; Ord. 11-04 § 2, 2011)~~