

Public Hearing: 2/15/2023

First Reading: 2/15/2023

Second Hearing: 3/14/2023

Votes For: 5 Votes Against: 0

ORDINANCE NO. 2023-2

**AN ORDINANCE OF THE CITY OF UNALAKLEET ADOPTING A NEW
UNALAKLEET MUNICIPAL CODE SECTION 13.04.125, EMERGENCY UTILITY
REPAIR**

WHEREAS, utility customers are responsible for maintaining the customer's water and waste service lines in good repair;

WHEREAS, customers are expressly required to protect their water service lines with insulation to protect them during cold weather and it is unlawful to fail to protect a line from cold weather;

WHEREAS, the city is authorized to make inspections at reasonable times to determine compliance with Unalakleet Municipal Chapter 13.04;

WHEREAS, line freeze-ups and other failures in customer service lines may pose an imminent risk of harm to safety and to private and public property;

**NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY OF
UNALAKLEET, ALASKA:**

Section 1: Classification. This ordinance is of permanent nature and shall be codified in the Unalakleet Municipal Code.

Section 2: Amendment of Chapter 13.04. Unalakleet Municipal Code Chapter 13.04 is hereby amended with the addition of a new Section 13.04.125 to read as follows:

13.04.125 Emergency Repair and Maintenance.

- A. For the purposes of this section, "emergency" means a state of imminent or proximate risk of harm to life or of substantial harm to property, in which time is of the essence to avoid or reduce the risk.
- B. In the event of an emergency relating to city water or sewer utilities, the city may, but is not required to, enter onto premises served by utilities in to abate the emergency.
- C. The City shall not ordinarily act pursuant to subsection B of this section without first giving notice to the owner or occupant of the premises served. Notice shall be sufficient if actually given to any owner or occupant of the premises served.
- D. The city may assess to the account holder and/or property owner the city's reasonable cost incurred to abate an emergency when the emergency is caused by the customer's

failure to adequately maintain the customer's line or by a freeze-up in the customer's line if:

1. the owner or occupant of the premises agrees to have the city undertake the emergency work;
 2. the city gave notice as described in this section and allowed the owner or occupant 18 hours to commence emergency work and the customer has failed to begin such work or has failed to diligently prosecute such work to completion; or
 3. the property has been unoccupied for 24 hours preceding or during the emergency and the city has made reasonable effort to contact an owner or occupant but has been unable to do so.
- E. A person assessed any charge pursuant to subsection D of this section may request a hearing before the mayor or the mayor's designee. The issues to be determined at the hearing, by a preponderance of the evidence, are whether the requirements of subsection D were satisfied and if the amount assessed or charged is reasonable. Written request for a hearing must be received by the city clerk within 14 days of the bill or invoice being sent to the account address of record.
- F. The city shall not be held liable for any non-conforming service or damage to property or personal injury resulting from any non-conforming service and shall not be obligated to perform any maintenance, repairs or rerouting because of non-conforming customer service lines freezing, breaking, or otherwise failing to perform. Should the city, at its discretion and in light of available resources, elect to undertake work to abate an emergency caused by the customer's failure to adequately maintain the customer's line or by a freeze-up in the customer's line, the city shall not be held liable for any damage to property or personal injury resulting from such work except to the extent caused by the city's gross negligence or misconduct.

Section 3: Effective Date. This ordinance shall be published as provided by law and shall be effective following adoption.

ORDINANCE 2023-____ is hereby adopted by the Council of the City of Unalakleet, Alaska, this 25th day of may, 2023.



SIGNED: Abel Razzo, Mayor



ATTEST: Eunice Ryan, City Clerk