

Introduced: 3/10/64
Referred: Local Government

1 IN THE SENATE BY THE LOCAL GOVERNMENT COMMITTEE

2 SENATE BILL NO. 319

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to individual and community
7 water supply and sewerage systems."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 46 is amended by adding a new chapter to read:

10 CHAPTER 20. WATER AND SEWERAGE SYSTEMS

11 Sec. 46.20.010. PURPOSE AND POLICY. (a) The wide-
12 spread use of inadequate individual water supply and sewerage
13 systems and inadequately planned community water supply and
14 sewerage systems in and near urban areas

15 (1) endangers the health and welfare of the
16 citizens of this state by causing or contributing to the
17 pollution of ground and surface waters;

18 (2) causes depletion of ground water without ade-
19 quate provision for a continuing water supply;

20 (3) encourages development of land for residential
21 industrial and other purposes without adequate provision for
22 community water supply and sewerage systems and unnecessarily
23 increases the cost of providing such systems.

24 (b) The public policy of this state is to eliminate
25 the health hazards of the water supply and sewerage systems
26 by establishing standards for the proper use of individual
27 and community water supply and sewerage systems and by
28 encouraging planning for adequate community water supply and
29 sewerage systems.

1 Sec. 46.20.020. FUNCTIONS AND POWERS. (a) The depart-
2 ment shall adopt regulations concerning the use of individual
3 and community water supply and sewerage systems and shall
4 designate those urban areas in which such regulations shall
5 apply. The standards shall be related to the density of
6 populations, size of the lots, contour of the land, porosity
7 and absorbency of the soil, ground water level, type of con-
8 struction of water supply and sewerage systems, and the
9 official plan for water supply and sewerage systems, if any
10 exists. The standards may include other factors which in the
11 judgment of the department are related to the protection of
12 the public health including the prevention of pollution of
13 the waters of the state, the provision of a safe water supply
14 and the proper and sanitary disposal of sewage.

15 (b) The department shall approve or disapprove official
16 plans if a borough makes an official plan for water supply
17 and sewerage systems; a borough may not put into effect a
18 disapproved official plan.

19 (c) The department may

20 (1) provide technical assistance and consultation
21 to boroughs in preparing and coordinating official plans for
22 water supply and sewerage systems, including revisions of
23 such plans. The assistance may include studies and loans of
24 personnel. As a basis for this assistance, the department
25 may conduct related studies, on its own initiative;

26 (2) administer grants to boroughs which are auth-
27 orized by the legislature to be used by the boroughs to pre-
28 pare related studies and official plans for area-wide water
29 supply and sewerage systems. The grants shall not exceed

1 one-half of the cost of preparing plans and studies;

2 (3) accept and administer federal grants or loans;

3 (4) cooperate with all appropriate federal, state,
4 interstate, and local units of government, and with appropri-
5 ate private organizations.

6 (d) Nothing in this chapter shall be construed to limit
7 the power of the department under any existing law.

8 Sec. 46.20.030. CONFLICT WITH OTHER LAWS. A provision
9 of zoning ordinance, subdivision regulation, building code or
10 other law or regulation of a borough which affords greater
11 protection to the public health, safety and welfare of the
12 community prevails over a conflicting provision of a regula-
13 tion adopted under this act within the area over which the
14 borough has jurisdiction.

15 Sec. 46.20.040. PENALTY FOR VIOLATION. A person who
16 violates this chapter or a rule or regulation promulgated
17 under this chapter is guilty of a misdemeanor and, upon con-
18 viction, is punishable by a fine of not more than \$500, or by
19 imprisonment for not more than one year. Each day that a
20 person continues a violation is a separate offense.

21 Sec. 46.20.050. DEFINITIONS. As used in this chapter

22 (1) "borough" means an organized borough or the
23 appropriate planning authority for an unorganized borough;

24 (2) "community sewerage system" means any system,
25 whether publicly or privately owned, for the collection and
26 disposal of sewage or industrial wastes of a liquid nature,
27 including various devices for the treatment of such sewage or
28 industrial wastes serving two or more individual properties;

29 (3) "community water supply system" means a source

1 of water. or a distribution system or a treatment system
2 whether publicly or privately owned, serving two or more
3 individual properties;

4 (4) "department" means Department of Health and
5 Welfare;

6 (5) "individual sewerage system" means a single
7 system of piping, tanks or other facilities serving only a
8 single property and disposing of sewage or industrial wastes
9 of a liquid nature, or both, in whole or in part on or in the
10 soil of the property or into any waters of this state;

11 (6) "individual water supply system" means a sin-
12 gle system of piping, tanks or other facilities utilizing a
13 source of ground or surface water to supply only a single
14 property;

15 (7) "lot" means a part of a subdivision or a par-
16 cel of land used as a building site or intended to be used
17 for building purposes, whether immediate or future, which
18 would not be further subdivided;

19 (8) "municipality" means a borough, city, village,
20 district service area or other public body created by or pur-
21 suant to state law, or any combination thereof acting cooper-
22 atively or jointly;

23 (9) "official plan for water supply and sewerage
24 systems" or "area-wide plan" means a comprehensive plan for
25 providing an urban area or areas with community water supply
26 or sewerage systems, or both, adopted by a borough and ap-
27 proved by the department as provided herein;

28 (10) "studies" means surveys, investigations,
29 inquiries, research, and analyses;

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(11) "urban area" means a borough, or municipality or densely populated area, together with outlying parts of the area on the outskirts of or surrounding the borough, the municipality or densely populated area, including the rural periphery or environs, which form an economic and socially related region, taking into consideration such factors as present and future population trends, patterns of urban growth, location of transportation facilities and systems, geographical factors affecting the location of utility systems, and distribution of industrial, commercial, residential, governmental, and institutional activities.

Sec. 46.20.060. SHORT TITLE. This Act may be cited as the Alaska Urban Water Supply and Sewerage Systems Control Act.