

CITY OF HOMER
HOMER, ALASKA

ORDINANCE 90-24(A)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, REPEALING AND REENACTING IN ENTIRETY CHAPTER 14.04. 14.05 and 14.08 OF THE HOMER CITY CODE.

WHEREAS, the Public Works Department has been working closely with EPA Region 10 and the City's attorney for nearly eight months to formulate regulations in order to meet the requirements of the Clean Water Act; and

WHEREAS, the proposed regulations are a requirement of EPA/ADEC as part of the City's Clean Water Act Grant Funding for the new sewer treatment plant; and

WHEREAS, in addition to these regulatory requirements relative to industrial pretreatment and discharge, the regulations were developed to insure compliance with the City's Deep Shaft Technology, Inc. Warranty Agreement; and

WHEREAS, the fish processors at the Harbor seasonally use a larger volumes of water that will not be come into the City's domestic sewer system (the current rate for domestic sewer systems is \$3.17 per thousand gallons of water consumed), currently there is no mechanism to bill the fish processors for their domestic sewage other than by total water consumption meter data; and

WHEREAS, the recommendation of staff is that these fish processors install separate water meters on their domestic water lines and from this meter data the customer will be billed monthly.

NOW, THEREFORE, BE IT ORDAINED by the City of Homer, Alaska that Chapter 14.04, 14.05 and 14.08 of the Homer City Code are Repealed and Reenacted as follows:

Title 14

PUBLIC SERVICES*

Chapters:

<u>14.04</u>	<u>Sewage - General Provisions</u>
<u>14.05</u>	<u>Sewage - Industrial Pretreatment and Discharge</u>
<u>14.08</u>	<u>Water Rules and Regulations</u>

Chapter 14.04

SEWAGE**

Sections:

- 14.04.010 Definitions.
- 14.04.020 Connection--Required.
- 14.04.030 Sewage rental collection--Disconnection for nonpayment.
- 14.04.040 Sewer rate schedule.
- 14.04.050 Sewer connections and extensions.
- 14.04.055 Sewer connection and extension permit fee.
- 14.04.060 Disposition of revenue.
- 14.04.070 Destruction of private sewage disposal systems.
- 14.04.080 Sewage or industrial waste disposal permit--Requirements.
- 14.04.090 Discharge of surface drainage into public sewer.
- 14.04.100 Appeals.

14.04.010 Definitions. For the purposes of this chapter the following words and phrases shall have the meanings respectively ascribed to them by this section:

a. "Apartment" means a room, or suite of rooms, occupied by one family doing its cooking therein.

b. "Automobile camp" means land or premises used for occupancy by campers traveling by automobile or otherwise, or for occupancy by trailers, tents or movable or temporary dwellings, rooms or sleeping quarters of any kind.

c. "Automobile court" means a group of two or more detached or semidetached buildings, containing guest rooms or apartments with automobile storage space, serving such rooms or apartments provided in connection therewith, or without such automobile storage space, which group is used primarily for the accommodation of automobile travelers; including such groups designated as auto cabin, motor lodge, motel or by similar designations.

d. "Biochemical oxygen demand" or "BOD" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard procedure in 5 days at 20 degrees Centigrade, expressed in milligrams per liter.

e. "Club" means an association primarily organized for some common, nonprofit purpose, including lodges and fraternal orders, but not including groups organized primarily to render a service which is customarily carried on as a business.

f. "Domestic sewage" means waste containing human or animal excreta, other than industrial waste.

* For statutory provisions authorizing municipalities to provide water services, see A.S. 29.35.200.

** Prior ordinance history: Ordinances 70-7, 72-8, 72-10, 76-15 and 76-17.

g. "Dwelling group" means a group or row of detached or semidetached dwellings occupying a parcel of land in one ownership and having a yard or court in common, including bungalow courts, but not including automobile court.

h. "Industrial plant" means a plant or works producing waste material, other than domestic sewage.

i. "Industrial waste" means liquid or solids contained within a liquid, other than domestic sewage.

j. "Mobile home park" means land or premises used for occupancy by trailers, mobile homes, and modular structures of a permanent or semipermanent nature.

k. "Multiple dwelling" means a building occupied by three or more families, each living independently as a separate housekeeping unit, including apartment houses, apartment hotels and flats.

l. "One-family dwelling" means a detached building containing only one kitchen and occupied by one family exclusively.

m. "Premises" means a lot, parcel of land, building or establishment.

n. "Sewage" means a combination of liquid or water carried human waste conducted away from residences, business buildings and institutions, which is known as domestic sewage, together with the liquid or water carried waste resulting from a manufacturing process employed in industrial establishments, including the washing, cleaning or drain water from such process or establishment, which is known as industrial waste.

o. "Sewer connection" means that part of the sewage collections system between the sewer main and the abutting property.

p. "Sewer extension" means that part of the sewage collection system extending from the sewer connection system into the premises served.

q. "Two-family dwelling" means a building occupied by two families exclusively, living independently of each other. (Ord. 87-28 §§6, 7, 1988; prior code §14-300.1).

14.04.020 Connection--Required a. No person shall erect any dwelling or commercial or industrial building, except as such may be specifically exempted under the City Code, without providing sewage facilities and connection to the City sewer system; provided, that such connection need not be made if the proposed alternative sanitary facility shall have been approved by the Alaska Department of Environmental Conservation as providing adequate disposal of wastes and continues to function as approved.

b. After October 1, 1973, no person shall occupy and no person shall own, maintain or control any structure or premises used as a home, apartment, or other living quarters unless the structure is connected to the City sewer; nor, after October 1, 1973, shall any person occupy, maintain or control any structure or premises used for any commercial, industrial or business use unless the structure is connected to sewer; provided, however, that the provisions of this subsection shall not apply if the existing sanitary facilities shall have been approved by the Alaska

Department of Environmental Conservation as providing adequate disposal of wastes and continues to function as approved.

c. All septic tanks now in use or hereafter constructed within the City shall meet the specifications of the Alaska Department of Environmental Conservation, and no septic tank shall be hereinafter constructed without obtaining written approval from the Alaska Department of Environmental Conversation. Vaults, privies, and cesspools shall not be considered adequate sanitary facilities. (Ord. 85-3, §2, 1985; prior code §14-300.12).

14.04.030 Sewage rental collection--Disconnection for nonpayment. a. Sewage rentals specified in this chapter shall be charged, collected and enforced in the same manner, at the same time and by the same person as are the charges for water furnished by the City, and the amount thereof shall be included in the total amount due for water. All provisions of the City Code applicable to the charge, collection and enforcement of rates for water furnished by the City are made applicable to this chapter. All sewer rentals due and unpaid shall become a lien against the property served.

b. In the event of any person neglecting, failing or refusing to pay the rental charges established by or pursuant to this chapter, by the tenth day of the month following the month for which sewage rental charges are due, or in the event of any person neglecting, failing or refusing to comply with any applicable provision of this chapter or rule or regulation of the City of any duly authorized requirement of the City Manager, the City Manager shall cause the water service to be discontinued by the disconnection of the connection of the premises of the person to the City water system.

c. In the event of the disconnection of any water service because of failure of the person affected by such disconnection to pay the sewage rental charges, such person shall pay to the City a charge of five dollars in addition to any sewage rental charges due before the premises of such person shall be again connected with the water system and served with City water. (Prior code §14-300.7).

14.04.040 Sewer rate schedule. All sewer utility services shall be billed according to the following schedule. This schedule is for monthly sewer service and is in addition to any charges for connecting or disconnecting the service, installation of the service or any assessments of the improvements.

a. Sewer Rate Schedule.

<u>Customer Class</u>	<u>Cost per Thousand Gallons Water Consumed</u>
Industrial, commercial, restaurants and bakeries	\$4.67
All other domestic-strength discharges	\$3.17

Other nondomestic-strength
discharges

\$2.56 + \$.00211 mg/1 BOD

Charges for restaurants and bakeries are computed at a BOD strength of one thousand mg/1; charges for domestic strength dischargers are computed at a BOD strength of two hundred ninety mg/1. If characteristics of restaurants or bakeries would lead to the conclusion that BOD strengths average an amount different than one thousand mg/1, then, after measurement and/or negotiation with the City, a different BOD strength will be used to compute wastewater charges.

b. Sewer System Dischargers Who are not Water System Users. For sewer system dischargers who are not water system users the rate shall be negotiated, but not less than fourteen dollars and twenty-six cents per month.

c. Seasonal Adjustment for Residential Customers. Residential customers' sewer system charges during the months of June, July and August of each year will be based upon each customer's average monthly water consumption during the preceding months of September through May of each year. Provided, however, that the City Manager may, upon a written finding of a system-wide unusual water consumption pattern, decide to omit either or both September or May from the calculation of average monthly water consumption.

d. Domestic sewer service customers that use large quantities of City water for industrial processing in addition to their domestic use shall be allowed, with the Public Works Director's approval, to install an additional water meter on the domestic water use line for the purpose of metering and charging for domestic sewer system use. Sewer system use will be billed monthly.

14.04.050 Sewer service connections and extensions.

a. Sewer connections to the City sewer system shall be installed only by a City-approved contractor or agent, and then only upon payment of fees as prescribed by the City.

b. No person shall install a sewer extension or connection without first obtaining a written permit from the City.

c. All work and materials must meet the standards and specifications as described in Title 13 of this code, and the State of Alaska Department of Labor Occupational Safety and Health Standards.

d. The customer requesting a new sewer connection or sewer extension shall provide all materials, labor, and equipment for the excavation, connection and installation of the sewer line. (Ord. 87-28 §8. 1988).

14.04.055 Sewer connection and extension permit fee.

a. The sewer connection and extension permit fee shall include all inspection and administrative costs. All other fees for deferred services, in lieu of assessments and necessary right-

of-way permits shall be in addition to the permit fee.

b. The sewer connection and extension permit fee shall be two hundred dollars. All sewer connections and extensions shall be inspected by the Public Works Department. The customer shall make arrangements with the Public Works Department at least twenty-four hours in advance for all required inspections.

c. The customer shall pay for any necessary right-of-way permit fees. The fees are as follows:

	<u>City</u> <u>Right-of-way</u>	<u>State</u> <u>Right-of-way</u>
Minor	\$ 5.00	\$ 100.00
Major	25.00	450.00

Major city right-of-way permits involve the review of project plans and specifications. Additional permit fees may be charged at permit execution for special inspections or reviews.

d. The customer requesting a sewer connection or sewer extension which requires a deferred service, or in lieu of assessment payment, shall pay a fee as determined by the Finance Department. (Ord. 87-28 §9, 1988).

14.04.060 Disposition of revenue. One hundred percent of each monthly bill for sewer service shall be deposited in the central treasury of the City and accounted for in the sewer utility fund. (Ord. 85-3 §3, 1985: prior code §14-300.8).

14.04.070 Destruction of private sewage disposal systems. All septic tanks, cesspools, privies, or vaults shall be earth filled or destroyed within sixty days after connection to the City sewer system, unless specifically exempted from such requirement by the City Manager. (Prior code §14-300.3)

14.04.080 Sewage or waste disposal permit--Requirements.

a. Each person having, or who in the future shall have, a one-family dwelling with a sewer connection connecting with the sewer system of the City is hereby granted a permit to discharge domestic sewage from such one-family dwelling. All other persons owning or occupying any other premises in the City which is now served, or which in the future shall require service, by a connection with the City sewer system, whereby domestic sewage, industrial wastes, or both, are disposed of by the City, shall obtain from the City Clerk, a permit to discharge such sewage.

b. Application for a permit to discharge domestic sewage or industrial waste by an industrial user that is not a significant industrial user as defined in Section 14.05.115(19) shall be in writing and shall contain, among other things, the following information:

1. The name and address of the applicant.
2. The proposed location of connection.
3. The character of waste or sewage proposed to be

discharged.

4. Other information that may be deemed to be necessary by the City Manager or his or her designee.

- c. In the event that the City Manager finds and determines:
1. That such wastes will not result in damage to the sewer system; and
 2. That the pipeline in which the connection has discharged, or is to discharge, has efficient capacity for the disposition of these wastes;

then the City Clerk shall issue a permit to the applicant as requested. (Prior code §14-300.4).

d. The City Manager or his or her designee may revoke, modify or impose conditions upon the permit as necessary to ensure that the waste will not result in damage to the sewer system.

14.04.090 Discharge of surface drainage into public sewer.

No connections shall be made to any public sewer or house lateral for the purpose of conducting any storm water, or any surface or underground drainage into the sewer, and no person shall discharge into any public sewer or house lateral any leader pipe from a roof, surface drain, underground drain or any solid or liquid waste other than the sewage composed of the ordinary liquid wastes of residences, business building and institutions from baths, toilets, laundries, wash tubs, sinks and floor drains. (Prior code §14-300.9)

14.04.100 Appeals. a. Any person who is dissatisfied with the action of the City Manager or his or her designee under this chapter in denying a permit or granting a permit where conditions are imposed or in modifying or revoking a permit, or with any other order in which the person may be affected, may, within thirty days from the date of such action, appeal to the City Council by giving notice thereof to the City Clerk. In event of such appeal, the City Manager shall transfer to the City Council a report setting forth the reason for denying the permit, requiring a change therein, imposing conditions prior to granting the same, modifying or revoking the permit, or the reason for any other order affecting the person appealing.

b. The City Council shall have full power to review any action on the part of the City Manager under this chapter, or any order made by him, and the determination of the City Council shall be final. (Prior code §14-300.11).

CHAPTER 14.05

SEWAGE - INDUSTRIAL PRETREATMENT AND DISCHARGE

ARTICLE 1 - GENERAL PROVISIONS

14.05.110 PURPOSE. The purpose of this Chapter is to:

1. Identify users subject to pretreatment requirements.
2. Prohibit the discharge into the City Sewer Treatment works (STW) of any substance that would prevent the City from satisfying limitations contained in its NPDES Permit or that would otherwise violate Federal or State law.
3. Prohibit the discharge into the STW of any substance which could, by its nature or quantity, damage the STW or its operation or jeopardize the safety or health of STW workers.
4. Prevent the introduction of any substance into the City STW which will interfere with the operation of the STW or contaminate the resulting sludge.
5. Provide for regulation of direct and indirect contributors to the STW through the issuance of permits to certain non-domestic users of the STW and through enforcement of general requirements for all users; and
6. Establish monitoring and enforcement activities to ensure that these purposes are achieved.

14.05.115 DEFINITIONS. In this Chapter, unless otherwise provided, or the context otherwise requires, the following words and phrases shall have the meaning set forth below:

1. "Act" means the Federal Water Pollution Control Act and the Clean Water Act, Pub. L. No. 92-500, as amended, codified at 33 U.S.C. §1251 et seq.
2. "Biochemical oxygen demand" or "BOD" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard procedure in 5 days at 20 degrees Centigrade, expressed in milligrams per liter.
3. "City" means the City of Homer's duly authorized agent or representative.
4. "City Manager" means the City Manager of the City of Homer or the person designated by the City Manager to administer this Chapter.
5. "Control manhole" means a manhole through which the total

facility industrial wastewater flows, and which contains installed equipment for wastewater sampling and flow measurement.

6. "Cooling water" means the water discharged from any use such as air conditioning, cooling or refrigeration, or water to which the only pollutant added is heat.
7. "Discharge" means the direct or indirect introduction into the STW of pollutants from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act or under this ordinance. Holding tank waste introduced into the STW is a discharge.
8. "Industrial user" means an industrial or commercial establishment that introduces or causes the entry into the STW of nondomestic wastewaters having the characteristics of industrial wastes, or any other source of nondomestic pollutant introduced or discharged into the STW.
9. "Industrial wastes" means solid, liquid or gaseous waste resulting from any industrial, manufacturing, trade, or business process or from the development, recovery or processing of natural resources.
10. "Liquid-Waste Hauler (LWH)" means any person or business engaged in the activity of pumping, hauling, transporting and dumping of permitted wastes defined as septic tank pumpings, portable-toilet pumpings, food service grease traps, and sludge from domestic wastewater treatment plants and lagoons, at a Public Owned Treatment Works (POTW).

LWH's are herein classified as Significant Industrial Users (SIU's), as determined by EPA, and are subject to the National Pretreatment Program (NPP) and must obtain an Industrial Wastewater Acceptance Notification (IWAN) from the City prior to disposal of permitted waste into the Sewer Treatment Works (STW).

11. "Mass limitations" means limitations applied to a discharge which are relative to quantity rather than quality or concentration.
12. "NPDES Permit" means a National Pollutant Discharge Elimination System permit issued to the STW pursuant to Section 402 of the Act.
13. "National categorical pretreatment standards" means the standards established in any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency in accordance with Section 307(b) or (c) of the Act and which apply to a specific category of industrial users.

14. "pH" means the logarithm of the reciprocal of hydrogen ion activity expressed in moles per liter.
15. "Pollutant" means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, industrial, municipal, marine and agricultural waste discharged into the STW, or any other substance discharged into the STW which, if discharged directly would alter the chemical, physical, biological, or radiological integrity of the water.
16. "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the STW.
17. "Receiving waters" means those waters into which wastes are discharged.
18. "Sewage" means water-carried human wastes or a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface, storm or other waters as may be present.
19. "Sewage treatment works" or "STW" means the Sewage Treatment Plant of the City of Homer, and the sewers and conveyance appurtenances discharging to and from the Sewage Treatment Plant.
20. "Significant industrial user" means an industrial user of the City wastewater disposal system who meets any one of the following criteria:
 - (1) Is subject to or potentially subject to national pretreatment standards promulgated under Section 307(b) or (c) of the Act;
 - (2) Has in its wastes any priority toxic pollutants listed in 40 CFR 401.15 or 40 CFR Part 403 or listed by the City Manager;
 - (3) Has in its wastes toxic pollutants as defined pursuant to Section 307 of the Act or regulations promulgated thereto;
 - (4) Has a discharge flow of ten thousand (10,000) gallons or more of wastewater per average work day;

- (5) Has a flow greater than 5 percent of the flow into the STW or of the design pollutant loading capacity of the STW, or;
- (6) Is determined by the City Manager to have a significant impact or potential for significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the STW effluent quality, or air emissions generated by the STW.
21. "Slug load" means any substance released in a discharge at a rate or concentration which causes inhibition or disruption of the STW, its treatments, or its operation, or causes the STW to violate its NPDES permit.
22. "Stormwater" means any flow occurring during or following any form of natural precipitation and resulting therefrom.
23. "Suspended Solids" means the total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquids, and which is removable by laboratory filtering.
24. "Toxic Pollutant" means any pollutant or combination of pollutants listed as toxic by the Administrator of the Environmental Protection Agency under the provisions of Section 307 of the Act, 40 CFR 401.15, 40 CFR Part 403, or listed as toxic by the City Manager.
25. "Upset" means an exceptional incident in which a user unintentionally and temporarily is in a state of noncompliance with the standards adopted under this ordinance or established as part of the user's IWAN, due to factors beyond the reasonable control of the user, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operations thereof.
26. "User" means any person who contributes, causes or permits the contribution of wastewater into the STW. "User" includes industrial users and significant industrial users.

14.05.120 ABBREVIATIONS.

AAC	Alaska Administrative Code
ADEC	Alaska Department of Environmental Conservation
CFR	Code of Federal Regulations
EPA	Environmental Protection Agency
IWAN	Industrial Wastewater Acceptance Notification
L	Liter

<u>LWH</u>	<u>Liquid-Waste Hauler</u>
mg	Milligram
mg/L	Milligram per Liter
NPDES	National Pollutant Discharge Elimination System
O&M	Operations and Maintenance
ppm	Parts per million
STW	Sewage Treatment Works
SIC	Standard Industrial Classification
SIU	Significant Industrial User

14.05.125 FEES. The City Manager may establish a schedule of fees and charges for users, applications, interpretations, permits, inspections, release of information and other actions of the City under this Chapter.

ARTICLE 2 - INDUSTRIAL FACILITIES OPERATION

14.05.210 WASTEWATER PRETREATMENT FACILITIES. a. Users shall provide such wastewater pretreatment as is necessary to comply with this Chapter and shall achieve compliance within the time limitations specified by the City. Facilities and equipment necessary to pretreat wastewater to meet the provisions of this Chapter shall be provided, operated and maintained at the user's expense.

b. Detailed drawings and specifications showing the pretreatment facilities and operating procedures shall be submitted to the City for review and approval before commencement of discharge into the STW. The review and approval of such drawings, specifications and operating procedures will not relieve the user of responsibility for modifying the facility as necessary to meet the provisions of this Chapter.

c. Any changes in the pretreatment facilities or method of operation to be made after approval of the plans by the City must be reported to the City of Homer Department of Public Works for approval before the changes are made.

14.05.215 IWAN REQUIRED FOR SIGNIFICANT INDUSTRIAL USERS. No significant industrial user (SIU) may connect to or remain connected to the STW, or otherwise introduce or cause the entry of waste into the STW after (date of ordinance adoption), without first obtaining an Industrial Wastewater Acceptance Notification (IWAN).

14.05.220 APPLICATION FOR INDUSTRIAL WASTEWATER ACCEPTANCE.

a. All significant industrial users shall complete and file with the City an application for industrial wastewater acceptance. An existing significant industrial user shall file an application within 30 days of notification by the City. A proposed new significant industrial user shall file an application at least 90 days prior to connecting to the STW.

b. The application for industrial wastewater acceptance shall be made in writing on forms provided by the City and shall include:

1. The name, mailing address and physical location of the SIU facility including the names of the operator and owner;
2. The Standard Industrial Classification (SIC) number of the SIU according to the Standard Industrial Classification Manual of the U.S. Bureau of the Budget, 1972, as amended;
3. A list of all environmental permits held by or for the SIU facility;

4. A description of each product produced by type, amount, process or processes and rate of production, and a description of the type and amount of chemicals and raw materials utilized in the process (average and maximum amounts per day);
 5. Site plans, floor plans, mechanical and plumbing plans and details of the SIU facility showing all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation;
 6. A description of the SIU operations, including a description of activities, facilities and plant process on the premises, and a description of all materials which are or may be discharged into the STW and the time and duration of such discharges;
 7. A description of the average daily and instantaneous peak wastewater flow rates, in gallons per day, including daily, monthly and seasonal variations, if any, and time and duration of discharges;
 8. A listing of existing and anticipated wastewater constituents and their characteristics, which shall include but is not limited to, those substances identified in this Chapter or possessing characteristics identified in this Chapter, as determined by chemical and biological analyses performed by a laboratory certified by the Alaska Department of Environmental Conservation (ADEC).
 9. A description of the nature, quantity and concentration of all pollutants or materials limited or prohibited by this Chapter, that are discharged or are anticipated to be discharged into the STW, together with a statement regarding whether or not compliance with this Chapter is being or will be achieved on a consistent basis and if not, whether additional operation and maintenance activities or additional pretreatment is necessary for the SIU to comply with these rules;
- c. Where additional pretreatment or additional operation and maintenance activities are necessary to comply with these rules, the SIU shall comply with the following requirements:
1. The SIU shall provide to the City, with its application, a plan containing the shortest schedule by which the user will provide such additional pretreatment and implement such additional operational and maintenance activities as are necessary to comply with these rules.
 2. The schedule shall contain milestone dates for the

commencement and completion of major events leading to the construction and operation of additional pretreatment required for the discharger to comply with the requirements of these rules including, but not limited to, dates relating to hiring an engineer registered in the State of Alaska, hiring other appropriate personnel, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, and other acts necessary to achieve compliance with these rules.

3. The schedule is subject to the approval of the City Manager. Neither the entire schedule nor any step may exceed a reasonable time as determined by the City Manager; and no single major step may exceed nine months.
4. No later than 14 days following each milestone date in the schedule and the final date for compliance, the SIU shall submit a progress report to the City including a Statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with that increment of progress, the reasons for delay, and the steps being taken by the SIU to return the construction to the approved schedule. In no event may more than 9 months elapse between such progress reports to the City. Failure to adhere to the 9-month deadline will result in disconnection of sewer service.

d. The application and, where necessary, the schedule of additional pretreatment or operational and maintenance activities shall be signed by a principal executive officer of the SIU.

14.05.225 MATERIALS AND SUBSTANCES PROHIBITED IN STW.

a. No user may discharge or cause to be discharged into the STW, except as authorized in an IWAN issued by the City, any wastewater containing concentrations of pollutants in excess of the following:

<u>Pollutant</u>	<u>Limit (mg/L)</u>
Arsenic	0.1
BOD	500
Cadmium	0.085
Chromium - Total	4.31
Chromium - Hexavalent	4.0
Copper	1.0
Cyanide	0.3
Lead	0.54
Mercury	0.002
Nickel	0.74
Silver	0.09
Suspended solids	500
Zinc	2.78

The limitations listed above apply to the total discharge from a user exclusive of sanitary wastewater. Wherever a discharger is subject to both a National categorical pretreatment standard and a local limit for a given pollutant, the more stringent shall apply.

b. No user may discharge or cause or permit to be discharged into the STW, the following wastes or waters:

1. Any stormwater, surface water or runoff, groundwater, roof runoff, subsurface drainage, cooling water or other unpolluted water.
2. Any water or wastes which contain more than 100 ppm by weight of fat, oil or grease.
3. Any solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the STW, including, but not limited to, ashes, cinders, sand, mud, metal, feathers, glass, rags, wood, plastics, lime, slurry, lime residues, chemical residues, paint or ink residues or bulk solids. Particle size of any allowed substance is limited to one half (1/2) inch in any dimension.
4. Any liquids, solids or gases including but not limited to gasoline, diesel oil, oil, benzene, naphtha, fuel, mineral spirits or solvent that by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the operation of STW, or jeopardizing the safety of STW workers.
5. Any wastes or waters containing toxic or poisonous substances in quantities or concentrations determined by the City Manager to constitute a hazard to humans or animals, to interfere with any sewage treatment process, to create any hazard in the waters receiving discharge from the STW, or to exceed Federal categorical pretreatment standards.
6. Any wastes or waters having a pH lower than 5.0 or higher than 11.0 at any time, or having any corrosive property capable of causing damage or hazard to structures, equipment and personnel of the STW.
7. Any waters containing quantities of radioactive substances in excess of limits for drinking water established by State and Federal regulations.

8. Any substance with objectionable color not removed by the STW, including, but not limited to, excess fly ash, dye wastes and vegetable tanning solutions.
9. Any liquids, gases, or solids that are noxious or malodorous or that either singly or in interaction with other substances would cause a public nuisance or hazard to life or health, or would prevent safe entry into the STW for its maintenance and repair.
10. Any substance that may cause the STW treatment residues, sludges, incinerator ash or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
11. Any heat or heat producing substances which when combined with other substances will inhibit biological activity in the STW.
12. Any substance that will cause the city to violate its NPDES permit, State disposal system standards, or receiving water quality standards.
13. Any fish cleaning and waste products, and fish processing wastewater .
14. Any wastewater in violation of a State of Alaska discharge limitation, including, but not limited to, "Solid Waste Management Regulations," 18 AAC 60; "Water Quality Standards," 18 AAC 70; and "Wastewater Disposal Regulations," 18 AAC 72.
15. Any wastewater in violation of a Federal Categorical Pretreatment Standard, or any other standard established by the City Manager.

14.05.230 MONITORING FACILITIES a. A SIU shall provide and operate at the SIU's own expense a monitoring facility to allow inspection, sampling and flow measurement of each sewer discharge to the STW. Each monitoring facility shall be situated on the SIU's premises, except where such a location would be impractical or cause undue hardship on the user, the City may authorize the facility to be constructed in the public street or sidewalk area provided that the facility is located so that it will not be obstructed by landscaping, parked vehicles, or other moveable or fixed objects.

b. There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the discharger.

c. All monitoring facilities shall be constructed and

maintained in accordance with the Homer City Code, Title 13, Standard Construction Practices and the Uniform Plumbing code.

d. The City Manager may waive the requirements of this Section to provide and operate a monitoring facility upon formal request of the SIU if the City Manager determines that adequate inspection, sampling, and flow measurement of each industrial wastewater discharge can be conducted without a monitoring facility.

14.05.235 CONTROL MANHOLE a. A SIU who discharges or proposes to discharge industrial waste into the STW shall construct and maintain a control manhole to allow inspection, sampling and flow measurement of each industrial wastewater discharge to the STW.

b. Any other industrial user shall, at the request of the City Manager, construct and maintain a control manhole to allow inspection, screening, sampling and flow measurement of each industrial wastewater discharge to the STW.

c. Each control manhole must be located on the user's premises; except if the City Manager determines that such a location will be impractical or cause undue hardship on the user, it may allow the control manhole to be located off the user's premises provided that the control manhole is located so that the control manhole is readily accessible and will not be obstructed by landscaping, parked vehicles, or other obstructions. There shall be ample room in and near the control manhole to allow accurate sampling and preparation of samples for analysis. The user shall maintain the control manhole in a safe and proper operational condition. The control manhole shall be accessible at all times.

d. To assure that the control manhole is acceptable for use by the City, drawings and specifications for the control manhole shall be submitted to the City Manager for review and approval with the application for an IWAN or upon request of the City Manager.

e. The requirements of this section may be waived by the City upon formal request of the user if the City Manager determines that adequate inspection, sampling, and flow measurement, of each industrial wastewater discharge of the user can be conducted without a control manhole.

f. The City may have access to the control manhole for the purpose of inspection and sampling, including flow measurement, upon request, and without the need for a search warrant.

14.05.240 INSPECTION AND SAMPLING. a. The City is authorized to enter to inspect and take samples from the control manholes, monitoring facilities, and wastewater pretreatment facilities and to inspect and copy records of a SIU to determine compliance with the requirements of this Chapter. The SIU shall allow the City's representatives, upon exhibiting proper credentials and identification to enter upon the premises of the user at reasonable hours, for the purposes of inspection, sampling or inspection and copying of records. Reasonable hours include any time the SIU is

operating any process which results in the introduction of wastewater into the STW.

b. The City may set up on the SIU property such devices as are necessary to conduct sampling, inspection, compliance monitoring or metering operations.

14.05.245 DILUTION PROHIBITED. A user may not increase the use of potable or process water or, in any way, dilute or attempt to dilute a discharge as a substitute for treatment to achieve compliance with the limitations contained in this Section or with any other applicable standard, limitation, or regulation. The City Manager may impose mass limitations on users that are or may be using dilution to meet the requirements of this Section, or in other cases where the imposition of mass limitations is deemed appropriate by the City Manager.

14.05.250 ACCIDENTAL DISCHARGES AND SLUG LOADS. a. Each user shall provide adequate protection from the accidental discharge of prohibited or regulated materials or substances established by this Chapter. Any facilities or equipment necessary to prevent the accidental discharge of prohibited materials shall be provided and maintained at the user's expense.

b. Users shall notify the City Manager immediately upon the occurrence of an accidental discharge of substances prohibited by this Chapter or of any other discharge that could impair or interfere with the STW, including a slug load. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume and corrective actions taken. In addition, the user shall immediately notify the (ADEC) of the discharge.

c. Within 5 days following a discharge described in this section, the user shall submit to the City Manager a detailed written report describing the cause of the discharge or slug load and measures to be taken by the user to prevent similar future occurrences.

d. Such written notifications shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the STW; nor shall such notification relieve the user of any fines, civil penalties or other liabilities which may be imposed by this Section or any other applicable law.

e. The report required by this section shall be signed by a principal executive officer of the user, or his or her designee.

14.05.255 OPERATING UPSETS. a. A user who experiences an upset in operations that places the user in noncompliance with this Chapter shall inform the City Manager of the upset within 24 hours of becoming aware of the upset. A written follow-up report thereof shall be filed by the user with the City Manager within 5 days of notification. The report shall include:

1. A description of the upset, the cause thereof and the upset's impact on the user's compliance status;

2. Duration of noncompliance, including exact dates and time of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur;
3. All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.

b. A documented timely reported and verified bona fide operating upset shall, to the extent reported, be an affirmative defense to any criminal enforcement action brought by the City against the user for any noncompliance with the provisions of this Chapter which arises out of violations alleged to have occurred during the period of the upset.

ARTICLE 3 - RECORDS AND REPORTING

14.05.310 INDUSTRIAL WASTEWATER ACCEPTANCE NOTIFICATION.

a. The City Manager shall notify the SIU or proposed SIU of the City's acceptance of its application by issuing an Industrial Wastewater Acceptance Notification (IWAN). The IWAN shall contain such terms and conditions as the City Manager determines are necessary to achieve the purposes of this Chapter. Issuance of an IWAN constitutes authorization to connect to the STW. If the City Manager rejects the application, he shall notify the applicant in writing of the rejection of the application. The City Manager may require the user to submit additional information prior to accepting or rejecting the application. The City of Homer Department of Public Works will evaluate the application and data furnished by the user and may require additional information. Within 30 days after evaluation of a complete application for industrial wastewater acceptance, the City shall notify the applicant of the acceptance or the rejection of the application.

b. The IWAN shall include the following:

1. Fees and charges to be paid upon initial permit issuance;
2. Limits on the average and maximum wastewater constituents and characteristics regulated thereby;
3. Limits on average and maximum rate and on time of discharge and/or requirements for flow regulations and equalization.
4. Requirements for installation and maintenance of inspection and sampling facilities;
5. Compliance schedules;

6. Self-monitoring requirements;
7. Requirements for submission of any technical reports or discharge reports in addition to those prescribed by this Chapter.
8. Special conditions as the City may reasonably require under particular circumstances of a given discharge including sampling locations, frequency of sampling; number, types and standards for sampling and testing, reporting schedules, and City inspection and sampling;

c. The City reserves the right to amend an IWAN issued hereunder in order to assure compliance with applicable laws and regulations.

d. When a National Categorical Pretreatment Standard is promulgated, the City shall revise the IWAN of each user subject to such standard to assure compliance with such standard within the time frame prescribed by such standard. If the user has not previously submitted an application for an IWAN, the user shall submit an application for an IWAN to the City within one hundred eighty days after the effective date of the applicable National Categorical Pretreatment Standard or such shorter time as may be required to meet State or Federal requirements. A user for whom an IWAN is in effect shall submit to the City within one-hundred-eighty days after the promulgation of the applicable National Categorical Pretreatment Standard the information required by Section 14.05.220.

e. The City shall inform the IWAN holder of any proposed changes in its IWAN at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

f. The IWAN is issued to a specific user for a specific operation in a specific location and is not assignable to another user or transferable to another location; provided, the IWAN may be transferred to a successor to the use in a specific location with the prior written approval of the City.

g. An IWAN expires 5 years after the date of its issuance and may be amended, modified and revoked at any time as provided in this Chapter.

h. Each SIU shall be subject to issuance of a new IWAN with appropriate modifications if it changes the process or the wastewater characteristics. Any changes or new conditions in the IWAN shall include a reasonable time schedule for compliance.

14.05.315 REPORTING REQUIREMENTS - GENERAL. a. Initial compliance report. Within 90 days following the date of issuance of an IWAN to a SIU, or within 90 days following the deadline for compliance with an applicable national categorical pretreatment standard, the SIU shall submit to the City a report indicating the

nature and concentration of all prohibited or regulated substances contained in its discharge into the STW, and the average and maximum daily flow of wastewater into the STW in gallons. The report shall state whether applicable pretreatment standards or requirements are being met on a consistent basis and, if they are not, the report shall specify in conformity with Section 14.05.220(c) what additional operations and maintenance or pretreatment measures are necessary to bring the discharger into compliance with applicable pretreatment standards or requirements.

b. Biannual compliance report. A user to which an IWAN is issued shall submit to the City a biannual report. The report shall be filed two times a year, on or before January 31 and on or before July 31 of each year, and shall cover activities during the six months preceding the month in which the report is due. The report shall state the nature and concentration of discharged substances regulated by this Chapter. The report shall include a record of all daily flows during the reporting period. Flows shall be reported on the basis of actual measurement, however, where cost or feasibility considerations justify, the City may accept reports of average and maximum flows, estimated by verifiable techniques. The City Manager may for good cause shown, considering such factors as local high or low flow rates, holidays, budget cycles, or other extenuating factors, authorize the submission of said reports for different periods of time.

c. Notice of substantial change in discharge. All users shall promptly notify the City in advance of any substantial change in the volume or character of the pollutants in their discharge.

d. Reports required by this section shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentration of substances in the discharge, or production and mass where required by the City. The reports shall contain such additional information as is required by the user's IWAN, and shall be based on the self-monitoring requirements contained in the user's IWAN. Reports and statements shall be signed by an authorized representative of the discharger.

e. All sampling and analyses shall be performed in accordance with sampling and analytical procedures required by 43 CFR Section 403.12 or approved by the administrator of the U.S. Environmental Protection Agency or by the City Manager.

14.05.320 REPORTING REQUIREMENTS FOR INDUSTRIAL USERS SUBJECT TO FEDERAL CATEGORICAL PRETREATMENT STANDARDS. Upon the establishment by the EPA of a Federal Categorical Pretreatment Standard, all industrial users subject to the Federal Categorical Pretreatment Standard shall submit to the City such report as required under Federal regulations, 40 CFR, Section 403.12 within the time specified in that section. The City will process all required reports and will conduct follow-up on such reports as required.

14.05.325 RECORDS RETENTION. Each user subject to this Chapter shall retain and preserve for 3 years all records, including books, documents, memoranda, reports, correspondence and all summaries thereof, relating to its discharge, including all monitoring, sampling and chemical analyses made by or in behalf of the user in connection with its discharge. All records that pertain to matters that are the subject of administrative adjustment or any other enforcement or litigation actions brought by the City shall be retained and preserved by the user until all enforcement activities have concluded and the time for appeal has expired.

14.05.330 CONFIDENTIAL TREATMENT OF INFORMATION AND DATA. The user may request that information and data furnished to the City with respect to any proprietary process of the user be treated as a confidential submission. If the City determines that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the user, it shall keep the information and data confidential and shall not disclose the information, except where release is otherwise required by law and except for release to a city, State or Federal agency with jurisdiction over the user's discharge for uses related to the user's compliance with city, State and Federal water pollution regulations. Otherwise, the information and data shall be available to the public or other governmental agency without restriction. Wastewater constituents and characteristics will not be recognized as confidential information.

14.05.335 FALSIFYING INFORMATION. No person may knowingly make any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Chapter, or falsely tamper with, or knowingly render inaccurate any monitoring device or method required under this Chapter.

ARTICLE 4 - ENFORCEMENT

14.05.410 EMERGENCY SUSPENSION OF SERVICE AND OF INDUSTRIAL WASTEWATER ACCEPTANCE a. Upon notice to the user and a reasonable opportunity for an informal hearing, the City [may] shall order the suspension of STW service to a user, or [may] shall withdraw the IWAN of a user when it appears to the City that an actual or threatened discharge:

1. Presents or threatens to present an imminent or substantial danger to the health or welfare of persons or substantial danger to the environment;
or

2. Interferes or threatens to interfere with the operation of the STW, or
3. Violates or threatens to violate any pretreatment limits imposed by this Chapter or by the IWAN.

b. A user notified of the City's suspension order shall immediately cease all discharges into the STW. If the discharger fails to comply with the suspension order, the City [may] shall commence judicial proceedings to compel the user's compliance with such order or to recover civil penalties. The City shall reinstate the IWAN and the STW service upon proof by the user of the elimination of the noncomplying discharge or conditions creating the threat that led to the suspension order.

14.05.415 TERMINATION OF TREATMENT SERVICES. a. A user may not:

1. Fail to report the wastewater constituents and characteristics of its discharge;
2. Fail to report significant changes in wastewater constituents or characteristics;
3. Refuse reasonable access pursuant to a search warrant or other court order to the user's premises by the City for the purpose of inspection, sampling or copying; or
4. Violate any other provisions of this Chapter, or any order of the City with respect thereto.

b. The City may terminate wastewater treatment service by shutting off the public water supply to any discharger who violates any of the foregoing prohibitions.

14.05.416 CITY OF HOMER; RIGHT OF ACCESS. If a user refuses to grant a right of entry, the City may seek a search warrant or order from the superior court compelling the user to submit to entry, inspection, sampling and copying.

14.05.420 NOTIFICATION OF VIOLATION; APPEAL. Whenever the City determines that a user has violated or threatens to violate the prohibitions of this Chapter or any permit, plan, or IWAN authorized or issued under this Chapter, the City shall cause to be served upon such user a written notice, either personally or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. Within 15 days of the date of receipt of the notice, the user may respond personally or in writing by certified or registered mail, return receipt requested, to the City, advising of its position with respect to the allegations. The user shall be given the opportunity to meet with the City or respond to the alleged violations and to propose a plan

to correct the alleged violations. The City shall issue a written decision determining whether there is a violation and, if necessary, whether the proposed plan is acceptable.

14.05.425 SHOW CAUSE HEARING. If a violation of this Chapter is not corrected by administrative adjustment under Section 14.05.420, then the City Manager [may] **shall** order the user to show cause why service should not be terminated or other enforcement action, including imposition of a civil penalty, should not be taken. A written notice shall be served on the user by personal service, or by certified or registered mail, return receipt requested, specifying the time and place of the hearing to show cause. The notice of the hearing shall be served no less than 10 days before the hearing. Service may be made on any agent, officer or authorized representative of the discharger. After the hearing, the City Manager shall issue a written decision which may include appropriate orders with respect to the violations of the Chapter and may include a civil penalty in accordance with Section 14.05.435. The City Manager's decision constitutes final administrative action for purposes of judicial review.

14.05.430 ADMINISTRATIVE INTERPRETATION. Any person may request in writing an interpretation or ruling by the City on any matter covered by this Chapter and is entitled to a prompt written reply. In the event that such inquiry is by a user and deals with matters of performance or compliance with this Chapter for which enforcement activity is pending, receipt of a user's request shall not stay the enforcement activity.

14.05.435 CIVIL PENALTIES. A user who violates an order of the City or who fails to comply with any provision of this Chapter or a regulation, rule or permit of the City issued pursuant to this Chapter, shall be liable to the City of Homer for a civil penalty not-to-exceed one thousand dollars (\$1,000.00) per violation. Each day a violation continues constitutes a separate violation. Such penalties may be recovered by judicial actions or, to the extent permissible by State law, by administrative procedures.

14.05.440 CRIMINAL PENALTIES. A person who violates any requirement of this Chapter or any permit, IWAN or other authorization issued under this Chapter is guilty of a misdemeanor and shall be fined not more than (\$1,000.00) one thousand dollars per violation or imprisoned for 90 days or both. Each day a violation continues constitutes a separate violation.

14.05.445 RECOVERY OF COSTS INCURRED BY THE CITY. A user who violates any of the provisions of this Chapter, or who discharges or causes a discharge producing in interference with, deposit in, or obstruction of the STW, or who causes damage to or impairs the City's STW shall be liable to the City for any expense, loss or damage caused by such violation or discharge. The City shall bill the user for the cost incurred by the City for any cleaning, repair

or replacement work caused by the violation or discharge. Refusal to pay the assessed costs is a violation of this Chapter.

Chapter 14.08

WATER RULES AND REGULATIONS*

Sections:

14.08.010	Purpose.
14.08.020	Definitions.
14.08.030	Water connections and extensions.
14.08.035	Water connection and extension permit.
14.08.040	Private water systems--Connection permits--Fees.
14.08.050	Condition of service--Rule making authority.
14.08.060	Frozen pipes--City not liable.
14.08.070	Discontinuance of supply.
14.08.080	Schedule of rates--Rules and regulations.
14.08.090	Schedule of rates outside of the City limits.
14.08.091	Rates--Renters' and lessees' deposits.
14.08.100	Tanker truck and fire hydrant water sales rates.
14.08.110	Violation--Penalty.

14.08.010 Purpose. It is the intent of this chapter to establish rules and regulations for the operation of the Homer Water System, and to provide a means for obtaining funds for the operation, repair, maintenance, replacement and indebtedness payments from revenues produced by the system, and to provide a

14.08.020 Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings set forth below:

a. "Water connection" means that part of the water system between the water main and the abutting property.

b. "Water extension" means that part of the water distribution system extending from the water connection into the premises served.

c. "Water main" means that part of the water distribution system intended to serve more than one water connection. (Ord. 87-28 §10, 1988; prior code §14-200.2).

14.08.030 Water connections and extensions. a. Water connections to the City water mains shall be installed only by a City-approved contractor and then only upon payment of fees as prescribed by the City.

b. No person shall install a water extension or connection without first obtaining a written permit from the City.

* Prior ordinance history: Ordinances 14-200.1, 76-15 and 77-1. schedule of water utility rates. (Prior code §14-200.1).

c. All work and materials must meet the standards and specifications as described in Title 13 of this code, and the State of Alaska Department of Labor Occupational Safety and Health Standards.

d. The customer requesting a new water connection or water extension shall provide all materials, labor and equipment for the excavation, connection and installation of the water line. (Ord. 87-28 §11, 1988).

14.08.035 Water connection and extension permit fee. a. The water connection and extension permit fee shall include all inspection and administrative costs. All other fees for meter lease, deposit, deferred services, in lieu of assessments and necessary right-of-way permits shall be in addition to the permit fee.

b. The water connection and extension permit fee shall be two hundred and fifty dollars. All water connections and extensions shall be inspected by the Public Works Department. The customer shall make arrangements with the Public Works Department at least twenty-four hours in advance for all required inspections.

c. All water shall be metered. Only one meter shall be issued to each lot except where the Public Works Director has given approval for installation of an additional water meter pursuant to §14.04.040(d). The one-time lease fee for a water meter shall be as follows:

<u>Size of Meter</u>	<u>Fee</u>
5/8"	\$ 68.00
3/4"	83.00
1"	115.00
1½"	400.00
2"	640.00

Lease fees for meters larger than two inches shall be determined by the Public Works Director (actual costs plus fifteen percent).

d. The customer shall pay for any necessary right-of-way permit fees. These fees are as follows:

	<u>City</u> <u>Right-of-Way</u>	<u>State</u> <u>Right-of-Way</u>
Minor	\$ 5.00	\$100.00
Major	25.00	450.00

Major City right-of-way permits involve the review of project plans and specifications. Additional permit fees may be charged at permit execution for special inspections or reviews.

e. The customer requesting a water connection or water extension which requires a deferred service or in lieu of assessment payment, shall pay a fee as determined by the Finance Department. (Ord. 87-28 §12, 1988).

14.08.040 Private water systems--Connection permits--Fees

a. No person shall construct any private water main which will be served directly or indirectly by the City water distribution system without first obtaining a written permit from the City under and outlining conditions prescribed by the City. The fee for such permits shall be as prescribed by the City.

b. No person shall install any water connection to any private water main which will be served directly or indirectly by the City water distribution system without first obtaining a written permit from the City under and outlining conditions prescribed by the City. The fee for such permit shall be as prescribed by the City.

c. No person shall install any water extension from a water connection of any private water main which will be served directly or indirectly by the City water distribution system without first obtaining a written permit from the City under outlining conditions prescribed by the City. The fee for such permit shall be as prescribed by the City. (Prior code §14-200.4).

14.08.050 Condition of service--Rule making authority.

a. No person shall be served directly or indirectly by the City water distribution system unless the person so served, or his authorized representative, has first entered into contract with the City for such services.

b. The collector of revenue for the City is empowered to discontinue water service for nonpayment of any utility service charges, connection fees and related charges.

c. The City Manager is empowered, subject to approval of the Council, to make such rules and regulations not in conflict with other provisions of this Code relative to water mains, connections, and extensions which will be served directly or indirectly by the City water distribution system or to water billings and collections as are necessary to protect public property, or the safety and health of the public, and no person shall fail to comply with any such rule or regulation. Billing procedures shall be established from time to time by such rules or regulations, and a copy of such billing procedure, together with current water utility rates, shall be available for public inspection during business hours at the City Hall offices. (Prior code §14-200.5).

14.08.060 Frozen pipes--City not liable. Customers will be responsible for all frozen water connections and extensions, and the City will not be responsible therefore. The City will maintain all water connections, except for damages resulting from freezing. (Prior code §14-200.6).

14.08.070 Discontinuance of supply. Water may at any time be shut off from water mains without notice for repairs, extensions or other necessary purposes. The City will not be liable to the customer for any loss or damage which may be caused

by failure of the City to deliver water. Whenever feasible the City shall give public notice of shutoffs, but shall not be bound to do so. (Prior code §14-200.7).

14.08.080 Schedule of rates--Rules and regulations.

a. The following schedule of rates shall be effective January 16, 1989. This schedule supersedes all previous water rate schedules. All water utility services shall be billed according to the following schedule. This schedule is for monthly water consumption and is in addition to any charges for connecting or disconnecting the service, installation of the service or any assessments for the improvements.

RATES FOR METERED WATER SERVICE

<u>Description</u>	<u>Residential</u>	<u>Commercial</u>	<u>Public Authority</u>	<u>Spit</u>
Commodity charge per 1,000 gal.	\$2.13	\$2.13	\$2.13	\$2.13
Service charge per month, meter size in inches:				
5/8	\$ 18.85	\$ 28.94	\$ 20.15	\$ 60.85
3/4	22.57	37.73	24.31	88.97
1	30.00	55.29	32.63	145.05
1-1/2	54.66	105.42	59.79	288.32
2	81.01	162.20	88.97	459.90
3	145.05	297.17	159.20	856.12
4	224.65	477.59	247.64	1,415.08
6	408.60	916.27	454.60	2,830.15

Service Establishment and Discontinuance

A charge of ten dollars shall be made for establishing and discontinuing water service. This fee shall be in addition to all other charges.

b. The City Manager shall enact and promulgate, with Council approval, all necessary rules and regulations and amendments thereto, which shall govern the sale, service and use of water by the City. Sufficient copies of such rules and regulations shall be filed with the City Clerk for public information purposes.

c. The City Manager shall have printed a sufficient number of copies of the water rate schedule approved and adopted by the City and the copies shall be available for public use upon demand at the office of the City Clerk. (Ord. 88-23 §1, 1988: Ord. 86-16 §1, 1986).

14.08.090 Schedule of rates outside of the City limits.

a. All rates and charges set forth in Section 14.08.080 shall apply to water service provided outside the City limits.

b. In addition to rates and charges set forth in Section 14.08.090(a), the following monthly surcharge shall be levied, based on meter size, to recover from outside-City ratepayers the water system costs of providing public fire suppression service:

<u>Meter Size</u> (inches)	<u>Monthly</u> <u>Surcharge</u>
5/8	\$ 8.45
3/4	9.26
1	10.94
1-1/2	20.21
2	28.49
3	50.49
4	75.73
6	109.43

(Ord 88-23 §2, 1988: Ord. 85-22 §2, 1985).

14.08.091 Rates--Renters' and lessees' deposits.

a. This schedule is for renters/lessees connecting to a service, and is in addition to all other charges:

<u>Meter Size</u> (inches)	<u>Deposits</u>	
	<u>Residential</u>	<u>Nonresidential</u>
5/8	\$ 75.00	\$ 220.00
3/4	80.00	230.00
1	90.00	250.00
1-1/2	115.00	310.00
2	150.00	370.00
3	220.00	525.00
4	310.00	730.00
6	520.00	1,225.00

b. The deposit will be according to meter size and description. The deposit will be refunded fourteen days after the date of disconnection or applied to the customers account if a balance is still due.

c. The above schedule of deposits required shall be effective March 22, 1985. (Ord. 85-22 §3, 1985).

14.08.100 Tanker truck and fire hydrant water sales

a. The following rates shall be effective July 16, 1985.

b. The minimum charge for each month shall be the same as

the service charge for five-eighths-inch metered water. The commodity charge per thousand gallons shall be consistent with the user's purpose and the current rate structure.

c. For tanker truck water sales, a two dollar-and-fifty-cent service charge shall be paid per tanker truck fill-up, except that there shall be no such charge for the first fill-up each month.

d. The schedule for meter deposits in Section 14.08.091, Rates--Renters' and Lessees' Deposits, shall apply to all metered fire hydrant connections. All charges under Section 14.08.090 also apply. For services in addition to connection and disconnection, the hourly service-call rates will apply. (Ord. 85-22 §4, 1985).

14.08.110 Violation--Penalty. The violation of any provision contained in this chapter shall be punished under Section 1.16.010. (Ord. 81-20 §1, 1981: prior code §14-200.11).

DATED THIS 24th DAY OF July 1990.

CITY OF HOMER

John P. Calhoun
JOHN P. CALHOUN, MAYOR

ATTEST:

Patti J. Whalin
PATTI J. WHALIN, CMC
CITY CLERK

Approved as to form and content:

C. E. Swackhammer
C. E. SWACKHAMMER
CITY MANAGER

Gordon J. Tans
GORDON J TANS
CITY ATTORNEY

FIRST READING: 6/25/90
PUBLIC HEARING: 7/9/90
SECOND READING: 7/23/90
EFFECTIVE DATE: 7/24/90