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OCT 14 1993

CITY OF HOMER, ALASKA

PERKINS COIE

ORDINANCE 93- 19(A)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOMER AMENDING CHAPTER 14.04 OF THE CITY CODE TO AUTHORIZE THE CITY TO PROVIDE SEWER SERVICE OUTSIDE CITY BOUNDARIES AND TO REGULATE THE SAME

WHEREAS, the City provides sewer services to City residents through an established sewer collection and treatment system; and

WHEREAS, the City is authorized to provide sewer services outside its boundaries by AS 29.35.020, and may regulate their use and operation outside its boundaries to the extent the jurisdiction in which they are located does not regulate them; and

WHEREAS, the Kenai Peninsula Borough does not provide or regulate the provision of sewer services in the area surrounding the City, and Kachemak City provides sewer services under agreement with the City of Homer;

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Section 14.04.105 of the Homer City Code is hereby created to read as follows:

Extraterritorial services. a. No sewer service shall be provided beyond the boundaries of the City except upon approval granted by the City Council.

b. An application for sewer service to a proposed service area beyond the boundaries of the City shall be presented in writing to the City Clerk, and shall include the following information:

1. The name and address of each applicant.

2. The legal description of the property proposed for service; the area of the property; and a description of the sections, townships, and ranges in which the property is located.

3. A map of the proposed service area shown on U.S. Geological Survey

topographical maps, scale 1:63,360, showing the proposed service area, the city boundary, and any existing city sewer service outside the boundaries of the City within one mile of the proposed service area.

4. The current and any proposed or anticipated future use of each lot and tract in the proposed service area.

5. The character and volume of the proposed sewage to be discharged from each lot and tract in the proposed service area.

6. The signature of each applicant, and the signatures of the owners' of more than half of the lots and tracts in the proposed service area signifying consent to inclusion in the service area.

7. Other information the City Council or City Manager deems necessary to enable the City to evaluate the application.

c. The Public Works Department shall evaluate the application and report to the City Council whether the City sewer system has adequate capacity to efficiently dispose of the additional discharge; whether the proposed discharge poses any significant risk of damage to the sewer system; whether any modifications to the sewer system will be required by the proposed sewer service area; an estimate of the cost of any construction required by inclusion of the new service area; any technological problems caused by the proposal; and any other information that will assist the City Council.

d. The Finance Department shall evaluate and report to the City Council the fiscal impact that will result from inclusion of the proposed service area, including costs of construction, other expenditures, and anticipated revenues.

e. The City Council may grant the application if it determines that:

1. The inclusion of the proposed service area will not pose a significant risk of damage to the sewer system;

2. The sewer system has adequate capacity to efficiently dispose of the additional discharge;

3. No long term negative fiscal impact will result;

4. No significant technological or other problems would be caused by inclusion of the proposed service area; and

5. The proposed service area is in the city's service area authorized by the Alaska Public Utilities Commission Certificate of Public Convenience and Necessity, or the City is willing to seek amendment of the certificate to include the proposed service area; or

6. In lieu of one or more of the determinations required by subparagraphs 1 through 4, the Council may determine that the benefit to the public health, safety or welfare of the residents of the City is sufficiently great to outweigh the absence such determinations.

f. Approval of a service area beyond the boundaries of the City does not grant any person the right to connect to the sewer system. Each sewer extension or connection requires a written permit from the City pursuant to section 14.04.050.

g. The following provisions of the City Code apply to sewer service areas outside the boundaries of the City:

1. All of Chapter 14.04, except 14.04.020.

2. All of Chapter 14.05.

3. All of Chapter 14.12.

4. All of Chapter 14.13.

5. All of Chapter 14.16.

6. All of Chapter 14.20.

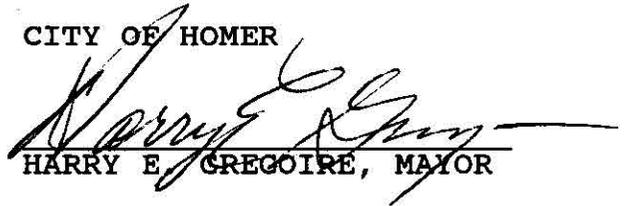
7. All of Chapter 14.30.

h. The City may charge higher rates to customers outside the city boundary than to customers inside the city boundary.

Section 2. This ordinance is of a permanent and general character and shall be included in the City code.

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this 11<sup>th</sup> day of October, 1993.

CITY OF HOMER

  
HARRY E. GREGOIRE, MAYOR

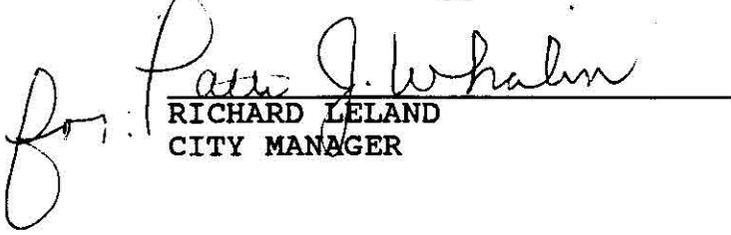
ATTEST:

  
MARY L. SHANNON, CITY CLERK  
*CALHOVN*

AYES: 4  
NOES: 0  
ABSTAIN: 0  
ABSENT: 0

First Reading: 9/13/93  
Public Hearing: 9/27/93  
Second Reading: 10/11/93  
Effective Date: 10/12/93

Reviewed and approved as to form and content:

  
RICHARD LELAND  
CITY MANAGER

  
GORDON J TANS  
CITY ATTORNEY