

CITY OF HOMER
HOMER, ALASKA

Administration

ORDINANCE 95-19

AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
ALASKA ADDING HOMER CITY CODE SECTION
14.08.105 TO REGULATE RESALE OF WATER FROM
THE CITY WATER UTILITY AND ESTABLISHING RATES
FOR WATER PURCHASED FOR RESALE.

WHEREAS, all users of City water should pay a share of the debt service, capital replacement costs, and customer service costs, regardless of whether the users are directly connected to the water utility or purchase City water from resellers of the water; and

WHEREAS, H.C.C. §14.08.100 addresses resales of City water provided by tanker trucks and fire hydrants, but does not address non-bulk resale and other methods of resale of City water.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. A new section 14.08.105 is hereby added to the Homer City Code to read as follows:

14.08.105 Resale of water. a. No person shall resell water provided by the City water system unless that person has first registered with the City Planning Department as a reseller of water. The City may revoke a person's privilege to resell water for violation of this section.

b. All City water purchased by a customer for resale to others shall be charged at the rates established in §14.08.100. The surcharge established in §14.08.100(b) shall be paid on all water resold to others, regardless of whether the customer has a standard service account.

c. A reseller of City water shall submit a monthly report of the quantity of water resold to others on a form approved by the City. The report shall be received by the City Finance Department within 15 days after the end of each month. The report shall be signed under penalty of perjury. A report is subject to audit by the City for a period of three years.

d. A reseller of City water shall keep accurate records of the quantity of water sold to others. Such records shall be kept for a minimum of three years. The reseller of City water shall provide such records to the City for examination upon request during normal business hours.

e. If a reseller of City water fails to submit required reports or fails to keep accurate records and make them available to the City, the City may make a reasonable estimate of the quantity of water resold to others. The reseller shall pay the required rates for the quantity so estimated. In such case the City's estimate is presumed to be correct and may be overcome only by clear and convincing proof to the contrary.

f. The reporting and record keeping requirements of subsections c. through e. do not apply to resale of bulk water purchased from the City under §14.08.100 when (1) the quantity of water purchased is directly determined by the City and (2) the customer pays the rates established in §14.08.100, including the surcharge established in subsection b. of that section, on all such water.


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

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HOMER
this 28th day of August, 1995.

CITY OF HOMER


HARRY E. GREGOIRE, MAYOR

ATTEST:


MARY L. CALHOUN, CITY CLERK

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YES: 5
NO: 0
ABSTAIN: 0
ABSENT: 1

First Reading: 7/24/95
Public Hearing: 8/14/95
Second Reading: 8/28/95
Effective Date: 8/29/95

Reviewed and Approved as to form and content:

Patti J. Whalin
PATTI J. WHALIN, CITY MANAGER

Gordon J. Tans
GORDON J. TANS, CITY ATTORNEY

DATE: 8/29/95

DATE: 9-1-95

NO FISCAL NOTE REQUIRED AT THIS TIME