

CITY OF HOMER  
HOMER, ALASKA

City Attorney

ORDINANCE 97-12

AN ORDINANCE OF THE CITY OF HOMER AMENDING  
CHAPTERS 14.04 AND 14.08 OF THE CITY CODE  
AUTHORIZING THE ADOPTION OF RULES AND  
REGULATION FOR THE WATER AND SEWER UTILITIES OF  
THE CITY.

WHEREAS, authority to adopt rules and regulations for the City water utility is contained  
in both HCC 14.08.050(c) and HCC 14.08.080(c); and

WHEREAS, authority to adopt rules and regulations for the City sewer utility is not  
expressly stated, but is implied by HCC 14.04.030(a); and

WHEREAS, the City desires to clarify any ambiguities created by the foregoing facts.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. A new section 14.04.110 shall be added to the Homer City Code to read as  
follows:

**14.04.110 Rule-making authority. a. The City Manager is empowered , subject to approval of the Council, to make rules ad regulations not inconsistent with law, for the administration of the City sewer system; relating to sewer treatment, mains, connections, extensions, and other facilities of the utility; relating to billings, collections, and enforcement; for the protection of public health, safety, and welfare; governing the sale and use of sewer service provided by the City; and as otherwise may be necessary for the safe, efficient, and proper operation of the City sewer system.**

**b. No person shall fail to comply with any rule or regulation adopted under the authority of this section.**

**c. A copy of all rules and regulations adopted under the authority of this section, together with current utility rates, shall be made available for public inspection during business hours at City Hall.**

Section 2. A new section 14.08.055 shall be added to the Homer City Code to read as  
follows:

**14.08.055 Rule making authority. a. The City Manager is empowered, subject to approval of the Council, to make rules and regulations not inconsistent with law, for the administration of the City water system; relating to water treatment, mains, connections, extensions, and other facilities of the utility; relating to billings, collections, and enforcement; for the protection of public health, safety, and welfare; governing the sale and use of water**

51 service provided by the City; and as otherwise may be necessary for the safe, efficient, and  
52 proper operation of the City water system.

53 b. No person shall fail to comply with any rule or regulation adopted under the  
54 authority of this section.

55 c. A copy of all rules and regulations adopted under the authority of this section,  
56 together with current utility rates, shall be made available for public inspection during  
57 business hours at City Hall.  
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59 Section 3. Section 14.08.050 is amended by the repeal of section c:

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

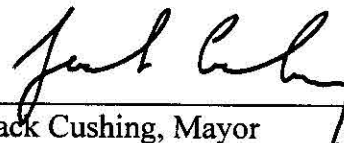
70 Section 4. Section 14.08.080 is amended by the repeal of subsection c:

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

75 Section 5. This ordinance is of a permanent and general character and shall be included in  
76 the City Code.

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78 Enacted by the City Council of the City of Homer, Alaska, this 27<sup>th</sup> day of  
79 October, 1997.

80  
81 City of Homer

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86 Jack Cushing, Mayor

87 Attest:

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89 Mary L. Calhoun, City Clerk  
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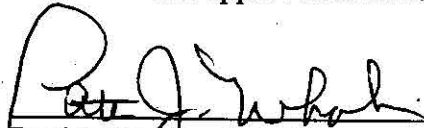
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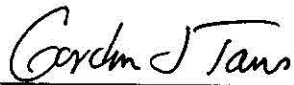
AYES: 6  
NOES: 0  
ABSTAIN: 0  
ABSENT: 0

First Reading: 10-13-97  
Public Hearing: 10-27-97  
Second Reading: 10-27-97  
Effective Date: 10-28-97

Reviewed and approved as to form:

  
Patti J. Whalin, City Manager

Date: 10-28-97

  
Gordon J. Tans, City Attorney

Date: 31 October 1997