

**Title 14
PUBLIC SERVICES**

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Chapter 14.04 SEWAGE – GENERAL PROVISIONS

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Prior legislation: Ords. 70-7, 72-8, 72-10, 76-15, 76-17, 85-3, 87-28 and 06-50(S); Code 1967 §§ 14-300.1 – 14-300.12.

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:

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

“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.

“Automobile court” means a group of two or more detached or semi-detached 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 to cabin, motor lodge, motel or by similar designations.

“Biochemical oxygen demand” or “BOD” means the quantity of oxygen utilized in the biochemical

oxidation of organic matter under standard procedure in five days at 20 degrees centigrade, expressed in milligrams per liter.

“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.

“Domestic sewage” means waste containing human or animal excretion, other than industrial waste.

“Duplex dwelling” means a building designed or arranged to be occupied by two families living independently, the structure having only two dwelling units.

“Dwelling” or “dwelling unit” means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, for not more than one family.

“Industrial plant” means a plant or works producing waste material, other than domestic sewage.

“Industrial waste” means liquid or solids contained within a liquid, other than domestic sewage.

“Mobile home park” means a parcel of land developed and operated as a unit with individual sites and facilities to accommodate two or more mobile homes.

“Multiple-family dwelling” means a building or portion thereof designed for occupancy by three or more families living independently in separate dwelling units which may or may not share common entrances and/or other spaces.

“Premises” means a lot, parcel of land, building or establishment.

“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.

“Sewer connection” means that part of the sewage collection system between the sewer main and the abutting property.

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

“Single-family dwelling” means a detached dwelling unit with kitchen and sleeping facilities, designed for occupancy by one family. [Ord. 95-21(S)(A) §§ 5, 6, 8, 9, 14, 1995; Ord. 90-24(A), 1990].

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. 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 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 provision 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 systems now in use or hereafter constructed within the City shall meet the specifications of the Alaska Department of Environmental Conservation.
- d. Notwithstanding subsections (a) and (b) of this section, watertight vaults are allowed if City sewer is not available, under the following conditions:
1. Soil conditions prohibit the installation of an on-site drainfield.
 2. The vault holds minimum design quantities required by DEC.
 3. The tank is regularly pumped to prevent overflow.
- e. The City sewer is considered as not available to a structure when the nearest City sewer is located more than 200 feet from any point on the boundary of the lot or parcel of land on which the structure is located. Sewer connection will be required within one year of sewer becoming available.
- f. Cesspools and privies shall not be considered adequate sanitary facilities. [Ord. 13-17(S) § 19, 2013; Ord. 94-17(A), 1994; Ord. 90-24(A), 1990].

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 or 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 \$5.00 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. [Ord. 90-24(A), 1990].

14.04.040 Sewer rate schedule.

a. Sewer utility services shall be billed according to the schedule set forth by resolution of the

Homer City Council and shall be reviewed annually and amended, as necessary, to take effect as of the date set forth by resolution.

b. Domestic sewer service customers who use large quantities of City water 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. Refer to Sewer Meter Policy.

c. The City will allow, upon approval by Public Works and a permit from the Planning Department, a second water usage meter to measure the flow of City water that is not discharged to the sewer system. [Ord. 13-30(A) § 1, 2013; Ord. 09-22(A)(S)(A) § 1, 2009; Ord. 00-02 § 1, 2000; Ord. 98-11 § 1, 1998; Ord. 97-17(A), 1997; Ord. 97-14, 1997; Ord. 97-7, 1997; Ord. 97-5(S)(A) § 1, 1997; Ord. 95-31(A), 1995; Ord. 91-9(S) § 2, 1991; Ord. 90-24(A), 1990].

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 HCC Title 13, 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. 90-24(A), 1990].

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 an amount determined by Council resolution and set forth in the City of Homer fee schedule. 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 24 hours in advance for all required inspections.
- c. The customer shall pay for any necessary right-of-way permit fees in an amount determined by Council resolution and set forth in the City of Homer fee schedule. 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. 04-04 § 1, 2004; Ord. 90-24(A), 1990].

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. 90-24(A), 1990].

14.04.070 Destruction of private sewage disposal systems.

All septic tanks, cesspools, privies, or vaults shall be earth filled or destroyed within 60 days after connection to the City sewer system, unless specifically exempted from such requirement by the City Manager. [Ord. 90-24(A), 1990].

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 HCC [14.05.115](#) 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; and
 4. Other information that may be deemed to be necessary by the City Manager or his designee.
- c. In the event that the City Manager finds and determines that:
1. Such wastes will not result in damage to the sewer system; and
 2. The pipeline in which the connection has discharged, or is to discharge, has sufficient capacity for the disposition of these wastes, then the City Clerk shall issue a permit to the applicant as requested.
- d. The City Manager or his 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. [Ord. 00-25, 2000; Ord. 90-24(A), 1990].

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 stormwater 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 buildings and institutions from baths, toilets, laundries, wash tubs, sinks and floor drains. [Ord. 90-24(A), 1990].

14.04.100 Appeals – Board of Appeals – Notice of appeal.

- a. Any person who is dissatisfied with the action of the City Manager or his 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 appeal to the Board of Appeals, comprised of the Mayor and members of the City Council, by giving notice thereof to the City Clerk.
- b. An appeal to the Board of Appeals must be filed within 30 days of the order or decision appealed from, after which the order or decision is unappealable. Untimely appeals will not be accepted. A notice of appeal must be filed in writing with the City Clerk and be accompanied by the appeal fee as set forth by Council ordinance or resolution in the City of Homer fee schedule. The notice must contain:
1. Name and address of the permittee;

2. A copy of the order or decision being appealed;
3. A statement of the grounds for appeal that must include detailed and specific allegations of error and references to applicable provisions of the City Code or other law. [Ord. 05-43(A), 2005].

14.04.105 Appeals – Procedure.

- a. All appeals must be heard by the Board of Appeals within 60 days from the day the appeal is filed. The appeal must be decided within a reasonable time after the hearing.
- b. The City Clerk must prepare a record for the Board of Appeals consideration. The City Clerk must mail the permittee a notice when the record is complete. The record must be paginated and include the following, if they exist:
 1. The permittee's applicable permit file;
 2. Complaints, notices and correspondence regarding the administrative hearing;
 3. All exhibits and documents received;
 4. Any orders or written decisions.
- c. The permittee must be given 15 days' notice of the appeal hearing by first class mail to the address stated in the notice of appeal.
- d. The permittee and the City Manager or other administrative official may file simultaneous written briefs not later than seven days before the appeal hearing. They may be represented by counsel. The Board of Appeals may hear oral arguments from the parties if the Board determines it will be helpful to the Board.
- e. An electronic recording shall be kept of the entire appeal proceeding. The hearing will be conducted in public, but the Board of Appeals may deliberate and decide the matter in executive session.
- f. The Board of Appeals will issue a written decision including its findings and reasons supporting its decision. Copies of the Board of Appeals decision shall be promptly mailed to all parties participating in the appeal. [Ord. 05-43(A), 2005].

14.04.110 Appeal to Superior Court.

A final decision of the Board of Appeals may be appealed to the Superior Court no later than 30 days following the date the decision of the Board of Appeals is first mailed to the permittee. An appeal to the court must be filed according to the applicable court rules. [Ord. 05-43(A), 2005].

14.04.115 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 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 subsections (e)(1) through (4) of this section, 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 of 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 HCC [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](#) HCC, except HCC [14.04.020](#).
 2. All of Chapter [14.05](#) HCC.
 3. All of Chapter [14.12](#) HCC.
 4. All of Chapter [14.13](#) HCC.
 5. All of Chapter [14.16](#) HCC.
 6. All of Chapter [14.20](#) HCC.
 7. All of Chapter [14.30](#) HCC.
- h. The City may charge higher rates to customers outside the City boundary than to customers inside the City boundary. [Ord. 05-43(A), 2005; Ord. 93-19(A), 1993].

14.04.120 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 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. [Ord. 05-43(A), 2005; Ord. 97-12 § 1, 1997].

14.04.130 Violation – Penalty.

The penalty for an offense in this chapter is the fine listed in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in HCC 1.16.040, then the defendant must appear in court and, if convicted, is subject to the general penalty as provided in HCC 1.16.010 unless another penalty is specifically provided. [Ord. 18-11 § 12, 2018].

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“Mobile home park” means a parcel of land developed and operated as a unit with individual sites and facilities to accommodate two or more mobile homes.

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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. 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 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 provision 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 systems now in use or hereafter constructed within the City shall meet the specifications of the Alaska Department of Environmental Conservation.
- d. Notwithstanding subsections (a) and (b) of this section, watertight vaults are allowed if City sewer is not available, under the following conditions:
1. Soil conditions prohibit the installation of an on-site drainfield.
 2. The vault holds minimum design quantities required by DEC.
 3. The tank is regularly pumped to prevent overflow.
- e. The City sewer is considered as not available to a structure when the nearest City sewer is located more than 200 feet from any point on the boundary of the lot or parcel of land on which the structure is located. Sewer connection will be required within one year of sewer becoming available.
- f. Cesspools and privies shall not be considered adequate sanitary facilities. [Ord. 13-17(S) § 19, 2013; Ord. 94-17(A), 1994; Ord. 90-24(A), 1990].

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 or 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 \$5.00 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. [Ord. 90-24(A), 1990].

14.04.040 Sewer rate schedule.

a. Sewer utility services shall be billed according to the schedule set forth by resolution of the

Homer City Council and shall be reviewed annually and amended, as necessary, to take effect as of the date set forth by resolution.

b. Domestic sewer service customers who use large quantities of City water 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. Refer to Sewer Meter Policy.

c. The City will allow, upon approval by Public Works and a permit from the Planning Department, a second water usage meter to measure the flow of City water that is not discharged to the sewer system. [Ord. 13-30(A) § 1, 2013; Ord. 09-22(A)(S)(A) § 1, 2009; Ord. 00-02 § 1, 2000; Ord. 98-11 § 1, 1998; Ord. 97-17(A), 1997; Ord. 97-14, 1997; Ord. 97-7, 1997; Ord. 97-5(S)(A) § 1, 1997; Ord. 95-31(A), 1995; Ord. 91-9(S) § 2, 1991; Ord. 90-24(A), 1990].

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 HCC Title 13, 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. 90-24(A), 1990].

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 an amount determined by Council resolution and set forth in the City of Homer fee schedule. 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 24 hours in advance for all required inspections.
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- 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. 04-04 § 1, 2004; Ord. 90-24(A), 1990].

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. 90-24(A), 1990].

14.04.070 Destruction of private sewage disposal systems.

All septic tanks, cesspools, privies, or vaults shall be earth filled or destroyed within 60 days after connection to the City sewer system, unless specifically exempted from such requirement by the City Manager. [Ord. 90-24(A), 1990].

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 HCC [14.05.115](#) 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; and
 4. Other information that may be deemed to be necessary by the City Manager or his designee.
- c. In the event that the City Manager finds and determines that:
1. Such wastes will not result in damage to the sewer system; and
 2. The pipeline in which the connection has discharged, or is to discharge, has sufficient capacity for the disposition of these wastes, then the City Clerk shall issue a permit to the applicant as requested.
- d. The City Manager or his 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. [Ord. 00-25, 2000; Ord. 90-24(A), 1990].

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 stormwater 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 buildings and institutions from baths, toilets, laundries, wash tubs, sinks and floor drains. [Ord. 90-24(A), 1990].

14.04.100 Appeals – Board of Appeals – Notice of appeal.

- a. Any person who is dissatisfied with the action of the City Manager or his 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 appeal to the Board of Appeals, comprised of the Mayor and members of the City Council, by giving notice thereof to the City Clerk.
- b. An appeal to the Board of Appeals must be filed within 30 days of the order or decision appealed from, after which the order or decision is unappealable. Untimely appeals will not be accepted. A notice of appeal must be filed in writing with the City Clerk and be accompanied by the appeal fee as set forth by Council ordinance or resolution in the City of Homer fee schedule. The notice must contain:
 1. Name and address of the permittee;

2. A copy of the order or decision being appealed;
3. A statement of the grounds for appeal that must include detailed and specific allegations of error and references to applicable provisions of the City Code or other law. [Ord. 05-43(A), 2005].

14.04.105 Appeals – Procedure.

- a. All appeals must be heard by the Board of Appeals within 60 days from the day the appeal is filed. The appeal must be decided within a reasonable time after the hearing.
- b. The City Clerk must prepare a record for the Board of Appeals consideration. The City Clerk must mail the permittee a notice when the record is complete. The record must be paginated and include the following, if they exist:
 1. The permittee's applicable permit file;
 2. Complaints, notices and correspondence regarding the administrative hearing;
 3. All exhibits and documents received;
 4. Any orders or written decisions.
- c. The permittee must be given 15 days' notice of the appeal hearing by first class mail to the address stated in the notice of appeal.
- d. The permittee and the City Manager or other administrative official may file simultaneous written briefs not later than seven days before the appeal hearing. They may be represented by counsel. The Board of Appeals may hear oral arguments from the parties if the Board determines it will be helpful to the Board.
- e. An electronic recording shall be kept of the entire appeal proceeding. The hearing will be conducted in public, but the Board of Appeals may deliberate and decide the matter in executive session.
- f. The Board of Appeals will issue a written decision including its findings and reasons supporting its decision. Copies of the Board of Appeals decision shall be promptly mailed to all parties participating in the appeal. [Ord. 05-43(A), 2005].

14.04.110 Appeal to Superior Court.

A final decision of the Board of Appeals may be appealed to the Superior Court no later than 30 days following the date the decision of the Board of Appeals is first mailed to the permittee. An appeal to the court must be filed according to the applicable court rules. [Ord. 05-43(A), 2005].

14.04.115 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 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 subsections (e)(1) through (4) of this section, 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 of 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 HCC [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](#) HCC, except HCC [14.04.020](#).
 2. All of Chapter [14.05](#) HCC.
 3. All of Chapter [14.12](#) HCC.
 4. All of Chapter [14.13](#) HCC.
 5. All of Chapter [14.16](#) HCC.
 6. All of Chapter [14.20](#) HCC.
 7. All of Chapter [14.30](#) HCC.
- h. The City may charge higher rates to customers outside the City boundary than to customers inside the City boundary. [Ord. 05-43(A), 2005; Ord. 93-19(A), 1993].

14.04.120 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 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. [Ord. 05-43(A), 2005; Ord. 97-12 § 1, 1997].

14.04.130 Violation – Penalty.

The penalty for an offense in this chapter is the fine listed in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in HCC 1.16.040, then the defendant must appear in court and, if convicted, is subject to the general penalty as provided in HCC 1.16.010 unless another penalty is specifically provided. [Ord. 18-11 § 12, 2018].

Chapter 14.05
SEWAGE – INDUSTRIAL PRETREATMENT AND DISCHARGE

Sections:

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Article I. General Provisions

14.05.110 Purpose.

The purpose of this chapter is to:

- a. Identify users subject to pretreatment requirements;
- b. 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;
- c. 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;
- d. Prevent the introduction of any substance into the City STW which will interfere with the operation of the STW or contaminate the resulting sludge;
- e. Provide for regulation of direct and indirect contributors to the STW through the issuance of permits to certain nondomestic users of the STW and through enforcement of general requirements for all users; and
- f. Establish monitoring and enforcement activities to ensure that these purposes are achieved. [Ord. 90-24(A), 1990].

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:

“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.

“Biochemical oxygen demand” or “BOD” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard procedure in five days at 20 degrees centigrade, expressed in milligrams per liter.

“City” means the City of Homer’s duly authorized agent or representative.

“City Manager” means the City Manager of the City of Homer or the person designated by the City

Manager to administer this chapter.

“Control manhole” means a manhole through which the total facility industrial wastewater flows, and which contains installed equipment for wastewater sampling and flow measurement.

“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.

“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 chapter. Holding tank waste introduced into the STW is a discharge.

“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.

“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.

“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).

LWHs are herein classified as significant industrial users (SIUs), 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 STW.

“Mass limitations” means limitations applied to a discharge which are relative to quantity rather than quality or concentration.

“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.

“NPDES permit” means a National Pollutant Discharge Elimination System permit issued to the STW pursuant to Section 402 of the Act.

“pH” means the logarithm of the reciprocal of hydrogen ion activity expressed in moles per liter.

“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.

“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.

“Receiving waters” means those waters into which wastes are discharged.

“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.

“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.

“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 10,000 gallons or more of wastewater per average work day;
5. Has a flow greater than five 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.

“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.

“Stormwater” means any flow occurring during or following any form of natural precipitation and resulting therefrom.

“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.

“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.

“Upset” means an exceptional incident in which a user unintentionally and temporarily is in a state of noncompliance with the standards adopted under this chapter 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.

“User” means any person who contributes, causes or permits the contribution of wastewater into the STW. User includes industrial users and significant industrial users. [Ord. 90-24(A), 1990].

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
LWH	Liquid-Waste Hauler
mg	Milligram
mg/1	Milligrams 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

[Ord. 90-24(A), 1990].

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. [Ord. 90-24(A), 1990].

Article II. 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. [Ord. 90-24(A), 1990].

14.05.215 IWAN required for significant industrial users.

No SIU may connect to or remain connected to the STW, or otherwise introduce or cause the entry of waste into the STW, without first obtaining an industrial wastewater acceptance notification (IWAN). [Ord. 13-17(S) § 20, 2013; Ord. 90-24(A), 1990].

14.05.220 Application for industrial wastewater acceptance.

- a. All SIUs shall complete and file with the City an application for industrial wastewater acceptance. An existing SIU shall file an application within 30 days of notification by the City. A proposed new SIU 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 2012 North American Industry Classification System (NAICS) number of the SIU;
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 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 nine months elapse between such progress reports to the City. Failure to adhere to the nine-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. [Ord. 13-17(S) § 21, 2013; Ord. 90-24(A), 1990].

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:

Pollutant	Limit (mg/L)
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 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 solvents 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. [Ord. 90-24(A), 1990].

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 HCC 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. [Ord. 90-24(A), 1990].

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, he 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. [Ord. 90-24(A), 1990].

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. [Ord. 90-24(A), 1990].

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. [Ord. 90-24(A), 1990].

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 five 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. [Ord. 90-24(A), 1990].

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 five 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; and
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. [Ord. 90-24(A), 1990].

Article III. 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; and
 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 180 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 180 days after the promulgation of the applicable national categorical pretreatment standard the information required by HCC [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 five 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. [Ord. 90-24(A), 1990].

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 HCC [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 31st and on or before July 31st 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. [Ord. 90-24(A), 1990].

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. [Ord. 90-24(A), 1990].

14.05.325 Records retention.

Each user subject to this chapter shall retain and preserve for three 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 on 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. [Ord. 90-24(A), 1990].

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. [Ord. 90-24(A), 1990].

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. [Ord. 90-24(A), 1990].

Article IV. 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 shall order the suspension of STW service to a user, or 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 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. [Ord. 90-24(A), 1990].

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. [Ord. 90-24(A), 1990].

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. [Ord. 90-24(A), 1990].

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. [Ord. 90-24(A), 1990].

14.05.425 Show cause hearing.

If a violation of this chapter is not corrected by administrative adjustment under HCC [14.05.420](#), then the City Manager 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 HCC [14.05.435](#). The City Manager's decision constitutes final administrative action for purposes of judicial review. [Ord. 90-24(A), 1990].

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. [Ord. 90-24(A), 1990].

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 \$1,000 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. [Ord. 90-24(A), 1990].

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 per violation or imprisoned for 90 days or both. Each day a violation continues constitutes a separate violation. [Ord. 90-24(A), 1990].

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 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. [Ord. 90-24(A), 1990].

Chapter 14.08
WATER RULES AND REGULATIONS¹

Sections:

- [14.08.010](#) Purpose.
- [14.08.020](#) Definitions.
- [14.08.030](#) Water connections and extensions.
- [14.08.037](#) Water meters.
- [14.08.040](#) Private water systems – Connection permits – Fees.
- [14.08.050](#) Condition of service – Rule making authority.
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- [14.08.060](#) Frozen pipes – City not liable.
- [14.08.070](#) Discontinuance of supply.
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- [14.08.076](#) Water shortage or emergency declaration.
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- [14.08.080](#) Schedule of rates – Rules and regulations.
- [14.08.090](#) Schedule of rates outside of the City limits.
- [14.08.091](#) Service deposits.
- [14.08.100](#) Bulk water sales.
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- [14.08.110](#) Permit for resale of water.
- [14.08.120](#) Permit for water filling station.
- [14.08.130](#) Permit suspension, revocation.
- [14.08.140](#) Appeals – Board of Appeals – Notice of appeal.
- [14.08.150](#) Appeals – Procedure.
- [14.08.160](#) Appeal to Superior Court.
- [14.08.170](#) Violation – Penalty.

Prior legislation: Ords. 14-200.1, 76-15, 77-1, 81-20, 85-22, 86-16, 87-28, 88-23 and 90-10; Code 1967 §§ 14-200.1 – 14-200.11.

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. [Ord. 00-02 § 2,

2000; Ord. 90-24(A), 1990].

14.08.020 Definitions.

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

“Bulk water” means water purchased from the City and supplied to the customer by means of fire hydrant, tanker truck, or by any other means other than through a direct connection from the City water main to the premises where the water is consumed.

“Bulk water customer” means a person who purchases bulk water from the City.

“Certificated service area” means the authorized service area for the Homer water system described in the certificate of public convenience and necessity issued to the City by the Alaska Public Utilities Commission.

“Reseller” or “reseller of water” means a person who purchases water from the City and, for valuable consideration, provides any quantity of such water to another person, but it shall not include any eating or drinking establishment that provides its customers City water only by the glass.

“Standard service account” means an established City water utility account for metered water service through a direct connection from the City water main to the premises served.

“Water connection” means that part of the water system between the water main and the abutting property.

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

“Water main” means that part of the water distribution system intended to serve more than one water connection. [Ord. 98-4 § 1, 1998; Ord. 96-13, 1996; Ord. 90-24(A), 1990].

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.
- c. All work and materials must meet the standards and specifications as described in HCC Title 13, 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. 90-24(A), 1990].

14.08.037 Water meters.

a. All water shall be metered. The one-time meter lease fee shall be the actual cost of the water meter installed plus 15 percent as determined by the Public Works Director.

b. Only one meter shall be issued to each lot, except that multiple meters may be issued for lots on the Spit. [Ord. 11-43 § 1, 2011; Ord. 11-26 § 2, 2011].

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 and outlining conditions prescribed the City. The fee for such permit shall be as prescribed by the City. [Ord. 90-24(A), 1990].

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 a 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. [Ord. 97-12 § 3, 1997; Ord. 90-24(A), 1990].

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 service provided by the City; and as otherwise may be necessary for the safe, efficient, and proper operation of the City water 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. [Ord. 97-12 § 2, 1997].

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 therefor. The City will maintain all water connections, except for damages resulting from freezing. [Ord. 90-24(A), 1990].

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. [Ord. 90-24(A), 1990].

14.08.072 Priority use of water.

The first priority of use of the water produced by the Homer water system is to provide for the human consumption, sanitation, and fire protection needs of water consumers located within the certificated service area. Water consumed outside the certificated service area is not entitled to any priority. [Ord. 98-4 § 2, 1998].

14.08.074 Surplus water – Sale.

- a. Subject to subsection (b) of this section and other provisions of this chapter, water, if any, may be made available for sale to bulk water customers, resellers, and others for export or consumption outside the certificated service area.
- b. Notwithstanding any other provision of this title, the City Council may by resolution restrict, interrupt, decrease, or terminate the sale of water for export or consumption outside the certificated service area whenever the City Council determines it is in the best interests of the City to do so. Such action shall only be taken upon a legislative finding by the City Council that such action is in the best interest of the City. If practicable, the City will give 30 days' notice to the public, affected bulk water customers, and resellers of action taken under this subsection, but the failure to give such advance notice will not render the restriction, interruption, decrease, or termination ineffective, nor will it give rise to any claim or action against the City.
- c. As used in this section, "surplus water" is water that the City, in its sole discretion, determines is in excess of the sanitation, fire protection, and demands of water consumers for consumption within the

certificated service area. [Ord. 01-16, 2001; Ord. 01-09(A) § 1, 2001; Ord. 98-4 § 3, 1998].

14.08.076 Water shortage or emergency declaration.

a. A water shortage may be declared by the City Council, in its discretion, after a public hearing and upon adoption of a finding that there is insufficient water available to meet the sanitation, fire protection, and consumption needs of water consumers located within the certificated service area, or when there is insufficient surplus water available to meet the demands of all bulk water customers, resellers, and others for export or consumption outside the certificated service area. Examples of circumstances that may justify the declaration of a water shortage include, but are not limited to, increased demand for water resulting from new development or population increases; low water levels in the reservoir or other water supply deficiencies; malfunction of the water system; increased demand from bulk water customers, resellers, or consumers located within or outside the certificated service area; or any other cause or circumstances that render the output of the Homer water system inadequate to meet the demands.

b. The City Manager may, in his or her discretion, declare a water emergency of not to exceed 15 days, and the City Council may, in its discretion, declare a water emergency of not to exceed 30 days without a public hearing, or of any length after a public hearing, upon adoption of a finding that sudden or unanticipated causes have impaired or pose imminent threat of impairment of the City's ability to meet the ordinary current demands of all consumers or purchasers of City water. Examples of circumstances that may justify the declaration of a water emergency include, but are not limited to, disaster; actual or imminent threat of malfunction or breakdown of dams, water treatment facilities, mains, distribution lines, pumps, storage tanks, or any other component of the water system; actual or imminent threat of contamination of the water supply; or injury or imminent threat of injury to the public health, safety, or welfare. [Ord. 98-4 § 4, 1998].

14.08.077 Water shortage or emergency – Interruption of sale of surplus water – Other measures.

a. If a water shortage or water emergency is declared, the City shall first restrict, decrease, interrupt, or terminate the sale of surplus water to bulk water customers, resellers, and others for export or consumption outside the certificated service area as and to the extent the City, in its sole discretion, deems appropriate in response to the water shortage or water emergency. In addition, the City may take any other measures that the City determines, in its sole discretion, are necessary to alleviate or otherwise address the water shortage or water emergency, including, but not limited to, allocating water necessary for the first priority uses identified in HCC [14.08.072](#) and establishing secondary priorities and allocations for the remaining water, without discrimination between consumers located within the certificated service area using water for the same purpose or purposes.

b. Any measures adopted in response to a declared water shortage or water emergency shall, for the duration of the period of the declared shortage or emergency, prevail over any conflicting provisions

of law establishing rights of persons to receive specific or proportionate amounts of the water supply available for distribution within the certificated service area or otherwise.

c. Any measures adopted in response to a declared water shortage or water emergency shall be made available for public inspection and copying at the City Clerk's office, at the City Library, and at the Department of Public Works for the duration of the period of the declared shortage or emergency. As soon as practical after the adoption of such measures, notice of the measures shall also be published once a week for two consecutive weeks in a newspaper of general circulation in the City, unless the duration of the declared shortage or emergency ends sooner. [Ord. 98-4 § 5, 1998].

14.08.078 Water shortage or emergency – Appeal.

Any person aggrieved by a City Council declaration of a water shortage or water emergency under HCC [14.08.076](#), or by any action taken by the City in response to such a declaration, may appeal the declaration or action to the Superior Court. The appeal must be filed within 30 days from the date the declaration was adopted or action taken. The declaration or action of the City shall not be reversed except on the ground that such declaration or action was fraudulent, arbitrary, or capricious. [Ord. 98-4 § 6, 1998].

14.08.079 Immunity for discretionary acts.

An action for damages may not be brought against the City, or any of its agents, officers, or employees, for a claim based on the exercise or failure to exercise any discretionary function or duty granted in this chapter, whether or not the discretion was abused, including, without limitation, the exercise of discretion to restrict, interrupt, decrease, or terminate the sale of water to bulk water customers, resellers, or others for export or consumption outside the certificated service area. Nothing in this section shall be construed to limit any defenses or immunities available under AS 09.65.070 or any other provision of law. [Ord. 01-09(A) § 2, 2001; Ord. 98-4 § 7, 1998].

14.08.080 Schedule of rates – Rules and regulations.

a. Water utility services shall be billed according to the schedule set forth by resolution of the Homer City Council and shall be reviewed annually and amended, as necessary, to take effect as of the date set forth by resolution.

b. 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. 13-30(A) § 2, 2013; Ord. 09-22(A)(S)(A) § 2, 2009; Ord. 00-02 § 3, 2000; Ord. 97-17(A), 1997; Ord. 97-12 § 4, 1997; Ord. 97-5(S)(A) § 2, 1997; Ord. 95-7, 1995; Ord. 91-10(S) §§ 1, 2, 1991; Ord. 90-24(A), 1990].

14.08.090 Schedule of rates outside of the City limits.

All rates and charges set forth by resolution of the Homer City Council shall apply to water service

provided outside the City limits. [Ord. 00-02 § 4, 2000; Ord. 91-10(S) §§ 3, 4, 1991; Ord. 90-24(A), 1990].

14.08.091 Service deposits.

a. All water service users, at the time the service is established, shall pay a deposit based on meter size, as set forth by resolution of the Homer City Council.

b. The City shall place deposits in an interest-bearing account. The interest rate will be reviewed and set in January of each year equal to that earned from a bank savings account. Deposits shall accrue interest at the rate set for the year in which they are refunded.

c. Deposits and any accrued interest shall be refunded:

1. After one year of service provided the customer has demonstrated a good payment history with no delinquencies; or

2. Within 45 days after the date of disconnection; provided, that the deposit and interest shall first be applied to any outstanding balance.

d. Waiving of Deposits. If a customer has had utility service with the City of Homer within the last two years and has a good credit history with the City (no late payments), the Finance Department may waive the deposit.

e. Landlord Agreement. An owner/customer who requests an automatic continuance of utility service between renters may enter into a landlord agreement with the City of Homer for this purpose. This request should be directed to the Finance Department personnel, who will fill out the agreement which will be signed by the owner and accepted by the City of Homer. [Ord. 00-02 § 5, 2000; Ord. 97-5(S)(A) § 3, 1997; Ord. 95-10, 1995; Ord. 91-10(S) § 5, 1991; Ord. 90-39(S) § 1, 1990; Ord. 90-24(A), 1990].

14.08.100 Bulk water sales.

a. All rates and charges shall be set forth by resolution of the Homer City Council.

b. The meter deposit as set by Council resolution will be returned when the meter is returned undamaged. This deposit may be waived upon the recommendation of the Public Works Superintendent.

c. The schedule for service fees shall apply to all bulk water service requests.

d. If a bulk water customer purchases a meter from the City for measuring the quantity of water purchased it shall be exempt from the monthly meter service charge. It is the responsibility of the bulk water customer to maintain that meter so the City can accurately determine the amount of water being purchased. In the event the meter fails, it is the bulk water customer's responsibility, at its expense,

to repair it or purchase a replacement meter from the City. The City may at any time test the meter for accuracy. [Ord. 00-02 § 6, 2000; Ord. 98-11 § 2, 1998; Ord. 97-17(A), 1997; Ord. 97-15(S), 1997; Ord. 97-5(S)(A) § 4, 1997; Ord. 95-31(A) § 3, 1995; Ord. 91-10(S) § 6, 1991; Ord. 90-24(A), 1990].

14.08.105 Resale of water.

- a. No person shall resell water provided by the City water system unless that person has a resale permit issued pursuant to HCC [14.08.110](#).
- b. All City water purchased by a customer for resale to others shall be charged at the rates established by resolution of the City Council, including the surcharge and any applicable end user service charge, which shall be paid on all water resold to others, regardless of whether the customer has a standard service account. As used in this section, “end user” will be interpreted according to the definition of the term used in the applicable schedule of water utility rates established by resolution of the City Council.
- c. A reseller of City water shall submit a monthly report of the quantity of water resold to others and the number of end users for the month 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 and the number of end users. 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 and audit 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. If a reseller with a standard service account purchases a meter from the City for measuring the quantity of water purchased, it shall be exempt from the monthly meter service charge. It is the responsibility of the reseller to maintain that meter so the City can accurately determine the amount of water being purchased. In the event the meter fails, it is the reseller’s responsibility, at its expense, to repair it or purchase a replacement meter from the City. The City may at any time test the meter for accuracy. [Ord. 01-03(A) § 1, 2001; Ord. 00-02 § 7, 2000; Ord. 98-11 § 3, 1998; Ord. 95-19, 1995].

14.08.110 Permit for resale of water.

- a. A resale permit may be issued to authorize a person to resell water obtained from the Homer water system. A person shall apply for a resale permit on a form provided by the City. The permit

application must be submitted to the Public Works Director, or another official designated by the City Manager. The application must be accompanied by a permit application fee in an amount to be established by resolution of the City Council.

b. The terms and conditions for issuance of a resale permit will be established by rule or regulation adopted by the City Manager under the authority of HCC [14.08.055](#). [Ord. 01-03(A) § 2, 2001].

14.08.120 Permit for water filling station.

a. No person shall establish or operate a water filling station to obtain water from the Homer water system unless that person has first obtained a water filling station permit under this section. As used in this section, “water filling station” means a non-City facility used to supply bulk water from the Homer water system to a tanker truck or other means of conveyance.

b. A person shall apply for a water filling station permit on a form provided by the City. The permit application must be submitted to the Public Works Director, or another official designated by the City Manager. The application must be accompanied by a permit application fee in an amount to be established by resolution of the City Council.

c. The terms of a water filling station permit and the conditions under which it will be issued will be established by rule or regulation adopted by the City Manager under the authority of HCC [14.08.055](#). Such terms and conditions may include, but are not be limited to, uniform or site-specific flow rate restrictions, storage tank requirements, and other provisions required by the Public Works Department to minimize adverse effects on the Homer water system and to promote its efficient operation.

d. No water filling station may be located outside of the City of Homer. [Ord. 01-03(A) § 3, 2001].

14.08.130 Permit suspension, revocation.

a. The City Manager may suspend or revoke any permit issued under this chapter for cause including, but not limited to:

1. The application for any permit under this chapter contained any error, misstatement, omission, or misrepresentation of material fact, either with or without intention on the part of the applicant, such as might or would have caused a denial of the permit;
2. Material breach of the terms or conditions of any permit issued under this chapter;
3. Violation of any applicable provision of this chapter;
4. Violation of any other applicable law, ordinance, or regulation relating to water quality, public health, or safety governing the permittee’s water-related facilities or operations;

5. Delinquency in payment of water utility charges or permit fees owed to the City;
6. Conducting operations or maintaining facilities in such a manner that public health or safety is endangered.

b. Except as provided in subsection (c) of this section, when there is a reasonable basis to believe there is cause to suspend or revoke a permit, the City Manager shall give the permittee reasonable notice and a meaningful opportunity to be heard concerning such cause prior to suspension or revocation of the permit. If after such a hearing the City Manager finds that the permit should be suspended or revoked for cause, the City Manager will issue and promptly deliver to the permittee a written decision stating the grounds for revocation and the City Manager's findings. The City Manager may designate a hearing officer or other official to conduct the hearing and prepare a recommended decision, which will not be final until approved, with or without changes, by the City Manager.

c. The City Manager may by written order suspend any permit issued under this chapter without prior notice or opportunity to be heard when the City Manager has a reasonable basis to believe that (1) the permittee's permitted facilities or operations are endangering public health or safety, or (2) permittee is delinquent in the payment of water charges or permit fees owed to the City. If a suspension is imposed under this subsection, the permittee must be notified at the time of suspension and in writing by the City Manager or designee of the opportunity for a hearing as provided in subsection (b) of this section. The hearing must be provided to the permittee within three business days after the date the suspension is effective. A suspension imposed under this subsection may be effective up to one business day after the hearing, or if the permittee requests and is granted a delayed hearing date, until the decision is rendered after the hearing is held.

d. Nothing in this section or in any permit issued under this chapter shall be construed to prohibit or limit the City's authority to restrict, interrupt, decrease, or terminate the sale of water under HCC [14.08.074](#) through [14.08.077](#) or any other provision of law.

e. The permittee whose permit remains suspended or revoked following the hearing process as identified in subsection (b) of this section will be provided written notice by the City Manager or designee of the appeal process as stated in HCC [14.08.140](#), [14.08.150](#), and [14.08.160](#). [Ord. 01-03(A) § 4, 2001].

14.08.140 Appeals – Board of Appeals – Notice of appeal.

a. A suspension or revocation of a permit under HCC [14.08.130](#) may be appealed to a Board of Appeals comprised of the Mayor and the members of the City Council.

b. An appeal to the Board of Appeals must be filed within 30 days of the order or decision appealed from, after which the order or decision is unappealable. Untimely appeals will not be accepted. A notice of appeal must be filed in writing with the City Clerk and be accompanied by the appeal fee as

set forth by Council ordinance or resolution in the City of Homer fee schedule. The notice must contain:

1. Name and address of the permittee;
2. A copy of the order or decision being appealed;
3. A statement of the grounds for appeal that must include detailed and specific allegations of error and references to applicable provisions of the City code or other law. [Ord. 05-43(A), 2005; Ord. 01-03(A) § 5, 2001].

14.08.150 Appeals – Procedure.

- a. All appeals must be heard by the Board of Appeals within 60 days from the day the appeal is filed. The appeal must be decided within a reasonable time after the hearing.
- b. The City Clerk must prepare a record for the Board of Appeals consideration. The City Clerk must mail the permittee a notice when the record is complete. The record must be paginated and include the following, if they exist:
 1. The permittee's applicable permit file;
 2. Complaints, notices and correspondence regarding the administrative hearing;
 3. All exhibits and documents received at the administrative hearing;
 4. Tapes or minutes of the administrative hearing;
 5. Any orders or written decisions made by the administrative hearing officer.
- c. The permittee must be given 15 days' notice of the appeal hearing by first class mail to the address stated in the notice of appeal.
- d. The permittee and the City Manager or other administrative official may file simultaneous written briefs not later than seven days before the appeal hearing. They may be represented by counsel. The Board of Appeals may hear oral arguments from the parties if the Board determines it will be helpful to the Board.
- e. An electronic recording shall be kept of the entire appeal proceeding. The hearing will be conducted in public, but the Board of Appeals may deliberate and decide the matter in executive session.
- f. The Board of Appeals will issue a written decision including its findings and reasons supporting its decision. Copies of the Board of Appeals decision shall be promptly mailed to all parties participating in the appeal. [Ord. 05-43(A) 2005; Ord. 01-03(A) § 6, 2001].

14.08.160 Appeal to Superior Court.

A final decision of the Board of Appeals may be appealed to the Superior Court no later than 30 days following the date the decision of the Board of Appeals is first mailed or delivered to the permittee. An appeal to the court must be filed according to the applicable court rules. [Ord. 01-03(A) § 7, 2001].

14.08.170 Violation – Penalty.

The penalty for an offense in this chapter is the fine listed in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in HCC 1.16.040, then the defendant must appear in court and, if convicted, is subject to the general penalty as provided in HCC 1.16.010 unless another penalty is specifically provided. [Ord. 18-11 § 13, 2018].

¹ For Alaska Statute provisions requiring interest to be paid on municipal utility service deposits, see AS 29.35.070 and 42.05.365.

**Chapter 14.12
WATER AND SEWER ZONE CONNECTION FEE**

Sections:

- [14.12.010](#) Purpose.
- [14.12.020](#) Definitions.
- [14.12.030](#) Zone connection fee.
- [14.12.040](#) Payment plan.
- [14.12.050](#) Disposition of revenue.

14.12.010 Purpose.

It is the intent of this chapter to provide that collection of a zone connection fee shall be required for those properties in a benefiting zone connecting to a water arterial pipeline and/or sewer trunk line extension. [Ord. 85-3 § 1, 1985].

14.12.020 Definitions.

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

“Arterial pipeline” means those pipelines in the distribution system that are equal to or greater than 10 inches in diameter and convey water from a transmission line to points throughout the City.

“Benefited zone” means an area in which similar use patterns are assumed to give rise to a design population density and which is likely to be serviced by a water arterial pipeline or sewer pipeline extension.

“Trunk line” means sewer lines which convey flows to the sewage treatment plant. [Ord. 85-3 § 1, 1985].

14.12.030 Zone connection fee.

a. Any connection to a water arterial pipeline or sewer trunk line extension shall require the collection of a zone connection fee calculated as follows:

$$\text{Zone Connection Fee} = \frac{\text{(Area Within Zone to Be Connected)}}{\text{(Area of Entire Zone)}} \times \text{(Cost of Arterial or Trunk Line Extension)}$$

b. After the completion of a water arterial pipeline or sewer trunk extension, any property connecting to these extensions shall be required to pay the zone connection fee plus interest at the prevailing local prime rate. [Ord. 85-3 § 1, 1985].

14.12.040 Payment plan.

A five-year payment plan may be utilized to pay for the zone connection fee. The payment plan shall require interest at the lowest local prevailing prime rate. [Ord. 85-3 § 1, 1985].

14.12.050 Disposition of revenue.

Revenues collected from the zone connection fee shall be utilized to replenish the City treasury for funds utilized to extend the water and sewer system and provide additional funds for future water and sewer system extensions. [Ord. 85-3 § 1, 1985].

**Chapter 14.13
WATER AND SEWER CONNECTION FEE**

Sections:

- [14.13.010](#) Purpose.
- [14.13.020](#) Definitions.
- [14.13.030](#) Service connection fee.
- [14.13.040](#) Payment plan.

14.13.010 Purpose.

It is the intent of this chapter to provide that collection of a service connection fee shall be required for those properties connecting to the water and/or sewer system. [Ord. 85-34 § 2, 1985].

14.13.020 Definitions.

In this chapter, unless otherwise provided, the following words and phrases shall have the meaning set forth below:

“Service connection” means the pipe connection between a water distribution main line or sewer collection line and the property line. [Ord. 85-34 § 2, 1985].

14.13.030 Service connection fee.

a. Connection to the water or sewer system shall require the collection of a service connection fee calculated as follows:

$$\text{Service Connection Fee} = \frac{\text{Water/Sewer System Cost of Service Connection(s)}}{\text{Number of Properties Provided Service Connection}}$$

b. After the installation of a water or sewer service connection, any property connecting to the service connection shall be required to pay the service connection fee plus interest at the prevailing local prime rate. [Ord. 85-34 § 2, 1985].

14.13.040 Payment plan.

A five-year payment plan may be utilized to pay for the service connection fee. The payment plan shall require interest at the lowest local prevailing prime rate. Use of a payment plan is dependent upon the availability of City funding and/or financing by a lending institution. [Ord. 85-34 § 2, 1985].

Chapter 14.16
SEWER CONTRACTORS STATE REGISTRATION¹

Sections:

[14.16.010](#) State certificate required.

Prior legislation: Ord. 77-21.

14.16.010 State certificate required.

A contractor working for the City, or within the public right-of-way in the City, shall file a copy of their current State contractor's certificate with the office of the City Clerk. [Ord. 89-5 § 1, 1989. Code 1967 § 14-100.3].

¹For statutory provisions authorizing cities to provide certain public services, see AS 29.35.200.

Chapter 14.20
SEWER CONTRACTORS BOND

Sections:

[14.20.010](#) Bond or cash deposit.

Prior legislation: Ords. 70-7 and 77-19.

14.20.010 Bond or cash deposit.

a. Every person, firm or corporate entity carrying on the business of construction and connecting to City sewer and/or water within the City may be required to deposit a bond or cash deposit in favor of the City in an amount and under such conditions deemed appropriate by the City Manager or his designee to cover damages of any kind resulting from the contractor's operations. All such sewer or water construction and connections shall be completed in a good and workmanlike manner in accordance with the specifications required by the City. The bond or cash deposit shall be further conditioned that the principal shall repair any damage done to the public sewer or water system on account of such work and shall return the surface of the ground, street, road, building, facility, right-of-way or easement to its original condition insofar as possible and in accordance with the requirements of the City.

b. The contractor shall also be required to prequalify on the basis that he has or can demonstrate the ability, capacity and skill to perform the work as specified by reputation, experience and prior performance. As part of such prequalification, the contractor shall present evidence that he carries liability insurance in the aggregate amount of not less than \$500,000 or as may be additionally required in an amount in excess of \$500,000 as may be deemed necessary for the work by the City Manager or his designee to cover the insurance requirement of the work.

c. To obtain the information specified in subsection (b) of this section, the City may require a contractor to complete a confidential qualifying questionnaire and provide a list of references. [Ord. 89-5 § 2, 1989. Code 1967 § 14-100.2].

Chapter 14.30
WATER AND SEWER EXTENSION COST REIMBURSEMENT PLAN

Sections:

- [14.30.010](#) Purpose.
- [14.30.020](#) Definitions.
- [14.30.030](#) Reimbursement agreement request.
- [14.30.040](#) Term of agreement.
- [14.30.050](#) Collection of pro rata cost.
- [14.30.060](#) Payment plan.
- [14.30.070](#) Determination of pro rata cost.
- [14.30.080](#) Developer reimbursement.
- [14.30.090](#) Disposition of revenue.

14.30.010 Purpose.

It is the intent of this chapter to provide a method to reimburse a developer for the cost of extending a water or sewer line to his property past other benefiting properties. [Ord. 85-3 § 4, 1985].

14.30.020 Definitions.

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

“Arterial pipeline” means those pipelines in the distribution system that are equal to or greater than 10 inches in diameter and convey water from transmission line to points throughout the City.

“Benefiting property” means area or zone which will directly benefit by a specific water or sewer line extension.

“Collector line” means sewer lines which serve the central commercial and residential areas and connect to a trunk line.

“Cost of extension” means the developer’s actual direct cost of constructing a water or sewer line extension, including a total of 15 percent of the actual direct cost for the developer’s overhead and profit.

“Developer” means a property owner who is developing his property.

“Distribution pipeline” means lines normally six or eight inches in diameter which primarily serve individual properties.

“Trunk line” means sewer lines which convey flows to the sewage treatment plant.

“Water or sewer line” means a water arterial or distribution pipeline and sewer trunk or collector line. [Ord. 85-3 § 4, 1985].

14.30.030 Reimbursement agreement request.

a. The developer may request in writing a reimbursement agreement if the water and/or sewer system extension benefits property other than his own, and the developer cannot include other property owners in the request.

b. The developer’s request for a reimbursement agreement shall include the following:

1. An affidavit or other written evidence that the other benefiting property owners do not wish to be included in the development; and
2. An itemized report, with supporting documentation, of the actual direct cost of the extension including a total of 15 percent of the actual direct cost of the extension for the developer’s overhead and profit.

c. The developer shall make his request for a reimbursement agreement prior to acceptance of the utility extension by the City. [Ord. 85-3 § 4, 1985].

14.30.040 Term of agreement.

The reimbursement agreement shall be valid from date of acceptance of the utility extension by the City. [Ord. 85-3 § 4, 1985].

14.30.050 Collection of pro rata cost.

The City shall collect from the other benefiting property owners their pro rata share of the utility extension cost plus interest of five percent per year, but not to exceed current tax assessed value of property, and a 15 percent administrative fee at the time the property owner wishes to connect into the utility system. [Ord. 85-3 § 4, 1985].

14.30.060 Payment plan.

A payment plan with annual installments may be utilized to pay for future connection costs by property owners. The term of payment plan shall be determined prior to the connection to the utility and subject to City Council approval. [Ord. 85-3 § 4, 1985].

14.30.070 Determination of pro rata cost.

The reimbursement agreement shall stipulate the pro rata unit cost of the utility extension. The pro rata distribution of cost shall be determined in accordance with HCC [14.12.030](#), Zone connection fee. [Ord. 99-10, 1999; Ord. 85-3 § 4, 1985].

14.30.080 Developer reimbursement.

The City shall reimburse to the developer the funds collected as a lump sum or as an annual payment, less the 15 percent administrative fee, from the other benefiting property owners connecting to the utility system within 90 days of the actual collection date. [Ord. 85-3 § 4, 1985].

14.30.090 Disposition of revenue.

Revenues collected as result of the future connections (i.e., the 15 percent administrative fee and interest) shall be deposited in the City treasury and utilized to finance future water and sewer system extensions. [Ord. 85-3 § 4, 1985].

Chapter 14.50 UTILITY DISTRIBUTION FACILITIES

Sections:

- [14.50.010](#) Definitions.
- [14.50.020](#) Underground installation of cable extensions.
- [14.50.030](#) Enforcement of this chapter.

14.50.010 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Cable” includes cables and wires of all descriptions.

“Public utility” includes every corporation, whether public, cooperative, or otherwise, company, individual, or association of individuals, their lessees, trustees, or receivers appointed by a court, that owns, operates, manages, or controls any plant or system for (1) furnishing, by generation, transmission, or distribution, electrical service to the public for compensation; (2) furnishing telecommunication service to the public for compensation.

“Public utility” includes all public utilities, whether or not subject to regulation by the Regulatory Commission of Alaska.

“Telecommunications” means the transmission and reception of messages, images, impressions, pictures, data, and signals by means of electricity, electromagnetic waves, and any other kind of energy, force variations, or impulses, whether conveyed by cable, wire, radiated through space, or transmitted through other media within a specified area or between designated points. [Ord. 06-50(S) § 2, 2006].

14.50.020 Underground installation of cable extensions.

After October 24, 2006, all public utility cable facilities, including, but not limited to, electric power, telephone, and telecommunications cables constructed or installed for the purpose of providing utility service to any land not served before that date by overhead cable facilities, shall be installed underground, and no cables or supporting poles shall be constructed or installed above ground for such purpose, unless the utility obtains an approved exception pursuant to HCC 22.10.055(e) or (f). [Ord. 06-50(S) § 2, 2006].

14.50.030 Enforcement of this chapter.

- a. Violations of this chapter are subject to all of the penalties and remedies for violations of this code set forth in Chapter 1.16 HCC.

b. In addition to penalties and remedies set forth in subsection (a) of this section, no permit may be issued to install a utility line on City property or in a City-owned or controlled easement or right-of-way in violation of this chapter. [Ord. 06-50(S) § 2, 2006].