



Homer City Hall  
491 E. Pioneer Avenue  
Homer, Alaska 99603  
[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## City of Homer Agenda

Committee of the Whole  
Tuesday, May 28, 2019 at 5:00 PM  
Council Chambers

### CALL TO ORDER, 5:00 P.M.

Department Heads may be called upon to participate.

**AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 6)

### CONSENT AGENDA

### REGULAR MEETING AGENDA

- a. **Ordinance 19-23**, An Ordinance of the City Council of Homer, Alaska, Repealing and Reenacting Homer City Code Title 14 to be Entitled "Homer Public Utility Systems" and Homer City Code Title 17 to be Entitled "Public Assessments" to: 1) Consolidate Water and Sewer System Regulations and Rates; 2) Update Definitions and Common Terms, and 3) Create Uniformity Between Service and Assessment Practices and Repealing Homer City Code Chapters 9.08, 13.24 and 13.28 to Relocate Utility Construction Practices and Fees from Homer City Code 13.24 and Homer City Code 13.28 Into Titles 14 and 17 and Move Homer City Code 9.08 to Homer City Code 17.03 and Update Assessment Lien Enforcement Provisions to Incorporate State Law Requirements. Lord/Stroozas. Recommended dates: Introduction May 28, 2019, Worksession June 10, 2019. Public Hearing June 10, 2019, Public Hearing and Second Reading June 24, 2019.

Memorandum 19-058 from Councilmembers Lord and Stroozas as backup

Memorandum 19-063 from City Attorney as backup

### COMMENTS OF THE AUDIENCE

### ADJOURNMENT

Next Regular Meeting is June 10, 2019 at 6:00 p.m., Worksession at 4:00 p.m., Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska



**ORDINANCE REFERENCE SHEET**  
**2019 ORDINANCE**  
**ORDINANCE 19-23**

An Ordinance of the City Council of Homer, Alaska, Repealing and Reenacting Homer City Code Title 14 to be Entitled "Homer Public Utility Systems" and Homer City Code Title 17 to be Entitled "Public Assessments" to: 1) Consolidate Water and Sewer System Regulations and Rates; 2) Update Definitions and Common Terms, and 3) Create Uniformity Between Service and Assessment Practices and Repealing Homer City Code Chapters 9.08, 13.24 and 13.28 to Relocate Utility Construction Practices and Fees from Homer City Code 13.24 and Homer City Code 13.28 Into Titles 14 and 17 and Move Homer City Code 9.08 to Homer City Code 17.03 and Update Assessment Lien Enforcement Provisions to Incorporate State Law Requirements.

Sponsor: Lord/Stroozas

1. City Council Regular Meeting May 28, 2019 Introduction

Memorandum 19-058 from Councilmembers Lord and Stroozas as backup

Memorandum 19-063 from City Attorney as backup



1 CITY OF HOMER  
2 HOMER, ALASKA

3 Lord/Stroozas

4 ORDINANCE 19-23  
5

6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA  
7 REPEALING AND REENACTING HOMER CITY CODE TITLE 14 TO  
8 BE ENTITLED "HOMER PUBLIC UTILITY SYSTEMS" AND  
9 HOMER CITY CODE TITLE 17 TO BE ENTITLED "PUBLIC  
10 ASSESSMENTS" TO: 1) CONSOLIDATE WATER AND SEWER  
11 SYSTEM REGULATIONS AND RATES; 2) UPDATE DEFINITIONS  
12 AND COMMON TERMS, AND 3) CREATE UNIFORMITY  
13 BETWEEN SERVICE AND ASSESSMENT PRACTICES AND  
14 REPEALING HOMER CITY CODE CHAPTERS 9.08, 13.24 AND  
15 13.28 TO RELOCATE UTILITY CONSTRUCTION PRACTICES AND  
16 FEES FROM HOMER CITY CODE 13.24 AND HOMER CITY CODE  
17 13.28 INTO TITLES 14 AND 17 AND MOVE HOMER CITY CODE  
18 9.08 TO HOMER CITY CODE 17.03 AND UPDATE ASSESSMENT  
19 LIEN ENFORCEMENT PROVISIONS TO INCORPORATE STATE  
20 LAW REQUIREMENTS.  
21

22 WHEREAS, The Homer City Code currently requires property owners to connect to the  
23 Homer Sanitary Wastewater and Sewage System and the Homer Public Water System and  
24 regulates construction, installation, and use of these systems; and  
25

26 WHEREAS, The regulatory, assessment, and fee provisions regarding Homer's public  
27 utilities are located in various sections throughout the Code; and  
28

29 WHEREAS, The laws governing Homer's public utilities have not been recently updated  
30 to reflect the City's growth, progress, and needs; and  
31

32 WHEREAS, The Code contains technical construction and installation requirements  
33 that are best addressed via permit criteria rather than provisions in the Code; and  
34

35 WHEREAS, It is in the City's and the public's best interest to identify assessments and  
36 procedures arising from public utilities and capital improvements in the same title and ensure  
37 all assessment procedures are clear, consistent, and easily understood; and  
38

39 WHEREAS, Certain fees and assessments were addressed in Titles 9, 13, and 14 while  
40 others were in Title 17.  
41

42 NOW THEREFORE, THE CITY OF HOMER ORDAINS:  
43

44 Section 1: Chapter 13.24 entitled "Sanitary Systems" is hereby repealed.



88 and the current utility rates adopted by Council shall be available for public inspection at the  
89 City Clerk's office, the Public Works Department, and on the City's website.

90

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

93

94 14.01.030 Immunity for discretionary acts.

95

96 An action for damages may not be brought against the City, or any of its agents, officers,  
97 contractors or employees, for a claim based on the exercise or failure to exercise any  
98 discretionary function or duty granted in this title, whether or not the discretion was abused,  
99 including, without limitation, the exercise of discretion to restrict, interrupt, decrease, or  
100 terminate the sale of water to bulk water customers, resellers, or others for export or  
101 consumption outside the certificated service area or the discontinuance of water or sewer  
102 services. Nothing in this section shall be construed to limit any defenses or immunities  
103 available under AS 09.65.070 or any other provision of law.

104

105 14.01.040 Violation.

106

107 a. The penalty for violating a provision of this title is the fine listed in the fine schedule in HCC  
108 1.16.040. If no fine is listed for the offense in HCC 1.16.040, then the defendant must appear in  
109 court and, if convicted, is subject to the general penalty as provided in HCC 1.16.010 unless  
110 another penalty is specifically provided.

111

112 b. The City shall provide notice of a violation via certified return receipt U.S. mail to the owner  
113 of the property on which the violation is occurring. This notice shall include the name of the  
114 property owner, the location of the violation, the Code provisions violated, and the action  
115 necessary to correct the violation.

116

117 c. Before assessing penalties under this section, the City shall provide written notice of penalty  
118 to the property owner via certified return receipt U.S. mail and personal delivery. This notice  
119 shall include all the information required in subsection (b), the date from which penalties incur,  
120 and notice of the right to appeal to the City Manager.

121

122 14.01.045 Violation-Right of appeal.

123

124 a. The finding of a violation and assessment of a penalty within 30 days from the date the  
125 notice of penalty was postmarked.

126

127 b. Untimely appeals shall not be accepted. A notice of appeal must be filed in writing with the  
128 City Clerk and be accompanied by the appeal fee set forth in the Homer fee schedule. The  
129 notice must contain:

130

1. Name and address of the owner of the property issued the citation;

- 131           2.       A copy of the notice being appealed;  
132           3.       A statement of the grounds for appeal that must include detailed and specific  
133           allegations of error and references to applicable provisions of the Code or other law.

134  
135 c. The City Manager may appoint a hearing officer or City official, other than the Public Works  
136 Director, to act as the decision maker in an appeal under this section.

137  
138 d. An appeal before the City Manager or his or her designee shall be heard within 30 days from  
139 the day the appeal is filed. The person against whom the violation is assessed shall be given an  
140 opportunity to be heard at a public hearing and shall have an opportunity to make an oral  
141 argument and present evidence.

142  
143 e. The City Manager or his or her designee shall issue a final written decision with his or her  
144 findings no more than 30 days after the hearing.

145  
146 14.01.050       Bond or cash deposit

147  
148 a. Every person, firm or corporate entity carrying on the business of construction and  
149 connecting to City sewer and/or water within the City may be required to deposit a bond or  
150 cash deposit in favor of the City in an amount and under such conditions deemed appropriate  
151 by the City Manager or his or her designee to cover damages of any kind resulting from that  
152 person's, firm's or entity's operations. All such sewer or water construction and connections  
153 shall be completed in a good and workmanlike manner in accordance with the specifications  
154 required by the City. The bond or cash deposit shall be further conditioned that the principal  
155 shall repair any damage done to the public sewer or water system on account of such work and  
156 shall return the surface of the ground, street, road, building, facility, right-of-way or easement  
157 to its original condition insofar as possible and in accordance with the requirements of the City.

158  
159 b. Every person, firm or corporate entity carrying on the business of construction and  
160 connecting to City sewer and/or water within the City must be approved in writing by the  
161 Public Works Director. The Public Works Director shall approve a person, firm or corporate  
162 entity under this section so long as he, she or it:

- 163           1.       Meets all state and local licensing requirements  
164           2.       Provides a statement demonstrating experience in substantially similar or the  
165           same construction projects  
166           3.       Carries liability insurance in the aggregate amount of not less than \$500,000 or  
167           as may be additionally required in an amount in excess of \$500,000 as may be deemed  
168 necessary for the work by the Public Works Director or their designee to cover the insurance  
169 requirement of the work.

170  
171 14.01.060       State contractor required.

172



173 A contractor working for the City on a water or sewer project or conducting construction within  
174 a public easement or right-of-way shall file a copy of their current State contractor's certificate  
175 with the office of the City Clerk.

176

177 14.01.070 Utility permits-Appeal procedure.

178

179 a. Any person who is dissatisfied with the approval or denial of a permit under this title may  
180 appeal the decision to the City Manager no more than 30 days after the Public Works Director  
181 approves or denies the permit.

182

183 b. An appeal to the City Manager must be filed within 30 days of the written approval or denial  
184 of a permit under this chapter. Untimely appeals shall not be accepted. A notice of appeal  
185 must be filed in writing with the City Clerk and be accompanied by the appeal fee set forth in  
186 the Homer fee schedule. The notice must contain:

187 1. Name and address of the permit applicant;

188 2. A copy of the order or decision being appealed;

189 3. A statement of the grounds for appeal that must include detailed and specific  
190 allegations of error and references to applicable provisions of the Code or other law.

191

192 c. The City Manager may appoint a hearing officer or City official, other than the Public Works  
193 Director, to act as the decision maker in an appeal under this section.

194

195 d. An appeal before the City Manager or his or her designee shall be heard within 30 days from  
196 the day the appeal is filed. The permit applicant shall be given an opportunity to be heard at a  
197 public hearing and shall have an opportunity to make an oral argument and present evidence.

198

199 e. The City Manager or his or her designee shall issue a final written decision with his or her  
200 findings no more than 30 days after the hearing.

201

202 14.01.080 Utility permit appeals- Superior Court

203

204 A final decision of the City Manager or his or her designee may be appealed to the Superior  
205 Court no later than 30 days following the date the decision of the hearing officer is issued. An  
206 appeal to the court must be filed according to the applicable court rules.

207

208 14.01.090 Water and sewer rate schedule

209 a. The City Council shall adopt, renew, review and amend, as necessary, a water and sewer rate  
210 schedule annually via resolution. Copies of the rate schedule shall be available at the Public  
211 Works Department. The schedule may also be available on the City's website.

212

213 b. The City will allow, upon approval of a written application and payment of fee established by  
214 the City Council, a second water usage meter to measure the flow of City water that is not

215 discharged to the Sanitary System. This second meter will be read monthly and sewer charges  
216 will be credited monthly.

217

218

#### CHAPTER 14.04

219

#### HOMER SANITARY WASTEWATER AND SEWAGE SYSTEM

220

221 Sections:

222 14.04.010 Purpose.

223 14.04.015 Definitions.

224 14.04.020 Connection – Required.

225 14.04.030 Industrial Waste.

226 14.04.050 Sewer service connections and extensions.

227 14.04.055 Sewer connection and extension permit fee.

228 14.04.060 Disposition of revenue.

229 14.04.070 Destruction of private sewage disposal systems.

230 14.04.080 Sewage or waste disposal permit.

231 14.04.090 Discharge of surface drainage into public sewer.

232 14.04.140 Operation of water valves, fire hydrants and curb stops.

233 14.04.150 Water meter installation.

234 14.04.160 Backflow and cross-connection prevention.

235

236 14.04.010 Purpose.

237

238 It is the intent of this chapter to establish rules and regulations for the operation and  
239 installation of the Homer Sanitary Wastewater and Sewage System, which may be called the  
240 "HSWS" or the "Sanitary System" throughout this chapter. It is the goal of the City of Homer  
241 for all wastewater and sewage within City boundaries to be connected to the HSWS, ensuring  
242 proper wastewater and sewage management throughout the City. This Code should be  
243 interpreted in furtherance of that goal.

244

245 14.04.015 Definitions.

246

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

249

250 "ADEC" means the State of Alaska Department of Environmental Conservation.

251

252 A "directly adjacent" sewer main means either (1) the main extends the entire length of the  
253 frontage of the lot along an easement or right-of-way; or (2) it extends at least 10 feet into an  
254 easement or right-of-way adjacent to the lot and the Public Works Director determines that  
255 the main will not be extended to serve additional lots.

256

257 "Domestic sewage" means waste containing human or animal excretion, other than industrial  
258 waste.

259  
260 "Dwelling" or "dwelling unit" means any building or portion thereof which contains living  
261 facilities, including provisions for sleeping, eating, cooking, and sanitation, for not more than  
262 one family.

263  
264 "Industrial plant" means a plant or works producing waste material, other than domestic  
265 sewage.

266  
267 "Industrial waste" means liquid or solids contained within a liquid, other than domestic  
268 sewage.

269  
270 "Multiple-family dwelling" means a building or portion thereof designed for occupancy by two  
271 or more families living independently in separate dwelling units which may or may not share  
272 common entrances and/or other spaces.

273  
274 "On-site sewer connection line" means the part of the sewer connection line located on the  
275 property being serviced by that line.

276  
277 "Off-site sewer connection line" means the part of the sewer connection line located in a public  
278 easement or right-of-way.

279  
280 "Premises" means a lot, parcel of land, building or establishment.

281  
282 "Sewage" means a combination of liquid- or water-carried human waste conducted away from  
283 residences, business buildings and institutions, which is known as domestic sewage, together  
284 with the liquid- or water-carried waste resulting from a manufacturing process employed in  
285 industrial establishments, including the washing, cleaning or drain water from such process or  
286 establishment, which is known as industrial waste.

287  
288 "Sewer connection line" means a line or pipe carrying sewage from a premises to a sewer main.

289  
290 "Sewer extension" means an extension of the sewer main.

291  
292 "Spaghetti line" means a pipe or line connecting to a sewer main that is not directly adjacent  
293 to the lot being serviced by the line or pipe.

294  
295 14.04.018 Service connection charges.

296  
297 A person applying for sewer service to property not previously connected to the Sanitary  
298 System shall pay a sewer connection charge, which shall include engineering costs of  
299 inspecting and/or installing the on-site sewer connection line and permit application fees and

300 costs. The amount of the sewer connection charge and the costs included in that charge shall  
301 be published annually on the City website and a newspaper of general circulation.

302

303 14.04.020 Connection – Required.

304

305 a. Except as otherwise provided in this chapter, no person shall erect or occupy a dwelling or  
306 commercial or industrial building directly adjacent to the Sanitary System without connecting  
307 to the Sanitary System.

308

309 b. Except when expressly approved by permit, spaghetti lines are prohibited. No service will be  
310 provided to a lot that is not directly adjacent to a sewer main.

311

312 c. Where the Sanitary System is not available, a septic system may be used so long as the  
313 septic system is installed and maintained as required by ADEC and all other laws and provide  
314 adequate disposal of waste.

315

316 d. Except as otherwise provided in this section, Property owners must connect to the Sanitary  
317 System no more than three years after the owner of a property receives written notice that the  
318 Sanitary System is available to the property.

319

320 e. Property owners with compliant and fully functioning septic systems may wait to connect to  
321 the Sanitary System but shall connect to the Sanitary System before and instead of replacing  
322 or repairing any substantial component of a septic system on the property. Property owners  
323 delaying connection the Sewer System under this subsection must provide written notice of  
324 the property owner’s intent to temporarily stay connection only in compliance with the code.  
325 The notice of stay must be received by the City no more than 60 days after the City provides  
326 written notice to the property owner that the Sanitary System is available to the property. A  
327 Notice to Stay Connection is available at the Clerk’s office, the Public Works Department,  
328 and/or on the City’s website.

329

330 f. Outhouses, cesspools, privies or any private wastewater system that is not subject to  
331 approval and regulation by the Conservation is prohibited within the City.

332

333 14.04.030 Industrial Waste.

334

335 The City shall adopt industrial pretreatment discharge and waste disposal procedures and  
336 regulations. These procedures and regulations and any amendments to them must be  
337 approved by Council via ordinance.

338

339 14.04.050 Sewer service connections and extension permits.

340

341 a. No person shall install a sewer extension or a sewer connection line without first obtaining a  
342 sewer connection permit from the City. Permit applications may be obtained from the Public

343 Works Department, the City Clerk's office, and/or the City's website. Permit fees must be paid  
344 at the time the application is submitted. The sewer connection and extension permit fee shall  
345 include all inspection and administrative costs. All other fees for deferred services, in lieu of  
346 assessments and necessary right-of-way permits shall be in addition to the permit fee.

347

348 b. A property owner installing a sewer connection or extension which requires a deferred  
349 assessment payment or in lieu of assessment payment, shall pay the assessment prior to  
350 issuance of the connection or extension permit.

351

352 c. The sewer connection permit criteria shall be identified in the permit application obtained  
353 from the Public Works Office.

354

355 d. All work and materials must meet the standards and specifications as described in the  
356 permit application, Homer City Code, the Uniform Building Code, and ADEC.

357

358 e. Property owners connecting to the Sanitary System shall provide and pay for all materials,  
359 labor, and equipment for the excavation, connection and installation of the sewer line and shall  
360 be responsible for any liability, damages or costs arising from installation, excavation, and  
361 connection.

362

363 f. All sewer connections and extensions shall be inspected by the Public Works Department  
364 before the connection is used. The customer shall make arrangements with the Public Works  
365 Department at least 24 hours in advance for all required inspections.

366

367 14.04.070 Destruction/Abandonment of private sewage disposal systems.

368

369 All septic tanks, cesspools, privies, or sewage holding tank/vaults shall be removed, filled or  
370 destroyed in full compliance with Conservation requirements and the Uniform Plumbing Code.

371

372 14.04.080 Commercial waste disposal permit.

373

374 a. Except for property owners connecting to the Sanitary System for disposal of waste from a  
375 single family dwelling or property owners required to obtain an industrial waste disposal  
376 permit, all property owners must obtain a commercial waste disposal permit before  
377 discharging any waste into the Sanitary System.

378

379 b. The waste disposal permit application shall be available at the Public Works Office and may  
380 be available on the City's website. The permit fee must be paid at the time the application is  
381 submitted. The criteria for the permit shall be included in the application.

382

383 c. The Public Works Director shall issue a commercial waste disposal permit so long as:

384 1. The Public Works Director reasonably believes, and the property attests that the type  
385 of waste reported by the property owner will not damage the Sanitary System; and

386 2. The sewer pipeline has sufficient capacity to dispose of the disclosed wastes.

387  
388 d. The Public Works Director or his designee may revoke, modify or impose conditions upon a  
389 disposal permit if he or she finds, in his or her sole discretion, that revocation, conditions or  
390 modifications to the permit are required to prevent or stop damage to the Sanitary System.  
391 Except when immediate action is necessary to protect the Sanitary System and prevent  
392 immediate harm to public health and sanitation, the Public Works Director shall provide notice  
393 to the property owner at least 30 days before revoking or modifying a disposal permit.

394

395 14.04.090 Industrial waste disposal permit.

396

397 a. All significant industrial users must obtain an industrial waste disposal permit from the City.  
398 A significant industrial user means an industrial user of the System who meets any one of the  
399 following criteria:

400 1. Is subject to or potentially subject to national pretreatment standards promulgated  
401 under Section 307(b) or (c) of the Clean Water Act;

402 2. Has in its wastes any priority toxic pollutants listed in 40 CFR 401.15 or 40 CFR Part  
403 403 or listed by the Public Works Director;

404 3. Has in its wastes toxic pollutants as defined pursuant to Section 307 of the Clean  
405 Water Act or regulations promulgated thereto;

406 4. Has a discharge flow of 10,000 gallons or more of wastewater per average work day;

407 5. Has a flow greater than five percent of the flow into the STW or of the design  
408 pollutant loading capacity of the STW; or

409 6. Is determined by the Public Works Director to have a significant impact or potential  
410 for significant impact, either singly or in combination with other contributing industries,  
411 on the wastewater treatment system, the quality of sludge, the STW effluent quality, or  
412 air emissions generated by the STW.

413

414 b. The industrial waste disposal permit application shall be available at the Public Works Office,  
415 and may also be available on the City's website. The permit fee must be paid at the time the  
416 application is submitted. The criteria for the permit shall be included in the application.

417 c. The Public Works Director shall only issue an industrial waste disposal permit after finding  
418 that:

419 1. The applicant and the sewage generated on the property subject to the permit  
420 complies with the City of Homer Industrial Pretreatment and Discharge Policies as  
421 adopted by Council; and

422 2. The sewer pipeline has sufficient capacity to dispose of the disclosed wastes.

423

424 d. The Public Works Director or his designee may revoke, modify or impose conditions upon an  
425 industrial waste disposal permit if he or she finds, in his or her sole discretion, revocation,  
426 conditions or modifications to the permit are required to prevent or stop damage to the  
427 Sanitary System. Except when immediate action is necessary to protect the Sanitary System  
428 and prevent immediate harm to public health and sanitation, the Public Works Director shall

429 provide notice to the property owner at least 30 days before revoking or modifying a disposal  
430 permit.

431

432 14.04.100 Discharge of surface drainage into HSWS Illegal.

433

434 No connections shall be made to any public sewer or any premises for the purpose of directing  
435 or diverting any storm water or any surface or underground drainage into the sewer, and no  
436 person shall discharge into any public sewer or house lateral any leader pipe from a roof,  
437 surface drain, underground drain or any solid or liquid waste other than the sewage composed  
438 of the ordinary liquid wastes of residences, business buildings and institutions from baths,  
439 toilets, laundries, wash tubs, sinks and floor drains. Connections of surface or groundwater to  
440 the sanitary sewer are considered illegal.

441

442

#### CHAPTER 14.08

443

#### HOMER PUBLIC WATER SYSTEM

444

##### Sections:

445

14.08.010 Purpose.

446

14.08.020 Definitions.

447

14.08.030 Water connections and extensions.

448

14.08.037 Water meters.

449

14.08.040 Private water systems – Connection permits – Fees.

450

14.08.050 Condition of service – Rule making authority.

451

14.08.055 Rule making authority.

452

14.08.060 Frozen pipes – City not liable.

453

14.08.070 Discontinuance of supply.

454

14.08.072 Priority use of water.

455

14.08.074 Surplus water – Sale.

456

14.08.076 Water shortage or emergency declaration.

457

14.08.077 Water shortage or emergency – Interruption of sale of surplus water –

458

Other measures.

459

14.08.078 Water shortage or emergency – Appeal.

460

14.08.079 Immunity for discretionary acts.

461

14.08.080 Schedule of rates – Rules and regulations.

462

14.08.090 Schedule of rates outside of the City limits.

463

14.08.091 Service deposits.

464

14.08.100 Bulk water sales.

465

14.08.105 Resale of water.

466

14.08.110 Permit for resale of water.

467

14.08.120 Permit for water filling station.

468

469

14.08.010 Purpose.

470

471 It is the intent of this chapter to establish rules and regulations for the operation of the Homer  
472 Public Water System. The Homer Public Water System may also be called "HPWS" or the  
473 "Water System" in this chapter, permit applications, and/or City regulations and policies. The  
474 provisions in this chapter also provide for the financial management of the Water System.

475

476 14.08.020 Definitions.

477

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

480

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

484

485 "Bulk water customer" means a person who purchases bulk water from the City.

486 A "directly adjacent" water main either (1) extends the entire length of the frontage of the lot  
487 along a public easement or right-of-way; or (2) extends at least 10 feet into the easement or  
488 right-of-way adjacent to the lot and the Public Works Director has determined that at no time  
489 will the water main be extended to serve additional lots.

490

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

495

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

498

499 "Surplus water" means water that the City administration has determined, in its sole  
500 discretion, is in excess of the water needed to meet the consumption, sanitation, and fire  
501 protection needs within the boundaries of the City.

502

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

506

507 "Off-site water connection line" means the part of the sewer connection line located in a public  
508 easement or right-of-way.

509

510 "On-site water connection line" means the part of the water connection line located on the  
511 property being serviced by that line.

512

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



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“Water connection line” means a line or pipe carrying water from the water main to a premises.

“Water extension” means an extension of the water main.

“Spaghetti line” means a pipe or line connecting to a sewer main that is not directly adjacent to the lot being serviced by the line or pipe.

“Water filling station” means a non-City facility used to supply bulk water from the Water System to a tanker truck or other means of conveyance.

14.08.030      Operation of water valves, fire hydrants and curb stops.

Only authorized City personnel shall operate water valves, fire hydrants, and curb stops.

14.08.040      Water meter installation.

a. Property owners must install a water meter and related components before they will be eligible to connect to the Water System. Installation of all water meters must comply with installation instructions drafted by the Public Works Department and approved by City Council and available at the City Clerk’s Office and Public Work’s office. A violation of the installation instructions shall constitute a violation of this chapter.

b. The property owner required to install the water meter shall be responsible for all costs associated with installation of that meter and its corresponding mechanisms and a rental fee for the meter from the City.

c. The City shall have the right to install a water meter remote on a building serviced or scheduled to be serviced by the Water System. The meter shall be the size and model indicated by the Public Works Director.

d. Water meters remain City property. Persons renting meters shall be responsible for damage arising from external damage and freezing. Internal wear and tear and failure of the meter due to general external wear and tear shall be the responsibility of the City. Customers shall provide reasonable access for City personnel to maintain, monitor, and service a meter.

14.08.050      Water connections and extension permit.

a. All property owners connecting to the Water System must obtain a permit prior to starting construction.

556 b. The Water System connection and extension permit application shall be available at the City  
557 Clerk's office, the Public Works Department, and/or on the City's website. The permit fee must  
558 be paid at the time the application is submitted. The criteria for the permit shall be included in  
559 the application.

560  
561 c. The Public Works Director or his or her designee may revoke, modify or impose conditions  
562 upon a Water System permit if he or she finds, in his or her sole discretion, that revocation,  
563 conditions or modifications to the permit are required to prevent or stop damage to the Water  
564 System. Except when immediate action is necessary to protect the Water System and prevent  
565 immediate harm to public health and sanitation, the Public Works Director shall provide notice  
566 to the property owner at least 30 days before revoking or modifying a Water System permit.

567  
568 d. Installation of a Water System connection or extension of a water main must meet the  
569 standards and specification in the permit application, the Homer City Code, and any applicable  
570 state or federal law or regulations, including but not limited to State of Alaska Department of  
571 Labor Occupational Safety and Health requirements.

572  
573 e. A property owner installing an on-site water connection line or extending a water main is  
574 solely responsible for all costs and liability associated with or arising from the excavation,  
575 connection, and installation of the on-site water line or water main extension.

576  
577 14.08.060 Disconnection due to nonpayment.

578  
579 The City may discontinue water service for nonpayment of any utility service charges,  
580 connection fees and related charges. The City shall provide notice to a Water System user at  
581 least 30 days before discontinuing water service due to nonpayment.

582  
583 14.08.070 Frozen pipes – City not liable.

584  
585 Customers will be solely responsible for all on-property frozen water connections and  
586 extensions.

587  
588 14.08.080 Discontinuance of water.

589  
590 Water may at any time be shut off from water mains without notice for repairs, extensions or  
591 other necessary purposes. The City will not be liable to the customer for any loss or damage  
592 caused by disruptions in water service.

593  
594 14.08.090 Priority use of water.

595  
596 The first priority of use of the water produced by the Water System is to provide for human  
597 consumption, sanitation, and fire protection needs of water consumers within the boundaries  
598 of the City of Homer.

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14.08.100 Surplus water – Sale.

a. Subject to subsection (b) of this section and other provisions of this chapter, water may be made available for sale to bulk water customers, resellers, and others for export or consumption outside the boundaries of the City of Homer.

b. Notwithstanding any other provision of this title, City Council may by resolution restrict, interrupt, decrease, or terminate the sale of water for export or consumption outside the boundaries of the City if Council determines it is in the best interests of the City to do so.

14.08.110 Water shortage or emergency declaration.

a. City Council may declare a water shortage and restrict the use of water within the boundaries of the City if it finds, via resolution, and after conducting a public hearing, insufficient water available to meet the sanitation, fire protection, and consumption needs within the boundaries of the City.

b. City Council may declare a surplus water shortage via resolution and restrict use of surplus water as Council deems necessary and in the City’s best interest.

c. The City Manager may declare a water emergency of up to 30 days if he or she finds that there is an imminent threat or actual impairment to the City’s ability to meet water supply demands. The City Manager shall submit a summary of the declaration of water emergency and the reasons for the declaration at the next regularly scheduled Council meeting.

14.08.120 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. The City may take any other measures that the City determines, in its sole discretion, are necessary to address the water shortage or emergency so long as it does so without discrimination between similarly situated consumers.

b. Any measures adopted in response to a declared water shortage or 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.

c. Any measures adopted in response to a declared water shortage or water emergency will be made available for public inspection at the City Clerk’s office, at the City Library, and at the Public Works Department while those measures are in effect. Notice of the measures shall also be posted on the City’s website within 48 hours after the declaration of the water shortage or emergency.

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14.08.130 Water shortage or emergency – Appeal.

Any person aggrieved by a City Council declaration of a water shortage or water emergency under HCC 14.08.110, 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.

14.08.140 Water Rate Schedule

- a. Water utility services shall be billed according to a schedule reviewed, revised, and adopted by City Council via resolution annually.
- b. Copies of the rate schedule shall be available at the City Clerk’s office and the Public Works Department. The schedule may also be available on the City’s website.

14.08.150 Service deposits.

- a. All water service users, at the time the service is established, shall pay a deposit based on meter size, established by Council via resolution.
- b. Deposits and any accrued interest shall be refunded:
  - 1. After one year of service provided the customer has made all payments owed in full and at the time due; or
  - 2. No more than 45 days after the date customer is disconnected from the Water System or stops receiving service. Service deposits and any interest shall first be applied to any outstanding balance owed by the disconnecting customer. If there is a balance, the remaining deposit and interest after the payment of that balance shall be refunded to the disconnecting customer.
- c. Waiving of Deposits. If a customer has had utility service with the City within the last two years and paid their City utility payments on time, the Finance Department may waive the deposit requirement under this section.
- d. Landlord Agreement. An owner/customer who requests an automatic continuance of utility service between renters may enter into a landlord agreement with the City for this purpose. This request should be directed to the Finance Department.

14.08.160 Bulk water sales.

684 a. Bulk water sales rates shall be established by City Council via resolution. The schedule for  
685 service fees shall apply to all bulk water service requests.

686  
687 b. The meter deposit will be returned when the meter is returned undamaged.

688  
689 c. If a bulk water customer purchases a meter from the City for measuring the quantity of  
690 water purchased it shall be exempt from the monthly meter service charge. It is the  
691 responsibility of the bulk water customer to maintain that meter so the City can accurately  
692 determine the amount of water being purchased. In the event the meter fails, the customer  
693 must repair or replace the meter at its sole expense. The City may at any time test the meter  
694 for accuracy and reject a repaired meter that it is not accurate.

695  
696 14.08.170 Water filling station permit.

697  
698 a. No person shall establish or operate a water filling station to obtain water from the Water  
699 System unless that person has a water filling station permit issued by the City.

700  
701 b. A person shall apply for a water filling station permit on a form provided by the City. The  
702 permit application is available at the City Clerk's office, the Public Works Department, and may  
703 be available on the City's website. The permit fee must be submitted with the application.

704  
705 c. The water filling station permit criteria shall be included in the permit application and any  
706 conditions and terms of the permit shall be included on the face of the permit. Water filling  
707 station permit terms and conditions may include, but are not be limited to, uniform or site-  
708 specific flow rate restrictions, storage tank requirements, and other provisions required by the  
709 Public Works Department to minimize adverse effects on the Water System and promote its  
710 efficient operation.

711  
712 CHAPTER 14.50  
713 UTILITY DISTRIBUTION FACILITIES

- 714 Sections:  
715 14.50.010 Definitions.  
716 14.50.020 Underground installation of cable extensions.  
717 14.50.030 Enforcement of this chapter.

718  
719 14.50.010 Definitions.

720  
721 The following words, terms and phrases, when used in this chapter, shall have the meanings  
722 ascribed to them in this section, except where the context clearly indicates a different  
723 meaning:

724  
725 "Cable" includes cables and wires of all descriptions.

726

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

732  
733 "Public utility" includes all public utilities, whether or not subject to regulation by the  
734 Regulatory Commission of Alaska.

735  
736 "Telecommunications" means the transmission and reception of messages, images,  
737 impressions, pictures, data, and signals by means of electricity, electromagnetic waves, and  
738 any other kind of energy, force variations, or impulses, whether conveyed by cable, wire,  
739 radiated through space, or transmitted through other media within a specified area or between  
740 designated points.

741  
742 14.50.020 Underground installation of cable extensions.

743  
744 After October 24, 2006, all public utility cable facilities, including, but not limited to, electric  
745 power, telephone, and telecommunications cables constructed or installed for the purpose of  
746 providing utility service to any land not served before that date by overhead cable facilities,  
747 shall be installed underground, and no cables or supporting poles shall be constructed or  
748 installed above ground for such purpose, unless the utility obtains an approved exception  
749 pursuant to HCC 22.10.055(e) or (f).

750 14.50.030 Enforcement of this chapter.

751  
752 a. In addition to penalties and remedies set forth in this title, no permit may be issued to install  
753 a utility line on City property or in a City-owned or controlled easement or right-of-way in  
754 violation of this chapter.

755  
756 Section 8: Title 17 entitled "Improvement Districts" is hereby repealed and reenacted to  
757 read as follows:

758  
759 TITLE 17  
760 PUBLIC ASSESSMENTS

- 761 Chapters:
- 762 17.01 General Provisions
  - 763 17.02 Special Assessment Districts
  - 764 17.03 Enforcement of Public Assessments
  - 765 17.05 Homer Public Water System Assessment Fund
  - 766 17.10 Water and Sewer Zone Connection Assessments
  - 767 17.15 Water and Sewer Individual Connection Assessments
  - 768 17.15 Public Utility and improvement short-term financing
  - 769 17.20 Developer Reimbursement Plans

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CHAPTER 17.01  
GENERAL PROVISIONS

Sections:

- 17.01.010 Definitions.
- 17.01.020 Purpose.
- 17.01.030 Authority.
- 17.01.010 Definitions.

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

“Benefited area method” means a method of assessment that determines each parcel’s share of the assessment by dividing the total cost of the improvements on which the assessment is based by the total square footage of land benefitted by the improvement and then allocating a portion of the cost of the assessment to each parcel based upon the square footage of the land benefitted by the improvement. The Public Works Director has the authority and discretion to calculate and apply the benefited area method. The square footage included in the calculation shall include only developable land.

“Cost” means all expenses incurred by the City for an improvement, including but not limited to, advertising expenses, fees of engineers, architects and surveyors, legal fees, costs of property acquisition, payments to construction contractors, costs of interim and long-term financing of the improvement, including costs of issuing bonds and notes, and City administrative costs.

“Developable land” means land that, in the discretion of the Public Works Director, can be reasonably developed for uses permitted within the property’s zoning district.

“District” means a special assessment district created under this chapter unless otherwise specified.

“Improvement” means a capital improvement, including without limitation streets, sidewalks, alleys and bridges; street lighting; drainage and flood control facilities; sanitary sewage collection and treatment facilities; water supply and distribution facilities; natural gas distribution facilities; and parks, playgrounds, public squares and open space.

“Public Works Director” means the Public Works Director or his or her designee. If the Public Works Director position is not filled or temporarily empty, the City Manager or his or her designee will serve as the “Public Works Director” for purposes of this Title.

811 "Special Assessment Application Fee" means the fee charged for the processing of the special  
812 assessment district application. The fee is approved annually by Council in the resolution  
813 adopting the City fee schedule.

814

815 "Record owner" means the person in whose name real property is listed on the property tax roll  
816 prepared by the Kenai Peninsula Borough and thus the record owner of that real property for  
817 purposes of this Title.

818

819 17.01.020 Purpose of title.

820

821 a. The purpose of this title is to identify the assessments the City may charge for acquiring,  
822 installing or constructing capital improvements and utility systems that benefit real property  
823 within City boundaries.

824

825 17.01.030 Assessment authority.

826

827 The City may assess all or part of the cost of a capital improvement against real property  
828 benefited by the improvement, whether the property is privately or governmentally owned,  
829 including real property that is exempt from taxation.

830

831 CHAPTER 17.02

832 SPECIAL ASSESSMENT DISTRICTS

833

834 Sections:

835 17.02.030 Purpose of and authority for special assessment district.

836 17.02.040 Initiation of a special assessment district.

837 17.02.050 Creation of a special assessment district.

838 17.02.060 Contract – Approval of increased costs.

839 17.02.070 Special assessment roll.

840 17.02.080 Certification of assessment roll.

841 17.02.090 Payment.

842 17.02.100 Subdivision after levy of assessments.

843 17.02.120 Reassessment.

844 17.02.130 Objection and appeal.

845 17.02.140 Interim financing.

846 17.02.150 Special assessment bonds.

847 17.02.160 Time limit for special assessment districts.

848 17.02.170 Water and sewer connections required.

849 17.02.180 Road improvement assessments for lots with two street frontages.

850 17.02.190 Deferment of assessment payments for low income residents.

851 17.02.200 Payment in lieu of assessment.

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853 17.02.030 Purpose and authority for special assessment districts.



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a. A special assessment district may be created for the purpose of acquiring, installing or constructing a capital improvement that primarily benefits real property in the district, in contrast to capital improvements that benefit the entire community and are paid for with general government resources or improvements that benefit a specific individual parcel.

b. The purpose of this chapter is to prescribe the procedure for initiating a special assessment district, authorizing an improvement in a special assessment district, approving and levying special assessments, payment of special assessments, and the authorization of special assessment bonds, for public information and administrative guidance.

17.02.040 Initiation of district.

a. A special assessment district may be initiated by:

1. A Resolution, initiated by a Council member, the City Manager, or through the developer reimbursement application process set forth in this Title and approved by a vote of not less than three-fourths of Council; or
2. A Petition signed by 50% of the total record owners who receive notice from the City Clerk's office that they will be assessed a portion of the costs of a single capital improvement.

b. Special assessment petition applications are available from the Clerk's office. A benefited property owner proposing a special assessment district by petition must file with the Clerk a complete special assessment petition application no more than 60 days after the notice of assessment is issued to record owners. The Clerk shall approve all properly and timely submitted applications within 10 days of the date on which the application is filed. The Clerk shall notify the petition sponsor in writing that the petition has been approved, prepare the petition, and distribute it by certified mail to all record owners of property in the proposed district no more than 30 days after the petition application is approved.

c. Upon adoption of a resolution initiating a special assessment district, or the filing of a sufficient petition with the Clerk, the City Clerk shall:

1. Schedule a meeting of record owners of real property in the proposed district, notify the record owners by mail of the date, time and location of the meeting, and include a copy of the notice in the City's regular meeting advertisement; and
2. Refer the proposed district to the Public Works Director, who shall prepare an improvement plan for the proposed district. The proposed district improvement plan shall include:
  - A. The boundaries of the proposed district
  - B. The design of the proposed improvement
  - C. A cost estimate for the improvement
  - D. The assessment allocation method used to calculate the amount owed by each record owner in the proposed district

897 E. The percentage of the improvement cost to be assessed against properties in  
898 the district

899 F. The time period over which assessments will be financed, and

900 G. Preliminary assessment roll for the proposed district.

901 3. The Public Works Director shall use the benefitted area method in calculating the  
902 assessment amount unless another method is specified in the improvement plan.

903

904 17.02.050 Creation of a special assessment district.

905

906 a. Upon completion of an improvement plan under this chapter, the City Clerk shall set a time  
907 for a public hearing on the necessity of the improvement and proposed improvement plan.  
908 Notice of the hearing shall be published at least twice in a newspaper of general circulation in  
909 the City, and mailed via certified mail to every record owner of real property in the proposed  
910 district not less than 60 days before the hearing.

911

912 b. A record owner of real property in the proposed district may file a written objection to the  
913 improvement plan with the City Clerk no later than the day before the date of the public  
914 hearing on the improvement plan. If owners of real property that would bear 50 percent or  
915 more of the assessed cost of the improvement file timely written objections, the Council may  
916 not proceed with the improvement unless it revises the improvement plan to reduce the  
917 assessed cost of the improvement that is borne by objecting record owners to less than 50  
918 percent of the assessed cost of the improvement. If the resolution changes the district  
919 boundary in the improvement plan, the City Clerk shall notify all record owners of property  
920 included in the district under the improvement plan of the change.

921

922 c. At the noticed date and time, Council shall hold a public hearing and shall adopt a resolution  
923 approving the assessment if Council finds, via resolution, that the improvement is necessary  
924 and benefits the properties that will be assessed. Council must also approve the proposed  
925 improvement plan. The resolution shall contain a description of the improvement, the  
926 estimated cost of the improvement, the percentage of the cost to be assessed against the  
927 properties in the district, and a description of the properties to be assessed.

928

929 d. If record owners of all real property in the proposed assessment district waive in writing the  
930 notice, protest period and public hearing required under this section, the question of creating  
931 the district may be submitted to Council without such notice, protest period or public hearing.

932

933 17.02.060 Contract – Approval of increased costs.

934

935 a. After a special assessment district has been created, the City shall contract for the  
936 construction of the improvement. If the City will own the improvement, it shall solicit bids for  
937 construction of the improvement. If the City will not own the improvement, it shall contract  
938 with the owner of the improvement to provide for its construction.

939

940 b. If the cost of constructing the improvement will exceed 15 percent of the estimated cost of  
941 construction identified in the improvement plan, the City shall not contract for the  
942 construction of the improvement without first notifying all record owners in the district via  
943 certified mail of the increased cost and providing record owners in the proposed district 30  
944 days to object to the increase.

945  
946 c. If the City receives written objections from record owners collectively bearing one-half or  
947 more of the cost of the improvement, the City may not contract to construct the improvement  
948 unless it can do so at an amount not more than 15 percent above the estimated cost of  
949 construction identified in the improvement plan. The City may still impose an assessment or  
950 levy taxes on the district for the costs of developing the improvement plan so long as the  
951 record owners approved the initiation of the district and the improvement plan.

952  
953 17.02.070 Assessment roll.

954  
955 a. After completion of the improvement, the City shall assess costs of the improvement and  
956 prepare an assessment roll stating for each property in the special assessment district the  
957 name and address of the record owner, Kenai Peninsula Borough parcel number, the legal  
958 description of the property, the amount assessed against the property, and the assessed value  
959 of the property as determined by the Borough Assessor.

960  
961 b. Council shall certify the assessment roll by resolution.

962  
963 c. Prior to certifying the assessment roll, Council shall hold a hearing. All record owners in the  
964 proposed district will have an opportunity to raise objections to the assessment roll at the  
965 hearing. At least 15 days before the hearing, the City Clerk shall send written notice of the  
966 hearing on the certification of the assessment roll by certified mail to each record owner  
967 appearing on the assessment roll and publish notice of the hearing in a newspaper of general  
968 circulation in the City.

969  
970 17.02.080 Certification of assessment roll.

971  
972 After the hearing the Council shall correct any errors or inequalities in the assessment roll. If an  
973 assessment is increased, a new hearing shall be set and notice published, except that a new  
974 hearing and notice is not required if all record owners of property subject to the increased  
975 assessment consent in writing to the increase. Objection to the increased assessment shall be  
976 limited to record owners of properties whose assessments were increased. When the  
977 assessment roll is corrected, the Council shall confirm the assessment roll by resolution. The  
978 City Clerk shall record the resolution and confirmed assessment roll with the District Recorder.

979  
980 17.02.090 Payment.

981

982 a. In the resolution certifying the assessment roll, Council shall fix the time or times when  
983 assessments or assessment installments are due, the amount of penalty on a delinquent  
984 payment and the rate of interest on the unpaid balance of an assessment. An assessment that  
985 is to be paid in a single payment shall not be due before 60 days after billing.

986  
987 b. Within 30 days after fixing the time when payment of the assessments is due, the Finance  
988 Director shall mail a statement to the record owner of each assessed property identifying the  
989 property and stating the assessment amount, the payment due date, and the amount of the  
990 penalty on a delinquent payment. Within five days after mailing the statements, the Finance  
991 Director shall publish notice of mailing the statements in a newspaper of general circulation in  
992 the City.

993  
994 17.02.100 Subdivision after levy of assessments.

995  
996 a. Except as otherwise provided in this section, upon subdivision of a parcel located in an  
997 assessment district where the assessment was apportioned equally between parcels, a  
998 "subdivided property connection fee" shall be paid before a lot created by subdivision, and not  
999 included in the original assessment, may be connected to the improvement for which the  
1000 original assessment was levied.

1001 1. The amount of the "subdivided property connection fee" shall be equal to the  
1002 amount of the original assessment adjusted by the increase in the number of parcels.

1003  
1004 2. If the original assessment was payable in installments the City may enter into a  
1005 written agreement for the payment of the connection fee in installments on terms that  
1006 are substantially the same as those authorized for the payment of the original  
1007 assessment, secured by a deed of trust on the parcel.

1008  
1009 b. Upon the subdivision of a property assessed as a single parcel in an assessment district for  
1010 natural gas distribution improvements where assessments were levied in an equal amount per  
1011 parcel (i.e., without regard to parcel area, dimension or other characteristic), the assessment  
1012 levied on the property that is to be subdivided shall be paid in full before the recording of the  
1013 final plat. No parcel that results from the subdivision shall be subject to assessment for the  
1014 improvements, but shall be charged for connecting to the improvements in accordance with  
1015 the tariff of the public utility that provides natural gas service to the parcel.

1016  
1017 c. Subdivisions of lots included in the original assessment shall only incur the "subdivided  
1018 property connection fee" when the subdivision of the lot occurs on or before the date the total  
1019 assessment for the district is paid in full.

1020  
1021 d. All subdivided property connection fees collected under this section shall be deposited in the  
1022 Homer Accelerated Water Sewer Program fund.

1023  
1024 17.02.120 Reassessment.

1025  
1026 a. Council shall within one year correct any deficiency in a special assessment found by a court,  
1027 under the procedure for certification of the assessment roll in HCC 17.02.

1028  
1029 b. Payments on the initial assessment are credited to the property upon reassessment. The  
1030 reassessment becomes a charge upon the property notwithstanding failure to comply with any  
1031 provision of the assessment procedure.

1032  
1033 17.02.130      Objection and appeal.

1034  
1035 a. An assessment may only be contested by a person who filed a written objection to the  
1036 assessment roll before its certification. Council's decision regarding an objection to the  
1037 assessment role is final and may be appealed to the Superior Court within 30 days after the  
1038 date of certification of the assessment roll.

1039  
1040 b. If no objection is filed or appeal taken within the time provided in this section, the  
1041 assessment procedure shall be considered regular and valid in all respects.

1042  
1043 17.02.140      Interim financing.

1044  
1045 a. Council may provide by resolution or ordinance for the issuance of notes to pay the costs of  
1046 an improvement from the special assessments for that improvement. The notes shall bear  
1047 interest at a rate or rates authorized by the resolution or ordinance, and shall be redeemed  
1048 either in cash or bonds for the improvement project.

1049  
1050 b. Notes issued against assessments shall be claims against the assessments that are prior and  
1051 superior to a right, lien or claim of a surety on the bond given to the City to secure the  
1052 performance of the contract for construction of the improvement, or to secure the payment of  
1053 persons who have performed work or furnished materials under the contract.

1054  
1055 c. The Finance Director may accept notes against special assessments on conditions prescribed  
1056 by the Council in payment of:

- 1057           1. Assessments against which the notes were issued in order of priority;  
1058           2. Judgments rendered against property owners who have become delinquent in the  
1059           payment of assessments; and  
1060           3. Certificates of purchase when property has been sold under execution or at tax sale  
1061           for failure to pay the assessments.

1062  
1063 17.02.150      Special assessment bonds.

1064  
1065 a. Council by ordinance may authorize the issuance and sale of special assessment bonds to  
1066 pay all or part of the cost of an improvement in a special assessment district. The principal and  
1067 interest of the bonds shall be payable solely from the special assessments levied against

1068 property in the district. The assessment shall constitute a sinking fund for the payment of  
1069 principal and interest on the bonds. The benefited property may be pledged by the Council to  
1070 secure payment of the bonds.

1071  
1072 b. On default in a payment due on a special assessment bond, a bondholder may enforce  
1073 payment of principal, interest, and costs of collection in a civil action in the same manner and  
1074 with the same effect as actions for the foreclosure of mortgages on real property. Foreclosure  
1075 shall be against all property on which assessments are in default. The period for redemption is  
1076 the same as for a mortgage foreclosure on real property.

1077  
1078 c. Before the Council may issue special assessment bonds, it shall establish a guarantee fund  
1079 and appropriate to the fund annually a sum adequate to cover a deficiency in meeting  
1080 payments of principal and interest on bonds if the reason for the deficiency is nonpayment of  
1081 assessments when due. Money received from actions taken against property for nonpayment  
1082 of assessments shall be credited to the guarantee fund.

1083  
1084 17.02.160 Time limit for special assessment districts.

1085  
1086 a. If five or more years elapse between the creation of a special assessment district and the City  
1087 contracting for construction of the improvement, the City may not enter into the contract  
1088 unless the Council by resolution extends the period for entering into the contract by not more  
1089 than an additional five years.

1090  
1091 b. Before the Council acts on a resolution under subsection (a) of this section, the City Clerk  
1092 shall mail notice of the resolution to each current record owner of property listed on the  
1093 preliminary assessment roll that the City will not contract for construction of the improvement  
1094 in the district unless the resolution is adopted. The notice also shall include an updated copy of  
1095 the preliminary assessment roll.

1096  
1097 17.02.170 Water and sewer connections required.

1098  
1099 Except as otherwise provided in Title 14, the owner of property in a water or sewer special  
1100 assessment district that contains an occupied building shall connect to the improvement  
1101 constructed in the district within three years after the date that the resolution confirming the  
1102 assessment roll for the district becomes final.

1103  
1104 17.02.180 Road improvement assessments for lots with two street frontages.

1105  
1106 a. The record owner of a through lot or flag lot may obtain a deferment of the part of an  
1107 assessment for road improvements that is based on frontage on a road to which the lot does  
1108 not have access. To obtain the deferment, the owner shall enter into a deferred assessment  
1109 agreement with the City before the end of the period for filing objections to the district under  
1110 HCC 17.01.050. The agreement shall provide that the lot has frontage on two streets, to only

1111 one of which the lot has access; that the lot owner shall pay the part of the assessment that is  
1112 based on frontage on the street to which the lot has access; and that the owner shall pay the  
1113 part of the assessment that is based on the other street frontage when the lot acquires access  
1114 to the street from that frontage. The agreement shall be recorded with the District Recorder's  
1115 office.

1116  
1117 b. The assessment for road improvements against a corner lot shall be based only on the  
1118 longer of the lot's road frontages.

1119  
1120 17.02.190 Hardship Deferrals.

1121  
1122 a. Assessment payments, including payments of assessments levied in the City of Homer  
1123 Natural Gas Distribution Special Assessment District created by Ordinance 13-02, but  
1124 excluding other assessment payments for the infrastructure of a privately owned utility, may  
1125 be deferred under the provisions of this section. A person may obtain a deferment of  
1126 assessment payments under this section if the person:

- 1127 1. Has an annual family income that is less than 200% of the current U.S. Health and  
1128 Human Services Poverty Guidelines for Alaska;  
1129 2. Is the record owner of the assessed property, and permanently resides in a single-  
1130 family dwelling on the property; and  
1131 3. Is not determined by the City, after notice and hearing, to have been conveyed the  
1132 property primarily for the purpose of obtaining the deferment.

1133  
1134 b. A person seeking deferment of an assessment payment shall file a written application with  
1135 the Finance Director supported by documentation showing that the applicant meets the  
1136 criteria in subsection (a) of this section. A person requesting an assessment payment  
1137 deferment the first year the assessment is levied must file an application for deferment with  
1138 the City no more than 15 days after receiving the initial assessment. A person requesting an  
1139 assessment payment deferment under this section in any year after the first year must file an  
1140 application for deferment no later than April 15th of the year for which the deferment is  
1141 sought. A person must file an application each year for which deferment is sought and shall be  
1142 required to prove eligibility for deferment as of January 1st of each year for which a deferment  
1143 is requested. Within the same year the City for good cause shown may waive the claimant's  
1144 failure to make timely application and approve the application as if timely filed.

1145  
1146 c. A person who receives an assessment payment deferment shall execute a deed of trust on  
1147 the property subject to assessment, together with a promissory note payable to the City on  
1148 demand, to secure the eventual payment of the deferred payment.

1149  
1150 d. A deferred assessment payment shall be immediately due and payable upon the earlier to  
1151 occur of the following events:

- 1152 1. The sale or lease of the assessed property; or

1153 2. The death of both the deferred assessment applicant and the applicant's surviving  
1154 spouse, if any.

1155  
1156 17.02.200 In lieu of assessment.

1157  
1158 a. A payment in lieu of assessment may be available to record owners outside of a special  
1159 assessment district who want to connect to the improvement funded by a special assessment  
1160 district and are willing to pay the full and actual costs of extending the benefit of the  
1161 improvement onto their property and the parcel's pro-rated share of the assessed  
1162 improvement. The Public Works Director retains authority to deny a request for extension of  
1163 an improvement under this section.

1164  
1165 b. A payment in lieu of assessment shall be paid in accordance with written terms agreed upon  
1166 by the City and the record owner of the property for which the payment in lieu of assessment is  
1167 being made.

1168  
1169 c. Property on which an "in lieu of assessment" has been levied in accordance with subsection  
1170 (a) of this section nonetheless may be included in a special assessment district for the same  
1171 service in the future date, and will be assessed in that district. An amount not exceeding the  
1172 lesser of (1) the amount of "in lieu of assessment" paid for the property and (2) the amount of  
1173 the assessment levied on the property in the future special assessment district shall be a credit  
1174 against the amount of the assessment levied on the property in the future special assessment  
1175 district.

1176  
1177 CHAPTER 17.03  
1178 ENFORCEMENT OF PUBLIC ASSESSMENTS

1179 Sections:  
1180 17.03.010 Delinquent assessment payments-enforcement.  
1181 17.03.020 Priority of lien.

1182  
1183 17.03.010 Delinquent assessment payments-enforcement.

1184  
1185 a. Assessments under this title and any interest or penalties on these assessments are liens on  
1186 the property assessed.

1187  
1188 b. Foreclosure of assessment liens shall be in accordance with the procedures required for  
1189 foreclosure of property tax liens under Alaska Statute.

1190  
1191 17.03.020 Priority of Lien.

1192  
1193 a. Assessments under this title and any interest or penalties on these assessments are liens on  
1194 the property assessed and are prior and paramount to all liens except municipal tax liens.



1195 Assessment liens may be enforced as provided in this Code and AS 29.45.320-29.45.470 for  
1196 enforcement of property tax liens.

1197  
1198 b. Assessment liens run with the land, and that portion of the assessment under the  
1199 assessment contract that has not yet become due is not eliminated by foreclosure of a  
1200 property tax lien.

1201  
1202 CHAPTER 17.18  
1203 DEVELOPER REIMBURSEMENT PROGRAM

- 1204 Sections:
- 1205 17.18.010 Purpose.
  - 1206 17.18.020 Definitions.
  - 1207 17.18.030 Developer Requested Special Assessment District
  - 1208 17.18.040 Developer Incentive and Reimbursement Program

1209  
1210 17.18.010 Purpose.

1211  
1212 It is the intent of this chapter to provide incentive through reimbursement and access to the  
1213 City's special assessment district process and procedures to developers expanding access to  
1214 public utilities and capital improvements within the boundaries of the City.

1215  
1216 17.18.020 Definitions.

1217  
1218 In this chapter, unless otherwise provided, or the context otherwise requires, the following  
1219 words and phrases shall have the meaning set forth below:

1220  
1221 "Benefiting property" means one or more parcel(s) of real property which are adjacent to, will  
1222 benefit from, or are likely to require connection to a Municipal Improvement.

1223  
1224 "Cost of Construction" means the developer's actual direct cost of constructing a Municipal  
1225 Improvement.

1226  
1227 "Developer" means an owner of real property who is developing his, her, or its real property.

1228 "Developer Reimbursement Agreement" means a written contract between the City, as  
1229 approved by the Council, and one or more developers, which provides for reimbursement of a  
1230 portion of the Costs of Construction of a Municipal Improvement by a developer, and the  
1231 method for assessing the pro rata share of the Costs of Construction of a Municipal  
1232 Improvement to Benefitted Property.

1233  
1234 "Municipal Improvement" means water, sewer, electrical, and/or storm water systems or other  
1235 capital improvements which have been designed and constructed according to City standards,  
1236 approved by the City, accepted by the City, and provide potential benefits and/or service to  
1237 Benefitted Property.

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17.18.030 Developer Requested Special Assessment District.

a. A developer may request a Resolution of the Council approving a special assessment district in connection with the construction of a Municipal Improvement as set forth in HCC 17.02.040.

b. A request for special assessment district initiated by a developer shall be filed on the Special Assessment District Resolution Request Form, which is available from the City Clerk's Office.

c. The developer's request must include all information required by the Special Assessment District Resolution Request Form, including, without limitation, a description of the boundaries of the district requested and the Municipal Improvement the developer intends to construct or extend, a cost estimate for the improvements to be constructed, the proposed method used to calculate the amount claimed by each record owner of Benefitted Property in the proposed district, the percentage of the improvement cost to be assessed to Benefitted Properties within the district, and the percentage of the improvement cost to be assessed to the developer's property and/or project.

d. Upon adoption of a Resolution of Council finding there is a necessity for the special assessment district identified by the developer in the developer's application and the initiation of the special assessment district process under this chapter, a Developer Reimbursement Agreement must also be presented to Council for approval. This agreement must include the terms and conditions of the improvement plan and the proposed construction and installation terms by the Contractor.

17.18.040 Developer Incentive and Reimbursement Program.

a. If Council approves the district and the Developer Reimbursement Agreement under the procedures set forth in Title 17.02, and upon completion of the approved Municipal Improvement in accordance with the City's standards and acceptance of the same by the City, and only to the extent permitted by law, the City shall transfer any payments received by the City in payment for the assessments within the district. The City will disburse any payments received from property owners in the district to the developer within 90 days from the date the City collects or receives the assessment payment.

b. The City may collect, but is not required to collect, the amounts assessed to any Benefitted Property for the pro rata share of the developer's Costs of Construction. The Pro Rata Payment must be paid before any Benefitted Property connects to or uses the Municipal Improvement. No Benefitted Property is permitted to connect to or use the Municipal Improvement without first making the Pro Rata Payment. The Pro Rata Payment is in addition to any connection fees, service fees, or other fees that may be charged for connection and/or use of the Municipal Improvement, or any other fees chargeable by the City under the Code for the construction of a particular Municipal Improvement.

1281  
1282 c. The City accepts no liability to collect any Pro Rata Payment from the owners of Benefitted  
1283 Property, or in the event of non-payment, to pursue enforcement for non-payment of any Pro  
1284 Rata Payment, or to disconnect or remove any Benefitted Property from the Municipal  
1285 Improvement for non-payment of a Pro Rata Payment. The City assumes no liability or  
1286 responsibility regarding the enforceability of any Reimbursement Agreement, or the  
1287 developer’s ability to seek a Pro Rata Payment. To the extent permitted by law, enforcement  
1288 matters relating in any way to a Pro Rata Payment, or recovery or reimbursement of any Costs  
1289 of Construction, shall be the sole responsibility of the private developer.

1290  
1291 Section 9: This ordinance is of a permanent and general character and shall be included  
1292 in the Homer City Code.

1293  
1294 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS \_\_\_\_ DAY OF \_\_\_\_\_,  
1295 2019.

1296  
1297 CITY OF HOMER

1298  
1299  
1300 \_\_\_\_\_  
1301 KEN CASTNER, MAYOR

1302 ATTEST:

1303  
1304 \_\_\_\_\_  
1305 MELISSA JACOBSEN, MMC, CITY CLERK

1306  
1307  
1308 YES:

1309 NO:

1310 ABSTAIN:

1311 ABSENT:

1312  
1313 First Reading:

1314 Public Hearing:

1315 Second Reading:

1316 Effective Date:

1317  
1318  
1319 Reviewed and approved as to form:

1320  
1321 \_\_\_\_\_  
1322 Katie Koester, City Manager

1320  
1321 \_\_\_\_\_  
1322 Holly Wells, City Attorney

1324 Date: \_\_\_\_\_  
1325

Date: \_\_\_\_\_



## Memorandum 19-058

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

FROM: COUNCIL MEMBERS LORD AND STROOZAS

DATE: MAY 22, 2019

SUBJECT: REWRITE OF HOMER CITY CODE TITLE 14 AND TITLE 17

Ordinance 19-23 provides a major overhaul of our City Code regarding water and sewer public utilities and special assessment districts. The legal memo outlines the major changes, encompassing both the proposed structural and policy changes. We have reserved June 11, 2019 at 4:00 p.m. for a worksession on this Ordinance, and we propose at least two public hearings to ensure time for both the public and Council to review and digest these proposed changes.

This is a huge undertaking, and we want to highlight several proposed policy changes for the Council's attention:

- Proposed Homer City Code (PHCC) 14.01. While also providing a critical consolidation of general provisions for Homer's water and sewer utilities, this section also includes basic language that is a skeleton of Ordinance 19-19 (14.04.010). We understand these are moving simultaneously, and suggest that the language be maintained in this Ordinance as a place-holder while 19-19 moves through the public process. As this Ordinance will likely take substantially longer to move, an amendment can be made to replace the language on Page 2, Lines 24-26 as appropriate. Note that this Ordinance also proposes deleting HCC 14.04.115
- Homer City Code (HCC)/PHCC 14.04.02 (Page 4 of the legal memo)
- HCC 14.30 deleted, revised and moved to PHCC 17.18. Pulls the developer reimbursement program in line with the special assessment district process and provides clarity on City responsibility (Page 7 of the legal memo)
- PHCC 17.02.010 Provides definitions for benefited area and developable land, providing a clear alternative to equal area assessments and maintaining flexibility in establishing the assessment method for a district.
- HCC/PHCC 17.02.100 is a revision of the subdivision after levy of assessment section of current code which you may recall from Ordinance 18.18 (failed). This proposal clarifies the calculation of the connection fee, and provides for a sunset date equal to the financing terms for the original assessment.
- HCC 17.04.190/PHCC 17.04.190 increases the qualifying income to 200% instead of 125% to be consistent with surrounding communities on the Kenai Peninsula. This would mean a family of four making less than \$64,380 would be able to qualify for a hardship deferral (vs. the current guideline of 125% or \$40,237).
- HCC 17.04.200/PHCC 17.02.200 Provides a clear process for properties outside an assessment district to join the district. See the accompanying diagram.

Future work, following on the heels of this Ordinance, will include updates to HCC 11.38 (the developer reimbursement program for roads), the HAWSP/HART policy manuals, the fee schedule, and a review of the penalty schedule (a copy of our current schedule is included in this packet for your reference). Similar to the legal memo provided by BHBC, this does not encompass all of the substantive changes in the Ordinance. However, it does highlight significant points that we believe the Council should review and discuss at a minimum, and we look forward to the conversation.

**CITY OF HOMER  
HOMER, ALASKA**

*Failed  
4/23/18*

Lord

**ORDINANCE 18-18**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA  
REPEALING HOMER CITY CODE 17.04.100, SUBDIVISION AFTER  
LEVY OF ASSESSMENT.

WHEREAS, Homer City Code 17.04.100 requires that a subdivision connection fee be collected when a property assessed as a single parcel in an assessment district where assessments were levied in an equal amount per parcel creates a new lot by subdividing and connects to the improvement; and

WHEREAS, The subdivision connection fee is substantially equal to the amount of the original assessment; and

WHEREAS, The levying of a subdivision connection fee discourages subdividing and infill where costly water and sewer infrastructure is installed; and

WHEREAS, It is in the best interest of the City to have more customers on the Water and Sewer System to share in the cost of maintaining the system; and

WHEREAS, Encouraging infill is will also help with the City of Homer's Comprehensive Plan Goal 9 under the Economic Vitality Chapter to provide affordable housing by creating smaller, affordable lots with city services; and

WHEREAS, In recognition of the impacts of levying a subdivision connection fee the Homer City Council exempted the Homer Natural Gas Line Special Assessment District from HCC 17.04.100 when it was established; and

WHEREAS, The Homer City Council recognizes there may be other issues that need to addressed in Title 14, Public Services and Title 17, Improvement Districts and directs the City Manager to work with the City Attorney to simplify and improve these sections of code.

NOW, THEREFORE, The City of Homer Ordains:

Section 1. Homer City Code 17.04.100 Subdivision after levy of assessments is hereby repealed:

~~a. Except as provided in subsections (b) and (c) of this section, upon the subdivision of a property assessed as a single parcel, the amount of the assessment shall be allocated among~~

43 the resulting lots that benefit from the improvement on the same basis that the assessment  
44 originally was allocated.

45  
46 ~~b. Except as provided in subsection (c) of this section, upon the subdivision of a~~  
47 ~~property assessed as a single parcel in an assessment district where assessments were levied~~  
48 ~~in an equal amount per parcel (i.e., without regard to parcel area, dimension or other~~  
49 ~~characteristic), then no resulting parcel, other than the parcel that contains the original~~  
50 ~~connection to the improvement for which the assessment was levied, may connect to the~~  
51 ~~improvement until a subdivided property connection fee is paid for the parcel.~~

52  
53 ~~1. The amount of the connection fee shall be equal to the amount of the original~~  
54 ~~assessment, adjusted up or down by a percentage equal to the change in the Consumer~~  
55 ~~Price Index, All Urban Consumers (CPI-U) for Anchorage, Alaska, from the end of the~~  
56 ~~calendar year preceding the original assessment date to the end of the calendar year~~  
57 ~~preceding the date the parcel is connected to the improvement.~~

58  
59 ~~2. If the original assessment was payable in installments the City may enter into a~~  
60 ~~written agreement for the payment of the connection fee in installments on terms that~~  
61 ~~are substantially the same as those authorized for the payment of the original~~  
62 ~~assessment, secured by a deed of trust on the parcel.~~

63  
64 ~~3. Upon receiving connection fee payments, the City shall allocate such payments to~~  
65 ~~each property assessed in the district in proportion to the amount originally assessed~~  
66 ~~against the property, either by adjusting the original assessment amount or disbursing~~  
67 ~~a payment to the record owner at the time of disbursement.~~

68  
69 ~~c. Upon the subdivision of a property assessed as a single parcel in an assessment~~  
70 ~~district for natural gas distribution improvements where assessments were levied in an equal~~  
71 ~~amount per parcel (i.e., without regard to parcel area, dimension or other characteristic), the~~  
72 ~~assessment levied on the property that is to be subdivided shall be paid in full before the~~  
73 ~~recording of the final plat. No parcel that results from the subdivision shall be subject to~~  
74 ~~assessment for the improvements, but shall be charged for connecting to the improvements in~~  
75 ~~accordance with the tariff of the public utility that provides natural gas service to the parcel.~~  
76 ~~{Ord. 15-11 § 1, 2015; Ord. 12-15 § 1, 2012}.~~

77  
78 Section 2: This ordinance shall take effect upon its adoption by City Council.

79  
80 Section 3: This ordinance is of a permanent and general character and shall be included  
81 in the City Code.

82  
83 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_ day of \_\_\_\_\_, 2018.

84  
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CITY OF HOMER

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BRYAN ZAK, MAYOR

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ATTEST:

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MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and Approved as to form and content:

\_\_\_\_\_  
Katie Koester, City Manager

\_\_\_\_\_  
Holly Wells, City Attorney

Date: \_\_\_\_\_

Date: \_\_\_\_\_

## MEMORANDUM 19-063

**TO: HOMER CITY COUNCIL  
CITY MANAGER KATIE KOESTER**

**FROM: HOLLY C. WELLS**

**RE: ORDINANCE 19-23: PUBLIC UTILITY SYSTEM AND SPECIAL  
ASSESSMENTS ORDINANCE**

**CLIENT: CITY OF HOMER**

**FILE NO.: 506,742.27**

**DATE: MAY 22, 2019**

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### **Introduction**

In early 2018 City Council Member Lord and City administration requested a review of the public utility provisions in the Homer City Code and City practices and procedures regarding public utilities to ensure they were up to date, clear, and consistent. As a result of the substantive review, Ordinance 19-23 proposes substantial changes to the Code's public utility provisions to address the current inconsistencies and outdated procedures enumerated in the Code. The purpose of this memorandum is to provide a blueprint to Council and the public regarding the revisions proposed in Ordinance 19-23. This ordinance was designed to accomplish several goals:

1. Place all Homer City Code provisions that require property owners to pay for public utilities or improvements into one area in the Code so property owners know what to expect.
2. Create clear public utility and improvement assessment procedures that can be consistently applied and anticipated by property owners and future purchasers and investors.
3. Ensure that local laws reflect local practice, obligations, and needs.

To this end, this memorandum provides a summary of the proposed substantial changes and the reasons for these changes. It includes tables specifically enumerating most of the changes made to ensure Council focuses on these changes during its consideration of the Ordinance. Of course, in light of the significant changes, this memo should be supplemented with public hearings and Council work sessions to ensure that all of the changes, and the effects of these changes, are understood.

## **The Reasons Behind the Rewrite**

In order to understand the proposed changes, it is helpful to understand the current relevant titles of the Code.

### *Current Title 14*

Currently, Title 14 entitled “Public Services” regulates both the water and sewer systems within the City but has separate sections governing both. While many of the processes related to management of the Homer sewer and water systems are the same, the Code provisions were adopted and apply to each system separately. Additional provisions were adopted or changed sporadically over the last 50 years, with enactment in the late 1960s and the latest amendment in 2013.<sup>1</sup> As a result of the disjointed evolution of HCC Title 14, utility users must be familiar with Code provisions in different Code locations in order to understand their obligations. The inclusion of water and sewer management provisions in multiple Code titles increases the potential for unintended violations of the City Code and leads to frustration among those attempting to comply with local law.

The most substantial changes to Title 14 involve:

1) consolidating common terms and provisions that apply to all Homer’s public utility systems into a single “general provisions” section;

2) integrating Code provisions from Title 13, namely Chapters 13.24 and 13.28, governing the management of the public utility systems into Title 14 so individuals connecting into the systems and users of the system have one place in the Code to look for all the relevant regulations;

3) removing conflicting or inconsistent terminology and requirements in order to ensure that the laws governing the systems are user-friendly; and

4) consolidating the permit and appeals procedures to the greatest extent possible to encourage compliance and ensure the public knows its rights, remedies, and responsibilities.

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<sup>1</sup> See Ordinance 13-30(A), which amended HCC 14.08.080 and 14.04.040 to adopt the respective water and sewer rate schedules annually via resolution. Ordinance 90-24(A) repealed and reenacted HCC 14.04, 14.05, and 14.08 to add the industrial wastewater treatment regulations required by the Environmental Protection Agency and the Clean Water Act and to create a mechanism to bill fish processors separately for their water since they use large amounts of water but that water does not enter the City sewer system.

The Ordinance also removes the highly technical and lengthy industrial pretreatment and sewage system regulations in HCC Chapter 14.05 and places them in procedures and regulations approved by Council. To this end, Council will have a resolution approving the industrial waste management policy manual and the proposed manual before it for review in June. The removal of the industrial waste management provisions from the Code and the placement of these requirements into a policy manual prevents the average user of City utilities from being confused or misdirected by the industrial waste requirements.

### *Current Title 17*

Unlike HCC Title 14, HCC Title 17, entitled “Improvement Districts,” has been recently updated and the current special assessment procedure provides a fairly straightforward, albeit in-depth, process for creating a special assessment district. However, additional provisions regarding assessment for public utilities are located in Title 14 and in other areas of the Code. Exceptions to the assessment districts or programs such as the developer reimbursement program are codified in separate titles or, in some cases, by agreement. This inconsistency in process does not provide for a user-friendly assessment process.

The Ordinance consolidates all public assessment processes in Title 17 and incorporates the developer reimbursement program into the special assessment district procedure. The assessment procedures were also changed to adopt a presumed “benefited area” method of assessment while preserving the ability for different methodologies to be used when more appropriate in a particular district. The proposed Title requires a subdividing lot owner to pay the subdivision connection fee in assessment districts where the assessment was equally apportioned between the existing lots but it limits imposition of the assessment fee on subdivided lots to those created before the original assessment amount is paid in full.

Given the unique terrain in Homer, affording flexibility in the assessment methodology provides the City more options to ensure fair and tailored cost distribution in a given district. The Ordinance also directs the Public Works Director rather than Council, to review and approve hardship deferral requests, which provides greater confidentiality to those seeking such a deferment.

### *Other Relevant Current Code Provisions: HCC 9.08, 11.30, 13.24, AND 13.28*

In addition to Title 14 and 17, it is also helpful to examine HCC 9.08, 11.30, 13.24, and 13.28. While these provisions are being repealed, the content of these provisions has been updated and incorporated into the proposed provisions in the Ordinance.

Chapter 9.08 entitled “Enforcement of Local Improvement District Assessments” was codified in the late 1960s. It appears that these provisions properly reflect the

process for collecting delinquent assessments under Alaska Statutes. However, Alaska statutes are ever changing and HCC 9.08 does not ensure that the City's lien enforcement procedure will change with the statutory requirements. Accordingly, HCC 9.08 was repealed and the identification of delinquent assessment payments as liens and the incorporation of the state process for enforcing and foreclosing on such liens using the property tax procedure was incorporated into HCC 17.03. This ensures that all the provisions regarding public assessments are in one title and easy to locate.

Similarly, HCC Chapter 13.24 entitled "Sanitary Systems" and HCC 13.28 entitled "Water Systems" were both relocated to ensure a user-friendly Code. These provisions were also adopted decades ago as part of a City project to update its construction design manual. The focus of the Council at the time of adoption was to ensure uniform construction practices within City right-of-ways. However, the interplay between the construction practice requirements with management and operation of City water and sewer systems was not anticipated. As a result, many of the definitions and expectations are inconsistent or disjointed. To this end, the Ordinance removes these provisions from the "Standard Construction Practices" title and places them in the respective sections governing the water and sewer systems. The Ordinance also removes many of the specific technical requirements addressed in HCC 13.24 and 13.28 and places those in a permit application process. The permit applications will be presented to Council for review and approval alongside the industrial waste management manual referenced above.

While the majority of Code provisions governing public projects and assessments have been addressed in the Ordinance, HCC 11.30 entitled "Street Extension Cost Reimbursement Plan," which addresses reimbursement of developers for road projects that benefit adjacent property owners, has not. Although I recommend Council eventually review and update Chapter 11.30 and relocate it if warranted, a review of the road improvement practices will require pointed and independent consideration by Council and the administration and would be difficult to do alongside the Title 14 revisions. For now, Title 11 governs construction of streets, sidewalks, and driveways and thus a developer intending to construct a road will likely turn to Title 11 before beginning road construction and will be aware of the reimbursement program detailed in HCC 11.30. Consequently, HCC 11.30 has not been revised or relocated at this time.

### **Understanding the Proposed Changes**

While the above provides an overview of the most substantial changes in the Ordinance, the following tables present a more detailed summary of the differences between the governing law in this area and the Code provisions proposed in the Ordinance. The first table shows the differences between existing Code Title 14 and Title 14 as proposed in the Ordinance. The second table shows the differences between existing Code Title 17 and Title 17 as proposed in the Ordinance. For ease of reference, the current code is referred to as HCC but proposed sections are identified as PHCC.

**Table 1: Title 14 Comparison**

Current HCC Title 14	The Ordinance
No Chapter 14.01	PHCC Chapter 14.01 was added to consolidate general provisions that apply to all utilities. It includes a definition of the “service area,” the City Manager’s rulemaking authority, City immunity, and contractor licensure requirements. It also incorporates the appeal and violation procedures that apply to all violations of Title 14 and all Title 14 permit appeals. PHCC 14.01.045 provides the process for setting both water and sewer rate schedules.
No purpose section in HCC 14.04	PHCC 14.04.010 “Purpose” added. This section provides a formal name for the City’s system, namely, the “Homer Sanitary Wastewater and Sewage System” and recognizes the general purpose of the Code to ensure that all properties are eventually connected to the City’s system.
HCC 14.04.010 Definitions	PHCC 14.04.010 is the purpose section and definitions are in PHCC 14.04.015. “Definitions” have been revised to remove definitions not referenced in Title 14 and adds definitions for important terms such as “directly adjacent,” “on-site sewer connection line,” “off-site sewer connection line,” “sewer connection line,” and “spaghetti line.” The Ordinance revises the Code to ensure these defined terms are consistently and uniformly used throughout.
No HCC 14.04.018	PHCC 14.04.018 “Service Connection Charges” consolidates numerous sections regarding fees and costs surrounding connection in one user-friendly location.
HCC 14.04.020 “Connection-Required” Exempts “alternative sanitary facilities” in one subsection but requires all properties to connect to the system when available in another subsection.	PHCC 14.04.020 “Connection-Required” provides property owners three years instead of just one to connect to the City System and provides an exemption from connection for those with compliant and fully-functioning septic systems until those systems require replacement or substantial repair.

HCC 14.04.050 "Sewer service connections and extensions"	PHCC 14.04.050 "Sewer Service connections and extensions permits" removes the lengthy references to the standards and specifications needed to install a connection or extension and instead creates a permit process. This allows the property owner to access the permit application and have clearly-delineated requirements applicable to that process. It also allows the City to update the permit criteria as needed.
HCC 14.04.060 "Disposition of Revenue"	Removed: Provision requiring 100% of funds deposited into "central treasury" of the City and the "sewer utility fund" referred to requirements that are no longer necessary.
HCC 14.04.070 "Destruction of private sewage disposal systems" Requires destruction of private sewage facilities within 60 days of connection to City System.	PHCC 14.04.070 "Destruction/Abandonment of private sewage disposal systems" removes the 60-day restriction because in practice it may be too strict but instead requires compliance with the Alaska Department of Environmental Conservation.
HCC 14.04.080 "Sewage or waste disposal permit requirements" Grants a "permit" to one family existing or "future" dwellings connecting to the system and requires all others to have a permit, except for "significant industrial users." There is no notice provision.	PHCC 14.04.080 "Commercial waste disposal permit" Incorporates as-built and survey requirements unless the specific lease agreement provides otherwise. Simplifies language but adds protections for permit applicants, such as requiring notice before revocation or modification of a permit, except in cases of emergency.
HCC 14.04.090 "Discharge of Surface Drainage into City Sewer"	Moved to PHCC 14.04.100 "Discharge of surface drainage into HSWS Illegal." Simplified and clarified language.
HCC 14.04.100 "Board of Appeals"	Moved to PHCC 14.01.070 and changed from permitting an appeal to the "Board of Appeals," which was Council and the Mayor to the City Manager or a designated hearing officer.
HCC 14.04.105 "Appeals Procedure"	Moved to PHCC 14.01.070 "Utility Permits-Appeal Procedure." Provides less extensive appeal procedures because briefing schedules and process can be tailored to the needs of each case. Different permits will have differing levels of complexity.
HCC 14.04.110 "Appeal to Superior Court"	Moved to PHCC 14.01.080 "Utility Permit Appeals-Superior Court."
HCC 14.04.115 "Extraterritorial services"	Moved to PHCC 14.01.010 "Water and sewer service area." Removes lengthy extraterritorial services application procedure for sewage and provides for a uniform policy for water and sewer, both of which will require Council approval by ordinance before property outside the City will be approved to connect to the System.

HCC 14.04.120 "Rulemaking Authority"	Moved to PHCC 14.01.020 "City manager rulemaking authority."
HCC 14.04.130 "Violation"	Moved to PHCC 14.01.040 "Violation Penalty" and PHCC 14.01.045 "Violation right to appeal." Adopts uniform appeal procedures and rights to appeal for all Title 14 violations.
Chapter 14.05 "Sewage-Industrial Pretreatment and Discharge"	Chapter 14.05 repealed. Inserted PHCC 14.04.090 "Industrial waste disposal permit requirements." HCC 14.05 incorporated through a separate policy and procedure manual adopted and/or revised by Council via resolution.
HCC Chapter 14.08 "Water Rules and Regulations"	PHCC Chapter 14.08 renames the chapter "Homer Public Water System." HCC Chapter 13.28 is repealed and its provisions incorporated into PHCC 14.08.
HCC 14.08.010 "Purpose"	PHCC 14.08.010 "Purpose" revises the purpose to include reference to the intent to provide for the financial management of the Water System and to include a formal name for the system, namely "The Homer Public Water System."
HCC 14.08.020 "Definitions"	PHCC 14.08.020 provides a consistent definition of "directly adjacent," defines "surplus water," "water connection line," "water extension," "spaghetti line," "water filling station," "on-site water connection line," "off-site water connection line," and provides a definition of "multiple-family dwelling." It removes the definition for "certified service area" since the service area boundaries and limitations were incorporated into PHCC 14.01.010.
HCC 14.08.030 "Water connections and extensions"	PHCC 14.08.030 "Operation of water valves, fire hydrants, and curb stops" incorporates the basic requirement in HCC 13.28.040 "Operation of water valves, fire hydrants, and curb stops" that only City personnel may operate these things.
HCC 14.08.040 "Private water systems-Connection Permits-Fees."	PHCC 14.08.040 "Water meter installations" incorporates the core components of HCC 13.28.050. The more specific criteria regarding water meter installation are now placed in "Water Meter Installation Instructions" adopted by the Public Works Director and approved by Council.
HCC 14.08.037 "Water meters"	Removed.
HCC 14.08.050 "Water connections and extensions."	PHCC 14.08.050 "Water connections and extension permit."
HCC 14.08.060 "Frozen Pipes-City not liable."	Moved to PHCC 14.08.070 "Frozen Pipes-City not liable." No substantial changes.
HCC 14.08.070 "Discontinuance of supply"	Moved to PHCC 14.08.080 and renamed "discontinuance of water". No substantial changes.



HCC 14.08.072 "Priority use of water."	Moved to PHCC 14.008.090 "Priority use of water." No substantial changes.
HCC 14.08.074 "Surplus water-Sale."	Moved to PHCC 14.08.100 "Surplus water-Sale" simplified but not substantially changed.
HCC 14.08.076 "Water shortage or emergency declaration"	Moved to PHCC 14.08.110 "Water shortage or emergency declaration" simplified the water shortage declaration process and requires a resolution by Council but does not require the hearing and other procedures that may derail a response to a water shortage.
HCC 14.08.077 "Water shortage or emergency- Interruption of sale of surplus water-Other measures."	Moved to HCC 14.08.120 and simplified to provide the City Manager with the flexibility to react swiftly to a water shortage but ensure public awareness and notice.
HCC 14.08.078 "Water Shortage or emergency- Appeal"	Moved to PHCC 14.08.130. No substantial changes.
HCC 14.08.079 "Immunity for discretionary acts."	Moved to PHCC 14.01.030 to apply to all public utility systems.
HCC 14.08.080 "Schedule of rates-Rules and regulations and HCC 14.08.090 "Schedule of Rates Outside of the City Limits"	Moved to PHCC 14.01.090 "Sewer and water rate schedule," which consolidates the rate provisions for sewer and water and provides that rates will be in a schedule adopted by Council.
HCC 14.08.091 "Service deposits."	Moved to PHCC 14.08.150 "Service deposits." No substantial changes but language was simplified to identify clear criteria for refund.
HCC 14.08.100 "Bulk Water Sales"	Moved to PHCC 14.08.160; No substantial changes.
HCC 14.08.105 "Resale of water"	Repealed.
HCC 14.08.110 "Permit for resale of water"	Moved to PHCC 14.08.170 "Water filling station permit." Requires a permit application but moves the technical criteria for the permit into the permit application itself. It does identify some of the types of criteria that will be included in the application to ensure applicants have notice of the nature and scope of the permit criteria.
HCC 14.08.130 "Permit suspension, revocation" HCC 14.08.140 "Board of appeals-Notice of appeal" HCC 14.08.150 "Appeals-procedure" HCC 14.08.160 "Appeal to superior court" HCC 14.08.170 "Violation-penalty."	Moved to PHCC 14.01.040 "Violation"; PHCC 14.01.065 "Permit suspension, revocation"; PHCC 14.01.070 "Utility permits-Appeal procedure"; and PHCC 14.01.080 "Utility permit appeals-Superior Court" and applied to all City\public utility systems.
HCC Chapter 14.12 "Water and Sewer Zone Connection Fee"	Repealed. This fee has not been charged and is not administered. The Code was adopted to reflect longstanding practice.

HCC Chapter 14.16 "Sewer Contractors State Registration"	Moved to PHCC 14.01.060 "State contractor required" and applied to all City public utility systems.
HCC Chapter 14.20 "Sewer Contractors Bond"	Moved to PHCC 14.01.050 "State contractor required" and applied to all contractors installing, constructing, maintaining or repairing public utility systems.
HCC Chapter 14.30 "Water and Sewer Extension Cost Reimbursement Plan"	Moved to PHCC Chapter 17.18 "Developer Reimbursement Plan." This new chapter applies to all developers expanding access to public utilities and capital improvements within the City. The new chapter provides a clear procedure by which a developer may trigger a special assessment district process by requesting a resolution from Council. A developer agreement must be submitted with all the terms of the district and the utility or capital improvement installation proposed by the developer and it must be approved by Council. Once an approved agreement is in place and the special assessment district process complete, the City will transfer payments to the developer within 90 days of receipt of those payments. The Code clarifies, however, that the City is not required to collect payments and has no liability to the developer if it does not do so. This is necessary given the fluctuation in municipal resources necessary for enforcement.

**Table 2: Title 17 Comparison**

Title 17	The Ordinance
<p>HCC Title 17 “Improvement Districts” Chapters            17.04 Special Assessment Districts            17.08 Repealed            17.16 Assessment Fund</p>	<p>PHCC Title 17 “Public Assessments.” Changed title to reflect greater scope.            PHCC 17 Chapters            17.01 General Provisions            HCC 17.14 moved to PHCC 17.02 “Special Assessment Districts”            PHCC 17.03 “Enforcement of Public Assessments” added.            HCC 17.16 “Assessment fund” moved and renamed to 17.05 Homer Public Water System Assessment Fund            17.15 Water and Sewer Connection Assessments            17.20 Developer Reimbursement Plans</p>
<p>No Title definition section.</p>	<p>PHCC 17.01.010 “Definitions” provides a definition of “benefited area method” that identifies a method of assessment by which each parcel’s share of an assessment is determined, by dividing the total cost of the improvements on which the assessment is based by the total square footage of land benefitted by the improvement and allocating a portion of the cost of the assessment to each parcel based on that parcel’s square footage of the land benefitted by the improvement. This definition gives the Public Works Director discretion to calculate and apply the benefited area method. This method was proposed because it balances flexibility with oversight. While the Public Works Director uses his discretion, his methodology will be subject to review by Council in the special assessment district process under PHCC 17.02.</p> <p>A definition is also added for “developable land,” which also provides the Public Works Director discretion to determine what property can be reasonably developed for uses permitted within the property’s zoning district to ensure the most accurate proportion of an assessment. Definitions for “Public Works Director” and “Special Assessment Application Fee” were also added.</p>

<p>HCC Chapter 17.02 “Special Assessment Districts” HCC 17.04.040 “Initiation of district.”</p>	<p>PHCC 17.02.040 “Initiation of district” revised to permit a special assessment district to be requested by a developer through a written request form to Council for resolution. This permits a developer to trigger the assessment district process but ensures that all assessments and the obligations that accompany them follow the same notice and hearing procedures. The petition process was not substantially changed but the language was simplified and the contents of the petition required by the Clerk were removed. The Clerk’s petition forms will include that information as a matter of course and under State law. Referral of all proposed districts now go to the Public Works Director rather than the City Manager in order to reflect longstanding practice.</p>
<p>HCC 9.08 “Enforcement of Local Improvement District Assessments” repealed</p>	<p>HPCC 17.03 “Enforcement of Public Assessments” incorporates the essential and current provisions from HCC 9.08. PHCC 17.03.010 declares that assessments create a lien and requires that foreclosure of an assessment lien be done in accordance with the procedures required under Alaska Statute for property taxes, as required by State law. PHCC 17.03.020 acknowledges that a lien under Title 17 has priority.</p>

<p>HCC 17.02.050 “Creation of district.”</p>	<p>Moved to PHCC 17.02.050 “Creation of a special assessment district.” No substantial changes, just clarification of language.</p>
<p>HCC 17.04.060 “Approval of increased costs.”</p>	<p>Moved to PHCC 17.02.060 without substantial changes to the requirements but significant changes to clarify the language.</p>
<p>HCC 17.04.070 “Assessment roll.”</p>	<p>Moved to PHCC 17.02.070 and language simplified.</p>
<p>HCC 17.04.100 “Subdivision after levy of assessments.”</p>	<p>Moved to PHCC 17.02.100 and limited to property that is assessed by a method other than the benefited area method. The connection fee is identified as the amount of the original assessment adjusted by the increase in the number of parcels but does not require an adjustment for CPI. It removes the allocation of assessment amounts among property owners because of the difficulty of administering this provision and limits the duty to pay a subdivided property connection fee to lot subdivisions that occur before the original assessment has been paid in full.</p>
<p>HCC 17.04.170 “Water and sewer connection required.”</p>	<p>Moved to PHCC 17.02.170. The time for connection for water and sewer assessments was extended from one to three years.</p>

<p>HCC 17.04.190 “Deferment of assessment payments for low income residents”</p>	<p>Moved and renamed to PHCC 17.02.190 “Hardship deferrals.” Increased the qualifying income to 200% instead of just 125% of U.S. Poverty Guidelines for Alaska. Under this change, more people will qualify for a hardship deferral but the percentage used mirrors that adopted by the Kenai Peninsula Borough for other deferral and exemption programs. Removed the application to a person with “life tenancy” as the record owner bears the payment obligation. Removed the requirement that a deferral be approved by Council and changed the submission of the applications to the Finance Director rather than Council to protect confidentiality of the deferral process.</p>
<p>HCC 17.04.200 “In lieu of assessment”</p>	<p>Moved to PHCC 17.02.200 “Payment in lieu of assessment.” Payments in lieu of assessment were substantially changed to provide a clear process for parcel owners outside an assessment district to request to join a district. The terms require a written request that may or may not be granted by the Public Works Director and only allow an outside parcel owner to participate if he, she or it pays all costs for extending the improvement onto their property and the pro-rated share of the improvement for which the assessment district was formed.</p>
<p>No HCC 17.18</p>	<p>Added PHCC 17.18 “Developer Reimbursement Plan,” which applies to all developers expanding access to public utilities and capital improvements within the City. It provides a clear procedure by which a developer may trigger a special assessment district process by requesting a resolution from Council. A developer agreement must be submitted with all the terms of the district and the utility or capital improvement installation proposed by the developer and it must be approved by Council. Once an approved agreement is in place and the special assessment district process complete, the City will transfer payments to the developer within 90 days of receipt of those payments. The Code clarifies, however, that the City is not required to collect payments and has no liability to the developer if it does not do so. This is necessary given the fluctuation in municipal resources necessary for enforcement</p>

## **What Comes Next?**

Upon introduction of the Ordinance, the sponsors and the administration will begin preparing several documents that are necessary to complete the revisions proposed in the Ordinance. These documents include:

- 1) The industrial waste management policy manual and a proposed resolution approving the manual;
- 2) Permit applications for the following permits:
  - A. Sewer System extension and connection permit
  - B. Water System extension and connection permit
  - C. Waste Disposal permit
  - D. Water filling station permit
  - E. Commercial waste disposal permit
  - F. Industrial waste disposal permit
- 3) An ordinance updating HCC 1.16.040 "Disposition of scheduled offenses-Fine schedule."
- 4) A resolution updating the City fee schedule to include the permit application and appeal fees imposed under Titles 14 and 17.
- 5) A resolution updating HART and HAWSP manuals and the accompanying updated manuals.

Finally, in addition to the documents identified above, the City administration and Council will need to educate the public regarding the substantial changes to the water and sewer system management and public assessment processes.

## **Conclusion**

While this memorandum attempts to identify the changes between existing Code and the Ordinance, the Ordinance presents significant changes to the structure of the City's process that is not easily captured in a memo. For this reason, I have also attached copies of the current HCC Chapters 9.08, 13.24, and 13.28 and Titles 14 and 17 for easy comparison and reference. In addition, I am prepared to walk Council and the public through the changes in a presentation and any other medium that Council deems helpful.

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**CURRENT HOMER CITY CODE CHAPTER 9.08  
"ENFORCEMENT OF LOCAL IMPROVEMENT DISTRICT ASSESSMENTS"**

Ordinance 19-23 repeals HCC Chapter 9.08 and instead incorporates the assessment enforcement lien authority and the state mandated procedure that must be followed for enforcement into proposed Title 17, namely proposed Chapter 17.03 "Enforcement of Public Assessments." For purposes of consideration, the current and complete content of Chapter 9.08 is included below.

**Chapter 9.08 Enforcement of local Improvement District Assessments**

Sections:

- 9.08.010 Validity.
- 9.08.020 Assessments to be liens.
- 9.08.030 Assessment collection.
- 9.08.040 Foreclosure list.
- 9.08.050 Clearing delinquencies.
- 9.08.060 Notice to lien holders.
- 9.08.065 Costs of notice to be lien.
- 9.08.070 Answer and objection.
- 9.08.080 Judgment.
- 9.08.090 Transfer and appeal.
- 9.08.100 Redemption period.
- 9.08.110 Effect.
- 9.08.120 Additional liens.
- 9.08.130 Possession during redemption period.
- 9.08.140 Expiration.
- 9.08.150 Deed to City.
- 9.08.152 Release of priority liens.
- 9.08.155 City disposition of foreclosed properties.

**9.08.010 Validity.**

Certified assessment rolls are valid and binding on all persons, notwithstanding any defect, error, omission or invalidity in the assessment rolls or proceedings pertaining to the assessment roll.

**9.08.020 Assessments to be liens.**

Assessments, together with penalty and interest, are liens upon the property assessed and are prior and paramount to all other liens or encumbrances against the property except municipal tax liens.

**9.08.030 Assessment collection.**

The City shall enforce delinquent assessment liens by foreclosure.



**9.08.040 Foreclosure list.**

a. The City shall:

1. Annually, present a petition for judgment and a certified copy of the foreclosure list for delinquent assessments in the Superior Court. Improvement districts may be foreclosed individually, or more than one district may be combined in a single petition.
2. Publish the foreclosure list for four consecutive weeks in a newspaper of general circulation distributed within the City or, if there is no newspaper of general circulation distributed within the City, post the list at three public places for at least 30 days.
3. Within 10 days after the first publication or posting, mail to the last known owner of each property as his name and address appear on the list a notice advising of the foreclosure proceeding in which a petition for judgment of foreclosure has been filed and describing the property and the amount due as stated on the list.

b. The list shall be arranged in alphabetical order as to the name and shall include:

1. The last known owner;
2. The property description as stated on the assessment roll;
3. Years and amounts of delinquency;
4. Penalty and interest due;
5. A statement that the list is available for public inspection at the Clerk's office;
6. A statement that the list has been presented to the Superior Court with a petition for judgment and decree.

c. Completion of the requirements of subsection (a) of this section constitutes and has the same force and effect as the filing of an individual and separate complaint and service of summons to foreclose a lien against each property described on the foreclosure list.

**9.08.050 Clearing delinquencies.**

During the publication or posting of the foreclosure list and up to the time of transfer to the City a person may pay the assessment, together with the penalty, interest and costs. The Collector shall note payment on the foreclosure list.

**9.08.060 Notice to lien holders.**

In addition to the notice to the last known owner pursuant to HCC 9.08.040(a)(3), the same notice shall be sent:

- a. By mail to a holder of a mortgage or other lien of record on the real property; and
- b. By certified mail to a holder of a mortgage or other lien on the real property who requests the Clerk in writing to provide notice of a foreclosure list which includes such real property.

**9.08.065 Costs of notice to be lien.**

Costs incurred in the determination of owners of record and holders of mortgages and other liens of record and costs of publication and other notice incurred by the City under this chapter are a lien on the property and shall be recovered by the City.

**9.08.070 Answer and objection.**

A person having an interest in a tract on the foreclosure list may file an answer within 30 days of the date of last publication, specifying his objection. The Court shall make its decision in summary proceedings. The foreclosure list is prima facie evidence that the assessment and levy of the assessment are valid and that the assessment is unpaid.

**9.08.080 Judgment.**

The court shall in a proper case give judgment and decree that the assessment liens be foreclosed. It is a several judgment against and a lien on each parcel.

**9.08.090 Transfer and appeal.**

a. Foreclosed properties are transferred to the City for the lien amounts. When answers are filed the court may enter judgment against and order the transfer to the City of all other properties on the list pending determination of the matters in controversy. The court shall hear and determine the issues raised by the complaint and answers in the same manner and under the same rules as it hears and determines other actions.

b. The Court Clerk shall deliver a certified copy of the judgment and decree to the City Clerk. The certified judgment and decree constitutes a transfer to the City.

c. The judgment and decree stops objections to it which could have been presented before judgment and decree.

d. Appeal from a judgment and decree of foreclosure, or from a final order in the proceeding, may be made in the manner provided for appeals in civil actions.

**9.08.100 Redemption period.**

Properties transferred to the City shall be held by the City for at least one year. During the redemption period a party having an interest in the property may redeem it by paying the lien amount plus penalties, interest and costs, including all costs incurred under this chapter and recoverable pursuant to HCC 9.08.065. Property redeemed is subject to all taxes, assessments, liens and claims as though it had continued in private ownership. Only the amount applicable under the judgment and decree must be paid in order to redeem the property.

**9.08.110 Effect.**

Receipt of redemption money by the Clerk releases the judgment obtained through foreclosure (AS 29.45.410). The Clerk shall record the redemption and issue a certificate containing a property description, the redemption amount, and the dates of judgment and decree of foreclosure. The Clerk shall file the certificate with the Recorder and collect the recording fee from the person redeeming at the time of redemption. The Court Clerk shall file the certificate as part of the judgment roll.

**9.08.120 Additional liens.**

If a property included in a foreclosure list is removed after payment of delinquencies or redemption by another lienholder, the payment represented by receipt for payment constitutes an additional lien on the property, collectible by the lienholder in the same manner as the original lien.

**9.08.130 Possession during redemption period.**

Foreclosure does not affect the former owner's right to possession during the redemption period. In the event that waste is committed by the former owner, or by anyone acting under his permission or control, the City may declare an immediate forfeiture of the right to possession.

**9.08.140 Expiration.**

At least 30 days before the expiration of the redemption period the Clerk shall publish a redemption period expiration notice. The notice shall contain the date of judgment, the date of expiration of the period of redemption and a warning to the effect that all properties ordered sold under the judgment, unless redeemed, shall be deeded to the City immediately on expiration of the period of redemption and that every right or interest of any person in the properties will be forfeited forever to the City. The notice is published once a week for four consecutive weeks in a newspaper of general circulation within the City. If there is no newspaper of general circulation within the City, the notice is posted in three public places for at least four consecutive weeks. The Clerk shall send a copy of the published notice by certified mail to each record owner of the property against which a judgment of foreclosure has been taken and to all holders of mortgages or other liens of record on the property (AS 29.45.440(a)). The notice shall be mailed within five days of the first publication. The mailing shall be sufficient if mailed to the property owner at the last address of record. The right of redemption shall expire 30 days after the date of the first publication notice.

**9.08.150 Deed to City.**

a. Upon expiration of the redemption period, the Borough Clerk or the Clerk of the Superior Court shall deed unredeemed properties to the City subject to the payment by the City of unpaid taxes of the Kenai Peninsula Borough. The deed shall be recorded in the Homer Recording District.

b. Conveyance gives the City clear title except for prior recorded tax liens of the United States, the State of Alaska and the Kenai Peninsula Borough.

c. No deed is invalid for irregularities, omissions or defects unless the former owner has been misled so as to be injured. After two years from the date of the deed, its validity is conclusively presumed and any claim of the former owner or other person having an interest in the property is forever barred.

**9.08.152 Release of priority liens.**

In order to protect the title of the City, the City Council may by motion authorize the City Manager to secure the release of any priority lien on property deeded to the City.

**9.08.155 City disposition of foreclosed properties.**

Foreclosed properties deeded to the City shall be classified pursuant to HCC 18.06.042 and may be retained by the City or offered for sale pursuant to the applicable provisions of HCC Title 18.

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## CURRENT HOMER CITY CODE CHAPTERS 13.24 & 13.28

### Chapter 13.24 SANITARY SYSTEMS

Sections:

- 13.24.010 Applicability and definitions.
- 13.24.020 Materials – Gravity line.
- 13.24.030 Materials – Pressurized line.
- 13.24.040 Construction and installation – Gravity line.
- 13.24.050 Construction and installation – Pressurized line.

#### **13.24.010 Applicability and definitions.**

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- a. This chapter is limited to sewer service installations within public easements and rights-of-way.
- b. Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings set forth below:

Directly Adjacent. A sewer main is “directly adjacent” to a lot when the sewer main is located in an easement or right-of-way that is adjacent to the lot, and either (1) the sewer main extends the entire length of the frontage of the lot along the easement or right-of-way; or (2) the sewer main extends at least 10 feet into the easement or right-of-way adjacent to the lot, and the Public Works Director has determined that at no time will the sewer main be extended to serve additional lots.

“Temporary connection” means a line that connects a lot to a sewer main that is not directly adjacent to the lot.

#### **13.24.020 Materials – Gravity line.**

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This section is limited to utility sewer service connections and does not apply to sewer mains.

- a. Ductile iron sewer pipe (DIP) class 50 conforming to ASTM A-746, AWWA STD. C-151 and AWWA STD. C-104; or
- b. Cast iron soil pipe and fittings conforming to ASTM A-746; or
- c. No-hub cast iron soil pipe and fittings conforming to AA group 022;
- d. U.S. Tyton joints systems (TYSEAL) U.S. Pipe Co. or equal are approved;

- e. All Tyton joints seals must be made with tools specifically designed for that purpose;
- f. No-hub sewer service couplings: size four-inch approved only;
- g. Cast iron flanges and saddles, male or female, with either single stainless steel band or double band clamp are approved.

#### **13.24.030 Materials – Pressurized line.**

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This section is limited to utility sewer service connections requiring pressurized flow or life and does not apply to sewer mains.

- a. No galvanized pipe shall be used.
- b. Standard size two-inch HDPE socket fused polyethylene plastic pipe and fittings are approved. Qualified as type III, category 5, class C, grade P34 in ASTM D-1248 with a design pressure rating of 100 psi minimum. Pipe shall be SCLAIRCOR series 100 or equal.

#### **13.24.040 Construction and installation – Gravity line.**

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This section is limited to gravity sewer service installation.

- a. Five-foot minimum bury unless specifically allowed by the Public Works Inspector; except, that in roadway, the minimum bury is seven feet. In cases allowed, rigid board insulation of two-inch thickness minimum by 24 inches wide shall be placed six to 12 inches above the component on top of the bedding/backfill and centered in line with the component.
- b. The service line stubouts shall be placed on the property line or utility line as applicable. No service shall be placed closer than five feet to any property line not parallel to the main line.
- c. The sewer service line must have a minimum horizontal separation of 10 feet from any water service line, fire hydrant, or main line valve.
- d. The contractor shall install the service at 90 degrees to the street main line whenever possible.
- e. The service line may not cross property lines, except where the line comes from the main line in the public rights-of-way to the property being served, except with the written permission of the Public Works Director.
- f. A lot may be connected only to a sewer main that is directly adjacent to the lot.

g. Within the time provided in this subsection, a temporary connection shall be disconnected at the sewer main and replaced with a connection to a sewer main that is directly adjacent to the lot, at the expense of the lot owner. Upon connecting to the directly adjacent sewer main, the lot shall bear a portion of the cost of constructing the directly adjacent sewer main on the same basis as other lots that receive access to sewer service through the construction.

1. If there is no sewer main directly adjacent to the lot as of the effective date of the ordinance codified in this subsection, the temporary connection shall be replaced no later than one year after a sewer main directly adjacent to the lot is placed in service; provided, that the replacement shall be made during construction of the directly adjacent sewer main when necessary to maintain sewer service to the lot. The City shall notify a lot owner of the owner's obligations under this subsection before commencing construction of the sewer main.

2. If there is a sewer main directly adjacent to the lot as of the effective date of the ordinance codified in this subsection, the temporary connection shall be replaced no later than one year after the effective date of the ordinance codified in this subsection. The City shall notify a lot owner of the owner's obligations under this subsection within 60 days after the effective date of the ordinance codified in this subsection.

h. All taps into the main line must be made with tools designed specifically for that purpose and must be sized correctly for the specific sewer service connection. Only hole-cutter type tools such as manufactured by Pilot may be used to tap the main. Cutoff saws will not be allowed.

i. The City of Homer will not rent or loan any tools for sewer service installation except in the case of emergency as determined by the Public Works Director or his appointed agent.

j. The tap into the main shall be at approximately 45 degrees above horizontal.

k. A sweep of 22.5 degrees to 45 degrees shall be installed above the main to attain the proper elevation and grade.

l. The pipe shall continue at a continuous grade of one percent to three percent until under the foundation of the structure served. In some cases, 22.5-degree drops may be approved as determined by the Public Works Inspector.



- m. No floor drains, drain tile systems nor other devices may be connected to the sewer system by a service or directly which would allow the entry of rain water or runoff water into the system.
- n. Grease traps and sand traps shall be installed by the most recent State-accepted Uniform Plumbing Codes.
- o. Cleanouts shall be installed at bends greater than 45 degrees. No service line may continue over 100 feet without a cleanout being installed as measured from the main line.
- p. Backflow-prevention devices shall be installed where the potential for backflow exists as the result of flooding or blockage of the sewer system.
- q. Cleanouts shall be covered with the appropriate cap.
- r. The work must be free of leaks and flaws.
- s. The bottom of the excavation and/or bedding must be uniformly graded, and free of dips, bumps and large rocks.
- t. The trench shall be kept free of water at all times by pumping if required.
- u. In the event that ductile iron pipe is used for the service pipe, it shall be carried into position and not dragged. It shall be lowered into the excavation by means of a sling in such a manner that it is not dropped nor the pipe or fitting coating injured. The full length of the pipe shall rest on the bottom of the excavation with a recess allowed for the joint. While work is in progress, the open ends of the pipe shall be kept plugged so no trench water, dirt or foreign matter enters the pipe. Where the pipe coating or lining are damaged, they shall be repaired by the contractor in a satisfactory manner. All pipe joints shall be lubricated with Johns-Manville pipe joint lubricant or an Inspector-approved equal.
- v. The backfilling shall be done in such a manner as to assure that neither large rocks nor frozen lumps fall on the pipe. All sewer lines and components shall be bedded, backfilled and compacted to 95 percent of maximum material density. Only classified material shall be used for bedding and backfill as determined by the Public Works Inspector. In some cases, suitable bedding and/or backfill material may be encountered in the excavation and imported material may not be required as determined by the Public Works Inspector.
- w. No extension of a sewer service line may be made even on private property without the approval of the Public Works Inspector so that appropriate sizing, inspection and as-built records can be made.

- x. The public rights-of-way must be restored to their original condition before a service is accepted.
- y. No service will be accepted without copies of the required as-built plans, records and test data.

#### **13.24.050 Construction and installation – Pressurized line.**

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This section is limited to utility sewer service connections with pressurized flow from a private service requiring a lift station.

- a. The plans and specifications for the lift station must be reviewed and approved by the Public Works Inspector and the requirement for any specific lift station installation must be approved by the Public Works Director.
- b. Seven-foot minimum bury unless specifically allowed by the Public Works Inspector. In cases allowed, rigid four inches wide shall be placed six to 12 inches above the component on top of the bedding/backfill and centered in line with the component.
- c. The service line shall be placed on the property line or utility easement line as appropriate. No service shall be placed closer than five feet to any property line not parallel to the main line.
- d. The sewer service line must have a minimum horizontal separation of 10 feet from any water service line, fire hydrant or main line valve.
- e. The contractor shall install the service at 90 degrees to the street main line whenever possible.
- f. The service line may not cross property lines, except where the line comes from the main line in the public rights-of-way to the property being served.
- g. Service to property that does not have a main directly adjacent to it will require a design review, a special permit and an installation agreement approved by the Public Works Director. Generally this applies to property where no other main line will be considered to serve the property.
- h. The sewer service line shall be minimum of two-inch diameter polyethylene pipe. Larger sewer service lines shall be required as the Public Works Inspector determines necessary.
- i. All taps into the main line must be made with tools designed specifically for that purpose and must be sized correctly for the specific sewer service connection. Only hole-cutter type tools such as manufactured by Pilot may be used to tap the main. Cutoff saws will not be allowed.

- j. The City of Homer will not rent or loan any tools for sewer service installation except in the case of emergency as determined by the Public Works Director or his appointed agent.
- k. The tap into the main shall be at approximately 45 degrees above horizontal.
- l. Saddles shall be cast iron male for female with either single stainless steel band or double clamp.
- m. Use flanged couplings for terminating polyethylene service line at the sewer main service saddle arrangement.
- n. Grease traps and sand traps shall be installed by the most recent State-accepted Uniform Plumbing Codes.
- o. The work must be free of leaks and flaws.
- p. The bottom of the excavation and/or bedding must be uniformly graded, and free of dips, bumps and large rocks.
- q. The trench shall be kept free of water at all times by pumping if required.
- r. The backfilling shall be done in such a manner as to assure that neither large rocks nor frozen lumps fall on the pipe. All sewer service lines and components shall be bedded, backfilled and compacted to 95 percent of maximum material density. Only classified material shall be used for bedding and backfill as determined by the Public Works Inspector.
- s. No extension of a sewer service line may be made even on private property without the approval of the Public Works Inspector so that appropriate sizing, inspection and as-built records can be made.
- t. The public rights-of-way must be restored to their original condition before a service is accepted.
- u. No service will be accepted without copies of the required as-built plans, records and test data.

## **Chapter 13.28 WATER SYSTEMS**

### Sections:

- 13.28.010 Applicability and definitions.

- 13.28.020 Materials.
- 13.28.030 Water service construction and installation.
- 13.28.040 Operation of water valves, fire hydrants and curb stops.
- 13.28.050 Water meter installation.
- 13.28.060 Backflow and cross-connection prevention.

### **13.28.010 Applicability and definitions.**

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a. This chapter is limited to:

- 1. Water service installations;
- 2. Water service meter installations; and
- 3. Backflow and cross-connection prevention.

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

Directly Adjacent. A water main is “directly adjacent” to a lot when the water main is located in an easement or right-of-way that is adjacent to the lot, and either (1) the water main extends the entire length of the frontage of the lot along the easement or right-of-way; or (2) the water main extends at least 10 feet into the easement or right-of-way adjacent to the lot, and the Public Works Director has determined that at no time will the water main be extended to serve additional lots.

“Temporary connection” means a line that connects a lot to a water main that is not directly adjacent to the lot.

### **13.28.020 Materials.**

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a. Water Line. This subsection is limited to utility water service connections and does not apply to water mains.

- 1. No galvanized pipe shall be used.
- 2. Three-fourths-inch to two-inch service lines shall be Schedule K, flexible soft copper, conforming to ASTM B-88.
- 3. Four-inch and larger service lines shall be ductile iron water pipe (DIWP), class 52, conforming to AWWA STD. C-151 and AWWA STD. C-104.

b. Water Service Valves.

1. No galvanized parts shall be used.
2. Corporation stops shall be flare-type brass only; Mueller Co. only are approved.
3. Curb stops shall be flare-type brass only; Mueller Co. only are approved.
4. Curb boxes: Mueller Co. only are approved (must be furnished with stationary operating rods).
5. Valves four inches and larger shall be mechanical joint, 250 pound test pressure rated. Mueller Co. only are approved.

c. Fittings.

1. No galvanized fittings shall be used. Use brass, stainless steel, cast iron or ductile iron only, 250 pound test pressure rated.
2. Three-part unions must be flare-type brass. Mueller Co. only are approved.

d. Thaw Wire. Thaw wire shall be solid or braided, rubber-covered or plastic-covered No. 2 copper cable.

**13.28.030 Water service construction and installation.**

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This section is limited to water service installations.

- a. Seven feet is minimum bury unless specifically allowed by the Public Works Inspector. In cases allowed, rigid board insulation with two-inch thickness minimum by 24 inches wide shall be placed six to 12 inches above the component on top of the bedding/backfill and centered in line with the component.
- b. The service line may not be placed within five feet of any property line not parallel to main line.
- c. The water service line must have a minimum horizontal separation of 10 feet from any sewer service line.
- d. The contractor shall install the service at 90 degrees to the street main line whenever possible.
- e. The service line may not cross property lines, except where the line comes from the main line in the public rights-of-way to the property being served.
- f. A lot may be connected only to a water main that is directly adjacent to the lot.

g. Within the time provided in this subsection, a temporary connection shall be disconnected at the water main and replaced with a connection to a water main that is directly adjacent to the lot, at the expense of the lot owner. Upon connecting to the directly adjacent water main, the lot shall bear a portion of the cost of constructing the directly adjacent water main on the same basis as other lots that receive access to water service through the construction.

1. If there is no water main directly adjacent to the lot as of the effective date of the ordinance codified in this subsection, the temporary connection shall be replaced no later than one year after a water main directly adjacent to the lot is placed in service; provided, that the replacement shall be made during construction of the directly adjacent water main when necessary to maintain water service to the lot. The City shall notify a lot owner of the owner's obligations under this subsection before commencing construction of the water main.

2. If there is a water main directly adjacent to the lot as of the effective date of the ordinance codified in this subsection, the temporary connection shall be replaced no later than one year after the effective date of the ordinance codified in this subsection. The City shall notify a lot owner of the owner's obligations under this subsection within 60 days after the effective date of the ordinance codified in this subsection.

h. The water service line shall be a minimum of three-fourths-inch diameter. Larger water service lines shall be required as the Public Works Inspector determines necessary.

i. No three-part union will be allowed closer than 60-foot intervals either side of the curb box.

j. A curb box shall be installed at the property line adjoining the public rights-of-way or on the utility easement line as appropriate.

k. Curb box shall extend zero to three inches above the finish grade.

l. All taps into the main line must be made with tools designed specifically for that purpose and must be sized correctly for the specific water service connection.

m. The City of Homer will not rent or loan any tools for water service installation except in the case of emergency as determined by the Public Works Director or his appointed agent.

n. The bottom of the excavation and/or bedding must be uniformly graded, and free of dips, bumps and large rocks.

- o. The trench shall be kept free of water at all times by pumping if required.
- p. The service line must be laid in the ditch with slack for expansion if required.
- q. A thaw wire shall be attached to the corporation stop if such stop is designed for this attachment. If the corporation stop is not designed for direct attachment, a brass or copper grounding clamp shall be installed on the copper tubing as close as possible to the corporation stop and the thaw wire attached to the ground clamp.
- r. The thaw wire shall be laid in the ditch with slack for expansion or ground movement and surface at the curb box with enough excess to permit easy location and attachment of an electric thawing device.
- s. There shall be no breaks or splices in the thaw wire.
- t. The work must be free of leaks and flaws.
- u. The water service connections, corporation stops, curb stops and all joints will be pressure tested at static main line pressure for 10 minutes and inspected by the Public Works Inspector before backfilling is allowed.
- v. All water service lines and components shall be bedded, backfilled and compacted 95 percent of maximum material density. Only classified material shall be used for bedding and backfill as determined by the Public Works Inspector. In some cases, suitable bedding or backfill material may be found in the excavation and imported material may not be required as determined by the Public Works Inspector.
- w. Backfilling shall be done in such a manner as to assure that no large rocks or frozen lumps fall on the pipe or components.
- x. No extension of a water service line may be made even on private property without the approval of the Public Works Inspector so that appropriate sizing, inspection and as-built records can be made.
- y. In the event that ductile iron pipe is used for the service, pipe shall be carried into position and not dragged. It shall be lowered into the excavation by means of slings in such a manner that it is not dropped, nor are the pipe or fitting coating injured. The full length of the pipe shall rest firmly along the bottom of the excavation with a recess allowed for the joint. While work is in progress, the open ends of the pipe shall be kept plugged so no trench water, dirt or other foreign substance enters the pipe. Where pipe coating or lining are disturbed, they shall be repaired in a satisfactory manner. A valve shall be located at the property line or utility easement line as applicable to shut off the service in place of a curb box. No thaw wire shall be required. The valve shall be securely tied back to the main, using two runs of three-fourths-inch all thread, coated with a galvanized spray or

bituminous material. The main shall be joined using a cast iron tee and, if necessary, a cast coupling. The tee shall be property thrust block against the undisturbed ditch using only property sized concrete thrust blocks. Wooden blocks shall not be permitted. If a poured-in-place block is used, all fittings shall be wrapped in sheet plastic and care taken to see that all bolts are accessible. The valve box top shall be flush with the finish grade. All pipe and fittings shall be sanitized during installation. After installation, the line is to be flushed in the presence of the Inspector to his satisfaction. All joints shall be lubricated with Johns-Manville pipe joint lubricant or Inspector-approved equal.

z. The public rights-of-way must be restored to their original condition before a service is accepted.

aa. No service will be accepted without copies of the required as-built plans, records, and test data.

#### **13.28.040 Operation of water valves, fire hydrants and curb stops.**

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Only authorized City personnel shall operate water valves, fire hydrants or curb stops.

#### **13.28.050 Water meter installation.**

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a. The meter shall be the size and model indicated by the Public Works Inspector.

b. Fittings on the meter shall be screw-type bronze or brass for brass meters and screw-type plastic for plastic meters.

c. The meter shall be installed in a horizontal and upright position.

d. The meter shall be in a warm dry place above groundwater, easily accessible, preferably inside the building structure.

e. The shutoff valve shall be installed immediately before the meter on the incoming service line for customer use.

A pressure regulator provided by the City must also be installed between this valve and the meter on all installations with a distribution system pressure of more than 80 pounds per square inch (P.S.I.) and the pressure must be regulated at 60 pounds per square inch (P.S.I.) or less.

f. An appropriate backflow-prevention device shall be installed immediately after the meter on the outgoing service line.

g. Water meters shall be installed prior to providing any service to a water utility customer.



h. The City of Homer shall have the right to install a meter remote on the building in any location the City deems most appropriate.

i. Water meters remain the property of the City of Homer. The initial fee for the meter is a one-time rental fee. The customer is responsible for normal protection of the meter and/or generator from external damage and freezing. Internal wear and failure of the meter and/or generator due to normal use will be the responsibility of the City. Customers shall provide reasonable access for City personnel and to make necessary repairs.

j. All water sold must be metered.

k. All plumbing parts, processes, and installation and workmanship shall be in accordance with current State-approved Uniform Plumbing Codes (UPC).

**13.28.060 Backflow and cross-connection prevention.**

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a. All connections to the public potable water system shall have an approved backflow-prevention device where required in accordance with the minimum requirements listed below.

b. All devices recommended in this section are minimum standards and thus the requirements for backflow-prevention may be made more stringent should the Public Works Director deem it necessary or appropriate.

c. The location and type of the backflow-prevention devices shall be approved by the Public Works Inspector.

d. All backflow-prevention devices or the installation of the devices, excepting residences (single-family and duplex), shall include test cocks and shutoff valves for testing the device for correct and continuous function. Annual tests shall be made to verify that the device is functioning correctly and continuously. The owner shall be responsible for making these tests and for the maintenance of the device and shall maintain a record of these tests in a form suitable to the City and shall submit the records to City upon request.

e. The City has the right to inspect all installations and structures, and to review plumbing plans to determine compliance with the backflow and cross-connection prevention requirements. The City has the right to reject the devices or installations not in compliance with the requirements and has the right to disapprove the plumbing plans if not in compliance with the requirements.

f. All boiler make up water feed systems must have an approved reduced-pressure type backflow-prevention device.

g. Minimum Requirement for Backflow-Prevention.

Structure of System	Recommended Device
1. Residences	(Single-family and duplex) Single check valve at meter and a reduced-pressure/air break vented device (Watts series 9D or equal), at boiler feed line.
2. Hotels, apartments, public and private buildings	Air-gap separation or reduced-pressure device.
3. Canneries, packing houses and reduction plants	Air-gap separation or reduced-pressure device.
4. Chemical plants	(Same as above)
5. Chemically contaminated water systems	(Same as above)
6. Civil works	Air-gap separation or reduced-pressure device or double check valve, depending on the situation.
7. Dairies and cold storage plants	(Same as above)
8. Film laboratories	Air-gap separation or reduced-pressure device.
9. Fire systems	Air-gap separation or reduced-pressure device or double check valve, depending on the situation.
10. Hospitals, medical buildings, sanitariums, morgues, mortuaries, autopsy facilities, nursing and convalescent homes and clinics	(Same as above)
11. Waterfront facilities and industries	(Same as above)
12. Oil and gas production storage or transmission properties	Air-gap separation or reduced-pressure device.
13. Plating plants	(Same as above)
14. Power plants	(Same as above)
15. Radioactive materials or substances plants or facilities handling	(Same as above)
16. Restricted, classified or other closed facilities	(Same as above)
17. Schools and colleges	(Same as above)

**Structure of System**

**Recommended Device**

18. Sewage and storm drain facilities

(Same as above)

h. All devices must be approved by the State and the Public Works Department.

i. All installations shall be done to conform to all applicable City and State building and plumbing codes.

