



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue

Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

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Memorandum

Agenda Changes/Supplemental Packet

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
FROM: RENEE KRAUSE, MMC, DEPUTY CITY CLERK
DATE: MAY 24, 2019
SUBJECT: AGENDA CHANGES AND SUPPLEMENTAL PACKET

COMMITTEE OF THE WHOLE

Ordinance 19-23 Please refer to the topic under Regular Meeting – Ordinances

REGULAR MEETING

Consent Agenda

Resolution 19-033, A Resolution of the City Council of Homer, Alaska Awarding the Art Work Contracts for the New Homer Police Station Project to Rohleder Borges Architecture of Seattle, Washington, for the Sculpture, *Together, Ascend* In the Amount of \$26,800 and Austin Parkhill and David Pettibone of Homer, Alaska, for the Mural, *Sandhill Cranes In Flight* In the Amount of \$20,000 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.

Selected Proposal from Rohleder Borges Architecture of Seattle, Washington - *Together, Ascend* and selected proposal from Pettibone and Parkhill of Homer, Alaska - *Crane Flock in Flight* **Page 3**

Public Hearings

Ordinance 19-20(S), An Ordinance of the City Council of Homer, Alaska **Accepting and Appropriating the Police Station General Obligation Bond Proceeds in the Amount of \$4,804,047 to the Police Station Fund and** Amending the 2019 **Capital** Operating Budget to Appropriate Funds in the Amount of \$5,285,806 from the Police Station Reserve Account **Fund** to Complete the New Homer Police

Station Project and Authorizing the City Manager to Execute All Appropriate Documents Necessary to Complete the Project Within the Approved Budget. City Manager/Public Works Director. **Page 7**

Memorandum 19-065 from City Manager as backup

Page 11

Memorandum 19-066 from Project Manager as backup

Page 13

Ordinances

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.

Current Homer City Code Title 14 Public Services and Title 17 Improvement Districts as backup **Page 25**

Understanding Homer’s Water and Sewer Systems: Diagram as backup

Page 91

Current Homer City Code Title 1.16 General Penalty as backup

Page 95

Ordinance 19-25, An Ordinance of the City Council of Homer, Alaska Approving the Sale of Homer Public Library Lot Located at 3713 Main Street and Authorizing the City Manager to Execute the Appropriate Documents to Dispose of the Lot. Aderhold.

Historical Assessed Value for the Old Library Lot as backup

Page 101

City Managers Report

AML Open Letter to the Governor and Alaska State Legislature

Page 103

Resolutions

Resolution 19-036, A Resolution of the City Council of Homer, Alaska, Amending the City of Homer Water and Sewer Rates and Updating the Fee Schedule Accordingly. City Manager/Finance Director. Recommend Schedule for Public Hearing on June 10, 2019.

Water and Sewer Rate Model Presentation as back up

Page 105

Memorandum from Finance Director as backup

Page 117

4/2/2019

Art Selection Committee
City of Homer
City Clerk's Office
491 E Pioneer Avenue
Homer, Alaska 99603

RE: INCORPORATING ART INTO THE NEW HOMER POLICE STATION

Dear Art Selection Committee,

Rohleder Borges Architecture is pleased to submit a proposal to create a public artwork, for the City of Homer's new Police Station. We envision a vibrant and memorable piece that reflects both the natural beauty of the area and the transformative nature of the station itself.

Founded in 1998, Rohleder Borges offers a breadth of experience that spans public art, working, learning, and living spaces. An intentionally small studio of seven Northwest Designers; we choose projects, of all scales and types, that resonate with our values of craftsmanship and community. Our background with technical design, building constraints, and fine art, allow us to approach each new project with the mind of an architect and the eye of an artist.

Enclosed you will find our initial design to incorporate sculpture at the north seating area of Homer's new Police Station site. The proposed new work, titled *Together, Ascend*, is composed of richly colored standing aluminum plates, which will be waterjet-cut with flying birds. The bird shapes in each panel will cast both light and shadow on the police station wall. Movement past *Together, Ascend* will offer changing compositions of form, light, and color, as visitors approach by car or on foot. Our piece is inspired by the strikingly beautiful Steller's Eiders. These fast flying Alaska natives are notable for the community they find in their tight flocks. We believe that a rising, bright, flight of local birds will serve as an emblem for the Homer community, complement its lively artistic spirit, and serve as a landmark for years to come.

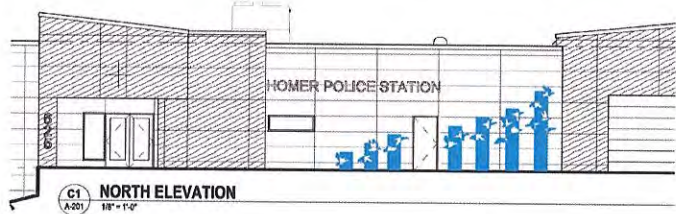
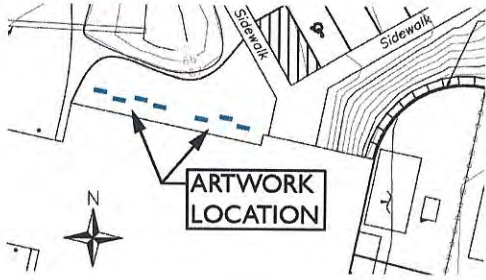
We appreciate the opportunity to be considered and would be proud to partner with you to contribute to the culture of Homer. Should our proposal be selected, our studio is experienced and committed to managing the engineering, fabrication, and installation of the work.

Please contact us at (206) 669-7008 if you require any further information or have any questions concerning this proposal.

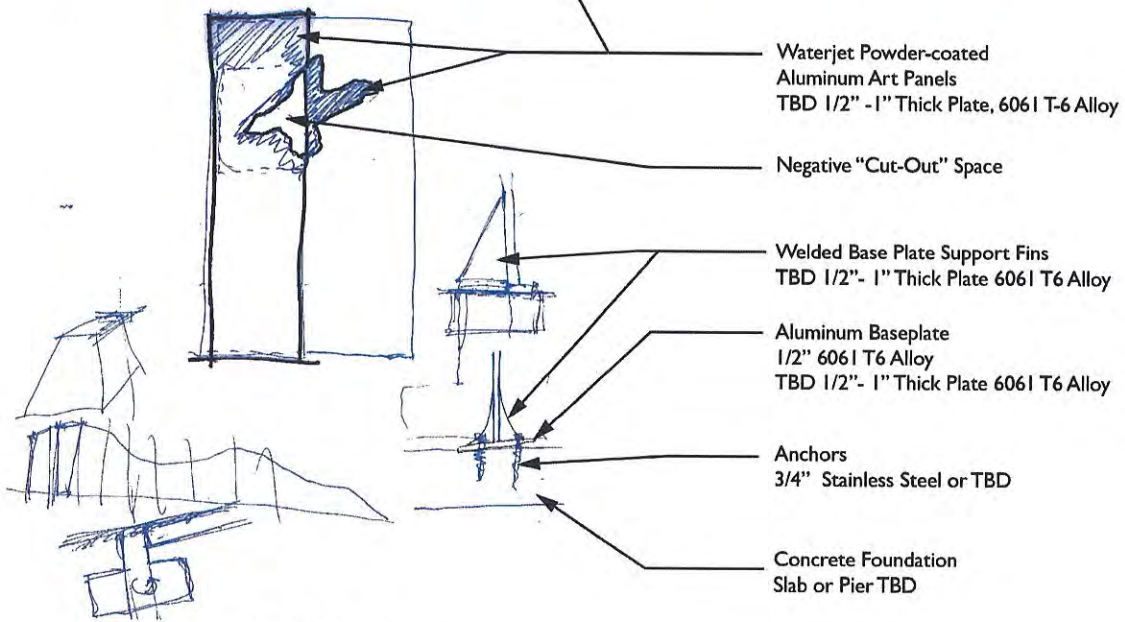
Sincerely,
Andrew Borges



11 West John Street, Suite 140
Seattle, WA 98119
www.rb-a.net



CONCEPT SKETCH: *Together, Rise*



PRELIMINARY DETAIL SKETCHES

City of Homer
Attn. City Clerk's Office
491 E. Pioneer Ave
Homer, AK 99603

Artists:

David Pettibone: PO Box 738, Homer, AK, davidpettibone@gmail.com 4807359727
www.davidpettibone.com

Austin Parkhill: 58601 Skyline Dr., Homer, AK, austinparkhill@live.com 3032297696
www.austinparkhill.com

Homer artists, Austin Parkhill and David Pettibone propose a collaborative mural project for three separate designated exterior locations and the interior of the new Homer Police Station. Upon the acceptance of any or all of the proposals, the artists will produce the artwork, ready for instal within the allotted time.

Utilizing one or several of Homer's favorite native species: salmon, sandhill cranes, halibut, shorebirds various raptors, birch and spruce- the artists intend to create colorful, decorative and patterned murals that are peppered with highly realistic renderings of each fauna or flora element on the various locations. A second proposal is a single, realistic depiction, similar in scale to the whale mural on E Street in Anchorage, along the 60x8 wall of the covered parking shed of a salmon run or a flock of sandhill cranes, or both.

The artists will paint off-site, on aluminum composite material: a lightweight, sturdy, weather resistant panel. The mural will be painted with weather resistant and UV resistant acrylics. A top coat will be applied to the finished product to allow for graffiti removal and to provide further UV protection.

Upon completion, the panels will be installed (likely bolted) when the building is ready for the installation. The architects will be consulted prior to installation for input on preferred install. The installation will be reversible for any maintenance needs on the building or the mural.

*Addendum 1 was received and reviewed.



CITY OF HOMER
HOMER, ALASKA

City Manager/
Public Works Director

ORDINANCE 19-20(S)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
**ACCEPTING AND APPROPRIATING THE POLICE STATION
GENERAL OBLIGATION BOND PROCEEDS IN THE AMOUNT OF
\$4,804,047 TO THE POLICE STATION FUND AND** AMENDING THE
2019 **CAPITAL** OPERATING BUDGET TO APPROPRIATE FUNDS IN
THE AMOUNT OF \$5,285,806 FROM THE POLICE STATION
RESERVE ACCOUNT **FUND** TO COMPLETE THE NEW HOMER
POLICE STATION PROJECT AND AUTHORIZING THE CITY
MANAGER TO EXECUTE ALL APPROPRIATE DOCUMENTS
NECESSARY TO COMPLETE THE PROJECT WITHIN THE APPROVED
BUDGET.

WHEREAS, The Police Station project design is essentially 100% complete, bond monies
have been received, and early site civil construction is proceeding; and

WHEREAS, Public Works (in negotiations with the Contractor) has established a
guaranteed maximum price for building construction; the scope and cost of other work
(inspection, 1% for art, furnishings and other miscellaneous items in support of the project)
have been established; and

WHEREAS, The anticipated project costs are within the budget established by the City
Council for the new police station and authorization to incur expenses beyond those previously
authorized are needed at this time (see Memorandum 19-050).

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

**Section 1. The Homer City Council hereby appropriates the Police Station Building
General Obligation bond proceeds in the amount of \$4,804,047 to the Police Station Fund
as follows:**

Revenue:		
<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
	Police Station GOB Proceeds	\$4,804,047

Transfer:		
<u>Account No.</u>	<u>Description</u>	<u>Amount</u>

43 **151-7010** **Police Station Fund** **\$4,804,047**

44
45 **Section 2.** ~~Section 1~~—The Homer City Council hereby amends the FY 2019 Capital
46 Budget to appropriate \$5,285,806 from the Police Station Fund to complete the new police
47 station.

48
49 Revenue:

50 <u>Account No.</u>	51 <u>Description</u>	52 <u>Amount</u>
53 151-7010	54 Police Station Fund	55 \$5,285,806

56 Expenditure:

57 <u>Account No.</u>	58 <u>Description</u>	59 <u>Amount</u>
60 151-7010	61 Police Station Fund	62 \$5,285,806

63 **Section 3.** ~~Section 2~~—This is a budget amendment ordinance, is not of a permanent
64 nature, and is a non-code ordinance.

65 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 28th day of May, 2019.

66 CITY OF HOMER

67 _____
68 KEN CASTNER, MAYOR

69 ATTEST:

70
71 _____
72 MELISSA JACOBSEN, MMC, CITY CLERK

- 73 YES:
- 74 NO:
- 75 ABSTAIN:
- 76 ABSENT:
- 77
- 78
- 79
- 80
- 81 Introduction:
- 82 Public Hearing:
- 83 Second Reading:
- 84 Effective Date:

85

86 Reviewed and approved as to form:

87

88

89 _____
Katie Koester, City Manager

Holly Wells, Attorney

90

91 Date: _____

Date: _____



City of Homer

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Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum 19-065

TO: Mayor Castner and Homer City Council
FROM: Katie Koester, City Manager
DATE: May 22, 2019
SUBJECT: Ordinance 19-20 Explanation of Substitute

Ordinance 19-20 appropriated funds for the remainder of the Police Station project. However, the original ordinance did not accept the bond proceeds, which is why the substitute was introduced. The purpose of this memo is to clarify for the record what funds have been appropriated to get to a total project budget of \$7,500,000.

Amount	Ordinance	Purpose
\$37,500	18-25(A)	Geo tech and site survey
\$5,000	18-27(A)	Public Info campaign
\$473,829	18-31	Design
\$1,697,865	19-15	Project Management, Design support, early civil site, land repayment
\$4,804,047	19-20	Construction (Bond Proceeds)
\$481,759	19-20	Construction (General Fund)
\$7,500,000		TOTAL PROJECT BUDGET



Memorandum 19-066

TO: Mayor Castner and Homer City Council
THROUGH: Katie Koester, City Manager
FROM: Pat McNary, Project Manager
DATE: May 22, 2019
SUBJECT: NEW HOMER POLICE STATION – STATUS UPDATE

The purpose of this memo is to update the City Council on progress made thus far on the police station project. Site has been fenced. SWPPP is in place. HEA service bore completed. Parking area(s) fill in progress. Contractor job trailer move in progress.

Permitting and Notice Status:

CUP – approved #19-2

Zoning – approved #0519-687

Fire Marshal – Foundation approved/posted, Framing and Final submitted/pending

Notice to Proceed – issued to Contractor

Notice of Intent – issued by Dept. of Labor

Notice of Award – submitted/approved by Dept. of Labor

Driveway Permit – approved #2014

Sewer/Water Permit – approved #2947

GC Insurance Certificates received/approved

Contract Status:

Phase 1 Contract, (site civil), executed - \$1,343,065.00

Phase 2 Modification, (final construction costs), agreed, await signatures \$4,721,693.00

Guaranteed Maximum Price with General Contractor – Total GMP - \$6,064,758

Construction Status:

Site work Commenced May 7, 2019.

Estimated completion date July 1, 2020

Phase 1 Civil plans are 100% complete and approved by the Fire Marshal with that work underway.

Phase 2, (final), contract documents/plans are 95% complete, with final documents due upon final Fire Marshal review and approval on or about May 30.

Floor plans, elevations and schematic rendering attached represent the Fire Marshal permit submitted plans and will be considered 100% upon approval. Practicable changes discussed to date have been incorporated in this set.

In response to inquiries voiced at past City Council meeting regarding alternative energy options, 3 solar companies were solicited and submitted estimates to retrofit should future funding be pursued. That information is available upon request.

Enc:

95% Plus Design from Architect for Police Station

Exterior Concept Drawing for Police Station

Revision		By		App'd		Issued
NO.	DATE	NAME	DATE	NAME	DATE	DESCRIPTION



PERMIT SET/NOT FOR CONSTRUCTION

City/Project: HOMER POLICE STATION
 605 GRISTAKE AVE
 HOMER, AK 99603

Project No. 201407240
 Scale: 1" = 20'-0"
 Date: 11/20/14
 Title: ARCHITECTURAL SITE PLAN

Revision: Drawing No. **A-100**



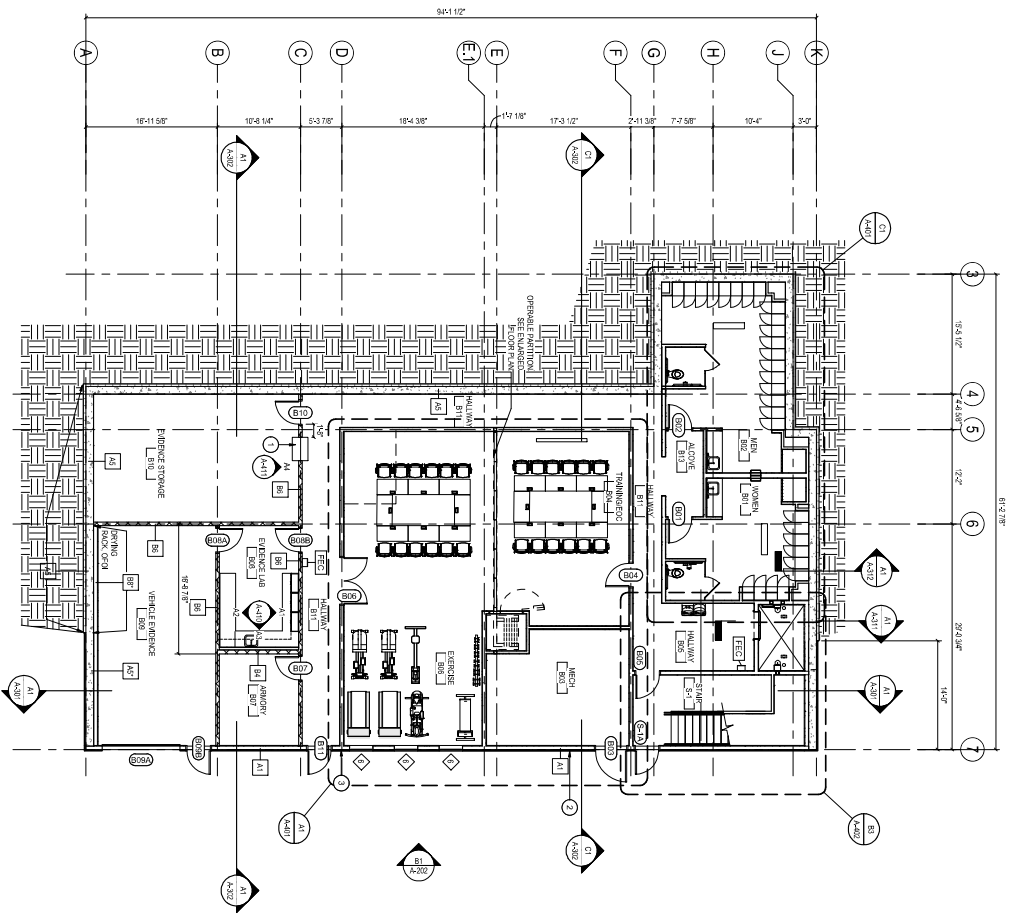
SITE PLAN IS SHOWN FOR REFERENCE ONLY. SEE CIVIL DOCUMENTS FOR SITE INFORMATION.
 REFER TO CODE PLANS FOR KNOX BOX AND FIRE DEPARTMENT CONNECTION INFORMATION.

1 ARCHITECTURAL SITE PLAN
 A-100 1" = 20'-0"

GENERAL NOTES

1. CONSTRUCTION SHALL COMPLY WITH APPLICABLE CODES & LOCAL AMENDMENTS. REFER TO CODE WORKSHEET AND CODE PLAN SHEETS FOR FURTHER INFORMATION.
2. THE CONTRACTOR SHALL FIELD VERIFY ALL CONDITIONS AND DIMENSIONS PRIOR TO ANY WORK AND SHALL BE RESPONSIBLE FOR ALL WORK AND MATERIALS INCLUDING THOSE PROVIDED BY SUBCONTRACTORS.
3. DIMENSIONS SHOWN PRECEDING OVER DIMENSIONS ON ANY SCALE DRAWINGS TO DETERMINE ANY CONDITIONS, THE DIMENS SHALL BE GOVERNED BY ANY DIMENSIONS SHOWN ON THE CONTRACT.
4. DIMENSIONS NOT LIMITED TO CHANGES, UNLESS OTHERWISE NOTED.
5. WORK SHALL BE ACCORDANCE WITH QUALITY MANAGEMENT OF THE HIGHEST INDUSTRY STANDARDS. ALL MATERIALS SHALL BE INSTALLED IN STRICT ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS AND REQUIREMENTS AND MEET ALL TRADE GROUP STANDARDS INCLUDING BUT NOT LIMITED TO: DIMENSIONS, FINISHES, TOLERANCES, PERFORMANCE, DURABILITY, TOLERANCES AND PROTECTION.
6. DOORS ARE LOCATED 7' 0" FROM ADJACENT WALL UNLESS OTHERWISE NOTED.
7. PLACE DOORS BUT BOLD BOLD 8" IN CLOSE TO 7' 0" FROM ADJACENT WALL TAKING INTO CONSERVATION EFFICIENCY OF DOOR FRAME.
8. PLACE EXTERIOR WINDOW AT JAILER OFFICE ROOM TAKING INTO CONSERVATION EFFICIENCY OF DOOR FRAME.
9. CUSTOMER FIELD VERIFY ALL CONDITIONS TO DETERMINE DIMENSIONS PRIOR TO FABRICATION. PROVIDE CUSTOMER FILLS AS REQUIRED. 1" FOR WIRE MESHWORK.
10. PROVIDE BROOMING AS REQUIRED. ALL WALLS TO RECEIVE OVERWORK EQUIPMENT, ACCESSORIES, INCLUDING GRIP AND OTHERS, COORDINATE WITH OWNER.
11. REFER TO CODE PLANS FOR SMOKE-FREE RATED PARTITION.
12. COORDINATE HIGH CHASE DIMENSIONS WITH HIGH DIMENSIONS. TYPICAL.
13. COORDINATE ELEVATION SHIFTS WITH ELEVATOR MODEL. MAINTAIN CONTINUITY OF THE RAILING THROUGHOUT SHIFTS OPENING.
14. MAINTAIN CONTINUITY OF WARE REFER TO THE AT EXTENSIVE SCHEDULE. WARE TRANSITION OR VERTICAL AND HORIZONTAL ASSEMBLY TYPES OCCURS. MAINTAIN CONTINUITY. VERTICAL IS CONTINUITY AT TRANSITION OF WALL TYPES.
15. REFER TO RELATED PLANS FOR ADDITIONAL INFORMATION INCLUDING BUT NOT LIMITED TO ACCESSORIES, WALL TYPES AND DIMENSIONS.
16. REFER TO OIA DOCUMENTS FOR ROLLERS AT FLOORING FINISHES.
17. REFER TO OIA AND OTHER PROJECTS FOR ROLLERS AT FLOORING FINISHES. OIA AND OTHER PROJECTS CONTAINING MIN 2" GA UNLESS OTHERWISE NOTED. SHIP RECORDED WITH INDICATED SECTION. REFER TO OIA FOR CONTINGENCIES TO MATCH METAL FINISH.

REV	DATE	DESCRIPTION
1		ISSUE FOR PERMIT
2		ISSUE FOR CONSTRUCTION



A3 LOWER LEVEL FLOOR PLAN
1/8" = 1'-0"

Revised: _____
Drawing No. **A-102**

Client/Project: **CITY OF HOMER**
HOMER POLICE STATION
625 GRUBSTAKE AVE.
HOMER, AK 99603

PERMIT SET/NOT FOR CONSTRUCTION

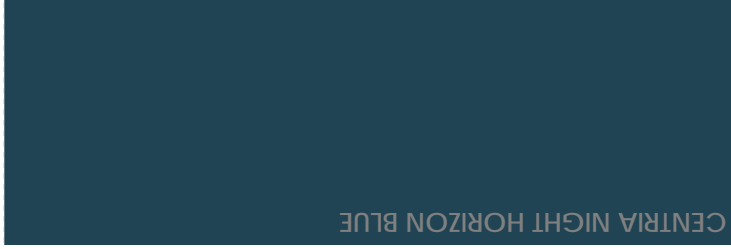


Transmitted	17
CONFORMED SET	17
ISSUED	17
DATE	2018.11.30
BY	_____
APP	_____

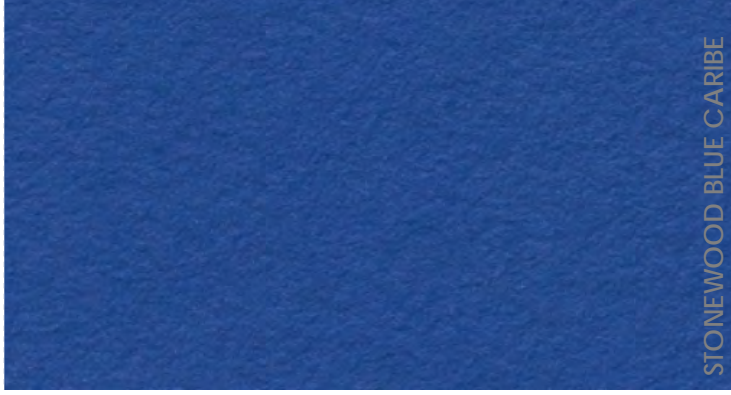
Revision	By	App'd	DATE

Consultant

Stantec
Stantec Architecture Inc.
725 East Freeway Loop Suite 200
Anchorage, AK 99503-3245
Tel: (907) 274-4245 • www.stantec.com



CENTRIA NIGHT HORIZON BLUE



STONEWOOD BLUE CARIBE

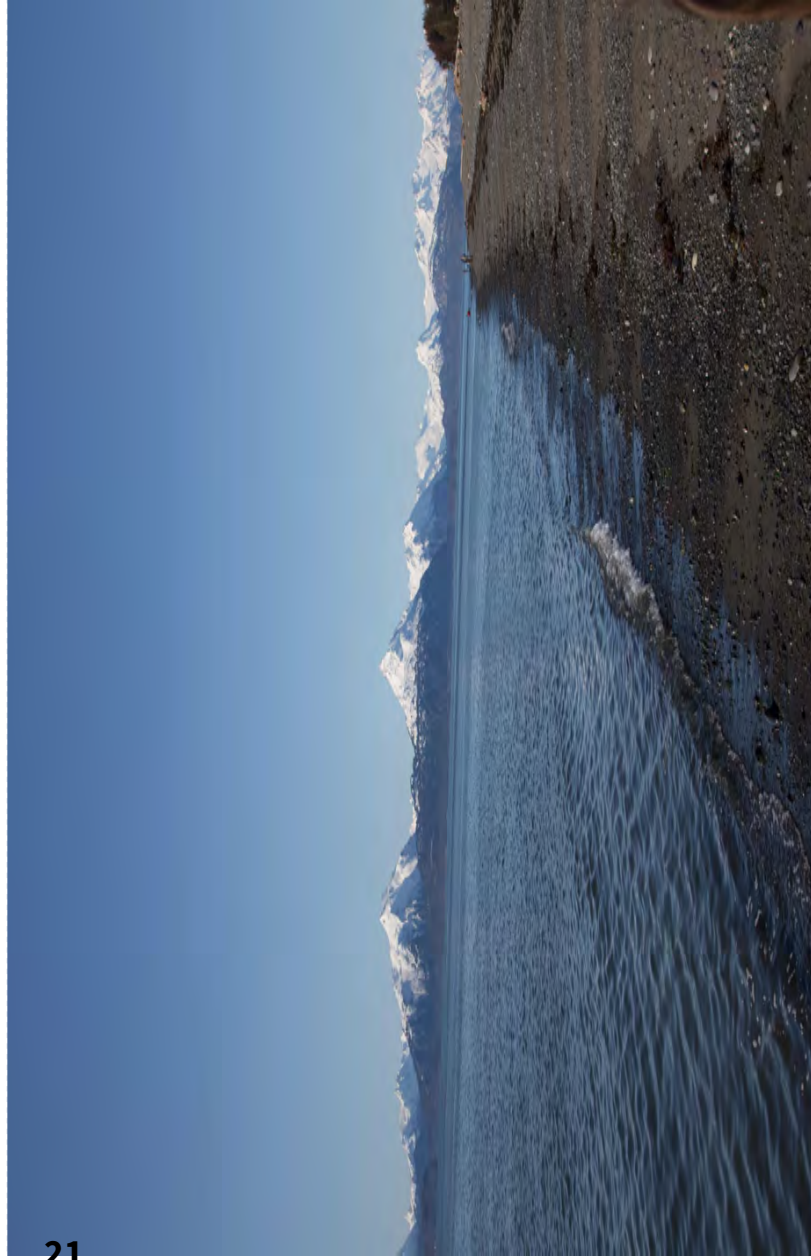


STONEWOOD HARVEST PLY



REAR FACADE METAL PANEL

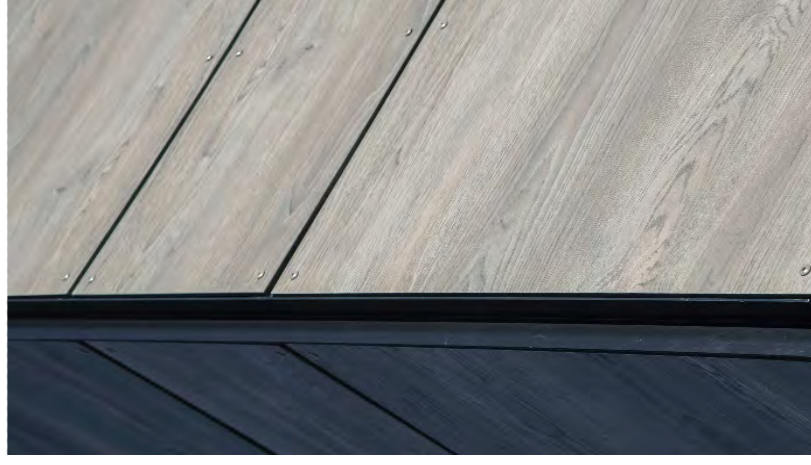
ENTRANCE CANOPIES FIBER RESIN



CARBON OAK 15%

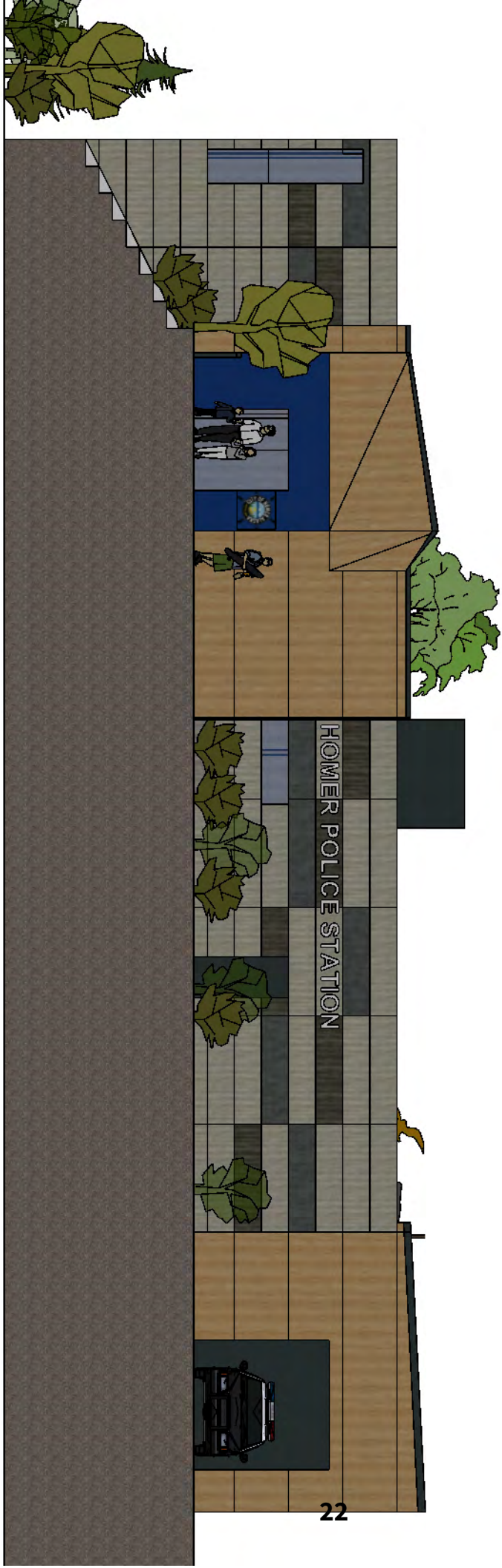
PEWTER 15%

CHALKED OAK 70%



MAIN FACADE FIBER RESIN

FIBER RESIN





**Title 14
PUBLIC SERVICES**

Chapters:

- [14.04](#) **Sewage – General Provisions**
.....
- [14.05](#) **Sewage – Industrial Pretreatment and Discharge**
.....
- [14.08](#) **Water Rules and Regulations**
.....
- [14.12](#) **Water and Sewer Zone Connection Fee**
.....
- [14.13](#) **Water and Sewer Connection Fee**
.....
- [14.16](#) **Sewer Contractors State Registration**
.....
- [14.20](#) **Sewer Contractors Bond**
.....
- [14.30](#) **Water and Sewer Extension Cost Reimbursement Plan**
.....
- [14.50](#) **Utility Distribution Facilities**
.....

Chapter 14.04
SEWAGE – GENERAL PROVISIONS

Sections:

- [14.04.010](#) Definitions.
- [14.04.020](#) Connection – Required.
- [14.04.030](#) Sewage rental collection – Disconnection for nonpayment.
- [14.04.040](#) Sewer rate schedule.
- [14.04.050](#) Sewer service connections and extensions.
- [14.04.055](#) Sewer connection and extension permit fee.
- [14.04.060](#) Disposition of revenue.
- [14.04.070](#) Destruction of private sewage disposal systems.
- [14.04.080](#) Sewage or waste disposal permit – Requirements.
- [14.04.090](#) Discharge of surface drainage into public sewer.
- [14.04.100](#) Appeals – Board of Appeals – Notice of appeal.
- [14.04.105](#) Appeals – Procedure.
- [14.04.110](#) Appeal to Superior Court.
- [14.04.115](#) Extraterritorial services.
- [14.04.120](#) Rule making authority.
- [14.04.130](#) Violation – Penalty.

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

14.04.010 Definitions.

For the purposes of this chapter the following words and phrases shall have the meanings respectively ascribed to them by this section:

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

“Automobile camp” means land or premises used for occupancy by campers traveling by automobile or otherwise, or for occupancy by trailers, tents or movable or temporary dwellings, rooms or sleeping quarters of any kind.

“Automobile court” means a group of two or more detached or semi-detached buildings, containing guest rooms or apartments with automobile storage space, serving such rooms or apartments provided in connection therewith, or without such automobile storage space, which group is used primarily for the accommodation of automobile travelers; including such groups designated as to cabin, motor lodge, motel or by similar designations.

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

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

“Club” means an association primarily organized for some common, nonprofit purpose, including lodges and fraternal orders, but not including groups organized primarily to render a service which is customarily carried on as a business.

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

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

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

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

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

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

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

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

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

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

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

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

14.04.020 Connection – Required.

- a. No person shall erect any dwelling or commercial or industrial building, except as such may be specifically exempted under the City Code, without providing sewage facilities and connection to the City sewer system; provided, that such connection need not be made if the proposed alternative sanitary facility shall have been approved by the Alaska Department of Environmental Conservation as providing adequate disposal of wastes and continues to function as approved.
- b. No person shall occupy and no person shall own, maintain or control any structure or premises used as a home, apartment, or other living quarters unless the structure is connected to the City sewer; nor shall any person occupy, maintain or control any structure or premises used for any commercial, industrial or business use unless the structure is connected to sewer; provided, however, that the provision of this subsection shall not apply if the existing sanitary facilities shall have been approved by the Alaska Department of Environmental Conservation as providing adequate disposal of wastes and continues to function as approved.
- c. All septic systems now in use or hereafter constructed within the City shall meet the specifications of the Alaska Department of Environmental Conservation.
- d. Notwithstanding subsections (a) and (b) of this section, watertight vaults are allowed if City sewer is not available, under the following conditions:
1. Soil conditions prohibit the installation of an on-site drainfield.
 2. The vault holds minimum design quantities required by DEC.
 3. The tank is regularly pumped to prevent overflow.
- e. The City sewer is considered as not available to a structure when the nearest City sewer is located more than 200 feet from any point on the boundary of the lot or parcel of land on which the structure is located. Sewer connection will be required within one year of sewer becoming available.
- f. Cesspools and privies shall not be considered adequate sanitary facilities. [Ord. 13-17(S) § 19, 2013; Ord. 94-17(A), 1994; Ord. 90-24(A), 1990].

14.04.030 Sewage rental collection – Disconnection for nonpayment.

- a. Sewage rentals specified in this chapter shall be charged, collected and enforced in the same manner, at the same time and by the same person as are the charges for water furnished by the City, and the amount thereof shall be included in the total amount due for water. All provisions of the City Code applicable to the charge, collection and enforcement of rates for water furnished by the City are made applicable to this chapter. All sewer rentals due and unpaid shall become a lien against the property served.
- b. In the event of any person neglecting, failing or refusing to pay the rental charges established by or

pursuant to this chapter, by the tenth day of the month following the month for which sewage rental charges are due, or in the event of any person neglecting, failing or refusing to comply with any applicable provision of this chapter or rule or regulation of the City or any duly authorized requirement of the City Manager, the City Manager shall cause the water service to be discontinued by the disconnection of the connection of the premises of the person to the City water system.

c. In the event of the disconnection of any water service because of failure of the person affected by such disconnection to pay the sewage rental charges, such person shall pay to the City a charge of \$5.00 in addition to any sewage rental charges due before the premises of such person shall be again connected with the water system and served with City water. [Ord. 90-24(A), 1990].

14.04.040 Sewer rate schedule.

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

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

b. Domestic sewer service customers who use large quantities of City water in addition to their domestic use shall be allowed, with the Public Works Director's approval, to install an additional water meter on the domestic water use line for the purpose of metering and charging for domestic sewer system use. Sewer system use will be billed monthly. Refer to Sewer Meter Policy.

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

14.04.050 Sewer service connections and extensions.

a. Sewer connections to the City sewer system shall be installed only by a City-approved contractor or agent, and then only upon payment of fees as prescribed by the City.

b. No person shall install a sewer extension or connection without first obtaining a written permit from the City.

c. All work and materials must meet the standards and specifications as described in HCC Title 13, and the State of Alaska Department of Labor Occupational Safety and Health Standards.

d. The customer requesting a new sewer connection or sewer extension shall provide all materials, labor, and equipment for the excavation, connection and installation of the sewer line. [Ord. 90-24(A), 1990].

14.04.055 Sewer connection and extension permit fee.

- a. The sewer connection and extension permit fee shall include all inspection and administrative costs. All other fees for deferred services, in lieu of assessments and necessary right-of-way permits shall be in addition to the permit fee.
- b. The sewer connection and extension permit fee shall be an amount determined by Council resolution and set forth in the City of Homer fee schedule. All sewer connections and extensions shall be inspected by the Public Works Department. The customer shall make arrangements with the Public Works Department at least 24 hours in advance for all required inspections.
- c. The customer shall pay for any necessary right-of-way permit fees in an amount determined by Council resolution and set forth in the City of Homer fee schedule. Major City right-of-way permits involve the review of project plans and specifications. Additional permit fees may be charged at permit execution for special inspections or reviews.
- d. The customer requesting a sewer connection or sewer extension which requires a deferred service, or in lieu of assessment payment, shall pay a fee as determined by the Finance Department. [Ord. 04-04 § 1, 2004; Ord. 90-24(A), 1990].

14.04.060 Disposition of revenue.

One hundred percent of each monthly bill for sewer service shall be deposited in the central treasury of the City and accounted for in the sewer utility fund. [Ord. 90-24(A), 1990].

14.04.070 Destruction of private sewage disposal systems.

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

14.04.080 Sewage or waste disposal permit – Requirements.

- a. Each person having or who in the future shall have a one-family dwelling with a sewer connection connecting with the sewer system of the City is hereby granted a permit to discharge domestic sewage from such one-family dwelling. All other persons owning or occupying any other premises in the City which is now served, or which in the future shall require service, by a connection with the City sewer system, whereby domestic sewage, industrial wastes, or both are disposed of by the City, shall obtain from the City Clerk a permit to discharge such sewage.
- b. Application for a permit to discharge domestic sewage or industrial waste by an industrial user that is not a significant industrial user as defined in HCC [14.05.115](#) shall be in writing and shall contain, among other things, the following information:

1. The name and address of the applicant;

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

14.04.090 Discharge of surface drainage into public sewer.

No connections shall be made to any public sewer or house lateral for the purpose of conducting any stormwater or any surface or underground drainage into the sewer, and no person shall discharge into any public sewer or house lateral any leader pipe from a roof, surface drain, underground drain or any solid or liquid waste other than the sewage composed of the ordinary liquid wastes of residences, business buildings and institutions from baths, toilets, laundries, wash tubs, sinks and floor drains. [Ord. 90-24(A), 1990].

14.04.100 Appeals – Board of Appeals – Notice of appeal.

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

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

14.04.105 Appeals – Procedure.

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

14.04.110 Appeal to Superior Court.

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

14.04.115 Extraterritorial services.

- a. No sewer service shall be provided beyond the boundaries of the City except upon approval granted by the City Council.
- b. An application for sewer service to a proposed service area beyond the boundaries of the City shall be presented in writing to the City Clerk, and shall include the following information:
 1. The name and address of each applicant.
 2. The legal description of the property proposed for service; the area of the property; and a description of the sections, townships, and ranges in which the property is located.
 3. A map of the proposed service area shown on U.S. Geological Survey topographical maps, scale 1:63,360, showing the proposed service area, the City boundary, and any existing City sewer service outside the boundaries of the City within one mile of the proposed service area.
 4. The current and any proposed or anticipated future use of each lot and tract in the proposed service area.
 5. The character and volume of the proposed sewage to be discharged from each lot and tract in the proposed service area.
 6. The signature of each applicant and the signatures of the owners of more than half of the lots and tracts in the proposed service area signifying consent to inclusion in the service area.
 7. Other information the City Council or City Manager deems necessary to enable the City to evaluate the application.
- c. The Public Works Department shall evaluate the application and report to the City Council whether the City sewer system has adequate capacity to efficiently dispose of the additional discharge; whether any modifications to the sewer system will be required by the proposed sewer service area; an estimate of the cost of any construction required by inclusion of the new service area; any technological problems caused by the proposal; and any other information that will assist the City Council.
- d. The Finance Department shall evaluate and report to the City Council the fiscal impact that will result from inclusion of the proposed service area, including costs of construction, other expenditures, and anticipated revenues.
- e. The City Council may grant the application if it determines that:
 1. The inclusion of the proposed service area will not pose a significant risk of damage to the sewer system;

2. The sewer system has adequate capacity to efficiently dispose of the additional discharge;
 3. No long-term negative fiscal impact will result;
 4. No significant technological or other problems would be caused by inclusion of the proposed service area; and
 5. The proposed service area is in the City' s service area authorized by the Alaska Public Utilities Commission certificate of public convenience and necessity, or the City is willing to seek amendment of the certificate to include the proposed service area; or
 6. In lieu of one or more of the determinations required by subsections (e)(1) through (4) of this section, the Council may determine that the benefit to the public health, safety or welfare of the residents of the City is sufficiently great to outweigh the absence of such determinations.
- f. Approval of a service area beyond the boundaries of the City does not grant any person the right to connect to the sewer system. Each sewer extension or connection requires a written permit from the City pursuant to HCC [14.04.050](#).
- g. The following provisions of the City Code apply to sewer service areas outside the boundaries of the City:
1. All of Chapter [14.04](#) HCC, except HCC [14.04.020](#).
 2. All of Chapter [14.05](#) HCC.
 3. All of Chapter [14.12](#) HCC.
 4. All of Chapter [14.13](#) HCC.
 5. All of Chapter [14.16](#) HCC.
 6. All of Chapter [14.20](#) HCC.
 7. All of Chapter [14.30](#) HCC.
- h. The City may charge higher rates to customers outside the City boundary than to customers inside the City boundary. [Ord. 05-43(A), 2005; Ord. 93-19(A), 1993].

14.04.120 Rule making authority.

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

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

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

c. A copy of all rules and regulations adopted under the authority of this section, together with current utility rates, shall be made available for public inspection during business hours at City Hall. [Ord. 05-43(A), 2005; Ord. 97-12 § 1, 1997].

14.04.130 Violation – Penalty.

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

Chapter 14.05
SEWAGE – INDUSTRIAL PRETREATMENT AND DISCHARGE

Sections:

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Article I. General Provisions

14.05.110 Purpose.

The purpose of this chapter is to:

- a. Identify users subject to pretreatment requirements;
- b. Prohibit the discharge into the City sewer treatment works (STW) of any substance that would prevent the City from satisfying limitations contained in its NPDES permit or that would otherwise violate Federal or State law;
- c. Prohibit the discharge into the STW of any substance which could, by its nature or quantity, damage the STW or its operation or jeopardize the safety or health of STW workers;
- d. Prevent the introduction of any substance into the City STW which will interfere with the operation of the STW or contaminate the resulting sludge;
- e. Provide for regulation of direct and indirect contributors to the STW through the issuance of permits to certain nondomestic users of the STW and through enforcement of general requirements for all users; and
- f. Establish monitoring and enforcement activities to ensure that these purposes are achieved. [Ord. 90-24(A), 1990].

14.05.115 Definitions.

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

“Act” means the Federal Water Pollution Control Act and the Clean Water Act, Pub. L. No. 92-500, as amended, codified at 33 U.S.C. 1251 et seq.

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

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

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

Manager to administer this chapter.

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

“Cooling water” means the water discharged from any use such as air conditioning, cooling or refrigeration, or water to which the only pollutant added is heat.

“Discharge” means the direct or indirect introduction into the STW of pollutants from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act or under this chapter. Holding tank waste introduced into the STW is a discharge.

“Industrial user” means an industrial or commercial establishment that introduces or causes the entry into the STW of nondomestic wastewaters having the characteristics of industrial wastes, or any other source of nondomestic pollutant introduced or discharged into the STW.

“Industrial wastes” means solid, liquid or gaseous waste resulting from any industrial, manufacturing, trade, or business process or from the development, recovery or processing of natural resources.

“Liquid-waste hauler (LWH)” means any person or business engaged in the activity of pumping, hauling, transporting and dumping of permitted wastes defined as septic tank pumpings, portable-toilet pumpings, food service grease traps, and sludge from domestic wastewater treatment plants and lagoons, at a public owned treatment works (POTW).

LWHs are herein classified as significant industrial users (SIUs), as determined by EPA, and are subject to the national pretreatment program (NPP) and must obtain an industrial wastewater acceptance notification (IWAN) from the City prior to disposal of permitted waste into the STW.

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

“National categorical pretreatment standards” means the standards established in any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency in accordance with Section 307(b) or (c) of the Act and which apply to a specific category of industrial users.

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

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

“Pollutant” means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or

discharged equipment, rock, sand, cellar dirt, industrial, municipal, marine and agricultural waste discharged into the STW, or any other substance discharged into the STW which, if discharged directly, would alter the chemical, physical, biological, or radiological integrity of the water.

“Pretreatment” means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the STW.

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

“Sewage” means water-carried human wastes or a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface, storm or other waters as may be present.

“Sewage treatment works” or “STW” means the sewage treatment plant of the City of Homer, and the sewers and conveyance appurtenances discharging to and from the sewage treatment plant.

“Significant industrial user” means an industrial user of the City wastewater disposal system who meets any one of the following criteria:

1. Is subject to or potentially subject to national pretreatment standards promulgated under Section 307(b) or (c) of the Act;
2. Has in its wastes any priority toxic pollutants listed in 40 CFR 401.15 or 40 CFR Part 403 or listed by the City Manager;
3. Has in its wastes toxic pollutants as defined pursuant to Section 307 of the Act or regulations promulgated thereto;
4. Has a discharge flow of 10,000 gallons or more of wastewater per average work day;
5. Has a flow greater than five percent of the flow into the STW or of the design pollutant loading capacity of the STW; or
6. Is determined by the City Manager to have a significant impact or potential for significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the STW effluent quality, or air emissions generated by the STW.

“Slug load” means any substance released in a discharge at a rate or concentration which causes inhibition or disruption of the STW, its treatments, or its operation, or causes the STW to violate its NPDES permit.

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

“Suspended solids” means the total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquids, and which is removable by laboratory filtering.

“Toxic pollutant” means any pollutant or combination of pollutants listed as toxic by the Administrator of the Environmental Protection Agency under the provisions of Section 307 of the Act, 40 CFR 401.15, 40 CFR Part 403, or listed as toxic by the City Manager.

“Upset” means an exceptional incident in which a user unintentionally and temporarily is in a state of noncompliance with the standards adopted under this chapter or established as part of the user’s IWAN, due to factors beyond the reasonable control of the user, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operations thereof.

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

14.05.120 Abbreviations.

AAC	Alaska Administrative Code
ADEC	Alaska Department of Environmental Conservation
CFR	Code of Federal Regulations
EPA	Environmental Protection Agency
IWAN	Industrial Wastewater Acceptance Notification
L	Liter
LWH	Liquid-Waste Hauler
mg	Milligram
mg/1	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
O&M	Operations and Maintenance

ppm	Parts per million
STW	Sewage Treatment Works
SIC	Standard Industrial Classification
SIU	Significant Industrial User

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

14.05.125 Fees.

The City Manager may establish a schedule of fees and charges for users, applications, interpretations, permits, inspections, release of information, and other actions of the City under this chapter. [Ord. 90-24(A), 1990].

Article II. Industrial Facilities Operation

14.05.210 Wastewater pretreatment facilities.

a. Users shall provide such wastewater pretreatment as is necessary to comply with this chapter and shall achieve compliance within the time limitations specified by the City. Facilities and equipment necessary to pretreat wastewater to meet the provisions of this chapter shall be provided, operated and maintained at the user's expense.

b. Detailed drawings and specifications showing the pretreatment facilities and operating procedures shall be submitted to the City for review and approval before commencement of discharge into the STW. The review and approval of such drawings, specifications and operating procedures will not relieve the user of responsibility for modifying the facility as necessary to meet the provisions of this chapter.

c. Any changes in the pretreatment facilities or method of operation to be made after approval of the plans by the City must be reported to the City of Homer Department of Public Works for approval before the changes are made. [Ord. 90-24(A), 1990].

14.05.215 IWAN required for significant industrial users.

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

14.05.220 Application for industrial wastewater acceptance.

a. All SIUs shall complete and file with the City an application for industrial wastewater acceptance. An existing SIU shall file an application within 30 days of notification by the City. A proposed new SIU shall file an application at least 90 days prior to connecting to the STW.

b. The application for industrial wastewater acceptance shall be made in writing on forms provided by the City and shall include:

1. The name, mailing address and physical location of the SIU facility including the names of the operator and owner;
2. The 2012 North American Industry Classification System (NAICS) number of the SIU;
3. A list of all environmental permits held by or for the SIU facility;
4. A description of each product produced by type, amount, process or processes and rate of production, and a description of the type and amount of chemicals and raw materials utilized in the process (average and maximum amounts per day);
5. Site plans, floor plans, mechanical and plumbing plans and details of the SIU facility showing all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation;
6. A description of the SIU operations, including a description of activities, facilities and plant process on the premises, and a description of all materials which are or may be discharged into the STW and the time and duration of such discharges;
7. A description of the average daily and instantaneous peak wastewater flow rates, in gallons per day, including daily, monthly and seasonal variations, if any, and time and duration of discharges;
8. A listing of existing and anticipated wastewater constituents and their characteristics, which shall include, but is not limited to, those substances identified in this chapter or possessing characteristics identified in this chapter, as determined by chemical and biological analyses performed by a laboratory certified by the ADEC;
9. A description of the nature, quantity and concentration of all pollutants or materials limited or prohibited by this chapter, that are discharged or are anticipated to be discharged into the STW, together with a statement regarding whether or not compliance with this chapter is being or will be achieved on a consistent basis and, if not, whether additional operation and maintenance activities or additional pretreatment is necessary for the SIU to comply with these rules.

c. Where additional pretreatment or additional operation and maintenance activities are necessary to comply with these rules, the SIU shall comply with the following requirements:

1. The SIU shall provide to the City, with its application, a plan containing the shortest schedule by which the user will provide such additional pretreatment and implement such additional

operational and maintenance activities as are necessary to comply with these rules.

2. The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the discharger to comply with the requirements of these rules including, but not limited to, dates relating to hiring an engineer registered in the State of Alaska, hiring other appropriate personnel, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, and other acts necessary to achieve compliance with these rules.

3. The schedule is subject to the approval of the City Manager. Neither the entire schedule nor any step may exceed a reasonable time as determined by the City Manager and no single major step may exceed nine months.

4. No later than 14 days following each milestone date in the schedule and the final date for compliance, the SIU shall submit a progress report to the City including a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with that increment of progress, the reasons for delay, and the steps being taken by the SIU to return the construction to the approved schedule. In no event may more than nine months elapse between such progress reports to the City. Failure to adhere to the nine-month deadline will result in disconnection of sewer service.

d. The application and, where necessary, the schedule of additional pretreatment or operational and maintenance activities shall be signed by a principal executive officer of the SIU. [Ord. 13-17(S) § 21, 2013; Ord. 90-24(A), 1990].

14.05.225 Materials and substances prohibited in STW.

a. No user may discharge or cause to be discharged into the STW, except as authorized in an IWAN issued by the City, any wastewater containing concentrations of pollutants in excess of the following:

Pollutant	Limit (mg/L)
Arsenic	0.1
BOD	500
Cadmium	0.085
Chromium – Total	4.31
Chromium – Hexavalent	4.0
Copper	1.0
Cyanide	0.3

Lead	0.54
Mercury	0.002
Nickel	0.74
Silver	0.09
Suspended solids	500
Zinc	2.78

The limitations listed above apply to the total discharge from a user exclusive of sanitary wastewater. Wherever a discharger is subject to both a national categorical pretreatment standard and a local limit for a given pollutant, the more stringent shall apply.

b. No user may discharge or cause or permit to be discharged into the STW the following wastes or waters:

1. Any stormwater, surface water or runoff, groundwater, roof runoff, subsurface drainage, cooling water or other unpolluted water.
2. Any water or wastes which contain more than 100 ppm by weight of fat, oil or grease.
3. Any solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the STW, including, but not limited to, ashes, cinders, sand, mud, metal, feathers, glass, rags, wood, plastics, lime, slurry, lime residues, chemical residues, paint or ink residues or bulk solids. Particle size of any allowed substance is limited to one-half inch in any dimension.
4. Any liquids, solids or gases including, but not limited to, gasoline, diesel oil, oil, benzene, naphtha, fuel, mineral spirits or solvents that by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the operation of STW, or jeopardizing the safety of STW workers.
5. Any wastes or waters containing toxic or poisonous substances in quantities or concentrations determined by the City Manager to constitute a hazard to humans or animals, to interfere with any sewage treatment process, to create any hazard in the waters receiving discharge from the STW, or to exceed Federal categorical pretreatment standards.
6. Any wastes or waters having a pH lower than 5.0 or higher than 11.0 at any time, or having any corrosive property capable of causing damage or hazard to structures, equipment and personnel of the STW.
7. Any waters containing quantities of radioactive substances in excess of limits for drinking

water established by State and Federal regulations.

8. Any substance with objectionable color not removed by the STW, including, but not limited to, excess fly ash, dye wastes and vegetable tanning solutions.

9. Any liquids, gases, or solids that are noxious or malodorous or that either singly or in interaction with other substances would cause a public nuisance or hazard to life or health, or would prevent safe entry into the STW for its maintenance and repair.

10. Any substance that may cause the STW treatment residues, sludges, incinerator ash or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process.

11. Any heat or heat producing substances which, when combined with other substances, will inhibit biological activity in the STW.

12. Any substance that will cause the City to violate its NPDES permit, State disposal system standards, or receiving water quality standards.

13. Any fish cleaning and waste products, and fish processing wastewater.

14. Any wastewater in violation of a State of Alaska discharge limitation, including, but not limited to, "Solid Waste Management Regulations," 18 AAC 60; "Water Quality Standards," 18 AAC 70; and "Wastewater Disposal Regulations," 18 AAC 72.

15. Any wastewater in violation of a Federal categorical pretreatment standard, or any other standard established by the City Manager. [Ord. 90-24(A), 1990].

14.05.230 Monitoring facilities.

a. A SIU shall provide and operate at the SIU's own expense a monitoring facility to allow inspection, sampling and flow measurement of each sewer discharge to the STW. Each monitoring facility shall be situated on the SIU's premises, except where such a location would be impractical or cause undue hardship on the user. The City may authorize the facility to be constructed in the public street or sidewalk area; provided, that the facility is located so that it will not be obstructed by landscaping, parked vehicles, or other moveable or fixed objects.

b. There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the discharger.

c. All monitoring facilities shall be constructed and maintained in accordance with HCC Title 13, Standard Construction Practices, and the Uniform Plumbing Code.

d. The City Manager may waive the requirements of this section to provide and operate a monitoring

facility upon formal request of the SIU if the City Manager determines that adequate inspection, sampling, and flow measurement of each industrial wastewater discharge can be conducted without a monitoring facility. [Ord. 90-24(A), 1990].

14.05.235 Control manhole.

- a. A SIU who discharges or proposes to discharge industrial waste into the STW shall construct and maintain a control manhole to allow inspection, sampling and flow measurement of each industrial wastewater discharge to the STW.
- b. Any other industrial user shall, at the request of the City Manager, construct and maintain a control manhole to allow inspection, screening, sampling and flow measurement of each industrial wastewater discharge to the STW.
- c. Each control manhole must be located on the user's premises; except, if the City Manager determines that such a location will be impractical or cause undue hardship on the user, he may allow the control manhole to be located off the user's premises; provided, that the control manhole is located so that the control manhole is readily accessible and will not be obstructed by landscaping, parked vehicles, or other obstructions. There shall be ample room in and near the control manhole to allow accurate sampling and preparation of samples for analysis. The user shall maintain the control manhole in a safe and proper operational condition. The control manhole shall be accessible at all times.
- d. To assure that the control manhole is acceptable for use by the City, drawings and specifications for the control manhole shall be submitted to the City Manager for review and approval with the application for an IWAN or upon request of the City Manager.
- e. The requirements of this section may be waived by the City upon formal request of the user if the City Manager determines that adequate inspection, sampling, and flow measurement of each industrial wastewater discharge of the user can be conducted without a control manhole.
- f. The City may have access to the control manhole for the purpose of inspection and sampling, including flow measurement, upon request and without the need for a search warrant. [Ord. 90-24(A), 1990].

14.05.240 Inspection and sampling.

- a. The City is authorized to enter to inspect and take samples from the control manholes, monitoring facilities, and wastewater pretreatment facilities and to inspect and copy records of a SIU to determine compliance with the requirements of this chapter. The SIU shall allow the City's representatives, upon exhibiting proper credentials and identification, to enter upon the premises of the user at reasonable hours for the purposes of inspection, sampling or inspection and copying of records. Reasonable hours include any time the SIU is operating any process which results in the

introduction of wastewater into the STW.

b. The City may set up on the SIU property such devices as are necessary to conduct sampling, inspection, compliance monitoring or metering operations. [Ord. 90-24(A), 1990].

14.05.245 Dilution prohibited.

A user may not increase the use of potable or process water or in any way dilute or attempt to dilute a discharge as a substitute for treatment to achieve compliance with the limitations contained in this section or with any other applicable standard, limitation, or regulation. The City Manager may impose mass limitations on users that are or may be using dilution to meet the requirements of this section, or in other cases where the imposition of mass limitations is deemed appropriate by the City Manager. [Ord. 90-24(A), 1990].

14.05.250 Accidental discharges and slug loads.

a. Each user shall provide adequate protection from the accidental discharge of prohibited or regulated materials or substances established by this chapter. Any facilities or equipment necessary to prevent the accidental discharge of prohibited materials shall be provided and maintained at the user's expense.

b. Users shall notify the City Manager immediately upon the occurrence of an accidental discharge of substances prohibited by this chapter or of any other discharge that could impair or interfere with the STW, including a slug load. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume and corrective actions taken. In addition, the user shall immediately notify the ADEC of the discharge.

c. Within five days following a discharge described in this section, the user shall submit to the City Manager a detailed written report describing the cause of the discharge or slug load and measures to be taken by the user to prevent similar future occurrences.

d. Such written notifications shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the STW; nor shall such notification relieve the user of any fines, civil penalties or other liabilities which may be imposed by this section or any other applicable law.

e. The report required by this section shall be signed by a principal executive officer of the user, or his or her designee. [Ord. 90-24(A), 1990].

14.05.255 Operating upsets.

a. A user who experiences an upset in operations that places the user in noncompliance with this chapter shall inform the City Manager of the upset within 24 hours of becoming aware of the upset. A written follow-up report thereof shall be filed by the user with the City Manager within five days of

notification. The report shall include:

1. A description of the upset, the cause thereof and the upset's impact on the user's compliance status;
2. Duration of noncompliance, including exact dates and time of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur; and
3. All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.

b. A documented, timely reported and verified bona fide operating upset shall, to the extent reported, be an affirmative defense to any criminal enforcement action brought by the City against the user for any noncompliance with the provisions of this chapter which arises out of violations alleged to have occurred during the period of the upset. [Ord. 90-24(A), 1990].

Article III. Records and Reporting

14.05.310 Industrial wastewater acceptance notification.

a. The City Manager shall notify the SIU or proposed SIU of the City's acceptance of its application by issuing an industrial wastewater acceptance notification (IWAN). The IWAN shall contain such terms and conditions as the City Manager determines are necessary to achieve the purposes of this chapter. Issuance of an IWAN constitutes authorization to connect to the STW. If the City Manager rejects the application, he shall notify the applicant in writing of the rejection of the application. The City Manager may require the user to submit additional information prior to accepting or rejecting the application. The City of Homer Department of Public Works will evaluate the application and data furnished by the user and may require additional information. Within 30 days after evaluation of a complete application for industrial wastewater acceptance, the City shall notify the applicant of the acceptance or the rejection of the application.

b. The IWAN shall include the following:

1. Fees and charges to be paid upon initial permit issuance;
2. Limits on the average and maximum wastewater constituents and characteristics regulated thereby;
3. Limits on average and maximum rate and on time of discharge and/or requirements for flow regulations and equalization;
4. Requirements for installation and maintenance of inspection and sampling facilities;
5. Compliance schedules;

6. Self-monitoring requirements;
 7. Requirements for submission of any technical reports or discharge reports in addition to those prescribed by this chapter; and
 8. Special conditions as the City may reasonably require under particular circumstances of a given discharge including sampling locations; frequency of sampling; number, types and standards for sampling and testing; reporting schedules; and City inspection and sampling.
- c. The City reserves the right to amend an IWAN issued hereunder in order to assure compliance with applicable laws and regulations.
- d. When a national categorical pretreatment standard is promulgated, the City shall revise the IWAN of each user subject to such standard to assure compliance with such standard within the time frame prescribed by such standard. If the user has not previously submitted an application for an IWAN, the user shall submit an application for an IWAN to the City within 180 days after the effective date of the applicable national categorical pretreatment standard or such shorter time as may be required to meet State or Federal requirements. A user for whom an IWAN is in effect shall submit to the City within 180 days after the promulgation of the applicable national categorical pretreatment standard the information required by HCC [14.05.220](#).
- e. The City shall inform the IWAN holder of any proposed changes in its IWAN at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- f. The IWAN is issued to a specific user for a specific operation in a specific location and is not assignable to another user or transferable to another location; provided, the IWAN may be transferred to a successor to the use in a specific location with the prior written approval of the City.
- g. An IWAN expires five years after the date of its issuance and may be amended, modified and revoked at any time as provided in this chapter.
- h. Each SIU shall be subject to issuance of a new IWAN with appropriate modifications if it changes the process or the wastewater characteristics. Any changes or new conditions in the IWAN shall include a reasonable time schedule for compliance. [Ord. 90-24(A), 1990].

14.05.315 Reporting requirements – General.

- a. Initial Compliance Report. Within 90 days following the date of issuance of an IWAN to a SIU, or within 90 days following the deadline for compliance with an applicable national categorical pretreatment standard, the SIU shall submit to the City a report indicating the nature and concentration of all prohibited or regulated substances contained in its discharge into the STW, and

the average and maximum daily flow of wastewater into the STW in gallons. The report shall state whether applicable pretreatment standards or requirements are being met on a consistent basis and, if they are not, the report shall specify in conformity with HCC [14.05.220\(c\)](#) what additional operations and maintenance or pretreatment measures are necessary to bring the discharger into compliance with applicable pretreatment standards or requirements.

b. Biannual Compliance Report. A user to which an IWAN is issued shall submit to the City a biannual report. The report shall be filed two times a year, on or before January 31st and on or before July 31st of each year, and shall cover activities during the six months preceding the month in which the report is due. The report shall state the nature and concentration of discharged substances regulated by this chapter. The report shall include a record of all daily flows during the reporting period. Flows shall be reported on the basis of actual measurement; however, where cost or feasibility considerations justify, the City may accept reports of average and maximum flows, estimated by verifiable techniques. The City Manager may for good cause shown, considering such factors as local high or low flow rates, holidays, budget cycles, or other extenuating factors, authorize the submission of said reports for different periods of time.

c. Notice of Substantial Change in Discharge. All users shall promptly notify the City in advance of any substantial change in the volume or character of the pollutants in their discharge.

d. Reports required by this section shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentration of substances in the discharge, or production and mass where required by the City. The reports shall contain such additional information as is required by the user's IWAN, and shall be based on the self-monitoring requirements contained in the user's IWAN. Reports and statements shall be signed by an authorized representative of the discharger.

e. All sampling and analyses shall be performed in accordance with sampling and analytical procedures required by 43 CFR Section 403.12 or approved by the administrator of the U.S. Environmental Protection Agency or by the City Manager. [Ord. 90-24(A), 1990].

14.05.320 Reporting requirements for industrial users subject to Federal categorical pretreatment standards.

Upon the establishment by the EPA of a Federal categorical pretreatment standard, all industrial users subject to the Federal categorical pretreatment standard shall submit to the City such report as required under Federal regulations, 40 CFR Section 403.12, within the time specified in that section. The City will process all required reports and will conduct follow-up on such reports as required. [Ord. 90-24(A), 1990].

14.05.325 Records retention.

Each user subject to this chapter shall retain and preserve for three years all records, including

books, documents, memoranda, reports, correspondence and all summaries thereof, relating to its discharge, including all monitoring, sampling and chemical analyses made by or on behalf of the user in connection with its discharge. All records that pertain to matters that are the subject of administrative adjustment or any other enforcement or litigation actions brought by the City shall be retained and preserved by the user until all enforcement activities have concluded and the time for appeal has expired. [Ord. 90-24(A), 1990].

14.05.330 Confidential treatment of information and data.

The user may request that information and data furnished to the City with respect to any proprietary process of the user be treated as a confidential submission. If the City determines that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the user, it shall keep the information and data confidential and shall not disclose the information, except where release is otherwise required by law and except for release to a City, State or Federal agency with jurisdiction over the user's discharge for uses related to the user's compliance with City, State and Federal water pollution regulations. Otherwise, the information and data shall be available to the public or other governmental agency without restriction. Wastewater constituents and characteristics will not be recognized as confidential information. [Ord. 90-24(A), 1990].

14.05.335 Falsifying information.

No person may knowingly make any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or falsely tamper with, or knowingly render inaccurate, any monitoring device or method required under this chapter. [Ord. 90-24(A), 1990].

Article IV. Enforcement

14.05.410 Emergency suspension of service and of industrial wastewater acceptance.

a. Upon notice to the user and a reasonable opportunity for an informal hearing, the City shall order the suspension of STW service to a user, or shall withdraw the IWAN of a user when it appears to the City that an actual or threatened discharge:

1. Presents or threatens to present an imminent or substantial danger to the health or welfare of persons or substantial danger to the environment; or
2. Interferes or threatens to interfere with the operation of the STW; or
3. Violates or threatens to violate any pretreatment limits imposed by this chapter or by the IWAN.

b. A user notified of the City's suspension order shall immediately cease all discharges into the STW.

If the discharger fails to comply with the suspension order, the City shall commence judicial proceedings to compel the user's compliance with such order or to recover civil penalties. The City shall reinstate the IWAN and the STW service upon proof by the user of the elimination of the noncomplying discharge or conditions creating the threat that led to the suspension order. [Ord. 90-24(A), 1990].

14.05.415 Termination of treatment services.

a. A user may not:

1. Fail to report the wastewater constituents and characteristics of its discharge;
2. Fail to report significant changes in wastewater constituents or characteristics;
3. Refuse reasonable access pursuant to a search warrant or other court order to the user's premises by the City for the purpose of inspection, sampling or copying; or
4. Violate any other provisions of this chapter or any order of the City with respect thereto.

b. The City may terminate wastewater treatment service by shutting off the public water supply to any discharger who violates any of the foregoing prohibitions. [Ord. 90-24(A), 1990].

14.05.416 City of Homer – Right of access.

If a user refuses to grant a right of entry, the City may seek a search warrant or order from the Superior Court compelling the user to submit to entry, inspection, sampling and copying. [Ord. 90-24(A), 1990].

14.05.420 Notification of violation – Appeal.

Whenever the City determines that a user has violated or threatens to violate the prohibitions of this chapter or any permit, plan, or IWAN authorized or issued under this chapter, the City shall cause to be served upon such user a written notice, either personally or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. Within 15 days of the date of receipt of the notice, the user may respond personally or in writing by certified or registered mail, return receipt requested, to the City, advising of its position with respect to the allegations. The user shall be given the opportunity to meet with the City or respond to the alleged violations and to propose a plan to correct the alleged violations. The City shall issue a written decision determining whether there is a violation and, if necessary, whether the proposed plan is acceptable. [Ord. 90-24(A), 1990].

14.05.425 Show cause hearing.

If a violation of this chapter is not corrected by administrative adjustment under HCC [14.05.420](#), then the City Manager shall order the user to show cause why service should not be terminated or other enforcement action, including imposition of a civil penalty, should not be taken. A written notice shall

be served on the user by personal service, or by certified or registered mail, return receipt requested, specifying the time and place of the hearing to show cause. The notice of the hearing shall be served no less than 10 days before the hearing. Service may be made on any agent, officer or authorized representative of the discharger. After the hearing, the City Manager shall issue a written decision which may include appropriate orders with respect to the violations of the chapter and may include a civil penalty in accordance with HCC [14.05.435](#). The City Manager's decision constitutes final administrative action for purposes of judicial review. [Ord. 90-24(A), 1990].

14.05.430 Administrative interpretation.

Any person may request in writing an interpretation or ruling by the City on any matter covered by this chapter and is entitled to a prompt written reply. In the event that such inquiry is by a user and deals with matters of performance or compliance with this chapter for which enforcement activity is pending, receipt of a user's request shall not stay the enforcement activity. [Ord. 90-24(A), 1990].

14.05.435 Civil penalties.

A user who violates an order of the City or who fails to comply with any provision of this chapter or a regulation, rule or permit of the City issued pursuant to this chapter shall be liable to the City of Homer for a civil penalty not to exceed \$1,000 per violation. Each day a violation continues constitutes a separate violation. Such penalties may be recovered by judicial actions or, to the extent permissible by State law, by administrative procedures. [Ord. 90-24(A), 1990].

14.05.440 Criminal penalties.

A person who violates any requirement of this chapter or any permit, IWAN or other authorization issued under this chapter is guilty of a misdemeanor and shall be fined not more than \$1,000 per violation or imprisoned for 90 days or both. Each day a violation continues constitutes a separate violation. [Ord. 90-24(A), 1990].

14.05.445 Recovery of costs incurred by the City.

A user who violates any of the provisions of this chapter, or who discharges or causes a discharge producing interference with, deposit in, or obstruction of the STW, or who causes damage to or impairs the City's STW, shall be liable to the City for any expense, loss or damage caused by such violation or discharge. The City shall bill the user for the cost incurred by the City for any cleaning, repair or replacement work caused by the violation or discharge. Refusal to pay the assessed costs is a violation of this chapter. [Ord. 90-24(A), 1990].

Chapter 14.08
WATER RULES AND REGULATIONS¹

Sections:

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

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

14.08.010 Purpose.

It is the intent of this chapter to establish rules and regulations for the operation of the Homer water system, and to provide a means for obtaining funds for the operation, repair, maintenance, replacement and indebtedness payments from revenues produced by the system. [Ord. 00-02 § 2,

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

14.08.020 Definitions.

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

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

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

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

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

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

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

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

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

14.08.030 Water connections and extensions.

a. Water connections to the City water mains shall be installed only by a City-approved contractor and then only upon payment of fees as prescribed by the City.

b. No person shall install a water extension or connection without first obtaining a written permit from the City.

c. All work and materials must meet the standards and specifications as described in HCC Title 13, and the State of Alaska Department of Labor Occupational Safety and Health Standards.

d. The customer requesting a new water connection or water extension shall provide all materials,

labor and equipment for the excavation, connection and installation of the water line. [Ord. 90-24(A), 1990].

14.08.037 Water meters.

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

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

14.08.040 Private water systems – Connection permits – Fees.

a. No person shall construct any private water main which will be served directly or indirectly by the City water distribution system without first obtaining a written permit from the City under and outlining conditions prescribed by the City. The fee for such permits shall be as prescribed by the City.

b. No person shall install any water connection to any private water main which will be served directly or indirectly by the City water distribution system without first obtaining a written permit from the City under and outlining conditions prescribed by the City. The fee for such permit shall be as prescribed by the City.

c. No person shall install any water extension from a water connection of any private water main which will be served directly or indirectly by the City water distribution system without first obtaining a written permit from the City under and outlining conditions prescribed the City. The fee for such permit shall be as prescribed by the City. [Ord. 90-24(A), 1990].

14.08.050 Condition of service – Rule making authority.

a. No person shall be served directly or indirectly by the City water distribution system unless the person so served, or his authorized representative, has first entered into a contract with the City for such services.

b. The collector of revenue for the City is empowered to discontinue water service for nonpayment of any utility service charges, connection fees and related charges. [Ord. 97-12 § 3, 1997; Ord. 90-24(A), 1990].

14.08.055 Rule making authority.

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

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

c. A copy of all rules and regulations adopted under the authority of this section, together with current utility rates, shall be made available for public inspection during business hours at City Hall. [Ord. 97-12 § 2, 1997].

14.08.060 Frozen pipes – City not liable.

Customers will be responsible for all frozen water connections and extensions, and the City will not be responsible therefor. The City will maintain all water connections, except for damages resulting from freezing. [Ord. 90-24(A), 1990].

14.08.070 Discontinuance of supply.

Water may at any time be shut off from water mains without notice for repairs, extensions or other necessary purposes. The City will not be liable to the customer for any loss or damage which may be caused by failure of the City to deliver water. Whenever feasible the City shall give public notice of shutoffs, but shall not be bound to do so. [Ord. 90-24(A), 1990].

14.08.072 Priority use of water.

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

14.08.074 Surplus water – Sale.

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

b. Notwithstanding any other provision of this title, the City Council may by resolution restrict, interrupt, decrease, or terminate the sale of water for export or consumption outside the certificated service area whenever the City Council determines it is in the best interests of the City to do so. Such action shall only be taken upon a legislative finding by the City Council that such action is in the best interest of the City. If practicable, the City will give 30 days' notice to the public, affected bulk water customers, and resellers of action taken under this subsection, but the failure to give such advance notice will not render the restriction, interruption, decrease, or termination ineffective, nor will it give rise to any claim or action against the City.

c. As used in this section, "surplus water" is water that the City, in its sole discretion, determines is in excess of the sanitation, fire protection, and demands of water consumers for consumption within the

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

14.08.076 Water shortage or emergency declaration.

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

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

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

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

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

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

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

14.08.078 Water shortage or emergency – Appeal.

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

14.08.079 Immunity for discretionary acts.

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

14.08.080 Schedule of rates – Rules and regulations.

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

b. The City Manager shall have printed a sufficient number of copies of the water rate schedule approved and adopted by the City and the copies shall be available for public use upon demand at the office of the City Clerk. [Ord. 13-30(A) § 2, 2013; Ord. 09-22(A)(S)(A) § 2, 2009; Ord. 00-02 § 3, 2000; Ord. 97-17(A), 1997; Ord. 97-12 § 4, 1997; Ord. 97-5(S)(A) § 2, 1997; Ord. 95-7, 1995; Ord. 91-10(S) §§ 1, 2, 1991; Ord. 90-24(A), 1990].

14.08.090 Schedule of rates outside of the City limits.

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

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

14.08.091 Service deposits.

- a. All water service users, at the time the service is established, shall pay a deposit based on meter size, as set forth by resolution of the Homer City Council.
- b. The City shall place deposits in an interest-bearing account. The interest rate will be reviewed and set in January of each year equal to that earned from a bank savings account. Deposits shall accrue interest at the rate set for the year in which they are refunded.
- c. Deposits and any accrued interest shall be refunded:
 1. After one year of service provided the customer has demonstrated a good payment history with no delinquencies; or
 2. Within 45 days after the date of disconnection; provided, that the deposit and interest shall first be applied to any outstanding balance.
- d. Waiving of Deposits. If a customer has had utility service with the City of Homer within the last two years and has a good credit history with the City (no late payments), the Finance Department may waive the deposit.
- e. Landlord Agreement. An owner/customer who requests an automatic continuance of utility service between renters may enter into a landlord agreement with the City of Homer for this purpose. This request should be directed to the Finance Department personnel, who will fill out the agreement which will be signed by the owner and accepted by the City of Homer. [Ord. 00-02 § 5, 2000; Ord. 97-5(S)(A) § 3, 1997; Ord. 95-10, 1995; Ord. 91-10(S) § 5, 1991; Ord. 90-39(S) § 1, 1990; Ord. 90-24(A), 1990].

14.08.100 Bulk water sales.

- a. All rates and charges shall be set forth by resolution of the Homer City Council.
- b. The meter deposit as set by Council resolution will be returned when the meter is returned undamaged. This deposit may be waived upon the recommendation of the Public Works Superintendent.
- c. The schedule for service fees shall apply to all bulk water service requests.
- d. If a bulk water customer purchases a meter from the City for measuring the quantity of water purchased it shall be exempt from the monthly meter service charge. It is the responsibility of the bulk water customer to maintain that meter so the City can accurately determine the amount of water being purchased. In the event the meter fails, it is the bulk water customer's responsibility, at its expense,

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

14.08.105 Resale of water.

- a. No person shall resell water provided by the City water system unless that person has a resale permit issued pursuant to HCC [14.08.110](#).
- b. All City water purchased by a customer for resale to others shall be charged at the rates established by resolution of the City Council, including the surcharge and any applicable end user service charge, which shall be paid on all water resold to others, regardless of whether the customer has a standard service account. As used in this section, “end user” will be interpreted according to the definition of the term used in the applicable schedule of water utility rates established by resolution of the City Council.
- c. A reseller of City water shall submit a monthly report of the quantity of water resold to others and the number of end users for the month on a form approved by the City. The report shall be received by the City Finance Department within 15 days after the end of each month. The report shall be signed under penalty of perjury. A report is subject to audit by the City for a period of three years.
- d. A reseller of City water shall keep accurate records of the quantity of water sold to others and the number of end users. Such records shall be kept for a minimum of three years. The reseller of City water shall provide such records to the City for examination and audit upon request during normal business hours.
- e. If a reseller of City water fails to submit required reports or fails to keep accurate records and make them available to the City, the City may make a reasonable estimate of the quantity of water resold to others. The reseller shall pay the required rates for the quantity so estimated. In such case the City’s estimate is presumed to be correct and may be overcome only by clear and convincing proof to the contrary.
- f. If a reseller with a standard service account purchases a meter from the City for measuring the quantity of water purchased, it shall be exempt from the monthly meter service charge. It is the responsibility of the reseller to maintain that meter so the City can accurately determine the amount of water being purchased. In the event the meter fails, it is the reseller’s responsibility, at its expense, to repair it or purchase a replacement meter from the City. The City may at any time test the meter for accuracy. [Ord. 01-03(A) § 1, 2001; Ord. 00-02 § 7, 2000; Ord. 98-11 § 3, 1998; Ord. 95-19, 1995].

14.08.110 Permit for resale of water.

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

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

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

14.08.120 Permit for water filling station.

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

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

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

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

14.08.130 Permit suspension, revocation.

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

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

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

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

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

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

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

14.08.140 Appeals – Board of Appeals – Notice of appeal.

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

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

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

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

14.08.150 Appeals – Procedure.

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

14.08.160 Appeal to Superior Court.

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

14.08.170 Violation – Penalty.

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

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

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

Sections:

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

14.12.010 Purpose.

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

14.12.020 Definitions.

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

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

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

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

14.12.030 Zone connection fee.

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

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

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

14.12.040 Payment plan.

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

14.12.050 Disposition of revenue.

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

**Chapter 14.13
WATER AND SEWER CONNECTION FEE**

Sections:

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

14.13.010 Purpose.

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

14.13.020 Definitions.

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

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

14.13.030 Service connection fee.

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

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

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

14.13.040 Payment plan.

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

Chapter 14.16
SEWER CONTRACTORS STATE REGISTRATION¹

Sections:

[14.16.010](#) State certificate required.

Prior legislation: Ord. 77-21.

14.16.010 State certificate required.

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

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

Chapter 14.20
SEWER CONTRACTORS BOND

Sections:

[14.20.010](#) Bond or cash deposit.

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

14.20.010 Bond or cash deposit.

- a. Every person, firm or corporate entity carrying on the business of construction and connecting to City sewer and/or water within the City may be required to deposit a bond or cash deposit in favor of the City in an amount and under such conditions deemed appropriate by the City Manager or his designee to cover damages of any kind resulting from the contractor's operations. All such sewer or water construction and connections shall be completed in a good and workmanlike manner in accordance with the specifications required by the City. The bond or cash deposit shall be further conditioned that the principal shall repair any damage done to the public sewer or water system on account of such work and shall return the surface of the ground, street, road, building, facility, right-of-way or easement to its original condition insofar as possible and in accordance with the requirements of the City.
- b. The contractor shall also be required to prequalify on the basis that he has or can demonstrate the ability, capacity and skill to perform the work as specified by reputation, experience and prior performance. As part of such prequalification, the contractor shall present evidence that he carries liability insurance in the aggregate amount of not less than \$500,000 or as may be additionally required in an amount in excess of \$500,000 as may be deemed necessary for the work by the City Manager or his designee to cover the insurance requirement of the work.
- c. To obtain the information specified in subsection (b) of this section, the City may require a contractor to complete a confidential qualifying questionnaire and provide a list of references. [Ord. 89-5 § 2, 1989. Code 1967 § 14-100.2].

Chapter 14.30
WATER AND SEWER EXTENSION COST REIMBURSEMENT PLAN

Sections:

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

14.30.010 Purpose.

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

14.30.020 Definitions.

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

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

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

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

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

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

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

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

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

14.30.030 Reimbursement agreement request.

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

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

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

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

14.30.040 Term of agreement.

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

14.30.050 Collection of pro rata cost.

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

14.30.060 Payment plan.

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

14.30.070 Determination of pro rata cost.

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

14.30.080 Developer reimbursement.

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

14.30.090 Disposition of revenue.

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

Chapter 14.50 UTILITY DISTRIBUTION FACILITIES

Sections:

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

14.50.010 Definitions.

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

“Cable” includes cables and wires of all descriptions.

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

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

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

14.50.020 Underground installation of cable extensions.

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

14.50.030 Enforcement of this chapter.

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

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

**Title 17
IMPROVEMENT DISTRICTS**

Chapters:

[17.04](#) **Special Assessment Districts**

[17.08](#) ***Repealed***

[17.16](#) **Assessment Fund**

Chapter 17.04
SPECIAL ASSESSMENT DISTRICTS¹

Sections:

- [17.04.010](#) Definitions.
- [17.04.020](#) Purpose of chapter.
- [17.04.030](#) Assessment authority.
- [17.04.040](#) Initiation of district.
- [17.04.050](#) Creation of district.
- [17.04.060](#) Contract – Approval of increased costs.
- [17.04.070](#) Assessment roll.
- [17.04.080](#) Certification of assessment roll.
- [17.04.090](#) Payment.
- [17.04.100](#) Subdivision after levy of assessments.
- [17.04.110](#) Assessments to be liens.
- [17.04.120](#) Reassessment.
- [17.04.130](#) Objection and appeal.
- [17.04.140](#) Interim financing.
- [17.04.150](#) Special assessment bonds.
- [17.04.160](#) Time limit for special assessment districts.
- [17.04.170](#) Water and sewer connections required.
- [17.04.180](#) Road improvement assessments for lots with two street frontages.
- [17.04.190](#) Deferment of assessment payments for low income residents.
- [17.04.200](#) In lieu of assessment.

17.04.010 Definitions.

In this chapter:

“Cost” means all expenses incurred by the City for an improvement, including without limitation 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.

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

“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.

“Record owner” means the person in whose name real property is listed on the property tax roll

prepared by the Kenai Peninsula Borough. [Ord. 12-15 § 1, 2012].

17.04.020 Purpose of chapter.

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.

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. [Ord. 12-15 § 1, 2012].

17.04.030 Assessment authority.

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

b. A capital improvement that is provided through a special assessment district may be owned by the City, a public utility, or another entity that is qualified to own and operate the capital improvement. [Ord. 12-15 § 1, 2012].

17.04.040 Initiation of district.

a. A special assessment district may be initiated by:

1. Resolution approved by a vote of not less than three-fourths of the Council; or
2. Petition signatures of the record owners of real property that would bear not less than 50 percent of the assessed cost of the improvement received by the City Clerk within 60 days after the mailing of the petition to record owners of property in the proposed district. Upon payment of the nonrefundable filing fee in the City fee schedule established by resolution of the Council, the City Clerk shall prepare a petition for distribution by certified mail to all record owners of property in the proposed district that contains:

a. A statement that it is a petition to form a special assessment district, and describing the capital improvement for which the district is proposed;

b. For each property in the proposed district, the Kenai Peninsula Borough tax parcel number and property description, the name and mailing address of the record owner, and a place for the record owner's signature; and

- c. A statement that to support initiation of the proposed district, the record owner must sign and return the petition to the City Clerk within 60 days after the date the petition was mailed.
- b. Upon adoption of a resolution initiating a special assessment district, or the City Clerk's verification that a petition to initiate a district bears sufficient signatures, 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 City Manager, who shall prepare an improvement plan for the district that includes final boundaries for the district, the design of the proposed improvement, a cost estimate for the improvement, the percentage of the improvement cost to be assessed against properties in the district, a method for allocating the assessed cost of the improvement among the properties in the district, the time period over which assessments will be financed, and a preliminary assessment roll for the district. [Ord. 16-20 § 1, 2016; Ord. 12-15 § 1, 2012].

17.04.050 Creation of district.

- a. Upon completion of an improvement plan under HCC [17.04.040](#), the City Clerk shall set a time for a public hearing on the necessity of the improvement and proposed improvement plan. Notice of the hearing shall be published at least twice in a newspaper of general circulation in the City, and mailed via certified mail to every record owner of real property in the proposed district not less than 60 days before the hearing.
- b. A record owner of real property in the proposed district may file a written objection to the improvement plan with the City Clerk no later than the day before the date of the public hearing on the improvement plan. If owners of real property that would bear 50 percent or more of the assessed cost of the improvement file timely written objections, the Council may not proceed with the improvement unless it revises the improvement plan to reduce the assessed cost of the improvement that is borne by objecting record owners to less than 50 percent of the assessed cost of the improvement. If the resolution changes the district boundary in the improvement plan, the City Clerk shall notify all record owners of property included in the district under the improvement plan of the change.
- c. At the noticed date and time, the Council shall hold a public hearing on the necessity of the improvement and proposed improvement plan. After the public hearing, the Council shall act upon a resolution determining to proceed with the proposed improvement. The resolution shall find that the improvement is necessary, of benefit to the properties to be assessed, and if the district is initiated by petition, that the petition is in proper form and bears sufficient signatures. The findings of the Council are conclusive. The resolution shall contain a description of the improvement, the estimated cost of the improvement, the percentage of the cost to be assessed against the properties in the district, and

a description of the properties to be assessed.

d. If the owners of 100 percent of the real property in the proposed district waive in writing the notice, protest period and public hearing required under this section, the question of creating the district may be submitted to the Council without such notice, protest period or public hearing. [Ord. 12-15 § 1, 2012].

17.04.060 Contract – Approval of increased costs.

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

b. If the cost of constructing the improvement will exceed 115 percent of the estimated cost of construction of the improvement in the improvement plan, the City shall not contract for the construction of the improvement without first:

1. Notifying all record owners of property in the district via certified mail of the increased cost; and

2. Within 30 days after the mailing of notice of the increased cost to record owners of property in the district, receiving written objections from record owners of property that would bear less than one-half of the cost of the improvement.

c. If record owners of property that would bear one-half or more of the cost of the improvement object in writing to the increased cost, the City will not contract to construct the improvement. The Council either may levy assessments in the district in an amount sufficient to recover costs incurred for preliminary design and engineering services or determine that the City shall assume such costs. [Ord. 12-15 § 1, 2012].

17.04.070 Assessment roll.

a. After completion of the improvement the Council shall assess costs of the improvement by a method that the Council determines will assess each property in the district in proportion to the benefit that it receives from the improvement.

b. The City shall prepare an assessment roll stating for each property in the district the name and address of the record owner, Kenai Peninsula Borough parcel number, a description of the property, the amount assessed against the property, and the assessed value of the property as determined by the Borough Assessor.

c. Each property in the district shall be identified and assessed on the assessment roll in accordance

with the legal description of the property at the time the Council certifies the assessment roll; except that where assessments are in an equal amount per parcel (i.e., without regard to parcel area, dimension or other characteristic), a property that was created by combining parcels after the public hearing under HCC [17.04.050\(c\)](#) shall be assessed that amount multiplied by the number of parcels that comprised the property at the time of the public hearing.

d. The Council shall fix a time to hear objections to the assessment roll. Not less than 15 days before the hearing, the City Clerk shall send notice of the hearing and assessment roll by certified mail to each record owner of an assessed property, and publish notice of the hearing in a newspaper of general circulation in the City. [Ord. 12-15 § 1, 2012].

17.04.080 Certification of assessment roll.

After the hearing the Council shall correct any errors or inequalities in the assessment roll. If an assessment is increased, a new hearing shall be set and notice published, except that a new hearing and notice is not required if all record owners of property subject to the increased assessment consent in writing to the increase. Objection to the increased assessment shall be limited to record owners of properties whose assessments were increased. When the assessment roll is corrected, the Council shall confirm the assessment roll by resolution. The City Clerk shall record the resolution and confirmed assessment roll with the District Recorder. [Ord. 12-15 § 1, 2012].

17.04.090 Payment.

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

b. Within 30 days after fixing the time when payment of the assessments is due, the Finance Director shall mail a statement to the record owner of each assessed property identifying the property and stating the assessment amount, the payment due date and the amount of the penalty on a delinquent payment. Within five days after mailing the statements, the Finance Director shall publish notice of mailing the statements in a newspaper of general circulation in the City. [Ord. 12-15 § 1, 2012].

17.04.100 Subdivision after levy of assessments.

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

b. Except as provided in subsection (c) of this section, upon the subdivision of a property assessed as a single parcel in an assessment district where assessments were levied in an equal amount per

parcel (i.e., without regard to parcel area, dimension or other characteristic), then no resulting parcel, other than the parcel that contains the original connection to the improvement for which the assessment was levied, may connect to the improvement until a subdivided property connection fee is paid for the parcel.

1. The amount of the connection fee shall be equal to the amount of the original assessment, adjusted up or down by a percentage equal to the change in the Consumer Price Index, All Urban Consumers (CPI-U) for Anchorage, Alaska, from the end of the calendar year preceding the original assessment date to the end of the calendar year preceding the date the parcel is connected to the improvement.
 2. If the original assessment was payable in installments the City may enter into a written agreement for the payment of the connection fee in installments on terms that are substantially the same as those authorized for the payment of the original assessment, secured by a deed of trust on the parcel.
 3. Upon receiving connection fee payments, the City shall allocate such payments to each property assessed in the district in proportion to the amount originally assessed against the property, either by adjusting the original assessment amount or disbursing a payment to the record owner at the time of disbursement.
- c. Upon the subdivision of a property assessed as a single parcel in an assessment district for natural gas distribution improvements where assessments were levied in an equal amount per parcel (i.e., without regard to parcel area, dimension or other characteristic), the assessment levied on the property that is to be subdivided shall be paid in full before the recording of the final plat. No parcel that results from the subdivision shall be subject to assessment for the improvements, but shall be charged for connecting to the improvements in accordance with the tariff of the public utility that provides natural gas service to the parcel. [Ord. 15-11 § 1, 2015; Ord. 12-15 § 1, 2012].

17.04.110 Assessments to be liens.

Assessments are liens upon the property assessed and are prior and paramount to all liens except those having priority under State law. They shall be enforced in the same manner as property tax liens. [Ord. 12-15 § 1, 2012].

17.04.120 Reassessment.

- a. The City Council shall within one year correct any deficiency in a special assessment found by a court, under the procedure for certification of the assessment roll in HCC [17.04.070](#) and [17.04.080](#).
- b. Payments on the initial assessment are credited to the property upon reassessment. The reassessment becomes a charge upon the property notwithstanding failure to comply with any provision of the assessment procedure. [Ord. 12-15 § 1, 2012].

17.04.130 Objection and appeal.

- a. The regularity or validity of an assessment may not be contested by a person who did not file with the City Clerk a written objection to the assessment roll before its confirmation. The decision of the Council on the objection may be appealed to the Superior Court within 30 days after the date of confirmation of the assessment roll.
- b. If no objection is filed or appeal taken within the time provided in this section, the assessment procedure shall be considered regular and valid in all respects. [Ord. 12-15 § 1, 2012].

17.04.140 Interim financing.

- a. The Council may provide by resolution or ordinance for the issuance of notes to pay the costs of an improvement that shall be payable from the special assessments for the improvement. The notes shall bear interest at a rate or rates authorized by the resolution or ordinance, and shall be redeemed either in cash or bonds for the improvement project.
- b. Notes issued against assessments shall be claims against the assessments that are prior and superior to a right, lien or claim of a surety on the bond given to the City to secure the performance of the contract for construction of the improvement, or to secure the payment of persons who have performed work or furnished materials under the contract.
- c. The Finance Director may accept notes against special assessments on conditions prescribed by the Council in payment of:
1. Assessments against which the notes were issued in order of priority;
 2. Judgments rendered against property owners who have become delinquent in the payment of assessments; and
 3. Certificates of purchase when property has been sold under execution or at tax sale for failure to pay the assessments. [Ord. 12-15 § 1, 2012].

17.04.150 Special assessment bonds.

- a. The Council by ordinance may authorize the issuance and sale of special assessment bonds to pay all or part of the cost of an improvement in a special assessment district. The principal and interest of the bonds shall be payable solely from the special assessments levied against property in the district. The assessment shall constitute a sinking fund for the payment of principal and interest on the bonds. The benefited property may be pledged by the Council to secure payment of the bonds.
- b. On default in a payment due on a special assessment bond, a bondholder may enforce payment of principal, interest, and costs of collection in a civil action in the same manner and with the same

effect as actions for the foreclosure of mortgages on real property. Foreclosure shall be against all property on which assessments are in default. The period for redemption is the same as for a mortgage foreclosure on real property.

c. Before the Council may issue special assessment bonds, it shall establish a guarantee fund and appropriate to the fund annually a sum adequate to cover a deficiency in meeting payments of principal and interest on bonds if the reason for the deficiency is nonpayment of assessments when due. Money received from actions taken against property for nonpayment of assessments shall be credited to the guarantee fund. [Ord. 12-15 § 1, 2012].

17.04.160 Time limit for special assessment districts.

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

b. Before the Council acts on a resolution under subsection (a) of this section, the City Clerk shall mail notice of the resolution to each current record owner of property listed on the preliminary assessment roll that the City will not contract for construction of the improvement in the district unless the resolution is adopted. The notice also shall include an updated copy of the preliminary assessment roll. [Ord. 12-15 § 1, 2012].

17.04.170 Water and sewer connections required.

The owner of property in a water or sewer special assessment district that contains an occupied building shall connect to the improvement constructed in the district within one year after the date that the resolution confirming the assessment roll for the district becomes final. [Ord. 12-15 § 1, 2012].

17.04.180 Road improvement assessments for lots with two street frontages.

a. The record owner of a through lot or flag lot may obtain a deferment of the part of an assessment for road improvements that is based on frontage on a road to which the lot does not have access. To obtain the deferment, the owner shall enter into a deferred assessment agreement with the City before the end of the period for filing objections to the district under HCC [17.04.050](#). The agreement shall provide that the lot has frontage on two streets, to only one of which the lot has access; that the lot owner shall pay the part of the assessment that is based on frontage on the street to which the lot has access; and that the owner shall pay the part of the assessment that is based on the other street frontage when the lot acquires access to the street from that frontage. The agreement shall be recorded with the District Recorder's office.

b. The assessment for road improvements against a corner lot shall be based only on the longer of the lot's road frontages. [Ord. 12-15 § 1, 2012].

17.04.190 Deferment of assessment payments for low income residents.

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

1. Has an annual family income that is less than 125 percent of the current U.S. Health and Human Services Poverty Guidelines for Alaska;
2. Owns or has a life tenancy in the assessed property, and permanently resides in a single-family dwelling on the property; and
3. Is not determined by the City, after notice and hearing, to have been conveyed the property primarily for the purpose of obtaining the deferment.

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

c. Assessment payment deferments are subject to the availability of funds appropriated for that purpose. An application for an assessment payment deferment shall be submitted to the Council with a report from the Finance Director as to the availability of funds to appropriate for the deferment. Deferred assessments are funded from the following sources:

1. The appropriate utility operating fund for deferred water and sewer assessment payments.
2. The accelerated roads program fund for deferred road improvement assessment payments.
3. The source that the Council designates for other deferred assessment payments.

If funds for an assessment payment deferment are not available from the appropriate source, the Council may loan the necessary amount to the appropriate source from the general fund.

- d. A person who receives an assessment payment deferral shall execute a deed of trust on the property subject to assessment, together with a promissory note payable to the City on demand, to secure the eventual payment of the deferred payment.
- e. A deferred assessment payment shall be immediately due and payable upon the earlier to occur of the following events:
1. The sale or lease of the assessed property; or
 2. The death of both the deferred assessment applicant and the applicant's surviving spouse, if any. [Ord. 16-44(A) § 1, 2016; Ord. 13-01(A)(S) § 1, 2013; Ord. 12-60(S) § 1, 2013; Ord. 12-15 § 1, 2012].

17.04.200 In lieu of assessment.

- a. An "in lieu of assessment" must be paid for a property to receive additional water or sewer service within or beyond the area within a local improvement district.
- b. An "in lieu of assessment" shall be computed on the actual cost of the additional water or sewer service, and shall be paid in accordance with HCC [17.04.090](#) and [17.04.100](#).
- c. A property on which an "in lieu of assessment" for water or sewer service has been levied in accordance with subsection (a) of this section nonetheless may be included in special assessment district for the same service in the future date, and will be assessed in that district. An amount not exceeding the lesser of (1) the amount of "in lieu of assessment" paid for the property and (2) the amount of the assessment levied on the property in the future special assessment district shall be a credit against the amount of the assessment levied on the property in the future special assessment district. [Ord. 12-15 § 1, 2012].

¹Note: Chapter [17.04](#) repealed and reenacted via Ordinance 12-15 April 10, 2012. For statutory provisions authorizing municipalities to collect special improvement assessments, see AS 29.46.

**Chapter 17.08
SPECIAL ASSESSMENT DISTRICT BONDS**

(Repealed by Ord. 13-03(S)(2))

**Chapter 17.16
ASSESSMENT FUND**

Sections:

- [17.16.010](#) Purpose.
- [17.16.020](#) Assessment fund – Authorized uses.
- [17.16.030](#) Extension procedure.
- [17.16.040](#) Minimum balance.
- [17.16.050](#) Credit for expenditures by property owner.

Prior legislation: Ords. 71-12 and 72-2.

17.16.010 Purpose.

It is the intent of Council that this chapter shall be applicable only to “in lieu of assessment” hook-ups. [Code 1967 § 13A-500.5].

17.16.020 Assessment fund – Authorized uses.

The City Council is authorized to expend monies from the assessment fund for the purpose of extending the municipal water system. [Code 1967 § 13A-500.1].

17.16.030 Extension procedure.

The City, upon Council approval, shall pay the entire cost of material for extending water service to an individual property owner or owners, installing a minimum of six-inch water main and the necessary hydrants and tees, etc. The owner shall be responsible for the payment of all labor and installation costs for such extension. [Code 1967 § 13A-500.2].

17.16.040 Minimum balance.

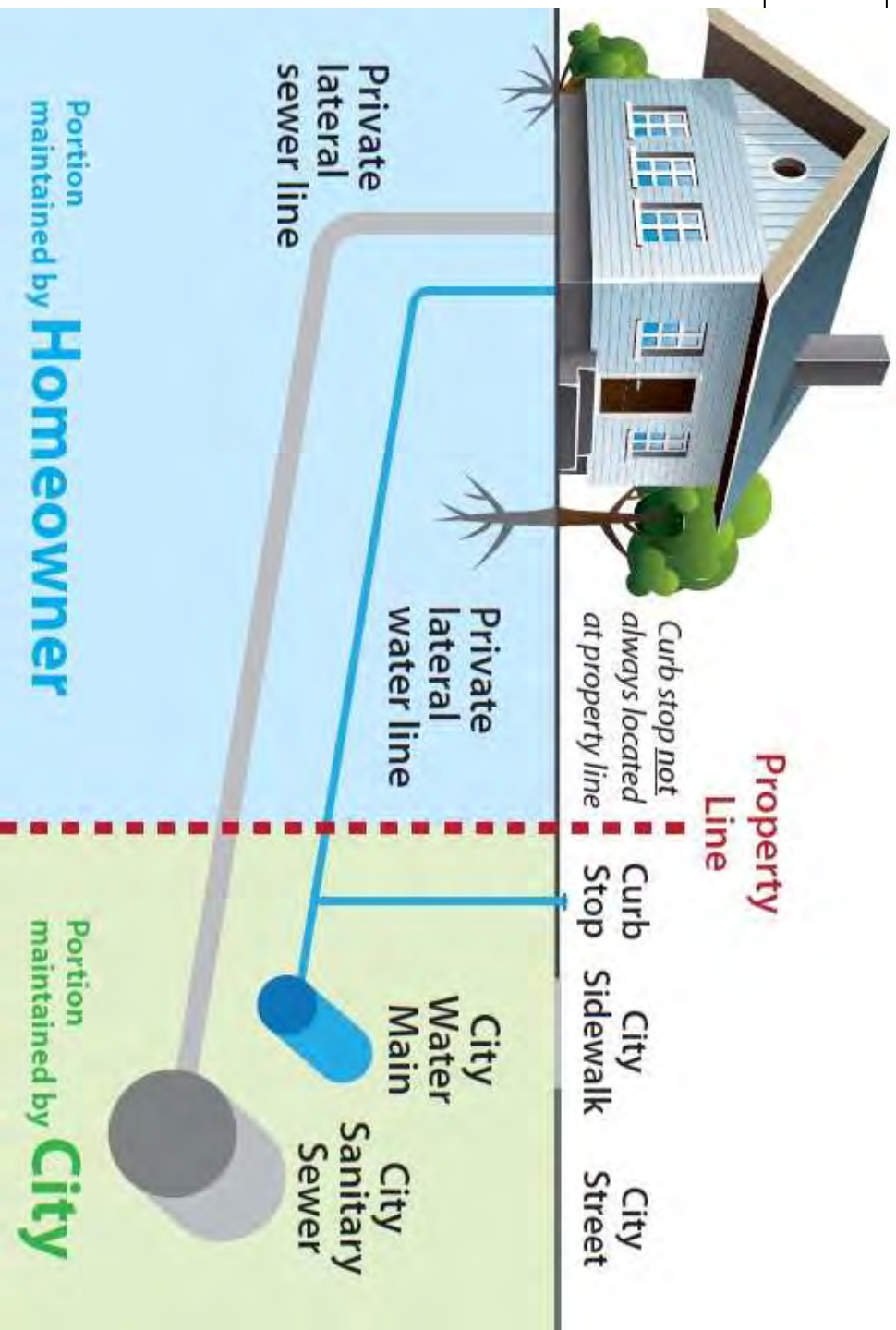
In no event shall the assessment fund be depleted, for the purpose of this chapter, below the level required to service the existing bonded indebtedness of the water system for a period of two years. [Code 1967 § 13A-500.3].

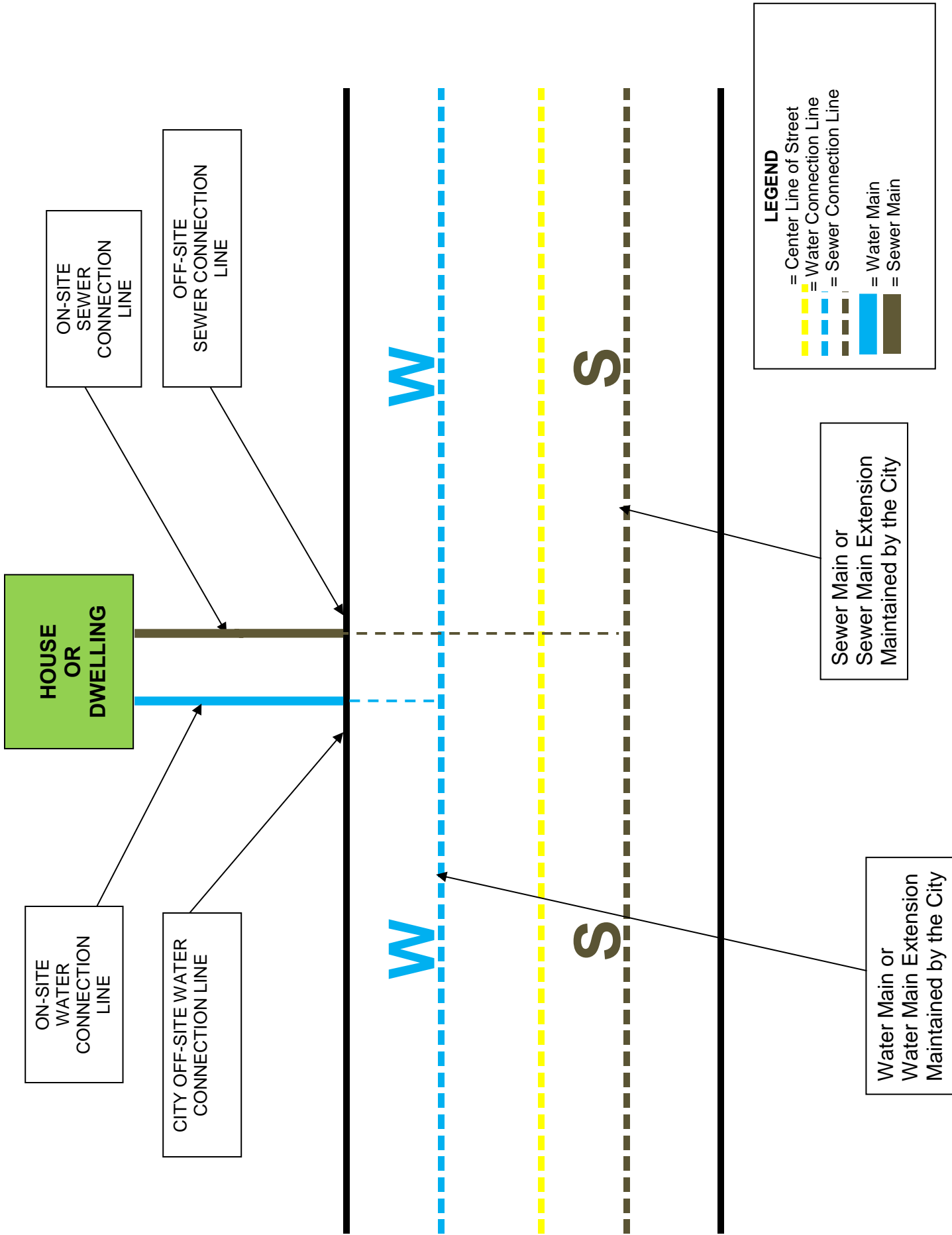
17.16.050 Credit for expenditures by property owner.

a. The property owner shall receive a credit for installation expenses against future costs of the water improvement district. If such expenditures exceed the per lot charges resulting from formation of the water improvement district, the property owner shall not be obligated for payment of assessments within the district. If such expenditures are less than the per lot charges as above, the property owner shall be obligated to pay the difference between the per lot charge and the amount of his expenditures. The property owner shall submit certified invoices or other evidences of payment to support his claim for expenditures. There shall, however, be no refund to any property owner whose expenditures exceed the per lot cost of the improvement district as set forth therein.

b. The City Manager may promulgate regulations subject to the approval of the City Council to assist in implementing this chapter. [Code 1967 § 13A-500.4].

**UNDERSTANDING
HOMER'S
WATER AND SEWER
SYSTEMS:
DIAGRAMS**





Chapter 1.16 GENERAL PENALTY¹

Sections:

- 1.16.010 General penalty.
- 1.16.020 Civil remedies.
- 1.16.030 Surcharge.
- 1.16.040 Disposition of scheduled offenses – Fine schedule.

1.16.010 General penalty.

Every act in violation of this code is declared unlawful. Unless another penalty is expressly provided by this code for any particular provision or section, every person convicted of a violation of any provision of this code or any rule or regulation adopted or issued in pursuance thereof shall be punished by a fine of not more than \$300.00. Every act of violation and every day upon which such violation shall occur shall constitute a separate offense. [Ord. 90-1 § 1, 1990; Ord. 88-14 § 4, 1988; Ord. 78-1 §§ 1, 2, 1978. Code 1967 § 1-100.7].

1.16.020 Civil remedies.

The City may institute a civil action against a person who violates any provision of this code or any rule or regulation adopted or issued in pursuance thereof. In addition to injunctive and compensatory relief, a civil penalty not to exceed \$1,000 may be imposed for each violation. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. On application for injunctive relief and a finding of a violation or threatened violation, the Superior Court shall grant the injunction. Each day that a violation continues constitutes a separate violation. [Ord. 90-1 § 2, 1990].

1.16.030 Surcharge.

In addition to any fine or other penalty prescribed by law, a defendant who pleads guilty or nolo contendere to, forfeits bail for, or is convicted of violating this code or any rule or regulation adopted or issued in pursuance thereof shall be assessed a surcharge in the amount, if any, prescribed by AS 12.55.039. The surcharge shall be collected as provided in AS 12.55.039 and 29.25.075. The failure to pay the surcharge is punishable as contempt of court as provided in AS 12.55.039. [Ord. 98-22, 1998].

1.16.040 Disposition of scheduled offenses – Fine schedule.

Citations for offenses listed in this section may be disposed of as provided in AS 12.25.195 through 12.25.230, without a court appearance, upon payment of the fine amounts listed below, plus the State surcharge required by AS 12.55.039 and 29.25.074.

Fines must be paid to the court. The Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all offenses listed below. Citations charging these offenses must meet the requirements of Minor Offense Rule 3. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the scheduled fine amount plus any surcharge required to be imposed by AS 12.55.039 and 29.25.074. If an offense is not listed on a fine schedule, the defendant must appear in court to answer the charges.

CODE SECTION	DESCRIPTION OF OFFENSE	FINE
HCC 5.08.020	Transporting unsecured load of garbage, trash or other materials in vehicle	\$300.00
HCC 5.20.020	Open burning, permit required	\$300.00
HCC 5.20.030	Trash burning – Approved container required	\$300.00
HCC 5.20.050	Handling or storing explosives	\$300.00
HCC 5.24.030	Fireworks – Sale prohibited	\$300.00
HCC 5.24.040	Fireworks – Use prohibited	\$300.00
HCC 5.38.010	Feeding or baiting certain birds (first offense)	\$50.00
HCC 5.38.010	Feeding or baiting certain birds (second and subsequent offenses)	\$200.00
HCC 8.08.020	Itinerant or transient merchant – License required	\$300.00
HCC 8.08.080	Itinerant or transient merchant – Exhibition of license	\$300.00
HCC 8.08.100	Itinerant or transient merchant – Use of streets and other public places	\$300.00

CODE SECTION	DESCRIPTION OF OFFENSE	FINE
HCC 8.11.030	Mobile food service – License required	\$300.00
HCC 8.11.070(b)	Mobile food service – Operation near similar business at fixed location	\$300.00
HCC 8.11.070(c)	Mobile food service – Operation in City park or campground	\$300.00
HCC 8.11.070(d)	Mobile food service – Operation in congested area on Homer Spit	\$300.00
HCC 8.12.120	Public transportation vehicle – Permit required	\$300.00
HCC 8.12.200	Chauffeurs license – Required	\$300.00
HCC 8.12.250	Public transportation vehicle – Prohibited operation	\$300.00
HCC 8.12.400	Public transportation vehicle – Display of rates/fares	\$300.00
HCC 10.04.085 (b)	Failure to pay fee for use of load and launch ramp (first offense)	\$100.00
HCC 10.04.085 (b)	Failure to pay fee for use of load and launch ramp (second offense)	\$200.00
HCC 10.04.085 (b)	Failure to pay fee for use of load and launch ramp (third and subsequent offenses)	\$300.00
HCC 13.08.010	Work in City right-of-way or connecting to City utility – Permit required	\$300.00
HCC 13.08.130	Restore City right-of-way to original condition	\$300.00

CODE SECTION	DESCRIPTION OF OFFENSE	FINE
HCC 13.08.140	Repair of damage to City utilities	\$300.00
HCC 14.04.050	Sewer extension or connection – Permit required	\$300.00
HCC 14.04.070	Destruction of private sewage disposal system after connection to City sewer system	\$300.00
HCC 14.04.090	Discharge of surface drainage into City sewer	\$300.00
HCC 14.08.030	Water extension or connection – Permit required	\$300.00
HCC 14.08.040	Connection to private water system – Permit required	\$300.00
HCC 14.08.105	Resale of City water – Permit required	\$300.00
HCC 18.20.015	Storing, parking or leaving abandoned or junk vehicle	\$300.00
HCC 18.20.025	Failure to remove abandoned or junk vehicle	\$300.00
HCC 19.02.020	Large special event – Permit required	\$300.00
HCC 19.04.040	Burial of human remains outside approved cemetery	\$300.00
HCC 19.04.090 (a)	Monument or other memorial protruding above ground level in City cemetery	\$300.00
HCC 19.04.090 (b)	Placement, alteration or removal of monument, memorial or plant without City consent	\$300.00

CODE SECTION	DESCRIPTION OF OFFENSE	FINE
HCC 19.08.030 (a)	Camping on City property where prohibited	\$300.00
HCC 19.08.030 (b)	Camping outside designated areas	\$300.00
HCC 19.08.030 (d)	Camping in closed campground	\$300.00
HCC 19.08.050	Camping in City campground – Permit required	\$300.00
HCC 19.08.060	Camping in City campground for more than 14 days	\$300.00
HCC 19.08.070 (a)	Disposal of human waste on City property	\$300.00
HCC 19.08.070 (c)	Erect, occupy, utilize structure on City property	\$300.00
HCC 19.08.070 (d)	Park, leave, maintain, utilize vehicle, camper unit, or camp where prohibited	\$300.00
HCC 19.08.070 (e)	Deface, destroy, alter or remove City property	\$300.00
HCC 19.08.070 (f)	Dog at large in City campground	\$300.00
HCC 19.08.070 (g)	Campsite in City campground left in disorderly or unsightly condition	\$300.00
HCC 19.08.080	Improper storage of garbage, refuse, other waste in City campground	\$300.00

CODE SECTION	DESCRIPTION OF OFFENSE	FINE
HCC 19.12.080	Excavation or removal of gravel or fill – Permit required	\$300.00
HCC 19.12.090	Tampering with, burning or removing driftwood from storm berm	\$300.00
HCC 19.20.020	General rules	\$300.00
HCC 19.20.030	Park closure	\$150.00

[Ord. 18-11 § 1, 2018; Ord. 17-03 § 1, 2017; Ord. 16-11 § 1, 2016; Ord. 16-05(S-2)(A-2) § 1, 2016; Ord. 13-17(S) § 1, 2013; Ord. 12-24(A) § 1, 2012].

¹For statutory provisions authorizing municipalities to prescribe penalties for violation of ordinances, see AS 29.35.010(7); for provisions limiting maximum penalties, see AS 29.25.070.



Kenai Peninsula Borough

Assessing Department
 144 N. Binkley Street
 Soldotna AK 99669

May 21 2019 10:00PM

General Information

HOMER CITY OF 491 E PIONEER AVE HOMER, AK 99603-7624	Property ID 17514416 Address 3713 MAIN ST Document / Book Page Acreage 1.3100
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Owners

Property ID	Display Name	Address
17514416	HOMER CITY OF	491 E PIONEER AVE

Legal Description

Description
T 6S R 13W SEC 19 Seward Meridian HM 2008016 HOMER PUBLIC LIBRARY NO 2 LOT 2

Value History

Year	Reason	Assessed		
		Land	Structures	Total
2019	Main Roll Certification	\$69,400	\$0	\$69,400
2018	Main Roll Certification	\$69,400	\$0	\$69,400
2017	Main Roll Certification	\$75,300	\$0	\$75,300
2016	Main Roll Certification	\$277,700	\$0	\$277,700
2015	Main Roll Certification	\$277,700	\$0	\$277,700
2014	Main Roll Certification	\$277,700	\$0	\$277,700
2013	Main Roll Certification	\$277,700	\$0	\$277,700
2012	Main Roll Certification	\$277,700	\$0	\$277,700
2011	Main Roll Certification	\$182,200	\$0	\$182,200
2010	Main Roll Certification	\$182,200	\$0	\$182,200
2009	Main Roll Certification	\$182,200	\$0	\$182,200

Land Details

Primary Use	Land Type	Acres	Eff Frontage	Eff Depth	Asd Value
	Farm Acreage/Commercial City	1.3100	0.00	0.00	\$69,400



Working Toward Solutions, Together

An Open Letter from the Alaska Municipal League to the Governor, and the Alaska State Legislature

As locally-elected officials in Alaska, mayors represent the needs and interests of 165 cities and boroughs in Alaska, or roughly 97% of Alaskans. We firmly believe that a stronger Alaska depends on strengthening local governments. Considering the Governor's proposed budget, we have expressed concerns that certain budget cuts would weaken our ability to support public safety, utilities and quality of life programs for residents.

In particular, we disagree with an approach that eliminates the sharing of petroleum property tax and fisheries tax with local governments; this \$450 million represents 25% of some budgets and more than 80% of others. We object to shifting \$900 million in school construction costs to local taxpayers, which would result in increased taxes for residential and commercial property owners. Shifting construction costs to local governments may also result in the inability to provide additional local contributions to support education. Finally, we are concerned that the cuts to the ferry, education, health, and the university do not reduce the size of the State government, but directly impact Alaskans on a day-to-day basis in their local communities.

We are encouraged by the Legislature's willingness to protect local governments and residents from the negative social and economic impacts of budget cuts, and we ask the Governor to respect the Legislature's FY20 budget.

We welcome this approach, which recognizes and builds on the important role of cities and boroughs in Alaska. In many ways, the Legislature's budget includes a community dividend, setting aside a portion of State revenue so that local governments can keep local taxes stable while continuing to provide essential services to residents. This puts decision-making back at the local level, which in many ways meets the Administration's goals to let the people decide. Alaskans can engage at the local level to determine how State resources are allocated within the community.

The governing boards of both the Alaska Municipal League and the Alaska Conference of Mayors, joined by many other mayors from across the State, ask that the Governor respect the hard work that has been taken up this year. Vetoes will not strengthen Alaska. But keeping Alaska's local governments healthy will. Let's work toward solutions, together.

Alaska Municipal League calls on the Governor to:

- Recognize the importance to communities of taxes on local economic activity, specifically Petroleum Property Tax and Shared Fisheries Taxes
- Keep the State's promises – do not shift School Bond Debt back to municipalities, and keep our ferry system whole.
- Restore trust in government – work with the Legislature toward a sustainable and fair dividend.
- Continue to reduce State spending over time, in partnership with local governments, and consider new revenue options.





Homer City Hall
491 E. Pioneer Avenue
Homer, Alaska 99603
www.cityofhomer-ak.gov

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City of Homer Agenda

City Council Worksession
Monday, May 13, 2019 at 4:00 PM
City Hall Cowles Council Chambers

CALL TO ORDER, 4:00 P.M.

AGENDA APPROVAL

CITY WATER 101

WATER AND SEWER RATE REVIEW

Water Sewer Presentation

Memorandum from Finance Director re: Water Sewer Rate Model

Water Sewer Rate Model 2019

COMMENTS OF THE AUDIENCE

ADJOURNMENT, NO LATER THAN 4:50 P.M.

Next Regular Meeting is Tuesday, May 28, 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

Revenues & Expenses - Utility Fund

	<u>FY 18 Budget</u>	<u>FY 18 Actual</u> ¹	<u>FY 19 Budget</u>
Water			
Meter Sales	1,900,570	1,851,709	1,959,352
Other Revenue	45,169	86,762	56,949
Hydrant Transfer	92,222	92,222	100,350
Water Fund - Total Revenue	2,037,962	2,030,693	2,116,651
Salaries, Wages & Benefits ²	904,776	937,022	936,692
Maintenance & Operations ³	979,105	951,802	1,033,645
Transfers to:			
Reserves	136,214	136,214	119,252
Other	17,867	17,867	27,062
Water Fund - Total Expenses	2,037,962	2,042,906	2,116,651
Revenues over Expenses	-	(12,212)	-
Sewer			
Meter Sales	1,754,415	1,755,264	1,681,475
Other Revenue	43,266	44,648	40,539
Sewer Fund - Total Revenue	1,797,681	1,799,912	1,722,014
Salaries, Wages & Benefits ²	741,884	751,280	765,138
Maintenance & Operations ³	735,599	726,095	768,805
Transfers to:			
Reserves	294,667	294,667	155,164
Other	25,531	25,531	32,907
Sewer Fund - Total Expenses	1,797,681	1,797,574	1,722,014
Revenues over Expenses	0	2,338	(0)
Utility Fund Total	0	(9,874)	(0)

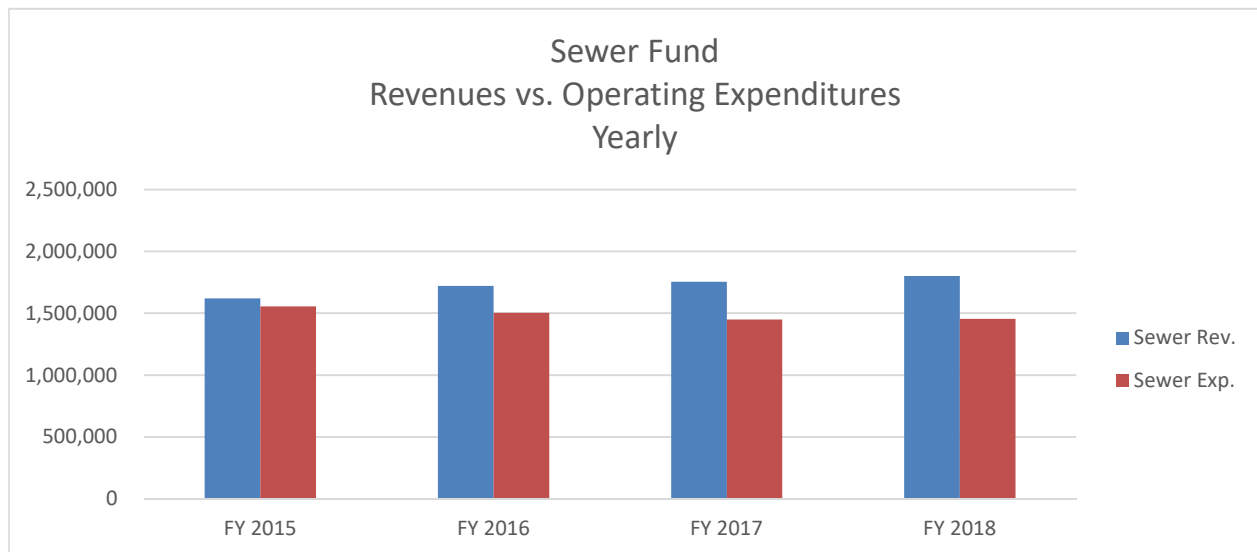
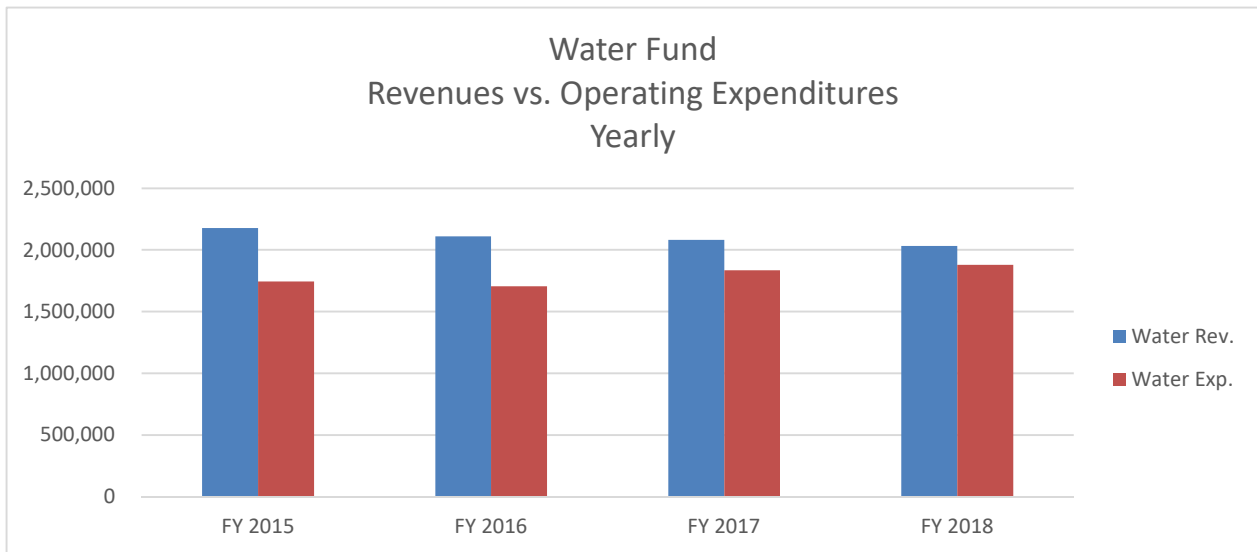
¹ Unaudited (Independent Audit will be finalized by the end of July, 2019)

² Includes leave cash out

³ Includes GF admin fees (overhead costs)

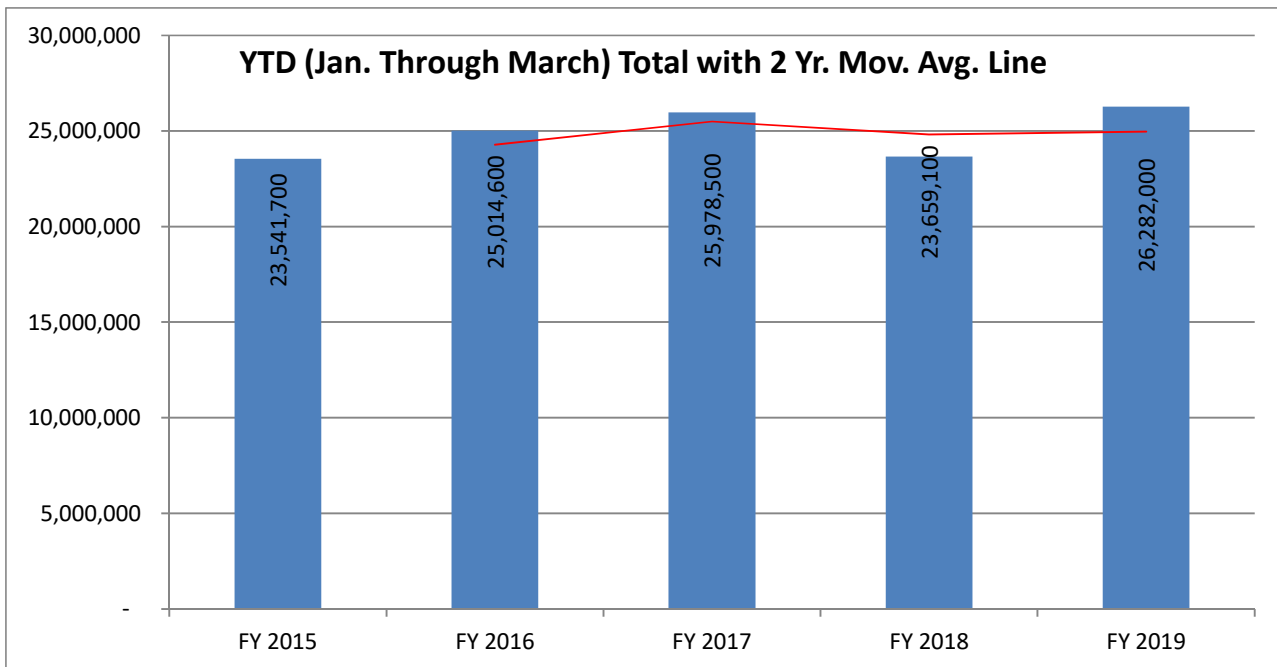
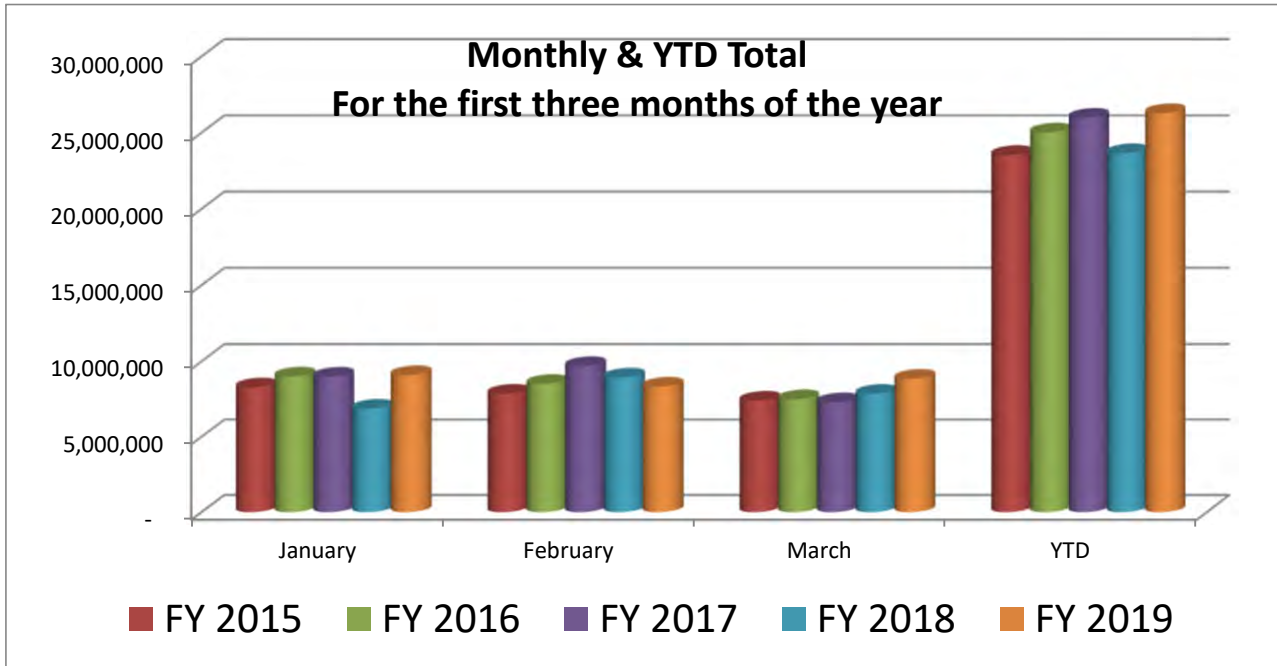
Yearly Comparison: Revenues vs. Expenditures (Unaudited)

	<u>FY 2015</u>	<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u>
Water Fund Revenues	2,178,018	2,108,835	2,081,823	2,030,693
Water Fund Expenditures (excluding transfer to reserves)	1,744,744	1,704,623	1,835,757	1,878,531
Water: Revenues over (Under) Expenditures	433,273	404,212	246,067	152,162
Sewer Fund Revenues	1,618,595	1,719,555	1,753,457	1,799,912
Sewer Fund Expenditures (excluding transfer to reserves)	1,555,044	1,503,397	1,447,921	1,455,047
Sewer: Revenues over (Under) Expenditures	63,550	216,158	305,536	344,864
Water & Sewer: Total Revenues Over (Under) Expenditures	496,824	620,370	551,602	497,026



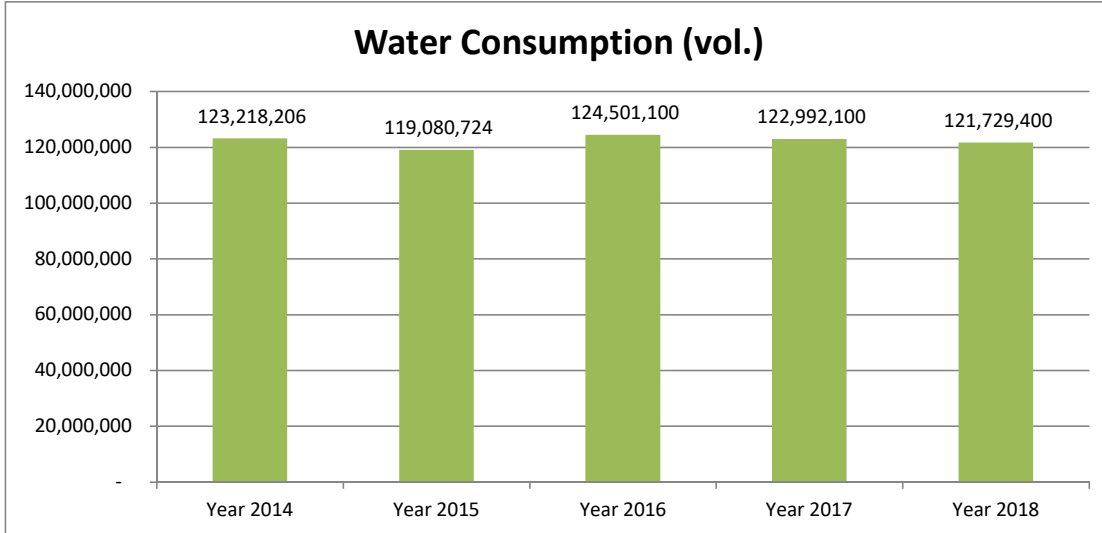
Water Consumption (Gallons)

<u>Yr.\Mo.</u>	<u>January</u>	<u>February</u>	<u>March</u>	<u>YTD</u>
FY 2015	8,280,300	7,862,200	7,399,200	23,541,700
FY 2016	9,005,200	8,511,100	7,498,300	25,014,600
FY 2017	8,991,000	9,692,600	7,294,900	25,978,500
FY 2018	6,868,000	8,937,000	7,854,100	23,659,100
FY 2019	9,094,800	8,332,000	8,855,200	26,282,000

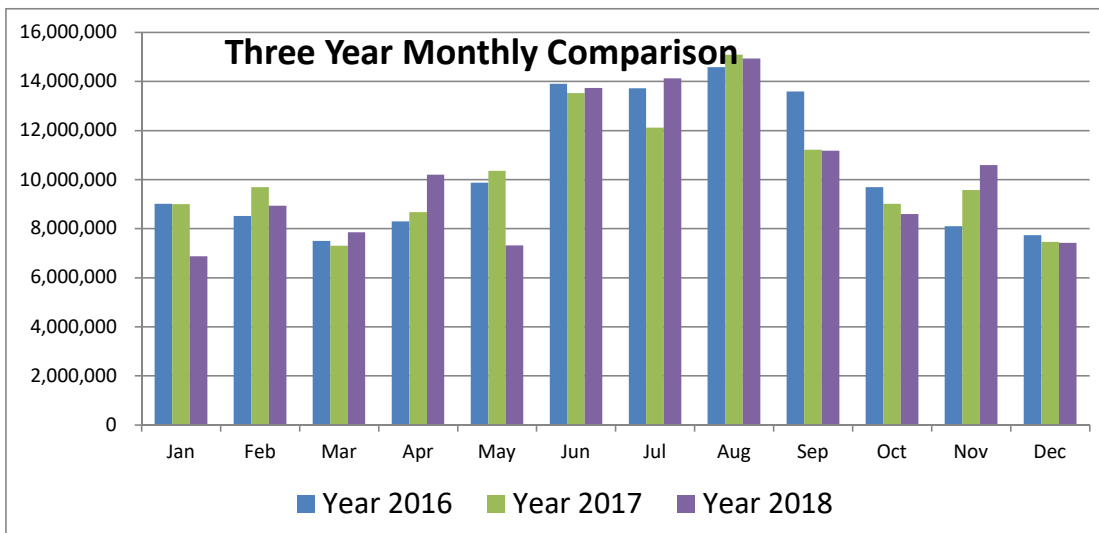


Water Consumption

By Year	<u>Year 2014</u>	<u>Year 2015</u>	<u>Year 2016</u>	<u>Year 2017</u>	<u>Year 2018</u>
Water (vol.)	125,926,274	132,291,300	131,119,200	133,502,000	132,695,300
Operational Adj.	(2,708,068)	(13,210,576)	(6,618,100)	(10,509,900)	(10,965,900)
Water (vol.) after adj.	123,218,206	119,080,724	124,501,100	122,992,100	121,729,400

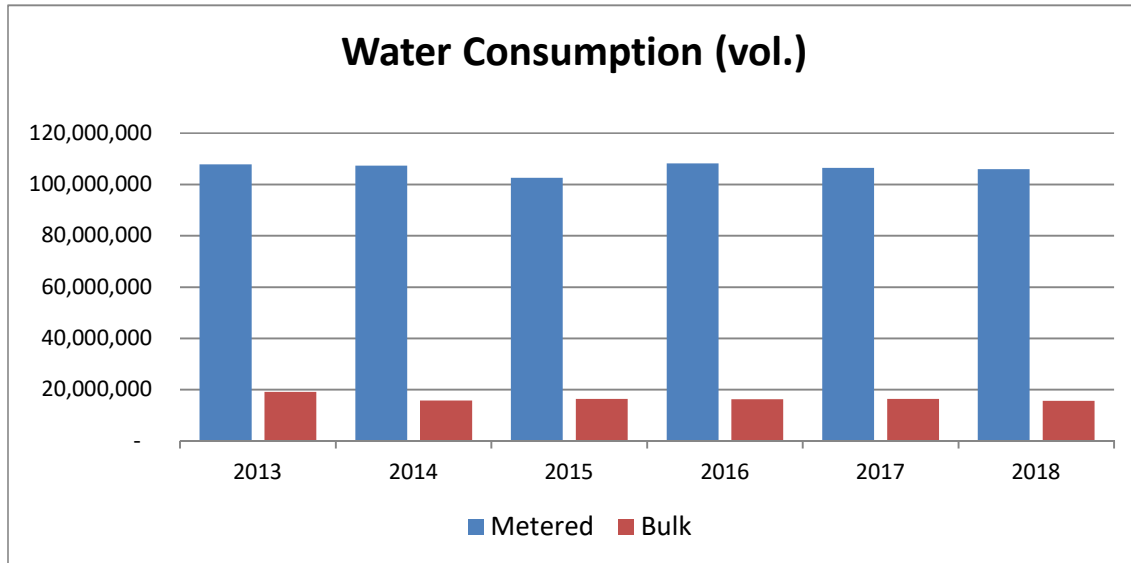


<u>Month\Year</u>	<u>Year 2016</u>	<u>Year 2017</u>	<u>Year 2018</u>
Jan	9,005,200	8,991,000	6,868,000
Feb	8,511,100	9,692,600	8,937,000
Mar	7,498,300	7,294,900	7,854,100
Apr	8,293,400	8,675,000	10,193,800
May	9,876,500	10,350,500	7,316,900
Jun	13,904,500	13,528,300	13,734,900
Jul	13,719,400	12,119,600	14,120,300
Aug	14,581,400	15,091,400	14,931,500
Sep	13,589,000	11,213,400	11,169,500
Oct	9,693,400	9,010,900	8,587,200
Nov	8,097,300	9,569,500	10,593,700
Dec	7,731,600	7,455,000	7,422,500
	<u>124,501,100</u>	<u>122,992,100</u>	<u>121,729,400</u>
	4.6%	-1.2%	-1.0%



	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
Metered	107,875,885	107,403,206	102,688,524	108,248,600	106,566,800	106,018,000
Bulk	19,129,600	15,815,000	16,392,200	16,252,500	16,425,300	15,711,400
Total Consumption*	127,005,485	123,218,206	119,080,724	124,501,100	122,992,100	121,729,400
Bulk as % of Total Volume	15.06%	12.83%	13.77%	13.05%	13.35%	12.91%

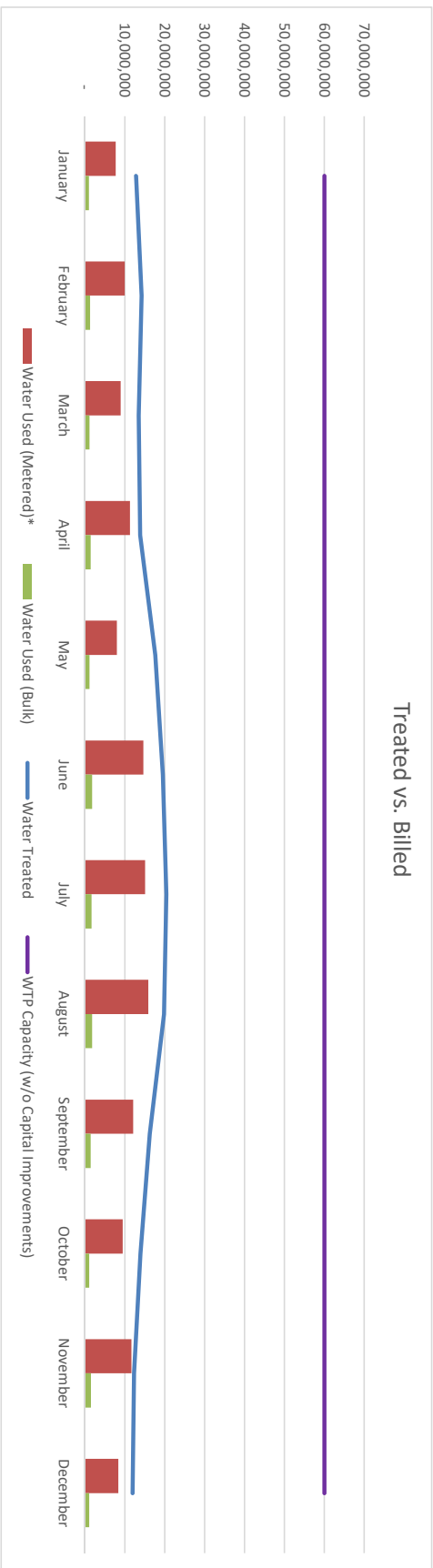
*Includes Operational Adjustment



Water Analysis
Gallons Treated vs. Billed

	January	February	March	April	May	June	July	August	September	October	November	December
Water Treated	12,785,000	14,124,000	13,409,000	13,814,000	17,612,000	19,495,000	20,421,000	19,771,000	16,202,000	13,857,000	12,263,000	11,942,000
Water Used (Metered)*	7,667,200	9,928,100	8,897,200	11,244,400	7,970,400	14,629,050	15,014,450	15,825,650	12,063,650	9,442,200	11,570,300	8,287,100
Water Used (Bulk)	979,500	1,223,900	1,091,500	1,378,600	1,071,700	1,789,100	1,588,900	1,732,400	1,357,100	1,022,600	1,438,800	1,037,300

*Includes Sewer Treatment Plant



	January	February	March	April	May	June	July	August	September	October	November	December
Unmetered Water Usage*	5,117,800	4,195,900	4,511,800	2,569,600	9,641,600	4,865,950	5,406,550	3,945,350	4,138,350	4,414,800	692,700	3,654,900

*Includes flushing for compliance sampling, annual maintenance, freeze protection, Water Treatment Plant operations, Sewer Treatment Plant operations, and odor control.

City of Homer
Water and Sewer Rates Comparison
Presented May 13, 2019

Water Rates	Current	Proposed	Variance
Monthly Service Fee (all users)	\$ 13.00	\$ 13.00	\$ -
Additional Monthly Fee per Unit for Multi-Units	\$ 5.00	\$ 5.00	\$ -
Per Gallon Rate (Residential & Commercial)	\$ 0.0132	\$ 0.0142	\$ 0.0010
Rate per 100 Gallons	\$ 1.32	\$ 1.42	\$ 0.10
Per Gallon Rate (Bulk)	\$ 0.0172	\$ 0.0182	\$ 0.0010
Rate per 100 Gallons - Bulk	\$ 1.72	\$ 1.82	\$ 0.10
Sewer Rates for Water Customers			
	Current	Proposed	Variance
Monthly Service Fee (all users)	\$ -	\$ -	\$ -
Additional Monthly Fee per Unit for Multi-Units	\$ 5.00	\$ 5.00	\$ -
Per Gallon Rate Regular (Residential & Commercial)	\$ 0.0145	\$ 0.0166	\$ 0.0021
Rate per 100 Gallons - Non Lift	\$ 1.45	\$ 1.66	\$ 0.21
Per Gallon Rate Lift Station (Residential & Commercial)	\$ 0.0224	\$ 0.0244	\$ 0.0020
Rate per 100 Gallons - Lift Station	\$ 2.24	\$ 2.44	\$ 0.20
Water and Sewer Rates Combined			
	Current	Proposed	Variance
Combined Costs Water/Sewer Regular	\$ 0.0277	\$ 0.0308	\$ 0.0031
Rate per 100 Gallons - Non Lift	\$ 2.77	\$ 3.08	\$ 0.3100
Combined Costs Water/Sewer Lift Station	\$ 0.0356	\$ 0.0386	\$ 0.0030
Rate per 100 Gallons - Lift Station	\$ 3.56	\$ 3.86	\$ 0.3000
Sewer Rates for Sewer ONLY Customers (3,000 Gallons/Month of Sewage Applied)			
	Current	Proposed	Variance
Monthly Service Fee (all users)	\$ 5.00	\$ 5.00	\$ -
Additional Monthly Fee per Unit for Multi-Units	\$ 5.00	\$ 5.00	\$ -
Monthly Fee for Septic Pumping Services	\$ 6.75	\$ 6.25	\$ (0.50)
Per Gallon Rate Regular (Residential & Commercial)	\$ 0.0145	\$ 0.0166	\$ 0.00
Rate per 3,000 Gallons - Non Lift	\$ 43.50	\$ 49.80	\$ 6.30
Per Gallon Rate Lift Station (Residential & Commercial)	\$ 0.0224	\$ 0.0244	\$ 0.00
Rate per 3,000 Gallons - Lift Station	\$ 67.20	\$ 73.20	\$ 6.00

**City of Homer
Water and Sewer Rates Comparison
Presented May 13, 2019**

	Average Volume	
	City Hall	
	Existing	New Rate
Consumption	3900	3900
Water Rate	0.0132	0.0142
Sewer Rate	0.0145	0.0166
Charges:		
Water	51.48	55.38
Sewer	56.55	64.74
Service	13	13
Total Bill	\$ 121.03	\$ 133.12

Impact \$ 12.09

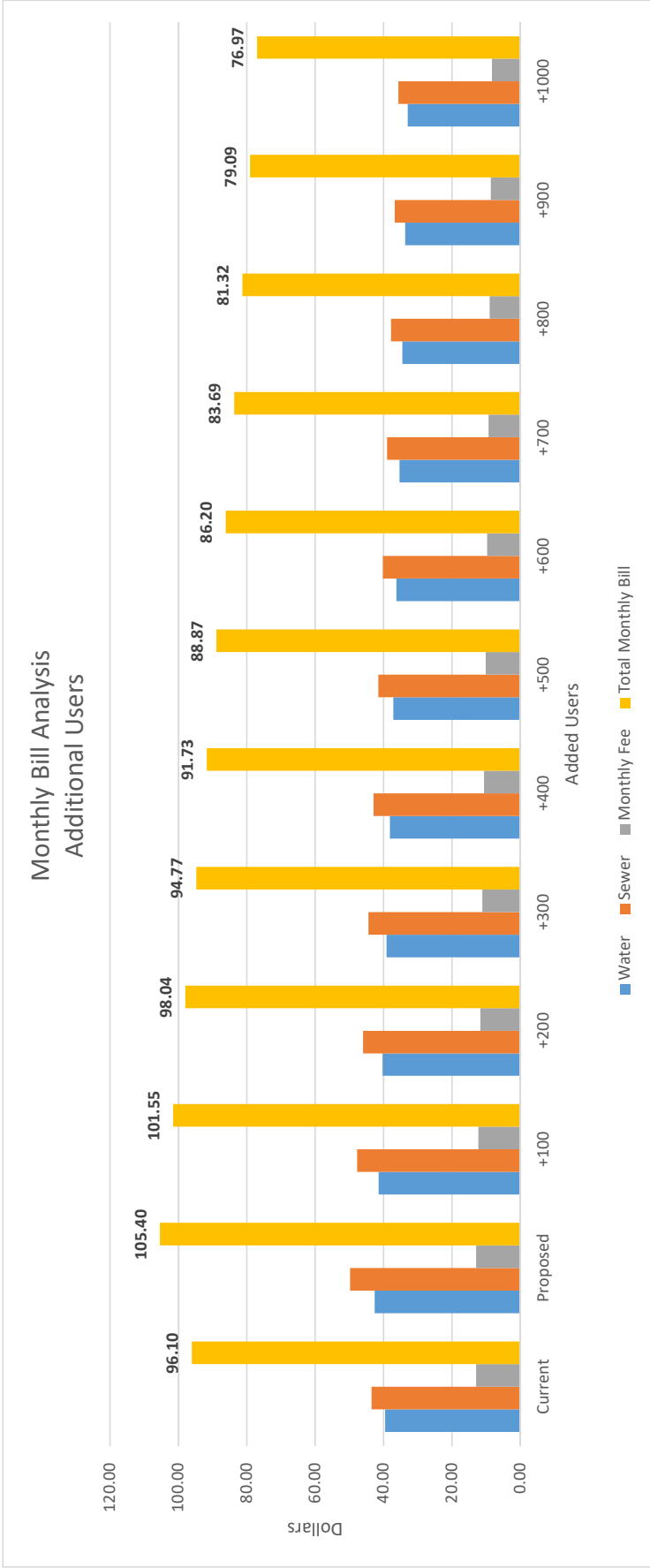
	High Volume	
	Library	
	Existing	New Rate
Consumption	9800	9800
Water Rate	0.0132	0.0142
Sewer Rate	0.0145	0.0166
Charges:		
Water	129.36	139.16
Sewer	142.1	162.68
Service	13	13
Total Bill	\$ 284.46	\$ 314.84

Impact \$ 30.38

	Lift-Station (Year-Round)	
	Port & Harbor - Maintenance	
	Existing	New Rate
Consumption	1500	1500
Water Rate	0.0132	0.0142
Sewer Rate	0.0224	0.0244
Charges:		
Water	19.8	21.3
Sewer	33.6	36.6
Service	13	13
Total Bill	\$ 66.40	\$ 70.90

Impact \$ 4.50

City of Homer
Water and Sewer Rate Worksession



Parameters/Assumptions:
 - A user is defined with an average usage of 3,000 gallons per month
 - # of current meters (as of 3/31/19 billing) is 1,786
 - # of meters 5 years ago (as of 3/31/14 billing) is 1,616



Memorandum

TO: Mayor Castner and Homer City Council
THROUGH: Katie Koester, City Manager
FROM: Elizabeth Walton, Finance Director
DATE: May 8, 2019
SUBJECT: Water and Sewer Rate Model

The purpose of this memo is to provide an overview of the model used to generate the water and sewer rates.

Introduction:

The basic principles and assumptions of this model were developed by the most recent Water and Sewer Task Force. The purpose of this model is to generate a utility rate that is a product of budget assumptions and the backing out of fixed fee components. The intent was to provide the City with a mechanism that connected the water and sewer rates to the actual costs to maintain the infrastructure.

The format of the rate model has changed from the one the Water and Sewer Task Force generated, but the basic principles and assumptions remain the same. These changes were made to more accurately reflect the City's budget structure.

Water Rate Model:

This model generates a rate based on water revenues and consumption.

Revenues

The total revenue required is pulled directly out of the current year's budget (as we set the rates for Water and Sewer prior to the finalization of the next year's budget). To be more transparent with the budgeting of the transfer to reserves, the transfer has been backed out of the revenue amount and is now listed in its own line on this model.

The reserve requirement is currently set at 15% of the total revenue required. This percentage was derived by conversations with the Water and Sewer Superintendent, our three year average transfer and by industry standard research. The City has to work diligently towards maintaining the extensive water and sewer infrastructure. The infrastructure is aging and the City needs to be prepared for upcoming maintenance expenses.

The model backs out three fixed fee components. The first fixed fee is related to the overhead costs assigned to the fund. These costs cover a portion of the administrative costs associated

with the processing of utility payments. This fee is backed out because the Monthly Fee amount is used to cover such expenses. The second fee is Hydrant Rents and it is related to the costs associated with maintaining the water hydrants. This cost is budgeted at 10% of total water revenue required and the costs are shared 50/50 between the General Fund and the Water/Sewer Fund. The final fixed fee references Bulk Water Sales. This amount is determined by applying the bulk surcharge (0.004/gallon) to the prior year total gallons consumed by bulk users. This is backed out because these expenses are captured by the separate rate for bulk users.

Consumption

The water consumption line is determined by prior years gross meters water sales (in gallons). The water usage at the Sewer Treatment Plant has been backed out of this figure, as it has been determined to be an operational cost. The model rounds up to the nearest million for ease of reporting.

Rates

The water rates are broken into three categories. The commodity rate (per gallon) is generated by dividing the total revenue required by the estimated water sales. This ensures that the whole population of water users are contributing to an equal share of costs. The bulk rate (per gallon) is applying a surcharge of 0.004 per gallon to the set commodity rate. The monthly fees is determined by dividing the budgeted administrative costs by the current number of water meters. As of the March 2019 billing, there were a total of 1,786 meters.

Sewer Rate Model:

This model generates a rate based on sewer revenues and usage.

Revenues

The total revenue required is pulled directly out of the current year’s budget (as we set the rates for Water and Sewer prior to the finalization of the next year’s budget). To be more transparent with the budgeting of the transfer to reserves, the transfer has been backed out of the revenue amount and is now listed in its own line on this model.

The reserve requirement is currently set at 15% of the total revenue required. This percentage was derived by conversations with the Water and Sewer Superintendent, our three year average transfer and by industry standard research. The City has to work diligently towards maintaining the extensive water and sewer infrastructure. The infrastructure is aging and the City needs to be prepared for upcoming maintenance expenses.

The model backs out four fixed fee components. The first fixed fee is related to costs associated with the lift station. These costs are pulled straight from the current budget and have a built in inflation cost of 2%. These costs are backed out because the users on the lift station bear the complete costs associated with maintaining this infrastructure. The second fixed fee is the pumping fee for Kachemak City users. The City RFP’s the pumping contract every three years and the costs of the contract is divided up amongst the number of users in this LID. As of March 2019 billing, there are currently 142 users. The contract was awarded last year and with the added users this year the monthly rate is proposed to be reduced from \$6.75/month to \$6.25/month. The third fixed fee is the dumping station fee and that comes directly from the previous year’s budget. This fee has been determined to be an operational

cost and, as such the fee is not forwarded along to customers. The final fixed cost is a set rate assigned to only multi-units and Kachemak City meters. This is an additional fee charged to help offset added costs associated with maintaining such infrastructure.

Usage

The sewer usage is determined by the by the number of gallons actually billed for in the prior fiscal year. The model rounds up to the nearest million for ease of reporting.

Rates

The sewer rate is broken into two categories (non-lift and lift station). The non-lift rate is generated by dividing the total revenue required by the projected billable volume for non-lift. The lift station rate is generated by dividing the total revenue required by the projected billable volume for only the lift zone.

Recommendation:

Review the model and approve the rates set forth.

Rate Calculations

WATER Rate Model	
Revenues	
2019 Total Revenue Required - Water	\$ 1,887,755
15% Reserve Requirement	283,163
Deduct Portion Collected through Service Fee	(278,902)
Hydrant Rents (10% of Total)	(94,388)
Surplus Water Sales (Bulk) surcharge only	(62,846)
Revenue Required for Commodity Rate Calculation	\$ 1,734,783
Water Consumption (Gallons)	
Total Estimated Water Sales	122,000,000
Water Rates:	
Commodity Rate (per gal)	\$ 0.0142
Bulk Rate (per gal)	\$ 0.0182
Monthly Fees	\$ 13
Consumption Additional Information:	
FY18 Gross Meters Water Sales (Gallons)	121,729,400
SEWER Rate Model	
Revenues	
2019 Total Operating Revenue Required - Sewer	\$ 1,566,850
15% Reserve Requirement	235,028
Lift Stations Costs	(203,197)
Pumping Fee	(10,650)
Dumping Station Fees	(3,507)
Multi-Units and K-city (\$5/unit/mo.)	(60,780)
Revenue Required for Commodity Rate Calculation	\$ 1,523,743
Sewer Usage (Gallons)	
Projected Billable Volume	66,000,000
Projected Billable Volume - Lift Zone Only	26,000,000
Total Projected Billable Volume	92,000,000
Sewer Rate	
Non-Lift Station Rate	\$ 0.0166
Lift Station Rate	\$ 0.0244
Lift Station Additional Information:	
FY 18 Actually Billed Gallons (Lift Station Zone Only)	25,859,600

City of Homer
Water and Sewer Rate Study

WATER			
Descriptions	Units	Rate	Projected Revenue - for FY 2019
Total Metered Water Sales	122,000,000		
Bulk Water Sales	16,000,000	\$ 0.0182	\$ 291,513
Metered Water Sales (excluding Bulk)	106,000,000	\$ 0.0142	\$ 1,507,271
Service Charges	1,786	\$ 13.00	\$ 278,616
Hydrant Rents			\$ 94,388
Total Projected Revenue			\$ 2,171,787
FY 2019 Projected Water Budget			\$ 2,170,918
			\$ 869

SEWER			
Descriptions	Units	Rate	Projected Revenue - for FY 2019
Projected Total Billable Sewage Discharge (Gal.)	92,000,000		
Billable Volume from Lift-Station Zone (Gal.)	26,000,000	\$ 0.0244	\$ 633,820
Billable Volume from Non-Lift-Station Zone (Gal.)	66,000,000	\$ 0.0166	\$ 1,093,120
Multi-Units (Including K-city)	1,013	\$ 5.00	\$ 60,780
Kachemak City pumping charges	142	\$ 6.25	\$ 10,650
Dumping Station Fees			\$ 3,507
Total Projected Sewer Revenue			\$ 1,801,878
FY 2019 Projected Sewer Budget			\$ 1,801,878
			0

