



# City of Homer

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Public Works

3575 Heath Street  
Homer, AK 99603

[publicworks@cityofhomer-ak.gov](mailto:publicworks@cityofhomer-ak.gov)

(p) 907- 235-3170

(f) 907-235-3145

## Memorandum 21-071

TO: City Council  
THROUGH: Rob Dumouchel, City Manager  
FROM: Janette Keiser, Director of Public Works  
DATE: April 12, 2021  
SUBJECT: Amendment to HCC 14.08.040 relating to the connection between City water and City Sewer

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**Issue:** In October 2020, the City Council approved Ordinance 20-74, to add language, which made a connection to the City's sewer system a condition precedent to being connected to the City's water system. Since then, we've become aware of some circumstances, which warrant some flexibility in administering this language. The purpose of this Memorandum is to propose language, which offers such flexibility.

### **Background:**

Homer City Code states:

*...Except as otherwise provided in the Homer City Code, permits for connections to the water system or an extension of a water main to properties that are not served with City sewer service, will not be issued. HCC 14.08.040(d)*

The rationale behind this provision, when it was first introduced last year, is that it is in the best interests of the public health and welfare to require people who want access to City water to connect to City sewers. This is especially true in Homer where on-site septic systems can be challenging because of bad soils, high ground water and copious quantities of surface water from rainfall, open springs and storm water runoff. Further, on-site systems are often not regularly inspected, due to budget cutbacks at the AK Department of Environmental Conservation. We stand behind this rationale.

That being said, there are times when, in the interests of equity and with due diligence, exceptions can be made. We propose to allow for this by editing the Homer City Code to allow a waiver to be issued under certain conditions.

### **14.08.040 Water connection and extension permit.**

a. All property owners connecting to the water system must obtain a permit prior to starting construction.

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

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

d. Installation of a water system connection or extension of a water main must meet the standards and specifications in the permit application, the Homer City Code, and any applicable State or Federal law or regulations, including but not limited to State of Alaska Department of Labor Occupational Safety and Health requirements. Except as otherwise provided for in the Homer City Code, permits for connections to the water system or an extension of a water main to properties that are not served with City sewer service, will not be issued.

e. The Public Works Director may authorize a waiver of the requirement that connection to the City's sewer system is a prerequisite to a connection to the City's water system, under the following conditions:

1. The property served will be developed as a single family residence.

2. The water main to which the property will be connected must be directly adjacent to subject property.

3. The design, installation and operation of the on-site waste water disposal system must be in accordance with Alaska Department of Environmental Conservation ("ADEC") regulations.

4. A copy of the annual inspection report for the on-site waste water disposal system must be submitted to the Department of Public Works, within 30 days of the date of the inspection.

7. In addition to the remedies set forth in Paragraph (c) above, the Public Works Director may revoke the waiver in the event an inspection report for the waste water disposal system indicates deficiencies and after having been given 60 days of the date of the inspection report, the deficiencies have not corrected and a plan for correcting the deficiencies has not been submitted.

e. A property owner installing an on-site water connection line or extending a water main is solely responsible for all costs and liability associated with or arising from the excavation, connection, and installation of the on-site water line or water main extension. [Ord. 19-23(S-2)(A) § 4, 2019].

**17.02.170 Water and sewer connections required.**

(a) Except as otherwise provided in the code, 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 three years after the date that the resolution confirming the assessment roll for the district becomes final. [Ord. 19-23(S-2)(A) § 5, 2019].

(b) Property owners and developers interested in initiating water special assessment districts should review the provisions of Homer City Code Section 14.08.040, which provides that “[e]xcept as otherwise provided in the Homer City Code, permits for connections to the water system or an extension of a water main to properties that are not served with City sewer service, will not be issued”. Thus, Special Assessment Districts for water main extensions will only be formed (1) where city sewer is available or (2) if a Special Assessment District for a sewer main extension is also formed.

**Recommendations:**

That the City Council adopt the proposed edits to HCC 14.08.040.