

1 **CITY OF HOMER**  
2 **HOMER, ALASKA**

Aderhold

3  
4 **ORDINANCE 19-19**

5  
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
7 AMENDING HOMER CITY CODE TITLE 14.08, "WATER RULES AND  
8 REGULATIONS" TO ADD HCC 14.08.015, "WATER SERVICE AREA"  
9 AND PROHIBITING THE CITY FROM PROVIDING WATER SERVICE  
10 OUTSIDE THE CITY OF HOMER UNLESS AUTHORIZED BY  
11 ORDINANCE OR REQUIRED BY LAW AND REQUIRING THE  
12 ADOPTION OF EXTRATERRITORIAL PUBLIC UTILITY AGREEMENTS  
13 BY RESOLUTION.

14  
15 WHEREAS, It is in the interest of the City of Homer ("City") to prioritize providing City-  
16 owned utilities to City residents and taxpayers; and

17  
18 WHEREAS, The City has no authority to regulate the development or zoning of real  
19 property outside the City's boundaries; and

20  
21 WHEREAS, Properties outside City limits do not contribute to the costs of maintaining  
22 and providing City-owned public utilities through property tax, public utility assessments or,  
23 in the case of businesses, sales tax; and

24  
25 WHEREAS, For these reasons the water service area of the City should not be expanded  
26 outside City limits without careful and deliberate consideration by City Council via ordinance  
27 or as otherwise required by law.

28  
29 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

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31 Section 1. The Homer City Council hereby amends Homer City Code 14.08, "Water Rules  
32 and Regulations" by adding a new section HCC 14.08.015 entitled "Water Service Area":

33  
34 14.08.015 Water Service Area

- 35  
36 a. Except as otherwise required by law, the extension of water service outside City  
37 boundaries is prohibited unless the extension is requested by the governing body of the  
38 outside jurisdiction via ordinance. Water may not be extended outside City boundaries  
39 unless approved by Council via ordinance or otherwise required by law.

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- 41 b. All agreements for water service outside City boundaries must be approved by Council  
42 via resolution. The resolution must:
- 43 1. Identify the property to be serviced and its location;
  - 44 2. Identify the essential terms and conditions of the agreement between the  
45 property owner and the City;
  - 46 3. Specify the cost of extending water service to the identified property; and
  - 47 4. Affirm the extension of water services under this section is lawful, in the City's  
48 best interest, and in furtherance of public health and welfare within the City.
- 49
- 50 c. Water may not be extended outside City limits until the City amends its certificate of  
51 public convenience and necessity to include the extended service area if required by  
52 state law.
- 53
- 54 d. Except as provided in this title or upon approval granted by Council via ordinance,  
55 persons outside City limits will be treated the same as persons inside City limits with  
56 regard to permitting fees and water rates.

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58 Section 2. This ordinance shall take effect upon its adoption by the Homer City Council.

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60 Section 3. This ordinance is of a permanent and general character and shall be included  
61 in Homer City Code.

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63 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_ day of \_\_\_\_\_, 2019.

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66 CITY OF HOMER

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69 \_\_\_\_\_

70 KEN CASTNER, MAYOR

71

72 ATTEST:

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74

75 \_\_\_\_\_

76 MELISSA JACOBSEN, MMC, CITY CLERK

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78 Introduction:

79 Public Hearing:

80 Second Reading:

81 Effective Date:

82

83 YES:

84 NO:

85 ABSTAIN:

86 ABSENT:

87

88 Reviewed and approved as to form:

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

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

\_\_\_\_\_

Holly Wells, City Attorney

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

