

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

Aderhold

3
4 **ORDINANCE 19-19(S)**

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 PERMITTING THE CITY TO PROVIDE WATER SERVICE
10 OUTSIDE THE CITY OF HOMER SO LONG AS THE PROPERTY
11 SERVED IS ADJACENT TO A WATER MAIN INSTALLED TO SERVE
12 CITY PROPERTY AND SUCH SERVICE IS REQUIRED BY LAW OR
13 AUTHORIZED BY ORDINANCE AND REQUIRING A COUNCIL
14 APPROVED AGREEMENT REGULATING USE, OPERATION,
15 INSTALLATION, AND MAINTENANCE OF WATER SERVICE ON THE
16 PROPERTY.

17
18 WHEREAS, It is in the interest of the City of Homer ("City") to prioritize providing City-
19 owned utilities to City residents and taxpayers; and

20
21 WHEREAS, The City has no authority to regulate the development or zoning of real
22 property outside the City's boundaries; and

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

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

31
32 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

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

36
37 14.08.015 Water Service Area

- 38
39 a. Except as otherwise required by law, the City may only extend City-owned water service
40 outside City boundaries when the extension is requested by the governing body of the
41 outside jurisdiction via ordinance and the extension is approved by Council via

42 ordinance and in full compliance with this Section. The ordinance approved by Council
43 must:

- 44
- 45 1. Identify the location of the property or properties to be serviced;
 - 46 2. Identify and incorporate by reference any applicable agreements between the
47 City and the jurisdiction in which the property is or properties are located;
 - 48 3. Identify essential terms and conditions of the agreement that must be included
49 in any agreement between the property owner, the City, and/or the jurisdiction
50 in which the property is or properties are located;
 - 51 4. Specify the cost of extending water service to the identified property and the
52 required cost allocation method for the property or properties;
 - 53 5. Affirm that the cost allocation method and the amount paid by the property
54 owner and/or the jurisdiction where the property is located includes the full
55 costs and fees of the extension and does not disadvantage property owners
56 within the City; and
 - 57 6. Affirm the extension of water services under this section is lawful, in the City's
58 best interest, and in furtherance of public health and welfare within the City.

59

60 b. Notwithstanding the other provisions of this Section, after [**insert effective date of this**
61 **ordinance**], the City-owned Water System may only be extended to properties outside
62 City boundaries adjacent to a water main that serves property within the City.

63

64 c. If an outside jurisdiction agrees to undertake, in whole or part, any financial,
65 managerial or operational role in the extension, operation or use of the Water System,
66 this agreement must be approved by Council via resolution.

67

68 d. Before City-owned water service may be extended outside its borders under this
69 Section, Council must approve an Extraterritorial Water System Agreement between
70 the City and the owner of extraterritorial property receiving City-owned water service.

71

72 e. The essential terms of the Extraterritorial Water System Agreement must:

- 73
- 74 1. Identify the location of the property, the intended and existing use of the
75 property, and the reason for requesting the extension of City-owned property to
76 the property;
 - 77 2. Specify the amount of the extension, the cost allocation of any costs and fees
78 associated with the extension and the specific terms of any payment method for
79 the property;
 - 80 3. Incorporate all City laws, policies, and procedures governing the extension,
81 installation, operation, and maintenance of the City-owned Water System;

82 4. Incorporate any applicable agreements between the City and the jurisdiction in
83 which the property is located; and

84 5. Require the property owner to consent to and confirm that the City has full
85 authority to regulate any use of the property that has or may have an impact on
86 the City-owned Water System.

87
88 f. Water may not be extended outside City limits until the City amends its certificate of
89 public convenience and necessity to include the extended service area, if required by
90 state law.

91
92 g. Except as provided in this title or upon approval granted by Council via ordinance and
93 permitted by law, persons outside City limits will be treated the same as persons inside
94 City limits with regard to permitting fees and water rates.

95
96 Section 2. This ordinance shall take effect upon its adoption by the Homer City Council.

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

100
101 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___ day of _____, 2019.

102
103
104 CITY OF HOMER

105
106
107 _____
108 KEN CASTNER, MAYOR

109
110 ATTEST:

111
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113 _____
114 MELISSA JACOBSEN, MMC, CITY CLERK

115
116 Introduction:
117 Public Hearing:
118 Second Reading:
119 Effective Date:

120
121 YES:
122 NO:
123 ABSTAIN:

124 ABSENT:
125
126 Reviewed and approved as to form:

127
128 _____
129 Katie Koester, City Manager

Holly Wells, City Attorney

130
131 Date: _____

Date: _____