

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

3 City Manager/City Planner

4 **ORDINANCE 10-26**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
7 ALASKA, AMENDING HOMER CITY CODE 21.75.010
8 STORM WATER PLAN – WHEN REQUIRED, AMENDING
9 HOMER CITY CODE 21.75.020 STANDARDS FOR STORM
10 WATER PLAN, AND REPEALING AND REENACTING
11 HOMER CITY CODE 21.75.030 FINANCIAL
12 RESPONSIBILITY, REGARDING STORM WATER PLAN
13 REQUIREMENTS.
14

15 WHEREAS, The 1999 Comprehensive Plan Update supports improving performance
16 standards in the industrial land use area, and implementing and enforcing the performance
17 standards of the zoning code; and

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19 WHEREAS, Ordinance 04-11 adopted stormwater regulations, and over the past five
20 years it has become apparent some changes are needed for the regulations to work as intended;
21 and

22
23 WHEREAS, Over time construction costs generally rise, making the required amount of
24 the performance guaranty for stormwater plans insufficient to cure a default in compliance with
25 the stormwater plan requirements.

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27 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

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29 Section 1. HCC 21.75.010, Storm water plan – when required, is amended by adding a
30 subsection (c) to read as follows:

31
32 (c) A SWP shall be prepared and stamped by a person who is registered as a professional
33 civil engineer in the State of Alaska. The engineer who prepares a SWP also shall submit to the
34 department written post construction documentation that the installed mitigation methods meet
35 the standards in HCC 21.75.020 and the requirements of the approved SWP.

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37 Section 2. Subsection (i) of HCC 21.75.020, Standards for storm water plan, is amended
38 to read as follows:

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40 i. The post-development stormwater discharge rate shall not exceed the pre-
41 development peak discharge rate (PDR) for the ten-year frequency storm event, consisting of
42 rainfall for a period of three consecutive hours at a rate of 0.5 inches per hour.

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44 Section 3. Homer City Code 21.75.030, Financial responsibility, is repealed and
45 reenacted to read as follows:
46

47 21.75.030 Financial responsibility. a. A SWP submitted to the department shall be
48 accompanied by the following:

49 1. An estimate prepared by person who is registered as a professional civil
50 engineer in the State of Alaska of the cost of constructing and installing the mitigation
51 methods and structures that are required to comply with the SWP; and

52 2. If the estimated cost exceeds \$7,500, a performance guaranty meeting the
53 requirements of subsection (b) of this section.

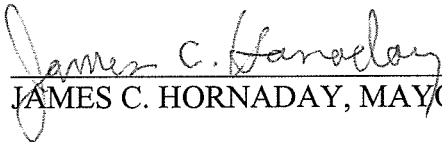
54 (b) A performance guaranty shall be in the form of either a surety bond from a
55 company authorized to do such business in the state, or a cash deposit with the city. The terms
56 of the performance guaranty shall provide that if the developer defaults in constructing and
57 installing the mitigation methods and structures that are required to comply with the SWP, the
58 city may draw upon the performance guaranty to cure the default, but that such a drawing does
59 not relieve the developer of its obligation to comply with the SWP. The amount of the
60 performance guaranty shall be equal to 150% of the engineer's estimate of the cost of
61 constructing and installing the mitigation methods and structures that are required to comply
62 with the SWP.

63 (c) When the engineer who prepared an SWP submits to the department written post
64 construction documentation that the installed mitigation methods and structures meet the
65 standards in HCC 21.75.020 and the requirements of the approved SWP, the city shall release the
66 performance guaranty for the SWP.

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68 Section 4. This Ordinance is of a permanent and general character and shall be included
69 in the City Code.

70
71 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 24th day of May,
72 2010.

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74 CITY OF HOMER

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76 
77 _____
78 JAMES C. HORNADAY, MAYOR

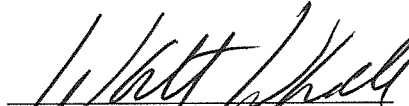
79
80 ATTEST:

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82 _____
83 JO JOHNSON, CMC, CITY CLERK
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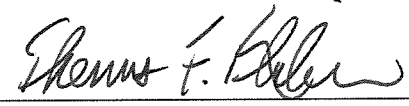
89 YES: 5
90 NO: 1
91 ABSTAIN: 0
92 ABSENT: 0

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94 First Reading: 5/10/10
95 Public Hearing: 5/24/10
96 Second Reading: 5/24/10
97 Effective Date: 5/25/10
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100 Reviewed and approved as to form:

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103 
104 Watt E. Wrede, City Manager

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106 Date: 5/27/10


Thomas F. Klinkner, City Attorney

Date: 6-2-10