

CITY OF PALMER, ALASKA

ORDINANCE NO. 254

AN ORDINANCE CREATING CHAPTER 13.16 OF THE PALMER MUNICIPAL CODE RELATING TO SEWER AND WATER IMPROVEMENT AGREEMENTS.

THE CITY OF PALMER, ALASKA, ORDAINS:

Section 1. Classification. This ordinance shall be of a permanent nature and shall become a part of the City of Palmer Code of Ordinances.

Section 2. Severability. If any provisions of this ordinance, or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. That Section 13.16 of the Palmer Municipal Code is hereby created to include the following subsections:

13.16.010 Sewer and Water Improvements - Purpose.

A. The purpose of this chapter is to establish and define the improvements which will be required under agreement to be constructed by the subdivider as conditions for final plat approval, to delineate those areas within the city which will require a specific degree of improvement to be accomplished, and to outline the procedures and responsibilities of the subdivider and the appropriate public officials and agencies concerned with the administering, planning, designing, constructing and financing of public facilities, and to further establish procedures for assuring compliance with these requirements.

13.16.015 Sewer and Water Improvements - Responsibility for Plans.

A. It shall be the responsibility of the subdivider of every proposed subdivision to have prepared by a registered engineer a complete set of construction plans, when deemed necessary by the City Manager. They shall include profiles, cross-sections, specifications and other supporting data for the hereinafter required public utilities.

13.16.020 Required Public Improvements.

A. Every subdivider shall be responsible for the installation of improvements in accordance with the conditions and specifications outlined in Sections 13.16.025-13.16.030 and as specified in Section 13.16.035. All standards and specifications that are referred to in this chapter and which fall under the jurisdiction of the Council must be ratified by the Council by resolution.

13.16.025 Water Supply System.

A. When a proposed subdivision is to be serviced by the City of Palmer water system, such system shall be provided by the subdivider to standards established by the State of Alaska Department of Environmental Conservation. Fire hydrants shall be provided to standards established by the American Waterworks Association. Upon acceptance all easements and sewer improvements associated with such a sewage system shall be dedicated to and accepted by the City of Palmer for administration, operation and maintenance. No proprietary rights of any type or description shall be retained by the developer or owner of the subdivision.

13.16.030 Sanitary Sewer System.

A. When a proposed subdivision is to be serviced by the City of Palmer sanitary sewer system, sanitary sewers and other required appurtenances thereon shall be provided by the subdivider. Sewer systems shall comply with the requirements of the Department of Public Works. Connection to the public sanitary sewer system shall be required. Upon acceptance all easements and sewer improvements associated with such a sewage system shall be dedicated to and accepted by the City of Palmer for administration, operation and maintenance. No proprietary rights of any type or description shall be retained by the developer or owner of the subdivision.

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13.16.035 Guarantee of Completion of Public Improvements.

A. For any subdivision requiring public improvements, the subdivider shall enter into a water and sewer agreement with the City of Palmer. Such water and sewer agreement shall be written to cover one or a combination of the following alternatives available to the subdivider:

1. The subdivider may elect to complete all required improvements and facilities prior to approval and recording of the final plat. If this is done, a sewer and water agreement, delineating the construction and inspection requirements of the appropriate governmental agency, shall be entered into prior to commencement of construction.

2. The subdivider may elect to complete required improvements and facilities after approval and recording of the final plat. In this event, the water and sewer agreement accompanying the final plat shall delineate:

a. The construction and inspection requirements of the appropriate governmental agency;

b. The time schedule for completion of required improvements and facilities; and

c. A method of ensuring that such improvements shall be completed to the specifications required and in the time schedule agreed upon. Such method may be Performance Bond, Escrow Deposit, Letter of Credit or Deed of Trust.

13.16.040 Variances Authorized.

A. The City Council may grant a variance from the provisions of these regulations in accordance with the procedures as set forth upon finding that undue hardship may result from strict compliance with specific provisions or that the requirements of these regulations or the application of such provisions is impractical or undesirable in a specific instance. The City Council shall only grant variances that it deems necessary, or which it finds desirable from the standpoint of public interest. In making its findings, as required hereinbelow, the City Council shall take into account the nature of the proposed use of the land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon conditions in the vicinity. No variance shall be granted unless the City Council finds the following:

1. That there are such special circumstances or conditions affecting said property that the strict application of the provisions of this chapter would clearly be impractical, unreasonable or undesirable to the general public. In such cases, the subdivider shall first state his reasons in writing to the specific provision or requirement involved and submit them to the City Council.

2. That the granting of the specific variance will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.

3. That such variance will not have the effect of nullifying the intent and purpose of this title or the Comprehensive Plan.

4. The City Council shall include its findings and the specific reasons for its action and shall also record its reasons and actions in its minutes.

Section 4. Publication and Effective Date. This ordinance shall become effective ten (10) days after its adoption and publication shall be by posting a copy hereof on the city hall bulletin board for a period of ten (10) days following its adoption, and it shall be published by being printed and included in the Palmer Municipal Code at its next regular supplementation and printing.

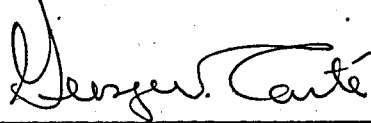
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A notice of public hearing shall be given by such posting at least five days before final passage.

First Reading: September 28, 1982

Public Hearing and
Second Reading: October 12, 1982

Adopted by the City Council of the City of Palmer, Alaska, this 12th day of October, 1982.



GEORGE W. CARTE, MAYOR

DAVID L. SOULAK, CITY CLERK