

Introduced by: City Manager Herron  
Date: February 11, 2003  
Public Hearing: February 25, 2003  
Action: Adopted  
Vote: 6 – 0

## *CITY OF BETHEL, ALASKA*

### **ORDINANCE #03-02**

#### **AN ORDINANCE REPEALING SECTIONS 17.24.228 THROUGH 17.24.280 OF THE BETHEL MUNICIPAL CODE PERTAINING TO MANDATORY INSTALLATION OF PIPED WATER AND SEWER IN NEW SUBDIVISIONS**

**Whereas,** Ordinance #01-05 (Planning Commission Substitute) amended Title 15 Flood Control regulations; Title 16 Comprehensive Plan and definitions; Title 17 Platting and Subdivision regulations, and Title 18 Zoning and Supplemental regulations. This ordinance was passed and became effective on April 10, 2001,

**Whereas,** on April 23, 2002 by unanimous voice vote the Bethel City Council voted to support Resolution 02-04 of the Planning Commission repealing section 17.24.228 through 17.24.280 of the Bethel Municipal Code,

**BE IT ORDAINED** by the City Council of Bethel, Alaska that:

**SECTION 1. Classification.** This ordinance is permanent in nature and shall be placed in the Bethel Municipal Code.

**SECTION 2. Title 17.** Title 17 of the Bethel Municipal Code is repealed to read (old language is stricken out, new language is underlined):

#### **Article V. Water Improvements**

~~17.24.228 Water Development phasing districts established.~~

- ~~A. There is established water development phasing district 1 consisting of areas 1A, 1B, 1C, 1D, 1E, 2A, 2B, 2C, 2D, 2E, 3A, 3B, 3C, 4A and 4B as those areas are shown on Figure 11, revised September 2000, of the 1997 Comprehensive Plan.~~
- ~~B. There is established water development phasing district 2 consisting of areas 3D, 5A, 5B and 5C as those areas are shown on Figure 11, revised September 2000, of the 1997 Comprehensive Plan.~~
- ~~C. There is established water development phasing district 3 consisting of the area of the city lying outside water development phasing district 1 and 2.~~

~~17.24.230 Water supply facilities — Water development phasing district 1.~~

- ~~A.—Within water development phasing district 1, a final plat may not be approved unless all lots created by the subdivision are served by a piped water system except as otherwise specifically permitted under this section. The piped water system may be either an existing city piped water system or a community system meeting city specifications constructed by the subdivider and operate by the subdivider or a property owners' association. If all or any part of the lots to be created by the subdivision are not already served by a city piped water system, and there is a city water main within five hundred feet of a street or utility right of way within the subdivision, the subdivider shall be responsible for extending the main to the subdivision and installing the water distribution system, including fire hydrants and the water connection to each lot. The subdivider shall reimburse the city for all costs incurred by the city in making the connection between the existing city main and the main to the subdivision.~~
- ~~B.—The requirements of subsection A of this section do not apply to the extent that all or a portion of the water distribution system required will be built by the city or by another governmental agency for the city within two years of the date of the approval of the preliminary plat. To qualify for the exception under this subsection, the subdivider must provide a certification from the city manager that the portion of the water distribution system for which the exception is sought is a capital project approved by the city council and is currently scheduled for completion by a date of preliminary plat approval; further if the project is to be constructed by the city, the director of finance shall provide a certification that all funds to meet the estimated cost of construction of the approved capital project have been appropriated by the city council, that all local sources of the funds appropriated have been allocated to the appropriation, and that all grants, loans and other sources of funding are or will be available through currently executed grants, loan commitments, agreements or other instruments. If the project is to be constructed by a governmental agency for the city, the subdivider shall provide certifications or written assurances from the agencies that substantially fulfill the requirements for certifications by the manager and finance director under this subsection.~~
- ~~C.—If the subdivider is exempted from construction of part of the required water system, the part of the water distribution system that will not be constructed within two years by the city or governmental agency shall be constructed by the subdivider and all unused openings sealed. The subdivider shall deposit with the city the city engineer's estimate of the cost connecting the subdivision distribution to the city main when a city main becomes available. No charge may be made by the city for the cost of connecting the subdivision to a city main when such a deposit has been made. Trucked water may be provided to lots within the subdivision until piped city water is available to the lots, at which time developed lots shall connected to the piped city system.~~

~~17.24.235 Water supply facilities — Water development phasing district 2.~~

- ~~A. Within water development phasing district 2, a final plat may not be approved unless all lots created by the subdivision are served by an active or dry piped water system as provided in this section. The piped water system may be either:~~
- ~~1. The existing city piped water system;~~
  - ~~2. A dry piped water system; or~~
  - ~~3. A community piped water system meeting city specifications constructed by the subdivider and operated by the subdivider or a property owners' association.~~
- ~~B. If all or any part of the lots created by the subdivision are not already served by the city piped water system, and there is a city water main within five hundred feet of a street or utility right of way within the subdivision, the subdivider shall be responsible for extending the city main to the subdivision and installing the water distribution system within the subdivision, including fire hydrants and the water connection to each lot. The subdivider shall reimburse the city for all costs incurred by the city in making the connection between the existing city main and the main to the subdivision.~~
- ~~C. A dry piped water system consists of a complete piped water distribution system within the subdivision with all openings sealed. The requirements of BMC 17.24.250(A), (B), (C), and (F) apply to a dry piped water system. If a dry piped water system is provided, no parcel within the subdivision may be developed unless it meets all requirements for trucked water service. Within two hundred seventy days of the connection of the dry piped system to the city system, each developed parcel within the subdivision shall connect to the piped system and trucked water shall not be available to lots within the subdivision after the expiration of the two hundred seventy day period. A note shall be placed on the plat explaining the existence of the dry system and the requirements for trucked service and connections to the city system when city piped water becomes available.~~

#### ~~17.24.240 Water supply facilities — Water development phasing district 3.~~

~~Within water development phasing district 3, a final plat may not be approved unless the subdivider provides a community piped water system operated by the subdivider or a property owners' association or the city piped water system is available within the subdivision. Plats that create lots, blocks or tracts that would have to be served by on-lot, hauled or city trucked water shall not be approved unless the plat explicitly prohibits any development of the parcels created until a piped city or a piped community water system is available.~~

#### ~~17.24.245 Oversizing facilities.~~

~~The city may require water mains and other parts of the system being constructed by the subdivider for a city, dry piped or a community system to have a capacity greater than would otherwise be required to meet the fire flow and domestic supply requirements of for the subdivision. If the city imposes an oversize requirement on the subdivider, the city shall agree to reimburse the subdivider for the difference between the cost of the oversized system and the system that is adequate solely to meet the domestic and fire flow requirements of the subdivision; provided, the cost of increased capacity to be provided to meet requirements of~~

~~other land owned in whole or in part by the subdivider shall be borne by the subdivider, and not the city.~~

~~17.24.250 Community systems:~~

~~A community piped water system provided under the requirements of BMC 17.24.230 through 17.24.250 shall:~~

- ~~A. Be designed and engineered to be compatible with the city system when it is connected to the city system;~~
- ~~B. Meet city standards and specifications, including fire flow requirements;~~
- ~~C. Include fire hydrants and the connection to each lot;~~
- ~~D. Include a water source, treatment, store, pumping, distribution and ancillary facilities;~~
- ~~E. Be operated by the subdivider or a property owners' association pursuant to covenants and other instruments approved by the planning commission; and~~
- ~~F. When the city system becomes available to the subdivision, be transferred to the city without further consideration and shall be connected to the city system; provided, the city may access to each property and each customer of the subdivision system a pro rata share of the cost of connecting to the city system, if not previously paid, and the cost of any repairs or modifications required to bring the subdivision system up to the city standard, to make the subdivision system, and to decommission and remove the unneeded parts of the community system.~~

### **Article VI. Sewer Improvements**

~~17.24.258 Sewer development phasing districts established.~~

- ~~A. There is established sewer development phasing district 1 consisting of areas 1A, 1B, 1C, 1D, 1E, 2A, 2B, 2C, 2D, 2E, 3A, 3B, 3C, 4A and 4B as those areas are shown on Figure 11, revised September 2000, of the 1997 Comprehensive Plan.~~
- ~~B. There is established sewer development phasing district 2 consisting of areas 3D, 5A, 5B and 5C as those areas are shown on Figure 11, revised September 2000, of the 1997 Comprehensive Plan.~~
- ~~C. There is established sewer development phasing district 3 consisting of the area of the city lying outside sewer development phasing districts 1 and 2.~~

~~17.24.260 Sewer facilities — Sewer development phasing district 1.~~

- ~~A. Within sewer development phasing district 1, a final plat may not be approved unless all lots created by the subdivision are served by a piped sewage collection and disposal system except as otherwise specifically permitted under this section. The piped system may be either an existing city piped system or community piped system. If all or any part of the lots to be created by the subdivision are not already served by a city piped system, and there is a city sewer main, lateral or collector within five hundred feet of a street or utility right of way within the subdivision, the subdivider shall be responsible for~~

extending the sewer line to the subdivision and installing the sewage collection system, including pumps, auxiliary facilities and a connection to each lot, all meeting city specifications and standards. The subdivider shall reimburse the city for all costs incurred by the city in making the connection between the existing city line and the line to the subdivision.

- B. The requirements of subsection A of this section do not apply to the extent that all or a portion of the system required will be built by the city or by another governmental agency for the city within two years of the date of the approval of the preliminary plat. To qualify for the exception under this subsection, the subdivider must provide a certification from the city manager that the portion of the system for which the exception is sought is a capital project approved by the city council and is currently scheduled for completion by a date that is within two years of the date of preliminary plat approval; further if the project is to be constructed by the city, the director of finance shall provide a certification that all funds to meet the estimated cost of construction of the approved capital project have been appropriated by the city council, that all local sources of the funds appropriated have been allocated to the appropriation, and that all grants, loans and other sources of funding are or will be available through currently executed grants, loan commitments, agreements or other instruments. If the project is to be constructed by a governmental agency for the city, the subdivider shall provide certifications or written assurances from the agencies that substantially fulfill the requirements for certifications by the manager and finance director under this subsection.
- C. If the subdivider is exempted from construction of part of the required sewer system, the part of the system that will not be constructed within two years by the city or governmental agency shall be constructed by the subdivider and all unused openings sealed. The subdivider shall deposit with the city the city engineer's estimate of the cost of connecting the subdivision sewer system to the city system when a city line becomes available. No charge may be made by the city for the cost of connecting the subdivision to a city line when such a deposit has been made. City trucked sewage collection services may be provided to lots within the subdivision until piped city collection is available, at which time developed lots shall connect to the piped city system.

#### 17.24.265 Sewer facilities—Sewer development phasing district 2.

- A. Within sewer development phasing district 2, a final plat may not be approved unless all lots created by the subdivision are served by an active piped sewage collection and disposal system or a dry piped collection system is constructed. The active piped system may be either the existing city piped system or a community piped collection and disposal system meeting city specification constructed by the subdivider and operated by the subdivider or a property owners' association.
- B. If all or any part of the lots created by the subdivision are not already served by the city piped system, and there is a city sewer main, lateral or collector within five hundred feet of a street or utility right of way within the subdivision, the subdivider shall be responsible for extending the city line to the subdivision and installing the sewage collection system within the subdivision, including pumps, ancillary facilities and a connection to each lot, all meeting the city specifications and standards. The

~~subdivider shall reimburse the city for all costs incurred by the city in making the connection between the existing city line and the line to the subdivision.~~

~~C.—A dry piped collection system consists of a complete piped sewage collection system within the subdivision with all openings sealed. The requirements of BMC 17.24.280(A), (B), (C) and (F) apply to a dry piped collection system. If a dry piped collection system is provided, no parcel within the subdivision may be developed unless it meets all requirements for trucked sewage collection service. Within two hundred seventy days of the connection of the dry piped collection system to the city system, each developed parcel within the subdivision shall connect to the piped system and trucked sewage collection shall not be available to lots within the subdivision after the expiration of the two hundred seventy day period. A note shall be placed on the plat explaining the existence of the dry system and the requirements for trucked served and connections to the city system when city piped service becomes available.~~

#### ~~17.24.270 Sewer facilities — Sewer development phasing district 3.~~

~~A.—Within sewer development phasing district 3, a final plat may not be approved unless the subdivider provides a community piped sewage collection and disposal system operated by the subdivider or a property owners' association or the city piped sewage system is available within the subdivision. Plats that create lots, blocks or tracts that would have to be served by on lot, hauled or city trucked sewage collection and disposal shall not be approved unless the plat explicitly prohibits any development of the parcels created until a piped city or a piped community sewage collection and disposal system is available.~~

#### ~~17.24.275 Oversizing facilities.~~

~~The city may require sewer lines, pumps, mains and other parts of the system being constructed by the subdivider for a dry or a city or community system to have a capacity greater than would otherwise be required to meet the requirements of the subdivision. If the city imposes an oversize requirement on the subdivider, the city shall agree to reimburse the subdivider for the difference between the cost of the oversized system and the system that is adequate solely to meet the requirements of the subdivision; provided, the cost of increased capacity to be provided to meet requirements of other land owned in whole or in part by the subdivider shall be borne by the subdivider, and not the city.~~

#### ~~17.24.280 Community systems.~~

~~A community piped sewage collection and disposal system provided under the requirements of BMC 17.24.260 through 17.24.280 shall:~~

- ~~A.—Be designed and engineered to be compatible with the city system when it is connected to the city system;~~
- ~~B.—Meet city standards and specifications;~~
- ~~C.—Include the connection to each lot;~~
- ~~D.—Include pumping, holding and ancillary facilities;~~

- ~~E. Be operated by the subdivider or property owners' association pursuant to covenants and other instruments approved by the planning commission; and~~
- ~~F. When the city system becomes available to the subdivision, be transferred to the city without further consideration and shall be connected to the city system; provided, the city may assess to each property and each customer of the community system a pro rata share of the cost of connecting to the city system, if not previously paid, and the cost of any repairs or modifications required to bring the subdivision system up to the city standards, to make the subdivision system compatible with the city system, and to decommission and remove unneeded parts of the community system.~~

**SECTION 3. Effective Date.** This ordinance shall become effective immediately upon its adoption by the City Council.

**PASSED AND APPROVED THIS 25<sup>th</sup> DAY OF FEBRUARY 2003, by unanimous vote.**

ATTEST:

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Hugh Short Jr., Mayor

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Janette Persinger, City Clerk