

Proposed by:	Finance Committee
Attorney Review:	02/14/2020
First Reading:	03/05/2020
Second Reading:	03/19/2020
Vote:	6 Aye    0 Nay   0 Absent

## MUNICIPALITY OF SKAGWAY, ALASKA

### ORDINANCE NO. 20-09

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING SMC SECTION 13.08.040 WATER MAIN EXTENSIONS, AND SMC SECTION 13.12.040 WQPS EXTENSIONS, TO MODIFY THE PROVISIONS ON FINANCING OF SUCH IMPROVEMENTS TO PROVIDE THE MUNICIPALITY WITH MORE FLEXIBILITY.

NOW THEREFORE BE IT ORDAINED AND ENACTED BY THE MUNICIPALITY OF SKAGWAY, ALASKA AS FOLLOWS:

**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become a part of the Skagway Municipal Code.

**Section 2. Purpose.** To amend SMC Sections 13.08.040 and 13.12.040 of Title 13, Public Utilities, to amend the provisions on financing water main extensions and WQPS (water quality protection system) extensions to provide the municipality with more flexibility. These amendments also simplify the sections and make the section on water main extensions and the section on WQPS extensions consistent with each other.

**Section 3. Amendment.** The Skagway Municipal Code is hereby amended; (~~strike through~~) indicates text to be deleted from and **bold** indicates text added to the current code. SMC Section 13.08.040 is hereby amended as follows:

13.08.040 Main extensions.

- A. ~~East of the Skagway River. Water main extensions to areas within the Skagway Valley~~ **municipal limits** not presently served with water may be installed only after authorization by the assembly and only in accordance with plans, specifications, and methods of funding approved by the assembly. ~~All costs associated with the extensions will be assessed~~ **The municipality may assess all or a portion of the cost of the extensions** against the benefited property in the form of an assessment district **and shall apply the procedures for special assessment districts provided in AS 29.46**. The assessment shall be based on the abutting front footage **or the total acres** of the property to be benefited, **as determined and authorized by the assembly**.
- B. ~~West of the Skagway River. Water mains west of the Skagway River shall be extended only at the expense of the customers served.~~ **Water** main extensions shall become the property of the municipality at the time installed. The borough assembly shall determine the size of main extensions, and all extensions shall be constructed of suitable material approved by the municipality. ~~Extensions west of the Skagway River shall be installed by the municipality or by the customers in accordance with plans and specifications approved by the municipality.~~

- C. Locations of extensions. The municipality will make water main extensions only on rights-of-way, easements or publicly owned property. Easements or permits secured for main extensions shall be obtained in the name of the municipality along with all rights and title to the main at the time of installation.
- D. The property owner of record on which property is located, including houses, buildings or structures used for occupancy, employment, recreation or any other purpose, situated within the Municipality of Skagway Borough and abutting on any street, alley, highway, roadway, or right-of-way in which there is now located or may in the future be located a public water main of the municipality, is hereby required at the property owner's expense to install approved water line facilities therein, and to connect such facilities directly to the municipal public water main in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so, provided that the public WQPS is within one-hundred feet (100') (30.5 meters) of the property line.**

**Section 4. Amendment.** The Skagway Municipal Code is hereby amended; (~~strike through~~) indicates text to be deleted from and **bold** indicates text added to the current code. SMC Section 13.12.040 is hereby amended as follows:

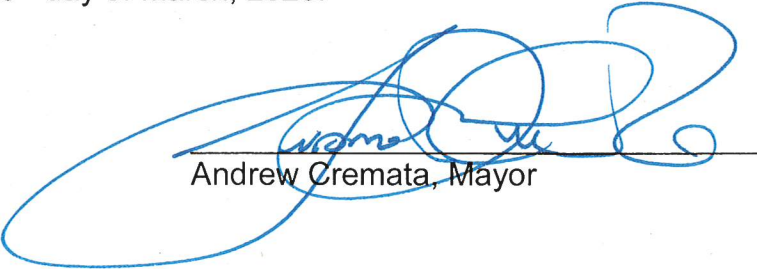
13.12.040 WQPS extensions.

- A. Public WQPS extensions to areas within the municipal limits not presently served by the existing WQPS may be installed only after authorization by the borough assembly and only in accordance with plans, specifications and methods of funding approved by the assembly. **The municipality may assess all or a portion of the cost of the extensions against the benefited property in the form of an assessment district and shall apply the procedures for special assessment districts provided in AS 29.46.** ~~The municipality shall apply standard procedures for special assessment districts (AS 29.46) for funding of WQPS extensions. All cost associated with the extension shall be assessed against the benefited property in the form of an assessment district. The assessment shall be based on the abutting front footage~~ **or the total acres of the property** to be benefited, **as determined and authorized by the assembly.**
- B. ~~Public WQPS extensions to areas west of the Skagway River shall be extended only at the expense of the customers served. The~~ **WQPS** extensions shall become the property of the municipality at the time installed. The borough assembly shall determine the size of the extensions, and **all** extensions shall be constructed of suitable material approved by the assembly ~~municipality.~~
- C. Locations of extensions. The municipality will make WQPS extensions only on rights-of-way, easements or publicly owned property. Easements or permits secured for WQPS extensions shall be obtained in the name of the municipality along with all rights and title to the main at the time of installation.**

**Section 5. Severability.** If any provision 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 6. Effective Date.** This ordinance shall become effective immediately upon adoption.

**PASSED AND APPROVED** by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this 19<sup>th</sup> day of March, 2020.



Andrew Cremata, Mayor

ATTEST:



Emily A. Deach, Borough Clerk

(SEAL)

