

AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE SECTION 18.60.010(I) REMOVE THE REQUIREMENT FOR A WASTEWATER DISPOSAL SYSTEM TO BE INSPECTED EVERY TWO YEARS BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and if adopted with or without amendment shall become a part of the Haines Borough Code.

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

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Section 18.60.010(I). Section 18.60.010(I) of the Haines Borough Code is hereby amended to read as follows:

NOTE: STRIKETHROUGH ITEMS ARE DELETIONS

18.60.010 General approval criteria.

A land use permit, or conditional use permit, or a platting action permit for a subdivision, may be granted if all the following general approval criteria and applicable specific approval criteria of HBC 18.60.020 are complied with. The burden of proof is on the developer to show that the proposed use meets these criteria and applicable specific criteria for approval. Notwithstanding any of the following criteria, no use will be approved that will materially endanger the public health or safety or substantially decrease the value of property in the neighboring area. The burial of uncremated human remains outside a cemetery is prohibited.

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I. Utilities. The proposed use shall be adequately served by public water, sewer, on-site water or sewer systems, electricity, and other utilities prior to being occupied. The borough may require a letter of commitment from a utility company or public agency legally committing it to serve the development if such service is required. If property on which a use is proposed is within 200 feet of an existing, adequate public water and/or sewer system, the developer shall be required to connect to the public systems. The borough may require any or all parts of such installation to be oversized, however the additional cost beyond the size needed for the development will be borne by the borough.

When, in the opinion of borough staff, no public sanitary sewer and/or water service is available within 200 feet of the property, the developer may request an exemption from the requirements to connect to these public utilities. All regulations of the State Department of Environmental Conservation pertaining to water extraction and wastewater disposal, as well as the requirements of HBC 13.04.080(G) pertaining to on-site wastewater disposal, shall apply. If exempted from the requirement to connect to public utilities, a developer must provide written Department of Environmental Conservation (DEC) approval of the on-site wastewater system design prior to permit approval. Upon installation and before closure, the wastewater disposal system must be inspected and approved by a DEC-approved inspector. ~~The wastewater disposal system must also be inspected by a DEC-approved inspector, at the property owner's expense, every two years, in the spring of the year, with a written approval of the system submitted to the borough by June 1st of the year.~~

Haines Borough
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ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS
24th DAY OF SEPTEMBER, 2013.

ATTEST:



Julie Cozzi, MMC, Borough Clerk



Stephanie Scott, Mayor

Date Introduced: 08/13/13
Date of First Public Hearing: 08/27/13
Date of Second Public Hearing: 09/10/13
Date of Third Public Hearing: 09/24/13 - Adopted