

## **Chapter 5.06 Nuclear Free Homer**

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5.06.010 Purpose.

The purpose of this chapter is to establish the City as a Nuclear Free Zone, to acknowledge the orientation of its business community toward peaceful development and to protect the health and safety of the community and its resources on land and sea by prohibiting work on or storage of nuclear weapons or the storing or dumping of radioactive material within the City. (Ord. 89-12 §3 (part), 1989).

5.06.020 Definitions.

For the purpose of this Chapter, the following definitions shall have the meanings set forth below:

- a. "Component of a nuclear weapon" means any device, radioactive or nonradioactive, specially designed or modified for exclusive use as part of a nuclear weapon.
- b. "Direct activities of the federal government" means actions of the federal government or of its agencies, but shall exclude actions of independent contractors.
- c. "Nuclear weapon" means any device, the intended explosion of which results from the energy released by fission or fusion reactions involving atomic nuclei, including the means of guiding, transporting, propelling or triggering of the device, provided that such means is destroyed or rendered useless in the normal guiding, transporting, propelling, or triggering of the device.
- d. "Person" means any individual, corporation, institution, or other entity.
- e. "Radioactive material" means any radioactive material which is the by-product of any nuclear reaction or nuclear weapons production, any radioactive material or spent energy in the form of particles or rays by spontaneous disintegration of atomic nuclei, and any other material which the Nuclear Regulatory Commission determines to be special nuclear materials, except as specifically exempted in Section 5.06.040. (Ord. 89-12 §3 (part), 1989).

5.06.030 Prohibitions.

- a. Prohibition of Nuclear Weapons Work. After the effective date of the ordinance codified in this chapter, a person may not knowingly design, produce, deploy, launch, maintain or store nuclear weapons or the components of nuclear weapons. A person may not produce, store or dump radioactive material.
- b. Prohibition of Storage or Dumping of Radioactive Material. A person may not establish, construct, or operate a radioactive material disposal site or store or dump any radioactive material except as specifically exempted in Section 5.06.040. (Ord. 89-12 §3 (part), 1989).

5.06.040 Exclusions.

Nothing in this chapter prohibits:

- a. The use of radioactive material in nuclear medicine or in medical or other research not intended to be applied in nuclear weapon technology;
- b. Any writing or speech devoted to public commentary or debate, or other expression protected by the first amendment to the United States Constitution;
- c. Uses of small amounts of radioactive materials for smoke detectors, light-emitting watches and clocks, gauges, and other similar consumer and industrial devices;
- d. Uses of small amounts of radioactive materials for educational purposes by a recognized education institution;
- e. Industrial applications of x-ray technology and tracer studies;
- f. Direct activities of the federal and state government that are exempted by federal or state law from the application of the prohibitions under this chapter;
- g. Storage of radioactive materials for activities excluded under this section. (Ord. 89-12 §3 (part), 1989).

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### **5.06.050 Signs.**

The City shall post and maintain at least two signs proclaiming Homer's status as nuclear free zone, one in a prominent area of the port and harbor, the preferred location on the side of the port and Harbormaster's office(s), and the other outside the City Hall preferably on or adjacent to the existing City Hall sign. The size and other aspects of the sign shall conform to Chapter 21.60. (Ord. 89-12 §4 (part), 1989).

### **5.06.060 Violation--Penalty.**

Each violation of this chapter shall be punishable by up to thirty days imprisonment or a five hundred dollar fine or both. Each day upon which a violation occurs or continues is a separate violation. (Ord. 89-12 §3 (part), 1989).

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