

CITY OF HOMER
HOMER, ALASKA

ORDINANCE 79-18

AN ORDINANCE CONTROLLING USE OF PUBLIC RIGHTS OF WAY; PROVIDING FOR ISSUANCE OF PERMITS; BONDING; PENALTIES; AND FOR INCLUSION IN THE HOMER CITY CODE.

WHEREAS, Construction work is frequently carried out on public rights of way located within the City limits, without prior approval of plans and specifications and the issuance of a permit therefor by the City, and

WHEREAS, such unapproved construction has resulted in the covering up of water valve boxes and sewer manholes without providing a record of their location and in other ways disrupted the orderly maintenance of municipal utilities, and

WHEREAS, overloaded trucks are being used on public rights of way thereby creating a hazard upon or causing undue damage to roadways which serve dwellings or other buildings located thereon,

NOW THEREFORE, the City of Homer ordains:

Section 1. EXCAVATION OR CONSTRUCTION WITHIN RIGHTS OF WAY - PERMIT REQUIRED. No person, firm or corporation shall perform any excavation or construction work on public rights of way within the City of Homer without first obtaining a written permit from the City Manager or his designee.

Section 2. SAME - BOND; CONDITIONS. Before the issuance of any permit as required in the preceding section of this ordinance, the applicant may be required to furnish a bond in an amount deemed adequate by the City Manager, which bond shall become available for the payment of damages to public or private property and the payment for any personal injuries resulting because of and during the performance of the project.

Section 3. SAME - PERMIT LIMITATIONS - APPEAL. The permit issued by the City Manager or his designee shall limit the type, extent and completion period of construction. An applicant may appeal in all cases to the City Council from any adverse decision by the City Manager. Such appeal shall be heard at the next regular Council meeting following the filing of an appeal with the City Clerk.

Section 4. SAME - FEES. A fee shall be required for each permit pursuant to the schedule of fees available at the City Hall during regular business hours.

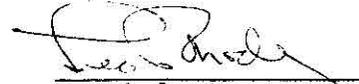
Section 5. LOAD RESTRICTIONS WITHIN PUBLIC RIGHTS OF WAY. The City Manager, with the advice of the City Engineer, is hereby authorized to determine and designate those streets, alleys or roadways within the City limits upon which vehicles of excessive gross weight would create a hazard or cause undue damage to the roadway. He shall erect appropriate signs stating the gross weight permitted on such designated streets. No person shall disobey the restrictions stated in such signs. In lieu of posting signs, the City Manager or his designee may notify the operator or owner that his vehicle exceeds the permitted gross weight for existing road conditions and the vehicle shall immediately cease operating until weight restrictions are lifted.

Section 6. VIOLATION - PENALTY. Any person who violates or fails to comply with any provisions of this ordinance shall be punished by a fine of not more than \$300.00. Every act of violation and every day upon which such violation shall occur shall constitute a separate offense.

Section 7. INCLUSION IN CITY CODE. This ordinance shall be made a part of Chapter 14, PUBLIC WORKS, UTILITIES

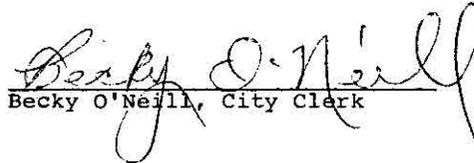
AND ENGINEERING, of the Homer City Code.

CITY OF HOMER



Leo Rhode, Mayor

ATTEST:



Becky O'Neill, City Clerk

First Reading 11/12/79

Public Hearing 11/26/79

Second Reading 11/26/79

Effective Date 11/27/79