

CITY OF HOMER
HOMER, ALASKA

ORDINANCE 81-1 (S)

ARTICLE VII

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE VII OF THE HOMER CITY CODE, REPEALING THE ENTIRE ARTICLE AND REENACTING THE PROVISIONS TO PROTECT, PRESERVE AND CONTROL CAMPGROUNDS, CAMPING, AND PUBLIC PLACES.

WHEREAS, the provisions of Chapter 5, Article VII are limited and ineffective in serving the best interest of the citizens of Homer; and,

WHEREAS, this amendment being major in nature, requires complete repeal and reenactment of Chapter 5, Article VII,

NOW THEREFORE,

THE CITY OF HOMER ORDAINS:

Sec. 5.700.1. PURPOSE. The purpose of this ordinance is to protect, preserve, and control all campgrounds, campsites, and camping on all lands owned or controlled by the City of Homer.

Sec. 5.700.2. PARKING OR CAMPING PROHIBITED. No person shall park any motor vehicle or camper unit or otherwise camp on any City owned or controlled property where an official sign prohibits parking or camping.

Sec. 5.700.3. PARKING OR CAMPING FEES AUTHORIZED. The City Manager or his designee is hereby authorized, with the approval of the City Council, to establish parking and camping fees for lands owned or controlled by the City.

Sec. 5.700.4. PAYMENT OF FEES/DISPLAY OF PERMIT - CLEANUP DEPOSITS. It is unlawful to camp in a designated camping area on lands owned or controlled by the City of Homer without having first paid the appropriate fee to the authorized agent for the City of Homer and having obtained the requisite permit. Evidence of payment of the camping fees shall be immediately produced upon the request of the fee agent or any peace officer. Permits issued pursuant to this section shall be displayed at all times while camping, in accordance with the instructions provided therewith. No permit shall be issued unless the applicant provides all information requested by the authorized representative of the City. A deposit to insure cleaning of campsites at the termination of use may also be required prior to issuance of a permit.

Sec. 5.700.5. MAXIMUM DURATION OF CAMPING. No person shall camp on City owned or controlled property in excess of 14 calendar days, regardless of any changes in campsite

or campgrounds. Persons who have utilized their 14 day camping period may not return to camp in any City owned or controlled camping area for 14 additional days, following the last day of their 14 day camping period. The 14 days of authorized camping need not be consecutive.

An exception may be granted to the 14 day limitation if there are sufficient vacant campsites, as determined by an authorized City official. All persons shall move their campsite at the end of each 14 day period.

Sec. 5.700.6. CERTAIN ACTS PROHIBITED. It shall be unlawful for any person to:

- (a) Dispose of or deposit human body wastes or any other waste on City owned or controlled land other than in authorized or designated receptacles.
- (b) Make or cause to be made any unnecessary or unusual noise which annoys, injures or endangers the comfort, repose, health or safety of the public, or any individual member of the public on City owned or controlled land.
- (c) Erect, occupy, or otherwise utilize any temporary or permanent structure or shelter on City owned or controlled lands.
 - (1) Exception: Unless otherwise prohibited, tents of standard commercial manufacture or constructed in whole or in part from canvas, nylon or other tenting material may be erected and occupied in designated camping areas. Structures so exempted may not be modified, extended, or sheltered by the addition of any material not a commercially manufactured component of said tent or other than a recognized tenting material.
 - (2) Exception: Unless otherwise prohibited, self-contained camper units may be parked and occupied in designated camping areas so long as they remain immediately mobile.
- (d) Park, leave, maintain, or utilize any vehicle, camper unit, or camp in violation of any provision of any section of this article. All vehicles, camper units, or other camps in violation shall be subject to impoundment by any peace officer. All costs of impoundment and storage of any property so impounded shall be paid before said property shall be released. Property so impounded shall additionally be subject to a \$20.00 impound fee, which shall be paid before said property is released. All permanent structures shall be impounded pursuant to Section 5.700.9.
- (e) Deface, destroy, alter, remove, or otherwise disfigure any equipment, sign, utility services, or other facility owned or provided by the City of

Homer at any City owned campground or campsite, or parking area adjacent thereto.

- (f) Allow any dog owned, harbored, or controlled by himself to be at large in any City owned or controlled campground. All fecal wastes of any dog discharged or deposited on any lands within a City owned or controlled campground shall be immediately removed by the person owning, harboring, or controlling said animal and shall be deposited in trash receptacles or otherwise stored in containers pursuant to Section 5.700.7.
- (g) Leave any campsite in a disorderly or unsightly condition upon termination of use.

Sec. 5.700.7. STORAGE OF GARBAGE, REFUSE, AND OTHER WASTES. All garbage refuse, and other waste created or compiled in the course of activities while camping, shall be stored in opaque containers which shall be tightly closed to contain odors and to exclude insects, rodents, and vermin. Plastic garbage sacks are acceptable containers for compliance with this section.

Sec. 5.700.8. UNATTENDED CAMPS. A campsite shall be occupied on the first night after equipment, vehicles, or tents have been set up. Equipment left unattended for a period of 72 hours at any campsite on City owned or controlled property may be impounded unless prior permission for a longer storage period has been obtained from an authorized City representative. An impound fee of \$20.00 and all costs of impoundment and storage shall be paid before said property may be released.

Sec. 5.700.9. UNAUTHORIZED STRUCTURES. Any structure erected, maintained, occupied, or utilized on City owned or controlled land without written permission from the City Manager or otherwise permitted under this ordinance shall be unlawful and shall be subject to impoundment or disposal by any peace officer. If said structure is impounded pursuant to this section, all costs of impoundment and storage shall be paid in addition to the impound fee of \$20.00 before said structure may be released. All costs of recovery shall be borne by the person claiming said structure.

Sec. 5.700.10. DISPOSITION OF REVENUES. All revenue from fees paid for parking or camping shall be deposited in the general fund or disposed of in accordance with the terms of the contract with the concessionaire for parking and/or camping on City of Homer owned or controlled campgrounds.

Sec. 5.700.11. PENALTIES. All violations of this article are punishable under the general penalty provision of the Homer City Code, Sec. 1-100.71.

DEFINITIONS

CAMPGROUND. Means an area owned, controlled, developed and/or maintained by the City, which contains one or more improved campsites or contains adequate area for one or more unimproved campsites.

CAMPING. (a) The erection of, or occupancy of any

tent, regardless of whether said tent is of commercial manufacture or has been constructed in whole or part by any person.

(b) The placing or leaving of any items normally found at a campsite such as cookstoves, lanterns, etc., if sleeping bags and/or other forms of bedding are also left at the location.

(c) Parking of any camper unit in any area owned or controlled by the City of Homer, which has been designated a camping area by official signs, in excess of 24 hours, shall constitute camping, regardless of any physical change in campsite within camping area.

(d) The presence of any person sleeping in any motor vehicles or camper units between the hours of midnight and 6:00 AM, shall constitute prima facie evidence of camping.

(e) Sleeping on the ground, with or without any shelter, sleeping pad, etc., between the hours of midnight and 6:00 AM on any land owned or controlled by the City of Homer, shall constitute camping.

(f) Preparation or consumption of meals in, or in affiliation with and in proximity to, any camper unit at any time following midnight of the day said camper unit was parked in any campground, shall constitute prima facie evidence of camping.

CAMPSITE. Means all improved and unimproved campsites located on lands owned or controlled by the City of Homer.

DESIGNATED CAMPING AREA. Means any area of land owned or controlled by the City of Homer, which has been marked by official signs as open to camping or campers.

IMMEDIATELY MOBILE. Means that the camper unit may be moved from its campsite by either (a) starting its propulsion engine and driving said unit away, or (b) by attaching a towing vehicle to the trailer hitch of said camper unit and pulling it away, provided that in both (a) and (b) the removal must be feasible without any preliminary actions to prepare the vehicle for removal, such as, but not limited to, installation of wheels, or removal of support structure or platforms, etc.

IMPROVED CAMPSITE. Means any space designated for individual or family camping and normally containing a table, fireplace, and parking space and shall include the surrounding area which is, or has been, used for camp living and social functions by the camper.

OTHER WASTES. Means garbage, refuse, offal, oil, grease, tar, dyestuffs, acids, chemicals, industrial or seafood processing wastes; and any other substance which may cause, or tend to cause, pollution of the lands or waters within the City of Homer.

PARKING. Means the placing or leaving of any motor vehicle or trailer on any land within the City of Homer, if the propulsion engine of said vehicle is off.

PERMANENT STRUCTURE OR SHELTER. Means any collection, assemblage, construction, or assortment of materials or devices; whether of natural or synthetic nature, which has served or is reasonably capable of serving as protection from any of the elements; or as an item constructed to enhance the habitability of a campsite, such as, but not limited to, structures functioning as, or which are reasonably capable of functioning as furniture items. Any camper unit rendered less than immediately mobile by the removal of wheels or placement on supports or platforms shall also be a permanent structure. Commercially manufactured tents and the flysheet supplied for the tent by the manufacturer or constructed in whole or in part from canvas, nylon or other tenting material, shall not be classified as permanent structures or shelters unless they have been placed on a platform or material other than the soil at the site of erection.

SELF-CONTAINED CAMPER UNIT. Means all vehicles and trailers which contain sleeping facilities for one or more persons. Sleeping facilities shall also include any structure or area of any vehicle or trailer which circumstances indicate are actually being used for sleeping and need not consist of actual beds or bunks. Self-contained camper units are also referred to as "CAMPER UNITS" in this article. Self-contained camper units may be referred to as "CAMPER" on signs for designated camping areas.

TEMPORARY STRUCTURE OR SHELTER. Means all tents of standard commercial manufacture with the flysheet provided by the manufacturer or constructed in whole or in part from canvas, nylon or other tenting material, and all commercially manufactured self-contained camper units, so long as said camper units are maintained in such a condition that they are immediately mobile. Any camper unit not maintained in an immediately mobile condition shall be deemed a permanent structure.

UNIMPROVED CAMPSITE. Means that area of land surrounding any temporary structure on any City owned or controlled property open to camping, other than improved campsites, and the structure itself; said area shall be that area which is being, or has been used for camp living and social functions.

CITY OF HOMER


Leo Rhode, Mayor

ATTEST:


Kathleen F. Herold, City Clerk

First Reading 1/26/81 2/9/81

Public Hearing 2/23/81

Second Reading 3/9/81

Effective Date 3/10/81

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Ord. 81-1 was cancelled 1/26/81
Ord. 81-1(s) was substituted 2/9/81