

1 CITY OF HOMER  
2 HOMER, ALASKA

Acting City Manager

3  
4 ORDINANCE 98-05  
5

6 AN ORDINANCE OF THE CITY OF HOMER AMENDING  
7 HOMER CITY CODE CHAPTER 5.20 RELATING TO  
8 OPEN BURNING AND TRASH BURNING IN THE CITY  
9 OF HOMER  
10

11 THE CITY OF HOMER HEREBY ORDAINS:  
12

13 Section 1. Homer City Code Section 5.20.020 is hereby amended to read as  
14 follows:  
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16 5.20.020 Open Trash burning - permit requirement. a. Except as  
17 provided in subsection (c) and in section 5.20.030, no No-person  
18 shall burn trash, or any other combustible material in the open  
19 without a permit from the City. outside a screened, covered  
20 container, with the exception of campfires, within the City, without a  
21 permit from April 1st to October 31st, from the Chief of the Homer  
22 Volunteer Fire Department. Burning permits shall be available at the  
23 office of the City Clerk Fire Department and shall not be issued only  
24 upon the approval of the Fire Chief or other official with written  
25 delegation of authority from the Fire Chief, without the consent of  
26 the Chief of the Homer Volunteer Fire Department, or his authorized  
27 representative. Any person burning combustibles, whether under the  
28 authority of a permit or not, or creating a campfire, shall understand  
29 that he is is solely responsible for any damage he may caused by the  
30 fire, through loss of control of the fire, and shall hold the City and  
31 the Homer Volunteer Fire Department harmless for any claims for  
32 injury or damage resulting from the loss of control of such fire.  
33

34 b. If the Fire Chief The Chief of the Homer Volunteer Fire  
35 Department, if he determines that weather or and other conditions  
36 create a situation where open burning may create a hazard to public  
37 health or safety, cause potential loss of life, or property, the Fire  
38 Chief may refuse to issue consent to the issuance of burning permits,  
39 restrict the number of permits issued, impose additional restrictions  
40 on new permits, modify, suspend, or revoke existing permits, and he  
41 may prohibit campfires, and take other measures necessary to protect

42 health, safety, life, and property for as long as the hazardous  
43 conditions exist. ~~The Chief may also restrict the number of permits~~  
44 ~~issued at any one time for the same reasons.~~

45  
46 ~~e. The Chief of the Homer Volunteer Fire Department may~~  
47 ~~require burning permits during any time from November 1st to~~  
48 ~~March 31st if he determines that such permits are necessary to~~  
49 ~~protect the general welfare of the City and its citizens from the~~  
50 ~~potential hazard of loss of life or property if weather or other~~  
51 ~~conditions create such potential.~~

52  
53 c. A person may use a barbecue and burn a campfire in a  
54 developed fire pit or ring without a burning permit.

55  
56 d. The Fire Chief shall have authority to impose conditions  
57 on burning permits and to suspend or modify burning permits as  
58 necessary to protect public health and safety, life, and property. The  
59 Fire Chief shall have authority to revoke a burning permit for  
60 violation of the terms of the permit.

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62 e. Violation of the terms of a burning permit is an offense  
63 punishable under section 1.16.010. The city may also invoke civil  
64 penalties and remedies under section 1.16.020.

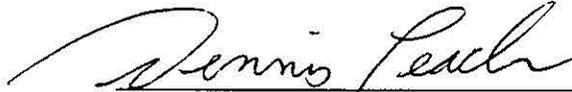
65  
66 Section 2. Homer City Code Section 5.20.030 is hereby amended to read as  
67 follows:

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69 5.20.030 Trash burning -- Approved container. No person shall  
70 burn trash without a permit, except in a All burning, except by  
71 permit, shall be done in a screen-covered container; or other  
72 approved trash burner approved by the Fire Chief.

73  
74 Section 3. This ordinance is of a permanent and general character and shall be  
75 included in the City code.

76  
77 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA.  
78 this 23<sup>rd</sup> day of March, 1998.  
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CITY OF HOMER

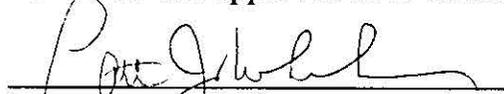
  
Jack Cushing, Mayor *Mayor Pro Tem*

ATTEST:

  
Mary L. Calhoun, City Clerk

AYES: 6  
NOES: - 0 -  
ABSTAIN: - 0 -  
ABSENT: - 0 -

First Reading: 3-9-98  
Public Hearing: 3-23-98  
Second Reading: 3-23-98  
Effective Date: 3-24-98

Reviewed and approved as to form:  
  
Patti Whalin  
City Manager

  
Gordon J Tans  
City Attorney

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