

Requested by Councilmember Eric Ringer

CITY OF HOMER
HOMER, ALASKA

ORDINANCE 89-4

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AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF HOMER AMENDING THE HOMER MUNICIPAL CODE, TITLE 5, HEALTH & PUBLIC SAFETY, BY ADDING CHAPTER 5.06, NUCLEAR FREE HOMER.

WHEREAS, the people of Homer understand the nuclear arms race threatens the economic well-being, health, and safety of the citizens of this country; and

WHEREAS, the enormous nuclear weapons budget has seriously weakened the American economy by diverting capital and human skills from commercial production; and

WHEREAS, the people of Homer desired that strenuous efforts be made to halt the nuclear arms race; and

WHEREAS, the allocation of resources to nuclear weapons production diverts public tax dollars from roads, sewage treatment, clean water, schools, health care, housing and other needs; and

WHEREAS, the presence of nuclear waste dumps and storage of weapons would make Homer less attractive to prospective new businesses, home buyers, and visitors and would exert a downward pressure on real property values; and

WHEREAS, no nuclear weapons are currently being built or stored in Homer, the prohibition of nuclear weapons will have no negative impact on employment; and

WHEREAS, the citizens of Homer seek an end to nuclear proliferation and reorientation of public and private resources toward peaceful development;

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

SECTION 1. Chapter 5.06 Nuclear Free Homer is hereby enacted to read as follows:

Chapter 5.06

NUCLEAR FREE HOMER

Sections:

- 5.06.010 Purpose
- 5.06.020 Definitions
- 5.06.030 Prohibitions
- 5.06.040 Enforcement
- 5.06.050 Exclusions
- 5.06.060 "Nuclear Free Zone" Sign
- 5.06.070 Severability

5.06.010 Purpose. The purpose of this ordinance is to establish the City of Homer as a Nuclear Free Zone in which work on or storage of nuclear weapons, nuclear components, and the storage or dumping of radioactive material within the City are prohibited.

5.06.020 Definitions. For this purposes of this Chapter, the following definitions shall have the meanings set forth below:

a. "Person" is any private individual, corporation, institution, or other entity.

b. "Nuclear weapon" is 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 the device, provided that such means is destroyed or rendered useless in the normal guiding, transporting, propelling, or triggering of the device.

c. "Component of a nuclear weapon" is any device, radioactive or non-radioactive, specially designed or modified for exclusive use as part of a nuclear weapon.

d. "Direct activities of the federal government" shall mean actions of the federal government or of its agencies, but shall exclude actions of independent contractors.

e. "Radioactive material" is 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 5.06.050.

f. "High level nuclear material" shall be defined as any highly radioactive material used in nuclear weapons, weapons research or in the generation of electrical nuclear power.

5.06.030 Prohibitions. a. Prohibition of Nuclear Weapons Work. No person shall, within the City of Homer, knowingly design, produce, deploy, launch, maintain or store nuclear weapons or the components of nuclear weapons. This prohibition shall take effect immediately after the adoption of this ordinance.

b. Prohibition of Commencement of Nuclear Weapons Work. No person who is not, as of the effective date of this ordinance, engaged in the design, production, deployment, launching, maintenance or storage of nuclear weapons or the components of nuclear weapons, shall within the City of Homer, commence any such activities after the effective date of this ordinance; nor shall the City of Homer issue any permit to conduct such activity.

c. Prohibition of storage or dumping of radioactive material. No person shall establish, construct, or operate any radioactive material disposal site within the City of Homer. Nor shall any person store or dump any radioactive material within the City of Homer except as specifically exempted in 5.06.050.

5.06.040 Enforcement. Each violation of this ordinance shall be punishable by up to 30 days imprisonment and a \$500 fine. Each day of violation shall be deemed a separate violation.

5.06.050 Exclusions. Nothing in this ordinance shall be construed to prohibit:

a. Research in and application of nuclear medicine, and other pure research;

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 preempted by existing law;

g. Storage of radioactive materials for activities excluded under this section.

h. Irradiation for purposes of food preservation.

5.06.060 "Nuclear Free Zone" Sign. The City shall post and maintain appropriate signs at all recognized entrances to the City and to the City Hall building proclaiming the City of Homer's status as a Nuclear Free Zone. Signs shall be clearly visible and lettering shall be at least equal in size to that on the nearest State marker sign.

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5.06.070 Severability. If any section, sub-section, paragraph, sentence or word of this ordinance shall be held to be invalid, either on its face or as applied, the invalidity of such provision shall not affect the other sections, sub-sections, paragraphs, sentences or words of this ordinance, and the applications thereof, and to that end the sections, sub-sections, paragraphs, sentences or words of this ordinance shall be deemed severable.

SECTION 2. This ordinance shall take effect immediately upon its adoption.

CITY OF HOMER

John P. Calhoun, Mayor

ATTEST:

Patti J. Whalin, City Clerk

First Reading:

Public Hearing:

Second Reading &
date of adoption:

Effective Date:

Reviewed and approved as to form and content:

Phil C. Shealy, City Manager

Attorney for City of Homer

DATE: _____

DATE: _____