

CITY OF HOMER, ALASKA
ORDINANCE NO. 90-1

AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF HOMER, ALASKA,
AMENDING SECTION 1.16.010 OF THE CITY CODE TO PROVIDE
FOR A MAXIMUM GENERAL PENALTY OF \$300 FOR VIOLATION
OF THE CODE AND ADDING SECTION 1.16.020
AUTHORIZING CIVIL ACTIONS FOR VIOLATION OF THE CODE

WHEREAS, the City of Homer desires to reduce the maximum offense for criminal violations of the Homer City Code to \$300, and

WHEREAS, Alaska Statute § 29.25.070(b) already authorizes the City to institute civil actions for violation of ordinances, and

WHEREAS, the City wishes to clarify its authority to institute such civil actions by amending the Homer City Code;

NOW THEREFORE, BE IT ORDAINED by the City of Homer, Alaska:

Section 1. Section 1.16.010 of the Homer City Code is hereby amended to read as follows:

Every act and violation of this Code is declared unlawful. Unless another penalty is expressly provided by this Code for any particular provision or section, every person convicted of a violation of any provision of this Code or any rule or regulation adopted or issued in pursuance thereof shall be punished by a fine of not more than ~~one thousand dollars~~ three hundred dollars.
Every act of violation and every day upon which such violation shall occur shall constitute a separate offense.

Section 2. Section 1.16.020 of the Code captioned Civil Remedies is hereby created to read as follows:

The City may institute a civil action against a person who violates any provision of this Code or any rule or regulation adopted or issued in pursuance thereof. In addition to injunctive and compensatory relief, a civil penalty not to exceed one thousand dollars may be imposed for each violation. An action

to enjoin a violation may be brought notwithstanding the availability of any other remedy. On application for injunctive relief and a finding of a violation or threatened violation, the Superior Court shall grant the injunction. Each day that a violation continues constitutes a separate violation.

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER,
ALASKA, this 22nd day of January, 1990.

THE CITY OF HOMER, ALASKA

John P. Calhoun
JOHN P. CALHOUN, MAYOR

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Patti J. Whalin
Patti J. Whalin, CMC
City Clerk

(City Seal)

First Reading: 11/21/89
Public Hearing: 1/8/90
Second Reading: 1/22/90
Effective Date: 1/23/90

Reviewed and approved as to form and content:

Phil Shealy
Phil C. Shealy, City Manager
Date: 1/23/90

Gordon J Tans, Perkins Coie
Date: _____