

CITY OF HOMER, ALASKA
ORDINANCE 90-7

AN ORDINANCE OF THE CITY OF HOMER AMENDING SECTION 10.16.250 OF THE HOMER CITY CODE TO ESTABLISH NEW REGULATIONS AND FEES FOR THE USE OF THE HOMER FISH DOCK, REQUIRING A LICENSE FOR ITS USE, AND ESTABLISHING A METHOD OF SETTING THE LICENSE FEE.

WHEREAS, the City of Homer owns and operates the Homer Fish Dock on which are located several fish buying sheds and cranes intended primarily for use by fishermen and the fishing industry, and

WHEREAS, it is desirable to promote orderly use of the Fish Dock by designating one or more of the cranes as open to general public use and designating other cranes for the preferential use of commercial fish buyers who pay the City substantial consideration for a license to use fish buying sheds and cranes located on the Fish Dock, and

WHEREAS, by licensing Fish Dock users, the City can improve its control and regulation of the use of the Fish Dock and can also generate substantial revenues for the City, and

WHEREAS, commercial entities are the primary users of the Fish Dock, imposing on the City the greatest share of the overhead and capital replacement costs of the Fish Dock and also imposing upon the City the greatest risks of harm or liability, and it is therefore appropriate to require commercial users to pay higher license fees than private users,

NOW, THEREFORE, the City of Homer hereby ordains:

Section 1.: Section 10.16.250 of the Homer City Code is hereby amended to read as follows:

a. The Fish Dock is to be used primarily for the loading and unloading of fish, fish products and fishing gear. Any other use must be approved in advance by the Harbormaster. Fee will be the same as for use of the Main Dock (See Section 10.18.080).

b. Every person using a crane on the City Fish Dock shall first obtain a license from the City. A private user shall obtain a private license, which shall be the annual access card, and shall pay the annual access card fee set forth in Section 10.14.010. A private license shall entitle only the owner, if an individual, and the master and crew of a vessel to load and unload the vessel at the Fish Dock. All retail food service establishments (as defined in the Standard Industrial Classification Code #5800, #5812 and #5813) may purchase an annual food service license. The annual fee for a food service license shall be \$50. The purchase of an annual access card

would also be required. All other users shall be deemed commercial users and shall obtain an annual commercial license or, in lieu thereof, enter into a fish buying shed license agreement with the City. The terms and fee, or method for establishing the fee, for a fish buying shed license agreement shall be established by resolution of the City Council. The annual fee for a commercial license shall be established by resolution of the City Council, but shall not be less than \$1000 or one cent (\$.01) per pound for other than under utilized species. If the licensee chooses to unload fish at one cent (\$.01) per pound, he shall be required to deposit \$500 cash and all fish tickets will be shown to the Harbormaster to verify the poundage of fish taken over the dock. In addition to the annual license fee, all users of the Homer Fish Dock shall pay the user fees set forth in Section 10.14.010 except that the holder of a fish buying shed license agreement shall be exempt from the annual card access fee.

c. The Harbormaster shall designate one or more cranes on the Fish Dock open to public use (both private and commercial users) on a first come first served basis. All private and commercial licenses and food services subject to a two hour maximum time limit during times when other private, commercial, food service, fish shed licensees are waiting to use the crane. This time shall be the time that the licensee actually occupies the crane berthing space or other has possession on the public use crane. Every other crane at the Fish Dock and the crane on the Main Dock may be designated by the Harbormaster for preferential use by the holder of a fish buying shed license agreement. Preferential use of a crane shall entitle the holder to the exclusive right to use of the crane for loading and unloading fish and fish products during fish buying periods and to priority use of crane for all other uses; provided, however, that a preferential user shall not be entitled to use of the crane until an actual and legal use of the crane by a non-preferential user ends. The Harbormaster shall promulgate such additional rules as may be necessary to implement this section.

d. For an approved user blocking access to cranes other than those in use, a fee of one hundred dollars per hour will be assessed for each crane blocked if another vessel is thereby forced to wait.

e. Failure to obtain prior approval for a use other than loading and unloading fish, fish products or fishing gear will result in the imposition of a surcharge of thirty dollars per hour in addition to the regular fee.

f. No person shall use the Fish Dock in violation of this section.

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA,
this 27th day of March, 1990.

THE CITY OF HOMER

John P. Calhoun
JOHN P. CALHOUN, MAYOR

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

ATTEST: HO

Mary Shannon
Mary Shannon, Acting City Clerk

First Reading: 2/26/90
Public Hearing: 3/12/90
Second Reading: 3/27/90
Effective Date: 3/28/90

Reviewed and approved as to form and content:

Patti J. Whalin
Patti Whalin, Interim City Manager
Date: 4/4/90

Gordon J Tans, Perkins Coie
Date: _____