

CITY OF HOMER  
HOMER, ALASKA

ORDINANCE 94 - 03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOMER,  
ALASKA, CREATING HOMER CITY CODE, CHAPTER 5.26,  
REGULATING NOISE AND SOUND

WHEREAS, the making and creation of excessive, unnecessary or unusually loud noises within the limits of the City of Homer is a condition which has existed for some time and the extent and volume of such noises is increasing; and,

WHEREAS, the making, creation or maintenance of such excessive unnecessary, unnatural or unusually loud noises which are prolonged, unusual and unnatural in their time, place and use affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the City of Homer; and,

WHEREAS, the necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted, is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the City of Homer and its inhabitants.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Chapter 5.26 Regulating Noise and Sound of the Homer City Code is hereby created to read as follows:

5.26.010 Purpose. The purpose of this chapter is to regulate noise and sound to protect, secure and promote the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the City of Homer and its inhabitants.

5.26.020 Noise disturbance. It shall be unlawful for any person to make, continue, or cause to be made or continued any excessive, unnecessary or unusually loud noise or any noise which:

1. Endangers or injures the safety or health of humans or animals; or,
2. Annoys or disturbs a reasonable person of normal sensitivities from the hours of 10 p.m. to 6 a.m.; or,
3. Endangers or injures personal or real property.

**ATTACHMENTS**

1. Proposed Ordinance 94-03
2. Letter from City Attorney Tans, to Eileen Bechtol, dated 11/23/93
3. Letter from Michael McHone, to City Manager et al
4. HAPC meeting minutes, dated 1/5/94 and 2/2/94

5.26.030 Lead Department. This chapter shall be administered and enforced by the Department of Public Safety, Police Division.

5.26.040 Violation and Enforcement. a. Every violation of any section of this chapter shall be unlawful and shall be punishable under Section 1.16.010, except the fines shall be limited as follows:

First Violation	\$ 50.00
Second Violation	\$100.00
Third Violation	\$200.00
Subsequent violations	\$300.00

b. The City may enforce this chapter by civil action pursuant to Section 1.16.020. In addition any person may seek and obtain injunctive relief under Section 1.16.020.

Section 2. This ordinance is of a permanent and general character and shall be included in the City Code.

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA,  
this                      day of    , 1994.

CITY OF HOMER

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HARRY E. GREGOIRE, MAYOR

ATTEST:

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MARY L. CALHOUN, CITY CLERK

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

First Reading:  
Public Hearing:  
Second Reading:  
Effective Date:

Reviewed and approved as to form and content:

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PATTI J. WHALIN  
INTERIM CITY MANAGER

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GORDON J. TANS  
CITY ATTORNEY