

**CITY OF HOMER
HOMER, ALASKA**

ORDINANCE 94-8(5)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOMER AMENDING THE CITY CODE BY ADDING CHAPTER 18.40, REGULATING THE MANAGEMENT AND USE OF THE HOMER AIRPORT TERMINAL.

WHEREAS, the City of Homer has completed construction of the Homer Airport Terminal building and parking area; and

WHEREAS, an ordinance needs to be established to set guidelines and regulations for Homer Airport Terminal and parking area management; and

WHEREAS, the airport terminal and parking regulations should be created to reflect the authority to create airport terminal and parking fees; and

WHEREAS, Resolution 93-107 was adopted by Homer City Council on 12-13-93 establishing parking fees for a period of six months or until the adoption of an Ordinance.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Title 18 is hereby amended by adding Chapter 18.40, entitled Airport Terminal, to read as follows:

18.40.010 Scope; Airport Terminal Regulations.

a. This chapter shall apply to the use and operation of the Homer Airport Terminal.

b. The airport terminal manager shall have the power to adopt additional airport terminal regulations with reference to safety, accommodation, user fees, and service to the public, as may be necessary for efficient terminal operations, subject to approval by the City Council prior to becoming effective. The City Clerk shall make copies of such regulations available to the public and shall post such regulations in a public place in the airport terminal, but the failure to post such regulations will not affect their validity or enforceability.

18.40.020 Airport Terminal Management: Code Enforcement.

a. The airport terminal manager shall be the City Manager or his designee.

b. The City Manager may, with the approval of the Council, Contract with an independent contractor to provide services as the airport terminal manager. In that case, subparagraph 18.40.020 (a) shall not apply, and the City Manager shall designate in writing an employee of the independent contractor as airport terminal manager. The City Manager may also designate additional employees of the independent contractor as peace officers as provided in subparagraph 18.40.020 (c).

c. Compliance with this chapter and airport terminal regulations, including parking regulations, may be enforced by any police officer, the airport terminal manager, and any additional persons authorized to do so in writing by the City Manager. The airport terminal manager and such additional persons are hereby designated as peace officers with the authority to enforce this chapter and airport terminal regulations in the manner provided in AS 12.25.180-.230.

d. All City Code provisions related to vehicles and traffic apply to the airport and may be enforced on airport terminal property by any police officer, the airport terminal manager and peace officers designated in accordance with this section.

18.40.030 Regulation Compliance. All persons on any part of the property comprising the airport terminal shall comply with airport terminal regulations and lawful orders and instruction appertaining thereto issued by the airport terminal manager or his designee.

18.40.040 Noncompliance: Removal. The airport terminal manager, police officers and any peace officer with authority to enforce this chapter may remove or eject from the airport terminal property any person who knowingly and willfully violates any provision of this chapter, or any person committing a criminal offense on the airport terminal property; and they may deny use of the airport terminal to any such person if they determine that such denial is necessary for the protection of person, property, or public health, safety or welfare under the circumstances.

18.40.050 Restraint of Incapacitated Persons. In the event that any person shall show intent to board or operate an aircraft while physically incapacitated or mentally irresponsible by virtue of intoxication or the effects of drugs, or if any person shall attempt to board or operate an aircraft illegally, the airport terminal manager or any peace officer with authority to enforce this chapter may restrain in any reasonable manner such person from performing such activities.

18.40.060 Violation -- Penalty. Any violation of this chapter or airport

terminal regulations adopted pursuant to this chapter shall be unlawful and is punishable as provided in § 1.16.010 of the City Code.

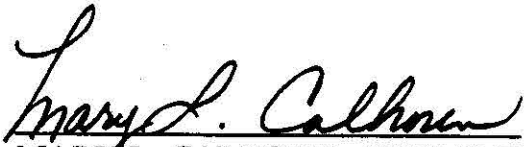
Section 2. This ordinance is of a permanent and general character and shall be included in the City code.

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA,
this 12th day of July, 1994.

CITY OF HOMER


HARRY E. GREGOIRE, MAYOR

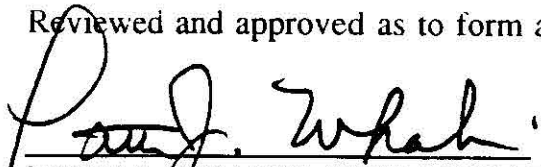
ATTEST:


MARY L. CALHOUN, CITY CLERK

AYES: 4
NOES: 0
ABSTAIN: 0
ABSENT: 2

First Reading: 06-13-94
Public Hearing: 06-27-94
Second Reading: 07-11-94
Effective Date: 07-12-94

Reviewed and approved as to form and content:


PATTI J. WHALIN, CITY MANAGER

GORDON J. TANS, CITY ATTORNEY