

CITY OF HOMER
HOMER, ALASKA

City Attorney

ORDINANCE 98-2(A)(S)(A)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
HOMER, ALASKA, AMENDING HOMER CITY CODE SECTION
19.12.050 EXCEPTIONS REGARDING EXCAVATION OF
HOMER SPIT BEACH.

THE CITY OF HOMER ORDAINS:

Section 1. That Homer City Code section 19.12.050, Exceptions, be amended to read as follows:

19.12.050 Exceptions. a. No permit shall be required for excavation necessary for the installation of sewage lines, water lines, underground power lines, wells, oil and fuel tanks and related lines and aboveground power lines from any location other than a berm area, provided such excavated material is not removed from site of construction, nor shall a permit be required for clearing or maintaining any public road.

b. This chapter shall not apply to the removal or excavation of gravel, gravel fill or other fill material from any beach or from any portion of the Homer Spit by the City of Homer.

Section 2. Homer City Code Section 19.12.040, guidelines, shall be amended to read as follows:

19.12.040 Guidelines. Any applicant for a permit shall comply with the following:

a. Permits shall be issued pursuant to guidelines formulated by the State Division of Lands and the U.S. Corps of Engineers, as referred to by the above-mentioned Materials Plat. Such guidelines may be altered from time to time by the Division of Lands and the Corps of Engineers as additional data is received by these agencies.

b. No permits shall be issued for excavation or removal of gravel or fill materials from area "A" as designated on the above-mentioned plat prior to review and approval of the permit application by the Corps of Engineers and the Division of Lands.

c. Permits may be issued by the City for such excavation or removal from areas "B" and "C" as designated on the plat, without review and approval of the permit application by the Corps of Engineers or the Division of Lands.

d. No permit will be issued by the City for such excavation or removal of gravel, gravel fill or other fill materials from any area other than areas "A", "B" and "C" as designated on the materials plat.

e. All permit application required under this chapter shall be accompanied by a site plan showing the precise location and dimensions of the proposed excavation or removal in reasonably sufficient detail, including depth, and stating the amount of material to be excavated or removed.

5 f. All applications required under this chapter shall be submitted to the City Clerk, together
6 with the request accompanying instruments, and a permit fee of five dollars.

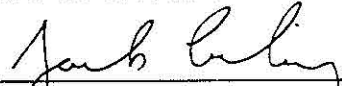
7 g. No permit shall be issued that will allow gravel, grave fill, or other fill materials to be
8 taken off the Homer Spit. Any such materials excavated or removed anywhere on the Homer Spit
9 shall be used only at another location on the Homer Spit.

10 **h. Gravel for transshipment: Non-native gravel or other earthen commodities may be**
11 **shipped to the Homer spit, stored on the Spit, and exported from the Spit. Gravel for**
12 **transshipment must be permitted by the City of Homer. The permit shall describe the terms**
13 **and timelines of the transshipment and the volumes of materials involved.**
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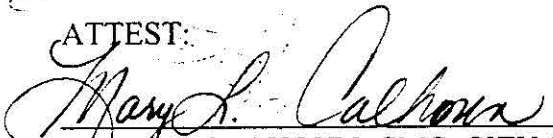
15 Section 3. This ordinance is of a permanent and general character and shall be included in
16 the City Code.

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18 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this 23rd
19 day of February, 1998.
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21 CITY OF HOMER

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24 JACK CUSHING, MAYOR

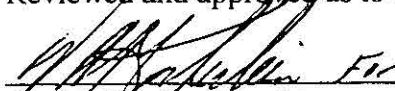
25 ATTEST:

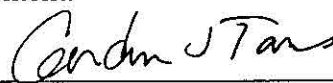
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27 MARY L. CALHOUN, CMC, CITY CLERK
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29 AYES: 4
30 NOES: 0
31 ABSENT: 2
32 ABSTAIN: 0
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49 First Reading: 01-26-98
50 Public Hearing: 02-09-98
51 Second Reading: 02-23-98
52 Effective date: 02-24-98
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54 Reviewed and approved as to form and content:

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56 Patti J. Whalin, City Manager
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58 
59 Gordon J. Tans, City Attorney

60 Date: 2-25-98

Date: 27 Feb 1998

Fiscal Note NA