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**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Port and Harbor Director

ORDINANCE 11-09

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 19.12.020, DEFINITIONS; AMENDING HOMER CITY CODE 19.12.040, REFERENCE TO MATERIALS PLAT—PERMITS; AND AMENDING HOMER CITY CODE 19.12.050, EXCEPTIONS; REGARDING THE USE AND DISPOSAL OF DREDGE MATERIAL FROM CITY PORT AND HARBOR FACILITIES.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 19.12.020, Definitions, is amended to read as follows:

19.12.020 Definitions. The following words, when used in this chapter, shall have the meanings respectively ascribed to them in this section:

a. "Beach area" means the zone of sand, gravel and other unconsolidated materials that extends landward from the low water line to the place where there is a marked change in material or physiographic form.

b. "Berm" means a natural, linear mound or series of mounds of sand or gravel, or both generally paralleling the water at or landward of the line of ordinary high tide.

c. "Dredge material" means earth, sand or gravel that is removed from below the low water line in City port and harbor facilities.

d. "Excavation" means the digging out and removal of gravel or other fill materials whereby any existing surface grade is altered or disturbed.

e. "Removal" means the movement, by lifting, pushing aside or taking away or off of any gravel or other fill materials from any area subject to the provisions of this chapter.

f. "Storm berm" means a berm formed by the upper reach of storm wave surges or the highest tides. Storm berms generally include an accumulation of seaweed, driftwood, and other water-borne materials. A beach may have more than one storm berm.

Section 2. Homer City Code 19.12.030, Reference to materials plat--Permits, is amended to read as follows:

19.12.030 Reference to materials plat—Permits. The removal or excavation of gravel, gravel fill or other fill material from any beach or from any portion of the Homer Spit shall be regulated by the City. Reference shall be made in all cases to the Materials Plat prepared jointly by the State Division of Lands and the U. S. Corps of Engineers, which is available and may be examined during business hours at the Homer City Hall. Except as provided in §19.12.050, a permit shall be required in the following instances:

a. Whenever gravel, gravel fill or other fill material is removed from Homer Spit or from beaches elsewhere within the corporate limits, of the City;

46 b. Whenever such materials are removed or excavated from any naturally created
47 berm area, or from any berm area created for the protection of the land areas.
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49 Section 3. Homer City Code 19.12.050, Exceptions, is amended to read as follows:
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51 19.12.050 Exceptions. a. No permit shall be required for excavation necessary for the
52 installation of sewage lines, water lines, underground power lines, armor rock or piling, wells, oil
53 and fuel tanks and related lines and aboveground power lines from any location other than a
54 berm area, provided such excavated material is not removed from site of construction, nor shall a
55 permit be required for clearing or maintaining any public road.

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

58 c. This chapter shall not apply to dredge material placed or stored on the Homer Spit
59 by the City of Homer. The City may provide for the use and disposal of such dredge material in
60 the following order of priority, with all proceeds from sales of dredge material being deposited in
61 the Port/Harbor Enterprise Fund:

- 62 1. Replacement of material removed from City beaches by storms or erosion.
- 63 2. Fill to improve City port and harbor facilities on the Homer Spit.
- 64 3. Sale for use as fill on privately owned or leased property on the Homer
65 Spit.
- 66 4. Emergency repairs of erosion.
- 67 5. Sale for use as fill material at locations off the Homer Spit.

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69 Section 4. This Ordinance is of a permanent and general character and shall be included
70 in the City Code.
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72 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 14th day of March,
73 2011.
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CITY OF HOMER



JAMES C. HORNADAY, MAYOR

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81 ATTEST:



JO JOHNSON, CMC, CITY CLERK

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YES: 6
NO: 0
ABSTAIN: 0
ABSENT: 0

First Reading: 2/28/11
Public Hearing: 3/14/11
Second Reading: 3/14/11
Effective Date: 3/15/11

Reviewed and approved as to form:

Walt E. Wrede
Walt E. Wrede, City Manager

Date: 3/18/11

Thomas F. Klinkner
Thomas F. Klinkner, City Attorney

Date: 3-22-11