

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

ORDINANCE 18-11

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE SECTIONS 1.16.040, 7.04.030, 10.04.110, 19.08.120, 19.20.070, 20.08.010, AND 20.32.020, ADDING NEW HOMER CITY CODE SECTIONS 5.08.030, 5.20.060, 8.12.800, 14.04.130, 19.02.100, AND RE-ENACTING HOMER CITY CODE SECTIONS 5.24.060, 5.38.060, 8.08.150, 8.11.080, 13.08.170, 14.08.170, 18.20.090, 19.04.100, 19.08.120, 19.12.100 TO CONFORM HOMER CITY CODE TO STATE LAW AND TO CLARIFY THAT CERTAIN CODE VIOLATIONS MAY BE DISPOSED OF WITHOUT A COURT APPEARANCE UPON PAYMENT OF THE FINE LISTED IN A HOMER CITY CODE FINE SCHEDULE, AND ALL OTHER VIOLATIONS REQUIRE A COURT APPEARANCE AND ARE SUBJECT TO THE GENERAL PENALTY UNLESS ANOTHER PENALTY IS SPECIFICALLY PROVIDED.

WHEREAS, Certain Homer City Code violations may be disposed of without a court appearance upon payment of the fine listed in a Homer City Code fine schedule setting out the fine amount for that violation; and

WHEREAS, All other Homer City Code violations are subject to the general penalty in Homer City Code 1.16.010, unless another penalty is specifically provided for in the Homer City Code section establishing the violation; and

WHEREAS, Ensuring consistency with state law increases enforcement efficiency and makes a better informed public; and

WHEREAS, It is appropriate and in the best interest of the City of Homer to make the following amendments to the Homer City Code sections listed below that address violations.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Section 1.16.040, Disposition of scheduled offenses – Fine schedule, is amended to read as follows:

Citations for offenses listed in this section may be disposed of as provided in AS 12.25.195 through 12.25.230, without a court appearance, upon payment of the fine amounts listed below, plus the state surcharge required by AS 12.55.039 and 29.25.074. Fines must be paid to the court. The Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all offenses listed below. Citations charging these offenses must meet the

43 requirements of Minor Offense Rule 3. If a person charged with one of these offenses appears
 44 in court and is found guilty, the penalty imposed for the offense may not exceed the
 45 scheduled fine amount plus any surcharge required to be imposed by
 46 AS 12.55.039 and 29.25.074. If an offense is not listed on a fine schedule, the defendant must
 47 appear in court to answer the charges.
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CODE SECTION	DESCRIPTION OF OFFENSE	FINE
HCC 5.08.020	Transporting unsecured load of garbage, trash or other materials in vehicle	\$300.00
HCC 5.20.020	Open burning, permit required	\$300.00
HCC 5.20.030	Trash burning – Approved container required	\$300.00
HCC 5.20.050	Handling or storing explosives	\$300.00
HCC 5.24.030	Fireworks – Sale prohibited	\$300.00
HCC 5.24.040	Fireworks – Use prohibited	\$300.00
HCC 5.38.010	Feeding or baiting certain birds (first offense)	\$50.00
HCC 5.38.010	Feeding or baiting certain birds (second and subsequent offenses)	\$200.00
HCC 8.08.020	Itinerant or transient merchant – License required	\$300.00
HCC 8.08.080	Itinerant or transient merchant – Exhibition of license	\$300.00
HCC 8.08.100	Itinerant or transient merchant – Use of streets and other public places	\$300.00
HCC 8.11.030	Mobile food service – License required	\$300.00
HCC 8.11.070(b)	Mobile food service – Operation near similar business at fixed location	\$300.00
HCC 8.11.070(c)	Mobile food service – Operation in City park or campground	\$300.00
HCC 8.11.070(d)	Mobile food service – Operation in congested area on Homer Spit	\$300.00
HCC 8.12.120	Public transportation vehicle – Permit required	\$300.00
HCC 8.12.200	Chauffeurs license – Required	\$300.00
HCC 8.12.250	Public transportation vehicle – Prohibited operation	\$300.00
HCC 8.12.400	Public transportation vehicle – Display of rates/fares	\$300.00
HCC 10.04.085(b)	Failure to pay fee for use of load and launch ramp (first	\$100.00

CODE SECTION	DESCRIPTION OF OFFENSE	FINE
	offense)	
HCC 10.04.085(b)	Failure to pay fee for use of load and launch ramp (second offense)	\$200.00
HCC 10.04.085(b)	Failure to pay fee for use of load and launch ramp (third and subsequent offenses)	\$300.00
HCC 13.08.010	Work in City right-of-way or connecting to City utility – Permit required	\$300.00
HCC 13.08.130	Restore City right-of-way to original condition	\$300.00
HCC 13.08.140	Repair of damage to City utilities	\$300.00
HCC 14.04.050	Sewer extension or connection – Permit required	\$300.00
HCC 14.04.070	Destruction of private sewage disposal system after connection to City sewer system	\$300.00
HCC 14.04.090	Discharge of surface drainage into City sewer	\$300.00
HCC 14.08.030	Water extension or connection – Permit required	\$300.00
HCC 14.08.040	Connection to private water system – Permit required	\$300.00
HCC 14.08.105	Resale of City water – Permit required	\$300.00
HCC 18.20.015	Storing, parking or leaving abandoned or junk vehicle	\$300.00
HCC 18.20.025	Failure to remove abandoned or junk vehicle	\$300.00
HCC 19.02.020	Large special event – Permit required	\$300.00
HCC 19.04.040	Burial of human remains outside approved cemetery	\$300.00
HCC 19.04.090(a)	Monument or other memorial protruding above ground level in City cemetery	\$300.00
HCC 19.04.090(b)	Placement, alteration or removal of monument, memorial or plant without City consent	\$300.00
HCC 19.08.030(a)	Camping on City property where prohibited	\$300.00
HCC 19.08.030(b)	Camping outside designated areas	\$300.00
HCC 19.08.030(d)	Camping in closed campground	\$300.00
HCC 19.08.050	Camping in City campground – Permit required	\$300.00
HCC 19.08.060	Camping in City campground for more than 14 days	\$300.00
HCC 19.08.070(a)	Disposal of human waste on City property	\$300.00

CODE SECTION	DESCRIPTION OF OFFENSE	FINE
HCC 19.08.070(c)	Erect, occupy, utilize structure on City property	\$300.00
HCC 19.08.070(d)	Park, leave, maintain, utilize vehicle, camper unit, or camp where prohibited	\$300.00
HCC 19.08.070(e)	Deface, destroy, alter or remove City property	\$300.00
HCC 19.08.070(f)	Dog at large in City campground	\$300.00
HCC 19.08.070(g)	Campsite in City campground left in disorderly or unsightly condition	\$300.00
HCC 19.08.080	Improper storage of garbage, refuse, other waste in City campground	\$300.00
HCC 19.12.080	Excavation or removal of gravel or fill – Permit required	\$300.00
HCC 19.12.090	Tampering with, burning or removing driftwood from storm berm	\$300.00
HCC 19.20.020	General rules	\$300.00
HCC 19.20.030	Park closure	\$150.00

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Section 2. Chapter 5.08, Garbage and Solid Waste Disposal, is amended by adding a new section 5.08.030 to read as follows:

5.08.030 Violation – Penalty. The penalty for an offense in this chapter is the fine listed in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in HCC 1.16.040, then the defendant must appear in court and, if convicted, is subject to the general penalty as provided in HCC 1.16.010 unless another penalty is specifically provided.

Section 3. Chapter 5.20, Fire Prevention, is amended by adding a new section 5.20.060 to read as follows:

5.20.060 Violation – Penalty. The penalty for an offense in this chapter is the fine listed in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in HCC 1.16.040, then the defendant must appear in court and, if convicted, is subject to the general penalty as provided in HCC 1.16.010 unless another penalty is specifically provided.

Section 4. Section 5.24.060, Violation – Penalty, previously repealed by Ord. 17-03, is re-enacted to read as follows:

5.24.060 Violation – Penalty. The penalty for an offense in this chapter is the fine listed in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in HCC 1.16.040, then

71 the defendant must appear in court and, if convicted, is subject to the general penalty as
 72 provided in HCC 1.16.010 unless another penalty is specifically provided.

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 74 Section 5. Section 5.38.060, Violations and penalties, previously repealed by Ord. 13-
 75 17(S), is re-enacted to read as follows:

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 77 5.38.060 Violations and penalties. The penalty for an offense in this chapter is the fine
 78 listed in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in HCC 1.16.040,
 79 then the defendant must appear in court and, if convicted, is subject to the general penalty as
 80 provided in HCC 1.16.010 unless another penalty is specifically provided.

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 82 Section 6. Subsection (b) of Section 7.04.030, Traffic fine schedules, is amended to
 83 read as follows:

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Code Section	Code Section Title	Fine per Day
HCC 7.06.010(b)	Muffler not working properly	Corr/\$500.00
HCC 7.06.010(c)	Muffler modified/excessive noise	Corr/\$500.00
HCC 7.06.010(d)	Muffler removed or inoperative	Corr/\$500.00
HCC 7.06.010(e)(1) or (e)(2)	Noise exceeds limits	First violation \$100.00; Second violation within 6 months of first conviction \$200.00; Third violation within 6 months of any prior conviction \$300.00
HCC 7.06.010(e)(3)	Sale of vehicle exceeding noise limits	First violation \$100.00; Second violation within 6 months of first conviction \$200.00; Third violation within 6 months of any prior conviction \$300.00
HCC 7.06.020	Improperly muffled engine brake use prohibited	First violation \$100.00; Second violation within 6 months of first conviction \$200.00 plus proof of satisfactory Homer PD commercial vehicle inspection; Third violation within 6

Code Section	Code Section Title	Fine per Day
		months of any prior conviction \$300.00 plus proof of satisfactory Homer PD commercial vehicle inspection
<u>HCC 7.10.020</u>	Limited time parking – Parking permits	\$25.00
<u>HCC 7.10.030</u>	Parking in City parking lots	\$25.00
<u>HCC 7.10.040</u>	Vehicle length limitation	\$25.00
<u>HCC 7.10.090</u>	Removal of impoundment notice or impounded vehicle prohibited	\$300.00
<u>HCC 7.15.010</u>	Transporting animal	\$75.00
<u>HCC 7.15.020</u>	Animal interfering with vehicle operation	\$75.00
<u>HCC 7.16.020</u>	<u>Motor vehicle in beach area (first offense)</u>	<u>\$25.00</u>
<u>HCC 7.16.020</u>	<u>Motor vehicle in beach area (second offense)</u>	<u>\$250.00</u>
<u>HCC 7.16.020</u>	<u>Motor vehicle in beach area (third and subsequent offenses)</u>	<u>\$500.00</u>
<u>HCC 7.16.030</u>	<u>Motor vehicle on storm berm (first offense)</u>	<u>\$25.00</u>
<u>HCC 7.16.030</u>	<u>Motor vehicle on storm berm (second offense)</u>	<u>\$250.00</u>
<u>HCC 7.16.030</u>	<u>Motor vehicle on storm berm (third and subsequent offenses)</u>	<u>\$500.00</u>
<u>HCC 7.20.030</u>	Use of snowmachines	\$300.00
<u>HCC 7.20.040</u>	Time restriction	\$300.00
<u>HCC 7.20.050</u>	Driver's license requirement	\$300.00
<u>HCC 7.20.055</u>	Operation in designated areas	\$300.00
<u>HCC 7.20.060</u>	Towing	\$300.00
<u>HCC 7.28.020</u>	Motor vehicle parking	\$30.00
<u>HCC 7.28.030</u>	Short-term parking area	\$30.00
<u>HCC 7.28.040</u>	Limited long-term parking area	\$30.00
<u>HCC 7.28.050</u>	Reserved parking	\$30.00

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A citation for an offense listed as “Corr” must be dismissed if proof of correction is presented to a Homer Police Department vehicle inspector within 30 days.

Section 7. Section 8.08.150, Violation – Penalty, previously repealed by Ord. 17-03, is re-enacted to read as follows:

8.08.150 Violation – Penalty. The penalty for an offense in this chapter is the fine listed in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in HCC 1.16.040, then the defendant must appear in court and, if convicted, is subject to the general penalty as provided in HCC 1.16.010 unless another penalty is specifically provided.

Section 8. Section 8.11.080, Violation – Penalty, previously repealed by Ord. 17-03, is re-enacted to read as follows:

8.11.080 Violation – Penalty. The penalty for an offense in this chapter is the fine listed in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in HCC 1.16.040, then the defendant must appear in court and, if convicted, is subject to the general penalty as provided in HCC 1.16.010 unless another penalty is specifically provided.

Section 9. Chapter 8.12, Public Transportation, is amended by adding a new section 8.12.800 to read as follows:

8.12.800 Violation – Penalty. The penalty for an offense in this chapter is the fine listed in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in HCC 1.16.040, then the defendant must appear in court and, if convicted, is subject to the general penalty as provided in HCC 1.16.010 unless another penalty is specifically provided.

Section 10. Section 10.04.110, Violation – Penalty, is amended to read as follows:

Except as provided in HCC 1.16.040 and HCC 7.04.030, any violation of the provisions contained in this title or regulations adopted pursuant to this title shall be unlawful and punishable as provided in HCC 1.16.010.

Section 11. Section 13.08.170, Violation – Penalty, previously repealed by Ord. 17-03, is re-enacted to read as follows:

13.08.170 Violation – Penalty. The penalty for an offense in this chapter is the fine listed in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in HCC 1.16.040, then the defendant must appear in court and, if convicted, is subject to the general penalty as provided in HCC 1.16.010 unless another penalty is specifically provided.

127 Section 12. Chapter 14.04, Sewage – General Provisions, is amended by adding a new
128 section 14.04.130 to read as follows:

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130 14.04.170 Violation – Penalty. The penalty for an offense in this chapter is the fine
131 listed in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in HCC 1.16.040,
132 then the defendant must appear in court and, if convicted, is subject to the general penalty as
133 provided in HCC 1.16.010 unless another penalty is specifically provided.

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135 Section 13. Section 14.08.170, Violation – Penalty, previously repealed by Ord. 17-03, is
136 re-enacted to read as follows:

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138 14.08.170 Violation – Penalty. The penalty for an offense in this chapter is the fine
139 listed in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in HCC 1.16.040,
140 then the defendant must appear in court and, if convicted, is subject to the general penalty as
141 provided in HCC 1.16.010 unless another penalty is specifically provided.

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143 Section 14. Section 18.20.090, Penalty, previously repealed by Ord. 17-03, is re-
144 enacted to read as follows:

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146 18.20.090 Penalty. The penalty for an offense in this chapter is the fine listed in the fine
147 schedule in HCC 1.16.040. If no fine is listed for the offense in HCC 1.16.040, then the
148 defendant must appear in court and, if convicted, is subject to the general penalty as
149 provided in HCC 1.16.010 unless another penalty is specifically provided.

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151 Section 15. Chapter 19.02, Large Special Events, is amended by adding a new section
152 19.02.100 to read as follows:

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154 19.02.100 Violation – Penalty. The penalty for an offense in this chapter is the fine
155 listed in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in HCC 1.16.040,
156 then the defendant must appear in court and, if convicted, is subject to the general penalty as
157 provided in HCC 1.16.010 unless another penalty is specifically provided.

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159 Section 16. Section 19.04.100, Violation – Penalty, previously repealed by Ord. 17-03, is
160 re-enacted to read as follows:

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162 19.04.100 Violation – Penalty. The penalty for an offense in this chapter is the fine
163 listed in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in HCC 1.16.040,
164 then the defendant must appear in court and, if convicted, is subject to the general penalty as
165 provided in HCC 1.16.010 unless another penalty is specifically provided.

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167 Section 17. Section 19.08.120, Violation – Penalty, previously repealed by Ord. 17-03, is
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19.08.120 Violation – Penalty. The penalty for an offense in this chapter is the fine listed in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in HCC 1.16.040, then the defendant must appear in court and, if convicted, is subject to the general penalty as provided in HCC 1.16.010 unless another penalty is specifically provided.

Section 18. Section 19.12.100, Violation – Penalties, previously repealed by Ord. 17-03, is re-enacted to read as follows:

19.12.100 Violation – Penalties. The penalty for an offense in this chapter is the fine listed in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in HCC 1.16.040, then the defendant must appear in court and, if convicted, is subject to the general penalty as provided in HCC 1.16.010 unless another penalty is specifically provided.

Section 19. Section 19.20.070, Remedies and penalties, is amended to read as follows:

The penalty for an offense in this chapter is the fine listed in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in HCC 1.16.040, then the defendant must appear in court and, if convicted, is subject to the general penalty as provided in HCC 1.16.010 unless another penalty is specifically provided.

Section 20. Section 20.08.010, Animals at large, is amended to read as follows:

a. No person may cause or permit an animal to be at large in a public street or alley, or on other public property, or on private property without the property owner’s consent.

b. No person other than the Animal Control Officer or a peace officer performing duties under this title may release an animal from restraint without its owner’s consent, except to preserve the animal’s life. A person who releases an animal from restraint to preserve its life shall promptly report having done so to the animal’s owner or the Animal Control Officer.

c. The Animal Control Officer or a peace officer may capture or destroy by any means an animal at large that presents an immediate threat to public safety.

d. The owner of an animal that is at large may be cited for a violation of this section without the impoundment of the animal.

e. Except as provided in subsection (f) and (g) of this section, the penalty for a violation of subsection (a) or (b), with zero, one, or two prior convictions, is the fine listed in the fine schedule in HCC 20.32.020.

211 f. Except as provided in subsection (g) of this section, a violation of subsection (a) or
212 (b) of this section with three or more prior convictions shall be punishable by a fine of not less
213 than \$300.00 nor more than \$500.00, and the unsuspended portion of the fine shall not be
214 less than \$100.00.

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216 g. A violation of subsection (a) of this section where the animal is a large animal, as
217 defined in HCC 20.04.020, with one or more prior convictions shall be punishable by a fine of
218 not less than \$300.00 nor more than \$500.00, and the unsuspended portion of the fine shall
219 not be less than \$100.00.

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221 Section 21. Section 20.32.020, Fine schedule, is amended to read as follows:

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223 20.32.020 Fine schedule.

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225 Citations for offenses listed in this section may be disposed of as provided in
226 AS 12.25.195 through 12.25.230, without a court appearance, upon payment of the fine
227 amounts listed below plus the state surcharge required by AS 12.55.039 and 29.25.074. Fines
228 must be paid to the court. The Rules of Minor Offense Procedure in the Alaska Rules of Court
229 apply to all offenses listed below. Citations charging these offenses must meet the
230 requirements of Minor Offense Rule 3. If a person charged with one of these offenses appears
231 in court and is found guilty, the penalty imposed for the offense may not exceed the
232 scheduled fine amount plus any surcharge required to be imposed by
233 AS 12.55.039 and 29.25.074. If an offense in this title is not listed in the fine schedule, the
234 defendant must appear in court to answer the charges.

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Code Section	Code Section Title	Fine per Day
<u>HCC 20.08.010(a)</u>	Animal at large	No prior conviction \$50; One prior conviction \$100; Two prior convictions \$200
<u>HCC 20.08.010(b)</u>	Unauthorized release of animal from restraint	No prior conviction \$50; One prior conviction \$100; Two prior convictions \$200
<u>HCC 20.08.030</u>	Animals on harbor floats	\$25
<u>HCC 20.08.040(a)</u>	Nuisance animals	No prior conviction \$50; One prior conviction \$100; Two prior convictions \$200
<u>HCC 20.08.070</u>	Female animals in heat	\$100
<u>HCC 20.08.080</u>	Abandonment of animals	\$100

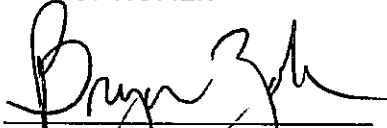
Code Section	Code Section Title	Fine per Day
HCC.20.08.090	Maintenance and sanitation	\$100
HCC.20.12.010	License required - Issuance	\$50
HCC.20.12.020	License tag to be worn and displayed	\$50
HCC.20.24.060	Furnishing false information	\$200
HCC.20.28.020	Kennel license - Required	\$100

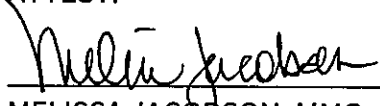
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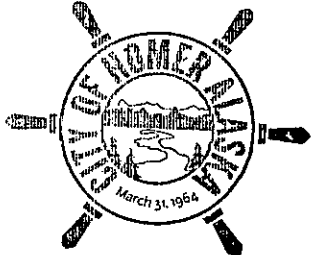
Section 22. This ordinance shall take effect upon its adoption by the Homer City Council.

Section 23. 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 27 day of March, 2018.

CITY OF HOMER

BRYAN ZAK, MAYOR

ATTEST:

MELISSA JACOBSON, MMC, CITY CLERK



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

First Reading: 3-12-18
Public Hearing: 3-27-18
Second Reading: 3-27-18
Effective Date: 3-28-18


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Reviewed and approved as to form:



Mary K. Koester, City Manager

Date: 4.2.18



Holly C. Wells, City Attorney

Date: 4.4.18