

CITY OF HOMER  
HOMER, ALASKA

Erickson

ORDINANCE 19-16

AN ORDINANCE OF THE CITY COUNCIL OF HOMER ALASKA  
AMENDING HOMER CITY CODE CHAPTER 5.06, "NUCLEAR FREE  
HOMER," TO UPDATE AND REFLECT CURRENT PRACTICES AND  
TERMINOLOGY

WHEREAS, This section of code is 30 years old and the Homer City Council wants to  
update it to reflect current practices and terminology; and

WHEREAS, Amendments to chapter 5, Nuclear Free Homer, are necessary to clarify that  
medical technology that uses small amounts of radiopharmaceuticals is permitted in the City  
of Homer to help support effective treatment for patients locally; and

WHEREAS, The establishment of a Nuclear Free Zone addresses the concerns and  
intentions of the people of Homer and creates a feeling of safety and goodwill that will support  
a healthy community and protect Homer residents and visitors.

NOW, THEREFORE, The City of Homer Ordains:

Section 1: Homer City Code 5.06 Nuclear Free Homer is hereby amended to read as  
follows:

Chapter 5.06

NUCLEAR FREE HOMER

Sections:

5.06.010 Purpose.

5.06.020 Definitions.

5.06.030 Prohibitions.

5.06.040 Exclusions.

5.06.050 Signs.

5.06.060 Violation – Penalty.

5.06.010 Purpose.

The purpose of this chapter is to establish the City as a nuclear free zone, ~~to acknowledge the  
orientation of its business community toward peaceful development and to protect the health  
and safety of the community and its resources on land and sea by prohibiting work on or  
storage of nuclear weapons or the storing or dumping of radioactive material within the City.~~  
**and to acknowledge the economic, health and safety threats posed by nuclear weapons,  
facilities, materials, and waste and acknowledge the City's commitment to protecting**

**people and the environment within its jurisdiction from the dangers of nuclear weapons and/or exposure to unnecessary radioactive material.**

5.06.020 Definitions.

For the purpose of this chapter, the following definitions shall have the meanings set forth below:

“Component of a nuclear weapon” means any device, radioactive or nonradioactive, specially designed or modified for exclusive use as part of a nuclear weapon.

“Direct activities of the Federal government” means actions of the Federal government or of its agencies, but shall exclude actions of independent contractors.

“Nuclear weapon” means any device, the intended explosion of which results from the energy released by fission or fusion reactions involving atomic nuclei, including the means of guiding, transporting, propelling or triggering of the device; provided, that such means is destroyed or rendered useless in the normal guiding, transporting, propelling, or triggering of the device.

“Person” means any individual, corporation, institution, or other entity.

“Radioactive material” means any radioactive material which is the by-product of any nuclear reaction or nuclear weapons production, any radioactive material or spent energy in the form of particles or rays by spontaneous disintegration of atomic nuclei, and any other material which the Nuclear Regulatory Commission determines to be special nuclear materials, except as specifically exempted in HCC 5.06.040. [Ord. 89-12 § 3, 1989].

5.06.030 Prohibitions.

a. Prohibition of Nuclear Weapons Work. After the effective date of the ordinance codified in this chapter, a person may not knowingly design, produce, deploy, launch, maintain or store nuclear weapons or the components of nuclear weapons. A person may not produce, store or dump radioactive material.

b. Prohibition of Storage or Dumping of Radioactive Material. A person may not establish, construct, or operate a radioactive material disposal site or store or dump any radioactive material except as specifically exempted in HCC 5.06.040.

5.06.040 Exclusions.

Nothing in this chapter prohibits:

~~a. The use of radioactive material in nuclear medicine or in medical or other research not intended to be applied in nuclear weapon technology;~~ **The use of radiopharmaceuticals**



**used in nuclear medicine procedures and medical testing, x-ray technology tracer studies or substantially similar technology used for substantially similar uses.**

b. Any writing or speech devoted to public commentary or debate, or other expression protected by the First Amendment to the United States Constitution;

c. Uses of small amounts of radioactive materials for smoke detectors, light-emitting watches and clocks, gauges, and other similar consumer and industrial devices;

d. Uses of small amounts of radioactive materials for educational purposes by a recognized education institution;

e. Industrial applications of x-ray technology and tracer studies;

f. Direct activities of the Federal and State governments that are exempted by Federal or State law from the application of the prohibitions under this chapter;

g. Storage of radioactive materials for activities excluded under this section.

**5.06.050 Signs.**

The City shall post and maintain at least two signs proclaiming Homer's status as nuclear free zone, one in a prominent area of the port and harbor, the preferred location on the side of the Port and Harbormaster's office(s), and the other outside the City Hall preferably on or adjacent to the existing City Hall sign. The size and other aspects of the sign shall conform to Chapter 21.60 HCC.

**5.06.060 Violation – Penalty.**

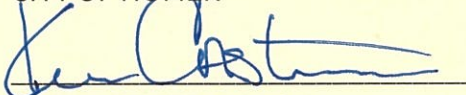
Each violation of this chapter shall be punishable by up to 30 days' imprisonment or a \$500.00 fine or both. Each day upon which a violation occurs or continues is a separate violation.

Section 2. This ordinance shall take effect upon its adoption by Homer City Council.

Section 3. This ordinance is of a permanent and general character and shall be included in Homer City Code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 13 day of May, 2019.

CITY OF HOMER

  
KEN CASTNER, MAYOR

129

130 ATTEST:

131

132

Melissa Jacobsen  
MELISSA JACOBSEN, MMC, CITY CLERK

133

134

135 YES: 6

136 NO: 0

137 ABSTAIN: 0

138 ABSENT: 0

139

140 First Reading: 4.22.19

141 Public Hearing: 5.13.19

142 Second Reading: 5.13.19

143 Effective Date: 5.14.19

144

145 Reviewed and approved as to form.

146

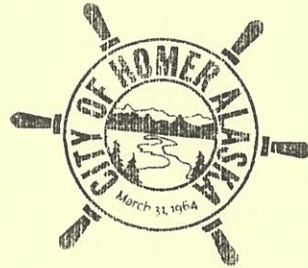
147

Katie Koester  
Katie Koester, City Manager

148

149

150 Date: 5.16.19



Holly C. Wells  
Holly C. Wells, City Attorney

Date: 6.4.19