

Failed
8/10/2020

**CITY OF HOMER
HOMER, ALASKA**

Evensen

ORDINANCE 20-46

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6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
7 PROMOTING NATURAL GAS AS A CLEANER HEATING FUEL AND
8 AMENDING HOMER CITY CODE TITLE 7 VEHICLES AND TRAFFIC,
9 CHAPTER 7.16 OPERATING, STOPPING OR PARKING OF MOTOR
10 VEHICLES IN BEACH AREAS PROHIBITED - EXCEPTIONS, BY
11 DELETING SECTION 7.16.020(b)

12
13 WHEREAS, Bishop's Beach Park and Bishop's Beach Parking Lot were updated with
14 infrastructure in 2002, 2014 and 2016 to provide ample parking, trail, and facility support to a
15 centrally located beach access; and

16
17 WHEREAS, Much of the tourism economy of Homer is associated with ecologically rich
18 resources of Kachemak Bay, which include the Bishop's Beach system and its attractions; and

19
20 WHEREAS, Despite restrictions of HCC 19.08.030 unauthorized overnight camping at
21 Bishop's Beach and associated destruction to driftwood-bearing berms has recently occurred
22 with neither enforcement nor penalty; and

23
24 WHEREAS, Vehicular accidents and those involving ATVs have taken place along
25 Bishop's Beach, resulting in injury and even death; and

26
27 WHEREAS, Trend of increased vehicular traffic upon and heavy usage of the Bishop's
28 Beach system has led to a decline in its intertidal resources; and alarming reductions to natural
29 habitat and biodiversity have occurred; and

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31 WHEREAS, Historically Bishop's has also been one of several beaches in the area
32 where residents may gather coal for heating; and

33
34 WHEREAS, With intentions of coal gathering, Ordinance 16-13 amended HCC Title 7 to
35 allow motor vehicles to freely access and otherwise operate upon this beach going westward
36 from the Bishop's Beach Parking Lot; and

37
38 WHEREAS, City of Homer has gone to great lengths to bring in and establish natural gas
39 as a City-wide utility, which offers new benefit to citizens via a cleaner, more efficient form of
40 heating fuel; and

41

42 WHEREAS, Comparatively bituminous coals of Lower Cook Inlet offer an outdated and
43 “dirty” form of heating fuel; these coals may contain naturally high contents of uranium and
44 mercury; and burning of coals may release toxin-infused ash and vapors; and

45
46 WHEREAS, Availability of coal at nearby Mariner Beach offers public access by motor
47 vehicle to gather unrestricted quantities of coal and negates the need for duplicate access at
48 Bishop’s Beach; and

49
50 WHEREAS, Encouragement of natural gas usage, as a highly efficient form of heating
51 fuel, should be promoted not only by utility infrastructure but also by policy; and

52
53 WHEREAS, Unintended consequences of motor vehicles to the Bishop’s Beach system
54 have been realized and the decline of natural resources that are critical to Homer’s economy
55 should be reversed, if possible; and

56
57 WHEREAS, Open beach access that promotes usage in safe and sustainable ways is
58 desirable for citizens and stakeholders.

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60
61 NOW, THEREFORE, The City of Homer Ordains:

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63 Section 1. Homer City Code Section 7.16.020 Operating, stopping or parking of motor
64 vehicles in beach areas prohibited – Exceptions is hereby amended to delete item b. as follows:

65
66 7.16.020 Operating, stopping or parking of motor vehicles in beach areas prohibited –
67 Exceptions.

68 a. Except as provided in subsections (b) through (d) of this section, no person
69 may operate, stop or park a motor vehicle within or upon any beach area.

70
71 ~~b. A person may operate, stop or park a motor vehicle within and upon the beach~~
72 ~~area east of a line extending south from the southern end of a line extending~~
73 ~~south from the southern end of the vacated easement formally known as~~
74 ~~Shirlene Circle, and within and upon the beach area west of Bishops Beach Park~~
75 ~~Access.~~

76
77 **ε b.** A person may operate, stop or park a motor vehicle within and upon the
78 beach area between the south end of Mariner Park beach to the east end of the
79 seawall from October 1st through March 31st solely for the purpose of gathering
80 sand and coal.

81
82 ~~δ c.~~ An owner of property immediately adjacent to a beach area may operate,
83 stop and park a motor vehicle within or upon a beach area as is reasonably

84 necessary to maintain the owner's property, in accordance with the terms of a
85 permit issued for that purpose by the Chief of Police.

86
87 e **d.** Nothing in this section permits a person to operate, stop or park a motor
88 vehicle within or upon privately owned property in a beach area without the
89 permission of the property owner.

90
91 Section 2. This ordinance is of a permanent and general character and shall be included
92 in Homer City Code.

93
94 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___ day of _____,
95 2020.

96
97 CITY OF HOMER
98
99 _____
100 KEN CASTNER, MAYOR

101 ATTEST:
102
103 _____
104 MELISSA JACOBSEN, MMC, CITY CLERK

105
106 YES:
107 NO:
108 ABSTAIN:
109 ABSENT:

110
111 First Reading:
112 Public Hearing:
113 Second Reading:
114 Effective Date:
115
116 Reviewed and approved as to form.

117
118 _____
119 Rick Abboud, Interim City Manager
120
121 Date: _____

Michael Gatti, City Attorney

Date: _____