

CITY OF HOMER
HOMER, ALASKA

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8/24/15*

Lewis/Reynolds

ORDINANCE 15-29

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 1.16.040, DISPOSITION OF SCHEDULED OFFENSES—FINE SCHEDULE, ENACTING HOMER CITY CODE CHAPTER 7.16, VEHICLES IN BEACH AREAS, AND REPEALING HOMER CITY CODE CHAPTER 19.16, VEHICLES ON HOMER SPIT BEACH, TO RESTRICT THE OPERATION, STOPPING AND PARKING OF MOTOR VEHICLES IN BEACH AREAS.

THE CITY OF HOMER ORDAINS:

Section 1. Subsection (c) of Homer City Code 1.16.040, Disposition of scheduled offenses—fine schedule, is amended by adding new lines to read as follows:

Code Section	Description of Offense	Fine		
		1st offense	2nd offense	3rd & subsequent offenses
7.16.020	Motor vehicle in beach area	\$25	\$250	\$500
7.04.030	Motor vehicle on storm berm	\$25	\$250	\$500

Section 2. Homer City Code Chapter 7.16, Vehicles in Beach Areas, is enacted to read as follows:

7.16.010 Definitions.

In this chapter:

“Beach area” means all of the following, whether publicly or privately owned: submerged land, tideland, and the zone of sand, gravel and other unconsolidated materials that extends landward from the elevation of mean high water to the place where there is a marked change in material or physiographic form.

“Berm” means a natural, linear mound or series of mounds in a beach area composed of sand, gravel, or both, generally paralleling the water at or landward of the elevation of mean high water.

34 "Motor vehicle" means a device in, upon, or by which a person or property may be
35 transported or drawn upon or immediately over land, that is self-propelled except by human
36 or animal power.

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

40 "Submerged land" means land covered by tidal water from the elevation of mean low
41 water seaward to the corporate boundary of the city.

42 "Tideland" means land that is periodically covered by tidal water between the
43 elevation of mean high water and mean low water.

44
45 7.16.020 Operating, stopping or parking of motor vehicles in beach areas prohibited;
46 Exceptions.

47 a. Except as provided in subsections b and c of this section, no person may operate,
48 stop or park a motor vehicle within or upon any beach area.

49 b. A person may operate, stop or park a motor vehicle from October 1 until the
50 following March 31 within and upon the beach area bounded on the west by a line extending
51 south from the westernmost point on Ocean Drive Loop and on the east by a line extending
52 southwest from the centerline of the mouth of the Fishin' Hole.

53 c. An owner of property immediately adjacent to a beach area may operate, stop and
54 park a motor vehicle within or upon a beach area as is reasonably necessary to maintain the
55 owner's property, in accordance with the terms of a permit issued for that purpose by the
56 chief of police.

57
58 7.16.030 Operating, stopping or parking of motor vehicles on storm berms prohibited.
59 No person may operate, stop or park a motor vehicle upon a storm berm.

60
61 7.16.040 Impoundment authorized.
62 A vehicle that is stopped or parked in violation of this chapter may be impounded as
63 provided in HCC Chapter 7.08.

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65 Section 3. Homer City Code Chapter 19.16, Vehicles on Homer Spit Beach, is repealed.

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67 Section 4. This Ordinance is of a permanent and general character and shall be
68 included in the City Code.

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70 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this _____ day of
71 _____ 2015.

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CITY OF HOMER

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MARY E. WYTHE, MAYOR

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79 ATTEST:

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83 _____
JO JOHNSON, MMC, CITY CLERK

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86 AYES:

87 NOES:

88 ABSTAIN:

89 ABSENT:

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92 First Reading:

93 Public Reading:

94 Second Reading:

95 Effective Date:

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98 Reviewed and approved as to form:

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102 _____
Mary K. Koester, City Manager

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104 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____