

**CITY OF HOMER
HOMER, ALASKA**

Aderhold

ORDINANCE 21-53

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
AMENDING HOMER CITY CODE CHAPTER 10.04 GENERAL PORT
AND HARBOR PROVISIONS TO ADD SECTION 10.04.105 USE OF
PORT & HARBOR DUMPSTERS, AMENDING HOMER CITY CODE
1.16.040 FINE SCHEDULE, AND FUNDING RELEVANT SIGNAGE.

WHEREAS, The Port & Harbor Enterprise provides dumpsters for use by vessels moored
in the Port & Harbor; and

WHEREAS, The dumpsters provided by the Enterprise are frequently misused by those
disposing of household, business, and camping waste; and

WHEREAS, The dumping of solid waste not related to moored vessels in the Port &
Harbor creates additional costs which are borne by the Enterprise despite providing no benefit
to the Enterprise; and

WHEREAS, This amendment to Homer City Code will make it clear that non-Port &
Harbor-related dumping is not allowed in Port & Harbor dumpsters; and

WHEREAS, Noncompliance with the amendment to Homer City Code will be paired with
a mechanism for enforcement via fines; and

WHEREAS, Appropriate signage will help communicate the amendment to Homer City
Code.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 10.04 General Port and Harbor Provisions shall be
amended to add section 10.04.105 as follows:

Chapter 10.04
GENERAL PORT AND HARBOR PROVISIONS¹

Sections:

- 10.04.010 Short title.
- 10.04.020 Scope – Administrative powers.
- 10.04.030 Definitions.
- 10.04.035 Homer port and harbor tariff.

- 43 10.04.040 Harbormaster – Powers and duties.
- 44 10.04.050 Rule and regulation establishment authority.
- 45 10.04.055 Fees.
- 46 10.04.060 Revenues – Use of.
- 47 10.04.080 City docks – Other closure.
- 48 10.04.085 Use of load and launch ramp.
- 49 10.04.090 Underway requirement.
- 50 10.04.100 Vehicles and other wheeled conveyances.
- 51 **10.04.105 Use of port and harbor dumpsters.**
- 52 10.04.110 Violation – Penalty.
- 53 10.04.115 Appeal from port and harbor citation issued pursuant to HCC Titles 7 and 10.
- 54 10.04.120 Impounded vessel procedure.
- 55 10.04.130 Nuisances declared – Removal.
- 56 10.04.132 Nuisances – Abatement procedure.
- 57 10.04.134 Nuisances – Post-removal hearing.
- 58 10.04.135 Nuisances – Form of demand for hearing – Hearing officer.
- 59 10.04.138 Interference with impoundment prohibited.
- 60 10.04.139 Lien on impounded or nuisance vessel.
- 61 10.04.140 Annual review required.
- 62 10.04.150 Required equipment.

63
64 10.04.010 Short title.
65 This title shall constitute the Port and Harbor Code of the City and may be cited as such.

66
67 10.04.020 Scope – Administrative powers.
68 This title and the Homer port and harbor tariff shall be deemed an exercise of the powers of
69 the City for the protection, safeguarding, and orderly moorage and control of boats, and for
70 the protection and general welfare of the public and all of its provisions shall be liberally
71 construed for the accomplishment of the purpose. The City, through its properly appointed
72 representatives, shall have the authority to board any vessel utilizing the harbor or port
73 facilities for the purpose of enforcing this title and the Homer port and harbor tariff.

74
75 10.04.030 Definitions.
76 Unless otherwise provided in this title or required by the context, definitions set forth in the
77 Homer port and harbor tariff shall apply to this title.

78
79 10.04.035 Homer port and harbor tariff.
80 The rates, charges, rules and regulations for wharfage, terminal storage, demurrage and other
81 terminal services and privileges are set forth in the Homer port and harbor tariff and as filed
82 with the Federal Maritime Commission. Subject to the requirements of HCC 10.04.055, the
83 Homer port and harbor tariff may be amended from time to time by resolution of the City
84 Council.

85 10.04.040 Harbormaster – Powers and duties.

86 A Harbormaster, who shall have police powers, shall be appointed in the same manner as other
87 City employees. The Harbormaster shall be assigned to enforce the provisions of this title and
88 the Homer port and harbor tariff, maintain an accurate log of the registration data of all boats
89 using Homer harbor facilities, showing the date of occupancy of berthing facilities, issue
90 citations and impound vehicles, vessels, gear or equipment for violations of this title, and
91 collect or arrange for the collection of the established fees. The Harbormaster is granted the
92 power and authority from time to time, as circumstances require, but without any obligation
93 to do so, and without any obligation or liability on his part, or that of the City for his failure to
94 do so, to replace defective mooring lines, to pump vessels which are in a dangerous condition
95 for lack thereof, and to move any boat for the purpose of protecting such boat from fire or from
96 other hazard or for the protection of other vessels or property therefrom. Whenever the
97 Harbormaster shall perform or cause to be performed any of the actions authorized in this title
98 or other emergency actions, after having given notice of the immediate need therefor, or
99 having attempted to give such notice within the time limits prescribed by the exigencies of the
100 situation, a fee as prescribed in the Homer port and harbor tariff shall be assessed the vessel
101 owner or operator. [Ord. 95-18(S), 1995; Ord. 88-2,
102 1988].
103

104 10.04.050 Rule and regulation establishment authority.

105 The City Manager is empowered and authorized to establish additional rules and regulations
106 governing the use of the Homer harbor, assignment of stalls, and the general conduct in,
107 around and on harbor facilities and parking areas. Such rules and regulations shall become
108 effective upon approval by the City Council. The Council may provide for a different effective
109 date. The City Manager shall print and make available to the public copies of regulations
110 adopted pursuant to this section. [Ord. 95-18(S), 1995; Ord. 88-2, 1988].
111

112 10.04.055 Fees.

113 a. Fees for the approved use of Homer harbor facilities and services as set forth in the Homer
114 port and harbor tariff may be changed by City Council resolution; provided, that a public
115 hearing is held prior to approval of the resolution; and provided further, that any such change
116 is effective only after the change is filed with the Federal Maritime Commission as an
117 amendment to the Homer port and harbor tariff.
118

119 b. The Harbormaster may negotiate special fees and charges with a vessel owner or operator
120 where the owner or operator requires an exceptional volume of, or unique or unusual, services
121 or facilities, and it is in the best interest of the City to enter into special arrangements. In such
122 event, the Harbormaster shall inform the City Manager of such special, negotiated
123 arrangements. [Ord. 95-18(S), 1995; Ord. 91-13(S) § 1, 1991; Ord. 88-2, 1988].
124

125 10.04.060 Revenues – Use of.

126 All revenues from the Homer harbor shall be expended for the maintenance, operation and
127 improvement of the Homer harbor in accordance with generally accepted accounting
128 principles. Revenues from the Homer boat harbor shall be expended solely for the furtherance
129 of financial stability and self-sufficiency of the Homer harbor. [Ord. 95-18(S), 1995; Ord. 92-22,
130 1992; Ord. 88-2, 1988].

131

132 10.04.080 City docks – Other closure.

133 The City, through its City Manager or other duly constituted agent, may prohibit the use of any
134 wharves and docking facilities owned or controlled by the City at any time when closing the
135 facilities is required to protect and preserve the public welfare and safety. [Ord. 95-18(S), 1995;
136 Ord. 88-2, 1988].

137

138 10.04.085 Use of load and launch ramp.

139 a. Terms and conditions for use of the small boat harbor load and launch ramp are provided in
140 the Homer port and harbor tariff as amended from time to time.

141

142 b. No person who is obligated to pay a fee for using the small boat harbor load and launch
143 ramp may use the small boat harbor load and launch ramp without first paying the fee
144 prescribed for its use.

145

146 c. A person who is obligated to pay a fee for using the small boat harbor load and launch ramp
147 must make the ticket verifying payment available upon request, or display the seasonal permit
148 on the port side of the permit holder's vessel. [Ord. 16-11 § 2, 2016].

149

150 10.04.090 Underway requirement.

151 On at least two days in each calendar year, separated by at least 60 days, a vessel moored in
152 the Homer harbor shall depart under its own power from the Homer harbor and travel beyond
153 the one-quarter-mile turning basin of the Pioneer and Deep Water Docks before returning
154 under the vessel's own power to the Homer harbor. The moorage charge for a vessel that fails
155 to comply with this requirement shall be increased by 50 percent commencing at the time the
156 vessel fails to comply and continuing during the period of noncompliance.

157

158 10.04.100 Vehicles and other wheeled conveyances.

159 a. No person other than an employee of the City or other person acting on City business shall
160 drive a vehicle upon trails in the harbor area that are designated for pedestrian or bicycle use
161 except in case of emergency. Parking or leaving boats, trailers and/or other vehicles and
162 equipment related thereto by the public shall be limited to specific areas designated for such
163 use.

164

165 b. Hauling out boats on skids is prohibited unless approved in advance by the Harbormaster.

166

167 **10.04.105 Use of Port & Harbor dumpsters**

168 **a. Dumpsters provided at Port & Harbor facilities are for Port & Harbor related use only.**

169
170 **b. The dumping of non-Port & Harbor related waste, such as household waste or**
171 **construction waste, in Port & Harbor dumpsters is prohibited.**

172
173 10.04.110 Violation – Penalty.
174 Except as provided in HCC 1.16.040 and 7.04.030, any violation of the provisions contained in
175 this title or regulations adopted pursuant to this title shall be unlawful and punishable as
176 provided in HCC 1.16.010.

177
178 10.04.115 Appeal from port and harbor citation issued pursuant to HCC Titles 7 and 10.
179 a. A person who has been issued a citation for a violation of HCC Title 7 or 10 by the City of
180 Homer Harbormaster, or their designee, may appeal that action to the hearing officer
181 designated by the City Manager by completing an administrative hearing request form and
182 delivering the form to the Homer City Clerk’s office no later than 30 days after the issuance of
183 the citation.

184
185 b. The hearing officer shall schedule an appeal hearing for the next available hearing date after
186 the date of delivery of the administrative hearing request form to the City Clerk’s office.

187
188 c. The appeal hearing shall be conducted informally and may be governed by such rules and
189 procedures as the hearing officer may establish, except that:
190 1. Each party has the right to be represented by counsel.
191 2. Each party may present witnesses and evidence.
192 3. Each party and witnesses may appear in person or by telephone.
193 4. Each party may confront and question witnesses.
194 5. The individual receiving the citation may testify in their own defense.
195 6. Each party may subpoena witnesses.
196 7. The hearing shall be open to the public.
197 8. An electronic recording shall be made of the hearing.

198
199 d. The hearing officer may exercise independent judgment as to the weight of evidence
200 supporting or refuting the notice of violation or impoundment, and may exercise independent
201 judgment on legal issues raised by the parties.

202
203 e. No later than 30 days following the hearing the hearing officer shall issue a written decision
204 including findings of fact and conclusions of law. Such findings must be reasonably specific so
205 as to provide interested persons and, where appropriate, reviewing authorities, a clear and
206 precise understanding of the reasons for the decision entered. The decision, findings of fact,
207 and conclusions of law shall be forwarded to all parties to the appeal. A final appealable
208 decision must indicate that it is a final order and that a party disputing the decision has 30 days
209 to appeal.

210 f. A final decision issued under subsection (e) of this section may be appealed to the Superior
211 Court within 30 days after the date the decision was issued. For the purposes of this section the
212 date of issuance is the date upon which the decision was mailed or delivered to the parties.

213
214 10.04.120 Impounded vessel procedure.

215 a. At least 10 days prior to impounding any vessel, the City shall cause to be posted on the
216 vessel, in the Harbormaster's office, the City Clerk's office and on the bulletin board at the
217 entrance of the United States Post Office notice of such action to be taken by the City. A copy
218 of the notice shall be mailed by certified mail, return receipt requested, to the owner or
219 operator of the vessel at his last known address, which address shall be the same as that
220 furnished in accordance with the regulations of this tariff. The notice shall contain the name
221 and/or number of the vessel, the name and address, if known, of the owner or operator and
222 the location of the vessel.

223
224 b. As to any vessel proposed for impoundment, an owner or operator of the vessel has the right
225 to a pre-impoundment administrative hearing to determine whether there is probable cause
226 to impound the vessel if such person files a written demand, on forms so provided for such a
227 hearing, with the City within 10 days after such person has learned such vessel will be
228 impounded or within 10 days after the return of mail receipt of the notice required by
229 subsection (a) of this section, whichever occurs first.

230
231 c. A hearing shall be conducted before a hearing officer designated by the City Manager within
232 48 hours of receipt of written demand therefor from the person seeking the hearing unless the
233 person waives the right to a speedy hearing. Saturdays, Sundays and City holidays are to be
234 excluded from the calculation of the 48-hour period. The hearing officer shall be someone
235 other than the persons who will direct the impounding and storage of the vessel. The sole issue
236 before the hearing officer shall be whether there is probable cause to impound the vessel in
237 question. "Probable cause to impound" shall mean such a state of facts as would lead a person
238 of ordinary care and prudence to believe that there was a breach of Federal, local or municipal
239 law or regulations, or any agreement entered into pursuant thereto, rendering the vessel
240 subject to impoundment. The hearing officer shall conduct the hearing in an informal manner
241 and shall not be bound by technical rules of evidence. The person demanding the hearing shall
242 carry the burden of establishing that such person has the right to possession of the vessel. The
243 Harbormaster shall carry the burden of establishing that there is probable cause to impound
244 the vessel in question. At the conclusion of the hearing, the hearing officer shall prepare a
245 written decision. A copy of such decision and reasons therefor shall be provided to the person
246 demanding the hearing and the owner of the vessel if such owner is not the person requesting
247 the hearing. The hearing officer's decision in no way affects any criminal proceeding
248 connection with the impound in question and any criminal charges involved in such
249 proceeding may only be challenged in the appropriate court. The decision of the hearing officer
250 is final and may only be appealed to the Superior Court. Failure of the owner or operator to

251 request or attend a scheduled pre-impoundment hearing shall be deemed a waiver of the right
252 of such hearing.

253
254 d. The hearing officer shall only determine that as to the vessel in question either that there is
255 probable cause to impound the vessel or that there is no such probable cause. In the event that
256 the hearing officer determines that there is no probable cause, the hearing officer shall prepare
257 and date a certificate of no probable cause, copies of which shall be given to the owner or
258 operator and to the Harbormaster. Upon receipt of such certificate of probable cause, the
259 Harbormaster may proceed with impoundment and disposition of the vessel by removal, sale
260 or destruction as authorized by this title.

261
262 e. Any vessel impounded shall be held by the City for a period of not less than 30 days during
263 which the City shall publish in a newspaper of general circulation in the City a notice describing
264 the vessel in general terms, the name and/or number, if any, the name and address of the
265 owner, or operator, if known, or if not known shall so state the location of the vessel and the
266 intention of the City to sell the same at public auction, on a day and at a place and time certain,
267 not less than 10 days prior to the sale, for cash to the highest and best bidder. At any time prior
268 to the auction, the owner or operator may redeem the vessel by cash payment of all City
269 charges against the vessel.

270
271 f. The minimum acceptable bid shall be a sum equal to the City's charges against the vessel.
272 The proceeds of the sale shall be first applied to the cost of sale, then to accrued stall license
273 fees and charges, service fees, storage charges, attorney fees and costs, and other expenses
274 provided for in this title, and the balance, if any, shall be held in trust by the City for the owner
275 of the vessel to claim; and if not claimed within one year, the balance shall be deposited into
276 the small boat harbor facilities fund. Upon the sale being made, the City shall make and deliver
277 its bill of sale, without warranty, conveying the vessel to the buyer.

278 g. If at the public sale there are no bidders for the vessel, the City may destroy, sell at private
279 sale or otherwise dispose of the vessel. The disposition is to be made without liability of the
280 City, its employees or agents to the owner, master or any lien holder of the vessel.

281
282 10.04.130 Nuisances declared – Removal.

283 a. For the purposes of this title and in the interest of the greatest use of the facilities of the
284 Homer harbor and the municipal waters by the general public, vessels in the Homer harbor
285 and elsewhere on the municipal waters that are illegally moored, cause an obstruction to
286 navigation, or that are abandoned or derelicts or unfit or unseaworthy or which are maintained
287 in such manner as to make them liable to sinking for lack of being pumped or other
288 maintenance, or which are unsafe or which are maintained in a manner as to constitute a fire
289 hazard, and sunken vessels and vessels in imminent danger of sinking, are declared to be
290 nuisances and subject to abatement and removal from the Homer harbor or other municipal
291 waters by the City or its agents, without liability of the City for any damage done by virtue of
292 the removal or for any of its consequences.

293 b. Refuse of all kinds or any other obstructions or debris are declared to be public nuisances,
294 and it shall be unlawful for any person to place, or cause to be placed, any public nuisance in
295 the Homer harbor or in the municipal waters, or on the shores thereof. Nets, gear, and other
296 material left on any float or dock for more than 12 hours are hereby declared a public nuisance.
297 Any person causing or permitting the nuisances to be placed as aforesaid shall remove the
298 same and upon his failure to do so, the same may be removed or caused to be removed by the
299 Harbormaster. When the Harbormaster has authorized such nuisances to be removed or
300 stored commercially, all costs of such commercial removal or storage shall be paid by and
301 recoverable from the person creating the nuisances and shall not excuse the person
302 responsible therefor from prosecution hereunder. Any nuisance under this subsection may be
303 impounded, disposed of by destruction, private or public sale, or by any other means deemed
304 reasonable by the Harbormaster. Such disposition is to be made without liability of the City,
305 its employees or agents to the owner, master or any lien holder of the nuisance.

306
307 c. Upon the Harbormaster's written determination that a nuisance described in subsection (a)
308 of this section exists that constitutes a clear and present danger to the public health, safety or
309 general welfare, the nuisance may be summarily abated by the Harbormaster according to
310 HCC 10.04.132 without prior notice.

311 d. Vessels declared a nuisance under subsection (a) of this section that do not constitute a clear
312 and present danger to the public health, safety and general welfare may be moved,
313 impounded, or disposed of according to the procedure provided in HCC 10.04.120.

314
315 10.04.132 Nuisances – Abatement procedure.

316 a. Unless otherwise provided, the procedure set forth in this section shall apply whenever a
317 vessel has been impounded or removed or a nuisance vessel abated pursuant to HCC
318 10.04.130(a) or otherwise, and the pre-impoundment administrative hearing procedures of
319 HCC 10.04.120 were not followed.

320
321 b. An impoundment is effective when a written order of impoundment is placed on a vessel. An
322 order of impoundment shall identify the vessel, state the reasons for impoundment, and be
323 dated and signed by the Harbormaster or his authorized designee. An impounded vessel may
324 be immediately towed or otherwise removed upon the order of the Harbormaster. Nothing in
325 this subsection shall be construed to prevent the City from using alternatives to impoundment,
326 including without limitation removal or other means to abate a nuisance.

327
328 c. When action is taken to impound, remove, or otherwise abate a nuisance vessel, notice of
329 such action shall be placed on the vessel if possible, and within six hours a copy of the notice
330 shall be personally delivered or placed in the U.S. mail addressed to the owner of the vessel.
331 The notice shall include the following substantive provisions:

332

333 ATTENTION: The vessel _____ has been impounded/removed/abated by the City of
334 Homer harbormaster as a public nuisance for the following reasons:
335 _____

336 As the owner of the vessel you have the following options (those that apply are checked):

337 ___ The vessel has been impounded and you may recover possession of the vessel by paying
338 to the person having custody of the vessel the towing, storage, and other charges that may
339 have accrued. The vessel is at the following location:
340 _____

341 ___ The vessel has been removed and you may recover possession of the vessel at the
342 following _____ location:
343 _____

344 ___ The vessel has been destroyed. You may direct any inquiries to the City of Homer
345 harbormaster.

346 ___ The following action has been taken, and any option you may have is described below:
347 _____

348 If you believe the vessel was improperly impounded, removed, or otherwise abated, you may:

349 (i) In the case of an impoundment, recover possession of the vessel by paying any towing,
350 storage, or other charges that have accrued, and you may claim a refund or reimbursement by
351 filing a demand (on a form provided by the city) for an administrative hearing before a hearing
352 officer as to whether the harbormaster had a sufficient factual and legal basis to impound the
353 vessel; or

354 (ii) In the case of an impoundment, you may demand return of the vessel without paying the
355 towing, storage, or other charges by filing a demand (on a form provided by the city) for an
356 administrative hearing before a hearing officer as to whether the harbormaster had a sufficient
357 factual and legal basis to impound the vessel; or

358 (iii) You may in any other case file a demand (on a form provided by the city) for an
359 administrative hearing before a hearing officer as to whether the harbormaster had a sufficient
360 factual and legal basis to impound, remove, or abate the vessel.

361 To be entitled to such a hearing, your written demand must be filed with the City Clerk (a)
362 within 5 workdays after you learned that your vessel was impounded, removed, or otherwise
363 abated or (b) within 15 workdays after the City mailed notice to the vessel owner of the action
364 taken, whichever is earlier. If you fail to make a timely request for a hearing you will lose all
365 right to challenge the sufficiency of the basis for the action taken.

366 If timely requested, the hearing must be held within 48 hours after the filing of your written
367 demand, not including, Saturdays, Sundays, and city holidays, unless you waive your right to
368 a speedy hearing. A determination that there was an insufficient factual or legal basis for the
369 action taken will require the release of the vessel to the owner without payment of the towing,
370 storage, or other accrued charges, or it will entitle the owner to a refund or reimbursement if
371 the charges were already paid.

372 A hearing may be demanded by filing the appropriate form with the City Clerk at Homer City
373 Hall between 8:00 a.m. and 5:00 p.m. on any day other than Saturday, Sunday and city
374 holidays.

375 10.04.134 Nuisances – Post-removal hearing.

376 a. If demand is timely made, the owner or person entitled to possession of the vessel is entitled
377 to an administrative hearing to determine whether there was a sufficient factual and legal
378 basis for the action to impound, remove, or otherwise abate the vessel. To be entitled to such
379 a hearing, a written demand must be filed with the City Clerk (1) within five workdays after the
380 owner or other person entitled to possession learned that the vessel was impounded,
381 removed, or otherwise abated, or (2) within 15 workdays after the City mailed the notice
382 required by HCC 10.04.132(c) to the vessel owner, whichever is earlier. If no timely request for
383 a hearing is made, the factual and legal basis for the action taken will be conclusively deemed
384 sufficient for all purposes.

385
386 b. The hearing will be held within 48 hours after the filing of a written demand, not including
387 Saturdays, Sundays and City holidays, unless the person demanding the hearing waives a
388 speedy hearing.

389
390 c. The hearing officer shall not be bound by formal rules of evidence. A copy of the
391 Harbormaster's written determination that a public nuisance exists will constitute prima facie
392 proof of a sufficient factual and legal basis for the action. The burden will be on the vessel
393 owner to prove by a preponderance of the evidence that there was not sufficient factual or
394 legal basis for impounding, removing, or otherwise abating the vessel.

395
396 d. At the conclusion of the hearing, the hearing officer shall prepare a written decision,
397 including the reasons for the decision. A copy of such decision shall be provided to the person
398 demanding the hearing and the owner of the vessel. The hearing officer's decision in no way
399 affects any criminal charges that may be pending. The decision of the hearing officer is final
400 and may only be appealed to the Superior Court.

401
402 e. A determination by the hearing officer that there was not a sufficient factual or legal basis
403 for the action taken will require the release of the vessel to the owner or other person entitled
404 to possession without payment of the towing, storage, or the accrued charges, or will entitle
405 the person to a refund or reimbursement by the City if the charges have already been paid. If
406 the hearing officer determines there was a sufficient factual and legal basis for the action
407 taken, the Harbormaster may proceed to dispose of the vessel by sale according to HCC
408 10.04.120(e) through (g), or the Harbormaster may destroy or otherwise dispose of the vessel
409 without sale if he makes a good faith determination that the value of the vessel does not
410 exceed the costs of towing, storage, sale, and other harbor charges accrued against the vessel.

411
412 10.04.135 Nuisances – Form of demand for hearing – Hearing officer.

413 a. The City Clerk shall prepare and make available a form of demand for a hearing pursuant to
414 HCC 10.04.134. Upon receipt of a demand for a hearing the City Clerk shall immediately forward
415 the demand to the City Manager or his designee, who shall schedule an administrative hearing
416 and notify all parties.

417 b. The City Manager shall appoint a hearing officer to conduct hearings pursuant to HCC
418 10.04.134. No person with the authority to impound, remove, or otherwise abate a nuisance
419 vessel shall be eligible to serve as a hearing officer.

420
421 10.04.138 Interference with impoundment prohibited.

422 a. Unless authorized by the Harbormaster, it is unlawful for any person to remove an
423 impoundment order from a vessel upon which it has been posted.

424 b. Unless authorized by the Harbormaster, it is unlawful for any person to move a vessel after
425 it has been posted with an impoundment order.

426 c. It is unlawful for any person to interfere with the Harbormaster or any other person under
427 the Harbormaster's authority engaged in the impound, removal, or abatement of a vessel or
428 public nuisance.

429
430 10.04.139 Lien on impounded or nuisance vessel.

431 The City shall have a lien on any vessel impounded or abated as a nuisance under this title for
432 charges for towing, storage, costs of abatement, costs of sale, attorney fees, any other charges
433 incurred in connection with the impoundment or abatement, and charges for harbor services,
434 including, without limitation, moorage, dockage, stall rental, utilities, and other services
435 provided to or for the benefit of the vessel.

436
437 10.04.140 Annual review required.
438 An annual review shall be required of all port and harbor rates. Such annual review shall be
439 part of preparation of the port, and charges and harbor fiscal operating budgets.

440
441 10.04.150 Required equipment.
442 All watercraft or vessels shall carry the equipment required by any applicable United States
443 laws or regulations as now or hereafter amended, and shall be numbered or designated in
444 accordance with any applicable United States laws or regulations as now or hereafter
445 amended. In the absence of extenuating circumstances, failure of any boat or vessel within the
446 Homer harbor to comply with applicable United States laws or regulations shall be in violation
447 of this title.

448
449 Section 2. Homer City Code 1.16.040 is hereby amended as follows:

450
451 1.16.040 Disposition of scheduled offenses – Fine schedule.

452 Citations for offenses listed in this section may be disposed of as provided in AS 12.25.195
453 through 12.25.230, without a court appearance, upon payment of the fine amounts listed
454 below, plus the State surcharge required by AS 12.55.039 and 29.25.074. Fines must be paid to
455 the court. The Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all
456 offenses listed below. Citations charging these offenses must meet the requirements of Minor
457 Offense Rule 3. If a person charged with one of these offenses appears in court and is found
458 guilty, the penalty imposed for the offense may not exceed the scheduled fine amount plus any

459 surcharge required to be imposed by AS 12.55.039 and 29.25.074. If an offense is not listed on
 460 a fine schedule, the defendant must appear in court to answer the charges.
 461
 462

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 5.42.030	Single-use plastic carryout bags prohibited	\$50.00 per day
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 10.04.035	Going dry/causing blockage or restricted access to the barge ramp (per tide cycle)	\$150.00
HCC 10.04.035	Commercial loading at the load and launch ramp during the hours of 6:00 a.m. – 6:00 p.m. Memorial Day to Labor Day (per occurrence)	\$100.00

CODE SECTION	DESCRIPTION OF OFFENSE	FINE
HCC 10.04.085(b)	Failure to pay fee for use of load and launch ramp (first offense)	\$100.00
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
<u>HCC 10.04.105</u>	<u>Unauthorized use of Port & Harbor dumpsters</u>	<u>\$300.00</u>
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
HCC 19.08.070(c)	Erect, occupy, utilize structure on City property	\$300.00

Strike-out is deleted language, **bold underline** is new language

CODE SECTION	DESCRIPTION OF OFFENSE	FINE
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 3. The Council hereby amends the FY2022 Operating Budget and authorizes an expenditure of up to \$3,000 for Port & Harbor dumpster regulation changes:

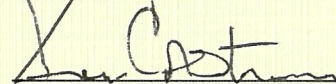
<u>Account</u>	<u>Description</u>	<u>Amount</u>
456-0830	Port and Harbor Reserves	\$3,000

Section 4. Sections 1 and 2 are of a permanent and general character and shall be included in Homer City Code.

Section 5. Section 3 is a budget amendment ordinance only, is not permanent in nature, and shall not be codified.

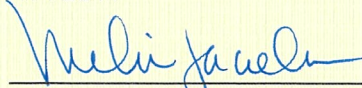
ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 27th day of September, 2021.

CITY OF HOMER

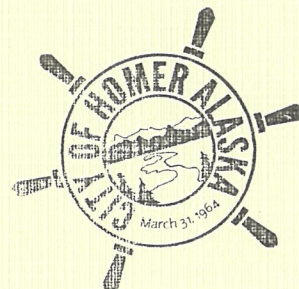


KEN CASTNER, MAYOR

ATTEST:



MELISSA JACOBSEN, MMC, CITY CLERK



~~Strike-out~~ is deleted language, **bold underline** is new language

488 YES: 6
489 NO: 0
490 ABSENT: 0
491 ABSTAIN: 0
492
493 First Reading: 9.13.21
494 Public Hearing: 9.27.21
495 Second Reading: 9.27.21
496 Effective Date: 9.28.21