

CITY OF HOMER
HOMER, ALASKA

Venuti/Hansen-Cavasos

ORDINANCE 22-14

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
AMENDING HOMER CITY CODE CHAPTER 5.24 FIREWORKS,
REPEALING CHAPTER 19.02 LARGE SPECIAL EVENTS AND
REENACTING AS CHAPTER 5.46 SPECIAL EVENTS, AND AMENDING
SECTION 1.16.040, ENTITLED "DISPOSITION OF SCHEDULED
OFFENSES – FINE SCHEDULE."

WHEREAS, Chapter 19.02 is in need of a comprehensive rewrite to bring the special event permit process up to-date and better define which events require an event permit; and

WHEREAS, The subject matter of Chapter 19.02 is better suited for Title 5 Health and Public Safety as special and/or larger events may impact public health and safety; and

WHEREAS, Chapter 5.24.050 is in need of amendment to reflect the revised special event permit process for authorized firework exhibits.

WHEREAS, Chapter 1.16.050 is in need of amendment to reflect the revised code citation and to increase the fine for non-compliance.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 5.24.050, entitled "Exceptions for authorized exhibits – Permits required" is hereby amended as follows:

5.24.050 Exceptions for authorized exhibits – Permits required.

~~a.~~ Fireworks may be used for public exhibits by fair associations, amusement parks and other organizations or groups of individuals if: **a Special Event permit is first obtained from the City Manager per the permitting process under HCC 5.46.**

~~1. A permit is first obtained from the City Clerk upon payment of a permit fee in an amount determined by Council resolution and set forth in the City of Homer fee schedule, per exhibit or continuous series of exhibits; such permit to be applied for not less than 30 days prior to such exhibit or series of exhibits; and~~

~~2. A bond is filed with the City, in the amount of at least \$500.00, to insure payment of all damages to persons or property caused by any exhibit. A bond will not be required if the~~

holder of the permit has in effect a liability insurance policy which accomplishes the same purpose as the bond.

~~b. No permit issued under this section shall be transferable.~~

Section 2. Homer City Code Chapter 19.02, entitled "Large Special Events", is hereby repealed and reenacted as Chapter 5.46, entitled "Special Events", to read as follows:

Chapter 5.46 SPECIAL EVENTS

Sections:

5.46.010 Definitions.

5.46.020 Intent.

5.46.030 Permit required.

5.46.040 Application procedure.

5.46.050 Action on permit application and general standards

5.46.060 Revocation of permit.

5.46.070 Payments for City services and facilities.

5.46.080 Insurance.

5.46.090 Violation – Penalty.

5.46.100 Appeal of decision.

5.46.010 Definitions.

As used in this chapter, the words and phrases defined in this section shall have the meaning stated.

“Anticipated attendance” means the largest number of persons, including participants and spectators, that the Sponsor reasonably expects to congregate at a single time and location during a special event.

“Demonstration” means an assembly of persons for purposes of expressive activity that occupies, or travels on, any street in a manner that does not comply with generally applicable traffic regulations; or occupies a public park or other public facility or property.

“Emergency services” means the public organizations that respond to and deal with emergencies when they occur, especially those that provide police, ambulance, and firefighting services.

“Special event” means a parade, performance, concert, sporting event, fair, ceremony or other public assembly, for which persons congregate in a street, right-of-way, park, or other public or private property in the City.

“Sponsor” means the person or persons who organize, present or promote a special event.

5.46.020 Intent.

The intent of this chapter is to protect general health and safety of the public within the City of Homer, while allowing and regulating special events which may be beneficial to the City and its residents.

5.46.030 Permit required.

a. No sponsor may promote, advertise or sell admission to a special event without first having obtained a permit from the City under this chapter. Approval of a special event application and the issuance of a special event permit shall be required for any of the following:

1. Outdoor concerts and festivals;

2. Carnivals, rides, circuses, zoos, or animal exhibitions;

3. Events on City property where the anticipated attendance is expected to exceed the standard capacity for that facility or property as determined by the City Manager or designee;

3. Events that take place within the City and/or State rights-of-way;

4. Events that are held on private property within City limits that do not have the parking capacity to accommodate the anticipated attendance and will impact the road right-of-way for emergency service access;

5. Firework displays or events that incorporate large fires/pyrotechnics of any kind; or

6. Other special events which are similar to and compatible with those listed above, pending approval by the City Manager.

b. The following are exempt from the permit requirement of this chapter:

125 **1. A funeral procession.**

126
127 **2. A special event that is held entirely within a privately-owned property and does not**
128 **meet the permit requirements under this section.**

129
130 **3. A special event that is held within a permanent facility, such as an auditorium,**
131 **theater, church or athletic field, that is specifically designed and intended for the**
132 **activities comprising the event, and that:**

133
134 **a. Has the capacity to accommodate the anticipated attendance at the special**
135 **event, including compliance with maximum occupancy permitted by State or local**
136 **fire officials; and**

137
138 **b. Has sufficient off-street parking to accommodate the anticipated attendance at**
139 **the special event, according to the standards prescribed in HCC Title 21.**

140
141 **4. A special event that is sponsored by a duly organized neighborhood or**
142 **homeowners' association, occurs entirely within the area where the association's**
143 **members reside, generates minimal traffic outside that area, is attended only by the**
144 **association's members and their guests, and does not benefit any other organization.**

145
146 **5. An event that is sponsored by or under the control of the City or through a**
147 **memorandum of understanding or agreement with the City.**

148
149 **6. A demonstration; provided that the Chief of Police is notified of the route or location**
150 **of the demonstration at least 48 hours before the commencement of the**
151 **demonstration.**

152
153 **5.46.040 Application procedure.**

154
155 **a. The sponsor shall submit a special event permit application to the City Manager on a**
156 **form provided by the City not less than 14 business days before the commencement of**
157 **the special event, and shall contain at a minimum the following:**

158
159 **1. Contact information including a functional telephone number for the sponsor.**

160
161 **2. For sponsors who are not a natural person: the sponsor entity's organization form,**
162 **the state in which the entity is organized, and the names of the principal officers of**
163 **the entity.**

164
165 **3. The name of an individual, including their 24-hour telephone number(s), who will**
166 **be the on-site point of contact for the sponsor at all times of the special event from**

the commencement of on-site preparations until all on-site cleanup and restoration work is completed at the conclusion of the special event.

4. Proposed date(s) and hour(s) of operation of the special event.

5. A complete description of the special event which:

a. Describes the proposed activity or activities with a summary and the use of visual aids such as maps/overviews, diagrams, or illustrations;

b. Gives an anticipated attendance for each day of the special event;

c. Demonstrates to the satisfaction of the City Manager that the sponsor has an effective plan for satisfying the criteria under Section 5.46.050; and

d. Provides any additional information requested in the permit application or by the City Manager, including without limitation plans for parking, traffic control, sanitation, and security as appropriate to the nature of the special event.

6. Permit application fee that the City Council establishes by resolution.

b. For special events that the City Manager determines may have a more significant impact on the safety of the community, the City Manager may impose additional requirements, with proof and/or payment to accompany the special event permit application to the City Manager. Additional requirements may include:

1. Certificate of insurance as required by Section 5.46.080.

2. For sponsors who are not a natural person: proof that the entity is in good standing in its state of organization and qualified to conduct its activity in the State of Alaska.

3. If a special event imposes substantial demands on City services or facilities: payment for the necessary additional City services or facilities and/or performance bond, as required by Section 5.46.070.

5.46.050 Action on permit application and general standards.

a. The City Manager may approve a complete and timely submitted application for a special event permit upon finding that the special event will not be detrimental to the public's health, safety, or convenience. In order for a permit to be approved, the special event must:

209 1. Minimize interference with the enjoyment of neighboring uses and protect
210 neighboring uses from nuisances or hazardous features;

212 2. Not create hazardous vehicular or pedestrian traffic patterns or result in traffic in
213 excess of the capacity of surrounding rights-of-way or property serving the use;

215 4. Not create diversion of City resources that would unreasonably interfere with the
216 maintenance of regular City service levels;

218 5. Accommodate the anticipated number of attendees of the special event through the
219 availability of adequate restroom facilities or temporary structures such as portable
220 toilets with established handwashing stations; refuse management facilities; and safe
221 and maneuverable access for emergency services, pedestrians, patron vehicles
222 including off-street parking, and other necessary facilities and services as determined
223 by the City Manager;

225 6. Be removed and the site be restored to the original or better condition on or before
226 the expiration date of the permit;

228 7. Have obtained written permission from the property owner(s) where operating;

230 8. Be registered to collect sales tax within the Kenai Peninsula Borough, if required;

232 9. Be in compliance with requirements for any business license or other permits which
233 may be prescribed by any Federal, State or local statutes, ordinances, rules or
234 regulations; and

236 10. Be in compliance with all other applicable laws, codes, and statutes of any
237 jurisdiction as appropriate to the specific activities associated with the proposed
238 special event.

240 b. The City Manager may impose any special conditions necessary to ensure that the
241 intent and general standards of this section are satisfied.

243 5.46.060 Revocation of permit.

245 a. The City Manager may revoke a special event permit if it is determined that the conduct
246 of the operation(s) is not in compliance with either the terms and/or conditions of the
247 permit or the provisions of this chapter.

249 b. Except in the circumstances described in subsection (c) of this section, the City
250 Manager shall not revoke a permit without first providing notice and an opportunity for

a review under this subsection. The City Manager shall notify the sponsor of the grounds for revoking the permit, and of the sponsor's right to request a review on the revocation. The sponsor may obtain a revocation review by requesting a meeting in writing at the office of the City Manager within the time prescribed in the revocation notice.

c. If the City Manager determines that the grounds for revoking a permit constitute an immediate danger to public health or safety, the City Manager may revoke the permit without prior notice or meeting. Promptly after revoking a permit under this subsection, the City Manager shall give the sponsor notice in accordance with subsection (b) of this section, and schedule a review on the revocation.

5.46.070 Payments for City services and facilities.

a. If the City Manager determines that a special event will require additional support services or facilities from the Police, Fire, Public Works, Administration, or any other City department, the City Manager shall so notify the sponsor, with an estimate of the cost of such additional services. Upon receipt of such notice, the sponsor shall pay to the City an amount equal to 50 percent of such estimated cost. The sponsor shall pay to the City the remainder of the total actual cost of such additional services or facilities within 30 days after the last day of the special event.

b. In addition to requiring payment for additional City services or facilities under subsection (a) of this section, the City Manager may require a sponsor to submit to the City a deposit to cover the estimated cost of cleaning and restoring City property after a special event. The deposit shall be refunded to the sponsor to the extent that it is not applied to pay the cost of cleaning and restoring City property used during the special event.

c. If the City Manager has cause to doubt a sponsor's financial capability to pay any amount required under this section, the City Manager may require the sponsor to provide a performance bond before issuing the permit for the special event.

5.46.080 Insurance.

a. The City Manager may require that the sponsor acquire insurance coverage and provide a certificate of insurance with the special event permit application. Any required insurance shall include the following:

1. Comprehensive commercial general liability with coverage limits up to \$1,000,000 combined single limit per occurrence and aggregate, including premises-operations, independent contractors, products/completed operations, broad form property damage, blanket contractual and personal injury endorsements.

2. Comprehensive automobile liability covering all owned, hired and non-owned vehicles that the sponsor uses in connection with the special event, with coverage limits up to \$1,000,000 per occurrence.

3. Worker's compensation insurance as required by AS 23.30.045 for all employees of the sponsor and its contractors engaged in work on the special event.

4. Name the City as additional insured and contain an appropriate waiver of subrogation in favor of the City.

b. The sponsor shall maintain the required insurance coverage in force at all times from the commencement of on-site preparations until all on-site cleanup and restoration work is completed after the conclusion of the special event.

5.46.090 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.

5.46.100 Appeal of Decision

Judicial review by the superior court of a final decision on a special event permit issued by the City may be had by filing a notice of appeal in accordance with the applicable rules of court governing appeals in civil matters. The notice of appeal shall be filed within 30 days of notice of the final decision on the permit. Appeals of special event permits are heard solely on the administrative record which shall be prepared by the City. A copy shall be filed in the superior court within 30 days after the appellant pays the estimated cost of preparing the complete or designated record or files a corporate surety bond equal to the estimated cost.

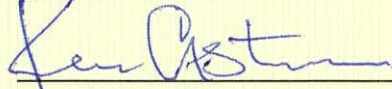
Section 3. Homer City Code 1.16.040, entitled "Disposition of scheduled offenses – Fine schedule" is hereby amended as follows:

HCC 19.02.020 <u>5.24</u>	Large Special event – Permit required	\$1000.00
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Section 4. This ordinance is of a permanent and general character and shall be codified in Homer City Code.

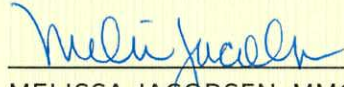
ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 29th day of March, 2022.

CITY OF HOMER



KEN CASTNER, MAYOR

ATTEST:



MELISSA JACOBSEN, MMC, CITY CLERK

YES: 6

NO: 0

ABSENT: 0

ABSTAIN: 0

First Reading: 3.14.22

Public Hearing: 3.29.22

Second Reading: 3.29.22

Effective Date: 3.30.22

