

**CITY OF HOMER
HOMER, ALASKA**

City Manager

ORDINANCE 25-11(S)(A-2)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING HOMER CITY CODE CHAPTER 21.90, ADMINISTRATION
AND ENFORCEMENT, TO DIRECT APPEALS TO THE OFFICE OF
ADMINISTRATIVE HEARINGS OR A HEARING OFFICER APPOINTED
BY THE CITY MANAGER.

WHEREAS, the City of Homer hereby ~~wishes to~~ reassigns responsibility for
administrative appeals of zoning enforcement orders from the Planning Commission to the
State of Alaska Office of Administrative Hearings or a hearing officer appointed by the City
Manager.

NOW, THEREFORE, The City of Homer Ordains:

Section 1: The Homer City Council hereby amends Homer City Code Chapter 21.90,
Administration and Enforcement, as follows:

Chapter 21.90 Administration and Enforcement

21.90.010 Function of Department of Administration.

The administration and enforcement of the Homer Zoning Code is a function of the
Department of Administration under the supervision of the City Manager. [Ord. 08-29, 2008].

21.90.020 City Planner – Functions and powers.

a. The City Manager may appoint a City Planner and one or more assistants, however
denominated.

b. If appointed by the City Manager, the City Planner shall have all functions and may exercise
all powers necessary to administer and enforce the zoning code. Assistants to the City Planner
may exercise the administration and enforcement functions and powers of the City Planner
under the City Planner's supervision.

c. Administration and enforcement functions and powers of the City Planner include, but are
not limited to, the following:

1. Maintaining records of all zoning text and district changes related to this title.
2. Providing technical assistance upon request by the City Manager.

3. Providing and processing all applications under this title.
4. Interpreting and enforcing this title.
5. Maintaining records of all activity related to this title.
6. Other functions and powers assigned by this title. [Ord. 08-29, 2008].

21.90.030 Invalid land use permits – Correction of violations.

Any permit issued in violation of this title is voidable upon written notice from the City Planner or City Manager. The issuance of a permit under the Homer Zoning Code may be conditioned upon the correction of any or all other violations of the Homer Zoning Code, the regulations promulgated under the Homer Zoning Code, and the terms and conditions of any previously issued permits issued under the Homer Zoning Code on the property that is the subject of the permit. [Ord. 14-56(A) § 2, 2015; Ord. 08-29, 2008].

21.90.040 Inspections – Right of entry.

a. Subject to subsection (b) of this section, at any reasonable time, the City Manager, City Planner, or other City staff member designated in writing by either of them may, upon presentation of proper identification, enter upon and inspect any land, building or premises where he or she has probable cause to believe there exists a violation, or enter upon any land, building or premises to perform a duty of an official under this title.

b. Where the Constitution of the United States or of the State so requires, the official shall obtain an administrative search warrant authorizing an inspection and exhibit the warrant to the person in charge of the premises before conducting the inspection. The official may apply to the trial courts of the State to obtain a warrant, stating in the application the name and address of the premises to be inspected, the authority to conduct the inspection, the nature and extent of the inspection, the facts and circumstances justifying the inspection, and any other information necessary to obtain the warrant. Warrants issued under this section should be returned within 10 days. [Ord. 08-29, 2008].

21.90.050 Evidence of compliance.

Upon request by the City Planner, any person who has obtained a permit under the Homer Zoning Code shall provide evidence showing compliance with the terms of the permit. The obligation to provide evidence of compliance is a condition of every permit granted under the zoning code, whether expressly stated in the permit or not. [Ord. 08-29, 2008].

21.90.060 Enforcement orders.

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a. In addition to any other remedy or other method of enforcement available under the Homer Zoning Code or other provision of the Homer City Code or other law, the City Manager or the City Planner may order:

1. The discontinuation of a use of land or a structure that is in violation of the Homer Zoning Code, a regulation or a permit.

2. The abatement or removal of a structure or part of a structure that is in violation of the Homer Zoning Code, a regulation or a permit.

3. The discontinuation of construction or other activity preparatory to a structure or use of real property that is in violation of the Homer Zoning Code, a regulation or a permit.

4. The suspension or revocation of a permit under which a violation of the Homer Zoning Code or regulations is occupied, maintained, constructed or established.

5. The restoration of any structure, vegetation, land, water body or other thing upon the land that is destroyed, damaged, altered or removed in violation of the Homer Zoning Code, regulations or a permit.

6. Any other action necessary to prevent, abate or discontinue a violation of the Homer Zoning Code, a regulation or a permit.

b. An enforcement order issued under subsection (a) of this section may be directed to one or more violators.

c. A written enforcement order issued under subsection (a) of this section that is served on a violator personally or by certified mail is ~~immediately~~ appealable to the Office of Administrative Hearings ~~or the Planning Commission~~ **a hearing officer**. An appeal must be filed within ~~1030~~ **15** days of service of the written enforcement order. Failure to appeal to the ~~Planning Commission~~ **an enforcement order** within ~~1030~~ **15** days of service shall constitute a waiver of all rights of appeal from the order. ~~The procedure for appeals is set forth in Chapter 21.93 HCC.~~ **Chapter 21.93 HCC is applicable for appeals filed pursuant to this section.**

d. During such time that an enforcement order is under appeal, no further use or development contrary to the order may continue.

e. Upon correction of the condition or termination of the activity that caused the issuance of an enforcement order under subsection (a) of this section, the officer who issued the order may terminate the order or issue written confirmation of satisfactory compliance with the order.

f. An enforcement order need not be issued before a prosecution or legal action is commenced with respect to a violation of the Homer Zoning Code, a regulation or a permit. The pendency of any proceeding regarding an enforcement order issued under subsection (a) of this section does not stay any prosecution or other legal action with respect to the violation that is the subject of the enforcement order. [Ord. 08-29, 2008].

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

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

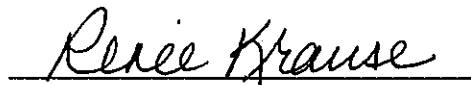
ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 14th day of April, 2025.

CITY OF HOMER



RACHEL LORD, MAYOR

ATTEST:



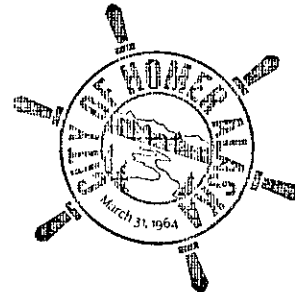
RENEE KRAUSE, MMC, CITY CLERK

YES: 6

NO: 0

ABSTAIN: 0

ABSENT: 0



First Reading: 2/10/25

Public Hearing: 2/24/25

Second Reading: 3/10/25, 4/14/25

Effective Date: 4/15/25