

1 CITY OF HOMER  
2 HOMER, ALASKA

3 City Manager/Port Director

4 ORDINANCE 25-68  
5

6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA  
7 AMENDING HOMER CITY CODE TITLE 10, PORT AND HARBOR  
8 SECTIONS 10.04.035 HOMER PORT AND HARBOR TARIFF,  
9 10.04.040 PORT DIRECTOR, 10.04.055 FEES, 10.04.090 UNDERWAY  
10 REQUIREMENT, 10.04.120 IMPOUNDED VESSEL PROCEDURE, AND  
11 10.04.140 ANNUAL REVIEW.  
12

13 WHEREAS, Title 10 of Homer City Code was repealed and reenacted by Ordinance 95-18  
14 and has been amended from time to time; and  
15

16 WHEREAS, Port & Harbor staff have reviewed Title 10 and identified edits to this section  
17 of code that improve clarity and accuracy; and  
18

19 WHEREAS, The Port and Harbor Advisory Commission also reviewed the proposed code  
20 changes at their September 2025 meeting and made a motion recommending that the council  
21 approve the changes to HCC Title 10.  
22

23 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:  
24

25 Section 1. Homer City Code 10.04.035, Homer port and harbor tariff, is hereby amended  
26 to read as follows:  
27

28 The rates, charges, rules and regulations for wharfage, terminal storage, demurrage and other  
29 terminal services and privileges are set forth in the Homer port and harbor tariff ~~and as filed~~  
30 ~~with the Federal Maritime Commission.~~ Subject to the requirements of HCC 10.04.055, the  
31 Homer port and harbor tariff may be amended from time to time by ~~resolution~~ **ordinance** of  
32 the City Council  
33

34 Section 2. Homer City Code 10.04.040, Port Director – Powers and duties, is hereby  
35 amended to read as follows:  
36

37 A Port Director, who shall have police powers, shall be appointed in the same manner as other  
38 City employees. The Port Director, or their designee, shall be assigned to enforce the provisions  
39 of this title and the Homer port and harbor tariff, maintain an accurate log of the registration  
40 data of all boats using Homer harbor facilities, showing the date of occupancy of berthing  
41 facilities, issue citations and impound vehicles, vessels, gear or equipment for violations of this

42 title, and collect or arrange for the collection of the established fees. The Port Director, or their  
43 designee, is granted the power and authority from time to time, as circumstances require, but  
44 without any obligation to do so, and without any obligation or liability on their part, or that of  
45 the City for their failure to do so, to replace defective mooring lines, to pump vessels which are  
46 in a dangerous condition for lack thereof, and to move any boat for the purpose of protecting  
47 such boat from fire or from other hazard or for the protection of other vessels or property  
48 therefrom. Whenever the Port Director, or their designee, shall perform or cause to be  
49 performed any of the actions authorized in this title or other emergency actions, after having  
50 given notice of the immediate need therefor, or having attempted to give such notice within  
51 the time limits prescribed by the exigencies of the situation, a fee as prescribed in the Homer  
52 port and harbor tariff ~~shall~~ **may** be assessed the vessel owner or operator.

53  
54 Section 3. Homer City Code 10.04.055, Fees, is hereby amended to read as follows:

55  
56 a. Fees for the approved use of Homer harbor facilities and services as set forth in the  
57 Homer port and harbor tariff may be changed by City Council ~~resolution~~ **ordinance**; ~~provided,~~  
58 ~~that a public hearing is held prior to approval of the resolution; and provided further, that any~~  
59 ~~such change is effective only after the change is filed with the Federal Maritime Commission as~~  
60 ~~an amendment to the Homer port and harbor tariff.~~

61 b. The Port Director, or their designee, may negotiate special fees and charges with a  
62 vessel owner or operator where the owner or operator requires an exceptional volume of, or  
63 unique or unusual, services or facilities, and it is in the best interest of the City to enter into  
64 special arrangements. In such event, the Port Director shall inform the City Manager of such  
65 special, negotiated arrangements.

66  
67 Section 4. Homer City Code 10.04.090, Underway requirement, is hereby amended to  
68 read as follows:

69  
70 On at least two days in each calendar year, separated by at least 60 days, a vessel  
71 moored in the Homer harbor shall depart under its own power from the Homer harbor and  
72 travel beyond the one-quarter-mile turning basin of the Pioneer and Deep Water Docks before  
73 returning under the vessel's own power to the Homer harbor. The ~~moorage charge~~ **penalty** for  
74 a vessel that fails to comply with this requirement shall be ~~increased by~~ **equal to 50 percent of**  
75 **the monthly moorage charge** commencing at the time the vessel fails to comply and  
76 continuing ~~during the period of noncompliance~~ **until the vessel completes the first of the**  
77 **two required departures from the harbor.**

78

79           Section 5. Homer City Code 10.04.120, Impounded vessel procedure, is hereby  
80 amended to read as follows:

81 a. At least 10 days prior to impounding any vessel, the City shall cause to be posted on the  
82 vessel, in the Harbormaster's office, ~~the City Clerk's office~~ **City Hall** and ~~on the bulletin board~~  
83 ~~at the entrance of~~ **at** the United States Post Office notice of such action to be taken by the City.

84 A copy of the notice shall be mailed by certified mail, return receipt requested, to the owner or  
85 operator of the vessel at their last known address, which address shall be the same as that  
86 furnished in accordance with the regulations of this tariff. The notice shall contain the name  
87 and/or number of the vessel, the name and address, if known, of the owner or operator and  
88 the location of the vessel. **A second copy of the notice may be delivered by electronic mail.**

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

95 c. A hearing shall be conducted before a hearing officer designated by the City Manager within  
96 48 hours of receipt of written demand therefor from the person seeking the hearing unless the  
97 person waives the right to a speedy hearing. Saturdays, Sundays and City holidays are to be  
98 excluded from the calculation of the 48-hour period. The hearing officer shall be someone  
99 other than the persons who will direct the impounding and storage of the vessel. The sole issue  
100 before the hearing officer shall be whether there is probable cause to impound the vessel in  
101 question. "Probable cause to impound" shall mean such a state of facts as would lead a person  
102 of ordinary care and prudence to believe that there was a breach of Federal, local or municipal  
103 law or regulations, or any agreement entered into pursuant thereto, rendering the vessel  
104 subject to impoundment. The hearing officer shall conduct the hearing in an informal manner  
105 and shall not be bound by technical rules of evidence. The person demanding the hearing shall  
106 carry the burden of establishing that such person has the right to possession of the vessel. The  
107 Port Director, or their designee, shall carry the burden of establishing that there is probable  
108 cause to impound the vessel in question. At the conclusion of the hearing, the hearing officer  
109 shall prepare a written decision. A copy of such decision and reasons therefor shall be provided  
110 to the person demanding the hearing and the owner of the vessel if such owner is not the  
111 person requesting the hearing. The hearing officer's decision in no way affects any criminal  
112 proceeding in connection with the impound in question and any criminal charges involved in  
113 such proceeding may only be challenged in the appropriate court. The decision of the hearing

114 officer is final and may only be appealed to the Superior Court. Failure of the owner or operator  
115 to request or attend a scheduled pre-impoundment hearing shall be deemed a waiver of the  
116 right of such hearing.

117 d. The hearing officer shall only determine as to the vessel in question either that there is  
118 probable cause to impound the vessel or that there is no such probable cause. In the event that  
119 the hearing officer determines that there is no probable cause, the hearing officer shall prepare  
120 and date a certificate of no probable cause, copies of which shall be given to the owner or  
121 operator and to the Port Director, or their designee. Upon receipt of such certificate of  
122 probable cause, the Port Director, or their designee, may proceed with impoundment and  
123 disposition of the vessel by removal, sale or destruction as authorized by this title.

124 e. Any vessel impounded shall be held by the City for a period of not less than 30 days during  
125 which the City shall publish in a newspaper of general circulation in the City a notice describing  
126 the vessel in general terms, the name and/or number, if any, the name and address of the  
127 owner, or operator, if known, or if not known shall so state the location of the vessel and the  
128 intention of the City to sell the same ~~at public auction~~ **through sealed bid**, on a day and at a  
129 place and time certain, not less than 10 days prior to the sale, for cash to the highest and best  
130 bidder. At any time prior to the auction, the owner or operator may redeem the vessel by cash  
131 payment of all City charges against the vessel.

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

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

142  
143 Section 6. Homer City Code 10.04.140, Annual review required, is hereby amended to  
144 read as follows:  
145

146 An annual review shall be required of all port and harbor rates and charges. Such annual  
147 review shall be part of preparation of the port, ~~and charges~~ and harbor fiscal operating  
148 budgets.

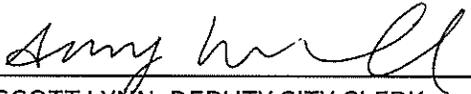
149 Section 7. This Ordinance is of a permanent and general character and shall be  
150 included in the City Code.

151  
152 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this 24<sup>th</sup> day of November, 2025.  
153

154  
155  
156  
157  
158

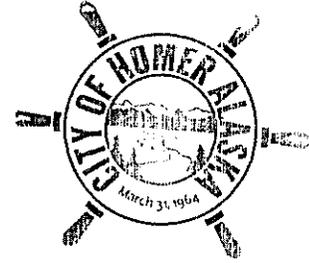
CITY OF HOMER  
  
RACHEL LORD, MAYOR

159  
160  
161  
162  
163  
164  
165  
166  
167  
168

ATTEST:  
  
\_\_\_\_\_

SCOTT LYNN, DEPUTY CITY CLERK  
Amy Woodruff

YES: 6  
NO: 0  
ABSTAIN: 0  
ABSENT: 0



169 First Reading: 11/10/25  
170 Public Hearing: 11/24/25  
171 Second Reading: 11/24/25  
172 Effective Date: 11/25/25