

**CITY OF HOMER
HOMER, ALASKA**

Reynolds/Aderhold

ORDINANCE 16-05(S)(A)(S)

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.

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

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

38 “Submerged land” means land covered by tidal water from the elevation of mean low
39 water seaward to the corporate boundary of the city.

40 “Tideland” means land that is periodically covered by tidal water between the
41 elevation of mean high water and mean low water.

42
43 7.16.020 Operating, stopping or parking of motor vehicles in beach areas prohibited;
44 Exceptions.

45 a. Except as provided in subsections b through d of this section, no person may
46 operate, stop or park a motor vehicle within or upon any beach area.

47 b. A person may operate, stop or park a motor vehicle within and upon the beach area
48 east of a line extending south from the southern end of a line extending south from the
49 southern end of the vacated easement formally known as Shirlene Circle, and within and
50 upon the beach area west of Bishops Beach Park Access.

51 **c. A person may operate, stop or park a motor vehicle within and upon the beach**
52 **area between the Beluga Slough outlet and the Mariner Park Beach Access from October**
53 **31 through March 1 solely for the purpose of gathering sand and coal.**

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

58 e. Nothing in this section permits a person to operate, stop or park a motor vehicle
59 within or upon privately owned property in a beach area without the permission of the
60 property owner.

61
62 7.16.030 Operating, stopping or parking of motor vehicles on storm berms prohibited.

63 No person may operate, stop or park a motor vehicle upon a storm berm.

64
65 7.16.040 Impoundment authorized.

66 A vehicle that is stopped or parked in violation of this chapter may be impounded as
67 provided in HCC Chapter 7.08.

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

70
71 Section 4. This Ordinance is of a permanent and general character and shall be
72 included in the City Code.

73
74 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this ____ day of
75 _____ 2016.

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

AYES:

NOES:

ABSTAIN:

ABSENT:

First Reading:

Public Reading:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Mary K. Koester, City Manager

Date: _____

Thomas F. Klinkner, City Attorney

Date: _____