

AGENDA
FOR THE REGULAR
CITY COUNCIL MEETING
FOR THE CITY OF THORNE BAY
CITY HALL COUNCIL CHAMBERS,
TUESDAY, August 7, 2018
@ 6:30 P.M.

The meeting will be preceded by a workshop beginning at 6:00 p.m.

1. **CALL TO ORDER:**
2. **PLEDGE TO FLAG:**
3. **ROLL CALL:**
4. **APPROVAL OF AGENDA:**
5. **MAYOR'S REPORT:**
6. **ADMINISTRATIVE REPORTS:**
City Administrator & City Clerk Report:
7. **PUBLIC COMMENTS:**
8. **COUNCIL COMMENTS:**
9. **NEW BUSINESS:**
 - A. Resolution 18-08-07-01, pledging to action by partnering with other leaders at the local, state and federal level to decrease the nation's rates of opioid misuse, overdose and death, discussion and action item:
 - B. Approval of Rental Agreement between the City of Thorne Bay and Pacific Airways for use of City Harbor Storage Facility and Seaplane Landings, discussion and action item:
10. **ORDINANCES FOR PUBLIC HEARING:**
 - A. Ordinance 18-08-07-01, amending Title 18 – City Boat Harbor, discussion and action item:
11. **ORDINANCES FOR INTRODUCTION:**
 - A. Ordinance 18-08-21-01, amending Title 1 – General Provisions, Section 1.16.035 – Minor Offense Fine Schedule, Discussion and action item:
 - B. Ordinance 18-08-21-02, amending Title 10-Vehicles and Traffic, Chapter 10.20 – Parking, Standing and Stopping, discussion and action item:
 - C. Ordinance 18-08-21-03, Non-Code Ordinance, Authorizing the Sale of Municipal Owned Property, located in the Deer Creek Subdivision Lots DC1 & DC2, to Russell Ricks, discussion and action item:
 - D. Ordinance 18-08-21-04, amending Title 17 – Zoning, Chapter 17.04 – Planning and Zoning, Discussion and action item:
 - E. Ordinance 18-08-21-05, amending Title 9-Public Peace Morals and Welfare, Chapters 9.02-Curfew for minors; 9.12-Protection of Survey Monuments; 9.20-Litter Control, 9.22-Water Hydrants; discussion and action item:
12. **EXPENDITURES EXCEEDING \$2,000.00:**
 - A. Authorizing the expense of \$2,878.00, to Organized Village of Kasaan, Kasaan Road Grading per MOU, discussion and action item:
13. **EXECUTIVE SESSION: The Council May adjourn to executive session.**

- 14. CONTINUATION OF PUBLIC COMMENT:**
- 15. CONTINUATION OF COUNCIL COMMENT:**
- 16. ADJOURNMENT:**

AGENDA Posted & Published: August 3, 2018 - City Hall (2), A&P, SISD, USFS, The Port, Thorne Bay School,
www.thornebay-ak.gov

CITY OF THORNE BAY
RESOLUTION No. 18-08-07-01

**A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY;
PLEDGING TO TAKE ACTION TO COMBAT DRUG ADDICTION AND WORK
IN PARTNERSHIP WITH OTHER LEADERS AT THE LOCAL, STATE AND
FEDERAL LEVEL TO DECREASE THE NATION'S RATES OF OPIOID MISUSE,
OVERDOSE AND DEATH.**

WHEREAS, the City Council is the governing body for the City of Thorne Bay; and

WHEREAS, drug addiction and opioids the leading cause of injury and death in the United States, outnumbering both traffic crashes and gun-related deaths.

WHEREAS, the National League of Cities (NLC) and National Association of Counties (NAC) convened a joint task force to identify local policies and practices that reduce opioid abuse and related fatalities; and

WHEREAS, The National League of Cities and National Association of Counties are requesting local and state government officials through local leadership by pledging to take action and work with other leaders at the local, state and federal level to decrease the rates of opioid misuse, overdoses and death; and

WHEREAS, The City of Thorne Bay encourages and supports educational and prevention programs regarding the dangers of misuse and/or abuse of prescription and non-prescription (over the counter) drugs.

NOW, THEREFORE BE IT RESOLVED, that the City Council for the City of Thorne Bay pledges to take action by working in partnership with other leaders at the local, state and federal level to decrease our nation's rates of opioid misuse, overdose and death.

PASSED AND APPROVED: by the Thorne Bay City Council, on this 7th day of August 2018

Harvey McDonald, Mayor

ATTEST:

Teri Feibel, CMC

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AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY,
ALASKA, AMENDING TITLE 18-CITY BOAT HARBORS

BE IT ENACTED BY THE CITY COUNCIL FOR THE CITY OF THORNE BAY,
ALASKA

Section 1. Classification. This ordinance is of a general and permanent nature, the chapter and section hereby amended shall be added to the Thorne Bay Municipal Code.

Section 2. Severability. If any provisions of this ordinance or any application thereof to any person or circumstances is held invalid, the circumstances shall not be affected thereby.

Section 3. Amendment of Section. Title 18-Harbor is hereby amended and added to the Thorne Bay Municipal Code. **ADDITIONS ARE IN BOLD AND CAPITALIZED; deletions are stricken.**

Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED August 7, 2018

Harvey McDonald, Mayor

ATTEST:

Teri Feibel, CMC

[Introduction: July 17, 2018]

[Public Hearing: August 7, 2018]

Title 18

CITY BOAT HARBOR - Chapters:

- 18.10 General Provisions
- 18.20 Registration and Stall Assignment
- 18.30 Rules for Use of Harbor Facilities
- 18.40 Control of Nuisance and Derelict Boats
- 18.50 Enforcement
- 18.60 Harbor Fund

Chapter 18.10

GENERAL PROVISIONS - Sections:

- 18.10.010 Applicability of provisions.
- 18.10.020 Definitions.
- 18.10.030 Policy and intent-City liability denied.
- 18.10.040 Harbor commission.
- 18.10.050 Harbormaster.

ADDITIONS ARE CAPITALIZED AND BOLD

~~Deletions are stricken~~

Chapter 18.10 - General Provisions

18.10.010 Applicability of provisions.

The provisions of this title shall apply to all persons on or within the city's harbor jurisdiction.

(Ord. 89-30 § 5(part), 1989)

18.10.020 Definitions.

Whenever the following words or terms are used in this title, they shall have the meaning ascribed to them in this section, unless the context makes such meaning repugnant thereto:

- A. "Boat grid" means all facilities maintained, leased or owned by the city for use while repairing, bottom scraping or painting vessels by allowing said vessels to go dry on low tides.
- B. "City's harbor jurisdiction" means the harbor facility and all navigable waters situate within the city's tideland lease area.
- C. "Commuter vessel" means any vessel not used for commercial activities (including the embarking or disembarking of passengers as part of such commercial activities), home-ported in the city which is used by a resident of the city for the main purpose of transporting that resident or his family from place of residence to the main town site for purposes of attending work, obtaining materials and supplies, or attending school or school-related activities.
- D. "Constituting a nuisance" means any vessel which is not kept and regularly pumped free of excess water inside her hull, or is submerged, or creates a fire, health or navigation hazard, or is a derelict, or has become a nuisance because of nonpayment of fees.
- E. "Derelict vessel" means a vessel that has been left unattended for a continuous period of more than twenty-four hours, if:
 - 1. The vessel is sunk or in immediate danger of sinking, is obstructing a waterway, or is endangering life or property; or
 - 2. The vessel has been moored or otherwise left in the city boat harbor, and if:

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- i. The vessel's certificate of number or marine document has expired, and the registered owner no longer resides at the address listed in the vessel registration or marine document records of a state department or the United States Coast Guard; or
- ii. The last registered owner of record disclaims ownership and the current owner's name, or address cannot be determined; or
- iii. The vessel identification numbers and other means of identification have been obliterated or removed in a manner that nullifies or precludes efforts to locate or identify the owner; or
- iv. The vessel registration records of a state department and the marine document records of the United States Coast Guard contain no record that the vessel ever has been registered or documented, and the owner's name cannot be determined.

F. **"Finger float"** means the numbered floats attached and connected to the master floats. Finger floats shall be identified by numbers. All floats now or hereafter installed, whether or not connected with master floats, shall be suitably identified.

G. **"Float"** means all floating or stationary walkways and structures appurtenant thereto to which vessels may be moored, which are owned or maintained by the city.

H. **"Harbor facility"** means any float, piling, dock, ring, buoy, stall, seaplane float, boat ramp, vehicle parking area, structure, submerged lands and uplands directly associated with submerged lands use or other harbor improvement constructed, maintained, or owned or leased by the city.

I. **"Residence"** means the dwelling unit where one actually resides; one's home.

J. **"Seaplane"** means an airplane which is capable of landing in water.

K. **"Transient/guest vessel"** means any vessel not home-ported in Thorne Bay by designation or transactional utilization.

L. **"Vehicle"** means all trucks, automobiles, motorcycles, all-terrain vehicles and non-motor vehicles of every kind and description, pleasure and commercial.

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M. "Vessel" means all ships, boats, skiffs and craft of every kind and description, pleasure and commercial, including a seaplane, on the water, used or capable of being used as a means of transportation on or through the water.

N. "Vessel owner, master or agent" means the individual, partnership or corporation renting a stall or mooring space in the city boat harbor, or someone acting for that individual or corporation. (Ord. 97-22 § 3(part), 1997; Ord. 92-17 § 4, 1992; Ord. 89-30 § 5(part), 1989)

18.10.030 Policy and intent-City liability denied.

It is declared that the intent of this title is to further the use of facilities of the city boat harbor by commercial fishermen, government vessels, commercial vessels in trade and commerce, pleasure craft, seaplanes and the general public. It is the further intent of this title to prevent and discourage the use of the facilities of the city boat harbor by vessels which have been abandoned by their owners to the point of becoming derelict vessels, as defined in this title. The policy of this title is to maximize the safe and efficient use of the harbor facilities. Payment of a user fee entitles an individual to facility use on a priority basis. Nothing shall limit the ability of the harbormaster to assign the vessels to any unused berth, stall or mooring space ("hot-berth") in the interest of public safety. It is the policy of the city that any persons visiting or using the harbor facility will do so at their own risk. The city does not assume responsibility for loss or damage to property, or injury to persons within or upon the harbor facility. (Ord. 97-22 § 3(part), 1997; Ord. 89-30 § 5(part), 1989)

18.10.040 Harbor commission.

There is established the harbor commission for the city to assist and advise the city with respect to all harbor-related problems or activities. The harbor commission shall consist of members from the community and the number of commission members shall be determined by the city council. Members shall be appointed for a term of one year by the chief administrative officer and confirmed by the council. Commission members shall elect a chairperson from the members, subject to confirmation by the council, to conduct the affairs of the commission. In the event that a harbor commission is not appointed, the city council will perform the duties of the harbor commission. (Ord. 97-03 § 3(part), 1997; Ord. 96-06 § 3, 1996; Ord. 93-02 § 4, 1993; Ord. 90-28 §§ 5 and 6(part), 1990)

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18.10.050 Harbormaster.

The chief administrative officer shall appoint a person as harbormaster for the city. The harbormaster shall, under the direction of the city's chief administrative officer, supervise and manage all Thorne Bay boat harbor facilities; **AND ENFORCE ALL LAWS OF THE HARBOR AS PROVIDED IN TITLE 18 OF THE THORNE BAY MUNICIPAL CODE.**

(Ord. 90-28 § 6(part), 1990)

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Chapter 18.20 - REGISTRATION AND STALL ASSIGNMENT

- 18.20.010 Transactions to be conducted at City Hall.
- 18.20.020 Application for mooring or use of the harbor facilities.
- 18.20.030 Rental and use fees-Use of vacant stalls.
- 18.20.040 Payment of rental and use fees.
- 18.20.050 Lien for unpaid rentals and fees.
- 18.20.060 Priority in space assignment-Method.
- 18.20.070 Priority in space assignment-Present renters get lowest.
- 18.20.080 Sale of vessel terminates moorage- Exception.
- 18.20.090 Commuter vessel moorage.

18.20.010 Transactions to be conducted at City Hall or at the harbor office.

All registration of boats and seaplanes, payment of harbor facility charges, and other harbor facility business will be conducted at City Hall or at the Harbor office. (Ord. 97-22 § 3(part), 1997: Ord. 89-30 §5(part), 1989)

18.20.020 Application for mooring or use of the harbor facilities.

- A. The application for mooring of vessels, seaplanes or use of the Harbor Facilities, as defined in Title 18, shall be in such form as is required by the city and shall be filed with the city clerk.
- B. A copy of Title 18, Thorne Bay Municipal Code, pertaining to use of Harbor Facilities as defined in Title 18 shall be given to each successful applicant along with an approved signed application. (Ord. 97-03 § 3(part), 1997: Ord. 89-30 § 5(part), 1989)(Ord. 15-12-15-03)

18.20.030 Rental and use fees-Use of vacant stalls.

Fees for the privilege of berthing or mooring any vessel or seaplane, short or long term, at the harbor facility or for use of other Harbor Facilities, including but not limited to seaplane floats, boat grid, pump out station, fish cleaning station, boat launch ramp, hoists or any other Harbor Facility as defined in Title 18, shall be levied according to the fees, charges and conditions set by resolution of the council. From time to time, when deemed necessary, the council may modify, change or amend such fees, charges and conditions. (Ord. 97-22 § 3(part), 1997: Ord. 89-30 § 5(part), 1989)(Ord. 15-12-15-03)

18.20.040 Payment of rental and use fees.

A. All use of any harbor facilities shall be payable in advance, moorage and other fees are payable in advance. Guest or transient use fees shall be based on the fees established by the City Council for daily rates. Permanent use fees (contracts) shall be based on the fees established by the City Council for monthly, biannually, or annually rates. Use of Harbor Facilities for less than 1 month will be charged daily guest rates or charged the appropriate monthly rate with a signed contract. All contracts shall require a two-month deposit and all contract shall begin at the first of the month.

B. The city treasurer shall send a bill to persons renting a stall or mooring space on or about the first day of each month. Said bill shall be due and payable on the twentieth day of the month. Such bill will also contain a statement for additional services which have been rendered during the prior month. Bills not paid by the due date shall be subject to a two percent monthly service charge. (Ord. 13-04-02-04; Prior Ordinance 05-06-21-02 & Ord. 89-30 § 5(part), 1989)

18.20.050 Lien for unpaid rentals and fees.

A. All rentals and other fees accruing to the city from the use of the harbor facilities shall constitute a lien against such vessel, seaplane, vehicle or other lien able item.

B. It is unlawful for any vessel, seaplane or vehicle owner, master or agent who is in default of any charges accruing to the city under the provisions of this chapter to use any harbor facilities prior to the payment of all charges imposed by this chapter. **PERSONS VIOLATING THIS SECTION IS GUILTY OF AN INFRACTION AND SHALL BE PUNISHED BY THE FINE ESTABLISHED IN 1.16.035.**

C. If the owner, master or agent of any vessel seaplane or vehicle shall fail to pay any charges within the first twenty days of the month; a notice of delinquency shall be mailed or delivered to the owner, master or agent of the vessel advising of delinquency and assessing a fee established by resolution of the city council.

D. If fees are not paid in full by the fifth day of the next month, the vessel is in default and is subject to both tow away and loss of moorage space assignment. (Ord. 89-30 § 5(part), 1989)

E. In the event any mooring fees are not paid within sixty days after the same are due, the boat for which the fees are in arrears shall be considered abandoned and a nuisance. In the event that any boat is abandoned or declared to be a nuisance by reason of the failure to timely pay such fees, notice thereof will be given to the owner, master or agent of the boat as shown on the registration statement, and said notice shall state that unless such fees are paid within thirty days

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after the service of the notice, said boat shall be subject to removal, impoundment, destruction or sale in the discretion of the harbor commission because the boat has been declared to be a nuisance. (Ord. 13-04-02-04)

18.20.060 Priority in space assignment-Method.

Assignment of spaces in the city boat harbor shall be initially allocated by lottery and thereafter allocated on a first-come, first-served basis, with names at the top of the list to first be assigned to recently vacated stalls of the appropriate nature. The city may take into consideration special requirements of vessels and make a separate list according to either vessel length or character of vessel. (Ord. 89-30 § 5(part), 1989)

18.20.070 Priority in space assignment-Present renters get lowest.

Effective with the adoption of the ordinance codified in this title, those persons already assigned a stall shall be given at all times the lowest priority in seeking additional stalls. Only two boat stalls shall be permitted without prior approval of the harbor commission or City Council. Those paying annual moorage and those paying annual moorage that operate licensed Thorne Bay businesses and demonstrate a need for more than two stalls may request approval of the Harbor Commission or City Council for additional stalls subject to availability on a monthly basis. (Ord. 90-28 § 4(part); Ord. 89-30 § 5(part), 1989)(Ord. 16-04-19-01)

18.20.080 Sale of vessel terminates moorage-Exception.

Sale of an assigned vessel shall constitute termination of the mooring privilege unless the stall renter re-replaces the vessel with a similar-sized vessel or demonstrates to the harbormaster that he or she intends to replace the vessel within a six-month period of time. (Ord. 89-30 § 5(part), 1989)

18.20.090 Commuter vessel moorage.

Commuter vessel moorage spaces in the city boat harbor shall be on a daily first-come first-served basis. City makes no guarantee regarding the sufficiency or availability of day-to-day commuter vessel moorage. Commuter vessels may not occupy the same moorage space for more than eighteen consecutive hours in a twenty-four-hour period of time. Violations shall be governed by Chapter 18.50 of this code. (Ord. 92-17 § 5, 1992)

Chapter 18.30 - RULES FOR USE OF HARBOR FACILITIES

- 18.30.010 Live-aboard policy.
- 18.30.015 Live-aboard at Davidson Landing
- 18.30.020 Conduct in harbor facility-Rules generally.
- 18.30.030 Condition of vessels.
- 18.30.040 Power of harbormaster to board and inspect vessels and facilities.
- 18.30.050 Power of harbormaster to move vessels.
- 18.30.060 Persons to comply with harbormasters communications.
- 18.30.070 Persons to obey lawful regulations and meet accepted safety standards.
- 18.30.080 Harbormaster may pump vessels and maintain lines.
- 18.30.090 Fees for pumping or line maintenance by harbormaster.
- 18.30.100 Use of grids.
- 18.30.103 Use of seaplane floats.
- 18.30.105 Use of boat launch ramp.
- 18.30.106 Use of fish cleaning station.
- 18.30.108 Use of other harbor facilities.
- 18.30.110 Loading zones.
- 18.30.120 Conducting business in harbor from any vessel.
- 18.30.130 Acts prohibited without prior approval of the harbormaster.
- 18.30.140 Prohibited acts.
- 18.30.150 Electrical service to vessels-Conductor specifications.
- 18.30.160 Regulation of vehicles and parking areas.

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18.30.010 Live-aboard policy.

A. A person using his/her own or another person's vessel as a residence as defined in 18.10.020 (I), at any time during a month is considered a live aboard for purposes of this title and is liable for the full monthly live aboard rate. Applications and first month's fee and deposit must be submitted to the City at the time of occupying slip and paid in monthly, six month or annual installments thereafter.

1. Live-aboards wishing to use their boats seasonally may reserve their live-aboard status if:

- i. Their deposit is retained by the city,
- ii. A standby fee is paid in advance as established by Resolution, and
- iii. They are paying an annual fee for the stall.

(Ord. 18-05-01-01; Subsection 18.30.010; Prior Ord. 16-06-21-01)

B. No more than two pets may be kept on a live aboard vessel at the discretion of the harbormaster. Any complaint may constitute the immediate removal of the pets.

C. Vessels being used for live-aboard purposes must meet all sanitary requirements as established by the United States Coast Guard and the Alaska Department of Environmental Conservation.

D. Oil, gas, electric or wood heating units, if installed, must be installed and utilized in conformance with manufacturer's specifications.

E. Live-aboard fees shall be established by resolution of the city council and will be established by resolution of the City Council and will not be prorated unless the moorage agreement is terminated, and the boat removed from the harbor.

F. Deposit for Live-aboard agreements shall be established by resolution of the City Council.

(Ord. 16-06-21-01, amending section- A ; Prior Ordinances: 16-06-07-02; Ord. 13-08-06-01; Ord. 13-04-02-04; Ord. 89-30 § 5(part), 1989)

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18.30.020 Conduct in harbor facility-Rules generally.

A. Vessel moorage within the harbor facilities shall be for active operational vessels or seaplanes only, and must possess a display all local, State and Federal Registrations, licenses and Permits.

B. Vessels, when unattended, must be securely moored with adequate bow, stern and spring lines or tie-downs, as applicable.

C. Vessels moored in the harbor facility must, at all times, be completely seaworthy or air worthy, as applicable, and ready for immediate or emergency departure, under the power of a gas or diesel engine, or if equipped with oars by oar, into local waters, and also may not be chained or locked to any float.

1. Harbor Master may request owner of agent of any vessel to start and move said vessel out one hundred yards and back under its own power.
2. Mechanical problems must be immediately reported to the Harbor Master.
3. Harbor Master may grant a 30-day grace period for repairs with additional grace period if needed, so long as progress toward repairs is being made.

D. All vessels entering the harbor facility must have a valid identifying name or number permanently affixed to the vessel and visible from the outside. Failure to have either shall be cause for refusal of moorage.

E. All berthing and moorage of vessels in the city boat harbor shall be in strict accordance with signs posted by the harbormaster.

F. The movement of vessels within the moorage areas shall be for the purpose of mooring and entering or leaving his area only. Vessel speeds within and approaching the harbor facility shall be slow enough so that no wake will be created by the movement of a vessel.

G. All vessels and vehicles will be parked, moored and maneuvered in a safe and orderly manner.

H. All children twelve years of age or younger shall wear a US Coast Guard approved life vest at all times while on harbor facilities.

I. All power cords, lines and other equipment must be used and kept in a way not to create hazardous conditions for other users of harbor facilities. (Ordinance 17-03-21-02; Prior Ordinances 13-04-02-04 (part); Ord. 97-22 § 3(part), 1997; Ord. 89-30 § 5(part), 1989))

18.30.030 Condition of vessels.

All vessel owners, masters, agents, crew or guests, when using the harbor facility for moorage or otherwise, shall keep their vessel, equipment, pier, float or finger float in the vicinity of their vessel neat, clean and in an orderly manner. (Ord. 89-30 § 5(part), 1989)

18.30.040 Power of harbormaster to board and inspect vessels and facilities.

The harbormaster reserves the right to inspect any and all vessels and leased areas within the harbor facility at any time, for cause. This regulation should not be construed to mean that performing such inspections is the responsibility of the harbormaster or harbor facility. (Ord. 89-30 § 5(part), 1989)

18.30.050 Power of harbormaster to move vessels.

The harbormaster may move any vessels within the harbor on the waters of Thorne Bay within the City of Thorne Bay boundaries. The Harbormaster may respond to and move any vessel, for reason of protection of life or property, or during an emergency condition. Fees for the services rendered shall be levied according to the fees, charges and conditions set by resolution of the council. From time to time, when deemed necessary, the council may modify, change or amend such fees, charges and conditions. (Ord. 89-30 § 5(part), 1989)

18.30.060 Persons to comply with harbormaster's communications.

Any person present, upon, within, or using the harbor facility or the facility equipment shall comply with all verbal or written communications of the harbormaster. These communications include **CITATIONS ISSUED FOR VIOLATING THE PROVISIONS OF THIS CHAPTER, AND** administrative and operational policies and procedures, as issued by the harbormaster or council; (Ord. 97-22 § 3(part), 1997: Ord. 89-30 § 5(part), 1989)

18.30.070 Persons to obey lawful regulations and meet accepted safety standards.

Those persons and vessels utilizing the harbor facility shall obey all harbor facility, municipal, state and federal laws and regulations, as well as those generally accepted safety standards and

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requirements. Violators are subject to the enforcement provisions of this title as well as prosecution under the aforementioned laws. (Ord. 89-30 § 5(part), 1989)

18.30.080 Harbormaster may pump vessels and maintain lines.

The harbormaster is granted the power and authority to, from time to time, but without any obligation or duty to do so, and without any obligation or liability on his part or that of the city for his failure to do so, replace defective mooring lines, secure any vessel with additional mooring line or tie downs, and pump vessels, including seaplane floats, which are in a dangerous condition. (Ord. 97-22 § 3(part), 1997: Ord. 89-30 § 5(part), 1989)

18.30.090 Fees for pumping vessels or line maintenance by harbormaster.

Whenever the harbormaster shall perform any of the acts authorized in Section 18.30.080, after having given notice to the vessel owner, master or agent at the registered address, of the immediate need thereof, or having attempted to give such notice, the vessel owner, master or agent is required to pay fees established by resolution of the city council. (Ord. 89-30 § 5(part), 1989)

18.30.100 Use of grids.

- A. The harbormaster shall assign grid privileges on a first-come, first-served basis.
- B. Fees for the privilege of using grids shall be levied according to the fees, charges and conditions set by resolution of the council. From time to time, when deemed necessary, the council may modify, change, or amend such fees, charges and conditions.
- C. Grid users shall obey all grid use laws, rules, and regulations issued by the harbormaster or council or set forth in municipal, state or federal law, rules or regulations. Violators are subject to the enforcement provisions of this title as well as prosecution under the aforementioned laws. (Ord. 97-22 § 3(part), 1997: Ord. 89-30 § 5(part), 1989)

18.30.103 Use of seaplane floats.

- A. The harbormaster shall assign seaplane parking float moorage privileges on a first-come, first-served basis. The seaplane landing float shall be used on a first-come, first-served basis.

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B. Fees for the privilege of using the seaplane parking float and seaplane landing float shall be levied according to the fees, charges and conditions set by resolution of the council. From time to time, when deemed necessary, the council may modify, change or amend such fees, charges and conditions.

C. Seaplane facility users shall obey all seaplane facility use rules and regulations issued by the harbormaster or council or set forth in municipal, state or federal law, rules or regulations. Violators are subject to the enforcement provisions of this title as well as prosecution under the aforementioned laws.

D. Boats are prohibited from mooring or otherwise using the seaplane parking and landing floats unless authorized by the harbormaster. (Ord. 97-22 § 3(part), 1997)(Ord. 13-04-02-04)

18.30.105 Use of boat launch ramps.

A. The boat launch ramp shall be used on a first-come, first-served basis.

B. Fees for the privilege of using the boat launch ramp shall be levied according to the fees, charges and conditions set by resolution of the council. From time to time, when deemed necessary, the council may modify, change or amend such fees, charges and conditions.

C. Boat launch ramp users shall obey all boat launch ramp use rules and regulations issued by the harbormaster or council or set forth in municipal, state or federal law, rules or regulations. Violators are subject to the enforcement provisions of this title as well as prosecution under the aforementioned laws. (Ord. 97-22 § 3(part), 1997)

18.30.106 Use of fish cleaning station.

A. The fish cleaning station shall be used on a first-come, first-served basis.

B. Fees for the privilege of using the fish cleaning station shall be levied according to the fees, charges and conditions set by resolution of the council. From time to time, when deemed necessary, the council may modify, change or amend such fees, charges and conditions.

C. Fish cleaning station users shall obey fish cleaning station ramp use rules and regulations issued by the harbormaster or council or set forth in municipal, state or federal law, rules or regulations. Violators are subject to the enforcement provisions of this title as well as prosecution under the aforementioned laws. (Ord. 97-22 § 3(part), 1997)

18.30.108 Use of other harbor facilities.

A. Other harbor facilities shall be used as directed by the harbor-master or council.

B. Fees for the privilege of using other harbor facilities shall be levied according to the fees, charges and conditions set by, resolution of the council. From time to time, when deemed necessary, the council may modify, change or amend such fees, charges and conditions.

C. Users of other harbor facilities shall obey all use rules and regulations issued by the harbormaster or council or set forth in municipal, state or federal law, rules or regulations. Violators are subject to the enforcement provisions of this title as well as prosecution under the aforementioned laws. (Ord. 97-22 § 3(part), 1997)

18.30.110 Loading zones.

There shall be reserved loading zones within the harbor facilities. Zones shall be adequately marked, with mooring time being limited to the hours posted. Violations shall be governed by Chapter 18.50. (Ord. 89-30 § 5(part), 1989)

18.30.120 Conducting business in harbor from any vessel.

Any vessel owner, master or agent desiring a temporary mooring space within the harbor facilities for the purpose of selling any merchandise shall make application to the harbormaster for such space and shall pay a daily rental established by resolution. Peddlers and itinerant merchants shall have a valid license, all in accordance with applicable laws. (Ord. 89-30 § 5(part), 1989)

18.30.130 Acts prohibited without prior approval of the harbormaster.

The following acts are prohibited unless the prior written approval of the harbormaster has been obtained:

A. Using a vessel as a residence, as defined by Section 18.20.020. Persons requesting moorage space to be used as a residence, or those who, while using a moorage space, do not regularly use the vessel as a fishing, freight or pleasure craft, must first comply with such separate regulations and conditions as are set forth and deemed appropriate by the harbormaster;

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- B. Issuance of a permit or license for commercial use of the harbor facility. The requirements and conditions for such permits or licenses shall be prescribed in separate instructions as issued. Sale from a private vessel is governed by Section 18.30.120;
- C. Major maintenance or repair work, including spray painting, sandblasting, welding, burning, outfitting, etc., upon any vessel;
- D. Tapping, connecting, disconnecting, interfering with or tampering with electrical outlets or devices installed within the harbor facility;
- E. Moving or altering any wharf, float, gang plank, ramp or other facility in the harbor facility;
- F. Posting of signs on the harbor facility for the sale of items or the charter or rental of vessels;
- G. Borrowing or using any harbor facility equipment;
- H. Operating a four-wheeler, all-terrain vehicle, with or without a trailer, for the purpose of loading or unloading vessels or aircraft at the seaplane float facilities. (Ord. 98-20 § 3(part), 1998; Ord. 89-30 § 5(part), 1989)

18.30.140 Prohibited acts.

Unless otherwise provided in this chapter, the following acts are prohibited:

- A. Operating or causing any vessel to be operated recklessly, or otherwise engaging in a careless manner within the harbor jurisdiction that is dangerous or a nuisance to the person or property of another;
- B. Tying or mooring pile drivers, scows, barges, boat houses, or other similar vessels, or vessels over one hundred feet in length, or more than 20% of stall length as measured by length overall from the furthest part of the bow to the furthest part of the stern, to any float or stall; unless authorized to do so by the Thorne Bay Harbor Master.
- C. Using bumpers that cause damage to docks;
- D. Dumping garbage, trash, oil, fuel, debris or other materials, liquid or solid, into the waters, or onto the land areas, floats and piers of the harbor facility, except into such containers as are provided for that specific purpose. Waste oil must be poured into special containers provided for that specific purpose;
- E. Discharging of sewage from toilet facilities on vessels while within the harbor jurisdiction;
- F. Setting any net or fish-taking device within the harbor jurisdiction unless it is attended at all times. The net or device cannot be over the length of the vessel and must be alongside of

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the vessel. No net or device may be set so as to obstruct navigation or mooring within the harbor jurisdiction;

- G. Water skiing, scuba diving except for maintenance and special occasions;
- H. Storing personal items on the floats and finger floats. Oily rags, open paints and other combustible and explosive materials shall not be stored on docks at any time;
- I. Using the harbor facility firefighting equipment for any purpose other than fighting fires;
- J. Disregarding, defacing, removing or damaging any sign or notice posted or erected by the harbormaster or city public works department relating to the use of mooring areas or other facilities;
- K. Sub-assigning or subleasing assigned mooring space;
- L. Generating loud or boisterous noises tending to disturb the reasonable peace and privacy of others;
- M. Obstructing or interfering with the harbormaster in the performance of his duties, or refusing to comply with a lawful order of the harbormaster;
- N. Challenging or intending to provoke another to fight, or engaging in fighting;
- O. Following and repeatedly accosting any person for the purpose of obtaining money or other property from that person;
- P. Consuming alcohol, except upon licensed premises or private vessels, or engaging in the use of, or being an instrument in the exchange of, unlawful narcotics and other dangerous drugs;
- Q. Bringing dogs upon or within the harbor facility, unless on a leash. Animal owners WILL be responsible for proper cleanup and disposal of animal wastes;
- R. Riding or operating bicycles, skateboards, roller skates, or other similar devices on gangways, floats or finger floats. This prohibition does not apply to wheeled carts or similar devices used for the transport of goods to and from vessels. (Ord. 98-20 § 3(part), 1998; Ord. 97-22 § 3(part), 1997; Ord. 89-30 § 5(part), 1989)(Ord. 17-03-21-02)

18.30.150 Electrical service to vessels-Conductor specifications.

Electrical connections to any vessel are under the direction of the harbormaster and must comply with the following regulations:

- A. Cords with current carrying capacity of less than fifteen amps shall not be used;
- B. Flexible cords shall be used only in continuous lengths without splice or taps;

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- C. Cords shall not be smaller than required for the rated current of the connected equipment;
- D. Attachment plugs, and connector bodies shall not be smaller than that required for the rated current of the attached cord;
- E. Attachment plugs shall be of the weatherproof type;
- F. Infrared heating lamps may be used with porcelain-type sockets only;
- G. Any heater capable of causing a fire if overturned must be equipped with a safety switch that will automatically disconnect electric current if overturned;
- H. The following power cords are approved for use and listed below by type: SO, ST, STO, POW, K, S;
- I. Any cord not listed must be inspected and approved by the harbormaster prior to being put in service;
- J. Current-carrying capacity of flexible cords:

Size, AWG	Amps.	Size, AWG	Amps.
14	15	8	35
12	20	6	45
10	25	4	60(Ord. 89-30 § 5(part), 1989)

18.30.160 Regulation of vehicles and parking areas.

- A. The harbormaster may establish such reasonable traffic and parking regulations as may be required for the safe and orderly operation and parking of all vehicles within the confines of the harbor facility. This includes the posting of all signs and all other regulations that may be required. ~~Vehicles found in violation of these regulations will be subject to towing and placement in impound.~~
- B. All towing and impound expenses will be incurred by the owner of the vehicle.
- C. Persons using the harbor facility vehicle parking area will do so only in connection with the use of the other harbor facilities. (Ord. 89-30 § 5(part), 1989)

D. ANY PERSON VIOLATING ANY PROVISION OF THIS CHAPTER IS GUILTY OF AN INFRACTION AND SHALL BE PUNISHED BY THE FINE ESTABLISHED IN 1.16.035 IF THE OFFENSE IS LISTED IN THAT FINE SCHEDULE OR BY THE FINE ESTABLISHED IN 1.16.030 IF THE OFFENSE IS NOT LISTED IN THE FINE SCHEDULE.

Chapter 18.40 - CONTROL OF NUISANCE AND DERELICT BOATS

18.40.010 Abatement of nuisance-Impoundment-Removal and sale.

18.40.020 Procedure for destruction, sale or other disposition of boat.

18.40.030 Impoundment-Final disposition of sold and unsold vessels.

18.40.040 Other property becoming a nuisance.

18.40.010 Derelict, nuisance, unseaworthy, wrecked and sunken vessels

No person may bring into or keep within the small boat harbor facilities or property a vessel that is derelict or a nuisance, or in the opinion of the harbormaster, is so unseaworthy or in such a deteriorated condition that it may sink, become a hazard to navigation, or damage docks, floats, or other vessels, except as required in an emergency, but only for so long as required by the emergency.

A. If the harbormaster determines that the derelict condition of a vessel constitutes a fire or safety hazard to harbor facilities or other vessels, or a pollutant hazard to the waters and marine life of the harbor, and that damage from such fire, safety, or pollutant hazard will more likely than not occur within the notice period required under this subsection, the harbormaster may take reasonable steps to prevent damage from the fire, safety, or pollutant hazard without prior notice or hearing, including without limitation impounding the vessel by immobilizing the vessel or by hauling the vessel out of the water and storing it, with all expenses and risks of the haul-out and storage to be borne by the owner of the vessel. The City of Thorne Bay shall not be held liable for any damages resulting from the haul-out or storage of any impounded vessel. Promptly after impounding a vessel under this subsection, the harbormaster shall give notice of the impoundment in accordance with 18.40.020 subsection (a). (Ord. 10-07-06-02)

18.40.020 Abatement of nuisance-Impoundment-Removal and sale.

A. In the event any boat constitutes a nuisance or is a derelict, as defined, liable to sinking, sunk, or in a hazardous condition, notice thereof shall be given to the owner, master, or agent of the boat as shown on the registration statement filed with the harbormaster, stating that unless said boat is removed, repaired, or that other action is taken to remedy such nuisance, the boat will be subject to destruction or sale, in the discretion of the harbor

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commission, upon the expiration of a period of fourteen days from the receipt of such notice.
(Ord. 12-05-01-01)

B. In the event any mooring fees are not paid within approximately thirty days after the same are due, the boat for which the fees are in arrears shall be considered abandoned and a nuisance. In the event any boat is abandoned or declared to be a nuisance by reason of the failure to timely pay such fees, notice thereof will be given to the owner, master or agent of the boat as shown on the registration statement, and said notice shall state that unless such fees are paid within thirty days after the service of the notice, said boat shall be subject to removal, impoundment, destruction or sale in the discretion of the harbor commission because the boat has been declared to be a nuisance.

C. Notices provided for in chapter 18 shall be given by the city clerk by a method which assures a signed receipt therefore (certified mail return receipt requested, or personal delivery with a signed receipt obtained for the city's records); notice shall be given to such owner, master or agent, as well as (for documented vessels) each recorded holder of a mortgage interest in the vessel. The notice shall be in writing, signed by the city clerk and dated, and shall inform the recipient of his right to a hearing before the harbor commission no later than fourteen days from receipt of the notice, as well as informing the notice recipient of the potential consequences (set forth in subsections A and B of this section) for failure to appear.
(Ord. 90-28 § 4(part), 1990: Ord. 89-30 § 5(part), 1989)

18.40.030 Procedure for destruction, sale or other disposition of boat.

A. Any boat which is declared a nuisance may, after the expiration of the time stated in the notice delivered to the owner, master or agent, either be impounded in the waters of the Thorne Bay Boat Harbor or removed there from to a place of safe storage in the vicinity thereof and impounded at such location. A notice of impoundment signed by the harbormaster to be posted on or in said boat at a place where likely to be seen by anyone inspecting said boat. During the period of impoundment or storage by the harbormaster, the boat, its owner, master or agent shall be liable for a monthly storage charge and costs incurred by reason of the impounding or removal of the boat. An impoundment fee shall also be charged. Storage and impoundment fees shall be in accordance with pre-established amounts set by resolution of the city council.

B. After any boat is so impounded or removed, the city clerk shall again give written notice (by a method assuring return receipt) that the boat has been impounded, that the notice recipient has opportunity for a hearing before the harbor commission no later than fourteen

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days following receipt of notice, and that after the expiration of that period the boat may be destroyed, sold or disposed of as the harbor commission shall determine unless the fees have been paid in full. Such notice shall go to such owner, master or agent and (for documented vessels) to any holder of a recorded mortgage on the boat at such an address as is shown on the last registration statement for the boat.

C. Any boat so impounded or removed shall, after the expiration of the period stated in the notice delivered to the owner, master, or agent, be destroyed, sold or disposed of as the harbor commission shall determine unless sooner repaired so as to no longer be a nuisance or unless the fees have then been paid in full. In the event of a disposition by sale of the boat, a notice of sale shall be mailed to the owner, master, or agent of the boat and then posted in three public places for a period of ten days prior to the date of sale and shall be signed and posted by the city clerk. Said notice shall state the identification of the boat; that it is being sold after having been declared a nuisance under the provisions of this title; and that all of the rights, title, and interest of the owners and lien holders of said boat will be sold to the highest and best bidder for cash at public auction at such time and place as stated in the notice. The proceeds from the sale shall be applied first to the cost of conducting the sale, impounding and removal of the boat, and the payment of all fees assessed and payable by said boat, its owner, master, and agent under this title. The balance shall be held in trust for the owner to claim, and if not claimed within two years, the balance shall be deposited in the general fund of the city. (Ord. 90-28 § 4(part), 1990; Ord. 89-30 § 5 (part), 1989)

18.40.040 Impoundment-Final disposition of sold and unsold vessels.

Upon the sale being made, the city shall make and deliver its bill of sale, without warranty, conveying the vessel to the buyer according to law. If, at the public sale, there are no bidders for the vessel, the city may destroy, sell at private sale, or otherwise dispose of said vessel, such disposition to be made without liability to the owner, master, agent or creditors of the vessel. (Ord. 89-30 § 5(part), 1989)

18.40.050 Other property becoming a nuisance.

A. All engines, machinery, equipment, lines, skiffs, nets, gear, animals or other personal property left upon the dock, approach, floats or other facilities of the Thorne Bay Boat Harbor for a period of more than forty-eight hours without being removed there from by the owner or person in possession thereof may be declared to be a nuisance by the harbormaster and

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impounded, removed, or sold in the discretion of the harbor commission in the manner provided for the removal, impoundment, sale, or other disposition of boats which are declared a nuisance.

B. Written notice and opportunity for a hearing before the harbor commission shall be provided to the property owner (if the identity of the property owner is known to, or can reasonably be ascertained by, the harbor commission) in the same manner as notice and opportunity for a hearing provided to boat owners under Sections 18.40.010 and 18.40.020. In cases where the owner has left no record of such property with the harbormaster, and harbor commission makes reasonable efforts to determine ownership but is unable to do so, then such property shall be held by the harbormaster for a period of fifteen days prior to its destruction or sale, during which period the harbormaster shall post prominent notices upon the personal property itself and upon a place designated by the harbormaster for the routine posting of notices at the harbor. Such notice shall be in a form reasonably calculated to notify the property owner of the date by which the property will be destroyed or sold unless the owner redeems it and notify the owner of his right to a hearing before harbor commission by a date stated in the notice, such date to be no earlier than seven days after the initial posting of the notice. (Ord. 90-28 § 4(part), 1990: Ord. 89-30 § 5(part), 1989)

CITY OF THORNE BAY
ORDINANCE 18-08-21-01

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, -
AMENDING TITLE 1-GENERAL PROVISIONS, CHAPTER 1.16-GENERAL PENALTY,
SECTION 1.16.035-MINOR OFFENSE FINE SCHEDULE – ADDING THE FINE SCHEDULE
FOR TITLES 10 – VEHICLES AND TRAFFIC, CHAPTER 10.20 – PARKING STANDING &
STOPPING, & TITLE 18-CITY BOAT HARBOR OF THE THORNE BAY MUNICIPAL
CODE;

BE IT ENACTED BY THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA

- Section 1. Classification. This ordinance is of a general and permanent nature, the chapter and section hereby amended shall be added to the Thorne Bay Municipal Code.
- Section 2. Severability. If any provisions of this ordinance or any application thereof to any person or circumstances is held invalid, the circumstances shall not be affected thereby.
- Section 3. Amendment of Section. The title and chapter of Title 1 - General Provisions, Chapter 1.16 - General Penalty, Sections 1.16.035 - Minor Offense Fine Schedule, are hereby amended and added to the Thorne Bay Municipal Code.
- Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED August 21, 2018

Harvey McDonald, Mayor

ATTEST:

Teri Feibel, CMC

[Introduction: August 7, 2018]
[Public Hearing: August 21, 2018]

CITY OF THORNE BAY
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1.16.035 MINOR OFFENSE FINE SCHEDULE

In accordance with as 29.25.070(a), citations for the following offenses may be disposed of as provided in as 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below plus the state surcharge required by as 12.55.039 and as 29.25.074.

Fines must be paid to the court. If an offense is not listed on a fine schedule, the defendant must appear in court to answer the charges. The Alaska court system's rules of minor offense procedure apply to all offenses listed below.

Citations charging these offenses must meet the requirements of Minor Offense Rule 3. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense listed below.

**AMENDMENT OF SECTION – ADDING FINE SCHEDULES FOR
TITLE 10 – TITLE 18 – Thorne Bay Municipal Code:**

1.16.035 – MINOR OFFENSE SCHEDULE

Ordinance Number	Ordinance Description	Offense - Optional Mandatory	Fine Amount
<i>Title 10 - Vehicles and Traffic; Chapter 10.20 - Parking, Standing and Stopping</i>			
TBMC 10.20.020 (a)(1-4)	Parking Prohibited - Parking on roadway prohibited	Optional	\$50.00
TBMC 10.20.020 (c)	Parking Prohibited - Obstructing movement of vehicular traffic	Optional	\$50.00
TBMC 10.20.020 (d)(3)	Parking Prohibited - Camping Prohibited	Optional	\$50.00
TBMC 10.20.020 (d)(4)	Parking Prohibited - Parking in loading/unloading zone prohibited	Optional	\$50.00
TBMC 10.20.020 (e)	Parking Prohibited - Disabled or abandoned vehicle longer than 48 hours	Optional	\$50.00
TBMC 10.20.030 (a)	Parking, Standing, Stopping - Parking in excess of posted time limit - Harbor Parking Permit Required over 12 hours	Optional	\$50.00
TBMC 10.20.030 (c)	Parking, Standing, Stopping - Parking in excess of posted time limit - Park & Sell, Permit Required	Optional	\$50.00
TBMC10.20.040	Parking, Standing, Stopping - Parking in excess of posted time limit	Optional	\$50.00
TBMC 10.20.050 (b)	Emergency, street maintenance and snow removal vehicles- Obstruction	Optional	\$100.00
<i>Title 18 - City Boat Harbor</i>			
TBMC18.20.050 (b)	Harbor - Registration and Stall Assignment - B - Unlawful Use of Harbor Facilities	Optional	\$50.00
TBMC18.30.020 (a)	Harbor - Rules for Harbor Use - Conduct in Harbor - A - Failure to display registrations	Optional	\$50.00
TBMC18.30.020 (b)	Harbor - Rules for Harbor Use - Conduct in Harbor - B - Failure to securely moore vessel	Optional	\$50.00
TBMC18.30.020 (e)	Harbor - Rules for Harbor Use - Conduct in Harbor - E - Illegally parked vessels	Optional	\$50.00
<i>18.30.140 Prohibited acts. City Boat Harbor - Conduct in Harbor Facility</i>			
TBMC18.30.140 (A)	Rules for Harbor Use - Prohibited Acts - A - Operating or causing any vessel to be operated recklessly, or carelessly	Optional	\$100.00
TBMC18.30.140 (B)	Rules for Harbor Use - Prohibited Acts - B - Mooring oversized vessels	Optional	\$100.00
TBMC18.30.140 (C)	Rules for Harbor Use - Prohibited Acts - C - Using bumpers that cause damage to docks;	Optional	\$200.00

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TBMC18.30.140 (D)	Rules for Harbor Use - Prohibited Acts - D - Dumping unauthorized waste/garbage, trash, oil, fuel, debris or other materials liquid or solid into waters or onto the land areas, floats and piers of the harbor facility	Optional	\$200.00
TBMC18.30.140 (E)	Rules for Harbor Use - Prohibited Acts - E- Discharge of sewage from toilet facilities on vessels while within the harbor jurisdiction;	Optional	\$200.00
TBMC18.30.140 (F)	Rules for Harbor Use - Prohibited Acts - F -Unattended netting or fish-taking devise the harbor jurisdiction	Optional	\$50.00
TBMC18.30.140 (G)	Rules for Harbor Use - Prohibited Acts - G - Unauthorized Water skiing, scuba diving	Optional	\$50.00
TBMC18.30.140 (H)	Rules for Harbor Use - Prohibited Acts - H - Storing personal items including oily rags, open paints and other combustable and explosive materials on the floats and finger floats	Optional	\$50.00
TBMC18.30.140 (I)	Rules for Harbor Use - Prohibited Acts - I - Using the harbor facility firefighting equipment for any purpose other than fighting fires;	Optional	\$200.00
TBMC18.30.140 (J)	Rules for Harbor Use - Prohibited Acts - J - Disregarding, defacing, removing or damaging any sign or notice posted relating to the use of mooring areas or other facilities;	Optional	\$200.00
TBMC18.30.140 (K)	Rules for Harbor Use - Prohibited Acts - K - Sub-assigning or subleasing assigned mooring space;	Optional	\$100.00
TBMC18.30.140 (L)	Rules for Harbor Use - Prohibited Acts - L - Generating loud or boisterous noises tending to disturb the reasonable peace and privacy of others;	Optional	\$50.00
TBMC18.30.140 (M)	Rules for Harbor Use - Prohibited Acts - M - Obstructing or interfering with the harbormaster in the performance of his duties, or refusing to comply with a lawful order of the harbormaster;	Optional	\$100.00
TBMC18.30.140 (N)	Rules for Harbor Use - Prohibited Acts - N - Challenging or intending to provoke another to fight, or engaging in fighting;	Mandatory	
TBMC18.30.140 (O)	Rules for Harbor Use - Prohibited Acts - O - Following and repeatedly accosting any person for the purpose of obtaining money or other property from that person;	Mandatory	
TBMC18.30.140 (P)	Rules for Harbor Use - Prohibited Acts - P - Consuming alcohol, except upon licensed premises or private vessels, or engaging in the use of, or being an instrument in the exchange of, unlawful narcotics and other dangerous drugs;	Mandatory	
TBMC18.30.140 (Q)	Rules for Harbor Use - Prohibited Acts - Q - Bringing dogs upon or within the harbor facility, unless on a leash. Animal owners WILL be responsible for proper cleanup and disposal of animal wastes;	Optional	\$50.00
TBMC18.30.140 (R)	Rules for Harbor Use - Prohibited Acts - R - Riding or operating bicycles, skateboards, roller skates, or other similar devices on gangways, floats or finger floats.	Optional	\$50.00

CITY OF THORNE BAY
ORDINANCE 18-08-21-02

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE
BAY, ALASKA, AMENDING TITLE 10-VEHICLES AND TRAFFIC,
CHAPTER 10.20 PARKING, STANDING AND STOPPING

BE IT ENACTED BY THE THORNE BAY CITY COUNCIL

- Section 1. Classification. This ordinance is of a general and permanent nature, the chapter shall hereby be added in the Thorne Bay Municipal Code.
- Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application to other persons and circumstances shall not be affected.
- Section 3. Amendment of Chapter. The following Title 10-Vehicles and Traffic, Chapter 10.20 Parking, Standing and Stopping, shall be amended in the Thorne Bay Municipal Code
- Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED August 21, 2018

Harvey McDonald, Mayor

ATTEST:

Teri Feibel, CMC/Treasurer

[Introduction: August 7, 2018]
[Public Hearing: August 21, 2018]

CITY OF THORNE BAY
ORDINANCE 18-08-21-02

ADDITIONS ARE IN BOLD

~~Deletions are stricken~~

TITLE 10
VEHICLES AND TRAFFIC
CHAPTER 10.20
PARKING, STANDING AND STOPPING

SECTIONS:

~~10.20.010 Parking not to obstruct traffic.~~

10.20.010 RESTRICTIONS AND EXCEPTIONS-AUTHORITY.

~~10.20.020 Parking in alleys.~~

10.20.020 PARKING PROHIBITED

~~10.20.030 Parking for certain purposes prohibited.~~

10.20.030 - OFF-STREET PARKING PLACE – TIME LIMITED
PARKING/PERMIT PARKING

~~10.20.040 Stopping, standing or parking prohibited where.~~

10.20.040 PARKING IN EXCESS OF POSTED TIME LIMIT –
PERMIT PARKING.

10.20.050 Emergency, street maintenance and snow removal vehicles-Obstruction prohibited.

10.20.060 Off-street parking place-Removal of unauthorized vehicles.

~~10.20.070 Restrictions and exceptions-Authority.~~

10.20.070 VIOLATIONS AND PENALTY

~~10.20.080 Time limited parking spaces-Additional restrictions.~~

~~10.20.090 Violations-Penalty.~~

CITY OF THORNE BAY
ORDINANCE 18-08-21-02

Sections .010, .020, .030 & .040 have been renumbered as: Section 10.20.020 Parking Prohibited, Subsections (A-D)

~~—————10.20.010 Parking not to obstruct traffic. No person shall park any vehicle upon a street or highway, other than an alley, in such a manner or under such conditions as to leave available less than ten feet of such roadway for the free movement of vehicular traffic. (Ord. 84-03-22-01 § 1, 1984)—————~~

~~10.20.020 Parking in alleys. No person shall park a vehicle within an alley in the central business traffic district or any business district except for the expeditious loading or unloading of freight or materials and then the vehicle shall be parked in such manner or under such conditions as to leave available not less than ten feet of width of the alley for the free movement of vehicular traffic. Exceptions: Compliance with this section is waived whenever it may be impossible to fully comply with its provisions by reason of limitations in the width of the alley. (Ord. 84-03-22-01 § 2, 1984)~~

~~—————10.20.030 Parking for certain purposes prohibited. No person shall park a vehicle upon a roadway for the purpose of:~~

- ~~A. Commercial advertising;~~
- ~~B. Displaying such vehicle for sale;~~
- ~~C. Greasing or repairing such vehicle, not necessitated by an emergency;~~
- ~~D. Washing such vehicle when the person so engaged is in the business of washing vehicles. (Ord. 84-03-22-01 § 3, 1984)~~

~~—————10.20.040 Stopping, standing or parking prohibited where. No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, in any of the following places and no signs are required:~~

- ~~A. Within ten feet of an intersection;~~
- ~~B. Within fifteen feet of an unprotected fire hydrant;~~
- ~~C. Within five feet of a crosswalk, except at an intersection where it shall be ten feet. (Ord. 84-03-22-01 § 4, 1984)~~

CITY OF THORNE BAY
ORDINANCE 18-08-21-02

<u>Adding Section 10.20.010 Restrictions and Exceptions:</u>
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10.20.010 Restrictions and exceptions--Authority. (Renumbered from 10.20.070)

The mayor or his/her designee is authorized to determine when and where parking, standing or stopping restrictions or exceptions enumerated in this section are required, or will contribute to the safe and orderly flow of traffic, or will contribute to the efficient use of public streets or public places or property; and to implement such restrictions or exceptions by causing signs to be erected:

- A. To authorize parking on the left-hand side of certain one-way streets where such parking would otherwise be prohibited;
- B. To prohibit parking or standing on the left-hand side of any one-way street. No person shall park or stand a vehicle in violation of such signs;
- C. To prohibit parking upon any street or highway when the width of the roadway does not exceed twenty-four feet, or upon one side of a street or highway as indicated by such signs when the width of the roadway does not exceed thirty-six feet. No person shall park a vehicle in violation of such signs
- D. To prohibit parking upon either or both sides of any street or highway adjacent to any school property when such parking would in his opinion, interfere with traffic or create a hazardous situation. No person shall park a vehicle in violation of such signs;
- E. Limiting the length of time, a vehicle may occupy a parking space. No person shall park a vehicle in violation of such signs, ~~provided, that such limitation shall not apply on Sundays and holidays;~~
- F. To prohibit parking, standing, or stopping of vehicles during certain hours of the day or night. No person may park, stand or stop a vehicle in violation of such signs;
- G. To prohibit the parking of any of certain large vehicles such as trailers, travel homes, trucks, etc., on designated streets within the central business district between the hours of six a.m. and eight p.m. No person may park any such vehicle in violation of such signs;
- H. To prohibit parking, standing or stopping where such would create an especially hazardous condition or would cause an unusual delay in traffic. No person may stop, stand or park a vehicle in violation of such signs. (Ord. 84-03-22-01 § 14, 1984)

CITY OF THORNE BAY
ORDINANCE 18-08-21-02

Adding Section 10.20.020 Parking Prohibited; which includes prior sections:

.010 - Parking not to obstruct traffic

.020 - Parking in alleys

.030 - Parking for certain purposes prohibited

10.20.020 Parking prohibited:

- A.** No person shall park a vehicle upon a roadway for the purpose of:
1. Commercial advertising;
 2. Displaying such vehicle for sale;
 3. Greasing or repairing such vehicle, not necessitated by an emergency;
 4. Washing such vehicle when the person so engaged is in the business of washing vehicles. (Ord. 84-03-22-01 § 3, 1984) *(Prior Section 10.20.030 (a-d))*
- B.** No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, in any of the following places and no signs are required: *(Prior Section 10.20.040 (a-c))*
1. Within ten feet of an intersection;
 2. Within fifteen feet of any ~~unprotected~~ fire hydrant;
 3. Within five feet of a crosswalk, except at an intersection where it shall be ten feet. *(Prior Section 10.20.040 (a-c))*
- C.** No person shall park any vehicle upon a street or highway, other than an alley, in such a manner or under such conditions as to leave available less than ten feet of such roadway for the free movement of vehicular traffic *(Prior Section 10.20.010)*
- D.** No person may remove, obliterate, obscure, cover or move any chalk mark or other mark or indication placed by a police officer or parking enforcement officer upon a tire or any part of a vehicle which is parked in a public parking zone or space; provided such marks or objects may be moved or removed in the process of moving the vehicle from the parking space or after the vehicle has been moved from the space. *(Prior Section 10.20.080 (a))*
1. A vehicle which has not moved from a parking space shall be deemed to have remained parked or standing in such space until moved. For the purpose of this chapter, a vehicle must vacate the space occupied and be driven completely through a street intersection before it shall be deemed to have been moved from the space. *(Prior Section 10.20.080 (b))*
 2. Each period or part of a period of time a vehicle remains parked or standing beyond that time permitted under this chapter or as posted shall constitute a

CITY OF THORNE BAY
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separate violation, except that each separate day upon which such a continuing violation exist shall be separate violation if the period of permitted parking is twenty-four hours or greater. Only one citation may be issued during each period which constitutes a separate violation. *(Prior Section 10.20.080 (c))*

3. No overnight camping allowed on City property **UNLESS OTHERWISE POSTED.** ~~where posted.~~ *(Prior Section 10.20.080 (d))*
 4. No person shall park a vehicle within an alley in the central business traffic district or any business district except for the expeditious loading or unloading of freight or materials and then the vehicle shall be parked in such manner or under such conditions as to leave available not less than ten feet of width of the alley for the free movement of vehicular traffic. *(Prior Section 10.20.020)*
- E.** No person shall leave a disabled or abandoned ~~vehicle~~ **PROPERTY** on any public street, alley or road for more than forty-eight hours. *(Prior Section 10.20.050 (a))*

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Adding Section 10.20.030 Off Street Parking Place – Time Limited Parking/Permit Parking; which includes prior sections:

10.20.060 Off-street parking place--Removal of unauthorized vehicles;
Subsections B, C, D, E, F & G

**10.20.030 - OFF-STREET PARKING PLACE – TIME LIMITED
PARKING/PERMIT PARKING** *(Prior Section 10.20.060 (b, c, d, e, f & g))*

Definition. For the purpose of this section,

1. "PUBLIC PARKING SPACES" INCLUDE ALL CITY OWNED LANDS INCLUDING ROADWAYS AND RIGHTS-OF-WAYS
 2. "private parking spaces" include both publicly and privately owned off-street parking spaces which are reserved for the use of a specific individual or group of individuals or are otherwise restricted when such reservations or restrictions are posted.
 3. "TIME LIMITED PARKING/PERMIT PARKING" INCLUDE BOTH PUBLICLY AND PRIVATELY OWNED OFF-STREET PARKING SPACES WHICH ARE RESERVED FOR THE USE OF A SPECIFIC INDIVIDUAL OR GROUP OF INDIVIDUALS OR ARE OTHERWISE RESTRICTED WHEN SUCH RESERVATIONS OR RESTRICTIONS ARE POSTED.
- A.** Harbor Parking--~~Four-Hour-Zone~~ HARBOR ZONE. ~~Between six a.m. and six p.m. weekdays;~~ **LOADING AND UNLOADING**, except for the space designed for the harbormaster, **HANDICAPPED, ATV VEHICLES OR SPECIAL USE VEHICLES.**
- B.** Harbor Parking--Permit Required for Over ~~Seventy-Two-Hours~~ **TWELVE HOURS.** The parking of any vehicle, boat and/or trailer, motorcycle, RV or other at the Main Harbor, **BOAT LAUNCH**, and Davidson Landing **HARBOR** areas shall be for no longer than **TWELVE HOURS** ~~seventy-two hours~~, unless a monthly parking permit is obtained at city hall. ~~The Main Harbor area designated for seventy-two hours or permit parking shall be on both sides of Shoreline Drive between the boat grid and the stairwell. The entire area of Tract D of the South Thorne Bay Subdivision shall be designated for seventy-two-hour or permit parking.~~ The permit shall be placed in such a position that it is easily viewed through the windshield, or attached in a secure manner to trailers, etc., as long as the permit is easily viewable by city personnel. The billing cycle for permit parking in these areas shall be from the first of each month to the first of the following month, to correspond to the city's billing cycle. The first month's permit fee shall be paid in advance at the time of application plus applicable deposit. If the subsequent invoice is not paid by the due date of the invoice it shall be considered revoked, and the vehicle shall be subject to any applicable provision of the municipal

CITY OF THORNE BAY
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code. All vehicles with no visible way to identify the owner will be marked and impounded after two weeks.

C. Park and Sell – Permit Required. Permits are sold on a thirty-day period extendable for one additional thirty-day period. Park and Sell is designated to Shoreline Drive across from the Port. The permit shall be placed in such a position that it is easily viewed through the windshield. All vehicles with no visible way to identify the owner will be marked and impounded after two weeks.

D. PERMIT PARKING The first month's permit fee shall be paid in advance at the time of application plus applicable deposit. If the subsequent invoice is not paid by the due date of the invoice it shall be considered revoked, and the vehicle shall be subject to any applicable provision of the municipal code. All vehicles with no visible way to identify the owner will be marked and impounded after two weeks.

E. Parking Permit Billings - All fee structures for Parking Permits will be set by resolution. Parking Permits will continue to be billed to the customer until the permit has been returned and written notification of removal is submitted to the City of Thorne Bay.

(Ord. 03-06-05-02 §3, 2003: Ord. 84-03-22-01 §13, 1984 Ord. 09-01-06-01 ~2009)(Ord. 15-09-01-01 SS: D) (*Prior Section 10.20.060*)

<u>Adding Section 10.20.040 Parking in Excess of Posted Time Limit – Permit Parking:</u>

10.20.040 PARKING IN EXCESS OF POSTED TIME LIMIT – PERMIT PARKING.

A. NO PERSON IN CHARGE OF A VEHICLE SHALL PARK OR LEAVE SUCH VEHICLE IN A PARKING SPACE IN THE HEREIN ESTABLISHED PARKING LOTS IN EXCESS OF THE POSTED TIME LIMIT.

B. ANY OWNER OR OPERATOR OF A VEHICLE WHO PARKS OR LEAVES SUCH VEHICLE IN A PARKING SPACE IN THE HEREIN ESTABLISHED TIME LIMITED PARKING/PERMIT PARKING LOTS IN EXCESS OF THE TIME PERMITTED IS GUILTY OF AN INFRACTION AND WILL BE PUNISHED BY THE FINE ESTABLISHED IN 1.16.035 IF THE OFFENSE IS LISTED IN THAT FINE SCHEDULE OR BY THE FINE ESTABLISHED IN 1.16.030 IF THE OFFENSE IS NOT LISTED IN THE FINE SCHEDULE.

CITY OF THORNE BAY
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Amending Section 10.20.050 Emergency, street maintenance and snow removal vehicles-
Obstruction prohibited:

Renumbering Subsection (d) to Subsection (a)

10.20.050 Emergency, street maintenance and snow removal vehicles-
Obstruction prohibited.

A. THE MAYOR OR HIS/HER DESIGNEE SHALL POST SIGNS ON ANY STREETS WHERE ROUTINE REPAIRS ARE PLANNED. THESE POSTED NOTICES SHALL BE IN A PROMINENT PLACE AND DISPLAYED AT LEAST EIGHTEEN HOURS BEFORE THE WORK IS TO BE PERFORMED. THIS SECTION DOES NOT APPLY TO EMERGENCY WORK THAT MAY, FROM TIME TO TIME, BECOME NECESSARY ON ANY PUBLIC UTILITY WHICH IS ACCESSIBLE FROM A STREET, ALLEY OR ROADWAY AND WHICH WORK IS REQUIRED WITHOUT TIME FOR PLANNING AND NOTIFICATION OF THE PUBLIC. (Prior Section 10.20.050 (d))

~~A. No person shall leave a disabled or abandoned vehicle on any public street, alley or road for more than forty-eight hours. (Moved to Section 10.20.020 (j) – Parking Prohibited)~~

B. No person shall leave any vehicle parked on any public street, alley or road when snow removal or road maintenance activities are planned or are in progress. Any vehicle that is parked on a public street, alley or road shall be moved by the owner or the owner's representative within four hours after notification by the mayor or the mayor's designated representative.

C. In the event that the owner of a vehicle, which is parked on a public street, alley or road, is absent from his/her home, does not have a telephone, or lives in a place that is not readily accessible to the mayor, his designee or street maintenance crews, shall notify the city clerk in advance of a person who is available to move such parked vehicle.

~~D. The mayor or his/her designee shall post signs on any streets where snow removal or routine repairs are planned. These posted notices shall be in a prominent place and displayed at least eighteen hours before the work is to be performed. This section does not apply to emergency work that may, from time to time, become necessary on any public utility which is accessible from a street, alley or roadway and which work is required without time for planning and notification of the public. (Ord. 84-03-22-01 §12, 1984)~~

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Amending Section 10.20.060 Off Street Parking Place – Removal of Unauthorized Vehicles:

Changing the order of Subsections (a & b)

Removing Subsections c, d, e, f, & g and adding them to 10.20.030 - *Off-Street Parking Place – Time Limited Parking/Permit Parking; Subsections (a, b, c, d, & e)*

10.20.060 - Off-street parking place--Removal of unauthorized vehicles.

A. ~~B.~~ DEFINITION. FOR THE PURPOSE OF THIS SECTION, "PRIVATE PARKING SPACES" INCLUDE BOTH PUBLICLY AND PRIVATELY OWNED OFF-STREET PARKING SPACES WHICH ARE RESERVED FOR THE USE OF A SPECIFIC INDIVIDUAL OR GROUP OF INDIVIDUALS OR ARE OTHERWISE RESTRICTED WHEN SUCH RESERVATIONS OR RESTRICTIONS ARE POSTED. *(Prior Section 10.20.060 (b))*

B. ~~A.~~ REMOVAL OF UNAUTHORIZED VEHICLES. THE RIGHTFUL OWNER, LESSEE OR OTHER PERSON AUTHORIZED TO CONTROL OR USE AN OFF-STREET PRIVATE PARKING SPACE MAY REMOVE AN UNAUTHORIZED VEHICLE FROM AN OFF-STREET PRIVATE PARKING SPACE BY REQUESTING A TOWING COMPANY AUTHORIZED BY THE STATE OF ALASKA TO CONDUCT TOWING OPERATIONS IN THE CITY. THE CITY SHALL NOT BE LIABLE FOR ANY TOWING, STORAGE OR OTHER CHARGES OF FOR THE ACTS OF ANY PERSON TAKEN UNDER THE AUTHORITY OF THIS CHAPTER. *(Prior Section 10.20.060 (a))*

~~**c. Harbor Parking--Four Hour Zone.** Between six a.m. and six p.m. weekdays, parking on both sides of the Main Harbor between the ramp and Shoreline Drive, parallel to the ramp, is limited to four hours, except for the space designed for the harbormaster.~~
(Moved to section 10.20.030 Off-Street Parking Place – Time Limited Parking/Permit Parking (a))

~~**d. Harbor Parking--Permit Required for Over Seventy Two Hours.** The parking of any vehicle, boat and/or trailer, motorcycle, RV or other at the Main Harbor and Davidson Landing areas shall be for no longer than seventy two hours, unless a monthly parking permit is obtained at city hall. The Main Harbor area designated for seventy two hour or permit parking shall be on both sides of Shoreline Drive between the boat grid and the stairwell. The entire area of Tract D of the South Thorne Bay Subdivision shall be designated for seventy two hour or permit parking. The permit shall be placed in such a position that it is easily viewed through the windshield, or attached in a secure manner to trailers, etc., as long as the permit is easily viewable by city personnel. The billing cycle for permit parking in these areas shall be from the first of each month to the first of the~~

CITY OF THORNE BAY
ORDINANCE 18-08-21-02

~~following month, to correspond to the city's billing cycle. The first month's permit fee shall be paid in advance at the time of application plus applicable deposit. If the subsequent invoice is not paid by the due date of the invoice it shall be considered revoked, and the vehicle shall be subject to any applicable provision of the municipal code. All vehicles with no visible way to identify the owner will be marked and impounded after two weeks.~~

(Moved to section 10.20.030 Off-Street Parking Place – Time Limited Parking/Permit Parking (b))

~~**e. Park and Sell—Permit Required.** Permits are sold on a thirty day period extendable for one additional thirty day period. Park and Sell is designated to Shoreline Drive across from the Port. The permit shall be placed in such a position that it is easily viewed through the windshield. All vehicles with no visible way to identify the owner will be marked and impounded after two weeks.~~

(Moved to section 10.20.030 Off-Street Parking Place – Time Limited Parking/Permit Parking (c))

~~**f. Long Term Parking and storage—parking over 14 days and storage will apply to all vehicles, boats and trailers.** Long term parking and storage will be assigned by permit in the vicinity of city hall. The first month's permit fee shall be paid in advance at the time of application plus applicable deposit. If the subsequent invoice is not paid by the due date of the invoice it shall be considered revoked, and the vehicle shall be subject to any applicable provision of the municipal code. All vehicles with no visible way to identify the owner will be marked and impounded after two weeks.~~

(Moved to section 10.20.030 Off-Street Parking Place – Time Limited Parking/Permit Parking (d))

~~**g. Parking Permit Billings—All fee structures for Parking Permits will be set by resolution.** Parking Permits will continue to be billed to the customer until the permit has been returned and written notification of removal is submitted to the City of Thorne Bay. (Ord. 03-06-05-02 §3, 2003; Ord. 84-03-22-01 §13, 1984 Ord. 09-01-06-01—2009)(Ord. 15-09-01-01 SS:D)~~

(Moved to section 10.20.030 Off-Street Parking Place – Time Limited Parking/Permit Parking (e))

CITY OF THORNE BAY
ORDINANCE 18-08-21-02

Amending Section 10.20.070 – Restrictions and Exceptions Authority:

Renumbered as 10.20.010 – Restrictions and Exceptions - Authority:

~~10.20.070 — Restrictions and exceptions Authority. The mayor or his/her designee is authorized to determine when and where parking, standing or stopping restrictions or exceptions enumerated in this section are required, or will contribute to the safe and orderly flow of traffic, or will contribute to the efficient use of public streets or public places or property; and to implement such restrictions or exceptions by causing signs to be erected:~~

~~A. — To authorize parking on the left hand side of certain one-way streets where such parking would otherwise be prohibited;~~

~~B. — To prohibit parking or standing on the left hand side of any one-way street. No person shall park or stand a vehicle in violation of such signs;~~

~~C. — To prohibit parking upon any street or highway when the width of the roadway does not exceed twenty-four feet, or upon one side of a street or highway as indicated by such signs when the width of the roadway does not exceed thirty-six feet. No person shall park a vehicle in violation of such signs~~

~~D. — To prohibit parking upon either or both sides of any street or highway adjacent to any school property when such parking would in his opinion, interfere with traffic or create a hazardous situation. No person shall park a vehicle in violation of such signs;~~

~~E. — Limiting the length of time, a vehicle may occupy a parking space. No person shall park a vehicle in violation of such signs, provided, that such limitation shall not apply on Sundays and holidays;~~

~~F. — To prohibit parking, standing, or stopping of vehicles during certain hours of the day or night. No person may park, stand or stop a vehicle in violation of such signs;~~

~~G. — To prohibit the parking of any of certain large vehicles such as trailers, travel homes, trucks, etc., on designated streets within the central business district between the hours of six a.m. and eight p.m. No person may park any such vehicle in violation of such signs;~~

~~H. — To prohibit parking, standing or stopping where such would create an especially hazardous condition or would cause an unusual delay in traffic. No person may stop, stand or park a vehicle in violation of such signs. (Ord. 84-03-22-01 § 14, 1984)~~

CITY OF THORNE BAY
ORDINANCE 18-08-21-02

Amending section 10.20.080 – Time Limited Parking Spaces – Additional Restrictions;

- Deleting 10.20.080 – Time Limited Parking Spaces – Additional Restrictions
- Adding Subsections (a, b, c, d & d) under Section 10.20.020 – Parking Prohibited; as Subsections (h)(1-3)

~~————10.20.080 Time-limited parking spaces-Additional restrictions. A. No person may remove, obliterate, obscure, cover or move any chalk mark or other mark or indication placed by a police officer or parking enforcement officer upon a tire or any part of a vehicle which is parked in a public parking zone or space; provided such marks or objects may be moved or removed in the process of moving the vehicle from the parking space or after the vehicle has been moved from the space. B. A vehicle which has not moved from a parking space shall be deemed to have remained parked or standing in such space until moved. For the purpose of this chapter, a vehicle must vacate the space occupied and be driven completely through a street intersection before it shall be deemed to have been moved from the space. C. Each period or part of a period of time a vehicle remains parked or standing beyond that time permitted under this chapter or as posted shall constitute a separate violation, except that each separate day upon which such a continuing violation exist shall be separate violation if the period of permitted parking is twenty four hours or greater. Only one citation may be issued during each period which constitutes a separate violation. D. No overnight camping allowed on City property where posted. (Ord. 09-07-21-02; 84-03-22-01 §15, 1984)~~

Amending section 10.20.090 – Violations – Penalty;

10.20.090 Violations-Penalty. ANY PERSON VIOLATING ANY PROVISION OF THIS CHAPTER IS GUILTY OF AN INFRACTION AND SHALL BE PUNISHED BY THE FINE ESTABLISHED IN 1.16.035 IF THE OFFENSE IS LISTED IN THAT FINE SCHEDULE OR BY THE FINE ESTABLISHED IN 1.16.030 IF THE OFFENSE IS NOT LISTED IN THE FINE SCHEDULE. ~~The Penalty for violating the provisions of this chapter is in 1.16.035.~~

(Ordinance 18-01-02-01; Prior Ord. 84-03-22-01 § 16, 1984)

CITY OF THORNE BAY
NON-CODE-ORDINANCE #18-08-21-03

A NON-CODE ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF
THORNE BAY, ALASKA, AUTHORIZING THE SALE OF MUNICIPAL
OWNED LAND LOTS DC1 & DC2, OF THE DEER CREEK SUBDIVISION
TO RUSSELL RICKS

BE IT ENACTED BY THE THORNE BAY CITY COUNCIL

Section 1. Classification. This ordinance is a non-code ordinance.

Section 2. Purpose of the Ordinance. The purpose of this ordinance is to authorize the Mayor to execute the sale of Municipal Owned Property, described as Lots DC1 and DC2 of the Deer Creek Subdivision as an over the counter sale to Russell Ricks for the total price of \$67,813.50.

Transaction of this land sale will be considered completed upon receipt of payment made to the City of Thorne Bay by Russell Ricks at the agreed price of \$67,813.50.

Section 3. Sale of Land to the General Public. The above described property was offered for sale by the City Council on August 3, 2010, through Non-Code Ordinance No. 10-08-03-02, using the sealed bid process in accordance to the provisions of Thorne Bay Municipal Code Chapter 2.56. No bids were received which provided for the sale as "over the counter"

Section 4. Effective Date. This ordinance shall become effective upon its adoption by the City Council.

PASSED AND APPROVED: August 21, 2018

Harvey McDonald, Mayor

ATTEST:

Teri Feibel, CMC

[Introduction: August 7, 2018]
[Public Hearing: August 21, 2018]

CITY OF THORNE BAY
NON-CODE-ORDINANCE #18-08-21-03

[Land Purchase request submitted by Russell Ricks for Deer Creek
Subdivision Lots DC1 & DC2]

July 24, 2018

The City of Thorne Bay
P.O. Box 19110
Thorne Bay, AK 99919

Re: Purchase Proposal for Lots 1 & 2 Deer Creek Subdivision

Dear Thorne Bay Mayor and City Council,

My name is Russell Ricks and I am a permanent moorage slip holder with the City of Thorne Bay.

I am interested in purchasing Lot 1 and Lot 2 of the Deer Creek Subdivision for the combined price of \$67,813.50.

In order to develop the lots into a building site, blasting along with exporting of rock and dirt will be necessary. As a condition of the purchase, I am requesting authorization from the City of Thorne Bay to achieve this task.

I would appreciate an expedited response to this proposal, as this purchase would be part of a 1031 exchange which forces me to abide by strict time lines.

Sincerely,

Russell Ricks
RRicks1035@aol.com
530-262-4475

CITY OF THORNE BAY
NON-CODE-ORDINANCE #18-08-21-03

**TERMS AND CONDITIONS FOR OVER THE COUNTER SALE OF
TWO (2) RESIDENTIAL LOTS IN DEER CREEK SUBDIVISION**

1. Purchaser agrees to pay in full within sixty (60) days from the date of the City's acceptance of purchase offer. The sixty-day time limitation may be extended by the City, through its Chief Executive Officer, upon written request from the purchaser, for delays in obtaining a title search, provided such delay is not caused by the purchaser.
2. City reserves first right for all clean rock and clean top soil to be delivered to a designated area near the Sandy Beach rock quarry.
3. Purchaser must establish the Northeast and Northwest corners of Lot 1 prior to any land development.
4. Permitted land uses and property development standards are listed in the Thorne Bay Municipal Code, Title 17 (Zoning), and Section 17.04.023 (Deer Creek Residential). Purchaser must comply with all terms of said zoning regulations.
5. No lot may be subdivided.
6. City transfer of lands shall be by Quitclaim Deed.

**GENERAL INFORMATION - HISTORY OF NOTICE FOR SALE OF DEER CREEK
RESIDENTIAL LOTS:**

Sealed Bidding of Deer Creek Lots - Ordinance 10-08-03-02: The City of Thorne Bay Advertised Deer Creek Lots DC1, DC2 and DC 4, through the sealed bidding process on August 3, 2010, bids due no later than September 17, 2010. Beginning bid price for each lot began at \$1.50 per square foot per lot. No bids were received.

Over-the-counter Minimum Price: The City of Thorne Bay Advertised Deer Creek Lots 1, 2 & 4, for sale over the counter at the value of \$1.50 per square foot in 2011.

Lot	Acres	Sq. Feet	Price	Cost per Square Foot
1	0.509	22,173	\$ 33,259.50	\$ 1.50
2	0.529	23,036	\$ 34,554.00	\$ 1.50
4	0.515	22,432	\$ 33,648.00	\$ 1.50

CITY OF THORNE BAY
NON-CODE-ORDINANCE #18-08-21-03

17.04.023 Deer Creek Residential.

The purpose of this zone is to create an aesthetically pleasing residential subdivision consisting of permanent single-family housing. Lot dc-14b shall be exempt from this title for the duration of municipal ownership.

Development plans are required for all development within the high density residential zone conforming to applicable standards of section 17.04.035.

A. Uses Allowed in High Density Residential Zone Without Special Permitting.

1. Stick-built single-family residences built on permanent, continuous foundations with a minimum one-foot width, or treated pile driven foundations or concrete sonatube foundations;
2. Home occupation or office in home;
3. Accessory buildings for private residential uses such as garage, shed, greenhouse, smokehouse, private storage of a recreational vehicle, travel trailer or recreational boat;
4. Basic services (services and facilities which are necessary for development. They include power lines, water lines, sewer lines, power/telephone poles and other low impact facilities of the same character to provide for utilities);
5. Bed and breakfast: two rental rooms or less;
6. Visiting travel trailer or motor home occupied by guests of the residence;
7. Multifamily housing on lot 15b.

B. Uses Considered in Deer Creek Residential Zone with Special Permitting.

1. Guest cabins, lodge on lot 15b;
2. Restaurant/lodge on lot 15b;

CITY OF THORNE BAY
NON-CODE-ORDINANCE #18-08-21-03

3. Moveable construction trailer or travel trailer for residential use during construction of permanent residential structure. Conditional use permits shall be issued for one year with an annual review if necessary;
4. Bed and breakfast: over two rental rooms;
5. Structures and fences built above the maximum height limit;
6. Marine sales and repair services;
7. Telecommunications facilities, towers, and/or antennas.

C. Uses Prohibited.

1. Subdivision;
2. Private garbage pits;
3. Storage of heavy equipment;
4. Storage of derelict vehicles or unsightly accumulation of personal property;
5. The raising of animals, livestock and poultry except normal household pets of up to four dogs and cats and their litters, provided that they are not kept, bred or maintained for commercial purposes.

D. Property Development Standards.

1. Minimum lot size: fifteen thousand square feet.
2. Parking: all parking shall be off-street and on the premises.
3. Setbacks: twenty feet from road right-of-way, ten feet from rear and interior lot lines for lots DC1 through DC8. Beach front lots DC9 through DC15, ten feet from road right-of-way, rear and interior lot lines. Pile driven and concrete sonatube foundation driveways shall be exempt from the setback requirement on beach front lots.
4. Building heights: thirty-five feet.

CITY OF THORNE BAY
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5. Density: single-family residences only.
6. Utilities: all dwellings must be connected to municipal water, and sewer utilities prior to occupancy.
7. Access.
 - a. **Driveways.** Driveway approaches will be built from the driving surface of the main road to the edge of the lot, with a minimum of twelve feet width on to and perpendicular to the centerline of the platted right-of-way on beach front lots only lots DC9 through DC15 . A driveway site plan shall be required for planning commission review for lots DC1 through DC8. All driveways shall have culverts a minimum of twelve inches in diameter where drainage requires as determined by city maintenance.
 - b. **All property must be accessed by platted public right-of-way.** Property owners may access lots from public access easement with knowledge that easement will not be maintained by the city. The public access easement must remain open and unblocked but is not required to be maintained by the property owner. The public access easement shall be restricted to foot traffic only.
8. Building requirements: all single-family residences shall contain not less than seven hundred fifty square feet of floor space, excluding garages and open porches.
9. Signs: signs shall not be displayed to the public view on any lot except one sign of not more than five square feet advertising the property for sale or rent and a sign limited to equal size showing ownership of the property or advertising a home business.
10. Fences, walls or hedges may be built up to six feet in height up to the property line. Fences shall not obstruct vehicular visibility. (Ord. 17-08-15-01; Prior Ord. 94-05 § 3, 1994; ord. 93-23 § 6(part), 1993)(Ord. 17-08-15-01)

CITY OF THORNE BAY NON-CODE-ORDINANCE #18-08-21-03

CURVE TABLE

CURVE	BEARING	TANGENT	CHORD	ARC	CHORD BEARING
101	100.00	100.00	100.00	100.00	100.00
102	100.00	100.00	100.00	100.00	100.00
103	100.00	100.00	100.00	100.00	100.00
104	100.00	100.00	100.00	100.00	100.00
105	100.00	100.00	100.00	100.00	100.00
106	100.00	100.00	100.00	100.00	100.00
107	100.00	100.00	100.00	100.00	100.00
108	100.00	100.00	100.00	100.00	100.00
109	100.00	100.00	100.00	100.00	100.00
110	100.00	100.00	100.00	100.00	100.00
111	100.00	100.00	100.00	100.00	100.00
112	100.00	100.00	100.00	100.00	100.00
113	100.00	100.00	100.00	100.00	100.00
114	100.00	100.00	100.00	100.00	100.00
115	100.00	100.00	100.00	100.00	100.00
116	100.00	100.00	100.00	100.00	100.00
117	100.00	100.00	100.00	100.00	100.00
118	100.00	100.00	100.00	100.00	100.00
119	100.00	100.00	100.00	100.00	100.00
120	100.00	100.00	100.00	100.00	100.00

GENERAL NOTES

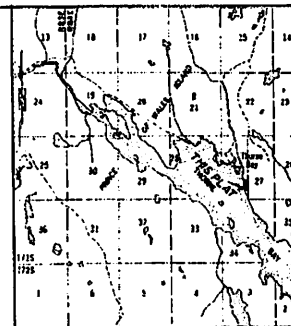
1. THE BASIS OF SURVEYING THIS SURVEY WAS THE S.L.S. MONUMENT AT THE CORNER AND THE S.L.S. MONUMENT AT THE CORNER AND THE S.L.S. MONUMENT AT THE CORNER.
2. THE SURVEYING WAS DONE BY THE SURVEYOR AND THE SURVEYOR IS RESPONSIBLE FOR THE ACCURACY OF THE SURVEY.
3. THE ACCURACY OF THIS SURVEY IS GIVEN IN THE TABLE.
4. ALL SURVEYING SHOULD BE DONE IN ACCORDANCE WITH THE SURVEYING CODE OF PRACTICE.
5. THE SURVEYOR IS RESPONSIBLE FOR THE ACCURACY OF THE SURVEY.

CERTIFICATE OF PAYMENT OF TAXES

STATE OF ALASKA
FIRST JUDICIAL DISTRICT
I, the undersigned, being duly appointed and sworn in as an assessor for the City of Thorne Bay, do hereby certify that, according to the records of the City of Thorne Bay, the following described property is exempt from the tax for the year 1991.
The property is located in the City of Thorne Bay, Alaska, and is owned by the City of Thorne Bay, Alaska.
The property is located in the City of Thorne Bay, Alaska, and is owned by the City of Thorne Bay, Alaska.
The property is located in the City of Thorne Bay, Alaska, and is owned by the City of Thorne Bay, Alaska.

LEGEND

- 1. ORIGINAL S.L.S. MONUMENT PLACED IN THIS SURVEY
- 2. ORIGINAL S.L.S. MONUMENT PLACED IN THIS SURVEY
- 3. S.L.S. MONUMENT PLACED IN THIS SURVEY
- 4. S.L.S. MONUMENT PLACED IN THIS SURVEY



VICINITY MAP

SOURCE: U.S. N. S. QUADRICENTRIC CHART 17-73, 17-74, 17-75
SCALE: 1" = 1 MILE
DATE: 1973

TYPICAL MONUMENT ESTABLISHED THIS SURVEY

1. 1" DIAMETER ALUMINUM CAP ON 5" DIA. TAMPON 2" DIA. WOOD

SURVEYOR'S CERTIFICATE

I, the undersigned, being duly appointed and sworn in as a surveyor for the State of Alaska, do hereby certify that this plat represents a true and correct copy of the original survey records and that the same are in accordance with the provisions of the Alaska Surveying Code of Practice.

91-21
91-21
91-21

DEER CREEK SUBDIVISION

A PLAT OF A SUBDIVISION
OF A PORTION OF
A.S.L.S. NO. 87-5

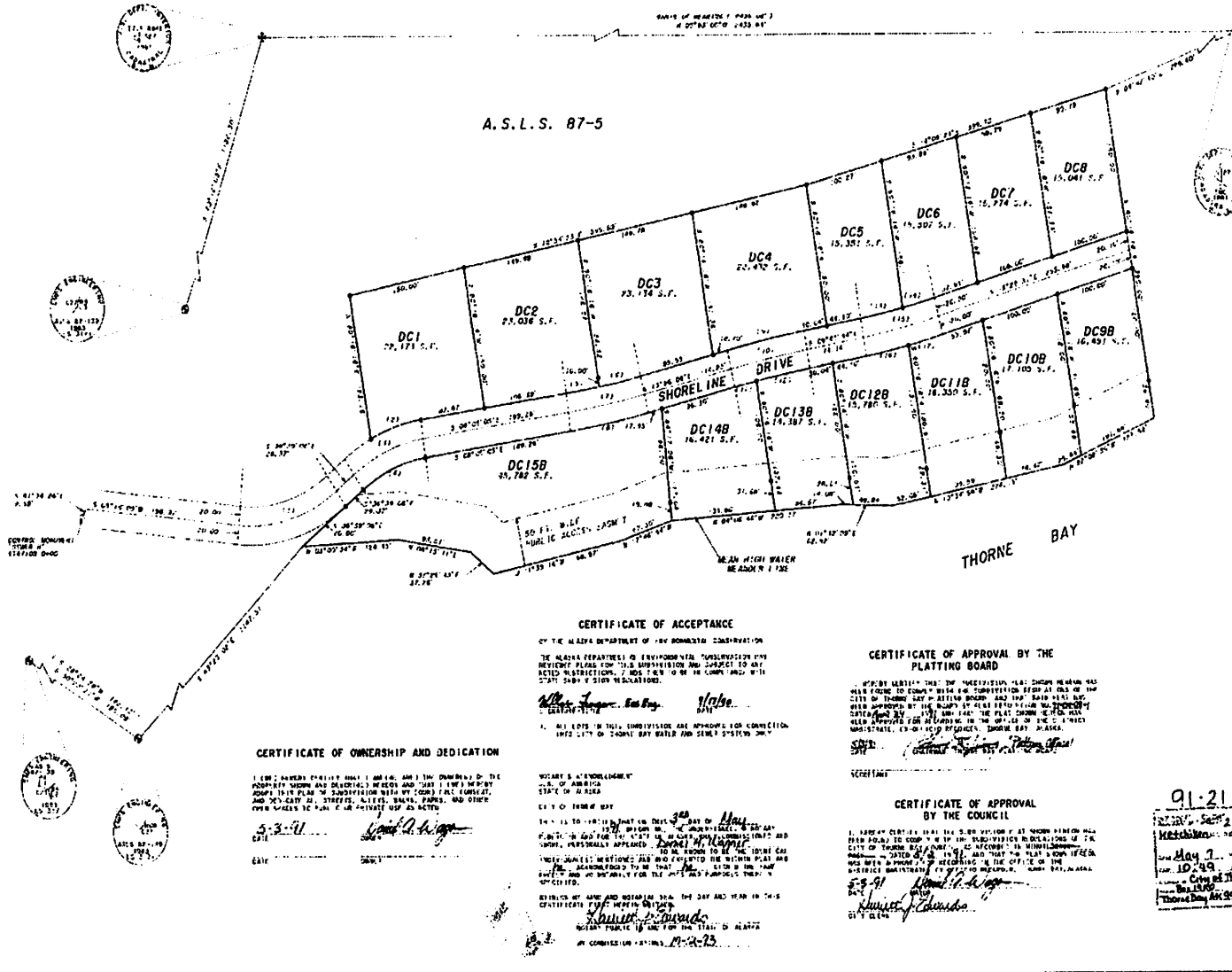
WITHIN SECTION 27, T17S, R40E,
COPIE RIVER MERIDIAN, ALASKA
THORNE BAY RECORDING DISTRICT

CLIENT: CITY OF THORNE BAY
THORNE BAY, ALASKA
99519

60 0 60 120 180
GRAPHIC SCALE 1" = 60'

SURVEYOR
RICK G. BRAUN, L.S.
P.O. BOX 211, PETERSBURG, AK 99833
PH (907) 772-3986

SURVEY COMPILED BY: B-76/90
DRAWN BY: R.S.
SCALE: AS SHOWN PROJ. W. 1983



CERTIFICATE OF ACCEPTANCE

BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION
THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION HAS REVIEWED THIS PLAT AND HAS DETERMINED THAT IT IS IN ACCORDANCE WITH THE PROVISIONS OF THE ALASKA SURVEYING CODE OF PRACTICE.

1. ALL LOTS IN THIS SUBDIVISION ARE APPROVED FOR CONNECTION INTO CITY OF THORNE BAY WATER AND SEWER SYSTEMS ONLY.

CERTIFICATE OF OWNERSHIP AND DEDICATION

I, the undersigned, being duly appointed and sworn in as a surveyor for the State of Alaska, do hereby certify that this plat represents a true and correct copy of the original survey records and that the same are in accordance with the provisions of the Alaska Surveying Code of Practice.

1. THE SURVEYOR IS RESPONSIBLE FOR THE ACCURACY OF THE SURVEY.
2. THE SURVEYOR IS RESPONSIBLE FOR THE ACCURACY OF THE SURVEY.
3. THE SURVEYOR IS RESPONSIBLE FOR THE ACCURACY OF THE SURVEY.

CERTIFICATE OF APPROVAL BY THE PLATTING BOARD

I, the undersigned, being duly appointed and sworn in as a member of the Thorne Bay Platting Board, do hereby certify that this plat represents a true and correct copy of the original survey records and that the same are in accordance with the provisions of the Alaska Surveying Code of Practice.

CERTIFICATE OF APPROVAL BY THE COUNCIL

I, the undersigned, being duly appointed and sworn in as a member of the Thorne Bay City Council, do hereby certify that this plat represents a true and correct copy of the original survey records and that the same are in accordance with the provisions of the Alaska Surveying Code of Practice.

91-21
91-21
91-21

CITY OF THORNE BAY
ORDINANCE 18-08-21-04

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY,
ALASKA, AMENDING TITLE 17- ZONING, CHAPTER 17.04 – PLANNING AND
ZONING

BE IT ENACTED BY THE THORNE BAY CITY COUNCIL

Section 1. Classification. This ordinance is of a general and permanent nature, the chapter shall hereby be added in the Thorne Bay Municipal Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application to other persons and circumstances shall not be affected.

Section 3. Amendment of Chapter. The following Title 17-Zoning, Chapter 17.04 – Planning and Zoning, shall be amended in the Thorne Bay Municipal Code.

- **ADDITIONS ARE CAPITALIZED AND BOLD**

• ~~Deletions are stricken~~

Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED August 21, 2018

Harvey McDonald, Mayor

ATTEST:

Teri Feibel, CMC/Treasurer

[introduction: August 7, 2018]
[Public Hearing: August 21, 2018]

ADDITIONS ARE IN BOLD

~~Deletions are stricken~~

TITLE 17 - ZONING
CHAPTER 17.04 - PLANNING AND ZONING

17.04.015 Definitions.

Interpretation of words not listed: when a word or term is not specifically stated, the city shall have authority to interpret the meaning based on the most appropriate dictionary definition.

R

"**RECREATIONAL VEHICLE**" means a vehicular unit, other than a manufactured home, whose gross floor area is less than three hundred twenty square feet, that is designed as temporary lodging for travel, recreational and vacation use, and that is either self-propelled, mounted on or pulled by another vehicle. Examples include, but are not limited to, a travel trailer, camping trailer, truck camper, motor home, and fifth-wheel trailer. A recreational vehicle shall not be construed to be a mobile home. **RECREATIONAL VEHICLES SHALL NOT BE USED AS A SHORT TERM OR LONG-TERM RESIDENCE, UNLESS IT IS LOCATED IN AN APPROVED RV PARK OR HAS OBTAINED A SPECIAL USE PERMIT OR PARKING PERMIT.**

"**RELIGIOUS ASSEMBLY**" means a structure of which the primary purpose is to accommodate religious services such as customarily occur in synagogues, temples and churches for the purpose of worship.

"**RESIDENCE**" means the dwelling unit where one actually resides; one's home.

"**RESIDENTIAL**" means use of a building for living, cooking, and sleeping; a use as one's residence.

"**RETAIL SALES AND RENTALS**" means businesses that are primarily engaged in the sale and or rental of commonly used and accepted goods and merchandise, which do not generate excessive controversy, noise, pollutants or pose potential hazards to health and safety. This type of use includes but is not limited to gift shops; appliance sales; book stores; department stores; general stores; flower shops; pet stores; music and video stores; bakeries; grocery stores; sport fishing sales; hardware stores; secondhand stores; etc.

S

CITY OF THORNE BAY
ORDINANCE 18-08-21-04

"SETBACK" means the minimum horizontal distance between a lot line and any permanent structure (excluding roof eaves); the mean high-water mark of a stream or body of water and a specific distance.

"SIGN" means any words, letters, numbers, phrases, sentences, trade names or trademarks by which anything is made known, such as are used to designate an individual, firm, association, corporation, profession, business, commodity or product which are visible from any public street or highway and used to attract attention.

"STREET" means a public right-of-way used as thoroughfare and which is designed and intended to provide the primary means of access to property abutting thereon.

"STICK-BUILT" means any on-site construction of a permanent nature, not including mobile homes or modular homes.

"STRUCTURE" means anything that is built, constructed, composed, or erected, that is located on or under the ground, or attached to something fixed to the

T

"TEMPORARY STRUCTURE" means a structure that will be located on a lot for less than one year.

"TRIPLEX" means a structure or portions thereof designed for the occupancy of three families living independently.

"TRAILER COURT OR PARK" means a tourist facility for parking motor homes and travel trailers.

"TRAVEL TRAILER" means a portable dwelling or vehicular structure designed to be towed on highways by another vehicle, designed, and intended for short-term occupancy for travel, recreational and vacation use. Includes pick-up campers.

CITY OF THORNE BAY
ORDINANCE 18-08-21-04

17.04.022 Residential zone.

The purpose of the Residential zone is to maintain property values and to provide for aesthetically pleasing neighborhoods by permitting single-family houses, duplexes and modular homes with a limited range of compatible uses.

Development plans are required for all development within the Residential zone conforming to applicable standards of section 17.04.035.

A. Uses allowed in Residential zone without special permitting.

1. Single-family houses or duplex;
2. Modular homes or modular duplex;
3. Mobile homes;
4. Home occupation or business;
5. office in home;
6. Accessory buildings for private/Residential uses such as garage, shed, private storage of a recreational vehicle, travel trailer, recreational boat, trucks;
7. **VISITING** Travel trailer or motor home occupied by guests of the residence **UP TO 30 DAYS.**
 - i. **OVER 30 DAYS REQUIRES PRIOR APPROVAL FROM THE PLANNING OFFICIAL**
 - ii. **OVER 60 DAYS REQUIRES CONDITIONAL USE PERMIT 17.04.022 (B)(8)**
8. Basic services (services and facilities which are necessary for development. They include power lines, water lines, sewer lines, power/telephone poles and other low impact facilities of the same character to provide for utilities).

B. Uses considered in Residential zone with conditional use permitting. The purpose of a conditional use is to provide for uses that may be suitable in certain locations within this zone but not all locations. Conditional uses must meet certain criteria before obtaining approval.

1. Religious assembly;
2. Electrical utility substations, pump/lift stations;
3. Day care center or facility;

CITY OF THORNE BAY
ORDINANCE 18-08-21-04

4. Bed and breakfast;
5. Parking a truck or other equipment over two tons;
6. Home occupation or business in accessory building;
7. Building or buildings housing three units or more.
8. **TRAVEL TRAILER OR MOTOR HOME OCCUPIED BY GUESTS OF THE RESIDENCE OVER 60 DAYS BUT NOT TO EXCEED 180 DAYS);**

C. Uses prohibited in Residential zone.

1. All uses not listed as allowed uses outright or through conditional use permit process.
2. The keeping of animals for profit or for more than personal use; keeping of large animals such as cattle, pigs, horses and goats; the keeping of more than four dogs with the exception of puppies; keeping of roosters or other noisy livestock.

D. Property Development Standards.

1. Minimum lot size: Seven thousand five hundred square feet.
2. Parking: Two off street parking areas required for each living unit.
3. Setbacks: Ten feet from all lot lines, fifteen feet from road rights-of-way.
4. in addition, development on corner lots shall not impede visibility.
5. Building heights: thirty-five feet.
6. Density:
 - a. Single family-minimum of seven thousand five hundred square foot lot size.
 - b. Multifamily; a minimum of seven thousand five hundred square feet lot size for the first unit and five thousand square feet addition lot size for each additional unit.
 - c. Uses other than Residential: no more than one principal structure.
 - d. Maximum lot coverage for all structures fifty percent of the lot area remaining after the setback area is subtracted from the total lot area.
7. Fences, Walls and Hedges: Fences, walls and hedges may occupy a portion of a yard and be built up to the property line with a six-foot

CITY OF THORNE BAY
ORDINANCE 18-08-21-04

maximum height limit and Fences shall not obstruct vehicular visibility.

E. Property Development Standards for Tract B.

1. Single-family residences or duplexes only are allowed on lots 1 through 6, stick-built on permanent foundations.
2. Modular or mobile homes are allowed on lots 7 and 8 that conform to the following:
 - a. Minimum twenty feet wide with seven hundred fifty square feet of living space;
 - b. Minimum three to twelve pitch roof;
 - c. tongue and axles must be removed;
 - d. Wood or wood appearance siding required;
 - e. Must be skirted so that structure gives a stick-built appearance.
3. Lots may not be subdivided.
4. Signs are prohibited except for one sign of not more than five square feet advertising the property for sale or rent and a sign limited to equal size showing ownership of the property.
5. All driveway approaches will be built from the driving surface of the main road to the edge of the lot, with a minimum of twelve-foot width on top and perpendicular to the road. All driveways shall have culverts a minimum of twelve inches in diameter where drainage requires as determined by city maintenance, the city council or the planning commission.
6. Animals, livestock or poultry may not be raised, kept or bred on any lot except up to a total of four dogs, cats, or other normal household pets, provided they are not kept, bred or maintained for any commercial purposes. All animals shall be restrained.
7. The minimum setbacks shall be twenty feet from road rights-of-way and ten feet from rear and interior lot lines, including attachments and outbuildings.

(Ord 17-08-15-01, Prior Ord: 00-03 § 4, 2000: Ord. 93-23 § 6(part), 1993)

CITY OF THORNE BAY
ORDINANCE 18-08-21-04

17.04.023 Deer Creek Residential.

The purpose of this zone is to create an aesthetically pleasing residential subdivision consisting of permanent single-family housing. Lot dc-14b shall be exempt from this title for the duration of municipal ownership.

Development plans are required for all development within the high density residential zone conforming to applicable standards of section 17.04.035.

A. Uses Allowed in High Density Residential Zone without Special Permitting.

1. Stick-built single-family residences built on permanent, continuous foundations with a minimum one-foot width, or treated pile driven foundations or concrete sonatube foundations;
2. Home occupation or office in home;
3. Accessory buildings for private residential uses such as garage, shed, greenhouse, smokehouse, private storage of a recreational vehicle, travel trailer or recreational boat;
4. Basic services (services and facilities which are necessary for development. They include power lines, water lines, sewer lines, power/telephone poles and other low impact facilities of the same character to provide for utilities);
5. Bed and breakfast: two rental rooms or less;
6. Visiting travel trailer or motor home occupied by guests of the residence
UP TO 30 DAYS.
 - i. OVER 30 DAYS REQUIRES PRIOR APPROVAL FROM THE PLANNING COMMISSION.
7. OVER 60 DAYS REQUIRES CONDITIONAL USE PERMIT 17.04.022 (B)(8)
8. Multifamily housing on lot 15b.

B. Uses Considered in Deer Creek Residential Zone with Special Permitting.

1. Guest cabins, lodge on lot 15b;
2. Restaurant/lodge on lot 15b;
3. Moveable construction trailer or travel trailer for residential use during construction of permanent residential structure. Conditional use permits shall be issued for one year with an annual review if necessary;
4. Bed and breakfast: over two rental rooms;

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ORDINANCE 18-08-21-04

5. Structures and fences built above the maximum height limit;
6. Marine sales and repair services;
7. Telecommunications facilities, towers, and/or antennas.

C. Uses Prohibited.

1. Subdivision;
2. Private garbage pits;
3. Storage of heavy equipment;
4. Storage of derelict vehicles or unsightly accumulation of personal property;
5. The raising of animals, livestock and poultry except normal household pets of up to our dogs and cats and their litters, provided that they are not kept, bred or maintained for commercial purposes.

D. Property Development Standards.

1. Minimum lot size: fifteen thousand square feet.
2. Parking: all parking shall be off-street and on the premises.
3. Setbacks: twenty feet from road right-of-way, ten feet from rear and interior lot lines for lots DC1 through DC8. Beach front lots DC9b through DC15b, ten feet from road right-of-way, rear and interior lot lines. Pile driven and concrete sonatube foundation driveways shall be exempt from the setback requirement on beach front lots.
4. Building heights: thirty-five feet.
5. Density: single-family residences only.
6. Utilities: all dwellings must be connected to municipal water, and sewer utilities prior to occupancy.
7. Access.
 - a. Driveways. Driveway approaches will be built from the driving surface of the main road to the edge of the lot, with a minimum of twelve feet width on to and perpendicular to the centerline of the platted right-of-way on beach front lots only (lots DC9b through DC15b). A driveway site plan shall be required for planning commission review for lots DC1 through DC8. All driveways shall have culverts a minimum of twelve inches in diameter where drainage requires as determined by city maintenance.
 - b. All property must be accessed by platted public right-of-way. Property owners may access lots from public access easement with knowledge that

CITY OF THORNE BAY
ORDINANCE 18-08-21-04

easement will not be maintained by the city. The public access easement must remain open and unblocked but is not required to be maintained by the property owner. The public access easement shall be restricted to foot traffic only.

8. Building requirements: all single-family residences shall contain not less than seven hundred fifty square feet of floor space, excluding garages and open porches.
9. Signs: signs shall not be displayed to the public view on any lot except one sign of not more than five square feet advertising the property for sale or rent and a sign limited to equal size showing ownership of the property or advertising a home business.
10. Fences, walls or hedges may be built up to six feet in height up to the property line.

Fences shall not obstruct vehicular visibility. (Ord. 17-08-15-01; Prior Ord. 94-05 § 3, 1994; ord. 93-23 § 6(part), 1993)(Ord. 17-08-15-01)

17.04.025 Mixed Residential/Commercial II.

The purpose of this zone is to provide for an aesthetically pleasing neighborhood and to maintain property values by permitting single-family houses, duplexes and mobile homes plus accommodating present mixed commercial uses.

“Development Plans” are required for all building within the mixed Residential / commercial ii zone conforming to the applicable standards of section 17.04.035.

A. Uses Allowed in The Mixed Residential / Commercial II Zone without Special Permitting.

1. All uses allowed in section **17.04.022 RESIDENTIAL ZONE PART “A” PERMITTED USES** ~~17.04.024 mixed Residential / commercial I. Part “a”.~~
2. Up to two living units, not to exceed 1500 square feet each, attached to a permitted or conditionally approved commercial uses, and one living unit not to exceed 1500 square feet, detached but used in association with permitted or conditionally approved commercial uses.

B. Uses considered in mixed Residential/commercial II zone with conditional use permitting.

1. All uses allowed in section 17.04.024 mixed Residential / commercial I, part “b” not allowed outright in part a of this section.
2. Electrical utility substations, pump/lift station;
3. The keeping of roosters and other noisy livestock;
4. Day care center or facility for 6 or more children;
5. Multifamily structure (more than 2 units);
6. Structure or fence built above the maximum height limit.
7. Government and education complexes, including libraries, museums;
8. Light equipment sales and rentals;
9. Clinics and other medical offices and facilities;
10. Storage units;
11. Auto, marine and light equipment repair;
12. Veterinary office;
13. Post office;
14. Fire and emergency service buildings;

CITY OF THORNE BAY
ORDINANCE 18-08-21-04

15. Nursing and convalescent homes, group Residential facilities, children's homes;
16. R.V. park;
17. Bed and breakfast with 5 or more guest rooms;
18. Telecommunications facilities, towers, and/or antennas.

C. Property Development Standards.

1. Minimum lot size: seven thousand five hundred square feet.
2. Minimum lot width: fifty feet.
3. Parking: all parking will be off-street and on the premises. Dwelling units, including new apartments, duplex, triplex or multifamily completed after the adoption of this title shall provide off-street parking as required in section 17.04.041
4. Setbacks: five feet from all lot lines and ten feet from road rights-of-ways. in addition, development on corner lots shall not impede vehicular visibility.
5. Building heights: A maximum of thirty-five feet as defined in the definitions for "building height". Sever slopes maybe grounds to seek a variance from building height limitations.
6. Density:
 - A. Single family: a minimum of seven thousand five hundred square feet lot size
 - B. Multifamily: a minimum of seven thousand five hundred square feet for the first unit and three thousand square feet for each additional unit lot size.
 - C. for uses other than Residential, no more than one principal structure.
 - D. Maximum lot coverage: fifty percent of the lot area remaining after the setback area is subtracted from the total lot area.
 - E. Temporary structures are not subject to Section 17.04.025(F)(6)(c).
7. Fences, walls and hedges: fences, walls and hedges may occupy a portion of a yard and be built up to the property line with a six-foot maximum height limit and shall not obstruct vehicular visibility.
8. Signs. Five by five-foot maximum sign flush against a building, signs on post or swinging sign two by three feet. (Ord. 17-08-15-07; Prior Ord. 99-26 § 6(part), 1999; Ord. 93-23 § 6(part), 1993) (Ord. 17-08-15-01)

CITY OF THORNE BAY
ORDINANCE 18-08-21-05

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY,
ALASKA, - AMENDING TITLE 9 - PUBLIC PEACE MORALS AND WELFARE,
CHAPTERS 9.02-CURFEW OF MINORS; 9.12 PROTECTION OF SURVEY
MONUMENTS; 9.20 LITTER CONTROL; 9.22 WATER HYDRANTS

BE IT ENACTED BY THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA

Section 1. Classification. This ordinance is of a general and permanent nature, the chapter and section hereby amended shall be added to the Thorne Bay Municipal Code.

Section 2. Severability. If any provisions of this ordinance or any application thereof to any person or circumstances is held invalid, the circumstances shall not be affected thereby.

Section 3. Amendment of Section. The title and chapters of Title 9 - Public Peace Morals and Welfare are hereby amended and added to the Thorne Bay Municipal Code.

- **ADDITIONS ARE CAPITALIZED AND BOLD**
- ~~Deletions are stricken~~

Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED August 21, 2018

Harvey McDonald, Mayor

ATTEST:

Teri Feibel, CMC

[Introduction: August 7, 2018]
[Public Hearing: August 21, 2018]

CITY OF THORNE BAY
ORDINANCE 18-08-21-05

TITLE 9
PUBLIC PEACE, MORALS AND WELFARE

CHAPTER 9.02
CURFEW FOR MINORS

9.02.050 Violations-Penalties. ~~The penalty for violating the provisions of this chapter is in 1.16.035~~

- A. ANY PERSON WHO VIOLATES ANY PROVISION OF THIS CHAPTER SHALL BE PUNISHED BY THE FINE ESTABLISHED IN THE 1.16.035 IF THE OFFENSE IS LISTED IN THAT FINE SCHEDULE OR BY A FINE OF UP TO \$300 IF THE OFFENSE IS NOT LISTED IN THE 1.16.035 FINE SCHEDULE.
- B. A parent, legal guardian, or other person having custody or control of a minor that is in violation of the curfew is subject to the aforementioned fines.
- C. Any adult who helps, assists, facilitates, promotes or encourages a child to commit a violation of this chapter, by advancing or bringing about its commission, is subject to the aforementioned fines. (Ord. 97-23 § 3(part), 1997; Ord. 94-03 § 3(part), 1994)

CHAPTER 9.12
PROTECTION OF SURVEY MONUMENTS

9.12.060 Violations-Penalties.

- A. Any person who violates any provision of this chapter shall be punished by the fine established in the 1.16.035 IF THE OFFENSE IS LISTED IN THAT FINE SCHEDULE OR BY A FINE OF UP TO \$300 IF THE OFFENSE IS NOT LISTED IN THE 1.16.035 FINE SCHEDULE.

CHAPTER 9.20
LITTER CONTROL

9.20.210 Penalty and remedies.

- A. Any person violating any provision of this section is guilty of an infraction and shall be punished by a the fine established in 1.16.035 if the offense is listed in that fine schedule or by a fine of up to ~~\$50.00~~ \$300.00 if the offense is not listed in the 1.16.035 fine schedule.
- B. Each day a violation continues shall constitute an additional violation for purposes of assessing fines. An action to enjoin a violation of this chapter may be brought notwithstanding the availability of any other remedy. Upon application for injunctive relief and the finding of an existing violation, the court shall grant injunctive relief to restrain the violation and attorney fees as provided by law. (Ord. 89-22 § 5(part), 1989)

**CITY OF THORNE BAY
ORDINANCE 18-08-21-05**

**CHAPTER 9.22
WATER HYDRANTS**

9.22.060 Violations-Penalties

Any person violating any provision of this section is guilty of an infraction and shall be punished by a the fine established in 1.16.035 fine schedule **IF THE OFFENSE IS LISTED IN THAT FINE SCHEDULE OR BY A FINE OF UP TO \$300 IF THE OFFENSE IS NOT LISTED IN THE 1.16.035 FINE SCHEDULE.** (Ord. 18-01-02-01; Prior Ord. 91-10 § 4(part),

Organized Village of Kasaan

Department of Transportation

Invoice

Bill To:

Invoice #: 2018-0017

City of Thorne Bay

Southside Turn to Goose Creek

Date	Staff	Ship Via	Terms
7/26/18	Sara K Yockey	N/A	Due upon receipt

Quantity	Description	Cost	Total
9 hours	Grader	\$150.00	\$1,350.00
10 hours	Compactor	\$115.00	\$1,150.00
94.5 gallons	Fuel	\$4.00	\$378.00

Subtotal:	\$2,878.00
Miscellaneous:	N/A
Balance Due:	\$2,878.00

PHONE

WEB