

CITY OF THORNE BAY
ORDINANCE 18-09-18-02

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, AMENDING TITLE 12-
STREETS SIDEWALKS AND PUBLIC PLACES;

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 12 – Streets Sidewalks And Public Places Public Parks, and Public Places is amended and added to the Thorne Bay Municipal Code as outlined on Pages

Are upon adoption, amended and added, removed or amended and reflected in the Thorne Bay Municipal Code:

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

PASSED AND APPROVED September 18, 2018


Harvey McDonald, Mayor

ATTEST:

Teri Feibel, CMC

[Introduction: September 4, 2018]
[Public Hearing: September 18, 2018]

TITLE 12
STREETS, SIDEWALKS AND PUBLIC PLACES

- 12.01 STREET NAMING AND ADDRESSING
- 12.04 CITY RV PARK
- 12.06 CITY PARKS AND RECREATION AREAS
- 12.08 THORNE BAY BOAT RAMP
- 12.09 STREETS AND ROADS COMMISSION

CHAPTER 12.01
STREET NAMING AND ADDRESSING

- 12.01.010 STREET NAMING AND ADDRESSING.
- 12.01.020 STREET NAMING.
- 12.01.030 STREET ADDRESSING.
- 12.01.040 VIOLATIONS AND PENALTIES.**

12.01.010 STREET NAMING AND ADDRESSING.

- A.** A uniform system for naming and renaming of streets, roads and public ways within the city, and for numbering and addressing buildings and structures, is established.
- B.** The platting board shall be responsible for naming and renaming of streets and roads and for the method of address numbering of buildings and structures. Numbers shall be issued by the department of planning and zoning. The platting board may recommend to the council proposed standards, procedures and guidelines for such naming and renaming of streets and roads, and for numbering and addressing buildings and structures. (Ord. 91-06 § 4(part), 1991)

12.01.020 STREET NAMING.

The platting board, by resolution may, pursuant to and in conformity with the standards, procedures, and guidelines adopted by resolution of the commission, referred to in this chapter as "standards, procedures, and guidelines for naming streets and roads and for addressing," name, or change the name, of any existing or new street or road within the city after notice to the owners of record of property adjoining the street or road, and conducting a public hearing regarding the proposed name, or change of name. (Ord. 91-06 § 4(part), 1991)

12.01.030 STREET ADDRESSING.

- A. The uniform system for address numbering of houses, buildings, mobile homes and other structures on all streets, roads, avenues, and public ways in the road system of the city.
- B. Addressing shall conform to those certain numbering and addressing standards, procedures and guidelines entitled "standards, procedures, and guidelines for naming streets and roads and for addressing," adopted by resolution of the commission, and as from time to time amended by resolution, copies of which standards, procedures, and guidelines are on file in the office of the city clerk and in the department of planning and zoning, and are available for public inspection and copying.
- C. The department of planning and zoning shall be responsible for the administration and maintenance of the city addressing system.
- D. The owner, occupant, or person in charge of a house, building or structure shall, not later than sixty days after receipt of notice from the department of planning and zoning, affix addressing numbers assigned, and within such sixty-day period shall also remove any old numbers affixed to the entrance or other portion of such house or building which may be confused with the number assigned. (Ord. 91-06 § 4(part), 1991)

AMENDMENT OF SECTION - 12.01.040-PENALTY

SECTION 12.01.040 – PENALTY;

- **Deleting language outlined as written in Section 12.01.040 pe Ordinance 91-06 § 4(part), 1991;**

Deletions are lined through:

~~Failure to comply with the provisions of this chapter, or with any of the standards, procedures, and guidelines adopted pursuant to Section 12.01-.030(D), or notice issued pursuant to it, shall constitute a violation of resolution 91-06-12-01, Section 5(j). (Ord. 91-06 § 4(part), 1991)~~

THE SECTION OF THE THORNE BAY CITY CODE 12.01.040-PENALTY IS HEREBY AMENDED TO READ AS FOLLOWS:

12.01.040 VIOLATIONS AND PENALTIES.

ANY PERSON VIOLATING ANY PROVISION OF THIS CHAPTER SHALL BE DEEMED 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 IF THE FINE IS NOT LISTED IN 1.16.035 THEN BY THE FINE PROVIDED IN 1.16.030

CHAPTER 12.04 CITY R.V. PARK – SECTIONS

- 12.04.010 PROCEDURES.
- 12.04.015 DESIGNATION OF RV PARK AREA.
- 12.04.020 RENTAL FEES AND AGREEMENT.
- 12.04.030 OCCUPANCY DURATION.
- 12.04.040 EVICTION.
- 12.04.050 RENTER OBLIGATIONS.
- 12.04.060 CITY LIABILITY.
- 12.04.070 PARKING LIMITATIONS.
- 12.04.080 ANIMAL CONTROL.
- 12.04.090 ABANDONMENT OF PERSONAL PROPERTY.
- 12.04.100 CHILDREN.
- 12.04.110 Security and cleaning deposits.
- 12.04.120 Regulation compliance.

12.01.130 VIOLATIONS AND PENALTIES. (Addition to Chapter)

12.04.010 PROCEDURES.

Persons wishing to rent an R.V. space from the city are required to file an application and pay, prior to occupancy of the space, the fees and security/cleaning deposit required. (Ord. 87-10 §1, 1987)

12.04.015 DESIGNATION OF R.V. PARK AREA.

The designated area of the Thorne Bay municipal R.V. park area shall be the area located on 1400 Sandy Beach Road or other areas that the city may designate as a municipal RV park site either on a temporary or permanent basis. (Ord. 03-12-04-01 §4(part), 2003: Ord. 01-10-08-01 §3, 2001)

12.04.020 RENTAL FEES AND AGREEMENTS.

The rental fees and agreement for the Thorne Bay R.V. Park shall be set forth in the most current rental fee schedule adopted and approved by resolution of the city council and incorporated herein by reference. The per space security and cleaning deposit and one month's rent is to be paid to the city prior to occupancy for renters renting on a month to month basis. (Ordinance 05-02-01-02)(Ord. 13-07-02-02)

12.04.030 OCCUPANCY DURATION.

Use of an RV space is limited to six consecutive months. A six-month extension may be approved by the City Council upon written request.

The occupancy duration of the R.V. park shall be as follows:

Daily renters:	From one to seven days' duration, depending on duration requested on renter's agreement. Extensions to the initial duration requested shall be on the basis of space availability and at the discretion of the city. Daily renters shall be required to hook up to City Utilities if the RV cannot be fully contained for a period of seven days.
Weekly renters:	From one to four weeks' duration, depending on the duration requested on the renter's agreement. Extensions to the duration requested shall be on the basis of space availability and at the discretion of the city. Weekly renters shall be required to hook up to City Utilities at the time of set up.
Monthly renter:	On a month-to-month basis, subject to a thirty-day written notice of termination by either the renter or the city. The written notice shall be mailed via certified mail and postmarked at least thirty days prior to renewal date. Monthly renters shall be required to hook up to City Utilities at time of set up.

AMENDMENT OF SECTION - 12.04.040 - EVICTION

ADDING SUBSECTIONS D & E

12.04.040 EVICTION.

City may evict renter from the R.V. Park for the following reasons:

- A. Default in rental fee;
- B. A conviction of violating a federal or state law or local ordinance, if that violation continues to the detriment of the health, safety or welfare of others;
- C. Violation of AS 34.03, Uniform Residential Landlord and Tenant Act or of the rental agreement.

Hereby Amended by:

➤ Adding Subsections D & E as follows:

- D. FAILURE TO COMPLY WITH THORNE BAY MUNICIPAL CODE SECTION 12.06.050 - RENTER OBLIGATIONS (A-E)
- E. MORE THAN ONE COMPLAINT WITHIN SIX MONTHS FOR DISTURBING THE PEACE OF NEIGHBORING CITY RV PARK RENTERS.

THE SECTION OF THE THORNE BAY CITY CODE 12.04.050-EVICTION, IS HEREBY AMENDED TO READ AS FOLLOWS:

12.04.040 EVICTION.

City may evict renter from the R.V. Park for the following reasons:

- A. Default in rental fee;
- B. A conviction of violating a federal or state law or local ordinance, if that violation continues to the detriment of the health, safety or welfare of others;
- C. Violation of AS 34.03, Uniform Residential Landlord and Tenant Act or of the rental agreement.
- D. Failure to comply with thorne bay municipal code section 12.06.050 - renter obligations (a-e)
- E. More than one complaint within six months for disturbing the peace of neighboring City RV Park Renters. (Ord. 18-09-18-02; Part SS. D & E)

AMENDMENT OF SECTION - 12.04.050 – RENTER OBLIGATIONS

12.04.050 RENTER OBLIGATIONS.

Renters are obligated to:

- A. Maintain rented premises clean and orderly;
- B. Dispose of rubbish, garbage and other waste as directed;
- C. Avoid deliberate or negligent destruction or damage to any property in the R.V. Park;
- D. Respect the privacy, rights and privileges of neighbors;
- E. Comply with directions or requests felt necessary by city. (Ord. 87-10 § 5, 1987)

Amended by:

➤ Adding Subsections F & G as follows:

- F. RESPECT QUIET HOURS OF 10 PM TO 7 AM.
- G. LIMIT VEHICLE MOVEMENT TO 5 MPH.

THE SECTION OF THE THORNE BAY CITY CODE 12.04.050-EVICTION, IS HEREBY AMENDED TO READ AS FOLLOWS:

12.04.050 RENTER OBLIGATIONS.

Renters are obligated to:

- A. Maintain rented premises clean and orderly;
- B. Dispose of rubbish, garbage and other waste as directed;
- C. Avoid deliberate or negligent destruction or damage to any property in the R.V. Park;
- D. Respect the privacy, rights and privileges of neighbors;
- E. Comply with directions or requests felt necessary by city. (Ord. 87-10 § 5, 1987)
- F. RESPECT QUIET HOURS OF 10 PM TO 7 AM.
- G. LIMIT VEHICLE MOVEMENT TO 5 MPH. (Ord. 18-09-18-02, Part § F & G)

12.04.060 CITY LIABILITY.

City shall be held harmless by renters from any liability for damage to personal property or personal injury due to fire, theft, flood, an act of nature or animals, or actions of any renters of space in the R.V. Park.

12.04.070 PARKING LIMITATIONS.

- A. Renter is limited to two vehicle parking space to the right of his/her R.V. vehicle. No other parking space in the R.V. park shall be occupied by a vehicle or property of the renter. No parking is permitted on the roadway.
- B. The size limitation for R.V. trailers parked in this area will be forty feet. The city shall exempt those trailers occupying the area prior to October 18, 2001 from the size limitations until such time when they vacate the area, then that trailer or other over forty feet shall not be allowed. All trailers must be occupied by the owners or winterized and secured and may not remain in the area unoccupied or rented to a second party, unless approved by the city council. Space includes one operable vehicle and one R.V. trailer.
- C. No permanent or temporary storage building or containers allowed on site, except for enclosures to contain trash containers used for weekly city pick-up.
- D. Temporary entry enclosures or roof covers may be allowed with City Council approval and deposit paid.

12.04.080 ANIMAL CONTROL.

All renters shall abide by Chapter 6.04 of this code, providing for the licensing, control and care of animals.

12.04.090 ABANDONMENT OF PERSONAL PROPERTY.

Any personal property left or abandoned by a renter will be disposed of in accordance with the law.

12.04.100 CHILDREN.

Monitoring (complete control) is required, due to the proximity of the bay and the road. (Ord. 87-10 § 10, 1987) (Ord. 01-10-08-01 § 4(part), 2001; Ord. 87-10 § 7, 1987)

12.04.110 SECURITY AND CLEANING DEPOSITS.

- A. Security and cleaning deposits shall be paid to the City of Thorne Bay prior to occupying space at the City RV Park.
- B. Security and cleaning deposit rate shall be set forth by the most current resolution adopted by the City Council. (Ord. 01-10-08-01 § 4(part), 2001; Ord. 89-14 § 4(part), 1989; Ord. 87-10 § 11, 1987; Ord: 16-06-07-01)

AMENDMENT OF SECTION 12.04.120-REGULATION COMPLIANCE

12.04.120 REGULATION COMPLIANCE.

Renters will abide by all local, state and federal regulations. (Ord. 87-10 § 12, 1987)

Hereby Amended by:

➤ ADDING THE LANGUAGE:

- **"INCLUDING QUIET HOURS OF 10:00 PM TO 7:00 AM, AND SPEED LIMIT OF 5 MPH"**

THE SECTION OF THE THORNE BAY CITY CODE 12.01.040-PENALTY IS HEREBY AMENDED TO READ AS FOLLOWS:

12.04.120 REGULATION COMPLIANCE.

Renters will abide by all local, state and federal regulations **INCLUDING QUIET HOURS OF 10 PM TO 7 AM AND SPEED LIMIT OF 5 MPH.** (Ord. 87-10 § 12, 1987)

AMENDMENT OF CHAPTER 12.04-CITY RV PARK

Hereby Amended by:

➤ ADDING: SECTION 12.04.130 – VIOLATIONS AND PENALTIES;

THE SECTION OF THE THORNE BAY CITY CODE 12.01.040-PENALTY IS HEREBY AMENDED TO READ AS FOLLOWS:

12.04.130 VIOLATIONS AND PENALTIES.

ANY PERSON VIOLATING ANY PROVISION OF THIS CHAPTER SHALL BE DEEMED 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 IF THE FINE IS NOT LISTED IN 1.16.035 THEN BY THE FINE PROVIDED IN 1.16.030. (Ord. 18-09-18-02, Part-Section .130)

CHAPTER 12.06
CITY PARKS AND RECREATION AREAS -

- 12.06.010 PURPOSE.
- 12.06.020 APPLICABILITY OF PROVISIONS.
- 12.06.030 DEFINITIONS.
- 12.06.040 PROHIBITED ACTS-STRUCTURES, PLANTS, TREES.
- 12.06.050 PROHIBITED ACTS-VEHICLES.
- 12.06.060 PROHIBITED ACTS-FIREARMS, WEAPONS.
- 12.06.070 IGNITABLE AND COMBUSTIBLE MATERIALS.
- 12.06.080 ALCOHOL AND CONTROLLED SUBSTANCES.
- 12.06.090 MISCELLANEOUS CONDUCT.
- 12.06.100 USER FEES.
- 12.06.110 CLOSING HOURS.
- 12.06.120 PERMITS.
- 12.06.130 ENFORCEMENT.
- 12.06.140 **VIOLATIONS AND PENALTIES** ~~PENALTY AND REMEDIES.~~

12.06.010 PURPOSE.

The purpose of this chapter is to provide rules and regulations for the use of and conduct in the parks and recreation areas of the city. (Ord. 96-01 § 4(part), 1996)

12.06.020 APPLICABILITY OF PROVISIONS.

Unless expressly exempted, the provisions of this title shall apply to all parks and recreation areas under the jurisdiction of the city, including those parks and recreation areas under the city's jurisdiction pursuant to Title 1, Chapter 1.14 of this code. (Ord. 96-01 § 4(part), 1996)

12.06.030 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.

"Chief executive officer" means the mayor of the city of Thorne Bay.

"Park attendant" means any person employed by the city who performs duties or tasks within the park and recreation areas.

"Permit" means any written license issued by or under the authority of the city permitting a special event or activity on park or recreation area facilities.

"Restraint" means any animal secured by a leash, lead or cage and under the control of a responsible person and obedient to that person's commands.

"Vehicle" means any conveyance (except baby carriages or strollers) including motor vehicles, motorcycles, three or four wheeled ATV's, trailers of all types, campers, tricycles, bicycles, motorized or not, sleds, sleighs, pushcarts, or vehicles propelled by other than muscular power. (Ord. 96-01 § 4(part), 1996)

AMENDMENT OF CHAPTER 12.06 – CITY PARKS AND RECREATION AREAS;
SECTION - 12.06.040 - PROHIBITED ACTS-STRUCTURES, PLANTS & TREES

12.06.040 – PROHIBITED ACTS-STRUCTURES, PLANTS & TREES.

It is unlawful for any person in a public park or recreation area to:

Mark, deface, disfigure, injure, tamper with or displace or remove any plants, trees, buildings, bridges, tables, benches, fireplaces, railings, paving or paving materials, water lines or other public utilities or parts thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts, or other' boundary markers or other structures or equipment, facilities or park property, either real or personal. (Ord. 96-01 § 4(part), 1996)

➤ **AMENDMENTS ARE AS FOLLOWS:**

~~Deleting:-Deletions are lined through:~~

- **“structures, plants & trees” from section title**

~~12.06.040 PROHIBITED ACTS-STRUCTURES, PLANTS, TREES.~~

Adding:

- Subsections (B – I) from sections 12.06.050, 12.06.060, and 12.06.090

ADDITIONS ARE IN BOLD

THE SECTION OF THE THORNE BAY CITY CODE 12.06.040-PROHIBITED ACTS; IS HEREBY AMENDED TO READ AS FOLLOWS:

Section 12.06.040 PROHIBITED ACTS (A-I)

It is unlawful for any person in a public park or recreation area to:

- A.** Mark, deface, disfigure, injure, tamper with or displace or remove any plants, trees, buildings, bridges, tables, benches, fireplaces, railings, paving or paving materials, water lines or other public utilities or parts thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts, or other' boundary markers or other structures or equipment, facilities or park property, either real or personal. (Ord. 96-01 § 4(part), 1996)
- B.** **DRIVE OR PARK ANY VEHICLE ON ANY AREA EXCEPT DESIGNATED PARK ROADS OR PARKING AREAS, OR SUCH AREAS AS MAY ON OCCASION BE SPECIFICALLY DESIGNATED FOR USE BY VEHICULAR TRAFFIC ON A TEMPORARY BASIS. THIS PROVISION DOES NOT APPLY TO PARK ATTENDANTS OR MAINTENANCE PERSONNEL OR OTHER AUTHORIZED INDIVIDUALS WHO MAY BE PERFORMING CONSTRUCTION OR MAINTENANCE SERVICES FOR THE PARK OR RECREATION AREA OR TO LAW ENFORCEMENT, EMERGENCY MEDICAL, OR FIRE DEPARTMENT VEHICLES.** (ORD. 96-01 § 4(PART), 1996)
- C.** **IT IS UNLAWFUL FOR ANY MINOR CHILD TO BRING INTO OR HAVE IN HIS POSSESSION IN ANY PARK OR RECREATION AREA ANY FIREARM, INCLUDING BUT NOT LIMITED TO PISTOL, REVOLVER, RIFLE, SHOTGUN, BB GUN, AIR GUN, SPRING GUN, SLINGSHOT, BOW OR OTHER WEAPON. OFFICIAL STARTERS, AT AUTHORIZED TRACK AND FIELD EVENTS, ARE ACCEPTED FROM THIS RESTRICTION.** (ORD. 96-01 § 4(PART), 1996)
- D.** **NO PERSON SHALL BRING ALCOHOLIC BEVERAGES, OR CONTROLLED DANGEROUS SUBSTANCES, DRINK OR USE THE SAME AT ANY TIME**

- E. CAMP OR STAY OVERNIGHT ANYWHERE EXCEPT IN AREAS DESIGNATED FOR THAT PURPOSE;
- F. ENTER AN AREA POSTED AS "CLOSED TO THE PUBLIC";
- G. ENGAGE IN THREATENING, ABUSIVE, INSULTING OR INDECENT LANGUAGE OR ENGAGE IN ANY DISORDERLY CONDUCT OR BEHAVIOR TENDING TO BREACH THE PUBLIC PEACE;
- H. FAIL TO PRODUCE AND EXHIBIT ANY PERMIT HE CLAIMS TO HAVE, UPON REQUEST OF ANY AUTHORIZED PERSON WHO SHALL DESIRE TO INSPECT THE SAME FOR THE PURPOSE OF ENFORCING COMPLIANCE WITH ANY ORDINANCE OR RULE;
- I. DISTURB OR INTERFERE UNREASONABLY WITH ANY PERSON OR PARTY OCCUPYING ANY AREA OR PARTICIPATING IN ANY ALLOWABLE ACTIVITY OR ACTIVITY UNDER THE AUTHORITY OF A PERMIT. (ORD. 96-01 § 4(PART), 1996)(Ord. 18-09-18-02)

AMENDMENT OF SECTION - 12.06.050 - PROHIBITED ACTS VEHICLES

12.06.050 PROHIBITED ACTS-VEHICLES.

It is unlawful for any person in a public park or recreation area to:

Drive or park any vehicle on any area except designated park roads or parking areas, or such areas as may on occasion be specifically designated for use by vehicular traffic on a temporary basis. This provision does not apply to park attendants or maintenance personnel or other authorized individuals who may be performing construction or maintenance services for the park or recreation area or to law enforcement, emergency medical, or fire department vehicles. (Ord. 96-01 § 4(part), 1996)

➤ **AMENDMENTS ARE AS FOLLOWS:**

Deleting Section as Numbered: ~~Deletions are lined through:~~

➤ **Section 12.06.050 – Prohibited Acts Vehicles**

Amendment:

➤ **Renumbering Section 12.06.050-Prohibited Acts Vehicles as 12.06.040 - Subsection (B)**

~~12.06.050 PROHIBITED ACTS-VEHICLES.~~

~~It is unlawful for any person in a public park or recreation area to: —~~

~~Drive or park any vehicle on any area except designated park roads or parking areas, or such areas as may on occasion be specifically designated for use by vehicular traffic on a temporary basis. This provision does not apply to park attendants or maintenance personnel or other authorized individuals who may be performing construction or maintenance services for the park or recreation area or to law enforcement, emergency medical, or fire department vehicles. (Ord. 96-01 § 4(part), 1996)~~

THE SECTION OF THE THORNE BAY CITY CODE 12.06.050-PROHIBITED ACTS-VEHICLES IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 12.06.050 – RESERVED. (Ordinance 18-09-18-02)

AMENDMENT OF SECTION - 12.06.060 - PROHIBITED ACTS FIREARMS, WEAPONS

12.06.060 PROHIBITED ACTS-FIREARMS, WEAPONS.

It is unlawful for any person to bring into or have in his possession in any park or recreation area any firearm, including but not limited to pistol, revolver, rifle, shotgun, BB gun, air gun, spring gun, slingshot, bow or other weapon. Official starters, at authorized track and field events, are accepted from this restriction. (Ord. 96-01 § 4(part), 1996)

➤ **AMENDMENTS ARE AS FOLLOWS:**

Deleting Section as Numbered: ~~Deletions are lined through:~~

➤ ~~Section 12.06.060 – Prohibited Acts Firearms, Weapons~~

Amendment:

➤ **Moving Section 12.06.060-Prohibited Acts Firearms and Weapons; to Section 12.06.040; adding as Subsection (c)**

~~**12.06.060 PROHIBITED ACTS-FIREARMS, WEAPONS.**~~

~~It is unlawful for any person to bring into or have in his possession in any park or recreation area any firearm, including but not limited to pistol, revolver, rifle, shotgun, BB gun, air gun, spring gun, slingshot, bow or other weapon. Official starters, at authorized track and field events, are accepted from this restriction. (Ord. 96-01 § 4(part), 1996)~~

THE SECTION OF THE THORNE BAY CITY CODE 12.06.060-PROHIBITED ACTS – FIREARMS, WEAPONS, IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 12.06.060 – RESERVED. (Ordinance 18-09-18-02)

12.06.070 IGNITABLE AND COMBUSTIBLE MATERIALS.

No person shall kindle, build, maintain or use a fire except in places provided for such purposes. Any fire shall be continuously under the care and direction of a competent person from the time it is kindled until it is fully extinguished. (Ord. 96-01 § 4(part), 1996)

12.06.080 ALCOHOL AND CONTROLLED SUBSTANCES.

While in a Public Park or recreation area, all persons shall conduct themselves in a proper and orderly manner, and in particular, no person shall bring alcoholic beverages, or controlled dangerous substances, drink or use the same at any time. Alcohol consumption by persons of legal age may be allowed with the permit to rent the Bay Chalet or other recreational facility when included within the permit (rental) application. (Ord. 13-07-02-01) (Ord. 96-01 § 4(part), 1996)

AMENDMENT OF SECTION - 12.06.090 – MISCELLANEOUS CONDUCT

12.06.090 MISCELLANEOUS CONDUCT.

It is unlawful for any person in a park or recreation area to:

- A. Camp or stay overnight anywhere except in areas designated for that purpose;
- B. Enter an area posted as "closed to the public";
- C. Engage in threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to breach the public peace;
- D. Fail to produce and exhibit any permit he claims to have, upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule;
- E. Disturb or interfere unreasonably with any person or party occupying any area or participating in any allowable activity or activity under the authority of a permit.
(Ord. 96-01 § 4(part), 1996)

➤ **AMENDMENTS ARE AS FOLLOWS:**

Deleting Section as Numbered: Deletions are lined through:

- **Section 12.06.090 – Miscellaneous Conduct**

Amendment:

- **Moving Section 12.06.090-Miscellaneous Conduct; to Section 12.06.040; numbered as Subsection (E, F, G, H, I))**

12.06.090 MISCELLANEOUS CONDUCT.

It is unlawful for any person in a park or recreation area to:

- F. Camp or stay overnight anywhere except in areas designated for that purpose;**
- G. Enter an area posted as "closed to the public";**
- H. Engage in threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to breach the public peace;**
- I. Fail to produce and exhibit any permit he claims to have, upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule;**
- J. Disturb or interfere unreasonably with any person or party occupying any area or participating in any allowable activity or activity under the authority of a permit. (Ord. 96-01 § 4(part), 1996)**

THE SECTION OF THE THORNE BAY CITY CODE 12.06.090-MISCELLANEOUS CONDUCT IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 12.06.090 – RESERVED. (Ordinance 18-09-18-02)

AMENDMENT OF SECTION - 12.06.100 – USER FEES

12.06.100 USER FEES.

User fees to be charged for certain park and recreation services and facilities shall be as set forth in the most current rate schedule adopted and approved by resolution of the city council and incorporated herein by reference. No person shall use any park or recreation facility for which a fee is specified in this chapter without paying the fee, unless the fee is allowed to be waived and has been waived by the chief executive officer. (Ord. 96-01 § 4(part), 1996)

➤ **IS AMENDED BY DELETING/ADDITION OF THE FOLLOWING LANGUAGE:**

➤ **Deleting: "No person shall"**

➤ **ADDING: "IS STRICTLY PROHIBITED"**

~~—No person shall—~~ Use any park or recreation facility for which a fee is specified in this chapter without paying the fee **IS STRICTLY PROHIBITED**, unless the fee is allowed to be waived and has been waived by the chief executive officer. (Ord. 96-01 § 4(part), 1996)

➤ **CREATING SUBSECTIONS "A & B"**

THE SECTION OF THE THORNE BAY CITY CODE 12.06.100-USER FEES ARE HEREBY AMENDED TO READ AS FOLLOWS:

12.06.100 USER FEES:

- A.** USER FEES TO BE CHARGED FOR CERTAIN PARK AND RECREATION SERVICES AND FACILITIES SHALL BE AS SET FORTH IN THE MOST CURRENT RATE SCHEDULE ADOPTED AND APPROVED BY RESOLUTION OF THE CITY COUNCIL AND INCORPORATED HEREIN BY REFERENCE.
- B.** USE OF ANY PARK OR RECREATION FACILITY FOR WHICH A FEE IS SPECIFIED IN THIS CHAPTER WITHOUT PAYING THE FEE, IS STRICTLY PROHIBITED UNLESS THE FEE IS ALLOWED TO BE WAIVED AND HAS BEEN WAIVED BY THE CHIEF EXECUTIVE OFFICER. (ORD. 96-01 § 4(PART), 1996)

12.06.110 CLOSING HOURS.

Except for designated camping areas, no person shall be in any park or recreation area during the hours the park or recreation is closed. The city council is authorized to set and designate park and recreation area closed hours. In the case of emergency, the VPSO may order any portion of a park or recreation area closed to the public if the public interest so requires. (Ord. 96-01 § 4(part), 1996)

12.06.120 PERMITS.

Permits to conduct an activity in parks and recreation areas otherwise prohibited above shall be obtained by application to the chief executive officer or his designee in accordance with the following procedure:

- A.** A person seeking issuance of a permit hereunder shall file an application state the name and address of the applicant, the name and address of the person, persons, corporation or association sponsoring the activity, (if any), the day and hours for which the permit is desired, the park or portion thereof for which the permit is desired, any other information reasonably necessary to a determination as to whether a permit should be issued hereunder, and identify park rule(s) and regulation(s) the activity would violate if a permit allowing the same were not issued.
- B.** Standards for issuance of a permit shall include the following findings:

- (1) that the proposed activity or use of the park or recreation area will not unreasonably interfere with or detract from the general public's enjoyment of the park;
 - (2) that the proposed activity and uses that are reasonably anticipated will not include violence, criminal or disorderly conduct;
 - (3) that the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;
 - (4) that the proposed activity or use will not entail extraordinary or burdensome expense or law enforcement operation by the city; and
 - (5) that the facilities desired have not been reserved for other use on the date and hour requested in the application.
- C. Within ten days after the receipt of an application, the chief executive officer or his designee shall tell an applicant in writing of his decision to grant or deny a permit; in the event of a denial the notification shall include the reason for the denial. Any aggrieved person shall have the right to appeal to the city council by service of written notice thereof on the city clerk within five working days of said refusal. A copy of said notice shall also be served on the chief executive officer and the chief executive officer shall immediately forward the application and the reasons for its refusal to the city council. The city council shall decide within ten days from the receipt of the appeal by the city clerk, or at its first meeting after the appeal, whichever is later.

modified by the permit, and all applicable ordinances fully as though the same were inserted in said permit.

- E. An applicant for a permit may be required to submit evidence of liability insurance covering injuries to members of the general public arising out of such permitted activities in such amounts as may be from time to time determined by the chief executive officer prior to the commencement of any activity or issuance of any permit.
- F. The chief executive officer shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance or upon good cause shown. (Ord. 96-01 § 4(part), 1996)

AMENDMENT OF SECTION 12.06.130-ENFORCEMENT

12.06.130 ENFORCEMENT.

- A. The city law enforcement department, chief executive officer and park attendants shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter.
 - B. The city law enforcement department, chief executive officer, and any park attendant shall have the authority to order any person or persons acting in violation of this chapter to leave the park or recreation area. (Ord. 96-01 § 4(part), 1996)
- "The section of the Thorne Bay City Code 12.06.130-Enforcement is hereby amended by adding subsection (c) to read as follows:"
- **ADDING SUBSECTION C – AUTHORITY FOR ISSUANCE OF CITATIONS:**

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)

- C. THE CITY LAW ENFORCEMENT DEPARTMENT, CHIEF EXECUTIVE OFFICER, CITY ADMINISTRATOR, AND PARK ATTENDANTS HAVE THE AUTHORITY TO ISSUE CITATIONS TO ANY PERSON FOUND VIOLATING THE PROVISIONS OF THIS TITLE. (Ordinance 18-09-18-02 § (c))

THE SECTION OF THE THORNE BAY CITY CODE 12.06.130-ENFORCEMENT IS HEREBY AMENDED TO READ AS FOLLOWS:

12.06.130 ENFORCEMENT.

- A. The city law enforcement department, chief executive officer and park attendants shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter.
- B. The city law enforcement department, chief executive officer, and any park attendant shall have the authority to order any person or persons acting in violation of this chapter to leave the park or recreation area. (Ord. 96-01 § 4(part), 1996)
- C. THE CITY LAW ENFORCEMENT DEPARTMENT, CHIEF EXECUTIVE OFFICER, CITY ADMINISTRATOR, AND PARK ATTENDANTS HAVE THE AUTHORITY TO ISSUE CITATIONS TO ANY PERSON FOUND VIOLATING THE PROVISIONS OF THIS TITLE. (Ordinance 18-09-18-02 § (c))

AMENDMENT OF SECTION 12.06.140-PENALTY AND REMEDIES (A-D)

SECTION 12.06.140 – PENALTY AND REMEDIES (A-D)

➤ **Deleting:**

Section 12.06.140-Penalty and Remedies, subsections A, B, C & D, in their entirety;

➤ Deletions are lined through:

12.06.140 PENALTY AND REMEDIES:

~~A. Any person, firm or corporation who violates or causes or permits to be violated any provision of this chapter or fails or refuses to comply with any lawful order or direction of the chief executive officer, park attendant or law enforcement officer acting on behalf of the city in connection with this chapter, shall be punished by a fine of not less than twenty-five dollars and not more than three hundred dollars. The city will utilize a system of graduated penalties as follows:~~

Section#	Offense	
12.06.040	Prohibited acts – structures, plants, trees	
12.06.050	Prohibited acts – vehicles	
12.06.070	Ignitable and combustible materials	
12.06.090	Miscellaneous conduct	
#Offenses	Fine	
First offense		Warning
Second offense within one year		\$ 50.00
Third offense within one year		\$ 150.00
Fourth and subsequent offense within one year		\$ 300.00 and mandatory court appearance
Section #	Offense	
12.06.080	Alcohol and controlled substances	
# Offenses	Fine	
First offense		\$50.00
Second offense within one year		\$150.00
Third offense within one year		\$300.00
Fourth and subsequent offense within one year		\$300.00 and

mandatory court appearance

Section #	Offense
12.06.060	Prohibited acts — Firearms, weapons
# Offenses	Fine
First offense	\$150.00
Second offense within one year	\$300.00
Third and subsequent offense within one year	\$300.00 &

Mandatory court appearance

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's fees as provided by law.~~

C. ~~In addition to fines set forth herein, violators shall be subject to an additional fine consisting of the actual cost to the city to remedy or repair any damage to a park or recreation area which occurs as a direct or indirect result of any violation of this chapter.~~

D. ~~All remedies provided by this chapter are cumulative, and the securing of relief under a section or subsection of this chapter does not prevent the municipality from obtaining relief under any other section or subsection of this chapter. The remedies provided in this chapter are in addition to and are not intended to preclude or prevent all other remedies available at law or equity. (Ord. 96-01-54(part), 1996)~~

➤ **ADDING LANGUAGE:**

12.06.140 Violations and Penalties (A-B):

- A. ANY PERSON VIOLATING ANY PROVISION OF THIS CHAPTER SHALL BE DEEMED 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 IF THE FINE IS NOT LISTED IN 1.16.035 THEN BY THE FINE PROVIDED IN 1.16.030**
- B. IF A VIOLATION CONTINUES, EACH DAY'S VIOLATION SHALL BE DEEMED AS A SEPARATE VIOLATION.**

THE SECTION OF THE THORNE BAY CITY CODE 12.06.140-PENALTY AND REMEDIES; IS HEREBY AMENDED TO READ AS FOLLOWS:

12.06.140 VIOLATIONS AND PENALTIES.

- A. ANY PERSON VIOLATING ANY PROVISION OF THIS CHAPTER SHALL BE DEEMED 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 IF THE FINE IS NOT LISTED IN 1.16.035 THEN BY THE FINE PROVIDED IN 1.16.030**
- B. IF A VIOLATION CONTINUES, EACH DAY'S VIOLATION SHALL BE DEEMED AS A SEPARATE VIOLATION. (Ordinance 18-09-18-02)**

CHAPTER 12.08

THORNE BAY BOAT RAMP - SECTIONS:

- 12.08.010 BOAT RAMP AND ACCESS TO BE CLEARED AND POSTED.
- 12.08.020 LAND ADJOINING BOAT RAMP--ACCESS TO BE CLEARED AND POSTED.
- 12.08.030 PARKING--STORAGE--PROHIBITED.
- 12.08.040 PARKING--PERMIT REQUIRED FOR OVER SEVENTY-TWO HOURS.
- 12.08.060 OVERNIGHT CAMPING.
- 12.08.070 **VIOLATIONS AND PENALTIES**

12.08.010 BOAT RAMP AND ACCESS TO BE CLEARED AND POSTED.

All personal property shall be removed from the boat launching slope (known as the boat ramp) and its access from the highway. The owners of this personal property shall be responsible for its removal within ten days from the effective date of the ordinance codified in this chapter. On the ordinance effective date a public notice to this effect shall be posted on this land. Each item of personal property remaining on this land after the ten days has elapsed will incur a storage fee of one dollar per day, payable biweekly, minimum charge ten dollars. (Ord. 86-07-10-01 §1, 1986)

12.08.020 LAND ADJOINING BOAT RAMP--ACCESS TO BE CLEARED AND POSTED.

All personal property shall be re-moved from Tract C of ASLS 82-139 to the boat ramp access. The owners of this personal property shall be responsible for its removal within ten days from the effective date of the ordinance codified in this chapter. On the ordinance effective date a public notice to this effect shall be posted on this land. Each item of personal property remaining on this land after the ten days have elapsed will incur a storage fee of one dollar per day, payable biweekly, minimum charge ten dollars. (Ord. 86-07-10-01 §2, 1986)

12.08.030 PARKING--STORAGE--PROHIBITED.

There shall be no parking and no storage on the boat ramp or its access from the highway or the water. Parking will be temporarily permitted when required for launching, landing, loading or unloading. (Ord. 88-03 (part), 1988: Ord. 86-07-10-01 §3, 1986)

AMENDMENT OF SECTION 12.08.040-PENALTY AND REMEDIES (A-D)

SECTION 12.08.040 - PARKING--PERMIT REQUIRED FOR OVER SEVENTY-TWO HOURS; IS HEREBY AMENDED BY:

➤ **Deleting the following language**

~~12.08.040 PARKING--PERMIT REQUIRED FOR OVER SEVENTY-TWO HOURS.~~

~~The parking of any vehicle, boat and/or trailer, motorcycle, RV and others at the boat ramp area shall be for no longer than seventy two hours, unless a parking permit is obtained from City Hall. 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 fifteenth of each month to the fifteenth 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, prorated at one dollar a day (not to exceed twenty dollars) to the beginning of the next billing cycle and invoiced by the city thereafter. 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. (Ord. 03-06-05-03 §3(part), 2003)~~

THE SECTION OF THE THORNE BAY CITY CODE CHAPTER 12.08 – THORNE BAY BOAT RAMP; SECTION 12.08.040 – PARKING – PERMIT REQUIRED; IS HEREBY AMENDED TO READ AS FOLLOWS:

12.08.040 RESERVED (Ordinance 18-09-18-02)

12.08.050 RESERVED.

12.08.060 OVERNIGHT CAMPING.

No overnight camping at any time. (Ord. 86-07-10-01 §7, 1986)

AMENDMENT OF SECTION 12.08.070-PENALTIES

12.08.070-PENALTIES;

Any violation of the provisions of this chapter is subject to a \$25.00 fine.

➤ **Deleting the following language**

~~**Any violation of the provisions of this chapter is subject to a \$25.00 fine.**~~

➤ **Adding:**

* **“VIOLATIONS” (TO THE SECTION TITLE)**

* **SUBSECTIONS (A & B)**

THE SECTION OF THE THORNE BAY CITY CODE 12.06.140-PENALTY AND REMEDIES; IS HEREBY AMENDED TO READ AS FOLLOWS:

12.08.070 VIOLATIONS AND PENALTIES.

- A. ANY PERSON VIOLATING ANY PROVISION OF THIS CHAPTER SHALL BE DEEMED 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 IF NOT LISTED IN 1.16.035 THEN BY THE FINE PROVIDED IN 1.16.030
- B. IF A VIOLATION CONTINUES, EACH DAY’S VIOLATION SHALL BE DEEMED AS A SEPARATE VIOLATION.

CHAPTER 12.09
STREETS AND ROADS COMMISSION

12.09.010 STREETS AND ROADS COMMISSION.

There is established the streets and roads commission for the city to assist and advise the city with respect to streets and roads maintenance and improvement projects. Chapter 2.42, "Committees, Boards, Commissions" provides for the establishment and operation of Committees, Boards, and Commissions. Unless stated otherwise in Section 12.09.010 the establishment and operation of the Streets and Roads Commission shall comply with Chapter 2.42. The streets and roads commission shall consist of members from the community and the number of commission members shall be:

- two (2) from the South Thorne Bay Subdivision,
- two (2) from North Thorne Bay,
- one (1) from the Goose Creek Subdivision,
- one (1) from Greentree Heights Subdivision, and one
- (1) at large,

all of who shall be property owners within their respective areas. Members shall be appointed by the chief administrative officer and confirmed by the council.

Commission members shall elect a chairperson from members, subject to confirmation by the council, to conduct the affairs of the commission. In the event that a streets and roads commission is not appointed, the city council will perform the duties of the streets and roads commission.

12.09.020 DUTIES AND RESPONSIBILITIES.

Duties and responsibilities of the streets and roads commission are to develop and prepare a priority program for the maintenance, repair, construction and funding of roadways within the City of Thorne Bay. The priority program shall address but not be limited to vehicle and pedestrian safety, present and future uses, road classification, right of way and roadway ownership, parking and economic impacts to the local business, residents and city in general. Recommendations should be based on sound engineering practices using local, state and federal guidelines for streets and roads.