

# AGENDA

FOR THE REGULAR MEETING  
OF THE CITY COUNCIL  
FOR THE CITY OF THORNE BAY, ALASKA  
COUNCIL CHAMBERS

CITY HALL

Tuesday

April 2, 2019

6:30 p.m.

*The meeting will be preceded by a workshop beginning at 6:00 p.m.  
The public is invited and encouraged to attend*

1. CALL TO ORDER:
2. PLEDGE TO FLAG:
3. ROLL CALL:
4. APPROVAL OF AGENDA:
5. MAYOR'S REPORT:
6. ADMINISTRATIVE REPORTS:
  - a. City Clerk Report:
7. PUBLIC COMMENTS:
8. COUNCIL COMMENTS:
9. CONSENT AGENDA:
10. NEW BUSINESS:
  - a. Water and Waste Water Plant Improvement Grant Updates, discussion only item:
11. ORDINANCE FOR INTRODUCTION:
  - a. Ordinance 19-04-16-01, amending Title 16-Subdivisions, of the Thorne Bay Municipal Code, allowing for the enforcement of fines for code violations, discussion and action item:

- b. Ordinance 19-04-16-02, amending Title 1.16.035 of the Thorne Bay Municipal Code, adding the Fine Schedule for Titles 16 and Title 17 of the Thorne Bay Municipal Code, discussion and action item:

**12. ORDINANCE FOR PUBLIC HEARING:**

- a. Ordinance 19-04-02-01, amending Title 18-Harbor, adding Section 18.10.020-N-Vessel Length, Section 18.20.040 Payment and Use Fees, discussion and action item:
- b. Ordinance 19-04-02-02, amending Title 13-Utilities, amending language to allow for the Courts to enforce Utility Violations, discussion and action item:
- c. Ordinance 19-04-02-03, amending Title 1-General Provisions, Section 1.16.035-Minor Offense Fine Schedule, Adding Violations for Title 13-Utilities, discussion and action item:

**13. EXPENDITURES EXCEEDING \$2,000.00:**

**14. EXECUTIVE SESSION:**

**15. CONTINUATION OF PUBLIC COMMENT:**

**16. CONTINUATION OF COUNCIL COMMENT:**

**17. ADJOURNMENT:**

**POSTED: March 28, 2019**

City Hall, AP Market, The Port, USFS , SISD & Thorne Bay School, Riptide Liquor

City Website: [www.thornebay-ak](http://www.thornebay-ak).

CITY OF THORNE BAY  
ORDINANCE 19-04-02-01

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, -  
AMENDING TITLE 18-HARBOR; CHAPTERS 18.10-GENERAL PROVISIONS AND CHAPTER  
18.20-REGISTRATION AND STALL ASSIGNMENT, SECTIONS 18.10.020-DEFINITIONS  
AND SECTION 18.20.040 PAYMENT OF RENTAL AND USE FEES

**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 1 - General Provisions, Chapter 1.16 - General Penalty, Section 1.16.035-Minor Offense Fine Schedule, adding fines for offenses listed in Title 13-Utilities, hereby amended and added to the Thorne Bay Municipal Code. The Fine Schedule for all offenses in Title 13-Utilities are added as written on page 2 & 3 of this ordinance.

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

**PASSED AND APPROVED April 2, 2019**

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Lee Burger, Vice Mayor

ATTEST:

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Teri Feibel, CMC

[Introduction: March 19, 2019]

[Public Hearing: April 2, 2019]

**Amending**  
Title 18 Harbor  
Chapter 18.10-General Provisions and  
Chapter 18.20 – Registration and Stall Assignment  
**Amendment of Sections:**  
Sections 18.10.020-Definitions  
Section 18.20.040-Payment of Rental and Use Fees

**ADDITION TO SECTIONS:**

Adding Subsection **18.10.020 (N) “length of vessel”**  
Adding Subsection: **18.20.040-Subsection B – “Billing of vessel computed by length”**

Chapter and Sections of Title 18-Harbor shall read as follows:

**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:

- 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.
- 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 LENGTH**" LENGTH OF A VESSEL FROM STERN TO STEM, INCLUDING ALL FIXED PROTUBERANCES.
- O. "**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)

## 18.20.040 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.

### B. BILLING WILL BE COMPUTED BY LENGTH OF VESSEL OVERALL (STERN TO STEM).

C. 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 new harbor contracts without a deposit on file shall be required to pay a deposit equal to two-times the monthly rate charged.

1. Deposits shall not exceed the maximum deposit requirement as set forth by resolution for any account. Contracts shall begin at the first of the month. (Ordinance 18-12-04-02, § A (part), prior Ordinance 18-09-18-03, § A (part))

D. The billing clerk 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. (Ordinance 18-09-18-03, § B (part), Prior Ord. 13-04-02-04; Prior Ordinance 05-06-21-02 & Ord. 89-30 § 5(part), 1989)

CITY OF THORNE BAY  
ORDINANCE 19-04-02-02

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, - AMENDING  
TITLE 13-UTILITIES;

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 1 - General Provisions, Chapter 1.16 - General Penalty, Section 1.16.035-Minor Offense Fine Schedule, adding fines for offenses listed in Title 13-Utilities, and amending Title 13 Utilities;
- Section 4.** Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED April 2, 2019

\_\_\_\_\_  
Harvey McDonald, Mayor

ATTEST:

\_\_\_\_\_  
Teri Feibel, CMC

[Introduction: March 19, 2019]  
[Public Hearing: April 2, 2019]

**Amending Title 13-Utilities**  
**Chapter and Sections shall read as follows:**

**CHAPTER 13.14 - SEWAGE SERVICE RATES**

**13.14.030 PAYMENT OF BILLS.**

All bills shall be mailed on ~~or before the last~~ THE FIRST working day of the month. All charges for sanitary sewer service shall be due when the bill containing the service charges is mailed.

**13.14.040 COLLECTION OF DELINQUENT ACCOUNTS.**

The city may use all legal means and pursue all legal remedies to collect unpaid sanitary sewer service charges. The city, in addition to the foregoing, shall terminate all water service supplied by the city to the premises owned or occupied by a person who has failed to pay the sewer service charges when due in accordance with the procedure set out in Sections 13.14.050 through 13.14.070. (Ordinance 18-10-08-01)

**13.20.050 PENALTY FOR VIOLATION.**

~~Any person violating any of the provisions contained in this chapter shall, upon conviction thereof, be punished as provided in Chapter 1.16.~~

- 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 13.40 - SERVICE REGULATIONS

### 13.40.090 STANDBY FIRE PROTECTION SERVICE CONNECTIONS VIOLATIONS OF REGULATIONS.

If water is used from a standby pipe connection service in violation of Chapters 13.28 through 13.68, **VIOLATORS WILL BE CONSIDERED GUILTY OF AN INFRACTION AND SHALL BE PUNISHED BY THE FINE ESTABLISHED IN SECTION 1.16.035 OF THE THORNE BAY MUNICIPAL CODE.**

~~an estimate of the amount used will be computed by the department. The customer shall pay for the water used at the regular rates, including the minimum charge based on the size of the service connection and subsequent bills rendered on the basis of the regular water rates.~~

### 13.44.70 LOCATION DETERMINATION.

- A. The council shall from time to time determine the premises, or classifications of premises, on which water meters shall be required. The department shall make such installations as are directed by the council.
- B. Before making any installation of a meter, the occupant of the premises on which a meter is to be installed shall be informed of the necessity for such installation and notify the occupant that access is necessary to make the installation at a time convenient to the department.
- C. **ANY PERSON REFUSING TO GRANT ACCESS FOR SUCH PURPOSE OF METER INSTALLATION OR METER READING, SHALL HAVE SERVICES DISCONTINUED AND SHALL BE GUILTY OF AN INFRACTION AND PUNISHED BY THE FINE ESTABLISHED IN 1.16.135 OF THE THORNE BAY MUNICIPAL CODE. IF VIOLATION IS NOT LISTED IN 1.16.035, THEN BY THE FINE IN 1.16.030.**
- ~~D. If any person refuses to grant access for such purpose and allow the installation at a suitable place approved by the department, the clerk shall give the customer receiving service to the premises five days' written notice that water service will be discontinued for failure to allow the installation and access for such purpose. At the expiration of such period, if the meter has not been installed with permission of the customer and person in possession, water service to such persons on those premises shall be discontinued. If any person refuses or prevents access to premises for the purpose of reading, repairing or replacing any meter, service to such premises shall after such notice be discontinued.~~

## CHAPTER 13.48 – WATER RATES

### 13.48.030 NOTICES FROM CUSTOMERS.

Notices from the customer to the department may be given by the customer or his authorized representative ~~orally or~~ in writing at the office of the clerk at city hall or to an agent of the department duly authorized to receive notices or complaints.

### 13.48.060 MAILING BILLS.

All bills shall be mailed on ~~or before~~ the first business day of the month, or as reasonably close.

### 13.48.080 DELINQUENCY NOTICE.

The clerk's office may, but shall not be required to, send a notice of delinquent account ~~ten~~ **FIFTEEN** days after the account becomes delinquent.

## CHAPTER 13.52 - DISCONTINUANCE OF WATER SERVICE

### 13.52.080 UNAUTHORIZED TURN-ON.

#### **DELETING:**

~~Where water service has been discontinued for any reason and the water is turned on by the customer or other unauthorized person, the water may then be shut off at the main or the meter removed. The charges for shutting off the water at the main or removing the meter shall be computed at actual cost to the department plus twenty five (25) percent overhead, but not less than five dollars. These charges shall be billed to the offending customer and water shall not be furnished to the premises or customer until such charges are paid and the department has reasonable assurance that the violation will not reoccur. (Ordinance 18-10-08-01)~~

#### **ADDING:**

- A. IT IS UNLAWFUL FOR ANY CUSTOMER OR OTHER UNAUTHORIZED PERSON TO TURN-ON WATER SERVICES WHERE SERVICES HAD BEEN DISCONTINUED FOR ANY REASON. VIOLATORS ARE SUBJECT TO THE PENALTIES AS DESCRIBED IN TBMC CHAPTER 1.16.035.**
- B. UNAUTHORIZED TURN ON BY ANY PERSONS SHALL BE DEEMED AN INFRACTION, AND PUNISHABLE BY A FINE AS SET FORTH IN CHAPTER 1.16.035 OF THE TNBMC. (Ordinance 18-10-08-01)**

## CHAPTER 13.60 - FIRE HYDRANTS

### 13.60.010 OPERATION.

No persons or persons other than those designated and authorized by the department shall open any fire hydrant belonging to the department, attempt to draw water from it or in any manner damage or tamper with it. ~~Any violation of this regulation will be prosecuted according to law.~~ No tool other than special hydrant wrenches shall be used to operate a hydrant valve. In cases where a temporary service has been granted and received water through a fire hydrant, an auxiliary external valve will be provided to control the flow of water.

## CHAPTER 13.70 - SOLID WASTE

### 13.70.030 PARTICIPATION IN SOLID WASTE SERVICE REQUIRED.

- A. All customers who participate in water OR sewer ~~or electrical~~ service must participate in solid waste utility service unless otherwise approved by the department.
- B. It is unlawful for any person to place, deposit or permit to be deposited in any manner upon public or private property within the city or on city property or in any area under the jurisdiction of the city any garbage which is not designated as a solid waste disposal site, trash or other waste which ordinarily is regarded as solid waste or industrial waste. (Ord. 88-48 § 5(part), 1988)

### 13.70.150 SOLID WASTE RATE SCHEDULE.

The solid waste rate schedule to be charged for service, landfill users, and dumpster permits shall be as set forth in the most current solid waste rate schedule adopted and approved by resolution of the city council and incorporated herein by reference.

~~Service customers are required to pay service fees as hereinafter provided in this chapter. Landfill users are required to pay all landfill fees at the landfill gate prior to being admitted into the landfill. Dumpster permit fees are required to be paid at the office of the city clerk on or before the first of each month.~~ (Ord. 90-18 §5(part), 1990)

### 13.70.220 BILLING PERIOD.

Billings shall be mailed ~~once~~ **ON THE FIRST BUSINESS DAY OF THE MONTH, OR AS REASONABLY CLOSE.** ~~a month~~. (Ord. 88-48 § 5(part), 1988)

### 13.70.260 BILLS-DISCONTINUANCE-DELINQUENCY NOTICE FOR DELINQUENCIES.

~~On or about five~~ **FIFTEEN** days after an account becomes delinquent, a discontinuance/delinquency notice shall be sent to the customer, stating the date on which the solid waste service will be discontinued if the delinquent account is not paid in full prior thereto. The stated discontinuance date shall be no sooner than ten days following the date of mailing or personal delivery of the discontinuance notice to the customer. The discontinuance notice shall contain a statement informing the customer of his right to an informal hearing before the mayor or his/her designee (during regular office hours, on any day at least one day prior to the stated discontinuance date), such hearing to be held only upon the request of the customer, and for the purpose of providing an opportunity for the customer to present any facts he may have that place the delinquency of his account in dispute. (Ord. 03-01-16-02 § 3(part), 2003: Ord. 88-48 § 5(part), 1988)

DRAFT

CITY OF THORNE BAY  
ORDINANCE 19-04-02-03

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY,  
ALASKA, - AMENDING TITLE 1-GENERAL PROVISIONS; SETTING A SCHEDULE OF  
FINES FOR VIOLATIONS OF TITLE 13-UTILITIES

**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 1 - General Provisions, Chapter 1.16 - General Penalty, Section 1.16.035-Minor Offense Fine Schedule, adding fines for offenses listed in Title 13-Utilities, hereby amended and added to the Thorne Bay Municipal Code. The Fine Schedule for all offenses in Title 13-Utilities are added as written on page 3 through 5 of this ordinance.

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

**PASSED AND APPROVED April 2, 2019**

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Harvey McDonald, Mayor

ATTEST:

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Teri Feibel, CMC

[Introduction: March 19, 2019]  
[Public Hearing: April 2, 2019]

**Amending**  
**Title 1 General Provisions**  
**Adding Title 13-Utility Fine Schedule of Violations**

Chapter and Sections shall read as follows:

**1.16.030 VIOLATIONS-SEPARATE OFFENSE.**

Every act prohibited by Thorne Bay ordinances is unlawful. Failure to comply with any mandatory requirement of any ordinance is also unlawful. Unless another penalty is expressly provided by a Thorne Bay ordinance for any particular provision or section, each violation of this code is an infraction, punishable by a fine up to three hundred dollars per violation. Each act or violation and every day upon which a violation occurs or continues constitutes a separate offense unless stated otherwise in any ordinance. (Ordinance 18-01-02-01; Prior Ord. 88-23 § 5(part), 1988)

**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.

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**FINE SCHEDULE FOR ALL VIOLATIONS OF TITLE 13-UTILITIES ARE HEREBY ADDED  
TO THE THORNE BAY MUNICIPAL CODE MINOR OFFENSE FINE SCHEDULE AS  
FOLLOWS:**

<b>Ordinance Number</b>	<b>Ordinance Description</b>	<b>Offense Appearance type: Mandatory Optional or Correctable</b>	<b>Fine Schedule Amount for Optional / Correctable</b>	<b>Maximum Fine Permitted for Mandatory</b>
	<b>CHAPTER - 13.02 APPLICATION FOR SERVICES:</b>			
TBMC 13.02.010	UTILITY- APPLICATION FORM FAILURE TO COMPLETE APPLICATION FOR SERVICES .	OPTIONAL	\$ 150.00	
TBMC 13.02.020	APPLICATION AMENDMENTS. FAILURE TO NOTIFY CIT OF CHANGES TO SERVICE (APPLICATION AMENDMENTS)	OPTIONAL	\$ 100.00	
<b>TBMC</b>	<b>CHAPTER 13.08 - COLLECTION SYSTEM</b>			
TBMC 13.08.130	CUSTOMER’S PLUMBING.	OPTIONAL	\$ 100.00	
TBMC 13.08.140	REQUIRED CONNECTIONS.	OPTIONAL	\$ 100.00	
	<b>CHAPTER 13.20 - SEWER - PROHIBITED ACTS</b>			
TBMC 13.20.010	SEWER DESIGNATED - UNLAWFUL DEPOSITS INTO SANITATION AL SEWAGE COLLECTION SYSTEM	OPTIONAL	\$ 150.00	
TBMC 13.20.020	SEWER PROHIBITED CONNECTIONS - UNLAWFUL CONNECTION CAUSING WASTE WATER ENTERING SANITARY WATER SYSTEM	OPTIONAL	\$ 150.00	
TBMC 13.20.030	SEWER CONNECTIONS MADE WITHOUT PERMIT - UNLAWFUL CONNECTION TO CITY SERVICE LINES WITHOUT PRIOR PAYMENT AND PERMIT	OPTIONAL	\$ 150.00	
TBMC 13.20.040	SEWER - INTERFERENCE AND TAMPERING - UNLAWFUL TAMPERING OF CITY SEWER INFRASTRUCTURE, MATERIALS, EQUIPMENT AND POND.	OPTIONAL	\$ 150.00	
<b>TBMC</b>	<b>CHAPTER 13.24 - MISCELLANEOUS PROVISIONS</b>			
TBMC 13.24.010	ACCESS TO PROPERTY. FAILURE TO PERMIT UTILITY ACCESS TO UTILITY LINE DURING REASONABLE HOURS	OPTIONAL	\$ 150.00	
<b>TBMC</b>	<b>CHAPTER 13.28 - WATER - GENERAL PROVISIONS</b>			
TBMC 13.28.095	WATER - UNIMPROVED OR DISCONTINUED - FAILURE TO DISCLOSE AMOUNTS OWED ON PROPERTY SERVICE FEES TO NEW OWNERS	MANDATORY		\$ 1,000.00
TBMC 13.28.120	RESALE OF WATER. WITHOUT PERMIT IS PROHIBITED	MANDATORY		\$ 1,000.00

<b>TBMC</b>	<b>CHAPTER 13.40 - SERVICE REGULATIONS</b>			
TBMC 13.40.090	STANDBY FIRE PROTECTION SERVICE CONNECTIONS VIOLATIONS OF REGULATIONS.	OPTIONAL	\$ 200.00	
TBMC 13.40.160	CUSTOMER'S PLUMBING – FAILURE TO COMPLY WITH CITY PLUMBING CODE.	OPTIONAL	\$ 200.00	
TBMC 13.40.170	CUSTOMERS PLUMBING - CONTROL VALVES - UNLAWFUL OPERATION OR TAMPERING OF THE METER STOP OR ANY APPURTENANCES ON SERVICE CONNECTION	OPTIONAL	\$ 200.00	
<b>TBMC</b>	<b>CHAPTER 13.44 - WATER METERS</b>			
TBMC 13.44.020	INSTALLATION. UNLAWFUL INSTALLATION OF WATER METERS	OPTIONAL	\$ 300.00	
TBMC 13.44.050	JOINT USE. JOINING OF SEVERAL CUSTOMERS TO TAKE ADVANTAGE OF THE SINGLE MINIMUM CHARGES AND LARGE QUANTITY RATES IS PROHIBITED	OPTIONAL	\$ 500.00	
TBMC 13.44.070	LOCATION DETERMINATION. - FAILURE TO PERMIT ACCESS BY UTILITY FOR INSTALLATION OR READING OF METERS	OPTIONAL	\$ 500.00	
<b>TBMC</b>	<b>CHAPTER 13.52 - DISCONTINUANCE OF WATER SERVICE</b>			
TBMC 13.52.080	UNAUTHORIZED TURN-ON.	OPTIONAL	\$ 200.00	
<b>TBMC</b>	<b>CHAPTER 13.56 - RESPONSIBILITY FOR WATER EQUIPMENT</b>			
TBMC 13.56.030	DAMAGE TO DEPARTMENT EQUIPMENT.	MANDATORY		\$ 1,000.00
<b>TBMC</b>	<b>CHAPTER 13.60 - FIRE HYDRANTS</b>			
TBMC 13.60.010	OPERATION. UNLAWFUL TO TAMPER WITH OR OPEN VALVE OF ANY FIRE HYDRANT	OPTIONAL	\$ 500.00	
<b>TBMC</b>	<b>CHAPTER 13.64 WATER SERVICE – MISCELLANEOUS PROVISIONS</b>			
TBMC 13.64.020	WATER. MISC. PROVISIONS. UNUSUAL DEMANDS. FAILURE TO NOTIFY DEPARTMENT OF LARGE QUANTITY USAGES IN WATER	OPTIONAL	\$ 100.00	
TBMC 13.64.030	ACCESS TO PROPERTY. FAILURE TO PERMIT OPERATOR ACCESS	OPTIONAL	\$ 150.00	
<b>TBMC</b>	<b>CHAPTER 13.70 - SOLID WASTE</b>			
TBMC 13.70.030 (B)	SOLID WASTE SERVICE REQUIRED. UNLAWFUL DEPOSIT OF GARBAGE IN LOCATION NOT DESIGNATED AS SOLID WASTE SITE.	MANDATORY		\$ 1,000.00



TBMC 13.70.172	ALUMINUM SEGREGATION. UNLAWFUL TO DEPOSIT ANYTHING OTHER THAN ALUMINUM WHERE DESIGNATED AS "ALUMINUM ONLY"	OPTIONAL	\$ 150.00	
TBMC 13.70.174	ASH DISPOSAL - UNLAWFUL DISPOSAL OF ASH	OPTIONAL	\$ 100.00	
TBMC 13.70.176	UNLAWFUL DISPOSAL OF SPECIAL WASTE	MANDATORY		\$ 500.00
TBMC 13.70.180	UNLAWFUL ACCESS TO LANDFILL	MANDATORY		\$ 1,000.00
TBMC 13.70.182	PROHIBITED SUBSTANCES. IT IS UNLAWFUL TO DUMP ANY HAZARDOUS OR POISONOUS WASTE INTO RECEPTACLE, CONTAINER, DUMPSTER OR LANDFILL	MANDATORY		\$ 1,000.00
TBMC 13.70.186	UNAUTHORIZED USE OF COLLECTION CONTAINERS, TRASH RECEPTACLES, AND DUMPSTERS	OPTIONAL	\$ 150.00	
TBMC 13.70.320	FRAUD OR ABUSE OF SERVICES SUPPLIED TO RESIDENCE	MANDATORY		\$ 500.00
TBMC 13.70.370	PROTECTION FROM DAMAGE. UNLAWFUL TO DAMAGE OR TAMPER WITH ANY EQUIPMENT, STRUCTURE OR APPURTENANCE BELONGING TO THE SOLID WASTE	MANDATORY		\$ 1,000.00

**CITY OF THORNE BAY**  
**ORDINANCE 19-04-16-01**

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, -  
AMENDING TITLE 16-SUBDIVISIONS, CHAPTERS 16.28 - DESIGN STANDARDS AND  
IMPROVEMENTS, AND CHAPTER 16.40 VIOLATIONS-PENALTIES, SECTIONS 16.28.030  
SEWER SYSTEM, 16.40.010 CRIMINAL PENALTIES-PURSUANT TO AS 29.40.180,  
16.40.020 CIVIL REMEDIES-PURSUANT TO AS 29.40.190, and ADDING:  
16.40.030 VIOLATIONS, ENFORCEMENT AND PENALTIES

**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 16-Subdivisions, Chapters 16.28 - Design Standards and Improvements, and Chapter 16.40 Violations-Penalties, Sections 16.28.030 Sewer System, 16.40.010 Criminal Penalties-Pursuant To As 29.40.180, 16.40.020 Civil Remedies-Pursuant To As 29.40.190, and adding Section 16.40.030 violations, enforcement and penalties, is hereby amended and added to the Thorne Bay Municipal Code.
- Section 4.** **Effective Date.** This ordinance shall become effective upon adoption.

**PASSED AND APPROVED April 16, 2019**

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Lee Burger, Vice Mayor

ATTEST:

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Teri Feibel, CMC

[Introduction: April 2, 2019]  
[Public Hearing: April 16, 2019]

**ADDITIONS ARE IN BLUE AND CAPITALIZED**

~~Deletions are striken~~

**AMENDING TITLE 16 – SUBDIVISIONS  
CHAPTER 16.28 DESIGN STANDARDS AND IMPROVEMENTS  
& CHAPTER 16.40 – VIOLATIONS-PENALTIES**

**AMENDING SECTIONS:**

16.28.030 SEWER SYSTEM.

16.40.010 CRIMINAL PENALTIES-PURSUANT TO AS 29.40.180.

16.40.020 CIVIL REMEDIES-PURSUANT TO AS 29.40.190.

**ADDING SECTION:**

**16.40.030 VIOLATIONS, ENFORCEMENT AND PENALTIES**

**CHAPTER 16.28 DESIGN STANDARDS AND IMPROVEMENTS**

**16.28.030 SEWER SYSTEM.**

- A. Where a city sewer line or sewer force main is within three hundred feet of any portion of the proposed subdivision, the applicant will be required to extend sewer service to the site and to each lot therein.
- B. If a city sewer line or sewer force main is not within three hundred feet of any portion of the subdivision, the applicant shall provide an on-site sewage disposal system design which shall be reviewed by and meet the approval of the Alaska Department of Environmental Conservation (DEC). **APPLICANT SHALL PROVIDE THE CITY PLANNING OFFICIAL WITH A COPY OF THE DEC FINDINGS FROM THEIR REVIEW AND APPROVAL.**
- C. The planning commission may require the applicant to install oversize water and/or sewer lines in order to accommodate probable and/or desirable future growth in the immediate vicinity. When such oversize lines are required, the applicant will be reimbursed for the excess cost in providing oversize utility lines above the costs of providing standard utility lines, in an amount to be approved by the planning commission and the city council. (Ord. 87-01 § 7(2), 1987)

## CHAPTER 16.40 VIOLATIONS-PENALTIES

AMENDING THE SECTION BY DELETING THE CURRENT SECTIONS AS WRITTEN AND REPLACING THE LANGUAGE WITH THE ADDITIONS NOTED ON PAGE 4 OF THIS ORDINANCE.

### 16.40.010 ~~CRIMINAL PENALTIES PURSUANT TO AS 29.40.180.~~

- ~~A. The owner or agent of the owner of land located within a subdivision who transfers, sells, offers for sale or enters into a contract to sell land in a subdivision before a final plat of the subdivision has been prepared, approved and recorded, is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than one thousand dollars, or ninety days in jail, or both, for each lot or parcel involved.~~
- ~~B. No person may record a plat or seek to have a plat recorded unless it bears the approval of the platting board. A person who knowingly violates this requirement is punishable upon conviction by a fine of not more than one thousand dollars, or ninety days in jail, or both.~~  
(Ord. 87-01 § 13(A), 1987)

### AMENDING SECTION TO READ:

### 16.40.010 PENALTIES AND REMEDIES

- A. THE OWNER OR AGENT OF THE OWNER OF LAND WHO PUBLICLY OFFERS BY ANY MEANS TO SELL, TRANSFER, OR WHO SELLS OR ENTERS INTO A CONTRACT TO SELL LAND IN A SUBDIVISION BEFORE A PLAT OF THE SUBDIVISION HAS BEEN PREPARED, APPROVED AND FILED IN ACCORDANCE WITH THIS TITLE IS GUILTY OF AN INFRACTION, AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN \$500 FOR EACH LOT OR PARCEL OFFERED FOR SALE, TRANSFERRED, SOLD, OR INCLUDED IN A CONTRACT TO BE SOLD.
- B. NO PERSON MAY FILE OR SEEK TO HAVE A PLAT FILED UNLESS IT HAS BEEN APPROVED IN ACCORDANCE WITH THIS TITLE. A PERSON WHO KNOWINGLY VIOLATES THIS SUBSECTION IS PUNISHABLE UPON CONVICTION BY A FINE OF NOT MORE THAN \$500.
- C. EACH ACT OR CONDITION IN VIOLATION OF THIS TITLE, OR ANY TERM OR CONDITION OF ANY PLAT OR OTHER ENTITLEMENT UNDER THIS TITLE, AND EVERY DAY DURING WHICH THE ACT OR CONDITION OCCURS SHALL CONSTITUTE A SEPARATE VIOLATION OF THIS TITLE.

### 16.40.020 CIVIL REMEDIES-PURSUANT TO AS 29.40.190.

- A. The city or an aggrieved person may institute a civil action against a person who commits a violation under Section 16.40.010, or who violates a subdivision regulation contained in this title, or a term, condition, or limitation imposed by a platting authority. In addition to other relief, a civil penalty not to exceed one thousand dollars may be imposed for each violation.
- B. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. Upon application for injunctive relief and a finding of a violation or threatened violation, the superior court shall grant the injunction.

**ADDING SECTION:**

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**16.40.30 SUBDIVISIONS-VIOLATIONS/ ENFORCEMENT/ 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.

**END OF ORDINANCE AMENDMENTS**

**CITY OF THORNE BAY  
ORDINANCE 19-04-16-02**

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY,  
ALASKA, - AMENDING TITLE 1-GENERAL PROVISIONS; SETTING A SCHEDULE OF  
FINES FOR VIOLATIONS OF TITLE 16-SUBDIVISIONS, TITLE 17-ZONING

**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 1 - General Provisions, Chapter 1.16 - General Penalty, Section 1.16.035-Minor Offense Fine Schedule, adding fines for offenses listed in Title 16-Subdivisions and Title 17-Zoning, hereby amended and added to the Thorne Bay Municipal Code.

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

**PASSED AND APPROVED April 16, 2019**

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Harvey McDonald, Mayor

ATTEST:

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Teri Feibel, CMC

[Introduction: April 2, 2019]  
[Public Hearing: April 16, 2019]

**Amending**  
**Title 1 General Provisions**  
**Adding Title 16-Subdivisions & Title 17-Zoning**  
**To the City Fine Schedule of Violations**

Chapter and Sections shall read as follows:

**1.16.030 VIOLATIONS-SEPARATE OFFENSE.**

Every act prohibited by Thorne Bay ordinances is unlawful. Failure to comply with any mandatory requirement of any ordinance is also unlawful. Unless another penalty is expressly provided by a Thorne Bay ordinance for any particular provision or section, each violation of this code is an infraction, punishable by a fine up to three hundred dollars per violation. Each act or violation and every day upon which a violation occurs or continues constitutes a separate offense unless stated otherwise in any ordinance. (Ordinance 18-01-02-01; Prior Ord. 88-23 § 5(part), 1988)

**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.

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**FINE SCHEDULE FOR ALL VIOLATIONS OF TITLE 16-SUBDIVISIONS & TITLE 17-ZONING, ARE HEREBY ADDED TO THE THORNE BAY MUNICIPAL CODE  
MINOR OFFENSE FINE SCHEDULE AS FOLLOWS:**

<b>Ordinance Number</b>	<b>Ordinance Description</b>	<b>Offense Appearance type: Mandatory Optional or Correctable</b>	<b>Fine Schedule Amount for Optional / Correctable</b>	<b>Maximum Fine Permitted for Mandatory</b>
TBMC 16.40	Violations-Penalties			
TBMC 16.40.010	Subdivisions-Illegal Sales	Optional	\$500.00	
TBMC 16.40.050	Subdivisions-Illegal Filing	Optional	\$500.00	
TBMC 16.40.030	Subdivisions-Unlawfully Subdivided-Violation of Terms	Optional	\$500.00	
CHAPTER 17.04	CHAPTER 17.04 PLANNING AND ZONING	Optional		
TBMC 17.04.022	RESIDENTIAL ZONE. FAILURE TO SUBMIT DEVELOPMENT PLANS	Optional	\$500.00	
TBMC 17.04.022 (b)	RESIDENTIAL ZONE. FAILURE TO OBTAIN SPECIAL LAND USE PERMIT	Optional	\$200.00	
TBMC 17.04.022 (c)	RESIDENTIAL ZONE. PROHIBITED USES	Optional	\$ 500.00	
TBMC 17.04.022 (d)	RESIDENTIAL ZONE. DEVELOPMENT STANDARDS FAILURE TO ADHERE TO ZONING	Optional	\$500.00	
TBMC 17.04.022 (e)	RESIDENTIAL ZONE. DEVELOPMENT STANDARDS FAILURE TO ADHERE TO ZONING (Tract B)	Optional	\$500.00	
TBMC 17.04.023	DEER CREEK RESIDENTIAL. FAILURE TO SUBMIT DEVELOPMENT PLANS	Optional	\$500.00	
TBMC 17.04.023 (b)	DEER CREEK RESIDENTIAL. FAILURE TO OBTAIN SPECIAL LAND USE PERMIT	Optional	\$500.00	
TBMC 17.04.023 (c-2)	DEER CREEK RESIDENTIAL. PROHIBITED USES- PRIVATE GARBAGE PITS	Optional	\$500.00	
TBMC 17.04.023 (c-3)	DEER CREEK RESIDENTIAL. PROHIBITED USES- STORAGE OF HEAVY EQUIPMENT	Optional	\$500.00	
TBMC 17.04.023 (c-4)	DEER CREEK RESIDENTIAL. PROHIBITED USES- STORAGE OF DERELICT VEHICLES OR UNSIGHTLY ACCUMULATION OF PERSONAL PROPERTY	Optional	\$500.00	
TBMC 17.04.023 (c-5)	DEER CREEK RESIDENTIAL. PROHIBITED USES- RAISING OF ANIMALS, LIVESTOCK AND POULTRY	Optional	\$500.00	
TBMC 17.04.024	MIXED RESIDENTIAL/COMMERCIAL I. PROHIBITED ACTS	Optional	\$500.00	