

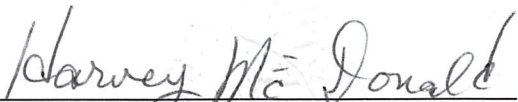
CITY OF THORNE BAY  
ORDINANCE 19-04-16-01

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

  
Harvey McDonald, Mayor

ATTEST:

  
Teri Feibel, CMC

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

## ADDITIONS ARE IN BLUE AND CAPITALIZED

~~Deletions are stricken~~

### 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.