

CITY OF THORNE BAY  
ORDINANCE 19-08-20-05

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, AMENDING TITLE  
17-ZONING, ADDING CHAPTER 17.05-AUTHORITY TO ENFORCE

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. Amending Title 17-Zoning, Adding Chapter 17.05-Enforcement Authority, Sections 17.05.010 -090 are hereby adopted and added to the Thorne Bay Municipal Code.
- Section 4. Effective Date. This ordinance shall become effective upon adoption.

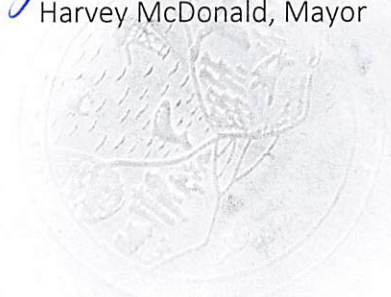
PASSED AND APPROVED: August 20, 2019

  
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Harvey McDonald, Mayor

ATTEST:

  
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Teri Feibel, CMC

[Introduction Hearing: August 6, 2019]  
[Public Hearing: August 20, 2019]



ADDITIONS ARE IN BOLD AND UNDERLINED

~~Deletions are stricken and in red~~

TBMC  
TITLE 17 ZONING  
ADDING CHAPTER 17.05 -  
ENFORCEMENT AUTHORITY

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#### 17.05.010. ENFORCEMENT

IT SHALL BE THE DUTY OF THE CODE ENFORCEMENT OFFICER, VILLAGE PUBLIC SAFETY OFFICER OR OTHER DESIGNEE TO ENFORCE THE PROVISIONS OF THIS TITLE.

#### 17.05.020 OBEDIENCE OF LAW REQUIRED.

IT IS A VIOLATION OF THIS CHAPTER FOR ANY PERSON TO DO ANY ACT WHICH IS FORBIDDEN OR TO FAIL TO PERFORM ANY ACT REQUIRED TO BE PERFORMED IN THIS TITLE.

#### 17.05.030 OBEDIENCE TO OFFICIALS REQUIRED.

THE FAILURE OR REFUSAL TO COMPLY WITH ANY LAWFUL ORDER OR DIRECTION OF THE CODE ENFORCEMENT OFFICER GIVEN IN CONNECTION WITH THIS CHAPTER SHALL BE A VIOLATION OF THIS TITLE.

#### 17.05.040 CITIZEN COMPLAINTS - FILING A COMPLAINT

- A. CITIZENS MAY FILE A NOTICE OF VIOLATION COMPLAINT WITH THE CITY CLERKS OFFICE. COMPLAINTS MUST BE SUBMITTED IN WRITING ON A FORM PRESCRIBED BY THE CITY.

#### 17.05.050 AUTHORITY, INSPECTIONS, FEES.

- A. THE CITY MAY INSPECT PROPERTY TO DETERMINE COMPLIANCE WITH THIS ORDINANCE.
- B. THE DESIGNATED PLANNING OFFICIAL OR CODE ENFORCEMENT OFFICER, MAY EXPAND THE SCOPE OF ANY INSPECTION TO INCLUDE OTHER CITY CODE VIOLATIONS NOTED DURING INSPECTION.
- C. EXEMPTED FROM THE OPERATION OF THIS ORDINANCE IS LARGE, REMOTE ACREAGE IN ITS NATURAL STATE, ACREAGE IMPOSSIBLE TO SERVICE WITH LARGE MACHINERY DUE TO ITS TERRAIN, PROPERTY USED FOR GOVERNMENTAL PURPOSES, AND INDUSTRIALLY AND COMMERCIALY ZONED AREAS TO THE EXTENT ZONING PERMITS STORAGE OF MATERIAL ORDINARILY PROHIBITED BY THIS ORDINANCE. THIS EXEMPTION IS NOT OPERABLE WHEN ACTUAL AND PROBABLE DANGER EXISTS.



- D. IF UPON INSPECTION, ONE OR MORE VIOLATIONS OF THE THORNE BAY MUNICIPAL CODE EXISTS, THE OWNER OR RESPONSIBLE PARTY WILL BE REQUIRED TO CORRECT ALL VIOLATIONS WITHIN A REASONABLE AMOUNT OF TIME.
- E. THE CITY MAY CHARGE REASONABLE FEES TO THE OWNER AND RESPONSIBLE PARTY OF A PROPERTY FOR INSPECTIONS, INCLUDING THEIR RELATED ACTIVITIES AND ADMINISTRATIVE FUNCTIONS, OTHER THAN THE INITIAL INSPECTION AND THE FINAL INSPECTION, CONDUCTED PURSUANT TO THIS CHAPTER.

#### 17.05.060 NOTICE OF VIOLATIONS:

- A. UPON INSPECTION, IF THE CITY FINDS A VIOLATION OF THIS ORDINANCE, THE CITY MAY NOTIFY THE OWNER, OWNER'S AGENT, OR RESPONSIBLE PARTY THROUGH THE ISSUANCE OF A NOTICE OF VIOLATION. IF A NOTICE OF VIOLATION IS ISSUED, IT SHALL INCLUDE:
  - 1. IDENTIFICATION OF PROPERTY IN VIOLATION;
  - 2. STATEMENT OF VIOLATIONS IN SUFFICIENT DETAIL TO ALLOW AN OWNER OR RESPONSIBLE PARTY TO IDENTIFY AND CORRECT THE PROBLEM;
  - 3. RE-INSPECTION DATE;
  - 4. ADDRESS AND PHONE NUMBER OF A CITY REPRESENTATIVE TO CONTACT;
  - 5. CITY'S AUTHORITY TO ISSUE CITATIONS SHOULD OWNER OR RESPONSIBLE PARTY NOT CORRECT THE VIOLATION WITHIN THIRTY DAYS; AND
  - 6. APPEAL PROCEDURES.
- B. ANY NOTICE GIVEN FOR ANY PURPOSE UNDER THIS CHAPTER SHALL BE DEEMED EFFECTIVE ON THE DATE WHEN WRITTEN NOTICE IS HAND-DELIVERED, MAILED CERTIFIED AND/OR MAILED REGULAR, ADDRESSED TO THE PROPERTY OWNER, OWNER'S AGENT, OR RESPONSIBLE PARTY. IF PERSONAL SERVICE OR MAILED SERVICE IS NOT PRACTICABLE, SERVICE OF NOTICE SHALL ALSO BE DEEMED EFFECTIVE UPON NOTIFICATION THROUGH ONE-TIME PUBLIC NOTICE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION AND BY POSTING THE PROPERTY FOR A PERIOD OF 30 DAYS. NOTHING HEREIN SHALL PRECLUDE THE CITY FROM GIVING ADDITIONAL VERBAL OR WRITTEN NOTICE AT ITS DISCRETION. IF THE CITY DOES ELECT TO GIVE ANY ADDITIONAL NOTICE IN ANY INSTANCE, IT SHALL NOT THEREBY BECOME OBLIGATED TO GIVE SUCH ADDITIONAL NOTICE THEREAFTER IN THE SAME OR OTHER SITUATIONS.
- C. NOTHING IN THIS SECTION SHALL REQUIRE THE ISSUANCE OF A NOTICE OF VIOLATION PRIOR TO THE COMMENCEMENT OF CIVIL OR CRIMINAL VIOLATION PROCEEDINGS.