

AGENDA
FOR THE REGULAR
CITY COUNCIL MEETING
FOR THE CITY OF THORNE BAY
CITY HALL COUNCIL CHAMBERS,
TUESDAY, September 4, 2018
@ 6:30 P.M.

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

- 1. CALL TO ORDER:**
- 2. PLEDGE TO FLAG:**
- 3. ROLL CALL:**
- 4. APPROVAL OF AGENDA:**
- 5. MAYOR'S REPORT:**
- 6. ADMINISTRATIVE REPORTS:**
- 7. PUBLIC COMMENTS:**
- 8. COUNCIL COMMENTS:**
- 9. CONSENT AGENDA:**
 - A. MINUTES:**
 1. Approval of the Minutes for the August 7, 2018, Regular City Council Meeting, discussion and action item:
- 10. NEW BUSINESS:**
 - A. Floatplane dock continued mixed use, discussion and action item:
- 11. ORDINANCES FOR PUBLIC HEARING:**
 - A. Ordinance 18-08-21-01, amending Title 1 – General Provisions, Section 1.16.035 – Minor Offense Fine Schedule, Discussion and action item:
 - B. Ordinance 18-08-21-02, amending Title 10-Vehicles and Traffic, Chapter 10.20 – Parking, Standing and Stopping, discussion and action item:
 - C. Ordinance 18-08-21-03, Non-Code Ordinance, Authorizing the Sale of Municipal Owned Property, located in the Deer Creek Subdivision Lots DC1 & DC2, to Russell Ricks, discussion and action item:
 - D. Ordinance 18-08-21-04, amending Title 17 – Zoning, Chapter 17.04 – Planning and Zoning, Discussion and action item:
 - E. Ordinance 18-08-21-05, amending Title 9-Public Peace Morals and Welfare, Chapters 9.02-Curfew for minors; 9.12-Protection of Survey Monuments; 9.20-Litter Control, 9.22-Water Hydrants; discussion and action item:
- 12. ORDINANCES FOR INTRODUCTION:**
 - A. Ordinance 18-09-18-01, amending Title 1 – General Provisions, Section Minor Offense Fine Schedule, adding Minor Offense Table for violations of Title 12-Streets, Sidewalks and Public Places, discussion and action item:

- B. Ordinance 18-09-18-02, amending Title 12 – Streets, Sidewalks & Public Places, discussion and action item:
- C. Ordinance 18-09-18-03, amending Title 18-City Harbor, discussion and action item:

13. EXPENDITURES EXCEEDING \$2,000.00:

- A. Expenditure exceeding \$10,000.00, to First City Electric for Davidson Landing Electrical Work, discussion and action item:

14. EXECUTIVE SESSION: The Council May adjourn to executive session.

15. CONTINUATION OF PUBLIC COMMENT:

16. CONTINUATION OF COUNCIL COMMENT:

17. ADJOURNMENT:

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

The meeting was preceded by a workshop at 6:00 p.m.

1. CALL TO ORDER:

Mayor McDonald called the meeting to order at 6:30 p.m.

2. PLEDGE TO FLAG:

The audience and council stood for the pledge to the flag.

3. ROLL CALL:

Those present were: Carlson, Burger, Slayton, McDonald, Edenfield, Hartwell and Gefre

4. APPROVAL OF AGENDA:

McDonald moved to approve the agenda as written. Hartwell seconded the motion. There was no further discussion.

MOTION: Move to approve the agenda as written

F/S: McDonald/Hartwell

YEAS: Edenfield, McDonald, Hartwell, Slayton, Burger, Carlson, and Gefre

NAYS: None

STATUS: Motion Passed.

5. MAYOR'S REPORT:

Mayor McDonald commented on the Thorne Bay Day's Event that was held on August 3rd and 4th, celebrating the City's 36th Anniversary since being Incorporated as a Second-Class City. McDonald expressed thanks to Wayne Benner, Dana Allison, Lisa Roseland, Teri Feibel, Tyrell Hammons, and everyone else that helped with making the event successful.

6. ADMINISTRATIVE REPORTS:

City Administrator Wayne Benner reported the following:

Meetings Attended and Updates:

- A. POWCAC meeting July 24 at Whale Pass was cancelled due lack of anyone to chair the meeting.

Tasks and Projects:

- A. A long week putting together the Pig Nic. Dana as usually took the lead and pulled off a successful event. Wind postponed the kayak races but everything else was a lot of fun.
- B. Closed out all legislative grants but the manhole repair grant which still has one more year.
- C. Completed road inventory maps for the state.
- D. Have draft road maintenance agreement to present to OVK for year-round maintenance of southside, Goose Creek and Kasaan Road.
- E. Have a draft RFP for EMS boat bottom repair.
- F. WM is working on putting together numbers for the State of Alaska to remove of and dispose of Sonny's Barge. They would like to float the barge to the Sort Yard and move it up on land for dismantling. WM would like to take the salvaged materials to the Solid Waste Site and has asked what fees would be charged. My recommendation would be no charge for any materials that can be recycled, such as metals, any materials that can be burned and only charge \$.11 per pound for materials that would require city labor for disposal.

New Business:

- A. Resolution 18-08-07-01 pledging support with other leaders to decrease the nation's rates of opioid misuse, overdose and death. Mayor Amour from Klawock has been instrumental in making the opioid issue a primary focus on POW.
- B. Approval of Rental Agreement between the City and Pacific Airways for use of City Harbor Storage Facility and Seaplane landings. Also, have come up with a plan that could be implemented that would convert the building on the float plane float to allow mail to be stored securely and we build a new shelter for guests waiting for planes that would be sided with clear plastic and built like the harbor deck cover with heavy timber. Estimate \$1500 in materials and we provide the labor.

Ordinances for Public Hearing:

- A. 18-08-07-01 Is changes to the harbor code to allow the harbor master to write tickets that can be enforced.

Ordinances for Introduction:

- A. Ordinance 18-08-21-01, amending Title 1 – General Provisions, Sections 1.16.035- Minor Offense Fine Schedule. This is another part of Teri's effort to get all the fine schedules properly established.
- B. Ordinance 18-08-21-02, amending Title 10. This is the parking changes that we have been working on for the last several years. The key to changes is that all parking is set by signage, so adjustments can be made as needed without changing the ordinance all the time. it also leaves the option to control parking by permit or by a time frame. The key to make the parking enforceable so tickets can be written when necessary.

- C. Ordinance 18-08-21-03, Non-Code ordinance, authorizing the Sale of Municipal Owned Property, Lots DC1 and DC2 of the Deer Creek Subdivision. These 2 lots have been for sale since being platted. The offer is the asking price. Due to the steep hillside blasting will be require which will have to be done carefully due to location.
- D. Ordinance 18-08-21-04, amending Title 17-Zoning, Chapter 17.04 provides clarification as to the use of trailers or recreational vehicles being used as a residence.
- E. Ordinance 18-08-21-05, amending Title -9 Public Peace Morals and Welfare Chapters 9.02 Bring sections of the code into compliance with the fine schedule.

Expenditures over \$2000:

- A. Expense of \$2,878 to OVK for Kasaan Road Grading per MOU.
- B. The estimates for the final bill at DL to 1st City Electric was \$18,855 over the not to exceed amount approved at the last meeting. These are grant funds that the city will be reimbursed and finishes up all the electrical work by 1st city.

Executive Session: NO

Harbors and Parks: Busy couple weeks with a lot of guest (some returning) enjoying Thorne Bay's great weather. Had two tour boats. Had four tour boats. Hopefully you have noticed the lights at Davidson Landing and on the main harbor including the red light at the end of the pier.

Streets and Roads: Vacations have slowed work the last couple weeks, so the focus has been on equipment repairs.

Water and Sewer: Pump and new electrical disconnect has been installed at the sewer treatment. Sam says this part of the operations has never worked so efficiently since he was hired. Power outage last Friday caused some panic as it took most of Saturday to get some of the electronics reprogramed. It even had the consultant helping Sam puzzled.

Solid Waste: Had a call today with WM to discuss the Solid Waste operations. Have heard that Ketchikan has replaced a baler. Trying to find our if the old one is available or even works.

Law Enforcement: Great to see Deon participate in the weekend festivities.

FIRE/EMS: The Fire dept received \$500 donation from GCI.

City Clerk reported on the following:

Thorne Bay Municipal Elections will be held on October 2, 2018, in the Thorne Bay Council Chambers of City Hall. Polls will open at 8:00 a.m. and close at 8:00 p.m.

Voting will be for the purpose of filling four (4) vacant seats on the Thorne Bay City Council.

SEAT: D 3-YEAR TERM – Term expires in 2021 (Currently held by Cindy Edenfield)

SEAT: E 2-YEAR TERM – Term expires in 2020 (Currently held by Nick Gefre)

SEAT: F **3-YEAR TERM – Term expires in 2021 (Currently held by Lee Burger)**

SEAT: G **3-YEAR TERM – Term expires in 2021 (Currently held by Harvey McDonald)**

Qualifications:

A person filing for election to a seat on the governing body must be:

- A.** A United States citizen who is qualified to vote in state elections;
- B.** A resident of the [specify city or borough] for thirty days immediately preceding the election for which declaring candidacy;
- C.** Registered to vote in state elections;
- D.** Not disqualified under Article V of the Constitution of the State of Alaska which provides that:

FILING FOR OFFICE:

A person who wishes to become a candidate for an elective office shall complete and file with the Municipal Clerk a declaration of candidacy.

This shall be filed no sooner than 50 days and no later than 30 days before the election. Any candidate wishing to withdraw his/her candidacy may do so no later than the last day for filing a declaration of candidacy (30 days before the election) by filing a written notice of withdrawal with the Municipal Clerk.

Candidates for office must file a declaration of candidacy with the Municipal Clerk not earlier than **MONDAY AUGUST 13, 2018**, and not later than **12:00 p.m. , FRIDAY AUGUST 31, 2018**.

Declaration of candidacy forms may be obtained from the Clerk at the municipal offices from 9:00 a.m. to 4:00 p.m. Monday through Thursday, and 9:00 a.m. to 12:00 p.m. every Friday. **DECLARATIONS WILL NOT BE ACCEPTED ON WEEKENDS OR STATE OBSERVED HOLIDAYS.**

The last day to file declaration of candidacy is **FRIDAY, AUGUST 31, 2018**.

ABSENTEE VOTING:

Anyone wishing to vote by absentee ballot may do so by requesting an absentee ballot in person or by mail from the municipality. Absentee ballots may be requested no sooner than **SEPTEMBER 4th, 2018**, nor later than **OCTOBER 1, 2018, BY 4:00 P.M.**

NOTICE TO REGISTER TO VOTE

To be eligible to vote in the 2018 General Municipal Election
You must be a **REGISTERED VOTER**

DEADLINE TO REGISTER IS SUNDAY SEPTEMBER 2, 2018

The 2018 General Municipal Election will be held on Tuesday, October 2, 2018.

Polling Location: City Hall, Council Chambers, 120 Freeman Drive, Thorne Bay, AK 99919

IF YOU ARE NOT REGISTERED TO VOTE:

- Forms are available through the City Clerk's office, 120 Freeman Drive, Thorne Bay, AK 99919; or online: <https://voterregistration.alaska.gov/>

7. PUBLIC COMMENTS:

Karen Petersen and Amy McDonald commented on the following:

- Presented the City Council with preliminary results from the Greentree Heights Assessment Survey; accompanied by a plat map which identified the lots development status through color coding (included below)
- Estimated cost for AP&T to put power into one lot was around sixty-thousand dollars (\$60,000)
- Requested use of City rock for road improvements on the Greentree Roads, equipment and labor would be provided by property owners
- Commented on an upcoming Grant opportunity that the City would apply for to assist with getting power in at Greentree Heights. The grant is through the Department of Agriculture, Rural Utilities Service; Assistance to High Energy Cost Rural Communities Grant program. The City would apply for the grant and contract with AP&T to install the power.

PRELIMINARY RESULTS FROM THE GREENTREE HEIGHTS NEEDS ASSESSMENT SURVEY

Amy McDonald and Karen Petersen conducted a Needs Assessment of almost all of the people holding property in the Greentree Heights Subdivision. We are still pursuing results from the remaining property owners but to date have not had much success in tracking them down or getting them to return our survey via snail mail.

Attached is a Platt Map of the subdivision showing the following:

Pink – no contact

Orange or tan – no plans to develop

Blue – plan to develop in the next 5 years

Yellow – are construction ready with a pad and some improvements in place – plan to develop in the next 5 years.

Green – lots that already have a structure on them

In essence the results are as follows:

There are 33 lots in Greentree Heights Subdivision. We have conducted interviews or gotten results back from 26 of the land owners (78%). We are in active communication with 4 of the remaining people and will continue to pursue the final 3 people to have 100% results.

There are 6 lots that currently have structures on them.

There are an additional 9 lots with construction-ready gravel pads on them.

19 of the lot owners have indicated they plan on building on their property in the next 5 years and all of them would like to have electricity.

THIS MEANS THAT 25 OF THE LOTS IN THE SUBDIVISION SHOULD HAVE BUILDINGS ON THEM IN THE NEXT 5 YEARS – OVER 75%

Almost all of the lot owners would like Alaska Power & Telephone to visit their lot and give them an estimate of how much it would cost to bring power to their planned structure.



Jim Baichtal commented on the following:

- Requested the City place stop signs and street name signs in the Greentree Heights Subdivision

Tim Lindseth commented on the following:

- Encouraged the council to drive through Greentree Heights to understand the condition of the roads
- Offered to assist the city with fixing the Greentree Roads

Jim McFarland commented on the following:

- Requested the City Council add to the terms of sale for Lots DC 1 & 2, to Russell Ricks, that the drilling and blasting on the lots be performed by an insured and bonded company, and a requirement that the property owners on Deer Creek be notified at least 24-hours prior to any of the drilling or blasting.

8. COUNCIL COMMENTS:

There were no council comments.

9. NEW BUSINESS:

- A. Resolution 18-08-07-01, pledging to action by partnering with other leaders at the local, state and federal level to decrease the nation's rates of opioid misuse, overdose and death, discussion and action item:

Hartwell moved to approve Resolution 18-08-07-01. Burger seconded the motion. McDonald stated he requested this resolution be placed before the City Council to act on because he believed the City needed to stand up and do whatever they could to help decrease the rates of opioid misuse, overdose and death. McDonald requested that the City Clerk forward the resolution on to the Governor, Legislatures and other local governments.

Carlson stated the USFS had a training on the use of Narcan which is a drug that can be used if you came across someone overdosing. The drug would bring them out of an overdose and possibly save their life.

RESOLUTION 18-08-07-01

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

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

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

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

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

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

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

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

MOTION: Move to approve Resolution 18-08-07-01
F/S: Hartwell/Burger
YEAS: Gefre, Slayton, Hartwell, Carlson, Burger, McDonald and Edenfield
NAYS: None
STATUS: Motion Passed

B. Approval of Rental Agreement between the City of Thorne Bay and Pacific Airways for use of City Harbor Storage Facility and Seaplane Landings, discussion and action item:

McDonald moved to approve the Agreement between City of Thorne Bay and Pacific Airways for the use of the City Harbor Facility for storage and seaplane landings. Edenfield seconded the motion.

MOTION: Move to approve Rental Agreement between the City of Thorne Bay and Pacific Airways for use of City Harbor Storage Facility and Seaplane Landings
F/S: McDonald/Edenfield
YEAS: McDonald, Carlson, Burger, Gefre, Slayton and Edenfield
NAYS: Hartwell
STATUS: Motion Passed

10. ORDINANCES FOR PUBLIC HEARING:

A. Ordinance 18-08-07-01, amending Title 18 – City Boat Harbor, discussion and action item:

McDonald moved to approve Ordinance 18-08-07-01. Carlson seconded the motion. City Clerk Feibel explained the amendment expanded on the intent of the Harbormaster’s authority to issue citations for harbor code violations and moved the fines for violating provisions of Title 18 into Thorne Bay Municipal Code Title 1.16.035 – Minor Offense Fine Schedule.

MOTION: Move to approve Ordinance 18-08-07-01
F/S: McDonald/Carlson
YEAS: Edenfield, Carlson, McDonald, Slayton, Burger, Gefre and Hartwell
NAYS: None
STATUS: Motion Passed

11. ORDINANCES FOR INTRODUCTION:

A. Ordinance 18-08-21-01, amending Title 1 – General Provisions, Section 1.16.035 – Minor Offense Fine Schedule, Discussion and action item:

McDonald moved to approve Ordinance 18-08-21-01. Hartwell seconded the motion. City Clerk Feibel stated this amendment added the fines from Title 10 – Vehicles and Traffic; Chapter 10.20 – Parking Standing and Stopping, and Title 18 – Harbor, to the Minor Offense Fine Schedule. There was no further discussion.

MOTION: Move to approve Ordinance 18-08-21-01
F/S: McDonald/Hartwell
YEAS: Edenfield, Carlson, McDonald, Slayton, Burger, Gefre and Hartwell
NAYS: None
STATUS: Motion Passed

B. Ordinance 18-08-21-02, amending Title 10-Vehicles and Traffic, Chapter 10.20 – Parking, Standing and Stopping, discussion and action item:

Hartwell moved to approve Ordinance 18-08-21-02. Burger seconded the motion. City Clerk Feibel stated the amendment moved all prohibited acts under one section; removed the dedicated areas for parking, and required that parking areas be marked by signs, and moved the fines for violations of the chapter up to Title 1.16.035 – Minor Offense Fine Schedule. There was no further discussion.

MOTION: Move to approve Ordinance 18-08-21-02
F/S: McDonald/Carlson
YEAS: Edenfield, Carlson, McDonald, Slayton, Burger, Gefre and Hartwell
NAYS: None
STATUS: Motion Passed

C. Ordinance 18-08-21-03, Non-Code Ordinance, Authorizing the Sale of Municipal Owned Property, located in the Deer Creek Subdivision Lots DC1 & DC2, to Russell Ricks, discussion and action item:

Burger moved to approve Ordinance 18-08-21-03. Hartwell seconded the motion. Discussion included amending the terms and conditions to include that the blasting and drilling be performed by an insured and bonded company and providing the property owners of Deer Creek Subdivision to be notified at least 24 hours prior to any drilling or blasting. There was further discussion.

MOTION: Move to approve Ordinance 18-08-21-03
F/S: McDonald/Carlson
YEAS: Edenfield, Carlson, McDonald, Slayton, Burger, Gefre and Hartwell
NAYS: None
STATUS: Motion Passed

D. Ordinance 18-08-21-04, amending Title 17 – Zoning, Chapter 17.04 – Planning and Zoning, Discussion and action item:

McDonald moved to approve Ordinance 18-08-21-04. Burger seconded the motion. City Clerk Feibel explained the Ordinance was to define the

MOTION: Move to approve Ordinance 18-08-21-04
F/S: McDonald/Carlson
YEAS: McDonald, Edenfield, Carlson, Slayton, Burger, Gefre and Hartwell
NAYS: None
STATUS: Motion Passed

- E. Ordinance 18-08-21-05, amending Title 9-Public Peace Morals and Welfare, Chapters 9.02-Curfew for minors; 9.12-Protection of Survey Monuments; 9.20-Litter Control, 9.22-Water Hydrants; discussion and action item:

McDonald moved to approve Ordinance 18-08-21-05. Burger seconded the motion. City Clerk Feibel explained the amendment to Title 9 of the Thorne Bay Municipal Code was to add language to the Violation and Penalties section, making it consistent to the language in each violations section throughout the Code.

MOTION: Move to approve Ordinance 18-08-21-05
F/S: McDonald/Burger
YEAS: Slayton, Burger, Edenfield, Carlson, McDonald, Gefre and Hartwell
NAYS: None
STATUS: Motion Passed

12. EXPENDITURES EXCEEDING \$2,000.00:

- A. Authorizing the expense of \$2,878.00, to Organized Village of Kasaan, Kasaan Road Grading per MOU, discussion and action item:

McDonald moved to approve the expenditure of \$2,878.00, to the Organized Village of Kasaan for Road Grading on the South Thorne/Kasaan Road. Hartwell seconded the motion. There was no further discussion.

MOTION: Move to approve the expenditure of \$2,878.00, to the Organized Village of Kasaan for Road Grading on the South Thorne/Kasaan Road
F/S: McDonald/Hartwell
YEAS: Gefre, Edenfield, Carlson, McDonald, Slayton, Burger and Hartwell
NAYS: None
STATUS: Motion Passed

- B. Authorizing the expense of \$2,508.00, to Petro Marine Services, for Equipment Fluids, discussion and action item:

McDonald moved to approve the expenditure of \$2,508.00, to Petro Marine Services for equipment fluids. Edenfield seconded the motion. There was no further discussion.

MOTION: Move to approve the expenditure of \$2,508.00 to Petro Marine Services for equipment fluids, discussion and action item:
F/S: McDonald/Edenfield
YEAS: Edenfield, Carlson, McDonald, Slayton, Burger, Gefre and Hartwell
NAYS: None
STATUS: Motion Passed

13. EXECUTIVE SESSION: None.

14. CONTINUATION OF PUBLIC COMMENT:

Trisha Clowar commented on the following:

- Commented in favor of the City Council doing what they could to encourage the floatplane services to continue in Thorne Bay.
- Inquired whether the Alaska Dream Cruise ship paid for moorage when they docked in Thorne Bay.
- Stated she felt the council was welcoming to the cruise ship that comes in, but not as much for the float plane services.
- Commented that the visitors on the cruise ship that come in do not spend as much money in the community as those who fly into the lodges and stay for a longer period of time.
- Commented that the service Pacific Air provides to Thorne Bay generates a large amount of revenue for Thorne Bay, by transporting the guests that fly in to stay at the lodges.

Amy McDonald commented on the following:

- Commented that she agreed with the comments Trisha Clowar said.
- Commented that the School District relies on the services of Pacific Air.
- Thanked the City Council for passing the Resolution supporting efforts to decrease the rates of opioid misuse, overdose and death
- Informed the Council of the Narcan drug kits people could get if participate in the training required. Narcan is a drug that can reverse the effects of an overdose.
- Stated that she would be happy to provide the information she has on the Narcan program if the council was interested.

Gary Anderson commented on the following:

- Clarified for the record that he had no issues with Pacific Airways, and that he was happy they are no longer landing at the Port because it freed up 6 hours of his day. Anderson encouraged the council to enter into an agreement with Pacific Air for landing at the City's Harbor.

15. CONTINUATION OF COUNCIL COMMENT:

Carlson stated she was pleased to see such a big turnout at the meeting.

16. ADJOURNMENT:

McDonald adjourned the meeting at 8:24 p.m.

Harvey McDonald, Mayor

ATTEST:

Teri Feibel, CMC

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

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

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

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

PASSED AND APPROVED September 4, 2018

Harvey McDonald, Mayor

ATTEST:

Teri Feibel, CMC

[Introduction: August 7, 2018]
~~[Public Hearing: August 21, 2018]~~
[Public Hearing: September 4, 2018]

1.16.035 MINOR OFFENSE FINE SCHEDULE

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

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

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

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

1.16.035 – MINOR OFFENSE SCHEDULE

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

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

ORDINANCE 18-08-21-02

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

BE IT ENACTED BY THE THORNE BAY CITY COUNCIL

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

PASSED AND APPROVED September 4, 2018

Harvey McDonald, Mayor

ATTEST:

Teri Feibel, CMC/Treasurer

[Introduction: August 7, 2018]
[Public Hearing: September 4, 2018]

ADDITIONS ARE IN BOLD

~~Deletions are striken~~

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

SECTIONS:

~~10.20.010 Parking not to obstruct traffic.~~

10.20.010 RESTRICTIONS AND EXCEPTIONS-AUTHORITY.

~~10.20.020 Parking in alleys.~~

10.20.020 PARKING PROHIBITED

~~10.20.030 Parking for certain purposes prohibited.~~

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

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

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

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

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

~~10.20.070 Restrictions and exceptions-Authority.~~

10.20.070 VIOLATIONS AND PENALTY

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

~~10.20.090 Violations-Penalty.~~

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

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

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

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

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

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

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

Adding Section 10.20.010 Restrictions and Exceptions:

10.20.010 Restrictions and exceptions--Authority. (Renumbered from 10.20.070)

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

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

Adding Section 10.20.020 Parking Prohibited; which includes prior sections:

.010 - Parking not to obstruct traffic

.020 - Parking in alleys

.030 - Parking for certain purposes prohibited

10.20.020 Parking prohibited:

A. No person shall park a vehicle upon a roadway for the purpose of:

1. Commercial advertising;
2. Displaying such vehicle for sale;
3. Greasing or repairing such vehicle, not necessitated by an emergency;
4. Washing such vehicle when the person so engaged is in the business of washing vehicles.

(Ord. 84-03-22-01 § 3, 1984) *(Prior Section 10.20.030 (a-d))*

B. No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, in any of the following places and no signs are required: *(Prior Section 10.20.040 (a-c))*

1. Within ten feet of an intersection;
2. Within fifteen feet of any ~~unprotected~~ fire hydrant;
3. Within five feet of a crosswalk, except at an intersection where it shall be ten feet. *(Prior Section 10.20.040 (a-c))*

C. No person shall park any vehicle upon a street or highway, other than an alley, in such a manner or under such conditions as to leave available less than ten feet of such roadway for the free movement of vehicular traffic *(Prior Section 10.20.010)*

D. No person may remove, obliterate, obscure, cover or move any chalk mark or other mark or indication placed by a police officer or parking enforcement officer upon a tire or any part of a vehicle which is parked in a public parking zone or space; provided such marks or objects may be moved or removed in the process of moving the vehicle from the parking space or after the vehicle has been moved from the space. *(Prior Section 10.20.080 (a))*

1. A vehicle which has not moved from a parking space shall be deemed to have remained parked or standing in such space until moved. For the purpose of this chapter, a vehicle must vacate the space occupied and be driven completely through a street intersection before it shall be deemed to have been moved from the space. *(Prior Section 10.20.080 (b))*

2. Each period or part of a period of time a vehicle remains parked or standing beyond that time permitted under this chapter or as posted shall constitute a separate violation, except

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

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

E. No person shall leave a disabled or abandoned **vehiele PROPERTY** on any public street, alley or road for more than forty-eight hours. *(Prior Section 10.20.050 (a))*

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

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

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

Definition. For the purpose of this section,

1. **"PUBLIC PARKING SPACES" INCLUDE ALL CITY OWNED LANDS INCLUDING ROADWAYS AND RIGHTS-OF-WAYS**
 2. **"private parking spaces"** include both publicly and privately owned off-street parking spaces which are reserved for the use of a specific individual or group of individuals or are otherwise restricted when such reservations or restrictions are posted.
 3. **"TIME LIMITED PARKING/PERMIT PARKING" INCLUDE BOTH PUBLICLY AND PRIVATELY OWNED OFF-STREET PARKING SPACES WHICH ARE RESERVED FOR THE USE OF A SPECIFIC INDIVIDUAL OR GROUP OF INDIVIDUALS OR ARE OTHERWISE RESTRICTED WHEN SUCH RESERVATIONS OR RESTRICTIONS ARE POSTED.**
- A.** Harbor Parking--~~Four-Hour Zone~~ **HARBOR ZONE.** ~~Between six a.m. and six p.m. days,~~ **LOADING AND UNLOADING,** except for the space designed for the harbormaster, **HANDICAPPED, ATV VEHICLES OR SPECIAL USE VEHICLES.**
- B.** Harbor Parking--Permit Required for Over ~~Seventy-Two Hours~~ **TWELVE HOURS.** The parking of any vehicle, boat and/or trailer, motorcycle, RV or other at the Main Harbor, **BOAT**

LAUNCH, and Davidson Landing **HARBOR** areas shall be for no longer than **TWELVE HOURS** ~~seventy-two hours~~, unless a monthly parking permit is obtained at city hall. ~~The Main Harbor area designated for seventy-two hours or permit parking shall be on both sides of Shoreline Drive between the boat grid and the stairwell. The entire area of Tract D of the South Thorne Bay Subdivision shall be designated for seventy-two-hour or permit parking.~~

The permit shall be placed in such a position that it is easily viewed through the windshield, or attached in a secure manner to trailers, etc., as long as the permit is easily viewable by city personnel. The billing cycle for permit parking in these areas shall be from the first of each month to the first of the following month, to correspond to the city's billing cycle. The first month's permit fee shall be paid in advance at the time of application plus applicable deposit. If the subsequent invoice is not paid by the due date of the invoice it shall be considered revoked, and the vehicle shall be subject to any applicable provision of the municipal code. All vehicles with no visible way to identify the owner will be marked and impounded after two weeks.

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

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

E. Parking Permit Billings - All fee structures for Parking Permits will be set by resolution. Parking Permits will continue to be billed to the customer until the permit has been returned and written notification of removal is submitted to the City of Thorne Bay. (Ord. 03-06-05-02 §3, 2003: Ord. 84-03-22-01 §13, 1984 Ord. 09-01-06-01 ~2009)(Ord. 15-09-01-01 SS: D) *(Prior Section 10.20.060)*

Adding Section 10.20.040 Parking in Excess of Posted Time Limit – Permit Parking:

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

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

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

Amending Section 10.20.050 Emergency, street maintenance and snow removal vehicles-
Obstruction prohibited:

Renumbering Subsection (d) to Subsection (a)

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

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

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

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

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

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

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

Changing the order of Subsections (a & b)

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

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

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

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

~~**c. Harbor Parking--Four Hour Zone.** Between six a.m. and six p.m. weekdays, parking on both sides of the Main Harbor between the ramp and Shoreline Drive, parallel to the ramp, is limited to four hours, except for the space designed for the harbormaster.~~

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

~~**d. Harbor Parking—Permit Required for Over Seventy-Two Hours.** The parking of any vehicle, boat and/or trailer, motorcycle, RV or other at the Main Harbor and Davidson Landing areas shall be for no longer than seventy-two hours, unless a monthly parking permit is obtained at city hall. The Main Harbor area designated for seventy-two hour or permit parking shall be on both sides of Shoreline Drive between the boat grid and the stairwell. The entire area of Tract D of the South Thorne Bay Subdivision shall be designated for seventy-two hour or permit parking. The permit shall be placed in such a position that it is easily viewed through the windshield, or attached in a secure manner to trailers, etc., as long as the permit is easily viewable by city personnel. The billing cycle for permit parking in these areas shall be from the first of each month to the first of the following month, to correspond to the city's billing cycle. The first month's permit fee shall be paid in advance at the time of application plus applicable deposit. If the subsequent invoice is not paid by the due date of the invoice it shall be considered revoked, and the vehicle shall be subject to any applicable provision of the municipal code. All vehicles with no visible way to identify the owner will be marked and impounded after two weeks.~~

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

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

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

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

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

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

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

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)~~

~~I. —~~

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

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

~~10.20.080 Time-limited parking spaces-Additional restrictions. A. No person may remove, obliterate, obscure, cover or move any chalk mark or other mark or indication placed by a police officer or parking enforcement officer upon a tire or any part of a vehicle which is parked in a public parking zone or space; provided such marks or objects may be moved or removed in the process of moving the vehicle from the parking space or after the vehicle has been moved from the space.~~

~~B. A vehicle which has not moved from a parking space shall be deemed to have remained parked or standing in such space until moved. For the purpose of this chapter, a vehicle must vacate the space occupied and be driven completely through a street intersection before it shall be deemed to have been moved from the space.~~

~~C. Each period or part of a period of time a vehicle remains parked or standing beyond that time permitted under this chapter or as posted shall constitute a separate violation, except that each separate day upon which such a continuing violation exist shall be separate violation if the period of permitted parking is twenty four hours or greater. Only one citation may be issued during each period which constitutes a separate violation.~~

~~D. No overnight camping allowed on City property where posted. (Ord. 09-07-21-02; 84-03-22-01 §15,1984)~~

Amending section 10.20.090 – Violations – Penalty;

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

~~The Penalty for violating the provisions of this chapter is in 1.16.035. (Ordinance 18-01-02-01; Prior Ord. 84-03-22-01 § 16, 1984)~~

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

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

BE IT ENACTED BY THE THORNE BAY CITY COUNCIL

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

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

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

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

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

PASSED AND APPROVED: **September 4, 2018**

Harvey McDonald, Mayor

ATTEST:

Teri Feibel, CMC

[Introduction: August 7, 2018]

~~[Public Hearing August 21, 2018 — CANCELLED]~~

[Public Hearing: September 4, 2018]

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

1. Purchaser agrees to pay in full within sixty (60) days from the date of the City's acceptance of purchase offer. The sixty-day time limitation may be extended by the City, through its Chief Executive Officer, upon written request from the purchaser, for delays in obtaining a title search, provided such delay is not caused by the purchaser.
2. TERMS FOR BLASTING OF MATERIALS FROM LOTS DC1 & DC2
 - a) City reserves first right for all excess clean rock and clean top soil to be delivered to a designated area near the Sandy Beach rock quarry
 - b) Any drilling or blasting done on these lots will be performed by a certified, insured and bonded company
 - c) Purchaser will give notice to the city of thorne bay and all property owners located within the deer creek subdivision a minimum of 24 hours' notice prior to drilling or blasting.
3. Purchaser must establish the Northeast and Northwest corners of Lot 1 prior to any land development.
4. Permitted land uses, and property development standards are listed in the Thorne Bay Municipal Code, Title 17 (Zoning), and Section 17.04.023 (Deer Creek Residential). Purchaser must comply with all terms of said zoning regulations.
5. No lot may be subdivided.
6. City transfer of lands shall be by Quitclaim Deed.

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

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

BE IT ENACTED BY THE THORNE BAY CITY COUNCIL

- Section 1. Classification. This ordinance is of a general and permanent nature, the chapter shall hereby be added in the Thorne Bay Municipal Code.
- Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application to other persons and circumstances shall not be affected.
- Section 3. Amendment of Chapter. The following Title 17-Zoning, Chapter 17.04 – Planning and Zoning, shall be amended in the Thorne Bay Municipal Code.
- **ADDITIONS ARE CAPITALIZED AND BOLD**
 - ~~Deletions are stricken~~
- Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED September 4, 2018

Harvey McDonald, Mayor

ATTEST:

Teri Feibel, CMC/Treasurer

[Introduction: August 7, 2018]
~~[Public Hearing: August 21, 2018]~~
[Public Hearing: September 4, 2018]

TITLE 17 - ZONING
CHAPTER 17.04 - PLANNING AND ZONING

17.04.015 DEFINITIONS.

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

A

"**ABANDONMENT**" means a use of which has not been operated or maintained for one year or more. Regarding buildings, a structure that has not been occupied or used and maintained for one year or more.

"**ACCESSORY TO**" means a use not essential to the primary use but adds to the convenience or efficiency of the primary use.

"**ACCESSORY USES OR ACCESSORY BUILDINGS**" means buildings or uses usually associated with primary uses but are detached from the main building. Accessory buildings or uses associated with Residential zones are clearly subordinate to the primary use and include, but are not limited to, storage sheds, wood sheds, workshops, greenhouses, smokehouses and noncommercial garages. Accessory uses, or buildings associated with commercial or industrial zones are also subordinate or secondary to the primary use and include but are not limited to administrative offices, watchman's quarters, bunkhouses, decks, etc.

"**ALTERATION**" means any change, addition or modification in the construction, location or land use classification.

"**AGENCIES AFFECTED**" means agencies which regulate or have responsibility for areas which may be affected by land use actions or activities. Affected agencies include but are not limited to:

1. City fire department;
2. Alaska Department of Fish and Game;
3. Alaska Department of Environmental Conservation;
4. Alaska Department of Natural Resources;
5. Alaska Department of Transportation and Public Facilities;
6. U.S. Forest Service;
7. U.S. Fish and Wildlife;
8. U.S. Army Corps of Engineers;
9. City utilities;
10. T.U. of the Northland - PTI Communications.

"**AVERAGE GROUND LEVEL**" means the mathematical average of eight evenly distributed points of elevation around the building.

B

"BED AND BREAKFAST" means a use that is subordinate to the principal use of a single-family dwelling in that transient guests are provided a sleeping room and sometimes board in return for payment. Bed and breakfast operations do not include accessory commercial uses. Other commercial uses are considered a separate use and are not part of the bed and breakfast.

"BOARDING HOUSE" means a building other than a motel or hotel that is provided for compensation for three or more persons, with or without meals, on other than a day-to-day basis, and that is not open to transient guests.

"BUILDING" means any structure built for the livelihood, shelter or enclosure of persons, animals or property of any kind.

"BUILDING HEIGHT" means building height shall be measured from mid-point along the lot line from which the lot and building site are accessed.

"BUNKHOUSE" means a boarding house whose principal clients are generally employees of a single workforce.

C

"COMMERCIAL" means the purchase, sale, rentals other than Residential uses, or other transactions involving the handling or management of an item, substance or commodity or service for compensation or profit.

"COMMUNITY EDUCATION" means educational services provided by public, private and parochial schools.

"COMMUNITY RECREATION" means recreational facilities including but not limited to bowling alleys, skating rinks, health clubs and spas, aerobic studios, hand ball or racquetball courts and other indoor or outdoor related uses that do not generate excessive dust, noise or other related objectionable pollutants or hazards.

"CONDITIONAL USE" means a land use in a zoning district that is not specifically permitted but may be compatible with existing and proposed uses under certain conditions.

"CUL-DE-SAC" means a short street with one end open to traffic and terminated at the other end by a vehicle turnaround.

D

"DAY CARE FACILITY" means a home or separate facility that provides day care for more than five children. Day care of five children or less is defined as a home occupation.

"DENSITY" for Residential use means the number of living units per area, and/or number of living units per structure. "Density" for commercial use means the number of discreet business activities classifications per area, as defined by the Alaska Department of Community and Economic Development.

"DEVELOPMENT" means the action of subdividing, activity involving building, timber and mining operations, excavating, or the construction, relocation or the creation of any change in a structure or use of land.

"DISTURBANCE" means any use that causes recurring noise, vibration, dust, odor, smoke or other disorderly commotion detectable for two hundred feet from the boundaries of the originating premises. This does not include warning devices, temporary construction and maintenance work, air taxi and other special circumstances during working hours.

"DUPLEX" means two habitable dwelling units contained in one building.

"DWELLING" means a building, or any portion thereof designed or used exclusively for Residential occupancy. This includes one, two and multiple-family dwellings but does not include other structures where people may be housed, such as bunkhouses, etc.

"DWELLING UNIT" means a building or any portion thereof designed for the separate living quarters for a single-family unit.

E

"EQUIPMENT - LIGHT" means small equipment typically owned by the general public for noncommercial, personal use, including but not limited to noncommercial trucks, cement mixers, rototillers, lawn mowers, small engines or generators.

"EQUIPMENT - HEAVY" means heavy construction equipment not often owned by the general public for personal use, including but not limited to trucks over two tons, large commercial construction equipment and similar equipment.

"ESSENTIAL SERVICES" means services that are needed to facilitate development, usually utility orientated, such as sewer lines, water lines, power lines and poles, pump/lift stations.

"EXCESSIVE" means to a degree that is exceeding the usual level of operation. May be to a degree injuring the public health, safety and welfare.

F

"**FENCE HEIGHT**" means the vertical distance between the ground directly under the fence and the highest point of the fence.

"**FOUNDATION**" means the underlying natural or prepared base for the permanent support of a structure.

"**FRONT YARD**" means a yard extending across the full width of the lot measured between the front lot line of the lot and the front building line.

G

"**GOVERNMENT COMPLEXES**" means U.S. Forest Service compound and maintenance facility, city offices.

"**GRADE**" means the average level of the finished ground at the center of all walls to a building.

"**GROUP RESIDENTIAL**" means boarding houses of four or more rental rooms, bunkhouses of five or more bed spaces, foster care homes with more than five foster children, retirement homes and other similar type uses.

H

"**HAZARDS**" means uses that may cause danger due to an explosion, fire, visual obstruction or other causes.

"**HOME OCCUPATION**" means a non-Residential use conducted in a dwelling unit providing that:

1. The home occupation shall be clearly incidental and subordinate to its Residential use, have no employees and not have more than fifty percent of its floor area used for the home occupation.
2. There shall be no change in the outside appearance of the residence and no other visible evidence of non-Residential use on the premises except for a sign that is not illuminated and mounted flush against the building.
3. No traffic or parking needs shall be created by the home occupation in greater volume than that which would normally be found in the neighborhood and all parking shall be provided off street and on the premises.
4. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the site of the home occupation.
5. Day care of six children or less shall be considered a home occupation.

"**HOTEL/MOTEL**" means any building or group of buildings that has a principal use of one or more guest rooms for the purpose of offering lodging to the general public on a temporary basis.

I

"**INDUSTRIAL**" means an activity that includes manufacturing, processing, warehousing, storage, shipping, distribution or the reduction of any article, substance or commodity or any other treatment that changes the characteristics or appearance of the article, substance or commodity.

"**INDUSTRIAL, LIGHT**" or "light industrial" means industrial uses of a nature which do not produce dust, traffic, noise, odor, vibration or other objectionable pollutants of a significantly greater intensity or duration of those commonly associated with surrounding land uses.

J

"**JUNKYARD**" means any lot or part of a lot that is used for the keeping, storage, dismantling, demolition, wrecking or sale of abandoned, junked, used or unlicensed vehicles, boats, appliances, machinery or other scrap such as metal, wood, plastics, etc.

K

"**KENNEL**" means, for payment, the keeping of household pets for a limited period of time.

L

"**LODGES AND RESORTS**" means a structure or group of structures whose principal use is to provide housing, entertainment, and/or recreation.

"**LOT**" means a parcel of land having right-of-way access.

"**LOT OF RECORD**" means any lot subdivided or existing prior to the adoption of this title.

"**LOT AREA**" means the total area within the lot lines of a parcel of land, or a lot.

"**LOT, CORNER**" OR "**CORNER LOT**" means a lot situated at the junction of and bordering on two intersecting streets.

"**LOT COVERAGE**" means the percentage of the total lot area covered by buildings or structures of any type or size.

"**LOT DEPTH**" means the average horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

"**LOT LINE, FRONT**" OR "**FRONT LOT LINE**" means the lot line separating the property from the street or right-of-way. On a corner lot, the line separating the street on which the proposed or existing development will face.

"**LOT LINE, REAR**" OR "**REAR LOT LINE**" means the lot line that is opposite and most distant from the front lot line.

"LOT LINE, SIDE" OR "SIDE LOT LINE" means the lot lines between the front and rear lot lines.

"LOT, SUBSTANDARD" OR "SUBSTANDARD LOT" means a lot whose area or width is less than that required by the zone in which it is located.

"LOT, THROUGH" OR "THROUGH LOT" means a double street frontage lot, a lot having a frontage of two streets or rights-of-way.

"LOT WIDTH" means the horizontal distance separating the side lot lines measured at right angles to the lot depth.

M

"MARIJUANA" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufactured, salt, derivative, mixture, or preparation of the plant, its seeds, or its resins, including marijuana concentrate.

"MARIJUANA" does not include fiber produced from the stalks. Oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

"MARIJUANA ESTABLISHMENT" means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store.

"MARIJUANA CULTIVATION FACILITY" means an entity registered to cultivate, prepare, and package marijuana and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facility, and to other marijuana cultivation facilities, but not to consumers.

"MARIJUANA CULTIVATION FACILITY LIMITED" means a marijuana cultivation facility with fewer than 500 square feet under cultivation.

"MARIJUANA PRODUCT MANUFACTURING FACILITY" means an entity registered to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana store, but not to consumers.

"MARIJUANA PRODUCT MANUFACTURING FACILITY, EXTRACT ONLY" means an entity registered to purchase marijuana; manufacture, prepare, and package marijuana concentrate; and sell marijuana concentrate to other marijuana product manufacturing facilities and to retail marijuana store, but not to consumers.

"MARIJUANA RETAIL FACILITY" means an entity registered to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana products from marijuana product manufacturing facilities, and to sell marijuana and marijuana products to consumers.

"MARIJUANA TESTING FACILITY" means an entity registered to analyze and certify the safety and potency of marijuana.

"MARIJUANA PRODUCTS" means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures. (Ordinance 17-06-06-01)

"MEASUREMENT, MOBILE HOME OR TRAVEL TRAILER LENGTH" means the length shall be measured from the tip of the tongue of the mobile home or trailer to the rear corner of the structure.

"MOBILE HOME" means a structure that is transportable in one or more sections in which the traveling mode is eight feet or more in width and forty feet or more in length, or when erected on site is three hundred twenty square feet or more. The structure is built on a permanent chassis and is designed for use as a dwelling with or without a permanent foundation when the plumbing, heating, and electrical systems contained are connected to the required utilities. A mobile home shall be construed to remain a mobile home whether or not wheels, axles, hitch, or other appurtenances of mobility are removed, and regardless of the nature of the foundation provided. A mobile home shall not be construed to be a recreational vehicle or modular home.

"MOBILE HOME PARK" means three or more mobile homes placed on one lot or parcel.

"MOBILE HOME SPACE" means a designated portion of a Mobile home park designed for the accommodation of one Mobile home and its accessory buildings for the exclusive use of its occupants.

"MODULAR HOME" or **"MODULAR BUILDING"** means a prefabricated structure, distinguished from a mobile home in that it is designed and constructed so as to be permanently sited.

"MOTOR HOME" means a factory-built portable dwelling powered by its own motor to be used for travel, recreation and vacation uses that contains sleeping, cooking, sanitary and plumbing facilities.

N

"NECESSARY" means absolutely needed or required.

"NONCONFORMING STRUCTURE" means any structure lawfully existing at the effective date of this title that does not conform to the regulations of the zone in which it is located.

"NONCONFORMING USE" means any use lawfully existing at the effective date of this title which does not conform to this title.

O

"ORGANIZED PUBLIC OR PRIVATE MEETING PLACE" means a residence or separate structure used for a gathering place for organized events such as meetings, religious activities or services such as customarily occur in synagogues, temples, and churches, and other scheduled organized events.

"OWNER OF RECORD OR RECORD OWNER" means owner or recorded purchaser of record according to the system of land title recording established pursuant to Alaska Statutes 44.37.

P

"PARKING SPACE" means a space for parking an individual passenger motor vehicle approximately nine feet by twenty feet in size.

"PRINCIPAL USE" means the major or predominant use of a lot or parcel.

R

"RECREATIONAL VEHICLE" means a vehicular unit, other than a manufactured home, whose gross floor area is less than three hundred twenty square feet, that is designed as temporary lodging for travel, recreational and vacation use, and that is either self-propelled, mounted on or pulled by another vehicle. Examples include, but are not limited to, a travel trailer, camping trailer, truck camper, motor home, and fifth-wheel trailer. A recreational vehicle shall not be construed to be a mobile home.

RECREATIONAL VEHICLES SHALL NOT BE USED AS A SHORT TERM OR LONG-TERM RESIDENCE, UNLESS IT IS LOCATED IN AN APPROVED RV PARK OR HAS OBTAINED A SPECIAL USE PERMIT OR PARKING PERMIT.

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

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

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

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

S

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

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

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

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

"**STRUCTURE**" means anything that is built, constructed, composed, or erected, that is located on or under the ground, or attached to something fixed to the ground. This includes decks and porches that are eighteen inches or higher above grade.

T

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

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

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

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

U

"**USE**" means the purpose of which land or a building is arranged and designed or intended, or for which land or a building is or may be occupied or maintained.

"**USES - WATER DEPENDENT**" means a use or activity that can be carried out only on, in or adjacent to water area because the use requires access to the water body.

"**USES - WATER RELATED**" means a use or activity which is not directly dependent on access on to a water body, but which provides goods or services that are directly associated with water-dependent uses and which, if not located adjacent to water would result in a public loss of quality in the goods or services offered.

"**UTILITY SUBSTATION**" means an area where electricity is transformed or changed, including but not limited to changing one voltage to another, or from one set of wiring to another, gear switching, etc.

V

"**VARIANCE**" means an exception to a standard of a zoning district but not to the use restriction of the zone.

"**VIEW SHED**" means affording a view, usually of a landscape. That which is exposed in the line of sight or lying within the range of vision. (Ord. 99-27 § 6, 1999: Ord. 93-23 § 6(part), 1993)

17.04.022 Residential zone.

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

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

A. Uses allowed in Residential zone without special permitting.

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

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

1. Religious assembly;
2. Electrical utility substations, pump/lift stations;
3. Day care center or facility;
4. Bed and breakfast;
5. Parking a truck or other equipment over two tons;
6. Home occupation or business in accessory building;
7. Building or buildings housing three units or more.
8. **TRAVEL TRAILER OR MOTOR HOME OCCUPIED BY GUESTS OF THE RESIDENCE OVER 60 DAYS BUT NOT TO EXCEED 180 DAYS);**

C. Uses prohibited in Residential zone.

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

D. Property Development Standards.

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

E. Property Development Standards for Tract B.

1. Single-family residences or duplexes only are allowed on lots 1 through 6, stick-built on permanent foundations.
2. Modular or mobile homes are allowed on lots 7 and 8 that conform to the following:
 - a. Minimum twenty feet wide with seven hundred fifty square feet of living space;
 - b. Minimum three to twelve pitch roof;
 - c. tongue and axles must be removed;
 - d. Wood or wood appearance siding required;
 - e. Must be skirted so that structure gives a stick-built appearance.
3. Lots may not be subdivided.
4. Signs are prohibited except for one sign of not more than five square feet advertising the property for sale or rent and a sign limited to equal size showing ownership of the property.
5. All driveway approaches will be built from the driving surface of the main road to the edge of the lot, with a minimum of twelve-foot width on top and perpendicular to the road. All driveways shall have culverts a minimum of twelve inches in diameter where drainage requires as determined by city maintenance, the city council or the planning commission.
6. Animals, livestock or poultry may not be raised, kept or bred on any lot except up to a total of four dogs, cats, or other normal household pets, provided they are not kept, bred or maintained for any commercial purposes. All animals shall be restrained.
7. The minimum setbacks shall be twenty feet from road rights-of-way and ten feet from rear and interior lot lines, including attachments and outbuildings. (Ord 17-08-15-01, Prior Ord: 00-03 § 4, 2000: Ord. 93-23 § 6(part), 1993)

17.04.023 Deer Creek Residential.

The purpose of this zone is to create an aesthetically pleasing residential subdivision consisting of permanent single-family housing. Lot dc-14b shall be exempt from this title for the duration of municipal ownership. Development plans are required for all development within the high density residential zone conforming to applicable standards of section 17.04.035.

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

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

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

1. Guest cabins, lodge on lot 15b;
2. Restaurant/lodge on lot 15b;
3. Moveable construction trailer or travel trailer for residential use during construction of permanent residential structure. Conditional use permits shall be issued for one year with an annual review if necessary;
4. Bed and breakfast: over two rental rooms;
5. Structures and fences built above the maximum height limit;
6. Marine sales and repair services;
7. Telecommunications facilities, towers, and/or antennas.

C. Uses Prohibited.

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

D. Property Development Standards.

1. Minimum lot size: fifteen thousand square feet.
2. Parking: all parking shall be off-street and on the premises.
3. Setbacks: twenty feet from road right-of-way, ten feet from rear and interior lot lines for lots DC1 through DC8. Beach front lots DC9b through DC15b, ten feet from road right-of-way, rear and interior lot lines. Pile driven and concrete sonatube foundation driveways shall be exempt from the setback requirement on beach front lots.
4. Building heights: thirty-five feet.
5. Density: single-family residences only.
6. Utilities: all dwellings must be connected to municipal water, and sewer utilities prior to occupancy.
7. Access.
 - a. Driveways. Driveway approaches will be built from the driving surface of the main road to the edge of the lot, with a minimum of twelve feet width on to and perpendicular to the centerline of the platted right-of-way on beach front lots only (lots DC9b through DC15b). A driveway site plan shall be required for planning commission review for lots DC1 through DC8. All driveways shall have culverts a minimum of twelve inches in diameter where drainage requires as determined by city maintenance.
 - b. All property must be accessed by platted public right-of-way. Property owners may access lots from public access easement with knowledge that easement will not be maintained by the city. The public access easement must remain open and unblocked but is not required to be maintained by the property owner. The public access easement shall be restricted to foot traffic only.
8. Building requirements: all single-family residences shall contain not less than seven hundred fifty square feet of floor space, excluding garages and open porches.
9. Signs: signs shall not be displayed to the public view on any lot except one sign of not more than five square feet advertising the property for sale or rent and a sign limited to equal size showing ownership of the property or advertising a home business.
10. Fences, walls or hedges may be built up to six feet in height up to the property line. Fences shall not obstruct vehicular visibility. (Ord. 17-08-15-01; Prior Ord. 94-05 § 3, 1994; ord. 93-23 § 6(part), 1993)(Ord. 17-08-15-01)

17.04.024 Mixed Residential/Commercial I.

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

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

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

1. All uses allowed in section 17.04.022 Residential zone, part "a".
2. Community recreation including parks, beaches, open space, and buffer strips;
3. Bed and breakfast with 2 or less guest rooms;
4. Home occupation or home business in accessory building.

B. Uses Considered in Mixed Residential/Commercial I Zone with Conditional Use Permitting.

1. All uses allowed in section 17.04.022 Residential zone, part "b" not allowed outright in part a of this section.
2. The keeping of animals for profit or for more than personal use, the keeping of more than four dogs with the exception of puppies;
3. Administrative services and offices;
4. Banks and other financial institutions;
5. Building material retail and supply;
6. Lodges and resorts;
7. Hotels and motels;
8. Laundromat, laundries and dry cleaning;
9. Lodges of fraternal orders, labor and social organizations;
10. Restaurants and other eating establishments;
11. Restaurants, bars and taverns that serve alcoholic beverages;
12. Retail sales outlets (stores);
13. Mini-storage units (maximum of 200 square feet per unit);
14. Marine sales;
15. Hair salons;
16. Post offices;
17. Community buildings and community indoor and outdoor recreation facilities;
18. Communication facilities;
19. Telecommunication facilities, towers, and/or antennas

C. Property Development Standards.

1. Minimum lot size: four thousand five hundred square feet.
2. Minimum lot width: forty feet.
3. Parking: all parking will be off-street and on the premises. Dwelling units, including new
4. apartments, duplex, triplex or multifamily completed after the adoption of this title shall provide off-street parking as required in Section 17.04.041.
5. Setbacks: five feet from all lot lines and ten feet from road rights-of-ways. in addition, development on corner lots shall not impede vehicular visibility.
6. Building heights: A maximum of thirty-five feet as defined in the definitions for "building height". Sever slopes maybe grounds to seek a variance from building height limitations.
7. Density:
 - a. Single family: a minimum of four thousand five hundred square foot lot size.
 - b. Multi-family: a minimum of four thousand five hundred square feet for the first unit and two thousand square feet for each additional unit lot size.
 - c. for uses other than Residential, no more than one principal structure.
 - d. Maximum lot coverage: fifty percent of the lot area remaining after the setback area is subtracted from the total lot area.
 - e. Temporary structures are not subject to section 17.04.024(f)(6)(c).
8. Fences, walls and hedges: fences, walls and hedges may occupy a portion of a yard and be built up to the property line with a six-foot maximum height limit and shall not obstruct vehicular visibility.
9. Signs. Five by five-foot maximum signs flush against a building, signs on post or swinging sign: two by three feet maximum.
10. Landscaping or view obscuring screening may be required. (Ordinance 17-08-15-01, Prior Ord. 99-26 § 6(part), 1999; Ord. 93-23 § 6(part), 1993)(Ord. 17-08-15-01)

17.04.025 Mixed Residential/Commercial II.

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

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

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

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

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

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

C. Property Development Standards.

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

17.04.026 Mixed Residential/Commercial III.

The purpose of this zone is to be as open and unrestrictive as possible by allowing many different, compatible uses, yet still provide protection to all property owners in the subdivision.

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

A. Uses allowed in Mixed Residential / Commercial III zone without special permitting.

1. All uses allowed in section 17.04.025 mixed Residential II, part "a".
2. Travel trailer or motor home;
3. Telecommunications facilities, towers, and/or antennas.

B. Uses considered in mixed Residential/commercial III zone with permitting.

Any uses listed as permitted or conditionally permitted in the commercial zone I, II, III, public zone, waterfront zone, commercial zone or industrial zone may be permitted in the zone, as long as the proposed use will not adversely affect the surrounding property owners, meets the required standards and is approved by the city of Thorne Bay.

C. Notice of intent.

Any person proposing a commercial or industrial use must file a notice of intent with the city. This notice will specifically describe the proposed use in detail. The notice of intent will be posted in five places throughout the city for thirty days. If there is no objection to the proposed use, no permits other than a development permit will be required by the city. If any one of the criteria listed below is met, the applicant of the proposed use will be required to apply for a conditional use permit.

1. The size of a business requires five or more employees;
2. The nature of the business or project has a significant negative impact on property values or significantly harms the public health, safety and welfare of the adjacent property. Degradation of property includes but is not limited to impact from noise, dust, smoke, vibration, order, increased traffic and parking;
3. Three property owners within a ten-lot radius from the proposed use location calls for a public hearing by submitting an objection statement.
 - i. The objection must be filed on forms provided by the city within the thirty-day period in which the notice of intent is posted.
 - ii. The objection statement shall contain a detailed description of all potential significant impacts the proposed use may have on the area.
 - iii. The statement shall also contain other specific reasons as to why the proposed use should be brought to public hearing.
 - iv. The commission shall not entertain objections that are feudal in nature between two neighbors.

D. Application for Notice of intent. All applications shall contain:

1. Name and address of the property owner;
2. Name and address of the applicant, if different from the property owner;

3. Legal description of the property, vicinity map and site plan. The site plan will include:
 - a. Scale, north arrow and date,
 - b. Property boundaries and dimensions,
 - c. All existing and proposed structures and their dimensions,
 - d. Rights-of-way and easements adjacent to the property,
 - e. off-street parking spaces and their dimensions,
 - f. Access and driveways,
 - g. Any topographical features that may affect the development of the property,
 - h. Proposed use of the new structures and current use of any existing structures;
4. A detailed description of the proposed use, including but not limited to:
 - a. Number of employees,
 - b. Nature of the proposed use,
 - c. Describe any dust, odor, vibration, smoke, noise, increased traffic or parking the proposed use will generate and how it will affect the surrounding property owners,
 - d. Times and days the proposed use will be in operation.

E. Applications for conditional use permit. See section 17.04.043 for procedure.

F. Property development standards.

1. Minimum lot size: one acre.
2. Minimum lot width: two hundred feet.
3. Setbacks: ten feet from property lines and road rights-of-ways when no easement is present. When applicable, state-designated setbacks and easements will take precedent over the ten-foot setback requirement.
4. Building heights: a maximum of thirty-five feet as defined in the definitions for "building height". Severe slopes may be grounds to seek a variance from building height limitations.
5. Parking: all parking will be off-street and on the premises as required in section 17.04.041.
6. Density:
 - A. for separate single-family dwellings:**
 1. One acre minimum for each single-family dwelling structure.
 2. for uses other than Residential, no more than one principal structure.
 3. for uses other than Residential, no more than one principal structure.
 - B. for multi-family structures:**
 1. One acre minimum for the first unit and seven thousand five hundred square feet minimum lot size for each additional unit.
 - C. Maximum lot coverage:**
 1. fifty percent of the lot area remaining after the setback area is subtracted from the total lot area.
 - D. Temporary structures are not subject to section 17.04.026(f)(6)(c).**
7. Signs: no signs shall cause glare on a public right-of-way or surrounding public property. Otherwise, there are no restrictions.
8. All new housing, Commercial/industrial

A. Development and subdivision is subject to Alaska department of environmental conservation review and approval per the recorded plats.

9. Landscaping or view obscuring screening may be required. (Ord. 99-26 § 6(part), 1999; ord. 93-23 § 6(part), 1993)
(Ord. 17-08-15-01)

17.04.027 Commercial Zone.

The purpose of the commercial zone is to accommodate a wide range of commercial and compatible light industrial uses.

“Development Plans” are required for all development within the commercial zone conforming to applicable standards of section 17.04.035.

A. Uses allowed in commercial zone without special permitting.

1. Administrative services and offices;
2. Ambulance service;
3. Auto and other light vehicle sales and rentals;
4. Banks and other financial institutions;
5. Building materials and supplies sales and storage;
6. Restaurants and other eating establishments;
7. Light equipment sales and rentals;
8. Government complexes;
9. Lodges, resorts and related uses;
10. Gunsmiths, locksmiths and other related sales and services;
11. Hotels and motels;
12. Laundromat, laundries and dry cleaning;
13. Medical services;
14. Lodges of fraternal orders, labor and social organizations;
15. Newspaper offices;
16. Post office;
17. Professional, finance, real estate and brokerage offices;
18. Community recreation;
19. Retail sales and rentals;
20. Taxi stands;
21. Theaters;
22. Veterinary office;
23. Mini-storage units;
24. Marine sales;
25. School district offices and facilities.
26. Chamber of commerce and visitor facilities;
27. Nursing and convalescent homes, group residential facilities, children’s homes;
28. Heliport;
29. R.V. park;
30. Basic services (services and facilities which are necessary for development. They include power lines, water lines, sewer lines, power/telephone poles and other low impact facilities of the same character to provide for utilities to serve the uses on the lot;
31. Up to two living units, not to exceed 1500 square feet each, attached to a permitted or conditionally approved commercial uses, and one living unit not to exceed 1500 square feet, detached but not used in association with permitted or conditionally approved commercial uses;
32. Telecommunication facilities, towers, and/or antennas

B. Uses Considered in Commercial Zone with Conditional Use Permitting.

1. Utility generation plants or substations;
2. Bars, taverns and restaurants that sell alcoholic beverages;
3. Transportation, trucking, moving and storage facilities;
4. Gasoline service stations;
5. Auto, auto body marine and light equipment repair;
6. Plant nurseries;
7. Communication facilities;
8. Warehousing, storage, and handling of cargo;
9. Gasoline service stations;
10. Heavy and light equipment repair and maintenance
11. Shipyards, vehicle, marine and equipment storage, and sales facilities;
12. Building materials and supplies sales and storage;
13. Auto and other light vehicle repairs, sales and rentals;
14. Marine fuel, water, and sanitation facilities;
15. Mini-storage units, storage garages, storage warehouses for rental uses;
16. The processing, repairing, assembling, packaging and warehousing of materials for sale;
17. Electrical utility substations, major pump/lift stations;
18. Structures and fences built above the maximum height limit.

C. Property development standards.

1. Minimum lot size: five thousand square feet or no minimum for a lot housing a utility.
2. Minimum lot width: fifty feet or no minimum for a lot housing a utility.
3. Setbacks: ten feet from road rights-of-way and five feet from side and rear property lines, except for a utility.
4. Building heights: a maximum of thirty-five feet as defined in the definitions for "building height". Sever slopes maybe grounds to seek a variance from building height limitations.
5. Parking: all parking is off-street and subject to section 17.04.041.
6. Signs: no signs shall cause glare on any public right-of-way or surrounding property. Signs shall not be illuminated between the hours of eleven p.m. and seven a.m. unless the establishment is open during those hours.
7. Fences, walls and hedges: fences, walls and hedges may occupy a portion of a yard and be built up to the property line with a six-foot maximum height limit and shall not obstruct vehicular visibility.
8. Landscaping or view obscuring screening may be required. (Ordinance 17-08-15-01)

17.04.028 INDUSTRIAL ZONE.

This zoning designation is intended to provide an area that is suitable for both heavy and light industrial uses such as manufacturing, processing, repairing and assembling.

Section 15.04.020 stipulates that “Development Plans” are required of All building to make the public aware of setback requirements and eliminate building encroachments into right-of-way, easements and other properties. (Ordinance 17-08-15-01; prior Ord. 16-01-05-02)

A. Permitted Uses.

1. Solid waste disposal facilities;
2. The manufacturing, processing, repairing, assembling and disassembling, compounding, packaging treatment, fabrication and warehousing of materials or property;
3. The storage of fuels or propane in compliance with applicable fire codes;
4. Junkyards and salvage yards that are screened from view from when adjacent to a public right-of-way;
5. Mining and quarry operations;
6. Sand and gravel operations;
7. Vehicle, marine and equipment storage;
8. Heavy and light equipment repair and maintenance;
9. Commercial nurseries and greenhouses;
10. Commercial or private stabling of farm animals;
11. Commercial sawmills shake and shingle mills;
12. Commercial lumber mills and the retail sale of lumber;
13. Moving, trucking and transportation firms;
14. Accessory Uses.
 - a. office that is accessory to the permitted use,
 - b. Watchman’s quarters, owner/operator residence, or bunkhouse if applicable.

C. Conditional Use.

1. Any commercial use that is not an expressly permitted use;
2. Storage and sale of explosives.

D. Prohibited Use.

1. Uses that degrade air, water and land without effective mitigative procedures that alleviate negative impacts;
2. Residential subdivision.

E. Property Development Standards.

1. Minimum lot size: two acres with Alaska Department of Environmental Conservation review and approval.
 2. Minimum lot width: one hundred fifty feet.
 3. Setback Requirements.
 - a. Front yard: twenty feet.
 - b. Rear yard: twenty feet.
 - c. Side yard: twenty feet.
 4. Maximum lot coverage by buildings: no limitations, setback requirement must be met.
 5. Maximum height: no restrictions.
 6. within five years of purchase, improvements to the property must be equal to the value of the property at the time of purchase.
- F. **Parking Requirements.** All parking must be in compliance with Section 17.04.041.
- G. **Sewage Systems and Treatment.** All private sewerage treatment plans and subdivisions must be approved by the Alaska Department of Environmental Conservation.
- H. **Fences, Walls and Hedges:** may be built up to the property line and shall not obstruct vehicular visibility. (Ordinance 17-08-15-01; prior Ord. 93-23 § 6(part), 1993)

17.04.029 Waterfront Zone.

The purpose of this zone is to provide for aesthetically pleasing commercial areas along the waterfront while retaining access to the waterfront for both public and private uses.

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

A. Uses allowed in waterfront zone without special permitting.

1. Port and harbor facilities, including docks, floatplane operations;
2. Marine, vehicle and propane fuel sales;
3. Public, private and commercial moorage associated with approved uses;
4. Post office;
5. Small scale; seafood processing plants, cold storage plants and facilities;
6. Hair salons;
7. Banks and other financial institutions;
8. Parks and open space;
9. Community recreation, community facilities, open space, beaches and buffer strips;
10. Retail sales and rentals;
11. Laundromat;
12. Restaurants and other eating establishments;
13. Residential uses accessory to permitted uses such as watchmen quarters, owner-operator's home or rental unit constructed above an allowed use without special permitting;
14. Water and sanitation facilities;
15. Administrative offices accessory to permitted uses.

B. Uses allowed in waterfront zone-trans-shipment without special permitting.

1. Storage and shipping of containers, equipment, materials, commodities and any other items being shipped to and from Prince of Wales Island;
2. Pick-up and delivery of containers, equipment, materials, commodities and any other items shipped to and from Prince of Wales Island;
3. Loading and unloading freight barges.

C. Uses allowed in waterfront zone-business district subdivision without special permitting.

1. Material storage and sales associated with another local commercial operation;
2. Vehicle, boat and equipment parking, storage and repair;
3. Electric and communication facilities;
4. Warehouses and rental storage, including units;
5. Container storage.

D. Uses Considered in Waterfront Zone with Conditional Use Permitting.

1. Bars, taverns and restaurants that sell alcoholic beverages;
2. Hotels, motels and restaurants;
3. Lodges and resorts;

4. Communication facilities;
5. Light industrial facilities;
6. Commercial sales not associated with another local commercial operation;
7. All floating structures or structures on piling, excluding floatplane operations and docks accessory with approved uses;
8. Structures and fences built above the maximum height limit;
9. Telecommunication facilities, towers, and/or antennas.

E. Property Development Standards.

1. Minimum lot size: no minimum lot size.
2. Minimum lot width: no minimum lot width.
3. Setbacks: five feet from road rights-of-way and five feet from side and rear property lines.
4. Building heights: a maximum of thirty-five feet as defined in the definitions for "building height". Severe slopes maybe grounds to seek a variance from building height limitations.
5. Parking: all parking unless is otherwise approved by the planning director is off-street and subject to section 17.04.041.
6. Signs: no signs shall cause glare on any public right-of-way or surrounding property. Signs shall not be illuminated between the hours of eleven p.m. and seven a.m. unless the establishment is open during those hours.
7. Fences, walls and hedges: fences, walls and hedges may occupy a portion of a yard and be built up to the property line with a six-foot maximum height limit and shall not obstruct vehicular visibility.
8. Landscaping or view obscuring screening may be required for uses along the thorne river road and shoreline drive. (Ord 17-08-15-01)

17.04.030 Public Zone.

The Purpose of This Zone Is to Reserve Public Lands for Uses Generally Associated with Government Administration, and That Benefit the Public Health, Safety and Welfare and Local Economy.

Development Plans Are Required for All Development within the Public Zone Conforming to Applicable Standards of Section 17.04.035.

A. Uses Allowed in Public Zone without Special Permitting.

1. Government Facilities and Complexes;
2. Libraries, Museum, Visitor Center, Chamber of Commerce Facilities;
3. Education Facilities;
4. Police Facilities, Court House, Jail and Detention Facilities;
5. Public offices, Legislative Affairs office;
6. Public Works Maintenance Facilities and Shops;
7. Hospital, Clinics and Other Medical offices and Facilities;
8. Community Buildings;
9. Fire and Ambulance Station, EMT or ETT Services;
10. Public Utilities;
11. Day Care Centers;
12. Nursing and Convalescent Homes, Group Residential Facilities, Children's Homes;
13. Cemetery;
14. Community Recreation including Parks, Beaches, Open Space and Buffer Strips, indoor and Outdoor Recreation Facilities;
15. Post office.

B. Uses Considered in Public Zone with Conditional Use Permitting.

1. National Guard Facilities;
2. Public Shooting Range;
3. R.V. Park;
4. Communication Facilities;
5. Dog/Animal Impoundment Facility;
6. Heliport or Airport;
7. Solid Waste Disposal Facility;
8. Sewer Treatment Facility;
9. Public Utilities Near Residential Areas;
10. Other Uses Pertaining to the Public Health, Safety and Welfare.
11. Structures and Fences Built Above the Maximum Height Limit;
12. Telecommunication Facilities, towers, and/or Antennas

C. Property Development Standards.

1. Minimum Lot Size: Five Thousand Square Feet.
2. Minimum Lot Width: Fifty Feet.
3. Setbacks: Ten Feet from Road Rights-of-Ways and Five Feet from Side and Rear Property Lines.
4. Building Heights: A Maximum of Thirty-Five Feet as Defined in the Definitions for "Building Height". Severe Slopes Maybe Grounds to Seek A Variance from Building Height Limitations.
5. Parking: All Parking Is Off-Street and Subject to Section 17.04.041.
6. Signs: No Signs Shall Cause Glare On Any Public Right-of-Way Or Surrounding Property. Signs Shall Not Be Illuminated Between the Hours of Eleven P.M. and Seven A.M. Unless the Establishment Is Open During Those Hours.
7. Fences, Walls and Hedges: Fences, Walls and Hedges May Occupy A Portion of A Yard and Be Built Up to the Property Line with A Six Foot Maximum Height Limit and Shall Not Obstruct Vehicular Visibility. (Ordinance 17-08-15-01; prior Ord. 93-23 § 6(part), 1993) (Ord 17-08-15-01)

17.04.031 Low Density Residential.

This zone is to provide aesthetically pleasing residential neighborhoods with large lots, by permitting only single-family residences and duplexes at low population densities.

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

A. Uses allowed in low density residential zone without special permitting.

1. Single family dwellings;
2. Mobile homes which meet the following:
 - a. Seven hundred fifty square foot minimum (approximately twelve feet by sixty feet);
 - b. Skirting required;
 - c. Permanent foundation required.
3. Modular construction;
4. Home occupation or office in home;
5. Accessory buildings for private, residential uses such as garage, shed, private storage of a recreational vehicle, travel trailer, recreational boat;
6. Visiting travel trailer or motor home occupied by guests of the residence
7. Wannigans which meet the following:
 1. Single story;
 2. Square footage of wannigan shall not exceed the square footage of mobile home.
 3. On lots which do not have an established principal use, normal accessory buildings for private residential uses such as a garage, shed, or shop.

B. Uses considered in low density residential zone with conditional use permitting.

1. Duplex;
2. Electrical utility substations, pump/lift stations;
3. Bed and breakfast not to exceed two guest rooms;
4. The keeping of animals for profit or for more than personal use; the keeping of four or more dogs with the exception of puppies; the keeping of roosters and other livestock;
5. Day care center;
6. Parking truck or heavy equipment over a two-ton rating;
7. Buildings and fences built above maximum height limit;
8. On lots which do not have an established principal use, private storage of a recreational vehicle, travel trailer, or recreational boat;
9. Wannigans exceeding the size of the mobile home;
10. Additional residential unit on lot.

C. Uses prohibited in low density residential zone.

1. Any use or structure not listed under permitted or conditional uses.

D. Property Development Standards.

1. Minimum lot size: forty thousand square feet;
2. Minimum average lot width: one hundred feet;
3. Density: one residential structure per lot unless conditional use is applied for and granted
4. Parking: all parking must be accommodated off-street and on the premises as required in section 17.04.041 of this chapter;
5. Setbacks.
 - a. interior setbacks: ten feet between structures;
 - b. Front yard setbacks: twenty-five feet from property line;
 - c. Side and rear yard setbacks: ten feet from property lines;
6. Development on corner lots shall not impede visibility;
7. Building heights: a maximum of thirty-five feet as defined in the definitions for "building height". Severe slopes maybe grounds to seek a variance from building height limitations;
8. Maximum lot coverage: forty percent of the lot area remaining after the setback area is subtracted from the total lot area;
9. Fences, walls and hedges: fences, walls and hedges may occupy a portion of a yard and be built up to the property line with a six-foot maximum height limit and shall not obstruct vehicular visibility. (Ordinance 17-08-15-01)

17.04.032 Medium Density Residential.

This zone is intended to provide residential neighborhoods with a limited range of multifamily housing mixed with single family residences at moderate population densities.

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

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

1. Single family dwelling;
1. Duplex;
2. Triplex;
3. Modular construction;
4. Mobile homes which meet the following:
 - a. Minimum size-ten feet by forty feet or minimum four hundred square feet;
 - b. Skirting Required;
 - c. Foundation Required.
5. Wannigans which meet the following:
 - a. Single Story;
 - b. Square Footage Shall Not Exceed the Square Footage of Mobile Home.
6. Home occupation or office in home;
7. Accessory buildings for private residential uses such as a garage, shed, or shop;
8. Visiting travel trailer or motor home occupied by guests of the residence
9. Bed and breakfast with up to 2 quest rooms.

B. Uses Considered in Medium Density Residential Zone with Conditional Use Permitting.

1. Electrical utility substations, pump/lift stations;
2. Day care center or facility;
3. Bed and breakfast with up to 4 guest rooms;
4. Parking a truck or other heavy equipment over a two-ton rating;
5. Structure or fence built above the maximum height limit;
6. Organized public or private meeting place;
7. Wannigans exceeding the size of the mobile home;
8. Additional residential unit on lot.

C. Uses Prohibited in Medium Density Residential Zone.

1. Any use or structure not listed under section 17.04.032 section a or section B with special permitting.

D. Property Development Standards.

1. Minimum lot size: twenty-five thousand square feet;
2. Minimum average lot width: seventy-five feet;
3. Density: one residential structure per lot unless conditional use is applied for and granted.

4. Parking-all parking must be accommodated off street and on the premises as required in section 17.04.041 of this chapter;
5. Setbacks:
 - A. interior setbacks: ten feet from all structures;
 - B. Front yard setbacks: twenty-five feet from property line;
 - C. Side and rear yard setbacks: ten feet from property line;
 - D. Development on corner lots shall not impede visibility.
6. Building heights: a maximum of thirty-five feet as defined in the definitions for “building height”. Sever slopes maybe grounds to seek a variance from building height limitations.
7. Maximum lot coverage: fifty percent of the lot area remaining after the setbacks have been subtracted from the total lot area;
8. Fences, walls, and hedges: fences, walls, and hedges may occupy a portion of a yard and be built up to the property line with a six-foot maximum height limit and shall not obstruct vehicular visibility. in addition, where multi-family structures abut lower density zones (low density residential, rural residential), a six-foot high fence separating the zones shall be constructed by the property owner. (Ord. 96-22 § 4(Part), 1996) (Ord 17-08-15-01)

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

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

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

- Section 1. Classification. This ordinance is of a general and permanent nature, the chapter and section hereby amended shall be added to the Thorne Bay Municipal Code.
- Section 2. Severability. If any provisions of this ordinance or any application thereof to any person or circumstances is held invalid, the circumstances shall not be affected thereby.
- Section 3. Amendment of Section. The title and chapters of Title 9 - Public Peace Morals and Welfare are hereby amended and added to the Thorne Bay Municipal Code.
- **ADDITIONS ARE CAPITALIZED AND BOLD**
 - ~~Deletions are stricken~~
- Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED September 4, 2018

Harvey McDonald, Mayor

ATTEST:

Teri Feibel, CMC

[Introduction: August 7, 2018]
~~[Public Hearing: August 21, 2018]~~
[Public Hearing: September 4, 2018]

TITLE 9 PUBLIC PEACE, MORALS AND WELFARE

CHAPTER 9.02 - CURFEW FOR MINORS

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

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

CHAPTER 9.12 - PROTECTION OF SURVEY MONUMENTS

9.12.060 Violations-Penalties.

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

CHAPTER 9.20 - LITTER CONTROL

9.20.210 Penalty and remedies.

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

CHAPTER 9.22 - WATER HYDRANTS

9.22.060 Violations-Penalties

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

CITY OF THORNE BAY
ORDINANCE 18-09-18-01

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, -
AMENDING TITLE 1-GENERAL PROVISIONS, CHAPTER 1.16-GENERAL PENALTY, SECTION
1.16.035-MINOR OFFENSE FINE SCHEDULE – ADDING THE FINE SCHEDULE FOR TITLE 9 –
PUBLIC PEACE, MORALS AND WELFARE, CHAPTER 9.02 – MINOR OFFENSES, AND 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. The title and chapter of Title 1 - General Provisions, Chapter 1.16 - General Penalty, Sections 1.16.035 - Minor Offense Fine Schedule, are hereby amended and added to the Thorne Bay Municipal Code.
- Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED September 18, 2018

Harvey McDonald, Mayor

ATTEST:

Teri Feibel, CMC

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

OFFENSES THAT SHOULD BE ADDED TO COURT'S MINOR OFFENSE TABLE

<i>Code Section</i>	<i>Code Description</i>	<i>Offense Type:</i>	<i>Fine Schedule Amount</i>
9.02.050 Violations and Penalties. A. Any person 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 litter enforcement officer on behalf of the city in connection with this chapter, is guilty of an infraction and shall be punished by the fine established in the 1.16.035 fine schedule or no fine is listed in the fine schedule, then by the fine established in 1.16.030			
TBMC9.02.020	Public Peace, Morals and Welfare, Curfew for Minors, Control of Minors; Unlawful for any person having custody or control of a minor to allow the minor to be out past the curfew hours except as provided in Section 9.02.040 of this chapter	Optional	\$50.00
TBMC9.02.025	Public Peace, Morals and Welfare, Curfew for Minors; Aiding and Abetting Violations;	Optional	\$50.00
TBMC9.02.030	Public Peace, Morals and Welfare, Curfew for Minors, Curfew Hours	Optional	\$50.00
TBMC12.04.130 - City RV Park - VIOLATION AND PENALTY SECTION - 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			
TBMC12.04.010	City RV Park - procedures - failure to file applications and pay security and occupancy fees prior to occupying space	Optional	\$50.00
TBMC12.04.040	City RV Park - Eviction - Failure to vacate premises by date specified in Eviction Notice	Mandatory	
TBMC12.04.050 (a)	City RV Park - Renter Obligations - Failure to maintain clean and orderly premises	Optional	\$50.00
TBMC12.04.050 (b)	City RV Park - Renter Obligations - Failure to Dispose of rubbish, garbage and other waste as directed	Optional	\$50.00
TBMC12.04.050 (c.)	City RV Park - Renter Obligations - Failure to Avoid deliberate or negligent destruction or damage to any property in the R.V. Park;	Optional	\$100.00
TBMC12.04.050 (d)	City RV Park - Renter Obligations - Failure to Respect the privacy, rights and privileges of neighbors;	Optional	\$50.00

TBMC12.04.050 (e.)	City RV Park - Renter Obligations - Failure to Comply with directions or requests felt necessary by city	Optional	\$50.00
TBMC12.04.050 (f.)	City RV Park - Renter Obligations - Failure to Comply with quiet hours of 10 pm to 7 am.	Optional	\$50.00
TBMC12.04.050 (g)	City RV Park - Renter Obligations - Failure to Comply vehicle speed of 5 mph	Optional	\$50.00
TBMC12.04.070 (a)	City RV Park - Parking Limitations - Prohibited from parking on roadway	Optional	\$50.00
TBMC12.04.070 (c)	City RV Park - Parking Limitations - Prohibited from permitting permanent or temporary storage buildings or containers onsite except for trash receptacles	Optional	\$50.00
<p>TBMC12.06.140 - City Parks and Recreation Areas -Violations and Penalties.</p> <p>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</p>			
TBMC12.06.040 (A)	City Parks and Recreation Areas -Prohibited acts - (a) Unlawful tampering, defacing, removing or destruction of any-structures, plants, trees. 12.06.010 purpose.	Optional	\$100.00
TBMC12.06.040 (B)	City Parks and Recreation Areas - Prohibited acts - (b) - Unlawful Driving or parking within restricted recreational areas	Optional	\$100.00
TBMC12.06.040 (C)	City Parks and Recreation Areas - Prohibited Acts-(C) - Possession of Firearms or Weapons Prohibited.	Optional	\$100.00
TBMC12.06.040 (D)	City Parks and Recreation Areas - Prohibited acts -(d) - Possession or consumption of alcohol or controlled dangerous substances	Optional	\$300.00
TBMC12.06.040 (E)	City Parks and Recreation Areas - Prohibited Acts -(E) - Prohibited for any persons to camp or stay overnight anywhere except in designated areas.	Optional	\$100.00
TBMC12.06.040 (F)	City Parks and Recreation Areas - Prohibited Acts -(F) - Prohibited for any persons to enter an area posted as closed	Optional	\$100.00

TBMC12.06.040 (G)	City Parks and Recreation Areas - Prohibited Acts -(G) - Prohibited for any persons to Engage in threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to breach the public peace;	Optional	\$200.00
TBMC12.06.040 (H)	City Parks and Recreation Areas - Prohibited Acts -(H) - Prohibited for any persons to 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;	Optional	\$75.00
TBMC12.06.040 (I)	City Parks and Recreation Areas - Prohibited Acts - (I) - Prohibited for any persons to 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.	Optional	\$200.00
TBMC12.06.070	City Parks and Recreation Areas - Ignitable and Combustible Materials Prohibited.	Optional	\$100.00
TBMC.12.06.100	City Parks and Recreation Areas - User Fees. - Use any park or recreation facility for which a fee is specified in this chapter without paying the fee is strictly prohibited.	Optional	\$100.00
TBMC.12.06.110	City Parks and Recreation Areas - Closing Hours - Use of park or recreation areas when closed is strictly prohibited.	Optional	\$50.00
TBMC 12.08.070 - Thorne Bay Boat Ramp, 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			
TBMC12.08.030	Thorne Bay Boat Ramp - Parking and Storage Prohibited	Optional	<u>\$50.00</u>
TBMC12.08.060	Thorne Bay Boat Ramp - Camping Prohibited	Optional	\$50.00

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.
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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 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)
- 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. The decision of the city council shall be final.

- D. A permittee shall be bound by all park or recreation area rules and regulations not specifically 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:**

- 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, pro-rated 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.

CITY OF THORNE BAY
ORDINANCE 18-09-18-03

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, AMENDING ORDINANCE
18-08-07-01; TITLE 18-HARBOR

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

- Section 1. Classification. This ordinance is of a general and permanent nature, the chapter and section hereby amended shall be added to the Thorne Bay Municipal Code.
- Section 2. Severability. If any provisions of this ordinance or any application thereof to any person or circumstances is held invalid, the circumstances shall not be affected thereby.
- Section 3. Amendment of Section. Title 18-City Boat Harbor, Chapter 18.20 - Registration and Stall Assignment, Section 18.20.040, 18.120.060 & 18.20.070, Chapter 18.30- Rules for use of harbor facilities; Section 18.30.010, & 18.30.140, Chapter 18.40 Control of Nuisance And Derelict Boats, Section 18.40.050; 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 September 18, 2018

Harvey McDonald, Mayor

ATTEST:

Teri Feibel, CMC

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

Chapter 18.20
REGISTRATION AND STALL ASSIGNMENT

18.20.040 Payment of rental and use fees.

- A. All use of any harbor facilities shall be payable in advance, moorage and other fees are payable in advance. Guest or transient use fees shall be based on the fees established by the City Council for daily rates. Permanent use fees (contracts) shall be based on the fees established by the City Council for monthly, biannually, or annually rates. Use of Harbor Facilities for less than 1 month will be charged daily guest rates or charged the appropriate monthly rate with a signed contract. All **NEW HARBOR** contracts **WITHOUT A DEPOSIT ON FILE** shall **BE REQUIRED TO PAY A DEPOSIT EQUAL TO** require a **TWO-TIMES THE MONTHLY RATE CHARGED. DEPOSITS SHALL NOT EXCEED \$400.00, FOR ANY ACCOUNT.** ~~month deposit and all~~ contract shall begin at the first of the month.
- B. The city **BILLING CLERK** ~~treasurer~~ shall send a bill to persons renting a stall or mooring space on or about the first day of each month. Said bill shall be due and payable on the twentieth day of the month. Such bill will also contain a statement for additional services which have been rendered during the prior month. Bills not paid by the due date shall be subject to a two percent monthly service charge.

(Ord. 13-04-02-04; Prior Ordinance 05-06-21-02 & Ord. 89-30 § 5(part), 1989)

18.20.060 Priority in space assignment-Method.

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

18.20.070 Priority in space assignment-Present renters get lowest.

~~Effective with the adoption of the ordinance codified in this title,~~ Those persons already assigned a stall shall be given at all times the lowest priority in seeking additional stalls. Only two boat stalls shall be permitted without prior approval of the harbor commission or City Council. Those paying annual moorage and those paying annual moorage that operate licensed Thorne Bay businesses and demonstrate a need for more than two stalls may request approval of the Harbor Commission or City Council for additional stalls subject to availability on a monthly basis. (Ord. 90-28 § 4(part): Ord. 89-30 § 5(part), 1989)(Ord. 16-04-19-01: Ord 18-08-07-01)

Chapter 18.30
RULES FOR USE OF HARBOR FACILITIES

18.30.010 Live-aboard policy.

- A. A person using his/her own or another person's vessel as a residence as defined in 18.10.020 (I), **FOR MORE THAN 7 CONSECUTIVE DAYS** at any time during a month is considered a live aboard for purposes of this title and is liable for the full monthly live aboard rate. Applications and first

month's fee and deposit must be submitted to the City at the time of occupying slip and paid in monthly, six month or annual installments thereafter.

B. LIVE ABOARD VESSELS ARE REFERRED TO AS "PERMANENT LIVE-ABOARD" AND "SEASONAL LIVE-ABOARD".

i. PERMANENT LIVE-ABOARD IS DEFINED BY USE OF ANY VESSEL AS A RESIDENCE FOR MORE THAN 6 MONTHS WITHIN A CALENDAR YEAR.

ii. SEASONAL LIVE-ABOARD IS DEFINED BY USE OF ANY VESSEL AS A RESIDENCE FOR MORE THAN 7-DAYS BUT LESS THAN 6 MONTHS WITHIN ANY CALENDAR YEAR.

C. MAXIMUM CAPACITY FOR LIVE-ABOARD VESSELS OCCUPIED IN THE CITY HARBOR IS SET BY RESOLUTION. .

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

i. Their deposit is retained by the city,

ii. A standby fee is paid in advance as established by Resolution, and

They are paying an annual fee for the stall. (Ord. 18-05-01-01; Subsection 18.30.010; Prior Ord. 16-06-21-01)

iii. UPON RECONNECTION OF LIVE ABOARD STATUS, USERS WILL BE REQUIRED TO PAY AN ADMINISTRATIVE FEE AT THE RATE SET FORTH IN THE MOST CURRENT RESOLUTION SCHEDULE.

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

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

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

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

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

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

18.30.140 Prohibited acts.

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

A. Operating or causing any vessel to be operated recklessly, or otherwise engaging in a careless manner within the harbor jurisdiction that is dangerous or a nuisance to the person or property of another;

B. Tying or mooring pile drivers, scows, barges, boat houses, or other similar vessels, or vessels over one hundred feet in length, or more than 20% of stall length as measured by length overall from the furthest part of the bow to the furthest part of the stern, to any float or stall; unless authorized to do so by the Thorne Bay Harbor Master.

C. Using bumpers that cause damage to docks;

- D. Dumping garbage, trash, oil, fuel, debris or other materials, liquid or solid, into the waters, or onto the land areas, floats and piers of the harbor facility, except into such containers as are provided for that specific purpose. Waste oil must be poured into special containers provided for that specific purpose;
- E. Discharging of sewage from toilet facilities on vessels while within the harbor jurisdiction;
- F. Setting any net or fish-taking device within the harbor jurisdiction unless it is attended at all times. The net or device cannot be over the length of the vessel and must be alongside of the vessel. No net or device may be set so as to obstruct navigation or mooring within the harbor jurisdiction;
- G. Water skiing, scuba diving except for maintenance and special occasions;
- H. Storing personal items on the floats and finger floats. Oily rags, open paints and other combustible and explosive materials shall not be stored on docks at any time;
- I. INTERFERING WITH, BLOCKING OR OBSTRUCTING TRAFFIC ALONG FLOATS AND FINGER FLOATS,**
- J. Using the harbor facility firefighting equipment for any purpose other than fighting fires;
- K. Disregarding, defacing, removing or damaging any sign or notice posted or erected by the harbormaster or city public works department relating to the use of mooring areas or other facilities;
- L. Sub-assigning or subleasing assigned mooring space;
- M. Generating loud or boisterous noises tending to disturb the reasonable peace and privacy of others;
- N. Obstructing or interfering with the harbormaster in the performance of his duties, or refusing to comply with a lawful order of the harbormaster;
- O. Challenging or intending to provoke another to fight, or engaging in fighting;
- P. Following and repeatedly accosting any person for the purpose of obtaining money or other property from that person;
- Q. Consuming alcohol, except upon licensed premises or private vessels, or engaging in the use of, or being an instrument in the exchange of, unlawful narcotics and other dangerous drugs;
- R. Bringing dogs upon or within the harbor facility, unless on a leash. Animal owners WILL be responsible for proper cleanup and disposal of animal wastes;
- s. Riding or operating bicycles, skateboards, roller skates, or other similar devices on gangways, floats or finger floats. This prohibition does not apply to wheeled carts or similar devices used for the transport of goods to and from vessels. (Ord. 98-20 § 3(part), 1998; Ord. 97-22 § 3(part), 1997; Ord. 89-30 § 5(part), 1989)(Ord. 17-03-21-02)

Chapter 18.40
CONTROL OF NUISANCE AND DERELICT BOATS

18.40.050 Other property becoming a nuisance.

- A. All engines, machinery, equipment, lines, **HOSES**, skiffs, nets, gear, animals or other personal property left upon the dock, approach, floats or other facilities of the Thorne Bay Boat Harbor for a period of more than forty-eight hours, **OR IMPEDING DAILY HARBOR OPERATIONS** without being removed there from by the owner or person in possession thereof may be declared to be a nuisance by the harbormaster and impounded, removed, or sold in the discretion of the harbor commission in the manner provided for the removal, impoundment, sale, or other disposition of boats which are declared a nuisance.

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