

**ORDINANCE 19-09-03-02**  
**CITY OF THORNE BAY**

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA - AMENDING  
TITLE 15-BUILDINGS AND CONSTRUCTION; CHAPTER 15.04-SETBACKS

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

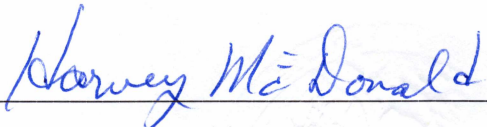
**Section 1.**     Classification. This ordinance is of a general and permanent nature, the chapter and section hereby amended shall be added to the Thorne Bay Municipal Code.

**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 15-Buildings and Construction; Chapter 15.04-Setbacks, Section 15.04.020-Development Plans, 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 3, 2019**

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

ATTEST:  
  
\_\_\_\_\_  
Teri Feibel, CMC

[Introduction: August 20, 2019]  
[Public Hearing: September 3, 2019]

AMENDING THORNE BAY MUNICIPAL CODE  
TITLE 15 – BUILDINGS & CONSTRUCTION  
CHAPTER 15.04 SETBACKS

15.04.020 DEVELOPMENT PLANS.

- A. Purpose: to make the public aware of setback requirements and eliminate building encroachments into rights-of-ways, easements and other properties.
- B. Plan Required. No structure shall be erected, constructed, enlarged, relocated or extended without a development plan permit issued by the city. No existing use of a structure shall be converted to another use without a permit issued by the city. Failure to submit a development plan shall be a violation of this chapter.
- C. Application. All applications for development plans shall be completed on city forms and accompanied by a site plan that includes:
  - 1. Property boundaries and dimensions;
  - 2. Scale with north arrow;
  - 3. All existing and proposed structures and their dimensions;
  - 4. Distance of structures to all lot lines;
  - 5. Rights-of-way and easements adjacent to the property;
  - 6. Off-street parking spaces with their dimensions;
  - 7. Location of utility poles, and water and sewer lines;
  - 8. Access and driveways;
  - 9. Any topographical features that may affect the development of the property;
  - 10. Proposed use of the new structure and current use of any existing buildings.
    - i. Applications for development plans and driveway site plans shall be kept on file at City Hall. A record of plans shall also be kept on an annual basis.
- D. After a site inspection to confirm the site plan, the city zoning official shall approve or deny the permit within five business days. Decisions of the administrative official may be appealed to the planning commission. See Section 17.04.060.
- E. Complaints and Violations. If a violation occurs, any citizen may file a complaint at City Hall. The **CODE ENFORCEMENT OFFICER OR** city zoning official, **IN THE ABSENCE OF A CODE ENFORCEMENT OFFICER**, shall record and investigate all complaints.
- F. Stop-work Orders. If any construction work is being done contrary to this provision or without a development plan, the **CODE ENFORCEMENT OFFICER**, city zoning official or the VPSO may issue a stop-work order. This order shall be in writing and shall be posted in a conspicuous location at the building site and shall be sent to the property owner by certified mail. No person may proceed in construction or moving/relocating a building at a site so posted until authorized by the **CODE ENFORCEMENT OFFICER**, city zoning official or VPSO to proceed. A development plan may be revoked if the permit issued is in error based on incorrect information, or the permit is in violation of other regulations or provisions of Thorne Bay Municipal Code.

**ADDITIONS ARE BLUE AND CAPITALIZED**

~~Deletions are stricken~~

- G. Exemption from the Development Plan Requirement. Providing all setback requirements are met where applicable, the following structures do not require a development plan:
  - 1. Fences constructed up to the property line;
  - 2. Retaining walls not over four feet;
  - 3. Platforms, walls and driveways not more than thirty inches above grade;
  - 4. Temporary structures such as booths and other similar structures.
- H. Plans Required Prior to Utility Hookup. No hookup for sewer, water, or water meter shall be made for any structure, mobile home or trailer within the city until a development plan is issued.
- I. Penalties for Violations. ~~When a violation of the provisions of this title occur, the property owner shall incur a civil penalty not to exceed one hundred dollars for each day of continuing violation.~~ (Ord. 93-23 § 6(part), 1993)
  - 1. **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**
  - 2. **IF A VIOLATION CONTINUES, EACH DAY'S VIOLATION SHALL BE DEEMED AS A SEPARATE VIOLATION.**