



TITLE 15 BUILDING & CONSTRUCTION

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Thorne Bay Municipal Code

TITLE 15 – BUILDINGS & CONSTRUCTION

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CHAPTER 15.04 SETBACKS

15.04.010 LOTS-INTERIOR SETBACKS.

Trailers, mobile-homes and motor homes, including any wannigans, sheds and other add-on extensions which may be attached or unattached to the unit, which are intended for use as housing or any other purpose, and are located on a single lot or in a designated trailer park area, shall not be permitted within ten feet of any adjacent housing unit, or any adjacent housing unit's add-on extensions.

(Ord. 93-25 § 4, 1993)

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.
- 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

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.

(Ordinance 19-09-03-01; Prior Ord. 93-23 § 6(part), 1993)

CHAPTER 15.08 DANGEROUS BUILDINGS - SECTIONS

15.08.010 ADOPTION.

The bound volumes containing the code known as the Uniform Code of Abatement of Dangerous Buildings, 1997 Edition, of the International Conference of Building Officials, and every part thereof, together with the local amendments set forth in this chapter, shall constitute the laws of the city relating to the abatement of dangerous buildings. Copies of the Uniform Code for the Abatement of Dangerous Buildings may be examined at Thorne Bay City Hall.

(Ord. 01-04-05-01 § 4(part), 2001)

15.08.015 LOCAL AMENDMENTS TO THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 1997 EDITION.

The amendments to the 1997 edition of the Uniform Code for the Abatement of Dangerous Buildings are listed hereafter by section. The last digits of the section number, after the title and chapter digits, refer to the section of the Uniform Code for the Abatement of Dangerous Buildings being amended: i.e., 15.08.201 refers to section 201. The Uniform Code for the Abatement of Dangerous Buildings is also amended by the definitions contained in Section 15.08.030.

(Ord. 01-04-05-01 § 4(part), 2001)

15.08.020 MODIFICATIONS.

The building officials shall have the power to modify any of the provisions of the Uniform Code for the Abatement of Dangerous Buildings adopted by this chapter upon application in writing by the owner or lessee or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code; provided, that the spirit of the code is observed, public safety secured, and substantial justice done. The particulars of the modification, when granted or allowed, and the decision of the building official thereon shall be entered upon the records of the department. And a signed copy shall be furnished the applicant.

(Ord. 01-04-05-01 § 4(part), 2001)

15.08.025 APPEALS.

A. Whenever a building official disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code have been misconstrued or wrongly interpreted the applicant may appeal from the decisions of the building official to the city administrator within thirty days from the date of the decision.

B. The appeal will follow the procedures set out in Section 15.56.501 et seq.

(Ord. 01-04-05-01 § 4(part), 2001)

15.08.030 DEFINITIONS.

"Board of appeals" as used in the code means "city council."

"Director of public works" as used in the code means "city administrator."

"Misdemeanor" as used in the code shall mean "violation."

(Ord. 01-04-05-01 § 4(part), 2001)

15.08.201 (B) INSPECTIONS. DELETED "HEALTH OFFICER, THE."

(Ord. 01-04-05-01 § 4(part), 2001)

15.08.205 BOARD OF APPEALS.

The Board of Appeals shall provide the final interpretation of the provisions of this code and will hear appeals provided for hereunder. The board shall render all decisions and findings in writing to the appellant. With a copy to the building official. Appeals to the board shall be processed in accordance with the provisions contained in Section 501 of this code. Copies of all rules or regulations adopted by the board shall be delivered to the building official. Who shall make them freely accessible to the public?

(Ord. 01-04-05-01 § 4(part), 2001)

15.08.402 RECORDATION OF NOTICE AND ORDER.

Change the term "county recorder" as appears twice in this section to "Ketchikan district recorder's office."

15.08.404.3 AMENDS SECTION 404-ABATEMENT OF NUISANCE IN EMERGENCY.

Add subsection (.3) as follows: (.3) the city administrator, upon the written recommendation of the building official, may abate any public nuisance summarily without notice in an emergency where the life or safety of the public is endangered and where immediate action is necessary and timely notice cannot be given. All other abatement proceedings, except the necessity and the manner and method of giving notice, shall apply to the nuisance summarily abated, including the recovery of the costs of the summary abatement.

(Ord. 01-04-05-01 § 4(part), 2001)

15.08.501 FORM OF APPEAL.

Add subsection by adding new paragraph 8 as follows:

- A. The appellant shall pay a non-refundable filing fee of \$50 to the city for processing the appeal, and the filing fee shall be deposited with the building official.

(Ord. 01-04-05-01 § 4(part), 2001)

15.08.802.1 GENERAL.

Change the word "shall" as it appears twice in the subsection to "may."

(Ord. 01-04-05-01 § 4(part), 2001)

15.08.905 PERSONAL OBLIGATION AND SPECIAL ASSESSMENT.

Delete the provisions of this section and replace as follows:

- A. The responsibility for payment of the charges for abatement as set forth in this chapter shall rest upon the owners of the property upon which the abatement occurred, to include the owners at the time of occurrence of the condition rendering the property subject to the abatement proceedings and the owners at the time of the actual abatement proceedings.
- B. The City shall have right to bring suit for the collection of charges for abatement as set forth in this chapter plus costs and attorney's fees against all the parties responsible for payment, jointly and severally.
- C. In addition, the City shall have the right to impose an assessment against the property for the repayment of abatement charges. If the City proceeds with an assessment, it shall confirm the assessment, because the same to be recorded on the assessment roll, and thereafter said assessment shall constitute a special assessment and a lien upon the property.
- D. The lien created herein may be enforced as provided in AS 34.35.005-.045. The enforcement of the lien is a cumulative remedy and does not bar the collection of the charges for abatement as provided in subsection (B) above.

(Ord. 01-04-05-01 § 4(part), 2001)

15.08.907 AUTHORITY FOR INSTALLMENT PAYMENT OF ASSESSMENTS WITH INTEREST.

The authority for installment payment of assessments with interest shall be determined on a case-to-case basis by resolution of the city council.

(Ord. 01-04-05-01 § 4(part), 2001)

15.08.908 LIEN OF ASSESSMENT.

Immediately upon its being placed on the assessment roll the assessment shall be complete, the several amounts assessed shall be payable, and the assessments shall be liens against the lots or parcels of land assessed, respectively. The lien shall be paramount to all other liens. The lien shall continue until the assessment and all interest due and payable thereon are paid. (Ord. 01-04-05-01 § 4(part), 2001)

CHAPTER 15.10 SITE CONTROL SECTION

15.10.010 HAZARDS.

Whenever the Chief executive officer or his delegate determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the Chief executive officer or his delegate, shall within the period specified therein repair or eliminate such excavation or embankment to eliminate the hazard and to be in conformance with the requirements of this code.

15.10.020 SLOPE.

The slope of cut and fill surfaces shall be no steeper than is safe for the intended use and shall be no steeper than 1 unit vertical in 2 units horizontal (50% slope) unless a soils engineering or an engineering geology report, or both, stating that the site has been investigated and given an opinion and stabilization recommendation, that a cut at a steeper slope will be stable and not create a hazard to public or private property.

15.10.030 SITE WORK.

All grading, excavation and removal or destruction of natural topsoil. Trees or other natural vegetation shall follow Best Management Practices. Excavation should be fitted to the topography and soil conditions to create the least impact. Exposed soils should be re-vegetated as soon as practical. (Ord. 15-03-17-01)