

City of Seldovia

Municipal Code

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Title 1

General Provisions

Chapters:

- 1.01 Code Adoption
- 1.04 General Provisions
- 1.08 General Penalty
- 1.12 Right of Entry

Chapter 1.01 Code Adoption*

(Reserved)

* For statutory provisions regarding codification of municipal ordinances, see AS 29.25.050; for the provisions regarding adoption of codes of regulations by reference, see AS 29.25.040.

Chapter 1.04 General Provisions

Sections:

- 1.04.010 Definitions.
- 1.04.020 Prohibited acts.
- 1.04.030 Construction.
- 1.04.040 Repeal not to revive any ordinances.

1.04.010 Definitions. The following words and phrases whenever used in the ordinances of the City of Seldovia, Alaska, shall be construed as defined in this section unless from the context a different meaning is intended or unless different meaning is specifically defined and more particularly directed to the use of such words and phrases:

A. City. "The City" or "this City" shall be construed as if the words "of Seldovia" followed the word city, and shall extend to and include its several officers, agents and employees.

B. "City attorney" means the city attorney of the City of Seldovia.

C. "City Clerk" means the city clerk of the City of Seldovia.

D. "City Council" or "Council" means the city council of the City of Seldovia.

E. "City hall bulletin board" means the bulletin board of the city hall or of the city hall annex.

F. "City manager" means the city manager of the City of Seldovia.

G. Computation of Time. Whenever a notice is required to be given or an act to be done a certain length of time before any proceedings shall be had, the day on which such notice is given or such act is done shall be counted in computing the time, but the day on which such proceedings are to be had shall not be counted.

H. Gender. A word importing the masculine gender shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

I. Interpretation. In the interpretation and application of any provisions of this code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provisions of the code impose greater restrictions upon the subject matter than the general provisions imposed by the code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

J. "Mayor" means the mayor of the City of Seldovia.

K. "Municipal judge" or "municipal magistrate" means the municipal judge or municipal magistrate of the City of Seldovia.

L. Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

M. "Oath" includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the word "swear" and "sworn" shall

be equivalent to the words "affirm" and "affirmed".

N. "Or" may be read "and," and "and" may be read "or" if the sense requires it.

O. "Owner," applied to a building or land, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of a part of such building or land.

P. "Person" shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals or groups of individuals.

Q. "Personal property" includes every species of property except real property.

R. "Real property" includes land, tenements and hereditaments of all kinds, together with all right to and interests in the land, tenements and hereditaments and further includes buildings, structures, improvements and fixtures upon or affixed to land.

S. "Territory" or "this territory" when used in this code means the State of Alaska.

T. Time. Words used in the present or past tense include the future as well as the present or past.

U. Title of Office. Use of the title of any officer, employee, board or commission means that officer, employee, department board or commission of the City.

V. "Written" includes printed, typewritten, mimeographed or multigraphed.

W. "Year" means a calendar year.

X. "AS 29" refers to Alaska Statutes, Title 29, of the Municipal Code.

Y. "KPBC" means Kenai Peninsula Borough code.

Z. "SCC" means Seldovia City Code.

(Ord. 74-37 Sec. 1, 1974, Ord. 87 #13 Sec.1, 1987)

1.04.020 Prohibited acts. Whenever in the ordinances of the City, any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission. (Ord. 74-37 Sec. 2, 1974).

1.04.030 Construction. The provisions of the ordinances of the City, and all proceeding under them, are to be construed with a view to effect their objects and to promote justice. (Ord. 74-37 Sec. 3, 1974).

1.04.040 Repeal not to revive any ordinances. The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance that has been repealed thereby. (Ord. 74-37 Sec. 4, 1974).

Chapter 1.08

General Penalty*

Sections:

1.08.010 Designated.

1.08.020 Judgments and sentences to run consecutively.

1.08.010 Designated.

A. No person shall violate any of the provisions of the ordinances of the City. Except in cases where a different punishment is prescribed by an ordinance of the City, violators shall be punished by a fine of not more than three hundred dollars.

B. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of Seldovia, Alaska is committed, continued or permitted by any such person, and he shall be punished accordingly. (Ord. 81-4 Sec. 2, 1981; Ord. 74-2 Sec. 1, 1974).

1.08.020 Judgments and sentences to run consecutively. All judgments and sentences imposed and ordered by the municipal magistrate of the City shall run consecutively unless otherwise specifically provided by the judge of such court in such judgments and sentences. (Prior code Sec. 1.065).

Chapter 1.12 Right of Entry

Sections:

1.12.010 Inspection for enforcement.

1.12.010 Inspection for enforcement. Whenever necessary to make an inspection to enforce the provision of an ordinance or resolution, or whenever an authorized city official has reasonable cause to believe that there exists an ordinance or resolution violation in any building or upon any premises within the jurisdiction of the City, an authorized city official may, upon presentation of proper credentials demand to inspect, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon him by any ordinance or resolution; provided that except in emergency situations or when consent of the owner or other person having charge or control of the building or premises to the inspection has

* For statutory provisions authorizing cities to enforce ordinances and prescribe penalties for violations, see AS Sec. 29.25.070 and 29.35.010(7).

been otherwise obtained, he shall give the owner or other person having charge or possession at the building or premises, if he can be located after reasonable effort, twenty-four hours' written notice of the authorized official's intention to inspect. The notice transmitted to the owner or other person having charge or control of the building or premises shall state that the property owner or person noticed has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of a search warrant. In the event the owner or person noticed or occupant refuses entry after such written notice has been made, the official shall have recourse to every remedy provided by law to obtain entry. (Ord. 74-33 Sec. 1, 1974).

Title 2

Administration and Personnel

Chapters:

- 2.04 City Council
- 2.08 Mayor
- 2.12 City Officers
- 2.14 City Manager
- 2.18 City Clerk-Treasurer
- 2.20 Police Department
- 2.24 Civil Defense and Disaster Control
- 2.28 Ordinance Passage and Enforcement
- 2.32 Elections
- 2.36 Claims Against City
- 2.40 Disposal of Record
- 2.44 Real Property Transfer
- 2.48 Equal Rights Commission
- 2.49 ADA Policies
- 2.52 City Personnel System
- 2.53 Drug and Alcohol Abuse Policy
- 2.56 Public Information

Chapter 2.04 City Council*

Sections:

- 2.04.010 City Council.
- 2.04.020 City Council--Vacancy.
- 2.04.030 Meetings--Public.
- 2.04.040 Meetings--Procedures.
- 2.04.050 Meetings--Quorum.
- 2.04.060 Meetings--Voting.
- 2.04.070 Meetings--Order of business.
- 2.04.080 Meetings--Rules of order.
- 2.04.090 City Council--Conflict of Interest.

2.04.010 City Council. A. The Seldovia City Council consists of six members, two of whom are elected each year at the election held annually on the first Tuesday of October. Each Council member shall serve a term of three years, and until his or her successor is elected and qualified.

* For statutory provisions regarding the City Council, see AS Sec. 29.20.050 - 29.20.180.

B. A city voter who has resided within the city limits for a period of six months is eligible to be a member of the City Council. (Ord. 87-4 Sec. 1, 1987)

2.04.020 City Council -- Vacancy. A vacancy on the City Council shall be declared and filled in accordance with AS 29.20.170 and 29.20.180. (Ord. 87-4 Sec. 1, 1987)

2.04.030 Meetings -- Public. All meetings of the Council and of committees, commissions, boards or agencies created or authorized by the Council or by this code, supported in whole or in part by public funds, or entrusted with expending public funds, shall be open to the public except as otherwise provided in Alaska Statutes 44.62.310. (Ord. 87-4 Sec. 1, 1987)

2.04.040 Meetings -- Procedures. The regular meetings of the City Council will be held in the Seldovia City Library Building on the second and fourth Wednesday of each month, at the hours of seven-thirty p.m. If a majority of the members are given at least 24 hours oral or written notice and reasonable efforts are made to notify all members, a special meeting of the City Council may be held at the call of the Mayor or at least one-third of the members. A special meeting may be conducted with less than 24 hours notice if all members are present, or if absent members have waived in writing the required notice. Waiver of notice can be made before or after the special meeting is held. A waiver of notice shall be made a part of the journal of the meeting. (Ord. 87-4 Sec. 1, 1987)

2.04.60 Meetings -- Quorum. A. At all meetings of the Council, four members shall constitute a quorum for the transaction of business.

A. Four affirmative votes are required for the passage of an ordinance, resolution or motion. (Ord. 74-4 Sec. 1, 1974: prior code Sec. 2.045)

2.04.070 Meetings -- Voting. A. The vote on all questions except upon an ordinance, resolution or substantive motions shall be by viva voce unless two members of the Council call for ayes and nays, in which event the roll call shall be called and the vote of each member recorded by the clerk. All votes on ordinances, resolutions or substantive motions shall be permanently recorded "yes" or "no" by the clerk in the proceedings of the Council, except that if the vote is unanimous it may be recorded "unanimous".

1. Each member of the governing body present shall vote on each question unless permitted to abstain in accordance with AS 29.20.010. (Ord. 87-4 Sec. 1, 1987)

2.04.050, Part C.

The order of council member's names appearing on the council agenda shall be rotated for each meeting. The order in which the names appear will be the order in which roll call votes are taken and shall establish the order in which council member comments are given in item P of the agenda.

2.04.70 The following shall be the order of business at all meetings of the Council:

- A. Call to Order & Roll Call;
- B. Pledge of Allegiance;
- C. Excused Absences;
- D. Agenda Approval;
- E. Approval of Minutes;
- F. Ordinance Introduction;
- G. Treasurer's Report (second meeting of the month)
- H. Proclamations;
- I. Public Presentation Prior Notice;
- J. Public Presentation for Items not on Agenda;
- K. Committee and Advisory Board Reports;
- L. Old Business;
 - 1. old business
 - a. Presentation by Staff or Council
 - b. Public Presentation or Hearing
 - c. Council Discussion (Subject to Mayor or Chairperson recognition/ No need for suspension of rules)
 - d. Action/Disposition
- M. New Business;
 - 1. new business
 - a. Presentation by Staff or Council
 - b. Public Presentation or Hearing
 - c. Council Discussion
 - d. Action/Disposition
- N. Informational Items Not Requiring Actions;
- O. City Manager's Report;
- P. Manager, Council and Mayor Comments Concerning Items Not on the Agenda;
- Q. Next Meeting;
- R. Adjournment;

(Ord. 76-5 Sec. 2, 1976; Ord. 03-02)

2.04.080 Meetings -- Rules of order. Roberts' Rules of Order shall be the authority on parliamentary rules and procedure of the Council unless otherwise provided by rule, regulation or a provision of this code. (Prior code Sec. 2.060)

2.04.090 City Council -- Conflict of interest. A. Any member of the City Council having a substantial financial interest in an official action shall declare such substantial financial interest and ask to be excused from a vote on the matter;

- a. The presiding officer of the City Council shall rule on a request by a member of City Council to be excused from a vote on the basis of substantial financial interest.

B. The decision of the presiding officer of the City Council on a request by a

member of the Council to be excused from a vote may be overridden by the majority vote of the City Council; and

C. A municipal employee or official, other than a member of the City Council, may not participate in an official action in which the employee or official has a substantial financial interest. (Ord 89-8)

Part 1. All elected or appointed officials of The City of Seldovia shall complete The Seldovia Financial Disclosure Statement for Public Officials (res 10-05)

Chapter 2.08 Mayor^{*}

Sections:

- 2.08.010 Election--Term.
- 2.03.020 Oath of office.
- 2.08.030 Vacancy--Mayor.
- 2.08.040 Council meeting duties.
- 2.08.050 Duties--Powers.
- 2.08.060 Administrative duties to Manager.

i. **Election -- Term.** A. The Mayor is elected at large for a term of three years and until a successor is elected and has qualified.

a. The Mayor's regular term begins on the first Monday following his election, which is held on the first Tuesday of October.

b. A city voter who has resided within the city limits for a period of six months is eligible to be Mayor. (Ord. 74-5 Sec. 1(part), 1974; prior code Sec. 2.040(a); Ord. 87-1 Sec. 2, 1987)

2.08.020 Oath of office. Upon his election, the Mayor shall before entering upon the duties of his office, take an oath in writing to honestly, faithfully and impartially perform the duties of his office, which oath shall be filed with the City Clerk. (Ord. 74-5 Sec. 1(part), 1974: prior code Sec 2.040(b) (part))

2.08.030 Vacancy -- Mayor. A vacancy in the office of Mayor shall be declared and filled in accordance with AS 29.20.280. (Ord. 87-1 Sec. 1, 1987)

2.08.040 Council meeting duties. If the Mayor is unable to attend a Council meeting and if five members are present, the Council shall appoint one of its members to preside and to perform the duties of Mayor for the meeting in question or the temporary period involved. A person appointed shall be known as "Acting Mayor," but will continue their duties as Council member and take part in all voting. (Ord. 74-5 Sec. 1(part), 1974: prior code Sec. 2.040 (C); Ord. 00-05)

* For statutory provisions pertaining to mayors, see AS Secs. 29.20.160(A), and 29.20.220-280.

2.08.050 Duties -- Powers. It shall be the duty of the Mayor to preside at meetings of the Council and to participate in discussion of matters before the Council. The Mayor may vote only in the case of a tie. The Mayor may veto any ordinance, resolution, motion or other action of the Council and may, by veto, strike or reduce items in appropriations, except when prohibited by law. He shall submit to the Council at its next regular meeting a written statement advising of his veto and giving his reasons. A veto is overridden by the vote of two-thirds of the authorized membership of the Council within 21 days following the veto, or at the next regular meeting whichever is later. (Ord. 87-1 Sec. 1, 1987)

2.08.060 Administrative duties to Manager. The administrative duties of the Mayor of executing deeds and other documents on behalf of the City when authorized by the Council and the signing of warrants drawn on the city treasury and the direction and supervision of the business of the City, and seeing that all ordinances and resolutions are executed, will be assigned to the City Manager. (Ord. 74-6 Sec. 1, 1974: prior code Sec 2.040(E))

Chapter 2.12 City Officers*

Sections:

- 2.12.010 Designated.
- 2.12.020 Appointments.
- 2.12.030 Qualifications.
- 2.12.040 Combining offices.
- 2.12.050 Elective offices declared vacant--Conditions.

2.12.010 Designated. The officers of the City shall be the *ex officio* Mayor, the City Treasurer and the City Councilmembers. The City Manager may hire the Chief of Police, the City Engineer, the City Clerk, the Harbormaster and any other employees at such salaries and wages as may be required within the budget items authorized by the City Council. (Sec. 1 of Ord. dated 12/30/70: prior code Sec. 2.005)

2.12.020 Appointments. All appointments made by the Mayor or City Manager shall be subject to confirmation of the Council. All officers appointed by the Mayor and confirmed by the Council shall hold office at the pleasure of the Council, but not beyond the term of the Mayor by whom they are appointed. (Ord. 75-1 Sec 2., 1975)

2.12.030 Qualifications. All officers of the City shall be qualified electors of the City. All officers of the City shall, before entering upon the duties of their office, take an oath in writing to honestly, faithfully and impartially perform the duties of their office, which oath shall be filed with the City Clerk. (Prior code Sec. 2.020)

* For statutory provisions regarding general city powers with regard to municipal offices and officers, see AS Sec. 29.20.050 and 29.20.360-640.

2.12.040 Combining offices. Two or more of the city offices provided for herein may be combined by the Council. (Prior code Sec. 2.030)

2.12.050 Elective offices declared vacant--Conditions. An elective municipal office is vacated under the following conditions and upon the declaration of vacancy by the Council. The Council shall declare an elective office vacant when the person elected:

D. Fails to qualify or take office within thirty days after election or appointment;

E. Is physically absent from the municipality for a ninety-day period, unless excused by the Council;

F. Resigns, and his resignation is accepted;

G. Is physically or mentally unable to perform the duties of office, as determined by two-thirds vote of the City Council.

H. Is removed from office;

I. Misses three consecutive regular meetings, unless excused;

J. Is convicted of a felony or of an offense involving a violation of oath of office. (Ord. 79-9 Sec. 2, 1980)

K. Is convicted of a felony or misdemeanor described in AS 15.56 and two-thirds of the members of the City Council concur in expelling the person elected;

L. Is convicted of a violation of AS 15.13; or

M. No longer physically resides in the municipality and the City Council by two-thirds vote declares the seat vacant. (Ord. 79-9 Sec. 2, 1980; Ord. 89-9 Secs. 1-5, 1989)

Chapter 2.14 City Manager

Sections:

2.14.010 City Manager

2.14.020 City Manager—Duties and Responsibilities

2.14.010 City Manager. The City Manager shall be the chief executive officer and administrator of the City.

2.14.020 City Manager—Duties and Responsibilities. A. Appoint, suspend or remove municipal employees and administrative officers, except as provided in 2.12.020 Appointments. The City Manager shall serve as the personnel officer.

a. Supervise the enforcement of the City Code and carry out the directives of the City Council.

b. Prepare and submit an annual budget and capital improvement program for consideration by the City Council, and execute the budget and capital improvement program adopted.

c. Report monthly to the Council on the finances and other operations of the City.

d. Exercise custody over all real and personal property of the City.

e. Perform other duties as directed by the Council. (Ord. 92-06)

Chapter 2.18 City Clerk-Treasurer

Sections:

2.18.010 Creation

2.18.020 Duties

2.18.030 Appointment

2.18.010 Creation. As per AS Sec.29.20.380, the offices of City Clerk and City Treasurer are hereby combined into the office of Clerk-Treasurer.

2.18.020 Duties. Duties shall be as set forth in AS 29.20.380 and 29.20.390 and current job descriptions as established by the City Manager.

2.18.030 Appointment. Appointment shall be by the City Manager and confirmed by the Council. (Ord. 04-01)

Chapter 2.20 Police Department*

Sections:

2.20.010 Chief of Police.

2.20.010 Chief of Police. Qualifications for the position of Police Chief shall be those set for the State of Alaska (i.e. nineteen years of age, U.S. citizen and no

* For statutory provisions regarding the appointment of a Chief of Police, see AS Sec. 29.20.360.

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conviction in the last ten years of crimes of moral turpitude). The Chief of Police shall be head of the police department of the City, and the patrolmen and watchmen employed by the City shall be subject to his orders. He shall take his instructions from the City Manager, and shall obey and enforce all lawful orders and instructions given him by the City Manager that are not in conflict with this code or other enactments or orders of the Council. (Sec. 5 of Ord. dated 12/30/70: prior code Sec. 2.110)

Chapter 2.22 Fire Department

Sections:

- 2.22.010 Fire department
- 2.22.020 Fire Chief

Section 2.22.010 Fire Department. The Fire Department shall be called the "Seldovia Volunteer Fire and EMS Department". (ord 09-07)

Section 2.22.020 Fire chief. The Fire Chief shall be the head of the fire department. He shall take his instructions from the City Manager and shall follow through with all orders and instructions not in conflict with the state code, this code or other enactments or orders of Council. (Ord. 84-6 Sec. 1)

Chapter 2.24 Civil Defense and Disaster Control*

Sections:

- 2.24.010 Organization--Created--Staff.
- 2.24.020 Organization--Composition.

2.24.010 Organization--Created--Staff. There is created the civil defense organization for the City of Seldovia, Alaska, as an agency of said government to be composed of the Mayor and such other persons that he may appoint from time to time. The Mayor shall appoint a civil defense director and a staff to serve at the pleasure of the Mayor of the City. (Ord. 69-5 Sec. 2, 1969)

* For statutory provisions regarding local civil defense organizations, see AS Sec. 26.20.060 *et seq.*

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2.24.020 Organization--Composition. All city officers and employees of this city, together with those volunteer forces enrolled to aid them prior to or during a disaster shall constitute the civil defense organization, as provided by law. (Ord. 69-5 Sec. 2, 1969)

Chapter 2.28 Ordinance Passage and Enforcement*

Sections:

- 2.28.010 Ordinance Procedures.
- 2.28.020 Publication.
- 2.28.030 Emergency ordinances.
- 2.28.040 Rules governing cases of violation.
- 2.28.050 Court sessions.

2.28.010 Ordinance Procedures. Ordinances are introduced in writing in the form required by the Council. An ordinance may be introduced by member or committee of the Council, the Mayor or the City Manager. An ordinance shall be set for hearing by the affirmative vote of a majority of the votes authorized on the question. A summary of the ordinance and its amendments is published together with a time and place for public hearing. The hearing follows publication by at least five days. Copies of the ordinance must be available to all persons present or the ordinance must be read in full. The Council shall hear all interested persons wishing to be heard. After the hearing, the Council shall consider the ordinance and may adopt it with or without amendment. The Council shall print and make available copies of adopted ordinances. An ordinance takes effect upon adoption or on a late date specified in the ordinance. (Ord. 87-7 Sec. 1, 1987)

2.28.020 Publication. All ordinances shall be published, either by posting a copy thereof in three public places, within the City, or by publication in one issue of a newspaper of general circulation in the City. (Prior code Sec. 2.075)

2.28.030 Emergency ordinances. A. To meet a public emergency the Council may adopt ordinances effective on adoption. Every emergency ordinance must contain a finding by the Council that an emergency exists and a statement of the fact upon which the finding is based. The ordinance may be adopted, amended and adopted, or rejected at the meeting at which it is introduced. The affirmative vote of all members present, or the affirmative vote of three-fourths of the total membership, whichever is less, is required for adoption. The Council must print and make available copies of adopted emergency ordinances.

2 An emergency ordinance may not be used to levy taxes, to grant, renew or extend a franchise or to regulate the rate charged by a public utility for its services.

* For statutory provisions regarding municipal enactments, see AS Secs. 29.25.010-070.

3 Emergency ordinances are effective for sixty days. (Ord. 74-20 Sec. 1, 1974)

2.28.040 Rules governing cases of violation. All cases arising under the ordinances, rules and regulations of the City shall be heard, tried and determined in the magistrate's court for the City of Seldovia in accordance with the provisions of Rule 41 of the "Rules Governing the Administration of all Courts" adopted by the Supreme Court of the State of Alaska on October 9, 1959, or as the same may be hereafter amended. (Prior code Sec. 2.120)

2.28.050 Court sessions. The city magistrate shall convene the court at such times and places as he may designate; provided, however, that the magistrate must in all cases provide the defendant with a fair and speedy trial without undue delay and must be available for issuance of process and arraignment at all reasonable times. (Ord. 81-5 Sec. 2, 1981: prior code Sec. 2.140)

Chapter 2.32 Elections^{*}

Sections:

- 2.32.010 Incorporation of state and federal law.
- 2.32.020 Date of election.
- 2.32.030 Notice of election--Adoption, certification and posting.
- 2.32.040 Notice of election--Contents.
- 2.32.050 Notice of election--Form.
- 2.32.060 Candidacy eligibility and declaration.
- 2.32.065 Ballots--Forms
- 2.32.066 Ballots--Distribution
- 2.32.070 Voter qualifications.
- 2.32.080 Election judges selected.
- 2.32.090 Election judges and clerks--Oath.
- 2.32.100 Election board--Organization and duties.
- 2.32.110 Conduct of election and polls.
- 2.32.120 Balloting.
- 2.32.130 Counting and disposition of ballots.
- 2.32.140 Disposition of challenged ballots.
- 2.32.150 Absentee voting.
- 2.32.160 Announcement of election results.
- City officer's oaths.
- 2.32.180 Voting by Mail.

2.32.010 Incorporation of state and federal law. No person shall violate

^{*} For statutory provision regarding regular and special elections see AS Sec. 29.26.010 *et seq.*

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any provisions of the Constitution of the State of Alaska or the Constitution of the United States of America or of any law duly enacted pursuant to either of such Constitutions and laws. Such Constitutions and laws are hereby incorporated in this chapter as if fully set forth herein. (Ord. 72-2 Sec. 2, 1972)

2.32.020 Date of election. There shall be a regular city election held on the first Tuesday of October of each year for the purpose of electing city officers. Special elections may be held during the year as may become necessary and specified by resolution passed by the City Council. (Ord. 72-2 Sec. 2, 1972)

2.32.030 Notice of election--Adoption, certification and posting. A. The City Council shall adopt a resolution containing a notice of election for each city election; such resolution and notice shall be in the standard form provided below and need not be changed substantially from year to year except as election codes or other state laws require.

B. The notice of election resolution shall be adopted by the Council not less than thirty days before the date of election.

C. The notice of election shall be signed by the Mayor and the City Clerk, and posted in three conspicuous places about the City for a period of thirty days before the election. The City Clerk, or other person so designated by the Council, shall post the notice and execute a certificate stating that the posting has been made, giving the date and specific locations where posted. (Ord. 72-2 Sec. 3, 1972)

2.32.040 Notice of election--Contents. The notice of election shall contain the following:

- B. The date of election;
- C. The number, terms and positions to be filled, propositions or question;
- D. The boundaries of the precinct or precincts, and the polling place or places;
- E. The hours during which the polls shall be open;
- F. The method of nomination, filing or declaration of candidacy;
- G. Qualifications to vote, to be nominated as a candidate;
- H. Statement as to eligibility and method of absentee voting. (Ord. 72-2 Sec. 4, 1972)

2.32.050 Notice of election--Form. The notice of election adopted by resolution by the City Council shall be substantially in the following form:

"Notice of Election of _____, City of Seldovia".

By resolution adopted by the City Council ___, 20___, and pursuant to procedures established by Seldovia City Code Sec. 2.32.030 and Sec. 2.32.040, and in accordance with applicable state law, notice is hereby given concerning the _____ election of _____, City of Seldovia, as follows;

A. The regular annual election of Councilmembers will be held on the First Tuesday of October, that its, October _____, 20___, to elect ___ Mayor, Council

members for specific terms, propositions, as appropriate.

B. There will be one precinct, the boundaries of which are identical with the boundaries of the City of Seldovia.

C. The polling place will be at _____ on _____, Seldovia, Alaska.

D. The polls will be open from eight o'clock in the morning or such times as concurrent state and borough elections commence until eight o'clock in the evening or such time as concurrent state or borough elections conclude, Alaska time. (Ord. 92-15)

E. Persons desiring to file a Declaration of Candidacy shall do so as provided in the Seldovia City Code Sec. 2.32.060 which forms are available at the City Office. Such declaration shall be filed at the City Office not later than five o'clock in the afternoon of the 30th day preceding the election. The person so filing must sign a statement accepting the nomination and agreeing to serve if elected; such statement shall be part of the declaration.

F. Any person is qualified to vote who:

- i. is a United States citizen;
- ii. is at least eighteen years of age;
- iii. has resided within the municipality the thirty days prior to the election;
- iv. is a registered voter with the state of Alaska;
- v. if convicted of a felony, has had his/her civil rights restored.

G. Any person who believes that he will be unavoidably absent from the City on election day, or will be unable to come to the polls due to physical disability, or if he believes he will be unable to be present at the polls because of the physical inaccessibility of the polling place causing undue travel expense, hardship or hazard to the voter, may apply to the City Clerk in person until 5 o'clock in the afternoon on the day preceding the election, that is __, 20 __, or by letter or personal representative by 5 o'clock in the afternoon on the Friday immediately preceding the election that is, __, 20 __. The letter of application must state that the applicant meets all the qualifications stated in paragraph six and must also give place of residence within the City of Seldovia and the mailing address. A personal representative must present this information also in order to obtain a ballot for a voter. (Ord. 76-3 Sec. 1, 2, 1976; Ord. 72-2 Sec. 5, 1972; Ord. 10-02 Sec 2, 2009)

2.32.060 Candidacy eligibility and declaration.

i. A person is eligible to hold office who has met the requirements of 2.04.010 (b) or 2.08.010 (c)

ii. A candidate for election to the office of City Council member or the office of Mayor must file a Declaration of Candidacy in the office of City Clerk no sooner than

fifty days preceding the date of election, and no later than thirty days immediately preceding the election. Notice shall be published by the City Clerk.

iii. Form of the Declaration of Candidacy shall be as follows:

"I, _____, declare that I reside at _____, in the City of Seldovia, Alaska; that I am a resident of the State of Alaska; that I am a citizen of the United States of America; and that I am a qualified voter of the City of Seldovia, Alaska.

I declare myself a candidate for the office of _____ for a term of _____ years, commencing 20____, and ending _____, 20____; that I accept the nomination and will serve if elected; and request that my name be printed upon the official ballot for the city election to be held in the City of Seldovia, Alaska, on the _____, 20____.

Signature of Candidate"

Notary Signature and Seal

A. There is nothing in this provision to indicate that write-in candidates will not be accepted on the ballot. (Ord.87-5 Sec. 3,1987)

2.32.065 Ballots—Forms.

i. Ballots shall be prepared in the manner prescribed for State elections, insofar as such requirements are applicable to nonpartisan elections.

ii. City of Seldovia ballots shall be numbered in series. At the top of the ballot shall be printed the words: "Official Ballot of the City of Seldovia, Alaska," the date of the election, and whether it is a regular or special election.

iii. All candidates for the same office shall be shown on one ballot. The title of each office to be filled shall be followed by the printed names of all candidates for that office and the provision shall be made for write-ins equal in number to the positions to be filled, except there shall be no provision made for write-ins on a runoff election ballot. The names of candidates shall be printed as they appear upon the candidacy declaration forms except that any honorary or assumed title or prefix shall be omitted, but may include in the candidate's name any nickname or familiar form of a proper name of the candidate. The words "Vote for not more than _____", with the appropriate number replacing the blank, shall be placed before the lists of candidates for each office. Ballots shall be numbered consecutively and candidate names shall be listed in the order that candidacy declarations are filed.

iv. Following the offices and candidates, there shall be placed on the ballot or on separate ballots as the Clerk may determine, all propositions or questions to be voted on. The words "YES" and "NO" shall be placed below the statement of each proposition or question. The Clerk shall determine the number of ballots to be used

to present all offices, propositions and questions to the qualified voter.

v. The Clerk shall have printed and available at each polling place on election day and in the Clerk's office preceding the election, the sample ballots on tinted paper for each election. Instructions to voters may be printed on the back of the sample ballot.

vi. If the Election Board receives an insufficient number of official ballots, it shall provide and the voters may use a substitute ballot. The Election Board shall certify the facts that prevented the use of the official ballots and materials and shall include the certificate in the election returns. (Ord. 05-01)

2.32.066 Ballots—Distribution.

The Clerk shall have the official ballots in his possession at least fifteen days (minimum requirement) before each regular election or seven days before each special election. At that time, the ballots may be inspected by any candidate whose name is on the ballot, or his authorized agent, and any mistake discovered shall be corrected immediately.

The ballots shall be delivered in a separate sealed package, with the number of ballots enclosed clearly marked on the outside of the package. A receipt shall be signed by the Election Chair; the receipt to be preserved with other records of election. (Ord. 05-01; Ord. 10-02 Sec 2, 2009)

2.32.070 Voter qualifications. A person may vote in an election who:

1. Is a citizen of the United States;
2. Is at least eighteen years of age;
3. Has resided within the municipality the thirty days prior to the election;
4. Is a registered voter with the State of Alaska;
5. If convicted of a felony, has had his/her civil rights restored;
6. Has completed a voter registration card with the State of Alaska thirty days prior to an election. (Ord. 72-2 Sec. 7, 1972)

i. **Election judges selected.** A. Three election judges shall comprise the election board. Election judges shall be appointed by the City Council by resolution at least thirty days before the election for which they are to serve. The City Clerk or such other person as the Council may designate shall notify each judge of his appointment by forthwith transmitting to him a copy of the resolution of appointment.

b. A clerk or clerks or judge/alternate(s) of election may be appointed in a similar manner by the Council to assist the election judges with the election. Clerks are not members of the election board. Judge/alternate(s) may be called upon to be a member of the election board in the event that a judge does not appear or become incapacitated during the election day. Judge/alternate(s) become a board member upon taking the oath required of a judge. This oath may be issued by an election judge or City Clerk.

c. Appointees shall accept their appointments in writing at least ten days before the election for which they are to serve. This acceptance shall be substantially in the following form:

"I hereby certify that I am a qualified voter of the City of Seldovia and do hereby accept appointment as election judge (or clerk, or judge/alternate) as set forth in Resolution adopted by the City Council on _____, 20____." (Ord. 72-2 Sec. 8, 1972)

2.32.090 Election judges and clerks--Oath. On election day, or earlier, and before entering on their duties, the election judges and clerks, if any, shall execute an oath of office in the following form:

"I, _____, being duly sworn on oath, do solemnly swear, THAT I am qualified voter residing in the City of Seldovia, THAT I will support and defend the Constitution and laws of the United States of America and the laws of the State of Alaska, and that I honestly, faithfully, promptly and impartially perform the duties of judge (or clerk), as may be required for the _____ election, _____, 20____, in and for the said City of Seldovia, Alaska, so help me God.

Signature of Judge

Attest:

"Witness and Date"

i. Election board--Organization and duties.

B. If any appointed judge or clerk fails to appear or becomes incapacitated during the time of the election or canvass, a judge/alternate shall be selected by the remaining board members or City Clerk to fill the vacancy. The newly selected judge will take the oath of judge before taking office.

C. On the day of election before eight in the morning, or earlier, the City Clerk shall supply to the election board the following:

One ballot box with lock and key;

One register;

The official ballots, numbered serially from one, in an amount to meet the needs of the election;

Any administrative supplies necessary for efficient conduct of the election.

D. The decision of the majority of judges shall determine the action that the election board shall take regarding any questions that arise during the course of the election.

E. The two judges other than the chairman of the election board are authorized to perform the duties of election clerks wherever required. (Ord. 72-2 Sec. 10, 1972; Ord. 10-02 Sec 2, 2009)

2.32.110 Conduct of election and polls. A. During the hours that the polls are open the election judges shall insure that:

1. No person who is in the polling place or within two hundred feet of any entrance thereto attempt to persuade any person to vote for or against any candidate, proposition or question;
2. No person solicits any person in the polling place or in the line waiting to vote for any purpose whatsoever;
3. No sign or other advertising device for or against any candidate, proposition or question is within two hundred feet of any entrance to the polling place.

2 On the day and hour of election, the election board shall announce that the polls are open and receive voters.

3 The members of the election board shall keep an original register in which each voter, before receiving his ballot, shall sign his name and give both his residence and mailing address. The signing of the register constitutes a declaration by the voter that he is qualified to vote.

4 Each member of the election board shall challenge, and any watcher or other person qualified to vote in the City, may challenge any person attempting to vote if the challenger has good reason to suspect that the challenged person is not qualified to vote. A challenge shall be based upon a discrepancy as to those qualifications listed in Section 2.32.070. Any challenged person, before voting, shall subscribe to an oath and affidavit in the following form:

"I, the undersigned, do solemnly affirm that I am at least eighteen years old, a United States citizen, an actual bona fide resident of Alaska, and have been such resident for seventy-five days immediately preceding this election, have been a resident of the City of Seldovia for thirty days immediately preceding this election, am now a resident of the City of Seldovia at this election, have not previously voted in this election, and that I am fully qualified in accordance with qualifications set forth in the Notice of Election to vote at this election within the City of Seldovia held this day of , 20 .

Signature of Affiant

Election Judge

Election Judge

After the challenged person has taken the oath and signed the affidavit the person may vote. If the challenged person refuses to take the oath and sign the affidavit, the person may not vote.

5 Any judge may administer to a voter any oath necessary in the administration of the election. (Ord. 72-2 Sec. 11, 1972; Ord 10-02 Sec 2, 2009)

2.32.120 Balloting. A. When the voter has qualified to vote, the election judge shall give him an official ballot. The voter shall retire to a booth or screen to mark the ballot.

- B. If any voter improperly marks or damages a ballot, the voter may request and the election board shall provide him with another ballot, with a maximum of three, and the board shall retain the improperly marked ballot.
- C. The voter shall mark the ballot only by placing an "X" in the square opposite his/her choice; cross marks, checks or plus signs are to be considered the same as an "X" and are valid; a mark that is substantially in the square or touching it and no other is valid. A write-in choice is valid only if the name of the person chosen is written in and the opposite square is marked. If more choices are marked than are persons or questions to be elected, that race or proposition is invalid.
- D. No ballot may be exhibited by any voter to anyone in the polling place, discussed with anyone, taken from the polling place, or marked or folded in any way which would identify it, and no judge shall in any way handle a ballot in such manner as would permit its identification. However, a qualified voter, who is incapable of marking his ballot, may be assisted by an election judge, or other person of his choice, provided such other person shall first take an oath not to attempt to influence the voter assisted or to divulge the vote cast.
- E. Fifteen minutes before and at the time of closing the polls, the Election Board shall announce the present time and the time of closing the polls, every qualified voter present and in line at the time of closing the polls may vote. (Ord. 72-2 Sec. 12, 1972; Ord 10-02 Sec 2, 2009)

2.32.130 Counting and disposition of ballots. A. When the polls are closed and the last vote has been cast, the Election Board shall immediately proceed to open the ballot boxes and to count and canvass the vote.

- B. The Election Board shall first reconcile the ballots and voters as in the following example:

Ballots received:	No.	to No.	inclusive	500
Ballots remaining:	No.	to No.	inclusive	100
Ballots to account for:				400*

*These totals should agree

Such reconciliation shall be on the ballot reconciliation form.

C. The election board shall then open the ballot box and first proceed as follows:

1. Count the ballots.
2. If the numbers agree with number of "Persons voted (from count of register of persons checked off as actually voting)," the board proceeds as set forth in the following instructions; if there is a discrepancy, the board re-checks the reconciliation to cure the discrepancy.

D. The count of votes on the ballots shall be made as follows:

1. The names of the candidates shall be written on a blank page.
2. The judges shall designate one of the election judges to read aloud slowly the votes shown on each ballot. Before reading the votes, if there appears to be reasonable cause to question the validity of a ballot, race or proposition the reading judge shall check the ballot and if the election board finds the ballot, race or proposition to be invalid, it shall be set aside and not be counted. Write in votes will be counted.
3. As each vote is read out, the tallying judges, shall tally the votes on their tally sheets.
4. The tallies shall be totaled. If there is a discrepancy between the two tallies, a recount will be made, with the other judge reading out the votes in order to cure the discrepancy.

E. When the vote count and tally of votes has been completed, the Election Board shall make a certificate of results in duplicate; such certificate shall be substantially in the following form and shall be signed by all judged.

"WE, the undersigned, judges of election of the City of Seldovia in the election of _____ held _____, 20____ do solemnly affirm that the results of the said election are as follows:

Name

Number of Votes

IN WITNESS WHEREOF, we affix our names hereunder in each other's presence this _____ day of _____, 20____.

8/28/90; 6/11/08; 9/22/11

"

- F. The same general procedures as outlined above for recording and counting ballots for candidates shall apply for votes on propositions or questions voted on at the election.
- G. On completion of the above certificate, the judges shall then assemble the following material, with each item clearly identified:
 - 1. The oaths of the judges;
 - 2. The certification of election results;
 - 3. All valid voted ballots;
 - 4. All tabs from voted ballots;
 - 5. The stubs of all used ballot packets plus the last partially-used ballot packet with the unused ballots attached be defaced by tearing;
 - 6. Affirmation by challenged voters;
 - 7. The registration book;
 - 8. Signed statements by the judges concerning challenged persons which did not result in affirmation by the challenged persons and concerning incidents occurring during the voting.
- H. The City Clerk shall be present when the election material specified in the foregoing item of subsection G above has been assembled and shall take note of the placing of the material in a large envelope or in a package, by the election judges. The judges shall then sign their names on the envelope or package, seal it, and deliver it into the hands of the City Clerk who shall forthwith insure that it is placed in the City Hall safe. (Ord. 72-2 Sec. 13, 1972; Ord. 10-02 Sec 2, 2009)

2.32.140 Disposition of challenged ballots. A. A challenged voter shall vote his ballot in the same manner as prescribed for other voters. After voting, the challenged voter shall insert the ballot into a small blank envelope, seal it and put the envelope into a larger envelope in which the oath and affidavit, previously signed are contained. This envelope shall be sealed and deposited in the ballot box along with the attached statement of asserted invalidity.

B. These challenged ballots will be examined by the City Clerk prior to the time of counting the absentee ballots, to determine the validity of the ballots. Those ballots found to be valid will be tallied with the absentee ballots in accordance with Seldovia City Code sections 2.32.130 and 2.32.150.

C. A person who frivolously, maliciously or in bad faith challenges a voter is guilty of a misdemeanor and upon conviction shall be imprisoned for not more than thirty days or fined not more than one hundred dollars or both. (Ord. 72-2 Sec. 14, 1972; Ord 10-02 Sec 2, 2009)

2.32.150 Absentee voting. A. A qualified voter may vote absentee:

1. If he believes he will be unavoidable absent from the City on election day, whether inside or outside the state; or
2. If he will be unable to be present at the polls because of physical disability; or
3. If he believes he will be unable to be present at the polls because of the physical inaccessibility of the polling place causing undue travel expense, hardship or hazard to the voter.

B. Any qualified voter wishing to apply for an absentee ballot in person may do so no sooner than twenty days prior to the election day but not on election day.

C. Anyone wishing to apply for an absentee ballot by letter may do so no sooner than twenty days prior to the election and not later than five in the afternoon on the Friday preceding the election. The application by letter must contain the voter's name, a statement that he is a qualified voter of the City of Seldovia, his address where the absentee ballot is to be sent and his local residence address.

D. A person may apply for an absentee ballot through a personal representative who must supply an application in the voter's behalf containing the same information as if the application had been made through a letter.

E. The City Clerk shall be responsible for:

- a. Issuing ballots and envelopes for absentee voting and for keeping a complete record of ballots issued;
- b. For receiving and safeguarding absentee ballot envelopes received from absentee voters and for keeping a complete record of these;
- c. Providing absentee voters with double envelopes and with necessary information concerning voting.

F. The absentee voter shall seal his voted ballot in an unmarked envelope and fasten the numbered tab to the outside of the envelope. This envelope shall then be sealed in an envelope containing a certification on the back in substantially the form used for the State of Alaska general elections, except that the requirement of thirty-day residence shall be included.

G. All absentee ballots must be postmarked no later than five in the afternoon of the day of the election and received no later than five in the afternoon of the Monday immediately following the election.

H. Disposition of absentee ballots will be in accordance with Seldovia City Code Section 2.32.160.

I. The City Clerk may challenge an absentee voter if he has good reason to suspect that the person attempting to vote is not a qualified voter. Challenged and the disposition of challenged absentee ballots shall be handled in the same manner as a challenged ballot as prescribed in Seldovia City Code Section 2.32.110. (Ord. 72-2 Sec. 15, 1972)

2.32.160 Announcement of election results. At the meeting of the City Council the first Monday following the election the City Clerk shall report to the City Council that he/she has:

A. Opened the envelope or package from the election board, inspected the contents and the certificate of election;

B. Determined the validity of all challenged and absentee ballots, counted those determined to be valid and has the sealed privacy envelopes containing the ballots on hand for tally;

C. A canvassing board, selected and sworn in by the City Clerk shall open the challenged and absentee ballots provided by the Clerk and tally them under the observation of the City Council as provided in Seldovia Code Section 2.32.130 D. They shall then add this tally to the election day tallies and report the final result to the City Council.

D. The City Council will adopt a resolution:

1. Making a finding as to the sufficiency and accuracy of the voting material submitted,
2. Declaring the candidates receiving the highest number of votes (or proposition or questions receiving the highest number of votes) for the offices to be elected (or for the propositions or question in the election). (Ord. 72-2 Sec. 16, 1972)

~~1-3.~~ 3. In the case of a tie in any race or question, the City Council will adopt a resolution authorizing a special election as prescribed in Seldovia City Code Section 2.32.180 to be held following the meeting, with the ballot to contain only the tied candidates or questions and not permitting write in votes. (Ord 10-02 Sec 2, 2009)

2.32.170 City officers' oaths. Written oaths of office shall be administered to city officers including Council members and Mayor, which shall affirm in writing that they will honestly, faithfully and impartially perform their duties. These oaths will be kept on file at city hall by the City Clerk. (Ord. 72-2 Sec. 17, 1972)

A. Newly-elected Council members and Mayor will be sworn in and begin their term immediately following the adjournment of the election certification meeting of the City Council on the Monday following the election. (Ord 10-02 Sec 2, 2009)

2.32.180 Voting by Mail.

The clerk may conduct a special election by mail at the direction of the City Council.

When the clerk conducts a special election by mail, the clerk shall send a ballot to each person whose name appears on the official voter registration list prepared under AS § 15.07.125 for that election. The ballot shall be sent to the

address stated on the official registration list unless the voter has notified the clerk in writing of a different address to which the ballot should be sent. The clerk shall send ballots by first class, non-forwardable mail on or before the 22nd day before the election.

The clerk shall review ballots voted under this section under procedures established for the review of absentee ballots.

There shall be a small blank envelope and a return envelope supplied to each by-mail voter. The return envelope shall have printed upon it an affidavit by which the voter shall declare his qualifications to vote, followed by provision for attestation by a person qualified to administer oaths or two attesting witness who are at least 18 years of age. Specific instructions for voting a by-mail ballot will be mailed to each voter with the ballot.

Upon receipt of a mail-in ballot, the voter shall cast his ballot in the manner specified in the instruction. If the ballot is cast in the Clerk's Office, the clerk shall retain it for counting. If the ballot is cast in another location, the voter shall return it by mail to the clerk.

A voter who does not receive a mail-in ballot may cast his ballot in person at the city office no later than five in the afternoon of the day of the election.

For each election conducted by mail, the public notice posted and the notice published in newspapers of general circulation in the City will include the following:

- The date of election;

- That the election will be by mail-in ballot, and that qualified voters will be receiving their ballots by first class mail; and that there will be no polling place open for regular in-person voting on election day. In a by-mail election, election day is the deadline by which a voter's ballot must be received by the City Clerk.

- The number, terms and positions to be filled, propositions or questions;

The City Clerk shall:

- Date-stamp all ballots received;

- Provide for the security and safekeeping of all ballots;

- Sign a voter's by-mail oath and affidavit envelope as an authorized attesting official;

- Accept receipt of a by-mail voter's hand-delivered ballot, which has been sworn to, attested and sealed in the by-mail return envelope;

Counting of mail-in ballots shall be conducted by election officials according to 2.32.130, except that tallying of ballots shall take place in the City Office instead of at a polling place. (Ord. 05-02)

Chapter 2.36

Claims Against City

Sections:

2.36.010 Presentation to clerk.

2.36.010 Presentation to clerk. All claims against the City shall, as a condition precedent to bringing suit, be itemized and properly verified and presented to the City Clerk, within three months of the completion of the transaction or occurrence upon which they are based. (Prior code Sec. 2.085)

Chapter 2.40 Disposal of Records

Sections:

2.40.010 Compliance with statute.

2.40.010 Compliance with Statute. No officer of the City having custody of public records of the City shall destroy or dispose of such records except in compliance with AS 40.21.070 *et. seq.* or such other law as may supplement or supersede that section. (Ord. 87-12 Sec. 1, 1987)

Chapter 2.48 Equal Rights Commission

Sections:

- 2.48.010 Declaration of public policy.
- 2.48.020 Definitions.
- 2.48.030 Established--Number of members.
- 2.48.050 Powers and duties designated.
- 2.48.060 Unlawful practices in the sale or rental of real property.
- 2.48.070 Unlawful financing practices designated.
- 2.48.080 Unlawful employment practices designated.
- 2.48.090 Unlawful practices in places of public accommodation.
- 2.48.100 Unlawful practices in educational institutions.
- 2.48.110 Unlawful practices by the municipality of Seldovia.
- 2.48.120 Lawful practices.
- 2.48.130 Complaints--Filing.
- 2.48.140 Complaints--Investigation and conciliation.
- 2.48.150 Complaints--Public hearing authorized when-- Procedures.
- 2.48.160 Injunctive relief, temporary restraining order.

- 2.48.170 Orders authorized when--Commission powers.
- 2.48.180 Effect of compliance with order.
- 2.48.190 Judicial review and enforcement.
- 2.48.200 Legal assistance.
- 2.48.210 Retaliation, coercion, aiding, abetting and inciting prohibited.
- 2.48.220 Violation--Penalty.

2.48.010 Declaration of public policy. The public policy of Seldovia is declared to be equal opportunity for all persons. The Seldovia City Council finds that invidious discrimination in employment, housing, public accommodations, education and financing practices based upon race, color, sex, religion, national origin, marital status, age or physical handicap adversely affects the welfare of the community. Accordingly such discrimination is prohibited.
(Ord. 77-4 Sec. 1, 1977)

2.48.020 Definitions. As used in this chapter:

B. "Age," is not intended to conflict with the two sections cited or other laws relating to the rights and activities of minors. (AS 23.10.325 through 23.10.370)

C. "Blockbusting" means any discriminatory practice by real estate brokers, real estate salesmen, or employees or agents of a broker or another individual, corporation, partnership or organization, for the purpose of inducing a real estate transaction from which any such person or its real estate transaction from which any such person or its stockholders or members may benefit financially, to represent directly or indirectly that a change has occurred or will or may occur from a composition with respect to race, religion, color or national origin of the owners or occupants of the block, neighborhood or area in which the real property is located, and to represent directly or indirectly that this change may or will result in undesirable consequences in the block, neighborhood or area in which the real property is located, including but not limited to the lowering of property values, an increase in criminal or antisocial behavior, or decline in the quality of the schools or other facilities.

D. "Commission" means the Seldovia Equal Rights Commission.

E. "Discrimination" means any direct or indirect act or practice of exclusion, distinction, restrictions, segregation, limitation, refusal, denial or any other act or practice of differentiation or preference in the treatment of a person or persons because of race, color, religion, national origin, age, sex, marital status or physical handicap, or the aiding, abetting, inciting, coercing or compelling thereof.

F. "Educational institutions" means any nursery, kindergarten, elementary or secondary school, academy, college, university or extension course, or nursing, secretarial business, vocational, technical, trade or professional school, or day-care centers.

G. "Employee" means an individual employed by an employer, but does not include an individual employed in the domestic service of any person.

H. "Employer" means an employer, public or private, of one or more persons.

I. "Employment agency" means any person undertaking to procure employees, or to procure for employees opportunities to work.

J. "Financial institutions" means commercial banks, trust companies, mutual savings banks, cooperative banks, homestead associations, credit unions, bonding companies, surety companies, or other commercial institutions which extend secured or unsecured credit or offer insurance.

K. "Labor organization" includes any organization that is constituted for the purpose, in whole or in part, of grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employees.

L. "Marital status" means any differential treatment because of a person's marital status or change in marital status. This includes differential treatment shown towards a person because he/she is not married, a person because he/she is married, a person because he/she is widowed or divorced, a person because he/she is a parent and unmarried, or a person because she is pregnant and unmarried.

M. "National origin" includes ancestry, persons not citizens, their descendants, and persons naturalized and their descendants.

N. "Person" means one or more individuals, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, employees, employers, employment agencies, labor organizations, joint apprenticeship committees or other legal or commercial entities.

O. "Physical handicap" means any physical disability, infirmity, malformations, or disfigurement that is caused by bodily injury, birth defect or illness, including diabetes or epilepsy, and includes any degree of paralysis, amputation, lack or physical coordination, blindness or visual impediment, deafness or hearing impediment, or other remedial appliance or device.

P. "Public accommodation" means any place in or through which any business or professional activity is conducted that is open to, accepts or solicits the patronage of or caters or offers goods or services to the general public. This includes but is not limited to a public inn, restaurant, eating house, day-care center, hotel, motel, soda fountain, soft-drink parlor, tavern, nightclub, liquor establishment, roadhouse, place where food or spirituous or malt liquors are sold for consumption, trailer park, resort, campground, mobile home, barbershop, beauty parlor, bathroom, rest house, theater, swimming pool, skating rink, golf course, cafe, ice cream parlor, transportation company and all other public amusement and business establishments, subject only to the conditions and limitations established by law and applicable alike to all persons.

Q. "Real property" means a housing accommodation, unimproved property, a building or portion of a building whether constructed or to be constructed, structures, real estate, lands, tenements, leaseholds, interest in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein, a mobile home which is or will be used as sleeping quarters of its occupants, or a trailer park.

R. "Sex discrimination" means differential or preferential treatment shown towards a person because of such person's sex, pregnancy or parenthood. (Ord. 77-4 Sec. 17, 1977)

2.48.030 Established--Number of members. Pursuant to the provisions of the Seldovia Municipal Code, there is established an equal rights Commission of the Mayor and Council, which shall be known as the "Seldovia Equal Rights Commission." (Ord. 84-18, 1984; Ord. 77-4 Sec. 2, 1977)

2.48.040 Powers and duties designated. The Equal Rights Commission may:

B. Hold public hearings and issue orders under Section 2.48.150 and issue orders under Section 2.48.170 of this chapter;

C. Administer oaths and affirmations, certify its official acts, issue subpoenas, subpoenas *duces tecum*, and other legal process to compel the attendance of witnesses and the production of testimony, books, records, papers, accounts, documents or things in any inquiry, investigation, hearings or proceeding before the Commission; the Commission may petition, to enforce its subpoenas, subpoenas *duces tecum* and other legal process;

D. Intervene in any court proceeding brought under this chapter;

E. Enter into agreement with counterpart agencies at all governmental levels to promote effective and efficient enforcement of the law;

F. Grant relief described in Section 2.48.170 of this chapter;

G. Develop programs designed to bring about the prevention and elimination of discrimination;

H. Appoint the City Manager as Executive Director who shall serve at the pleasure of the Council. (Ord. 84-18, 1984)

I. Delegate to the Executive Director all powers and duties given it by this chapter, except the power to hold hearings, issue orders and appoint the Executive Director;

J. Adopt procedural and evidentiary rules necessary to fulfill the intent of this chapter. (Ord. 84-18 Sec. 4, 1984; Ord. 77-4 Sec. 4, 1977)

2.48.060 Unlawful practices in the sale or rental of real property.

Except in the individual home wherein the rentor or lessee would share common living areas with the owner, lessor, manager, agent or other person, it is unlawful for the owner, lessor, manager, agent or other person having the right to sell, lease, rent or advertise real property:

B. To refuse to sell, lease or rent the real property to a person because of race, religion, age, sex, color, national origin, marital status or physical handicap;

C. To discriminate against a person because of race, religion, age, sex, color, national origin, marital status or physical handicap in a term, condition or privilege relating to the use, sale, lease or rental of real property;

D. To make a written or oral inquiry or record of the race, religion, age, sex, color, national origin, marital status or physical handicap of a person seeking to buy, lease or rent real property;

E. To offer, solicit, accept, use or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or sources in connection therewith because of a person's race, religion, age, sex, color, national origin, marital status or physical handicap;

F. To represent to a person that real property is not available for inspection, sale, rental or lease when in fact it is available, or to refuse a person the right to inspect real property because of the race, religion, age, sex, color, national origin, marital status or physical handicap of that person, or because of any person associated with that person;

G. To engage in blockbusting;

H. To circulate, issue or display, make, print or publish, or cause to be made or displayed, printed or published any communication, sign, notice, statement or advertisement with respect to the use, sale, lease or rental of real property that indicates any preference, limitation, specification or discrimination based on race, religion, age, sex, color, national origin, marital status or physical handicap. This shall not be construed to apply to publishing companies who accept advertising in the ordinary course of business. (Ord. 77-4 Sec. 5(A), 1977)

2.48.070 Unlawful financing practices designated. It is unlawful for an insurance company, a financial institution or other commercial institution extending secured or unsecured credit, upon receiving an application for financial assistance or credit for the acquisition, construction, rehabilitation, repair or maintenance of a housing accommodation or other property or services, or the acquisition or improvement of unimproved property, or upon receiving an application for insurance to permit one of its officials or employees during the execution of his/her duties:

A. To discriminate against the applicant because of race, religion, age, sex, color, national origin, marital status or physical handicap in a term, condition or

privilege relating to the obtainment or use of the institution's financial assistance, insurance or credit, except to the extent of a federal statute or regulation applicable to a transaction of the same character;

B. To make or cause to be made a written or oral inquiry or record of the race, religion, age, sex, color, national origin, marital status or physical handicap of a person seeking the institution's financial assistance, insurance or credit unless the inquiry is for the purpose of ascertaining the applicant's creditworthiness or insurability;

C. To refuse to extend credit, issue a credit card, insure or make a loan to a single, divorced, pregnant or married person, who is otherwise creditworthy if so requested by the person;

D. To refuse to insure or to issue a credit card to a married person in that person's name, if so requested by the person; provided, however, that the person so requesting a card may be required to open an account in that name, if so requested by that person. (Ord. 77-4 Sec. 5(B), 1977)

2.48.080 Unlawful employment practices designated. It is unlawful for:

A. An employer to refuse employment to a person, or to bar him/her from employment, or to discriminate against him/her in compensation or in a term, condition or privilege of employment, or to discharge, expel, reduce, suspend or demote him/her because of his/her race, religion, age, sex, color, national origin, marital status or physical handicap unless the reason for the discrimination is a bona fide occupational qualification;

B. A labor organization, because of a person's race, religion, age, sex, color, national origin, marital status or physical handicap, to exclude or to expel him/her from its membership or to discriminate against one of its members or employer or employee;

C. A person, employer or employment agency to broadcast, publish, print, circulate or cause to be broadcasted, published, printed or circulated a statement or advertisement in connection with prospective employment, or to use a form of application for employment, which expresses, directly or indirectly, a limitation, specification, preference or discrimination as to race, religion, age, sex, color, national origin, marital status or physical handicap;

D. A person to discriminate in the payment of wages as between sexes, or to employ a person of one sex in an occupation at a salary or wage rate less than that paid to a person of another sex for work of comparable character or work in the same operation, business or type of work in the same locality. (Ord. 77-4 Sec. 5(C), 1977)

2.48.090 Unlawful practices in places of public accommodation. It is unlawful for a person, whether the owner, operator or agent or employee of an owner or operator of a public accommodation:

B. To refuse, withhold from or deny to a person any of its accommodations, advantages, facilities, benefits, privileges, services or goods of that place on account of race, religion, age, sex, color, national origin, marital status or physical handicap;

C. To publish, circulate, issue, display, post or mail a written or printed communication, notice or advertisement which states or implies:

a. That any of the services, goods, facilities, benefits, accommodations, advantages or privileges, of the public accommodation will be refused, withheld from or denied to a person of a certain race, religion, age, sex, color, national origin, marital status or physical handicap, or

b. That the patronage or presence of a person belonging to a particular race, religion, age, sex, color, national origin, marital status or physical handicap, is unwelcome, not desired, not solicited, objectionable or unacceptable;

D. To make a written or oral inquiry concerning the race, religion, age, sex, color, national origin, marital status or physical handicap of an individual in connection with the solicitation, reservation, booking, sale or dispensing of accommodation, advantage, facility, benefit, privilege, service or good. (Ord. 77-4 Sec. 5(D), 1977)

2.48.100 Unlawful practices in educational institutions.

B. It is unlawful for a person operating or assisting in the operation of an educational institution:

a. To refuse to admit or otherwise to discriminate against an individual with respect to the terms, conditions or services of that institution on account of race, religion, age, sex, color, national origin, marital status or physical handicap;

b. To make or use a written or oral inquiry or form of application for admission that elicits information concerning the race, religion, age, sex, color, national origin, marital status or physical handicap of an applicant for admission;

c. To require or cause to be required that a photograph of an application for admission be submitted with an application for admission;

d. To publish, circulate or display, or cause to be published, circulated or displayed, a written, printed, oral or visual communication, advertisement, catalog, or any other form of publicity relating to admission that expresses or indicates a preference, limitation, specification or discriminatory origin, marital status or physical handicap of an applicant for admission;

e. To establish, announce or follow a policy of denial or limitation of education opportunities for members of a group on account of race religion, age, sex, color, national origin, marital status or physical handicap;

f. To use, in the recruitment of potential applicants for admission, a

service or agency that discriminates against individuals on account of race religion, age, sex, color, national origin, marital status or physical handicap.

C. Discrimination is lawful for a religious or denominational institution or organization, or an organization operated for charitable or educational purposes which is operated, supervised or controlled by or in connection with a religious or denominational institution or organization limiting admission to, or giving preference in, its accommodations, advantages, facilities, benefits or services to persons of the same religion or denomination, or for making a selection of applicants or individuals that is reasonable calculated to promote the religious principles for which it is established or maintained. Such organizations otherwise remain subject to the provisions in this chapter with regard to race, color, age, national origin, sex, physical handicap or marital status. (Ord. 77-4 Sec. 5(E), 1977)

2.48.110 Unlawful practices by the Municipality of Seldovia. It is unlawful for the Municipality of Seldovia or any public agency thereof:

i. To refuse, withhold from or deny to a person any local, state or federal funds, services, goods, facilities, advantages or privileges because of race, religion, age, sex, color, national origin, marital status or physical handicap.

ii. To publish, circulate, issue, display, post or mail a written or printed communication, notice or advertisement which states or implies that any local, state or federal funds, services, goods, facilities, advantages or privileges of the office or agency will be refused, withheld from or denied to a person of a certain race, religion, age, sex, color, national origin, marital status or physical handicap or that the patronage of a person belonging to a particular race, religion, age, sex, color, national origin, marital status or physical handicap is unwelcome, not desired or not solicited. (Ord. 77-4 Sec. 5(F), 1977)

2.48.120 Lawful practices. Notwithstanding any provision of Sections 2.48.060 through 2.48.110, it shall not be unlawful for a person in connection with employment, housing, financing or insurance, public accommodation, education or governmental service to make or keep records, identifying the race, religion, age, sex, color, national origin, marital status or physical handicap if the purpose of the record is to comply with federal or state equal opportunity laws or regulations, or in furtherance of a program designed to ensure compliance with this chapter. (Ord. 77-4 Sec. 6, 1977)

2.48.140 Complaints--Investigation and conciliation. The Commission shall investigate promptly and impartially the matters set out in the filed complaint. If it determines that the allegations are supported by substantial evidence, it shall immediately attempt to eliminate the discriminatory act or practice by conference, persuasion and conciliation. The Commission shall, in any event, make findings of fact within one hundred eighty days after the filing of the complaint. (Ord. 77-4 Sec. 7, 1977)

i. **Complaints--Public hearing authorized when--Procedures.** A. If the

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Commission determines that the efforts to eliminate the alleged discrimination are unsuccessful, the Commission shall serve written notice, together with a copy of the complaint as it may be amended, requiring the person, employer, labor organization or employment agency charged in the complaint to answer to allegations of the complaint at a public hearing before the Commission. The time and place of the public hearing will be specified in the notice. The case in support of the complainant shall be presented before the Commission by the Executive Director or his/her designee, provided that such designee does not concurrently represent the complainant. The complainant may be represented by counsel.

1. The person charged in the complaint may file a written answer to the complaint and may appear at the hearing in person or by counsel and submit testimony. The complainant has the power reasonable and fairly to amend the complaint and the respondent has the power reasonable and fairly to a hearing. Any person may obtain a transcript upon payment of reasonable costs thereof. (Ord. 77-4 Sec. 8, 1977)

2.48.160 Injunctive relief, temporary restraining order. At any time after a complaint is filed under this chapter, or in cases of noncompliance with a lawful Commission order, the Commission may file a petition in any Superior Court of the state having jurisdiction seeking temporary or permanent injunctive relief. This includes the granting of a temporary restraining order not to exceed ten days in duration, unless a longer period is agreed to by the parties, and the granting of preliminary and/or permanent injunction following a court hearing. (Ord. 77-4 Sec. 9, 1977)

2.48.170 Orders authorized when--Commission powers.

A. At the completion of the hearing, if the Commission finds that a person against whom a complaint was filed has engaged in discriminatory conduct it shall order him to refrain from engaging in discriminatory conduct. The order shall include findings of fact, and may prescribe conditions on the respondent's future conduct relevant to the type of discrimination. In a case involving discrimination in:

a. Employment, the Commission may order any equitable relief, including but not limited to the hiring, reinstatement or upgrading of an employee or group of employees with or without back pay, restoration to membership in a labor organization, or his/her admission to or participation in an apprenticeship training program, on-the-job training program, or other retraining program;

b. Housing, the Commission may order any equitable relief, including but not limited to the sale, lease or rental of the next vacancy in a like accommodation owned by the person against whom the complaint was filed;

c. Public accommodations, the Commission may order any equitable relief, including but not limited to restoration to membership in a place of public accommodation, or admission to or service in a place of public accommodation;

d. Financial institutions, the Commission may order any equitable relief, including but not limited to the issuance of a credit card to a person, the approval of a loan to a person, or the issuance of insurance to a person;

e. Educational institutions, the Commission may order any equitable relief, including but not limited to admission to the institution or admission to the program or programs of the institutions.

i. The Commission may order payment of reasonable expenses to the complainant or to the respondent when the Commission determines the allowance appropriate.

ii. The Commission may monitor compliance with orders. The order may require a report or reports to be made to the Commission on the manner of compliance.

iii. If the Commission finds that a person against whom a complaint was filed has not engaged in the discriminatory conduct alleged in the complaint, it shall issue and cause to be served on the complainant an order dismissing the complaint.

iv. A copy of all orders issued following public hearing shall be filed with the municipal attorney. (Ord. 77-4 Sec. 10, 1977)

2.48.180 Effect of compliance with order. Immediate and continuing compliance with all the terms of a Commission order is a bar to prosecution for the particular instances of discriminatory conduct described in the accusation filed before the Commission. (Ord. 77-4 Sec. 14, 1977)

2.32.170 Judicial review and enforcement. A. A complainant, or person against whom a complaint is filed or other person aggrieved by an order of the Commission, may obtain judicial review of the order in accordance with AS 44.62.560 through 44.62.570.

A. The Commission may obtain a court order for the enforcement of any of its orders by filing a complaint with the Superior Court in the Third Judicial District. (Ord. 77-4 Sec. 13, 1977)

2.48.200 Legal assistance. Legal assistance to the Commission shall be provided by the municipal attorney. The municipal attorney may authorize the Commission to obtain temporary legal assistance. In any proceeding wherein the municipality is the respondent, the Commission shall employ temporary legal counsel. (Ord. 77-4 Sec. 15, 1977)

2.48.210 Retaliation, coercion, aiding, abetting and inciting prohibited. It is unlawful for a person to discharge, expel, evict, retaliate or to otherwise discriminate against a person because he/she has filed a complaint, testified or assisted in a proceeding under this chapter. It is unlawful for a person to aid, abet, incite, compel or coerce the doing of an act for bidden under this chapter,

or to attempt to do so. (Ord. 77-4 Sec. 11, 1977)

2.48.220 Violation--Penalty. A person who willfully resists, prevents, impedes or interferes with the Commission or any of its authorized representatives because of or in the performance of duty under this chapter and is convicted by a court of a competent jurisdiction and found guilty of an infraction and are subject to the General Penalty provisions codified at Chapter 1.08. (Ord. 81-5 Sec. 3, 1981)

Chapter 2.49 City of Seldovia ADA Policy Statement

Sections:

- 2.49.005 ADA Policy Statement
- 2.49.010 Program Structure
- 2.49.015 Reasonable Accommodation
- 2.49.020 ADA Complaint
- 2.49.025 Regulating Authorities

2.49.005 ADA Policy Statement. It is the policy of the City of Seldovia that no qualified individual with a disability shall, solely on the basis of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any of its programs, services, or activities as provided by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA). The City of Seldovia further assures that every effort will be made to provide nondiscrimination in all of its programs and activities regardless of the funding source.

2.49.010 Program Structure. The City Manager is responsible for oversight and assurances of the City of Seldovia ADA program. Many of the day-to-day activities regarding ADA compliance are handled individually by each area. The primary areas of responsibility actively handled by the City Manager include:

- A. Reasonable accommodations
- B. ADA Complaint
- C. Regulating Authorities

2.49.015 Reasonable Accommodation. It is the policy of the City of Seldovia to provide reasonable accommodation to any employee who qualifies as an individual with a disability under the Americans With Disabilities Act of 1990 (ADA).

A. Reasonable accommodation allows for equality of opportunity and full participation by persons with disabilities in City of Seldovia employment. They are made on a case-by-case basis for qualified persons covered by the Section 504/ADA at the request of the individual with a disability.

B. Reasonable accommodations may include but are not limited to: providing sign language interpreters; making materials available in large print or on audio tape or closed caption video tape; providing listening devices; adjusting examination procedures, training materials, and/or policies; modifying work schedules; acquiring and/or modifying equipment; and making facilities and offices accessible.

C. A person wishing to request a reasonable accommodation should contact the City Manager.

2.49.020 ADA Complaint. The State of Alaska has an ADA Complaint Procedure that was developed to meet the requirements of State Administrative Order 129. The complaint procedure is found in Title 02 of Seldovia Municipality, (2.48.090). This Complaint Procedure has been modified by the City of Seldovia to incorporate Section 504 with the Civil Rights Restoration Act of 1987.

- A. An ADA Complaint is a formal process that occurs when an individual or a class of individuals believes that they have been subjected to discrimination by the City of Seldovia on the basis of disability.
- B. When filing a complaint against the City of Seldovia, the individual must meet the following requirements:
 - 1. The complaint must be filed with the City Manager or the Department ADA Coordinator within 180 days of the date of the alleged discrimination.
 - 2. The complaint must be in writing. It is strongly suggested that the complainant use the ADA complaint form to ensure that necessary information for an investigation is provided.
 - 3. Submit the written complain to the City Manager.

2.49.025 Regulating Authority.

- A. Section 504 of the Rehabilitation Act of 1973, as amended. This law states that, "No otherwise qualified individual with a disability in the United States, as defined in Section 706(8), shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."
- B. 49 CFR Sec 27 (Non discrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.) This regulation states that "The purpose of this part is to carry out the intent of Section 504 of the Rehabilitation Act of 1973 (29 USC 794) as amended, to the end that no otherwise qualified disable individual in the United States shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

- C. The Civil Rights Restoration Act of 1987. This act defines "program or activity" to mean "all of the operations" of an agency or department of State government receiving Federal financial assistance.
- D. 42 USC Sec 12101/12213 (The Americans with Disabilities Act (ADA) of 1990). This law expands the scope of Section 504 to include all public and private entities, not just those receiving federal assistance. The ADA states that: "No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions and privileges of employment."
- E. 29 CFR Sec 16.30 (Employment) Implements Title I of the Americans With Disabilities Act of 1990 (ADA), requiring equal employment opportunities for qualified individuals with disabilities and is enforced by the federal Equal Employment Opportunity Commission (EEOC).
- F. 28 CFR Sec 35 Implements Title II of the ADA, prohibiting discrimination on the basis of disability by Public Services (state and local governments), and covers employment, services, programs, and activities of state and local governments, regardless of funding source. (Ord 11-04 Sec 2, 2010)

Chapter 2.52 City Personnel System

Sections:

- 2.52.005 Purpose.
- 2.52.010 Employee responsibility.
- 2.52.015 Appointment suspension and discharge of city employees.
- 2.52.020 Types of employment.
- 2.52.025 Hours of work.
- 2.52.030 Holidays.
- 2.52.035 Annual leave.
- 2.52.040 Sick leave.
- 2.52.045 Military leave.
- 2.52.050 Court leave.
- 2.52.055 Maternity leave.
- 2.52.060 Other leaves of absence.
- 2.52.065 Cancellation of leaves of absence.
- 2.52.070 Pay days.

- 2.52.075 Compensation.
- 2.52.080 Payroll deductions.
- 2.52.085 Overtime compensation.
- 2.52.090 Salary increase.
- 2.52.095 Official travel.
- 2.52.100 Other employment.
- 2.52.110 Resignations.
- 2.52.115 Dismissal and appeal.
- 2.52.120 Judicial review.
- 2.52.125 Regulations.
- 2.52.130 No loss of benefits for employees hired prior to adoption of ordinance.
- 2.52.140 No credit for accumulated leave.

2.52.005 Purpose. The ordinance codified in this chapter has been adopted in order to provide a fair and equitable basic personnel system in keeping with the current practices of governments within the State of Alaska. (Ord. 80-30 Sec. 1 (part), 1980)

2.52.010 Employee responsibility. City employees are required at all times to conduct themselves in an exemplary manner befitting the public service in which they are employed. (Ord. 80-30 Sec. 1(part), 1980)

2.52.012 IBEW Union Employees. Employees in the IBEW bargaining unit as named in Appendix A of the Collective Bargaining Agreement, shall be subject to all sections of the Seldovia Municipal Codes that are not in conflict with the Bargaining Agreement. (Ord. 07-04)

2.52.015 Appointment suspension and discharge of City employees. A. Classified Service. The City Manager or any administrative officer designated by him shall make all appointments and promotions in the classified service on the basis of merit and may suspend or discharge such employees subject to review under Section 2.52.115.

1. Partially Exempt Service. The partially exempt service shall consist of the heads of departments and any administrative assistant to the Manager and the principal secretary to the Manager and any other administrative officers of the City so classified. The Manager may suspend or discharge employees in the partially exempt service in his sole discretion when he deems it necessary for the good of the service. Employees in the partially exempt service are otherwise subject to provisions of this chapter in all respects unless the context clearly indicates otherwise.

2. Totally Exempt Service. The totally exempt service shall consist of employees of the Council performing staff functions of a legislative nature and judicial officers of the City. If any, members of the totally exempt service shall be subject to the provisions of this title only as specifically indicated. (Ord. 80-30 Sec. 1(part), 1980)

2.52.020 Types of employment. A. Probationary. All employees

appointed to a permanent position of the City will be considered on probation for a period of ninety days. Within this period, the City Manager, or the city officer to whom this responsibility has been delegated, may terminate any employee whose performance he believes to be unsatisfactory, without hearing or appeal to the Council.

1. Permanent. A permanent employee is any employee, not temporary, who has completed the probationary period.

2. Temporary. A temporary employee is any employee appointed to a position which is shorter than six months in duration or less than thirty hours per week. Temporary employees will not be eligible for group insurance, paid annual leave, paid sick leave, or pay increases. If a temporary employee becomes a permanent employee, time served as a temporary employee will be considered towards satisfying the probationary requirements and seniority. (Ord. 80-30 Sec. 1(part), 1980; Ord. 07-04)(Ord 08-05)

2.52.025 Hours of work. The normal workweek shall be forty hours, Monday through Friday, eight a.m. to five p.m. with a one-hour lunch period. Other hours may be designated by the Manager or a department head for a particular position or to meet particular circumstances. (Ord. 80-30 Sec. 1(part), 1980)

2.52.030 Holidays*. The following days shall be recognized as paid holidays. The Seward's Day holiday will be celebrated on the day celebrated as such by the State of Alaska. (ord. 07-04)

- a) New Years Day
- b) Martin Luther King, Jr. Day
- c) Presidents' Day
- d) Seward's Day
- e) Memorial Day
- f) Independence Day
- g) Labor Day
- h) Veterans' Day
- i) Thanksgiving Day
- j) Day after Thanksgiving
- k) Christmas Eve (One half day)
- l) Christmas Day
- m) One day to be used as a floating holiday to be determined between the City and the Employee. An Employee gains eligibility for the floating holiday by being on the payroll on October 18 of each year. The floating holiday must be used between October 18 and the following October 17.

2.52.032 When a holiday falls on a regular work day during an Employee's vacation or while on sick leave or PTO, that holiday shall not be counted against accrued PTO time. (Ord. 07-04)

* See personnel regulations following city code.

2.52.035 Paid Time Off Accrual. A. Permanent employees shall accrue (PTO) leave at the following rates:

Length of Service	Earned Per pay period	Annual Total
First day through the end of the fifth year	6.66	160 hours
Over 5 years but less than 10	8.33	200 hours
10 years or over	10	240 hours

3 PTO leave will not begin to accrue until an employee has completed his probationary period. Thereafter, he will accrue leave retroactive to a day of employment. Leave will accrue on a proportional basis for a fraction of a month. Leave will not accrue while an employee is on leave without pay. (Ord. 07-04)

4 PTO leave may be taken only on the permission of the supervisor of the employee. PTO leave may be accrued to a total of thirty working days. When the Employee's PTO accrual reaches two hundred and forty (240) hours, accruals shall cease until such time as the accrued PTO hours drop below two hundred and forty (240) hours. Upon termination accrued PTO leave will be paid in full. (Ord. 80-30 Sec. 1(part), 1980) (Ord. 07-04)

2.52.040 Sick leave. For employees with accrued sick leave as of adoption of Ordinance 07-04 shall be utilized in accordance with the rules pertaining to sick leave on June 1, 2007. (Ord. 07-04)

2.52.045 Military leave. A. Permanent or probationary employees shall be entitled to a military leave of absence without pay to serve in the Armed Forces of the United States and shall be entitled to re-employment benefits granted under section 9 of the Universal Military Training and Service Act, as amended, 50 USC section 459.

2 An officer or employee of the City who is a member of a reserve component of the United States Armed Forces is entitled to a leave of absence without loss of pay or time on all days during which he is ordered to training duty, as distinguished from active duty, with troops or at field exercises or for instruction. The leave of absence may not exceed sixteen and one-half working days in any one calendar year.

3 The filling of a position made vacant by the granting of military leave of absence of less than five months shall be by temporary appointment. If such authorized leave is for a period of five months or more it may be filled by a substitute appointment. (Ord. 80-30 Sec. 1(part), 1980)

2.52.050 Court leave. A. An officer or employee appointed to a full-time position who is called to serve as a juror or subpoenaed as a witness, shall be entitled

to court leave.

2 Court leave shall be supported by written documents such as a subpoena, marshalls's statement of attendance and compensation for services, per diem and travel.

3 The officer or employee shall turn over to his department head, or the Manager, for deposit to city funds all moneys received from the court as compensation for service and in turn shall be paid his current salary while on court leave. (Ord. 80-30 Sec. 1(part), 1980)

2.52.055 Maternity leave. A female employee who has been employed for not less than ten consecutive months is entitled to take a total of nine weeks leave of absence immediately preceding and following childbirth. This leave shall be charged first to sick leave, and if that is not sufficient then to annual leave, then to leave without pay. (Ord. 80-30 Sec. 1(part), 1980)

2.52.060 Other leaves of absence. A. Employees may be granted leave without pay, not to exceed a total of ten working days in any anniversary year, for any compelling reason at the discretion of the Manager. PTO will not accrue while an Employee is on leave without pay. (Ord. 07-04)

- a) Permanent employees may be allowed to be absent from duty without pay, in excess of two weeks, on the basis of application for leave without pay approved by their respective supervisor under the following conditions: Such leave shall be granted only when it will not result in undue prejudice to the interest of the City beyond any benefit realized. An application for a leave of absence for travel or study calculated to equip the employee to render more effective service to the City may be deemed to involve such compensating benefits to be measured against the loss of prejudice to the interest of the City involved in keeping open the position or filling it temporarily until the return of the employee. (Ord. 07-04)
- b) PTO leave will not accrue during the term of any leave without pay. (Ord. 80-30 Sec. 1(part), 1980) (Ord. 07-04)

2.52.065 Cancellation of leaves of absence. All leaves of absence shall be subject to the condition that the City Manager may cancel the leave at any time upon prior written notice to the employee and the Manager specifying a reasonable date of termination of leave. The Manager, upon prior notice to the employee and the department head may cancel an approved leave of absence at any time he finds the employee is using the leave for purposes other than those specified at the time of approval. (Ord. 80-30 Sec. 1(part), 1980; Ord 07-04)

2.52.070 Pay days. A. All employees will be paid semi monthly. Pay periods will end on the 15th (fifteenth) and the last day of the month. (Ord. 92-16; Ord. 07-04)

2.52.075 Compensation. A. Job Classification. Each existing position will be defined in writing and a pay rate, which shall not exceed Council's budgeted authorization, will be assigned to each employee. Job description may be reviewed and revised by the Manager as necessary.

As new positions are created, the functions and responsibilities of the position will be defined and a pay rate shall be assigned to it.

The pay rate for each position shall be selected considering the availability of funds, the minimum qualifications in experience or education, the responsibility of the position, and the equivalent pay in the same or similar position in other government employment and industry. (Ord. 80-30 Sec. 1(part), 1980)

2.52.080 Payroll deductions. The following deductions, as required by law, will be withheld from each employee's pay check: Federal income tax, Social Security, and any other taxes provided for by state or federal law to be deducted from an employee's pay check. Other deductions may be provided for on a voluntary basis by regulation. (Ord. 80-30 Sec. 1(part), 1980)

2.52.085 Overtime compensation. A. As a general rule, the necessity for frequent and considerable overtime service in a department shall be considered evidence of understaffing or improper organization and shall be subject to investigation by the Manager.

Where an employee is required to work in excess of eight hours per day or in excess of forty hours a week, at the discretion of the City Manager, compensating time off at the discretion of the City Manager shall be granted partially exempt employees at the earliest possible time, classified employees shall be given compensating time at the rate of time and one-half. At his/her sole discretion, the City manager may elect to pay an Employee overtime pay in wages rather than comp-time. Only designated supervising officers may authorize overtime. (Ord. 80-30 Sec. 1(part), 1980; Ord. 93-3; Ord. 07-04)

2.52.090 Salary increase. Step increases are not automatic and are given only upon funding by Council and the recommendation of the employee's supervisor. (Ord. 80-30 Sec. 1(part), 1980)

2.52.095 Official travel.

Section 1. Travel.

- a) All travel must be for official city business and be pre-approved by the City Manager. Employees and other officers of the City, while traveling on official business and away from their homes or designated posts of duty requiring an overnight stay will be reimbursed for food and lodging expenses as follows:

1. A per diem allowance not to exceed eighty dollars for meals and incidentals, or
2. Actual expenses plus meal allowances as set out in section 2.

b) Employees required to rent or lease vehicles or travel by taxi at their point of destination will be reimbursed for actual expenses.

c) Employees who use their personal vehicles shall be reimbursed at the approved IRS rate per mile (Currently reads 30 cents per mile). (Ord 09-06 Sec 1, 2008)

Section 2. Meal Allowance.

A meal allowance will be allowed an Employee or other officers of the City who are on travel status outside a radius of 30 miles from the regular place of work for at least five hours:

Breakfast	\$10.00
Lunch	\$10.00
Dinner	\$20.00

- a) These are maximum allowable rates and are intended to include tips.
- b) Reimbursement for the actual cost of ferry fare, bridge, road and tunnel tolls shall be granted. Where two or more employees or other city officials are traveling in the same direction, and it is possible to share a privately owned automobile or airplane, the mileage permitted shall be allowed only once. No reimbursement shall be allowed for more than the lowest tourist class fare for the most direct route.
- c) When a meal is provided as part of a conference or seminar, or as part of a lodging package, the traveler is not eligible for a meal reimbursement.

Section 3. Travel Authorization:

Lodging and other travel reservations shall be made in advance by the City office. If emergency conditions exist, lodging obtained directly by the employee must be made at the lowest cost available for reasonable accommodations. Reimbursement will be made upon approval by the Manager of vouchers submitted on the form specified by him or her. (Ord. 80-30 Sec. 1(part), 1980; Ord 07-04)

2.52.100 Other employment. Full time employees shall not engage in occupations or outside activity that are incompatible with their employment by the City or adversely affect the performance of municipal duties. Each officer or employee undertaking any employment for compensation outside his employment for the City shall report the same to the Manager in writing and obtain his approval. Normally, officers and employees of the City shall not be permitted substantial outside employment. (Ord. 80-30 Sec. 1(part), 1980)

2.52.105 Gifts and gratuities. A. An employee shall not accept a gift, gratuity, considerations or extraordinary favor from any person doing business or

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likely to do business with the City and shall immediately report to the Manager any offer, promise or suggestion that such a gift be made. Any person either offering or receiving such a gift, gratuity, consideration or extraordinary favor is subject to criminal penalties prescribed in AS 11.56.100 and AS 11.56.120.

This section does not apply to the giving of ceremonial gifts of nominal value or gifts received from an employee's family or ordinary circle of friends when not offered or accepted for a corrupt purpose. (Ord. 80-30 Sec. 1(part), 1980)

2.52.110 Resignation. Employees are requested to give at least two weeks' notice of anticipated resignation. The supervisor will note on any reference requested, any shorter term of notice. Thirty days' notice is expected of administrative officers. Where a resignation is requested for other than extreme cause, the requirement of notice may be waived and severance pay in lieu of notice will be granted. (Ord. 80-30 Sec. 1(part), 1980)

2.52.115 Dismissal and appeal. Any employee in the classified service may be dismissed by a department head or other authorized officer of the City for cause. The discharged employee may appeal his dismissal to the City Manager or a hearing officer appointed by the Manager. If so requested, the Manager shall hold a hearing within fifteen working days at which the charge against the employee shall be inquired into. The employee will be permitted to present witnesses on his own behalf in answer to such charges. Any employee in the classified service may appeal an adverse decision of the Manager or hearing officer designated by the manager to the Council. The Council may order the reinstatement of the employee upon a finding that the evidence presented to the manger or hearing officer designated by the Manager did not support his action in affirming the dismissal of the employee. No appeal may be taken to the Council without the Manager first having the opportunity to review the action taken. This procedure applies to suspensions, pay reductions or other disciplinary action taken by the City. (Ord. 80-30 Sec. 1(part), 1980)

2.52.120 Judicial review. In adjudicating disciplinary cases, the decision of the Council, or the hearing officer if no appeal is taken, are final. This act does not confer upon any officer or employee of the City any judicial remedy to which he would not be entitled in the absence of a personnel system. This chapter and the regulations promulgated here-under are not a part of any employment agreement between the City and the employee and may be amended by the Council or, in the case of regulations, by the Manager, as each sees fit. (Ord. 80-30 Sec. 1(part), 1980)

2.52.125 Regulations. The Manager may adopt published regulations in furtherance of these provisions and may make additions to them by regulation so long as they do not conflict with this chapter. Such additional regulations may include, but are not limited to: position classifications, a rate of pay based upon the classifications, procedures for employee selection including examinations, etc., promotion procedures, emergency, temporary, and provisional appointments, transfers, transportation costs, reinstatement, layoffs, overtime procedures, delegation questions and similar matters; except however that nothing in this section

shall authorize the Manager to amend the general rules, policy or classifications.
(Ord. 80-30 Sec. 1(part), 1980)

2.52.130 No loss of benefits for employees hired prior to adoption of ordinance. Employees hired prior to adoption of the ordinance codified in this chapter shall not suffer a loss of benefits by virtue of the enactment of this chapter.
(Ord. 80-30 Sec. 2, 1980)

2.52.140 No credit for accumulated leave. Officers and employees of the City at the time this system goes into effect shall benefit from the seniority and sick leave provisions hereof, but shall not be entitled to credit for accumulated annual or sick leave except as may previously have been recognized administratively. (Ord. 80-30 Sec. 3, 1980)

Chapter 2.53 Drug and Alcohol Abuse Policy

Sections:

Drug and Alcohol Policy

2.53.20 Prohibitions and Disciplinary Actions

2.53.30 Drug and Alcohol Abuse Awareness Program

2.53.10 Drug and Alcohol Abuse Policy. It is the policy of the City of Seldovia to maintain a workplace that is free from the effects of drug and alcohol abuse.

2.53.20 Prohibitions and Disciplinary Actions. A. All city employees are prohibited from using, selling, dispensing, distributing, possessing, manufacturing, or being under the influence of illegal drugs, narcotics, or alcoholic beverages on city premises or worksites.

For violating any of the prohibitions contained in subsection A, all employees will be subject to disciplinary action, up to and including dismissal from city employment. Such violations include, but are not limited to, possessing illegal or non-prescribed drugs, narcotics, or alcoholic beverages at work; being under the influence of such substances while working; using them while working; or dispensing, distributing, or illegally manufacturing or selling them on city premises and worksites

Every city employee who is convicted of any criminal drug violation based on conduct occurring in the workplace must report such conviction in writing to the City Manager within 5 calendar days of the conviction. The City Manager must, within thirty days, take appropriate disciplinary action against the employee, up to and including termination of city employment. The City Manager must also notify federal

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agencies which provide funds to the City of the conviction within ten days after receiving notice thereof.

If the City Manager has a reasonable belief that an employee is violating one of the prohibitions contained in subsection A, he shall require the employee immediately to leave city premises and worksites. The City Manager shall make reasonable efforts to arrange safe transit for the employee from city premises or worksites.

2.53.30 Drug and Alcohol Abuse Awareness Program. A. The City Manager shall establish a drug and alcohol abuse awareness program. This program must provide information concerning the following to city employees.

- The dangers of drug and alcohol abuse;
- The City's policy of maintaining a drug free workplace;
- The availability of counseling and rehabilitation programs;
- The penalties that may be imposed for violations of this drug free workplace policy.

The City Manager shall notify all employees that they must abide by this drug free workplace policy and that they must notify the City if they are convicted of any criminal drug violation based on conduct occurring in the workplace. (Ord. 92-05)

Chapter 2.56 Public Information

Sections:

- 2.56.010 Intent.
- 2.56.020 Definitions.
- 2.56.030 Information available to public.
- 2.56.040 Records exempted.
- 2.56.050 Regulation of time, place and manner of inspection of public records.
- 2.56.060 Response to request for public records.

2.56.010 Intent. It is the intention of the City to provide full and free access of the public to municipal records and information so that the people of the City may be well informed at all times as to municipal business. With the exception of the specific exemptions set forth under Section 2.56.040, all information and records in the control of the municipality shall be made available to the public upon request. (Ord. 80-5 Sec. 1, 1980)

2.56.020 Definitions. For the purposes of this chapter:
"Document" means any method of storing information, including but not limited to spoken words, handwriting, typewriting, printing, photostating, photographing and any other form of communication or reproduction, upon any

medium, including but not limited to paper, magnetic or paper type, photographic film or prints, magnetic or punched cards, discs, drums and phonograph records.

"Municipal agency" means any department, division, board, commission or private contractor that has custody of public records as defined in this chapter.

"Records" means any document containing information relating to the conduct of the people's business which is prepared, owned, used or retained by a municipal agency, regardless of the physical form or characteristic of the document. (Ord. 80-5 Sec. 2, 1980)

2.56.030 Information available to public. Except as provided by Section 2.56.040, or by other provisions of municipal, state or federal law, all public records shall be open to inspection by any person subject to guidelines regulating the time, place and manner pursuant to Section 2.56.050. The types of records and information open to the public inspection pursuant to this chapter shall include, but shall not be limited to, the following:

Financial and operational cost information, including information as to revenues, expenditures, indebtedness, department budget requests and formal departmental recommendations in regard to project priority;

Information relating to contracts to which the municipality is a party, including payment provisions, information relating to bids and requests for proposals received or solicited by the municipality, and information relating to the status of goods or services furnished pursuant to contract;

Regulatory, financial, assessment and tax information concerning real property located within the municipality;

Salary levels and fringe benefits accorded municipal officers and employees by law, including information in regard to the pay range and step grade of any employee or officer, and statistical analyses or compilations relating to municipal practices and policies concerning compensation for various occupational groups, departments or divisions;

Statistical information and analyses concerning case loads, numbers and categories of persons for which services performed or treatment provided, results achieved and per patient and per unit costs;

Feasibility, management, cost effectiveness and similar reports prepared by the municipality with municipal moneys.

The foregoing enumeration of information available for public inspection is not designed to limit the categories of records and information that shall be made available to the public pursuant to this chapter. The policy of providing public access to public information shall be broadly and liberally construed. (Ord. 80-5 Sec. 3, 1980)

2.56.040 Records exempted. The City shall not be required to release or disclose the following documents or records:

Communications of any kind between the municipal attorney and officers or employees of the City, or any other individual, firm or corporation containing a legal opinion, memorandum or other disclosure of information pertaining to any matter then in litigation or where litigation may be pending. This exemption does not extend, however, to any documents, records or other written communication that may have been made public prior to the commencement of litigation and public records that must otherwise be disclosed cannot be withheld on the grounds that they have been submitted to the municipal attorney;

Personnel, payroll and medical files that would reveal the financial or medical status of any specific individual, thereby creating an unreasonable invasion of that individual's privacy. Salary levels and fringe benefits accorded all municipal officers and employees by law shall be considered public information, pursuant to Section 2.56.030(A);

Files pertaining to the investigation of criminal activity with the exception of records that may be required by other governmental agencies or entities for the proper governmental agencies or entities for the proper administration of justice. In this regard the provisions of Alaska Statute Chapter 62, and Privacy shall apply;

Information such as name, address, etc., that would identify complainants in actions to enforce any city regulation or ordinance, except as such disclosure may become necessary to a fair and just disposition of the enforcement proceeding.

Records held by the City concerning any customer using municipal services, release of which would be an unwarranted invasion of privacy;

Engineering or other technical specifications or data which might provide a competitive advantage to any person, firm or corporation engaged or potentially to be engaged in municipal business;

Information obtained by and in the custody of insurance carriers insuring the municipality and their attorneys and agents regarding possible and pending claims against the municipality;

Health, mental health, medical, juvenile and personality problem information obtained or prepared by the municipality with respect to any person for whom treatment or services were provided. (Ord. 80-5 Sec. 4, 1980)

2.56.050 Regulation of time, place and manner of inspection of public records. A. The City Manager shall adopt regulations as to the time, place and manner of inspection of public records held by the municipality. Such regulations may also provide:

4.04 That a fee may be required. The fee shall not exceed the actual cost to the agency. No fee shall be charged when a person simply request

access to the information. In the event the person is unable to pay any request fee, and signs an affidavit to the effect he or she is indigent, there will be no cost to the above described person;

4.05 The form in which the specified documents shall be made available. Documents need not be reproduced in the exact form or medium in which they are stored. However, any alteration of the form or medium of public records shall not change the information contained in the public record. When the actual content is changed, the nature of the change and why it was necessary shall be communicated to the requestor.

4.05.70 Regulations adopted pursuant to this section shall be posted in a conspicuous manner at City Hall. (Ord. 80-5 Sec. 5, 1980)

2.56.060 Response to requests for public records. All requests for public information or records shall be approved by the City Manager. The Manager or his designee shall, consistent with the orderly conduct of municipal business, make a good faith and diligent effort to provide a rapid and intelligible response to requests for inspection of records made pursuant to this ordinance. To effect this policy, the following guidelines are adopted:

Information pursuant to this chapter shall be furnished promptly to the requesting party unless the information requested is declared privileged or confidential pursuant to applicable federal, state or municipal law. If the Manager or his designee considers the information to be privileged, he shall prepare a slip setting forth the date, the item of information requested, the specific provision of applicable state, federal or municipal law exempting the requested information from disclosure. A copy of this slip shall be provided to the party requesting said information.

Any denial of a request for information or inspection of public records may be appealed to the City Council and a written reply will be given within seven working days from the Council's consideration thereof either granting or denying the appeal. An appeal from the decision of the Council shall be to the superior court.

All requests for records and information made pursuant to this chapter shall be responded to within a reasonable time period. If the records and information cannot be located in time to make a response within two working days of the request, the requesting party shall be promptly advised, and, if the requesting party still desires the information or records, a reasonable and diligent search shall be made for it. (Ord. 80-6 Sec. 6, 1980)

Title 3 Revenue and Finance

Chapters:

- 3.01 Budget Procedure and Fiscal Year
- 3.02 Financial Procedure
- 3.04 Real and Personal Property Tax
- 3.08 Consumer's Sales Tax
- 3.09 Interest Income

Chapter 3.01 Budget Procedure and Fiscal Year

Sections:

- 3.01.010 Fiscal year designated.
- 3.01.020 Budget proposal--Presented when--Contents--City Manager responsibility.
- 3.01.030 Budget proposal--Council review and public inspection required.
- 3.01.040 Budget proposal--Public hearing—Notices required.
- 3.01.050 Budget proposal--Adoption required when-- Appropriation authority.
- 3.01.060 Budget proposal--Council authority--Effect of non adoption.
- 3.01.070 Emergency appropriations.
- 3.01.080 Supplemental appropriations.
- 3.01.090 Transfer of funds--Authority of Manager and Council.

3.01.010 Fiscal year designated. The fiscal year of the City of Seldovia commences on the first day of July and terminates on the last day of the following June. (Ord. 82-3, 1982)

3.01.020 Budget proposal--Presented when--Contents--City Manager responsibility. During or prior to the eight week preceding the first day of the fiscal year, the City Manager shall present to the Council a budget proposal for the next fiscal year of the City. Such budget proposal shall set forth the City Manager's recommendations for and an analysis of the anticipated income and expenditures of the City during the next fiscal year, together with figures showing the estimated corresponding amounts for the current year and the previous year. The proposed expenditures set forth in the budget proposal shall not exceed revenues of the City. Unencumbered funds remaining at the end of the current fiscal year may be reallocated for purposes set forth in the budget proposal. (Ord. 82-3, 1982)

3.01.030 Budget proposal--Council review and public inspection required. The budget proposal shall be reviewed by the Council and be available for public inspection at the city office. (Ord. 82-3, 1982)

3.01.040 Budget proposal--Public hearing--Notices required. The Council shall set a date for a public hearing on the budget proposal. Notice of the hearing shall be posted not less than 5 days before the hearing. The City Clerk shall cause the notice to be posted. (Ord. 82-3, 1982)

3.01.050 Budget proposal--Adoption required when--
Appropriation authority. After the public hearing, on the same day or another day following the hearing, and not less than 20 days prior to the end of the fiscal year, the Council in regular or special meeting shall adopt a budget for the following year and make an appropriation of the money needed therefore. (Ord. 82-3, 1982)

3.01.060 Budget proposal--Council authority--Effect of non-adoption.
If the Manager does not submit a budget proposal as required in Section 3.01.020 the Council may prepare the budget proposal. If the Council does not adopt a budget prior to the twentieth day preceding the beginning of the next fiscal year, the budget proposal shall become the budget and appropriation for the fiscal year without further Council action. (Ord. 82-3, 1982)

3.01.070 Emergency appropriations. The Council may make emergency appropriations to meet public emergencies affecting life, health, welfare or property, by resolution, without public hearing. The emergency shall be clearly stated in the preamble of the resolution. An emergency appropriation resolution is effective upon adoption. (Ord. 82-3, 1982)

3.01.080 Supplemental appropriations. Supplemental appropriations, except emergency appropriations, may be made only after hearing as provided in this section for the budget. (Ord. 82-3, 1982)

3.01.90 Transfer of funds--Authority of Manager and Council. A. The Council may, by resolution, transfer unencumbered balances between major budget classifications or departments.

B. The City Manager may transfer unencumbered balances between line items within a major classification or department. Such transfer shall be reported to the next regular or special meeting of the Council. (Ord. 82-3, 1982)

Chapter 3.02 Financial Procedure

Sections:

- 3.02.010 Central treasury.
- 3.02.020 Depository banks--Accounts maintained.
- 3.02.030 Investments or deposits--Security.

- 3.02.040 Expenditures and obligations--Authority.
- 3.02.050 Control of and accountability for expenditures.
- 3.02.060 Reports required.

3.02.010 Central treasury. All revenues and other receipts of the general government, shall be deposited into the central treasury. The Manager shall be responsible for treasury management. (Ord. 82-3, 1982)

3.02.020 Depository banks--Accounts maintained. The Manager shall select the depository bank or banks, subject to the approval of the Council. In addition to a working fund account or accounts, deposits shall be maintained in one or more additional banks or savings and loan institutions when cash on hand is sufficiently in excess of working fund requirements to merit this, or where the proceeds from the sale of bonds, or from other sources of funds belonging to the City, provide funds available for deposit or investment. The City is authorized to invest in United States securities. The City may invest in other securities, or deposit in other financial institutions with the approval of the Council. (Ord. 82-3, 1982)

3.02.030 Investments or deposits--Security. The Manager subject to the approval of the Council, shall establish such other financial procedures and regulations to govern the method and manner of transacting the financial affairs of the City, including the terms and conditions of investment or deposit, in accordance with requirements and practices calculated to primarily safeguard the moneys of the City and secondarily obtain the highest yield on City investments and deposits, with due regard to the security of the investments and margins of risk. (Ord. 82-3, 1982)

3.02.040 Expenditures and obligations--Authority. Adoption of the budget and appropriation of the money therefore constitutes the general authority for the Manager to incur obligations and make expenditures within the limits of the budget. (Ord. 82-3, 1982)

3.02.050 Control of and accountability for expenditures. The Manager shall establish and initiate adequate procedure to maintain control of and accountability for expenditures. Procedures shall provide suitable documents to authorize for their use. (Ord. 82-3, 1982)

3.02.60 Reports required. The Manager shall make a monthly report of receipts, expenditures and fund balances to the Council. (Ord. 82-3, 1982)

Chapter 3.03 Major Maintenance and Repair Fund

Sections:

- 3.03.40 Establishment of MMRF.
- 3.03.10 Purpose
- 3.03.150 Income and Distribution.

3.03.04 Seldovia Major Maintenance and Repair Fund Established.

There is established as a separate fund within the finances of the City a fund to be known as the Seldovia Major Maintenance and Repair Fund (hereinafter referred to as "the MMRF fund"). The fund shall be administered in accordance with the provisions of this chapter.

3.03.10 Purpose. The MMRF fund is created to account for revenues and expenditures of major capital projects, repairs, and replacement needs. Revenues and expenditures will be accounted for separately within the fund for the General Fund, Capital Projects Fund, Water Fund, Sewer Fund, Dock Fund, Small Boat Harbor Fund, and Boat Haul Out Fund. The MMRF Fund is created for the purpose of accumulating reserve funds to finance scheduled facility and equipment repair and replacement needs.

3.03.15 Income and Distributions.

The Council will make appropriations and distributions in the same manner it does for other funds

The Council may, from time to time, make additional deposits into the MMRF fund. Any funds received by the City from any source may be deposited into the fund. (Ord. 06-11, 2006)

Chapter 3.04 Real and Personal Property Tax

Sections:

- 3.04.010 Real and personal property tax.
- 3.04.015 Aircraft Personal Property Tax
- 3.04.020 Compliance with applicable law.
- 3.04.030 Collection.
- 3.04.040 Annual levy established.

3.04.010 Real and Personal Property Tax. All real and personal property located within the corporate limits of the City that is not exempt from taxation by

State Law or City Code is subject and liable for an annual tax for City purposes.
(Ord. 87-10 Sec. 1, 1987, Ord. 06-06, 2006)

3.04.020 Compliance with applicable law. Assessments, levy, collection of taxes and foreclosures of tax liens shall be in accordance with AS Chapter 29.45. (Ord. 87-10 Sec. 1, 1987)

3.04.030 Collection. Such taxes shall be collected by the Kenai Peninsula Borough under authority of AS Chapter 29.45, and shall be collected in accordance with the Kenai Peninsula Borough Code, Title 5 and AS Chapter 29.45. (Ord. 87-10 Sec. 1, 1987)

3.04.040 Annual levy established. The City Council shall establish the rate of the annual levy by resolution. (Ord. 87-10 Sec. 1, 1987)

3.04.015 Aircraft Personal Property Tax—Assessments—Aircraft—Appeal.

Assessments:

For purposes of taxation, aircraft that have been issued an "N" number by the Federal Aviation Administration ("FAA") by January 1 of the tax year shall be totally exempted from ad valorem taxes and shall be taxed in accordance with the following flat tax schedule:

Aircraft Flat Tax Schedule is based on:

Manufacturers' Gross Weight with an Internal Load (MGWIL)

Fixed Wing Class	Weight	Annual Tax
1	Less than 2,000 lbs	\$50
2	2,000 to less than 4,000 lbs	\$100
3	4,000 to less than 6,000 lbs	\$300
4	6,000 to less than 12,500 lbs	\$600
5	12,500 or more in weight	\$1,000
Rotorcraft/Rotary Wing Class	Weight	Annual Tax
1	Less than 1,500 lbs	\$100
2	1,500 to less than 3,500	\$600
3	3,500 or more in weight	\$1,000

The owner of record of an aircraft that has been dismantled, destroyed or crashed and the FAA "N" number has been retained by the aircraft's owner of record may submit to the assessor on an approved form "Aircraft Statement of Condition" that

would allow for ad valorem taxation of that aircraft if approved. Aircraft for which such registration or licensing has lapsed or that has not passed the annual inspection required by the FAA shall not qualify on this basis alone for ad valorem taxation unless it has been dismantled, destroyed or crashed.

Commercial aircraft operated under a regular schedule by a scheduled airline shall be exempt from the flat tax and shall be taxed on an ad valorem basis in accordance with the KPB landing schedule formula. The KPB landing schedule formula provides for the prorated calculation of scheduled aircraft by dividing the total hours per year into the total time aircraft operated by a scheduled carrier are in the KPB, and multiplying the result by the assessed value of each aircraft.

Definitions. For purposes of this section:

"Aircraft" means any engine powered contrivance invented, used, or designed to navigate, or fly in, the air and that is capable of being manned and is required by the FAA to be registered and certified in order to be manned.

"Aircraft engine" means an engine used, or intended to be used, to propel an aircraft, except the tail rotor of a helicopter.

"Commercial aircraft" means any aircraft transporting passengers and/or cargo for some payment or other consideration, including money or services rendered

"Crashed" means aircraft for which only parts remain that, due to their condition, can no longer be assembled to create any contrivable aircraft. This shall be evidenced by an FAA accident report and/or copy of an insurance claim that determines the aircraft to be a total loss.

"Destroyed" means aircraft that have been damaged by age, weather, neglect and/or external influences outside the owner's control, and only unusable parts remain that, due to their condition can no longer be assembled to create any contrivable aircraft. This shall be evidenced by photographs and a physical inspection by the KPB Assessing staff appraiser if deemed necessary by the borough assessor.

"Dismantled" means aircraft that have been voluntarily disassembled and only parts remain that can no longer be assembled to create any contrivable aircraft. Evidence such as photographs and a physical inspection by the KPB Assessing staff appraiser shall be provided or allowed if deemed necessary by the borough assessor.

"Scheduled airline" means any individual, partnership, corporation or association: Engaged in air transportation under regular schedules to, over, away from, or within the U.S.; and a Foreign Air Carrier Permit or Holding a Certificate of Public Convenience and Necessity, issued by the Department of Transportation pursuant to 14 CFR Parts 201 and 213.

Appeals:

An aircraft owner may appeal the determination of the borough assessor under this section using the procedures set out in KPB 5.12.050 -.060. (Ord. 06-06)

Chapter 3.08

Consumer's Sales Tax

Sections:

- 3.08.010 Sales tax--Levied.
- 3.08.020 Dedication.
- 3.08.030 Collection
- 3.08.040 Borough provisions adopted by reference.

3.08.010 Sales tax--Levied. A consumer's tax in an amount to be set by ordinance as follows:

1 st qtr:	2%
2 nd qtr:	4.5%
3 rd qtr:	4.5%
4 th qtr:	2%

is levied by the City on all sales, rents and services within the City except as may be otherwise exempted by law. (Ord. 87-11 Sec. 1, 1987; Ord. 91-02ratified 08/20/1991; Ord. 92-22; Ord. 00-12, ratified 10/3/00)

3.08.020 Dedication. The consumer's sales tax shall go to the general fund (Ord. 87-11 Sec. 1, 1987; Ord. 89-2, 1989, ratified 4/25/89; Ord. 92-22)

3.08.030 Collection. The consumer's sales tax levied by this ordinance shall be collected by the Kenai Peninsula Borough as required in AS 29.35.170, in conformance with AS 29.45 and the Kenai Peninsula Borough Code, Title 5. (Ord. 87-11 Sec. 1, 1987)

3.08.040 Borough provisions adopted by reference. Except as provided in (b) below, Those sections of the Kenai Peninsula Borough Code of Ordinances Title 5, Chapter 18, applicable to the levy and collection of sales taxes are incorporated here by reference and made a part of this chapter as though fully set forth. (Ord. 87-11 Sec. 1, 1987)

(b) there shall be no sales tax exemption on nonprepared food. The above sentence does not affect the sales tax exemptions granted under AS 29.45.700. (Ord 09-08 Sec 2, 2008)

Title 4 (Reserved)

Title 04-1

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Title 5

Business Licenses and Regulations

Chapters:

- 5.04 General Provisions
- 5.08 Public Soliciting and Vending
- 5.12 Coin-Operated Machines and Music Boxes
- 5.16 Explosives
- 5.20 Alcoholic beverages and Amusement Places

Chapter 5.04

General Provisions

Sections:

- 5.04.010 License required.
- 5.04.020 Forms kept by Clerk.

5.04.010 License required. Every person, partnership, firm or corporation engaged in a business in the City, as defined under AS 43.70, will be licensed by paying five (5) dollars for a calendar year or part thereof. (Ord. 74-11 Sec. 1(part), 1974; Ord. 92-20; Ord. 99-05; Ord 10-08 Sec 1, 2010)

5.04.020 Forms kept by Clerk. The City Clerk shall prepare or cause to be prepared forms of application and licenses to be used in accordance with this chapter. (Ord. 74-11 Sec. 1(part), 1974)

Chapter 5.08

Public Soliciting and Vending^{*}

Sections:

- 5.08.010 License--Required.
- 5.08.020 License--Application.
- 5.08.030 License--Issuance.
- 5.08.040 License--Fees.
- 5.08.050 Exhibition of license.

* For statutory provisions regarding the Alaska Business License Act, see AS Chapter 43.70.

5.08.010 License--Required. All persons desiring to solicit funds or secure subscriptions for the payment thereof, on behalf of any religious, charitable, fraternal or eleemosynary corporation or organization of any kind; all persons desiring to engage in or carry on any business of peddling or hawking in or on the streets of the City, or at any public place therein; and all auctioneers, itinerant vendors and person, their principals and agents, engaged in a temporary or transient business of vending or selling merchandise, stocks or bonds, or other articles of commerce within the City, shall first obtain a nontransferable license so to do as hereinafter provided. It is unlawful for any person to engage in or carry on any of said businesses without first having obtained such licenses or having complied with the provisions of this chapter; provided that this section does not apply to orders taken by commercial travelers in the usual course of business, or to a *bona fide* sales of merchandise or goods by sample for future delivery. (Prior code Sec. 3(part))

5.08.020 License--Application. Application for such license shall be made in writing and filed with the City Clerk. The application shall contain the name and residence of the applicant; the business in which said applicant desires to engage; the length of time for which said license is desired; the names and kinds of articles for commodities which are to be peddled, hawked, vended or sold, and if the same be stocks or bonds, then a detailed description thereof or the organization for which funds will be solicited and its purposes; the name and address of the principal, if any, of the applicant; and if the license is desired for the business of auctioneer, itinerant vendor or other temporary or transient business the specific location for part or parts of the City where such business is to be conducted. (Prior code Sec. 3.005(a))

5.08.030 License--Issuance. If it shall appear to the Clerk that the proposed solicitation or business is a legitimate one and will not constitute a nuisance, the license shall issue upon payment of the fee set forth below, and shall be valid for the period set forth in the application, not to exceed one year. In case any person or organization deems himself aggrieved by the provisions hereof, he may appeal the decision of the Clerk to the City Council. (Prior code Sec. 3.005(B))

5.08.040 License--Fees. The fees for such licenses shall be as follows:

A. For licenses permitting the solicitation of funds or the securing of subscriptions for the payment thereof on behalf of any religious, charitable, fraternal, or eleemosynary corporation or organization of any kind - ten dollars for each organization or corporation;

B. For a license permitting the engaging in or carrying on of any business of peddling or hawking on or in the streets of the City or at any public place therein - fifteen dollars for the first day and three dollars for each day thereafter, not to exceed one hundred dollars;

C. For a license permitting an auctioneer, itinerant vendor or person engaged

in a temporary or transient business of vending or selling merchandise, stocks, bonds or other articles of commerce fifteen dollars for the first day and five dollars for each day thereafter not to exceed three hundred dollars. (Prior code Sec. 3.005(C))

5.08.050 Exhibition of license. Each person procuring a license as above set forth shall keep in his possession a copy of the license and shall exhibit it to any person upon demand. (Prior code Sec. 3.005(D))

Chapter 5.12 Coin-operated Machines and Music Boxes

Sections:

5.12.010 License required--Fee.

5.12.020 Operation without license--Penalty.

5.12.010 License required--Fee. Every person who maintains for use or permits the use of, on any place or premises occupied by him, a coin-operated amusement or musical device, shall first obtain from the City Clerk a license for the operation of such device. Separate licenses shall be required for each and every coin-operated amusement or musical device. Application for licenses shall be obtained from the City Clerk who shall be the licensing authority. Licenses shall be issued for a calendar year or the remainder thereof. The license fee for each such device shall be twenty-five dollars a calendar year or part thereof. (Ord. 74-12 Sec. 1, 1974: prior code Sec. 3.010(part))

5.12.020 Operation without license--Penalty. Every person who so maintains for use, or permits the use of, on any place or premises occupied by him, coin-operated amusement or musical devices without first obtaining a license so to do as required by the provision of this chapter, shall be subject to the general penalty in Section 1.08.010 of this code. (Ord. 89-12, Prior code Sec. 3.010(A))

Chapter 5.16 Explosives

Sections:

5.16.010 Permit required.

5.16.020 Storage prohibited.

5.16.030 Coast Guard regulations adopted.

5.16.040 Shipment handling.

5.16.050 Violation--Penalty.

5.16.010 Permit required. No class-A explosives, detonators or fuses shall be handled, transported or used within the City by any person without first obtaining a permit. Application for permits may be obtained from the Chief of Police who is designated as the issuing authority. The Chief of Police shall condition any permit issued upon such terms as he may deem appropriate with the approval of the mayor. No permit shall extend beyond twenty-four hours and the permit fee of five dollars shall accompany each application. (Prior code Sec. 3.015(part))

5.16.020 Storage prohibited. No permit shall be issued for and there shall be no class-A explosives, detonators or fuses stored within the incorporated limits of the City. (Prior code Sec. 3.015(A))

5.16.030 Coast Guard regulations adopted. The regulations of the United States Coast Guard shall at all times be complied with, and this chapter incorporated by reference and makes applicable to all person owning or handling explosives the safety measures specified by the Coast Guard in 46 CFR 146-149 as though they were set forth in full. (Prior code Sec. 3.015(B))

5.16.040 Shipment handling. The handling of class-A explosives in the port by any common carrier or private carrier shall be limited to twenty tons at any one shipment; and shall be transported from the carrier by lighter and not over the dock nor stored in a dock warehouse at any time. (Prior code Sec. 3.015(C))

5.16.050 Violation--Penalty. Violation of any of the provisions of this chapter or the safety code adopted herein shall be punishable by the general penalty codified at Chapter 1.08. (Ord. 89-12, Ord. 74-13 Sec. 1, 1974: prior code Sec. 3.015(part))

Chapter 5.20

Alcoholic Beverages and Amusement Places^{*}

Sections:

- 5.20.020 Retail liquor sales--Hours.
- 5.20.030 Number of licenses approved.
- 5.20.040 Carrying unsealed containers.
- 5.20.050 Entertainment premises--Hours.
- 5.20.060 Licensed premises--Closing hours--Designated.
- 5.20.070 License premises--Closing hours—Extension permitted on certain days.

* For statutory provisions authorizing a city to regulate the sale and place of sale of alcoholic beverages, see AS Sec. 29.35.080 and see generally AS Ch. 4.16. For the penalty provisions applicable to the violation of ordinances dealing with alcoholic beverages, see generally AS Ch. 4.16.

- 5.20.080 Licensed premises--Hours for consuming intoxicating liquor.
- 5.20.090 Consuming intoxicating liquor on licensed premises prohibited during certain hours.
- 5.20.100 Licensed premises--Attendance prohibited during certain hours--Exceptions.
- 5.20.110 Permitting persons on licensed premises prohibited--Exceptions.
- 5.20.120 Permitting persons under the age of 21 years on licensed premise.

5.20.020 Retail liquor sales--Hours. All retail liquor stores, person, persons, firm or corporation having for sale any intoxicating liquor, including beer or wine, by the bottle, can, package or other container, shall close their place of business to the public and make no sale, barter, gift or loan of such intoxicants after the hour of twelve midnight on week nights until the hour of eight a.m. the following day, and two a.m. on Sunday morning until eight a.m. on Sunday morning with the exception that from Memorial Day in May through the day after Labor Day in September; the closing hours will be two a.m. until the hour of eight a.m. seven days a week. (Ord 90-02, Resol. 87-6, 1987; Special Election 6/27/87)

5.20.030 Number of licenses approved. Pursuant to AS 04.01.440, and subject to the approval of the Alcoholic Beverage Commission, the number of beverage dispensary licenses within the City of Seldovia is increased to four. (Ord 90-02, Ord. 3.025 (part), 1965)

5.20.040 Carrying unsealed containers. It is unlawful for any person or persons to carry on or about his, her or their person in a public place, any bottle, can, package or other container of whatsoever description containing intoxicating liquor, including beer or wine, if the seal at the mouth of the bottle or container is broken, removed, or if such container has no seal, or if such can, bottle or other container is open in such a manner as to permit or allow drinking therefrom. (Ord 90-02, Prior code Sec. 9.020)

5.20.050 Entertainment premises--Hours. All dances, dance halls and all other public places of amusement or entertainment shall be closed and such public entertainment or amusement cease at the hour of twelve midnight of each night of the week save Saturday when such places may remain open and amuse or entertain until the hour of two Sunday morning with the exception that from Memorial Day in May through the day after Labor Day in September; the closing hours will be two a.m. seven days a week. (Ord 90-02, Prior code Sec. 9.015)

5.20.060 Licensed premises--Closing hours--Designated. No person shall sell, offer for sale, give, furnish or deliver any intoxicating liquor on any licensed premises between the hours of twelve midnight and eight of the following morning on weekdays and between the hours of two a.m. and eight of Sunday morning with the exception that from Memorial Day in May through the day after Labor Day in September; the closing hours will be two a.m. seven days a week. (Ord 90-02, Ord. 76-1 Sec. 2, 1976)

5.20.070 Licensed premises--Closing hours--Extension permitted on certain days. The hours set forth in Section 5.20.060 shall apply, except such closing hours shall be extended from twelve midnight until four a.m. on January 1st, and July 5th of each year. (Ord 90-02, Ord. 76-1 Sec. 7, 1976)

5.20.080 Licensed premises--Hours for consuming intoxicating liquor. No person shall consume any intoxicating liquor on any licensed premises between the hours of twelve midnight and eight of the following morning on weekdays and between the hours of two a.m. and eight a.m. of Sunday morning, with the exception of the extended closing hours provided by Section 5.20.060 and Section 5.20.070. (Ord 90-02, Ord. 76-1 Sec. 5, 1976)

5.20.090 Consuming intoxicating liquor on licensed premises prohibited during certain hours. No licensee shall permit any person to consume intoxicating liquor on his licensed premises between the hours of twelve midnight and eight of the following morning on weekdays and between the hours of two a.m. and eight a.m. of Sunday morning with the exception of the extended closing hours provided by Section 5.20.060 and Section 5.20.070. (Ord 90-02, Ord. 76-1 Sec. 6, 1976)

5.20.100 Licensed premises--Attendance prohibited during certain hours--Exceptions. No person shall be on any licensed premises between the hours of twelve midnight and eight of the following morning on weekdays and between the hours of two a.m. and eight a.m. of Sunday morning with the exception of the extended closing hours provided by Section 5.20.060 and Section 5.20.070. This section shall not apply to *bona fide* employees of the licensee who are on the premises for the specific purpose of preparing for the next day's business, or to persons remaining on the premises of a *bona fide* restaurant for the purpose of consuming food or nonalcoholic beverages. (Ord 90-02, Ord. 76-1 Sec. 3, 1976)

5.20.110 Permitting persons on licensed premises prohibited--Exceptions. No licensee shall permit any person to be on his licensed premises between the hours of twelve midnight and eight of the following morning on weekdays and between the hours of two a.m. and eight a.m. of Sunday morning with the exception of the extended closing hours provided by Section 5.20.060 and Section 5.20.070. This section shall not apply to *bona fide* employees of the licensee who are on the premises for the specific purpose of preparing for the next day's business, or to person remaining on the premises of a *bona fide* restaurant for the purpose of consuming food or nonalcoholic beverages. (Ord 90-02, Ord.76-1 Sec. 4, 1976)

5.20.110 Permitting persons under the age of 21 years on licensed premise. No licensee shall permit a minor, any person under the age of 21 years, to enter or remain on his licensed premises where alcoholic beverages are sold after the hour of six p.m. except that they may enter for the purpose of consuming food wherein a restaurant or cafe is the owner of the license, or they are accompanied by a spouse. (Ord. 90-02, Ord.90-01)

Title 6

Purchasing and Contracts

Chapters:

- 6.04 General Provisions
- 6.08 Purchase, Sale and Contract Administration
- 6.16 Real Property--Purchase
- 6.18 Real Property--Sale or Disposal
- 6.28 Architectural, Engineering and Other Professional Services Contracts

- 6.38 Transactions with Municipal Officials and Employees

Chapter 6.04

General Provisions

Sections:

- 6.04.010 Definitions.
- 6.04.020 Policy statement.
- 6.04.030 Purchasing division and Purchasing Officer established.
- 6.04.040 Purchasing Officer--Scope of authority.
- 6.04.050 Purchasing Officer--Other powers and duties.

6.04.010 Definitions. A. "Contractor" means that person who contracts with the City to perform construction projects, for sale or purchase of personal property, or to perform personal services.

B. "Department head" means the chief administrative officer of a city department.

C. "Officer" or "purchasing/contracting officer" means the City Manager or his/her designee. (Ord.89-10)

D. "Project engineer" means that engineer designated by the City Manager or Council for purposes of administering and coordinating any construction project.

E. "Proprietary item" or "proprietary service" means those items or personal property or those services of any nature that can be supplied by only one contractor because of the singular characteristics of the item or service.

F. "Using agency" or "agency" or department" means any department, division, utility or agency of the City concerned with a construction project, or the procurement or sale of personal property, or acquiring personal services from any

contractor. (Ord. 78-2(part), 1978; Ord. 89-10 Sec. 1, 1989)

6.04.020 Policy statement. A. It is the declared policy of the City to discourage collusive bidding by contractors and to encourage full and open competition whenever practical between all city contractors by competitive bidding practices.

B. It is unlawful for any city officer, employee or agent to contract contrary to the provisions for this title. (Ord. 78-2(part), 1978, Ord 89-10 Sec. 1, 1989)

6.04.030 Purchasing division and Purchasing Officer established. There is established in the finance department the division of purchasing. The Purchasing Officer shall have general supervision of the division of purchasing, subject to general supervision of the Chief Fiscal Officer. (Ord. 78-2(part), 1978)

6.04.040 Purchasing Officer--Scope of authority. The Purchasing Officer shall have the power, and it shall be his duty to purchase or contract for construction, supplies and contractual services needed by the City, and to sell surplus personal property in accordance with purchasing procedures as prescribed by this title. (Ord. 78-2(part), 1978)

6.04.050 Purchasing Officer--Other powers and duties. In addition to any other powers and duties the officer shall:

B. Minimum Expenditure. Act to procure for the City the highest quality in construction, supplies and contractual services at least expense to the City;

C. Purchasing Analysis. Keep informed of current development in the field of purchasing, prices, market conditions and new products, and secure for the City the benefits of research done in the field of purchasing by other governmental jurisdictions, national technical societies, trade associations having national recognition, and by private businesses and organizations. (Ord. 78-2(part), 1978)

Chapter 6.08

Purchase, Sale and Contract Administration

Sections:

- 6.08.010 Formal purchasing and sale procedure.
- 6.08.020 Open market procedure.
- 6.08.030 Bids--Notice inviting.
- 6.08.040 Pre-bid conference.
- 6.08.050 Changes and addenda in contract documents.
- 6.08.060 Bids--Opening procedure.
- 6.08.070 Bid bonds or deposits.

- 6.08.080 Award of contract by competitive bidding procedure.
- 6.08.090 Bids—Re-advertisement.
- 6.08.100 Bids--Waiver of irregularities.
- 6.08.110 Award of contract to most responsible bidder--Exception.
- 6.08.120 Bonds of contractors for public buildings or works.
- 6.08.130 Administration.
- 6.08.140 Change order--Proposal required.
- 6.08.150 Change order--By Council.
- 6.08.160 Change order--In emergency.
- 6.08.170 Emergency contracts.
- 6.08.180 Partial payments--Approval required.

6.08.010 Formal purchasing and sale procedure. A. All construction, supplies and contractual services, except for proprietary items or proprietary services, when the estimated cost thereof shall exceed five thousand dollars, shall be purchased by formal, written purchasing procedures from the most responsible bidder not less than fourteen days after invitation for bids. (Ord. 93-04; Ord. 93-09)

B. Whenever, because of the nature of the construction, supplies or contractual services required by the City, it is impractical to invite bids, the City Manager can issue requests for proposals to at least three competitive bidders, and to negotiate with those who reply. Proposers will also be required to comply with all other requirements of this title. The award, if any is made, will be made by the Council to the most responsive proposal. (Ord. 93-04; Ord. 93-09)

C. All sales of personal property which has become obsolete and unusable shall be sold by formal written contract or by contract to the highest responsive bidder not less than fourteen days after invitation for bids. (Ord. 93-04; Ord. 93-09)

D. Contracts made on behalf of the City, including emergency contracts, contracts for professional services, and waiver of informality with respect to such contracts, require Council approval, except where the estimated value of the contract does not exceed five thousand dollars. All persons submitting a bid pursuant to competitive bidding procedures shall accompany their bid with a corporate surety bond from a surety company authorized to do business in Alaska or a cash deposit, whenever and in an amount deemed necessary by the Council. Any bidder who is not awarded a contract shall have his bid bond exonerated or his cash deposit refunded. (Ord. 80-7 Sec. 2(part), 1980; Ord. 78-2(part), 1978; Ord. 93-04; Ord. 93-09; Ord. 95-01)

6.08.020 Open market procedure. A. All purchases of construction, supplies and contractual services having an estimated value of less than five thousand dollars shall be made in the open market without newspaper advertisement and without observing the procedure prescribed by this title for formal purchasing or sale procedures. (Ord. 93-04; Ord. 93-09)

B. Minimum Number of Bids. All open market purchases or sale shall be

based, whenever possible, on at least three competitive bids and shall be awarded to the most responsive bidder in accordance with the standards set forth in this title or to the highest responsive bidder in the case of a sale. (Ord. 93-04; Ord. 93-09)

C. Invitation of Bids. The officer may solicit either oral, fax, or written bids for open market purchases. (Ord. 93-04; Ord. 93-09)

D. Public Record. The officer shall keep a record of all open market bids submitted in competition thereon, and such records shall be open to public inspection. (Ord. 93-04; Ord. 93-09)

E. Other unit government bid process. Purchases without giving an opportunity for competitive bidding may be done for the purchase of supplies, materials or equipment which can be procured from a source selected by another unit of government within the state pursuant to competitive bidding procedures to provide the same or similar supplies, materials or equipment if:

1. The award was made by the governmental unit within the past twelve months; and

2. The item(s) can be procured at the same price plus additional freight or delivery charges if applicable. (Ord. 80-7 Sec. 2(part), 1980; Ord. 78-2(part), 1978; Ord. 93-09; Ord. 02-01)

6.08.030 Bids--Notice inviting. A. Newspaper. When the time permits and it's in the best interests of the City, notice inviting formal bids shall be published once in a newspaper of general circulation in the City at least fourteen days preceding the last day set for the receipt of bids. The newspaper notice required herein shall include: a general description of the work, materials or service; shall state where bid forms and specifications may be secured; the closing time and place for opening bids; and the amount of the bid deposits, if required. As an alternate, the City may fax or mail formal bids to three firms known to provide such products or services in lieu of advertising. (Ord. 93-04; Ord. 93-09)

B. "Bidders' List." The City shall also invite bids from all responsible prospective contractors who have requested that their names be added to a "bidders' list," which the City shall maintain, by sending them a copy of such newspaper notice or such other notice as will acquaint them with the proposed contract. In any case, invitations sent to the contractors on the bidders' list shall be limited to work that is similar in character and ordinarily performed by the contractors to whom the invitations are sent. Failure of any person on the bidders' list to receive such invitation to bid shall not invalidate the bidding procedures. (Ord. 78-2(part), 1978; Ord. 93-04; Ord. 93-09)

6.08.040 Pre-bid conference. The City Manager may provide for a pre-bid conference. Such conference shall be held at least seven days prior to the time for submission of bids. Clarifying information that may affect the bid will be used whether all bidders are present at the conference or not. (Ord. 78-2(part), 1978;

Ord. 93-04; Ord. 93-09)

6.08.050 Changes and addenda in contract documents. No person shall make any oral interpretations that may affect the substance of the contract documents, nor shall any person make any oral change in the contract documents, and the bid documents shall so state. Addenda shall be issued when questions arise which might affect the bids. The City Manager shall be certain that the addenda are delivered by certified mail (return receipt requested), telegraph, or by hand. When delivered by hand, written receipt of the addenda shall be obtained. When an addendum is issued less than four working days before the time for receipt of bids, the addendum shall contain a new bid date, which shall be at least four working days after the normal receipt for the addendum by the prospective bidder. Receipt of addenda shall be acknowledged as part of the bid submitted. (Ord. 78-2(part), 1978; Ord. 93-04; Ord. 93-09)

6.08.060 Bids--Opening procedure. A. Submitting. Sealed bids shall be submitted in person or by mail to the City Manager, and they shall be identified as bids on the envelope. (Ord. 93-04; Ord. 93-09)

B. Opening. Bids shall be opened in public at the place stated in the public notice immediately after the closing time for submission of bids. Bids not received by the City prior to time set for bid opening shall not be opened and considered. (Ord. 93-04; Ord. 93-09)

C. Tabulation. A tabulation of all bids received shall be forwarded to the City Manager, with appropriate recommendations for acceptance or rejection of bids. A copy of the tabulation shall be furnished to each bidder. (Ord. 78-2(part), 1978; Ord. 93-04; Ord. 93-09)

6.08.070 Bid bonds or deposits. All persons submitting a bid pursuant to competitive bidding procedures shall accompany their bid with a corporate surety bond from a surety company authorized to do business in Alaska or a cash deposit, whenever and in an amount deemed necessary by the Council. Any bidder who is not awarded a contract shall have his bid bond exonerated or his cash deposit refunded. Any bidder awarded a contract shall forfeit his bond or cash deposit if he fails to enter into a contract. The successful bidder will have his bid bond exonerated or his cash deposit refunded. (Ord. 78-2(part), 1978; Ord. 93-04; Ord. 93-09)

6.08.080 Award of contract by competitive bidding procedure. All contracts, except as otherwise provided herein, when the estimated cost hereof shall exceed five thousand dollars shall be awarded by formal written contract or purchase order to the most responsive bidder; provided, however, that the Council shall have the authority to reject all bids. (Ord. 80-7 Sec. 2(part), 1980; Ord. 93-04; Ord. 93-09)

6.08.090 Bids—Re-advertisement. If the most responsive bid exceeds the budgeted amount, and the Council does not make additional funds available, the

proposed contract may be reduced in scope to bring the cost within the limit of the money available. The contract may be re-advertised for bidding, or, with approval of the Council, the City Manager may negotiate with the previous three most responsive bidders for performance of the contract as reduced. (Ord. 78-2(part), 1978; Ord. 93-04; Ord. 93-09)

6.08.100 Bids--Waiver of irregularities. The Council, on bids of ten thousand dollars or less, shall have the authority to waive irregularities on any and all bids, except that the timelines and manual signature requirements shall not be waived. (Ord. 78-2(part), 1978; Ord. 93-04; Ord. 93-09)

6.08.110 Award of contract to lowest bidder--Exception. A. Lowest Responsible Bidder. Construction and service contracts shall be awarded to the most responsible bidder. In determining "most responsible bidder," in addition to price, the following shall be considered:

1. The ability, capacity and skill of the bidder to perform the contract;
2. Whether the bidder can perform the contract within the time specified, without delay or interference;
3. The character, integrity, reputation, judgment, experience and efficiency of the bidder;
4. The quality of performance of previous contracts;
5. The previous and existing compliance by the bidder with laws and ordinance relating to the contract.
6. The sufficiency of the financial resources and ability of the bidder to perform the contract;
7. The number and scope of conditions attached to the bid. (Ord. 93-04; Ord. 93-09)

B. Award to other than low bidder. Due to the willingness for some bidders to negotiate the services they will provide, it may be in the City's interest not to take the lowest bid. The City has the right to accept any bid. When the award is given to other than the lowest bidder, a full and complete written statement of the reasons therefore shall be delivered to the unsuccessful low bidder or bidders and filed with the other papers relating to the transaction. The minutes of the Council relating to the matter may be used as the required written statement. (Ord. 93-04; Ord. 93-09)

C. If some bids are approximately equal, some preference may be given to local bidders. (Ord. 78-2(part), 1978; Ord. 93-04; Ord. 93-09)

6.08.120 Bonds of contractors for public buildings or works. A. Before a contract exceeding \$100,000 for the construction, alteration, or repair of a public building or public work of the City is awarded to a general or specialty contractor, the contractor shall furnish to the City the following bonds, which become binding upon the award of the contract to that contractor:

1. A performance bond with a corporate surety qualified to do business in the State, or at least two individual sureties who shall each justify in a sum equal to the amount of the bond; the amount of the performance bond shall be

equivalent to the amount of the payment bond;

2. A payment bond with a corporate surety qualified to do business in the state, or at least two individual sureties who shall each justify in a sum equal to the amount of the bond for the protection of all persons who supply labor and material in the prosecution of the work provided for in the contract; when the total amount payable by the terms of the contract is not more than \$1,000,000 the payment bond shall be in a sum of one-half the total amount payable by the terms of the contract; when the total amount payable by the terms of the contract is more than \$1,000,000 and not more than \$5,000,000, the payment bond shall be in the sum of 40 percent of the total amount payable by the terms of the contract; when the total amount payable by the terms of the contract is more than \$5,000,000, the payment bond shall be in the sum of \$2,500,000. (Ord. 93-04; Ord. 93-09)

B. This section does not limit the authority of the City Manager to require a performance bond or other security in addition to those, or in cases other than the cases specified in (A) of this section. (Ord. 93-04; Ord. 93-09)

C. When no payment bond has been furnished, the contracting officer shall not approve final payments to the contractor until the contractor files a written certification that all persons who supplied labor or material in the prosecution of the work provided for in the contract have been paid. (Ord. 84-5 Sec. 3, 1984; Ord. 93-04; Ord. 93-09)

6.08.125 Optional city exemption. The City, by ordinance adopted by Council, may exempt contractors from compliance with the provisions of Section 6.08.120(A) if the estimated cost of the project does not exceed \$400,000, and

A. The contractor is, and for two years immediately preceding the award of the contract has been, a licensed contractor having its principal office in the state; (Ord. 93-04; Ord. 93-09)

B. The contractor certifies that it has not defaulted on a contract awarded to the contractor during the period of three years preceding the award of a contract for which a bid is submitted; (Ord. 93-04; Ord. 93-09)

C. The contractor submits a financial statement, prepared within a period of nine months preceding the submission of a bid for the contract and certified by a public accountant or a certified public accountant licensed under AS 08.04, demonstrating that the contractor has a net worth of not less than 20 per cent of the amount of the contract for which a bid is submitted; and (Ord. 93-04; Ord. 93-09)

D. The total amount of all contracts which the contractor anticipates performing during the term of performance of the contract for which a bid is submitted does not exceed the net worth of the contractor reported in the certified financial statement prepared and submitted under (C) of this subsection by more than seven times. (Ord. 84-5 Sec. 3, 1984; Ord. 93-04; Ord. 93-09)

6.08.130 Administration. Unless otherwise directed by the Council, all construction contracts shall be administered by the City Manager. (Ord. 78-2(part), 1978, Ord. 93-04; Ord. 93-09)

6.08.140 Change order--Proposal required. Any change required in construction contracts shall be made after receiving a written proposal from the contractor for additions to or deductions from the original contract sum for changes proposed. All changes in the contract work shall be by written change order. (Ord. 78-2(part), 1978; Ord. 93-04; Ord. 93-09)

6.08.150 Change order--By Council. A proposed change order, together with recommendations of the City Manager, shall be forwarded to the Council, which shall then determine whether the proposal shall be accepted or rejected. (Ord. 78-2(part), 1978; Ord. 93-04; Ord. 93-09)

6.08.160 Change order--In emergency. Whenever a change order in construction is required immediately upon discovery of unforeseen conditions, the City Manager shall have the authority to order such change by written order through the project engineer, providing total additional expenditure does not exceed five thousand dollars. If the change otherwise is subject to Section 6.08.160, a full report shall be made to the Council, not later than the first regular meeting following the change. The emergency nature of such change orders shall be determined by the City Manager. (Ord. 80-7 Sec. 2(part), 1980; Ord. 93-04; Ord. 93-09)

6.08.170 Emergency contracts. Whenever, because of any emergency, it is deemed necessary and in the public interest by the City Manager to enter into any contract without following the competitive bidding procedures as may be required by this title, he shall authorize such emergency contract if the estimated sum involved is less than five thousand dollars. If the estimated contract sum involved is five thousand dollars or more, the City Manager shall refer any proposed emergency contract to the Council for its approval and authorization to waive the competitive bid procedures. (Ord. 80-7 Sec. 2(part), 1980; Ord. 93-04; Ord. 93-09)

6.08.180 Partial payments--Approval required. No partial payment for work completed shall be made to a construction contractor without approval of the City Manager of the quantities and values submitted by the contractor. No reduction in retained percentage other than that called for in the contract shall be made without prior approval of the Council. (Ord. 78-2(part), 1978; Ord. 93-04; Ord. 93-09)

Chapter 6.16 Real Property--Purchase

Sections:

6.16.010 Acquisition and ownership.

- 6.16.020 Real property defined.
- 6.16.030 Acquisition--Form.
- 6.16.040 Acquisition--Bidding.
- 6.16.050 Acquisition and ownership--Rights and powers.
- 6.16.060 Acquisition--Procedure.
- 6.16.070 Purchase by agreement.
- 6.16.080 Industrial sites.
- 6.16.090 Acquisition--Federal and state aid.
- 6.16.100 Uniform real property acquisition policy.

6.16.010 Acquisition and ownership. The City may acquire, own and hold any real property. The City may acquire and hold real property as sole owner or as tenant in common or other lawful tenancy, with any other person or governmental body for any public purpose. The City may hold real property in trust for any public purpose. (Ord. 78-2(part), 1978)

6.16.020 Real property defined. As used in this chapter, "real property" includes any estate in land, easement, right-of-way, lease, permit, license, franchise, future interest, building, fixture, or any other right, title or interest in land or improvements. (Ord. 78-2(part), 1978)

6.16.030 Acquisition--Form. The City may acquire, own and hold real property by purchase, gift, devise, exchange, redemption, purchase of equity of redemption, operation of law, tax or lien foreclosure, adverse possession, condemnation or declaration of taking, annexation, warranty or quitclaim deed, easement, grant, permit, license, deed of trust, mortgage, contract of sale, plat dedication, lease, or any other lawful method or mode of conveyance. Real property shall be held in the name of "The City of Seldovia." Any instrument requiring execution by the City shall be signed by the Mayor and attested by the Clerk. The form of any conveyance to the City shall be approved by the attorney. (Ord. 78-2(part), 1978)

6.16.040 Acquisition--Bidding. Because of the unique nature of real property, acquisition by a competitive bid process is not required. However, the Council may require such a procedure when more than one parcel would satisfy city requirements. (Ord. 78-2(part), 1978)

6.16.050 Acquisition and ownership--Rights and powers. The City shall have and may exercise all rights and powers in the acquisition, ownership and holding of real property as if the City were a private person. (Ord. 78-2(part), 1978)

6.16.060 Acquisition--Procedure. A. The Council shall approve all acquisitions of real property, provided acquisitions for no consideration require no such approval. Council approval shall be presumed where the acquisition is a part of a budgeted capital improvement or acquisition program or the result of tax or assessment foreclosure. Where funds are available, approval for the acquisition of real property for a cash consideration or exchange of real property shall be by

resolution.

B. Where a fee interest is to be acquired, the City Manager shall establish fair value of the interest to be acquired by the use of qualified independent professional appraisers.

C. In the case of emergency and where the public interest so requires, the Mayor may authorize eminent domain proceedings. The Mayor shall inform the Council of such proceedings and the justification therefore as soon as practicable.

D. Where a fee interest is to be acquired, the City shall purchase marketable title in the real property unless otherwise provided by the Council. (Ord. 78-2(part), 1978)

6.16.070 Purchase by agreement. The Council shall approve and authorize by ordinance the purchase of real property by contract of sale, deed of trust, or mortgage. (Ord. 78-2(part), 1978)

6.16.090 Acquisition--Federal and state aid. Legislative assent to federal or state aid for the City, including aid given to the City through a department or agency of the federal or state government, is given. The City may apply for, contract and do all things necessary for the acquisition, holding, improvement, or development of real property within and outside the city boundaries. (Ord. 78-2(part), 1978)

6.16.100 Uniform real property acquisition policy. The City, in acquiring real property for any project or program, shall comply to the greatest extent practicable with the following policies:

A. Every reasonable effort shall be made expeditiously to acquire real property by negotiation.

B. Real property shall be appraised before the initiation of negotiations, and the owner or his designated representative shall be given an opportunity to accompany the appraiser during his inspection of the property.

C. Before the initiation of negotiations for real property, an amount shall be established which is reasonably believed to be just compensation for the real property, and that amount shall be offered for the property. In no event shall the amount be less than the approved appraisal of the fair market value of the property. A decrease or increase in the fair market value of the real property before the property is acquired or by the likelihood that the property would be acquired for the improvement, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property. The owner of the real property to be acquired shall be provided with a written statement of, and a summary of the basis for, the amount established as just compensation.

D. No owner may be required to surrender possession of real property before

the City pays the agreed purchase price or deposits with the court in accordance with applicable law, for the benefit of the owner, any amount not less than the approved appraisal of the fair market value of the property, or the amount of the award of compensation in the condemnation proceeding for the property.

E. The construction or development of a public improvement shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying real property may be required to move from a dwelling (assuming a replacement dwelling will be available), or to move his business or farm operation, without at least ninety days written notice of the date by which the move is required.

F. No tenant of property to be acquired shall be contacted regarding the term of his occupancy until after execution of a purchase agreement with the owner. If an owner or tenant is permitted to occupy the real property acquired on a rental basis for a short term or for a period subject to termination by the City on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short-term occupier.

G. In no event may the time of condemnation be advanced or negotiations or condemnation and the deposit of funds in court for the use of the owner be deferred, nor may any other coercive action be taken in order to compel an agreement on the price to be paid for the property.

H. If an interest in real property is to be acquired by exercise of the power of eminent domain, formal condemnation proceedings shall be instituted following Council approval. The City shall not intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property.

I. If the acquisition of only part of the property would leave its owner with an uneconomic remnant, an offer to acquire the entire property shall be made. Such offers shall follow the same procedures as required for the original purchase offer.

J. Notwithstanding any other provision of law, if the City acquires any interest in real property, it must acquire at least an equal interest in all buildings, structures or other improvements located upon the real property which the municipality requires to be removed from the real property or which it determines will be adversely affect by the use to which the real property will be put.

K. For the purpose of determining just compensation to be paid for a building, structure or other improvement required to be acquired under subsection J of this section, the building, structure or other improvement is considered to be a part of the real property to be acquired, notwithstanding the right or obligation of a tenant, as against the owner of any other interest in the real property, to remove the building, structure or improvement at the expiration of his term, and the fair market value which the building, structure or improvement contributes to the fair market value of such building, structure or improvement for removal from the real property, whichever is the greater, shall be paid to the tenant.

L. Except in cases of emergency, nothing in this section shall authorize the City to acquire or condemn any property the acquisition or condemnation of which the Council has not authorized. (Ord. 78-2(part), 1978)

Chapter 6.18 Real Property--Sale or Disposal

Sections:

- 6.18.010 Authority--City.
- 6.18.020 Charter provision.
- 6.18.030 Form.
- 6.18.040 Rights and powers.
- 6.18.050 Public and charitable conveyances.
- 6.18.060 Property exchanges.
- 6.18.070 Grants for federal and state programs.
- 6.18.080 Sale or disposal of industrial sites.
- 6.18.090 Change of use.
- 6.18.100 Real property as security.
- 6.18.120 Procedure for sale.
- 6.18.130 Rejection of bids--Subsequent actions.
- 6.18.133 Property Purchase Application.
- 6.18.135 Property Purchase Application.
- 6.18.140 Procedure for lease.
- 6.18.150 Rejection of bids--Subsequent actions.

6.18.010 Authority--City. A. The City may sell, convey, exchange, transfer, donate, dedicate, direct or assign to use, or otherwise dispose of city-owned real property by any lawful mean or conveyances or reserve the right to refuse to sell property to anyone owing the City taxes, property taxes, sales tax, assessments or any other taxes levied by the City of Seldovia. (Ord. 95-07)

B. The City Manager shall be the agent of the City for all such dispositions. (Ord. 78-2(part), 1978)

6.18.020 Charter provision. The City may sell or otherwise dispose of any interest in lands of the City only by ordinance. An ordinance conveying an interest in real property dedicated to open space or public park or recreation purposes is valid only upon approval by a majority of those voting on the question at a regular or special election. (Ord. 78-29(part), 1978)

6.18.030 Form. The City may sell or dispose of real property by warranty or quitclaim deed, easement, grant, permit, license, deed of trust, mortgage, contract of sale of real property, plan dedication, lease, certificate of redemption, or any other

lawful method or mode of conveyance. Any instrument requiring execution by the City shall be signed by the Mayor and attested by the Clerk. The form of any instrument shall be approved by the attorney. (Ord. 78-2(part), 1978)

6.18.040 Rights and powers. The City shall have and may exercise all rights and powers in the sale and disposal of real property as if the City were a private person. The City may sell or dispose of any real property, including property acquired or held for or devoted to a public use, when, in the judgment of the Council, it is no longer required for City purposes. (Ord. 78-2(part), 1978)

6.18.050 Public and charitable conveyances. The City may sell, donate or exchange with the United States, the state of Alaska, any political subdivision, or a non-profit organization, municipally owned real property without a public sale and for less than the fair market value, whenever in the judgment of the Council expressed by ordinance it is advantageous to the City to make the conveyance. (Ord. 78-2(part), 1978)

6.18.060 Property exchanges. The Council may approve after public notice the conveyance and exchange of a parcel of city property for an equivalent parcel of property owned by another person subject to such conditions as the Council may impose on the exchange, whenever in the judgment of the Council expressed by ordinance it is advantageous to the City to make the property exchange. (Ord. 78-2(part), 1978)

6.18.070 Grants for federal and state programs. The Council, by ordinance, may grant or devote real property no longer held for a public purpose to the United States, the state of Alaska, a political subdivision, or an agency of any of these governments, for a consideration agreed upon between the City and the grantee without a public sale if the grant or devotion is advantageous to the City. Any approval of a federal or state program providing for the participation or cooperation of the City by grant or devotion of the real property is a sale of that real property for the consideration stated in the program. (Ord. 78-2(part), 1978)

6.18.080 Sale or disposal of industrial sites. A. The City may sell, lease, or dispose of sites acquired for new industries benefiting the City upon the terms and conditions as the Council considers advantageous to the civic welfare of the City, to a person who agrees to install, maintain and operate a beneficial new industry.

B. The City, in order to make sites available for new commercial developments which promote a substantial public interest, may acquire and hold real property, either inside or outside the corporate limits, and may sell, lease or dispose of it, on terms and conditions the Council considers advantageous to the City, to persons who agree to construct or operate such new commercial developments. (Ord. 78-2(part), 1978)

6.18.090 Change of use. Real property acquired or purchased for one city purpose may be appropriated, transferred, assigned or directed without public sale to

another city purpose, whenever the Council determines that the purpose for which the property was acquired or purchased no longer exists, or the property is no longer used or useful for the purpose. No formal conveyance is necessary to dispose of the real property to another city purpose, and the disposition may be made to another purpose with or without legal consideration for the disposition. The City may sell, convey or otherwise dispose of real property no longer used or useful in the operation of a city-owned utility. Real property no longer needed for the purpose for which the real property was acquired or purchased, or utility property no longer used or useful in the operation of a city-owned utility, is no longer property owned, held for or devoted to a public use, and may be sold or disposed of as provided in this title if the Council determines the real property is not useful to the City for any other purpose. (Ord. 78-2(part), 1978)

6.18.100 Real property as security. The Council may pledge, mortgage, or otherwise secure city real property for the payment of city bonded or other indebtedness when required as authorized by law. (Ord. 78-2(part), 1978; Ord. 89-5 Sec. 2, 1989)

6.18.110 Procedure for sale. A. Value established. Prior to sale or disposal of real property or an interest in real property, the City Manager shall establish the fair value of the property, based on borough assessed value, subject to approval by the City Council. A parcel of real property retaining an estimated value in excess of twenty-five thousand dollars shall, in addition, be appraised by an independent professional appraiser prior to sale.

B. Notice--public sale. Notice inviting bids shall be published twice, in a newspaper of general circulation in the City with the first such publication being at least thirty days preceding the last day set for the receipt of bids, and be posted in three public places in Seldovia. The newspaper notice required herein shall name the clerk, recite the legal description of the property to be sold, and shall state:

1. Where bid forms may be secured, the closing time for submission of bids and place of submission, the time and place for opening bids, and other information which may be required for the particular item; or
2. The time and place of public auction.

C. Bids--public sale. Sealed bids, if required by the notice, shall be submitted personally or by mail to the clerk, and shall be identified as bids on the envelope. Mailed bids shall not be accepted unless postmarked prior to closing time for submission or verified by other means to closing time for submission or verified by other means of communication. The property or interest in property to be sold shall be sold to the best bidder if sealed bids are required, or to the highest bidder if the sale is conducted by public auction; no bid under the established fair value may be accepted except as provided in this chapter.

D. Terms. The purchaser at a competitive bid sale, public auction, or over the counter sale shall immediately pay to the City ten percent (10%) or more of his bid. The balance of the purchase price shall be paid within thirty (30) days or all rights to

the property shall be forfeited. (Ord. 83-4, 1983; Ord. 89-5 Sec. 3, 1989)

6.18.120 Best bidder--Defined. A. "Best bidder," in Section 6.18.110(C), means that bidder whose bid and whose submitted plans for the use of the property to be sold are considered to have best met the land use plans of the City and the financial interest of the City as property owner. In evaluating the bids and plans, the City Manager shall be consulted and the following shall be considered:

1. The bid price for the property;
2. The compatibility of the proposed use with the general land use plan of the City; and
3. The ability of the bidder to meet his financial obligation and to carry out the plan.

B. If any bid other than the highest bid is accepted, there shall be submitted to the unsuccessful higher bidder or bidders a written statement setting forth the reason for refusing the bid or bids, within ten days. The minutes of the Council relating to the matter are a sufficient statement. (Ord. 78-2(part), 1978)

6.18.130 Rejection of bids--Subsequent actions. Council Powers. If the sale is by sealed bid, the Council may:

- A. Reject defective or nonresponsive bids;
- B. Reject all bids;
- C. Authorize negotiation by the City Manager with bidders whose bids and plans are substantially equal and most approximate best bids; or
- D. Reschedule the sale for bidding, after making substantial changes in the specifications for plans to give sufficient notice of the deficiencies found in the proper submitted bids.
- E. Provide for over the counter sales. (Ord .83-4, 1983; Ord. 78-2(part), 1978)

6.18.133 Property purchase application. Applications for purchase must include the following items:

- A. Land use plans;
- B. Plot plans;
- C. Building plans to include elevations;
- D. Timetable for development. (Ord. 83-4, 1983)

6.18.135 Property development plan implementation. Developer must complete development plans within two years of the date of purchase agreement. The City Council may extend the time upon formal application of the developer to the Council. (Ord. 83-4, 1983)

6.18.140 Procedure for lease. A. Value Established. Prior to leasing real property or an interest in real property the City Manager shall establish a minimum acceptable annual rental value.

B. Notice. Notice inviting bids shall be posted in three public places in Seldovia

at least one week preceding the last day set for receipt of bids.

C. Bids. Sealed bids shall be submitted to the clerk by mail or in person on; or prior, to the time and date specified in the notice inviting bids and shall be identified as bids on the envelope.

D. Public Lease. The property or interest in property to be leased shall be leased to the best responsive bidder.

E. Terms. Leases shall be paid in advance and shall be nonrefundable.

F. Duration. Leases shall be for not more than one year and may be renewed by mutual consent.

G. Lack of Bids. In the event a qualifying bid is not received, the City Manager is authorized to negotiate a lease of the property. (Ord. 81-1(part), 1981)

6.18.150 Rejection of bids--Subsequent actions. The City Manager may:

A. Reject defective or nonresponsive bids;

B. Reject any or all bids;

C. Negotiate a lease with bidders who bids and plans are substantially equal and most approximate a best bid. (Ord. 81-1(part), 1981)

Chapter 6.28 Architectural, Engineering and Other Professional Services Contracts

Sections:

- 6.28.010 Definitions.
- 6.28.020 Award of contracts without bids.
- 6.28.030 Policy.
- 6.28.040 Selection.
- 6.28.045 Projects using grant funds.
- 6.28.050 Negotiation.
- 6.28.060 Record of negotiation.
- 6.28.070 Prohibition against contingent fees.
- 6.28.080 Official not to benefit.
- 6.28.090 Truth in negotiation.

6.28.010 Definitions. A. "Agency head" means the Mayor, City Manager, or head of a department division, agency or utility of the city government.

B. "Architectural-engineering services" mean those professional services associated with research, development, design and construction, alteration or repair of real property, as well as incidental services that members of these professions and those in their employ may logically or justifiably perform, including studies, investigations, surveys, evaluations, consultations, planning, programming, conceptual designs, plans and specifications, cost estimates, inspections, shop-drawing reviews, sample recommendations, preparation of operating and maintenance manuals, and other related services.

C. "Firm" means any individual, partnership, corporation, association or other legal entity permitted by law to practice the professions of architecture or engineering. (Ord. 78-2(part), 1978)

6.28.020 Award of contracts without bids. The Council shall execute, award and approve contracts for legal, medical and other professional services for the City without competitive bidding. Architectural and engineering contracts shall be awarded according to this chapter. Any professional services contract shall not exceed one year, except for completion of work in progress under architectural or engineering contracts. The City Manager may execute and award, without prior approval of the Council, any contract for professional services having an estimated value of one thousand five hundred dollars or less, subject to the availability of funds. (Ord. 80-7 Sec. 2(part), 1980)

6.28.030 Policy. It is declared policy of the City to announce publicly all requirements for architectural and engineering services, on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices. To ensure the broadest publicity concerning the City's interest in obtaining architectural engineering services, the City Manager shall announce publicly, in a uniform and consistent manner, all announcement shall include a general description of the project, and shall indicate how interested architects and engineers can apply for consideration. (Ord. 78-2(part), 1978)

6.28.040 Selection. In the procurement of architectural and engineering services, the City Manager shall encourage firms engaged in the lawful practice of their profession annually to submit a statement of qualifications and performance data. An agency head, for each proposed project, shall evaluate current statements of qualifications and performance data on file with the City Manager, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with no less than three firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services, and then shall recommend that the Council select from, in order of preference, based upon criteria established and published by him, no less than three of the firms deemed to be the most highly qualified to provide the services required. In addition to any criteria set forth in the public announcement, the agency head shall consider, among other factors:

A. Specialized experience and technical competence of the firm (including a

joint venture of association) with the type of service required;

B. Capacity of the firm to perform the work (including any specialized services) within the time limitations;

C. Past record and performance on contracts with government agencies and private industry with respect to such factors as control of costs, quality of work, and ability to meet schedules; and

D. Familiarity with the area in which the project is located. (Ord. 78-2(part), 1978)

6.28.045 Projects using grant funds. When grant funds from the State or Federal governments are used to provide for services as described in this chapter, the regulations and requirements of the funding agency will apply when contracting for architectural, engineering and other professional services contracts. (Ord. 94-3)

6.28.050 Negotiation. A. The City Manager, by direction of the City Council, shall negotiate a contract for architectural and engineering services at compensation which the City Council determines is fair and reasonable to the City after taking into account the estimated value of the services to be rendered, the scope, complexity, and professional nature thereof. If the City Manager determines he is unable to negotiate a satisfactory contract with the firm considered, upon approval of the City Council he may terminate negotiations and enter into negotiations with a Council-approved alternate.

B. Contract negotiations shall be directed toward:

1. Making certain that the architect-engineer has a clear understanding of the essential requirements;

2. Determining that the architect-engineer will make available the necessary personnel and facilities to accomplish the work within the required time; and

3. Arriving at a contract price considered to be fair and reasonable to the City. (Ord. 78-2(part) 1978)

6.28.060 Record of negotiation. At the conclusion of each negotiation, a memorandum setting forth the principal elements of the negotiation shall be prepared for use by the Council and for inclusion in the contract file. The memorandum shall contain sufficient detail to reflect the significant considerations controlling the establishment of the price and other terms of the contract. (Ord. 78-2(part), 1978)

6.28.070 Prohibition against contingent fees. Each contract entered into by the City for architectural engineering services shall contain a prohibition against contingent fees as follows:

"The licensed architect or registered engineer (as applicable) warrants that he has not employed or retained any company or person, other than a bona fide employee working solely for the licensed architect, or professional engineer, to solicit

or secure this agreement and that he has not paid or agreed to pay any person, company, corporation, individual or firm, other than a bona fide employee working solely for the licensed architect or professional engineer, to solicit or secure this agreement and that he has not paid or agreed to pay any person, company, corporation, individual or firm, other than a bona fide employee working solely for the licensed architect or professional engineer, any fee, commission, percentage, gift, or any other consideration contingent upon or resulting from the award or making of this agreement. For breach or violation of this warranty, the municipality shall have the right to annul this agreement without liability and, at its discretion, to deduct from the contract price, or otherwise recover, the full amount of such fee, commission, percentage, gift or consideration. (Ord. 78-2(part), 1978)

6.28.080 Officials not to benefit. Any public officer or employee who offers to solicit or secure, or solicits or secures a contract for architectural-engineering services to be paid, or is paid, any fee, commission, percentage, gift, or any other consideration, contingent upon the award or making of such a contract for professional services between the agency and any individual person, company, firm, partnership or corporation shall, upon conviction by a court of competent authority, be found guilty of a misdemeanor and shall be punished as provided by law. (Ord. 78-2(part), 1978)

6.28.090 Truth in negotiation. For all lump-sum or cost-plus-affixed-fee architectural-engineering contracts over ten thousand dollars, the City shall require the firm receiving the award to certify that factual costs supporting the estimated compensation are accurate, complete and current at the time of contracting. Any architectural-engineering contract under which such a certificate is required shall contain a provision that the contract price shall be adjusted to exclude any significant sums where the agency determines the contract price was increased due to inaccurate, incomplete or noncurrent costs. (Ord. 78-2(part), 1978)

Title 7 Animals

Chapters:

7.04 Animal Control

Chapter 7.04 Animal Control

Sections:

- 7.04.010 General.
- 7.04.020 Definitions.
- 7.04.030 Licensing of dogs.
- 7.04.050 Control of dogs - Impoundment.
- 7.04.060 Redemption of impounded dogs.
- 7.04.070 Impoundment fees.
- 7.04.080 Confinement of vicious dogs and females in season.
- 7.04.090 Declaration of public nuisance.
- 7.04.100 Dead dogs.
- 7.04.110 Exemptions.
- 7.04.120 Interference with officials.
- 7.04.130 Records.
- 7.04.140 Entry into business establishments and public places.
- 7.04.150 Enforcement.
- 7.04.160 Disposal of dog at owner's request.
- 7.04.170 Cruelty to animals prohibited.
- 7.04.180 Animal littering.
- 7.04.190 Penalty.

7.04.010 General. In general, the intent of this chapter is to control the running at large of animals within the City of Seldovia and to protect the general health, safety and welfare of the citizens of the City of Seldovia with the respect to the keeping of animals. (Ord. 81-19, 1981)

7.04.020 Definitions. For the purposes of this Chapter, unless the context otherwise requires, the following words and phrases shall have the meaning respectively ascribed to them by this Section:

- A. "Animal" - All domestic or domesticated members of the animal kingdom.
- B. "Animal Shelter" - Any premises designated by the city council for the purpose of impounding and caring for all animals found running at large.
- C. "At large" - A dog is at large when it is off the premises of the owner or keeper, and is not in the company of or under the control of the owner or keeper, a

member of his family or other person to which the dog has been entrusted, by leash, cord or chain. A dog is not at large when the dog is:

1. At heel or beside a person and obedient to that person's command.
2. Within a vehicle being driven or parked on the streets.
3. Physically confined within a fenced yard or building with the permission of the property owner.
4. Engaged in organized training, such as fetching a stick or responding to commands, while under competent voice control. Such training shall not be conducted from a moving vehicle.

D. "Dog" - Any dog, whether neutered or non-neutered male, spayed or unspayed female.

E. "License Year" - Shall commence on January first of each year, ending December 31st.

F. "Kennel" - Any person, group of person, or corporation breeding, buying, selling, or boarding four or more dogs over the age of six months whether for profit or not.

G. "Owner" or "person" - Any person, group of persons, partnership, firm, trust or corporation owning, having an interest in, or having control or possession of any dog. It is presumed that the owner has control or possession of this dog in the absence of evidence to the contrary.

H. "Poundmaster" - Any person appointed by the City Manager to impound animals within the city. If no such person is appointed, the poundmaster shall be any police officer authorized by the city manager to take up animals.

I. "Spayed Female" - Any female dog which has been operated on to prevent conception.

J. "Vicious Animal" - Any animal which when unprovoked has ever bitten or attacked a human being or another animal. (Ord. 81-19, 1981 and Ord. 84-8, 1984)

7.04.030 Licensing of dogs. A. No person shall own, keep or harbor any dog over three months old within the city limits unless such dog is licensed. Application for such license shall be made to the municipal clerk or such agent as he or she may designate, and shall state the name, breed, color, age and sex of the dog. The license fee shall be paid at the time of making application. A numbered metallic tag for the dog shall be issued, and attached to collar or choke chain that must be worn by the dog at all times, except when kenneled or fenced.

B. The yearly license fee shall be five dollars for male dogs and spayed females and ten dollars for female dogs, except that the fee shall be reduced by one-half for dogs acquired after September first of each year or becoming three months of age after that date.

C. A person must obtain a kennel license if four or more dogs, six months or older are to be kept by that person on the same premises. Application for a kennel license will be made to the city clerk or such agent as he or she may designate who shall ask the poundmaster to inspect the proposed kennel. No kennel license shall be issued to a person whose proposed kennel is a health hazard, a nuisance to the neighborhood or not set up to adequately keep the dogs within the kennel premises.

D. Any person owning or operating a kennel shall pay, in lieu of individual dog licenses provided for in this chapter, an animal license for a kennel as follows: for a kennel containing more than four dogs and less than eleven, fifty dollars per year; for more than ten dogs, one hundred dollars per year.

E. All licenses required by this chapter shall be issued for a term of one year, beginning January 1st of each year. Applications for licenses may be made prior to January 1st. If a dog has been licensed by the city for the previous year, then the dog need not be licensed before February 1st of the current calendar year.

F. If there is change of ownership of kennel during the license year, the new owner may have the current license transferred to his name upon payment of a transfer fee of five dollars per kennel.

G. No persons shall use any dog license for another dog unless legal transfer of the license has been made. (Ord. 81-19, 1981)

7.04.050 Control of dogs - Impoundment. A. It shall be unlawful for a person to cause or permit a dog to:

1. Run at large within the city limits of the city of Seldovia;
2. Be upon the private property of any person without consent or to the annoyance of such person.

B. Any person in violation of Article A shall be cited by the Chief of Police, poundmaster or other enforcement officer. The citation shall fix the place and time for the hearing before the judge or the magistrate's court to show cause why such person should be punished as provided in this code or to show cause why the dogs should be destroyed unless the violator makes adequate provisions for the control of the dog. If such citation is issued as a result of a complaint made by a person against the owner or harbinger of a dog, a notice in writing shall also be given to the person making such complaint, notifying him or her to appear at the time and place stated in the citation to verify the complaint.

C. In addition to or in lieu of issuing a citation under Article B, the poundmaster may take up and impound a dog found running at large or found upon the private property of any person, without the consent, or to the annoyance of such person. If any dangerous vicious or fierce dog, cannot in the discretion of the policeman, be safely taken up and impounded, such dog may be immediately slain. If a current tag issued by the city is found on the collar of the dog, its owner shall be

notified immediately in writing that the dog has been impounded.

D. Unlicensed or licensed dogs that have been impounded shall be confined in a humane manner for a period of at least 72 hours for unlicensed dogs and 120 hours for licensed dogs, excluding Saturdays and Sundays. If not claimed by their owner in the above given time, unclaimed dogs may be thereafter disposed of in a humane manner. Any such citation so issued under this subsection shall be delivered as soon as possible to the owner or caretaker of the animal that was found running at large and not impounded. If it is not possible to deliver the citation to the animal's owner or caretaker the dog shall be impounded until the owner or caretaker can be contacted. (Ord. 81-19, 1981; Ord. 84-4, 1984; and Ord. 84-8 Sec. 2, 1984)

7.04.060 Redemption of impounded dogs. A. The owner shall be entitled to resume possession of any impounded dogs, except as may hereinafter be provided in this chapter, upon the owner's compliance with the license provisions of section 7.04.030 and the payment of impoundment fees.

B. When, in the judgment of the health officer, and a licensed veterinarian, an animal should be destroyed for humane or health reasons, such an animal may not be redeemed. (Ord. 81-19, 1981)

7.04.070 Impoundment fees. Impoundment fees shall be three dollars per day board for each day or partial day a dog is kept. Impoundment fees may from time to time be adjusted by the City Council. (Ord. 81-19, 1981)

7.04.080 Confinement of vicious dogs and females in season. A. The owner shall confine within a building or secure enclosure every fierce, dangerous or vicious dog and shall not take such dog out of such building or secure enclosure unless such dog is securely muzzled. In addition to the above, the owner shall post a sign, warning of the vicious animal, along the front lot line of the property where the dog is kept.

B. Every female dog or cat in season shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such a manner that such female dog or cat cannot come in contact with another dog or cat except for planned breeding purposes. (Ord. 81-19, 1981)

7.04.090 Declaration of public nuisance. The following activities are declared a public nuisance and will not be permitted under this chapter:

A. The harboring or keeping of animals with a contagious disease, except where closely confined and under the care of a veterinarian.

B. The allowing of any dog or other member of the canine family to bark, howl, bay, or yap with such frequency and at such times of the day or night as will cause annoyance to a reasonable person.

C. The failure to maintain in a clear and sanitary condition and free from

objectionable odor all structures, pens or yards and areas adjacent thereto wherever animals are kept.

D. The failure of the owner, caretaker, or custodian to keep the animal or animals confined on his own premises or under his immediate control.

E. The allowing of any animal to frequently and habitually growl, snap at, jump upon or otherwise menace, injure or frighten persons within the city. This does not apply to persons who are trespassing or otherwise in violation of the law.

F. The allowing of any animal to defecate, dig upon or otherwise injure private or public property or a public thoroughfare. (Ord. 81-19, 1981)

7.04.100 Dead dogs. A. No person shall deposit any dead or fatally sick or injured animal upon any public or private place or into any body of water.

B. No person shall fail to dispose immediately of any dead dog whether his own or found upon his property, either by property burial or by depositing the covered animal in a sanitary fill. (Ord. 81-19, 1981)

7.04.110 Exemptions. None of the provisions of chapter 7.04 apply to seeing eye dogs or handicap aid dogs. (Ord. 81-19 1981)

7.04.120 Interference with officials. A. No person shall interfere with, hinder or molest any law enforcement officer, health officer or the poundmaster in the performance of any duty required by this chapter. No person shall seek to release any animal in the custody of the poundmaster or health department or their agents except as provided in this chapter. (Ord. 81-19, 1981)

7.04.130 Records. Accurate and detailed records shall be kept by the city clerk as to:

- A. Licenses issued;
- B. Dogs impounded;
- C. Disposition of all animals coming into the custody of the poundmaster;
- D. All bite cases reported to the poundmaster; and
- E. All monies received. (Ord. 81-19, 1981)

7.04.140 Entry into business establishments and public places. No owner of any animal or person having control of any animal shall allow such animal to enter upon any public premises, or where food for human consumption is sold, processed, stored or consumed or to enter into any barbershops or establishments for the practice of hairdressing or beauty culture. (Ord. 81-19, 1981)

7.04.150 Enforcement. Nothing contained in this chapter shall be construed to prevent the city from entering into a contract with a person or agency for purpose of enforcing the provisions of this chapter. (Ord 81-19,1981)

7.04.160 Disposal of dog at owner's request. Upon payment of a fee and execution of a consent including a promise to hold the city harmless from any liability, an owner may request the poundmaster to dispose of any live animal. The fee shall be paid to the city clerk or the clerk's designee. (Ord. 81-19, 1981)

7.04.170 Cruelty to animals prohibited. A. No person may intentionally wound, injure, torment, abuse, mutilate, torture or inhumanely kill any animal.

B. No person may intentionally poison any dog, cat or other domestic animal, or distribute or place poison in a manner or location where the distributor knows or should reasonably know that the poison will be accessible to a domestic animal.

C. No person may abandon an animal by releasing the animal to forage for itself or by confining or restraining the animal for a period in excess of eighteen consecutive hours in a place where there is not a custodian who has assumed the responsibility of providing sufficient food and water.

D. The owner or custodian of an animal shall provide food and water sufficient to maintain the animal in a healthy condition, and adequate and proper shelter for the animal to protect the animal from weather. Shelter maintained for animals kept outside of a residential dwelling shall meet the following standards:

1. Animals shall not be overcrowded.
2. Animals shall not be exposed to excessive heat or cold.
3. Animal shelters shall be protected against the weather.
4. All structures, pens, coops or yards shall be maintained in a clean and sanitary condition, devoid of rodents and varmints, and free of objectionable odor.

E. No person may use a live bird as a target to be shot at either for amusement or as a test of skill for marksmanship. (Ord. 81-19, 1981)

7.04.180 Animal littering. A person owning, or having custody or control of any animal, except a domestic house cat, shall remove and dispose, in a sanitary manner, of any and all feces and other animal litter deposited on any public or private property not possessed by the owner or custodian of the animal which caused or produced the litter. (Ord. 81-19, 1981)

7.04.180 -- Fines. The violation of any provision contained in sections 7.04.030, 7.04.050, 7.04.080, 7.04.090, 7.04.100, 7.14.120, 7.14.140, 7.14.170 or 7.14.180 shall be punishable by a fine of \$10.00 for the first offense of a particular section; \$25.00 for a second offense; \$50.00 for the third offense, and a mandatory court appearance for the fourth offense. The fine for the fourth or later offense shall not exceed \$300.00. All violations referred to in this section will accrue only during a 24 month period, i.e.: the first violation occurring 24 months or more after the issuance date of the first citation will be considered a "first offense". (Ord. 81-19, 1981) (Ord. 06-08, 2006)

Title 8

Health and Safety

Chapters:

- 8.04 Board of Health
- 8.06 Abandoned Property
- 8.08 Solid Waste Disposal
- 8.12 Garbage Disposal
- 8.16 Unlawful Disposal Practices
- 8.20 Food Service
- 8.24 Penalties

Chapter 8.04

Board of Health*

Sections:

- 8.04.010 Created--Composition.
- 8.04.020 Title.
- 8.04.030 Duties and powers.
- 8.04.040 Quarantine--Infectious diseases.
- 8.04.050 Regulations adoption.

8.04.010 Created--Composition. For the purpose of caring for the public health of the people of the City, and enforcing regulations, rules and ordinances, regarding or concerning public health, and such other rules and regulations as the Board of Health may deem it advisable to enact, a Board of Health for this City is created consisting of the Mayor, who shall be *ex officio* chairman, the members of the City Council, the Chief of Police; and, whenever practicable, a licensed physician and/or a registered nurse shall be a member of such board. (Prior code Sec. 6.010)

8.04.020 Title. For the purposes of this title, the Board of Health shall hereinafter be referred to as the Board. (Prior code Sec. 6.010)

8.04.030 Duties and powers. A. The Board shall see that all health ordinances, regulations and rules are enforced, and from time to time, make and promulgate, and enforce such further orders, rules and regulations, within reason, for the protection of the general health of this city. The Board shall aid and assist in the enforcement of the laws of the State of Alaska concerning public health.

* For statutory authorization for advisory, administrative, technical or quasi-judicial boards see AS Sec. 29.20.320.

B. A majority of the Board shall have the power to direct the entry upon or in any premises within the city, by a designated person, at all reasonable hours, when they have reasonable cause to believe that there exists filth to such a degree as to constitute a menace to public health, or where they have knowledge of a contagious or infectious disease, for the purpose of seeing that ordinances or rules, orders or regulations of the Board are duly observed, and for the purpose of enforcing such ordinances, or rules and regulations and to take such other reasonable measures as may be necessary to prevent the spread of disease. (Prior code Sec. 6.015)

8.04.040 Quarantine--Infectious diseases. The Board shall establish and enforce such quarantine regulations to control infectious diseases as may be necessary to safeguard the public health. For the purpose of this chapter infectious diseases shall include the following: Amoebic dysentery, bacillary dysentery, plague, cholera, smallpox, yellow fever, typhus fever, leprosy, typhoid fever, malaria, scarlet fever, puerperal septicemia, measles, diphtheria, infantile paralysis, cerebrospinal meningitis, erysipelas, whooping cough, glanders, mumps, epidemic influenza, or other epidemics. Cases of pulmonary tuberculosis, trachoma, gonorrhea, syphilis, lympho-granuloma venereum, granuloma inguinal, or chancroid, where the usual precautions to prevent the spread of the disease to others are neglected and where other persons may become infected because of this negligence are also considered contagious or infectious diseases. (Prior code Sec. 6.020)

8.04.050 Regulations adoption. The Board may make such regulations regarding protection of the public health as it deems necessary, said regulations to be approved by the Council, and, except in an emergency declared by the Council, posted for not less than ten days in three public places within the City before becoming effective. (Prior code Sec. 6.045)

Chapter 8.06 Abandoned Property

Sections:

- 8.06.010 Purpose.
- 8.06.020 Wrecked, junked or abandoned property declared public nuisance.
- 8.06.030 Acts prohibited.
- 8.06.040 Notice to owner of property of violation of Ordinance and demand for removal.
- 8.06.050 Failure to remove property after notice constitutes violation.
- 8.06.060 Removal of property by city: Action to recover removal costs.
- 8.06.070 Notice of removal - Redemption.
- 8.06.080 Sale of property removed under this ordinance-- Authorized.
- 8.06.090 Sale and hearing notice requirement.
- 8.06.100 Contents of sale notice.

8.06.110 Sale.

8.06.120 Impound fees.

8.06.010 Purpose. The purpose of this ordinance is to control the unauthorized parking, storage or abandonment of vehicles, equipment or other property on city-owned land. (Ord. 87-19 Sec. 2, 1987)

8.06.020 Wrecked, junked or abandoned property declared public nuisance. A vehicle, trailer, equipment or other property in a wrecked or junked condition left on city land in excess of seventy-two (72) hours whether attended or not shall constitute rubbish, unsightly debris and a public nuisance detrimental to the health, safety and welfare of the inhabitants of the City. (Ord. 87-19 Sec. 2, 1987)

A vehicle, trailer, equipment or other property left on city land in excess of thirty (30) days shall be considered abandoned and a public nuisance detrimental to the health, safety and welfare of the inhabitants of the City. (Ord. 87-19 Sec. 2, 1987)

8.06.030 Acts prohibited. No person shall park, store or leave a vehicle, trailer, equipment or other property, without authorization from the City Manager, in a wrecked or junked condition on city land in excess of seventy-two (72) hours or in an abandoned condition in excess of thirty (30) days. (Ord. 87-19 Sec. 2, 1987)

8.06.040 Notice to owner of property of violation of ordinance and demand for removal. The City Manager shall give written notice to the owner, if known, of the property that is in violation of this ordinance demanding that the property be removed from city land within seventy-two (72) hours. Such notice may be given by personal service, or by registered mail with return receipt requested. (Ord. 87-19 Sec. 2, 1987)

8.06.050 Failure to remove property after notice constitutes violation of ordinance. If the notice is given as provided in Section 8.06.040 and the person upon whom such notice and demand is made shall fail to remove the property, then such person shall be in violation of this ordinance and subject to the general penalty provision of the Seldovia City Code, Section 1.08.010(A) (Ord. 87-19 Sec. 2, 1987)

8.06.060 Removal of property by City: Action to recover removal costs. The City Manager may after giving the notice required by Section 8.06.050 and after waiting seventy-two hours, have the property removed by a city truck or by a commercial garage to any suitable place for the disposal of rubbish and unsightly debris for disposal or for storage and impounding. If the owner is unknown, the property in violation of the ordinance may be removed immediately. The City Manager may file an action in the name of the City in the appropriate court, against any person upon whom he served the demand required by Section 8.06.050, for the purpose of recovering the cost of removing and storing such property, together with costs of court, in the event the proceeds of any sale shall be insufficient to recover such costs. (Ord. 87-19 Sec. 2, 1987)

8.06.070 Notice of removal - Redemption. If abandoned property is removed, the City Manager shall give notice to the owner, if known and lienholders of record, if any, within thirty (30) days of removal, of the grounds for removal and the location of the place of impoundment. This notice shall be sent by certified mail, with return receipt, on the legal owner. A person who presents satisfactory proof of ownership or right to possession may redeem property removed under this ordinance at any time before sale under Section 8.06.110 of this ordinance by paying the charges of removal, storage, notice and other costs of impoundment. (Ord. 87-19 Sec. 2, 1987)

8.06.080 Sale of property removed under this ordinance - Authorized. Any property as described in Section 8.06.020 of this ordinance that is removed as set forth in Section 8.06.060 hereof may be sold to recover the costs of such removal. (Ord. 87-19 Sec. 2, 1987)

8.06.090 Sale and hearing notice requirement. If the property as described herein remains unclaimed for a period of 30 days, the City shall give the owner notice of a right to a hearing to be held by the City Manager no less than 10 days after service of the notice. The notice shall state that the City proposes to sell the property in violation of this ordinance 20 days after the hearing date is set and that the owner will have the opportunity to object to the proposed sale at the hearing. Personal notice of the sale shall be forwarded to the owner at his last known address by certified mail. If the owner cannot be ascertained after diligent inquiry, then said notice of sale shall be posted on the property and in three public places within the City of Seldovia. Notice of sale shall also be published at least once in a newspaper of local distribution not less than 15 days prior to the date set for the sale. (Ord. 87-19 Sec. 2, 1987)

8.06.100 Contents of sale notice. Each notice of sale as described in section 8.06.080 of this ordinance shall contain a description of the property including its license number, serial number and manufacturer, if any, together with the time and place of sale and the name and address of the last known legal owner. If owner is not known, the words "Owner Unknown" shall appear on the notice. (Ord. 87-19 Sec. 2, 1987)

8.06.110 Sale. Sale of the property shall be made to the highest bidder on the date set for sale and a bill of sale, without warranty of title shall be given by the City to any purchaser. If there are no other bids, the City may bid on the property at a nominal figure and dispose of the property at its discretion. (Ord. 87-19 Sec. 2, 1987)

8.06.120 Impound fees. The City Council shall establish impound and storage fees and the definition of abandoned personal property, by resolution. (Ord. 87-19 Sec. 2, 1987)

Chapter 8.08

Solid Waste Disposal

Sections:

8.08.010 Transfer of responsibility to Borough.

8.08.020 Effective date of transfer.

8.08.010 Transfer of responsibility to borough. All of the powers of the City to select and procure sites for solid waste disposal facilities and to establish and maintain such disposal facilities are hereby transferred to the Kenai Peninsula Borough. (Ord. 74-39 Sec. 1, 1974)

8.08.020 Effective date of transfer. The ordinance codified herein shall be effective on the effective date of an ordinance of the Kenai Peninsula Borough accepting the transfer of powers made herein. (Ord. 74-39 Sec. 2, 1974)

Chapter 8.12 Garbage Disposal*

Sections:

8.12.010 Purpose

8.12.020 Definitions.

8.12.030 Collection— and disposal.

8.12.040 Unauthorized transport prohibited.

8.12.050 —Delivery to disposal site.

8.12.060 —Collection—Schedule. 8.12.070 Containers--Specifications

8.12.080 Fees

8.12.090 Fees—Harbor Refuse.

8.12.100 Collection—Harbor Refuse Fees.

8.12.110 Billing—Deposit for new customers.

8.12.120 Dumping on public property.

8.12.130 Fish and sea offal on beach

8.12.140 Penalties

8.12.150 Severability.

8.12.010 Purpose. The purpose of this chapter is declared to make proper

* For statutory provisions authorizing municipalities to establish, operate and maintain a system of garbage and solid waste collection, see AS Sec. 29.35.050.

provision for the collection and removal of garbage and refuse within the corporate limits of the City for the protection of the health and well-being of the inhabitants of the city. (Ord. 96-16)

8.12.020 Definitions. The following terms are, for the purpose of this chapter, defined as follows:

A. "Ashes" means the residue from fires used for cooking, heating buildings or from burn barrels.

B. "Authorized collector" means a person, firm or corporation whom the City has contracted and/or licensed for the collection and disposal of refuse.

C. "Bag" means refuse bags constructed of either polyethylene or paper approved by the City Manager or his authorized agent for indoor and/or outdoor storage of dry, wet, or flammable refuse.

D. "Business establishments" means retail establishments, restaurants, hotels, offices, wholesale establishments, canneries, processors, Bed and Breakfasts and other establishments engaged in commercial enterprise.

E. "Customer" means any person paying to the City the fee set out in this chapter for the collection and disposal of refuse.

F. "Garbage" means animal or vegetable wastes which arise from the use, preparation or storage of food for human or animal consumption or offal, dead fish, fowl or other putrescent material, but not including wastes from industrial processes and manufacturing operations.

G. "Hazardous waste" means waste that is capable of causing injury, disease or impairment of health or property damage, including, but not limited to, poisons, pesticides, acids, caustics, infectious or pathological waste, radioactive materials, explosive or highly flammable materials, oil and petroleum products, batteries and burning or smoldering materials, or any item which, when disposed of into landfill, will cause contamination of groundwater or cause the groundwater to not meet state drinking water standards.

H. "Holidays" means and includes all holidays recognized by the City.

I. "Industrial solid waste" means any waste substance or combination thereof resulting from the operation of or from any process of industry, manufacturing, trade or businesses, or resulting from the development of any agricultural or natural resources; junked vehicles and equipment, material and debris resulting from construction or demolition projects and abandoned or decaying structures.

J. "Nonprofit organization" means all fraternal orders and other

organizations established under existing nonprofit laws, rules and/or state regulations.

K. "Refuse" means all solid wastes including garbage and rubbish.

L. "Rubbish" means tin cans, glass, papers, tree limbs (which shall not exceed three feet in length or fifty pounds), grass and weed cuttings, broken crockery, rags, boxes, small light wood or crafting materials, and sweepings of dust and dirt.

M. "Rubble" means brushwood, heavy yard trimmings which cannot be conveniently cut into three-foot lengths, discarded fence posts, ashes, cinders, street sweepings, catch basin muck, concrete, mortar, stones, bricks, scrap metal or other similar construction materials, trees or materials resulting from the erection or destruction of buildings.

N. "Putrescible waste" means material capable of being decomposed so as to cause a nuisance or obnoxious odors. (Ord. 96-16)

8.12.030 Collection and disposal. A. The City shall provide refuse collection and disposal within the City subject to and in accordance with the provisions of this chapter. An individual or business wishing to haul their own refuse to the disposal site may do so.

B. All rubble, except ashes, within the City shall be collected and disposed of by duly approved and licensed collector, or by the owner of such rubble. Rubble such as lumber greater than four feet or any object larger in dimension than may be placed in a pick-up truck shall be hauled by the individual or licensed contractor.

C. Refuse collection--Contracts. The City Council may award contracts for the collection and disposal of garbage, refuse and ashes or any of them for periods not to exceed one year, upon such terms and following such schedules as it deems proper. (Ord.66-5 Sec. I(part), 1966: prior code Sec. 6.060; Ord. 96-16)

8.12.040 Unauthorized transport prohibited. It is unlawful for any person except the City or its authorized collectors to haul, convey or carry garbage through the streets or alleys of the City for compensation for such services. (Ord. 96-16)

8.12.050 Delivery to disposal site. All refuse transported through any street or alley of the City shall be delivered to the approved disposal site maintained by the Kenai Peninsula Borough or to a designated recycling collection point. (Ord. 96-16)

8.12.060 Collection--Schedule. The City or its authorized collector shall collect and remove refuse from customer premises according to the following schedule, unless an approved bulk storage is in use: A. From dwellings and

apartments a minimum of once weekly. When a holiday is observed on the normal day of collection, the collection will be made the following day that the disposal site is open.

B. From business establishments, a minimum of once weekly, except Sundays and legal holidays, or as is determined to be necessary by owner and/or the City Manager.

C. Additional pick ups or special haul services are available upon request as set in the fee schedule.

D. The City or its authorized collector will not be required to collect refuse, garbage or rubble where there are obstructions such as excessive snow in pathway to containers, vicious dogs, excessive liquid in containers, parked vehicles, etc. (Ord. 96-16)

8.12.070 Containers--Specifications. A. It shall be the duty of every person in possession, charge or control of any premises, business establishment or industrial establishment where garbage and refuse are created or accumulates, at all times, to keep or cause to be kept dumpsters or portable metal or plastic containers for the deposit therein of garbage and refuse; and to deposit or cause to be deposited the same therein. Residential and business nondumpster containers shall be watertight and of not more than 32-gallons capacity and shall have two handles at the sides thereof and tight-fitting lids. Such lids shall remain on the containers at all times, except when necessary to place garbage and refuse in the containers. City receptacles for general public use may be 55-gallon barrels without lids that are lined with refuse bags. Such containers shall be kept in a sanitary condition, free from accumulating grease and decomposing material. Such containers shall be kept in a place accessible to the collector of garbage and refuse. The weight of any such container shall not exceed seventy-five pounds with contents.

B. Waste paper or office supplies, brush, grass, leaves and cuttings from trees, lawns and gardens may be deposited in containers or other suitable receptacles, and shall be covered or otherwise contained so as to prevent the contents from being scattered by the wind or other causes. (Ord. 96-16)

8.12.080 Fees. A. Each owner, occupant, tenant or lessee within the city limits may receive refuse pickup service and shall pay such fees for refuse service as are set forth in this section.

B. It shall be unlawful for any owner, occupant or lessee using or occupying a building, house structure or apartment as a separate unit, to utilize the garbage containers of another owner, occupant, tenant or lessee for the disposal of his own refuse or garbage for the purpose of avoiding payment of the fees levied by this section.

C. Fees shall be set by resolution of the City Council. (Ord. 96-16)

8.12.090 Fees--Harbor Refuse. A fee of \$5.00 per bag shall be paid for all refuse or rubbish deposited in the harbor garbage receptacle that was not taken directly from the harbor. (Ord. 96-16)

8.12.100 Collection-Harbor Refuse Fees. All fees paid in accordance with Section 8.12.090 shall be paid to the Harbormaster or his appointee. Payment shall be made at the time of disposal and those not paying at the time of disposal shall be guilty of an infraction and subject to the general penalties of this code. (Ord. 96-16)

8.12.110 Billing--Deposit for new customers. A. The service fees provided for in this chapter shall be billed and collected by the City or its authorized representative. Should any charge for refuse collection become delinquent, service shall be discontinued. All bills shall be paid within thirty days of the billing date on the billing statement. Interest on unpaid bills shall accrue at the rate of (1 1/2%) one and one-half percent per month.

B. A refundable deposit equal to two months' fees shall be required for all new customers. Customers that become delinquent shall be required to pay a two-month deposit to be reinstated to service. All deposits in excess of one hundred dollars made by customers under this chapter shall accrue interest at the minimum rate allowed by law. (Ord. 96-16)

8.12.120 Dumping on public property. It is unlawful for any person to dump, throw or place, on any public property or right of-way, or allow to remain on any premises occupied, owned or subject to the control of such person, any refuse, including garbage, rubbish or ashes, unless the same shall be kept in containers of a type suitable to the refuse in question and unless the disposal of such refuse has been provided for. (Ord. 96-16)

8.12.130 Fish and sea offal on beach. Any person, firm, cannery or corporation which permits, suffers or allows any dead fish, crab, clams, sea foods, parts thereof or gurry to fall or spill onto the beach or in waters adjoining the beach of this City and fails to clean up and remove such offal from that part of the beach where it has fallen or been deposited thereon in any manner, or who allows any gurry scow, boat, raft or receptacle of dead fish, crab, clams, sea foods, parts thereof, or gurry, belonging to, operated or controlled by him or them, within twenty-four hours after such offal has been spilled, deposited or left on the beaches or in the water so that the tide may deposit same on the beach of this City, or fails to empty and dispose of contents aforesaid of gurry scows, boats or other receptacle shall be deemed guilty of a misdemeanor. Any person, firm, cannery or corporation polluting the beaches of this City in any manner as to endanger public health or cause offensive odors and smells prejudicial to public health is guilty of an infraction and shall be subject to the general penalty designated in section 1.08.010 of this code. (Ord. 89-89-12, Prior code Sec. 6.035; Ord. 96-16)

08 .12.140 Penalties. Any violation of the provisions of this Title of failure to comply with its requirements, including a violation of any condition placed on any permit or approval issued under this Title, and including the willful violation of any citation or enforcement order issued hereunder, is a misdemeanor and may be prosecuted as such. (Ord. 96-16)

08. 12.150 Severability. If any provision of this ordinance or its application to any person and circumstance is held by a competent court to be invalid, the remainder of the ordinance or the application of the provisions to other persons or circumstances is not affected. (Ord. 96-16)

Chapter 8.16 Unlawful Disposal Practices

Sections:

8.16.010 Dumping on public property.

8.16.020 Fish and sea offal on beach.

8.16.010 Dumping on public property. It is unlawful for any person to dump, throw or place, on any public property or right-of-way, or allow to remain on any premises occupied, owned or subject to the control of such person, any refuse, including garbage, rubbish or ashes, unless the same shall be kept in containers of a type suitable to the refuse in question, which, in the case of garbage shall include a tight fitting cover, and unless the disposal of such refuse shall have been provided for by such person through the municipal system or a private system operating under a duly issued permit. (Ord. 66-5 Sec. 2, 1966: prior code Sec. 6.030)

8.16.020 Fish and sea offal on beach. Any person, firm, cannery or corporation which permits, suffers or allows any dead fish, crabs, clams, seafoods, or parts thereof or gurry to fall or spill onto the beach or in waters adjoining the beach of this City and fails to clean up and remove such dead fish, crabs, clams, seafoods, or parts thereof or gurry from that part of the beach where it has fallen or been deposited thereon by action of tides, tide waters or otherwise in any manner whatsoever, or who allows any gurry scow, boat, raft or receptacle of dead fish, crab, clam seafoods or parts thereof, or gurry, belonging to or operated or controlled by him or them, within twenty-four hours after such dead fish, clams, crabs, parts thereof or gurry has been spilled, deposited or left on the beaches or in the water so that the tide may deposit same on the beach of this City or fails to empty and dispose of contents aforesaid of gurry scows, boats or other receptacle shall be deemed guilty of an infraction and shall be subject to the general penalty designated in Section 1.08.010 of this code. Any person, firm, cannery or corporation in any manner polluting the beaches of this City in any manner as to endanger public health or cause offensive odors and smells prejudicial to public health is guilty of an infraction and

shall be subject to the general penalty designated in section 1.08.010 of this code. (Ord. 89-12, Prior code Sec. 6.035)

Chapter 8.20 Food Service

Sections:

- 8.20.010 Inspection of serving premises.
- 8.20.020 Closure for noncompliance.
- 8.20.030 Employee medical examinations.
- 8.20.040 Serving condemned food--Penalty.

8.20.010 Inspection of serving premises. It shall be the duty of the Board to inspect all restaurants, lunch counters, bake shops, meat markets, fish markets, food stores and other place where food is prepared, served or sold to the public. (Prior code Sec. 6.040(A))

8.20.020 Closure for noncompliance. The Board shall order closed, all such places where food is prepared, served or sold, which are not kept constantly clean and wholesome, until such place or places comply with the order of the Board and the Board shall condemn all articles of food or drink, whether prepared or otherwise, found to be impure, unwholesome, dangerous to health or otherwise unfit for human consumption. (Prior code Sec. 6.040(B))

8.20.030 Employee medical examinations. Any person working who does or may in any manner come in contact with food or food products or beverages for sale to the public is required to have an adequate medical examination prior to employment and a medical examination annually thereafter. (Ord. 74-29 Sec. 1, 1974: prior code Sec. 6.040(D))

8.20.040 Serving condemned food--Penalty. Any person or persons who shall, after his, her or their place is ordered closed for cleaning, or any person who sells, serves, exhibits or offers for sale for the purpose of human food, any articles of food or drink, condemned by the Board, shall be guilty of an infraction and shall be subject to the general penalty designated in Section 1.08.010 of this code. (Ord. 89-12, Prior code Sec. 6.040(C))

Chapter 8.24 Penalties

Sections:

Title 08-11

12/26/90; 3/25.05; 9/22/11

8.24.010 Designated.

8.24.010 Designated. Any person, or persons, who obstructs or hinders any member of the Board or person authorized by a majority of the Board, in the exercise of his or her official duties, or who breaks quarantine or permits a minor child or ward to break quarantine, or violates any duly promulgated regulations of the Board; or violates, neglects or refuses to carry out or obey such rules or orders as may be promulgated by the Board, or who violated any of the provisions of this title shall be deemed guilty of an infraction and are subject to the general penalty provisions codified in Chapter 1.08. (Ord. 81-5 Sec. 4, 1981: prior code Sec. 6.050)

Title 9

Public Peace, Morals and Welfare

Chapters:

- 9.04 Illegal Acts
- 9.08 Prostitution
- 9.12 Gambling
- 9.16 Minors
- 9.20 Fireworks
- 9.24 Penalties

Chapter 9.04 ILLEGAL ACTS*

Sections:

- 9.04.010 Occupation or business.
- 9.04.020 Profanity and disorderly conduct.
- 9.04.030 Obscene conduct.
- 9.04.040 Pointing firearms.
- 9.04.050 Discharging firearms.
- 9.04.060 Concealing weapons.
- 9.04.070 Selling switch blade knives.
- 9.04.080 Carrying loaded firearms.
- 9.04.090 Window peeping.
- 9.04.100 Begging.
- 9.04.110 Vagrancy.
- 9.04.120 Exposure of private parts.
- 9.04.130 Lewd books or other articles.
- 9.04.140 Malicious property injury.
- 9.04.150 Enticing persons into autos.
- 9.04.160 Threaten or strike menacingly.
- 9.04.170 Attend illegal business.
- 9.04.180 Soliciting people for illegal acts.
- 9.04.190 Resist arrest or assist escape.
- 9.04.200 Stealing property.
- 9.04.210 Molesting posted notices.
- 9.04.220 Impersonate officer or magistrate.
- 9.04.230 Spitting on or littering public place.

* For statutory provisions regarding crimes, see generally, AS Title 11. See also AS Title 4--alcoholic beverage statutes.

- 9.04.240 Trespassing.
- 9.04.250 Fortunetelling
- 9.04.260 Disturbing the peace.

9.04.010 Occupation or business. No person shall and it is unlawful to engage in any illegal occupation or business. (Prior code Sec. 4.005(A))

9.04.020 Profanity and disorderly conduct. No person shall and it is unlawful to use any profane or obscene language in any public place or private house or place to the disturbance or annoyance of any person or persons, or shall make any loud noise or be guilty of tumultuous conduct in any public place or private house to the disturbance or annoyance of any person or persons, or be otherwise guilty of disorderly conduct, disturbance or annoyance of any person or persons, or shall be drunk in any private house or place to the annoyance of any person or persons, or shall be drunk in or upon any boat, train, passenger coach or other vehicle commonly used for the transportation of passengers, or in or about any depot, platform, wharf or waiting room, or upon any public street, or at any public gathering, or in any hotel lobby, store, dance hall, theater, liquor dispensary or any other public place, or shall drink intoxicating liquor in or about any depot, platform, wharf or waiting room, or upon any public street, or at any public gathering, or any hotel lobby, dance hall, theater or any other public place not permitted under license to dispense intoxicating liquor. (Prior code Sec. 4.005(B))

9.04.030 Obscene conduct. No person shall and it is unlawful to engage in any indecent, insulting or immoral or obscene conduct in any street, alley or public place. (Prior code Sec. 4.005(C))

9.04.040 Pointing firearms. No person shall and it is unlawful to injure any person with or without malice by pointing any firearm at any person or discharging any firearm so pointed any aimed, or by pointing and discharging any firearm at or toward any person or object without knowing the identity of such object. (Prior code Sec. 4.005(D))

9.04.050 Discharging firearms. A. No person shall and it is unlawful to discharge any firearm or air rifle, or intentionally point or aim any firearm, loaded or otherwise, at any person, provided that this paragraph shall not apply to any police officer while on duty.

B. No person under the age of sixteen shall carry or transport any firearm or air rifle within the city, without adult supervision. Any person violating this section shall forfeit their firearm or air rifle to the city, in addition to any other penalties. (Ord. dated 12/30/70; prior code Sec. 4.005(E))

9.04.060 Concealing weapons. No person shall and it is unlawful to carry concealed about his person, in any manner whatever, any revolver, pistol or other firearm, or knife, (other than an ordinary pocket knife) or other dirk or dagger, slingshot, metal knuckles or any instrument by the use of which injury could be

inflicted upon the person or property of any other person; provided that this section shall not apply to any police officer while on duty. (Prior code Sec. 4.005(F))

9.04.070 Selling switchblade knives. No person shall and it is unlawful to sell, offer for sale or display any dirk, knife or knives having the appearance of a pocketknife, the blade or blades on the handle or by other mechanical means or devices. Such dirk or knife is declared to be a dangerous weapon or deadly weapon within the meaning of Section 9.04.060 above. (Prior code Sec. 4.005(G))

9.04.080 Carrying loaded firearms. No person shall and it is unlawful to carry any loaded firearm within the city, provided that this section shall not apply to any police officer while on duty. (Prior code Sec. 4.005(H))

9.04.090 Window peeping. No person shall and it is unlawful to engage in window peeping. (Prior code Sec. 4.005(I))

9.04.100 Begging. No person shall and it is unlawful to beg on any street or alley or public place. (Prior code Sec. 4.005(I))

9.04.110 Vagrancy. No person shall and it is unlawful to be found in a condition of vagrancy. All idle or dissolute persons who have no means of living, or lawful occupation or employment of which to earn a living; all able-bodied persons who shall be found begging for means of support in public places, or from house to house, or shall procure a child or children so to do; and all persons who live in houses of ill repute shall be deemed vagrants. (Prior code Sec. 4.005(K))

9.04.120 Exposure of private parts. No person shall and it is unlawful to willfully and lewdly expose his personal or private parts thereof in any public place, or any place where there are present other persons to be offended or annoyed thereby, or to take part in any mode artist exhibition or make any exhibition of himself to public view, or to the view of any number of persons, such as is offensive to decency, or is adapted to excite vicious or lewd thoughts or acts. (Prior code Sec. 4.005(1))

9.04.130 Lewd books or other articles. No person shall and it is unlawful to print, engrave, sell, offer for sale, give away, exhibit or publish or have in his possession for any such purpose, any obscene, lewd, lascivious, indecent or immodest book, pamphlet, paper, picture, cast statuary, image or representation of or other article of indecent or immoral nature, or any book, paper, print, circular or writing made up principally of pictures or stories of immodest deeds, lust or crime, or exhibit any such article within the view of any passerby. (Prior code Sec. 4.005(M))

9.04.140 Malicious property injury. No person shall and it is unlawful to maliciously destroy or injure any public property or any private property not his own. (Prior code Sec. 4. 005(N))

9.04.150 Enticing persons into autos. No person shall and it is unlawful to entice or endeavor to entice a person into an automobile. (Prior code Sec. 4.

005(O))

9.04.160 Threaten or strike menacingly. No person shall and it is unlawful to, not being armed with a dangerous weapon, unlawfully assault or threaten another in a menacing manner, or unlawfully strike or wound another. (Prior code Sec. 4.005(P))

9.04.170 Attend illegal business. No person shall and it is unlawful to attend or frequent any place in which an illegal business is permitted or conducted. (Prior code Sec. 4.005(Q))

9.04.180 Soliciting people for illegal acts. No person shall and it is unlawful to solicit a person for the purpose of committing any illegal act. (Prior code Sec. 4.005(R))

9.04.190 Resist arrest or assist escape. No person shall and it is unlawful to resist arrest by a police officer or assist a person in the custody of a police officer to escape. (Prior code Sec. 4.005(S))

9.04.200 Stealing property. No person shall and it is unlawful to steal, take or carry away property in an amount up to one hundred dollars. (Prior code Sec. 4.005(T))

9.04.210 Molesting posted notices. No person shall and it is unlawful to willfully tear down, alter or deface any posted writ or printed notice posted or put up pursuant of any law requiring or authorizing the same to be done, before the time for which such notice is given has expired. (Prior code Sec. 4.005(U))

9.04.220 Impersonate officer or magistrate. No person shall and it is unlawful to falsely assume to be a magistrate or peace officer and take upon himself to act as such, and require any person to assist him in any matter pertaining to the duty thereof. (Prior code Sec. 4.005(V))

9.04.230 Spitting on or littering public place. No person shall and it is unlawful to spit upon or otherwise mar or litter any hallway, stairway, or sidewalk or steps of any public building or public place or place of worship. (Prior code Sec. 4.005(W))

9.04.240 Trespassing. No person shall and it is unlawful to trespass upon any lands or premises in the lawful possession of another; or fail, neglect or refuse to depart therefrom immediately and remain away until permitted to return upon the verbal or printed or written notice of the owner or the person in possession of such lands or premises, except an officer on lawful business. (Prior code Sec. 4.005(X))

9.04.250 Fortunetelling. No person shall and it is unlawful to engage for hire in the practice or occupation of fortunetelling, mind reading, character reading or phrenology. (Prior code Sec. 4.005(Y))

9.04.260 Disturbing the Peace. No person shall and it is unlawful to disturb the peace by the following acts and/or conditions:

A. Whatever annoys, injures or endangers the safety, health, comfort or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any street, highway, navigable lake or stream; or in any way renders the public insecure in life or property;

B. Making or causing to be made any unnecessary or unusual noise that either annoys, injures or endangers the comfort, repose, health or safety of the public, except as otherwise permitted in this code;

C. Using, for the purpose of attracting the attention of the public, any radio, recorded music or sound-amplifying device of any kind, the sound from which is cast directly upon a street, alley or public place. This subsection should not apply to devices officially used by governmental units. The City Manager shall have the authority, on written application to him, to permit the broadcast by use of sound amplifying devices under conditions prescribed by him;

D. Operating or using any pile driver, power shovel, pneumatic hammer or other apparatus the use of which is attended by loud or unusual noise, in conducting any building operations between the hours of 10:00 p.m. and 7:00 a.m., except by permission of the City Manager or his designee;

E. Using the city boat ramps for loading or unloading materials between the hours of 10:00 p.m. and 7:00 a.m, except by permission of the City Manager or his designee;

F. Using the city boat ramps for hauling boats out or putting them in between the hours of 10:00 p.m. and 7:00 a.m., except for emergency situations or by permission of the City Manager or his designee;

G. Operating any internal combustion engine, or noise-creating blower or power fans, unless the noise made thereby is so muffled as not to cause annoyance to the public. (Ord. 96-8)

Chapter 9.08 Prostitution*

Sections:

* For statutory provisions regarding prostitution and related offenses, see AS Secs. 11.66.100-150.

Title 09-5

12/27/90; 3/25/05; 9/22/11

- 9.08.010 Engaging in prohibited.
- 9.08.020 Attending house prohibited.
- 9.08.030 Soliciting persons.
- 9.08.040 Harboring or permitting prostitute.
- 9.08.050 Transporting to house.
- 9.08.060 Leasing property to be used as house.

9.08.010 Engaging in prohibited. No persons shall engage in prostitution. (Prior code Sec. 4.010(A))

9.08.020 Attending house prohibited. No persons shall attend or frequent a house of ill fame or prostitution or place where prostitution or nudeness is practiced, encouraged or allowed. (Prior code Sec. 4.010(B))

9.08.030 Soliciting persons. No persons shall by physical motion, word, sign or in any other manner, solicit, urge, invite, compel, force or required any person to engage in illegal sexual intercourse. (Prior code Sec. 4.010(C))

9.08.040 Harboring or permitting prostitute. No persons shall harbor or keep about his premises any prostitute or permit her to follow a lewd course of life. (Prior code Sec. 4.010(D))

9.08.050 Transporting to house. No persons shall transport by automobile any person to a house of ill fame or prostitution or to a place where prostitution or lewdness is practiced, with knowledge of the nature of such house or place. (Prior code Sec. 4.010(D))

9.08.060 Leasing property to be used as house. No persons shall lease any property with knowledge that it is to be used as a house of ill fame or prostitution or place where prostitution is practiced. (Prior code Sec. 4.010(F))

Chapter 9.12 Gambling^{*}

Sections:

- 9.12.010 Prohibited.
- 9.12.020 Frequenting place of operation.
- 9.12.030 Possessing gambling apparatus.
- 9.12.040 Maintaining place.

^{*} For statutory provisions regarding gambling prohibitions, see AS Secs. 11.66.200-280.

- 9.12.050 Permitting on premises.
- 9.12.060 Confiscation of things of value.
- 9.12.070 Exemptions.

9.12.010 Prohibited. No person shall receive or accept any money or thing of value with the agreement or understanding that any money or thing of value will be paid or delivered to the person where such payment or delivery is or will be contingent upon a result of any race, contest, game, mechanical device or upon the happening of any event not known by the parties to be certain. The term "thing of value" as used herein shall include everything having value, whether intrinsic or not, and shall be specifically construed to include the furnishing of amusement when the amount of the amusement furnished will be contingent upon the happening of any event not known by the parties to be certain. (Prior code Sec. 4.015(A))

9.12.020 Frequent place of operation. No person shall attend or frequent or invite another to attend or frequent any place where gambling is permitted or any place operated or occupied as common gambling house or room. (Prior code Sec. 4.015(B))

9.12.030 Possessing gambling apparatus. No person shall have in his possession any policy or pool tickets, any slips or checks or memorandum of any combination of bets, or any policy or any pool books or sheets, or policy wheel, implement, apparatus or material of gambling or lottery. (Prior code Sec. 4.015(C))

9.12.040 Maintaining place. No person shall maintain a gambling or lottery room, policy wheel or gaming table or any game of skill or chance, or partly of skill and partly of chance, used for gaming, or permit the same on any premises occupied or controlled by him. (Prior code Sec. 4.015(D))

9.12.050 Permitting on premises. No person shall permit gambling of any nature on any premises occupied or controlled by him. (Prior code Sec. 4.015(E))

9.12.060 Confiscation of things of value. All moneys or things of value confiscated as evidence under this section shall upon conviction of, or upon forfeiture of bail of any person or persons so charged, become the property of the city and said moneys shall forthwith be transmitted to the general fund of the city by the magistrate. (Prior code Sec. 4.015(F))

9.12.070 Exemptions. Exemptions to this Chapter 9.12 are the City of Seldovia or Private Non-Profit Corporations holding a permit issued by the State of Alaska for games of chance with the benefits going to the community of Seldovia as a whole. Permits for each private non-profit corporation are subject to Council approval and must be renewed annually. (Ord. 88-11, 1989)

Chapter 9.16

Minors^{*}

Sections:

9.16.010 Tobacco sale to--Prohibited--Penalty.

9.16.020 Curfew--Imposed.

9.16.030 Curfew--Applicability.

9.16.040 Curfew--Violations and penalty.

9.16.010 Tobacco sale to--Prohibited--Penalty. A. It is unlawful to sell, exchange or give cigarettes, cigars or tobacco to a person under the age of eighteen years.

B. A person who violates this section is guilty of an infraction and shall be subject to the general penalty designated in Section 1.08.010 of this code. (Ord. 89-12, Ord. 74-14 Sec. 1, 1974: prior code Sec. 4.020)

9.16.020 Curfew--Imposed. All persons under the age of sixteen shall be off the streets between the hours of nine p.m. and six a.m. during that period from the first day of September until the last day of May, and between the hours of ten p.m. and six a.m. during that period from the last day of May until the first day of September. On Friday and Saturday nights only, the hours shall be extended to twelve midnight until six a.m. (Ord. 69-5 Sec. 1(part), 1969: prior code Sec. 4.030(part))

9.12.030 Curfew--Applicability. A. Section 9.16.020 shall apply to all juveniles except those engaged in legitimate errands for parent or guardian.

B. Section 9.16.020 shall not apply to juveniles attending a school function or on their way directly to or from a school function. (Ord. 69-5 Sec. 1(part), 1969: prior code Sec. 4.030(a), (b))

9.16.040 Curfew--Violations and penalty. A. Curfew violators shall be cited and taken before the District Court Judge or Magistrate and the penalty for the violation shall be subject to the general penalty provisions codified at Chapter 1.08.(Ord. 96-18)

B. The magistrate may elect to fine or sentence the parent of the juvenile who is a repeated violator according to the offense committed. (Ord. 69-5 Sec. 1(part), 1969: prior code Sec. 4.030(c), (d))

* For statutory provisions regarding sale of tobacco to minors, see AS Sec. 11.76.100.

Chapter 9.20 Fireworks^{*}

Sections:

- 9.20.010 Prohibited.
- 9.20.020 Violation--Penalty.

9.20.010 Prohibited. It is unlawful for any person, persons, firm or corporation to possess, sell, ignite or cause to be exploded or discharged, any fireworks, firecrackers, roman candles, torpedoes, rockets or any kind of fireworks or pyrotechnic display of any nature whatsoever, within the corporate limits of this city; provided, however, that such possession, sale or use of fireworks may be permitted on holidays and for special celebrations with the permission of and under the supervision of the Chief of Police. (Prior code Sec. 7.005)

9.20.020 Violation--Penalty. Penalty for the violation of this chapter shall be subject to the general penalty provisions codified at Chapter 1.08. (Ord. 74-15 Sec. 1, 1974: prior code Sec. 7.010)

Chapter 9.24 Penalties^{**}

Sections:

- 9.24.010 Designated.

9.24.010 Designated. The violations of the foregoing sections are infractions and are subject to the general penalty provisions codified at Chapter 1.08. (Ord. 81-5 Sec. 5, 1981; Ord. 74-16 Sec. 1, 1974: prior code Sec. 4.025)

* For statutory provisions regarding state regulation of fireworks, see AS Ch. 18.72.

** For statutory provisions authorizing cities to enforce ordinances and prescribe penalties for violations, see AS Secs. 29.35.010(7) and 29.25.070.

Title 10

Vehicles and Traffic

Chapters:

- 10.04 State Law Adopted
- 10.06 All Terrain Vehicles
- 10.08 Snowmobiles
- 10.10 Areas Off-Limits to Vehicles
- 10.12 City Heliport
- 10.14 Cleated Vehicles
- 10.16 Parking

Chapter 10.04 State Law Adopted

Sections:

- 10.04.010 Adopted by reference.

10.04.010 Adopted by reference. The Motor Vehicle Laws of Alaska, Regulations and Statutes are adopted by reference for the traffic code of the City of Seldovia, Alaska. (Ord. 74-38 Sec. 2, 1974)

Chapter 10.06 All-Terrain Vehicles

Sections:

- 10.06.010 Definitions.
- 10.06.020 Actions required.
- 10.06.030 Actions prohibited.
- 10.06.040 Reporting accidents.
- 10.06.050 Parental and guardian responsibility.

10.06.010 Definitions. A. "All terrain vehicles" means any motor driven vehicle equipped with wheels that can be driven on any terrain. Go-Karts and Odyssey type vehicles and vehicles with a center of gravity below the wheel axle are included.

B. "Operator" shall be any person at the control or directly responsible for actions of said All-Terrain vehicles.

C. "Heedless" means not taking heed, inattentive, unmindful, careless, unobservant. This shall include but not necessarily be limited to performing stunts on a public way (i.e. wheelies, spinning brodies, driving two (2) or more abreast) (Ord. 83-15 Sec. 1, 1983, Ord. 83-16, 1983, Ord. 89-6 Sec. 2, 1989)

10.06.020 Actions required.

A. Valid driver's permits or license.

B. Registered by state and displayed.

C. Operation to and from a destination.

D. Shall be driven on extreme right in single file, and in accord with all vehicle regulations.

E. Must have headlight, tail lights, throttle return spring, stock mufflers, and mud flaps.

F. Must be ten (10) horsepower or higher.

G. Proper hand signals shall be used.

H. Headlights shall be on at all times while operating vehicles on the roadway system. (Ord. 83-15 Sec. 1, 1983; Ord 89-6 Sec. 2, 1989)

10.06.030 Actions prohibited.

A. Operation at speeds in excess of fifteen (15) miles per hour.

B. Operation on private property, unless authorized by the owner.

C. Operation in a heedless or erratic manner: in a manner so as to cause fear or anxiety in others: or in a manner detrimental to the common good of the City of Seldovia. (Ord. 83-15 Sec. 1, 1983, 83-16, 1983)

10.06.040 Reporting accidents. The operator of an all terrain vehicle involved in an accident resulting in injury to, or death of a person, or property damage other than to his vehicle, the estimated amount of which is one hundred dollars or more, shall immediately, by the quickest means of communicating, give notice of the accident to the nearest city policeman or state trooper. (Ord. 83-15 Sec. 1, 1983)

10.06.050 Parental and guardian responsibility. When a person under the age of 18 years violates any part of this ordinance, his parent or guardian is also in violation if,

- A. The parent or guardian knowingly allows the violation to take place or,
- B. The parent or guardian fails to take reasonable precautions to prevent the violation. (Ord. 83-15 Sec. 1, 1983)

Chapter 10.08 Snowmobiles

Sections:

- 10.08.010 Definitions.
- 10.08.020 Operator's license.
- 10.08.030 Traffic rules.
- 10.08.040 Equipment required.
- 10.08.050 Reporting accidents
- 10.08.060 Parental responsibility.

10.08.010 Definitions. "Snow vehicle" means any motor driven vehicle equipped with skis, and designated to operate over snow.

"Operator" shall be any person at the controls or directly responsible for the actions of said snow vehicle. (Ord. 74-30 Sec. 1, 1974)

10.08.020 Operator's license. Any person who operates a snow vehicle on the Seldovia city streets must have a valid operator's license issued by the state of Alaska. (Ord. 74-30 Sec. 2, 1974)

10.08.030 Traffic rules. Snow vehicles shall observe all traffic rules set forth in the ordinances of the city for the operation of motor vehicles, and the laws of the State of Alaska, except that no snow vehicle may be operated on any public street at a speed greater than fifteen miles per hour, and except as to provisions of the traffic regulations, statutes and ordinances which by their nature have no application.

A. A snow vehicle may not be operated on the roadway of a state highway, but may be operated on the shoulder or on a path adjacent to the roadway of a state highway, provided the snow vehicle is driven three feet or more from the extreme edge of the roadway.

B. Snow vehicles may not be operated two abreast on the roadway city or borough street but shall proceed in single file.

C. A person operating a snow vehicle on the roadway of a city or borough street shall drive as near to the extreme right side of the roadway as practicable and shall exercise due care when passing a standing vehicle or one proceeding in the same direction when the driver of the motor vehicle gives audible signal.

D. A snow vehicle may cross a highway only after stopping and when traffic on

the roadway allows crossing in safety. (Ord. 74-30 Sec. 3, 1974)

10.08.040 Equipment required. A snow vehicle is required to contain the following equipment:

A. Brakes adequate to the movement of and to stop and to hold the vehicle under normal conditions of operation;

B. At least one head lamp so aimed and of sufficient intensity, to reveal persons and objects at a distance of at least one hundred feet ahead during the hours of darkness under normal atmospheric conditions;

C. A throttle which, when released by the hand, will return the engine speed to idle;

D. An exhaust muffler in good working order except at the operator's option when participating in an event permitted under AS 05.35.

E. A snow vehicle which is operated upon or along a highway during the hours of darkness, other than to cross, shall have a red lamp on the rear cowling mounted which shall emit a red light plainly visible from a distance of one thousand feet to the rear.

1. A tail lamp on a snow vehicle shall be located at a height of not more than seventy-two inches nor less than fifteen inches.

2. And a red reflector on the rear cowling which shall be mounted on the snow vehicle at a height of not less than fifteen inches nor more than sixty inches and shall be of such size and characteristics and mounted so as to be visible between six hundred and one hundred feet from the vehicle. (Ord. 74-30 Sec. 4, 1974)

10.08.050 Reporting accidents. The operator of a snow vehicle involved in an accident resulting in injury to, or death of a person, or property damage other than to his snow vehicle the estimated amount of which is one hundred dollars or more, shall immediately, by the quickest means of communicating, give notice of the accident to the nearest city policeman or state trooper. (Ord. 74-30 Sec. 5, 1974)

10.08.060 Parental responsibility. A parent of a child or the guardian of a ward may not authorize or knowingly permit his child or ward to violate a provision of Sections 10.08.010 through 10.08.050. (Ord. 74-30 Sec. 6, 1974)

Chapter 10.10 Areas Off-Limits to Vehicles

Sections:

10.10.010 Vehicles on Susan Lake.

10.10.010 Vehicles on Susan Lake. Use of all motorized vehicles shall be prohibited on Susan Lake, unless otherwise posted by the Seldovia Police Department. (Ord. 83-17 Sec. 1, 1984; Ord. 89-7 Sec. 2, 1989)

Chapter 10.12 City Heliport

Sections:

10.12.010 Location designated.

10.12.020 Emergency landing permitted when.

10.12.010 Location designated. The area south of the windsock at the airport is designated as heliport for the City of Seldovia. (Ord. 77-6 Sec. 1, 1977)

10.12.020 Emergency landings permitted when. Emergency landing shall be permitted within the city limits whenever necessary. (Ord. 77-6 Sec. 2, 1977)

Chapter 10.14 Cleated Vehicles

Sections:

10.14.010. Cleated vehicles -- Permit required.

10.14.020. Street damage --Penalty.

10.14.010. Cleated vehicles -- Permit required. Vehicles with cleats or lugs are moved on the city streets and city dock, by permit only; permits issued by the city. (Ord. 89-6, Ord. 84-15 Sec. 1, 1984)

10.14.020. Street damage --Penalty. Damage to street surfaces in violation of this chapter shall be repaired at the expense of the responsible party. (Ord. 89-6, Ord. 84-15 Sec. 1, 1984)

Chapter 10.16 Parking

Sections:

- 10.16.010 Definitions.
- 10.16.020 Short Term Parking at Small Boat Harbor.
- 10.16.030 Thirty Day Parking.
- 10.16.040 Long Term Parking.
- 10.16.050 Designated Areas.
- 10.16.060 City Facility Use--Responsibility.
- 10.16.070 Parking Refused.
- 10.16.080 Notice to Remove Property.
- 10.16.090 Violation--Penalty.

10.16.010 Definitions. A. *Vehicle* means any motorized means of land transportation.

B. *Parking* means leaving any personal property unattended. (Ord. 90-08A; Ord. 97-01; Ord. 98-09)

C. *Camper* means a structure built or adapted to be placed upon a vehicle and used for living quarters for recreational use, whether or not such camper is installed upon a vehicle.

D. *Motor Home* means a motor vehicle that has been designed and built or adapted to a truck, but or other motor vehicle chasses to serve as living quarters for recreational purposes.

E. *Travel trailer* means an enclosed trailer designed and built or adapted to serve as living quarters for recreational purposes, and which is drawn by a motor vehicle.

F. *Commercial vehicle* means every vehicle designed, maintained or used primarily for the transportation of property. (Ord. 99-02)

10.16.020 Short Term Parking at Small Boat Harbor. The area between the Harbormaster's office and the approach ramp to the harbor shall be designated "Short Term Parking, Maximum Time 48 hours from May 1 through Sept 1, the remainder of the year not to exceed 14 days." There shall be no camper, motor home, or travel trailer parking in this area. (Ord. 90-08A; Ord. 97-01; Ord. 99-02)

10.16.030 Thirty Day Parking. Lots 5 & 6, Block 10 Urban Renewal area shall be designated "Thirty Day Parking". Persons utilizing this area shall register with the Harbormaster prior to parking. There shall be no overnight parking for any of the following: camper, motor home, or travel trailer parking, boat trailers, vans, or any other type of commercial vehicle in this area. (Ord. 90-08A; Ord. 97-01; Ord. 99-02)

10.16.040 Long Term Parking. Lots 3, 4 & 5, Block 2 urban renewal area shall be designated "Long Term Parking". A fee of twenty dollars (\$20) a month for

each space utilized will be charged. Persons utilizing this area shall register and pay fees at the City Office prior to parking. (Ord. 90-08A)

10.16.050 Designated Areas. All parking areas shall be clearly posted designating each area. Primary "Day Parking" for campers, motor homes, or travel trailers shall be Lot 3, Block 5, Seldovia Townsite. Secondary "Day Parking" for travel trailers, motor homes, and campers shall be Lot 1A, Block 4, Seldovia Townsite and Lots 5 & 6, Block 10, Urban Renewal. There shall be no overnight camper, motor home, or travel trailer parking or camping in these areas. (Ord. 90-08A; Ord. 97-01; Ord. 99-02)

10.16.060 City Facility Use--Responsibility. The city assumes no liability for loss or damage to vehicles or trailers parked in any parking area. (Ord. 90-08A)

10.16.070 Parking Refused. The city reserves the right to refuse parking in the "Long Term Parking" area if registration and fees are not kept current. (Ord. 90-08A)

10.16.080 Notice to Remove Property. In the event that Lots 3, 4 and/or 5, Block 2 urban renewal area is sold for development, owners of vehicles registered for parking in this area will be given thirty (30) days notice to remove their vehicles, etc. (Ord. 90-08A)

10.16.090 Violation--Penalty. Violators of this ordinance will have their vehicles, trailer, property, etc., removed at owner's expense. (Ord. 90-08A)

Title 11

Streets, Sidewalks and Park Land*

Chapters:

- 11.04 Street Excavation
- 11.08 Sidewalks
- 11.12 Park Land
- 11.13 Camping Regulations

Chapter 11.04

Street Excavation

Sections:

- 11.04.010 Excavation--Permit required.
- 11.04.015 Culverts required.
- 11.04.020 Laying pipe--Permit required.
- 11.04.030 Permit--Application.
- 11.04.040 Permit--Issuance.
- 11.04.050 Permit--Disturbed streets designated.
- 11.04.060 Permit--Franchised companies.
- 11.04.070 Bond requirement.

11.04.010 Excavation--Permit required. It is unlawful for any person or persons, firm, association or corporation, to dig up, break, excavate or disturb, dig under or undermine public streets or alleys, or any part thereof within the City for the purpose of laying down or gaining access to, or repairing any water pipe or main, or for the purpose of laying down, or obtaining access to or repairing any sewer or branch sewer pipe of any kind or for the purpose of erecting or setting any pole or pole lines used for telephone, electric or power purposes, or for any purpose whatsoever without first having obtained a property permit to do so. (Prior code Sec. 5.005(A))

11.04.015 Culverts required. It is unlawful to permanently disturb water drainage patterns affecting city streets. Culverts are required where necessary to maintain proper drainage. (Ord. 89-6 Sec. 1, 1986)

11.04.020 Laying pipe--Permit required. It is likewise unlawful for any person or persons, firm, association or corporation to construct, maintain or law either above, or on top or underneath the surface, upon or across any street or alley or any part thereof within the city any pipe or pipeline for any purpose whatsoever,

* For statutory provisions regarding general city powers see AS Sec. 29.35.010 and AS Sec. 29.35.250.

without having first obtained a proper permit to do so. (Prior code Sec. 5.005(B))

11.04.030 Permit--Application. Application for permits for any of the purposes designated in Sections 11.04.010 and 11.04.020 shall be made in writing to the City Manager stating therein the name of the street or streets, alley or alleys to be taken up or disturbed, or upon which any poles or pole lines are to be erected, or upon which any pipe lines or mains are to be laid or installed, at which point and for what purpose, and setting forth the number of days required for the work to be accomplished under the permit. (Ord. 74-17 Sec. 1(part), 1974; prior code Sec. 5.010(A))

11.04.040 Permit--Issuance. Permits shall be issued by the Municipal Clerk in conformity with the recommendations of the City Manager or at the direction of the City Council. The City Clerk shall keep a record thereof setting forth the concise matter, the dates, description of the work, names of applicants, and the object for which the permit was granted. No permit shall be issued or granted for a period longer than thirty days; provided, however, that the City Manager shall be authorized and empowered to extend the time for which the permit is issued, provided that application be made for such extension prior to the time of expiration. (Ord. 74-17 Sec. 1(part), 1974; prior code Sec. 5.010(B))

11.04.050 Permit--Disturbed streets designated. Such permit when issued shall designate the portion of the street or streets, alley or alleys to be taken up or disturbed or upon which any work shall be done, together with the purpose thereof, the number of days in which the work shall be done, and such other restrictions as may be deemed to be in the public interest. All work done under a permit issued under the authority of this chapter shall be done in conformity with the terms of the permit, and under the supervision of the City Manager or his designee. (Ord. 74-17 Sec. 1(part), 1974; prior code Sec. 5.010(C))

11.04.060 Permit--Franchised companies. Under no circumstances shall a permit be granted by the City Manager to any person, persons, firm, association or corporation who now, or may hereafter own or operate any pipe lines, water mains, telephone, electric lighting or power lines for utility without a franchise therefore having first been duly obtained from the City, by ordinance duly enacted, unless the City Manager shall first have been authorized to issue the permit by action of the City Council. (Ord. 74-17 Sec. 1(part), 1974; prior code Sec. 5.010(A))

11.04.070 Bond requirement. Where a permit is issued by the City Clerk, as a condition thereto, a bond sufficient to restore the streets or public ways may be required. (Prior code Sec. 5.010(E))

Chapter 11.08

Sidewalks

Sections:

11.08.010 Obstructing unlawful.

11.08.010 Obstructing unlawful. It is unlawful for anyone to build, construct, erect, keep or maintain on, upon, over, across, adjacent to, attached to or along any part or parts of any gutter, sidewalk or sidewalks in the City, any post, bicycle rack, hitching post, hitching racks, sign, sign work, lamp, obstruction or structure of any kind or nature whatsoever. Any and all such obstructions are declared to be unlawful, unless a permit is secured in the same manner as those permits provided in Section 11.04.030 are secured. (Prior code Sec. 5.015)

Chapter 11.12 Park Land*

Sections:

11.12.010 Public park land described.

11.12.020 Memorial park land described.

11.12.010 Public park land described. There shall be set aside and excluded from sale for all time for the purpose of a park, that certain land given to the City for that purpose and described as Lots 2 and 3 of Block 1 of the City of Seldovia according to official plat no. 1771. (Prior code Sec. 10.005)

11.12.020 Memorial park land described. There shall be set aside and excluded from sale for all time for the purpose of a memorial park, those lots which have in the past been used for the burial of certain persons, and described as Lots 26, 27, 28, 29, of Block 6, according to the official plat of the City of Seldovia, no. 1771. (Prior code Sec. 10.010)

Chapter 11.13 Camping Regulations

Sections:

* For statutory provisions regarding general city powers see AS Sec. 29.35.010 and AS Sec. 29.35.250.

- 11.13.010 Maximum duration of camping.
- 11.13.020 Certain acts prohibited.
- 11.13.030 Storage of garbage, refuse and other wastes.
- 11.13.040 Unattended camps.
- 11.13.050 Unauthorized structures.
- 11.13.060 Definitions.

11.13.010 Maximum duration of camping. A. No person shall camp on City-owned or controlled property in excess of fourteen calendar days, regardless of any changes in campsite or campgrounds. Persons who have utilized their fourteen day camping period may not return to camp in any City-owned or -controlled camping area for fourteen additional days, following the last day of their fourteen-day camping period. The fourteen days of authorized camping need not be consecutive.

D. An exception may be granted to the fourteen-day limitation if there are sufficient vacant campsites, as determined by an authorized city official. All persons shall move their campsite at the end of each fourteen-day period. (Ord. 81-10 Sec. 1(part), 1981)

11.13.020 Certain acts prohibited. It is unlawful for any person to:

A. Dispose of or deposit human body wastes or any other waste on City-owned or -controlled land other than in authorized or designated receptacles;

B. Make or cause to be made any unnecessary or unusual noise which annoys, injures or endangers the comfort, repose, health or safety of the public, or any individual member of the public on City-owned or -controlled land;

C. Erect, occupy or otherwise utilize any temporary or permanent structure or shelter on City-owned or -controlled lands, except that:

1. Unless otherwise prohibited, tents of standard commercial manufacture or constructed in whole or in part from canvas, nylon or other tenting material may be erected and occupied in designated camping areas. Structures so exempted may not be modified, extended or sheltered by the addition of any material not a commercially manufactured component of said tent or other than a recognized tenting material,

2. Unless otherwise prohibited, self-contained camper units may be parked and occupied in designated camping areas so long as they remain immediately mobile;

D. Park, leave, maintain or utilize any vehicle, camper unit or camp in violation of any provision of any section of this regulation. All vehicles, camper units or other camps in violation shall be subject to impoundment by any peace officer. All costs of impoundment and storage of any property so impounded shall be paid before said property shall be released. Property so impounded shall additionally be subject to a twenty dollar impound fee, which shall be paid before said property is released. All

permanent structures shall be impounded;

E. Deface, destroy, alter, remove or otherwise disfigure any live trees, equipment, sign, utility services, or other facility owned or provided by the city at any City-owned campground or campsite, or parking area adjacent thereto;

F. Allow any dog owned, harbored or controlled by himself to be at large in any City-owned or -controlled campground. All fecal wastes of any dog discharged or deposited on any lands within a City-owned or -controlled campground shall be immediately removed by the person owning, harboring, or controlling said animal and shall be deposited in trash receptacles or otherwise stored in containers;

G. Leave any campsite in a disorderly or unsightly condition upon termination of use;

H. Construct any foundation or footing including piling, log, rock, concrete or other;

I. Discharge any firearm or air rifle, either for hunting, target shooting or any other purpose. (Ord. 81-10 Sec. 1(part), 1981)

11.13.030 Storage of garbage, refuse and other wastes. All garbage, refuse and other waste created or compiled in the course of activities while camping, shall be stored in opaque containers which shall be tightly closed to contain odors and to exclude insects, rodents and vermin. Plastic garbage sacks are acceptable containers for compliance with this section. (Ord. 81-10 Sec. 1(part), 1981)

11.13.040 Unattended camps. A campsite shall be occupied on the first night after equipment, vehicles or tents have been set up. Equipment left unattended for a period of seventy-two hours at any campsite on City-owned or -controlled property may be impounded unless prior permission for a longer storage period has been obtained from an authorized city representative. An impound fee of twenty dollars and all costs of impoundment and storage shall be paid before said property may be released. (Ord. 81-10 Sec. 1(part), 1981)

11.13.050 Unauthorized structures. Any structure erected, maintained, occupied or utilized on City-owned or -controlled land without written permission from the City Manager or otherwise permitted under this ordinance shall be unlawful and shall be subject to impoundment or disposal by any peace officer. If said structure is impounded pursuant to this section, all costs of impoundment and storage shall be paid in addition to the impound fee of twenty dollars before said structure may be released. All costs of recovery shall be borne by the person claiming said structure. (Ord. 81-10 Sec. 1(part), 1980)

11.13.060 Definitions. A. "Campground" means an area owned, controlled, developed and/or maintained by the City, which contains one or more campsites or contains adequate area for one or more campsite.

B. "Camping" means:

1. The erection of, or occupancy of any tent, regardless of whether said tent is of commercial manufacture or has been constructed in whole or part by any person;

2. The placing or leaving of any items normally found at a campsite such as cookstoves, lanterns, etc., if sleeping bags and/or other forms of bedding are also left at the location;

3. The parking of any camper unit in any area owned or controlled by the City of Seldovia, which has been designated a camping area by official signs, in excess of twenty, four hours, shall constitute camping, regardless of any physical change in campsite within camping area;

4. The presence of any person sleeping in any motor vehicles or camper units between the hours of midnight and six a.m., which shall constitute *prima facie* evidence of camping;

5. Sleeping on the ground, with or without any shelter, sleeping pad, etc., between the hours of midnight and six a.m. on any land owned or controlled by the City, which shall constitute camping;

6. The preparation or consumption of meals in, or in affiliation with and in proximity to, any camper unit at any time following midnight of the day said camper unit was parked in any campground, shall constitute *prima facie* evidence of camping.

C. "Campsite" means all improved and unimproved campsites located on lands owned or controlled by the City.

D. "Immediately mobile" means that the camper unit may be moved from its campsite by either (1) starting its propulsion engine and driving said unit away, or (2) by attaching a towing vehicle to the trailer hitch of said camper unit and pulling it away; provided, that in both (1) and (2) the removal must be feasible without any preliminary actions to prepare the vehicle for removal, such as, but not limited to, installation of wheels or removal of support structure of platforms, etc.

E. "Other wastes" means garbage, refuse, offal, oil, grease, tar, dyestuffs, acids, chemicals, industrial or seafood processing wastes; and any other substance which may cause, or tend to cause, pollution of the lands or waters within the city.

F. "Parking" means the placing or leaving of any motor vehicle or trailer on any land within the city if the propulsion engine of said vehicle is off.

G. "Permanent structure or shelter" means any collection, assemblage,

construction, or assortment of materials or devices; whether of natural or synthetic nature, which has served or is reasonable capable of serving as protection from any of the elements; or as an item constructed to enhance the habitability of a campsite, such as, but not limited to structures functioning as, or which are reasonably capable of functioning as furniture items. Any camper unit rendered less than immediately mobile by the removal of wheels or placement on supports or platforms shall also be a permanent structure. Commercially-manufactured tents and the flysheet supplied for the tent by the manufacturer or constructed in whole or in part from canvas, nylon or other tenting material, shall not be classified as permanent structures or shelters unless they have been placed on a platform or material other than the soil at the site of erection.

H. "Self-contained camper unit" means all vehicles and trailers that contain sleeping facilities for one or more persons. Sleeping facilities shall also include any structure or area of any vehicle or trailer that circumstances indicate are actually being used for sleeping and need not consist of actual beds or bunks. Self-contained camper units are also referred to as "camper units" in this article. Self-contained camper units may be referred to as "campers" on signs for designated camping areas.

I. "Temporary structure or shelter" means all tents of standard commercial manufacture with the flysheet provided by the manufacturer or constructed in whole or in part from canvas, nylon or other tenting material, and all commercially manufactured self-contained camper units, so long as said camper units are maintained in such a condition that they are immediately mobile. Any camper unit not maintained in an immediately mobile condition shall be deemed a permanent structure. (Ord. 81-10 Sec. 1(part), 1981)

Title 12

Seldovia Permanent Fund

Chapters:

- 12.04 Seldovia Permanent Fund established.
- 12.08 Purpose.
- 12.16 Deposits to the fund.
- 12.20 Management of fund.
- 12.24 Income and distribution.
- 12.28 Principal.

12.04 Seldovia Permanent Fund established. There is established as a separate fund within the finances of the City a fund to be known as the Seldovia Permanent Fund (hereinafter referred to as "the fund"). The fund shall be administered in accordance with the provisions of this chapter. (Ord. 96-13)

12.08 Purpose. The purpose for establishment of the fund is to preserve in trust, assets of the City for the benefit of present and future generations of Seldovia residents. (Ord. 96-13)

12.16 Deposits to the fund. A. The first deposit to the fund shall be the \$500,000 that the City received from the Seldovia Native Association for the ANCSA 14 c (3) settlement.

B. The Council may, from time to time, make deposits to the fund in the same manner as it makes other appropriations. Any funds received by the City from any source may be deposited into the fund. (Ord. 96-13; 98-01)

12.20 Management of fund. A. The fund principal shall be managed by the Prudent Man Rule. The Prudent Man Rule provides that in making investments, the same judgment and care under the circumstances then prevailing shall be exercised which an institutional investor of ordinary prudence, discretion and intelligence exercises in the management of large investments entrusted to it, not in regard to speculation, but in regard to the permanent disposition of funds, considering probable safety of capital, as well as probable income. An investment policy consistent with the Prudent Man Rule shall be adopted by the City Council by resolution, and may be amended as necessary by resolution. The City Treasurer shall follow the investment policy adopted by the City Council for investment and management of the principal of the fund.

B. Investments of Permanent Fund principal are limited to that of an income producing nature only such as federal, state and municipal obligations, bank certificates of deposit or corporate obligations of prime or equivalent quality. The principal of the fund may be invested consistent with this section only in:

1. Bonds or other evidences of indebtedness of the United States or an agency or an instrumentality of the United States;

2. Bonds and other evidence of indebtedness issued by the State of Alaska;

3. Bonds or other evidences of indebtedness issued by the municipalities of the State of Alaska;

4. Certificates of deposits, savings accounts, deposit accounts, or depository receipts of a bank which are secured as to payment of principal and interest in accordance with Alaska Law and which is a member of the Federal Deposit Insurance Corporation, or a savings and loan association that is a member of the Federal Savings and Loan Insurance Corporation, or a credit union which is insured by the National Credit Union Administration;

5. Bankers acceptances (bills of exchange or time drafts), if such obligations are eligible for purchase by the Federal Reserve System, and mature no more than two hundred seventy days from date of purchase.

C. All investments purchased which have been issued in negotiable, bearer form shall be maintained in a customer-segregated safekeeping account in a financial institution which otherwise qualifies for investment under the provisions of subsection (B) (4) of this section, or which is a member of and is regulated by the Securities and Exchange Commission.

D. Each year at least ten percent (10%) of fund income or an amount equal to the inflation rate, whichever is greater, must be reinvested in the Permanent Fund. (Ord. 97-04)

E. If a transaction involving Permanent Fund principal results in an actual dollar loss of principal and prior years retained earnings, the loss shall be reimbursed in full from fund income before any additional income may be expended. (Ord. 96-13)

12.24 Income and distribution. A. The City Treasurer shall prepare a monthly report for the City Council which shows the nature of each outstanding investment, including the purchase date, purchase price, and estimated net yield rate at the time of purchase, and the income earned from each investment from the initial date of purchase to the date of the report

B. The net income of the fund shall be determined annually as of the last day of the fiscal year in accordance with this section and utilizing generally accepted accounting principles.

C. For the purposes of determining the net income of the fund, net income shall be defined as the total income yielded from investment of the principal of the fund, less any amounts needed;

1. To reimburse the fund principal in the event a transaction results in an actual dollar loss in principal;

2. To offset any reduction in fund principal due to administrative costs;

3. To offset any depletive effect of inflation on the fund principal during the fiscal year, as may be determined by a nationally recognized inflation index.

D. Income derived from investment of Permanent Fund principal, not otherwise reinvested in the Permanent Fund as required by City Code, may be used to provide funding for capital outlays and grant matching funds as designated by the City Council after consideration of public input. Unappropriated or unencumbered balances of income remaining at the close of each fiscal year shall be transferred to fund principal. (Ord. 96-13)

12.28 Principal. A. Fund principal may only be appropriated for land acquisition only by ordinance. The procedure for passage of any such ordinance shall be governed by subsection B of this section.

B. No ordinance to appropriate principal from the fund shall be passed, except upon a favorable roll call vote of the City Council members as mandated by City Code, the results of which shall be entered in the minutes of the meeting. (Ord. 96-13)

Title 12

Seldovia Permanent Fund

Chapters:

12.04 Seldovia Permanent Fund

Chapter 12.04

Seldovia Permanent Fund

Sections:

12.04.010 Seldovia Permanent Fund established.

12.04.020 Purpose.

Title 12-3

8/31/90; 3/28/05; 9/22/11

- 12.04.030 Deposits to the fund.
- 12.04.040 Management of fund.
- 12.04.050 Income and distribution.
- 12.04.060 Principal.

12.04.010 Seldovia Permanent Fund established. There is established as a separate fund within the finances of the City a fund to be known as the Seldovia Permanent Fund (hereinafter referred to as "the fund"). The fund shall be administered in accordance with the provisions of this chapter. (Ord. 96-13)

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B. The Council may, from time to time, make deposits to the fund in the same manner as it makes other appropriations. Any funds received by the City from any source may be deposited into the fund. (Ord. 96-13; 98-01)

12.04.040 Management of fund. A. The fund principal shall be managed by the Prudent Man Rule. The Prudent Man Rule provides that in making investments, the same judgment and care under the circumstances then prevailing shall be exercised which an institutional investor of ordinary prudence, discretion and intelligence exercises in the management of large investments entrusted to it, not in regard to speculation, but in regard to the permanent disposition of funds, considering probable safety of capital, as well as probable income. An investment policy consistent with the Prudent Man Rule shall be adopted by the City Council by resolution, and may be amended as necessary by resolution. The City Treasurer shall follow the investment policy adopted by the City Council for investment and management of the principal of the fund.

B. Investments of Permanent Fund principal are limited to that of an income producing nature only such as federal, state and municipal obligations, bank certificates of deposit or corporate obligations of prime or equivalent quality. The principal of the fund may be invested consistent with this section only in:

1. Bonds or other evidences of indebtedness of the United States or an agency or an instrumentality of the United States;
2. Bonds and other evidence of indebtedness issued by the State of Alaska;
3. Bonds or other evidences of indebtedness issued by the municipalities of the State of Alaska;

4. Certificates of deposits, savings accounts, deposit accounts, or depository receipts of a bank which are secured as to payment of principal and interest in accordance with Alaska Law and which is a member of the Federal Deposit Insurance Corporation, or a savings and loan association that is a member of the Federal Savings and Loan Insurance Corporation, or a credit union which is insured by the National Credit Union Administration;

5. Bankers acceptances (bills of exchange or time drafts), if such obligations are eligible for purchase by the Federal Reserve System, and mature no more than two hundred seventy days from date of purchase.

C. All investments purchased which have been issued in negotiable, bearer form shall be maintained in a customer-segregated safekeeping account in a financial institution which otherwise qualifies for investment under the provisions of subsection (B) (4) of this section, or which is a member of and is regulated by the Securities and Exchange Commission.

D. Each year at least ten percent (10%) of fund income or an amount equal to the inflation rate, whichever is greater, must be reinvested in the Permanent Fund. (Ord. 97-04)

E. If a transaction involving Permanent Fund principal results in an actual dollar loss of principal and prior years retained earnings, the loss shall be reimbursed in full from fund income before any additional income may be expended. (Ord. 96-13)

12.04.050 Income and distribution. A. The City Treasurer shall prepare a monthly report for the City Council which shows the nature of each outstanding investment, including the purchase date, purchase price, and estimated net yield rate at the time of purchase, and the income earned from each investment from the initial date of purchase to the date of the report

B. The net income of the fund shall be determined annually as of the last day of the fiscal year in accordance with this section and utilizing generally accepted accounting principles.

C. For the purposes of determining the net income of the fund, net income shall be defined as the total income yielded from investment of the principal of the fund, less any amounts needed;

1. To reimburse the fund principal in the event a transaction results in an actual dollar loss in principal;

2. To offset any reduction in fund principal due to administrative costs;

3. To offset any depletive effect of inflation on the fund principal during the fiscal year, as may be determined by a nationally recognized inflation

index.

D. Income derived from investment of Permanent Fund principal, not otherwise reinvested in the Permanent Fund as required by City Code, may be used to provide funding for capital outlays and grant matching funds as designated by the City Council after consideration of public input. Unappropriated or unencumbered balances of income remaining at the close of each fiscal year shall be transferred to fund principal. (Ord. 96-13)

12.04.060 Principal. A. Fund principal may only be appropriated for land acquisition only by ordinance. The procedure for passage of any such ordinance shall be governed by subsection B of this section.

B. No ordinance to appropriate principal from the fund shall be passed, except upon a favorable roll call vote of the City Council members as mandated by City Code, the results of which shall be entered in the minutes of the meeting. (Ord. 96-13)

Title 13 Utilities

Chapters:

- 13.04 Sewer Connections
- 13.08 Side Sewers
- 13.16 Sewer Utilities--Application and Conditions Service
- 13.20 Sewer Utilities--Customer Service Complaints
- 13.24 Sewer Utilities--Reimbursement Policies
- 13.28 Sewer Utilities--Assessment Policies
- 13.32 Sewer Utilities--General Provisions
- 13.36 Seldovia Water Utility--Scope of Rules and Regulations
- 13.40 Seldovia Water Utility--Nature and Types of Service
- 13.44 Seldovia Water Utility--Extension of Service
- 13.48 Seldovia Water Utility--Liability
- 13.52 Seldovia Water Utility--General Service Conditions
- 13.56 Seldovia Water Utility--Service Connections and Extensions
- 13.64 Seldovia Water Utility--General Provisions
- 13.72 Seldovia Water and Sewer Utility--Rates, Payment and Collection

Chapter 13.04 Sewer Connections

Sections:

- 13.04.010 Required--Penalty.
- 13.04.020 City action to connect premises.
- 13.04.030 Septic tanks allowed when.
- 13.04.040 Definitions
- 13.04.050 Property Affected
- 13.04.060 Responsibility
- 13.04.070 Penalty for Violation

13.04.010 Required--Penalty. A. It shall be the duty of every owner of real property in the City to connect such property with the nearest public sewer in the City, providing that the public sewer is within two hundred feet of the property.

B. The City Manager shall notify the property owner on the location of the nearest public sewer and the approximate point of connection. If such owner fails or neglects to connect his property with such sewer within thirty days after the giving of such notice, such owner shall be deemed guilty of an infraction and shall be subject to the general penalty designated in Section 1.08.010 of this code. (Ord. 89-12, Ord. 74-23 Sec. 1(part), 1974)

13.04.020 City action to connect premises. Upon the failure of the owner to connect his property with the nearest public sewer during the thirty day interval, the City shall make proper sewer connections from the property to the nearest sewer under the direction of the City Manager, and the cost thereof shall be taxed against the property, and such cost shall bear interest at eight percent per year, and the cost and interest shall be a lien against the property benefited thereby, which lien shall be foreclosed and the property sold as provided by law. (Ord. 74-23 Sec. 1(part), 1974)

13.04.030 Septic tanks allowed when. The City Council reserves the right to waive the above provisions and to permit temporary installation and use of septic tank provided:

A. The lot and planned installation is subject to Kenai Peninsula Borough regulations;

B. The installation meets the standards and specifications of the 1973 edition of the Uniform Plumbing Code;

C. Permit for use of septic tank shall be valid until such time as sewer lines are installed within a reasonable distance of the lot. Reasonable distance shall be determined by the City Council and its decision shall be final. Within thirty days after notice from the City Manager of the availability of a sewer line, property owner shall no longer be permitted to use a septic tank;

D. No building shall be occupied unless it is connected with a sewer or approved septic tank installation. (Ord. 74-23 Sec. 1(part), 1974)

13.04.040 Definitions. "Maintenance" means any repairs or upkeep of the Spruce Street Force Main Sewer extensions. (Ord. 97-03)

13.04.050 Property Affected. Lots 1 (one), 2 (two), 3 (three), 4 (four) and 5 (five) of Fleming Giles Estates Subdivision. (Ord. 97-03)

13.04.060 Responsibility. It shall be the sole responsibility of the property owners of each of the above individual lots for the maintenance and operation of each of the individual force sewer mains to be extended in Spruce Street to each of the above individual referenced lots. Each of the property owners of each individual lot shall also have sole responsibility for the maintenance and proper operation of the pump system to be installed at each home. (Ord. 97-03)

13.04.070 Penalty for Violation. The City may levy a monetary penalty should the property owner fail in his responsibility for maintenance and operation of the force mains and force mains system on their individual lot. Should the violation continue, the City, at its discretion, may repair the force mains and levy against either the property or property owner or both. (Ord. 97-03)

Chapter 13.08 Side Sewers

Sections:

- 13.08.010 Definitions.
- 13.08.020 Construction permit--Required.
- 13.08.030 Construction permit--Obtaining.
- 13.08.040 Permit issuance.
- 13.08.050 Permit fee--Term.
- 13.08.060 Work inspection.
- 13.08.070 Work testing--Expense responsibility.
- 13.08.080 Construction materials.
- 13.08.090 Cast iron pipe use.
- 13.08.100 Connections by City.
- 13.08.110 Pipe laying.
- 13.08.120 Backup danger precautions.
- 13.08.130 Unlawful discharges.

13.08.010 Definitions. A. "Public sewer" means a sewer or appurtenant facility other than a side sewer, either owned or operated by or within the jurisdiction of the City.

C. "Sewage" means water-carrying waste discharged from the sanitary facilities of buildings occupied or used by people.

D. "Side sewer" whenever used in this title, means any sewer line used or installed by any persons to conduct waste from any property to a public sanitary sewer. (Ord. 74-23 Sec. 1(part), 1974)

13.08.020 Construction permit--Required. It is unlawful for any person to make an opening in any public sewer or to connect any private sewer or side sewer therewith, or to lay, repair, alter or construct any sewer to be connected to a public sewer unless such person has first obtained a side sewer permit from the City Manager. (Ord. 74-23 Sec. 1(part), 1974)

13.08.030 Construction permit--Obtaining. In order to obtain the permit, the owner, occupant or the side sewer contractor employed to do the work shall file an application therefore with the City Manager, stating the name of the owner or occupant of the premises to be connected, giving lot, block, and addition, or other legal description, the number of buildings on the premises, and the

purpose for which they are, or are to be used, together with plans drawn to satisfactory scale, and specifications showing the whole course of the line from the public sewer or other outlet, to its connections with the plumbing or drain from the building or premises and all branches, to be connected therewith. The plans and specifications shall be submitted to the City Manager for approval, and he may change or modify the same and designate the manner in which such connecting sewers shall be connected to the building plumbing, the place where such connections with the public sewer shall be made, and specify the material, size and grade of such connecting sewer, and shall endorse his approval on such plans and specifications as originally prepared or as modified and changed. (Ord. 74-23 Sec. 1(part), 1974)

13.08.040 Permit issuance. Upon approval of the plans and specifications, and upon payment of all required fees and charges, the City Manager shall issue a permit to perform the work. (Ord. 74-23 Sec. 1(part), 1974)

13.08.050 Permit fee--Term. The fee for a permit issued as herein provided shall be established by the City Council and the permit fee shall include the cost of the required inspection and connection to the public sewer. Work shall be completed under the terms of the permit within a period of ninety calendar days. In the event that work is not completed within ninety days, a new permit must be obtained and an additional fee paid. (Ord. 74-31 Sec. 1(part), 1974)

13.08.060 Work inspection. It is unlawful for any person to cover or backfill any side sewer, private sewer or lateral without having called for and received an inspection and approval by the City Manager. The City Manager or his authorized inspectors shall be given twenty-four hours' notice when construction is ready for inspection. The City Manager shall inspect and make such tests deemed necessary to insure that the new work meets all requirements of the plans, specifications and permit and is in strict accordance with all applicable provisions of this title in respect to materials and workmanship. (Ord. 74-31 Sec. 1(part), 1974)

13.08.070 Work testing--Expense responsibility. The City Manager may require side sewers to be tested by means of water or air. Such tests, where required, shall be at the expense of the person installing the side sewer. All side sewers installed shall conform to the following minimum requirements:

- a. Minimum Size. Four inches to property line. Four inches from property line to building;
- b. Minimum Grade. Two percent;
- c. Minimum cover at edge of surfaced area of road, street, avenue, alley or other public way shall be three feet;
- d. Minimum cover at property line shall be three feet. (Ord. 74-31 Sec. 1(part), 1974)

13.08.080 Construction materials. Side sewers shall be constructed of any of the following materials, or other equivalent materials when approved by the City Manager:

- A. Transite pipe;

B. Cast iron pipe;
C. Rusebury (plastic), plastic pipe may only be used on private property.
(Ord. 74-31 Sec. 1(part), 1974)

13.08.090 Cast iron pipe use. Cast iron pipe shall be used where a side sewer is constructed within ten feet of a potable water pipe. Special pipe bedding consisting of gravel or concrete may be required, where, in the judgment of the City Manager, unsuitable ground conditions exist. (Ord. 74-31 Sec. 1(part), 1974)

13.08.100 Connections by City. The connection of the side sewer into the public sewer shall be made into a sewer saddle at an angle of not less than forty-five degrees. All connections to the public sewer shall be made only by the City. (Ord. 74-31 Sec. 1(part), 1974)

13.08.110 Pipe laying. All side sewer pipes shall be laid in a straight line between bends. All changes in grade or line shall be made with a one-eighth bend or wye ninety degree change with wye and one-eighth bend. There shall be not less than one cleanout provided for each side sewer and/or each total change of ninety degrees. (Ord. 74-31 Sec. 1(part), 1974)

13.08.120 Backup danger precautions. Whenever a situation exists involving an unusual danger of backups from the public sewer, the City Manager may prescribe a minimum elevation at which the side sewer may be discharged to the public sewer. (Ord. 74-31 Sec. 1(part), 1974)

13.08.130 Unlawful discharges. It is unlawful for any person to discharge or cause to be discharged into any public sewer or into any side sewer discharging into any public sewer storm water, rain water, roof run-off, cooling water, subsurface waters, or unpolluted industrial process waters. (Ord. 74-31 Sec. 1(part), 1974)

Chapter 13.16

Sewer Utilities--Application and Conditions of Service

Sections:

13.16.010 Application for service.
13.16.020 Policies and conditions of service.

13.16.010 Application for service. Initial applications for service shall be made at the city offices; provided, that all requirements of Sections 13.08.010, 13.08.030, 13.08.040, 13.08.050, 13.08.060, 13.08.070, 13.08.080, 13.08.090, 13.08.110 and all other pertinent sections of Title 13 of the City Code have been complied with. The applicant requesting such services agrees to conform to the rules and regulations contained in the City's rules and regulations for water and sewer ordinances. (Ord. 80-8 (part), 1980)

13.16.020 Policies and conditions of service. A. No person shall install a sewer extension (side sewer) without providing a cleanout, outside the building to be served and if the sewer extension consists of a pipe longer than eighty feet between the sewer main and the buildings to be served, there shall be installed a cleanout at intervals not exceeding eighty feet. If the pipe connecting the sewer main to the building to be served changes direction in any manner exceeding forty-five degrees in one bend or two or more bends, place at an interval of not greater than ten feet, additional cleanouts for each such change of direction shall be installed.

B. No person shall install a sewer extension without a check valve if the lowest outlet in the building to be serviced is below the elevation of the top of the manhole nearest the service connection.

C. Frozen Connections--Responsibility. Customers will be responsible for all frozen sewer connections and extensions and the City will not be responsible therefore.

D. Discontinuance of Service--Notice--Liability. The City may at any time without notice discontinue sewer services for repairs and the like without liability for resultant loss or damage. Public notice of service interruptions will be given whenever possible, but the City shall not be bound to do so. (Ord. 80-8 (part), 1980)

Chapter 13.20

Sewer Utilities--Customer Service Complaints

Sections:

13.20.010 Customer complaints.

13.20.010 Customer complaints. A. In the event a customer desires to file a complaint regarding any bill or service, the complaint will be filed in writing outlining the details of the dispute. The City Manager will make such investigations as required by the particular case and report the results thereof in writing to the customer.

B. In the event the complaint is not satisfied by the city office, the complaint can be presented to the City Council by filing a formal appearance request. The appearance request shall be filed in the city office by four p.m. Wednesday, in order to appear before the Council the following Wednesday. The decision by the Council in all matters arising under this title shall be final. (Ord. 80-8 (part), 1980)

Chapter 13.24

Sewer Utilities Reimbursement Policies

Sections:

13.24.010 For sewage blockages.

13.24.010 For sewage blockages. A. If it is determined that a backup problem stems from a broken connection within the City's sewer easement or a main line plug and the property owner notifies the city office prior to incurring costs for rodding and/or thawing, the customer is eligible for a reimbursement of these costs.

B. The City will reimburse the customer for: 1). a power rodder when operated by a licensed, bonded rodding service and, 2). steam thawing when performed by a licensed bonded rodding service or contractor if:

1. It is determined that the total cost has been paid to the vendor; and

2. An original copy of the vendor's invoice, marked paid, is submitted to the City within sixty days of the date the work was performed; and, when one or both of the following conditions are met:

a. It is determined that the backup and/or freezing was caused by a main line plug,

b. If, after excavation, it is determined that a line failure either in the sewer connection or main line created the backup. (Ord. 80-8 (part), 1980)

Chapter 13. 28 Sewer Utilities--Assessment Policies

Sections:

13.28.010 Computing assessable costs--For setting assessment district in east addition.

13.28.020 Reimbursement agreements.

13.28.010 Computing assessable costs--For setting assessment district in east addition. A. Project costs for assessment purposes shall be the lesser amount of:

1. Construction cost plus twenty percent for non-construction costs including but not limited to engineering and design, surveys, soil investigations, inspection and construction supervision, and interest costs; plus right-of-way lost acquisition costs;

2. The last approved estimate plus ten percent; or

3. The total cost of the improvement less any applicable grants received by the City to be applied against the cost of the district being assessed.

B. Construction costs for the purpose of this section shall be defined as those costs accumulated by the city personnel actually performing the work in the improvement district, and by their on-site supervisors along with the equipment and supplies use to complete the work.

C. Last Approved Estimate. For the purpose of this section, last approved estimate shall mean the amount contained in that particular estimate made by the City for the project. If there has been more than one estimate transmitted to the property owners, the amount transmitted last in period of time shall be deemed to be the last approved estimate. (Ord. 80-8 (part), 1980)

13.28.020 Reimbursement agreements. A. When a property owner desires sanitary sewer service and the City has an existing sewer nearby, the property owner will be allowed to extend the sewer provided the extension is built to City specifications. The entire cost of the extension is at the expense of the property owner and he will agree to pay such costs in lieu of assessment for use of sewers. Upon completion, the City agrees to assure full responsibility and control of said sewer.

B. Should construction of the extension also make sewer service available to other property that has not been previously assessed and that is not otherwise served, the City will reimburse the person who extended the sewer for assessments or charges in lieu of assessments levied for service to such other property. Reimbursement shall be in the amount of such assessment or charges in lieu of assessment provided that reimbursement shall not exceed the proportion of the total cost of the extension which the other property served bears to the total assessable area, including the property of the person who extends the sewer, served by the extension.

C. Reimbursement from assessments or charges to other property as described above shall not become due until such time as each assessment is levied, or the charges have become due and a lien to secure payment of such assessment or charges has been filed for record in the office of the district recorder.

D. The City Council reserves the right at any time to alter, amend, change or add to these rules, regulations and conditions of service or to substitute other rules and regulations, and to change rates subject to statutory requirements as to public hearing and notice. (Ord. 80-8 (part), 1980)

Chapter 13.32 Sewer Utilities--General Provisions

Sections:

13.32.010 Definitions.

13.32.010 Definitions. A. "Industrial waste" means waste other than domestic waste.

B. "Domestic sewage" means containing human or animal excreta, other than industrial waste.

C. "Sewage" or "sewerage system" means all facilities for collecting, pumping, treating and disposing of sewage.

D. "Sewer" means a pipe or conduit for carrying sewage.

E. "Storm sewer" or "storm drain" means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial polluted waste.

F. "Utility" refers to the City of Seldovia sewer system.

G. "Sanitary sewer" means a sewer which carries sewage and to which storm, surface, and ground waters are excluded.

H. "Service connection" means the pipe and appurtenances required to connect an individual property or facility to the sanitary lateral sewer. The system shall start at the lateral sewer and terminate at the property line or easement limit and shall not include the necessary further extension of this system onto private property.

I. "Cleanout" means a pipe inserted into the sewer extension through which a cleaning device can be inserted into the sewer extension.

J. A "customer" or "consumer" is an individual, firm, corporation, partnership, institution or association, receiving sewer service from the utility.

K. May. The word "may" is considered as permissive.

L. "Sewer service charges" means those one time or periodic charges which may be levied upon a user of the sewer system by the owner or operator of the system.

M. "Will" or "shall," when used in Chapters 13.12 through 13.28, are considered mandatory. (Ord. 80-8 (part), 1980)

Chapter 13.36 Seldovia Water Utility--Scope of Rules and Regulations

Sections:

- 13.36.010 Intent.
- 13.36.020 Adoption.
- 13.36.030 Applicability.
- 13.36.040 Compliance with applicable law.
- 13.36.050 Waiver or modification of regulations.

13.36.010 Intent. It is the intent of this chapter to establish rules and regulations for the operation of the Seldovia water utility and to provide a means for obtaining funds for the operation, repair, maintenance, replacement and indebtedness payments from revenues produced by the system, and to provide a schedule of water utility rates. (Ord. 80-9 (part), 1980)

13.36.020 Adoption. These rules and regulations were adopted by the City, hereinafter referred to as "SWU" (Seldovia, water utility) by the ordinance codified in this chapter, enacted by the City Council, to be effective on the 1st day of May, 1980. Copies of these rules and regulations, together with schedules of rates, charges and pertinent information are available at SWU offices, City Hall, Seldovia, Alaska. (Ord. 80-9 (part), 1980)

13.36.030 Applicability. These rules and regulations apply to all services rendered and facilities constructed or installed by SWU unless specifically provided otherwise in a special contract approved by the City Council. (Ord. 80-9 (part), 1980)

13.36.040 Compliance with applicable law. The SWU water production, treatment, and distribution system will be operated in accordance with applicable federal, state, borough, and city laws. (Ord. 80-9 (part), 1980)

13.36.050 Waiver or modification of regulations. These rules and regulations may not be waived by an officer, agent or employee of SWU. They may not be modified, amended or changed in any way without approval of the City Council. (Ord. 80-9 (part), 1980)

Chapter 13.40

Seldovia Water Utility--Nature and Types of Service

Sections:

- 13.40.010 Water Service.
- 13.40.020 Exclusive nature of service.

13.40.010 Water service. SWU provides water on a permanent basis for domestic, commercial and fire protection uses. The water provided contains an adequate residual of chlorine to meet the minimum health requirements established by the state of Alaska. (Ord. 80-9 (part), 1980)

13.40.020 Exclusive nature of service. Water connections to city water mains shall be installed only by the City, or the City's authorized contractor or agent, and then only upon payment of fees as prescribed by the City, and as set forth in the schedule of fees and charges. (Ord. 80-9 (part), 1980)

Chapter 13.44 Seldovia Water Utility--Extension of Service

Sections:

- 13.44.010 Main extensions within the city limits.
- 13.44.020 Benefited area.
- 13.44.030 Amortization of costs.
- 13.44.040 Main extension by total contribution.
- 13.44.050 Future assessment or contribution.

13.44.010 Main extensions within the city limits. A. Water mains will be constructed and extended within the City by the creation of a special improvement district pursuant to AS 29.63.010 through 29.65.085 or by total contribution, of payment in lieu of assessment

B. Creation of Assessment Districts. Action to create a special assessment district may be initiated by the City Council or by a petition signed by the owners of one half in value of the property to be benefited by the water main extension. A special assessment district will be created if the Council finds, after hearing, that the main extension is necessary and of benefit to the properties to be assessed, and, if initiated by petition, that the petition was signed by an adequate number of qualified persons.

C. Amount of Assessment. Each parcel within an assessment district will be assessed its pro rata share of one hundred percent of the cost of the system actually installed. The pro rata share shall be based on the benefited area of the property, and all assessable costs shall be divided on a square foot basis among all properties specially benefited by the main extension.

D. Payment of Assessments. Special assessments shall be paid in five equal payments unless the City Council, at the time of levy, establishes payments at other intervals during the five-year period following assessment. Dates when assessment payments become due and delinquent will be established by the resolution of the Council confirming the assessment role. Within thirty days after the date of that resolution, each customer will be notified in writing of the amount of the assessment, the schedule of payment and delinquencies and the amount of penalty and interest. Deferred or installment payments will bear interest on the unpaid balance from the due date of the first payment until paid in full at the net effective interest rate of the bonds sold to finance the water improvements. The customer will be notified not less than thirty nor more than sixty days prior to the due date of the first payment. A penalty, amount to be established by resolution of

the Council at time of confirming the assessment role, will be added to all assessments or installments not paid when due and the payment due, including penalty shall bear interest from the due date. If payment is not made when due, SWU may demand payment of the entire remaining balance, including applicable interest and penalties. (Ord. 80-9 (part), 1980)

13.44.020 Benefited area. A. The benefited area to be utilized by SWU when applying the feasibility criteria of this section consists of all of the property abutting the proposed main from the end of the existing system through the area or areas desiring service. The benefited area shall include the property abutting on both sides of the main or right-of-way in which the main is constructed, to a depth of one hundred fifty feet from the abutting property line. However, if SWU is prohibited by a governmental agency from constructing water connections under any portion of a road right-of-way, only those properties that can actually be served by the main without crossing the road right-of-way will be included in the benefited area. Areas for which a contribution to SWU in the form of an assessment or payment in lieu of assessment was made or for which a binding assessment or agreement to make a payment in lieu of assessment to SWU is outstanding, will not be included in the benefited area unless a new or improved service will be available as a result of the extension, or the extension is for the purpose of replacing obsolete facilities.

B. The benefited area shall contain all area that would logically be included in the project to complete service loops, intrasystem ties or otherwise provide for an integrated system. (Ord. 80-9 (part), 1980)

13.44.030 Amortization of costs. A main extension will not be constructed by SWU unless the gross projected revenues reasonably expected from the benefited area during the ten year period following construction will be adequate to amortize the costs to be incurred to serve the benefited area. When calculating the amortization period, undeveloped tracts of land within the benefited area that can be subdivided will be considered as providing revenue equivalent to a single family dwelling unless the tract owner agrees to subdivide and accept service to the subdivided lots within two years after completion of the project. (Ord. 80-9 (part), 1980)

13.44.040 Main extension by total contribution. Property owners desiring service who cannot obtain the required signatures for the creation of an assessment district or to satisfy feasibility requirements may have water service extended to their property by executing a reimbursement agreement with SWU. The agreement will provide for payment in lieu of assessment by the person or persons desiring the extension equivalent to that which would have been levied against 100% of the benefited area. Costs in excess of the standard assessment or payment in lieu of assessment incurred by person making total contribution will be reimbursed with interest at the bond rate as other property owners connect to the extension and pay or commit themselves to pay their pro rata portion of the costs. In addition, persons desiring extension by full contribution shall agree to accept water service to their property within two years after completion of the project or to

pay liquidated damages as provided in Section 13.18.020(B) of these rules and regulations. (Ord. 80-9 (part), 1980)

13.44.050 Future assessment or contribution. Assessment or commitments for payments in lieu of assessment will be required for all main extensions installed to serve properties not wholly included within the area benefited by a previous main extension, and the provisions of this rule may not be construed as permitting additional main extensions without assessments or contributions. (Ord. 80-9 (part), 1980)

Chapter 13.48 Seldovia Water Utility—Liability

Sections:

13.48.010 Irregularity or failure of service.

13.48.020 Interruptions for repairs or modifications.

13.48.030 Customer facilities.

13.48.010 Irregularity or failure of service. SWU will exercise reasonable diligence to furnish and deliver a regular and continuous supply of water to the customer under constant pressure, but will not be liable for damages caused by interruptions, shortages, irregularities or failures due to accidents, interference by third parties or conditions beyond the control of SWU. (Ord. 80-9 (part), 1980)

13.48.020 Interruptions for repairs or modifications. SWU reserves the right to temporarily suspend the delivery of water service when necessary for the purpose of making a repair, modification or improvement to the system. If not precluded by emergency conditions, SWU will make a reasonable effort to give notice to the customer, either through the use of public media or individual communications. Repairs or improvements will be completed expeditiously and, so far as it is feasible, the work will be performed at time that will cause the least inconvenience to the customer. (Ord. 80-9 (part), 1980)

13.48.030 Customer facilities. The customer's plumbing facilities shall conform to and be installed in compliance with state statutes and regulations, borough and city ordinances and these rules and regulations. SWU does not expressly or impliedly warrant the adequacy, safety or other characteristics of a structure, its plumbing or equipment by virtue of any inspection or nonrejection of the plumbing or facilities. If inconsistencies exist between standards established by any of the above referenced statutes, regulations or ordinances, the most stringent standards shall be applied. (Ord. 80-9 (part), 1980)

Chapter 13.52 Seldovia Water Utility--General Service Conditions

Sections:

- 13.52.020 Contribution for main construction required.
- 13.52.040 Easements or rights-of-way required.
- 13.52.050 Maintenance responsibility.
- 13.52.060 Access to premises and facilities.
- 13.52.070 Permits.
- 13.52.080 Resale or redistribution of water.
- 13.52.090 Required facilities and inspection.
- 13.52.100 Waste of water.

13.52.020 Contribution for main construction required. SWU will furnish water to a property only if that property has been assessed for main construction or has paid or executed a secured agreement to make a payment in lieu of assessment for main construction, as provided in Sections 13.44.010 through 13.44.060 of these rules and regulations. The payment in lieu of assessment shall be the *pro rata* share, computed on a square foot basis, of one hundred percent of the cost of the system actually installed. If the system installed is larger than eight inches, the payment in lieu of assessment shall be the *pro rata* share of one hundred percent of the cost of an eighth-inch equivalent system. The required payments shall include interest from the date of the completion of the project at the net effective interest rate of the bond sold to finance the water improvements. (Ord. 80-9 (part), 1980)

13.52.040 Easements or rights-of-way required. SWU will construct, own, operate, and maintain water facilities only in the rights-of-way of public streets, roads, or highways which it has a legal right to occupy or on public or private property across which easements or rights-of-way satisfactory to SWU may be obtained by grant, purchase or condemnation under terms that SWU determines to be economically feasible. As a condition of service, SWU may require the execution of an easement or easements providing suitable right-of-way for the construction and maintenance of the water mains, connections and associated distribution and fire protection facilities determined by SWU to be necessary to serve the customer's premises. (Ord. 80-9 (part), 1980)

13.52.050 Maintenance responsibility. SWU will maintain and repair all main and all service connections that have been accepted for maintenance and operation by SWU. SWU will not be responsible for damages produced or costs incurred prior to acceptance of the system for operation. The customer is responsible for maintaining and repairing the water extension. SWU will be responsible for thawing frozen mains and the customer shall be responsible for thawing frozen water connections and water extensions from the main to the premises unless the freezing of the extension or connection was caused by an act of SWU not in conformance with these rules and regulations. (Ord. 80-9 (part), 1980)

13.52.060 Access to premises and facilities. A. A properly identified employee of SWU shall have access to the premises of a customer at all reasonable times for the purpose of turning the water service on or off, reading meters, testing

or inspecting the customer's facilities or equipment, or installing or repairing, removing or exchanging facilities or equipment belonging to SWU.

B. If reasonable access to the premises is not available as required by this rule, at a time when SWU desires to conduct an inspection or perform an authorized activity on the customer's premises, the customer will be notified by door hanger or other written notice of the unauthorized obstruction to access. The customer will be charged a fee as set forth in the schedule of fees and charges for return visits necessitated by the lack of access. If access is not available after the expiration of twenty-four hours from posting or delivery of other written notice, SWU may discontinue water service until assurances of future access, satisfactory to SWU, have been provided.

C. SWU desires to accommodate the occupants of residential premises who are unavailable to permit access to the dwelling because of employment or other circumstances. Pursuant to that objective, SWU employees will attempt to telephone customers when access is denied or communicate with neighbors or others who may be informed. Customers are requested to notify SWU if access may be impaired due to vacation or other absences.

D. The customer shall keep the key box lid and thaw wire exposed and their location marked, if necessary, and shall maintain access to the key box at all times. If access to the key box is obstructed, the customer will be responsible to reimburse SWU for all costs necessarily incurred by it to obtain access to commence or terminate service. (Ord. 80-9 (part), 1980)

13.52.070 Permits. The customer shall obtain for SWU all special permits and licenses not normally held or acquired by water utilities, that are necessary to install and maintain its service facilities and carry out its contract or service obligations with the customer. (Ord. 80-9 (part), 1980)

13.52.080 Resale or redistribution of water. Water of SWU is provided only for the benefit of the premises actually connected and billed. A customer may not sell any of the water furnished by SWU unless the customer has executed a contract with SWU for wholesale supply of water or is accepting the service under a schedule that specifically authorizes the resale of the water. A customer may not furnished or provide water with or without charge to another premise located in an area where a service connection or turn-on could be applied for, nor to the occupants of such premises. (Ord. 80-9 (part), 1980)

13.52.090 Required facilities and inspection. Water service will not be provided to any premises that is not equipped with an inside shutoff valve, nor will service be provided to any property unless SWU has performed an inspection of the on-property line, as constructed, to ascertain the type of pipe and fittings utilized in the line, the relation of the service line to the sewer line, and other aspects necessary to insure delivery of the proper volume of uncontaminated water under sufficient pressure. (Ord. 80-9 (part), 1980)

13.52.100 Waste of water. Customer facilities and equipment shall be maintained and utilized in a manner that will avoid unnecessary waste of water. If substantial quantities of water are being wasted due to disrepair or customer facilities, SWU may, thirty days after written notice to the customer concerning the required repair, discontinue water service to the premises. (Ord. 80-9 (part), 1980)

Chapter 13.56

Seldovia Water Utility--Service Connections and Extensions

Sections:

- 13.56.010 Required water connections.
- 13.56.020 Connection permits.
- 13.56.030 Compliance with specifications.
- 13.56.040 Governmental permits.
- 13.56.050 Permits for roadway crossings.
- 13.56.060 Extended water connections.

13.56.010 Required water connections. No service connection and extension shall be constructed and installed from the water main to each building served on the abutting property unless the property owner has accepted responsibility for payment of billings for water service. (Ord. 80-9 (part), 1980)

13.56.020 Connection permits. The developer or property owner or authorized agent shall acquire a permit from the city office for each water connection and for each water extension prior to its construction. The developer or owner must complete the permit application, designate on the permit application the size of the connection to be constructed if it is to be larger than the standard three-fourths-inch connection and pay a fee or deposit as set forth in the schedule of fees and charges. No water connection will be made or permitted without the required permit. (Ord. 80-9 (part), 1980)

13.56.030 Compliance with specifications. Water connections and water extensions shall be constructed and installed in compliance with the standard construction specification of the City. New water connections and extensions as well as repair to existing extensions, must be inspected by SWU personnel before the water is turned on. An inspection fee, in an amount set forth in the schedule of fees and charges, shall be paid at the time of the application for a permit to construct the water connection or extension or repair the water extension. (Ord. 80-9 (part), 1980)

13.56.040 Governmental permits. The developer, owner or contractor shall acquire all permits and pay all fees established by any governmental unit as a condition for the installation or construction of a water service connection or extension. If the governmental unit requires SWU to obtain the permit and accept responsibility the developer, owner or contractor shall reimburse SWU for all costs

incurred to obtain the permit and provide a two-year guarantee secured by a bond to SWU sufficient to cover possible damages or liabilities. (Ord. 80-9 (part), 1980)

13.56.050 Permits for roadway crossings. The applicant for a permit to install a water connection under a road right-of-way shall guarantee the water connection project for two years and post a bond with SWU in an amount determined by the City Manager to be adequate to cover the cost of repairing any damage to the roadway caused by the installation of the water connection. The principal sum of the bond may not be less than five thousand dollars. A bond may not be accepted by SWU unless the form of the bond has been approved by the city attorney. (Ord. 80-9 (part), 1980)

13.56.060 Extended water connections. A. SWU will provide residential water service to a property located within two hundred feet of a main through an extended water connection under the conditions set forth in this section. Service will be provided by a one-inch water connection constructed in the right-of-way or in an easement provided by the customer. Only one customer may be served from the extended connection. The keybox for the connection shall be installed at the first property line adjacent to the main on the customer's side of the right-of-way and the customer shall be responsible for repair and maintenance of the water connection and extension from that point.

B. A person desiring to receive service through an extended connection shall make application to SWU for service and agree to participate in the sharing of costs associated with future main extensions to serve the property through an assessment or payment in lieu of assessment. Payment of the costs of an extended connection is in addition to and not in lieu of any other assessment or payment in lieu of assessment associated with an extension of a main to serve the property. (Ord. 80-9 (part), 1980)

Chapter 13.64 Seldovia Water Utility--General Provisions

Sections:

- 13.64.010 Customer complaints.
- 13.64.020 Discontinuance of service.
- 13.64.030 Main shutoffs.
- 13.64.040 Relocation of fire hydrants.
- 13.64.050 Cross-connections.
- 13.64.060 Service turn-ons and turnoffs.
- 13.64.070 Location of keyboxes.
- 13.64.080 Definitions.
- 13.64.090 Water connection.

13.64.010 Customer complaints. A. A customer desiring affirmative action by SWU may file a complaint with SWU concerning the adequacy of the water

service provided or the failure of SWU to comply with the rules and regulations or rate schedules established by this title. A complaint may be filed only by a customer who is directly affected by the action or inaction that is the subject of the complaints, or by his authorized representative.

B. A service complaint may be oral or in writing and directed to the attention of the City Manager. If the City Manager requests, the complaint shall be reduced to writing and signed by the customer or his authorized representative. It shall set forth the name, address and telephone number of the complaining party; the nature of the complaint; supporting facts, including pertinent dates, and the remedy requested. City Manager will investigate the complaint and respond to the customer in writing within ten days. Complaints that are not resolved by the City Manager to the satisfaction of the customer may be presented to the City Council. (Ord. 80-9 (part), 1980)

13.64.020 Discontinuance of service. SWU may discontinue water service and remove its equipment or facilities from the premises if the customer fails or refuses to comply with any provisions of these rules and regulations or a provision of a current contract. Except as otherwise provided in these rules and regulations, SWU will give notice of discontinuance of service and the reason for the discontinuance by mail and door hanger. Notice will be mailed not less than ten days prior to shutoff and a door hanger will be placed not less than twenty-four hours prior to termination of service. (Ord. 80-9 (part), 1980)

13.64.030 Main shutoffs. A. If a customer intentionally prevents SWU from discontinuing service by interfering with access to the keybox or by turning the water on after SWU has discontinued service, SWU may, after ten days written notice to the customer, excavate and turn off the water supply by closing the corporation valve on the main. If, during the ten-day period following notice, the customer provides adequate assurances to SWU that access will be available and that the facilities or access to them will not be tampered with again, SWU will not utilize the main shutoff.

B. If SWU closes the corporation valve as provided in this section, the valve will not be reopened until the customer pays for all outstanding billings as well as the costs incurred by SWU to close the corporation valve and reopen it. (Ord. 80-9 (part), 1980)

13.64.040 Relocation of fire hydrants. If a property owner requests SWU to relocate a fire hydrant, he shall reimburse SWU for the actual cost of the relocation. (Ord. 80-9 (part), 1980)

13.64.050 Cross-connections. A cross-connection may not be constructed between any portion of the SWU water facilities or any portion of the customer water facilities and any possible source of contaminated water. This prohibition shall apply, but not be limited to, fire sprinkler systems. (Ord. 80-9 (part), 1980)

13.64.060 Service turn-ons and turnoffs. SWU will not discontinue service for a billing delinquency during the period between noon on Friday and eight a.m. on Monday. Service will be turned on or off at the request of a customer only if the customer is physically present at the premises to observe or respond to inquiry. Unless otherwise specifically provided by this ordinance, water may be turned on or off only by authorized personnel of SWU. Each customer is entitled to one turn-on and one turnoff without charge, at each location where service is provided. A charge will be levied by SWU as specified in the schedule of fees and charges for all other turn-ons and turnoffs, as well as turnoffs requested by a customer to be performed during hours other than the normal business hours of SWU. (Ord. 80-9 (part), 1980)

13.64.070 Location of keyboxes. A. SWU will locate, without charge to the customer the keybox and thaw wire related to service for the premises. This service will be provided once for each customer at each location of service, without charge. A charge will be levied for subsequent locate services as provided in the schedule of fees and charges.

B. SWU will locate its facilities without charge to the customer when requested for the purpose of excavation or construction on the property that might otherwise damage the water service facilities. If the water locate service is requested to be performed at a time other than normal working hours, a charge will be levied in compliance with the schedule of fees and charges. (Ord. 80-9 (part), 1980)

13.64.080 Definitions. The definitions in this section are applicable to the terms as used anywhere in Chapters 13.32. through 13.60 unless the context in which the term is used clearly indicates that another or different definition should be applied as used in Chapter 13.32 through 13.60:

A. "Accessible" means capable of being reached quickly for operation, removal or inspection without requiring those desiring access to climb ladders, to climb over or remove obstacles or to unlock doors.

B. "City" means the City of Seldovia, Alaska.

C. "Commercial or industrial service" means the type of service rendered to a premises utility primarily or substantially for business purposes or other than as living accommodation for occupants.

D. "Completion of construction" means the date upon which the City Manager based on inspection reports, that the extension is complete and fully operable and he accepts the extension for operation and maintenance.

E. "Cost of construction" means the total cost of constructing the facility involved, including the costs for property acquisition, design and engineering, legal fees, permit fees, administrative overhead and the total cost of the final construction work.

F. "Dwelling unit" means one or more rooms and kitchen facilities in a building or portion of a building designed as a unit for occupancy by not more than one family for living and sleeping purposes.

G. "Eight-inch equivalent water system" means a system equal to an eight-inch water system including all mains, valves, tees, crosses, fire hydrants and other fittings or connections that would normally be included as part of the water system installed.

H. "Home occupation" means an occupation conducted in a residential dwelling by the residents of the unit that is secondary to the use of the dwelling for living purposes and does not involve more than one paid assistant who does not reside on the premises.

I. "Locate" means to discover and mark the horizontal course of a water facility on the overlying surface.

J. "Manager" means the City Manager or his designee.

K. "Comprehensive plan" means that plan prepared by the engineering firm of Pacific Rim Planners and adopted by the City and borough in 1980.

L. "Normal business hours" means the hours between eight a.m. and five p.m. on Monday through Friday, excluding recognized City of Seldovia holidays.

M. "Residential service" means the type of service made available to single-family or multiple-family dwelling units, such as duplexes or triplexes, not available for transient occupancy.

N. "Townhouse" means two or more dwelling units owned by separate individuals but connected by one or more common walls.

O. "Type of service" means either residential service or commercial or industrial service, as those terms are defined in this section.

P. "Water connection" means that part of the water distribution systems connecting the water main with the lot line of the property abutting the water main.

Q. "Water extension" means that part of the water distribution system extending from the water connection into the premises served.

R. "Water main" means that part of the water distribution system intended to serve more than one water connection.

S. "SWU" means Seldovia water utility, which shall be comprised of the City Council and Mayor, with the Mayor voting only in case of a tie. (Ord. 80-9 (part), 1980)

13.64.090 Water connection. Water connection to city water mains shall be installed only by the City or by the City's authorized contractor or agent. No person shall install a water extension without first obtaining a written permit from the City. The fee for such permit shall be as prescribed by the City. (Ord. 80-9 (part), 1980)

Chapter 13.72

Seldovia Water and Sewer Utility--Rates, Payment and Collection

Sections:

13.72.010 Water and sewer service--monthly rates.

13.72.020 Water and sewer rates--revisions.

13.72.030 Connect/disconnect service charge.

13.72.040 Billing and collection.

13.72.050 Non-payment--service disconnected.

13.72.060 Service responsibility.

13.72.070 Terms of service.

13.72.080 Billing for unauthorized service.

13.72.090 Unpaid bills--lien on property.

13.72.010 Water and sewer service--monthly rates. Water supplied to any connected service by the Seldovia water utility and sewer rental for any currently connected water service will be charged on a flat monthly rate in accordance with the schedules approved by the City Council. (Ord. 87-17 Sec. 3, 1987)

13.72.020 Water and sewer rates--revisions. The rates charged for water and sewer utilities may be changed from time to time by the Seldovia City Council. Any time a rate is changed, the new rates become effective only after 30 day's notice to customers and publication. Publication may be accomplished by posting in at least three public places. (Ord. 87-17 Sec. 3, 1987)

13.72.030 Connect/disconnect service charge. In order to receive service from the Seldovia water and sewer utilities, a customer must first sign a service connect order and pay a refundable deposit and a nonrefundable connect fee, the amount of which is in accordance with the fee schedules approved by the City Council during the annual budget process.. (Ord. 87-17 Sec. 3, 1987; Ord. 99-07)

13.72.050 Non-payment--service disconnected. A. Any person failing to pay a utility bill by the 60th day after the date of billing will be served notice that their utility service will be disconnected within 5 (five) business days of Notification of Disconnect. Notice shall be hand-delivered or notice left on a door hanger on the premises giving the person 5 business days from the date and time of the notice in which to remedy the delinquency. (Ord. 87-17 Sec. 3, 1987)

B. Any utility disconnected under a section will be assessed a \$15.00 service call fee.

1. The account holder shall be sent a notice of account delinquency via certified mail indicating the amount of the account balance, including all charges. The notification shall indicate the deadline that the account holder must pay the delinquent account balance or by which they must sign a Payment Agreement to prevent a shut off of the utility service.

2. A door hanger shall be placed at the residence of the delinquent account holder indicating the amount of the account balance, including all charges. The door hanger shall indicate the deadline that the account holder must pay the delinquent account balance or by which they must sign a Payment Agreement to prevent a shut off of the utility service.

3. All legal fees and costs associated with resolving a delinquent utility account shall be borne by the account holder. In the case where the account is held by a tenant who fails to resolve the delinquent account, the landlord and tenant shall be jointly responsible for the delinquent and any associated charges, costs and attorney fees.

4. The City will attempt to contact by certified mail the property owner if the delinquent account is for a tenant. It is the responsibility of property owners to notify the City of tenant-owner relationships and to provide the city with current contact information. (Ord. 13-01)

C. The lien created in this section may be foreclosed upon pursuant to the procedures set forth in Section 13.72.090.

1. The City of Seldovia shall place a lien upon any and all real property serviced by any of the utility referenced in this title for the payment of all charges incurred by the utility customer with the City. This lien shall be superior to any and all other liens to the maximum extent allowed under State Law.

2. The City shall maintain a list of all individuals whose utility accounts with the City are more than 60 days delinquent. The list shall include the name of the individual holding the account with the City utility, the legal description of the property serviced by the utility, and the amount delinquent. The City shall place a lien to be recorded for the amounts owed, including fees, costs and attorney fees, within 14 business days from the date of delinquency, Notification of Disconnect. (Ord. 13-01)

13.72.060 Service responsibility. A. Each customer is responsible to report any changes in billing address or information to the City of Seldovia.

B. A customer who is listed on the City's records as the person or entity responsible for the water and sewer bill at a specific location shall be billed for that service until notice by telephone, mail or in person, of a change in occupancy. Such notice shall specify the date service is to be discontinued. Notice shall be provided at least five days prior to the change of occupancy. If the customer fails to provide the required notice, the customer will be charged for a water service furnished to the premises until the City is provided with adequate notice of change of occupancy. (Ord. 87-17 Sec. 3, 1987)

13.72.070 Term of service. Unless otherwise provided in a written contract for service, the minimum term for which utility service will be rendered is thirty days. A customer taking service for less than the minimum term will be billed for the minimum monthly charge specified in the rate schedule for the type of service. (Ord. 87-17 Sec. 3, 1987)

13.72.080 Billing for unauthorized service. A person who appropriates or accepts water and/or sewer service from the City without applying for service and otherwise complying with the rules and regulations shall be billed at the rate for the type of service that would have otherwise been applicable from the date of the turn-on or, if that date cannot be established, from the date of construction of the water connection or from the date of the last paid service for the connection. In addition, the customer will be billed for a penalty equal to 20% of the amount to be billed for the unauthorized turn-on or turn-off. (Ord. 87-17 Sec. 3, 1987)

13.72.090 Unpaid bills--lien on property. All water and sewer utility charges due and unpaid become a lien against the real property served in accordance with AS 09.40.010--09.40.220. (Ord. 87-17 Sec. 3, 1987)

Title 14

TIDELANDS*

Chapters:

- 14.04 General Provisions
- 14.08 Definitions
- 14.12 Ownership and Disposition
- 14.16 Leases and Use Permits

Chapter 14.04

General Provisions

Sections:

- 14.04.010 Chapter application.
- 14.04.020 Regulations authority.
- 14.04.030 State provisions applicable.

14.04.010 Chapter application. All tide and contiguous submerged lands within or seaward of the boundaries of the City (except those provided for hereafter) from the meander line as established on ATS 219 and seaward to a line agree upon by the City of Seldovia and the State of Alaska and shown on ATS 219 are affected by this title. This title pertains to the use and disposal of city-owned tide and contiguous submerged land. (Prior code Sec. 15.005)

14.04.020 Regulations authority. These regulations are adopted by the City Council of Seldovia, Alaska pursuant to authority vested in that body by Section 5, Article III, Chapter 169, SLA 1959, as amended. (Prior code Sec. 5.010)

14.04.030 State provisions applicable. This title implements, interprets and applies the provisions of the Alaska Land Act concerning use and disposal of tidelands and related matters and extends to and includes the applicable provisions of Section 6 of Public Law 85-508 (71 Stat. 330), admitting the state of Alaska to statehood in the United States of America and applicable provisions of the act of March 3, 1899, pertaining especially to establishment of harbor lines as well as applicable provisions of Public Law 85-303 (31 Stat. 623). (Prior code Sec. 15.015)

Chapter 14.08

* For statutory provisions regarding tidelands and submerged lands, see AS Sec. 38.05.820 and Sec. 38.10.010-.050.

Definitions

Sections:

- 14.08.010 Accretion.
- 14.08.020 Act.
- 14.08.030 Apportionment survey cost.
- 14.08.040 City.
- 14.08.050 Class I preference right.
- 14.08.060 Class II preference right.
- 14.08.070 Class III preference right.
- 14.08.080 Coast line.
- 14.08.090 Commissioner.
- 14.08.100 Director.
- 14.08.110 Division.
- 14.08.120 Fair market value.
- 14.08.130 Fill.
- 14.08.140 Final tideland plat.
- 14.08.150 Harbor line.
- 14.08.160 Headings.
- 14.08.170 Improvements.
- 14.08.180 Land.
- 14.08.190 Mean high tide.
- 14.08.200 Mean lower low water.
- 14.08.210 Mean low water.
- 14.08.220 Natural resources.
- 14.08.230 Occupant.
- 14.08.240 Occupied developed.
- 14.08.250 Permit reference.
- 14.08.260 Person.
- 14.08.270 Pierhead line.
- 14.08.280 Preference right.
- 14.08.290 Reclaimed, constructed tide, or contiguous submerged lands.
- 14.08.300 Shore lands.
- 14.08.310 Submerged lands.
- 14.08.320 Substantial permanent improvement.
- 14.08.330 The masculine gender.
- 14.08.340 The singular gender.
- 14.08.350 Tideland review committee.
- 14.08.360 Tide land.
- 14.08.370 Unland owner.

14.08.010 Accretion. "Accretion" means the gradual imperceptible addition of new land to old by the natural deposition of sediments, i.e., sedimentation. (Prior code Sec. 15.015 (dd))

14.08.020 Act. "Act" means the Alaska Land Act as now constituted or as hereafter amended. (Prior code Sec. 15.015(a))

14.08.030 Apportionment survey cost. "Apportionment survey cost" means that cost prorated to each subdivided tide and submerged land tract. (Prior code Sec. 15.015 (kk))

14.08.040 City. "City" means the City of Seldovia. (Prior code Sec. 15.015 (c))

14.08.050 Class I preference right. A Class I preference right shall be extended to persons who occupied and developed tide and contiguous submerged lands seaward of the City of Seldovia on and prior to September 7, 1957, after executing a waiver to the state of Alaska and the City of all rights such occupancy may have had pursuant to Public Law 85-303. Upon execution of the waivers, such persons, or their successors in interest, have the right to acquire such occupied and developed tide and contiguous submerged land from the City for a consideration not in excess of the cost of survey, transferring and conveying title. (Prior code Sec. 15.015 (o))

14.08.060 Class II preference right. Class II preference right shall be accorded to Class I preference right claimants who refuse to execute a waiver to the state and City of any rights such occupants may have acquired pursuant to Public Law 85-303. It shall be mandatory for the City to honor the application from the occupant after the Secretary of the Army has submitted to the Secretary of the Interior, the Governor of the state and the City Council, maps showing pierhead line established by the Corps of Engineers with respect to the tract granted. (Prior code Sec. 15.015 (p))

14.08.070 Class III preference right. "Class III preference right" means the preference right extended to persons who occupied and developed tidelands after September 7, 1957, and who continued to occupy the same on January 3, 1959. Such persons, or their successors in interest, have the right to acquire such occupied and developed tidelands for a consideration not in excess of the cost of appraisal, administering and transferring, plus the appraised fair market value thereof, exclusive of any value occurring from improvements or development, such as fill material, building or structures thereon. (Prior code Sec. 15.015(q))

14.08.080 Coast line. "Coast line" means the line of ordinary low water along any portion of Seldovia Bay and is the line marking the seaward limit of inland waters. (Prior code Sec. 15.015(w))

14.08.090 Commissioner. "Commissioner" means the Commissioner of the Department of Natural Resources of Alaska. (Prior code Sec. 15.015(c))

14.08.100 Director. "Director" means the Director of the Division of Lands of the Department of Natural Resources. (Prior code Sec. 15.015(d))

14.08.110 Division. "Division" means the Division of Lands within the Department of Natural Resources. (Prior code Sec. 15.015(e))

14.08.120 Fair market value. "Fair market value" means the highest price, described in terms of money, which the property would bring if exposed for sale for a reasonable time in the open market, with a seller, willing but not forced to sell, and a buyer, willing but not forced to buy, both being fully informed of all the purposes for which the property is best adapted or could be used. (Prior code Sec. 15.015(ee))

14.08.130 Fill. "Fill" means earth, gravel, rock, sand or other similar materials placed upon tide or contiguous submerged lands for the purpose of elevating the lands above the high water line for a specific useful purpose. The placement of earth, gravel, rock, sand or other similar materials on tide or contiguous submerged land solely for the purpose of spoils disposal and thereafter abandoned and not used for any beneficial purpose shall not be considered fill. (Prior code Sec. 15.015(k))

14.08.140 Final tideland plat. "Final tideland plat" means that survey plat compiled of the tide and submerged lands under the direction and authority of the Division of Lands and the City of Seldovia that shows the subdivision of the tide and submerged lands and upon which each subdivided tract is identified by a letter and a number. (Prior code Sec. 15.015(hh))

14.08.150 Harbor line. "Harbor line" means that line fixed by the Secretary of the Army that is the limit to which piers, wharves, bulkheads or other work may be extended in navigable waters without further authorization. (Prior code Sec. 15.015(aa)).

14.08.160 Headings. Headings of parts and sections of this title are not a part of the regulations and are inserted for convenience only. (Prior code Sec. 15.015(ii))

14.08.170 Improvements. "Improvements" means buildings, wharfs, piers, dry docks and other similar types of structures permanently fixed to the tide or contiguous submerged lands that were constructed and/or maintained by the applicant for business, commercial, recreation, residential or other beneficial uses or purposes. In no event shall fill be considered a permanent improvement when placed on the tidelands solely for the purposes of disposing of waste or spoils. However, fill material actually utilized for beneficial purposes by the applicant shall be considered a permanent improvement. (Prior code Sec. 15.015(j))

14.08.180 Land. "Land" means all tide and submerged lands under the jurisdiction of the City. (Prior code Sec. 15.015(f))

14.08.190 Mean high tide. "Mean high tide" shall be interpreted as the tidal datum plane of the average of all the high tides as may be or has been established by the United States Coast and Geodetic Survey. Mean high water line shall be interpreted as the intersection of the datum plane of mean high water with shore. (Prior code Sec. 15.015(x))

14.08.200 Mean lower low water. "Mean lower low water" shall be interpreted as the tidal datum plane of the average of the lower of the two low waters of each day as has or may be established by the United States Coast and Geodetic Survey. (Prior code Sec. 15.015(z))

14.08.210 Mean low water. "Mean low water" shall be interpreted as the tide datum plane of the average of the low tides as has or may be established by the United States Coast and Geodetic Survey. (Prior code Sec. 15.015(y))

14.08.220 Natural resources. "Natural resources" includes, without limiting the generality thereof, oil, gas and all other minerals, but does not include fish, shrimp, oysters, clams, crabs, lobsters, sponges, kelp and other marine animal and plant life, or water power, or the use of water for the production of power. (Prior code Sec. 15.015(cc))

14.08.230 Occupant. "Occupant" means any person as defined herein, or his successor in interest, who actually occupied for any business, residential or other beneficial purpose, tidelands, or tidelands and submerged lands contiguous thereto, within the corporate boundaries of the City on or prior to January 3, 1959, with substantial, permanent improvements. The holder of a permit of clearance in respect to interference with navigation, or of a special use permit from a government agency will not qualify as an occupant unless such entry on the land had, through exercise or reasonable diligence, resulted in actual occupancy and substantial permanent improvements, as hereinafter mentioned. No person shall be considered an occupant by reason of having:

- A. Placed a fish trap in position for operation or storage upon the tide, shore or submerged land;
- B. Placed a setnet or piling therefore, or any other device or facility for the taking of fish;
- C. Placed a piling or dolphins for log storage or other moorage;
- D. Place floats or vessels upon the tide, shore or submerged land;

E. Placed telephone, power or other transmission facilities, roads, trails or other improvements not requiring exclusive use or possession of tide or contiguous or submerged land; or,

F. Claimed the land by virtue of some form of constructive occupancy. Where land is occupied by a person other than the owner of the improvements thereon, the owner of the improvements shall, for the purposes of these regulations, be considered the occupant of such lands. (Prior code Sec. 15.015(h))

14.08.240 Occupied or developed. "Occupied or developed" means the actual use, control and occupancy, but not necessarily residence, of the tide and contiguous submerged land by the establishment thereon of substantial permanent improvements. (Prior code Sec. 15.015(i))

14.08.250 Permit preference. "Permit preference" means that privilege of the upland owner to acquire first choice over other non-preference-right claimants to a permit for like use and enjoyment of the city-owned tide or contiguous submerged lands abutting his property. (Prior code Sec. 15.015(r))

14.08.260 Person. "Person" means any person, firm, corporation, cooperative association, partnership or other entity, legally capable of owning land or an interest therein. (Prior code Sec. 15.015(g))

14.08.270 Pierhead line. "Pierhead line" means a line fixed by the Corps of Engineers of the Department of the army that is parallel to existing line of mean low tide at such distance offshore from the line of mean low tide that the pierhead line shall encompass, to the landward, all stationary, man-made structures (but for vessel dockage which part extends beyond such a parallel line marking the seaward extremity of other man-made structures) which were in existence as of February 1, 1957, to seaward of the City. (Prior code Sec. 15.015(bb))

14.08.280 Preference right. "Preference right," subject to the classifications thereof established herein, means and includes the right of an occupant to acquire by grant, purchase or otherwise at the election of the occupant, except as otherwise limited or prescribed in this title, any tract or tracts of tide land, or tideland and submerged land contiguous thereto, occupied, or developed by such occupancy on and prior to January 3, 1959. (Prior code Sec. 15.015(n))

14.08.290 Reclaimed, constructed tide, or contiguous submerged lands. "Reclaimed" or "constructed tide" or "contiguous submerged lands" is here defined as those lands resulting from purposeful filling of tide or contiguous submerged lands. (Prior code Sec. 15.015(m))

14.08.300 Shore lands. "Shore lands" means all lands that are covered by nontidal waters that are navigable under the laws of the United States up to ordinary high water mark as heretofore or hereafter modified by natural accretion, erosion or reliction. (Prior code Sec. 15.015(t))

14.08.310 Submerged lands. "Submerged lands" means those lands covered by tidal waters between the line of mean low water and seaward to a distance of three geographical miles, or as may hereafter by properly claimed by the City. (Prior code Sec. 15.015(v))

14.08.320 Substantial permanent improvement. "Substantial permanent improvement" shall for these regulations have the same meaning as improvements as defined in Section 14.08.230. (Prior code Sec. 15.015(l))

14.08.330 The masculine gender. The masculine gender includes the feminine and the neuter. (Prior code Sec. 15.015(gg))

14.08.340 The singular gender. The singular gender includes the plural. (Prior code Sec. 15.015(ff))

14.08.350 Tideland review committee. "Tideland review committee" means that committee appointed by the City Council to decide on matters pertaining to the administration, adjudication and disposal of tideland preference right applications. (Prior code Sec. 15.015(jj))

14.08.360 Tidelands. "Tidelands" means those lands that are periodically covered by waters between the elevation of mean high and mean low tides. (Prior code Sec. 15.015(u))

14.08.370 Upland owner. "Upland owner" means that owner whose upland property abuts the line of mean high tide. (Prior code Sec. 15.015(s))

Chapter 14.12 Ownership and Disposition

Sections:

- 14.12.010 Ownership.
- 14.12.020 Protection of fish and game.
- 14.12.030 Herring spawn covenant.
- 14.12.040 Reservations.
- 14.12.050 Damages--Payment.
- 14.12.060 Federal priority.
- 14.12.070 Navigational authority.
- 14.12.080 Final tideland plat.
- 14.12.090 Notice and posting.
- 14.12.100 Protest of disposal.

- 14.12.110 Review of protest.
- 14.12.120 Deposit by applicant.
- 14.12.130 Site examinations.
- 14.12.140 Preference right application filing.
- 14.12.150 Waste or injury to land.
- 14.12.160 Additional tide and submerged land.
- 14.12.170 Application--Form.
- 14.12.180 Application--Approval or disapproval.
- 14.12.190 Payment--Class I preference right.
- 14.12.200 Payment--Class II preference right.
- 14.12.210 Appeal of committee action.
- 14.12.220 Appeal form.
- 14.12.230 Finality of decision.
- 14.12.240 Appraisal of tract.
- 14.12.250 Appraisal--Cost.
- 14.12.260 Appraisal--Deposit.
- 14.12.270 Purchase agreement and terms.
- 14.12.280 Purchase agreement for fair market value.
- 14.12.290 Independent survey.
- 14.12.300 Conveyance of title.

14.12.010 Ownership. Except as otherwise provided herein, the City, by virtue of AS 38.05.320 and any patents hereafter issued to it, reserves and succeeds to all right, title and interest of the state in tide and submerged lands lying seaward of the City, including lands, improvements, reclaimed lands, or natural resources in all lands up to the original GLO meander line of the townsite survey and seaward to such director's line as may be defined on any patents; provided, however, that those lands and rights therein lawfully vested in others by acts of Congress prior to January 3, 1959, shall not be infringed upon and provided further that title to natural resources therein shall be reserved to the state until such time as the state may convey such title to the City. (Prior code Sec. 15.020)

14.12.020 Protection of fish and game. Prior to any construction or development by any persons or governmental agency that will use, divert, obstruct, pollute or utilized any of the waters of the state or materials from such water areas, the Commissioner of the Alaska Department of Fish and Game shall be notified and a letter of approval obtained by the applicant pursuant to Chapter 94, Article I, Section 31, SLA 1959, as amended. (Prior code Sec. 15.025)

14.12.030 Herring spawn covenant. The lease or sale of any city tide and submerged lands shall contain a restrictive covenant pursuant to Section 2, Chapter 34, SLA 1959, as now or as hereafter amended. (Prior code Sec. 15.030)

14.12.040 Reservations. Each and every contract for the sale, lease or grant of, and each deed to city tide and contiguous submerged land, properties or interest therein, made under the provisions of this title, shall be subject to a reservation to the City or to the state of Alaska, whichever shall be entitled thereto,

which shall be substantially in the following form: "The party of the first part hereby expressly saves, excepts and reserves out of the grant hereby made unto itself (or to the State of Alaska) its lessee, successors, and assigns forever, all oils, gases, coal, ores, minerals, fissionable materials, and fossils of every name, kind or description, and which may be in or upon said lands above described, or any part thereof, and the right to explore the same for such oils, gases, coal, ores, minerals, fissionable materials, and fossils, and it also hereby expressly saves and reserved out of the grant hereby made, unto itself, (or to the State of Alaska), its lessees, successors, and assigns forever the right to enter by itself, its or their agents, attorneys, and servants upon said lands, or any part or part thereof, at any and all times, for the purpose of opening, developing drilling and working mines or wells on these or other lands and taking out and removing therefrom all such oils, gases, coal, ores, minerals, fissionable materials and fossils, and to that end it further expressly reserves out of the grant hereby made, unto itself, its lessees, successors, and assigns forever, the right by its or their agents, servants, and attorneys at any and all times to erect, construct, maintain, and use all such buildings, machinery, roads, pipelines, powerlines, and railroads, sink such shafts, drill such wells, remove such soil, and to remain on said lands or any part thereof for the foregoing purposes and to occupy as much of said lands as may be necessary or convenient for such purposes hereby expressly reserving to itself, its lessees, successors, and assigns, as aforesaid, generally all rights and power in, to and over said land, whether herein expressed or not, reasonable necessary or convenient to render beneficial and efficient the complete enjoyment of the property and rights hereby expressly reserved. (Prior code Sec. 15.035)

14.12.050 Damages--Payment. No rights shall be exercised under the foregoing reservation, by the City or the state or their lessees, successors or assigns until provision has been made by the City or the state or their lessees, successors or assigns, to pay to the owner of the land, upon which the rights, herein reserved to the City or the state or their lessees, successors, or assigns, are sought to be exercised, full payment for all damages sustained by said owner by reason of entering upon said land; provided that if said owner for any cause whatsoever refuses or neglects to settle said damages, the City or the state or their lessees, successors, assigns or any applicant for a lease or contract from the City or the state for the purpose of prospecting for valuable minerals or option contract or lease for mining coal, or lease for extracting petroleum or natural gas, shall have the right, after posting a surety bond with the City Council or the director, as the case may be, in a company qualified to do business in Alaska and in a form as determined by the City Council, or the director, as the case may be, after due notice and opportunity to be heard, to be sufficient in amount and security to secure the owner full payment for all such damages, to enter upon the land in the exercise of said deserved rights, and shall have the right to institute such legal proceedings in a court of competent jurisdiction wherein the land is situated, as may be necessary to determine the damages which the surface lessee of such lands may suffer. (Prior code Sec. 15.040)

14.12.060 Federal priority. The following tidelands and tide and contiguous

submerged lands are reserved pursuant to Section 3, Public Law 85-303, (71 Stat. 623) 1957:

All tracts or parcels of lands, together with all accretions thereto, resources therein, or improvements thereon, title to which has been lawfully and expressly acquired by the United States from the territory or state of Alaska or from any part in whom title has vested under the laws applicable to the territory or state, or the law of the United States, all lands expressly retained by or ceded to the United States, all land acquired by the United States by gift or by proceedings under eminent domain, all lands filled in, built up or otherwise reclaimed by the United States for its own use as long as so used, and any rights that the United States has in lands presently and actually occupied by the United States under claim or rights. (Prior code Sec. 15.045)

14.12.060 Navigation authority. The City shall have authority pertaining to the construction and placement by itself or by others of solid fill and/or open pile structures that will extend to the harbor line as established by the U.S. Army Corps of Engineers, except as provided in Sections 10 and 11 of the River and Harbor Act of 1899 (30 Stat. 1151; 33 U.S.C. 403 and 404). (Prior code Sec. 15.050)

14.12.080 Final tideland plat. The final tideland survey plat showing completed subdivision and monumentation and signed by the City Manager and the director shall be known as final tideland plat ATS 219. The final plat shall serve as the basis upon which all tideland preference right disposals shall be made. (Ord. 74-18 Sec. 1(part), 1974; prior code Sec. 15.055).

14.12.090 Notice and posting. Tideland and contiguous submerged lands as well as any material therefrom owned by the City shall be sold, granted, leased or otherwise disposed of only through action of the City Council. No land or material in the tidelands shall be sold, granted, leased or otherwise disposed of until Council has received a recommendation thereon from the City Manager. Before such lands or any interest therein is disposed of the City Clerk shall post a notice for three consecutive weeks preceding the time of disposal as stated in the notice, in at least two common posting places; provided the sale, lease or disposal of lands shall be held not less than one week nor more than three weeks following the last date of the posted notice. The notice shall set forth the following:

A. The name and address of person, persons, corporation or agencies requesting the sale, grant, lease or interest therein;

B. The location and description of the lands or interest therein and the improvements thereon;

C. The preference or preference right claimed, if any, and the length of time including dates the claimant occupied the land;

D. The date, time and place, and the general terms, including the minimum

bid, if any, of the sale, lease or other disposal;

E. The dates of the advertisement or posting. (Ord. 74-18 Sec. 1(part), 1974; prior code Sec. 15.060)

14.12.100 Protest of disposal. Anyone may file a protest with respect to the grant, sale, lease or other disposal of tidelands or materials thereon or therein. Such protest shall be in writing and contain a statement as to the nature and reason for the protest. Each protest so made shall be filed with the City Clerk during but not later than the last date provided in the past notice. The party protesting shall be required to notify by registered or certified mail the party whose action he is protesting. The postmark date of the addressee's post office will govern. Failure to protest shall constitute a waiver. (Prior code Sec. 15.065)

14.12.110 Review of protest. The City Clerk shall upon receiving a protest, indicate upon it the time and date received and then submit it to the City Manager, who shall review the protest. The City Manager shall upon review submit his findings to the City Council. The City Council shall notify the protestant of their findings within thirty days of the date the protest was received by the City Clerk. (Ord. 74-18 Sec. 1(part), 1974; prior code Sec. 15.070)

14.12.120 Deposit by applicant. The City Manager may require applicants to deposit with the City Clerk a sum sufficient to cover all, or any portion of, anticipated costs of appraisal and/or advertisement. Such deposit shall be made within thirty calendar days after request for deposit. Failure to comply shall result in cancellation of the application. Any sum above the actual cost shall be returned to the applicant. In the event the land applied for is disposed of to other than the applicant within thirty days after offering, the successful applicant shall be required to pay any survey, appraisal or advertising cost and the original deposit will be returned to the depositor. If the depositor cancels his application, or fails to accept the contract or title when offered by the City, the deposited money shall be forfeited but if the City does not grant the application, all sums in excess of costs incurred shall be refunded. It shall be the responsibility of the City following the receipt of any deposit required to perform or have performed any appraisal, and/or advertisement required or deemed necessary. (Ord. 74-18 Sec. 1(part), 1974; prior code Sec. 15.075)

14.12.130 Site examinations. The City, through its authorized representative, shall have the right to enter upon any city-held tidelands that are leased, or upon which a permit was granted, to make any and all examinations or investigations that are deemed necessary. (Prior code Sec. 15.080)

14.12.140 Preference right application filing. An occupant claiming a Class I, Class II, or Class III preference right may make, and the City will accept, applications for preference rights at any time during normal working hours within two years from the effective date of the ordinance adopting these regulations. Any preference right for which an application is not filed within this period shall be lost. (Prior code Sec. 15.080)

14.12.150 Waste or injury to land. It is unlawful for any person to commit waste or other injury upon city owned tide and contiguous submerged land and the person so offending shall, in addition to being civilly liable for any damages caused, upon conviction be punished in accordance with the Seldovia Municipal Code. (Prior code Sec. 15.085)

14.12.160 Additional tide and submerged land. In approving any application for a preference right, the City shall include as part of the tract conveyed, and in addition to the occupied or developed lands, such additional tide and contiguous submerged lands as shall be reasonably necessary in the opinion of the tidelands review committee for the occupant's use and enjoyment of the occupied or developed land; provided, however, that any such conveyance shall not include an area which would unjustly deprive any other applicant from reasonable use and enjoyment of the lands for which he applied or any area which would interfere with navigation. (Prior code Sec. 15.090)

14.12.170 Application--Form. All persons claiming a preference right to any tideland tract shown on the final tideland plat ATS 219 shall submit an application to the City Clerk on a form approved by the Tideland Review Committee. (Prior code Sec. 15.095)

14.12.180 Application--Approval or disapproval. A. Each complete preference right application submitted to the City Clerk shall be forwarded to the Tideland Review Committee. The Tideland Review Committee through its chairman may request the applicant to submit additional information or proof of ownership as deemed necessary.

B. The Tideland Review Committee shall, within sixty days from the date the application is received by the City Clerk, notify the City Manager of its approval or disapproval of the application.

C. If the application is approved, the Tideland Review Committee shall notify the City Manager of all moneys owed the City by the applicant which pertains to the tideland application and he shall then recommend that a resolution be passed authorizing conveyance of said tract to the applicant.

D. If the application is not approved, or if it is determined that the applicant possesses a different preference right than that claimed, the Tideland Review Committee shall so notify the applicant by registered mail and state their reasons for disapproval. The Tideland Review Committee shall then advise the City Manager. (Ord. 74-18 Sec. 1(part), 1974; prior code Sec. 15.095)

14.12.190 Payment--Class I preference right. Upon approval of each Class I preference right application, the Tideland Review Committee shall notify the applicant of all moneys owed the City pertaining to the tideland application, including, but not limited to, the applicant's proportionate share of the survey cost. The

apportionment of the survey cost shall be computed as stipulated. Upon receipt of notice from the Tideland Review Committee, the applicant shall have thirty days to make payment or enter into a purchase agreement as set forth in Section 14.12.270. If payment is not made, or a purchase agreement is not entered into within the thirty day period, the application shall be voidable at the City's option. (Prior code Sec. 15.100)

14.12.200 Payment--Class II preference right. Upon approval of each Class III preference right application, the Tideland Review Committee shall notify the applicant of all moneys owed the City pertaining to the tideland application including, but not limited to, proportionate share of the survey cost. The apportionment of the survey cost shall be computed as stipulated. If payment is not made, or a purchase agreement is not entered into within the thirty-day period, the application shall be voidable at the City's option. (Prior code Sec. 15.105)

14.12.210 Appeal of committee action. Any action taken by the Tideland Review Committee may be appealed to the City Council. The City Council shall render its decision within sixty days from the date the appeal is submitted. Any person shall have the right to appeal in person before the City Council or present his views in writing or be represented. (Prior code Sec. 15.110).

14.12.220 Appeal form. Any appeal submitted to the City Council must:

- A. Be filed within thirty days after receipt of notice of the action by the Tideland Review Committee;
- B. Must be filed at the office of the City Clerk.
- C. Specify the action or actions to be reviewed by the City Council;
- D. Specify the grounds urged for the reversal or modification of the action.

(Prior code Sec. 15.115)

14.12.230 Finality of decision. The City Council shall within sixty calendar days after receipt of the notice of appeal render its decision that shall be final so far as the City is concerned, but without prejudice to any other remedy or remedies the applicant may have. (Prior code Sec. 15.120)

14.12.240 Appraisal of tract. Appraisal of the tract shall be made by a qualified appraiser to be appointed by the Tideland Review Committee. Such appraisal to be made on the basis of fair market value of the tidelands exclusive of any value resulting from improvements or developments, such as fill material, buildings, or structures thereon. (Prior code Sec. 15.125)

14.12.250 Appraisal--Cost. The cost of the appraisal shall be borne by the applicant with the fee to be determined by the Tideland Review Committee. (Prior code Sec. 15.130)

14.12.260 Appraisal--Deposit. Each Class III preference right claimant shall deposit with the City Clerk the sum of fifty dollars to cover the cost of appraisal. Any amount exceeding this shall be charged to the applicant and any surplus shall be

returned to him. (Prior code Sec. 15.135)

14.12.270 Purchase agreement and terms. A. Persons eligible to receive tideland conveyance from the City may enter into a purchase agreement.

B. Purchase agreements shall require the applicant to pay to the City according to a payment schedule that shall be agreed upon between the purchaser and the City. However, in no event shall the final payment under said agreement be made beyond five years from date of patent. (Prior code Sec. 15.140)

14.12.280 Purchase agreement for fair market value. Purchase agreements shall be allowed for only the payment of the fair market value of the tideland tract and for the proportionate cost of survey. (Prior code Sec. 15.145)

14.12.290 Independent survey. If two or more qualified preference right claimants agree to a boundary relocation, approval of the Tideland Review Committee and concurrence of the Director of the Division of Lands must be obtained by letter. All independent surveys shall be performed by a registered engineer or surveyor and the total cost shall be borne by the claimants. The final plat shall conform to the requirements of the state of Alaska Tideland Regulations and shall not be considered final until approved by the Tideland Review Committee and concurred in by the Director of the Division of Lands. (Prior code Sec. 15.150)

14.12.300 Conveyance of title. When all requirements have been satisfied by the applicant, the City Council shall direct the City Clerk to convey title. (Prior code Sec. 15.155)

Chapter 14.16 Leases and Use Permits

Sections:

- 14.16.010 Nonpreference right tidelands.
- 14.16.020 Tideland leases.
- 14.16.030 Tideland permit--Purpose.
- 14.16.040 Tideland permit--Application.
- 14.16.050 Tideland permit--Duration.
- 14.16.060 Rights-of-way and easements.
- 14.16.070 Disposal of material.

14.16.010 Nonpreference right tidelands. When in the best interest of the City, the City Council may grant leases or permits for the use of city-owned tidelands. (Prior code Sec. 15.160)

14.16.020 Tideland leases. City-owned tide and submerged land shall be

leased in accordance with the Charter of the City. In addition to any requirements there set forth, the applicant shall submit a development plan that shall state:

- A. The purpose of the proposed construction or improvement;
- B. The type of construction;
- C. The date construction will begin and the estimated date of completion;
- D. And any other date, survey plats or information deemed necessary by the City Manager. (Prior code Sec. 15.165)

14.16.030 Tideland permit--Purpose. The City Council may issue permits for the use and/or improvement of city-owned tidelands. Council shall give such preference to the use of the land as will be of greatest economic benefit to the City, provided that first preference shall be granted to the upland owner over other non-preference applicants for the use of tideland and contiguous submerged land seaward of the upland property and which is needed by such owner for the purpose or purposes for which it may be granted. (Prior code Sec. 15.170)

14.16.040 Tideland permit--Application. Application for a tideland permit shall be submitted to the City Manager. The City Manager shall submit the application to the City Council for their approval or disapproval. Whereupon, Council may, with or without a public hearing or posted notice, grant or reject the requested permit. (Prior code Sec. 15.175)

14.16.050 Tideland permit--Duration. A. Permits issued shall not exceed five years in duration, but are renewable at the option of the City Council. All permits shall be revocable when used contrary to the conditions under which they are granted, or when Council in its judgment determines that the best interest of the City would be served by revocation. If any permit expires or is revoked, all improvements place on the tide or contiguous lands shall be removed by the permittee within sixty days; provided, however, that the City Manager may extend the time for removing such improvements in cases where hardship is shown. A permittee may, with the consent of the City Manager, sell his improvements to any succeeding permittee.

B. Any improvements or chattels having an appraised value in excess of ten thousand dollars that are not removed within the time allowed shall be sold at public sale and the net proceeds thereof, if any, be paid to the permittee after paying all expenses of the sale and charges due to the City. If there be no other bidders, the City may bid on the property for the total amount of permittee's indebtedness to the City. Any improvements having a value of less than ten thousand dollars that are not removed within the time allowed shall revert to and become the absolute property of the City. (Prior code Sec. 15.180)

14.16.060 Right-of-way and easements. Permits may be issued by the City Manager and after approval by City Council for utility lines and services of all types and for necessary rights-of-way. Such permits shall be revocable at the option of the City. (Prior code Sec. 15.185)

14.16.070 Disposal of material. Applications for the free use or the

purchase of material on city owned tideland or contiguous submerged lands shall be submitted to the City Manager and he shall present his recommendations to the City Council and the City Council shall determine the conditions of disposal; provided that when such disposal are deemed not in the best interest of the City, the City Council shall reject the application. (Prior code Sec. 15.190)

Title 15

Harbors and Boat Moorage

Chapters:

- 15.04 General provisions
- 15.08 Definitions
- 15.12 Boat operation
- 15.14 Set nets and gill nets
- 15.16 Small boat harbor
- 15.20 Enforcement
- 15.30 Harbor advisory commission

Chapter 15.04

General Provisions¹

Sections:

- 15.04.010 Purpose.
- 15.04.011 Access to Harbor or Port Facilities
- 15.04.020 City facilities use--Responsibility.
- 15.04.030 Registration with Harbormaster.
- 15.04.031 Establishing a Stall Waiting List
- 15.04.040 Moorage charges.
- 15.04.050 Electrical charges.

15.04.010 Purpose. This title shall be deemed in exercise of the powers of the City Council for the protection, safeguarding and orderly moorage and control of boats, and for the protection and general welfare of the public, and all of its provisions shall be liberally construed for the accomplishment of that purpose. (Prior code Sec. 8.005(a))

15.04.011 Access to Harbor or Port Facilities. The City shall at all times have the right to refuse the use of any city dock or terminal or harbor facility by any person, equipment, materials, or vessel or to remove any vessel, or person or cargo at any time from any city dock or terminal, or harbor facility. This right shall be reserved at all times to the City without responsibility for demurrage², loss or damage when:

¹ For statutory provisions regarding general city powers see AS Secs. 29.35.010 and 29.35.250.

² Holding of cargo carrier: detention or delay of a cargo carrier during its loading or unloading process, beyond its scheduled time of departure; Compensation for loading or unloading delay: compensation paid when there is a delay in loading or unloading a carrier causing a delay in the carrier's departure.

(1) Previous arrangements for berthing, space, receiving or unloading have not been made with the Harbormaster, or

(2) The vessel is unsafe or hazardous and may pose risk to life or property; or

(3) The value of the vessel, in the opinion of the Harbormaster is less than the probable service charges and other charges to its use of the city dock or terminal, or harbor facility; or

(4) during periods of congestion, or in cases of emergency, when, in the judgment of the Harbormaster, the circumstances prevailing or likely to occur will prevent the city docks or terminal, or harbor facilities, or any portion of them from providing customary services to the public. For vessels that may be hazardous or become a menace to other vessels, their occupants, or city facilities, the Harbormaster or City Manager may require an operator or owner of a vessel to furnish evidence that there is currently in effect liability insurance in an amount satisfactory to the City by filing a certificate of insurance or other satisfactory evidence signed by an agent or officer of the insurance company and stating the effectiveness and expiration date thereof. (Ord. 13-07)

15.04.020 City facilities use--Responsibility. The use of any city-owned or operated mooring facilities automatically gives permission to officers of the City to board boats for the purpose of enforcing this title and other city ordinances, and to move said boats as necessity or emergencies require. The City assumes no liability for loss or damage to boats moored at any such facility or for the movement thereof. (Prior code Sec. 8.005(b))

15.04.030 Registration with Harbormaster. Every act or statement required to be made by a vessel owner or agent of such owner shall be made, by the owner of the boat and person, or if by an agent, the necessity thereof shall be stated and shown; provided, that the operator of any vessel shall, for the purposes of this act, be considered the legal agent or the owner. It shall be the duty of the operators of all boats tying up to facilities in the small boat harbor to register with the Harbormaster, giving the name and ownership, overall length, beam and draft of said boats. (Prior code Sec. 8.005(c))

15.04.031 (a) Establishing a Harbor Stall Waiting List. A. The Harbormaster shall establish and maintain a reserved stall waiting list or lists. The list(s) shall include the sign up date, the name, address, and telephone number of the applicant, the stall size requested, and any other information requested by the Harbormaster and payment of a fifteen-dollar fee. An applicant shall notify the Harbormaster in writing of any change of address or telephone number immediately. (Ord. 89-1)

B. Any individual, partnership, corporation or governmental agency may apply for use of a reserved stall. All applicants, except government agencies, shall designate a single individual whose name shall appear on the waiting list and who shall be responsible for payment of all fees. Any changes in the individual designated

may result in the applicant's loss of priority on the waiting list, except as specifically provided in subsection 15.04.031(f)

C. Separate lists may be maintained by the Harbormaster for different stall sizes available in the boat harbor. An applicant or reserved stall licensee may be placed on one or more of these lists.

D. The Harbormaster shall place applicants on the waiting list on a first-come/first-served basis and only upon receipt of all requested information and payment of the annual waiting list fee of fifteen dollars. The annual waiting list fee will be accepted only from the individual whose name appears on the waiting list. The fee is neither refundable nor creditable to the berth lessee.

E. An applicant need not own or operate a vessel to be placed on the waiting list.

F. Upon the death of an applicant, the applicant's rank on the waiting list shall be transferred to the surviving spouse upon written request to the Harbormaster. (Ord. 89-1)

15.04.040 Moorage charges. A schedule of mooring charges and service fees shall be established by non-code ordinance of the Council and shall be subject to review and revision as occasion demands. (Ord. 80-21 Sec. 2, 1980; Ord. 80-4 Sec. 2, 1980)

15.04.050 Electrical charges. A schedule of electrical charges shall be established by resolution of Council and shall be subject to review and revision as occasion demands. (Ord. 81-12)

Chapter 15.08 Definitions

Sections:

- 15.08.010 Boat.
- 15.08.020 Length.
- 15.08.030 Operator.
- 15.08.035 Reserved Mooring.
- 15.08.040 Small boat harbor.
- 15.08.050 Transients.
- 15.08.060 Waterway.
- 15.08.070 Abandoned.

15.08.010 Boat. "Boat" means any watercraft, used for navigating any waterways, in or upon or docked or moored at any place in any waterway within the boundaries of the City. Boats do not exceed one hundred fifty feet. (Ord. 80-4 Sec. 3, 1980)

15.08.020 Length. "Length," as used herein, means the overall length. (Prior code Sec. 8.010(b))

15.08.030 Operator. "Operator" means any person who is in actual physical control of a boat, vessel, ship or any other means of waterborne transportation. (Prior code Sec. 8.010(c))

15.08.035 Reserved mooring. "Reserved mooring" means having a specific assigned stall, the use of which, after payment of reserved mooring fees, takes precedence over the use of the stall by any other vessel. (Ord. 80-4 Sec. 5, 1980)

15.08.040 Small boat harbor. "Small boat harbor" means that area of water bounded by the rock break waters constructed by the federal government and by the line of mean higher high water on the shore line within these breakwaters, including the dock, floats, berths and gridiron. (Prior code Sec. 8.010(e))

15.08.050 Transients. "Transient" means any boat using the mooring space on a temporary basis or which does not have a specific reserved mooring space. (Ord. 80-4 Sec. 4, 1980)

15.08.060 Waterway. "Waterway" means any waters, lake river, tributary, slough or lagoon within the corporate boundaries of the City. (Prior code Sec. 8.010(d))

15.08.070 Abandoned. "Abandoned" means any undocumented vessel moored or otherwise located within the boundaries of the Seldovia Harbor which is forsaken, abandoned, deserted, or cast away, which by appearances give evidence of being forsaken, abandoned, deserted, or cast away, or which in the opinion of any recognized marine surveyor is unsound, unseaworthy and unfit for its trade or occupation and which by any substantial evidence of neglect may be considered abandoned. (Ord. 86-8 Sec. 1, 1986)

Chapter 15.12 Boat Operation

Sections:

- 15.12.010 Speed limit.
- 15.12.020 Under intoxicating influence.
- 15.12.030 Equipment requirements.
- 15.12.040 Muffled exhaust.
- 15.12.050 Emitting noises.

15.12.010 Speed limit. It is unlawful for any person to operate a boat at such speed within any waterway that its wake, wash or wave action will damage, endanger or cause undue distress to any other boat or occupant thereof, and it shall

be unlawful for any person to operate a boat in a reckless or negligent manner or at a speed which would endanger persons, property or other boats, all regardless of established or posed speed limits. (Prior code Sec. 8.020(a))

15.12.020 Under intoxicating influence. No person shall operate a boat in any waterway while under the influence of intoxicating liquors, narcotic drugs or opiates. (Prior code Sec. 8.020(b))

15.12.030 Equipment requirements. No person shall operate a boat which does not meet all applicable equipment requirements of the United States Coast Guard. (Prior code Sec. 8.020(c))

15.12.040 Muffled exhaust. No person shall operate a boat with outboard motor or with inboard motor unless it is equipped with adequately muffled exhaust. (Prior code Sec. 8.020(d))

15.12.050 Emitting noises. No person shall use any siren or other noise producing or noise amplifying instrument on a boat in such a manner that the peace is disturbed; provided, however, that nothing in this section shall be construed to prohibit the use of whistles, bells or horns as signals as required by the United States Motor Boat Act or other law for the safe navigation of motor boats or vessels. (Prior code Sec. 8.020(e))

Chapter 15.14 Set Nets and Gill Nets

Sections:

15.14.010 Prohibition of set nets and gill nets within the stated waters of the city limits.

15.14.010 Prohibition of set nets and gill nets within the stated waters of the city limits. Prohibition of set nets or gill nets within the Seldovia Slough, within an area of one hundred feet on either side of the Seldovia City boat haul out and the Seldovia Small Boat Harbor and within a two hundred fifty foot area on the northwest side of the main entrance of the Small Boat Harbor of Seldovia and to the northern-most point of land of the Seldovia East Addition next to the southeast side of the breakwater: No person shall and it is unlawful to place subsistence or commercial set nets or gill nets in water within the said areas of the city limits of the City of Seldovia. (Ord. 96-12A)

Chapter 15.16 Small Boat Harbor

Sections:

15.16.010 Loading dock.

- 15.16.020 Gridiron.
- 15.16.030 Floats--Kept free of objects.
- 15.16.040 Emergency services.
- 15.16.050 Raising sunken boats.
- 15.16.060 Dumping debris prohibited.
- 15.16.070 Occupant to keep area neat.
- 15.16.080 Skiffs attached to boat.
- 15.16.090 Welding prohibited on float.
- 15.16.100 Float assignment.
- 15.16.110 Services of Harbormaster.
- 15.16.120 Mooring without payment prohibited.
- 15.16.130 Float bumpers.
- 15.16.140 Wheeled vehicles on float facilities.
- 15.16.150 Anchoring prohibited where.
- 15.16.160 Children under twelve on or near floats.
- 15.16.165 Dogs on float facilities.
- 15.16.170 Combustible liquids.
- 15.16.180 Mooring fees--Collections.
- 15.16.190 Mooring agreement.
- 15.16.200 Fees--Miscellaneous Services.
- 15.16.210 Live-aboard Policy.

15.16.010 Loading dock. The loading dock in the small boat harbor is open to the public without charge, but moorage at said dock is limited to the period of actual loading and unloading operations only. (Prior code Sec. 8.025(a))

15.16.020 Gridiron. The gridiron in the small boat harbor is open to the public on a reserved basis, according to scheduled fees. (Ord. 80-4 Sec. 6, 1980)

15.16.030 Floats--Kept free of objects. All floats shall be kept clear of any objects or items that are not appurtenances to the floats. Any such items found on the floats are subject to impoundment. Impounded items will be released after proof of ownership and payment of an impoundment fee. Items not claimed within ninety days may be sold by the City. (Ord. 80-4 Sec. 7, 1980)

15.16.040 Emergency services. Boats requiring emergency service by city employees will be charged for such service by the City at cost. (Prior code Sec. 8.025(d))

15.16.050 Raising sunken boats. The actual cost of raising and moving sunken boats will be charged to the owner. In all instances, attempts shall be made to notify the owner or operator of the boat before such action is taken by the City. Abandoned boats will be impounded and after ninety days, if not reclaimed, sold at public auction otherwise disposed of as authorized by law for the disposition of such personal property. (Ord. 74-34 Sec. 1(part), 1974; prior code Sec. 8.025(e))

15.16.060 Dumping debris prohibited. No person in charge of or occupying any boat shall dump or throw garbage, paper, bottles, cans or debris into the waters or onto the floats at the small boat harbor. The Harbormaster shall provide garbage

cans of sufficient size and number, to be mounted on racks on the loading dock, for collection by the garbage collector. No person shall pump bilges containing oil or gasoline or transferred gasoline or any other highly inflammable liquid or substance within the confine of the small boat harbor. (Prior code Sec. 8.025(f))

15.16.070 Occupant to keep area neat. Persons in charge of or occupying boats shall at all times keep the floats and premises adjacent to such watercraft in a neat and orderly condition, free from trash, rubbish, repair parts, machinery equipment and debris of all kinds. (Prior code Sec. 8.025(g))

15.16.080 Skiffs attached to boat. No boat moored within the small boat harbor shall have skiff tied along the side or stern except when actually in use. (Prior code Sec. 8.025(h))

15.16.090 Welding prohibited on float. For the safety of the general public and protection of the boat float, there shall be no welding on the boat float. Violators of this section shall be subject to the general penalty provision in Section 1.08.010 of this code. (Ord. 89-12, Ord. 74-34 Sec. 1(part), 1974: prior code Sec. 8.025(i))

15.16.100 Float assignment. Float assignments and other mooring spaces shall be designated by the Harbormaster and his decision shall be final. (Ord. 75-10 Sec. 2, 1975)

15.16.110 Services of Harbormaster. The Harbormaster is granted the power and authority to, from time to time as circumstances require but without any obligation or duty to do so, and without any obligation or liability on his part or that of the City for his failure to do so, replace defective mooring lines, attach additional mooring lines, pump vessels which are in a dangerous condition for lack of pumping, and to move any boat for the purpose of protecting such boat from fire or other hazard or for the protection of other vessels or property therefrom. (Ord. 75-10 Sec. 3, 1975)

15.16.120 Mooring without payment prohibited. It is unlawful for any person to moor, berth, tie, attach or connect to any harbor improvement or facility, any vessel, or other waterborne structure for an overnight period without paying rental charges. (Ord. 80-4 Sec. 8, 1980)

15.16.130 Float bumpers. Float bumpers made from used tires, rope, old fire hose, etc., shall not be secured either permanently or temporarily to the float system under any circumstance. The lessee may install standardized premolded rubber, vinyl bumpers of commercial manufacture if so desired. (Ord. 75-10 Sec. 5, 1975)

15.16.140 Wheeled vehicle on float facilities. There shall be no driving of any wheeled bicycle or wheeled or tracked motorized piece of equipment upon the float facilities, except equipment authorized by the Harbormaster. (Ord. 75-10 Sec. 6, 1975)

15.16.150 Anchoring prohibited where. Anchoring in open areas in the small boat harbor is prohibited. (Ord. 75-10 Sec. 7, 1975)

15.16.160 Children under twelve on or near floats. It is unlawful for any children under the age of twelve years to be on or near any float or dock within the city harbor, unless accompanied by an adult. (Ord. 75-10 Sec. 8, 1975)

15.16.165 Dogs on float facilities. Only dogs at heel or on a leash shall be allowed on floats to and from boats. Owners are responsible for messes and damage caused by their dog. (Ord. 90-06, Ord. 84-3 Sec. 2, 1984)

15.16.170 Combustible liquids. It is unlawful for any person to store upon any of the floats, docks or gangways owned, constructed or maintained by the City, any gasoline, lubricating oil or other combustible liquids or oils of any nature or description. (Ord. 75-10 Sec. 9, 1975)

15.16.180 Mooring Fees--Collections. Mooring fees shall be paid in accordance with the published schedule. Delinquent accounts for stall rentals are cause to have the stall cancelled and are subject to the collection in accordance with the credit policy adopted by the CouncilCity Council and in effect. All mooring, grid, energy and other miscellaneous harbor fees shall constitute a lien against the vessel, its tackle, gear, appurtenances and other similar property of the owner or operator. (Ord. 87-17 Sec. 4, 1987)

15.16.190 Mooring agreement. As a condition precedent to securing of moorage space each owner or authorized agent shall, in writing, agree to the removal of his boat by the Harbormaster in the event of delinquent fees. All cost of removal of any boat shall be at the owner's expense and risk. (Ord. 80-4 Sec. 10, 1980)

15.16.200 Fees for miscellaneous harbor services. A fee of \$10.00 a day will be paid by any vessel not paying moorage in Seldovia for any use of these harbor facilities: fresh water, cleaning station, fish weighing scales and carcass pens. Said payment shall be made for day rate before usage, to Harbormaster's office. (Ord 89-18)

15.16.210 Live-aboard Policy. A. A person living aboard a boat in the Seldovia Boat Harbor for fifteen days within any thirty-day period is considered a live-aboard for purposes of this section.

B. Pets may be kept on a live-aboard vessel at the discretion of the Harbormaster.

C. Vessels being used for live-aboard purposes must meet all sanitary requirements as established by the United States Coast Guard.

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

E. Live-aboards shall be current on all moorage and other boat harbor charges to be able to occupy a vessel for this purpose.

Live-aboard fees shall be established by a non-code ordinance of the City Council. (Ord. 94-01)

Chapter 15.20 Enforcement

Sections:

- 15.20.010 Enforcing officer.
- 15.20.015 Unpaid fees and charges
- 15.20.016 Impound vessel procedure
- 15.20.017 Limitation of liability
- 15.20.018 Nuisances declared—Removal
- 15.20.019 Nuisances—Abatement procedure
- 15.20.020 Harbormaster duties.
- 15.20.030 Moorage refusal to violators.
- 15.20.040 Citations.
- 15.20.210 Live-aboard Policy.

15.20.010 Enforcing officer. The Chief of Police of the City shall have direct supervisory responsibility for all city moorage facilities and waterways and is authorized to enforce the provisions of this title. (Prior code Sec. 8.015(a))

15.20.015 Unpaid fees and charges. Any vessel upon which mooring fees, utility charges or any other City fees or charges have accrued may be impounded and sold by the City for the unpaid charges and fees under the provisions of 15.20.016. Interest on delinquent fees and charges shall accrue at the rate of ten and one-half (10.5%) percent. (Ord 09-05 Sec 2, 2008)

15.20.016 Impounded vessel procedure. A. At least ten days prior to impounding any vessel, the City shall cause to be posted on the vessel, in the harbormaster's office, the City Clerk's office and on the bulletin board at the entrance of the United States Post Office, notice of such action to be taken by the City. A copy of the notice may be mailed by certified mail return receipt requested, to the owner or operator of the vessel at his last known address, which address shall be the same as that furnished in accordance with the regulations of the moorage agreement. The notice is effective when mailed. The notice shall contain the name and/or number of the vessel, the name and address, if known, of the owner or operator and location of the vessel. If the address of the owner or operator of the vessel cannot be determined, notice shall also be published at least once in a newspaper of general circulation in the City.

B. As to any vessel proposed for impoundment with the exception of any vessel deemed to constitute a clear and present danger to the public health, safety and general welfare, an owner or operator of the vessel has the right to a pre-

impoundment administrative hearing to determine whether there is probable cause to impound the vessel if such person files a written demand, on forms so provided for such a hearing, with the City within ten days after such person has learned such vessel will be impounded or within ten days after the return of mail receipt of the notice required by subsection a. of this section, whichever occurs first.

C. A hearing shall be conducted before a hearing officer designated by the City Manager within forty-eight hours of receipt of written demand therefor from the person seeking the hearing unless the person waives the right to a speedy hearing. Saturdays, Sundays and City holidays are to be excluded from the calculation of the forty-eight hour period. The hearing officer shall be someone other than the persons who will direct the impounding and storage of the vessel. The sole issue before the hearing officer shall be whether there is probable cause to impound the vessel in question. "Probable cause to impound" shall mean such a state of facts as would lead a person of ordinary care and prudence to believe that there was breach of federal, local or municipal law or regulation, or any agreement entered into pursuant thereto, rendering the vessel subject to impoundment. The hearing officer shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The person demanding the hearing shall carry the burden of establishing that such person has the right to possession of the vessel. The harbormaster/city manager shall carry the burden of establishing that there is probable cause to impound the vessel in question. At the conclusion of the hearing, the hearing officer shall prepare a written decision. A copy of such decision and reasons therefore shall be provided to the person demanding the hearing and the owner of the vessel if such owner is not the person requesting the hearing. The hearing officer's decision in no way affects any criminal proceeding connection with the impound in question and any criminal charges involved in such proceeding may only be challenged in the appropriate court. The decision of the hearing officer is final and may only be appealed to the Superior Court. Failure of the owner or operator to request or attend a scheduled pre-impoundment hearing shall be deemed a waiver of the right of such hearing.

D. The hearing officer shall only determine that as to the vessel in question either that there is probable cause to impound the vessel or that there is no such probable cause. In the event that the hearing officer determines that there is no probable cause, the hearing officer shall prepare and date a Certificate of No Probable Cause, copies of which shall be given to the owner or operator and to the harbormaster. Upon receipt of such Certificate of Probably Cause, the harbormaster may proceed with impoundment and disposition of the vessel by removal, sale or destruction as authorized by this title.

E. Any vessel impounded shall be held by the City for a period not less than thirty days during which the City shall publish in a newspaper of general circulation in the City a notice describing the vessel in general terms, the name and/or number, if any, the name and address of the owner, or operator, if known, or if not known shall so state the location of the vessel and intention of the City to sell the same at public auction, on a day and at a place and time certain, not less than ten days prior to the sale, for cash to the highest and best bidder. At any time prior to the auction, the

owner or operator may redeem the vessel by cash payment of all City charges against the vessel.

F. If at the public sale there are no bidders for the vessel, the City may destroy, sell at private sale or otherwise dispose of the vessel. The disposition is to be made without liability of the City, its employees or agent to the owner, master or any lien holder of the vessel. (Ord 09-05 Sec 2, 2008)

15.20.017 Limitation of Liability. A. The authority granted to the harbormaster pursuant to this chapter shall not create any obligation or duty requiring the harbormaster to take action to protect or preserve any vessel or property located within, or utilizing the small boat harbor.

B. The City does not accept control of vessels or other property moored or store in the small boat harbor. When the City assigns moorage space to a vessel or assigns storage space to a vessel or other property, the City is not accepting possession or control of the vessel or other property. Unless the vessel or other property is formally impounded by the City, the vessel or other property shall at all times remain in the exclusive possession and control of the owner or operator of said property and the City is not acting, and shall not be held liable in any manner, as a warehouseman or a bailee.

C. Even when the vessel is impounded by the City, the City shall not be liable for the safekeeping or condition of the vessel and shall not be held liable in any manner, as a warehouseman or a bailee.

D. The City shall not be liable for any loss or damage resulting from use of the small boat harbor or any small boat harbor facility from any cause whatsoever, except and to the extent solely caused by the City's own negligence or intentional misconduct. The City disclaims any and all other liability, whether for negligence or other tort, in contract or otherwise, and specifically disclaims any warranty or whatsoever kind of nature including, but not limited to any warranty of workmanlike service or performance. The liability of the City for damages caused solely by its own negligence or intentional misconduct shall be limited to the reasonable cost of repairing the vessel or other property that was moored or store in, or making use of, the small boat harbor or small boat harbor facilities. The owner of the vessel or other property assumes all responsibility for any and all other claims or damages otherwise resulting, including, but not limited to, claims by owners or third-parties for property damage, personal injury or death, pollution or discharge of a polluting or hazardous substance (together with clean-up, removal and remediation of same), as well as any direct, indirect, special, consequential or commercial damages, claims for loss of profits or earnings, or other claims or damages of whatever kind of nature.

E. Each owner of a vessel or other property moored or stored in, or making use of the small boat harbor or small boat facilities, releases and agrees to defend, hold harmless, and indemnify the City and its officers, employees and agents from and against any and all losses, claims, demands, actions, damages, liabilities or expenses of every kind, character and nature whatsoever (including, but no limited to, personal

injuries, death, environmental contamination, property damage or employee liability) arising out of, resulting from, or in any way related to use of the small boat harbor by the owner or owner's agent, employees, invitees, guests or passengers, except where liability for same is caused solely by the City's own negligence or intentional misconduct. Defense shall include payment of actual attorney's fees and costs. The owner waives any right of subrogation against the City which might otherwise arise upon payment of a loss by owner's insurers. (Ord 09-05 Sec 2, 2008)

15.20.018 Nuisances declared—Removal. A. For the purposes of this title and in the interest of the greatest use of the facilities of the Seldovia harbor and the municipal waters by the general public, vessels in the Seldovia harbor and elsewhere on the municipal waters that are illegally moored, cause an obstruction to navigation, or that are abandoned or derelicts or unfit or unseaworthy or which are maintained in such manner as to make them liable to sinking for lack of being pumped or other maintenance, or which are unsafe or which are maintained in a manner as to constitute a fire hazard, and sunken vessels and vessels in imminent danger of sinking, are declared to be nuisances and subject to abatement and removal from the Seldovia harbor or other municipal waters by the City or its agents, without liability of the City for any damage done by virtue of the removal or for any of its consequences.

B. Refuse of all kinds or any other obstructions or debris are declared to be public nuisances, and it shall be unlawful for any person to place, or cause to be placed, any public nuisance in the Seldovia harbor or in the municipal waters, or on the shores thereof. Nets, gear, and other materials left on any float or dock for more than twelve hours are hereby declared a public nuisance. Any person causing or permitting the nuisances to be placed as aforesaid shall remove the same and upon his failure to do so, the same may be removed or cause to be removed or stored commercially, all costs of such commercial removal or storage shall be paid by and recoverable from the person creating the nuisances and shall not excuse the person responsible therefore from prosecution hereunder. Any nuisance under this subsection may be impounded, disposed of by destruction, private or public sale, or by any other means deemed reasonable by the harbormaster. Such disposition is to be made without liability of the City, its employees or agents to the owner, master or any lien holder of the nuisance.

C. Vessels declared a nuisance under subsection a. of this section that do not constitute a clear and present danger to the public health, safety and general welfare may be moved, impounded, or disposed of according to the procedure provided in section Impound vessel procedures 15.20.016. (Ord 09-05 Sec 2, 2008)

15. 20.019 Nuisances—Abatement procedure. A. Unless otherwise provided, the procedure set forth in this section shall apply whenever a vessel has been impounded or removed or a nuisance vessel abated pursuant to subsection 15.20.016(a) or otherwise, and the preimpoundment administrative hearing procedures of section 15.20.016 were not followed.

B. An impoundment is effective when a written order of impoundment is placed on a vessel. An order of impoundment shall identify the vessel, state the reasons for impoundment, and be dated and signed by the harbormaster or his/her authorized

designee. An impounded vessel may be immediately towed or otherwise removed upon the order of the harbormaster. Nothing in this subsection b. shall be construed to prevent the City from using alternatives to impoundment, including without limitation removal or other means to abate a nuisance.

C. When action is taken to impound, remove, or otherwise abate a nuisance vessel, notice of such action shall be placed on the vessel if possible, and within 6 hours a copy of the notice shall be personally delivered or placed in the U.S. mail addressed to the owner of the vessel. The notice is effective when mailed.

The notice shall include the following substantive provisions:

ATTENTION: The vessel _____ has been impounded/removed/abated by the City of Seldovia harbormaster as a public nuisance for the following reasons:

As the owner of the vessel you have the following options (those that apply are checked):

_____ The vessel has been impounded and you may recover possession of the vessel by paying to the person having custody of the vessel the towing, storage, and other charges that may have accrued. The vessel is at the following location: _____

_____ The vessel has been removed and you may recover possession of the vessel at the following location: _____

_____ The vessel has been destroyed. You may direct any inquiries to the City of Seldovia City Manager.

_____ The following action has been taken, and any option you may have is described below: _____

If you believe the vessel was improperly impounded, removed, or otherwise abated, you may:

1. In the case of an impoundment, recover possession of the vessel by paying any towing, storage, or other charges that have accrued, and you may claim a refund or reimbursement by filing a demand (on a form provided by the City) for an administrative hearing before a hearing officer as to whether the harbormaster had a sufficient factual and legal basis to impound the vessel; or

2. In the case of an impoundment , you may demand return of the vessel without paying the towing, storage, or other charges by filing a demand (on a form provided by the City) for an administrative hearing before a hearing officer as to whether the harbormaster had a sufficient factual and legal basis to impound the vessel; or

3. You may in any other case file a demand (on a form provided by the City) for an administrative hearing before a hearing officer as to whether the harbormaster had a sufficient factual and legal basis to impound, remove, or abate the vessel.

To be entitled to such a hearing, your written demand must be filed with the City Clerk (a) within 5 workdays after you learned that your vessel was impounded, removed, or otherwise abated or (b) within 15 workdays after the City mailed notice to the vessel owner of the action taken, whichever is earlier. If you fail to make a timely request for a hearing you will lose all right to challenge the sufficiency of the basis for the action taken.

If timely requested, the hearing must be held within 48 hours after the filing of your written demand, not including, Saturdays, Sundays, and City holidays, unless you waive your right to a speedy hearing. A determination that there was an insufficient factual or legal basis for the action taken will require the release of the vessel to the owner without payment of the towing, storage, or other accrued charges, or it will entitle the owner to a refund or reimbursement if the charges were already paid.

A hearing may be demanded by filing the appropriate form with the City Clerk at Seldovia City Hall between 8:00 a.m. and 5 p.m. on any day other than Saturday, Sunday and City holidays. (Ord 09-05 Sec 2, 2008)

15.20.020 Harbormaster duties. A Harbormaster, who shall have police power on the floats and loading zone, shall be appointed by the City Manager as an officer of the City. The Harbormaster shall be assigned to enforce the provisions of this title; shall establish adequate fire and security watch; maintain within working hours an adequate log of the registration data of all boats using small harbor facilities showing the dates of occupancy of berthing facilities; establish rule for the mooring of occupancy of berthing facilities; establish rule for the mooring of boats in specified areas so as to facilitate movement of traffic in the small boat harbor facilities showing the dates of occupancy of berthing facilities; establish rules for the mooring of boats in specified areas so as to facilitate movement of traffic in the small boat harbor, such regulations to be based upon the length and draft; collect fees established by the Council and pay over such fees to the City clerk-treasurer. It is the Harbormaster's duty to recommend or prepare budget input and to exercise full control within the budgetary limits established, with Council approval. (Ord. 80-12 Sec. 1, 1980; Ord. 80-4 Sec. 11, 1980)

15.20.030 Moorage refusal to violators. In addition to the penalties provided by this code, the City will refuse moorage facilities to violators of this title or persons in arrears of authorized fees and charges. (Ord. 80-4 Sec. 12, 1980)

15.20.040 Citations. Violators of the provisions of Chapter 15 of the City code, will be cited and a fine will be levied as follows: first offense, \$10.00; second offense, \$25.00; third offense, \$35.00; fourth offense, mandatory court appearance. (Ord. 81-14, 1981)

15.20.210 Live-aboard Policy. A. A person living aboard a boat in the Seldovia Boat Harbor for fifteen days within any thirty-day period is considered a live-aboard for purposes of this section.

B. Pets may be kept on a live-aboard vessel at the discretion of the Harbormaster.

C. Vessels being used for live-aboard purposes must meet all sanitary requirements as established by the United States Coast Guard.

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

E. Live-aboards shall be current on all moorage and other boat harbor charges to be able to occupy a vessel for this purpose.

F. Live-aboard fees shall be established by a non-code ordinance of the City Council. (Ord. 92-04)

Chapter 15.30 Harbor Advisory Commission

Sections:

15.30.010 Commission--Creation and membership.

15.30.020 Commission--Terms of members.

15.30.030 Proceedings of the Commission.

15.30.040 Duties and responsibilities of the Commission.

15.30.010 Commission--Creation and membership. A. There is created the City of Seldovia Port and Harbor Advisory Commission, referred to in this chapter as the Commission. Such Commission will be made up of seven (7) members, of which a minimum of five members shall be Seldovia harbor users, who shall be nominated by the Mayor from a list of potential candidates provided by the Commission and others who may apply and confirmed by a majority of City Manager the City Council. The City Treasurer or a duly appointed representative of the City Treasurer shall be appointed to one seat on the Commission. (Ord. 93-1; Ord. 00-09)

B. A chairman and vice-chairman of the Commission shall be selected annually and shall be appointed from and by the appointive members.

C. The Mayor, the City Manager, and the Harbormaster shall serve as consulting members of the Commission in addition to the seven appointive members, and may attend all meetings as consultants, but shall have no vote. (Ord. 88-9, 1988)

15.30.020 Commission--Terms of members. A. Members of the first Commission shall be appointed for the following terms:

1. Three members shall be appointed for three-year terms.
2. Two members shall be appointed for two-year terms.
3. Two members shall be appointed for one-year terms.

B. At the end of the respective terms set forth in subparagraph (A) of this section, members shall be appointed for full three-year terms.

C. Any Commissioner who shall have two (2) successive unexcused absences shall be recommended to the City Council for removal by a majority vote of the Commission. (Ord. 88-9, 1988; Ord. 93-1)

15.30.030 Proceedings of the Commission. The Commission shall conduct a public meeting no less than once every three months, or at the call of the chairman. The chair may schedule a work session at any time. Permanent records and recorded minutes shall be kept of Commission proceedings and such minutes shall record the vote of each member upon every question. All minutes, decisions and findings shall be filed in the office of the City Clerk, and shall be a public record open to inspection by any person. Every decision and finding shall be directed through the City Manager to the City Council at the earliest possible date. The City Manager shall respond in a timely manner to any requests for information from the Commission, and shall be available to attend any of the Commission meetings as requested. (Ord. 88-9, 1988; Ord. 93-1; Ord. 00-09)

15.30.040 Duties and responsibilities of the Commission. A. It shall be the duty of the Commission to act in an advisory capacity to the City Manager and the City Council on the problems and development of the city port and harbor facilities. Consideration shall include the physical facilities, budget suggestions, user fee structure, possible future development and recommendations on land use within the port and harbor areas, and other considerations the Commission deems important. (Ord. 00-09)

B. The daily operation and maintenance of the port and harbor are the direct responsibility of the City Manager and the Harbormaster at the direction of the City Manager. Any recommendation the Commission or a Commission member may have regarding the operation and maintenance of the facilities is to be directed to the City Manager, not a port or harbor employee. (Ord. 00-09)

C. The Commission shall consider any specific proposal, problem or project as directed by the City Council, and the City Manager. (Ord 00-09)

D. The Commission shall by May 1st of each year submit to the harbor department suggestions for a proposed harbor budget for the coming fiscal year identifying both the expenses and sources of revenue. Administrative costs shall total no more than 15% of the total harbor budget. (Ord. 00-09)

E. The City Council may at a future date expand or withdraw duties and responsibilities of the Commission. (Ord. 88-9, 1988; Ord. 00-09)

Title 16 (Reserved)

Title 17

Buildings and Construction

Chapters:

- 17.04 Building Code
- 17.08 Electrical Code
- 17.12 Plumbing Code
- 17.14 Mechanical Code
- 17.15 Building Energy Efficiency Standards
- 17.16 Fire Prevention Code

Chapter 17.04 **Building Code***

Sections:

17.04.010 Adopted by Reference.

17.04.020 Building Permits.

17.04.010 Adopted by reference. The most current Code Council Building Reference Books will be adopted as the minimum construction standard for residential construction within the city. (Ord. 74-25 Sec. 1, 1974; Ord. 89-13; Ord. 93-2; Ord. 97-05; Ord 11-03 Sec 2, 2010)

17.04.020 Building Permits.

A. Required. No person shall make any exterior structural change in or addition to any building, or construct any new building or structure, exempting unattached structures of one hundred square feet or less, within the city without first securing a building permit. A form is available at the city office if an individual questions whether or not a building permit is required. A verbal response from city staff or individual Seldovia Planning and Zoning Commission members to build without a permit is not acceptable. A written response containing reasons why the individual is exempt from building permit requirements must be obtained from the official who interprets the code.

B. Application Fee. Upon receipt of a one hundred dollar fee (\$100.00), a permit application shall be issued by the City Clerk. If the plan or description of the proposed construction is approved by the Seldovia Planning Commission, or the City

* For statutory provisions regarding general city powers see AS Sec. 29.35.010 and AS Sec.29.35.250.

Manager, and would not violate any ordinance or regulation of the City or any governmental agency, a building permit will be issued. If a building permit is denied and the applicant re-submits the application with changes to Planning Commission, the one hundred dollar (\$100) application fee must be paid again. For other than houses; workshops, garages and sheds under 400 square feet; pay the fee of fifty dollars (\$50) for the building permit. No fee is required for 100 square feet or less. (Ord. 97-5 Sec. 2 (part), 1997: prior code Sec. 5.020; Ord 10-05 Sec 1, 2010)

C. Late Fees. If construction and/or development requiring a building permit, (as defined in part A of this section), commences before obtaining a building permit, a fifty-dollar late fee will be charged in addition to the regular building permit application fee, and/or a daily fee of ten dollars will be levied for each day that a building permit is not on file at the City Office. The City Manager or appointed staff shall determine the late fee.

D. Time Limit for Commencement. If the project has not commenced within one year of the permit issue date, the permit becomes null and void and a new building permit must be applied for. (Prior code Sec. 5.020; Ord. 89-13; Ord. 97-05; Ord. 00-07)

Chapter 17.08 Electrical Code

Sections:

17.08.010 Adopted by reference.

17.08.010 Adopted by reference. The most current Code Council Building Reference Books will be adopted as the minimum construction standard for residential construction within the city. (Ord. 74-26 Sec. 1, 1974; Ord. 93-2; Ord. 97-05; Ord. 11-03 Sec 2, 2010)

Chapter 17.12 Plumbing Code

Sections:

17.12.010 Adopted by reference.

17.12.010 Adopted by reference. The most current Code Council Building Reference Books will be adopted as the minimum construction standard for residential construction within the city. (Ord. 74-27 Sec. 1, 1974; Ord. 93-2; Ord. 97-05; Ord. 11-03 Sec 2, 2010)

Chapter 17.14 Mechanical Code

Sections:

17.14.010 Adopted by reference.

17.14.010 Adopted by reference. The most current Code Council Building Reference Books will be adopted as the minimum construction standard for residential construction within the city. (Ord. 97-05; Ord. 11-03 Sec 2, 2010)

Chapter 17.15 Building Energy Efficiency Standards

Sections:

17.15.010 Adopted by reference.

17.15.010 Adopted by reference. The most current Code Council Building Reference Books will be adopted as the minimum construction standard for residential construction within the city. (Ord. 97-05; Ord. 11-03 Sec 2, 2010)

Chapter 17.16 Fire Prevention Code

Sections:

17.16.010 Adopted by reference.

17.16.010 Adopted by reference. The most current Code Council Building Reference Books will be adopted in its entirety for the fire prevention code of the city. (Ord. 74-28 Sec. 1, 1974; Ord. 97-05; Ord. 11-03 Sec 2, 2010)

Title 18 Zoning*

Chapters:

- 18.04 Planning Commission
- 18.08 Design and platting requirements
- 18.12 Title and purpose
- 18.16 Administration and enforcement
- 18.20 Definitions
- 18.24 Zoning districts and zoning map
- 18.28 General provisions
- 18.32 RG—Residential General District
- 18.36 RSM—Residential Special Multifamily District
- 18.40 WCR—Waterfront Commercial Residential District
- 18.44 C—Commercial District
- 18.48 I—Industrial District
- 18.52 CM—Commercial Marine District
- 18.56 CR—Commercial Residential District
- 18.60 A—Airport District
- 18.64 P—Public District
- 18.68 Supplemental regulations
- 18.72 Conditional use permits
- 18.76 Variances
- 18.80 Contract zoning
- 18.84 Nonconformity
- 18.88 Board of Adjustment
- 18.92 Appeals
- 18.96 Public hearings
- 18.97 Amendment procedures

Chapter 18.04 PLANNING COMMISSION**

Sections:

- 18.04.010 Created-Officers.
- 18.04.020 Terms of members.
- 18.04.030 Powers and duties.

* Ord. 98-07 replaces former Title 18 in its entirety

** For statutory provisions authorizing delegation to a city of planning and zoning administrative functions, see AS Sec. 29.40.010(B); for Kenai Peninsula Borough delegation of Planning Commission functions see KPB Chapter 21.112.

18.04.010 Created-Officers.

A. There is created a city planning and zoning commission, which shall be called the Planning Commission and which shall consist of five members nominated by the Mayor and confirmed by the City Council. The Mayor and City Manager shall serve as *ex officio* members of the Commission and, as consultants, may attend all meetings but they shall have no vote.

B. A chairman and vice-chairman of the Commission shall be selected annually and shall be appointed from and by the appointive members. (Ord. 03-06)

18.04.020 Terms of members. The term of a member of the Commission is three years. Of the members first appointed, two shall be appointed for a three-year term; two for a two-year term; and three for one year terms. Appointments to fill vacancies shall be for the unexpired term only.

18.04.030 Powers and duties.

A. Advisory to City Council and Borough. The Commission shall sit as an advisory planning and zoning commission to the City Council and the Planning and Zoning Commission of the Borough.

B. Administration of Borough Ordinances. To administer and enforce planning and zoning ordinances and regulations of the Borough when authorized to do so by contract approved by the Council.

C. Administration of City Ordinances. To administer or provide for the administration of any ordinances or programs relating to planning, zoning or building codes, adopted by the Council.

D. Overall Plan. The Commission shall prepare, and from time to time amend, a plan for the systematic development and betterment of the city as a place of residence and for business; such plan and any amendments thereto shall be presented to the Council for its approval.

E. Investigations. The Commission may consider and investigate subject matter attending to the development and betterment of the city and make recommendations as it considers advisable to the Council.

F. Building and Land Use. The Commission may prepare and present to the Council proposed ordinances or programs for the promotion of the public health, safety and morals by restricting the height, number of stories, and size of buildings and other structures, the percentage of a lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes, and proposals for a building code regulating minimum construction, heating, lighting and other requirements or specifications within specified zoning districts. Such proposed ordinances or programs shall be consonant with the plan approved by the City Council pursuant to subsection D. Such a program shall be

made with reasonable consideration as to the character of the district and its peculiar suitability for particular uses, and with a view to enhancing the value of buildings and lots and encouraging the most appropriate use of land throughout the City.

G. Rules and regulations. The Commission may adopt such rules and regulations as are appropriate or necessary in the carrying out of its duties.

H. Expenses. It may employ engineers, attorneys, clerks and a secretary or other personnel considered necessary subject to the approval of the Council. The Council shall fix the compensation of persons employed by the Commission. The necessary expenses of the Planning Commission and the compensation and expenses of its employees shall be paid out of the city treasury in the same manner as other expenses of the city government, within the limits of appropriations by the Council for that purpose.

Chapter 18.08

Design and Platting Requirements

Sections:

- 18.08.010 Construction design investigation.
- 18.08.020 Building permit review.
- 18.08.030 Platting.
- 18.08.040 Plan adoption.
- 18.08.050 House numbering system.

18.08.010 Construction design investigation. Before action is taken by the city on the location and design of any public building, dock, park, street or alley, or the grade thereof, walkway, sidewalk, playground or memorial, the matter shall be submitted to the Commission for investigation and report.

18.08.020 Building permit review. No permit shall be issued under Chapter 11.04 or section 17.04.020 without the application being first submitted to the City Manager for its approval or rejection. If all requirements are met, the City Manager may approve the application and the City Office will issue a building permit. All variances, conditional use permits, platting, right of way and nonconformity permits will be reviewed by the Planning Commission at their regularly scheduled meetings, prior to issuing a permit.-(Ord. 00-08; Ord. 10-07 Sec 2, 2010)

18.08.030 Platting. All plans, plats or replats of land laid out in lots or plats, and the streets, alleys or other portions of them intended to be dedicated to public or private use, shall first be submitted to the Commission for its approval or rejection. Any action so taken shall be communicated to the Borough Planning Commission together with the reasons for such action.

18.08.040 Plan adoption. The Council may adopt the plan provided for in section 18.04.030(D) and may endorse the proposals of the Planning Commission made under section 18.04.030(F) together with an official map or maps as the zoning regulations of the city and may forward them to the Borough Planning Commission or it may return them to the local Commission for further study, amendment or supplementation. No regulation, restriction or boundary is effective until after a public hearing at which parties in interest and citizens have an opportunity to be heard. The Council shall notify the Borough Planning Commission of its intention to hold hearings, so notice of hearing and hearing may be given jointly by the City and Borough. At least five days notice of the time and place of the hearing shall be posted at three public places within the City.

18.08.050 House numbering system.

A. The city shall be divided into a grid, with the north-south line between section 31 and section 32, of township 8 S., Range 14 W., S.M., as a north/south baseline, and with the quarter corner line of sections 31 and 32, township 8 S., Range 14 W., as the east/west baseline. Method of computing: one number shall be assigned to every parcel often thousand square feet, as applicable. Odd and even numbers shall be on alternate sides of the street.

B. The numbers on buildings fronting the streets running east and west shall be designated by direction from the east/west baseline. The numbers on buildings fronting the streets running northerly and southerly shall be designated by direction from the north/south baseline.

C. Maintenance and implementation. The City Manager, or his designee, is directed to implement and maintain all provisions of this section.

D. Effective date. The ordinance codified in this section shall become effective upon passage by the City Council. All provisions of this section must be fully implemented within ninety days of its passage.

E. Enforcement and penalty.

1. Any person(s) failing to comply with the provisions of this section shall be punished by a fine not to exceed twenty-five dollars. Each such person shall be guilty of a separate offense for each and every day during any portion of which any individual is not in compliance with the provisions herein.

2. In addition, the City may proceed to affix the appropriate numbers to those dwellings, not in compliance after ninety days, and charge the owner of such premises a fee of twenty-five dollars, which amount will become a lien against said property if not paid in full within ten days from date of notification by City Clerk that City has in fact installed said numbers. Such action by the City in no way mitigates or relieves the property owner from any liability under subdivision one (1) of this subsection.

F. Number specifications. All numbers shall be of a minimum height of three inches and shall be permanently affixed in a prominently conspicuous location on the street front, entrance side of the building or dwelling. (Ord. dated 4-23-80, 1980; Ord. 80-1, 1980)

Chapter 18.12 Title and Purpose

Sections:

18.12.010 Title for citation -Jurisdiction.

18.12.020 Purpose of provisions.

18.12.010 Title for citation -Jurisdiction. Chapters 18.04 through 18.96 of the Seldovia City Code of Ordinances shall be known and cited as the "Seldovia Zoning Code," and are applicable to all lands within the municipal boundaries of the City of Seldovia.

18.12.020 Purpose of provisions. The Seldovia Zoning Code is adopted in order to enhance the public health, safety and welfare by providing local authority to:

- A. Designate, regulate and restrict the location and use of buildings, structures and land, for residence, commerce, trade, industry or other purpose;
- B. Regulate and limit the height, number of stories, and size of buildings and other structures hereinafter erected or alterations of any existing buildings;
- C. Regulate and determine the size of yards and other open spaces;
- D. Regulate and limit the density of population;
- E. Conserve and stabilize the value of property;
- F. Provide adequate open spaces for light and air, and to prevent and fight fires;
- G. Lessen congestion on streets and highways.

Chapter 18.16 Administration and Enforcement

Sections:

18.16.010 Administrative official.

18.16.020 Duties of the City Manager.

18.16.030 Procedures for abating violations.

18.16.040 Violation and Penalties.

18.16.010 Administrative official.

A. The City Manager shall be the administrative official relating to all actions taken by the City Planning Commission and the City Council sitting as the board of adjustment.

B. This chapter shall govern all enforcement of the Seldovia Zoning Code.

18.16.020 Duties of the City Manager. The City Manager or appointed staff shall be responsible for:

- A. Interpreting and enforcing this zoning code; and
- B. Maintaining records of all activity related to this zoning code; and
- C. Processing appeals and applications made under this zoning code.

18.16.030 Procedures for abating violations.

A. When a violation is discovered, the City Manager or appointed staff shall notify in writing via certified mail or by notice posted at the site of the violation the person responsible for the violation. The notice shall specify the violation and order abatement within a reasonable period of time, to be no longer than 90 days. All purported violations known to the City Manager, including interpretation and abatement action, shall be presented to the Seldovia Planning Commission at its next regular meeting.

B. If the violation is not corrected within the stated period, the City Manager is authorized to retain an attorney to represent the City by initiating action to abate the violation, including the filing of criminal charges as necessary.

18.16.040 Violation and Penalties.

A. Every act prohibited by this zoning code or any rule or regulation adopted in pursuance thereof is declared unlawful and every violation of this zoning code constitutes a misdemeanor. Every person convicted of a violation of any provision or any rule or regulation adopted or issued in pursuance thereof shall be punished under the general penalty provision of the Seldovia City Code. Each act of violation and every day upon which such violation continues after the expiration of any grace period specified in the notice of violation constitutes a new and separate offense.

B. The penalties provided by this section shall, unless other penalty is expressly provided, apply to every portion of Seldovia Zoning Code, Chapters 18.04 through 18.96 inclusive, and to all amendments to that zoning code.

Chapter 18.20 Definitions

Sections:

- 18.20.010 Definitions and Construction of Terms Generally.
- 18.20.015 Abandoned Sign.
- 18.20.020 Accessory Use or Structure.
- 18.20.030 Building.
- 18.20.040 Building Height.
- 18.20.050 Building Setback.
- 18.20.053 Business Specific Office
- 18.20.055 Combined Signage.
- 18.20.060 Dwelling.
- 18.20.070 Dwelling Unit.
- 18.20.080 Family.

18.20.090 Home Occupation.
18.20.100 Loading Space.
18.20.110 Lot.
18.20.120 Lot Area.
18.20.130 Lot Coverage.
18.20.140 Mobile Home.
18.20.150 Mobile Home Park.
18.20.053 Business Specific Uses
18.20.160 Nonconforming Lot, Use and Structure.
18.20.170 Open Space.
18.20.180 Parking Area.
18.20.190 Parking Space.
18.20.200 Planned Unit Development.
18.20.210 Principal Use or Structure.
18.20.220 Service Station.
18.20.230 Sign.
18.20.235 Street frontage.
18.20.240 Structure.

18.20.010 Definitions and Construction of Terms Generally.

A. When used in this zoning code, the following words used herein shall be interpreted or defined as set forth in this chapter.

B. When not inconsistent with the context, words used in the present tense shall include the future; the singular number includes the plural; and the word "person" includes a firm, partnership or corporation as well as an individual; the word "lot" includes the words "plot," "piece," "parcel"; the term "shall" is always mandatory; and the words "used" or "occupied" shall be construed to include the words "intended," "arranged," or "designed" to be used or occupied.

18.20.015 Abandoned Sign. Any sign containing copy that refers to a business or activity that is no longer being conducted or pursued. (Ord. 01-01)

18.20.020 Accessory Use or Structure. "Accessory use or structure" means a use or structure on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure.

18.20.025 Below Grade Walls. Any area or space which falls below grade. (Ord. 06-10)

18.20.030 Building. "Building" means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind, containing walls on at least three sides.

18.20.040 Building Height. "Building height" means a vertical distance from the specified reference point to the highest point of the structure not including venting. (Ord. 06-10)

18.20.050 Building Setback. "Building setback" means the distance from a lot line or right-of-way centerline, whichever is specified, that a principal and accessory structure must be located.

18.20.053 Business Specific Office. "Business Specific Office" means office space directly pertaining to the retail or service business use of the building. (Ord. 06-10)

18.20.055 Combined Signage. The total square footage of all signs on any lot. (Ord. 01-01)

18.20.060 Dwelling. "Dwelling" means a structure containing one or more dwelling units and designed to be affixed to a permanent foundation. This term includes prefabricated structures that are not constructed on a chassis that is an integral part of the structure.

18.20.070 Dwelling Unit. "Dwelling unit" means one or more rooms in addition to a bathroom, which include kitchen facilities and are arranged, designed or used for living quarters by a family.

18.20.080 Family. "Family" means one or more persons occupying a dwelling unit.

18.20.090 Home Occupation. "Home occupation" means any use entirely within a dwelling or accessory structure and carried on by the occupants of the dwelling, which is clearly incidental to the use of the dwelling and lot for residential purposes and does not change the character thereof. It shall not cause any noise, odors, effluent, smoke, dust, vibrations, electrical interference, bright or flashing light, or other objectionable conditions which would interfere with the quiet enjoyment of a residential neighborhood. A home occupation shall not include automobile or machinery repair, welding, sheet metal, or other similar work, and shall not require regular or frequent deliveries of goods or materials of such bulk or quantity, nor the parking of customer or client vehicles in numbers or frequency over and above the normal traffic associated with the dwelling as a residence. It allows for one exterior sign and display or stock in trade is limited to local articles and produce. (Ord. 01-01)

18.20.095 Incidental Secondary Uses. "Incidental Secondary Uses" means additional uses of the building of a subordinate or ancillary nature, i.e. second floor apartment. Not the main reason for the building. (Ord. 06-10)

18.20.100 Loading Space. "Loading space" means an off-street space on the same lot with a building or contiguous to a group of buildings, designated or intended for the temporary parking of commercial vehicles while loading and unloading, and which abuts upon a street, alley or other appropriate means of access.

18.20.110 Lot. "Lot" means a legally described land parcel or combination thereof that meets the minimum size and design requirements of this zoning code for the type and number of principal and accessory uses and structures proposed.

18.20.120 Lot Area. "Lot area" means the total horizontal net area within the lot lines exclusive of streets, highways, roads and other rights-of-way.

18.20.130 Lot Coverage. "Lot coverage" means the amount of land covered by principal and accessory structures exclusive of open porches and patios as well as parking area.

18.20.140 Mobile Home. "Mobile home" means a factory-assembled structure or combination thereof which contains the necessary service connections to support one or more dwelling units, is made so as to be readily movable as a unit or units on individual chassis and running gear, and which is designed to be used without a permanent foundation.

18.20.150 Mobile Home Park. "Mobile home park" means a parcel of land which has been designated and improved so that it contains three or more mobile home spaces available for rent or purchase.

18.20.160 Nonconforming Lot, Use and Structure. "Nonconforming lot, use and structure" shall be any lot, use or structure that does not conform to the requirements for the zoning district in which it is located.

18.20.170 Open Space. "Open space" means the ground area and the space above which is unimpeded from the ground to the sky by any structure except as provided in this zoning code. Open space does not include area used for parking or outside storage.

18.20.180 Parking Area. "Parking area" means an off-street area containing one or more parking spaces with aisles and driveways necessary for maneuvering without use of public rights-of-way. In general, there shall be an average of at least 350 square feet of parking area per parking space to insure adequate maneuvering area.

18.20.190 Parking Space. "Parking Space" means an area, enclosed or unenclosed, sufficient in size to store a motor vehicle. At a minimum, each space shall contain 200 square feet measuring 10 feet by 20 feet. (Ord. 00-02)

18.20.200 Planned Unit Development. "Planned unit development" means a group or combination of certain specified residential, commercial or industrial uses developed as a functional and integral unit in a district where some or all the uses might not otherwise be permitted.

18.20.210 Principal Use or Structure. "Principal use or structure" means the uses or structures for which the district is primarily designed.

18.20.220 Service Station. "Service station" means any building, structure, premises or other space used primarily for the retail sale and dispensing of motor fuels, tires, batteries and other small accessories.

18.20.230 Sign. "Sign" means any words, letters, parts of letters, figures, numerals, phrases, sentences, emblems, devices, trade names or trademarks, by which anything is made known; such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or product, which are visible from any public street or highway and used to attract attention, either attached to a structure or free-standing. (Ord. 01-01)

18.20.235 Street frontage. The length of a property line that borders a public right of way which provides the principal means of access: Alleys, public parking lots, emergency access and/or pedestrian easements are not considered as public rights-of-way for the purposes of this definition. (Ord. 01-01)

18.20.240 Structure. "Structure" means anything constructed or erected on the ground or which is attached to something located on the ground including but not limited to buildings, radio and TV towers, sheds and permanent signs, and excluding fences.

Chapter 18.24 Zoning Districts

Sections:

18.24.010 Zoning Districts

18.24.020 Zoning Map

18.24.010. Zoning Districts.

A. Section 21.04.010 of the borough code divides the borough into two zoning districts, rural and municipal. The municipal district of the city is further divided into zoning districts and within each district, only certain uses and standards are allowed as prescribed in this zoning code.

B. The Seldovia district is divided into the following types of use districts:

1. RG General Residential
2. RSM Residential, Special Multifamily
3. WCR Waterfront Commercial Residential
4. C Commercial
5. I Industrial
6. CM Commercial Marine
7. CR Commercial Residential
8. P Public
9. A Airport

C. The zoning districts established by ordinance shall be bounded as shown on a zoning map entitled "Seldovia Zoning Map."

18.24.020. Zoning Map.

A. The official zoning map shall be kept in the City offices. The Seldovia Zoning Map presented with this zoning code is adopted by reference and declared to be part of this zoning code in the exact form as it exists on the date this zoning code is adopted.

B. If the zoning map becomes lost or damaged, the map or significant parts thereof remaining after partial destruction shall be preserved. The City Council may, by ordinance, adopt a new zoning map that shall be consistent with and supersede the old zoning map.

C. The map shall be signed by the City Clerk with a note of the date of adoption by the City Council. Amendments shall be immediately added to the official zoning map with a notation of the date of adoption by the City Council. (Ord. 99-09)

Chapter 18.28 General Provisions

Sections:

18.28.010 Compliance.

18.28.020 Unlisted Uses.

18.28.030 Parking, Garage and Loading Facilities

21.86.010 Compliance.

A. Except as otherwise provided in this zoning code, all land and structures within the city shall be constructed, used, occupied or altered in conformance with the requirements of the zoning district in which they are located.

B. No building permit shall be issued for any new structure or alteration of an existing structure unless the structure or alteration complies with the provisions of the Seldovia Zoning Code.

C. All structures shall be built to the Building Codes in effect at the time of construction.

18.28.020 Unlisted Uses. Unlisted uses may be allowed within a district upon written decision by the City Planning Commission, providing that each unlisted use meets all of the following conditions:

A. The use is not specifically permitted in any other district;

B. The use is not more appropriate to another district; and

C. The use is consistent with the purpose of the district in question, and is similar to other uses permitted outright.

18.28.030 Parking, Garage and Loading Facilities. Every building hereafter erected, enlarged or converted to another use shall conform to the

parking, garage, and loading facility requirement of this zoning code and city ordinances.

Chapter 18.32 RG--Residential General District

Sections:

- 18.32.010 Purpose.
- 18.32.020 Permitted Uses.
- 18.32.030 Conditional Uses.
- 18.32.040 Minimum Lot Size and Width.
- 18.32.050 Parking Area.
- 18.32.060 Lot Coverage.
- 18.32.070 Building Setback.
- 18.32.080 Building Height.
- 18.32.090 Signage.
- 18.32.100 Visibility at Access Points

18.32.010 Purpose. This district is designed to provide an area for residential development.

18.32.020 Permitted Uses. In the RG district, permitted uses are as follows:

- A. Structures containing less than five dwelling units
- B. Home occupations
- C. Mobile homes
- D. Rental units
- E. Accessory uses

18.32.025 Prohibited Uses. In the RG district, prohibited uses are as follows:

- A. Any use which causes excessive odors, effluent, smoke, dust, vibrations, electrical interference, bright or flashing light, or other objectionable conditions which would interfere with the quiet enjoyment of a residential neighborhood.

18.32.030 Conditional Uses. The following uses shall be permitted if it is determined the conditions set forth in this chapter and Chapters 18.64 and 18.68 are met:

- A. Structures containing more than four dwelling units
- B. Fraternal organizations
- C. Hospitals
- D. Mobile home parks
- E. Public school and recreation facilities
- F. Churches
- G. Private schools
- H. Public utilities and approved fuel storage
- I. Accessory uses related to fishing industry
- J. Signage uses in excess of those specified in Section 18.32.090, subsection A. (Ord. 01-01)
- K. Keeping of Horses (Ord. 02-02)

18.32.040 Minimum Lot Size and Width.

- A. 5000 square feet for a structure containing one dwelling unit.
- B. 2500 square feet per dwelling unit for structures containing two or more dwelling units, provided all other standards are met
- C. Residential developments utilizing a common open space design shall contain a total area equal to that required by subsections A or B of this section, and each dwelling unit which is sold on a lot within the development shall have at least a 2000 square foot lot.

18.32.050 Parking Spaces. Two off-street parking spaces each measuring 20 by 10 feet are required for each dwelling unit. This area does not include any area required for driveways and maneuvering in parking areas.

18.32.060 Lot Coverage. Principal and accessory structures shall not cover more than 50 percent of the lot area.

18.32.070 Building Setback.

- A. Along any lot boundary bordering a right-of-way, the building setback required is 10 feet measured from the property line.
- B. Buildings shall be set back five feet from all other lot boundaries.

18.32.080 Building Height. The maximum building height is twenty-eight (28) feet measured from where the final grade meets the average of the two highest foundation corners. Below grade walls shall not exceed ten (10) feet and shall not cause the vertical height of the structure to exceed twenty-eight (28) feet from where the final grade meets the average of the two highest foundation corners and not to exceed an overall height of thirty-eight (38) feet. (Ord. 06-10)

18.32.090 Signage.

A. Combined signage serving the Residential General District shall not exceed six square feet in area and shall be located so as not to impede visibility or traffic.

B. Combined signage serving Conditional Uses shall not exceed 20 square feet in area and shall be located so as not to impede visibility or traffic. (Ord. 01-01)

18.32.100 Visibility at Access Points.

The following requirements apply to intersections of rights-of-way and to the intersection of exits from parking areas with a right-of-way. At the intersections, no fence, wall, hedge, or other planting or structure forming a material impediment to visibility between a height of 2-1/3 feet and 8 feet shall be erected,, planted, placed or maintained; and no vehicle so impeding visibility shall be parked within the triangular areas bounded be the right-of-way or driveway side lines and a line joining points 20 feet along the intersecting right-of-way or driveway side line. (Ord. 06-10)

Chapter 18.36
RSM--Residential, Special Multifamily District

Sections:

- 18.36.010 Purpose.
- 18.36.020 Conditional Uses.
- 18.36.025 Prohibited Uses
- 18.36.030 Minimum Lot Size and Width.
- 18.36.040 Parking Area.
- 18.36.050 Lot Coverage.
- 18.36.060 Building Setback.
- 18.36.070 Building Height.
- 18.36.080 Signage.
- 18.36.090 Visibility at Access Points

18.36.010 Purpose. This district is designed to accommodate multifamily structures that are developed for occupants requiring fewer parking spaces and less outdoor recreation area because of age and limitations on the number of occupants per dwelling unit.

18.36.020 Conditional Uses. The following uses shall be permitted if it is determined the conditions in Chapter 18.68 and 18.72 and design standards of this chapter are met:

- A. Structures containing more than four dwelling units.
- B. Signage uses in excess of those specified in Section 18.36.080, subsection A. (Ord. 01-01)

18.36.025 Prohibited Uses. In the RSM district, prohibited uses are as follows:

- A. Any use which causes excessive odors, effluent, smoke, dust, vibrations, electrical interference, bright or flashing light, or other objectionable conditions which would interfere with the quiet enjoyment of a residential neighborhood. (Ord. 06-10)

18.36.030 Minimum Lot Size and Width. In the RSM district, the minimum lot size and width is 1800 square feet per dwelling unit, provided all other standards are met.

18.36.040 Parking Area. One off-street parking space measuring 20 by 10 feet is required for each unit. This area does not include any area required for driveways and maneuvering in parking areas. The number of parking spaces required may be reduced if it is determined in the conditional use procedures that occupants require fewer parking spaces.

18.36.050 Lot Coverage. Principal and accessory structures shall not cover more than 70 percent of the lot area.

18.36.060 Building Setback.

A. Along any lot boundary bordering a right-of-way, the building setback required is 10 feet measured from the property line.

B. Buildings shall be set back five feet from all other lot boundaries. (Ord. 00-08)

18.36.070 Building Height. The maximum building height is twenty-eight (28) feet measured from where the final grade meets the average of the two highest foundation corners. Below grade walls shall not exceed ten (10) feet and shall not cause the vertical height of the structure to exceed twenty-eight (28) feet from where the final grade meets the average of the two highest foundation corners and not to exceed an overall height of thirty-eight (38) feet. (Ord. 06-10)

18.36.080 Signage.

A. Combined signage serving the Residential Special Multi-family District shall not exceed six square feet in area and shall be located so as not to impede visibility or traffic.

B. Combined signage serving Conditional Uses shall not exceed 20 square feet in area and shall be located so as not to impede visibility or traffic. (Ord. 01-01)

18.36.090 Visibility at Access Points. The following requirements apply to intersections of rights-of-way and to the intersection of exits from parking areas with a right-of-way. At the intersections, no fence, wall, hedge, or other planting or structure forming a material impediment to visibility between a height of 2-1/3 feet and 8 feet shall be erected, planted, placed or maintained; and no vehicle so impeding visibility shall be parked within the triangular areas bounded by the right-of-way or driveway side lines and a line joining points 20 feet along the intersecting right-of-way or driveway side line. (Ord. 06-10)

Chapter 18.40

WCR--Waterfront Commercial Residential District

Sections:

- 18.40.010 Purpose.
- 18.40.020 Permitted Uses. .
- 18.40.030 Prohibited Uses.
- 18.40.040 Performance Standards.
- 18.40.050 Minimum Lot Area and Width.
- 18.40.060 Parking Area and Off-Street Loading Space.
- 18.40.070 Building Setback.
- 18.40.080 Visibility at Access Points.
- 18.40.090 Building Height.
- 18.40.100 Conditional Uses.
- 18.40.110 Signage.

18.40.010 Purpose.

A. This district is designed to preserve and enhance the following characteristics of Seldovia:

1. Marine orientation of the community
2. Pedestrian orientation
3. Variety of compatible mixed use development
4. Scenic features due to the natural terrain and vegetation

B. The district provides an area for the service and commercial activities which support water-dependent activities related to commercial and sport fishing, tourism, recreation and transportation. The district also provides the opportunity for people to enjoy waterfront living.

18.40.020 Permitted Uses. In the WCR district, permitted uses are as follows:

- A. Residential uses
- B. Home occupations
- C. Retail
- D. Service
- E. Office
- F. Accessory uses

18.40.030 Prohibited Uses. In the WCR District, prohibited uses are as follows:

- A. Motor vehicle sales and service;
- B. Extraction of natural resources for sale not incidental to development of the area for a permitted use.

18.40.040 Performance Standards. Each permitted use shall meet the following performance standards:

A. All permits required for work done in the tidelands shall be obtained prior to granting a building permit.

B. Street and utilities must be adequate to safely accommodate the proposed use presently and in the future.

18.40.050 Minimum Lot Area and Width.

A. No minimum lot area is established, but the actual lot area shall be sufficient to meet the parking, open space, natural area and setback standards of this chapter.

B. Residential uses shall provide at least 1000 square feet of open space per dwelling unit. The open space may not be used for parking or permanent structures, however 50 percent may be a covered patio or similar structure.

C. 25 percent of the land area involved shall be left with the natural vegetation and terrain existing prior to development.

18.40.060 Parking Area and Off-Street Loading Space.

A. Two off-street parking spaces are required for any dwelling unit, otherwise parking requirements are the same as the Commercial District. For residential use only, the parking spaces may be made of dirt, gravel, asphalt, concrete or wood and, if unenclosed, may be within the setback from an adjacent right-of-way. If the applicant adequately demonstrates that the use will be residential, or serve customers who are not dependent on motor vehicles to reach the business, the parking requirements may be reduced accordingly by the City Planning Commission. (Ord. 00-01)

B. Off-street loading space requirements are the same as Section 18.44.050. (Ord. 00-01)

18.40.070 Building Setback. In the WCR District, building setback requirements shall be as follows:

A. Five (5) feet from all rights-of-way if the right-of-way meets existing requirements;

B. If the adjacent right-of-way is less than required by existing standards, the setback shall be equal to $\frac{1}{2}$ the required right-of-way width plus 5 feet measured from the right-of-way centerline. Required right-of-way shall be that required by City plans or ordinance. If no City plan or ordinance exists, the right-of-way requirements of the Borough subdivision requirements shall apply;

C. Six (6) feet from all property boundaries not bordering right-of-way, unless adequate fire-walls are provided and adequate access to the rear of the building is otherwise provided. (Ord. 00-08)

18.40.080 Visibility at Access Points. The following requirements apply to intersections of rights-of-way and to the intersection of exists from parking areas with a right-of-way. At the intersections, no fence, wall, hedge, or other planting or structure forming a material impediment to visibility between a height of 2-1/3 feet and 8 feet shall be planted, placed or maintained; and no vehicle so impeding visibili8ty shall be parked within the triangular areas bounded by the right-of-way or driveway side-lines and a line joining points 20 feet along the intersecting right-of-way or driveway side line. (Ord. 00-08)

18.40.090 Building Height. The maximum building height is twenty-eight (28) feet measured from where the final grade meets the average of the two highest foundation corners. Below grade walls shall not exceed ten (10) feet and shall not cause the vertical height of the structure to exceed twenty-eight (28) feet from where the final grade meets the average of the two highest foundation corners and not to exceed an overall height of thirty-eight (38) feet. (Ord. 06-10)

18.40.100 Conditional Uses. The following uses shall be permitted if it is determined that the requirements of chapters 18.68 and 18.72 are met:

A. Signage in excess of those specified in Section 18.40.110, subsection A. (Ord. 01-01)

18.40.110 Signage.

A. A. Combined signage serving the Waterfront Commercial Residential District shall not exceed six square feet in area and shall be located so as not to impede visibility or traffic.

B. Combined signage serving Conditional Uses shall not exceed 20 square feet in area and shall be located so as not to impede visibility or traffic. (Ord. 01-01)

Chapter 18.44 C--Commercial District

Sections:

- 18.44.010 Purpose.
- 18.44.020 Permitted Uses.
- 18.44.030 Conditional Uses.
- 18.44.040 Minimum Lot Size and Width.
- 18.44.050 Parking Area and Off-Street Loading Space.
- 18.44.060 Lot Coverage.
- 18.44.070 Building Setback.
- 18.44.080 Visibility at Access Points and Intersections.
- 18.44.090 Building Height.
- 18.44.100 Signage.

18.44.010 Purpose. This district is designed to preserve or establish consolidated business areas that are primarily intended for retail, financial, entertainment and professional services occurring within enclosed structures. Integration of residential uses with commercial structures is desirable. District standards are designed to encourage development that will serve future customers driving to the area as well as pedestrian traffic from surrounding residential area.

18.44.020 Permitted Uses. The following uses shall be permitted when they occur primarily within an enclosed structure:

- A. Service
- B. Retail
- C. Wholesale
- D. Entertainment
- E. Residential structures containing more than four units
- F. Offices

18.44.030 Conditional Uses. The following uses shall be permitted if it is determined that the requirements of this chapter and Chapters 18.68 and 18.72 are met:

- A. Gas stations
- B. Drive-in and fast food restaurants
- C. Manufacturing
- D. Schools

- E. Service business with outside storage
- F. Vehicle sales and service
- G. Warehouses and transportation facilities
- H. Residential
- I. Signage uses in excess of those specified in Section 18.44.100 (Ord. 01-01)

18.44.040 Minimum Lot Size and Width. In the C District, the minimum lot size and width shall be as follows:

- A. For residential uses, the standards for the residential district shall apply;
- B. 5000 square feet for uses other than residential.

18.44.050 Parking Area and Off-Street Loading Space. In the C District, parking areas and off-street loading space requirements shall be as follows:

- A. Residential uses, same as required in the residential district;
- B. Retail sales, one space per 200 square feet of gross usable floor area;
- C. Service business and offices one space for each 300 square foot of gross usable floor area;
- D. Restaurants, bars and other entertainment establishments, one parking space for each four seats based on maximum seating capacity;
- E. Transient housing, one parking space for each three rooms;
- F. In addition to the above requirements, one parking space for every four employees shall be provided;
- G. If the applicant adequately demonstrates that the use will serve customers who are not dependent on motor vehicles to reach the business, the parking requirements may be reduced accordingly by the City Planning Commission. (Ord. 06-10)

18.44.060 Lot Coverage. No limit except coverage for requirements for residential uses shall be the same as for the residential district.

18.44.070 Building Setback. In the C District, building setback requirements shall be as follows:

- A. Five (5) feet from all rights-of-way if the right-of-way meets existing requirements;
- B. If the adjacent right-of-way is less than required by existing standards, the setback shall be equal to 1/2 the required right-of-way width plus 5 feet measured from the right-of-way centerline. Required right-of-way shall be that required by city plans or ordinance. If no city plan or ordinance exists, the right-of-way requirements of the borough subdivision requirements shall apply;
- C. Six (6) feet from all property boundaries not bordering rights-of-way, unless adequate fire walls are provided and adequate access to the rear of the building is otherwise provided.

18.44.080 Visibility At Access Points and Intersections. The following requirements apply to intersections of rights-of-way and to the intersection of exits from parking areas with a right-of-way. At the intersections, no fence, wall, hedge,

or other planting or structure forming a material impediment to visibility between a height of 2-1/3 feet and 8 feet shall be erected, planted, placed or maintained; and no vehicle so impeding visibility shall be parked within the triangular areas bounded by the right-of-way or driveway side lines and a line joining points 20 feet along the intersecting right-of-way or driveway side line.

18.44.090 Building Height. The maximum building height is twenty-eight (28) feet measured from where the final grade meets the average of the two highest foundation corners. Below grade walls shall not exceed ten (10) feet and shall not cause the vertical height of the structure to exceed twenty-eight (28) feet from where the final grade meets the average of the two highest foundation corners and not to exceed an overall height of thirty-eight (38) feet. (Ord. 06-10)

18.44.100 Signage. Combined signage serving the Commercial District shall not exceed 15% of wall surface area as viewed from any lot line. (Ord. 01-01)

Chapter 18.48

I--Industrial District

Sections:

- 18.48.010 Purpose.
- 18.48.020 Permitted Uses.
- 18.48.030 Conditional Uses.
- 18.48.040 Minimum Lot Size and Width.
- 18.48.050 Parking Area and Off-Street Loading Space.
- 18.48.060 Lot Coverage.
- 18.48.070 Building Setback.
- 18.48.080 Visibility at Access Points and Intersections.
- 18.48.090 Building Height.
- 18.48.100 Special Requirements.
- 18.48.110 Signage.

18.48.010 Purpose. This district is located and designed to provide an area suitable for the development of a viable industrial base for the community. Land adjacent the shoreline and located in Industrial Zone, shall be reserved for water-dependent and marine uses.

18.48.020 Permitted Uses. In the I District, permitted uses shall be as follows:

- A. Marine equipment sales, service, repair, construction and storage;
- B. Equipment sales, repairs and service;
- C. Seafood processing;
- D. Transportation and storage except for flammable, explosive or corrosive materials not for use on the site;
- E. Public utility plants;
- F. Manufacturing;
- G. Wholesale outlets and warehouses;
- H. Accessory uses;
- I. Retail sales.
- J. Attached residential dwelling units

18.48.030 Conditional Uses. The following uses shall be permitted if it is determined the requirements of Chapters 18.68 and 18.72 are met:

- A. Transportation and storage of flammable, explosive or corrosive materials;
- B. Gas stations.
- C. Signage uses in excess of those specified in Section 18.48.110 (Ord. 01-01)

18.48.040 Minimum Lot Size and Width. Lots shall be at least 20,000 square feet and have a width equal to or greater than 1/3 the length.

18.48.050 Parking Area and Off-Street Loading Space.

A. One (1) parking space is required for each four employees anticipated at peak operation levels plus 1 customer parking space for each 1,000 square foot of service area for uses which have local customers visiting the site.

B. One (1) off-street loading space measuring at least 60 feet long by 10 feet wide by 15 feet high, inside dimensions, shall be provided for each 20,000-square foot of gross floor area.

18.48.060 Lot Coverage. No minimum.

18.48.070 Building Setback. In the I District, building setback requirements shall be as follows:

A. Five (5) from all rights-of-way if the right-of-way meets existing requirements;

B. If the adjacent right-of-way is less than required by existing standards, the setback shall be equal to 1/2 the required right-of-way width plus 5 feet measured from the right-of-way centerline. Required right-of-way shall be that required by City plans or ordinance. If no City plan or ordinance exists, the right-of-way requirements of the Borough subdivision requirements shall apply;

C. Six (6) feet from all property boundaries not bordering right-of-way, unless adequate fire-walls are provided and adequate access to the rear of the building is otherwise provided. (Ord. 00-08)

18.48.080 Visibility At Access Points and Intersections. The following requirements apply to intersections of rights-of-way and to the intersection of exists from parking areas with a right-of-way. At the intersections, no fence, wall, hedge, or other planting or structure forming a material impediment to visibility between a height of 2-1/3 feet and 8 feet shall be erected, planted, placed or maintained; and no vehicle so impeding visibility shall be parked within the triangular areas bounded by the right-of-way or driveway side-lines and a line joining points 20 feet along the intersecting right-of-way or driveway side line. (Ord. 00-08) (Ord. 06-10)

18.48.090 Building Height. Maximum building height shall be thirty-five (35) feet measured from where the final grade meets the average of the two

highest foundation corners. Below grade walls shall not exceed ten (10) feet and shall not cause the vertical height of the structure to exceed thirty-five (35) feet from where the final grade meets the average of the two highest foundation corners and not to exceed an overall height of forty-five (45) feet. (Ord. 00-08), (Ord. 06-10).

18.48.100 Special Requirements.

A. Industrial uses located adjacent to Main Street shall provide pedestrian access from the ferry dock along Main Street

B. Water-dependent industrial uses shall be preferred along the waterfront. To be water-dependent, a use must meet the following criteria:

1. Requires a waterfront location or direct access to the waterfront to operate;

2. Provides goods and services essential to fishing, fish processing and marine transportation; and

3. Must be located in close proximity to fishing, fish processing and marine transportation activities to provide goods and services required by these activities.

18.48.110 Signage. Combined signage serving the Industrial District shall not exceed 15% of wall surface area as viewed from any lot line. (Ord. 01-01)

Chapter 18.52 CM--Commercial Marine

Sections:

- 18.52.010 Purpose.
- 18.52.020 Permitted Uses.
- 18.52.030 Prohibited Uses.
- 18.52.040 Performance Standards.
- 18.52.050 Minimum Lot Area and Width.
- 18.52.060 Parking Area and Off-Street Loading Space.
- 18.52.070 Building Setback.
- 18.52.080 Visibility at Access Points and Intersections.
- 18.52.090 Building Height.
- 18.52.100 Conditional Uses.
- 18.52.110 Signage.

18.52.010 Purpose. This district provides an area for the service and commercial activities which support water dependent activities related to commercial and sport fishing, tourism, recreation and transportation.

18.52.020 Permitted Uses. In the CM District, permitted uses are as follows:

- A. Retail
- B. Service
- C. Incidental Secondary Uses
 - 1. Attached residential dwelling unit.
 - 2. Attached multi-residential dwelling unit.
 - 3. Business specific office. (Ord. 06-10)

18.52.030 Prohibited Uses. In the CM District, prohibited uses are as follows:

- A. Motor vehicle sales and service
- B. Extraction of natural resources for sale not incidental to development of the area for a permitted use.

18.52.040 Performance Standards. Each permitted use shall meet the following performance standards:

A. All permits required for work done in the tidelands shall be obtained prior to granting a building permit.

B. Street and utilities must be adequate to safely accommodate the proposed use presently and in the future.

18.52.050 Minimum Lot Area and Width. In the CM District, the minimum lot size and width shall be as follows:

- A. 5000 square feet. (Ord. 00-08), (Ord. 06-10)
- B. Lot area shall be sufficient to meet the parking and setback standards of this chapter. (Ord. 06-10)

18.52.060 Parking Area and Off-Street Loading Space. In the CM District, parking areas and off-street loading space requirements shall be as follows:

- A. Residential uses, same as required in the Residential District;
- B. Retail sales, one space per 200 square feet of gross usable floor area;
- C. Service business and offices, one space for each 300 square feet of gross usable floor area;
- D. Restaurants, bars and other entertainment establishments, one parking space for each four seats based on maximum seating capacity;
- E. Transient housing, one parking space for each three rooms;
- F. In addition to the above requirements, one parking space for every four employees shall be provided;
- G. If the applicant adequately demonstrates that the use will serve customers who are not dependent on motor vehicles to reach the business, the parking requirements may be reduced accordingly by the City Planning Commission;
- H. One off-street loading space at least 30 feet long by 10 feet wide by 16 feet high inside dimensions shall be provided for each 10,000 square foot of usable floor area. (Ord. 00-08), (Ord. 06-10)

18.52.070 Building Setback. In the CM District, building setback requirements shall be as follows:

A. Ten (10) from all rights-of-way if the right-of-way meets existing requirements;

B. If the adjacent right-of-way is less than required by existing standards, the setback shall be equal to $\frac{1}{2}$ the required right-of-way width plus ten (10) feet measured from the right-of-way centerline. Required right-of-way shall be that required by City plans or ordinance. If no City plan or ordinance exists, the right-of-way requirements of the Borough subdivision requirements shall apply;

C. Six (6) feet from all property boundaries not bordering right-of-way, unless adequate fire-walls are provided and adequate access to the rear of the building is otherwise provided. (Ord. 00-08) (Ord. 06-10)

18.52.080 Visibility at Access Points and Intersections. The following requirements apply to intersections of rights-of-way and to the intersection of exists from parking areas with a right-of-way. At the intersections, no fence, wall, hedge, or other planting or structure forming a material impediment to visibility between a height of 2-1/3 feet and 8 feet shall be erected, planted, placed or maintained; and no vehicle so impeding visibility shall be parked within the triangular areas bounded by the right-of-way or driveway side-lines and a line joining points 20 feet along the intersecting right-of-way or driveway side line. (Ord. 00-08) (Ord. 06-10)

18.52.090 Building Height. The maximum building height is twenty-eight (28) feet measured from the centerline of Main Street. (Ord. 06-10)

18.52.100 Conditional Uses. The following uses shall be permitted if it is determined that the requirements of Chapters 18.68 and 18.72 are met:

A. Signage uses in excess of those specified in Section 18.52.110. (Ord. 01-01)

18.52.110 Signage. Combined signage serving the Commercial Marine District shall not exceed 15% of wall surface area as viewed from any lot line. (Ord. 01-01)

Chapter 18.56 CR--Commercial Residential

Sections:

- 18.56.010 Purpose.
- 18.56.020 Permitted Uses.
- 18.56.030 Prohibited Uses.
- 18.56.040 Minimum Lot Area and Width.
- 18.56.050 Parking Area and Off-Street Loading Space.
- 18.56.060 Building Setback.
- 18.56.070 Visibility at Access Points and Intersections.
- 18.56.080 Building Height.
- 18.56.90 Conditional Uses.
- 18.56.100 Signage.

18.56.010 Purpose.

1. This district is designed to provide an area for residential development
2. This district is designed to preserve or establish areas that are primarily intended for retail, financial, entertainment and professional services occurring within enclosed structures. Integration of residential uses

with commercial structures is desirable. District standards are designed to encourage development that will serve future customers.

18.56.020 Permitted Uses. In the CR District, permitted uses are as follows:

- A. Residential uses
- B. Home occupations
- C. Retail
- D. Service
- E. Office
- F. Accessory uses

18.56.030 Prohibited Uses. In the CR District, prohibited uses are as follows:

- A. Motor vehicle sales and service;
- B. Any use which causes excessive noise, odors, effluent, smoke, dust, vibrations, electrical interference, bright or flashing light, or other objectionable conditions which would interfere with the quiet enjoyment of a residential neighborhood.

18.56.040 Minimum Lot Area and Width. Lot area shall be sufficient to meet the parking and setback standards of this chapter.

- A. For residential uses, the standards for the Residential District shall apply;
- B. 5000 square feet for uses other than residential. (Ord. 06-10)

18.56.050 Parking Area and Off-Street Loading Space.

A. Two (2) off-street parking spaces are required for any dwelling unit, otherwise parking requirements are the same as the commercial district. If the applicant adequately demonstrates that the use will serve customers who are not dependent on motor vehicles to reach the business, the parking requirements may be reduced accordingly by the City Planning Commission.

B. One off-street loading space at least 30 feet long by 10 feet wide by 15 feet high inside dimensions shall be provided for each 10,000 square foot of usable floor area. (Ord. 00-08)

18.56.060 Building Setback. In the CR District, building setback requirements shall be as follows:

A. Ten (10) from all rights-of-way if the right-of-way meets existing requirements; (Ord. 06-10)

B. If the adjacent right-of-way is less than required by existing standards, the setback shall be equal to $\frac{1}{2}$ the required right-of-way width plus 5 feet measured from the right-of-way centerline. Required right-of-way shall be that required by City plans or ordinance. If no City plan or ordinance exists, the right-of-way requirements of the Borough subdivision requirements shall apply;

C. Six (6) feet from all property boundaries not bordering right-of-way, unless adequate fire-walls are provided and adequate access to the rear of the building is otherwise provided. (Ord. 00-08)

18.56.070 Visibility at Access Points and Intersections. The following requirements apply to intersections of rights-of-way and to the intersection of exists from parking areas with a right-of-way. At the intersections, no fence, wall, hedge, or other planting or structure forming a material impediment to visibility between a height of 2-1/3 feet and 8 feet shall be erected, planted, placed or maintained; and no vehicle so impeding visibility shall be parked within the triangular areas bounded by the right-of-way or driveway side-lines and a line joining points 20 feet along the intersecting right-of-way or driveway side line. (Ord. 00-08)

18.56.080 Building Height. The maximum building height is twenty-eight (28) feet measured from where the final grade meets the average of the two highest foundation corners. Below grade walls shall not exceed ten (10) feet and shall not cause the vertical height of the structure to exceed twenty-eight (28) feet from where the final grade meets the average of the two highest foundation corners and not to exceed an overall height of thirty-eight (38) feet. (Ord. 06-10)

18.56.90 Conditional Uses. Signage in excess of those specified in Section 18.56.100, subsection A. (Ord. 01-01)

18.56.100 Signage.

A. Combined signage serving the permitted uses of the Commercial Residential District shall not exceed six square feet in area and shall be located so as not to impede visibility or traffic.

B. Combined signage for lots with Main Street frontage shall not exceed 15% of the total square feet of wall surface area as viewed from any lot line.

C. Combined signage serving Conditional Uses shall not exceed 20 square feet in area and shall be located so as not to impede visibility or traffic. (Ord. 01-01)

Chapter 18.60 A--Airport District

Sections:

18.60.010 Purpose.

18.60.020 Permitted Uses.

18.60.030 Signage.

18.60.010 Purpose. This district is specified to provide aircraft associated activities.

18.60.020 Permitted Uses. In the A District, the permitted uses are in accordance with Alaska Administrative Code Title 17, Chapter 40, Aviation.

18.60.030 Signage. Signs serving the Airport District shall not exceed 32 square feet in area and shall be located so as not to impede visibility or traffic. (Ord. 01-01)

Chapter 18.64 P--Public Lands

Sections:

18.64.010 Purpose.
18.64.020 Permitted Uses.
18.64.030 Signage.

18.64.010 Purpose. This district is designed to provide areas and buildings for public use.

18.64.020 Permitted Uses. In the P District, permitted uses are as follows:

- A. Parks
- B. Playground areas
- C. Access to waterfront areas
- D. Public buildings
 - 1. Public building requirements are the same as for the Commercial district.
- E. Accessory uses

18.64.030 Signage. Signs serving the Public District shall be limited to the following:

A. Public signs erected by on or behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic; and

B. Informational signs of a public utility regarding its poles, lines, pipes, or facilities. (Ord. 01-01)

Chapter 18.68 Supplemental Regulations

Sections:

18.68.010 Signs.

18.68.020 Mobile Home Parks.

18.68.010 Signs.

A. It is the purpose of this section to promote the following:

- 1. The protection of the health, safety, property and welfare of the citizens of Seldovia, and the aesthetics of the community;
- 2. Commercial and civic communications that accommodate the need of the community to convey information to the public;

3. The protection and enhancement of the historic charm and natural beauty, the visual character and identity of the community, by the thoughtful placement and design of signs;

4. Flexibility and incentive for creative and innovative sign designs;

5. The proper maintenance of signs;

6. Consistency with the goals and objectives of the Seldovia Comprehensive Plan.

B. The following signs shall be prohibited in the City:

1. Any sign of a flashing or animated variety;

2. Abandoned Signs, which shall be removed by the owner or lessee, if any, of the zoned lot upon which the signs are located. If such owner or lessee fail to remove such signs after an opportunity for a hearing before the Planning Commission and forty-five days written notice to remove given by the City, then the City may remove the signs and collect the cost of removal from such owner or lessee, who shall be jointly and severally liable for such cost.

C. The following signs shall be exempt from regulation under Title 18:

1. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation or ordinance'

2. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the zone lot or parcel on which such sign is located;

3. Works of art that do not contain a commercial message;

4. Traffic control signs on private property, such as "stop," "yield," and similar signs, the face of which meet Department of Transportation's standards and which contain no commercial message of any sort.

D. Off-premise signs are allowed in all nonresidential zoning districts subject to the restrictions of this section, which are in addition to the other requirements of Title 18:

1. No more than one such sign per zone lot, containing up to four separate messages, commercial or non-commercial per sign, may be allowed;

2. No more than one such message per business, product, service or other commercial or non-commercial activity may be allowed on an off-premise sign anywhere in the city;

3. Maximum area of signage per commercial or non-commercial message shall be five square feet, inclusive of a logo, if any, which shall not exceed one square foot in area;

4. Maximum height of a freestanding off-premise sign shall not exceed 12 feet. (Ord. 01-01)

18.68.020 Mobile Home Parks. All mobile home parks shall meet the following conditions in order to obtain a conditional use permit:

A. The park shall contain a minimum of 1 acre (approximately 16 units).

B. Each mobile home space shall have a yard of 1000 square feet not including parking area assigned to the space. This yard area may be reduced by up to 500 square feet, provided an equivalent amount of common open area is provided for each unit

C. A year-round buffer of natural vegetation or terrain features shall be provided along all boundaries that abut land zoned residential. The City Planning Commission may allow a screen of other materials if conditions preclude use of vegetation or terrain features.

D. A detailed site plan submitted with the application shall show specific layout of spaces, all buildings and structures, access points, vehicular and pedestrian circulation systems, parking areas, recreation areas, buffer system and other data as required by the City Planning Commission.

E. Safe access from a street with sufficient capacity to handle the traffic generated by the mobile home park shall be provided.

F. Separation of pedestrian and recreation areas from parking and traffic systems shall be maintained.

G. Access shall be adequate for fire protection and snow removal.

H. An anchoring system for each mobile home space that is sufficient to prevent movement during the highest winds experienced to date in the area shall be provided and utilized.

I. Adequate agreements for maintenance of common grounds and facilities such as recreation areas, and screening shall be established for mobile home parks containing spaces for sale.

J. Each mobile home shall be skirted to prevent wind from getting underneath the structure.

Chapter 18.72

Conditional Use Permits

Sections:

18.72.010 Intent.

18.72.020 General Conditions.

18.72.030 Application for Conditional Use Permits.

18.72.040 Procedures.

18.72.050 Time Limitations.

18.72.060 Revocation and Amendment.

18.72.010 Intent. It is the intent of this section to provide the flexibility necessary to permit a use within a district under specified conditions that are in addition to regulations applying to uses permitted outright within the district. Only uses which have been listed as conditional uses for each district may be permitted under this chapter.

18.72.020 General Conditions. Prior to obtaining a conditional use permit, it shall be established that the use satisfies the following conditions:

A. The use as proposed is consistent with the purpose of this zoning code and the purpose of the zoning district;

B. The value of the adjoining property will not be significantly impaired;

C. The proposed use is in harmony with the comprehensive plan and with surrounding land uses;

D. Public services and facilities are adequate to serve the proposed use; and

E. Any and all specific measures deemed necessary by the City Planning Commission to fulfill the above-mentioned conditions shall be met by the applicant. Measures relating to access, screening, site development, building construction, operation of the use and other similar aspects of the proposed use may be utilized by the Commission to assure the specified conditions are met.

18.72.030 Application for Conditional Use Permits. Application for a conditional use permit shall be filed with the city manager. The application shall include, but is not limited to, the following:

A. Name and address of the party seeking the permit;

B. A legal description of the land;

C. A description of the proposed use including a dimensional plot plan, and a description of the neighboring land use including any necessary maps and diagrams;

D. The fee established by Commission resolution;

E. Any additional information which the administrative official or the city planning Commission may require to determine if all conditions will be satisfied.

18.72.040 Procedures.

A. If the application is in order, the City Manager shall schedule a public hearing of the proposal as specified in Chapter 18.96.

B. Approval of any conditional use permit shall require a concurring majority plus one vote of the City Planning Commission.

18.72.050 Time Limitations. Failure to meet any time limits imposed by the conditional use permit granted by the City Planning Commission shall void the conditional use permit.

18.72.060 Revocation and Amendment.

A. Upon a determination that any required conditions are not being met, the administrative official shall notify the violator via certified mail and order

compliance within 90 days. If the violation is not corrected, the conditional use permit shall be deemed administratively revoked and the administrative official shall begin the procedures for abating a violation specified in Chapter 18.16.

B. The conditional use permit may be amended if it is determined that additions or modifications are required to satisfy the general conditions in section 18.72.020. Proposals to amend the conditional use permit shall be subject to the public hearing, notice and voting requirements of section 18.72.040.

Chapter 18.76 Variances

Sections:

18.76.010 Intent.

18.76.020 Conditions Precedent to Granting a Variance.

18.76.030 Application for a Variance.

18.76.040 Procedures.

18.76.010 Intent. A variance may be granted to provide relief when a literal enforcement of this zoning code would deprive a property owner of the reasonable use of his real property.

18.76.020 Conditions Precedent to Granting a Variance.

A. All of the following conditions shall be found before a variance may be granted:

1. A literal interpretation of the provisions of this zoning code would deprive the applicant of rights commonly enjoyed by other properties in the same district

2. Special conditions and circumstances exist which are peculiar to the land or structures involved and which are not applicable to other lands and structures in the same district

3. The special conditions and circumstances have not been caused by actions of the applicant.

B. Financial hardship or inconvenience shall not be the reason for granting a variance.

C. Other nonconforming land use or structures within the district shall not be considered grounds for granting a variance.

D. A variance shall be the minimum variance necessary to permit the reasonable use of the land or structure.

E. A variance shall not be granted which will permit a land use in a district in which that use is otherwise prohibited.

18.76.030 Application for a Variance. Application for a variance shall be filed with the City Manager and the application shall include, but is not limited to, the following:

- A. All of the information required for a conditional use permit; and
- B. A precise description of the variance requested, including the section, paragraph, and sentence of this zoning code from which the applicant wishes to deviate; and
- C. A written item by item response to all of the conditions specified in Section 18.76.020.

18.76.040 Procedures. Procedures shall be as follows:

- A. If the application is in order, the City Manager shall schedule and conduct a public hearing of the proposal as specified in Chapter 18.96.
- B. Approval shall require the concurring majority vote plus 1 of the City Planning Commission.

Chapter 18.80 Contract Zoning

Sections:

- 18.80.010 Intent.
- 18.80.020 Procedures.

18.80.010 Intent. It is the intent of this section to provide a means of insuring that the type of land use proposed in a rezoning request is the one which occurs if the rezoning is granted. "Contract zoning" means a zoning reclassification to a less restricted use when the owner of the rezoned property, either through an agreement with the Council or a covenant in favor of the City, places restrictions on the use of the land beyond the zoning requirements generally attaching to the new district in which the property has been placed.

18.80.020 Procedures.

A. A petition for contract zoning shall be submitted to the City Manager. The applicant's petition shall contain detailed information on the proposed development and use of the land. Proposed covenants, guarantees or other forms of agreement to assure the development and use of the land as proposed shall also be submitted. A time schedule for the development and use shall be included with the petition.

B. The City Manager shall present the petition to the City Planning Commission. The City Planning Commission may consider the petition upon finding that:

- 1. The proposed land use is beneficial to the public interest and can be developed in a manner to be compatible with development in adjacent zoning districts.

2. Existing public facilities, services and utilities can accommodate the proposed use without any detrimental effect on adjacent zoning districts.

3. Rezoning accomplished under this section does not constitute "spot zoning."

4. Unrestricted rezoning to a district ordinarily permitting the proposed use would permit other uses that would not be compatible with the adjacent land use.

C. The City Planning Commission may reject, modify or accept the applicant's proposals submitted under subsection A of this section. If the applicant agrees, in writing, to the City Commission's acceptance or modification of the applicant's proposal, the Commission shall initiate an ordinance for amendment to the City Council. Action taken by the Commission pursuant to this section shall not be construed to limit the Commission's authority to reject or modify the applicant's proposal during the zoning ordinance amendment process.

D. The applicant may appeal a City Planning Commission action pursuant to subsection C of this section as provided in Chapter 18.92.

Chapter 18.84 Nonconformity

Sections:

18.84.010 Intent.

18.84.020 Nonconforming Lots.

18.84.030 Nonconforming Structures.

18.84.040 Nonconforming Uses.

18.84.050 Elimination of Nonconforming Lots, Structures and Uses.

18.84.010 Intent. When any lot, Structure, use or occupancy legally exists prior to the adoption of this zoning code, but does not meet the requirements of this zoning code, it shall be considered a nonconforming lot, structure or use. Except as provided in this zoning code, nonconformities may continue but may not be expanded.

18.84.020 Nonconforming Lots. Each parcel of land of record on the effective date of this zoning code or amendments thereto may be developed in conformity with all other provisions of this zoning code even though such parcel fails to meet the minimum lot size required. However, owners of contiguous parcels on the effective date of this zoning code or amendments thereto, which parcels would not meet the minimum lot size if considered separately, shall not be permitted to sell or develop the contiguous parcels in a manner which increases the number of nonconforming parcels.

18.84.030 Nonconforming Structures. Nonconforming structures are subject to the following restrictions:

B. No such structure may be enlarged or altered in a way which increases its nonconformity;

C. Any such structure, which is moved for any reason for any distance whatever, shall thereafter conform to the regulations for the zone in which it is located after it is moved.

18.84.040 Nonconforming Uses. Nonconforming uses are subject to the following provisions:

A. No structure shall be altered except as permitted in this zoning code.

B. Nonconforming uses shall not be extended to occupy any land outside nonconforming structures.

C. When a nonconforming use is discontinued for 1 (one) year, the use shall not thereafter be permitted except in conformance with the regulations of this zoning code.

D. When a nonconforming structure is destroyed, all associated nonconforming uses shall be deemed terminated.

E. The nonconformity shall not be moved to any other portion of the lot or the parcel.

18.84.050 Elimination of Nonconforming Lots, Structures and Uses. A reasonable schedule for the termination of a nonconforming lot, structure or use, or combination thereof, which significantly impairs the public health, safety and general welfare or the rights of neighboring property owners pursuant to this zoning code, shall be established by amendment to the Seldovia Zoning Code.

Chapter 18.88 Board of Adjustment

Sections:

18.88.010 Board of Adjustment established.

18.88.020 Powers and duties.

18.88.030 Procedures.

18.88.040 Appeals to the superior court.

18.88.010 Board of Adjustment Established. The Seldovia City Council is declared to be the Board of Adjustment.

18.88.020 Powers and Duties. The Board of Adjustment shall hear and decide appeals consistent with the provisions of this Zoning Code.

18.88.030 Procedures. Appeals heard by the Board of Adjustment shall be conducted as set forth in Section 18.92.060 and the rules and regulations governing City Council activity as specified in the Seldovia City Code.

18.88.040 Appeals to the Superior Court. All appeals from any actions of the City Council sitting as a Board of Adjustment shall be taken directly to the Superior Court for the State of Alaska. The costs of defending an action taken by the City Council sitting as the Board of Adjustment shall be borne by the City of Seldovia.

Chapter 18.92 Appeals

Sections:

- 18.92.010 Purpose.
- 18.92.020 Who May Appeal.
- 18.92.030 Period for Appeal.
- 18.92.040 Appeal Application.
- 18.92.050 Body to Hear Appeals.
- 18.92.060 Appeals Procedure.

18.92.010 Purpose. This section governs all appellate actions and determinations taken under the Seldovia Zoning Code.

18.92.020 Who May Appeal. Any person or persons with interests in land that is affected by an action or determination taken under this zoning code may appeal the action or determination.

18.92.030 Period for Appeal. An appeal must be filed within 30 days of the action or determination being appealed.

18.92.040 Appeal Application.

A. All applications for administrative appeal shall be filed with the City Clerk, shall be in writing, and shall contain, but are not limited to, the following information:

1. The name and address of the applicant;
2. A description of the action or determination from which the appeal is sought;
3. The matter appealed, the reason for the appeal, and must include a description of the harm that the appellant will suffer.

B. The period for decisions specified in Section 18.92.060 shall begin immediately upon receipt of the appeal by the City Clerk.

18.92.050 Body to Hear Appeals.

A. Appeals from action or determination of the City Manager are heard by the City Planning Commission, unless otherwise provided by this title.

B. Appeals from the City Planning Commission are heard by the Board of Adjustment, unless otherwise provided by this title.

C. Appeals from Board of Adjustment action are heard by the Alaska Superior Court.

18.92.060 Appeals Procedure.

A. This section covers all administrative appeals under this zoning code.

B. All appeals must be decided by the agency with whom the appeal has been filed within 60 days after the appeal has been filed with that agency.

C. The appellant and all parties who have participated in the decision below shall be provided with 15 days notice of the scheduling of the appeal hearing. Affected property owners shall be notified as set forth in Chapter 18.96.

D. The notice of hearing shall specify that all persons who wish to appear before the agency hearing the appeal notify that agency of their plans at least three days prior to the hearing.

E. All persons taking part in the appeal may be represented by such persons as they desire, may produce additional new evidence as necessary, and may dispute evidence introduced by any party.

F. An electronic recording shall be kept of the entire proceeding and shall be preserved for 1 year unless required for further appeals.

G. All decisions shall be in writing and made solely upon the record before the agency hearing the appeal and shall make reference to evidence contained in the record. The agency shall include in its record the officially adopted minutes and decision of the agency from which the appeal was taken.

H. The agency deciding an appeal shall adopt as part of its decision an official statement of findings and reasons supporting its decision. This statement shall refer to specific evidence in the record and to the controlling sections of this zoning code. Upon express vote, the agency may adopt, as its statement of findings and reasons, those findings and reasons officially adopted by the agency below from which the appeal was taken.

I. Copies of the agency's decision and official statement shall be promptly mailed to all parties participating in the appeal hearing.

J. Any party participating in an appeal hearing shall have 30 days to appeal the decision to a higher agency or court. Any decision not appealed within that period shall become final.

Chapter 18.96

Public Hearings

Sections:

18.96.010 Purpose.

18.96.020 Public hearing procedure.

18.96.030 Notification of neighboring property owners.

18.96.010 Purpose. This chapter governs all public hearings held under the authority of the Seldovia Zoning Code.

18.96.020 Public Hearing Procedure.

A. Notice of public hearing shall be posted in locations specified by Seldovia City Code. The notice shall be posted five (5) days prior to the public hearing date.

B. The notice shall contain at least the following information:

1. A brief description of the proposal on which the public body is to act;
2. A legal or common description of the property involved;
3. Date, time and place of the public hearing,
4. Person and place to contact for more detailed information.

C. The rules of order of the body holding the hearing shall prevail.

18.96.030 Notification of Neighboring Property Owners. A copy of the aforementioned notification shall be mailed to real property owners on record on the Borough Assessor's record within a three-hundred-foot periphery of the parcel affected by the proposed action. When a public hearing is to be held about a zoning ordinance amendment involving a change in the text or major district boundary changes, no notification of neighboring property owners shall be required, but notices shall be displayed in at least three public places.

Chapter 18.97 Amendment Procedures

Sections:

18.97.010 Amendment Procedure.

18.97.010 Amendment Procedure.

A. Amendments to this Zoning Code shall be adopted by the City Council in accordance with procedures and provisions as provided in Chapter 18.96.

B. The City Planning Commission shall study any application for an amendment and will consider and determine:

1. The need and justification of the proposed amendment;
2. Whether the proposed amendment is in conformance with the Comprehensive Plan or will further the purposes of the Pan;
3. The effect of the proposed change on surrounding properties or the area; and
4. The amount of undeveloped land in the general area having the same district classification as that requested by the proposed amendment.