

# Title 11

## Streets, Sidewalks, Park Land\* and Cemetery

### Chapters:

- 11.04 Street Excavation
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- 11.08 Sidewalks
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- 11.14 Violations and Penalties
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### Chapter 11.04 Street Excavation

### Sections:

- 11.04.010 Excavation--Permit required.
- 11.04.015 Culverts required.
- 11.04.020 Laying pipe--Permit required.
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- 11.04.040 Permit--Issuance.
- 11.04.050 Permit--Disturbed streets designated.
- 11.04.060 Permit--Franchised companies.
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**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. Violation of this chapter is punishable by the fine established in section 1.08.040 of this code. (Ord. 89-6 Sec. 1, 1986; Ord. 16-06)

**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, 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))

**11.04.080 Penalty.** When required in this chapter to first obtain a property permit, failure to do so is subject to the fine established in section 1.08.040 of this code. (Ord. 16-06)

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\*For statutory provisions regarding general city powers see AS Sec. 29.35.010 and AS Sec. 29.35.250.

## Chapter 11.06 City Land Excavation

### Sections:

- 11.06.010 Intent.
- 11.06.020 Definitions.
- 11.06.030 Removal—Prohibited.
- 11.06.040 Permitted.
- 11.06.050 Violation—Penalties.

**11.06.010 Intent.** It is the intent of this chapter to protect and preserve the stability of all the City- Owned land areas and beach areas which may require like protection.

**11.06.020 Definitions.** The following words, when used in this chapter, shall have the meanings respectively ascribed to them in this section:

“Beach area” means the zone of sand, gravel and other unconsolidated materials that extends upward from the 17.2 foot mean high tide line to the place where there is a marked change in material or physiographic form.

“Dredge material” means earth, sand or gravel that is removed from below the low water line in City harbor.

“Excavation” means the digging out and removal of gravel or other fill materials whereby any existing surface grade is altered or disturbed.

“Removal” means the movement by lifting, pushing aside or taking away or off of any gravel or other fill materials from any area subject to the provisions of this chapter.

**11.06.030 Removal-- Prohibited.** A. The removal or excavation of gravel, gravel fill or other fill material from any beach area or from any portion of City-owned land shall be regulated by the City.

B. The removal or excavation of gravel, gravel fill or other fill material by machinery from any beach area city-owned shall be prohibited except as provided in SMC 11.06.040.

**11.06.040 Permitted.** A. This chapter shall not apply to the removal or excavation of gravel, gravel fill or other fill material from any beach or from any portion of the City-owned land by the City of Seldovia.

B. This chapter shall not apply to dredge material placed or stored on City-Owned Land by the City of Seldovia. The City may provide for the use and disposal of such dredge material in the following order of priority, with all proceeds from sales of dredge material being deposited in the port/harbor enterprise fund:

1. Replacement of material removed from City beaches by storms or erosion.
2. Fill to improve City-owned land and beaches.
3. Sale for use as fill on privately owned or leased property.
4. Emergency repairs of erosion.

C. Gravel, gravel fill or other fill material may be removed for personal use, in increments smaller than ten gallons a removal, not to exceed fifty gallons a week.

**11.06.050 Violation—Penalties.** Any excavation or removal of gravel, gravel fill or fill material not permitted shall be considered a violation of this chapter. The penalty for an offense in this chapter is the fine listed in the fine schedule in SMC 1.08.040.

## Chapter 11.08 Sidewalks

### Sections:

- 11.08.010 Obstructing unlawful.
- 11.08.020 Penalty.

**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)

**11.08.020 Penalty.** Violation of any provision of this chapter is an infraction subject to the fine established in section 1.08.040 of this code. (Ord. 16-06)

## 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)

\*For statutory provisions regarding general city powers see AS Sec. 29.35.010 and AS Sec. 29.35.250.

## Chapter 11.13 Camping Regulations

### Sections:

- 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.
- 11.13.070 Penalty

**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.

B. 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.

J. Camping as defined in SMC 11.13.060, is prohibited in areas other than those so designated by the City. (Ord. 81-10 Sec. 1(part), 1981; Ord. 17-08)

**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. "Designated camping site" means any area of land owned or controlled by the City, which has been marked by official signs as open to camping.

D. "Immediately mobile" means that the camper unit may be moved from its campsite by either (1) starting its propulsion engine and driving said unity 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; Ord 17-08)

**11.13.070 Penalty.** Unless otherwise designated by an impound fee or other general penalty, violation of any provision of this chapter is an infraction subject to the fine established in section 1.08.040 of this code. (Ord. 16-06)

## Chapter 11.14 Violations and Penalties

### Sections

11.14.010 Designated

**11.14.010 Designated.** Unless otherwise designated, any person, or persons, or business, who violates any of the provisions of this title are subject to the general penalty provisions codified at Section 1.08.010. (Ord. 16-06)

## Chapter 11.16 Cemetery Advisory Commission

### Sections:

11.16.010 Cemetery described.

11.16.020 Establishment.

11.16.030 Membership.

11.16.040 Terms of members.

11.16.050 Officers.

11.16.060 Meetings.

11.16.070 Duties and Responsibilities of the Commission.

11.16.080 Cemetery Fund.

**11.16.010 Cemetery Described.** The Seldovia Cemetery encompasses city-owned properties with the legal description of "T 8S R 14W SEC 32 Seward Meridian SL 0720060 FRANK RABY SUB 1971 ADDN AMD TRA CT B", and "T 8S R 14W SEC 32 Seward Meridian SL 0720060 FRANK RABY SUB 1971 ADDN AMD TRA CT B".

**11.16.020 Establishment.** There shall be a City of Seldovia Cemetery Advisory Commission, referred to in this chapter as the Commission.

**11.16.030 Membership.** Such Commission will be made up of five (5) members, 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 the City Council.

**11.16.040 Terms of members.** A. Members of the 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.

B. At the end of the respective terms set forth in subparagraph (A) of this section, members shall be appointed for full four-year terms.

C. In the event that a vacancy is created on a board, the Mayor shall promptly act to fill the vacancy for the remainder of the term.

**11.16.050 Officers.** The Commission shall have a chairperson and a vice-chairperson, who shall be elected by and from the Commission for a term of one year. Election of officers shall be the first order of business at any time that an officer's seat is not filled.

**11.16.060 Meetings.** The Commission shall conduct a public meeting no less than once a year, or at the call of the chairman. The chair may schedule a work session at any time. The Commission shall record minutes of each proceeding by the Commission secretary and be filed in the office of the City Clerk. The Commission will report to the City Council no less than once a year. All meetings shall be open to the public in accordance with AS 44.62.310.

**11.16.070 Duties and responsibilities of the Commission.** The Commission shall act in an advisory capacity to the City Council of the City of Seldovia, in matters of policy concerning the Seldovia Cemetery, including but not limited to the following:

- A. Development of the established cemetery.
- B. Preservation of the history and integrity of the Seldovia Cemetery.
- C. Adoption, change, repeal or alteration of rules, regulations, restrictions on cemetery services, and all matters directly or indirectly affecting the Seldovia Cemetery.
- D. Solicitation of donations of money and property in support of its duties under this chapter.

1. Donations of money shall be deposited to the City treasury.

2. Donations of property shall be accepted by deed or other conveyance subject to the approval of the City Council, and shall be held or disposed of for the Seldovia Cemetery as the Council may direct.

3. The Commission may make recommendations to the Council for the disposition of money or property so received.

E. Consider any specific proposal, problem or project as directed by the City Council and report thereon directly to the Council or as the Council otherwise directs.

F. Performance of such other powers and duties as the Council of the City of Seldovia may designate from time to time.

G. The City Council may at a future date expand or withdraw duties and responsibilities of the Commission.

**11.16.080 Cemetery Fund.** A. The Seldovia Cemetery fund is established as a separate dedicated account in the City general fund to receive money for the Seldovia Cemetery from the following sources:

1. The Seldovia Cemetery service fee schedule. Fee schedule shall be established by non-code ordinance of the Council and shall be subject to review and revision as occasion demands.

2. Funds donated to the City for the Seldovia Cemetery.

3. Other funds appropriated by the Council for the Seldovia Cemetery.

B. Money in the Seldovia Cemetery fund shall be used solely to pay for the development of the established Cemetery, preservation of the history and integrity of the Seldovia Cemetery, and for Seldovia Cemetery operations. (Ord. 17-25)