

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 campsites.

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)