

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 affect 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. Except in cases where a different punishment is prescribed by any ordinance of the City, a person convicted of a violation of the ordinances of the City is guilty of an infraction punishable by a fine not to exceed \$500.

B. The City shall provide written notice to the commissioner of health and social services or to the commissioner's designee of the commencement of a civil enforcement action for the violation of an ordinance under subsection (B) of this section against a minor. Unless the commissioner and the City have negotiated an agreement making other arrangements for the City to provide the notice required

by this subsection, the City shall provide the notice by mailing a copy of the citation or other document setting out the notice of the commencement of the civil enforcement action.

C. Unless an ordinance authorizes use of a hearing officer, the enforcement of an infraction against a minor for violation of any provision of this code shall be heard in the district court in the same manner as for similar allegations brought against an adult, except that the minor's parent, guardian, or legal custodian shall be present at all proceedings unless the court excuses the parent, guardian or legal custodian from attendance for good cause.

D. An action for an infraction under this section does not give rise to the right to a trial by jury or to counsel appointed at public expense. (Ord. 81-4 Sec. 2, 1981; Ord. 74-2 Sec. 1, 1974; Ord. 16-06).

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).

1.08.030 Surcharge. In addition to any penalty prescribed by law, a defendant convicted of violating a city ordinance shall pay the surcharge required under AS 12.55.039 and 29.25.074. All such surcharges collected shall be remitted to the State of Alaska as required by AS 29.25.074. (Ord. 16-06)

1.08.040 Minor Offense Fine Schedule. In accordance with AS 29.25.070(a), citations for the following offenses may be disposed of as provided in AS 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below plus the state surcharge required by AS 12.55.039 and AS 29.25.074. Fines must be paid to the court. If an offense is not listed on a fine schedule, the defendant must appear in court to answer the charges. The Alaska Court System's Rules of Minor Offense Procedure apply to all offenses listed below. Citations charging these offenses must meet the requirements of Minor Offense Rule 3. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense listed below.

Unless stated otherwise, each act of violation and every day upon which such violation continues constitutes a new and separate offense.

The fine amounts listed below are doubled for motor vehicle or traffic offenses committed in a highway work zone or traffic safety corridor, as those terms are defined in AS 28.90.990 and 13 AAC 40.010(b). An offense listed in this schedule may not be disposed of without court appearance if the offense is in connection with a motor vehicle accident that results in the death of a person.

The fines may not be judicially reduced. (Ord. 16-06)

Code Section	Ordinance Description	Fine Schedule Amount
2.48.220	Resist/prevent/impede/interfere with Equal Rights Commission or authorized representatives	\$250
5.16.010	Failure to obtain permit to handle/transport/use class-A explosives, detonators or fuses	\$250
5.16.020	Impermissible storage of class-A explosives, detonators or fuses	\$250
7.04.050(B)(1)	Permit dog run at large/have dog upon private property– 1st offense	\$50
7.04.050(B)(2)	Permit dog run at large/have dog upon private property– 2nd offense	\$100
7.04.050(B)(3)	Permit dog run at large/have dog upon private property – 3rd and subsequent offenses	\$150
7.04.090(A)(1)	Harbor contagious animal – 1st offense	\$50
7.04.090(A)(2)	Harbor contagious animal – 2nd offense	\$100
7.04.090(A)(3)	Harbor contagious animal – 3rd offense	\$150
7.04.090(B)(1)	Allowing canine to bark/howl/bay/yap to cause annoyance – 1st offense	\$50
7.04.090(B)(2)	Allowing canine to bark/howl/bay/yap to cause annoyance – 2nd offense	\$100
7.04.090(B)(3)	Allowing canine to bark/howl/bay/yap to cause annoyance – 3rd and subsequent offenses	\$150
7.04.090(C)(1)	Failure to maintain clean and sanitary condition for animal – 1st offense	\$50
7.04.090(C)(2)	Failure to maintain clean and sanitary condition for animal – 2nd offense	\$100
7.04.090(D)(1)	Failure to keep animal confined to premises/under control – 1st offense	\$50
7.04.090(D)(2)	Failure to keep animal confined to premises/under control – 2nd offense	\$100
7.04.090(D)(3)	Failure to keep animal confined to premises/under control – 3rd and subsequent offenses	\$150

Code Section	Ordinance Description	Fine Schedule Amount
7.04.090(E)(1)	Allow animal frequently growl/jump upon/injure/frighten – 1st offense	\$50
7.04.090(E)(2)	Allow animal frequently growl/jump upon/injure/frighten – 2nd offense	\$100
7.04.090(E)(3)	Allow animal frequently growl/jump upon/injure/frighten – 3rd and subsequent offenses	\$150
7.04.090(F)(1)	Allow animal to defecate/dig up/injure property or public thoroughfare – 1st offense	\$50
7.04.090(F)(2)	Allow animal to defecate/dig up/injure property or public thoroughfare – 2nd offense	\$100
7.04.090(F)(3)	Allow animal to defecate/dig up/injure property or public thoroughfare – 3rd and subsequent offenses	\$150
7.04.100(C)(1)	Dispose dead/fatally sick animal upon public/private place/body of water – 1st offense	\$50
7.04.100(C)(2)	Dispose dead/fatally sick animal upon public/private place/body of water – 2nd offense	\$100
7.04.100(C)(3)	Dispose dead/fatally sick animal upon public/private place/body of water – 3rd and subsequent offenses	\$150
7.04.140(B)(1)	Enter public premises/place of food/barbershop/ hairdresser/beauty culture with animal – 1st offense	\$50
7.04.140(B)(2)	Enter public premises/place of food/barbershop/ hairdresser/beauty culture with animal – 2nd offense	\$100
7.04.140(B)(3)	Enter public premises/place of food/barbershop/ hairdresser/beauty culture with animal – 3rd and subsequent offenses.	\$150
7.04.180(B)(1)	Failure of sanitary removal/disposal of animal feces/animal litter – 1st offense	\$25
7.04.180(B)(2)	Failure of sanitary removal/disposal of animal feces/animal litter – 2nd offense	\$50
Code Section	Ordinance Description	Fine Schedule Amount
7.04.180(B)(3)	Failure of sanitary removal/disposal of animal feces/animal litter – 3rd and subsequent offenses	\$100
8.06.020	Wrecked/junked/abandoned property on City land declared public nuisance	\$250

8.06.030	Unauthorized parking/storage/wrecked or junk vehicle/trailer/equipment/other on city land over 72 hours	\$250
8.06.030	Unauthorized parking/storage/leaving abandoned vehicle/trailer/equipment/other property on City land for over 30 days	\$250
8.06.050	Failure to remove property within 72 hours after notice of violation	\$250
8.12.100	Failure to paid harbor refuse fee to the Harbormaster	\$100
8.12.120	Unlawful dumping on public property/right of way	\$100
8.12.130(A)	Permits/suffers/allows any dead water fowl or sealife parts to fall or spill onto the beach or in waters without cleanup	\$100
8.12.130(B)	Allows receptacle with dead water fowl or sealife parts left over 24 hours such that tide deposit same on the beach	\$200
8.12.130(C)	Fails to empty/dispose of contents of receptacle containing dead water fowl or sealife	\$150
8.12.130(D)	Polluting beaches to endanger public health or cause offensive odors	\$100
8.24.010	Obstructs/hinders authorized person or member of Board of Health in official duties	\$100
8.24.010	Breaks quarantine/permits a minor child/ward to break quarantine	\$100
8.24.010	Violates/neglects/refuses to carry out/refuses to obey regulations of the Board of Health	\$250
9.04.080	Carrying loaded firearm within city limits	\$100
9.04.090	Window peeping	\$250
9.04.100	Begging	\$250
9.04.110	Vagrancy	\$250
Code Section	Ordinance Description	Fine Schedule Amount
9.04.120	Exposure of private parts	\$250
9.04.120	Exhibitionism	\$250
9.04.120	Inciting vicious or lewd acts	\$250
9.04.130	Print/engrave/sell/offer for sale/give away/exhibit/publish lewd books or other articles	\$250
9.04.140	Maliciously destroy/injure public/private property up to \$50 value	\$250

Title 01-7

8/28/90; 3/25/05; 9/22/11; 8/14/13; 9/21/17

9.04.210	Tear down/alter/deface/put up without authorization any posted writ/notice before expiration	\$100
9.04.220	Impersonate a magistrate or peace officer	\$250
9.04.230	Spitting or littering in hallway/stairway/sidewalk/steps of public place/building/place of worship	\$100
9.04.240	Unlawful trespass/failure/neglect/refusal to depart therefrom/remain away until permitted to return	\$250
9.04.260(A)	Disturbing peace – annoy/injure/endanger/offend safety/health/comfort/repose of public	\$250
9.04.260(B)	Disturbing peace – unauthorized noise annoys/injures/endangers comfort/repose/health/ safety of public	\$250
9.04.260(C)	Disturbing peace – unauthorized broadcast by sound amplifying device	\$250
9.04.260(D)	Disturbing peace – Unauthorized operation loud noise apparatus during 10pm to 7am	\$250
Code Section	Ordinance Description	Fine Schedule Amount
9.04.260(E)	Unauthorized use of city boat ramp for loading or unloading materials	\$100
9.04.260(F)	Unauthorized use of city boat ramp for hauling boats or putting boats in	\$100
9.04.260(G)	Unmuffled operation internal combustion engine/noise-creating blower/power fans	\$100
9.16.040(A)	Violation of curfew by juvenile – 1st offense	\$100
9.16.040(B)	Curfew– parent of juvenile in violation of curfew - 1st Offense	\$125
10.06.020(A)	Operating all-terrain vehicle without valid driver’s permits or license	\$100
10.06.020(B)	Operating all-terrain vehicle without proper registration/displayed registration	\$100
10.06.020(D)	Failure to drive all-terrain vehicle on far right in single file and in accordance with all vehicle regulations	\$100
10.06.020(E)	Failure to have headlight/tail light/throttle return spring/stock muffler/mud flaps	\$75
10.06.020(F)	Failure to be ten (10) horsepower or higher	\$75
10.06.020(G)	Failure to use proper hand signals	\$75

10.06.020(H)	Failure to operate all-terrain vehicle with headlights on at all times on the roadway system	\$75
10.06.030(A)	Operation of all-terrain vehicle at speeds in excess of fifteen (15) mph	\$50
10.06.030(B)	Operation of all-terrain vehicle on unauthorized private property	\$100
10.06.030(C)	Operation all-terrain vehicle to cause fear or anxiety in others/detrimental to common good	\$200
Code Section	Ordinance Description	Fine Schedule Amount
10.06.040	Failure to Report accident involving all-terrain vehicle resulting in injury or property damage	\$200
10.06.050	Minor's violation using all-terrain vehicle – parental failure to take reasonable precaution	\$150
10.08.030(B)	Operating snow vehicle two abreast on city roadway/not in single file	\$100
10.08.050	Failure to report accident involving snow vehicle causing injury or property damage	\$100
10.08.060	Minor's violation using snow vehicle – parental failure to take reasonable precaution	\$150
10.10.010	Unauthorized use of motorized vehicle on Susan Lake	\$250
10.16.030	30 day parking- no overnight camper/motor home/travel trailer/boat trailer/vans/commercial vehicle parking	\$100
10.16.050	Designated Areas – no overnight camper/motor home/travel trailer parking or camping	\$100
11.04.010	Unpermitted excavation/dig/break/disturb/undermine public street or alley	\$500
11.04.015	Disruption of water drainage patterns/failure to use culverts to maintain proper drainage	\$500
11.04.020	Failure to obtain permit before construction/ maintenance/laying pipe upon or across street/alley	\$500
11.08.010	Build/construct/erect/keep/maintain unpermitted obstruction	\$500
11.13.020(A)	Disposal of human body wastes or any other waste on city-owned or city-controlled land	\$250

Title 01-9

8/28/90; 3/25/05; 9/22/11; 8/14/13; 9/21/17

Code Section	Ordinance Description	Fine Schedule Amount
11.13.020 (B)	Make unnecessary noise which annoys/injures/ endangers the comfort/repose/ health/safety	\$250
11.13.020 (E)	Deface/destroy/alter/remove/disfigure city-owned campground/parking/trees/equipment/sign/utility	\$250
11.13.020 (F)	Allow at-large dog on city-owned/controlled campground	\$50
11.13.020 (G)	Leave campsite in disorderly or unsightly condition upon termination of use	\$100
11.13.020(H)	Construct foundation or footing of piling/log/rock/concrete/other	\$250
11.13.020(I)	Discharge of firearm/air rifle on City-owned or controlled land for hunting/target shooting/other	\$500
11.13.030	Failure to store garbage/refuse/waste in proper container.	\$50
13.08.020	Altering any public sewer connection prior to obtaining permit	\$500
13.08.130	Unlawful discharge into any public sewer or side sewer	\$500
15.14.010	Prohibited use of set nets and gill nets within the stated waters of the city limits	\$500
15.16.060	Dumping trash/debris/garbage/gasoline/oil/paper/ bottles/cans in port	\$500
15.16.090	Unauthorized welding on the boat float	\$250
15.16.120	Mooring without rental payment	\$250
15.16.150	Anchoring where prohibited in small boat harbor	\$250
15.16.170	Storage of any combustible liquid on city-owned/maintained/constructed float/dock/gangway	\$500
17.04.020	Failure to obtain a building/site development permit for new structure or alteration	\$500
18.28.010(A)	Failure to comply with Seldovia zoning code	\$500

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

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 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).