

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2010-05

**AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING
SITKA GENERAL CODE 21.52.130 ENTITLED “PENALTIES AND
REMEDIES” TO INCLUDE THE EXEMPTION UNDER ALASKA LAW
RELATED TO GOVERNMENTAL OWNED PROPERTY AND CERTAIN PLAT
REQUIREMENTS**

1. **CLASSIFICATION.** This Ordinance is of a permanent nature and is intended to become a part of the Sitka General Code (“SGC”).

2. **SEVERABILITY.** If any provision of this Ordinance or any application to any person or circumstance is held invalid, the remainder of this Ordinance and application to any person or circumstance shall not be affected.

3. **PURPOSE.** This Ordinance amends subsection A of SGC 21.52.130 entitled “Penalties and Remedies.” SGC 21.52.130A is modeled after similar Alaska laws under the Uniform Land Sales Practices Act that make it a misdemeanor to violate certain platting requirements, such as offering or disposing of property before a required subdivision is registered or recorded. AS 34.55.008(1); AS 34.55.028(b). However, the same Alaska laws also recognizes sales or offers to sale property by a government or government agency as exempt from this restriction and penalty, under AS 34.55.008(1) and AS 34.55.042. The purpose of this Ordinance is to include this exemption under Alaska laws for offers and sales of government property (federal, state or municipal).

The applicable Alaska laws did not envision making and enforcing these types of platting requirements, restrictions and penalties on governments or government agencies. By adopting this clarifying amendment already sanctioned under Alaska law into the applicable municipal law at SGC 21.52.130A, government officials will be able to discuss, negotiate and execute sales of real property and related buildings and improvements prior to or contingent on any required subdivision being approved. This amendment will greatly assist governments, such as the City and Borough of Sitka, to be able to discuss, plan for, negotiate, and/or enter into agreements concerning its properties.

4. **NOW, THEREFORE, BE IT ENACTED** by the Assembly of the City and Borough of Sitka that SGC 21.52.130A is amended as follows (new language underlined; deleted language stricken):

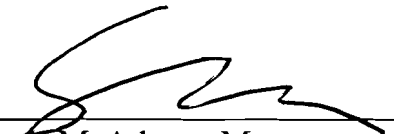
SGC 21.52.130 Penalties and remedies.

A. The owner or agent of the owner of land located within a subdivision who offers to sell, transfers, sells or enters into a contract to sell land in a subdivision before a plat of the subdivision has been prepared, approved and recorded in accordance with this title, is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than five hundred dollars for each lot or parcel offered for sale, transferred, sold or included in a contract to be sold. This subsection does not apply to any government or governmental agency, federal, state or municipality, that are exempt by AS 34.55.042 from such penalties and subdivision requirements.

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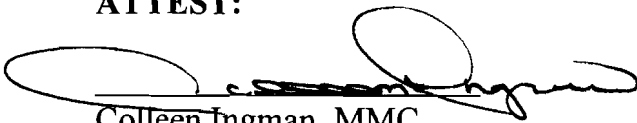
5. **EFFECTIVE DATE.** This Ordinance shall become effective immediately upon the Assembly of the City and Borough of Sitka passing, approving, and adopting this Ordinance.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 11th day of May, 2010.



Scott McAdams, Mayor

ATTEST:



Colleen Ingman, MMC
Municipal Clerk