

# CITY AND BOROUGH OF SITKA

## ORDINANCE NO. 2015-14

**AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA PROPOSING TO CLARIFY AND UPDATE THE SITKA GENERAL CODE BY AMENDING TITLE 10 PUBLIC PEACE SAFETY AND MORALS, UNDER CHAPTER 10.88 FIREARMS AT SECTION 10.88.020 PROHIBITIONS, TITLE 13 PORT AND HARBORS UNDER CHAPTER 13.13 AT SECTION 13.13.025 EMISSION OF SOOT FROM AN OIL STOVE IN A VESSEL, TITLE 14 STREETS AND SIDEWALKS, UNDER CHAPTER 14.04 AT SECTION 14.04.020 ICE AND SNOW REMOVAL, TITLE 15 PUBLIC UTILITIES, UNDER CHAPTER 15.05 WATER SYSTEM AT SECTION 15.05.400 CROSS-CONNECTIONS, TITLE 18 PROPERTY ACQUISITION AND DISPOSAL, UNDER CHAPTER 18.08 PERSONAL PROPERTY ACQUISITION AND DISPOSAL AT SECTIONS 18.08.020 A. PERSONAL PROPERTY DEFINITION AND FOOTNOTE 2 TO CORRECT STATUTE REFERENCES, TITLE 19 BUILDING AND CONSTRUCTION, UNDER CHAPTER 19.01 BUILDING CODE AT SECTIONS 19.01.013 ADOPTION OF EXCAVATION AND GRADING STANDARDS, SECTION 19.01.020 PERMITS FEES, SECTION 19.08.040 DEFINITION OF "ISLANDS," TITLE 21 SUBDIVISION CODE UNDER CHAPTER 21.08 DEFINITIONS AT SECTIONS 21.08.050 "E". B., TITLE 22 ZONING, UNDER CHAPTER 22.08 DEFINITIONS AT SECTION 22.08.585 MANUFACTURED HOME, AND SECTION 22.08.590 MOBILE HOME**

1. **CLASSIFICATION.** This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code.

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 circumstances shall not be affected.

3. **PURPOSE.** As found in Alaska Statute 29.25.050, the municipal clerk is responsible for ensuring that the municipal code is kept current. Sitka's municipal clerk sought legal analysis from Code Publishing Company for a review of the Sitka General Code for state and federal constitutional issues and apparent conflicts. These clarifying changes to these Code sections are derived from that review and further analysis.

In Title 10, Alaska Statute references are corrected to current law.

In Title 13, since the punishment for soot emission from a vessel's oil stove is a fine and not arrest, bail is not a consideration. The final sentence in Section 13.13.025 is corrected to read that the offense is a nuisance.

In Title 14, it is clarified that each property owner is responsible to clear the sidewalks adjacent to their property and not all sidewalks.

In Title 15, the correct edition on cross-connection technology is adopted as the superseded edition.

In Title 18, Alaska Statute references are corrected to current law.

In Title 19, the abbreviation "UBC" is spelled-out. The Building Permit Fee schedule shows the correctly intended beginning valuation for each increment. The spelling of Cape Burunof is corrected.

In Title 21, Alaska Statute references are corrected to current law.

In Title 22, the correct metric conversions are applied.

4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the following sections of the Sitka General Code are hereby amended to read as follows:

**Title 10  
PUBLIC PEACE, SAFETY AND MORALS**

\* \* \*

**Chapter  
10.88 FIREARMS**

\* \* \*

Section

**10.88.020 Prohibitions.**

It is unlawful for any person to:

- A. **It is unlawful for any person to** ~~D~~ discharge any firearm within the boundaries of the central business district, waterfront district, hospitals, any public school premises, including adjacent parking lots, **in or around a child care facility, in a courthouse, court room, or office of the court system or justice related agencies, in domestic violence or sexual assault shelters** and the City Hall and **Harrigan** Centennial Building and their parking lots;
- B. **It is unlawful for any person to** ~~l~~ intentionally point or aim any firearm, loaded or otherwise, at any person;
- C. ~~Carry a concealed firearm on his/her person except with a permit issued under AS 18.65.700 et seq.;~~

**The municipality may not restrict the carrying of a concealed handgun by permit under AS 18.65.700 – 18.65.790. There is no prohibition against carrying a concealed weapon so long as the prohibited behaviors regarding the carry are respected:**

- **The person is 21 years or older.**
- **The person is eligible to own or possess a handgun under state and federal laws**
- **The firearm is legal.**
- **Upon contact with a peace officer, the person immediately informs the officer about the weapon, and allows the officer to secure the weapon for the duration of the contact.**

- The person does not carry the weapon if they are intoxicated or impaired by alcohol or controlled substances
- The person does not carry the concealed weapon in certain places:
  - In someone else's home without their specific knowledge and permission
  - In any place where intoxicating liquor is sold for on-site consumption, except a restaurant and the person does not consume alcoholic beverages
  - In or around any public or private K-12 school or on a school bus without the knowledge and consent of the school's administrator (weapons may be unloaded and locked in the trunk of a car or secured in a locked container).
  - In or around a child care facility (weapons may be unloaded and locked in the trunk of a car or secured in a locked container).
  - In a courthouse, court room, or office of the court system or justice related agencies,
  - In domestic violence or sexual assault shelters.

Alaska's laws do not apply to federal property, offices, installations, or places under federal jurisdiction. Such places can include national parks, military bases, federal court buildings, space rented by federal offices, airports, or airport terminal areas. Please consult with the appropriate federal agency before deciding if weapon carry or concealed carry is permitted.

The owners or management of facilities, including such places as hospitals, universities, gymnasiums, or private property, may restrict or deny concealed carry on their premises. Failure to comply while on their property could violate trespass statutes.

~~D.— Carry a loaded firearm within the boundaries of the central business district, waterfront district, hospitals, any public school premises, including adjacent parking lots, and the City Hall and Centennial Building and their parking lots except under such permit as described in subsection C of this section.~~

E. D. The prohibitions stated in this section shall not apply to sworn peace officers or a person in premises owned or leased by that person and applicable defenses such as self defense self-defense or defense of others should apply.

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Title 13  
PORT AND HARBORS

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Chapter 13.13

**Nuisances**

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Section

**13.13.025 Emission of soot from an oil stove in a vessel.**

Each owner and operator of a vessel in the harbor system shall take all reasonable measures to prevent the emission of soot from oil stoves. If a vessel's oil stove emits soot that settles onto or touches another vessel, the owner or operator of the vessel from which the soot came shall face a correctional citation, and if not corrected shall pay the fine imposed in Section 13.12.050(D). ~~The first and second offenses shall be bailable. A person cited for a Third offense of emission of soot from an oil stove shall be~~ declared a nuisance.

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**Title 14  
STREETS AND SIDEWALKS**

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**Chapter 14.04  
ICE AND SNOW REMOVAL**

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Section

**14.04.020 Ice and snow removal.**

All property owners are responsible for keeping the portions of sidewalks or public thoroughfares that are adjacent to their property free of snow and ice and clear of all other obstructions or menaces dangerous to life or limb. ~~All property owners owning property abutting any sidewalk or public thoroughfare shall keep the sidewalk or thoroughfare free of snow and ice and all other obstructions or menaces dangerous to life or limb. A reasonable time after snowfall shall be allowed to remove the snow.~~

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**Title 15  
PUBLIC UTILITIES**

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**Chapter 15.05  
WATER SYSTEM**

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Section

**15.05.400 Cross-connections.**

B. Use of Backflow Prevention Devices.

5. The policies, procedures, and criteria for determining appropriate

levels of protection shall be in accordance with the "Accepted Procedure and Practice in Cross-Connection Control Manual—Pacific Northwest Section—American Waterworks Association," **Seventh** Third Edition," or any superseding edition."

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**Title 18  
PROPERTY ACQUISITION AND DISPOSAL**

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**Chapter 18.08  
PERSONAL PROPERTY ACQUISITION AND DISPOSAL**

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Section  
**18.08.20 Disposal.**

A. "Personal property" means only tangible personal property and that property which is not land or permanently attached to land and more particularly as defined in **AS 29.71.800 (16)**. ~~A.S. 29.78.010 (10).~~

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**TITLE 18 FOOTNOTES**

2 For the statutory provisions regarding eminent domain powers of home rule municipalities, see AS **29.35.030** ~~29.73.020~~ and **9.55.250 – 9.55.460**. ~~9.55.250 § 9.55.460.~~

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**Title 19  
BUILDING AND CONSTRUCTION  
Chapter 19.01  
BUILDING CODE**

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Section  
**19.01.013 Adoption of excavation and grading standards.**

1997 **Uniform Building Code (UBC)** UBC Appendix Chapter 33, Excavation and Grading, as modified by the published building department policy, is adopted and included in the building code by reference.

Section  
**19.01.020 Permit fees.**

**BUILDING PERMIT FEE SCHEDULE FOR R-3 AND U OCCUPANCIES**

TOTAL VALUATION	FEE
\$1.00 to \$2,000.00	\$46.35

**BUILDING PERMIT FEE SCHEDULE FOR R-3 AND U OCCUPANCIES**

TOTAL VALUATION	FEE
<b>\$2,000.01</b> \$2,001.00 to \$25,000.00	\$46.35 for the first \$2,000.00 plus \$9.27 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
<b>\$25,000.01</b> \$25,001.00 to \$50,000.00	\$259.56 for the first \$25,000.00 plus \$6.70 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
<b>\$50,000.01</b> \$50,001.00 to \$100,000.00	\$426.94 for the first \$50,000.00 plus \$4.64 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
<b>\$100,000.01</b> \$100,001.00 to \$500,000.00	\$658.69 for the first \$100,000.00 plus \$3.61 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
<b>\$500,000.01</b> \$500,001.00 to \$1,000,000.00	\$2,100.69 for the first \$500,000.00 plus \$3.10 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
<b>\$1,000,000.01</b> \$1,000,001.00 and up	\$3,645.69 for the first \$1,000,000.00 plus \$2.10 for each additional \$1,000.00 or fraction thereof

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**Chapter 19.08  
CODE APPLICABILITY**

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Section

**19.08.040 Definition of "islands" for purposes of this title and Title 22.**

For purposes of this title and Title 22, the definition of "islands" will be the islands in Sitka Sound from the Siginaka Islands to Cape Burunof ~~Buronef~~ which are not on the Sitka road system.

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**Title 21  
SUBDIVISION CODE**

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**Chapter 21.08  
DEFINITIONS**

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Section

**21.08.050 "E".**

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B. "Engineer" means a registered, professional, civil engineer authorized to practice engineering in the state of Alaska. Engineers perform the consultation, investigation, evaluation, planning, design, and inspection of private and public works, structures, or projects. Unless also qualified as a surveyor, an engineer may not engage in the preparation of subdivisions. (Cross reference: **AS 08.48.291**, ~~AS 08.48.291(8)~~).

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**Title 22**  
**ZONING**  
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**Chapter 22.08**  
**DEFINITIONS**  
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Section

**22.08.585 Manufactured home.**

“Manufactured home” means a structure constructed on or after June 15, 1976, according to the United States Department of Housing and Urban Development (“HUD”) standards, transportable in one or more sections which, in the traveling mode is eight feet **(two thousand, four hundred thirty-eight millimeters)** ~~(two thousand one hundred thirty-eight millimeters)~~ or more in width or ....

Section


**22.08.590 Mobile home.**

“Mobile home” means a structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight feet **(two thousand, four hundred thirty-eight millimeters)** ~~(two thousand one hundred thirty-eight millimeters)~~ or more in width or ....


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5. **EFFECTIVE DATE.** This ordinance shall become effective on the day after the date of its passage.

**PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka, Alaska this 28th day of April, 2015.

  
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Mim McConnell, Mayor

**ATTEST:**

  
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Colleen Ingman, MMC  
Municipal Clerk