

Introduced: 6/27/18
Posted: 6/22/18
Public Hearing: 07/23/18
Adoption: 8/13/18

CITY OF SELDOVIA

ORDINANCE 18-18 *amended*

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA, ADOPTING CHAPTER 11.06 CITY LAND EXCAVATION AND ESTABLISHING A PENALTY OF OFFENSE IN TITLE 1.08.040 MINOR OFFENSE TABLE

SECTION 1. CLASSIFICATION: This ordinance is permanent in nature and shall become a part of the Municipal Code of the City of Seldovia.

SECTION 2: SEVERABILITY: If any provision of this ordinance or any application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application to another person or circumstances shall not be affected thereby.

SECTION 3. ADOPTING CHAPTER 11.06 CITY LAND EXCAVATION:

Title 11

Streets, Sidewalks, Park Land* and Cemetery

Chapters:

- 11.04 Street Excavation
- 11.06 City Land Excavation
- 11.08 Sidewalks
- 11.12 Park Land
- 11.13 Camping Regulations
- 11.14 Violations and Penalties
- 11.16 Cemetery Advisory Commission

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.

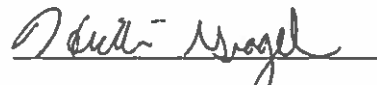
SECTION 4. MINOR OFFENSE TABLE 1.08.040

11.06.060	Excavation or removal of gravel or fill	\$300.00
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SECTION 5. EFFECTIVE DATE. This ordinance becomes effective upon its adoption by the City Council.

ADOPTED by a duly constituted quorum of the City Council of the City of Seldovia, Alaska this 13 day of August, 2018.

ATTEST:


Heidi Geagel, City Clerk



APPROVED:


Dean Lent, Mayor

Vote:
Colberg- *y*
Campbell- *y*
Morrison- *y*
Rojas- *y*
Lethin- *y*
Sweatt- *y*