

**CITY OF GUSTAVUS
ORDINANCE FY19-30**

**AN ORDINANCE FOR THE CITY OF GUSTAVUS PROVIDING FOR THE AMENDMENT OF
CITY ORDINANCE TITLE 10 – PROPERTY ACQUISITION, DISPOSAL, MANAGEMENT, AND
USE CHAPTER 10.01, SECTION 10.01.020, 10.07.010. AND CREATING SECTION 10.30**

BE IT ENACTED BY THE GUSTAVUS CITY COUNCIL AS FOLLOWS:

- Section 1. **Classification.** This ordinance is of general and permanent nature and shall become a part of the City of Gustavus Municipal Code.
- Section 2. **Severability.** If any provisions of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and its application to other persons, or circumstances shall not be affected thereby.
- Section 3. **Enactment.** Now therefore, it is enacted by the Gustavus City Council that Title 10 Property Acquisition, Disposal, Management, and Use be amended as follows:

Chapter 10.01 – PROPERTY ACQUISITION, DISPOSAL, MANAGEMENT, AND USE

Section 10.01.010 - Definitions

Motor vehicle: Any ground-travelling conveyance powered by an electric motor or internal-combustion engine, including but not limited to, cars, trucks, motorcycles, scooters, powered bicycles, all-terrain vehicles, snow machines, construction equipment, hovercrafts, and golf carts. Motor vehicles do not include, for the purposes of this title, powered wheelchairs conveying disabled persons.

Review Board. Three (3) City Council members designated by the Mayor to hear presentations concerning violations of Sections of this Chapter and determine the disposition of the charged violation and fine amount(s), if any.

10.07.010 Casual Use of City Lands

- (d) The City may prohibit specific casual uses of City lands by posting such prohibitions on site.

10.08 Management of City Lands

10.08.010 Management functions for City Lands

- (a) The City of Gustavus shall manage lands owned by the City of Gustavus or under management agreement with State, Federal, or other agencies, in the public interest.
- (b) The City Council shall authorize and execute projects and allocate public funds as it deems required for the management, restoration, maintenance, and protection of City-owned or City-managed lands.

- (c) The City Council shall establish regulations governing activities of City personnel and the public to assure that management goals for the property are met and that the public interest in the lands is conserved. Such regulations shall be enforceable with fines set for prohibited activities or actions as minor offences scheduled either in ordinance or by resolution.

10.08.020 Gustavus Beach Lands Management, Conservation, and Public Use

- (a) The lands on the east and west sides of Dock Road designated as ALS 2009-15 Tracts A and B2, under Cooperative Resource Management Agreement 108940 (CRMA) with the State of Alaska, and the portion of City-owned Tract B1 not occupied by the City Bulk Fuel Facility and shall be managed for the conservation and enhancement of natural ecological and scenic values and for compatible public use.
- (b) Such management shall be in accordance with terms of the CRMA and the associated management plan as may be amended, and consistent with the covenants enumerated in the United States District Court Judgment Quieting Title No J-76-9 CIVIL.
- (c) In accordance with terms of the CRMA, the City shall identify and clearly post areas on the lands in paragraph (a) designated for motor vehicle parking.
- (d) The City shall designate parking areas on lands in paragraph (a) with time limits. It is a violation to exceed parking limit times within any designated parking area.
- (f) Overnight camping is prohibited on lands designated in paragraph (a) of this section unless specifically posted for camping.
- (g) The City Mayor may issue a specific, time-limited waiver to any of the provisions of this section for specific City- or State of Alaska-managed construction, maintenance, or emergency-response activities.

10.08.030 Fees and charges

- (a) The City may provide fines for the unauthorized use of the areas as indicated below. In the event a fine is contended, the City Council may convene a Review Board to hear the presentation and set the fine up to the amount listed above. In the case of a minor, the presentation shall be made by a legal guardian or parent.

VIOLATION	FINE
Use of motorized vehicle on beach	\$500
Parking in unauthorized space	\$50 per calendar day up to \$200
Exceed parking time limit	\$100
Overnight Camping in unauthorized location	\$100
Campfire in undesignated area	per fine day\$100

- (b) Unless a specific fee is expressly provided elsewhere, the city council may, by resolution, establish fees for city services and programs. In establishing such fees, the city council may take into account, among other things, the costs of programs such as maintenance, operations, administration and other expenses. Such fees shall be paid, filed and deposited as provided in such resolution or as otherwise provided by ordinance or resolution. Fees shall be refunded only as provided in the resolution establishing such fees. Copies of any resolution setting fees shall be available for public inspection and copying.
- (c) Unless provided otherwise, in the event any fees or charges are not paid within 30 days after the date of billing such fees and charges shall be delinquent. Upon such fees or charges becoming delinquent, interest at the rate of one percent per month shall accrue and be charged on the whole of the unpaid principal amount of such fees and charges, from the date of delinquency until paid in full.
- (d) Notwithstanding other provisions of this section, delinquent accounts may be collected through any lawful means. The cost of collection, as defined in city code 1.10.020, of such accounts shall be added to the amount owed.
- (e) **General Penalty:** In accordance with Chapter 1, Section 1.01.050, every act prohibited by ordinance of this city is unlawful. Unless another penalty is expressly provided by this Code for any particular provision or section, every person convicted of a violation of any provision of this Code, or any rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine of not more than three hundred dollars (\$300.00). Unless otherwise specifically provided, upon the second conviction such person shall be punished by a fine of not more than five hundred dollars (\$500.00), or not more than thirty (30) days imprisonment, or both. Each act of violation and everyday upon which such violation shall occur shall constitute a separate offense.

The penalty provided by this section shall apply to any amendments to this Code, whether or not such penalty is re-enacted in the amendment ordinance, unless another penalty is expressly provided.

Section 4. Effective Date. This ordinance becomes effective upon its adoption by the Gustavus City Council.

Date Introduced: June 10, 2019

Date of Public Hearing: July 8, 2019

PASSED and APPROVED by the Gustavus City Council this 8th day of July, 2019



Calvin Casipit, Mayor



Attest: Karen Platt, City Clerk