

CITY OF GUSTAVUS, ALASKA
Ordinance No. 2007-16

AN ORDINANCE OF THE CITY OF GUSTAVUS AMENDING SECTION 10.01.010, SECTION 10.04.02, AND ADDING SECTION 10.06.07.

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, be it enacted by the Gustavus City Council that Section 10.01.010, Section 10.04.02 and Section 10.06.07 be adopted and amended as follows. Bolded items are additions, strikethroughs are deletions.

10.01.010 Definitions

For the purpose of this title, unless the context otherwise requires:

- a. Abstract of title. A condensed history of the title to land together with a statement of all liens, charges, or liabilities to which the land may be subject.
- b. Abandoned Property. Those objects which no one claims and which after reasonable search and notice, the mayor or the mayor's designee can find no one to claim, or can find definite evidence some person has abandoned.
- c. Appraisal. An estimation of value of property by a qualified appraiser.
- d. Building Inspector. Reserved.
- e. Casual Use. The temporary, safe, non-exclusive, non-surface-disturbing and non-commercial use of City land and includes but is not limited to such uses as
 1. Hiking
 2. Hunting
 3. Fishing
 4. Short-term camping
 5. Picnicking
 6. Skiing
 7. Snow machining
 8. Berry Picking
 9. Bicycling

- f. City boundaries. The City limits, established when the City is incorporated, inside which all City ordinance are enforceable.
- g. Competitive disposal. A disposal of property wherein no preference is shown to any prospective bidder or group of bidders.
- h. Condition subsequent. An event that occurs after transfer of title which will act to restore title to the maker of the condition.
- i. Contract of sale. A contract between a willing seller and a willing buyer to transfer title to property
- j. Deed of trust. An instrument, taking the place and serving the uses of a mortgage, by which legal title to real property is placed in a trustee, to secure the repayment of a sum of money or the performance of other conditions.
- k. Disposal. The act of giving away or selling; the transfer of interest in property.
- l. Disputed claims. Claim for property that is protested by another, or for property which is also claimed by another.
- m. Domiciled resident. One who has resided in the City for at least the thirty days previous, maintains an address in the City, and intends to make the City his/her permanent resident.
- n. Easement. A right of privilege in another's land, such as the right to cross for a specific purpose. Easements allow passage across real property without granting any other ownership rights in that property.
- o. Eminent domain. The power of a municipality to convert private property to a public use.
- p. Equitable interest. A claim (in property or other) which should be recognized in the interest of fairness or equity.
- q. Evaluate. To judge the quality of.
- r. Fair market value. The highest price, described in terms of money, which the property would bring if exposed for sale for a reasonable time in the open market, with a seller, willing but not forced to sell, and a buyer, willing but not forced to buy, both being fully informed of all the purposes for which the property is best adapted or could be used.
- s. Federal entity. The Federal government or an agency thereof.
- t. Hazardous use. A use involving danger; perilous; risky to human health and well-being.
- u. Interest. In property: A right, claim, title, or legal share in that property. Refers to the "bundle of rights", which may be transferred or conveyed separately or in total. Methods of transfer include deed, lease, or easement.
- v. Inventory. A list of property, containing a description of each article of property.

- w. Land. Includes all real property and all rights in real property of whatever kind or nature and under the jurisdiction of the municipality. All lands acquired from the State of Alaska under the categories: Wayne is finishing the definition to apply to Municipal Entitlement, Public and Charitable etc.
- x. Lease. Leases are used to dispose of specific interests in real property without transferring ownership of that property. A contract for exclusive possession of lands for a determinate period.
- y. Legal description. That part of a conveyance document which identifies the land or premises intended to be affected by that conveyance.
- z. Litigation. Contract in a court of justice for the purpose of establishing a right
- aa. Lottery. A plan whereby the right to obtain interest in property, either by purchase or gift, is decided by luck or chance through some type of drawing of names.
- bb. Mean high tide. The tidal datum plane of the average of all the high tides as would be established by the National Oceanic and Atmospheric Administration for Gustavus
- cc. Mean high tide line. The intersection of the datum plane of mean high tide with the shore.
- dd. Mean low tide. The tidal datum plane of the average of the low tides as established by the National Oceanic and Atmospheric Administration for Gustavus.
- ee. Mean Lower Low Tide. At any place subject to tidal influence shall be interpreted as the tidal datum plane of the average of the lower of the two low tides of each day as established by the National Oceanic and Atmospheric Administration for Gustavus.
- ff. **Miscellaneous Property. Any tangible property or items owned by the City and used for municipal purposes which is not land or permanently attached to land and more particularly as defined in A.S. 29.78.010(10)**
- gg. Municipality. A unit of local government organized under the laws of the State of Alaska.
- hh. Non-code ordinance. An ordinance that is not part of the permanent City code.
- ii. Nonprofit Corporation. An organization formed under the laws of the State of Alaska not to obtain a profit, but to supply an essential service to its constituents.
- jj. Obnoxious use. A use which people may find objectionable, disagreeable, offensive, displeasing.
- kk. Personal Property. Only tangible personal property and that property which is not land or permanently attached to land and more particularly as defined in A.S. 29.78.010 (10). However, for purposes of sale, items and fixtures attached to land shall be deemed personal property if

- intended to be removed from the land and items intended to become fixtures shall be considered personal property until so affixed.
- ll. Public and Charitable Lands. Land acquired by City of Gustavus from the State of Alaska for use by the public which may not be disposed of, or sold, but can be returned to the State of Alaska.
 - mm. Public Interest. Something in which the public, the community at large, has some pecuniary interest (having to do with money), or some interest by which their legal rights or liabilities are affected.
 - nn. Public Nuisance. Whatever annoys, injures or endangers the safety, health, comfort, or repose of the public; offends public decency, interferes with, obstructs, or renders dangerous any street, highway, navigable lake or stream, or in any way renders the public insecure in life or property, is declared to be a "public nuisance." Public nuisances shall include, but not be limited to, whatever is forbidden by any provision of this title or any ordinance of the City of Gustavus.
 - oo. Public outcry auction. Sale of property to the highest bidder, at a public auction, where each prospective buyer has the right to enter successive bids until a price is reached at which to higher subsequent bid is made.
 - pp. Public service. Activities and enterprises which specially serve the needs of the general public.
 - qq. Reclaimed or constructed tide or contiguous submerged lands. Those lands resulting by purposeful filling of tide or contiguous submerged lands to an elevation above the extreme high tide line.
 - rr. Referendum. A method of submitting an important measure to the direct vote of the whole people.
 - ss. Revert. With respect to property, title to go back to and lodge in former owner.
 - tt. Sealed bid. A written offer to purchase property placed in an envelope and opened along with all other bids (if any) at a public bid opening.
 - uu. Singular number includes the plural.
 - vv. State. The State of Alaska or an agency thereof.
 - ww. Submerged lands. Those lands covered by tidal waters between the line of mean low tide and seaward to the municipal boundary or as may hereafter be properly claimed by the municipality.
 - xx. Substantial improvement. A major change or addition to land or real property that makes it more valuable.
 - yy. Temporary use. An exclusive use of City land which has duration of one year or less, involves minimal disturbance to the land, and does not allow permanent structures or improvements exceeding \$1,000.00.

- zz. Tidelands. Those lands which are periodically covered by tidal waters between the elevations of mean high tide and mean low tides.
- aaa. Tract of land. Those parcels of land combined for convenience of survey or sale.
- bbb. Upland owner. The person who owns, or holds a long term lease to property immediately upland of the tideland's parcel to be leased. For purposes of this definition, uplands may include other tideland upland of the parcel to be leased.
- ccc. Valid Claim. A legally enforceable claim by a third party.

10.04.02 Personal and Miscellaneous Property Disposal

- a. Personal and Miscellaneous Property valued at ~~one thousand dollars (\$1,000.00)~~ **five thousand dollars (\$5,000.00)** or less, as determined by the mayor or the mayor's designee may be disposed of upon such notice and terms considered reasonable by the mayor or the mayor's designee, taking into consideration the value of the article, the reason for disposal, and the general preference of disposal of competitive bid. The mayor or the mayor's designee shall report disposals to the City Council if so requested.
- b. Personal and Miscellaneous property valued at more than ~~one thousand dollars (\$1,000.00)~~ **five thousand (\$5,000.00)** shall be disposed of only with prior Council approval and after competitive bid.

10.06.07 Miscellaneous disposal.


- a. **The city may dispose of tangible property or items owned by the city which has been found to be no longer necessary for municipal purposes. All disposals shall be by non-code ordinance. The minimum time between notice of property to be disposed of and disposal shall be 30 (thirty) days. The notice shall be posted in at least three (3) conspicuous places and shall include:**
 - 1. **The date of the bid opening; or**
 - 2. **The date of the lottery; or**
 - 3. **The date of the auction; or**
 - 4. **The date of the disposal**
 - 5. **A finding that the tangible property or item is no longer necessary for municipal purposes and a statement of**

- facts upon which such a finding by the city council is based;
6. A description of the item;
 7. The method of disposal as identified in section 10.06.02;
 8. The value of the property or the value of the interest in property as determined by subsection "b" of this section;
 9. The procedure for conducting the disposal and the time, place and manner in which the proposed disposal shall occur.
 10. The value of the property or interest in property shall be fair market value as determined by an appraisal prepared by a qualified appraiser or assessor or the city council may determine the fair market value by any other means it deems appropriate.
- b. Tangible property or item shall be disposed of according to 10.06.03.
 - c. Payment shall be by cash, company check, money order or cashier's check. Personal check will not be accepted. Bill of Sale and Title, if required, will only be issued when check has cleared.

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

DATE OF INTRODUCTION AND PUBLICATION: December 13, 2007
DATE OF PUBLIC HEARING & ADOPTION: January 10, 2007

PASSED and APPROVED by the Gustavus City Council this 10th day of January, 2008.



Ken Klawunder, Mayor



Sandi Marchbanks, Vice Mayor



Wayne Howell, Council Member



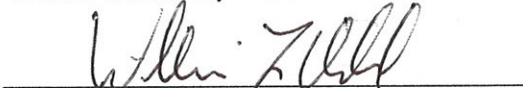
John Nixon, Council Member

Via Teleconference


Mike Atkins, Council Member

Via Teleconference

Paul Berry, Council Member



William Unkel, Council Member



**Attest: Kapryce Manchester
City Clerk**