

AN ORDINANCE ESTABLISHING A BUILDING PERMIT SYSTEM FOR IMPROVEMENTS ON LOTS WITHIN THE CITY OF BETHEL AND DEFINING ENCROACHMENT RULES AND REGULATIONS FOR ALL STREETS, ROADS, ALLEYS AND EASEMENTS THAT ARE UNDER THIS JURISDICTION OF THE CITY OF BETHEL.

NOW, Therefore, be it Ordained by the City Council of the City of Bethel that:

SECTION: 10:06:010 APPLICATIONS
 SECTION: 10:06:040 DEFINITIONS
 SECTION: 10:06:080 BUILDING PERMITS
 SECTION: 10:06:090 PERMIT FEE
 SECTION: 10:06:100 PRELIMINARY PERMITS
 SECTION: 10:06:120 BUILDING PERMIT MINIMUM STANDARD
 SECTION: 10:06:140 PRELIMINARY PERMIT APPLICATION PROCEDURE
 SECTION: 10:06:180 ISSUANCE OF BUILDING PERMIT
 SECTION: 10:06:200 EXISTING ENCROACHMENTS
 SECTION: 10:06:220 NOTICE OF REMOVAL
 SECTION: 10:06:260 REMOVAL AFTER NON COMPLIANCE REMOVAL EXPENSE
 SECTION: 10:06:280 FUTURE ENCROACHMENTS
 SECTION: 10:06:300 APPEAL
 SECTION: 10:06:320 NON COMPLIANCE
 SECTION: 10:06:340 BASIS OF ORDINANCE
 SECTION: 10:06:360 CITY HELD HARMLESS

SECTION: 10.06.010 APPLICATIONS

This Ordinance shall apply to all improvements that are made on any recorded and platted lot within the Bethel City limits and to all streets, roads, alleys or other easements which this Municipality owns or has authority to regulate.

SECTION: 10.06.040 DEFINITIONS

For the purpose of this Chapter:

- a) "Commission" means the City of Bethel Planning Commission.
- b) "Department" means the City of Bethel Public Works Department.
- c) "Person" means an individual, firm, association, organization, partnership, business trust corporation or company.
- d) "Encroachment" means the placement of private property upon and/or across the boundaries of a city street, road, alley or other easement.
- e) "Right of way" means street, road, alley, or any other public easements as recorded on official plats, filed at the Bethel Recording District.
- f) "Property" means building(s), building materials, storage vans, fence, crated material, or the like.
- g) "As-Built" means survey performed by a registered Land Surveyor with the State of Alaska.
- h) "Improvement" means the construction of any external building, structure, water or sewer facility or external change that constitutes a betterment of real property. For the purpose of the Ordinance, a relocation of real property on a lot is considered to be an improvement.

SECTION: 10.06.080 BUILDING PERMIT

A person shall be required to obtain a building permit for any improvement made on any land recorded or platted within the City limits of Bethel.

SECTION: 10.06.090 PERMIT FEE

A non refundable permit fee of \$10. for residential and \$20. for commercial shall be collected from the applicant at the time that the preliminary application is filed.

SECTION: 10.06.100 PRELIMINARY PERMITS

Prior to the issuance of a building permit, a preliminary permit will be issued by the City Administrative Officer or designee. The issuance of this preliminary permit will be based on the compliance of the improvement with minimum standards as found in this Ordinance.

SECTION: 10.06.120 BUILDING PERMIT-MINIMUM STANDARDS

Unless provided by Section 10.06.280, in no event shall a building permit be granted if the lot improvement(s);

- a) Encroachs on any right of way;
- b) Requires the placement of fill on any City right of way when the width of the fill is greater than 20' at its widest point.
- c) Does not provide a proper culvert to provide adequate drainage as determined by the Department.
- d) Includes a sewer or water system (either external or domestic) that is designed in such a way as to pose a potential nuisance or hazard to neighbors.

SECTION: 10.06.140 PRELIMINARY PERMIT APPLICATION PROCEDURE

A preliminary permit will be issued provided that the lot improvements meet the minimum standards as found in this chapter and further provided that the following information is presented to the City Administrative Officer or designee as part of the application.

- 1) A legal description of the land on which the improvement is to be located, and when possible proof of ownership.
- 2) The positioning of all existing lot improvements and all proposed lot improvements.
- 3) The positioning of all City right of way that are adjacent to or across the lot being improved.
- 4) If applicable, a description of the water and sewer system that is being planned as part of the improvement.
- 5) Estimated date of completion of substantial construction.

Within 10 working days of the receipt of a preliminary building permit application, the City Administrative Officer or designee shall approve or disapprove the application. If disapproved, the application will be returned with an attached statement that contains the application deficiencies and corrective action. If approved, the preliminary building permit will be issued.

SECTION: 10.06.180 ISSUANCE OF BUILDING PERMIT

Upon completion of the lot improvement or after adequate completion in which the foundation or basic structure is positioned and upon receipt of an as built survey that shows the lot improvements in the same location as provided in the preliminary permit or an as built that shows that the positioning of the improvements do not violate any provisions of this Ordinance, a building permit will be issued. In the use of a lot improvement that is not of a permanent nature, the as built survey requirement may be waived upon other substantial evidence that the improvements does not violate this Ordinance.

SECTION: 10.06.200 EXISTING ENCROACHMENTS

Any encroachment that exists at the time of passage of this Ordinance shall be allowed unless it is deemed by the Planning Commission that to not remove the encroachment would be critical to the safety and/or well being of the City of Bethel.

SECTION: 10.06.220 NOTICE OF REMOVAL

If an encroachment is deemed by the Planning Commission

to be critical under section 10.06.200 of this Chapter notice shall be given to the person in violation by serving upon that person a written notice demanding removal of the encroachment. This notice shall describe the encroachment complained of with reasonable certainty as to its character and location and shall not allow more than 90 days for the removal. This notice shall be mailed by certified mail to the last known address of the person in violation.

SECTION: 10.06.260 REMOVAL AFTER NON COMPLIANCE, REMOVAL EXPENSE

After a failure of the person to comply with a notice or demand of the Department of remove an encroachment as provided in this chapter, the Department may remove, or cause to be removed the encroachment, and the person in violation shall pay to the City of Bethel:

- 1) The expenses of the removal of the encroachment.
- 2) All costs and expenses paid by the City of Bethel by third parties for damages due to delays because the encroachment was not changed, removed or relocated according the order by the department, and;
- 3) Costs and expense of suit, if any.

The amount outlined above shall consitute a lien upon the real property of the person in violation until paid, and if not paid within 6 months, suit may be brought by the City to foreclose such a lien.

SECTION: 10.06.280 FUTURE ENCROACHMENTS

From the date that this Ordinance goes into effect, it will be unlawful to encroach on land owned by the City of Bethel except:

- 1) When the encroachment is used for access to and from a lot to a City street and that access meets the minimum qualifications as found in section 10.06.120 of this Ordinance.
- 2) When the encroachment can be shown to substantially benefit the interest of the City of Bethel.

Future encroachments that do not meet the above criteria will be subject to sections 10.06.220 - 10.06.260.

SECTION: 10.06.300 APPEAL

Any person may appeal to the Bethel Planning Commission any decision by the Administrative Officer or designee concerning the issuance of a preliminary or building permit. This appeal shall be made at the next regularly scheduled Planning Commission meeting. The decision of the Planning Commission shall be final.

SECTION: 10.06.320 NON COMPLIANCE

Failure to obtain a preliminary or building permit prior to a lot improvement is a violation of this Ordinance and the City reserves the right to halt the construction of lot improvements and or levy a fine of \$100.00 until the Ordinance is complied with.

SECTION: 10.06.340 TRIAL BASIS OF ORDINANCE

This Ordinance shall remain in effect for a period of one year from the date that it goes into effect. At that time, the Planning Commission and Council will review the Ordinance and propose changes as necessary.

SECTION: 10.06.360 CITY HELD HARMLESS

The City of Bethel shall not be held liable for any conflicts between private citizens that may arise as a result of this Ordinance.

PASSED AND APPROVED THIS 12th DAY OF FEB, 1979

APPROVED BY:

Mayor

ATTEST:

City Clerk

MODIFICATION #1 OF
ORDINANCE #114

AN ORDINANCE ESTABLISHING A BUILDING PERMIT SYSTEM FOR IMPROVEMENTS ON LOTS WITHIN THE CITY OF BETHEL.

NOW, Therefore, be it Ordained by the City Council of the City of Bethel that:

- SECTION: 10.06.010 APPLICATIONS
- SECTION: 10.06.040 DEFINITIONS
- SECTION: 10.06.080 BUILDING PERMIT
- SECTION: 10.06.090 PERMIT FEE
- SECTION: 10.06.100 PRELIMINARY PERMITS
- SECTION: 10.06.120 BUILDING PERMIT-MINIMUM STANDARDS
- SECTION: 10.06.140 PRELIMINARY PERMIT APPLICATION PROCEDURE
- SECTION: 10.06.180 ISSUANCE OF BUILDING PERMIT
- SECTION: 10.06.200 NOTICE OF REMOVAL
- SECTION: 10.06.260 REMOVAL AFTER NONCOMPLIANCE, REMOVAL EXPENSE
- SECTION: 10.06.300 APPEAL

SECTION 10.06.010 APPLICATIONS

This Ordinance shall apply to all improvements that are made on any recorded and platted lot within the City of Bethel to all streets, roads, alleys or other easements which the Municipality owns or has authority to regulate.

SECTION 10.06.040 DEFINITIONS

For the purpose of this Chapter:

- (a) "Commission" means the City of Bethel Planning Commission.
- (b) "Department" means the City of Bethel Public Works Department.
- (c) "Person" means an individual, firm, association, organization, partnership, business, trust corporation or company.
- (d) "Encroachment" means the placement of private property upon and/or across the boundaries of a city street, road, alley or other easement.
- (e) "Right of Way" means street, road, alley, or any other public easement as recorded on official plats, whether in use or not, at the Bethel Recording District.
- (f) "Property" means building(s), building materials, storage vans, fence, crated material or the like.

- (g) "As built" means survey performed by a land surveyor registered with the State of Alaska, indicating all lot corners and the location of any structures on the real property surveyed.
- (h) "Improvement" means the construction of any external building, structure, water or sewer facility or external change that constitutes a betterment of real property. For the purpose of this Ordinance, a relocation of real property on the lot is considered to be an improvement.

SECTION 10.06.080 BUILDING PERMIT

It shall be unlawful to erect any improvement on real property within the City of Bethel without first obtaining a permit as required by this chapter. A violation of this section shall be punishable by a maximum fine of \$100.00 per violation with each day of noncompliance being a separate violation. Further, the City may enjoin any construction until compliance is achieved.

SECTION 10.06.090 PERMIT FEE

A non-refundable permit fee of \$10.00 for residential and \$25.00 for commercial structures shall be collected from the applicant at the time that the preliminary application is filed.

SECTION 10.06.100 PRELIMINARY PERMITS

Prior to the issuance of a building permit, a preliminary permit will be issued by the City Administrative Officer or designee. The issuance of this preliminary permit will be based on compliance with this ordinance.

SECTION 10.06.120 BUILDING PERMIT-MINIMUM STANDARDS

A building permit may not be issued if the lot improvement:

- (a) encroach on any right of way;
- (b) cause the placement of fill on any City right of way when the width of the fill is greater than 20' at its widest point;
- (c) do not provide for adequate drainage as determined by the Department;
- (d) include a sewer and water system (either external or domestic) that is designed in such way as to pose a potential nuisance or hazard to neighbors.

SECTION 10.06.140 PRELIMINARY PERMIT APPLICATION PROCEDURE

A preliminary permit valid for 120 days shall be issued, provided that the proposed lot improvement meets the minimum standards as found in this chapter, and further provided that the following information is presented to the City Administrative Office or designee as part of the application.

1. A legal description of the land on which the improvement is to be located and if possible evidence of ownership.
2. The location of all existing lot improvements and all proposed lot improvements.
3. The location of all existing City right of ways that are adjacent to or across the lot being improved.
4. If applicable, a description of the water and sewer system proposed for the lot.
5. Estimated date of substantial completion.

Within 10 (ten) working days of receipt of a preliminary building permit application, the City Administrative Officer or designee shall approve or disapprove the application. If disapproved, the application will be returned with an attached statement that contains the application deficiencies and corrective action. If approved, the preliminary building permit will be issued.

SECTION 10.06.180 ISSUANCE OF BUILDING PERMIT

Upon completion of the lot improvement or after sufficient construction has been completed so that the foundation or basic structure is positioned and upon receipt of an as built survey that shows the lot improvements do not violate and provisions of this Ordinance, a building permit will be issued. In the case of a lot improvement that is not of a permanent nature, the as built survey requirement may be waived upon other substantial evidence that the improvement does not violate this Ordinance.

SECTION 10.06.200 NOTICE OF REMOVAL

If an encroachment is discovered, notice may be given to the person in violation by serving upon that person a written notice demanding removal of the encroachment.

SECTION 10.06.260 REMOVAL AFTER NONCOMPLIANCE, REMOVAL EXPENSE

If an individual fails to comply with a notice or demand of the Department to remove an encroachment as provided in this chapter, the Department may remove or cause to be removed the encroachment, and the person in violation shall be liable to the City of Bethel for:

- 1) All expenses of the removal of the Encroachment;
- 2) All costs and expenses paid by the City of Bethel by third parties for damages due to delays because the encroachment was not changed, removed or relocated according to order by the Department, and;
- 3) Costs and expense of suit, if any. The amount outlined above shall constitute a lien upon the real property of the person in violation until paid, and if not paid within 6 (six) months, suit may be brought by the City to foreclose such a lien.

SECTION 10.06.300 APPEAL

Any person wishing to appeal any decision by the Administrative Officer or designee concerning the issuance of a preliminary or building permit shall file notice of such appeal with the City Clerk and the Commission within 20 (twenty) days of the decision complained of. The appeal shall be heard by the Commission as a whole and the Appellant shall have the burden of showing that the Administrative Officer or designee was clearly mistaken in his decision. This appeal shall be made at the next regularly scheduled Planning Commission meeting. The decision of the Planning Commission shall be final.

SECTION 10.06.360 CITY HELD HARMLESS

The City of Bethel shall not be held liable for any conflicts between private citizens that may arise as a result of this Ordinance.

PASSED AND APPROVED This . . . day of _____,
19 77 .

Donald Elliott, Mayor

ATTEST:

Irene Williams
Irene Williams, City Clerk

MODIFICATION #1 OF ORDINANCE #114

A MODIFICATION OF ORDINANCE #114 TO INCLUDE MINIMUM WATER AND SEWAGE TANK REQUIREMENTS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BETHEL:

That Section 10.06.120 Building Permit Minimum Standards and 10.06.140 Preliminary Permit Application Procedure be modified as follows:

Section 10.06.120 Building Permit Minimum Standards

A building permit may not be issued if the lot improvement:

- (a) Encroaches on any right of way;
- (b) Causes the placement of fill on any City right of way when the width of the fill is greater than 20' at its widest point;
- (c) Does not provide for adequate drainage as determined by the Department;
- (d) Does not include water and sewer system, with a minimum water holding tank size of 500 gallons for one bedroom structure, a minimum septic tank size of 500 gallons for a one bedroom structure, or can show evidence of having a well or show the ability to connect to an existing or proposed piped system. The system must be designed in such a way as not to pose a potential nuisance or hazard to neighbors. The standard application to all new construction.

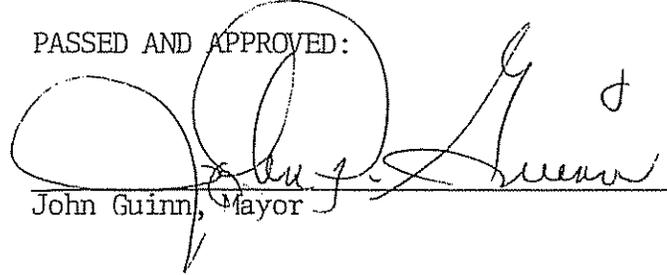
Section 10.06.140 Preliminary Permit Application Procedure

A preliminary permit valid for 120 days shall be issued, provided that the proposed lot improvement meets the minimum standards as found in this chapter, and further provided that the following information is presented to the City Administrative Officer or designee as part of the application:

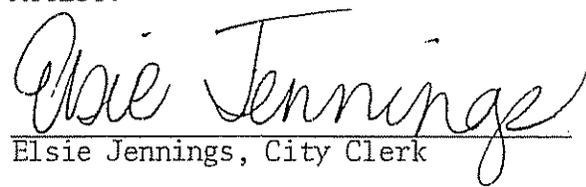
- (1) A legal description of the land on which the improvement is to be located and if possible, evidence of ownership;
- (2) The location of all existing lot improvements and all proposed lot improvements.
- (3) The location of all existing City right of ways that are adjacent to or across the lot being improved;
- (4) A description of the water and sewer system proposed on the lot (only in the case of new construction). Each proposed new structure shall have water tanks and sewer holding tanks conforming to the minimum size requirement of 300 gallons per tank per unit, with increments in size of 200 additional gallons per bedroom. Tanks shall be designed to meet a goal of once per week servicing and tank sizing beyond the minimum requirements shall be the owners responsibility. Waivers to the established requirements shall be granted by the Department at the time of application upon the owner showing proof of the ability and intent to connect to an existing piped system or to connect to a well. Special consideration with regard to minimum size and requirements shall be granted upon the approval of both the Department and the Commission.

PASSED AND APPROVED THIS 22ND DAY OF JULY, 1981.
EFFECTIVE DATE JANUARY 1, 1982.

PASSED AND APPROVED:


John Guinn, Mayor

ATTEST:


Elsie Jennings, City Clerk

CITY OF BETHEL
MODIFICATION #2 of ORDINANCE 114

A MODIFICATION OF ORDINANCE NO. 114 TO INCLUDE MINIMUM WATER AND SEWAGE TANK REQUIREMENTS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BETHEL, ALASKA:

That Section 10.06.120, Building Permit Minimum Standards, and 10.06.140, Preliminary Permit Application Procedure, be modified as follows:

Section 10.06.120. Building Permit Minimum Standards

A building permit may not be issued if the lot improvement:

- a) Encroaches on any right-of-way;
- b) Causes the placement of fill on any City right-of-way when the width of the fill is greater than 20' at its widest point;
- c) Does not provide for adequate drainage as determined by the Planning Department;
- d) Does not include a water and sewer system conforming to minimum requirements. The system must be designed in such a way as not to pose a potential nuisance or hazard to neighbors.

Section 10.06.140. Preliminary Permit Application Procedure

A preliminary permit valid for 120 days shall be issued provided that the proposed lot improvement meets the minimum standards as found in this chapter and further provided that the following information is presented to the City Administrative Officer or designee as part of the application:

- 1) A legal description of the land on which the improvement is to be located and if possible evidence of ownership;
- 2) The location of all existing lot improvements and all proposed lot improvements;
- 3) The location of all existing City right-of-ways that are adjacent to or across the lot being improved;
- 4) A description of the water and sewer system proposed on the lot (only in the case of new construction). Each proposed new structure shall have water tanks and sewer holding tanks conforming to the minimum size requirements of 300 gallons per tank per unit with increments in size of 200 additional gallons per bedroom. Tanks shall be designed to meet a goal of once per week servicing and tank size beyond the minimum requirements shall be the owner's responsibility. Waivers to the established requirements shall be granted by the Department at the time of application upon the owner showing proof of the ability and intent to connect to an existing piped system or to connect to a well. Special consideration with regard to minimum size requirements shall be granted upon the approval of both the Planning Department and the Planning Commission.

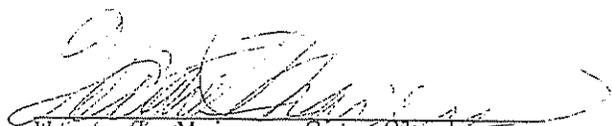
PASSED AND APPROVED THIS 1ST DAY OF JANUARY, 1982.

PASSED AND APPROVED:



John Guinn, Mayor

ATTEST:



Wayne J. Maiers, City Clerk