



CITY of BETHEL

P. O. Box 537 • Bethel, Alaska 99559

543-2297 — Area Code 907

CITY OF BETHEL ORDINANCE #55

AN ORDINANCE ESTABLISHING A PLANNING COMMISSION AND PROVIDING FOR ITS DUTIES, FUNCTIONS, AND PROCEDURES

WHEREAS, Section 29.43.040, Alaska Statutes, provides that a second class city may provide for planning, platting and zoning as provided by Alaska Statutes 29.33.070-29.33.245; and,

WHEREAS, the City of Bethel has need for a planning commission as it experiences the growth of the 1970's; and

WHEREAS, the City of Bethel desires to create a planning commission and provide for its duties, powers and procedures.

NOW, THEREFORE, BE IT ORDINANCED THAT:

SECTION 55.01.010 - TITLE

This Ordinance shall be known as the City of Bethel Planning Ordinance.

SECTION 55.02.010 -CLASSIFICATION

This Ordinance shall be of a general and permanent nature and shall become a part of the City code.

SECTION 55.03.010 - SEVERABILITY

If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

SECTION 55.04 -010 ESTABLISHMENT OF COMMISSION:

Upon the adoption of this ordinance, there is hereby established a planning commission for the City of Bethel. Its duties, functions, procedures and composition shall be as specified herein.

020 -PLANNING

Upon the adoption of this ordinance, the planning commission shall be empowered to prepare and forward to the City Council the items listed in numbers 1 to 8 below. All submittals to the Council shall be accompanied by the planning commission's recommendation as to disposition, implementation, or other actions.

1. A study and review of proposed public land selection, disposal or management practices within or that will affect the City;

2. A report and recommendation on the City's annual planning budget and work program, as well as on all planning consulting contracts that the City is or proposes to be a party to;
3. A report and recommendation on needed or proposed public improvements;
4. A comprehensive plan consisting of maps and related texts for the systematic development of the City;
5. A capital improvements program;
6. An ordinance to implement the comprehensive plan;
7. A subdivision ordinance; and
8. The official map of the City.

030 - PLATTING: Upon adoption of a subdivision ordinance by the City, the planning commission may, if so authorized by the Council, act as the platting board in a manner as prescribed by law.

040 - ZONING: Upon adoption of a zoning ordinance by the City, the planning commission may, if so authorized by the Council, act as the zoning commission in a manner as prescribed by law.

SECTION 55.05.010 - COMPOSITION AND GENERAL PROCEDURES

1. Membership. The voting members of the planning commission shall be six (6) citizens who are residents of the City. The manager shall be an ex-officio member entitled to vote.
2. Appointment. Members shall be appointed by the Mayor and confirmed by the Council. Appointments to fill vacancies shall be for the unexpired term only.
3. Term of Office. Members appointed shall be appointed for a term of three (3) years, except of those first appointed, two shall be appointed for three (3) years, three for two (2) years and two for one (1) year.
4. Officials. The Mayor shall appoint subject to Council approval, the presiding officer of the Commission. The commission shall designate a member as its deputy presiding officer to serve in the absence of the presiding officer. A clerk shall be elected to be responsible for preparing the journal of the commission's proceedings.
5. Vacancies. A vacancy shall be declared and filled as above provided when the member:
 - a. Fails to qualify and take his office within thirty (30) days after his confirmation by the Council;

- b. Departs from the City with the intent to remain away for a period of ninety (90) or more days, or is physically absent from the area he was appointed to represent for a period of ninety (90) or more days;
 - c. Submits his resignation and the resignation is accepted by the Council;
 - d. Is physically or mentally unable to attend commission meetings for a period of more than ninety (90) days;
 - e. Misses three (3) or more consecutive regular meetings, unless excused by the commission; and
 - f. Is convicted of a felony or of an offense involving violation of his oath of office.
6. The clerk of the planning commission shall keep attendance records and notify the Mayor when vacancies occur.
7. Quorum. Four members constitute a quorum. Any act of the commission requires a majority affirmative vote of at least four (4) members to conform with Title 29, Regulating Council meetings.
8. Meetings. Regular meetings shall be held. Special meetings may be called by the presiding officer or shall be called by him at the request of two (2) members.
9. An agenda shall be prepared and published of all meetings using established rules of the City Council.
10. Record of Meetings. Meetings shall be public and minutes shall be kept. Minutes and records shall be filed with the clerk of the City of Bethel and retained as public records.
11. Rules of Proceedings. Meetings shall be conducted under Robert's Rules of Order, and such modified or amended rules as may be adopted by the commission and ratified by the Council.
12. Office and Staff.
 - a. The commission shall be provided office space suitable for its needs and adequate room to file its journals, resolutions, records, reference materials, correspondence, maps, plats and charts, all of which shall constitute public records of the City.
 - b. The City Manager may, in his discretion, make available to the commission, the planning staff and consultants of the City to aid the commission in the furtherance of the performance of the commission's duties.

13. Formal Acts by Resolution.

- a. All formal actions of the commission shall be by resolution bearing:
1. The heading, "City of Bethel Planning Commission";
 2. The space for the serial number to be assigned - "Resolution, Serial No. _____";
 3. A short and concise title descriptive of its subject and purposes;
 4. Short premises of "Whereas" clauses descriptive of the reasons for the resolution, if necessary;
 5. The resolving clause, "Be It Resolved:"; and
 6. Provision for signature after the text, "Adopted (Date)", and designated lines for the signatures of of the commission presiding officer and the city clerk.

14. Funds. All funds of the commission received as fees and charges or otherwise shall be deposited in the general fund of the City as receipts of the activities of the commission.

15. Compensation. Compensation and expenses of the planning commission and its staff are paid as directed by the City Council.

PASSED THE 9th DAY OF September, 1974.

Edward Hoffman Jr
Mayor of Bethel

Marian Mc Lennan
City Clerk



CITY of BETHEL

P. O. Box 388 • Bethel, Alaska 99559

543-2297 — Area Code 907

MODIFICATION #1 OF ORDINANCE #55

AN ORDINANCE AMENDING TITLE 2, SECTION 32.04, MEMBERSHIP AND SECTION 32.06 TERM OF OFFICE OF THE PLANNING COMMISSION ORDINANCE.

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

That Section 2.32.04 of the Bethel Code of Ordinance is amended to read as follows:

2.32.040 Membership

The voting members of the Planning Commission shall be six (6) citizens who are residents of the City. The seventh voting member shall be a member of the Bethel City Council. The City Manager or his designee will act as staff to the Commission but will not be allowed to vote.

That Section 2.32.06 of the Bethel Code of Ordinances is amended to read as follows:

2.32.060 Term of Office

The six (6) residential members shall be appointed for a term of three (3) years. However, no more than one third (1/3) shall be appointed to full terms in any one year. The Council member shall be appointed for the duration of his/her term.

PASSED AND APPROVED THIS 11 DAY OF December, 1978.

APPROVED BY:

Don Elliott, Mayor

ATTEST:

Irene Williams, City Clerk

CITY OF BETHEL

MODIFICATION #1 OF ORDINANCE NO. 55

AN ORDINANCE AMENDING THE PLANNING COMMISSION DUTIES, TITLE 2, SECTION 32.020 KNOWN AS PLATTING.

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

That Section 2.32.020 of the Planning Commission Ordinances is amended to read as follows:

2.32.020 PLATTING

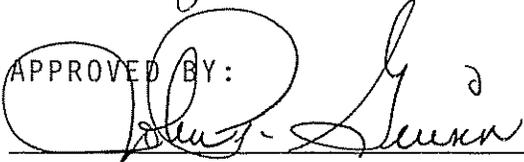
The Planning Commission shall act as the Platting Board. The Platting Boards powers shall include jurisdiction over, but not limited to, the control of.

- (1) form, size, and other aspects of subdivision, dedications, and variation of land;
- (2) dimensions of lot or tracts;
- (3) street width, arrangement, and right-of-way, including allowance for access to lots and installation of street paving, curbs, gutters, sidewalks, sewer lines, water lines, drainage and other public utility facilities and improvements.

The Planning Board may adopt regulations to implement its platting powers as designated above.

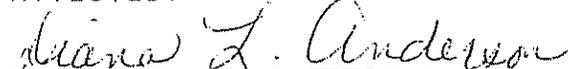
PASSED AND APPROVED THIS 28 DAY OF Jan, 1980.

APPROVED BY:



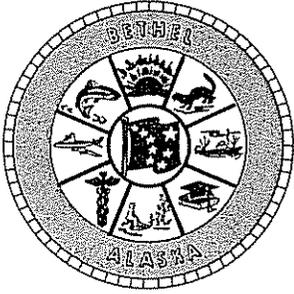
JOHN P. GUINN, MAYOR

ATTESTED:



DIANA L. ANDERSON, CITY CLERK

DIANA L. ANDERSON, CITY CLERK



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ORDINANCE NO. 55

AN ORDINANCE ESTABLISHING THE PLANNING COMMISSION,
AND PROVIDING FOR ITS DUTIES AND FUNCTIONS AND
RELATED PROCEDURES

BE IT ENACTED:

Sec. 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the city code.

Sec. 2. Severability. If any provision of this ordinance of any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Sec. 3. Adoption of Sections. The following annexed sections, Sec. 55.05.010 through Sec. 55.05.030, inclusive; Sec. 55.10.010 through Sec. 55.10.140 inclusive;
Sec. 55.15.010 through 55.15.020, inclusive;
Sec. 55.20.010 through 55.20.030, inclusive;
Sec. 55.25.010 through 55.25.100, inclusive;
Sec. 55.30.010 through 55.30.060, inclusive; are hereby adopted as a part of this ordinance Number 55 of the Ordinances of the city of Bethel.

Introduced: _____

Adopted: _____

Mayor

Attest:

Clerk

CITY OF BETHEL

ORDINANCE 55. PLANNING, PLATTING AND ZONING

Chapter - Section

05. General

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55.05.020 Planning and zoning Page 3
55.05.030 Platting Page 3

10. Planning Commission

55.10.010 Membership Page 3
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55.10.030 Term of Office Page 3
55.10.040 Officials Page 3
55.10.050 Seal Page 3
55.10.060 Vacancies Page 3
55.10.070 Quorum Page 4
55.10.080 Meetings Page 4
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CITY OF BETHEL

ORDINANCE 55. PLANNING, PLATTING AND ZONING

Chapter - Section

30. Platting - State Statutory Procedure

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55.30.050	Recorded plats legalized . . .	Page 14
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Chapter 05. General

Sec. 55.05.010. Establishment of commission. There is hereby established the planning commission for the city to perform the functions of planning, platting, and zoning for the city.

Sec. 55.05.020. Planning and zoning. It shall be the duty of the commission to hold hearings when necessary and make recommendations to the Council on matters concerning or relating to planning and zoning, the enforcement of appropriate regulations, and amendments to ordinances, or other matters within the scope of the planning and zoning power.

Sec. 55.05.030. Platting. The function of platting shall be performed from time to time by the commission, convened as the platting authority for the city, and completed upon it having approved or rejected proposed plats, replats and vacations of public ways according to law.

Chapter 10. Planning Commission.

Sec. 55.10.010. Membership. The voting members of the planning commission shall be seven citizens who are residents of the city. The manager shall be an ex-officio member but may not vote.

Sec. 55.10.020. Appointment. Members shall be appointed by the mayor and confirmed by the council. Appointments to fill vacancies shall be for the unexpired term only.

Sec. 55.10.030. Term of office. Members appointed under Ordinance 55.10.010 shall be appointed for a term of three years, except of those first appointed two shall be appointed for three years, three for two years and two for one year. Such members first appointed shall draw lots for the foregoing terms.

Sec. 55.10.040. Officials. The commission shall designate a member as its presiding officer to conduct the affairs of the commission, a deputy presiding officer to serve in the absence of the presiding officer, and a clerk. The clerk shall prepare the journal of the commission's proceedings.

Sec. 55.10.050. Seal. The commission shall adopt a seal of two concentric circles within which appear the words "City of Bethel Planning Commission", "Seal" and "State of Alaska". It shall be retained in the custody of the city clerk.

Sec. 55.10.060. Vacancies. (a) A vacancy shall be declared, and filled as above provided, when the member

(1) fails to qualify and take his office with thirty days after his confirmation by the council;

(2) departs from the city with the intent to remain away for a period of ninety or more days or is physically absent from the area he was appointed to represent for a period of ninety or more days;

(3) submits his resignation and the resignation is accepted by the Mayor;

(4) is physically or mentally unable to attend commission meetings for a period of more than ninety days;

(5) misses three or more consecutive regular meetings, unless excused by the commission;

(6) is convicted of a felony or of an offense involving in violation of his oath of office;

(b) The clerk of the Planning Commission shall keep attendance records and notify the Mayor when vacancies occur.

Sec. 55.10.070. Quorum. A majority of voting membership constitutes a quorum except as provided in Sec. 55.25.080 (b). Any act of the commission requires a majority affirmative vote of those voting members present.

Sec. 55.10.080. Meetings. Regular meetings shall be held on first Monday of each month. Special meetings may be called by the presiding officer or shall be called by him at the request of three members, including non-voting members.

Sec. 55.10.090. Record of meetings. Meetings shall be public and minutes shall be kept. Minutes and records shall be filed with the clerk of the City of Bethel and retained as public records.

Sec. 55.10.100. Rules of proceedings. Meetings shall be conducted under Robert's Rules of Order, and such modified or amended rules as may be adopted by the commission.

Sec. 55.10.110. Order of Business. (a) The order of business at regular meetings shall be:

(1) Approval of minutes of previous meetings, as amended or corrected.

(2) Reading and disposition of correspondence.

(3) Unfinished business.

(4) New business.

(5) Miscellaneous business.

(b) The order of business at special meetings shall be prescribed by the presiding officer.

Sec. 55.10.120. Office and staff. (a) The commission shall be provided office space suitable for its needs and adequate to file its journals, resolutions, records, reference materials, correspondence and maps, plats and charts, all of which shall constitute public records of the city.

(b) The city manager may in his discretion make available to the commission the planning staff and consultants of the city to aid in the furtherance of the performance of the commission's duties.

Sec. 55.10.130. Formal acts by resolution. (a) All formal actions of the commission shall be by resolution bearing (1) the heading "City of Bethel Planning Commission, (2) the space for the serial number to be assigned -- "Resolution, Serial No. _____", (3) a short and concise title descriptive of its subject and purposes, (4) short premises of whereas clauses descriptive of the reasons for the resolution, if necessary, (5) the resolving clause "Be It Resolved:", and, (6) provision for signature after the text, "Adopted (date)", and designated lines for the signatures of the commission presiding officer and the city clerk.

(b) All resolutions adopted by the commission, whether at the instance of and presented by third parties, or on the motion of and instance of the commission, shall conform to that set forth in (a) above and shall be on white 8 1/2 X 11 paper with 1 1/2 inch left margin suitable for permanent filing.

Sec. 55.10.140. Funds. All funds of the commission received as fees and charges or otherwise shall be deposited in the general fund of the city as receipts of the activities of the commission.

Sec. 55.10.150. Compensation. Compensation and expenses of the planning commission and its staff are paid as directed by the City Council.

Chapter 15. Planning Functions

Sec. 55.15.010. Duties and Functions. (a) The

Planning Commission shall prepare and recommend to the city council:

(1) a comprehensive plan consisting of maps and related texts for the systematic development of the city;

(2) a zoning ordinance to implement the comprehensive plan;

(3) a subdivision ordinance;

(4) the official map of the city; said map shall include reference to zoning and other applicable restrictions prescribed by the commission.

(5) modifications to the documents specified in (1) - (4) of this section.

(b) The commission shall publish notice of and hold at least one public hearing before submitting its recommendations under (a) of this section to the assembly. Notice shall be published in the same manner as in the case of ordinances.

(c) The Planning Commission shall

(1) act as the platting board;

(2) act upon requests for variances;

(3) act upon requests for conditional uses.

(d) Subject to any ordinance adopted pursuant to AS. 29.33.245, no platting request, variance or conditional use may be granted except upon an affirmative vote of a majority of the voting members of the commission.

Sec. 55.15.020. Comprehensive plan. (a) The comprehensive plan provided for in Ordinance 55.15.010 (a) (1) shall be a compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development, both private and public, of the city, and may include, but is not limited to, the following: statements of policies, goals, standards, a land use plan, a community facilities plan, a transportation plan, and recommendations for plan implementation.

(b) The planning commission shall undertake an overall review of the plan at least once every two years. Before presenting recommendations based on the review to the council, the planning commission shall consider recommendations of the type and in the manner prescribed in sub-paragraph (b) of this section.

Chapter 20. Zoning

Sec. 55.20.010. Zoning. (a) In accordance with the comprehensive plan, the council shall regulate and restrict the use of land and improvements by districts. Regulations shall be uniform for each class or kind of building, structure, land or water area within each district, but the regulations may differ among districts and exceptions may be made in order to provide for the preservation, maintenance and protection of historic sites, buildings and monuments.

(b) Zoning regulations adopted under (a) of this section may include, but are not limited to, restriction of

- (1) land use;
- (2) building location and use;
- (3) the height and size of structures;
- (4) the number of stories in buildings;
- (5) the percentage of lot which may be covered;
- (6) the size of open spaces;
- (7) population density and distribution.

(c) Zoning regulations are designed to

- (1) provide for orderly development;
- (2) lessen street congestion;
- (3) promote fire safety and public order;
- (4) protect the public health and general welfare;
- (5) prevent overcrowding;
- (6) stimulate systematic development of transportation, water, sewer, school, park and other public facilities.

Sec. 55.20.020. Board of Adjustment. (a) The council is the board of adjustment. Meetings of the board are held at the call of the mayor. The mayor may administer oaths and compel attendance of witnesses. Meetings and hearings of the board shall be open to the public. The city clerk shall keep minutes of the proceedings of the board of adjustment as a public record.

(b) The board of adjustment shall hear and decide

(1) appeals regarding alleged errors in enforcement of zoning ordinances and building codes;

(2) appeals from the decisions of the planning commission on requests for variances from the terms of the zoning ordinances which are not contrary to the public interest, when a literal enforcement would deprive a property owner of rights commonly enjoyed by other properties in the same district.

(c) A variance shall not be granted because of special conditions caused by actions of the person seeking relief or for reasons of pecuniary hardship or inconvenience. A variance shall not be granted which will permit a land use in a district in which that use is prohibited.

Sec. 55.29.030. Adjustment Procedure. (a) An interested party, including but not limited to a city official, may file with the board of adjustment an appeal specifying in writing his objections and his address. Copies are filed with the administrative officer involved in the decision or enforcement and with the city clerk within thirty (30) days from the date of the decision or enforcement involved. The officer shall provide the board with all pertinent records, including his written decision such material shall become part of the reading of the appeal. An appeal to the board stays enforcement proceedings unless the board or a court issues an enforcement order based on a certificate of imminent peril to life or property made by the enforcement officer.

(b) The mayor shall act as the presiding officer of the board of adjustment, and shall exercise such control over the board's proceedings as is reasonable and necessary. In addition to his other duties, he shall rule upon the admissibility of evidence before the board and may limit presentations before the board to a reasonable period of time.

(c) A quorum of the board of adjustment shall consist of a majority of its voting members. Decisions by the board may be made and rendered by a majority of a quorum. Only those members of the board of adjustment who have been present throughout the hearing on an appeal may vote on that appeal.

(d) The following procedure shall be followed at any hearing on an appeal before the board of adjustment:

(1) The appeal number and the name of the party appealing shall be read into the record.

(2) The mayor shall then determine if the appellant or his agent is present. If no such person is present, the board will proceed with the hearing in such person's absence, unless the presiding officer rules that there were extenuating circumstances which prevented the appellant or his agent from appearing.

(3) The presiding officer shall require the appellant, to give his presentation first.

(4) After the conclusion of the appellant's presentation, the official involved shall then make a presentation. That official shall answer any questions by any member of the board concerning his comments or appellant's comments.

(5) The appellant shall then have the right to respond to the official's presentation.

(6) All comments made by the official or the appellant shall be directed to the mayor. All questions directed toward the appellant or official shall be only by a member of the board of adjustment.

(7) All testimony before the board shall be under oath, to be administered by the city clerk.

(e) An appellant may in lieu of a personal appearance before the board of adjustment present his appeal in writing supported by an affidavits appellant considers necessary. Such affidavits shall be filed by appellant at the time of filing the notice of appeal.

(f) Appellant, other interested persons, and any official may be represented by legal counsel at the board of adjustment.

(g) The burden of proof is upon the appellant to prove his case by a preponderance of the evidence.

(h) The formal rules of evidence applicable to an action at law do not apply to hearings before the board of adjustment. Evidence and testimony shall be relevant to the appeal.

(i) The decision of the board of adjustment on an appeal shall be by an affirmative motion.

Chapter 25. Platting Functions

Sec. 55.25.010. Platting. The planning commission acting as the platting board has jurisdiction over platting and shall adopt and publish rules and regulations to implement this power. Jurisdiction includes, but is not limited to, the control of

(1) form, size, and other aspects of subdivisions, dedications, and vacations of land;

(2) dimensions of lots or tracts;

(3) street width, arrangement, and right-of-way, including allowance for access to lots and installation of street paving, curbs, gutters, sidewalks, sewers, water lines, drainage, and other public utility facilities and improvements.

Sec. 55.25.020. Procedure. (a) The platting board shall within 60 days of filing approve or disapprove the plat or shall return it to the applicant for modification or correction. If the board fails to act, the plat is considered by the board on demand. The applicant for plat approval may consent to the extension of the period for action by the board. The board shall state on its record and in writing to the applicant its reason for disapproval of a plat.

(b) The platting board shall submit an approved plat to the district recorder in compliance with AS 40.15.010 - 40.15.020.

(c) The platting board shall approve or disapprove the plat of subdivision or dedication within 60 days after it is filed or shall return the plat to the applicant for modification or correction within 60 days from the date of filing. If the platting board does not approve, disapprove or return the plat to the applicant, the plat is considered approved and a certificate of approval shall be issued by the platting board on demand. The applicant for plat approval may consent to the extension of the period for action by the platting board. The reason for disapproval of a plat shall be stated upon the records of the platting board.

Sec. 55.25.030. Waiver in certain cases. (a) The platting board shall, in individual cases, waive the preparation,

submission for approval, and recording of a plat upon satisfactory evidence that

(1) each tract or parcel of land will have adequate access to a public highway or street;

(2) each parcel created is five acres in size or larger and that the land is divided into four or fewer parcels;

(3) the conveyance is not made for the purpose of, or in connection with, a present or projected subdivision development;

(4) no dedication of a street, alley, thoroughfare or other public area is involved or required.

(b) In other cases the platting board may waive the preparation, submission for approval, and recording of a plat if the transaction involved does not fall within the general intent of AS 29.33.150 - 29.33.240 and AS 40.15 if it is not made for the purpose of, or in connection with, a present or projected subdivision development and no dedication of a street, alley, thoroughfare, park or other public areas is involved or required.

Sec. 55.25.040. Information required. A plat shall show initial point of survey, original or reestablished corners and their descriptions, and actual traverse showing area of closure and all distances, angles and calculations required to determine initial point, corners and distances of the plat, as well as other information which may be required by ordinance.

Sec. 55.25.050. Penalties. (a) The owner or agent of the owner of land located within a subdivision who transfers, sells, or enters into a contract to sell land in a subdivision before a plat of the subdivision has been prepared, approved, and recorded, is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$500 for each lot or parcel transferred, sold, or included in a contract to be sold. The platting board may enjoin a transfer, sale, or contract to sell, and may recover the penalty by appropriate legal action.

(b) No person may record a plat or seek to have a plat recorded unless it bears the approval of the platting board. A person who knowingly violates this requirement is punishable upon conviction by a fine of not more than \$500.

Sec. 55.25.060. Alteration or Replat Petition. No recorded plat may be altered or replatted except upon petition of the owners of a majority of the land affected by the alteration or

or replat or by the platting board. No platted street may be vacated, except upon petition of the municipality or owners of the majority of the front feet of the land fronting the part of the street sought to be vacated. The petition shall be filed with the platting board. It shall be accompanied by a copy of the existing plat showing the proposed alteration or replat.

Sec. 55.25.070. Notice of Hearing. The platting board shall fix a time for a hearing on the petition which shall not be more than 60 days after the filing. The board shall publish a notice stating when and by whom the petition was filed, its purpose, and the time and place of the hearing. The notice shall generally describe the alteration or replat sought. The notice shall be published once a week for two consecutive weeks in a newspaper of general circulation in the area. The board shall also mail a copy of the notice to each affected property owner not signing the petition.

Sec. 55.25.080. Hearing and Determination. (a) At the hearing the platting board shall consider the alteration or replat and make its decision on the merits of the proposal. No vacation of a city street may be made without the consent of the city council.

(b) A quorum of the platting board shall consist of a majority of its voting members. The board may act only upon a majority vote of its entire voting membership. Only those members of the platting board who have been present at the hearing may vote upon the question presented.

(c) The council shall have 30 days from the decision in which to veto the board decision. If no veto is received by the board within the 30 day period, the consent of the city shall be considered to have been given to the vacation.

Sec. 55.25.090. Recording. If the alteration or replat is approved, the revised plat must be recorded by the platting board and is thereafter the lawful plat.

Sec. 55.25.100. Title to Vacated Area. (a) The title to the street or other public area vacated on a plat attaches to the lot or lands bordering on the area in equal proportions, except that if the area was originally dedicated by different person, original boundary lines shall be adhered to so that the street area which lies on one side of the boundary line shall attach to the abutting property on that side, and the street area which lies on the other side of the boundary line shall attach to the property on that side. The portion of a vacated street which lies within the limits of a platted addition attaches to the lots of the platted

addition bordering on the area. If a public square is vacated, the title to it vests in the city if it lies within the city. If the property vacated is a lot or tract, title vests in the rightful owner.

(b) If the city acquired the street or other public area vacated for legal consideration or by express dedication to and acceptance by the city other than required subdivision platting, before the final act of vacation the fair market value of the street or public area shall be deposited with the platting authority to be paid over to the city on final vacation.

Chapter 30. Platting--State Statutory Procedure

Sec. 55.30.010. Approval and recording of subdivisions. Before the lots or tracts of any subdivision or dedication may be sold or offered for sale, the subdivision or dedication shall be submitted for approval to the authority having jurisdiction. The regular approval of the authority shall be shown on it or attached to it and the subdivision or dedication shall be filed for record in the office of recorder. The recorder shall not accept a subdivision or dedication for filing unless it shows this approval. (AS 40.15.010)

Sec. 55.30.020. Plats to be acknowledged and contain certificate that taxes and assessments are paid. Every plat shall be acknowledged before an officer authorized to take acknowledgement of deeds. A certificate of acknowledgement shall be endorsed on or annexed to the plat and recorded with it. A person filing a plat, map, subdivision, or replat of property, or vacating the whole or any portion of an existing plat, map, subdivision, or replat shall, at the time of filing it for record or filing the petition to vacate, file with it a certificate from the tax-collecting official or officials of the area in which the land is located that all taxes levied against the property at that date are paid. (AS 40.15.020)

Sec. 55.30.030. Dedication of streets, alleys and thoroughfares. When an area is subdivided and a plat of the subdivision is approved and recorded, all streets, alleys, thoroughfares, parks and other public area shown on the plat are deemed to have been dedicated to public uses. (AS 40.15.030)

Sec. 55.30.040. Certified copy of plat is evidence. A copy of a plat certified by the recorder of the recording district in which it is recorded as a true and complete

copy of the original on file in his office is admissible in evidence in all courts in the state with the same effect as the original. (AS 40.15.040)

Sec. 55.30.050. Recorded plats legalized. All plats recorded before March 30, 1953, whether executed and acknowledged in accordance with AS 40.15.050 or not, are validated and all streets, alleys or public thoroughfares shown on these plats are considered as having been dedicated to public use. This section does not prohibit the abandonment of a plat recorded before March 30, 1953, if a subsequent plat is filed indicating abandonment. The last plat of the area of record of March 30, 1953, is the official plat of the area, and the streets, alleys, or thoroughfares shown on it are deemed to be the streets, alleys or thoroughfares dedicated to public use. The streets, alleys or thoroughfares shown on an earlier plat of the same area or any part of it which is in conflict with those shown on the official plat is deemed to have been abandoned and vacated. (AS 40.15.050)

Sec. 55.30.060. Missing plats. Where a recorded plat is missing and no present record is available except by reference to the missing plat, a counterpart copy, approved by the platting authority, may be recorded as of the original date of the missing plat and after recordation has the same legal effect and notice as the original missing plat. (AS 40.15.060)