

**PETERSBURG BOROUGH
ORDINANCE #2014-09**

**AN ORDINANCE PROVIDING FOR Chapter 13.12 (CAMPING/RECREATION
AREAS) OF THE MUNICIPAL CODE, AND UPDATING CURRENT LANGUAGE TO
REFLECT BOROUGH INCORPORATION**

Whereas, on January 3, 2013 the Election Division for the State of Alaska certified the election results of the December 18, 2012 incorporation election for the Petersburg Borough, and

Whereas, the certified election confirmed the incorporation of the Petersburg Borough and dissolved the City of Petersburg, and

Whereas, Petersburg Borough Charter, Section 19.06 requires all ordinances, resolutions, regulations, orders and rules in effect for the former City of Petersburg continue in full force and effect within the Petersburg Borough, Service Area 1, until expressly reaffirmed, revised or repealed by the assembly.

Therefore the Petersburg Borough Ordains, the existing provisions for Chapter 13.12, Camping/recreation, as noted with amendments below, is hereby approved and adopted as a borough ordinance to be administered on an areawide (borough-wide) basis.

Section 1. Classification: This ordinance is of a permanent nature and shall be codified in the Petersburg Borough Code.

Section 2. Purpose: The purpose of this ordinance is to update Code language to reflect borough incorporation.

Section 3. Substantive Provisions: The provisions of the former City of Petersburg (now Service Area 1) Municipal Code, Chapter 13.12 are hereby transferred and incorporated into this borough ordinance, and shall read as follows. Chapter and section numbers from the prior city code are retained for future referencing and codification of the Borough Code.

Chapter 13.12 - CAMPING/RECREATION AREAS

Sections:

13.12.010 - Purpose.

13.12.020 - Definitions.

13.12.030 - Camping on borough property prohibited—Sandy Beach recreation area.

13.12.040 - Camping by permit.

13.12.050 - Camping on private property located within service area 1

13.12.060 - Camping fees authorized.

13.12.070 - Payment of fees.

13.12.080 - Certain acts prohibited.

13.12.090 - Storage and disposal of garbage, refuse and other wastes.

13.12.100 - Unauthorized structures.

13.12.110 - Violation—Penalty.

13.12.010 - Purpose.

The purpose of this chapter is to protect, preserve and control all recreation areas, campgrounds, campsites and camping on all lands owned or controlled by the borough.

13.12.020 - Definitions.

As used in this chapter, unless otherwise indicated, the following words and terms shall have the meanings set out in this section:

"Camp" or "Camping" means:

1. The erection of any tent for human occupancy regardless of whether said tent is of commercial manufacture or has been constructed in whole or part by any person;
2. The placing or leaving of any items normally found at a campsite such as cook stoves, lanterns, etc., if sleeping bags and/or other forms of bedding are also placed or left at the location;
3. The sleeping in any motor vehicle or camper unit;
4. Sleeping on the ground, with or without any tent, sleeping pad, or other form of bedding.

"Camping permit" means a permit issued by the parks and recreation department allowing the use of a designated area of borough owned or controlled property, including the Sandy Beach Recreation Area, for temporary camping upon proper application.

"Officer" or "official" means any borough official authorized to enforce the laws and protect land being unlawfully used for camping.

"Parks and recreation department" means the department established as defined in Chapter 3.56 of this code.

"Sandy Beach Recreation Area" means that sector of land described as parcel number 000 01014190, located at 1031 Sandy Beach Road, to be used for picnicking and as a day facility only, between the hours of seven a.m. and midnight.

"Self-contained camper unit" means all vehicles and trailers which contain sleeping facilities for one or more persons. Sleeping facilities shall also include any structure or area of any vehicle or trailer which circumstances indicate are actually being used for sleeping and need not consist of actual beds or bunks. Self-contained camper units may also be referred to as "camper unit" or "campers" in this section.

"Tent" means a temporary and/or portable structure or shelter constructed in whole or in part from canvas, nylon, plastic sheeting or other tenting material and being used for the purpose of camping as defined in this section.

13.12.030 - Camping on borough property prohibited—Sandy Beach recreation area.

- A. Camping, as defined in Section 13.12.020 of this chapter, is prohibited on borough owned or controlled property except in borough-designated public campground facilities or by camping permit.
- B. It is unlawful for any person to camp, as defined in Section 13.12.020 of this chapter, or to live, reside or otherwise use the area designated as Sandy Beach recreation area for any purpose other than a picnic area and recreational day facility.
- C. It is unlawful for any person to knowingly enter or remain upon the area known as Sandy Beach recreation area except during the posted permitted use times.

13.12.040 - Camping by permit.

The Parks and Recreation Director may allow camping on borough owned or controlled property, including the Sandy Beach recreation area, by issuance of a camping permit. The permit shall specifically identify the user(s), the area where camping is temporarily being permitted, and the date(s) for which the user shall be allowed to camp. The Parks and Recreation Director may impose a fee for issuance of a camping permit, and users shall specifically comply with Sections 13.12.100 and 13.12.110 and all other provisions of this chapter.

13.12.050 - Camping on private property located within service area 1.

- A. Camping, as defined in section 13.12.020 of this chapter, is prohibited on private property located within service area 1 limits, except where allowed in properly licensed campground facilities; and on other private property in compliance with paragraphs B and C below.
- B. With written permission from the property owner, an individual may camp for up to thirty days.
- C. The person camping shall be in possession of written permission from the owner of said property which shall include the name of the person allowed to camp on the owner's property and shall specifically state the property owner's permission for the camper to use the sanitary facilities of the property owner.

13.12.060 - Camping fees authorized.

The parks and recreation director is authorized, with the approval of the borough manager, to establish camping fees and/or camping deposits for lands owned or controlled by the borough.

13.12.070 - Payment of fees.

It is unlawful to camp in a designated camping area on lands owned or controlled by the borough without having first paid the appropriate fee to the authorized agent for the borough and having obtained the requisite permit. Evidence of payment of the camping fees shall be immediately produced upon the request of the fee agent or any borough official. A deposit to insure payment of fees and/or cleaning of campsites at the termination of use may also be required prior to issuance of a permit.

13.12.080 - Certain acts prohibited.

It shall be unlawful for any person, when camping on borough owned or controlled property or utilizing a borough recreational area or adjacent parking area, to:

- A. Dispose of or deposit human body wastes or any other waste other than in authorized or designated receptacles;
- B. Make or cause to be made any unnecessary or unusual noise which annoys, injures or endangers the comfort, repose, health or safety of the public, or any individual member of the public;
- C. Deface, destroy, alter, remove or otherwise disfigure any equipment, sign, utility services or other facility owned or provided by the borough;
- D. Allow any dog owned, harbored or controlled by that person, to be at large. All fecal wastes of any dog discharged or deposited on any lands within a borough-owned or controlled campground or other area where camping is being permitted, shall be immediately removed by the person owning, harboring or controlling said animal and shall be deposited in trash receptacles;

- E. Leave any campsite in a disorderly or unsightly condition during use or upon termination of use.

13.12.090 - Storage and disposal of garbage, refuse and other wastes.

All garbage, refuse and other waste created or compiled in the course of camping activities shall be properly stored during use of the campsite and upon termination of use disposed of in the provided garbage receptacles or off-site.

13.12.100 - Unauthorized structures.

Any tent or other structure erected, maintained, occupied or utilized on borough-owned or controlled land, unless otherwise permitted under this chapter, shall be unlawful and shall be subject to impoundment or disposal by an official.

13.12.110 - Violation—Penalty.

- A. A person who violates a provision of this chapter shall be guilty of a violation, and shall be subject to a fine as provided in Chapter 1.16 of the borough code.
- B. A person who violates a provision of this chapter is also liable for all costs and expenses incurred by the borough in the clean up and remedy of the violation, and administrative costs and attorney fees incurred by the borough as a result of the violation.

Section 4. Severability: If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person and circumstance shall not be affected.

Section 5. Effective Date: This ordinance shall become effective immediately after the date of its passage.

Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this _____ day of _____, 2014.

ATTEST:

Kathy O'Rear, Clerk

Mark Jensen, Mayor

Adopted:
Published:
Effective: