

## CITY OF PALMER, ALASKA

## ORDINANCE NO. 466

AN ORDINANCE DELETING TITLE 14 (SIGNS) IN ITS ENTIRETY AND ADDING A NEW TITLE 14 (SIGNS) TO THE PALMER MUNICIPAL CODE.

THE CITY OF PALMER, ALASKA, ORDAINS:

Section 1. Classification. This ordinance shall be of a permanent nature and shall become a part of the City of Palmer Code of Ordinances.

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 the application to other persons or circumstances shall not be affected thereby.

Section 3. Title 14 (Signs) of the Palmer Municipal Code is deleted in its entirety and a new Title 14 (Signs) is hereby adopted as follows:

TITLE 14

SIGNS

Chapters:

- 14.04 Definitions
- 14.08 Sign Regulations

Chapter 14.04

DEFINITIONS

Sections:

- 14.04.010 Generally.
- 14.04.020 Abandoned Sign.
- 14.04.030 Audio Sign.
- 14.04.040 Awning.
- 14.04.050 Awning Sign.
- 14.04.060 Banner.
- 14.04.070 Building Official.
- 14.04.080 Cabinet Sign.
- 14.04.090 Changeable Copy Sign (Automatic).
- 14.04.100 Changeable Copy Sign (Manual).
- 14.04.110 Clearance (Of A Sign).
- 14.04.120 Construction Sign.
- 14.04.130 Copy.
- 14.04.140 Directional/Information Sign.
- 14.04.150 Double/Multiple Faced Sign.
- 14.04.160 Electrical Sign.
- 14.04.170 Electronic Message Center.
- 14.04.180 Facade.
- 14.04.190 Face of Sign.
- 14.04.200 Festoons.
- 14.04.210 Flashing Sign.
- 14.04.220 Freestanding Sign.
- 14.04.230 Frontage.
- 14.04.240 Frontage, Building.
- 14.04.250 Government Sign.
- 14.04.260 Height (Of A Sign).
- 14.04.270 Illuminated Sign.
- 14.04.280 Lot.
- 14.04.290 Maintenance.
- 14.04.300 Mansard.
- 14.04.310 Marquee.
- 14.04.320 Marquee Sign.
- 14.04.330 Nameplate.
- 14.04.340 Nonconforming Sign.
- 14.04.350 Nonconforming Sign, Legal.

- 14.04.360 Occupancy.
- 14.04.370 Off Premises Sign.
- 14.04.380 On Premises Sign.
- 14.04.390 Owner.
- 14.04.400 Painted Wall Sign.
- 14.04.410 Parapet.
- 14.04.420 Pole Cover.
- 14.04.430 Political Sign.
- 14.04.440 Portable Sign.
- 14.04.450 Premises.
- 14.04.460 Prohibited Sign.
- 14.04.470 Projecting Sign.
- 14.04.480 Public Way.
- 14.04.490 Real Estate Sign.
- 14.04.500 Roof Sign.
- 14.04.510 Roofline.
- 14.04.520 Rotating Sign.
- 14.04.530 Sign.
- 14.04.540 Sign, Area Of.
- 14.04.550 Special Event.
- 14.04.560 Subdivision Identification Sign.
- 14.04.570 Temporary Sign.
- 14.04.580 Under-Canopy Sign.
- 14.04.590 Use.
- 14.04.600 Wall sign.
- 14.04.610 Window Sign.
- 14.04.620 Yard Sign.
- 14.04.630 Zoning District

14.04.010 Generally. For the purposes of this title, the words and phrases set forth in this chapter are given the following meanings.

14.04.020 Abandoned Sign. "Abandoned sign" means a sign which no longer identifies or advertises a bonafide business, lessor, service, owner, product, or activity, or for which no legal owner can be found.

14.04.030 Audio Sign. "Audio sign" means any sign with loudspeakers, sirens or any electronic or mechanical devices intended for producing noise. Vehicles operating legally upon roadways are not included.

14.04.040 Awning. "Awning" means a shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework.

14.04.050 Awning Sign. "Awning sign" means a sign painted on, printed on or attached flat against the surface of an awning.

14.04.060 Banner. "Banner" means a sign made of fabric or any non-rigid material with no enclosing framework.

14.04.070 Building Official. "Building Official" means the City Manager or such person as is authorized to administer and enforce this title.

14.04.080 Cabinet Sign. "Cabinet sign" means a complete, fully enclosed unit or module of a sign.

14.04.090 Changeable Copy Sign (Automatic). "Changeable copy sign (automatic)" means a sign on which the copy changes automatically on a lamp bank or through mechanical means, e.g. electronic message centers, electrical or electronic time and temperature units.

14.04.100 Changeable Copy Sign (Manual). "Changeable copy sign (manual)" means a sign on which copy is changed manually in the field, e.g. reader boards with changeable letters.

14.04.110 Clearance (Of A Sign). "Clearance (of a sign)" means the smallest vertical distance between the grade of the adjacent street, street curb or sidewalk and the

lowest point of any sign, including framework and embellishments, extending over that grade.

14.04.120 Construction Sign. "Construction sign" means a temporary sign identifying the owner, architect, contractor, subcontractors, material suppliers and/or financial institutions participating in construction on the property on which the sign is located.

14.04.130 Copy. "Copy" means the wording and advertising graphics on a sign surface in either permanent or removeable letter form.

14.04.140 Directional/Information Sign. "Directional/Information sign" means an on-premises sign giving directions, instruction or facility information and which may contain the name or logo of an establishment but no advertising copy; i.e. parking or exit and entrance signs.

14.04.150 Double/Multiple Faced Sign. "Double/Multiple faced sign" means a sign with two or more message faces.

14.04.160 Electrical Sign. "Electrical sign" means a sign or sign structure in which electrical wiring, connections, lighting or fixtures are used.

14.04.170 Electronic Message Center. See "Changeable Copy Sign (Automatic)".

14.04.180 Facade. "Facade" means the entire building front including the parapet.

14.04.190 Face of Sign. "Face of sign" means the area of a sign on which the copy is placed.

14.04.200 Festoons. "Festoons" means a string of ribbons, tinsel, small flags or pinwheels.

14.04.210 Flashing Sign. "Flashing Sign" means a sign which contains an intermittent or sequential flashing light source used primarily to attract attention.

14.04.220 Freestanding Sign. "Freestanding sign" means a sign supported by poles, braces or a foundation and not attached to any building.

14.04.230 Frontage. "Frontage" means the length of the property line of any one premises along a public way which it borders.

14.04.240 Frontage, Building. "Frontage, building" means the length of an outside building wall on a public way.

14.04.250 Government Sign. "Government sign" means any temporary or permanent sign erected and maintained by or under the direction of the city, borough, state or federal government.

14.04.260 Height (Of A Sign). "Height (of a sign)" means the vertical distance measured from the highest point of the sign to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

14.04.270 Illuminated Sign. "Illuminated sign" means a sign with an artificial light source incorporated internally or a sign which is illuminated by a light intended primarily for that purpose wherever situated.

14.04.280 Lot. "Lot" means a distinct parcel of land for ownership and tax purposes which is delineated and fixed on a plat filed for record.

14.04.290 Maintenance. For the purposes of this ordinance "maintenance" means the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that

does not alter the basic copy, design, or structure of the sign.

14.04.300 Mansard. "Mansard" means a sloped roof or roof-like facade architecturally comparable to a building wall.

14.04.310 Marquee. "Marquee" means a permanent rooflike structure or canopy of rigid material supported by and extending from the facade of a building (compare "Awning" and "Projecting Sign").

14.04.320 Marquee Sign. "Marquee sign" means any sign attached to or supported by a marquee structure.

14.04.330 Nameplate. "Nameplate" means a nonelectric on-premises identification sign, not exceeding four (4) square feet in area giving only the name, address, and/or occupation of the occupant or group of occupants.

14.04.340 Nonconforming Sign. A "nonconforming sign" is:

A. A sign which was not erected legally and does not comply with subsequently enacted restrictions and regulations, or

B. A sign which does not conform to the sign code requirements and for which a special permit has not been issued.

14.04.350 Nonconforming Sign, Legal. A "legal nonconforming sign" is:

A. A sign which was erected legally but does not comply with subsequently enacted restrictions and regulations, or

B. A sign which does not conform to the sign code requirements but for which a special permit has been issued.

14.04.360 Occupancy. "Occupancy" means the portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

14.04.370 Off Premises Sign. "Off premises sign" means a sign structure advertising an establishment, merchandise, commodity, services, profession or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located; e.g. billboards or outdoor advertising.

14.04.380 On Premises Sign. "On premises sign" means a sign which pertains to the use of the premises on which it is located.

14.04.390 Owner. "Owner" means a person recorded as such on official records. For the purposes of this ordinance, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts contrary are officially recorded or otherwise brought to the attention of the Building Official; i.e. a sign leased from a sign company.

14.04.400 Painted Wall Sign. "Painted wall sign" means any sign which is applied with paint or similar substance on the face of a wall.

14.04.410 Parapet. "Parapet" means the extension of a false face or wall above the roof line.

14.04.420 Pole Cover. "Pole cover" means covers enclosing or decorating poles or other structural supports of a sign.

14.04.430 Political Sign. "Political sign" means a temporary sign used in connection with a local, state, or national election or referendum.



14.04.440 Portable Sign. "Portable sign" means any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

14.04.450 Premises. "Premises" means a parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

14.04.460 Prohibited Sign. "Prohibited sign" means a sign which does not meet the requirements of this ordinance and which has not received legal nonconforming status.

14.04.470 Projecting Sign. "Projecting sign" means any sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign; and is a double faced sign with the faces less than twelve (12) inches apart.

14.04.480 Public Way. "Public Way" means any street, alley, sidewalk, easement or similar parcel of land which is deeded, dedicated or otherwise permanently appropriated to the public for public use or access.

14.04.490 Real Estate Sign. "Real estate sign" means a temporary sign advertising the real estate upon which the sign is located as being for rent, sale or lease.

14.04.500 Roof Sign. "Roof sign" means any sign erected over or on the roof of a building (compare "Mansard", "Wall Sign").

14.04.510 Roofline. "Roofline" means the top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys or minor projections.

14.04.520 Rotating Sign. "Rotating sign" means a sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.

14.04.530 Sign. "Sign" means any device, structure, fixture, or placard using graphics, symbols, and/or written copy designed primarily for the purpose of advertising or identifying any establishment, products, goods, services or political organization, person or viewpoint of any kind when placed outdoors or in an exterior window in view of the general public. "Sign" includes a complex sign designed to permit dividing the surface up among advertisements ("Cabinets") for several different businesses or products or which consists of several different, physically connected facets, containing related or unrelated advertising, in a zigzag, double faced, triangular, square, or other multifaceted design, with or without cabinets.

14.04.540 Sign, Area Of. "Sign, area of" means the gross area of each face of sign, excluding the area of structural supports not used for any copy, graphics or lighting.

14.04.550 Special Event. "Special event" means an advertising event, such as "sale", "grand opening", or "liquidation" for which the use of temporary signage and decorations is allowed to any separately owned business.

14.04.560 Subdivision Identification Sign. "Subdivision identification sign" means a freestanding or wall sign identifying a recognized subdivision, condominium complex or residential development.

14.04.570 Temporary Sign. "Temporary sign" means a sign not constructed or intended for long term use--erected for less than thirty (30) days.

14.04.580 Under-Canopy Sign. "Under-canopy sign" means

a sign suspended beneath a canopy, ceiling, roof, or marquee.

14.04.590 Use. "Use" means the purpose for which a building, lot, sign, or structure is intended, designed, occupied or maintained.

14.04.600 Wall Sign. "Wall sign" means a sign attached parallel to and extending not more than six (6) inches from the wall of a building. This definition includes painted, individual letter, and cabinet signs, and a sign on a mansard.

14.04.610 Window Sign. "Window sign" means a sign installed inside a window and intended to be viewed from the outside.

14.04.620 Yard Sign. "Yard sign" means a temporary sign installed to advertise the sale of household goods of the seller not as a part of retail business and includes garage sales, rummage sales and moving sales.

14.04.630 Zoning District. "Zoning district" means the land use designation for an area as established in the zoning ordinance, Title 17 of the Palmer Municipal Code. Commercial zoning districts include Airport Commercial, Limited Commercial and General Commercial districts and any similar districts. Industrial zoning districts include Airport Industrial and Industrial districts and any similar districts. Residential zoning districts include Single Family Residential, Single Family Residential Estate, Medium-Density Residential and Agricultural districts and any similar districts.

#### Chapter 14.08

#### SIGN REGULATIONS

##### Sections:

- 14.08.010 Signs Prohibited.
- 14.08.020 Signs Not Requiring Permits.
- 14.08.030 Lighting.
- 14.08.040 Maintenance.
- 14.08.050 Sign Setback Requirements.
- 14.08.060 Political Signs.
- 14.08.070 Signs Permitted Residential Districts.
- 14.08.080 Signs Permitted in Commercial and Industrial Districts.
- 14.08.090 Signs Permitted in Public Use Districts.
- 14.08.100 Signs Permitted in Planned Unit Developments.
- 14.08.110 Anchoring.
- 14.08.120 Additional Safety Information.
- 14.08.130 Legal Nonconforming Signs.
- 14.08.140 Loss of Legal Nonconforming Status.
- 14.08.150 Permits Required.
- 14.08.160 Fees.
- 14.08.170 Appeals--Generally.
- 14.08.180 Appeal Notice and Hearing Before Commission.
- 14.08.190 Appeal Notice and Hearing Before Council.
- 14.08.200 Record of Appeal from Commission.
- 14.08.210 Written Statements.
- 14.08.220 Appeal to a Superior Court.
- 14.08.230 Enforcement Authority.
- 14.08.240 Remedies and Civil Penalties.

14.08.010 Signs Prohibited. The following types of signs are prohibited in all zoning districts.

- A. Abandoned signs.
- B. Signs that imitate, resemble or obstruct the view of traffic or government signs and signals.
- C. Signs attached to trees, utility poles, public benches, street lights, or signs placed on any public property or public way except government signs.
- D. Signs placed on vehicles or trailers which, as

parked or located, are designed primarily to display said sign. (This does not apply to signs or lettering on buses, taxis, or vehicles operating during the normal course of business.)

E. Off-premises signs except government signs.

F. Portable signs including portable changeable copy signs.

G. Automatic changeable copy signs, animated or flashing signs except as permitted in this chapter.

H. Audio signs.

I. Signs which cause interference with radio, television or telephone reception.

J. Any sign not complying with requirements of applicable ordinances or regulations for visibility of traffic at access points for vehicles.

K. Any sign not authorized by this chapter or any sign permitted by this chapter for which a permit has not been obtained.

L. Any sign using reflectors, mirrors, or other devices intended to focus or direct illumination from the sign to any other place.

M. Signs exceeding a maximum height of twenty (20) feet.

14.08.020 Signs Not Requiring Permits. The following types of signs are exempted from permit applications but must be in conformance with all other requirements of this ordinance.

A. Construction signs of thirty-two (32) square feet or less. Such signs may be erected seven (7) days prior to construction and shall be removed within fourteen (14) days of beneficial occupancy.

B. Directional information signs of six (6) square feet or less.

C. Holiday or special event decorations, banners, pennants, or festoons.

D. Nameplates not exceeding four (4) square feet.

E. A sign relating to a temporary hazard to traffic.

F. Real estate signs not exceeding four (4) square feet in residential zoning districts or thirty-two (32) square feet elsewhere. Such signs shall be removed fourteen (14) days following sale, rental or lease.

G. One temporary yard sign not to exceed four (4) square feet in sign area. Such signs shall not be displayed more than four (4) days per sale. Erection of such temporary signs shall be limited in frequency to twice per year per premises.

H. Window signs otherwise conforming to this Title.

14.08.030 Lighting. A. Signs in all zoning districts shall be arranged so that no light or glare is directed or reflected to adjoining lots and streets or into residential windows. Dark backgrounds shall be used where feasible to reduce glare.

B. The following lights are prohibited:

1. An exposed electric lamp with an external reflector and without a light screen or comparable diffusion.

2. An exposed electric lamp in excess of 20 watts unless a screen is attached.

3. Any revolving beacon or beam.

4. Any flashing illumination.

5. Any illuminated sign in a Residential zoning district except as permitted in this chapter.

14.08.040 Maintenance. All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The Building Official or his designee shall have the right to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated.

14.08.050 Sign Setback Requirements. A. The base of structural members supporting freestanding signs shall be set back at least three (3) feet from any public way. Setback requirements have been modified for some sign types and

zoning districts by other sections of this chapter.

B. No part of any sign other than a government sign shall encroach into a public way except as permitted in this chapter.

14.08.060 Political Signs. Political signs are allowed in all districts, subject to the following regulations:

A. Political signs which do not exceed four (4) feet by eight (8) feet will be permitted for the period commencing no sooner than five (5) months before a national, state or local election and ending not later than fifteen (15) days after that election, except that signs advocating candidates defeated in a primary election are to be removed fifteen (15) days after the primary election in which the candidate was defeated.

B. In Single Family and Suburban Estate Residential zoning districts, each political sign shall not exceed four (4) square feet in area with the aggregate area of all signs on each lot not to exceed thirty-two (32) square feet.

C. Political signs are to comply with other applicable regulations of this chapter.

D. Before any political sign is installed, a permit must be issued by the Building Official. A permit is good for one or more political signs. No permit shall be issued unless the applicant submits the signed guarantee of a property owner within the city that all of the applicant's political signs shall be removed within fifteen (15) days after the election. The Building Official may, upon seven (7) days' written notice, go upon the property where the offending sign exists and remove the sign and bill the guarantor for the cost of removal.

14.08.070 Signs Permitted in Residential Districts.

The following signs are allowed in the Single Family Residential, Single Family Residential Estate, Medium Density Residential and Agricultural zoning districts:

A. All types of signs authorized by and conforming to the regulations of Sections 14.08.020 or 14.08.060 of this chapter.

B. One freestanding or wall sign as a subdivision identification sign per neighborhood, subdivision, or development, not to exceed ten (10) feet in height and thirty-two (32) square feet in sign area. The sign shall be located at least ten (10) feet from a public way or property line. Illuminated signs except internally illuminated are permitted.

C. For churches and synagogues, one freestanding sign not to exceed ten (10) feet in height and thirty-two (32) square feet in sign area and one wall sign not to exceed fifteen (15) square feet in sign area. The signs shall be located at least ten (10) feet from a public way or property line. Illuminated signs except internally illuminated are permitted.

D. For lawful home occupations, either one nameplate or one wall sign not to exceed four (4) square feet in area.

E. Setback requirements do not apply to yard signs, real estate signs or political signs; however, the signs may not encroach on a public way or property.

F. Signs shall not exceed ten (10) feet in height.

14.08.080 Signs Permitted in Commercial and Industrial Districts. The following signs are allowed in Commercial and Industrial zoning districts:

A. All types of signs authorized by and conforming to the requirements of Sections 14.08.020 and 14.08.060 of this chapter.

B. One freestanding sign per premises.

C. One roof sign per premises.

D. One wall sign per occupancy.

E. One awning sign per occupancy, not to exceed 35% of the surface area of the awning.

F. One marquee sign per occupancy, not to exceed two (2) square feet in sign area for each linear foot of marquee front and side.

G. One under-canopy sign per occupancy. No part of any



under-canopy sign shall be less than seven (7) feet above an adjacent walkway or parking area.

H. One projecting sign per occupancy with direct access to the building exterior. For occupancy frontages twenty (20) feet or more, the sign may project a maximum of six (6) feet with a maximum height of four (4) feet. For occupancy frontages of less than twenty (20), the sign may project a maximum of six (6) feet with a maximum height of four (4) feet and a total area less than seventeen (17) square feet. All signs are to have a minimum of ten (10) feet of clearance. Projecting signs will not be allowed in any part of a public way used by motor vehicles.

I. Where an occupancy is on a corner, or has more than one street frontage, additional signs will be allowed on the additional frontage, but not to exceed two (2) freestanding signs per premises.

J. Changeable copy signs.

14.08.090 Signs Permitted in Public Use Districts. The following signs are allowed in Public Use zoning districts:

A. All types of signs authorized by and conforming to the regulations of Sections 14.08.020 and 14.08.060 of this chapter.

B. Any sign as allowed in this chapter for the zoning district that is adjacent to a particular side of the Public Use district.

14.08.100 Signs Permitted in Planned Unit Developments. Signs in Planned Unit Developments, as such uses are defined in the Palmer Special Land Use District, will be standardized and the size, height and number of signs in the development will be negotiated as a part of the development contract in general conformity with the standards of this chapter.

14.08.110 Anchoring. A. No sign shall be suspended by non-rigid attachments allowing the sign to swing in the wind.

B. All freestanding signs shall have self-supporting structures erected on or permanently attached to concrete foundations.

C. All temporary signs or displays shall be braced or secured to prevent motion.

14.08.120 Additional Safety Information. A. No sign shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window or door opening used as a means of egress.

B. No sign shall be attached in any form, shape, or manner which will interfere with any opening required for ventilation.

C. Signs shall be located in such a way as to comply with applicable federal, state and city safety standards.

14.08.130 Legal Nonconforming Signs. Existing signs which do not conform to the specific provisions of this chapter may be eligible for the designation of "legal nonconforming" provided that:

A. Such signs are properly maintained and do not in any way endanger the public.

B. The sign was covered by a valid permit or variance or complied with all applicable laws on the date of adoption of this chapter.

14.08.140 Loss of Legal Nonconforming Status. A nonconforming sign shall lose its nonconforming status after:

A. The sign is relocated, or

B. The sign suffers damage or deterioration to the extent of 50% of the replacement value of the sign, or

C. The structure or size of the sign is altered in any way except towards compliance with this chapter.

14.08.150 Permits Required. A. Unless otherwise provided by this ordinance, all signs shall require permits and payment of fees. No permit is required for the maintenance of a sign or for a change of copy on painted, printed or changeable copy sign.

B. To facilitate the issuance of permits, all applications shall include:

1. An accurate sketch or plan of the proposed sign, showing the dimensions and layout with colors and lettering, method of construction, structural supports, lighting and other pertinent information.

2. A sketch or photograph to identify the proposed location of the sign, sufficiently detailed to indicate the building, existing signs in the immediate area, traffic signals and signs, and lot lines if required.

3. Name and address of the owner of the sign.

4. Street address or location of the property on which the sign is to be located, along with the name and address of the property owner.

5. The type of sign or sign structure as defined by this chapter.

6. For signs any part of which extends into a public way, proof of insurance coverage of \$300,000 Combined Single Limit (CSL) minimum with the City of Palmer named as an additional insured.

14.08.160 Fees. All applications for permits, variances or appeals shall be accompanied by a payment of the fee for each sign according to the following schedule:

- A. Non-Electrical Signs \$25.00 + \$1.50 for each square foot of sign area.
- B. Electrical Signs \$50.00 + \$3.00 for each square foot of sign area.
- C. Variance Application \$250.00
- D. Appeals to Commission \$250.00
- E. Appeals to Council \$250.00 plus transcript costs.

14.08.170 Appeals--Generally. A. Appeals--standing. Any person or persons aggrieved by an action or determination taken under this chapter may appeal said action or determination.

B. Jurisdiction. Appeals of actions and determinations of the Building Official are heard by the Planning and Zoning Advisory Commission. Appeals of said actions and determinations of the commission are heard by the City Council. Appeals of the actions of the council are heard by the superior court.

C. Time limitation. An appeal of a decision of the Building Official, of the commission or of the City Council must be filed within Thirty (30) days of the action or determination being appealed. Computation of the time period for filing an appeal shall commence with the date on which the action or determination is mailed or delivered to the parties involved. Any decision not appealed within these time limits shall become final.

D. Applications. The application for each appeal shall be filed with the City Clerk, be in writing and contain at least the following information:

- 1. The name and address of the appellant;
- 2. A description of the action or determination from which the appeal is sought; and
- 3. The reason for the appeal which must show a grievance to the applicant.

E. Filing fee. Each application appealing actions and determinations of the Building Official or the commission shall be accompanied by a filing fee as in Section 14.08.160.

14.08.180 Appeal Notice and Hearing Before Commission.

A. Upon receipt of a valid application appealing an action or determination of the Building Official, the City Clerk shall schedule an appeal hearing before the commission to be held within forty-five (45) days. All parties to the action or determination being appealed shall be provided with written notice not less than fifteen (15) days prior to the appeal hearing.

B. At the hearing the order of presentation is as follows:

- 1. The Building Official shall summarize the issues and state his/her decision;



2. The applicant shall present his/her evidence, including witnesses and documents;

3. The Building Official shall present his/her evidence, including witnesses and documents;

4. The applicant may close his/her presentation; and

5. The Building Official may close his/her presentation.

C. The commission, the applicant and the administration may question any witness. Any person may be represented by counsel. The applicant must prove the facts by a preponderance of the evidence. All hearings shall be tape recorded. Formal rules of evidence need not be followed.

D. A hearing, and any reconvening thereof, shall be open to the public.

E. Within fifteen (15) days following the hearing, the commission shall issue its decision in the form of written findings of facts and conclusions of law.

F. The findings of facts and conclusions of law shall reference specific evidence in the record and the controlling sections of this chapter and shall briefly explain the reasons for the decision. The commission may affirm, modify, vacate, set aside or reverse any decision brought before it for review, and may remand the case and direct the entry of such appropriate order, or require further proceedings to be had as may be justified under the circumstances.

G. The findings of fact and conclusions of law shall be signed by the presiding officer and filed with the clerk, who shall promptly mail a copy to the appellant.

14.08.190 Appeal Notice and Hearing Before Council. A. Upon receipt of a valid application appealing an action or determination of the commission, the City Clerk shall schedule an appeal hearing before the council to be held within forty-five (45) days. All parties to the action or determination being appealed shall be provided with written notice not less than thirty (30) days prior to the appeal hearing.

B. An appeal hearing conducted by the council shall be on the basis of the record established before the commission and the record on appeal. The council may allow for oral presentations by the applicant and the administration. A time limit may be established for said presentations.

C. No new evidence shall be received or considered by the council hearing an appeal. Upon a showing of good cause, the council may remand the matter to the commission to receive and consider new evidence.

D. The hearing, and any reconvening thereof, shall be open to the public.

E. Within fifteen (15) days following the hearing, the council shall issue its decision in the form of written findings of facts and conclusions of law.

F. The findings of fact and conclusions of law shall reference specific evidence in the record and the controlling sections of this chapter and shall briefly explain the reasons for the decision. The council may affirm, modify, vacate, set aside or reverse any decision brought before it for review, and may remand the case and direct the entry of such appropriate order, or require further proceedings to be had as may be just under the circumstances.

G. Upon express vote, the council may adopt as its statement of findings and conclusions those findings and conclusions officially adopted by the commission.

H. The findings of fact and conclusions of law shall be signed by the mayor and filed with the clerk, who shall promptly mail a copy to the appellant.

14.08.200 Record of Appeal from Commission. A. Upon receipt of a valid application appealing a decision of the commission, the record of appeal shall be prepared by the City Clerk and provided to the council not less than five (5) days prior to the hearing before the council, and shall consist of the following:

1. A verbatim transcript of the prior proceedings from which the appeal has been taken;

2. Copies of all memoranda, exhibits, correspondence, recommendations, analyses, maps, drawings, pictures, videos, and other documents or exhibits submitted prior to the decision from which the appeal is taken;

3. A copy of all prior written actions, determinations and decisions, including findings and conclusions;

4. A list of the names and addresses of all persons appearing as witnesses at prior hearings; and

5. Any written statements filed pursuant to 14.08.200.

B. The record of appeal shall be made available for public inspection in the City Clerk's office not less than five (5) days prior to the hearing date.

14.08.210 Written Statements. A. An appellant may file a written statement summarizing the facts and setting forth pertinent points and authorities in support of the points contained in the notice of appeal provided such statement must be filed not less than twelve (12) days prior to the date set for the appeal hearing.

B. Any interested party wishing to file a written statement in rebuttal to the appeal may do so provided such statement must be filed not less than six (6) days prior to the appeal hearing date.

14.08.220 Appeal to Superior Court. An appeal from the council may be taken by any person to the superior court as provided by law.

14.08.230 Enforcement Authority. This Title shall be enforced by the Building Official.

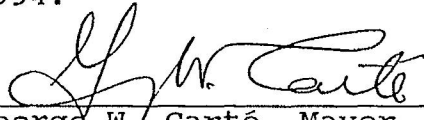
14.08.240 Remedies and Civil Penalties. The city or an aggrieved person may institute a civil action against a person who violates a provision of this title or a term, condition or limitation imposed pursuant to this title. In addition to other relief, a civil penalty not to exceed three hundred dollars (\$300.00) may be imposed for each violation. Each day that a violation or an unlawful act or condition continues constitutes a separate violation. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. Upon application for injunctive relief and a finding of a violation or threatened violation, the superior court shall grant the injunction.

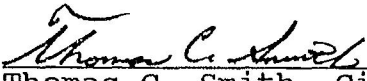
Section 4. Publication and Effective Date. This ordinance shall become effective immediately upon its adoption. Publication shall be by making copies available to the public, and further it shall be published by being printed and included in the Palmer Municipal Code at its next regular supplementation and printing. Publication may also be made by posting a copy hereof on the City Hall bulletin board for a period of ten (10) days following its adoption. A notice of public hearing shall be given by such posting at least five (5) days before final passage.

First Reading: April 26, 1994

Public Hearing &  
Second Reading: May 10, 1994

Adopted by the City Council of the City of Palmer, Alaska, this 10th day of May, 1994.

  
George W. Carté, Mayor

  
Thomas C. Smith, City Clerk