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Presented by: The Manager  
Introduced:  
Drafted by: J.W. Hartle

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2004-41**

**An Ordinance Exempting Encroaching Parts of the Island Pub Building from Compliance with Certain Parts of the Public Ways and Property Code, for Temporary Use of the City and Borough Right-of-Way in 2<sup>nd</sup> Street, Douglas, for the Purpose of Constructing and Maintaining a Porch and Canopy in the Right-of-Way.**

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

**Section 1. Classification.** This ordinance is a non-code ordinance.

**Section 2. Direction to Issue Encroachment Permit.** The Manager is authorized and directed to issue an encroachment permit pursuant to CBJ 62.55, as necessary to accommodate all existing encroachments into the 2<sup>nd</sup> Street right-of-way by the Island Pub building.

**Section 3. Exemptions and Requirements: Public Ways and Property Code.**

- a. Exemptions. Issuance of the permit shall be exempt from the following requirements of CBJ 62.55:
  - 1. That the property be surveyed, that the encroachment in its present location has been in place since 1960, that removal of the encroachment would jeopardize the structural integrity of the building or cost more than 10% of its assessed value, all as required by CBJ 62.55.040.
  - 2. That the matter be investigated by the CBJ Engineering Department to verify compliance with the requirements of CBJ 62.55.
- b. Requirements. The permit shall be subject to all requirements of CBJ 62.55 not listed in Section 3(a) of this ordinance.

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1       **Section 4. Agreement.** The Manager is authorized to enter into an agreement  
2 with the owners of the Island Pub building providing for adequate notice for removal  
3 of the structure at CBJ's option and at the owner's expense at such time as CBJ has an  
4 alternate use for the right-of-way, and such other terms and conditions as the Manager  
5 finds to be in the public interest.

6       **Section 5. Effective Date.** This ordinance shall be effective 30 days after its  
7 adoption.

8       Adopted this     day of             2004.

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Bruce Botelho, Mayor

Attest:

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Laurie J. Sica, Clerk