

NOTICE OF CITY COUNCIL MEETING

ADDITIONS TO THE AGENDA WILL BE POSTED ON MONDAY JULY 31, 2017

DRAFT AGENDA
REGULAR MEETING
OF THE CITY COUNCIL
FOR THE CITY OF THORNE BAY:
CITY HALL COUNCIL CHAMBERS

TUESDAY August 1, 2017, 6:30 p.m.

~~There will be a workshop of the City Council beginning at 6:00 p.m.~~

The public is invited and encouraged to attend

1. CALL TO ORDER:
2. PLEDGE TO FLAG:
3. ROLL CALL:
4. APPROVAL OF AGENDA:
5. MAYOR'S REPORT:
6. ADMINISTRATIVE REPORTS: (City Administrator & City Clerk)
7. PUBLIC COMMENTS:
8. COUNCIL COMMENTS:
9. CONSENT AGENDA:
 - A. Minutes for the July 11, 2017, Special City Council Meeting and July 18, 2017, Regular Meeting, discussion and action item:
 - B. Minutes for the July 18, 2017, Special Planning and Zoning Meeting, discussion and action item: (Public Hearing on Variance Application)
10. NEW BUSINESS:
 - A. Discussion of implementing an ordinance to address "blight" properties within Thorne Bay City Limits, discussion and action item:
 - B. Resolution 17-08-01-01, amending resolution 16-08-23-01, retaining the consulting services of DOWL to draft a business plan for the utility operations, discussion and action item:
 - C. Resolution 17-08-01-02, amending all fee and rate schedules set forth by resolution prior to June 20, 2017, and approving the fee and rate schedule for all departments within the city as set forth per Resolution 17-08-01-02, discussion and action item:
11. ORDINANCES FOR INTRODUCTION:
 - A. Ordinance 17-08-15-01, amending Title 17 – Zoning, discussion and action item: The purpose of this ordinance is for cleanup purposes only. This amendment will make the title more "reader friendly". This amendment does not change the zoning guideline intents.
12. EXPENDITURES EXCEEDING \$2,000.00:
 - A. Approval of expenditure of approximately \$8,500.00 for repairs to the Loader, discussion and action item:
This repair cost is an estimate only, but we do not expect the repair to exceed \$9,000.00
13. EXECUTIVE SESSION:
14. CONTINUATION OF PUBLIC COMMENT:
15. CONTINUATION OF COUNCIL COMMENT:
16. ADJOURNMENT:

Posted: July 28, 2017–City Hall (2) & City Website @ www.thornebay-ak.gov; Posted by fax and in person: June 16, 2017 - City Hall (2), A&P, SISD, USFS, The Port, Thorne Bay School

August 1, 2017 – Regular City Council Meeting Agenda

CITY OF THORNE BAY
RESOLUTION 17-08-01-01

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY,
ALASKA, AMENDING RESOLUTION 16-08-23-01 RETAINING THE CONSULTING
SERVICES OF DOWL TO DRAFT A BUSINESS PLAN FOR THE UTILITY
OPERATIONS

WHEREAS, the City Council is the governing body for the City of Thorne Bay, Alaska; and

WHEREAS, the City of Thorne Bay has qualified for a grant from State of Alaska Village Safe Water (VSW) for water and sewer improvements, and

WHEREAS, the City went through the selection process to select DOWL as the consultant to assist the City with infrastructure, planning and other various projects; and

WHEREAS, DOWL is familiar with City utilities because of their experience conducting Harbor Master Plan, Wastewater Preliminary Engineering Report, Water Preliminary Engineering Report; and

WHEREAS, the City is satisfied with DOWL's performance on various community projects wherein DOWL was involved; and

WHEREAS, another consultant would spend additional time learning about the City, its customers, and its utilities, making it cost effective and expedient to authorize DOWL to draft the utility business plan on behalf of the City of Thorne Bay; and

WHEREAS, DOWL has the capacity to draft the subject business plan within the next 90 days; and

NOW, THEREFORE, BE IT RESOLVED, the City of Thorne Bay hereby amending resolution 16-08-23-01 retaining the consulting services of DOWL to draft a business plan for the utility operations in accordance to VSW grant requirements.

PASSED AND APPROVED August 1, 2017

James Gould, Mayor

ATTEST:

Teri Feibel, City Clerk

CITY OF THORNE BAY
RESOLUTION 17-08-01-02

A RESOLUTION OF THE CITY COUNCIL, FOR THE CITY OF THORNE BAY, AMENDING ALL FEE AND RATE SCHEDULES SET FORTH BY RESOLUTION PRIOR TO JUNE 20, 2017, AND APPROVING THE FEE AND RATE SCHEDULE FOR ALL DEPARTMENTS WITHIN THE CITY AS SET FORTH PER RESOLUTION 17-08-01-02

WHEREAS, the City Council is the governing body of Thorne Bay, Alaska; and

WHEREAS, the City Council sets rates and fee schedules through resolution for all services provided by the City of Thorne Bay; and

WHEREAS, currently each Administrative and Utility Department within the City has a separate resolution that sets rate and fee schedules for services provided within that department; and

WHEREAS, the City of Thorne Bay office staff has requested that the City Council combine all fee and rate schedules into one resolution in order to efficiently track prior rate increases and determine any future amendments or increases needed to fee and rate schedules for services provided by the City.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Thorne Bay amends all resolutions setting fee and rate schedules for City Services prior to June 20, 2017; and sets the Fee and Rate Schedule for all City Services per the attached Exhibit "Resolution 17-08-01-02 – Fee and Rate Schedule for City Services" as set forth on pages two (2) through seven (7) of this Resolution.

PASSED AND APPROVED August 1, 2017

James Gould, Mayor

ATTEST:

Teri Feibel, CMC

City Administration and Finance Department:

✓ **RENTAL RATES:**

Public Building Rentals: \$35.00 + tax per day

Bay Chalet Rental, Fire Hall Rental, Council Chamber Rental:

✓ **Copy – Fax – Notary Services**
RESOLUTION 10-06-01-01

Fax Fees:

Send: \$2.25 for the first page + \$1.00 for each additional page with a maximum charge of \$5.00

Receive: \$0.25 per page for the first 6 pages + \$0.15 each additional page

Fax Send/Receive: \$2.50 for the first page + \$1.25 for each additional page

Copy Fees:

OLD Copy Rate: \$0.25 per page the first 6 pages & \$0.15 per page each additional page

SENIOR SALES TAX CARD FEES

Senior Card Fee \$15.00 (per Ordinance 17-05-16-04, Title 3.17.110)

Replacement Cards \$5.00 each

Senior Assistance Card \$7.00 First Card and replacement charge each additional

LAMINATING FEES:

Business Card Size \$1.00 per page plus tax

Full Page \$3.00 per page plus tax

Laminating provided with a paid service such as senior cards and boat launch permits will have no additional charge

NOTARY FEES:

Prior Resolution No. 12-10-15-03; 08-09-16-03

Standard Notary Fees: \$5.00 for the first Notary Signature and \$3.00 per each additional Notary Signature.

Escrow/Loans/Mortgage

Notarization Services: \$100.00 flat rate (plus tax)

Escrow/Loans/Mortgage that require additional services printing and copying and scanning:

✓ **PASSPORT FEES**

✓ **SET BY DEPARTMENT OF STATE**

Passport Acceptance Fee: \$25.00
Passport Photos: \$18.87 (plus tax)

✓ **PUBLIC RECORDS, COPIES, CD OR DVD:**
(Prior Resolution 14-09-02-02)

- **Copy of public records.** The fee for copying public records of the City of Thorne Bay shall be 10 cents (\$0.10) per page. The requestor must pay the copying fee before the records will be disclosed.
- **Certified copies of public records.** The fee for a certified copy of a public record of the City of Thorne Bay shall be \$5.00 for each public record that is certified. The requestor must pay the certified copy fee before the record will be disclosed.
- **Personnel costs.** As provided in AS 40.25.110 and included here for convenience: If the production of records for one requestor in a calendar month exceeds five person-hours, the City of Thorne Bay shall require the requestor to pay the personnel costs required during the month to complete the search and copying tasks. The personnel costs may not exceed the actual salary and benefit costs for the personnel time required to perform the search and copying tasks. The requestor shall pay this fee for personnel costs before the records are disclosed, and the City may require payment of this fee in advance of the search. The fee for personnel costs is in addition to the fees for copying public records, certifying public records, and providing public records on CD or DVD.
- **Public records on CD or DVD.** The fee for providing public records of the City of Thorne Bay on CD or DVD shall be \$15.00 for each CD or DVD produced by the City. The requestor must pay the fee before the CD or DVD will be provided.

✓ **ATV FEES**

✓ **(Resolution 16-09-20-02)**

- First time inspections fee \$25
- Yearly tag renewal fee \$25
- Re-inspections fee \$15
- Tag replacement fee \$15
- ATV Flags \$15

✓ **ANIMAL FEES:**

- Animal License tags (Unaltered) \$20.00
- Animal License tags (Nurtured) \$10.00
- Replacement dog tags ~~\$3.00~~ amended to **\$5.00**

✓ **MISC. FEES FOR SERVICES**
✓ **(Prior Resolution 09-10-01-01)**

- ~~Plow Personal Driveways~~ ~~\$150.00 per hour with a minimum of one hour~~

✓ **LONG TERM PARKING PERMIT FEE STRUCTURE**
✓ **(Resolution 15-08-18-02 and Resolution 13-05-07-03 (deposit))**

- 0-20 Feet = \$35.00 per month
- 21-40 Feet = \$60 per month
- Over 40 Feet requires special approval
- Deposit is required for all new customers with no deposit on file at the rate of 2-times the amount being charged monthly per agreement; Deposit shall be collected at time of agreement issuance

ALL MOTORIZED VEHICLES REQUIRE A SEPARATE PERMIT. AT NO TIME SHALL ANY ITEM WITH A PARKING PERMIT BE USED FOR HUMAN HABITATION

✓ **Equipment Rental Rates & Rock Costs**
✓ **(Prior Resolution 16-05-17-02)**

Equipment Rates (include operator):

Grader	\$120 per hour
Excavator	\$140 per hour
Loader	\$110 per hour
Backhoe	\$105 per hour
10-yard Dump Truck	\$110 per hour
5-yard Dump Truck	\$100 per hour
Tandem Axial Trailer	\$60 per hour
Sewer Snake	\$50 per hour

Any other equipment rates to be approved by City Administrator. If including operator, the cost of operator to be actual hourly rate plus all benefit at per hour rate.

Material Rates:

The City will sell material only when they believe there is an excess material that will not be used by the city in the future. Amounts will be limited to 20 yards per person/project per 12-month period unless being used within a public Right-of-Way on a road or path usable by the public (determined on a case by case basis).

Top soil	\$9.00 per yard
Fill material	\$8.00 per yard <i>(not suitable for roads, structural fill or crushing)</i>
Structural fill/crushing material	\$11.00 per yard
Crushed material	\$11.00 per yard plus <i>crushing cost-plus road material costs</i>

Harbor Department Fee Schedule:

- ✓ **Harbor Rental Rates Thorne Bay Harbor and Davidson Landing**
- ✓ *(Prior Resolutions 15-07-21-02 & 16-06-21-02 & 17-04-18-02)*

If an annual payment is made and the party renting the stall leaves the City of Thorne Bay on a permanent basis, annual rent paid shall not be refunded.

Harbor Stall Rates Davidson Landing & Main Harbor:

- Annual Rates: \$1.65 Per Foot
- 6 Month Rates: \$2.00 Per Foot
- Monthly Rates: \$2.55 Per Foot
- Transient Rates: \$0.75 Per Foot (Tax included in price)
- Commuter vessel: \$50.00 per year (Plus Tax)
- Float Plane Moorage: \$50.00 per month (plus tax)
- **Boat Launch Use Rates**
 - Each Use: \$5.00 per use
 - Annual Permit: \$25.00 per year
 - **Commercial fee \$350.00**

Float Plane Landing Fees:

- ~~Landing Fee Main Harbor \$4.00~~
- **Landing DL & Main harbor \$10.00 per landing**

Grid Fees: Contracted harbor users will have free use of the grid for a maximum of 4 days per year. Each day over 4 days, will be charged at the daily use rate for non-contract users.

- **1-3 DAYS OF USE \$0.75 per foot/per day INCREASE TO \$0.80 per foot per day**
- **Over 3 days \$1.00 per foot/per day**

Live Aboard Rate Schedule: *(Resolution 17-06-20-01- Passed June 20, 2017 changing live-aboard rates from 139.50 per month, to the same rate as water, sewer and garbage rates for residential use on monthly basis. The fee was to become effective as of October 1, 2017)*

Monthly Live aboard Rates: Shall be charged at the same rate charged for residential water, sewer, and garbage on a monthly basis.

(Deposit required for live aboard agreements at 2 times the monthly live aboard fee and required for all new accounts with no deposit on file) -Resolution 16-06-21-02

- Maximum number of FIVE (5) live aboard vessels allowed in Harbor per Resolution 17-04-18-02:

City Council for the City of Thorne Bay hereby places a cap on the number of boats being used for residences at five (5) at the City Harbor and one (1) at Davidson Landing Harbor with the following conditions: 1. Must have current Coast Guard certified sewage disposal systems or their sewage disposal system disconnected, 2. Must connect to AP&T power supply, and 3. Must rent a stall on an annual basis.

Water Department Fee Schedule:

- ✓ **WATER RATES: RESOLUTION 13-03-05-02,**
- ✓ **AMENDING PRIOR RESOLUTIONS 10-05-18-01, 09-01-06-03, AND 12-06-19-01**
- ✓ **Resolution 15-07-21-03 – Establishes rate increase for water and sewer utility each year for 5 years.**
 - ✓ **Water will increase each year until September 30, 2020 -- \$5.28**

WATER RESIDENTIAL:

- Residential Water Metered: (3,000 gal/mo.) \$58.68 (plus tax) until September 30, 2017
- Res. Water increase on October 1, 2017: \$63.97 (plus tax) until September 30, 2018
- Excess Water Residential: (over 3,000 gal/mo.) ~~–\$12.00 (plus tax)~~ increased to \$15.00, If follow precedent would be \$19.56

WATER COMMERCIAL: *Resolution 15-07-21-03 – Establishes rate increase for water and sewer utility each year for 5 years. Water will increase each year until September 30, 2020 -- \$5.28*

- Commercial Water Metered: (5,000 gal/mo.) \$90.68 (plus tax) until September 30, 2017
- Commercial Water increase on Oct. 1st \$95.97 (plus tax) until September 30, 2018
- Excess Water Commercial: (over 5,000 gal/mo.) \$12.00 (plus tax) increased to \$15.00, if follow precedent would be \$19.56

MISC. FEES FOR WATER DEPARTMENT:

- Tap Water – Not metered \$15.00
- RV Water Sales – Not metered \$7.00
- Grid Water (other than Grid Use) \$7.00

- Chlorine Barrel's (chemical barrels) Charged at the Core Charge paid by the City for the barrel plus a 25% administrative fee.

When the City buys Chlorine for the water treatment plant, the City pays for the chemicals and a core charge of the Barrel containing the product as well as shipping. The City authorizes surplus sale of empty barrels upon customers request. A price must be determined for the sale of these barrels. The City recommends charging customers the Core charge of the barrels plus a 25% Administrative Fee. The Administrative Fee will go towards offsetting costs of shipping, personnel time for cleaning barrels and transaction.

Sewer Department Fees:

- ✓ **SEWER RATE: RESOLUTION 13-03-05-02, AMENDING RESOLUTIONS 10-05-18-01, 09-01-06-03, AND 12-06-19-01**
- ✓ **Resolution 15-07-21-03 – Establishes rate increase for water and sewer utility each year for 5 years.**
 - ✓ **Sewer will increase each year until September 30, 2020 -- \$7.47**

SEWER:

- Residential Sewer: \$64.43 (plus tax)
- Commercial Sewer: \$64.43 (plus tax)

Solid Waste Department Fees:

✓ **SOLID WASTE RATES AND FEES CHARGED**

- ✓ RESOLUTION 13-03-05-01 AMENDING RESOLUTION 11-05-03-01, 09-01-06-02, 09-12-15-01, 10-12-21-01, AND 12-06-19-02

Residential Garbage:

- 1 pickup Weekly @ Two 33 gallon cans: \$41.00 (plus tax) per month
- Charge for Additional Cans or Overflows: \$18.00 (plus tax) per pickup

DUMPSTERS:

- 1 pickup weekly: \$142.00 (plus tax) per month
- 2 pickups weekly: \$284.00 (plus tax) per month

Landfill charges:

The following rates apply to users who transfer their own refuse to the municipal landfill:

- Residential Refuse \$8.00 plus tax up to 50 lbs. (minimum charge)
- Residential over 50 lbs: \$0.18 cents per pound plus tax

Residential Refuse includes: rubbish, trash, animal and vegetable waste, kitchen and household waste, paper, food containers, leaves, lawn trimmings, weeds, tree and hedge trimmings, scrap wood, furniture, plastic pipe, stoves, refrigerators, washing machines, dryers, freezers, etc.

- Commercial Waste: \$0.18 per pound with an additional \$28.75 tipping fee.
- Disposal of scrap metal: \$0.08 cents per pound.
- *Automobiles, pickup trucks: \$52.00 (flat rate per vehicle)*

*Vehicles must be cleaned of all debris, crank cases clean and tires removed or vehicle will be subject to weight charges.

City Council:

Planning and Zoning:

✓ **ZONING & PLATTING APPLICATION FEES:**

- ✓ *(Resolution 15-12-15-02 & 16-09-20-01)*

- Variance application fee: Fifty (\$50) dollars
- Conditional use permit application fee: Fifty (\$50) dollars
- Subdivision Application Fee: Fifty (\$50) dollars
- Platting Application Fee: Fifty (\$50) dollars

Thorne Bay R.V. Park Fees and Rates:

✓ **R.V. PARK FEES**

✓ (Prior Resolutions – 16-10-10-01; 16-06-21-01; 12-10-15-02)

RV Park usage is limited to 21 days or less following the same format the Forest Service imposes upon its recreation vehicles users until the City Council has time to re-evaluate how the RV Park will continue to be used. (Resolution 16-10-10-01)

- Daily Rate: (\$25.00)/day with utilities
- Weekly Rate: (\$150.00)/week with utilities
- Monthly Rates (\$250.00)/month; Customer pays all utilities.
- Deposits 2 x Monthly Rate

Deposits are required for new accounts with no deposit on file. Deposit rate is 2 times the daily, weekly, or monthly rate. A rental agreement shall be executed by the renter and the City of Thorne Bay.
(Resolution changing deposit calculation – 16-06-21-01)

Emergency Services Department Fees:

✓ **FIRE & EMS RATE SCHEDULE**

Resolution 15-08-18-01 - Amended prior Resolution 13-07-02-02

Fire Fees:

- A. Careless regard for open burning resulting in fire dept. being called out \$500.00
- B. Careless smoking resulting in fire \$200.00
- C. Failure to control or report a dangerous fire \$200.00
- D. Fires where alcohol or drugs were a factor requires fire marshal report \$1000.00
- E. Out of control burning requiring fire engine response \$1000.00
- F. Control burn with fire dept. standby \$500.00
- G. Chimney sweep \$100.00
- H. Structure fire \$1000.00
- I. Car fire \$200.00
- K. Boat fire \$500.00
- L. There will be no charge for home inspections/ consultations

EMS Fees:

- A. Non-emergent 911 calls will result in a \$50.00 fine. The first offence will be issued a warning and any further offences will be fined.

(911 is an emergency call center. This is often misused by people calling with non-emergent situations, resulting in EMS Responders preparing for a response that is not needed)

BLIGHT NEIGHBORHOODS AND HOMES

Issues that blight lands cause:

Safety Hazards –

1. Abandoned vehicles:
 - a. abandoned and junked vehicles pose an environmental hazard, and comprise a blight on the landscape;
2. Collection of Household Trash without property disposal poses a safety hazard and environmental hazard;

Recommendations for “blight” land ordinance:

Thorne Bay Municipal Code currently addresses this issue under:

1. Chapter 9.20 – Litter Control, 9.20.010 (f) “litter” definition
2. Chapter 13.70 – Refuse Disposal
3. 15.08 – Abandoned buildings

CITY OF THORNE BAY
ORDINANCE 17-08-15-03

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY,
ALASKA; AMENDING TITLE 9-PUBLIC PEACE MORALS AND WELFARE

BE IT ENACTED BY THE CITY COUNCIL FOR THE CITY OF THORNE BAY,
ALASKA;

- Section 1. Classification. This ordinance is of a general and permanent nature, the chapter and section hereby amended shall be added to the Thorne Bay Municipal Code.
- Section 2. Severability. If any provisions of this ordinance or any application thereof to any person or circumstances is held invalid, the circumstances shall not be affected thereby.
- Section 3. Amendment of Title & Chapter. The title and chapter of Title 9- Public Peace Morals and Welfare, is hereby amended and added to the Thorne Bay Municipal Code.
- Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED: August 15, 2017

James Gould, Mayor

ATTEST:

Teri Feibel, CMC

[Introduction: August 1, 2017]
[Public Hearing: August 15, 2017]

Chapter 9.20
LITTER CONTROL – SECTIONS:

9.20.010 Definitions. The following terms, phrases, words and their derivations shall have the meaning given herein unless their use in the text clearly demonstrates a different meaning.

- A. "Aircraft"** means any contrivance now known or hereafter invented, used or designed for navigation or for flight in the air. "Aircraft" includes helicopters and lighter-than-air dirigibles and balloons.
- B. "City"** means and includes all those lands located within the city limits of Thorne Bay, Alaska, as depicted on that certain map produced in 1984 by Northwest Cartography entitled Land Ownership Edition, Segments 1 through 10, Thorne Bay, Alaska, one copy of which has been filed in the office of the city clerk for public use, inspection and examination, and which map is made a part of this section as if fully set forth herein.
- C. "Commercial handbill"** means and includes any handbill which advertises for sale, or promotional gifts or prizes, any merchandise, product, commodity or thing; directs attention to any business for the purpose of either directly or indirectly promoting the interests thereof by sales or by other means; directs attention to or advertises any meeting, exhibition, theatrical or other performance or event of any kind for which an admission fee is charged; while containing reading or pictorial matter other than advertising matter is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.
- D. "Construction sites"** means and includes any private or public property upon which repairs to existing buildings, construction of new buildings, or demolition of existing structures is taking place.
- E. "Elements"** means and includes any element whether created by nature or created by man, which with reasonable foresee ability could carry litter from one place to another. Elements shall include, but are not limited to, air current, rain, water current and animals.
- F. "Litter"** means and includes any un-containerized manmade or man-used waste which, if deposited within the city other than in a litter receptacle OR AT THE SOLID WASTE SITE, tends to create a danger to public health, safety, and welfare or to impair the environment of the people of the city, INFRINGE UPON THE RIGHTS OF THE NEIGHBORS, OR PEOPLE OF THE CITY. Litter may include, but is not limited to any garbage, trash, refuse, confetti, debris, grass clippings or other lawn or garden waste, newspaper, magazine, glass, metal, plastic or paper container or other construction material, MOTOR VEHICLES, BOATS OR THEIR PARTS ~~motor vehicle part~~, furniture, APPLIANCES OR OTHER HOUSEHOLD ITEMS, oil, carcass of a dead animal, or nauseous or offensive matter of any kind, or any object likely to injure any person or create a traffic hazard. JUNKYARDS AS DEFINED IN THORNE MUNICIPAL CODE, SECTION 17.04.015, "JUNKYARDS" ARE EXCLUDED IF LAWFULLY APPROVED BY THE CITY.
- G. "Litter receptacles"** means and includes any container which is designed to receive litter and to prevent the escape of litter deposited therein, which is of such size or sufficient capacity to hold all litter generated between collection periods.
- H. "Park"** means and includes a public or private park, reservation, playground, beach, recreation center or any public or private area devoted to active or passive recreation, or any other area under the supervision of the ~~department of public parks~~ CITY, SUCH AS ROAD RIGHTS-OF-WAYS, HARBORS AND BUILDINGS.

I. **"Parking lots"** means and includes any private or public property with provisions for parking vehicles, to which the public is invited or which the public is permitted to use or which is visible from any public place or private premises.

J. **"Private premises"** means and includes any dwelling, use, building or other structure designed to be used, either wholly or in part, for private residential purposes, whether uninhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule, mailbox, or other structure belonging or appurtenant to such dwelling house, building or other structure.

K. **"Public place"** means and includes any and all streets, boulevards, avenues, lanes, alleys or other public ways, and parks, squares, plazas, grounds and buildings frequented by the general public, whether publicly or privately owned.

L. **"Vehicle"** is every device in, upon or by which any person or property is or may be transported or drawn upon land or water, including devices used exclusively upon stationary rails or tracks. (Ord. 89-22 § 5(part), 1989)

9.20.020 Littering prohibited. No person shall deposit any litter within the city except in litter receptacles for collection or in any duly licensed disposal facility. (Ord. 89-22 § 5(part), 1989)

9.20.030 Prevention of scattering. Persons placing litter in litter receptacles shall do so in such a manner as to prevent litter from being carried or deposited by the elements upon any public place or private premises. (Ord. 89-22 § 5(part), 1989)

9.20.040 Upsetting or tampering with litter receptacles. No person shall upset or tamper with any public or private receptacle designed or used for the deposit of litter or cause or permit its contents to be deposited or strewn in or upon any public place or private premises. (Ord. 89-22 § 5(part), 1989)

9.20.050 Walkways, streets and alleys. Persons owning, occupying or in control of any public place or private premises shall keep the walkways, streets and alleys adjacent thereto free of litter. (Ord. 89-22 § 5(part), 1989)

9.20.060 Private premises. The owner or person in control of private premises shall maintain litter receptacles for collection of litter as necessary and in such a manner that litter will be prevented from being carried by the elements to adjoining premises. (Ord. 89-22 § 5(part), 1989)

9.20.070 Public places. Every owner, occupant, tenant or lessee using or occupying any public place shall provide adequate litter receptacles of sizes, numbers and types as may be required to contain all litter generated by those persons frequenting that public place, and as specified by the litter enforcement officer for all public places. (Ord. 89-22 § 5(part), 1989)

9.20.080 Business premises. The owner or person in control of any business, including but not limited to restaurants, shopping centers, fast-food outlets, stores, hotels, motels, industrial establishments, office buildings, laundromats, apartment buildings, housing projects, gas stations, hospitals and clinics shall at all times keep the premises clean of all litter and shall take measures, including daily cleanup of the premises, to prevent litter from being carried by the elements to adjoining

premises. It shall be a violation of this section to abandon, neglect or disregard the condition or appearance of such premises so as to permit it to accumulate litter thereon.

9.20.090 Littering from vehicles. No person, while the operator of or passenger in a vehicle, shall deposit litter upon any public place or private premises. No person shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any public place or private premises. (Ord. 89-22 § 5(part), 1989)

9.20.100 Littering from aircraft. No person in an aircraft shall throw out, drop or deposit any litter within the city. (Ord. 89-22 § 5(part), 1989)

9.20.110 Litter in parks. No person shall deposit litter in any park within the city except in receptacles and in such a manner that the litter will be prevented from being carried, or deposited by the elements upon any part of the park or upon any other public place or private premises. Where receptacles are not provided, all such litter shall be removed from the park by the person responsible for its presence and properly disposed of elsewhere in a lawful manner. (Ord. 89-22 § 5(part), 1989)

9.20.120 Construction sites. Each contractor shall be responsible for the job site in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or private business. Litter or other debris deposited as a result of any construction process upon any public place or private premises, shall be removed. (Ord. 89-22 § 4(part), 1989)

9.20.130 Parking lots-Litter receptacles required. All premises having parking lots shall provide in an easily accessible location, a minimum of one refuse container for up to ten spaces and at least one additional refuse container for every twenty additional parking spaces. It shall be the duty and obligation of all persons using parking lot areas to use such litter receptacles as hereinabove provided for the purposes intended and it shall be unlawful for any person or persons to deposit any litter upon any such parking lot. (Ord. 89-22 § 5(part), 1989)

9.20.140 Litter receptacles obstructing traffic. Litter receptacles shall not be placed in any location where they may obstruct vehicular traffic or unreasonably obstruct pedestrian traffic. (Ord. 89-22 § 5(part), 1989)

9.20.150 Commercial handbills prohibited. A. No person shall throw, scatter or cast any kind of commercial handbill in or upon any public place within the city; and no person shall hand out or distribute or sell any commercial handbill in any public place; provided, however, it shall not be unlawful for any person to hand out or distribute handbills or any other thing which is otherwise permitted and authorized by law in any public place to any person willing to accept such handbill or other thing, without payment therefore. B. No person shall deposit, fasten, throw, scatter or cast any commercial handbill in or upon any vehicle. The provisions of this paragraph shall not be deemed to prohibit the handing of any commercial handbill to the owner or other occupant of any vehicle who is willing to accept it. C. No person shall place any commercial handbill in or on any private premises which are vacant. D. No person shall place any commercial handbill in or on any private premises which are inhabited, except by handing or transmitting any such handbill directly to any other person then present in or upon the private premises. The provisions of this paragraph shall not be deemed to prohibit the posting of commercial handbills on private premises, if the handbill is placed so as to prevent it from being carried by the

elements about such premises or elsewhere. **E.** Any person distributing any commercial handbills shall maintain the area which they are utilizing free of any litter caused by or related to said handbill distribution. **F.** The provision of this section shall not be construed to prohibit the distribution of newspapers, television programming materials, municipal public notices and political pamphlets. (Ord. 89-22 § 5(part), 1989)

9.20.160 Enforcement. It shall be the duty of the village protection safety officer (hereinafter called "litter enforcement officer") to enforce the provisions of this chapter. The city, in enforcing this chapter will utilize written citations. The person to whom the citation is issued may plead no contest to the offense by signing an appropriate blank on the citation and paying the fine specified in the citation, either in person or by mail within five days from the date of the citation, to the office of the city clerk. Acceptance of payment of the prescribed fine and, if abatement of an activity is also required, written confirmation of abatement by the litter enforcement officer, will constitute complete satisfaction for the offense. If the offender accepts the citation but fails to pay the fine and, if applicable, abate the activity, or appear in court, the citation shall be considered a summons, and the offender shall be proceeded against in the manner prescribed by law. (Ord. 89-22 § 5(part), 1989)

9.20.170 Obedience of law required. It is a violation of this chapter for any person to do any act which is forbidden or fail to perform any act required to be performed in this chapter. (Ord. 89-22 § 5(part), 1989)

9.20.180 Obedience to officials required. The failure or refusal to comply with any lawful order or direction of the litter enforcement officer given in connection with this chapter shall be a violation of this chapter. (Ord. 89-22 § 5(part), 1989)

9.20.190 Emergency powers. **A.** When it is found, after investigation, that a person is causing, engaging in or maintaining a condition or activity which, in the judgment of the litter enforcement officer presents an imminent or present danger to the health, safety or welfare of the people of the municipality or would result in or be likely to result in irreversible or irreparable damage to adjoining property or premises, and it appears to be prejudicial to the interest of the people of the municipality to delay action until an opportunity for a hearing can be provided, the litter enforcement officer, without prior hearing, may order that person by notice to discontinue, abate or alleviate the condition or activity. The proscribed condition or activity shall be immediately discontinued, abated or alleviated. **B.** Upon receipt of an order of the litter enforcement officer made under subsection A of this section, the person affected has the right to be heard and to present proof to the city council that the condition or activity does not constitute an actual or potential source of irreversible or irreparable damage to the public health, safety or welfare. **C.** In the chief executive officer's discretion or upon application made by the recipient of an order within fifteen days of receipt of the order, the chief executive officer shall schedule a hearing before the city council at the earliest possible time. The hearing shall be scheduled within five days after receipt of the application. The submission of an application or the scheduling of a hearing does not stay the operation of the city litter enforcement officer's order made under subsection A of this section. **D.** After a hearing the city council may affirm, modify or set aside the order. An order affirmed, modified or set aside after a hearing is subject to judicial review. The order is not stayed pending judicial review unless the city council so directs. If an order is not immediately complied with, the city attorney, upon request of the chief executive officer, may seek enforcement of the order. (Ord. 89-22 § 5(part), 1989)

9.20.200 Compliance order. **A.** When, in the opinion of the city litter enforcement officer, a person is violating or is about to violate a provision of this chapter, or a lawful order of the litter enforcement officer, the litter enforcement officer may notify the person of his determination by personal service or certified mail. **B.** The recipient of the determination must file with the litter enforcement officer, within the five days, a report stating what measures have been and are being taken, or are proposed to be taken, to correct or control the conditions outlined in the notice. **C.** After the report is filed under subsection B of this section, or the time period specified for it has elapsed, the litter enforcement officer may issue a compliance order. A copy of the compliance order shall be served personally or sent by certified mail to the person affected. A compliance order is effective upon receipt. **D.** Within fifteen days after receipt the recipient may request a hearing before the city council to review the compliance order. Failure to request a hearing within fifteen days after the receipt of a compliance order constitutes a waiver of the recipient's right of review. **E.** The city council shall hold a hearing within twenty days after receipt of a request for one under subsection D of this section. After the hearing the city council may rescind, modify or affirm the compliance order. **F.** Appeal from a decision of the city council shall be to the superior court, provided notice of appeal is filed with the superior court no later than thirty days following the city council's issuance of its written decision (this time limit is jurisdictional) and the appellant pay the city, by depositing with the city clerk, the city's cost of preparing the entire record (including a transcript of hearings held below) no later than sixty days following the decision being appealed from. Transcripts of hearings shall be prepared by a certified court reporter, and preparation of the entire record is at the appellant's expense. **G.** All other procedures, on appeal to the superior court, are set forth in the Alaska Rules of Appellate Procedure. The appeal is an administrative appeal, heard solely on the record established in this chapter, pursuant to AS 29.40.060(b). **H.** The city attorney may seek enforcement of a compliance order. (Ord. 89-22 § 5(part), 1989)

9.20.210 Penalty and remedies. **A.** Any person who violates or causes or permits to be violated any provision of this chapter or fails or refuses to comply with any lawful order or direction of the litter enforcement officer on behalf of the city in connection with this chapter, shall be punished by a fine of not less than fifty dollars and not more than three hundred dollars. The city will utilize a system of graduated penalties as follows:

Section Numbers	Offense
9.20.020	Littering prohibited
9.20.030	Prevention of scattering
9.20.040	Tampering with litter receptacles
9.20.050	Walkways, streets and alleys
9.20.060	Private premises
9.20.070	Public places
9.20.080	Business premises
9.20.090	Littering from vehicles
9.20.100	Litter from aircraft
9.20.110	Litter in parks
9.20.120	Construction sites
9.20.130	Parking lots-Litter receptacles required
9.20.140	Litter receptacles obstructing traffic

- 9.20.150 Commercial handbills prohibited
- 9.20.170 Obedience of law required
- 9.20.180 Obedience to officials required

Number of Offenses	Fine
First offense	\$ 50.00
Second within one year	\$ 100.00
Third within one year	\$ 300.00
Fourth and subsequent within one year	\$ 300.00 and mandatory court appearance

- | Section Numbers | Offense |
|------------------------|------------------|
| 9.20.190 | Emergency powers |
| 9.20.200 | Compliance order |

Number of Offenses	Fine
First offense	\$ 50.00 + abatement
Second within one year	\$ 100.00 + abatement
Third within one year	\$ 300.00 + abatement
Fourth and subsequent within one year	\$ 300.00 + abatement and mandatory court appearance

B. Each day a violation continues shall constitute an additional violation for purposes of assessing fines. An action to enjoin a violation of this chapter may be brought notwithstanding the availability of any other remedy. Upon application for injunctive relief and the finding of an existing violation, the court shall grant injunctive relief to restrain the violation and attorney fees as provided by law. (Ord. 89-22 § 5(part), 1989)

9.20.220 Remedies cumulative. All remedies provided by this chapter are cumulative, and the securing of relief under a section or subsection of this chapter does not prevent the municipality from obtaining relief under any other section or subsection of this chapter. The remedies provided in this chapter are in addition to all other remedies available at law or equity. (Ord. 89-22 § 5(part), 1989)