

**PETERSBURG BOROUGH
ORDINANCE #2013-22**

**AN ORDINANCE PROVIDING FOR A FINE SCHEDULE FOR THE MUNICIPAL CODE, AND
INCLUDING A SECTION ADDRESSING INJUNCTIVE AND CIVIL RELIEF**

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, a number of municipal code provisions found in titles 4, 6, 9 and 14, adopted since borough formation, have not yet established a definitive fine amount for violations, and it is anticipated that future borough code ordinances will establish fine amounts as each ordinance is considered, and

Whereas, it would be advantageous to consolidate all such fine amounts into one section of the code, both for purposes of future amendments to the code and for purposes of facilitating enforcement by the police department and the processing and collection of fines by the Alaska court system, and to include in the code a section providing for injunctive and civil relief for code violations.

Therefore, the Petersburg Borough ordains, new sections numbered 1.16.030, **Fine Schedule**, and 1.16.040, **Other remedies**, are hereby approved and adopted as borough ordinances, for purposes of setting forth fine amounts for violations of municipal code, and providing for injunctive and civil relief. The fine amounts contained in the schedule set out below are hereby adopted for violation of the applicable section numbers of titles 4, 6, 9 and 14 of the borough code, and as further fine amounts are established for other code provisions, by future ordinance, those fine amounts shall be administratively incorporated into section 1.16.030.

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 establish fine amounts for violation of a number of provisions of titles 4, 6, 9 and 14 of the borough code, to provide for a unified fine schedule for violations of the municipal code of the Petersburg Borough so as to facilitate enforcement and collection of such fines, and to provide for injunctive and civil relief for code violations.

Section 3. Substantive Provisions:

A. Section 1.16.030, Fine Schedule, of the Petersburg Borough Code shall read:

Section 1.16.030 Fine Schedule

Citations for the following offenses may be disposed of without a court appearance upon payment of the fine amounts listed below, plus any required state surcharge. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense listed below, plus any applicable state surcharge.

Section Number	Description of Violation/Traffic Infraction	Fine Amount
<u>Tax</u>		
4.24.060	Failure to file property tax statement or filing of false affidavit	\$500.00
4.28.130F(2)	Misuse of senior sales tax exemption card	\$100.00
<u>Alcohol</u>		
6.04.020	Failure to obtain liquor license	\$500.00
6.04.030	Unlawful entry on licensed premises by minor	\$100.00
6.04.040	Unlawful employment of minor on licensed premises	\$500.00
6.04.050	Operations outside of permitted hours	\$500.00
6.04.060	Serving intoxicated person	\$250.00
6.04.070A	Sale/Offer to Sale to minor	\$500.00
6.04.070B	Procurement/Possession by minor	\$100.00
6.04.070C	Misrepresentation of age by minor	\$100.00
6.04.080	Vulgar/Obscene language on licensed premises	\$100.00
<u>Itinerant Merchants</u>		
6.08.020	Failure to obtain license	\$250.00
6.08.050A and B	Operating in prohibited area or from vehicle	\$100.00
6.08.060A and C	Operating outside of permitted hours or permitted manner	\$100.00
6.08.060B	Improper use of license issued to another	\$100.00
6.08.060D	Operating where prohibitory sign posted, or failure to leave premises when required	\$100.00
<u>Littering</u>		
9.12.020 through	Littering	\$100.00

9.12.120		
9.12.140 through 9.12.190	Unlawful distribution, deposit or posting of handbills	\$100.00
<u>Sanitation</u>		
14.12.030	Unlawful collection	\$100.00
14.12.040	Unlawful conduct by collectors	\$250.00
14.12.050A	Unlawful disposal of refuse and recyclables	\$250.00
14.12.050B	Unlawful burning of refuse	\$100.00 ¹
14.12.050C, D, E, G and H	Improper deposit of refuse and recyclables; improper commingling of hazardous waste	\$100.00
14.12.060	Unlawful disposal of industrial waste	\$500.00
14.12.070	Polluting water	\$500.00
14.12.080A	Failure to utilize approved container	\$ 50.00
14.12.080C	Failure to use/maintain recyclables container	\$ 50.00
14.12.080D, E and F	Failure to maintain container; improper siting and placement of container	\$ 50.00
14.12.160	Filing of false affidavit for low-income senior citizen rate discount	\$250.00

¹ or the fine amount set out for violation of Chapter 9.24 (Open Burning), whichever is higher.

B. As fine amounts are established for violation of other provisions of the municipal code, by future ordinance, such amounts shall be inserted into the schedule contained in section 1.16.030.

C. Section 1.16.040, Other remedies, of the Petersburg Borough Code shall read:

Section 1.16.040 Other remedies.

A. In addition to or in lieu of any fine imposed under this chapter, a civil penalty may be imposed against any person who violates a provision of the municipal code, in an amount up to One Thousand Dollars (\$1000.00) for each separate violation or, for continuing violations, for each day that violation continues.

B. The borough may bring a civil action seeking 1) injunctive or declaratory relief to enjoin a violation or threatened violation of the municipal code, and/or 2) recovery of a civil penalty.

C. All remedies for violation of the municipal code are cumulative and in addition to any others existing at law or in equity.

Section 5. Severability: If any provision of this ordinance or any application 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.

Section 6. Effective Date: This Ordinance shall become effective areawide immediately upon final passage.

Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this ____ day of _____, 2013.

ATTEST:

Mark Jensen, Mayor

Kathy O'Rear, Clerk

Adopted:
Published:
Effective: