

Proposed by:	Administration
Attorney Review:	08/11/2008
First Reading:	10/16/2008
Second Reading:	11/06/2008
Vote: 6 Aye	0 Nay 0 Absent

MUNICIPALITY OF SKAGWAY, ALASKA
ORDINANCE NO. 08-22

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING CHAPTER 1.20 GENERAL PENALTY TO ADDRESS COLLECTION AND LEGAL COSTS, COLLECTION AGENCY USE AND COST AS WELL AS CHANGING THE FEES FOR FALSE ALARMS.

WHEREAS, additional costs are incurred from time to time when issues arise with the collection of fines and penalties;

BE IT ORDAINED AND ENACTED BY THE MUNICIPALITY OF SKAGWAY, ALASKA AS FOLLOWS:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Skagway Municipal Code.

Section 2. Purpose. To amend Chapter 1.20, General Penalty to address collection and legal costs, collection agency use and costs as well as changing the fees for false alarms. The Skagway Municipal Code is hereby amended (~~strike through~~) indicates text to be deleted from, and (**bold underscore**) indicates text added to the current code.

Section 3. Amendment. Chapter 1.20, General Penalty is hereby amended as follows:

Chapter 1.20

GENERAL PENALTY

Sections:

- 1.20.010** Integration into other enactments.
- 1.20.020** Person defined.
- 1.20.030** Violations--Separate offenses.
- 1.20.040** Penalties for false alarms, burglary/intrusion, robbery.

1.20.010 Integration into other enactments.

A. This penalty provision shall be considered as an integral and organic part of every ordinance, regulation and order that does not contain a specific penalty clause.

B. In addition to the fines and penalties described above, the violator shall pay all collection and legal costs incurred in collection of a fine or penalty exclusive of the costs of prosecution in the event a citation has been issued; and the costs of mailing the notice.

C. Collection of fines, penalties and costs. A violator of any of the ordinances described in (A) above who has failed to pay all fines, penalties, late payment fees, and costs described in this section shall, upon the expiration of any time for appeal, be indebted to the municipality in the amount of such fines, penalties, late payment fees, and costs. In addition to or in lieu of any other provision for collection of such fines, penalties, late payment fees, and costs, the municipality may collect these amounts as a

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debt and may use such collection services and methods as are determined by the borough manager.

1.20.020 Person defined.

"Person," as used in penalty provisions throughout this code, includes the officers and any stockholders having more than a thirty percent (30%) interest of a corporate defendant.

1.20.030 Violations--Separate offenses.

Every act prohibited by this code is unlawful. Unless another penalty is expressly provided by this code for any particular provision or section, each violation of this code is a non-criminal infraction, punishable by a civil penalty up to three hundred dollars (\$300.00) per violation. Each act or violation and every day upon which a violation occurs or continues constitutes a separate offense.

1.20.040 Penalties for false alarms, burglary/intrusion, robbery.

A. False alarms, as determined by the Police Chief or a designated representative, shall be charged for as follows:

First False Alarm:	Written Warning
Second False Alarm:	\$100.00 <u>\$200.00</u>
Third and subsequent false alarms	\$200.00 <u>\$300.00</u>

B. Penalties may be imposed by the Police Chief **or a designated representative** for malicious and/or repetitive alarm signals which are **determined** ~~false due to negligence of the owner/operator or caused by the owner/operator or his tenants or employees. Identified false alarms shall be listed cumulatively by location during the calendar year. At the conclusion of the year incident logs shall be closed and a new list of false alarms shall be initiated as needed.~~

Section 4. Severability. If any provision of this ordinance or any application of the ordinance 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 5. Effective Date. This ordinance shall become effective upon adoption of the Borough Assembly.

PASSED AND APPROVED by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this 6th day of November, 2008.

Thomas D. Cochran, Mayor

ATTEST:

Marjorie D. Harris, Borough Clerk

(SEAL)