

Proposed by:	Administration
Public Safety Review:	05/23/2014
First Reading:	06/05/2014
Second Reading:	06/19/2014
Vote:	6 Aye 0 Nay 0 Absent

**MUNICIPALITY OF SKAGWAY, ALASKA
ORDINANCE NO. 14-11**

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING TITLE 8 HEALTH AND SAFETY TO PROVIDE THAT VIOLATIONS OF THIS TITLE ARE SUBJECT TO CIVIL FINES.

NOW THEREFORE 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 8.02 Litter Control, Chapter 8.04 Nuisances, Chapter 8.06 Fireworks and Chapter 8.08 Secondhand Smoke Control to provide that violations of these chapters are subject to civil fines.

Section 3. Amendment. 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. Chapter 8.02 Litter Control is hereby amended as follows:

Sections:

- 8.02.010 Definitions.
- 8.02.020 Litter in public places.
- 8.02.030 Sidewalks to be kept free of litter.
- 8.02.040 Litter thrown by persons in vehicles.
- 8.02.050 Vehicle loads causing litter.
- 8.02.060 Sweeping litter into gutters.
- 8.02.070 Municipality's removal of litter from private property.
- 8.02.080 Distribution of handbills at private premises.
- 8.02.100 ~~Violation--Penalty.~~

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~~Violations of provisions of this chapter shall be noncriminal infractions, punishable by a civil penalty not in excess of three hundred dollars (\$300.00).~~

For violations of SMC 8.02 refer to chapter 1.20 General Penalties. Violations of this chapter are subject to civil fines established by resolution.

Section 4. Amendment. 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. Chapter 8.04 Nuisances is hereby amended as follows:

- 8.04.075 Graffiti and related vandalism.
 - A. Prohibition of graffiti. It shall be unlawful for any person to intentionally or knowingly commit any overt act resulting in or attempting to result in application of graffiti on

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any surface on public or private property without the express permission of the owner of such property, including but not limited to trees, rocks, signs, poles, fixtures, utility boxes, walls, paths, walks, streets, bridges, buildings or any other structures or surfaces.

B. Definitions.

1. Graffiti means any inscription, symbol, design or configuration of letters, numbers written, drawn, etched, marked, painted, stained, stuck on or adhered to any surface on public or private property without the expressed permission of the owner of such property, including but not limited to trees, rock faces, signs, poles, fixtures, utility boxes, walls, paths, walks, streets, bridges, buildings or any other structures or surfaces.

C. Exceptions.

1. ~~Ship Rock Registry as outlined and defined under SMC Chapter 16.14.;~~ **Proposed artwork on Ship Rock shall be approved by the borough assembly prior to application. Proposers shall submit a picture of the artwork to the borough assembly for approval and inclusion in the Registry.**

8.04.100 Penalty.

A. ~~Violation of any provision of this chapter except Section 8.04.035 shall be a noncriminal infraction, punishable by a civil penalty not in excess of three hundred dollars (\$300.00).~~

B. ~~Violation for bear attraction nuisance as set out in Section 8.04.035 shall be charged for as follows:~~

~~_____ First Offense: _____ \$50.00
_____ Second Offense within 2 years: _____ \$100.00
_____ Third and subsequent offenses within 2 years \$300.00~~

For violations of SMC 8.04 refer to chapter 1.20 General Penalties. Violations of this chapter are subject to civil fines established by resolution.

Section 5. Amendment. 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. Chapter 8.06 Fireworks is hereby amended as follows:

Sections:

- 8.06.010 Definition.
- 8.06.020 Use of fireworks prohibited.
- 8.06.030 Sale of fireworks prohibited.
- 8.06.040 Permitted fireworks displays.
- 8.06.050 Penalties **Penalty.**

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~~Violation of Section 8.06.030 shall be an infraction, punishable by a fine not in excess of three hundred dollars (\$300.00). Violation of any other provision of this chapter shall be a non-criminal infraction, subject to a civil penalty not in excess of three hundred dollars (\$300.00).~~

For violations of SMC 8.06 refer to chapter 1.20 General Penalties. Violations of this chapter are subject to civil fines established by resolution.

Section 6. Amendment. 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.

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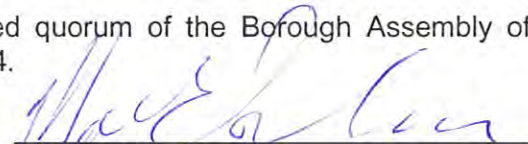
Chapter 8.08 Secondhand Smoke Control is hereby amended as follows:

- 8.08.060 Violations and penalties.
- A. It shall be unlawful for any person to smoke in any area where smoking is prohibited and for any person who owns, manages, operates, or otherwise controls the use of premises subject to this chapter to fail to comply with the provisions of this chapter.
 - B. A person who smokes in an area where smoking is prohibited by the provisions of this chapter shall be subject to a **civil fine established by resolution** of \$100.00.
 - C. A person, owner, manager, employer, or operator who controls an enclosed area or place of employment in violation of this chapter shall be subject to **a civil fine established by resolution**, the following penalties:
 - 1. A fine not exceeding \$100.00 for a first violation;
 - 2. A fine not exceeding \$200.00 for a second violation; and
 - 3. A fine not exceeding \$300.00 for each additional violation.
 - D. For violations of SMC 8.08 refer to chapter 1.20 General Penalties. Violations of this chapter are subject to civil fines established by resolution.**

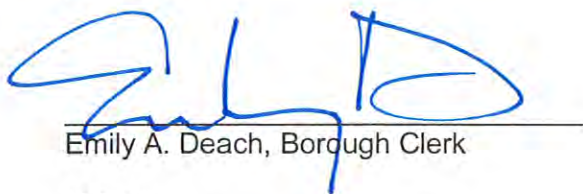
Section 7. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 8. Effective Date. This ordinance shall become effective immediately upon adoption.

PASSED AND APPROVED by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this 19th day of June, 2014.


Mark Schaefer, Mayor

ATTEST:


Emily A. Deach, Borough Clerk
(SEAL)

