

Mayor Edna B. DeVries
Deputy Mayor Steve Carrington
Council Member Julie Berberich
Council Member Linda Combs
Council Member Sabrena Combs
Council Member David Fuller

City Attorney Michael Gatti
City Clerk Norma I. Alley, MMC
City Manager Nathan Wallace

City of Palmer, Alaska
City Council Meeting
July 9, 2019, at 7:00 PM
City Council Chambers
231 W. Evergreen Avenue, Palmer
www.palmerak.org

AGENDA

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. APPROVAL OF AGENDA

1. Approval of Consent Agenda
 - a. Introduction of **Ordinance No. 19-013**: Amending Palmer Municipal Code Chapter 17.44 A-C Airport Commercial District..... Page 3
 - b. Introduction of **Ordinance No. 19-014**: Amending Palmer Municipal Code Sections 17.89.020 Definitions, 17.89.030 Short-Term Rental Classifications, and 17.89.070 Standards Relating to Short-Term Rentals Page 25
 - c. **Action Memorandum No. 19-055**: Authorizing the City Manager to Negotiate and Enter into a Sole Source Contract with NorthStar Excavation and Asphalt for the Repair of the Asphalt Road Surface on E. Moore Road and E. Helen Drive in the Amount of \$21,228.00 Page 31
 - d. **Action Memorandum No. 19-056**: Accepting Board Member Andrew Corbin’s Resignation from the Planning & Zoning Commission Page 35
2. Approval of Minutes of Previous Meetings
 - a. June 11, 2019, Special Meeting Page 37
 - b. June 11, 2019, Regular Meeting Page 39

E. ELECTION OF ALTERNATE DEPUTY MAYOR Page 43

F. COMMUNICATIONS AND APPEARANCE REQUESTS

1. Presentation from Parks, Recreation and Cultural Resources Advisory Board Chair Shannon Connelly

G. REPORTS

1. City Manager’s Report Page 45
2. City Clerk’s Report Page 49
3. Mayor’s Report Page 55
4. City Attorney’s Report

H. AUDIENCE PARTICIPATION

I. PUBLIC HEARING

1. **Resolution No. 19-014**: Submitting a Non-Binding Advisory Question to the City’s Qualified Voters at the October 1, 2019, City of Palmer Regular Election to Determine Whether the Public Supports Enacting Council Member and Mayor Term Limits..... Page 57
2. **Resolution No. 19-015**: Submitting a Non-Binding Advisory Question to the City’s Qualified Voters at the October 1, 2019, City of Palmer Regular Election to Determine Whether the Public Supports Enacting Designated Council Seats Page 61

I. NEW BUSINESS

- 1. Committee of the Whole: Discussion on **Information Memorandum No. 19-001: Code Enforcement and Potential Future Palmer Municipal Code Changes** (note: action may be taken by the council following the committee of the whole)..... Page 65

J. RECORD OF ITEMS PLACED ON THE TABLE

K. AUDIENCE PARTICIPATION

L. COUNCIL MEMBER COMMENTS

M. ADJOURNMENT

Tentative Future Palmer City Council Meetings

Meeting Date	Meeting Type	Time	Notes
July 23	Regular	7 pm	
Aug 13	Regular	7 pm	
Aug 27	Special	6 pm	Audit Presentation
Aug 27	Regular	7 pm	
Sept 10	Regular	7 pm	
Sept 24	Regular	7 pm	
Oct 7	Special	6 pm	Election Certification
Oct 8	Regular	7 pm	
Oct 22	Special	6 pm	Budget (1 st Public Hearing)
Oct 22	Regular	7 pm	
Oct 29	Special	6 pm	Budget
Nov 5	Special	6 pm	Budget
Nov 12	Special	6 pm	Budget
Nov 12	Regular	7 pm	
Nov 26	Special	6 pm	Budget
Nov 26	Regular	7 pm	
Dec 10	Regular	7 pm	Budget Adoption (Public Hearing)
Dec 24	Regular	7 pm	
Jan 14, '20	Regular	7 pm	

**City of Palmer
Ordinance No. 19-013**

Subject: Amending Palmer Municipal Code Chapter 17.44 A-C Airport Commercial District

Agenda of: July 9, 2019 - Introduction

Council Action: **Adopted** **Amended:** _____
 Defeated


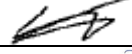

Originator Information:

Originator: City Manager

Department Review:

Route to:	Department Director:	Signature:	Date:
_____	Community Development	_____	_____
_____	Finance	_____	_____
_____	Fire	_____	_____
_____	Police	_____	_____
_____	Public Works	_____	_____

Approved for Presentation By:

	Signature:	Remarks:
City Manager	<u></u>	_____
City Attorney	<u></u>	_____
City Clerk	<u></u>	_____

Certification of Funds:


Total amount of funds listed in this legislation: \$ **0.00**

This legislation (√):

- Creates revenue in the amount of: \$ _____
- Creates expenditure in the amount of: \$ _____
- Creates a saving in the amount of: \$ _____
- Has no fiscal impact

Funds are (√):

- Budgeted Line item(s): _____
- Not budgeted

Director of Finance Signature: 

Attachment(s):

- Ordinance No. 19-013
- Planning and Zoning Minutes of April 18, May 16 & June 20, 2019 (Draft copy)
- Memorandum dated April 3, 2019 from Airport Advisory Commission with attachments

Summary Statement/Background:

At the March 28, 2019 Airport Advisory Commission meeting, it was unanimously decided to request that the Planning and Zoning Commission introduce for review and discussion a text amendment to modify PMC 17.44 A-C Airport Commercial District to create Airport Commercial Aeronautical and Airport Commercial Non-Aeronautical.

The Planning and Zoning Commission reviewed and discussed the proposed text amendment to PMC 17.44 A-C Airport Commercial District at their April 18 and May 16, 2019 meetings. At the June 20, 2019 Planning and Zoning meeting, the Commission reviewed the final changes to the Airport Commercial ordinance and amended the draft proposed ordinance to include office buildings (#39) as a non-aeronautical permitted use. This included reviewing compatibility with the Airport Master Plan and the City Comprehensive Plan. The Commission voted unanimously to move the draft ordinance as amended forward to City Council with a recommendation for adoption.

Administration's Recommendation:

Adopt Ordinance No. 19-013 amending Palmer Municipal Code Chapter 17.44 A-C, Airport Commercial District.

LEGISLATIVE HISTORY

Introduced by: City Manager

Date: July 9, 2019

Public Hearing:

Action:

Vote:

Yes:

No:

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CITY OF PALMER, ALASKA

Ordinance No. 19-013

An Ordinance of the Palmer City Council Amending Palmer Municipal Code Chapter 17.44 A-C Airport Commercial District

WHEREAS, the Airport Advisory Commission has requested the Planning and Zoning Commission review a text amendment to modify PMC 17.44 A-C Airport Commercial District to create Airport Commercial Aeronautical and Airport Commercial Non-Aeronautical; and

WHEREAS, the Planning and Zoning Commission proposes and recommends text amendments as necessary to Title 17, Zoning to ensure that the regulations and standards are applicable to the current needs of the community; and

WHEREAS, the Commission has reviewed and discussed the proposed text amendment and supports the recommended changes to the Airport Commercial District.

THE CITY OF PALMER, ALASKA, ORDAINS:

Section 1. Classification. This ordinance shall be permanent in nature and shall be incorporated into the Palmer Municipal Code.

Section 2. Severability. If any provisions of this ordinance or application thereof to any person or circumstances are held invalid, the remainder of this ordinance and the application to the other persons or circumstances shall not be affected thereby.

Section 3. Palmer Municipal Code Chapter 17.44.010 is hereby amended to read as follows (new language is underlined and deleted language is stricken):

17.44.010 Intent.

~~The A-C district is intended to provide for the safe and orderly use of lands where the best use is for airport-related commercial and retail purposes. The specific intent in establishing this district is:~~

The Airport Commercial district is intended for the safe and orderly use of airport lands where the best use is for airport-related noncommercial, commercial, hotel, motel, and retail purposes. The specific intent in establishing this district is:

~~A. To provide land for commercial and retail operations that are dependent upon the use of aircraft or are involved in the maintenance of aircraft or aircraft parts and equipment; To provide for those business, and commercial, hotel, motel, activities that are supporting, related to and/or~~

dependent upon aircraft or air transportation when such activities, in order to function, require or desire a location adjacent to the airport with or without immediate aircraft access to a taxiway;

~~B. To locate aircraft-related uses in an area where their activities will have minimal effect on residential areas; To encourage orderly economic development in a manner compatible with the Palmer Warren "Buddy" Woods Municipal Airport Master Plan, airport operations and adjacent properties;~~

~~C. To prohibit uses that are not commercial or retail-oriented and dependent upon or related to aircraft and their use; To provide for both aeronautical and non-aeronautical uses as permitted in the latest airport layout plan approved by the Federal Aviation Administration.~~

~~D. To prohibit residential use of land;~~

~~E. To be consistent with the latest airport layout plan approved by the Federal Aviation Administration; and~~

~~F. To give preference to aeronautical uses.~~

Section 4. Palmer Municipal Code Chapter 17.44.020 is hereby amended to read as follows (new language is underlined and deleted language is stricken):

17.44.020 Permitted uses.

~~A. Aircraft and aircraft parts and equipment maintenance, repairing, reconditioning or sales.~~

~~B. Aircraft charter and passenger operations.~~

~~C. Aircraft flight instruction schools.~~

~~D. Aircraft storage and parking.~~

~~E. Aircraft fueling operations.~~

~~F. Public safety facilities, airport operations and maintenance facilities.~~

~~G. Food service operations, restaurants.~~

A. Aeronautical uses in accordance with most recently adopted Airport Master Plan and consistent with the airport operations plan:

1. Aircraft, aircraft parts and equipment maintenance, repairing, reconditioning or sales;

2. Aircraft charter and passenger operations;

3. Aircraft flight instruction schools;

4. Aircraft storage and parking;

5. Aircraft fueling operations;

6. Public safety facilities, airport operations and maintenance facilities;

7. Food service operations, restaurants;

8. Aircraft-related noncommercial operations; and

9. Aeronautical campgrounds.

B. Non-Aeronautical uses in accordance with most recently adopted Airport Master Plan and consistent with the airport operations plan:

1. Any use permitted in airport commercial aeronautical

2. Retail stores including Large Retail Establishments

3. Short-term rental (see 17.89), boarding, hotel, motel, student pilot housing, and emergency services housing related to air medivac, and fire stations

4. Café, or restaurant;

5. Home appliance, electrical or electronic equipment, instrument, medical appliance, office equipment, plumbing equipment and store fixture sales, service and repair;

6. Hardware store, general merchandise, pet shop;
7. Department store, furniture and household goods, sales and repairing, glass and mirror sales, paint, flooring;
8. Blueprinting and photostating, engraving, photo developing, print shop, publishing, rubber stamp or sign painting;
9. Beauty or business college and studio or school of art, design, dancing, drama, modeling or photography;
10. Radio and TV studios;
11. Veterinarian clinic, except no boarding of animals;
12. Nursery and Christmas tree sales;
13. Utility substation;
14. Motorcycle, boat and bicycle sales, parts and service;
15. Auto parts;
16. Service station, tire sales and service, battery sales;
17. Automobile and farm machinery sales; provided, that any open area used for the incidental repair of automobiles or farm machinery is located not less than 70 feet from the front lot line nor less than 25 feet from any other street line, unless such incidental repair is conducted and wholly confined within a building;
18. Garages including automobile repairing, painting, body and fender, or upholstering if all operations are conducted wholly within a completely enclosed building. If adjoining any R district, it shall have no openings other than stationary windows facing the R district;
19. Recreational vehicle and units, modular housing units, mobile homes, trailer repair and supporting parts and accessory sales; provided, that any open area used for the incidental repair of boats, automobiles, recreational vehicles and units, modular housing units, and mobile homes and trailers is located no less than 70 feet from the front lot line nor less than 25 feet from any other street line, unless such incidental repair is conducted and wholly confined within a building;
20. Tool and equipment rental;
21. Large retail establishments;
22. Cabinet shop, sash and door mill or assembly of music, candy, and vending machines;
23. Boat building, iron work (ornamental), machine shop, die-casting or electroplating;
24. Bottling plant, brewery, packing house (vegetable or fruit) or wholesale business;
25. Petroleum products storage, service and distribution station, paint storage or paint manufacture;
26. Cold storage lockers, meat and seafood processing plants;
27. Egg candling and grading, feed grain and hay scales and grain storage;
28. Automobile painting, upholstering, rebuilding, reconditioning, motor exchange, body and fender work;
29. Refrigeration maintenance and repair, steam cleaning and welding service and supplies;
30. Pipe and pole storage;
31. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts such as coils and transformers;
32. The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, drugs, perfumes, perfumed toilet soap, toiletries and food products, vinegar, yeast, fish and meat products, and the rendering or refining of fats and oils;
33. The manufacture of music and scientific instruments, optical goods, cameras, jewelry, small auto accessories, trailers, mobile homes, prefabricated housing modules or units in the manufacture of similar goods;
34. The manufacture of pottery, figurines or other ceramic products;

35. The manufacture and maintenance of electric and neon signs and light sheet metal products, including heating and ventilating ducts and equipment, drain pipes, eaves and the like;
36. Warehousing of manufactured products;
37. Lumber yard, building material manufacture or sales yards;
38. Septic tank pumping business;
39. Office Buildings

Section 5. Palmer Municipal Code Chapter 17.44.025 is hereby added to read as follows (new language is underlined and deleted language is stricken):

17.44.025 Compatibility of Uses not defined.

Where a proposed use is not specifically identified by this ordinance or the ordinance is unclear as to whether the use is allowed in a particular zone, the Zoning Administrator may find the use is similar to another use that is permitted, allowed conditionally, or prohibited in the subject zone and apply the ordinance accordingly. Use rulings that require discretion on the part of Zoning Administrator shall be confirmed by the Planning and Zoning Commission at the next regular meeting that allows due public notice.

Section 6. Palmer Municipal Code Chapter 17.44.027 is hereby added to read as follows (new language is underlined and deleted language is stricken):

17.44.027 Appeal of Compatibility of Use.

In the event the petitioner disagrees with the confirmation of the Planning and Zoning they may appeal to the Palmer City Council for final city evaluation. Any Subsequent appeal will be to the Alaska Superior Court, in Palmer Alaska.

Section 7. Palmer Municipal Code Chapter 17.44.030 is hereby amended to read as follows (new language is underlined and deleted language is stricken):

17.44.030 Prohibited uses.

- A. Residential use or housing facilities-, except as permitted in non-aeronautical designed areas.
- B. Uses that would cause emission of smoke, dust, fumes, vapors, etc., of such a nature and quantity as to pose a hazard to aircraft flight or navigation;
- C. Outside storage of unrestrained items capable of being easily moved by the wind and becoming a hazard to air traffic.

Section 8. Palmer Municipal Code Chapter 17.44.040 is hereby amended to read as follows (new language is underlined and deleted language is stricken):

17.44.040 Building height limit.

- A. Aeronautical designed areas are ~~T~~thirty-five feet except where a lesser height is required to comply with FAA rules.
- B. Non-aeronautical designated areas are 50 feet except where a lesser height is required to comply with FAA rules.

Section 9. Palmer Municipal Code Chapter 17.44.060 is hereby amended to read as follows (new language is underlined and deleted language is stricken):

17.44.060 Building setbacks.

- A. From right-of-way, 10 feet minimum.

- B. From taxiway, runway or apron, 50 feet minimum.
- C. From lot lines, zero, or 10 feet minimum.
- D. In non-aeronautical designated areas:
 - 1. Front yard, 25 feet minimum.
 - 2. Side yard, 15 feet minimum.
 - 3. Rear yard, 25 feet minimum.

Section 10. Palmer Municipal Code Chapter 17.44.090 is hereby deleted (new language is underlined and deleted language is stricken):

~~17.44.090 Supplemental requirements.~~

~~No outside storage of items capable of being easily moved by the wind and becoming a hazard to air traffic unless securely restrained.~~

Section 11. Effective Date. Ordinance No. 19-013 shall take effect upon adoption by the City of Palmer City Council.

Passed and approved this _____ day of _____, 2019.

Edna B. DeVries, Mayor

Norma I. Alley, MMC, City Clerk

- 17.58.030 Permitted accessory uses and structures; add caretaker dwellings;
 - Review and revision of the Proposed Use Matrix;
 - Importance of being proactive in defining appropriate and inappropriate uses in the Downtown District and Highway Commercial District.
2. Committee of the Whole: Review and Discuss Palmer Municipal Code Chapter 17.27 R-4 High Density Residential District (note: action may be taken by the Commission following the committee of the whole) (postponed from March 21 meeting).

Director Hanson directed attention to the packet (pp. 175-178) for the Commission’s review of R-4 and highlighted the revisions.

Committee of the Whole discussion included:

- Review/discussion regarding setback and fencing requirements;
- Consideration of dog parks.

[The Commission exited Committee of the Whole without objection at 9:02 p.m.]
 [Peterson, Corbin, Ornquist, Benedetto, Thom-Bernier, Lucas; *Absent*: Wohlbach]

I. NEW BUSINESS:



1. **IM 19-008**: Review and Discuss Requested Text Amendments to Palmer Municipal Code Chapter 17.44 A-C Airport Commercial District by the Airport Advisory Commission.

Director Hanson summarized the request for text amendments to the Airport Commercial District to create zoning for A-C Aeronautical and A-C Non-Aeronautical. The request is to review the proposed zoning text modifications and if approved move it forward with Title 17 revisions to the City Council recommending adoption.

Main Motion: To enter Committee of the Whole for open and ease of discussion of the requested Airport Commercial text amendments.

Moved by:	Corbin
Seconded by:	Thom Bernier
In favor:	Peterson, Corbin, Ornquist, Thom-Bernier, Benedetto, Lucas
Opposed:	None
Absent:	Wohlbach
Action:	Motion Carried Unanimously by all members present.

[The Commission entered Committee of the Whole at 9:06]

Committee of the Whole discussion included:

- Review of Airport Advisory Commission Memo explaining the reasons for the zoning modification of certain parcels at the Airport (packet, p. 183);
- Initial review and discussion of the Proposed Airport Land Use Matrix and other supporting information (packet, pp. 185-198);
- Discussion regarding expanding to allow Commercial General.

[The Commission exited Committee of the Whole without objection at 9:17 p.m.]
[Peterson, Corbin, Ornquist, Benedetto, Thom-Bernier, Lucas; *Absent:* Wohlbach]

- J. PLAT REVIEWS:
There were no plat reviews.
- K. PUBLIC COMMENTS:
There were no public comments.
- L. STAFF REPORT:
There was no additional staff report.
- M. COMMISSIONER COMMENTS:

Commissioner Benedetto:

- Expressed regret for having to miss the joint meeting with the City Council and appreciates everyone's patience.

Chair Lucas:

- Welcomed new Commissioner Peterson.

N. ADJOURNMENT:

There being no further business, the meeting adjourned at 9:19 p.m.

APPROVED by the Planning and Zoning Commission this 16th day of May, 2019.

Dan Lucas, Chairman

Kimberly A. McClure
Planning and Code Compliance Technician

G. PUBLIC HEARINGS: There were no public hearings.

H. UNFINISHED BUSINESS:

Main Motion: To enter Committee of the Whole for open and ease of discussion on the stated Unfinished Business items.

Moved by:	Benedetto
Seconded by:	Corbin
Vote:	5 Yes/0 No – Peterson, Corbin, Ornquist, Benedetto, Lucas; <i>Absent:</i> Thom-Bernier, Wohlbach
Action:	Motion Carried.

[The Commission entered Committee of the Whole at 7:05 p.m.; exited at 8:39 p.m.]

1. Committee of the Whole: Continue Discussion of IM 19-004 Regarding PMC 17.28 CL-Limited Commercial District and PMC 17.32 CG-General Commercial District (note: action may be taken by the Commission following the committee of the whole).

Director Hanson updated from the previous meeting calling attention to the revised Land Use Matrix and revised code sections for review.

Discussion topics included:


- CG-prohibited uses/Connex building-definition;
- I-permitted accessory uses and structures/define caretaker dwellings;
- BP-permitted accessory uses/define caretaker dwellings;
- CL-fencing requirements/revise language to clarify;
- Use Matrix review/Commercial Retail/identify Itinerant Vendors;
- Consideration of Downtown Overlay District.

2. Committee of the Whole: Continue Discussion of Palmer Municipal Code Chapter 17.27 R-4 High Density Residential District (note: action may be taken by the Commission following the committee of the whole).

Director Hanson updated from the last meeting.

Discussion topics included:

- Considerations for Open Space requirements:
 - Fenced pet yards required for dwelling units in excess of 10;
 - Decks, covered patios, porches can serve to satisfy as 50% of total space.

- 
3. Committee of the Whole: Continue Discussion of IM 19-008 Regarding PMC 17.44 Airport Commercial District (note: action may be taken by the Commission following the committee of the whole).

Director Hanson summarized the AAC request for P&Z approval of its proposed text amendment to modify PMC 17.44 A-C Airport Commercial District to create Airport Commercial Aeronautical and Airport Commercial Non-Aeronautical.

The Commission reviewed and discussed the proposed Text Amendment and Airport Land Use Matrix.

Upon exit of Committee of the Whole at 8:39 p.m., the Commission took the following action:

Main Motion: To instruct staff to prepare a Resolution approving the AAC text amendment for approval at the next meeting.

Moved by:	Benedetto
Seconded by:	Peterson
Vote:	5 Yes/0 No – Peterson, Corbin, Ornquist, Benedetto, Lucas; <i>Absent:</i> Thom-Bernier, Wohlbach
Action:	Motion Carried.

I. NEW BUSINESS:

1. **IM-19-010:** Consideration of text amendment to Palmer Municipal Code Chapter 17.89, Short Term Rentals.

Director Hanson summarized the request of the City Council to review and amend PMC 17.89 to clarify the definition of a short-term rental and to further define a Type 1 classification rental to minimize any confusion concerning length of stay. The Commission is to review, make any changes and if approved move forward to the City Council for adoption.

Following discussion and review of the proposed Ordinance, the Commission took the following action:

Main Motion: To approve the Text Amendment to PMC 17.89, Short Term Rentals, and move forward to the City Council recommending adoption.

Moved by:	Corbin
Seconded by:	Ornquist
Vote:	5 Yes/0 No – Peterson, Corbin, Ornquist, Benedetto, Lucas <i>Absent:</i> Thom-Bernier, Wohlbach
Action:	Motion Carried.

J. PLAT REVIEWS:

1. **IM 19-009:** Pre-Application Plat Review – To add a small portion of Tract A, Kopperud Commercial Park to Lot 1, Kopperud Fairhill and divide Lot 1 into two lots, located *outside* Palmer city limits.

Director Hanson reported that the abbreviated plat has been distributed through City departments. The following departments had comments:

Building Inspector: Driveways 150' or longer need to provide fire apparatus turn-a-round;
Community Development: If the proposed lots were located inside Palmer city limits and zoned R-1, Single-family Residential, the proposed lots would need to meet the minimum required lot width of 60 feet and the minimum required lot area of 8,400 square feet. The lots appear to have access from E. Drift Lane.

AIRPORT ADVISORY COMMISSION
231 W. EVERGREEN AVENUE,
PALMER, AK, 99645
www.cityofpalmer.org



CHAIR	KENNETH MORE
VICE CHAIR	LIZ SWEARINGIN
COMMISSIONER	Jeff Helmericks
COMMISSIONER	ANDREW WEAVER
COMMISSIONER	JOYCE MOMARTS
COMMISSIONER	SHANNON JARDINE
COMMISSIONER	RICHARD BEST

MEMO:

Date: April 3, 2019

To: City of Palmer
Planning & Zoning Commission

From: Kenneth More, Chair, Airport Advisory Commission
Frank Kelly, Airport Superintendent

Re: Zoning Modification Request of Certain Parcels
On the Warren "Bud" Woods Palmer Municipal Airport

At a regularly scheduled meeting of the Airport Advisory Commission on March 28, 2019, it was unanimously decided to request that the Planning and Zoning Commission of the City of Palmer proceed with the zoning modification of certain parcels of land located on the Palmer Municipal Airport currently zoned Airport Commercial to Airport Commercial Aeronautical and Airport Commercial Non-Aeronautical.

On January 11, 2019, the Federal Aviation Administration concurred with the City of Palmer's request to utilize these lease lots for non-aeronautical purposes. In preparation of the FAA's response and eventual concurrence, the Airport Layout Plan (ALP) was updated to show non-aeronautical use and FAA environmental clearances for the subject lease lots was also obtained.

The following parcels are more fully described as:

Parcels of land located within Tract D, Palmer Municipal Airport recorded as Plat No. 2006-15 in the Palmer Recording District, Third Judicial District, State of Alaska and further described in an unrecorded plat dated June 27, 2005 and as described in the updated Airport Layout Plan dated November 27, 2018 and approved by the FAA November 28, 2018, as follows:

Palmer Municipal Airport, Tract D, Block 1, Lease Lots 1, 2, 1C, and 1A

Containing 13.04 Acres more or Less.

Parcels may be subject to additional easements and/or encumbrances not shown or depicted hereon.

See "Land Use Matrix" and "Exhibit's A, B, C, D, and E"

Proposed City of Palmer Land Use Matrix

A-C: Airport Commercial (Aero / Non-Aero)

A-I: Airport Industrial

A-M: Airport Mixed Use

Airport / Aeronautical	A-C Aero	A-C Non Aero	A-I	A-M			
Aircraft and aircraft parts and equipment maintenance, repairing, reconditioning or sales	p	p	p	p			
Aircraft charter and passenger operations	p	p	p	p			
Aircraft flight instruction schools	p	p	p	p			
Aircraft storage and parking	p		p	p			
Aircraft fueling operations	p		p	p			
Public safety facilities, airport operations and maintenance facilities	p	p	p	p			
Food service operations, restaurants	p	p	p	p			
Student Pilot Housing Facilities		p					
Operations base for forest firefighting including dormitory facility for firefighters			p				
Utility plants or substations			p				
Warehousing, freight handling & cargo shipping using aircraft for inbound / outbound materials			p				
Aircraft related non-commercial operations				p			
Aeronautical campgrounds	P	P		p			

Commercial - Retail	A-C Aero	A-C Non Aero	A-I	A-M			
Large retail establishment (+20000)		P					
Automobile sales							
Airplane, Boat, motorcycle, ATV, sales and service							
Recreational vehicle sales and service							
Building Materials							
Garden & Farm supplies		P					
Convenience store (Neighborhood Grocery)		P					
Renewable energy sales and service		P					
Bicycle sales and service		P					
Office supplies and service		P					
Home & office electronic sales and service		P					
Telecommunication sales and service		P					
Tire Sales and Service							
Auto Parts and accessory sales		P					
Liquor Sale							
Sporting-goods store, Hunting apparel, camping, firearms, archery and accessory		P					
Flea Market – indoor							
Butcher, delicatessen sales and service							
Farmers Market		P					

Apparel, shoe, clothing		P						
Artisan sales and service – art, jewelry, collectibles		P						
General - Book, stationery, video, art supply, hobby, toy, game, fabric, floral, accessor, gift		P						
Pet shops								
Auction								
Collectibles – Antique, 2 nd Hand, Thrift								
Marijuana								
Retail fuel, gas, propane								
Home accessory – carpet, blinds, cabinets, or other similar								

Education / Training	A-C Aero	A-C Non Aero	A-I	A-M				
Elementary								
Secondary								
Trade, higher level, College / University		P						
Boarding								
Beauty, art, dancing, drama, modeling, photography, or similar								
On-line								

Food Service	A-C Aero	A-C Non Aero	A-I	A-M				
Restaurant / Cafe	P	P	P	P				
Restaurant / Café with drive thru		P						
Itinerant vendors	P	P	P	P				
Microbrewery, winery, distillery, artesian brewing		P						
Meat processing and smoking house		P						
Specialty – ice cream, candy, other similar		P						
Bakery		P						
Coffee Shop		P						

Health / Veterinary	A-C Aero	A-C Non Aero	A-I	A-M				
Hospital with heliport								
Urgent care		P						
Medical complex		P						
Health practitioner - Medical, dental, eye, Psychiatrist, physical therapy or other specialty with laboratories,		P						
Pharmacy, drug								
Mental Health facility								
Veterinary practice, surgery, overnight boarding		P						
Veterinary groomers		P						
Boarding Kennels ¹								

General Services	A-C Aero	A-C Non Aero	A-I	A-M			
Lodging – STR (see 17.89), boarding, hotel, motel,		P					
Automobile rental		P					
Equipment rental		P					
Daycare – Adult, children, infants							
Commercial parking		P					
Carwash		P					
Transportation terminals		P					
Personal Care – beauty, nail, spa, tattoo, massage therapist or other similar							
Laundromats, dry-cleaning							
Laundry and linen service							
Personal services – delivery, domestic, clothing alteration,							
Exercise Facilities – gyms, health, yoga, Pilates, or other similar		P					
Printing and Post-office and accessory activities		P					
Mini – storage – Indoor		P					
Indoor shooting range		P					
Screen printing, sign design and construction		P					
Bingo or other games of chance							
Taxidermy shops sales and service (excluding large scale tanning)		P					
Meat storage – individual lockers, bulk							
Pawn shops							
Entertainment – billiards, bowling, arcade or other similar		P					
Machine shop		P					
Aeronautical (outside airport boundaries)		P					
Wireless communication towers							
Automotive repair, including auto body							
Radio/Television studios, music or recording studio							
Ball bonds							

Office	A-C Aero	A-C Non Aero	A-I	A-M			
Banks – alternative financial, credit unions, saving and loans, or other similar		P					
Professional – business services, insurance, real-estate, administrative, engineering, drafting, lawyers		P					
Medical		P					
Construction (excluding storage of heavy equipment)		P					
Governmental		P					

Industrial / Manufacturing	A-C Aero	A-C Non Aero	A-I	A-M			
Warehousing and Freight movement and storage		P					
Impound vehicle yards							
Contractor yards – Electrical, masonry, building, roofing, Industrial,							
Storage yards - Heavy equipment, building materials, bulk containers, electrical and communication materials and equipment							
Heavy vehicle and equipment storage and maintenance							
Manufacturing, processing, fabrication, packaging, or assembly of goods		C					

Large wholesale sales								
Mining/extraction								
Recycling, including organic								
Junkyards								
Landfills								
Meat slaughterhouse and packing, wholesale fur dealers								
Heavy vehicle and equipment sales and service								
Asphalt plant								

Public Assembly	A-C Aero	A-C Non Aero	A-I	A-M				
Assembly Halls – Auditorium, civic center, concert hall, performing arts center, theaters, senior, youth								
Humanitarian service and shelter facilities – long-term								
Funeral parlors and mortuaries								
Libraries, Museums, Art galleries,		P						
Recreational Facilities – ice arena, swimming pools		C						
Private clubs or lodges with alcohol								
Private clubs or lodges without alcohol								
Racetrack - non-motorized								
Racetrack – motorized								
Place of worship								
Outdoor concert venue								
Center – youth, senior								

Recreational	A-C Aero	A-C Non Aero	A-I	A-M				
Managed open space								
Boat – Launch, club,								
Shooting ranges – indoor		P						
Shooting ranges – outdoor								
Campgrounds – recreational vehicle parks		P						
Golf course								
Miniature golf		P						
Go-cart facility		P						

Public / Institutional	A-C Aero	A-C Non Aero	A-I	A-M				
Courthouse								
Jails								
Playgrounds								

Parks							
Ballfields							
Electrical distribution substations, communication huts							
Cemeteries							
Fire stations		P					

Residential	A-C Aero	A-C Non Aero	A-I	A-M			
Emergency services housing related to air medivac, fire stations		P					
Temporary Buildings							
Student pilot housing facilities		P					

P = Permitted Use
C = Conditional use
Blank= Not permitted

¹ Provided that such an activity be conducted within a completely enclosed building, except that outdoor exercise yard may be permitted.

17.XX.0XX Compatibility of Uses not defined

Where a proposed use is not specifically identified by this ordinance or the ordinance is unclear as to whether the use is allowed in a particular zone, the Zoning Administrator may find the use is similar to another use that is permitted, allowed conditionally, or prohibited in the subject zone and apply the ordinance accordingly. Use rulings that require discretion on the part of Zoning Administrator shall be confirmed by the Planning and Zoning Commission at the next regular meeting that allows due public notice.

17.XX.0XX Appeal of Compatibility of Use

In the event the petitioner disagrees with the confirmation of the Planning and Zoning they may appeal to the Palmer City Council for final city evaluation. Any Subsequent appeal will be the Alaska Superior Court, in Palmer Alaska.

Updated 3/13/19

Exhibit A



U.S. Department
of Transportation

Federal Aviation
Administration

Alaskan Region Airports Division

222 W. 7th Avenue, Box 14
Anchorage, Alaska 99513-7587
Tel. (907) 271-5438
Fax (907) 271-2851

January 11, 2019

Mr. Frank Kelly, Superintendent
Palmer Municipal Airport
231 W. Evergreen Avenue
Palmer, AK 99645

Dear Mr. Kelly:

**RE: Palmer Airport, Non-Aeronautical Lease Lot Approval
Parcels West of Cope Industrial Way**

The Federal Aviation Administration (FAA) has reviewed your request dated July 30, 2018 to utilize approximately 13 acres west of Cope Industrial Way for non-aeronautical lease lots. You have stated the following:

- The lots are unfeasible for aeronautical use as they are not connected to airside facilities and have no feasible future access.
- Lease revenue from the lots will be at fair market value and will generate revenue for the airport.

The FAA requested public comment on the proposed release via federal register notice dated November 26, 2018. No comments were received. Based on this information the FAA concurs with your request to utilize these lease lots for non-aeronautical purposes. The Palmer Airport Layout Plan and Exhibit A will need to be updated to show the release. This may be done in conjunction with your next infrastructure project.

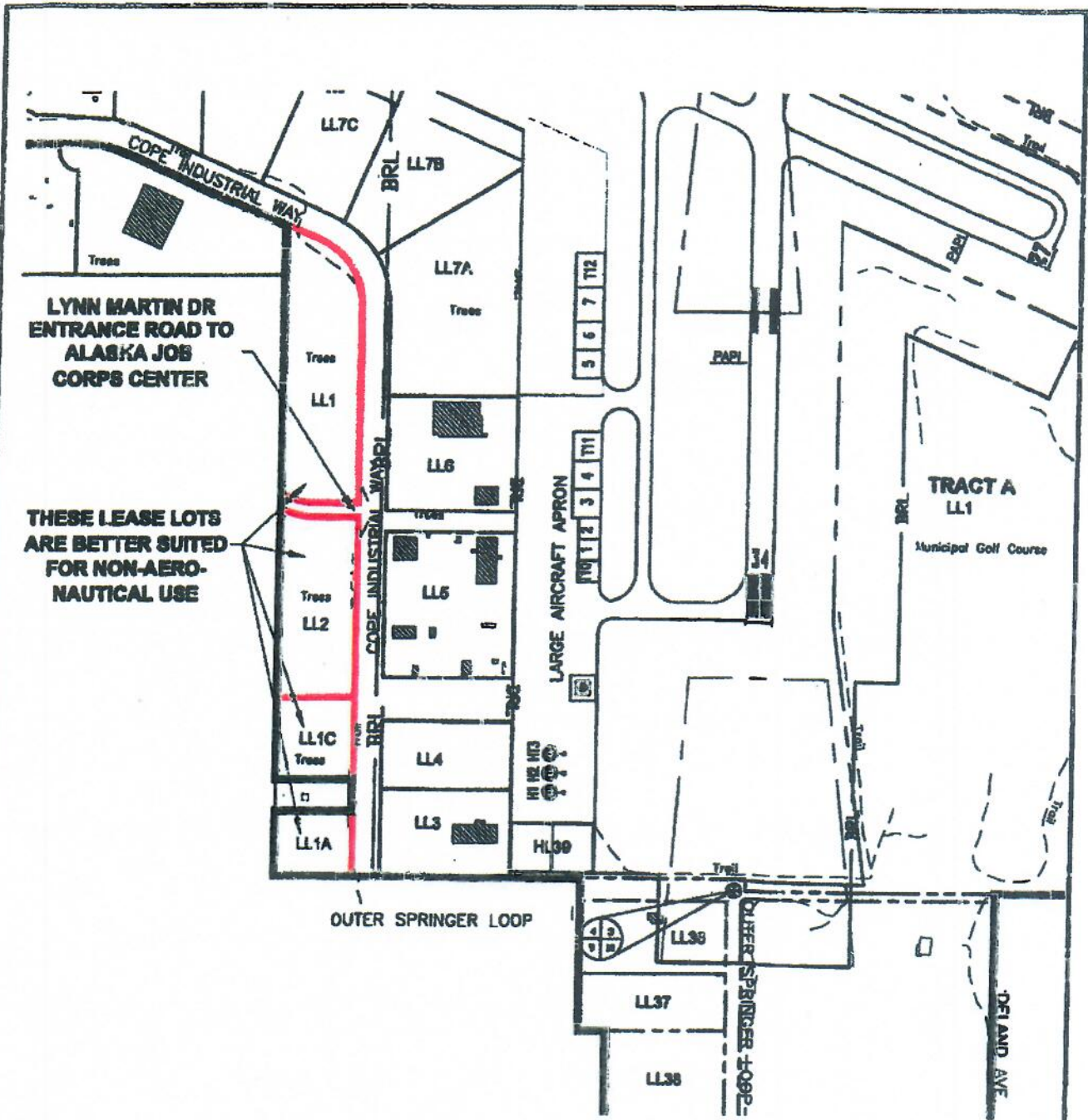
Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Molly Lamrquex".

Molly Lamrquex
Compliance Program Manager
FAA Airports Division, Alaskan Region
(907) 271-5439

Exhibit B



THESE LEASE LOTS
ARE BETTER SUITED
FOR NON-AERO-
NAUTICAL USE

NOTES

1. COPE INDUSTRIAL WAY IS A LOCAL COLLECTOR ROUTE THAT SEPARATE THESE LOTS FROM THE REST OF THE AIRPORT
2. A POPULAR MULTI PURPOSE TRAIL PARALLELS COPE INDUSTRIAL WAY
3. LYNN MARTIN DRIVE IS THE ONLY ENTRANCE ROAD TO THE ALASKA JOB CORPS CENTER

HDL ENGINEERING Consultants

civil - geotechnical - surveying - environmental - material testing
 ANCHORAGE 907.564.2120 MAT-SU 907.748.8230 KENAI 907.283.2051
 2335 Arctic Boulevard, Suite 100 Anchorage, AK 99503
 4 FCI 841 www.HDLalaska.com

City of Palmer
 Warren "Bud" Woods Palmer Municipal Airport
 LEASE LOTS WEST OF COPE INDUSTRIAL WAY

DATE: JULY 2018	DRAWN BY: TA	SHEET: 1
SCALE: 1" = 40'	CHECKED BY: PT	JOB NO.: 15 004



Federal Aviation Administration

Memorandum

Date: August 10, 2018

To: File

From: Keith Gordon, EPS, AIP - AK

Prepared by: Keith Gordon

Subject: Palmer Lease Lots (LL1, LL2, LL1C, LL1A) Aeronautical Use Release CATEX approval.

1. On July 30, 2018 FAA (M.L.) received an email from Mr. F. Kelly dated 7/30/2018 and titled, PAQ/Non-Aeronautical Lease Lot Conversion Request. Referenced email and its attachments append this memorandum.
2. Based on information contained in that email, 2018 Baseline Environmental Inventory for PAQ and related PAQ information Alaska Region FAA concurs that the proposed work is Categorical Excluded (CE) from further National Environmental Policy Act (NEPA) review per the requirements of FAA Order 1050.1 F. *Environmental Impacts Policies and Procedures*, CE's applicable to the proposed work are defined in the Table below.
3. This concurrence does not extend to ancillary work that has not been defined in the email. For example, the expansion of an existing or creation of a new materials site to supply material for the proposed work and/or the use of undefined stockpile or staging areas. Nor does it extend to unknown and/or un-defined impacts.
4. Therefore; based on information currently available to FAA, FAA has determined the proposed project as specifically defined and referenced above and below requires no further NEPA review as per the requirements of FAA Order 1050.1F. **Note: This CE clearance is for construction.**


Keith Gordon
EPS

Enclosure: Referenced Email – and FAA response below sent 8/13/2018.

Exhibit D ALP update 11/28/18

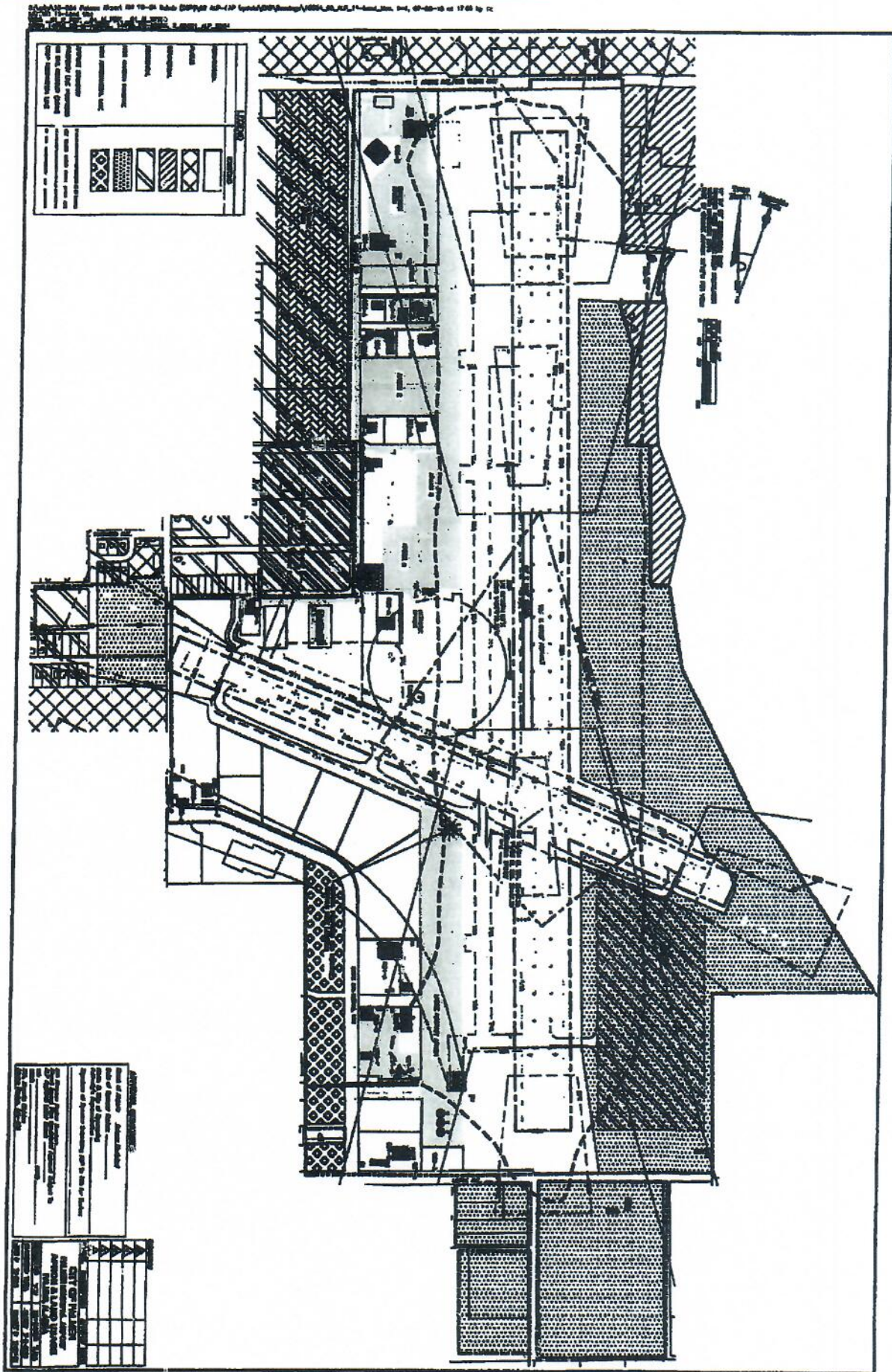
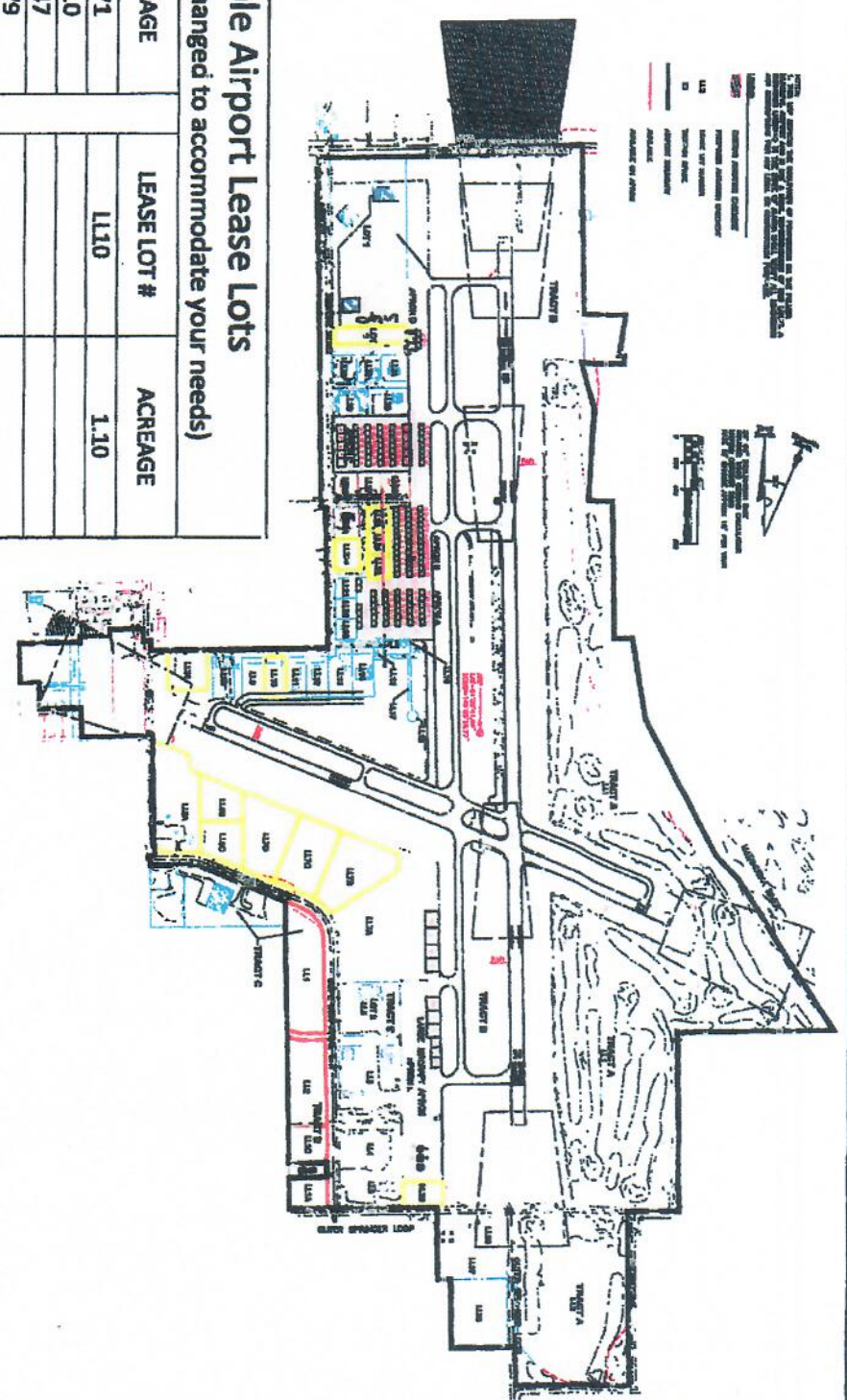


Exhibit E

\\hwy\02-02\Power report\02 pr 2009\020\Drawings\Airport Layout Plan\0202\0202.dwg, 1-11, 04/02/11 at 09:20 by: 66
 LARRY T O'P
 SHEET: 0202, A.P. AIRPORT, 02021, A3-D, 0201

Available Airport Lease Lots
 (Lot size can be changed to accommodate your needs)

LEASE LOT #	ACREAGE	LEASE LOT #	ACREAGE
LL1	5.71	LL10	1.10
LL2	4.10		
LL1A	1.47		
LL1C	1.79		
LL7A	7.12		
LL7B	4.85		
LL7C	4.13	LL22B	1.00
LL7D	4.40	LL23	0.65
LL8A	5.86	LL24	0.65
LL8B	2.15	LL25	0.65
LL8C	2.13	LL34	2.00
APRON D, LOT 2	1.59	HL39	1.18



▲ Aeronautical Obstruction
 ▲ Airport Boundary
 ▲ Airport Easement
 ▲ Airport Property
 ▲ Airport Right-of-Way
 ▲ Airport Utility
 ▲ Airport Vehicle Access
 ▲ Airport Zoning
 ▲ Airport Other

CITY OF PALMER
 PLANNING AND ZONING DEPARTMENT
 LAND OCCUPATION PLAN
 PALMER, ALABAMA
 SHEET 0202, A.P. AIRPORT, 02021, A3-D, 0201

**City of Palmer
Ordinance No. 19-014**

Subject: Amending Palmer Municipal Code Sections 17.89.020 Definitions, 17.89.030 Short-Term Rental Classifications, and 17.89.070 Standards Relating to Short-Term Rentals

Agenda of: July 9, 2019 – Introduction
July 23, 2019 – Public Hearing

Council Action: **Adopted** **Amended:** _____
 Defeated




Originator Information:

Originator: Brad Hanson, Community Development Director

Department Review:

Route to:	Department Director:	Signature:	Date:
_____	Community Development	_____	_____
_____	Finance	_____	_____
_____	Fire	_____	_____
_____	Police	_____	_____
_____	Public Works	_____	_____

Approved for Presentation By:

	Signature:	Remarks:
City Manager		_____
City Attorney		_____
City Clerk		_____

Certification of Funds:

Total amount of funds listed in this legislation: \$ 0.00

This legislation (√):

- Creates revenue in the amount of: \$ _____
- Creates expenditure in the amount of: \$ _____
- Creates a saving in the amount of: \$ _____
- Has no fiscal impact

Funds are (√):

- Budgeted Line item(s): _____
- Not budgeted _____

Director of Finance Signature: 

Attachment(s):

- Ordinance No. 19-014
- Planning and Zoning Minutes of May 16, 2019

Summary Statement/Background:

This text amendment will amend the short-term rental ordinance to clarify short-term rentals (STR) are to a single person or group for a period of less than 30 consecutive days as reflected in Palmer Municipal Code (PMC) Sections 17.89.020 and 17.89.030, as requested by City Council. Additionally, to reduce conflicting code language PMC Section 17.89.070(C) was deleted.

At the May 16, 2019, Planning and Zoning Commission meeting, the commission discussed and reviewed the changes to the STR ordinance and voted unanimously to move the draft ordinance forward to City Council with a recommendation for adoption.

Administration's Recommendation:

Adopt Ordinance No. 19-014 amending the Palmer Municipal Code Sections 17.89.020 Definitions, 17.89.030 STRs Classifications, and 17.89.070, Standards.

LEGISLATIVE HISTORY

Introduced by: City Manager Wallace

Date: July 9, 2019

Public Hearing:

Action:

Vote:

Yes:

No:

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CITY OF PALMER, ALASKA
Ordinance No. 19-014

An Ordinance of the Palmer City Council Amending Palmer Municipal Code Sections 17.89.020 Definitions, 17.89.030 Short-Term Rental Classifications, and 17.89.070 Standards Relating to Short-Term Rentals

WHEREAS, the Planning and Zoning Commission drafted and approved a short-term rental ordinance to address the current residential housing demands of the community; and

WHEREAS, the short-term rental ordinance was adopted by City Council on September 24, 2018, and amended on January 22, 2019, and April 9, 2019, to correct identified errors for codification purposes and code language conflict; and

WHEREAS, upon additional review by the City Council, it was recommended to amend the ordinance with the applicable changes.

THE CITY OF PALMER, ALASKA, ORDAINS:

Section 1. Classification. This ordinance shall be permanent in nature and shall be incorporated into the Palmer Municipal Code.

Section 2. Severability. If any provisions of this ordinance or application thereof to any person or circumstances are held invalid, the remainder of this ordinance and the application to the other persons or circumstances shall not be affected thereby.

Section 3. Palmer Municipal Code Section 17.89.020 Definitions is hereby amended to read as follows (new language is underlined and deleted language is stricken):

17.89.020 Definitions.

“Short-term rental” means a residential dwelling unit(s) that is rented out for compensation on a temporary basis, to a single person or group, for a period of less than 30 consecutive days.

Section 4. Palmer Municipal Code Section 17.89.030 Short-term rental classifications is hereby amended to read as follows (new language is underlined and deleted language is stricken):

17.89.030 Short-term rental classifications.

Short-term rentals are classified as:

Type-1: A short-term rental of one or more bedrooms in an owner-occupied dwelling, to a single person or group, while the owner is occupying the same dwelling unit for the entire rental period.

Section 5. Palmer Municipal Code Section 17.89.070 Standards is hereby amended to read as follows (new language is underlined, and deleted language is stricken):

17.89.070 Standards.

A. One additional parking space for each bedroom or dwelling unit rented shall be provided, in addition to the parking requirements required in Chapter 17.64 PMC, Parking and Loading. No on-street parking shall be allowed for short-term rental facility guests.

B. The exterior of the building shall not reflect the operation of a short-term rental there, except that one sign, not to exceed four square feet in area, is permitted in all residential districts.

~~C. The length of a stay within a short term rental shall be for a period of less than 30 days per calendar year, and documentation verifying the length of stay of each guest, such as a registration ledger or receipts, shall be made available to the city upon request.~~

C. ~~D.~~ The responsible person shall be available at all times the property is being rented. A sign must be posted conspicuously in the common area of each unit and shall contain all of the following information:

1. The name and contact information of the owner and/or responsible person; and
2. The license number of the short-term rental facility; and
3. The occupancy limits and requirements set forth in the license.

D. ~~E.~~ The owner of the short-term rental must ensure that use of the short-term rental by guests is in compliance with the noise provisions of Chapter 8.36 PMC.

E. ~~F.~~ The operation of a short-term rental is permitted as indicated in the following districts:

	Type 1	Type 2	Type 3	Type 4 (Bed and Breakfast Homestay)	Type 5 (Bed and Breakfast Inn)
R-1	CUP	N	N	N	N
R-1E	CUP	CUP	N	CUP	CUP
R-2	P	P	N	P	CUP
R-3	P	P	P	P	CUP
R-4	P	P	P	P	P
Agri	P	P	P	P	P
C-L	P	P	P	P	P
C-G	P	P	P	P	P

Key:
P = Permitted
N = Not permitted
CUP = Conditional Use Permit

E. G. The licensee shall comply with the quiet hours established in PMC 8.36.025.

G. H. The licensee will comply with all building, electrical and other city codes and ordinances.

H. I. Functions such as meetings, receptions, weddings and other social events provided for compensation or held by guests are not permitted as part of the short-term rental use unless such residential property is located in an agriculture district or commercial zoning district.

I. J. The license number and occupancy limit shall be included in all marketing materials, advertisements, and online listings for the short-term rental.

J. K. A residential dwelling incorporating a Type-4 as an accessory use shall be a minimum of 2,000 square feet.

Section 6. Effective Date. Ordinance No. 19-014 shall take effect upon adoption by the city of Palmer City Council.

Passed and approved this _____ day of _____, 2019.

Edna B. DeVries, Mayor

Norma I. Alley, MMC, City Clerk

The Commission reviewed and discussed the proposed Text Amendment and Airport Land Use Matrix.

Upon exit of Committee of the Whole at 8:39 p.m., the Commission took the following action:

Main Motion: To instruct staff to prepare a Resolution approving the AAC text amendment for approval at the next meeting.

Moved by:	Benedetto
Seconded by:	Peterson
Vote:	5 Yes/0 No – Peterson, Corbin, Ornquist, Benedetto, Lucas; <i>Absent:</i> Thom-Bernier, Wohlbach
Action:	Motion Carried.

I. NEW BUSINESS:



1. **IM-19-010:** Consideration of text amendment to Palmer Municipal Code Chapter 17.89, Short Term Rentals.

Director Hanson summarized the request of the City Council to review and amend PMC 17.89 to clarify the definition of a short-term rental and to further define a Type 1 classification rental to minimize any confusion concerning length of stay. The Commission is to review, make any changes and if approved move forward to the City Council for adoption.

Following discussion and review of the proposed Ordinance, the Commission took the following action:

Main Motion: To approve the Text Amendment to PMC 17.89, Short Term Rentals, and move forward to the City Council recommending adoption.

Moved by:	Corbin
Seconded by:	Ornquist
Vote:	5 Yes/0 No – Peterson, Corbin, Ornquist, Benedetto, Lucas <i>Absent:</i> Thom-Bernier, Wohlbach
Action:	Motion Carried.

J. PLAT REVIEWS:

1. **IM 19-009:** Pre-Application Plat Review – To add a small portion of Tract A, Kopperud Commercial Park to Lot 1, Kopperud Fairhill and divide Lot 1 into two lots, located *outside* Palmer city limits.

Director Hanson reported that the abbreviated plat has been distributed through City departments. The following departments had comments:

Building Inspector: Driveways 150' or longer need to provide fire apparatus turn-a-round;

Community Development: If the proposed lots were located inside Palmer city limits and zoned R-1, Single-family Residential, the proposed lots would need to meet the minimum required lot width of 60 feet and the minimum required lot area of 8,400 square feet. The lots appear to have access from E. Drift Lane.

**City of Palmer
Action Memorandum No. 19-055**

Subject: Authorizing the City Manager to Negotiate and Enter into a Sole Source Contract with NorthStar Excavation and Asphalt for the Repair of the Asphalt Road Surface on E. Moore Road and E. Helen Drive in the Amount of \$21,228.00

Agenda of: July 9, 2019

Council Action: **Approved** **Amended:** _____
 Defeated

Originator Information:

Originator: City Manager

Department Review:

Route to:	Department Director:	Signature:	Date:
_____	Community Development	_____	_____
<u> √ </u>	Finance	<u><i>[Signature]</i></u>	<u>06/25/19</u>
_____	Fire	_____	_____
_____	Police	_____	_____
<u> √ </u>	Public Works	<u><i>[Signature]</i></u>	<u>06/25/19</u>

Approved for Presentation By:

	Signature:	Remarks:
City Manager	<u><i>[Signature]</i></u>	_____
City Attorney	<u><i>[Signature]</i></u>	_____
City Clerk	<u><i>[Signature]</i></u>	_____

Certification of Funds:

Total amount of funds listed in this legislation: \$ **21,228.00**

This legislation (√):

<input type="checkbox"/>	Creates revenue in the amount of:	\$ _____
<input checked="" type="checkbox"/>	Creates expenditure in the amount of:	\$ <u>21,228.00</u>
<input type="checkbox"/>	Creates a saving in the amount of:	\$ _____
<input type="checkbox"/>	Has no fiscal impact	

Funds are (√):

<input checked="" type="checkbox"/>	Budgeted	Line item(s): <u>01-17-40-6030 Contractual Services</u>
<input type="checkbox"/>	Not budgeted	_____

Director of Finance Signature: *[Signature]*

Attachment(s):

- NorthStar Quote

Summary Statement/Background:

This Action Memorandum authorizes the City manager to negotiate and enter into a sole source contract with NorthStar Excavation and Asphalt for the repair of approximately 1160 square feet of broken and cracked road surface along E. Moore Rd and E. Helen Dr, that has started to sluff off the road edge (approx. 6 inches). We are asking for a sole source contract with NorthStar because we already have their insurance binder from the City Hall parking lot contract and their equipment is already deployed in the area, which saves the City expenditures on the overall cost of the repair that must be completed before the winter and plowing begins.

Administration's Recommendation:

To approve Action Memorandum No. 19-055 authorizing the City Manager to negotiate and enter into a sole source contract with NorthStar Excavation and Asphalt.



1150 S Colony Way, Suite 3
PMB 574
Palmer, AK 99645
Office: (907) 745-1112

Proposal of Contract

PROPOSAL SUBMITTED TO: City of Palmer	DATE OF PROPOSAL: 5-28-19
STREET ADDRESS: Moore Rd	PHONE:
JOB ADDRESS/LOCATION: Noisy Goose Palmer	EMAIL ADDRESS:

WE HEREBY SUBMIT SPECIFICATIONS AND ESTIMATES PLACING LEVELING COURSE AND ASPHALT ON OWNER APPROVED SUBGRADE. Area to be measured after paving completed for final quantity. Price includes compacted sub-base leveling course, asphalt, labor & equipment. Price excludes any responsibility for subgrade, utility adjustments, or any existing subgrade failure, surveying or staking.

Remove and replace roadway with 2" of AC

1160 SY @ \$18.30 per sqft = \$21,228.00

Includes traffic control.

We propose hereby to furnish material, labor and complete in accordance with above specifications for the sum of: \$_____ US dollars. **Payment to be paid in full upon completion of project.** Accounts dating **30 days** past completion are considered past due and are subject to a **1.5% interest per month** (18% per annum) as well as an accounting charge of \$30.00 plus all collection and attorney fees. At job completion, if payment is not made in full by agreement of contract, **consider this a notice of intent to lien.**

GUARANTEE- Northstar Excavation & Asphalt, Inc. guarantees all asphalt against defect in materials and workmanship for one year after completion. Guarantee excludes frost heaves, earthquake movement, tire marks or surface impairments during seasonal high temperatures, organic matter, poor sub-base material, poor compaction due to excessive moisture/mud content, frozen sub soil and water and/or ice accumulation in areas that have less than one inch of slope over a distance of ten feet. All work is to be completed in a workman like manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance.

Authorized Signature: _____

Note: This proposal may be withdrawn by us if not Accepted within **30** days.

ACCEPTANCE OF CONTRACT: The above prices, specifications and conditions are satisfactory and are hereby accepted. Northstar Excavation & Asphalt Inc. is authorized to complete the work with contractors' discretion. Payment will be made as outlined.

Date of acceptance: _____ Signature: _____

**City of Palmer
Action Memorandum No. 19-056**

Subject: Accepting Board Member Andrew Corbin's Resignation from the Planning & Zoning Commission

Agenda of: July 9, 2019

Council Action: **Approved** **Amended:** _____
 Defeated

Originator Information:

Originator: Mayor DeVries via City Clerk

Department Review:

Route to:	Department Director:	Signature:	Date:
_____	Community Development	_____	_____
_____	Finance	_____	_____
_____	Fire	_____	_____
_____	Police	_____	_____
_____	Public Works	_____	_____

Approved for Presentation By:

	Signature:	Remarks:
City Manager	_____	_____
City Attorney	_____	_____
City Clerk	_____	_____

Certification of Funds:

Total amount of funds listed in this legislation: \$ **0.00**

This legislation (√):

- Creates revenue in the amount of: \$ _____
- Creates expenditure in the amount of: \$ _____
- Creates a saving in the amount of: \$ _____
- Has no fiscal impact

Funds are (√):

- Budgeted Line item(s): _____
- Not budgeted _____

Director of Finance Signature: _____

Attachment(s):

- None

Summary Statement/Background:

Palmer Charter Chapter II Section 2.9 requires the City Council to approve resignations by members of boards and commissions.

Andrew Corbin submitted his resignation effective June 20, 2019.

The Clerk's Office will begin the advertising process to fill the vacancy created by the resignation, will forward applications to the Mayor for nomination, and then to the council for confirmation.

A. CALL TO ORDER

A special meeting of the Palmer City Council was held on June 11, 2019, at 6:00 p.m. in the Council Chambers, Palmer, Alaska. Mayor DeVries called the meeting to order at 6:00 p.m.

B. ROLL CALL

Comprising a quorum of the Council, the following were present:

Edna DeVries, Mayor	Sabrena Combs
Julie Berberich	David Fuller
Steve Carrington	Pete LaFrance, Deputy Mayor
Linda Combs	

Staff in attendance were the following:

Nathan Wallace, City Manager	Michael Gatti, City Attorney
Norma I. Alley, MMC, City Clerk	

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

A. APPROVAL OF AGENDA

Main Motion: To Approve the Agenda

Moved by:	Fuller
Seconded by:	S. Combs
Vote:	7 Yes/0 No
Action:	Motion Carried

B. AUDIENCE PARTICIPATION - None.

C. NEW BUSINESS

1. Committee of the Whole: Presentation on the Brownfields Project from Stantec Consulting Services, Inc. Planner Katrina Nygaard, AICP

The Council entered into a Committee of the Whole at 6:02 p.m.

Stantec Consulting Services, Inc. Planners Katrina Nygaard, AICP, and Wendy Van Duyne highlighted their findings to date as presented in their PowerPoint presentation in the packet.

The Council adjourned from Committee of the Whole at 6:46 p.m. and reconvened the Regular Meeting.

D. RECORD OF ITEMS PLACED ON THE TABLE

City Clerk Alley reported the About the Project Flyer and an updated PowerPoint presentation were the Items Placed on the Table.

E. COUNCIL MEMBER COMMENTS

None.

F. ADJOURNMENT

With no further business before the Council, the meeting adjourned at 6:48 p.m.

Approved this ____ day of _____, 2019.

Norma I. Alley, MMC, City Clerk

Edna B. DeVries, Mayor

A. CALL TO ORDER

A regular meeting of the Palmer City Council was held on June 11, 2019, at 7:00 p.m. in the Council Chambers, Palmer, Alaska. Mayor DeVries called the meeting to order at 7:00 p.m.

B. ROLL CALL

Comprising a quorum of the Council, the following were present:

Edna DeVries, Mayor	Sabrena Combs
Julie Berberich	David Fuller
Steve Carrington	Pete LaFrance, Deputy Mayor
Linda Combs	

Staff in attendance were the following:

Nathan Wallace, City Manager	Michael Gatti, City Attorney
Norma I. Alley, MMC, City Clerk	

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

D. APPROVAL OF AGENDA

1. Approval of Consent Agenda
 - a. Introduction of **Ordinance No. 19-011**: Amending Palmer Municipal Code Sections 2.04.041 and 2.05.030 Establishing Council Member and Mayor Term Limits
 - b. Introduction of **Ordinance No. 19-012**: Amending Palmer Municipal Code Section 1.08.020(A) Penalty Surcharge and Amending the 2019 City of Palmer Fine Schedule to Reflect the New Fine
 - c. **Action Memorandum No. 19-050**: Authorizing the City Manager to Negotiate and Execute a Contract with Valley General Construction, LLC. for a Water Main Relocate, at the Intersection of S. Chugach Street and E. Commercial Drive, in an Amount Not to Exceed \$62,900.00
2. Approval of Minutes of Previous Meetings
 - a. May 14, 2019, Regular Meeting

Main Motion: To Approve the Agenda, Consent Agenda, and Minutes

Moved by:	Fuller
Seconded by:	L. Combs
Vote:	Unanimous
Action:	Motion Carried

E. COMMUNICATIONS AND APPEARANCE REQUESTS

1. Presentation from Sister School Student Delegation from the Middle and High Schools

Students spoke in Japanese and English saying thank you for Council's scholarships and explained what they were most looking forward to with their upcoming trip to Saroma, Japan.

2. Presentation from Board of Economic Development Chair Dusty Silva

Board of Economic Development Chair Dusty Silva provided a summary on the Board of Economic Development review of Palmer Municipal Code Chapter 5.32 Marijuana and inquired about Ordinance No. 19-009 concerning the newly established residency requirement.

F. REPORTS

1. City Manager's Report

City Manager Wallace highlighted his written report and handed out the Alaska Municipal League Local Government Intergovernmental Agreement regarding Online Sales Tax Implementation.

2. City Clerk's Report

City Clerk Alley highlighted her written report.

3. Mayor's Report

Mayor DeVries highlighted her written report.

4. City Attorney's Report

None.

G. AUDIENCE PARTICIPATION

Ms. Kenda Huling, Grow Mat-Su Representative, testified on the itinerant vendor permit process and notice provided to all vendors.

Mr. Mike Chmielewski spoke on marijuana and crosswalks.

H. PUBLIC HEARING

1. **Ordinance No. 19-010:** Amending Palmer Municipal Code Section 2.04.021 Establishing Designated Council Seats

Council Member Carrington introduced the ordinance.

Mayor DeVries opened the public hearing on Ordinance No. 19-010.

Mr. Mike Chmielewski asked for clarification on intention of people filing for a specific seat and no longer all candidate names being listed together. Council Member Carrington addressed his concerns and confirmed that was the intention.

Hearing no objection from the Council, Mayor DeVries closed the public hearing.

Council Member S. Combs stated she did not support the ordinance due to it causing candidates to run against a specific person and potentially creating negative campaigning, Palmer established as a non-partisan Council and the potential to create partisanship, and there was no necessity for the change.

Council Member L. Combs stated she did not support the ordinance for the same reasons as stated by Council Member S. Combs and the current process is working as shown in the last four elections with a new individual elected to the Council, so the voters are voting in the people they want representing them.

Council Member Berberich stated she did not support the ordinance for the same reasons as previously stated and because it adds politics to campaigning.

Deputy Mayor LaFrance stated he did not support the ordinance because it welcomed negative campaigning and invited a level of political strategy that is not positive.

Main Motion: To Adopt Ordinance No. 19-010

Moved by:	Fuller
Seconded by:	Carrington
Vote:	3 Yes/4 No (Berberich, L. Combs, S. Combs, LaFrance)
Action:	Motion Carried

- 2. **Resolution No. 19-002-A:** Amending the City of Palmer 2019 Fee Schedule to Include Itinerant Vendor, Repealing Roving Vendors, and Amending Public Information Requests

Mayor DeVries opened the public hearing on Resolution No. 19-002-A.

Mr. Eugene Carl Haberman spoke against Resolution No. 19-002-A expressed concern regarding the public information requests fees and access to meeting audios on the website.

Hearing no objection from the Council, Mayor DeVries closed the public hearing.

Main Motion: To Approve Resolution No. 19-002-A

Moved by:	Fuller
Seconded by:	L. Combs
Vote:	Unanimous
Action:	Motion Carried

I. NEW BUSINESS

None.

J. RECORD OF ITEMS PLACED ON THE TABLE

City Clerk Alley reported the Alaska Municipal League Local Government Intergovernmental Agreement regarding Online Sales Tax Implementation was the Items Placed on the Table.

K. AUDIENCE PARTICIPATION

Mr. Mike Chmielewski spoke on public access to the audio recording on the Radio Free Palmer website.

Mr. Eugene Carl Haberman testified on the public process and rights for the public to address policies and procedures.

L. COUNCIL MEMBER COMMENTS

Council Member S. Combs provided a list of nominations for Palmer Pride awards (see official meeting packet).

Majority support by Council was provided to direct the city clerk to look into programs that would allow meeting audio recordings to be placed on the city’s website.

M. ADJOURNMENT

With no further business before the Council, the meeting adjourned at 8:35 p.m.

Approved this ____ day of _____, 2019.

Norma I. Alley, MMC, City Clerk

Edna B. DeVries, Mayor

Palmer Municipal Code 2.05.060
Alternate Deputy Mayor (Selection Process)

2.05.060 Deputy mayor.

- A. At the first meeting following the regular city election, council shall elect from its membership a deputy mayor and an alternate deputy mayor to serve in the absence of the mayor.
- B. Deputy Mayor Election Process. The deputy mayor election process shall be as follows:
 - 1. Nominations. The mayor shall open nominations for deputy mayor and shall continue taking nominations until all nominations have been made.
 - 2. Voting Process.
 - a. After the nominations have closed, the mayor will, in alphabetical order by last name, bring each individual nominee's name to the floor for a vote;
 - b. The nominee obtaining four votes of the council shall be declared the winner of the election.
- C. Alternate Deputy Mayor Election Process. Following election of the deputy mayor, the council shall elect, using the same process as used for the deputy mayor election, the alternate deputy mayor.
- D. The deputy mayor shall succeed to the office of mayor when a vacancy occurs in that office and shall have and exercise the powers and duties of the mayor when the mayor is absent or unable to perform the duties of office.
 - 1. When a doubt exists concerning the ability of the mayor to perform the duties of office, the council shall, by resolution, determine whether the deputy mayor shall act in the place of the mayor.
 - 2. The determination shall stand until the council determines that the disability or inability ceases.
- E. The alternate deputy mayor shall succeed to deputy mayor when the deputy mayor is unavailable or there is a deputy mayor vacancy. (Ord. 14-003 § 3, 2014; Ord. 10-020 § 3, 2010; Ord. 10-006 § 3, 2010; Ord. 648 § 4, 2005)



Staff Highlights:

Police Department: City Manager and Chief met with DPS Commissioner Price at AST Detachment, 2 Officers completed Field Officer Training and can now certify new officers, met with a citizen group to revise the excessive call ordinance draft, and met with a consulting firm that is exploring the creation of a mobile crisis response unit.

Fire Department: Fire Danger in the area has been HIGH to VERY HIGH and there is a statewide burn suspension in place. Crews have been busy with equipment testing and responding to emergencies and assisting other departments with supporting aid. We have 5 new volunteers this year who will be attending Basic Fire class this month.

Finance Department: Working on State Fair Business licenses and vendor support

Public Works: Continues road painting and started crack sealing on city roads. Park Signs are up!



Golf Course: July 10th (5 pm) Ribbon Cutting Ceremony to recognize those that donated time and effort in replacing and improving the appearance of the club house.



Report to Council
City Manager Nathan Wallace
July 9, 2019

Library: We're halfway through our summer reading program and are happy to report just over 700 participants are reading with us this summer. We have over 45 teen volunteers rocking our program this year. They have assisted with everything from advertising for events to shelving books.

Radio Free Palmer Inside the City schedule: City Clerk (Elections) July 12, Public Works July 19, Library July 26, City Manager Aug 2

June building report attached: Second highest year out of the past 10.

Building Department Report
JUNE 2019

Permit Type	Count	Total Valuation	Permit Fees Collected	Plan Review Fees Collected
Building Permit	15	\$765,101.00	\$7,607.00	\$3,015.75
Sign Permit	2	\$400.00	\$95.00	
Fence Permit	3	\$7,000.00	\$78.00	
Totals	20	\$772,501.00	\$7,780.00	\$3,015.75

TYPE OF PERMITS:

Applicant	Valuation	Type of Work	Permit Fee	Plan Review Fee
Bailey, Kip	\$1,500.00	Fence	\$26.00	
Voigt, Tom	\$2,200.00	SF Alteration	\$0.00	
Alaska State Fair, Inc.	\$75,000.00	COM Alteration	\$911.75	\$592.50
CCS Early Learning	\$0.00	COM Alteration	\$0.00	\$100.00
Alaska State Fair, Inc.	\$65,000.00	COM New	\$833.75	\$541.75
WM Construction LLC	\$341,436.00	SF New	\$2,613.25	
Brandel, Connie	\$2,000.00	SF Alteration	\$0.00	
Nugent, Kendra	\$200.00	Sign	\$34.00	
DeWinter, Sydney	\$2,500.00	Fence	\$26.00	
Maddux, Michael	\$20,000.00	COM Alteration	\$357.50	\$232.25
Campbell, Jonathan & Lindsay	\$3,000.00	Fence	\$26.00	
Kolivosky, Melinda	\$10,965.00	Storage Shed	\$217.25	
St. John's Lutheran Church	\$32,000.00	COM Alteration	\$514.25	\$334.25
Schommer, John J. Trustee	\$1,500.00	SF Alteration	\$60.00	
Foster, Larry & Marjorie	\$1,500.00	SF Alteration	\$60.00	
U-Haul Co. of Alaska	\$205,000.00	COM Alteration	\$1,761.75	\$1,145.00
Gamradt, Ray	\$2,000.00	SF Alteration	\$77.00	
Lilly, Sherri	\$4,000.00	COM Alteration	\$108.00	\$70.00
Lilly, Sherri	\$200.00	Sign	\$61.00	
Reed, Mike	\$2,500.00	Storage Shed	\$92.50	

Building Department Report
JUNE 2019

YEAR TO DATE COMPARISON:

Year	Building Permits	Sign Permits	Fence Permits	Year to Date Valuation	Year to Date Permit Fees	Year to Date Plan Review Fees
2010	48	14	9	\$12,456,210.00	\$64,666.25	
2011	58	14	12	\$3,595,886.00	\$34,170.25	
2012	56	16	4	\$15,713,232.00	\$92,678.50	
2013	34	7	11	\$7,495,176.00	\$52,703.75	
2014	55	18	5	\$12,174,315.00	\$79,968.25	
2015	61	12	9	\$7,904,367.00	\$64,947.25	
2016	46	19	12	\$30,087,035.00	\$149,242.25	\$12,603.00
2017	39	5	12	\$3,256,016.00	\$29,504.35	\$11,226.00
2018	50	13	7	\$11,438,948.00	\$76,566.00	\$32,091.25
2019	63	8	10	\$22,166,597.00	\$121,074.75	\$67,467.75



Norma I. Alley, MMC
City Clerk

Phone: (907) 761-1301
Direct: (907) 761-1321
Fax: (907) 761-1340

231 W. Evergreen Ave.
Palmer, Alaska 99645-6952
www.palmerak.org

TO: Palmer City Council
FROM: Norma I. Alley, MMC
SUBJECT: City Clerk's Report for the July 9, 2019, Council Meeting

1. Boards & Commissions Attendance Spreadsheets

The monthly attendance spreadsheets are attached for:

- a. AAC
- b. BED
- c. PRCRAB
- d. P&ZC

2. Upcoming Events

Below is a list of upcoming events on the City Clerk's Office radar. Please let us know if you are or are not planning on attending one of the events below.

Name of Event	Date	Time	Location
Golf Course Ribbon Cutting	7/10	5 p	Golf Course
Alice Williams' Farewell	7/18	4:30 p	Public Library

Please don't forget to let me know of any other events you are aware of or will be attending.

The Clerk's Office will begin tracking events through the City Clerk's Outlook calendar. When an event is brought to our attention, a meeting invite will be sent for the Council to accept, tentative, or decline the event. Each Council Member will be able to go to the City Clerk's calendar and see the events. Directions will be provided to help navigate this process.

3. October 1, 2019, Regular City Election Update

Important Election Dates:

- **Candidate Filing:** Candidate filing period begins July 15 at 8:00 a.m. and closes at 4:00 p.m. on July 26. Packets will be available on the city's website or at the City Clerk's Office starting Friday, July 12.
- **Last Day to Adopt Propositions:** July 23 is the last regularly scheduled Council meeting to adopt legislation placing propositions and questions on the ballot. August 9 is the last day to call a special meeting to adopt legislation.
- **Voter Registration:** Last day to register to vote or update your voter registration information is Sunday, September 1. Registration can be done online at <http://www.elections.alaska.gov/>.
- **Early Voting:** September 16 – September 30
 - MSB: M-F from 8:00 a.m. – 5:00 p.m.
- **Last Day to Request an Absentee Ballot:** September 24 (Tuesday)
- **Canvass Board:** October 4 at 2:00 p.m. in City Hall Council Chambers (Friday)
- **Certification of Election:** October 7 at 6:00 p.m. at City Hall (Monday)

4. Code Web Platform Upgrades

The Palmer Municipal Code's online platform has been upgraded, which expands our linking to state statutes, ordinances, resolutions and other chapters within the Code. The appearance is simplified to match our current website and to enhance the user's experience. The new website is <https://palmer.municipal.codes/> and has been updated on our city website.

City of Palmer Airport Advisory Commission Members

PMC 2.25.020. There is created a city airport advisory commission which shall consist of seven members.

Seat	Board Member	Term Expires
A	Richard Best	Oct. 2019
B	Kenneth More	Oct. 2019
C	Jeff Helmericks	Oct. 2020
D	Andrew Weaver	Oct. 2021
E	Joyce Momarts	Oct. 2020
F	Shannon Jardine	Oct. 2019
G	Liz Swearingin	Oct. 2021

PMC 2.25.140.B. Cause for removal. In addition, a board member may be removed by the council if, during any 12-month period while in office: 1) The board member is absent from three regular meetings without excuse; or 2) The board member is absent from six regular meetings.

2019 Attendance Record

Board Member	Jan **	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Best	✓	✓	E	E	✓	✓						
Helmericks	E	✓	✓	✓	✓	✓						
Jardine	✓	✓	✓	✓	✓	✓						
Momarts	✓	✓	✓	✓	✓	✓						
More	✓	✓	✓	✓	✓	✓						
Swearingin	✓	✓	✓	✓	✓	✓						
Weaver	✓	✓	✓	E	✓	✓						

2018 Attendance Record

Board Member	Jan *	Feb	Mar	Apr	May	June *	July	Aug	Sept	Oct	Nov	Dec *
Best											✓	
Helmericks		✓	✓	✓	✓		✓	✓	✓	✓	✓	
Jardine		✓	✓	✓	✓		✓	E	✓	✓	✓	
Momarts		✓	✓	E	✓		✓	✓	✓	✓	✓	
More		✓	✓	✓	✓		✓	E	✓	✓	✓	
Swearingin											✓	
Weaver		✓	✓	E	E		✓	E	E	U	✓	

* Meeting Cancelled

** Special Meeting

✓ - Present

E - Excused

U - Unexcused Absence

V - Vacant

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City of Palmer

Board of Economic Development Members

PMC 2.30.010.A. There is created a city board of economic development which shall consist of seven members.

Seat	Board Member	Term Expires
A	Barbara Hunt	Oct. 2020
B	Peter Christopher	Oct. 2019
C	Lorie Koppenberg	Oct. 2021
D	Christopher Chappel	Oct. 2021
E	Janet Kincaid	Oct. 2019
F	Kelly Turney	Oct. 2020
G	Dusty Silva	Oct. 2021

PMC 2.30.140.B. Cause for removal. In addition, a board member may be removed by the council if, during any 12-month period while in office: 1) The board member is absent from three meetings without excuse; or 2) The board member is absent from six meetings.

2019 Attendance Record

Board Member	Jan	Feb	Mar *	Mar **	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Chappel	✓	E		✓	✓	✓	E						
Christopher	✓	✓		E	✓	E	✓						
Hunt	✓	✓		✓	✓	✓	✓						
Kincaid	✓	✓		✓	✓	✓	✓						
Koppenberg	✓	✓		✓	✓	E	✓						
Turney	E	✓		✓	✓	✓	E						
Silva	✓	✓		✓	✓	✓	✓						

2018 Attendance Record

Board Member	Jan	Feb	Mar	Mar **	Apr *	May	June	July	Aug	Sept	Oct *	Nov	Dec
Chappel	✓	✓	U	E		✓	✓	✓	E	✓		U	✓
Christopher	✓	✓	U	✓		✓	E	✓	E	✓		✓	✓
Hunt	✓	✓	✓	✓		✓	✓	✓	✓	✓		✓	✓
Kincaid	✓	E	✓	✓		✓	✓	✓	✓	✓		✓	✓
Koppenberg	✓	✓	✓	✓		✓	✓	E	✓	✓		✓	E
Turney	E	✓	✓	✓		✓	✓	✓	✓	E		✓	✓
Silva	✓	✓	✓	✓		✓	✓	E	✓	✓		✓	✓

* Meeting Cancelled
 ** Special Meeting
 ✓ – Present

E – Excused Absence
 U – Unexcused Absence
 V – Vacant

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City of Palmer Parks, Recreation and Cultural Resources Advisory Board Members

PMC 2.22.010.A. There is created a city board for parks, recreation and cultural resources which shall consist of seven members.

Seat	Board Member	Term Expires
A	Stephanie Allen	Oct. 2020
B	Jo Ehmann	Oct. 2021
C	Heather Kelley	Oct. 2020
D	Shannon Connelly	Oct. 2019
E	George Hoden	Oct. 2020
F	Wesley Rath	Oct. 2021
G	Marilyn Bennett	Oct. 2019

PMC 2.22.140.B. Cause for removal. In addition, a board member may be removed by the council if, during any 12-month period while in office: 1) The board member is absent from three regular meetings without excuse; or 2) The board member is absent from six regular meetings.

2019 Attendance Record

Board Member	Jan *	Feb *	Mar *	Mar **	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Allen				✓	✓	E	✓						
Bennett				E	✓	✓	✓						
Connelly				✓	✓	✓	✓						
Ehmann				✓	✓	✓	✓						
Hoden				V	✓	✓	✓						
Kelley				✓	E	✓	✓						
Rath				E	✓	✓	✓						

2018 Attendance Record

Board Member	Jan	Feb	Feb **	Mar	Apr	May	June *	July	Aug	Sept *	Oct	Nov	Dec
Allen	✓	✓	✓	✓	✓	✓		✓	U		✓	✓	✓
Connelly	✓	✓	✓	✓	✓	✓		✓	✓		✓	✓	✓
Ehmann	✓	✓	✓	U	✓	✓		✓	✓		✓	✓	✓
Kelley									✓		E	✓	✓
Rath												E	✓

* Meeting Cancelled
** Special Meeting
✓ – Present

E – Excused Absence
U – Unexcused Absence
V – Vacant

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City of Palmer

Planning & Zoning Advisory Commission Members

PMC 2.20.010.A. There is created a city planning and zoning commission which shall consist of seven members who shall be nominated by the mayor and confirmed by the city council. All members must be residents of the city.

Seat	Commission Member	Term Expires
A	Gena Ornquist	Dec. 2020
B	Richard Benedetto	Dec. 2019
C	Andrew Corbin	Dec. 2021
D	Kristy Thom Bernier	Dec. 2019
E	Dan Lucas	Dec. 2020
F	Casey Peterson	Dec. 2021
G		Dec. 2021

PMC 2.20.321.C. Cause for removal. In addition, a commissioner may be removed by the council if, during any 12-month period while in office: 1) The commissioner is absent from three regular meetings without excuse; or 2) The commissioner is absent from six regular meetings.

2019 Attendance Record

Commissioner	Jan	Feb	Mar	Apr **	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Benedetto	✓	✓	✓	E	✓	✓	✓						
Corbin	✓	✓	✓	✓	✓	✓	✓						
Lucas	✓	✓	✓	✓	✓	✓	✓						
Ornquist	✓	✓	✓	✓	✓	✓	✓						
Peterson	V	V	V	✓	✓	✓	✓						
Thom Bernier	E	E	✓	✓	✓	E	E						
							V						

2018 Attendance Record

Commissioner	Jan	Feb	Mar *	Apr **	Apr	May	Jun *	Jul	Aug	Sep	Oct	Nov	Dec
Benedetto	E	✓		✓	✓	✓		✓	✓	✓	E	✓	✓
Corbin								✓	✓	✓	✓	✓	E
Lucas	✓	✓		✓	✓	✓		✓	✓	✓	✓	✓	✓
Ornquist	✓	✓		E	E	✓		✓	E	✓	✓	✓	✓
Thom Bernier	✓	✓		✓	✓	✓		✓	E	E	✓	✓	✓

* Meeting Cancelled
 ** Special Meeting
 ✓ – Present

E – Excused Absence
 U – Unexcused Absence
 V – Vacant

Mayor's Memo

Council Meeting report for council Meeting on July 9, 2019

**WE HAVE AN OPENING FOR A COUNCIL SEAT - DEADLINE IS
JULY 12 TO APPLY - CALL CLERK - 761-1301 OR APPLY ONLINE**

Agenda Setting Meeting - July 11, August 1

Garden and Art Faire - July 13

Mayors/Manager Meeting - July 18, August 22

**Opening day to pickup City of Palmer Council
and Mayor candidate application - July 15**

Palmer Pride Days - Palmer Depot - July 26

**I am requesting Award Nominations for Palmer Pride
Citizen of the Year**

New Business of the Year - Oldest Business in Palmer

Golden Shovel (for best snow removal off sidewalks)

Yard Beautification awards

**Good Neighbor awards - has your City of Palmer neighbor
gone above and beyond to assisting you or someone else in our
City - be sure to let us so we can honor them for being a Good
Neighbor.**

**Other awards - we are open to nominations, ideas and
suggestions from the community.**

We want and value your input and participation.

Edna DeVries Mayor

907-355-9933 edevries@palmerak.org

**City of Palmer
Resolution No. 19-014**

Subject: Submitting a Non-Binding Advisory Question to the City's Qualified Voters at the October 1, 2019, City of Palmer Regular Election to Determine Whether the Public Supports Enacting Council Member and Mayor Term Limits

Agenda of: July 9, 2019 – Public Hearing

Council Action: **Approved** **Amended:** _____
 Defeated

Originator Information:

Originator: Council Members Julie Berberich and Pete LaFrance

Department Review:

Route to:	Department Director:	Signature:	Date:
_____	Community Development	_____	_____
_____	Finance	_____	_____
_____	Fire	_____	_____
_____	Police	_____	_____
_____	Public Works	_____	_____

Approved for Presentation By:

	Signature:	Remarks:
City Manager	<u></u>	_____
City Attorney	<u></u>	_____
City Clerk	<u></u>	_____

Certification of Funds:

Total amount of funds listed in this legislation: \$ Unknown

This legislation (√):

- Creates revenue in the amount of: \$ _____
- Creates expenditure in the amount of: \$ _____
- Creates a saving in the amount of: \$ _____
- Has no fiscal impact

Funds are (√):

- Budgeted Line item(s): 01-02-10-6099
- Not budgeted

Director of Finance Signature:

Attachment(s):

- Resolution No. 19-014

Summary Statement/Background:

To discuss taking a code amendment as a non-binding advisory question to the electorate at the October 1, 2019, election regarding the possibility of limiting the council members to two consecutive three-year terms and the Mayor to two additional consecutive three-year terms. The non-binding advisory question would not address lifetime term limits.

Palmer Charter 3.2. **Terms of Office** states the terms of two councilmen shall expire each year, except that in each third year, counting from 1963, the terms of the Mayor and of two Councilmen shall expire. When appointments are made to fill vacancies in the manner provided by Section 2.13(a) of this Charter, appointees shall qualify for and assume the duties of office within ten days after appointment, unless such time be extended for not more than sixty days by the Council.

Palmer Municipal Code Section 2.04.041. **Term of office** states the term of office of each council member shall be for three years and shall commence on the Monday following his or her election.

Palmer Municipal Code Section 2.05.030. **Term of office** states the term of office of the mayor shall be for three years and shall commence on the Monday next following his or her election.

LEGISLATIVE HISTORY

Introduced by: Council Members Berberich and LaFrance

Public Hearing Date: July 9, 2019

Action:

Vote:

Yes:

No:

--	--

**CITY OF PALMER, ALASKA
Resolution No. 19-014**

A Resolution of the Palmer City Council Submitting a Non-Binding Advisory Question to the City’s Qualified Voters at the October 1, 2019, City of Palmer Regular Election to Determine Whether the Public Supports Enacting Council Member and Mayor Term Limits

WHEREAS, city of Palmer Charter Section 3.2 establishes terms of offices for all members of the council as three years; and

WHEREAS, city of Palmer Municipal Code Section 2.04.041 provides additional clarity to the term of office for council members; and

WHEREAS, city of Palmer Municipal Code Section 2.05.030 provides additional clarity to the term of office for the mayor; and

WHEREAS, it is the wish of the City Council to send an advisory question to the electorate to get community input on further clarifying terms of office for the mayor and council members on establishing term limits to each of the terms of office; and

WHEREAS, the proposed question below is designed to allow the electorate to advise the Council as to whether they support the idea of establishing term limits; and

WHEREAS, the proposed question does not place any requirements on the Council, but rather an advisory from the electorate.

NOW, THEREFORE, BE IT RESOLVED by the Palmer City Council that:

Section 1. At the city of Palmer regular election to be held on October 1, 2019, the following non-binding advisory question shall be submitted to the qualified city of Palmer voters in substantially the following form:

ADVISORY QUESTION NO. ____

Vote Advising the City Council on Term Limits

Should the Palmer City Council consider enacting term limits for the mayor and council members?

ADVISORY QUESTION NO. __: Yes ()
No ()

Section 2. This Resolution shall take effect immediately upon its adoption.

Approved by the Palmer City Council this ____ day of _____, 2019.

Edna B. DeVries, Mayor

Norma I. Alley, MMC, City Clerk

**City of Palmer
Resolution No. 19-015**

Subject: Submitting a Non-Binding Advisory Question to the City's Qualified Voters at the October 1, 2019, City of Palmer Regular Election to Determine Whether the Public Supports Enacting Designated Council Seats

Agenda of: July 9, 2019 – Public Hearing

Council Action: **Approved** **Amended:** _____
 Defeated




Originator Information:

Originator: Deputy Mayor Steve Carrington and Council Member Linda Combs

Department Review:

Route to:	Department Director:	Signature:	Date:
_____	Community Development	_____	_____
_____	Finance	_____	_____
_____	Fire	_____	_____
_____	Police	_____	_____
_____	Public Works	_____	_____

Approved for Presentation By:

	Signature:	Remarks:
City Manager		_____
City Attorney		_____
City Clerk		_____

Certification of Funds:

Total amount of funds listed in this legislation: \$ Unknown

This legislation (√):

- Creates revenue in the amount of: \$ _____
- Creates expenditure in the amount of: \$ _____
- Creates a saving in the amount of: \$ _____
- Has no fiscal impact

Funds are (√):

- Budgeted Line item(s): 01-02-10-6099
- Not budgeted

Director of Finance Signature: 

Attachment(s):

- Resolution No. 19-015

Summary Statement/Background:

Description and Justification by Council Member Steve Carrington.

Traditionally, Palmer city council members have been grouped together where the ballots specifies "Three-year term" and "Vote for not more than two." All the candidates are listed in one group and the first and second place candidates are elected from that common group.

This ordinance would create designated seats where each council seat will be voted on separately from each other. All council seats would remain at-large. This would NOT create districts.

Each potential candidate would have to decide which one seat they will run for. If voters are unsatisfied with a specific council person, this will increase transparency for voters to clearly indicate which candidate they are voting for on the ballot.

This is the same procedure that is used to elect council members in Wasilla, City of Fairbanks, Soldotna and Kotzebue and Nome.

LEGISLATIVE HISTORY

Introduced by: Council Members Carrington
and L. Combs
Public Hearing Date: July 9, 2019
Action:
Vote:

Yes:	No:

**CITY OF PALMER, ALASKA
Resolution No. 19-015**

A Resolution of the Palmer City Council Submitting a Non-Binding Advisory Question to the City’s Qualified Voters at the October 1, 2019, City of Palmer Regular Election to Determine Whether the Public Supports Enacting Designated Council Seats

WHEREAS, city of Palmer Municipal Code Section 2.04.021 provides definition to the composition of the City Council; and

WHEREAS, it is the wish of the City Council to send an advisory question to the electorate to get community input on the designation of council seats for council members; and

WHEREAS, the proposed question below is designed to allow the electorate to advise the Council as to whether they support the idea of establishing council seats; and

WHEREAS, the proposed question does not place any requirements on the Council, but rather an advisory from the electorate.

NOW, THEREFORE, BE IT RESOLVED by the Palmer City Council that:

Section 1. At the city of Palmer regular election to be held on October 1, 2019, the following non-binding advisory question shall be submitted to the qualified city of Palmer voters in substantially the following form:

ADVISORY QUESTION NO. ____

Vote Advising the City Council on Designated Council Seats

Should the Palmer City Council consider enacting designated council seats A, B, C, D, E, and F for council members?

ADVISORY QUESTION NO. __: Yes ()
No ()

Section 2. This Resolution shall take effect immediately upon its adoption.

Approved by the Palmer City Council this ____ day of _____, 2019.

Edna B. DeVries, Mayor

Norma I. Alley, MMC, City Clerk

**City of Palmer
Information Memorandum No. 19-001**

Subject: Material for Consideration and Discussion on Code Enforcement and Potential Future Palmer Municipal Code Changes

Agenda of: July 9, 2019


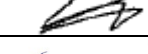

Originator Information:

Originator: City Manager

Department Review:

Route to:	Department Director:	Signature:	Date:
_____	Community Development	_____	_____
_____	Finance	_____	_____
_____	Fire	_____	_____
_____	Police	_____	_____
_____	Public Works	_____	_____

Approved for Presentation By:

	Signature:	Remarks:
City Manager		_____
City Attorney		_____
City Clerk		_____

Certification of Funds:

Total amount of funds listed in this legislation: \$ n/a

This legislation (√):

- Creates revenue in the amount of: \$ _____
- Creates expenditure in the amount of: \$ _____
- Creates a saving in the amount of: \$ _____
- Has no fiscal impact

Funds are (√):

- Budgeted Line item(s): _____
- Not budgeted _____

Director of Finance Signature: 

Attachment(s):

- Code Enforcement is Vital to Community Development (article)
- The Purpose of Code Enforcement is to Gain Voluntary Compliance Through Education (Beaumont, CA Presentation)
- Municipal Code General Provision/Enforcement Samples (Mat Su Borough Chap 1.45, Buellton, CA Chap 1.30, PMC Chap 1.08 & 8.38)
- Excessive Police Call revised draft
- Job Descriptions (Current Planning and Code Compliance Tech/Potential Code Enforcement addition)

Summary Statement/Background:

The City of Palmer currently operates under a complaint-based system that relies on compliance rather than enforcement actions.

Many similar organizations operate in a like fashion. Some with varying degrees of success, while others use a systematic based system, again with varying degrees of success. Success in most cases is a matter of resources that are available along with a community that supports or demands a particular type (complaint vs systematic) of system.

Palmer Municipal Code (PMC) has grown since it was first adopted in the 1950's to meet the needs of the community. This included new additions as well as changes which may or may not be in synch with other related sections, which includes different enforcement procedures for different violations, or no procedure at all in some cases but a simple reference to section 1.08 which is the General Penalty section, although all are code violations.

Regardless of whether the community moves towards a more systematic approach towards code enforcement, we have likely come to a point in our city for a review of all sections of PMC that have a fine or enforcement paragraph and to bring some consistency to our procedures for all violations, how they are addressed, and to ensure we have the appropriate tools available to support our community's well-being.

Article/Presentation related to Enforcement

Code Enforcement Is Vital to Community Development



"Code" means a particular part of the law in the U.S., so code enforcement occurs when cities and towns enforce their local laws. When used in the context of community development, the term pertains to property upkeep and standards for new construction. Aggressive but sensible approaches to bringing property owners into compliance with the law can be an important part of maintaining the appearance, functioning, and property values of a neighborhood.

Typically codes other than construction codes deal with the exterior maintenance of structures, overgrown vegetation, outdoor storage, provisions specifically pertinent to fire safety and to health in commercial establishments, and such. A zoning ordinance may be considered a type of code as well, but we have devoted a separate section of this site to that complex subject.

In addition to this introductory article, this section includes three specialized discussions shown below. Use the site search box if unsure. This article continues after the grid; keep reading if you do not understand how codes work in general.

Topics In This Section:



[Building Code](#)



Property Maintenance Code



Existing Building Code



Vacant Building Registration

Just to be clear, the aim of code enforcement should be compliance, not punishment or vengeance. Reasons for lack of compliance include not only defiance and carelessness, but also lack of knowledge about how to remedy the problem and inability to afford the needed repairs.

A good municipal or county code enforcement program should be rounded out to provide information about resources for finding good advice and for obtaining financial assistance if needed. In other words, policies and programs, as well as finding and prosecuting violations of the law, are encompassed in quality code enforcement.

We also should mention that some entire states have adopted a housing code, building code, or other law similar to what we describe in this section. In this case, individual municipalities aren't tasked with passing their own ordinance, but state law not only adopts the codes but also describes how enforcement proceeds. We will focus on the local level on this site, but we did want to refer to that possibility.

Value of Codes to a Neighborhood

Older neighborhoods especially need to rely on code enforcement to make sure that buildings are maintained sufficiently to keep up property values and also to keep pace with new technologies and safety research.

While property owners often think that the way they take care of their property is their own business, the major impact that neighboring properties have on one another's value and enjoyment means that building maintenance and safety becomes the business of everyone in the neighborhood.

When you hear someone loosely talking about code violations and why the city isn't enforcing the codes, the first question to ask yourself as a neighborhood leader is whether your town actually has adopted by ordinance a code that would cover the offending situation.

If so, you might have a clear path toward making property owners accountable for maintaining their buildings (both the main building and any garages, storage sheds, and such). You also may have a way to deal with some ugly or inappropriate things people keep outdoors.

But if your neighbor leaves their old sofa on the porch, and you don't like it, that doesn't necessarily mean it is a code violation. Your particular code would have to speak directly to the situation. Although there's a bit of personal judgment on the part of the inspector involved, it doesn't stretch far. Codes do not necessarily address everything that you might find offensive aesthetically. I hope you can appreciate that what you may think is an "old sofa" might be considered a quirky porch chair by your neighbor. In the end, your local codes won't address anything and everything you might find ugly, but they certainly help maintain a basic standard.

We have just added a new page on **vacant building registration** to this section. Even though a vacant property registration ordinance isn't really considered a code (except in the sense that all local ordinances are part of the local "code" or "code of laws"), the aim of requiring vacant building owners to register is code compliance, as far as we are concerned. These laws represent an emerging trend that dovetails nicely with some of the codes we will be describing on this page.

Types of Codes

The **building code** feels different from the others discussed in this section, in that it deals with the integrity of a structure from the beginning of construction.

However, we included that subject in this topic area because the origins and administrative principles are the same, even though typically a neighborhood isn't depending on the building code to resolve community appearance and neatness issues. Note that separate plumbing, electrical, and mechanical codes pertaining largely to heating and cooling often are enacted, and in many communities all of these collectively are referred to as "the building code" in common conversation.

In contrast, the **property maintenance code**, if you have one, and the **existing building code** do deal directly with aesthetics and cleanliness, and thus the neighborhood impact, of buildings.

Those are the topics most commonly associated with code enforcement. We should note that the latter two codes fall under an umbrella term sometimes used by governments, inspectors, activists, and property owners, who may speak of "the housing code," even when actually there are one or more separate codes that have been adopted that are relevant to housing. Even these, however, ultimately are related to safety at least as much as to neighborhood quality.

Some communities have an energy conservation or other newer code. Nuisance ordinances governing outdoor storage, junk automobile storage, overgrown vegetation, and such may be standalone laws, or some provisions might be in the zoning ordinance.

How Code Enforcement Usually Works

If a town or county has a code, someone employed by the city government has responsibility for inspecting new construction and investigating complaints. Occasionally code enforcement is out-sourced to some consultant or sometimes nearby towns will share one officer, but that's not typical.

After the enforcement officer sends a notice of violation to the property owner, usually a property owner has a short amount of time to correct the violation. If reinspection shows that the violation still exists, in the opinion of code enforcement personnel, the property owner is sent a summons to a municipal or county court. Often these hearings are somewhat informal in tone, but consist of both the code enforcement officer and the property owner having a chance to explain conditions and circumstances. The judge has punishment options at his or her disposal, generally emphasizing fines and repeated court appearances until the violation is corrected ("abated" in the jargon of the subject).

Understand that the code enforcement or building inspector isn't usually a police officer. Some municipalities do use the police for those functions, but in larger towns and cities, even police spotting a code violation turn the matter over to another department that handles codes.

Fire codes typically are administered and enforced by the fire department, since they tend to apply only to commercial land uses; topics related to residential fire safety are simply incorporated into relevant housing codes. Similarly, health codes are enforced on commercial property owners by the health department, and many health-related topics form part of the rationale for housing codes.

Zoning also is separately enforced in many jurisdictions; often a compliance officer is placed in the planning department.

A few progressive communities have established formal or informal systems, inside government or inside of a non-profit organization, to handle neighbor disagreements within a mediation framework. It's a splendid idea, especially for recurring feuds where neighbors simply don't get along.

What If There Is No Voluntary Compliance?

In theory fines, which often are imposed for each day that the violation continues, can continue indefinitely in a contest of wills between a property owner and the judge.

In practice, usually the property owner will give in after a while and perform minimal maintenance or even optimal maintenance, unless he or she cannot afford to do so.

Many codes provide that after a certain period of non-compliance, the city or county can perform the work and charge the property owner. If no immediate payment is forthcoming, the local government has the right to file a lien against the property. This means that when the property is sold, the government collects its money back. Unpaid fines also may result in a lien; sometimes state law even allows imprisonment due to unpaid fines.

Some municipal or county codes, operating under state law, provide that if the owner does not pay for the local government's work, property ownership can be transferred to the local government. Usually this provision is confined to vacant land, however, and its actual implementation is fairly rare.

Penalties may be harsher in the case of businesses or vacant land that is out of compliance. A business might lose its business license, as often fire and health violations especially are addressed to the business owner, not the property owner. Vacant land penalties may be more severe than the penalty for a comparable debris violation on a homeowner's property.

Absentee out-of-state owners may present a particular problem, as the local government may not be able to even issue a summons. In those cases, voluntary compliance or a lien against the property are usually the only realistic options.

Special attention to what happens in low-income neighborhoods is warranted. Remembering that compliance is the goal but that some may not be able to afford compliance, it does nothing good for the neighborhood to tote up daily fines for someone who already cannot afford to make repairs. We maintain that a quality program should establish some formal partnerships either with philanthropic

organizations or financial institutions that will make low-cost loans. Sometimes governments even make forgivable loans to those who hold the property for a given number of years, if the state constitution permits. The municipality does not benefit if it forces property turnover in a neighborhood where demand is low.

Obviously positive owner reaction is more likely where property values are high, so the slow market city will have to be particularly careful to offer a well-rounded program that offers resources as well as the prospect of punishment.

A program for educating homeowners on their code responsibilities will prevent some of the most emotional conflict situations and help neighbors inclined to complain to weigh their options carefully. In any case, resident understanding of the available codes and how they are applied and enforced is important in maintaining good relationships between government and resident.

Systematic Versus Complaint-Based Code Enforcement

Most towns and cities practice only complaint-based code enforcement, largely for cost reasons. The opposite approach, called systematic code enforcement, most typically is employed when a local community determines that a particular area needs a concentrated maintenance effort to remain vital. We discuss this tool in more detail below.

The opposite of a complaint-based system is often called a systematic or methodical program. Note that a building code is methodical because inspections during new construction occur when certain items are complete and prior to their being enclosed by future phases of construction.

In some cases the block by block "systematic" program of enforcing nuisance laws, or property maintenance codes, is important. If your neighborhood is in trouble, and you feel that property owners can afford to keep up their properties, but they aren't doing so, this is when the systematic, house-by-house program could prevent the neighborhood from moving into total decline.

The technique sometimes is called a windshield survey. This means that a code inspector or consultant drives through the neighborhood and peers through the windshield to identify apparent violations of the existing housing code or property maintenance code. They also note weeds, grass that is taller than allowed by code, fences that are falling down, abandoned unlicensed cars, animals that are not permitted under the ordinance, or other and any other potential nuisance that is spelled out in the code.

Reasons for systematic code enforcement could be:

1. A relatively large number of complaints in a particular geographic area are received.

2. A jurisdiction receives many complaints about aesthetics, as opposed to structural defects such as a porch that's falling off the house. Cosmetic complaints might be about peeling paint, derelict cars, high weeds, or piles of junk left strewn about the lawn randomly.

3. A neighborhood has a high percentage of rental property or a small sub-area that doesn't measure up to the standards of other community folks.

4. The potential still exists for a viable neighborhood if relatively superficial problems are remedied, or if landlords can be forced to reinvest in their properties to the extent that the community demands.

Tips for Neighborhoods Dealing with Nuisances



- Whether your enforcement is systematic or complaint-based, watch your manners with code inspectors. Surprise, surprise, you'll get more done if you're nice to them!
- Nevertheless, persist, persist if you have a situation in your neighborhood that is not being resolved. But before you repeat your complaint, ask questions about whether the property owner actually was cited, any communications received from the property owner, any summons to court and the disposition of the matter in court, so that you will not be complaining again if the property owner was sent to court and given a grace period for compliance or found by the judge not to be in violation.
- A major issue in some places is that the municipal judges may not be very sympathetic with the neighborhood. If you're the person complaining, it's not always fair to blame the inspector; sometimes it's the judge who lets the property owner off with a wink. To deal with this situation, you will need to provide plenty of documentation to your mayor and city council, who usually will be reluctant to interfere with their judge.
- If you feel that your code enforcement officers are biased against your neighborhood or feel it is futile to write up violations in your neighborhood since people cannot afford to comply, be especially careful not to complain about situations that annoy you but that are not actually in violation of the code. All cities, towns, and counties with codes should have an inspection copy of that

code available for you to read; neighborhoods could divide up the work of reading different parts of the codes and noting provisions most likely to apply to them.

- If you get a reputation with the code official of being a pest, you won't have the attention you deserve when a genuinely obnoxious situation presents itself.
- Especially if you're a neighborhood association, and you provide excellent information about potential code violations, this builds good will that your neighborhood will want.
- If you want to complain anonymously, most places allow that. However, be sure to give enough detail and a correct address. You think this is really a silly thing for me to say, but I assure you that many folks call and just think the city knows about the yellow house on the corner. Since figuring out what that means gets a little frustrating for the code enforcement officer, don't expect results any time soon if you leave vague information.
- If you're in a smaller town that hasn't enacted any codes, you can become an educator of your local city council or whatever it is called in your location. Explain that someone else actually writes these standard codes and they only pass a simple ordinance to adopt the code, adding in any exceptions or changes that they want. Your town doesn't have to write codes by themselves or hire a consultant to do it.
- When code enforcement fails to address a problem, and that will happen, your neighborhood or **community organization** should meet face-to-face with the property owners themselves. If this happens frequently, appoint a committee that can figure out the right approach to property owners in your locale.

Opposition to Code Enforcement

Many people resist the very idea of code enforcement, especially those whose lifestyle often makes them a target. Folks with a strong libertarian bent, artists, and eccentric people of all stripes will argue against the entire idea or a particular application of the law.

We've had a couple of interesting exchanges with our site visitors about **the limits of code enforcement** and **avoiding code violations**.

In some areas, usually upscale suburbs, code enforcement employees become unreasonably aggressive in response to pressure from elected officials who hear from vocal complainers.

If your neighborhood association thinks the enforcement program is too intolerant, one or two of you should meet with elected officials about the delicate balance between too much enforcement and not enough.

Wise use of standard international codes, typically developed and led by the **International Code Council** right now, can improve both the appearance and the

longevity of the community's buildings. It can improve property owners' return on investment and preserve your reputation as a fine neighborhood or town in which to live.

The benefits of adopting and enforcing good codes far outweigh the infringement on unfettered personal liberty. Indeed even the target of the enforcement action benefits through increased property value.

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Site is not legal advice. Site abides by this [Privacy Policy](#).

The purpose of Code Enforcement is to gain voluntary compliance through education.

THIS

VS.

THAT



What is the role of Code Enforcement in the community?

Code Enforcement Officers use City Ordinances as a vital step in the **administration and enforcement** of the codes adopted by the community. This unit of the local jurisdiction enforces the ordinances by acting on received complaints, researching the issues and communicating with the involved parties thereby bringing closure to concerns or violations.

Citizens make investments in their properties and neighborhoods. When the integrity of a particular area is jeopardized due to violations, those **investments are also at risk**.

The Ordinance Officers are **entrusted to promote and safeguard property** with the **goal** to ensure a **safe environment** for the citizens to work and play.

The most efficient and effective method for the Code Enforcement Officers to accomplish resolution of any situation is to enlist the **cooperation** of the citizens and **educate** them on Municipal Code. Similar to the neighborhood watch programs, entire areas are policing themselves to safeguard particular uses and or items that may constitute ordinance violations when the property is not conforming to ordinances or creating a public nuisance. Nuisances are another form of an ordinance violation. Nuisances are activities that interfere with the owner's reasonable use and enjoyment of his/her property or with public rights. Ordinance and Nuisance violations include but are not limited to the following:



- JUNK/ DISMANTLED/
- COMMERCIAL VEHICLES
- HOME OCCUPATIONS
- SETBACKS/SIGNS/BANNERS
- TRASH/LITTER/DEBRIS
- APPLIANCES STORED OUTDOORS
- VACANT/ABANDONDED HOMES
- GRASS/WEEDS/DEAD TREES/
- OVERHANGING BRANCHES
- ZONING/BUILDING CODE VIOLATIONS/SUBTANDARD BUILDINGS



Beaumont, California



Beaumont, California

How do Code Enforcement Officers enforce Municipal Code?

The Code Enforcement Officers either self-observe or receive complaints from the public or other governmental agencies.

Upon observing a violation, the officer documents by visual observation, written report and photographic evidence. All observations must be conducted from the public right-of-way unless the officer is given consent by the property owner/tenant to enter the property **or** by an order from the court granting access to the property in question.

The property owner is notified of the violation via personal service, posting or mail and advised of the following:

- The nature of the violation
- How to correct the violation
- Timeframe to correct the violation
- The enforcement avenue which will be taken if the violation is not corrected

Administrative Citation Process

Observe Violation: Beaumont Municipal Code Violation and/or Building Code Violation

Issue Courtesy Letter:
Giving 1 hr up to 30 days for compliance

Was the Violation Abated?

Yes =
Case Closed

No

Issue 1st Citation for \$100 with correction period of 1hr to 30 days for compliance

Was the Violation Abated?

No

Continue with abatement process through additional citations and/or orders to abate depending on the severity of the violation. Imminent threats or dangers may require owner or city abatement, less severe violations may continue only with citations.

Yes = Case Closed

Appeals Process

Property owner may request a Supervisor Review



Property owner may appeal a citation. Must pay fine amount, if the citation is overturned then the fine will be refunded

Examples of Correction Period for Citations:

- Basketball hoop = 1hour
- Moving trash cans from street = 1 hour
- Property maintenance or cleanup = 30 days
- Some Building Code Violations = 30 days

The goal is **not to generate revenue**, but to **gain compliance**. The administrative and/or the abatement process is part of the toolbox to improve the value as well as the health and safety of our homes and community.

Municipal Code General Provision/Enforcement
samples
(includes PMC version)

CHAPTER 1.45: VIOLATIONS, ENFORCEMENT, AND PENALTIES

Section

- 1.45.010 Violations
- 1.45.020 Entitlement; conformity to code
- 1.45.030 Inspections; right of entry
- 1.45.040 Interference
- 1.45.045 Penalty surcharge authorization and collection
- 1.45.050 **Enforcement orders**
- 1.45.060 Civil penalties and remedies
- 1.45.070 Borough misdemeanors [Repealed]
- 1.45.080 **General penalty**
- 1.45.090 **Citations for borough infractions**
- 1.45.100 Schedule of fines for infractions
- 1.45.105 Forfeiture of traps
- 1.45.110 Borough abatement of violations
- 1.45.120 Liability of violator for costs
- 1.45.130 Damage to borough property

1.45.010 VIOLATIONS.

- (A) Every act or condition prohibited by this code is unlawful and is a violation of this code.
- (B) Every act or condition that is not in compliance with a term, condition, or requirement of an entitlement, or enforcement order issued in accordance with this code, is a violation.
- (C) Each act or condition in violation of this code, and every day upon which the act or condition occurs, is a separate violation.
- (D) A violator is a person who, as principal or agent, violates this code.
- (E) In addition to any other violator, the owner of real property, motorized vehicles, personal property, waste, trash, or junk, which is used, located, or found to be in violation of this code, is a violator of the code.
- (F) The tenants, occupants, or users of any building, structure, premises, or part thereof, or any architect, builder, contractor, agent, or any occupant, user, or operator of vehicles or equipment, or any other person who commits, participates in, assists in, or maintains a violation, may each be found guilty of a separate offense and be subject to fines and penalties provided by this code.
- (G) Violations of this code may be prosecuted civilly or criminally, as specified in A.S. 29.25.070.
- (H) The remedies provided in this title are not exclusive, but are cumulative of all other remedies available at law or in equity.

(I) A minor who violates an ordinance, in addition to injunctive and compensatory relief, may have imposed upon him a civil penalty not to exceed \$1,000 per violation. For purposes of this chapter, "minor" means a person under 18 years of age. During proceedings for violations of ordinance, the minor's parent, guardian, or legal custodian shall be present unless excused by the court for good cause.

(Ord. 04-081, §§ 38, 39, 2004; Ord. 95-088(SUB)(am), § 15 (part), 1995)

1.45.020 ENTITLEMENT; CONFORMITY TO CODE.

(A) "Entitlement" as used in this code, means a permit, authorization, special limitation, right or privilege granted under borough code, including but not limited to, the following: a sale, lease, special limitation to a zoning map, plat approvals, vacations of rights-of-way or easements, waivers, variances, and exemptions.

(B) An entitlement which does not conform to the requirements of this code is subject to revocation.

(Ord. 95-088(SUB)(am), § 15 (part), 1995)

1.45.030 INSPECTIONS; RIGHT OF ENTRY.

(A) An administrative official at any reasonable time may, upon presentation of borough identification, enter upon and inspect any land, building or premises where the official has reasonable cause to believe there exists a violation of this code, or enter upon such a building, or premises to perform a duty authorized by this code.

(B) When consent for inspection is refused or otherwise unobtainable, an administrative official shall obtain an administrative search warrant from a court of proper jurisdiction authorizing an inspection and exhibit the warrant to the person in charge of the premises before conducting the inspection. The administrative official shall apply to the state courts for an inspection warrant, stating in the application the owner and occupant and the address of the premises to be inspected, the authority to conduct the inspection, the nature and extent of the inspection and the facts and circumstances justifying the inspection. Warrants issued under this section shall be returned within 10 days of issuance.

(Ord. 04-081, § 40, 2004; Ord. 95-088(SUB)(am), § 15 (part), 1995)

1.45.040 INTERFERENCE.

(A) It is a violation for anyone who knows that a code compliance officer is performing the officer's duty, to interfere with the officer in a manner that creates a risk of physical injury to any person.

(B) Violation of this section is a minor infraction.

(Ord. 17-103, § 2, 2017; Ord. 95-088(SUB)(am), § 15 (part), 1995)

1.45.045 PENALTY SURCHARGE AUTHORIZATION AND COLLECTION.

The surcharge required to be imposed pursuant to AS 12.55.039 is authorized and shall be imposed as a surcharge on penalties imposed for the violation of an ordinance, code provision, or regulation of the Matanuska-Susitna Borough brought under a citation or criminal complaint that would require a proceeding in the Alaska court system if the defendant were to enter a plea of not guilty. The court may impose and collect the surcharge on all penalties imposed by the court or fines and bail forfeitures that are paid to the court.

(Ord. 98-134, § 2, 1998)

1.45.050 ENFORCEMENT ORDERS.

(A) An administrative official may issue an enforcement order which describes the violation, specifies the code being violated, and orders:

- (1) the discontinuation of a use, activity, development, or occupancy that is in violation of this code;
- (2) the abatement, or removal of development, structures, material, vehicles, equipment, or things that are in violation of this code;
- (3) the discontinuation of activity preparatory to occupancy, use, development or activity that is in violation of this code;
- (4) the suspension or revocation of an entitlement issued under this code, which is being used as authority for a violation;
- (5) any restoration, repair, or replacement necessary as a result of a violation or to eliminate a violation; or
- (6) any other lawful action considered necessary by the manager to prevent, abate, or discontinue a violation of this code and to bring a violation into compliance with this code.

(B) An enforcement order may require a time frame for compliance.

(C) When an enforcement order is posted or lawfully served, all activity contrary to the terms of the order shall cease until the order is rescinded and removed, or continuance is authorized in writing by the borough manager.

(D) Unless otherwise specified by code, an enforcement order issued hereunder which is posted at the site where the violation is occurring, if the violator cannot be located or personally served, or served on a violator personally or by certified mail, is final with respect to that violator if not appealed within 15 calendar days of its service or posting.

(E) When necessary to avoid or abate an imminent or existing nuisance or hazard to public health, safety or welfare an enforcement order need not be issued before any lawful action is commenced with respect to a violation of this code.

(F) The pendency of any proceeding regarding an enforcement order issued pursuant to MSB 1.45.050(A) does not stay any other legal action with respect to the violation that is subject of the enforcement order.

(Ord. 04-081, § 41, 2004; Ord. 97-041(AM), § 2, 1997; Ord. 95-088(SUB)(am), § 15 (part), 1995)

1.45.060 CIVIL PENALTIES AND REMEDIES.

(A) The borough or any person aggrieved by a violation of this code may bring a civil action to perform the following:

(1) A violation of this code may be enjoined or abated. Pursuant to A.S. 29.25.070(b), upon application for injunctive relief and a finding that a person is violating or threatening to violate this code, the superior court shall enjoin the violation.

(2) Any partition, sale, transfer or lease of property that creates a subdivision of land in violation of this code may be enjoined. Any transfer of real property subdivided in violation of this code may be enjoined until the violation has been cured.

(3) Restoration may be required for any structure, vegetation, land, water body, or other thing that is destroyed, damaged, altered, or removed in violation of this code.

(4) Damages may be recovered resulting or related to the violation, including but not limited to, treble damages allowable in accordance with A.S. 9.45.730.

(5) In addition to injunctive or compensatory relief, a civil penalty not exceeding \$1,000 for each violation and applicable attorney's fees shall be recovered.

(Ord. 04-081, § 42, 2004; Ord. 95-088(SUB)(am), § 15 (part), 1995)

1.45.070 Borough misdemeanors. [Repealed by Ord. 17-103, § 3, 2017]

1.45.080 GENERAL PENALTY.

(A) A borough infraction is a minor offense that carries no jail sentence or penalty other than a fine not to exceed \$1,000. A person charged with a borough infraction is not entitled to a trial by jury or a public defender or other counsel appointed at public expense.

(B) Unless another penalty is provided in this code, any person deemed guilty of a violation that is classified as a borough infraction shall, upon conviction, be subject to a fine in accordance with MSB 1.45.100.

(C) Every act in violation of a provision of this code is a borough infraction unless specifically classified as a borough misdemeanor.

(Ord. 17-103, § 4, 2017; IM 04-209, pages 1 and 2, presented 7-20-04; Ord. 04-081, § 44, 2004; Ord. 95-088(SUB)(am), § 15 (part), 1995)

1.45.090 CITATIONS FOR BOROUGH INFRACTIONS.

(A) An administrative official authorized by the manager may issue, file, and serve citations for violations of the provisions of this code which are borough infractions.

(B) *[Repealed by Ord. 17-103, § 5, 2017]*

(C) *[Repealed by Ord. 17-103, § 5, 2017]*

(D) *[Repealed by Ord. 17-103, § 5, 2017]*

(E) *[Repealed by Ord. 17-103, § 5, 2017]*

(F) In accordance with AS 29.25.070(a), citations for the offenses listed within MSB 1.45.100 may be disposed of as provided in AS 12.25.195 through 12.25.230, without a court appearance, upon payment of the fine amounts listed within MSB 1.45.100, plus the state surcharge required by AS 12.55.039, and AS 29.25.074. Fines must be paid to the court. The Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all offenses listed within MSB 1.45.100. Citations charging these offenses must meet the requirements of Minor Offense Rule 3. 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 within MSB 1.45.100. If an offense is not listed within MSB 1.45.100, the defendant must appear in court to answer to the charges. Fines within MSB 1.45.100 may not be judicially reduced.

(Ord. 17-103, § 5, 2017; Ord. 04-081, § 45, 2004; Ord. 95-088(SUB)(am), § 15 (part), 1995)

1.45.100 SCHEDULE OF FINES FOR INFRACTIONS.

(A) Except as otherwise specified by ordinance, the minimum fine for an infraction of this code is \$75.

(B) *[Repealed by Ord. 15-072, § 2, 2015]*

(C) The following schedule of minimum fines shall apply to the violation of the specified codes and may not be judicially reduced:

Code Reference	Description	Fine Amount
1.45.010(B)	Violation of term, condition or requirement	
	1st Offense	\$300
	2nd and Subsequent Offenses	\$500
1.45.040(A)	Interference	\$150
1.45.050(C)	Enforcement Orders—Failure to Comply	
	1st Offense	\$300
	2nd and Subsequent Offenses	\$500
1.45.130	Damage to Borough Property	\$500
3.36.010	Business License Required	\$100
8.05.040	Solid Waste—Prohibited Disposal Items	\$100

Code Reference	Description	Fine Amount
8.05.050	Solid Waste—Prohibited Acts	\$100
8.05.070	Solid Waste—Unsecured Refuse	\$100
8.05.080	Solid Waste—Littering	\$500
8.07.030	Land Application of Biosolids Prohibited	\$500
8.25.030	Water Pollution Control	\$100
8.25.030	Improper Sewage Disposal	\$500
8.25.040	Improper Use and Location of Facilities	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
8.25.050	Pollution of Waterbody	\$500
8.35.030	Fireworks Control—Sale Prohibition	\$500
8.35.040	Fireworks Control—Use Prohibition	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
8.50.020	Trash and Junk Violation	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
8.52.015	Violation of Amplified Sound and Vibration	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
8.55.030	Failure to Obtain Special Events Permit	\$500
8.55.100(A)	Special Events Prohibited Acts or Conditions	
	1st Offense	\$300
	2nd and Subsequent Offenses	\$500
8.70.030	Unauthorized Use of Disabled Persons Parking without Permit	
	1st Offense	\$125
	2nd and Subsequent Offenses	\$250
8.70.030	Unauthorized Use of Disabled Persons Parking with Special License Plate or Permit	
	1st Offense	\$250
	2nd and Subsequent Offenses	\$500

Code Reference	Description	Fine Amount
8.75.050	Open Burning—General Restrictions	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
8.75.060(C)	Open Burning during Air Quality Advisory	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
10.12.010(A)	Abatement of Abandoned Vehicles—Right-of-Way	\$150
10.12.010(B)	Abatement of Abandoned Vehicles—Borough-Owned/Controlled Property	\$150
11.10.020(A)	Failure to Obtain Encroachment Permit	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
11.10.030(C)	Unauthorized Encroachment	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
11.20.060(A)	Address Numbers Required	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
17.02.020(A)	Failure to Obtain Mandatory Land Use Permit	\$150
17.04.100	Nancy Lake State Recreation Area Special Land Use District—Conformance Required	\$150
17.04.110	Nancy Lake State Recreation Area Special Land Use District—Junk Storage	\$150
17.06.030(B)	Failure to Obtain Electrical Generation Facility Permit	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
17.08.100	Hay Flats Recreation Area Special Land Use District—Conformance Required	\$150
17.08.110	Hay Flats Recreation Area Special Land Use District—Junk Storage	\$150
17.17.040	Denali State Park Special Land Use—Conformance Required	\$150

Code Reference	Description	Fine Amount
17.17.070	Denali State Park Special Land Use—Prohibited Uses	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
17.17.080	Denali State Park Special Land Use—Compliance	\$150
17.17.090	Denali State Park Special Land Use—Building Height Limits	\$150
17.17.110	Denali State Park Special Land Use—Setback Requirements	\$150
17.17.120	Denali State Park Special Land Use—Vegetation Buffer	\$150
17.17.130	Denali State Park Special Land Use—Signs	\$150
17.18.060	Chickaloon Special Land Use District—Conditional Uses	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
17.18.070	Chickaloon Special Land Use District—Prohibited Uses	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
17.18.080	Chickaloon Special Land Use District—Compliance	\$150
17.19.040	Glacier View Special Land Use District—Conformance Required	\$150
17.19.060	Glacier View Special Land Use District—Conditional Uses	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
17.19.070	Glacier View Special Land Use District—Prohibited Uses	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
17.20.030(A)	Knik Sled Dog and Recreation Special Land Use District—Conformity Required	\$150
17.20.050	Knik Sled Dog and Recreation Special Land Use District—Conditional Uses	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
17.20.060(A)	Knik Sled Dog and Recreation Special Land Use District—Prohibited Uses	

Code Reference	Description	Fine Amount
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
17.23.040	Point MacKenzie Port Special Use District—Conformance Required	\$150
17.23.060	Point MacKenzie Port Special Use District—Prohibited Uses	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
17.23.150	Point MacKenzie Port Special Use District—Development Permit Required	\$150
17.25.030	Talkeetna Special Land Use District—Conformance Required	\$150
17.25.045	Talkeetna Special Land Use District—Setbacks	\$150
17.25.050	Talkeetna Special Land Use District—Main Street Talkeetna District	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
17.25.055	Talkeetna Special Land Use District—West Talkeetna Townsite District	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
17.25.060	Talkeetna Special Land Use District—Spur Road North District	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
17.25.065	Talkeetna Special Land Use District—Spur Road Central Land Use District	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
17.25.070	Talkeetna Special Land Use District—Spur Road South Land Use District	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
17.25.075	Talkeetna Special Land Use District—Christiansen Lake Land Use District	

Code Reference	Description	Fine Amount
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
17.25.100	Talkeetna Special Land Use District—Conditional Use Permits	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
17.27.040	Sutton Special Land Use District—Conformance Required	\$150
17.27.060	Sutton Special Land Use District—Conditional Uses	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
17.27.070	Sutton Special Land Use District—Prohibited Uses	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
17.28.020(C)	Earth Material Extraction without a Permit	
	1st Offense	\$300
	2nd and Subsequent Offenses	\$500
17.28.030(D)	Earth Material Extraction—Permit Required Water Table Extraction	
	1st Offense	\$300
	2nd and Subsequent Offenses	\$500
17.28.030(E)	Earth Material Extraction—Interim Materials District	
	1st Offense	\$300
	2nd and Subsequent Offenses	\$500
17.28.060	Earth Material Extraction—Site Development Standards—Interim Materials District	\$300
17.28.200(A)	Earth Material Extraction—Interim Materials District Violations, Enforcement and Penalties	\$150
17.29.065	Flood Damage Prevention—Building in Flood Hazard Area	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
17.29.100	Flood Damage Prevention—Development Permit Required	
	1st Offense	\$150

Code Reference	Description	Fine Amount
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
17.30.025(D)	Earth Material Extraction—Violation of Nonconforming Uses	\$300
17.30.037(A)	Earth Material Extraction—Conditional Use Permit—High Water Table	
	1st Offense	\$300
	2nd and Subsequent Offenses	\$500
17.30.140(B)	Earth Material Extraction—Permit Required	
	1st Offense	\$300
	2nd and Subsequent Offenses	\$500
17.30.140(C)	Earth Material Extraction—Violation of Condition of Conditional Use Permit	
	1st Offense	\$300
	2nd and Subsequent Offenses	\$500
17.36.060	Residential Planned Unit Development Prohibition	\$150
17.48.020	Mobile Home Park Ordinance—Development Prohibition	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
17.52.050	Residential Land Use District—Conditional Use Permit	\$150
17.55.010(A)	Setbacks—Structure Placed within 25 Feet from Public Right-of-Way	\$300
17.55.010(B)	Setbacks—Structure Placed within 10 Feet of Lot Line	\$300
17.55.010(G)	Setbacks—Structure Placed within 10 Feet from Railroad Right-of-Way	\$300
17.55.020	Setbacks—Structure Placed Too Close to Water Body	\$300
17.55.020(E)	Setbacks—Sewage Disposal System	\$300
17.58.050	Motorized Uses on Lakes and Waterways—Safety	\$150
17.58.060	Motorized Uses on Lakes and Waterways—Buoys and Signs	\$150
17.58.100(B)	Limitation of Motorized Uses on Designated Lakes and Waterways—Noise Control	\$150
17.58.100(C)	Limitation of Motorized Uses on Designated Lakes and Waterways—No-Wake Zone	\$150
17.58.100(D)	Limitation of Motorized Uses on Designated Lakes and Waterways—Hours of Operation	\$150
17.58.100(E)	Limitation of Motorized Uses on Designated Lakes and Waterways—Special Events Permits	\$150
17.58.110	Prohibition of Motorized Uses on Cottonwood Creek	\$150
17.59.060(B)	Lake Management Plan Implementation—Quiet Hours	\$150

Code Reference	Description	Fine Amount
17.59.060(C)	Lake Management Plan Implementation—No-Wake Zone	\$150
17.59.060(D)	Lake Management Plan Implementation—Motorized Watercraft Use	\$150
17.59.060(E)	Lake Management Plan Implementation—Special Permit	\$150
17.59.060(F)	Lake Management Plan Implementation—Winter Motor Vehicle Control	\$150
17.59.060(G)	Lake Management Plan Implementation—Ice House Registration	\$150
17.60.030	Operating without a Conditional Use Permit	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
17.60.110(A)	Conditional Use Permits—Junkyards and Refuse Area Standards	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
17.60.120(D)	Conditional Use Permits—Standards for Correctional Community Residential Centers	\$150
17.60.215(C)	Conditional Use Permits—Failure to Correct a Violation of Conditions	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
17.61.030(A)	Core Area Conditional Use Permit Requirements—Conditional Use Permit Required	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
17.61.080(A)	Core Area Conditional Use Permit Requirements—Noise Standards	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
17.61.090(A)	Core Area Conditional Use Permit Requirements—Traffic Standards	\$150
17.61.100(A)	Core Area Conditional Use Permit Requirements—Hazardous Materials Standards	\$150
17.62.020(B)	Coal Bed Methane—Exploration Permit Application Required	
	1st Offense	\$300
	2nd and Subsequent Offenses	\$500
17.63.015(A)	Race Track Regulations—Conditional Use Permit Required	
	1st Offense	\$150

Code Reference	Description	Fine Amount
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
17.64.050	Conditional Use Permit for Waste Incinerators—Conditional Use Required	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
17.64.140(A)	Conditional Use Permit for Waste Incinerators—Violations, Enforcement and Penalties	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
17.67.020(D)	Tall Structure—Permit Required	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
17.70.020	Permit Required—Alcoholic Beverage	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
17.73.050(A)	Multifamily Development Design Standards—Approval Required	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
17.75.040(A)	Single-Family Residential Land Use District—Conformance Required	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
17.76.050	Large Lot Single-Family Residential Land Use District—Conformance Required	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
17.80.080	Nonconforming Structures—Repairs and Maintenance	\$150
17.80.090	Nonconforming Structures—Restoration of Damaged Property	\$150
17.90.015(A)	Operating an Adult Business	

Code Reference	Description	Fine Amount
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
19.12.015	Trapping on School Property	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
23.05.050(A)	Use of Borough-Owned Property	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
23.05.050(B)	Real Property—Removal of Resources	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
24.05.105	Trapping Prohibited	
	1st Offense	\$150
	2nd Offense	\$300
	3rd and Subsequent Offenses	\$500
43.05.030(A)	Subdivisions—Illegal Sales	\$500
43.05.030(B)	Subdivisions—Illegal Filing	\$500
43.05.030(C)	Subdivisions—Unlawfully Subdivided—Violation of Terms	\$500
43.05.040(A)	Subdivisions—Violations, Enforcement and Penalties	\$150

(Ord. 19-032, § 5, 2019; Ord. 17-103, § 6, 2017; Ord. 17-021, § 12, 2017; Ord. 15-072, §§ 2, 3, 2015; Ord. 14-104, § 4, 2014; Ord. 07-170(AM), § 4, 2007; Ord. 04-081, § 46, 2004; Ord. 00-156, § 2, 2000; Ord. 99-112, § 2, 1999; Ord. 99-053, § 2, 1999; Ord. 96-013AM, § 4, 1996; Ord. 95-088(SUB)(am), § 15 (part), 1995)

1.45.105 FORFEITURE OF TRAPS.

Ownership rights of any trap found on public school property owned by the borough, or any trap found on borough-owned property which is part of the Crevasse Moraine system, Lazy Mountain Recreation Area, Matanuska River Park, Alcantra Athletic Complex, West Bodenbug Butte, and Jordan Lake Park, are forfeited upon conviction of MSB 2.85.020(D) or 19.12.015.

(Ord. 17-021, § 13, 2017)

1.45.110 BOROUGH ABATEMENT OF VIOLATIONS.

(A) Nothing within this title shall prevent the borough from taking other lawful action necessary to prevent or remedy any violation.

(B) If borough actions conducted in accordance with code have not resulted in abatement of the violation, the borough manager may authorize the necessary and appropriate actions to abate the violation and to comply with the code. These actions may include, but are not limited to: eviction of persons, collections of money, retrieval, restoration, repair, protection, stabilization, impoundment, storage, removal, decontamination, and disposal of vehicles, equipment, animals, material, structures, land, water, soil, snow, vegetation, litter, trash, waste, junk, or hazardous material as is appropriate.

(Ord. 04-081, § 47, 2004; Ord. 95-088(SUB)(am), § 15 (part), 1995)

1.45.120 LIABILITY OF VIOLATOR FOR COSTS.

(A) In addition to applicable penalties and damages assessed due to violations of this code, the violator is liable for any costs reasonably incurred by the borough in abating the violation. Reasonable costs include, but are not limited to: directly related administrative costs, attorney fees, and costs related to litigation, posting and publication of notices, process service and costs related to actions taken pursuant to MSB 1.45.110(B). These costs shall become a lien on the violator's property, if the property was the subject of the abatement action, or shall become collectible and subject to any collection actions the borough employs to collect other debts.

(Ord. 04-081, § 48, 2004; Ord. 95-088(SUB)(am), § 15 (part), 1995)

1.45.130 DAMAGE TO BOROUGH PROPERTY.

(A) A person commits the infraction of damaging borough property if the person conceals, damages, mutilates, destroys, removes, vandalizes, defaces, or tampers with borough owned or leased property.

(Ord. 04-081, § 49, 2004; Ord. 95-088(SUB)(am), § 15 (part), 1995)

Chapter 1.30 ADMINISTRATIVE CITATIONS

Show All

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Chapter 1.30 ADMINISTRATIVE CITATIONS

1.30.010 Purpose and intent.

The enforcement of the city's municipal code is vital to the protection of the public's health, safety and quality of life. Under Government Code Section 53069.4, the city is authorized to adopt an administrative citation program, which program offers an alternative method of enforcing code violations. The purpose of issuing administrative citations pursuant to this chapter is to encourage compliance with the provisions of this code and to provide a method of holding persons responsible when they fail or refuse to comply with the provisions of this code. The use of this chapter is also intended to minimize the expense and delay associated with pursuing code violations through the civil or criminal justice system. (Ord. 05-07 § 2, 2005)

1.30.020 Definitions.

For the purposes of this chapter, the following definitions apply to these words and phrases:

"Administrative citation" or "citation" means a written notice to a responsible person that a violation of this code has occurred and an assessment of a civil fine issued by a code enforcement officer.

"City manager" means the city manager of the city or the city manager's designee.

"Code enforcement officer" means any person authorized to enforce certain provisions of this code.

"Continuing violation" means either (1) a particular violation of the code continuing for more than seventy-two (72) hours without correction or abatement, or (2) a repeated, consecutive violation of the same offense as determined by the city manager, without intervening days.

"Hearing officer" means any person authorized by the city manager to conduct an administrative citation hearing pursuant to this chapter. The hearing officer shall not be a city employee. The employment, performance, evaluation, compensation and benefits of the hearing officer, if any, shall not be indirectly conditioned upon the amount of administrative citation fines upheld by the hearing officer.

"Legal interest" means any interest that is represented by a deed of trust, quitclaim deed, mortgage, judgment lien, tax or assessment lien, mechanic's lien or other similar instrument, which is recorded with the county recorder.

"Notice of violation" means a written notice to a responsible person that a violation of this code has occurred and a warning that an administrative citation assessing fines will be issued unless the violation is ceased and abated.

"Responsible person" means any person or persons that a code enforcement officer determines is responsible for causing or maintaining a violation of this code. The term "responsible person" includes but is not limited to a property owner, tenant, person with a legal interest in real or personal property, or person in possession or control of real or personal property. (Ord. 05-07 § 2, 2005)

1.30.030 General citation authority and applicability.

A. This chapter authorizes use of administrative citations that are in addition to all other legal remedies, criminal or civil, that the city may pursue to address any violation of this code.

B. The use of this chapter is at the discretion of the city manager, city attorney, and the city's code enforcement officers.

C. Any code enforcement officer, upon determining that a provision of this code which such officer is charged to enforce has been violated, has the authority to issue an administrative citation to any responsible person.

D. Any responsible person violating any provision of this code, or causing, permitting or maintaining a violation of any provision of this code may be issued an administrative citation by a code enforcement officer.

E. Each and every day a violation of this code exists constitutes a separate and distinct offense and will be subject to a separate fine. A single citation may charge a violation for one or more days on which a violation exists, and for the violation of one or more code sections. Continuing violations will automatically accrue fines beginning on the date the citation is issued until verification of abatement pursuant to Section 1.30.080(C).

F. The owner of any property, building or structure within the city has the responsibility for keeping such property, building or structure free of violations related to its use or condition. The owner of such property, building or structure is a responsible person and is separately liable for violations committed by tenants or occupants relative to the use or condition of the property. (Ord. 05-07 § 2, 2005)

1.30.040 Notice of violation.

A. Whenever a code enforcement officer determines that a violation of this code exists, the code enforcement officer may issue a notice of violation to a responsible person prior to issuing an administrative citation. The notice of violation serves as a written warning of responsibility and requires immediate action by the responsible person to cease and abate the violation. The notice of violation must include the information set forth in Sections 1.30.060(B)(1) through (5) and a date by which the violation can reasonably be ceased and abated. If the violation is not ceased or abated by the end of the correction period stated in the notice, the code enforcement officer may issue an administrative citation.

B. In accordance with Government Code Section 53069.4, no responsible person will be assessed an administrative fine under this chapter for a continuing violation pertaining to a building, plumbing, electrical or similar structural or zoning issue that does not create an immediate danger to the public health or safety without first receiving a notice of violation and a reasonable opportunity to correct or otherwise remedy the violation. In such circumstance, the stated period available to correct the violation prior to the assessment of a fine must be appropriate to the violation as determined by the code enforcement officer, but in no event less than seven days. If, after the correction period stated in the notice, the violation is not ceased or abated, the code enforcement officer may issue an administrative citation.

C. Any responsible person receiving notice for a continuing violation may petition the city manager for an extension of time to correct the violation so long as the petition is received before the end of the correction period. The city manager may grant an extension of time to correct the violation if the responsible person has supplied sufficient evidence showing that the correction cannot reasonably be made within the stated period.

D. The requirement of a reasonable opportunity to cure a violation does not apply in instances where in the discretion of the city manager, a code violation poses an immediate danger to the public health or safety. (Ord. 05-07 § 2, 2005)

1.30.050 Service procedures.

A. Except as otherwise provided in this chapter, whenever notice is required to be given under this chapter, it must be given in one of the following ways:

1. Personal service;
2. Certified mail, postage prepaid, return receipt requested. Concurrently, the same notice should be sent by regular mail. If a notice that is sent by certified mail is returned unsigned, then service will be deemed effective by regular mail, provided that notice is not returned. Service by mail will be effective on the date of mailing;
3. Posting the notice conspicuously on or in front of the affected property or any other real property within the city in which the city has knowledge that the responsible person has a legal interest.

B. The failure of any interested person to receive any notice served in accordance with this section will not affect the validity of any proceedings taken under this chapter.

C. The notice procedures in this section do not apply to an initial notice of violation, which may be sent by regular mail or personally served. Service of a notice of violation by mail is effective on the date of mailing. (Ord. 05-07 § 2, 2005)

1.30.060 Administrative citation procedure.

A. Upon determining that a violation of this code exists, a code enforcement officer may issue an administrative citation to any responsible person.

B. Administrative citations will be issued on a form approved by the city attorney, and at a minimum will contain the following information:

1. Name of the person who is charged as a responsible person for the violation;
2. Date, approximate time, and address or definite description of the location where the violation was observed;
3. The code sections or conditions violated and a description of the violation;
4. A description of the actions necessary to correct the violation;
5. An order to the responsible person to immediately correct the violation and an explanation of the consequences of the failure to correct the violation;
6. Whether the offense is a continuing violation which will accrue fines until properly ceased and abated;
7. The amount of the fine for the violation, including the amount due for the initial violation and any prospective daily fine for failure to abate the violation (if applicable to a continuing violation);
8. An explanation of how the fine must be paid and the time period by which it must be paid;
9. An explanation of how the abatement of the violation can be properly verified. A request for verification must be made within twenty (20) days of the citation date. The request must be made in writing to the code enforcement department setting forth the reasons why the responsible person does not believe a violation occurred or that he or she is not responsible for the violation. A copy of the citation and return mail address must be provided with this initial review request;
10. Identification of rights of appeal, including the time within which the citation may be contested and the place to obtain a request for hearing form to contest the administrative citation;
11. The name and signature of the enforcement officer and if possible the signature of the responsible person;
12. Notice that the violation is a nuisance and that collection of unpaid fines and costs can be enforced as a lien against the property where the violation occurs and that an unpaid lien can result in the property being involuntarily sold. (Ord. 05-07 § 2, 2005)

1.30.070 Assessment of administrative citation fine.

A. The amount of the fine may be assessed according to a schedule of fines adopted by city council resolution. The schedule may include escalating fine amounts for repeat violations occurring within specified periods of time, and fines may vary depending on the particular code provision violated.

B. Where no amount is specified by resolution of the city council, the following fines will apply:

1. A fine not exceeding one hundred dollars (\$100.00) per day for a first violation.
2. A fine not exceeding two hundred dollars (\$200.00) per day for a second violation of the same code provision or permit within one year from the date of the first violation.
3. A fine not exceeding five hundred dollars (\$500.00) per day for each additional violation of the same code provision or permit within one year from the date of the first violation.

C. A penalty of ten percent will be added on any delinquent fines on the last day of each month after the due date.

D. In addition to the late penalty provided by this section, delinquent fines will accrue interest at the rate of one percent per month, exclusive of penalties, from the due date. (Ord. 05-07 § 2, 2005)

1.30.080 Satisfaction of administrative citation.

A. Upon receipt of a citation, the responsible person must do the following:

1. Pay the fine within thirty (30) days from the date of the administrative citation. All fines assessed are payable to the city. Payment of a fine does not excuse or discharge the failure to correct the violation nor will it bar further enforcement action by the city.

2. Cease and abate the violation. If the offense is a continuing violation and the responsible person fails to properly cease and abate the violation, fines will accrue for each day until the abatement is properly verified. Additionally, subsequent administrative citations may be issued for the same violation. The amount of the fine for failure to correct the violation will increase at the rate specified in this chapter or as established by city council resolution.

B At any time following thirty (30) days after the issuance of the citation, the city may deliver a collection bill to the responsible person requiring payment for all outstanding amounts owed for the violation, including the amount due for the initial violation and any accrual of daily fines from the date the citation was issued to the date the abatement of the offense is properly verified (if applicable) plus any appropriate late payment charge, less any amount remitted pursuant to subsection A of this section.

C. The abatement of a continuing violation must be verified by a code enforcement officer. The responsible person must contact the phone number designated on the citation and schedule an inspection by a code enforcement officer. Fines will accrue until the abatement is verified, less any days delayed by action of the city in scheduling such inspection. (Ord. 05-07 § 2, 2005)

1.30.090 Collection of unpaid fines and penalties.

A. The failure of any person to pay a fine or penalty assessed by administrative citation within the time specified on the citation constitutes a debt to the city. To enforce that debt, the city may file a civil action, lien the subject property as set forth below, or pursue any other legal remedy to collect such debt. A person who fails to pay any fine or other charge owed to the city under this chapter is liable in any action brought by the city for all costs incurred in securing payment of the delinquent amount, including, but not limited to, administrative costs and attorneys' fees. Such collection costs are in addition to any fines, interest, and late charges.

B. In addition to any other legal remedy, the city may place a lien on property that is the subject of a citation if the citation has been issued to the property owner. The following procedure will apply:

1. The city manager may initiate proceedings to record a lien against the subject property.

2. Before recording the lien, the city manager shall submit a report to the city clerk stating the amounts due and owing. The report may include a fee, as established by city council resolution, for the administrative costs associated with the preparation and recordation of the lien.

3. The city clerk shall fix a time, date, and place for a hearing before the city manager to consider the report and any protests or objections to it.

4. The city clerk must serve the property owner with a hearing notice not less than ten days before the hearing date. The notice must set forth the amount of the delinquent administrative fine, and any penalties and interest that is due. Notice must be delivered first-class mail, postage prepaid, addressed to the property owner's address as it appears on the last equalized assessment roll or supplemental roll of the county of Santa Barbara, whichever is more current. Service by mail is effective on the date of mailing and failure of property owner to actually receive notice does not affect its validity.

5. At the conclusion of the hearing, the city manager may adopt a report confirming, discharging, or modifying the lien amount.

6. Following the adoption of the report imposing a lien, the city clerk shall cause the lien to be filed in the county recorder's office.

7. After confirmation and recordation, the city shall present a copy of the lien to the county finance director to add the amount of the lien to the next regular property tax bills levied against the parcel for municipal purposes. This amount will be collected at the same time and in the same manner as ordinary property taxes are collected, and will be subject to the same penalties and procedures under foreclosure and sale as provided for with ordinary municipal taxes. Or, after recording, the lien may be foreclosed by judicial or other sale in the manner and means provided by law.

8. Once the city receives full payment for outstanding principal, penalties, and costs related to a lien, the city clerk will cause to be recorded a notice of satisfaction or provide the property owner with a notice of satisfaction for recordation at the county recorder's office. This notice of satisfaction will cancel the city's lien. (Ord. 05-07 § 2, 2005)

1.30.100 Request for administrative hearing.

A. Any person receiving an administrative citation may contest the citation by completing a request for hearing form and returning it to the city within fifteen (15) days after the issuance date of the administration citation. Any request for hearing must be accompanied by an advance deposit of the fine assessed by the citation for the initial violation, unless waived by subsection C of this section. If it is determined, after a hearing, that there was no violation as charged in the administrative citation, the advance deposit will be refunded.

B. A request for hearing will not postpone or avoid the requirement of a responsible person to abate a violation nor toll the daily fines accruing for a continuing violation until the abatement of the offense is properly verified. In the event the hearing officer upholds the citation, the responsible person will be liable for the total fines accrued from the issuance of the citation to the date the abatement is properly verified.

C. A person seeking an administrative hearing may request a hardship waiver of the fine deposit by filing with the city clerk a completed city form, which must be signed under penalty of perjury. The request must be submitted along with the request for hearing. The person requesting the waiver bears the burden of establishing that such person does not have the financial ability to make the deposit. The request will be decided by the city manager within ten days from date the request is received, and the city manager's decision is final. The applicant will be notified by telephone, facsimile, or in person of the decision on the request. The filing of a request for hardship waiver does not extend the time to file for an administrative hearing or pay the fine when due. If the request for hardship waiver is denied, an administrative hearing will not be scheduled unless the fine deposit is paid within ten days following the city manager's determination on the request for a hardship waiver.

D. The failure to submit a timely and complete request for hearing will terminate a person's right to contest the citation and result in a failure to exhaust administrative remedies, and the order of the citation will serve as a final determination and conclusive evidence of the named responsible person's liability for the citation.

E. The city clerk shall set a hearing before a city hearing officer on a date that is not less than fifteen (15) and not more than sixty (60) days from the date that the request for hearing is filed in accordance with the provisions of this section. The city shall notify the person requesting the hearing by regular mail of the date, time and place set for the hearing at least ten days prior to the date of the hearing and give that person any additional written reports filed concerning the violation that are provided to the hearing officer. (Ord. 05-07 § 2, 2005)

1.30.110 Administrative hearing procedure.

A. A city hearing officer will conduct the administrative citation hearing.

B. No hearing to contest an administrative citation before a hearing officer will be held until a request for hearing form has been completed and submitted, and the fine has been deposited in advance, unless a hardship waiver is granted in accordance with Section 1.30.100(C).

C. The hearing officer may only consider evidence that is relevant to whether the violation occurred and whether the responsible person has caused or maintained the violation of this code on the date specified in the administrative citation.

D. At least ten days prior to the hearing, the city must provide the recipient of an administrative citation with copies of the citation, reports and other documents to be submitted to the hearing officer. No other discovery is permitted. Formal rules of evidence will not apply.

E. The person contesting the administrative citation will be given the opportunity to testify and present witnesses and evidence concerning the administrative citation.

F. Unless requested in advance by the person contesting the administrative citation, neither the code enforcement officer nor any other representative of the city is required to attend the hearing, provided that any such appearance may be made at the discretion of the code enforcement officer or city manager.

G. The failure of any recipient of an administrative citation to appear at the administrative citation hearing will constitute a forfeiture of the fine and a failure to exhaust administrative remedies, and the order of the citation will become the final determination.

H. The administrative citation and any additional documents submitted by the code enforcement officer to the hearing officer will constitute prima facie evidence of the violation and the respective facts contained in those documents.

I. The hearing officer may continue the hearing and request additional information from the code enforcement officer or the recipient of the administrative citation prior to issuing a written decision. (Ord. 05-07 § 2, 2005)

1.30.120 Administrative hearing decision.

A. After considering all of the testimony and evidence submitted at the hearing, the hearing officer shall issue a written decision within fifteen (15) business days after the hearing to uphold or deny the administrative citation and must list in the decision the reasons for that decision. The hearing officer will use preponderance of evidence as the standard of evidence in deciding issues. The decision of the hearing officer will be final.

B. If the hearing officer determines that the administrative citation should be upheld, then any applicable fine amount on deposit with the city will be retained by the city. The hearing officer may also impose conditions and deadlines to correct the violation or require payment of any outstanding fines, penalties, and interest.

C. If the hearing officer determines that the administrative citation should be canceled or reduced because of an error in calculating the fine, the city will promptly refund the applicable amount of the deposited fine.

D. The city shall serve the recipient of the administrative citation with a copy of the hearing officer's written decision by certified mail. (Ord. 05-07 § 2, 2005)

1.30.130 Right to judicial review.

Any person aggrieved by an administrative decision of a hearing officer on an administrative citation may obtain review of the administrative decision by filing a petition for review with the Santa Barbara County superior court in accordance with the timelines and provisions set forth in California Government Code Section 53069.4. (Ord. 05-07 § 2, 2005)

View the [mobile version](#).

Chapter 1.08

GENERAL PENALTY*

Sections:

- 1.08.011** **General fine penalties.**
- 1.08.013** **Other remedies.**
- 1.08.020** **Penalty surcharge.**

* For Charter provisions authorizing the city to impose penalties for ordinance violation of not more than a fine of \$300.00 or imprisonment for 30 days, see Charter Section [1.9](#).

1.08.011 **General fine penalties.**

- A. A person who violates a provision of this code shall, upon conviction, be subject to punishment by the fine established in the current, adopted budget.
- B. If no other penalty is specifically or by adoption prescribed by a particular ordinance, the general penalty for violation of the ordinance is as stated in the current, adopted budget.
- C. In accordance with AS [12.25.195](#) through [12.25.230](#), for a violation that cannot result in incarceration or the loss of a valuable license, a person may dispose of the citation without a court appearance by submitting to the clerk of court all of the following:
 - 1. Payment of the fine amount and the applicable surcharge as established in the current, adopted budget; and
 - 2. A copy of the citation signed by the person indicating the person's waiver of court appearance, entry of plea of no contest, and forfeiture of the fine.
- D. When the fine is forfeited under subsection (C) of this section, a judgment of conviction shall be entered. The fine paid is complete satisfaction for the offense. (Ord. 07-029 § 4, 2007; Ord. 06-005 § 4, 2006)

1.08.013 **Other remedies.**

The city may institute a civil action against a person, including a minor as provided in AS [29.25.072](#), who violates an ordinance. A person who violates a provision of this code may be subject to injunctive relief, compensatory relief, and a civil penalty not to exceed \$1,000 for each violation. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. On application for injunctive relief and a finding of a violation or threatened violation, the superior court shall grant the injunction. Each day that a violation of a provision of this

code continues constitutes a separate violation. This section does not bar other civil remedies. (Ord. 06-005 § 5, 2006)

1.08.020 Penalty surcharge.

A. In addition to any fine or other penalty prescribed by law, a person who pleads guilty or nolo contendere to, forfeits bail for, or is convicted of:

1. A violation of this code comparable to a misdemeanor offense under AS [28.33.030](#), [28.33.031](#), [28.35.030](#), or [28.35.032](#) and adopted under AS [28.01.010](#) shall be assessed a surcharge of \$75.00;
2. A misdemeanor or other violation of this code if a sentence of incarceration may be imposed for the misdemeanor or ordinance violation, other than a provision identified in subsection [\(A\)\(1\)](#) of this section, shall be assessed a surcharge of \$50.00; and
3. A misdemeanor or a violation of this code if a sentence of incarceration may not be imposed for the misdemeanor or ordinance violation shall be assessed a surcharge of \$10.00 if the fine or bail forfeiture amount for the offense is \$30.00 or more.

B. The surcharge shall be deposited into the general fund of the state in accordance with AS [29.25.072](#). (Ord. 537 § 3, 1998)

The Palmer Municipal Code is current through Ordinance 19-009, passed May 28, 2019.

Disclaimer: The city clerk's office has the official version of the Palmer Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.palmerak.org](http://www.palmerak.org)

[Code Publishing Company](#)

Chapter 8.38

NUISANCE – JUNK, LITTER AND UNSIGHTLY PREMISES

Sections:

- 8.38.010** **Definitions.**
- 8.38.020** **Owner and occupant to maintain premises.**
- 8.38.030** **Initiation of action.**
- 8.38.040** **Initial inspection and report.**
- 8.38.050** **Initial contact with owner and/or occupant.**
- 8.38.060** **Final notice to abate violation.**
- 8.38.075** **Remedies.**

8.38.010 **Definitions.**

As used in this chapter, the following words are defined in this section:

“Junk” means any worn-out, wrecked, scrapped, partially or fully dismantled or discarded tangible material, combination of materials or items that cannot without further alteration and reconditioning be used for their original purposes, including but not limited to appliances, building material, chemicals, equipment, furniture, machinery, metal, rags, rubber, paper, plastics and wood.

“Litter” means all improperly discarded waste material, including but not limited to convenience food, beverage and other product packages or containers constructed of steel, aluminum, glass, paper, plastic and other natural and synthetic material, thrown or deposited on the lands and waters within the boundaries of the city.

“Occupant” means the person in possession of the real property on which the junk or litter is located. “Occupant” includes tenant and lessee.

“Owner” means the owner of the real property on which the junk or litter is located, or the agent of the owner.

“Unsightly premises” means property including but not limited to building exteriors maintained in such condition as to become so defective or unsightly or in such condition of deterioration or disrepair that the property causes appreciable diminution of the property values of surrounding property or is materially detrimental to proximal properties and improvements is a public nuisance. This includes but is not limited to the keeping or disposing of or the scattering over the property or premises of any lumber, junk, trash or debris; abandoned, discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers; stagnant water or excavations; or any device, decoration, design, fence, structure, clothesline or vegetation that is unsightly by reason of its condition or its inappropriate location.

“Zoning administrator” means the person or the designee authorized by the city manager to enforce this chapter. (Ord. 06-016 § 3, 2006; Ord. 516 § 3, 1997)

8.38.020 Owner and occupant to maintain premises.

- A. The owner and the occupant of any private property in the city shall at all times maintain the premises free from significant accumulations of junk and litter; provided, however, that this section shall not prohibit the storage of junk or litter in authorized private receptacles for collection, or the storage of junk that is not visible to the public at large. A significant accumulation of junk or litter on any private property in the city contrary to this section is deemed to be a public nuisance.
- B. The owner and the occupant of any private property in the city shall at all times maintain the property in a manner so that the property does not constitute an unsightly premises.
- C. This chapter does not apply to property zoned industrial. (Ord. 06-016 § 3, 2006; Ord. 516 § 3, 1997)

8.38.030 Initiation of action.

A city resident may initiate action under this chapter by filing a written signed statement with the zoning administrator complaining about junk, litter, or an unsightly premises on private property in the city. The zoning administrator may initiate action even without a complaint. (Ord. 06-016 § 3, 2006; Ord. 516 § 3, 1997)

8.38.040 Initial inspection and report.

Upon receiving a duly filed complaint, the zoning administrator will inspect the property in a reasonable time and make a written report of the findings of the inspection. When practicable, photographs of the premises will be attached to the report. The reports are to be maintained for at least one year. (Ord. 06-016 § 3, 2006; Ord. 516 § 3, 1997)

8.38.050 Initial contact with owner and/or occupant.

Unless the zoning administrator finds that health and safety considerations require prompt abatement of junk, litter, or an unsightly premises, the zoning administrator may contact the owner and/or occupant informally, either verbally or in writing or both, and inform the owner and/or occupant that the property appears to contain junk, litter or be an unsightly premises, that such may violate city ordinance, and that the city requests the junk, litter, or unsightly premises be removed or otherwise brought into compliance within a reasonable time, normally not to exceed 15 days. (Ord. 06-016 § 3, 2006; Ord. 516 § 3, 1997)

8.38.060 Final notice to abate violation.

- A. After the zoning administrator has made a written report of the findings of the inspection and determined that there is a violation of this chapter, the zoning administrator shall provide final notice to abate the violation.

B. Final Notice.

1. The zoning administrator is authorized to notify either the owner and/or the occupant of property regarding a violation of this chapter.
2. Notice to the owner may be provided at the owner's last known address as shown on the Matanuska-Susitna Borough assessment rolls for the city. Notice to the occupant may be provided by serving any adult residing on the premises. Notice to either the owner or occupant may be made in any other reasonable manner to assure due process is met.
3. The notice shall state the following:
 - a. The name of the owner and/or occupant;
 - b. The property description;
 - c. The specific type and location of the junk or litter on the property or describe what makes the premises unsightly;
 - d. The owner and/or occupant of the property is to properly dispose of junk or litter located on the property or to cure the unsightliness of the premises within 30 days of receipt of the notice;
 - e. If the junk or litter is not properly disposed of or the unsightliness cured within 30 days after receipt of the final notice, the property owner and/or occupant is subject to the enforcement procedures as stated in PMC [1.08.011](#) or [1.08.013](#). The zoning administrator may issue a ticket or obtain city council approval to commence a lawsuit requesting a remedy allowed under PMC [1.08.013](#) or at law. (Ord. 06-016 § 3, 2006; Ord. 516 § 3, 1997)

8.38.075 Remedies.

- A. If the junk or litter is not properly disposed of or the unsightliness cured within 30 days after receipt of the final notice, the property owner and/or occupant is subject to the enforcement procedures as stated in PMC [1.08.011](#) or [1.08.013](#).
- B. After first confirmation and documentation (including photography) that the condition of the property has not changed sufficiently to comply with the terms of the final notice, the zoning administrator may issue a ticket.
- C. In circumstances where appropriate, given the magnitude of the offense or continuous noncompliance including without limitation offenders who fail to comply with the final notice even after conviction or repeat offenders, the zoning administrator may obtain city council approval to commence a lawsuit requesting a remedy allowed under PMC [1.08.013](#) or at law. (Ord. 06-016 § 3, 2006)

PMC Sections of note with some form of enforcement/compliance procedure:

PMC 6.24

PMC 8.10.080

PMC 8.36.050

PMC 8.38.030-075

PMC 9.67.040

Most other Sections of PMC have a “Fines” section that only states: A violation of this chapter is an offense punishable by the fine established in the current, adopted budget.

Excessive Police Call revised draft:

9.39.010 Purpose

This ordinance addresses the issue of excessive police responses to repeat locations. Occasionally, one or more police officers respond multiple times to a property ~~to on~~ a call for **service regarding** ~~assistance, a complaint, an emergency, a potential emergency or a reasonable suspicion of unlawful activity.~~ This Ordinance outlines liable parties, fees for **and penalties for generation of** excessive police response **to such calls for service** and appropriate corrective action.

9.39.020 Definitions.

When used in this chapter, the following words and phrases shall have the meanings set forth in this section:

"Dwelling unit" means a structure or portion thereof providing independent ~~and complete~~ cooking, living, sleeping, and toilet facilities for a person or group of persons living as a single housekeeping unit.

"Excessive police response" means for a residential property, each police response **as defined in this section**, in excess of eight **(8)**, to a dwelling unit in a calendar year.

"Mobile home" means a detached single dwelling unit fabricated at a factory and capable of being transported to location of use on its own chassis and wheels, identified by a model number and serial number by its manufacturer, and designed primarily for placement on a non-permanent foundation.

"Mobile home park" means any parcel or adjacent parcels of land in the same ownership which are managed for occupancy by more than two mobile homes. The term does not include tourist facilities for travel trailers or campers.

"Owner" means the record owner of the property as shown in the real property records of the borough.

"Person" means any individual, or any business or non-business association recognized by law, whether or not organized for profit.

"Police response" means one or more police officers that respond to a call for **service which subsequent investigation determines is a violation of a Palmer Municipal Ordinance, Alaska State law or Federal Law** ~~assistance, a complaint, an emergency, a potential emergency, or a reasonable suspicion of unlawful activity witnessed by a police officer, and any response determined by a sergeant or higher ranking police officer to be related to activities on the property premises and reasonably preventable.~~ The term "police response" does not include a response to:

1. Receipt of false information as defined in AS 11.56.800(a)(1), unless the false information was provided by an occupant or owner of the property;

2. A false alarm as defined in AS 11.56.800(a)(2) through (3), unless the false alarm was caused, permitted or allowed by an occupant or owner of the property in violation of AS 11.56.800(a)(2) through (3);
3. A call involving potential child neglect, potential domestic violence as defined in AS 18.66.990, or potential stalking under AS 11.41.260 or 11.41.270;
4. A report of a sexual assault as defined in AS 11.41.410 through 11.41.427;
5. ~~A medical emergency for serious bodily injury or death;~~
6. A call from the tenant or owner of property for police assistance with:
 - a. Theft or attempted theft from the tenant or owner; or
 - b. A report of the presence or identification of a person under state or federal warrant; or
 - c. An inebriated person preparing to operate a motor vehicle upon leaving the premises.

“Residential property” means an individual parcel, tract or lot shown on the most recent plat of record containing one or more dwelling units, or a mobile home.

9.39.030 Notice to liable persons.

A. The city ~~may~~ **shall** notify the owner and tenant of a property in writing when the number of police responses in the current calendar year to a residential unit **reaches six (6). When the number of responses reaches eight (8), the owner and tenant shall be notified by the City that subsequent qualifying calls may result in a citation being issued to appropriate individuals** ~~equals the number of excessive police responses for that type of property.~~

B. A notice under this section shall be given in a manner reasonably calculated, under all the circumstances, to provide actual notice to the person of the potential liability for **citation** ~~the fee~~. At a minimum, the notice shall be sent by certified mail or by direct delivery, return receipt requested, to the mailing address of the person as shown on ~~the city’s real property tax records~~. If the mailed notice is returned refused for signature by the recipient, actual notice shall be conclusively presumed on the date refused. If the mailed notice is returned unclaimed or undeliverable, the city shall accomplish notice by another method and attest to the date notice is accomplished by affidavit or in a police report. Notice may be accomplished by any lawful manner.

C. The notice addressed to an owner and tenant shall:

1. Identify the property that is the subject of the notice by street address, and if the property has multiple units, identify the dwelling unit;
2. State the number of police responses in the calendar year to date and state additional police responses to the unit or property may result in **the issuance of a citation** ~~imposition of fees under this chapter;~~
3. State the person shall be liable for **additional citations** ~~a fee for each excessive police response to the property during the calendar year, unless, within 30 days, any person takes appropriate corrective action promptly and gives written notice to the chief of police of the action taken;~~
4. State the amount of the **citation** fee per excessive police response; and
5. State the contact information of a representative of the police department to contact concerning the notice.

9.39.040 Citation for excessive police response. ~~Corrective Action.~~

A. Is it unlawful for the owner or tenant of a dwelling or residential property to cause excessive police responses as defined in PMC 9.39.020.

B. The police department shall serve the owner of the property and the tenant of a unit a citation for excessive police responses.

C. A person is exempt from liability for the citation established by subsection (A) of this section if:

- 1. The person is a federal, state, or local government agency;**
- 2. The property or unit responded to is used exclusively for nonprofit religious, charitable, cemetery, hospital or educational purposes;**
- 3. The city has not provided notice to the person in writing as provided in PMC 9.36.030;**

D. If a property has more than one owner, all owners shall be jointly liable, with the tenant, for any citation issued under this chapter. Actual notice to one owner creates a rebuttable presumption of actual notice to all other owners.

E. For residential property owned as a condominium, a citation based on excessive police responses to a single dwelling unit shall be assessed against the owner of the dwelling unit, jointly with the tenant.

F. A tenant shall not be liable for a citation if the tenant's conduct did not require the police response and the tenant's right to possession commenced on a date subsequent to the date of the first police response that is counted for purposes of the fee imposed under this chapter.

G. If the unit requiring excessive police responses is a mobile home located in a mobile home park, the fee may not be imposed on the owner or operator of the mobile home park unless the owner's or operator's conduct required the excessive police response, or if the mobile home is owned and rented out by the mobile home park owner. The fee may be imposed jointly on the owner and tenant of the mobile home.

H. The cost of the citation may be collected in accordance with applicable rules of court and Palmer Municipal Code.

~~A. An owner or tenant of a property shall have 30 days from the date notice is accomplished, as required under PMC 9.36.030, to promptly take appropriate corrective action. Appropriate corrective action is action reasonably expected to correct the cause of the police responses to the property. Police officers holding the rank of sergeant or higher are authorized to determine whether corrective action is appropriate under the circumstances. The officer's determination shall be in writing and issued within five days of receipt of the person's written notice of the action taken. Should the officer determine the action taken is not appropriate corrective action, the officer shall explain the reasons and the person shall have 10 days from the date of the determination to take appropriate corrective action. The 10-day extension shall be provided only once in a calendar year for each unit receiving excessive police responses. Examples of~~

appropriate corrective action, subject to a police officer's determination whether it is appropriate, may include, without limitation:

1. Written notice to quit under AS 09.45.100 through 09.45.110;
2. Eviction notice served on the tenant or lessee requiring vacation of the premises within 30 days or less;
3. Obtaining a restraining order, if appropriate;
4. Installation or implementation of new or additional security measures; or
5. Action recommended by the police department in writing and implemented to the satisfaction of a police officer the rank of sergeant or higher.

B. Appropriate corrective action does not include:

1. Relocating a tenant or lessee of a unit to a different unit on the same property, unless a police officer the rank of sergeant or higher determines the relocation is appropriate. If a person is relocated, the city may transfer the number of police responses from the former unit to the new unit; or
2. Communicating only orally with the person causing the police responses.

C. A fee may not be imposed for additional police responses to the unit that is the subject of the notice during the 30 day period allowed under subsection (A) of this section if any person takes appropriate corrective action and gives written notice to the police department of the action taken during the 30 day period. There is a conclusive presumption that appropriate corrective action was taken if there are no additional police responses to the property from the end of the 30 day period until the earlier of:

1. The end of the calendar year; or
2. Ninety calendar days.

9.39.050 Fees for excessive police response.

I. Subject to subsection (B) of this section, the owner of a property and the tenant of a unit shall jointly pay the city a progressive charge for violations of this chapter in accordance with the fee in the current, adopted budget per excessive police response to the dwelling unit during a calendar year.

J. The city shall bill the owner of the property and the tenant of a unit for excessive police responses and they both shall jointly pay those charges within 30 days of a receipt of said bill.

K. A person is exempt from liability for the fee established by subsection (A) of this section if:

1. The person is a federal, state, or local government agency;
2. The property or unit responded to is used exclusively for nonprofit religious, charitable, cemetery, hospital or educational purposes;
3. The city has not provided notice to the person in writing as provided in PMC 9.36.030;
4. Any person has taken appropriate corrective action and given written notice to the police department of the action as required by PMC 9.36.030; or
5. The owner or tenant of the property or unit responded to has entered a current written agreement with the police department.

L. If a property has more than one owner, all owners shall be jointly liable, with the tenant, for any fee imposed under this chapter. Actual notice to one owner creates a rebuttable presumption of actual notice to all other owners.

~~M. For residential property owned as a condominium, a fee based on excessive police responses to a single dwelling unit shall be assessed against the owner of the dwelling unit, jointly with the tenant.~~

~~N. A tenant shall not be liable for the fee if the tenant's conduct did not require the police response and the tenant's right to possession commenced on a date subsequent to the date of the first police response that is counted for purposes of the fee imposed under this chapter.~~

~~O. If the unit requiring excessive police responses is a mobile home located in a mobile home park, the fee may not be imposed on the owner or operator of the mobile home park, unless the owner's or operator's conduct required the excessive police response. The fee may be imposed jointly on the owner and tenant of the mobile home.~~

~~P. If a sergeant or higher ranking official of the police department determines appropriate corrective action was taken with respect to a specific unit, the count of police responses to the unit shall reset to zero, effective the date of the determination.~~

~~Q. The fee may be collected in any lawful manner, including bringing an action in court for a personal judgment against any one or more of the persons liable.~~

~~R. An owner or tenant liable for a fee under this chapter may bring an action in court against a person whose conduct required the excessive police response to recover the amount of the fee and related costs. An owner or tenant shall not be granted any extension of time or continuance to pay the fee based on a pending action against a third party.~~

Job Description
Current and Proposed addition



CITY OF PALMER JOB DESCRIPTION AND SPECIFICATIONS

Job Title: Planning and Code Compliance Technician
Department: Community Development
Reports To: Director
Classification: FLSA Non-Exempt

Revision Date: 03/18
Salary Level: 5

I. General Functions:

The employee occupying this position assists the Community Development Director in a range of administrative and procedural functions involving planning and zoning cases, enforcement of city codes, and community development projects.

II. Distinguishing Characteristics:

The position is distinguished from other classifications in that it provides skilled technical support in processing city zoning code applications and permits and subdivisions as well as advising property owners of code violations and issuing citations.

Supervision Received:

General supervision is received from the Director of Community Development who reviews work for standards of accuracy, compliance with prescribed procedures, timeliness, style of presentation, thoroughness, and quality.

Supervision Exercised:

Supervision is not a normal responsibility of this position.

External Visibility/Contact:

High frequency of contact with members of the public regarding city zoning code, and land use applications. Moderate frequency of contact with Borough and other government personnel. Regular attendance at public meetings.

Working Conditions Environment:

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. Work is performed generally in an office environment.

While performing the duties of this job, employee will frequently be required to use hands and fingers dexterously to operate office equipment, will be required to communicate orally, regularly required to sit, stand, walk, occasionally required to stoop, kneel, or crouch, and reach with hands and arms and lift up to 25 pounds. Specific vision abilities required include close vision and the ability to adjust focus. Color vision is helpful in interpreting mapped information.

General office equipment and tools, including computer, printer, fax machine, copiers, calculators, and telephone. The employee is regularly required to drive a motor vehicle.

Regular attendance at evening Planning and Zoning Commission to assist with presentations and take minutes is required.

III. Essential Functions and Duties;

- Provides information in response to general inquiries from the public regarding the city zoning code, comprehensive plan and community development projects.
- Processes routine applications for conditional use permits, rezoning requests, and variances; prepares public notices, address information for required mailings, notices and agendas for public hearings, and prepares staff reports and recommendations to the Planning and Zoning Commission.
- Prepares Informational Memoranda for Planning and Zoning Commission packets and for community development ordinances going before the City Council.
- Serves as Clerk for the Planning and Zoning Commission; transcribes minutes, and updates the Commission and department website.
- Conducts research for elements of planning studies, zoning matters, community development projects and other administrative matters involving the City.
- Conducts routine complaint investigations, inspections, and enforcement actions related to zoning and unsightly premises violations to determine compliance status and identify violations; issues correction action orders for non-compliance, and prepares reports, photographs, case files, and other documentation supporting enforcement actions.
- Acts as a liaison with contacts within and outside the organization, obtains and disseminates information, arranges meetings and provides or arranges necessary office services such as purchasing supplies, duplication and distribution of materials and similar functions.
- Prepares vicinity maps for various projects and public notices and may create application forms as necessary for recording activities within the city.
- Coordinates subdivision plat reviews with other City departments and submits comments to the Borough.
- Assists with special projects, as assigned.
- Performs related work as required.

IV. Knowledge, Skills, Experience, And Personal Qualifications

- Minimum; High school diploma or equivalent and at least three years experience in municipal public contact work or comparable experience in a closely related occupation
- Some college level course work in planning, zoning, public administration, computer science

or related subjects preferred.

- Knowledge of GIS technology preferred.
- Valid Alaska Driver's license.
- Ability to operate a motor vehicle and maintain a satisfactory driving record.
- Ability to meet with the public in a pleasant and courteous manner, and to respond to requests for information in a timely manner.
- Proficient in operation of computers, peripheral equipment and related software.
- Experienced in operating office equipment and communications equipment, and is able to demonstrate this proficiency and understanding by producing detailed inspection reports, creating spreadsheets, and locating and accessing property information.
- Demonstrates a good understanding of the best work methods used in conducting inspections, investigations, and enforcement actions.
- Ability to understand and follow oral and written instructions and demonstrates a level of proficiency in writing, speaking, and listening to effectively communicate ideas and convey information clearly and concisely.
- Demonstrates a level of proficiency in public speaking and presentation to effectively explain codes, laws and enforcement policies to individuals and groups.
- Ability to work independently in the field gathering planning, zoning, and code enforcement information.
- Ability to read and understand land use maps, site plans, legal descriptions, and subdivision plats.
- Knowledge of basic principles, practices, and laws governing land use.
- Ability to meet attendance requirements for this position.

THE ABOVE STATEMENTS ARE INTENDED TO DESCRIBE THE GENERAL NATURE AND LEVEL OF WORK BEING PERFORMED BY PERSON(S) ASSIGNED TO THIS POSITION. THEY ARE NOT INTENDED TO BE AN EXHAUSTIVE LIST OF ALL DUTIES, RESPONSIBILITIES AND SKILLS REQUIRED OF PERSONNEL IN THIS POSITION. ALL REQUIREMENTS ARE SUBJECT TO POSSIBLE MODIFICATION TO REASONABLY ACCOMMODATE INDIVIDUALS WITH DISABILITIES.

Initials

Date

Employee Received: _____



CITY OF PALMER JOB DESCRIPTION AND SPECIFICATIONS

Revision 06/19
Date:
Salary Level: ?

Job Title: Code Enforcement Officer
Department: Community Development or Police Department
Reports To: Community Development Director or Chief of Police
Classification: FLSA Exempt

I. General Functions;

The employee occupying this position is responsible for assisting in the administration, implementation, adoption, and enforcement of ordinances.

II. Distinguishing Characteristics:

The employee in this position will perform a variety of technical duties in support of the City's local code enforcement program, monitors and enforces a variety of applicable ordinances, codes, and regulations related to zoning, land use, nuisance housing, health and safety, blight, graffiti, water waste, and other matters of public concern; and serves as a resource and provides information on City regulations to property owners, residents, businesses, the general public, and other City departments. The Code Enforcement Officer is expected to serve as City liaison with agencies, developers, and the public in helping to understand and comply with the City regulations. Responsibilities require considerable tact and resourcefulness in gaining acceptance or negotiating compliance of alternative solutions to official regulations. Work is performed with independence and latitude within prescribed guidelines and involves the application of considerable judgment, diplomacy, and discretion in the carrying out assignments and when working with agencies, developers, and the public. At times, work is performed under difficult or strained situations to include maintaining order among hostile parties. Some duties may be performed under adverse conditions. Occasionally work is required on weekends or after normal work hours.

Supervision Received:

General supervision is received from the Director of Community Development or Police Chief who reviews work for standards of accuracy, compliance with prescribed procedures, timeliness, style of presentation, thoroughness, and quality.

Supervision Exercised:

Supervision is not a normal responsibility of this position.

External Visibility/Contact:

High frequency of contact with members of the public regarding city zoning code, and land use applications. Moderate frequency of contact with Borough, state, and other government personnel.

Working Conditions Environment;

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, employee will frequently be required to use hands and fingers dexterously to While performing the duties of this position, the employee is required to sit for long periods of time and to periodically stand and walk, including standing to make presentations to groups. The employee is frequently required to talk and listen to individuals and groups. The employee is frequently required to walk, climb and balance on uneven surfaces such as trails and natural terrain while on site visits or collecting field information. Outdoor work will be required in all seasons and types of weather. The employee may occasionally be required to lift and carry up to 40 pounds and handle loading and unloading of snow machines, boats, and all-terrain vehicles. The employee is required to use hands and fingers extensively to manipulate tools and equipment such as computers, pens, telephones, and other tools listed above.

Specific vision abilities required by this position include those associated with reading text, maps, and computer screens, and with safe operation of a motor vehicle in daylight and darkness, and in all weather conditions. Color vision is helpful in interpreting mapped information.

General office equipment and tools, including computer, printer, fax machine, copiers, calculators, and telephone. The employee is regularly required to drive a motor vehicle.

Attend City Council and/or Boards and Commission meetings, as necessary.

III. Essential Functions and Duties;

Enforce city codes not primarily enforced by the Palmer Police Department, Palmer Fire Department or the Building Inspector.

Coordinates with the City Community Development Director, Building Inspector, Police Chief, Fire Chief, Public Works and other departments as necessary to secure compliance with city codes when enforcement becomes necessary.

Performs systematic site inspections of properties and building structures to ensure compliance with all applicable city codes and regulatory requirements; enforces all aspects of city codes and ordinances.

Conduct filed investigations; inspect properties for violations; attempt to make contact at the residence or business in order to resolve violation; issue and post warning notices, notices of

violation, corrective notices, orders to comply, and related documentation for code violations; schedule and perform all follow-up functions to gain compliance including letters, inspections, calls, meetings, discussions, and negotiations to ensure compliance with appropriate codes and ordinances; issue administrative citations and notices of violations as necessary.

Investigates citizen complaints of code violations; investigate obvious code violations observed during site investigations; determine appropriate action to be taken; locate property ownership information; research legal information for property owners, mortgage holders, and interested parties; issue warnings, letters, and citations as appropriate; conduct follow-up investigations and track additional actions until cases are resolved and files are closed.

Develop and maintain detailed case files with a numbering system and log; maintain complete records of all cases including ownership information, all documentation, all communications and action taken with names, dates, and times, before and after photographs as needed, and copies of all other documents and information applicable.

Communicates information regarding violations, code requirements and necessary steps to correct for compliance. Consults with owners and occupants regarding city code requirements.

Prepares correspondence and makes direct contact with all appropriate parties; identifies violations, issues notice of violation, citations, and enforcement orders.

Develops legal cases with city attorney in code enforcement proceedings. Develops procedural remedies with city attorney to effectively use the legal system when dealing with repeat code violation offenders. Prepares case files for court actions including writing reports, maintaining inspection files, preparing chronologies and violation explanations.

Collects evidence, prepares reports and files for testimony before a hearing officer and in court for civil and criminal cases.

Presents public nuisance cases or provides testimony to designated boards, commissions, judges as needed or required.

Performs annual or routine inspections for permits, special events, etc.

Maintains records of approved applications for periodic field monitoring of development permits and conditional use permits; identifies code deficiencies and discusses correction actions with interest parties.

Conducts special inspections, prepares and presents oral or written reports on findings to boards and commissions.

Attend meetings and serve as a resource to other City departments, the public, and outside agencies in the enforcement of city ordinances; provide research and documentation for meetings.

Patrol assigned area(s) in a City vehicle to identify and evaluate problem areas and/or ordinance violations; determine proper method to resolve violations.

Performs other duties as assigned.

IV. Knowledge, Skills, Experience, And Personal Qualifications

High school diploma or GED. Three years of progressively responsible experience working with government rules and regulations in land use management, zoning programs, or related fields; two years of which is dealing with the public in an enforcement capacity including issuance of citations, notice of violations, and written warnings.

Knowledge of operations, services, and activities for code compliance.

Knowledge of pertinent codes, ordinances, laws, and regulations pertaining to nuisance abatement, property maintenance, health and safety, and related areas. Knowledge of legal processes and actions applicable to code enforcement.

Knowledge of code enforcement principles, practices and methods as applicable to local government; working knowledge of applicable laws, standards, and regulations relating to various nuisance, and public safety codes.

Knowledge of applicable state, federal and local laws, rules, ordinances and regulatory standards applicable to code enforcement work and responsibilities.

Knowledge of investigative principles, methods, and techniques, as case management for preserving evidence and establishing documentation and a written audit trail for legal purpose.

Ability to learn city codes, related ordinances, and land use plans.

Ability to deal effectively, tactfully and with diplomacy when dealing with the public, city departments, state and federal agencies.

Ability to assess by evaluating statements, tone of voice, physical signs, and the mental or emotional state of persons, witnesses, and suspects to determine the most appropriate means of assisting or handling a situation.

Ability to maintain composure and control of the situation while enduring verbal and mental abuse when confronted with the hostile views and opinions of people encountered in and antagonistic environment.

Ability to remember a large quantity of written and unwritten information.

Ability to read and comprehend legal and non-legal documents, including the preparation and processing of such documents as citations, affidavits, and enforcement orders.

Ability to prepare investigative and other reports using appropriate grammar, symbols and mathematical computations.

Ability to work independently in the office and in the field while remaining within prescribed guidelines.

Ability to handle multiple tasks, simultaneously, under deadlines. Ability to work independently in the field gathering planning, zoning, and code enforcement information.

Ability to use digital and video cameras to accurately depict site visits and investigations conducted.

Ability to effectively use office procedures, methods, and equipment including but not limited to: computers, fax machines, multi-line phones, Microsoft products, and other related software.

Demonstrates a level of proficiency in public speaking and presentation to effectively explain codes, laws, and enforcement policies to individuals and groups.

There is no residency requirement for this position.

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	<u>Initials</u>	<u>Date</u>
Employee Received:	_____	_____
Approved:		
Director:	_____	_____
HR:	_____	_____
City Manager:	_____	_____