

Introduced by: Mayor Robb
Introduction Date: May 23, 2017
Public Hearing: June 13, 2017
Action: June 27, 2017
Vote: 7-0

CITY OF BETHEL, ALASKA

Ordinance #17-27

**AN ORDINANCE AMENDING BETHEL MUNICIPAL CODE
CHAPTER 9.36 PUBLIC NUISANCE ABATEMENT, PENALTIES AND REMEDIES**

SECTION 1. Classification. This is a Codified Ordinance and shall become part of the Bethel Municipal Code.

SECTION 2. Amendments. Bethel Municipal Code Chapter 9.36 Public Nuisance Abatement is amended as follows (old language is stricken, new language is underlined):

9.36.010 Purpose

Various laws are directed towards the conduct of persons on private property, and are intended to ensure that neither the conduct of such persons, nor the physical condition of such properties, constitutes a nuisance to other residents in the vicinity of the properties or passers-by on the public rights-of-way. These laws are generally enforced against the persons immediately responsible for the violations. Notwithstanding these enforcement efforts, recurring violations of such laws on private property where individuals immediately responsible for such violations congregate can result in the creation of public nuisances which seriously threaten the peace and safety of neighboring residents and undermine the quality of life of the residents of the city. The purposes of this chapter are to enact a local public nuisance law in order to: make property owners where such individuals congregate vigilant in preventing public nuisances on their property; make such property owners responsible for the use of their property by tenants, guests, occupants and others on their property; provide locally enforceable remedies for violations of local public nuisance laws; and otherwise to deter public nuisances.

This Ordinance is **not** intended to be a tool for landlord's and property owners to discriminate against persons or to impeded the reporting of crimes, especially those involving domestic violence, and/or the reporting of injuries or illnesses. The City of Bethel does not endorse or support any form of discrimination for any reason whatsoever. Individuals who are the victims of discrimination are urged to report such discrimination to the proper State authorities.

9.36.035 Enforcement & Exceptions

The City recognizes that public nuisance laws can have an unintended consequence of preventing victims of domestic violence from reporting crime; or making people with significant illnesses afraid to call for help too many times for fear of eviction.

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The purpose of the City of Bethel's Public Nuisance Abatement ordinance is **NOT** to prevent the reporting of crimes, suspicious activity, illnesses or other incidences which a resident may experience.

Enforcement of this Ordinance is vested only with the City Manager and not with property owner's or landlord's.

No property owner may threaten to or may take actual action against a tenant simply because they are a victim of a crime; domestic violence; illness or injury.

Violation	Code Section	Fine
Failure to Prevent	9.36.030	\$200
Unauthorized Enforcement	9.36.035	\$500
Attempted Unauthorized Enforcement	9.36.035	\$500
Threat of Action	9.36.035	\$500

9.36.090 — Penalties and Remedies

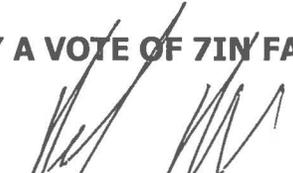
Violation of any provision of this Title is an infraction subject to a fine. In accordance with AS 29.25.070(a), citations for the following offenses may be disposed of as provided in AS 12.25.195 .230, without a court appearance, upon payment of the fine amounts listed below plus the state surcharge 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 below. 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 below. If an offense is not listed on this fine schedule or another fine schedule, the defendant must appear in court to answer to the charges. These fines may not be judicially reduced.

SECTION 3. Effective Date. This ordinance shall become effective upon the adoption of City Council.

ENACTED THIS 27 DAY OF JUNE 2017, BY A VOTE OF 7 IN FAVOR AND 0 OPPOSED.

ATTEST:


Lori Strickler, City Clerk


Richard Robb, Mayor