

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2013-15

**AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING DMC SECTION 8.10.060 WHERE SMOKING NOT REGULATED, TO REMOVE SECTION 8.10.060 A.6 BARS**

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BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

**Section 1. Classification.** This is a code ordinance.

**Section 2. Amend Section 8.10.060** Section 8.10.060, Where Smoking Not Regulated, is amended to remove A.6 Bars, and renumber old section A.7 to be A.6 as follows with new text displayed in underlined font and deleted text displayed in strike out font.

**8.10.060 Where smoking not regulated.**

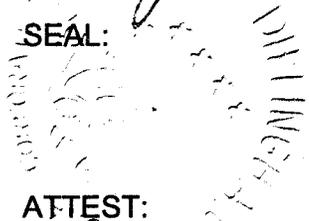
A. Notwithstanding any other provision of this chapter to the contrary, the following areas shall not be subject to the smoking restrictions of this chapter.

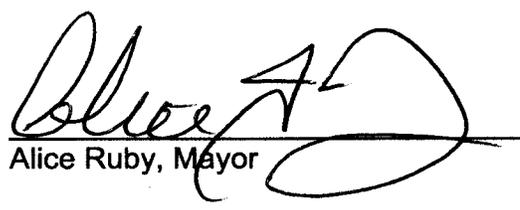
1. Private residences including residences used as places of employment, except during hours used as a childcare, adult day care, or health care facility;
2. Places of employment with two or less employees. For the purpose of this exception, the two or less employee limit includes on-site business owner(s), with the exception that in all uses cited in Section 8.10.030 smoking shall not be permitted;
3. Seventy-five percent of hotel, motel, and B&B guest rooms;
4. Retail tobacco stores;
5. Restaurants, hotel and motel conference or meeting rooms and public and private assembly rooms while these places are being used for private functions;
6. ~~Bars;~~
- 6.7. Bingo halls and pull tab establishments.

B. Notwithstanding any other provision of this section, any owner, operator, manager or other person who controls any establishment described in this section may declare that entire establishment as a nonsmoking establishment. (Ord. 03-04 § 1 (part), 2003.)

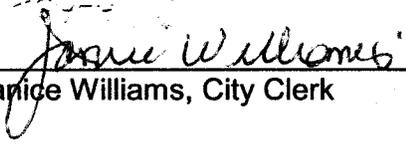
**Section 3. Effective Date.** This ordinance is effective upon passage.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on August 1, 2013.



  
\_\_\_\_\_  
Alice Ruby, Mayor

ATTEST:

  
\_\_\_\_\_  
Janice Williams, City Clerk

**Subject:** An Ordinance of the Dillingham Municipal Code to Amend DMC Section 8.10.060 Where Smoking Not Regulated, to Remove Section 8.10.060 A.6 Bars

Agenda of: **August 1, 2013**

Council Action:
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Manager: Recommend approval.

City Manager: Rose Loera  
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	City Clerk / Janice Williams	<i>JW</i>	

Fiscal Note: Yes \_\_\_\_\_ No X Funds Available: Yes \_\_\_\_\_ No \_\_\_\_\_

**Other Attachment(s):**

- Notice of a Public Hearing was advertised in the July 25, 2013 edition of Bristol Bay Times as required to be advertised in a local newspaper five days in advance of the public hearing.

**Summary Statement.**

At the June 13 council meeting, the council revisited a previous action on June 6 that failed to garner enough votes to send a proposed petition to code committee for review. The council questioned if they could reconsider their previous action. The answer was they could renew the motion. At the June 13 meeting, a motion was made and passed to have staff provide an edited copy of the ordinance so that bars are removed from Section 8.10.060 where businesses are not regulated and introduce at the next meeting.

The staff asked the City's Attorney if staff could amend the petitioner's ordinance to further clarify the intent of the ordinance was to not allow smoking in bars and add item A.16, bars, under 8.10.030 Prohibition of Smoking in Public Places.

**Attorney advisement:**

*Eliminating .060(A)(6) from the list of places that are not regulated still technically fulfills the petitioner's goal because then "bars" would be another "public place" in which smoking is prohibited pursuant to the blanket prohibition in .030(A). If the petitioner wants it more clear than that, she would need to start over with a petition that specifically adds "bars" to the .030(A) list.*

*The standards for determining what changes are allowed are different because they are two different processes for enacting an ordinance. Under the petition process, the City can never change the language of the initiative that is to be submitted to voters because during each phase the petitioner is responsible for drafting their own language. As 29.26.120 is pretty clear on this point, requiring the Clerk to prepare the petition by*

*including "the complete ordinance or resolution sought to be initiated or referred as submitted by the sponsors". This precludes the City from making any changes to the language of the ordinance as submitted on the application, which is actually helpful to you because you do not want to be responsible for correcting or re-drafting petitions during the process.*

*But if the Council chooses to take it up, its constraint is different because it is not required to pass the ordinance "as submitted by the sponsors" but rather a "substantially similar" one. So it can make changes to the language, create definitions, things like that that will improve the ordinance but not change it substantively.*

*The Code Committee could make that change as part of its parallel review (while the petitioner is or should be collecting signatures to keep the ballot prop process moving forward), because that would not constitute a substantive change to the ordinance proposed by the petitioner, and in fact would be a better written ordinance if it was included as (A)(16). So the Code Committee can do it, but the petitioner cannot.*

# TRAVELERS

From Page 1

change, encourage climate protection and show that one can enjoy nature through sport but at the same time give something back to nature," according to their literature.

online at toptotop.org.  
The world's climate has changed many times in the planet's long history, ice ages have come and gone, glaciers have advanced and then melted over, and that's how nature is, Schworer said. Of greater concern is the impact upon humans, not whether the environment can handle change. The environment always adjusts, with complete indifference to humanity. The question now, he said, is whether people can adjust to the increased pace of climate change.

"What's unusual at this time is the rate of change," Schworer said.

"The TOPTOTOP Global Climate Expedition is the first expedition over the seven seas to the seven summits that will be achieved by human and nature's power only. Their mission is to inspire children for a better future. Along the way, they share examples of nature's beauty and innovations for a green planet, in classrooms all over the world.

"They decided to embark on this voyage when they saw the impact climate change was having on the Alps. They hope to raise awareness about the dangers of climate

"To date, Toptotop has sailed over 40,000 nautical miles, cycled over 18,000 kilometers and climbed more than 400,000 meters in altitude. They have visited over 50,000 school students and cleaned up over 25,000 tons of waste working with local initiatives."

An image of a Swiss Army Knife deco rates a sail of the 45-foot vessel Pachamama, advertising for their corporate sponsor, Victorinox. The company was impressed by a story of their product severing a new baby's umbilical cord during an at-sea birth, he said.

One misadventure at sea happened when the boat struck a floating shipping container in between Antarctica and South America, seriously damaging the vessel and reducing seaworthiness. He recalled "two terrible weeks to make it back to mainland South America." That unfortunate collision left them grounded in Patagonia for two years, he said.

*Jim Paulin can be reached at [jppaulin@reporter-talaska.com](mailto:jppaulin@reporter-talaska.com)*



## NOTICE OF A PUBLIC HEARING Public Hearing on Ordinance Nos. 2013-15 and 2013-16

The City Of Dillingham will hold a Public Hearing on Thursday, August 1, 2013, at 7:00 P.M. in the City Council Chambers for the purpose of taking comment from the public on the following ordinances:

- Ordinance No. 2013-15, An Ordinance of the Dillingham City Council to Amend DMC Section 8.10.060 Where Smoking Not Regulated, to Remove Section 8.10.060 A.6 Bars
- Ordinance No. 2013-16, An Ordinance of the Dillingham City Council Authorizing the Disposition and Sale of Unredeemed Foreclosed Property

If you have any questions, please forward them to the City Clerk's office at 842-5212 or email [cityclerk@dillinghamak.us](mailto:cityclerk@dillinghamak.us).