

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2017-03

AN ORDINANCE AMENDING DILLINGHAM MUNICIPAL CODE TO ADD TWO NEW OFFENSES, TO ADD A FINE FOR TWO EXISTING OFFENSES, AND TO REPLACE THE LANGUAGE FOR AN EXISTING OFFENSE

WHEREAS, the City of Dillingham wishes to add two new offenses which are no longer an arrestable State offense, namely: 1) minor consuming alcohol, and 2) violation of conditions of release; and

WHEREAS, in the process of adopting the marijuana regulations, two fines were overlooked, one for marijuana use in public places prohibited, and the other for marijuana use in and around motor vehicles, and, therefore, were inadvertently left out of the Minor Offense Table; and

WHEREAS, it is recommended that the verbiage in the City's trespass ordinance be replaced with the State's misdemeanor criminal trespass 2nd degree verbiage;

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Classification. This is a code ordinance.

Section 2. Amendment to Title 9. That Dillingham Municipal Code Title 9 – Public Peace, Morals & Welfare is hereby amended by the addition of a new Chapter 9.60 – Minor Consuming Alcohol to read as follows:

**Chapter 9.60
MINOR CONSUMING ALCOHOL**

Sections:

9.60.010 Minor consuming alcohol.

9.60.020 Minor consuming alcohol.

A person under the age of 21 years may not knowingly consume, possess or control alcoholic beverages except those furnished persons under AS04.16.051 (b).

Section 3. Amendment to Title 1, Chapter 1.20, Section 1.20.040. That Dillingham Municipal Code 1.20.040 – Minor Offense Fine Schedule is hereby amended by the addition of new language to read as follows:

Code Section	Offense	Penalty/Fine
9.60.020	Minor Consuming Alcohol	\$500

Section 4. Amendment to Title 9. That Dillingham Municipal Code Title 9 – Public Peace, Morals & Welfare is hereby amended by the addition of a new Chapter 9.70 – Violation of Conditions of Release:

Chapter 9.70

VIOLATION OF CONDITIONS OF RELEASE

Sections:

9.70.010 Violation of conditions of release.

9.70.020 Violation of conditions of release.

- (a) A person commits the crime of violation of condition of release if the person
 - (1) has been charged with a crime or convicted of a crime;
 - (2) has been released under AS 12.30; and
 - (3) violates a condition of release imposed by a judicial officer under AS 12.30, other than the requirement to appear as ordered by a judicial officer.

Section 5. Amendment to Title 1, Chapter 1.20, Section 1.20.040. That Dillingham Municipal Code 1.20.040 – Minor Offense Fine Schedule is hereby amended by the addition of new language to read as follows:

Code Section	Offense	Penalty/Fine
9.70.020	Violation of conditions of release	\$1,000

Section 6. Amendment to Title 1, Chapter 1.20, Section 1.20.040. That Dillingham Municipal Code 1.20.040 – Minor Offense Fine Schedule is hereby amended by the addition of new language to read as follows:

Code Section	Offense	Penalty/Fine
8.30.040	Marijuana use in public places prohibited	\$100
8.30.050	Marijuana use in or around motor vehicles prohibited	\$100

Section 7. Amendment to Section 9.50.010. That Dillingham Municipal Code Chapter 9.50.010, Trespass is hereby amended to delete the existing language and replace it with language used by the state. (Additions are underlined and deletions are shown as ~~strikethrough~~.)

Section 9.50.010 Trespass.

~~It is unlawful for any person to go upon or trespass upon any lands or premises in the lawful possession of another, fail, neglect, or refuse to depart therefrom immediately and remain away until permitted to return upon the verbal or printed or written notice of the owner or the person in possession of said lands or premises, except an officer on lawful business.~~

(a) A person commits the crime of criminal trespass in the second degree if the person enters or remains unlawfully

- (1) in or upon premises; or
- (2) in a propelled vehicle.

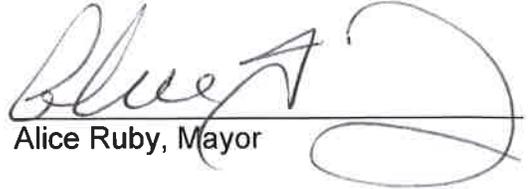
Section 8. Amendment to Title 1, Chapter 1.20, Section 1.20.040. That Dillingham Municipal Code 1.20.040 – Minor Offense Fine Schedule is hereby amended to change the fine amount as follows: (Additions are underlined and deletions are shown as ~~strikethrough~~.)

Code Section	Offense	Penalty/Fine
9.50.010	Trespass	\$75 <u>\$500</u>

Section 9. Copies to the Alaska Court System. The City Clerk is responsible for submitting the ordinance to the Alaska Court System for inclusion in the Uniform Minor Offense Table.

Section 10. Effective Date. This ordinance is effective upon passage.

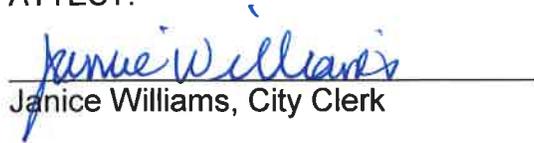
PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on ^{June 1} ~~May 4~~, 2017.



Alice Ruby, Mayor

ATTEST:

[SEAL]



Janice Williams, City Clerk

City of Dillingham Information Memorandum

Agenda of: June 1, 2017

Attachment to:

Ordinance No. 2017-03 / Resolution No. _____

Subject:

Amending Dillingham Municipal Code to add two new offenses, to add a fine for two existing offenses, and to replace the language for an existing offense

City Manager: Recommend Approval

Signature: _____

Jessie Williams, Acting City Mgr

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

-An advertisement for a Public Hearing on Ordinance No. 2017-03 is scheduled to appear in the May 25 edition of the Bristol Bay Times as required to be advertised in a local newspaper five days in advance of the public hearing.

Summary Statement:

This ordinance was vetted through the Code Review Committee, was introduced at the March 2, 2017 Council meeting, and was up for a public hearing and adoption April 6, 2017. However, the April 6 meeting was rescheduled to April 13. This did not allow for five days of advertising in the local newspaper. As a result, the ordinance was added as a placeholder to the April 13 rescheduled meeting, and advertised for a public hearing and adoption on May 4, 2017. At the May 4 meeting, this ordinance was postponed to June 1 Council meeting, since the ad required to be in the Bay Times did not make the May 25 edition as scheduled.

Attachment to: 2017-03 / Resolution No. _____
Ordinance No. _____

Summary Statement continued:

Route to	Department Head	Date
X	Finance Director	6/2/17
X	Police Chief	6/2/17
X	City Clerk	6/2/17