

CITY OF PALMER, ALASKA

ORDINANCE NO. 525

AN OMNIBUS REVISOR ORDINANCE OF THE CITY AMENDING THE PALMER MUNICIPAL CODE, TITLES 2, 3, 6, 8-10, 13 AND 17.

THE CITY OF PALMER, ALASKA, ORDAINS:

Section 1. Classification. This ordinance shall be of a permanent nature and shall become a part of the City of Palmer Code of Ordinances.

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

Section 3. Title 2, Administration and Personnel, is hereby amended as follows:

1. PMC 2.24.040, regarding Fire Department membership, is amended to read as follows:

2.24.040 Membership. The membership of the department shall consist of such persons as may be appointed by the city manager, except as he may delegate the power of appointment to the chief. Members shall be able-bodied persons reasonably available for quick response. Determination of whether candidates for selection are able-bodied shall be based upon and made after a medical and physical examination.

2. PMC 2.32.040, regarding violations and penalties in civil defense matters, is amended to read as follows:

2.32.040 Violations and penalties. It shall be unlawful, punishable by a fine not to exceed the sum of three hundred dollars for any person during a proclaimed emergency to wilfully:

A. Obstruct, hinder or delay any accredited member of the disaster and civil defense organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him by virtue of this chapter;

B. Do any act forbidden by any lawful rule or regulation issued pursuant to this chapter, if such act is of such a nature as to give, or be likely to give, assistance to the enemy, or to imperil the lives or property of inhabitants of

the city, or to prevent, hinder, or delay the defense or protection thereof;

C. To wear, carry or display, without authority, any means of identification specified by the city office of emergency management or the Alaska Division of Emergency Services.

Section 4. Title 3, Revenue and Finance, is hereby amended as follows:

1. PMC 3.12.270A, referring to penalty for violations in assessment and taxation matters, is amended to read as follows:

3.12.270 Penalty for violations. A. Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this chapter shall be punishable by a fine of not more than three hundred dollars.

2. Subsections PMC 3.20.100 T and U, regarding preferences in contract awards to Borough residents, are hereby repealed.

Section 5. Title 6, Animals, is hereby amended as follows:

1. PMC 6.14.020A3, referring to liability insurance conditions for dangerous or vicious dogs, is amended to read as follows:

3. Liability Insurance. The board may order the owner of a dangerous or vicious dog which has caused an injury to any person or severe injury to any animal to maintain, in full force and effect, a liability insurance policy issued by an insurance company authorized to sell insurance in Alaska or by an "eligible surplus line insurer," as defined in AS 21.34.900(2), in the amount of at least one hundred thousand dollars for coverage against any damage or injury that may be caused by the dog during the period for which licensing is sought, which shall contain a provision requiring the city be named as an additional insured for the sole purpose of being notified by the insurance company of any cancellation, termination or expiration of the policy,

Section 6. Title 8, Health and Safety, is hereby amended as follows:

1. Chapter 8.08, Health Administration, references to "Alaska Department of Health" are hereby deleted and replaced with "Alaska Department of Heath and Social Services."

2. PMC 8.12.010, pertaining to city manager duties regarding fluoridation, is amended to read as follows:

8.12.010 City Manager duty. The city manager shall direct the appropriate personnel of the water department and assist them in providing the means and procedures for the introduction of fluoride into the public water supply in accordance with the procedures established by the Alaska Department of Environmental Conservation.

3. PMC 8.16.010, Waste Disposal System Required When, references to "Alaska Department of Health" are hereby deleted and replaced with "Alaska Department of Environmental Conservation."

4. PMC 8.28, Food Sanitation, is hereby repealed.

5. PMC 8.36.020A, specifying acts constituting nuisances, is amended to read as follows:

"A. Maintaining any structure which is unsafe or which is a menace to the health, morals or safety of the public, or which has become a fire hazard or a dangerous building within the meaning of Chapter 15.52."

6. PMC 8.36.100, Abatement--Duty for Nuisances, is amended to read as follows:

"The city manager or designee may investigate and order abatement through the proper legal channels of all public health nuisance according to law. Buildings determined to be public health nuisance or to be dangerous buildings may be abated as provided in Chapter 15.52.

7. PMC 8.37.010, Definition of Junk Vehicle, is amended to read as follows:

8.37.010 Definition, "Junk vehicle" means a motor vehicle, as that term is defined by AS 28.40.100(12), that is: (1) stripped, wrecked or otherwise inoperable due to mechanical failure, and (2) has not been repaired because of mechanical difficulties or because the cost of repairs required to make it operable exceeds the fair market value of the vehicle; provided, however, if such motor vehicle is currently registered for operation on the public roads of the city and is insured under the requirements of AS 28.22.011, then it is presumed not to be a "junk vehicle." To meet the insurance requirement, proof of motor vehicle liability insurance or a certificate of self-insurance that complies with AS 28.20.400 must be submitted to the city manager.

8. PMC 8.40.060, regarding penalties and remedies for false alarms, is amended to read as follows:

8.40.060 Penalties and remedies. A. In addition to any other remedy or penalty provided by this chapter, a person who violates a provision of this chapter shall be subject to a civil action by the city and a civil penalty not to exceed one thousand dollars for each violation, or injunctive relief to restrain the person from continuing the violation or threat of the violation, or both such civil penalty and injunctive relief. Upon application by the city for injunctive relief and a finding that a person is violating or threatening to violate a provision of this chapter, the superior court shall grant injunctive relief to restrain the violation.

B. Each day during which a violation described in this section occurs shall constitute a separate violation.

Section 7. Title 9, Public Peace, Morals and Welfare, is hereby amended as follows:

1. PMC 9.48.010, stating when petty larceny is prohibited, is amended to read as follows:

9.48.010 Prohibited when. If any person steals, takes, or carries away, with the purpose of converting the same to his own use, any property or any goods or chattels; or any government note or banknotes, promissory notes, bill of exchange, bond or other thing in action or book of accounts, order or certificate concerning money or goods, due or to become due or to be delivered; or any deed, mortgage or writing containing a conveyance or pledge of land, or any interest therein; or any bill of sale, or writing containing a conveyance or pledge of goods or chattels, or any interest therein; or any other valuable contract in force; or any receipt, release, defeasance or any writ, document, paper process, or public record, which is the property of another, within the corporate limits of the city, when said goods or chattels, or other property so stolen, taken or carried away do not exceed in value the sum of five hundred dollars, such person shall be deemed an ordinance violator.

Section 8. Title 10, Vehicles and Traffic, is hereby amended as follows:

1. PMC 10.04.030, regarding traffic code and the transportation of hazardous materials, is amended to read as follows:

10.04.030 Hazardous materials. "Hazardous materials" are defined to mean those materials included within the definition of "hazardous materials" as set forth in 13 Alaska Administrative Code 05.010 and as the same may be amended from time to time hereafter. Drivers of motor vehicles transporting hazardous materials must comply with federal and state laws and regulations pertaining to the transport of hazardous materials. Hazardous materials may be transported within or through the city only on routes designated by the city manager. Copies of such designated routes shall be available to the public for inspection at city hall.

2. PMC 10.08.030B, regarding equipment required on off-highway vehicles, is amended to read as follows:

B. At least one rear lamp exhibiting red light plainly visible from a distance of one thousand feet to the rear during hours of darkness under normal atmospheric conditions;

Section 9. Title 13, Public Utilities, is hereby amended as follows:

1. PMC 13.08.100, Service disconnection for cause, is amended to read as follows:

13.08.100 Service disconnection for cause. The city reserves the right to disconnect the service and to remove its meters and other appliances whenever any utility bill is not paid when due, or to prevent fraud, or for any cause the city manager may deem sufficient; provided the city may not disconnected utility service without first sending or otherwise providing the customer notice of intended termination along with information on procedures to contest the termination.

Section 10. Title 17, Zoning, is hereby amended as follows.

1. PMC 17.16.010 is amended to read as follows:

17.16.010 Districts established. For the purpose of this title, the area within the city limits has the following use districts:

- A. R-1, Single-family residential district;
- B. R-2, Medium-density residential district;

- C. C-L, Limited commercial district;
- D. C-G, General commercial district;
- E. I, Industrial District;
- F. P, Public use district;
- G. A-C, Airport commercial district;
- H. A-I, Airport industrial district;
- I. R-1E, Single-family residential estate district;
- J. AG, Agricultural district.


Section 11. Publication and Effective Date. This ordinance shall become effective immediately upon its adoption. Publication shall be by making copies available to the public, and further it shall be published by being printed and included in the Palmer Municipal Code at its next regular supplementation and printing. Publication may also be made by posting a copy hereof on the City Hall bulletin board for a period of ten (10) days following its adoption. A notice of public hearing shall be given by such posting at least five (5) days before final passage.

First Reading: September 23, 1997

Public Hearing &
Second Reading: October 14, 1997

Adopted by the City Council of the City of Palmer, Alaska, this 14th day of October, 1997.


HENRY P. GUINOTTE, Mayor


THOMAS C. SMITH
City Clerk