



CITY OF NORTH POLE
Regular Meeting March 19, 2018
North Pole Council Chambers
125 Snowman Lane, North Pole, Alaska
www.northpolealaska.com

Monday, March 19, 2018
Committee of the Whole: 6:30 p.m.
Regular City Council Meeting – 7:00 p.m.

MAYOR

Bryce Ward
888-4444

CITY CLERK

Judy Binkley
488-8583

COUNCIL MEMBERS

Avery Thompson – Mayor Pro Tem	388-5351
David Skipps – Deputy Mayor Pro Tem	750-5106
Aino Welch – Alt Dep Mayor Pro Tem	488-5834
Santa Claus	388-3836
Doug Isaacson	322-3133
Sharon Hedding	488-9075

- 1. Call to Order/Roll Call**
- 2. Pledge of Allegiance to the US Flag**
- 3. Invocation**
- 4. Approval of the Agenda**
- 5. Approval of the Minutes**
- 6. Communications from the Mayor**
- 7. Council Member Questions of the Mayor**
 - a. March NPHS Student of the Month**
- 8. Communications from Department Heads, Borough Representative and the City Clerk**

9. Ongoing Projects Report

10. Citizens Comments (Limited to Five (5) minutes per Citizen)

11. Old Business

- a. Ordinance 18-01, An Ordinance of the North Pole City Council Adding Chapter 01 Garbage and Refuse to Title 8 Health and Safety.
- b. Ordinance 18-02, An Ordinance of the North Pole City Council Adding Chapter 02 Public Hazards to Title 8 Health and Safety.
- c. Ordinance 18-03, An Ordinance of the North Pole City Council Adding Chapter 03 Animal Nuisances to Title 8 Health and Safety.
- d. Ordinance 18-04, An Ordinance of the North Pole City Council Amending Chapter 04 Nuisances, Title 8 Health and Safety.
- e. Ordinance 18-05, An Ordinance of the North Pole City Council Adding Chapter 05 Alarms to Title 8 Health and Safety.
- f. Ordinance 18-06, An Ordinance of the City of North Pole, Alaska to Amend Title 1, by Updating General Penalties and Including a Surcharge Section and a Minor Offense Fine Schedule.
- g. Ordinance 18-07, An Ordinance of the North Pole City Council Removing Title 9 Public Peace, Morals and Welfare Chapter 9 Alarms.
- h. Ordinance 18-08, An Ordinance of the North Pole City Council Removing Title 15 Buildings and Construction Chapter 15.58 Code for Abatement of Dangerous Buildings.

12. New Business

- a. Liquor License Renewal for Taco Azteca, Incorporated dba Taco Azteca Mexican Restaurant.
- b. Approval Request of Travel Expense Reimbursement Related to the Association of Defense Communities Washington DC Trip for Mayor Ward.
- c. Police Department Retirement Gift Authorization.

13. Executive Session

- a. To discuss personnel issues in the City Clerk/HR Manager department.

14. Council Comments

15. Adjournment

Detailed information and copies of agenda documents may be obtained at the Office of the City Clerk, 125 Snowman Lane or on the City website www.northpolealaska.com. Notice of Council Action is available at City Hall and on the City website following the meeting. Council Meetings are aired live via audio streaming from the City's website. Inquiries concerning ADA compliance or accommodations should be directed to the City Clerk.



**Committee of the Whole – 6:30 P.M.
Regular City Council Meeting – 7:00 P.M.**

A regular meeting of the North Pole City Council was held on Monday, March 5, 2018 in the Council Chambers of City Hall, 125 Snowman Lane, North Pole, Alaska.

CALL TO ORDER/ROLL CALL

Mayor Ward called the regular City Council meeting of Monday, March 5, 2018 to order at 7:01 p.m.

There were present:

Avery Thompson – *Mayor Pro Tem*
David Skipps – *Deputy Mayor Pro Tem*
Aino Welch – *Alt Dep Mayor Pro Tem*
Santa Claus
Doug Isaacson
Sharon Hedding
Mayor Ward

Absent/Excused

Excused

Excused

PLEDGE OF ALLEGIANCE TO THE U.S. FLAG

Led by Mayor Ward

INVOCATION

Invocation was given by Ms. Welch

APPROVAL OF AGENDA

Ms. Hedding *moved to approve the agenda of March 5, 2018*

Seconded by Mr. Skipps

DISCUSSION

None

Ms. Welch *moved to consent the following items:*

Old Business:

None

New Business:

- b. Request to Approve Two Right-of-Way Utility Easements with the Fairbanks North Star Borough that are in Support of the 2018 North Pole Water System Expansion Project.
- c. VA 001-18 Santa Land Section Line Easement Vacation – A Request by Northland Surveying & Consulting, LLC, on Behalf of SCH Inc., to Vacate a Portion of the Section Line Easements Within Lot 1-G, Santa's Village and Tract 2 Santa Land as Shown on the Preliminary Plat for Santa Land First Addition, Within the E ½ Section 9 and the SW ¼ Section 10, T2S R2E FM (located off Saint Nicholas Drive and E Fifth Avenue).
- d. Ordinance 18-01, An Ordinance of the North Pole City Council Adding Chapter 01 Garbage and Refuse to Title 8 Health and Safety.
- e. Ordinance 18-02, An Ordinance of the North Pole City Council Adding Chapter 02 Public Hazards to Title 8 Health and Safety.
- f. Ordinance 18-03, An Ordinance of the North Pole City Council Adding Chapter 03 Animal Nuisances to Title 8 Health and Safety.
- g. Ordinance 18-04, An Ordinance of the North Pole City Council Amending Chapter 04 Nuisances, Title 8 Health and Safety.
- h. Ordinance 18-05, An Ordinance of the North Pole City Council Adding Chapter 05 Alarms to Title 8 Health and Safety.
- i. Ordinance 18-06, An Ordinance of the City of North Pole, Alaska to Amend Title 1, by Updating General Penalties and Including a Surcharge Section and a Minor Offense Fine Schedule.
- j. Ordinance 18-07, An Ordinance of the North Pole City Council Removing Title 9 Public Peace, Morals and Welfare Chapter 9 Alarms.
- k. Ordinance 18-08, An Ordinance of the North Pole City Council Removing Title 15 Buildings and Construction Chapter 15.58 Code for Abatement of Dangerous Buildings.

Seconded by Mr. Claus

Discussion

None

On the amendment

PASSED

Yes: 5 – Skippis, Hedding, Claus, Welch, Ward

No: 0

Absent: 2 – Thompson, Isaacson

On the Agenda as amended

Discussion

None

PASSED

Yes: 5 – Skippis, Hedding, Claus, Welch, Ward

No: 0

Absent: 2 – Thompson, Isaacson

APPROVAL OF MINUTES

Ms. Welch *moved to* approve the Minutes of February 5, 2018

Seconded by Ms. Hedding

Discussion

None

PASSED

Yes: 5 – Skippis, Hedding, Claus, Welch, Ward

No: 0

Absent: 2 – Thompson, Isaacson

COMMUNICATIONS FROM THE MAYOR (Audio 4:40)

- This morning there was another accident at the NPHS, 8th and Old Rich intersections. The DOT and Kinney Engineering had a community meeting regarding this intersection last week and it was poorly attended. They have a survey online that we need people to participate in. The address is <http://dot.alaska.gov/nerg/oldrich/>
- I was accepted into the Association of Defense Communities Leadership School in Washington DC and will out of the office from the 12th of March to the 15th. The *Defense Community Leadership Academy (DCLA)*, is a program designed to develop leaders and build capacity at the local level to improve the quality of life and support systems our service members and their families depend on. The Academy will bring together leaders from across the country to Washington DC for a two-day learning and networking exercise that will explore the latest tools and strategies for growing capacity to support military families at the local level.
- I attended an Army Community Partnership meeting last week and am working with the other governments in the area on partnerships that can save everyone money and potentially be a revenue generator.
- The FNSB had the second Air Quality Community Meeting last week. The conversation was difficult and lots of good questions were asked. The Borough is planning another multi-jurisdictional meeting in the next month. Council is highly encouraged to attend. Notices will be going out.
- Juneau was a success and we were able to share the legislative concerns and requests of the Council with the entire interior delegation. I was also able to meet with the DEC Commissioner regarding the NOV and our sewer outfall. I have high hopes that we can

take a look at other alternatives that were previously ruled out.

COUNCIL MEMBER QUESTIONS OF THE MAYOR

- **Ms. Welch** asked about the accident and wondered if the high snow berms were a contributing factor. **Mayor Ward** replied that this would be looked into.

COMMUNICATIONS FROM DEPARTMENT HEADS, BOROUGH REPRESENTATIVE AND THE CITY CLERK

Fire Dept., Chief Coon (Audio 21:18)

- St. Baldrick's is March 17th from 6-9pm at the Alaska Land Civic Center.
- We have 1 member attending the National Fire Academy and 5 members attending a Fire Officer I class.

Police Dept., Chief Dutra

None

Finance, Tricia Fogarty (Audio 11:36)

- Summarized financials are provided on the dais and full financials were emailed.
- Last week, I had the general liability audit and we will be getting a refund.
- Judy and I had a conversation with National Pay. This will be a way that employees can view their pay stubs online, via email, or text. It's very customizable for each employee.
- On Thursday, we will get an update for the timekeeping program.
- On March 20th, we will have the JAG grant audit.
- Today, we receive the \$10,000 check from the FNSB for the ambulance.
- **Mayor Ward** asked if there was an update on the sales tax online. Ms. Fogarty replied that that will be part of the Thursday morning call and hopefully it will be up and running by the end of the month.
- **Ms. Welch** asked about the "red" items on the summarized financials. Ms. Fogarty explained that those are actually a refund.

Director of City Services, Bill Butler (Audio 15:42)

Building Department

- Permit application for a dental practice remodel submitted today.
- Permit application for office remodel for an optometrist office submitted today.
- Borough-wide project planned for construction in 2018 will include plug-ins at the North Pole Library. Permit application not yet submitted.

Public Works

- Keeping streets and sidewalks clear is Public Works' major challenge this winter with the persistent snows.

- Cody will be returning next week and will provide relief for Tom who has shouldered all of the Public Works work during Cody's leave.

Utility Department

- Sulfolane settlement.
 - HDPE pipe: A problem has arisen with the insulated pipe jacket on one of the pipes. There is a concern that this could be a problem with other pipes. Installation was to start today, but the concern with the pipe jacket has delayed the construction start until this issue is resolved.
 - Surveying for brush clearing continues in Zone 1 (12 Mile Village) and Zone 2 (City properties north of Richardson Highway). Brush clearing has begun.
 - Construction Administration contract with Stantec Consulting Services is before Council this evening.
- Sewer outfall site.
 - Mayor Ward met with ADEC Commissioner Hartig to update him on the situation with possible river flow problems at the planned new outfall location. His meeting was intended to request greater flexibility on ADEC's part to develop a long term viable solution.
 - Letter sent to Division of Water on Hartig's recommendation to initiate process for discussions to resolve the outfall issue.

Natural Gas Utility Board

- IGU is progression on final plan to integrate IGU and Fairbanks Natural Gas (FNG).
 - IGU should take ownership of FNG possibly by May 2018.

Borough Representative

None

City Clerk's Office, Judy Binkley (Audio 23:10)

- This is a reminder for Council that your APOC Annual Statement filing deadline is 3/15! Don't be late because there are penalties if you are.
- I wanted to let you know that every position in every department within the City is currently filled!
- I am working with Mr. Butler and Chief Coon to incorporate their records into Laserfiche. We will have training on that this month and hopefully begin implementation soon after.
- **Mr. Skipps** asked if the APOC filing was for 2017 and Ms. Binkley replied that it is.

ONGOING PROJECTS

None

CITIZENS COMMENTS – (Limited to Five (5) minutes per Citizen)

None

OLD BUSINESS

None

Public Comment

None

NEW BUSINESS

REQUEST TO ACCEPT THE PROFESSIONAL SERVICES PROPOSAL FOR CONSTRUCTION ADMINISTRATION SERVICES, 2ND AUTHORIZATION FOR THE NORTH POLE 2018 WATER SYSTEM EXPANSION PROJECT. (Audio 24:35)

Mr. Butler introduced the proposal.

Public Comment

None

Ms. Welch *moved to* accept the Professional Services Proposal for Construction Administration Services, 2nd Authorization for the North Pole 2018 Water System Expansion Project.

Seconded by Ms. Hedding

Discussion

Mr. Claus *moved to* amend the Professional Services Proposal for Construction Administration Services, 2nd Authorization for the North Pole 2018 Water System Expansion Project by deleting all references to incentives in Fee section, page 5 of Stantec's Professional Services Proposal – Construction Administration – 2nd Authorization. See struck-thru language below.

Services will be performed at the standard Stantec billing rates in effect at the time services are provided, subject to annual adjustment. Subcontractors and direct expenses will be invoiced and cost +10%. Travel, lodging, vehicles, and supplies will be invoiced at cost, without markup. ~~As a performance and budget management incentive, if at the completion of construction (as defined by both Final Acceptance of the project by CONP, and issuance of Final Approval to Operate by ADEC), the total cost incurred for construction support services does not exceed the \$3,053,643, 50% of the total budget remaining at that time will be paid to Stantec in recognition of good performance. The incentive is not tied to time of construction completion, as that is beyond Stantec's control.~~

Seconded by Mr. Skipps

On the amendment to delete all references to incentives in Fee Section, page 5 of Stantec's Professional Services Proposal – Construction Administration – 2nd Authorization

PASSED

Yes: 5 – Skipps, Hedding, Claus, Welch, Ward

No: 0

Absent: 2 – Thompson, Isaacson

On the motion as amended

PASSED

Yes: 5 – Skipps, Hedding, Claus, Welch, Ward

No: 0

Absent: 2 – Thompson, Isaacson

COUNCIL COMMENTS (Audio 33:17)

Ms. Hedding – None

Mr. Skipps – With all the snow, if you have any issues with state roads, you can call DOT at 451-2205.

Ms. Welch – I apologize for not being here at the last meeting and appreciate all the phone calls. Participated in the FLOT play last night that my daughter directed. Tomorrow I will be helping with the science fair projects at Hunter Elementary.

Mr. Claus – I had the great pleasure of helping judge the North Pole Elementary science fair. The presentations were great and I had a lot of fun.

Mayor Ward - None

Mr. Skipps *moved to adjourn the meeting at 7:38 p.m.*

Seconded by Ms. Welch

The regular meeting of Monday, March 5, 2018 adjourned at 7:39 p.m.

These minutes passed and approved by a duly constituted quorum of the North Pole City Council on Monday, March 19, 2018.

Bryce J. Ward, Mayor

ATTEST:

Judy Binkley, North Pole City Clerk

Office of the Mayor
City of North Pole

Proclamation

Whereas: Katelyn Bartley is a senior at North Pole High School and is the daughter of Jamie and Medina Bartley of North Pole; and

Whereas: Katelyn is active in high school sports, playing volleyball, basketball and flag football. Katelyn has lettered in all 3 sports, and was awarded MVP for basketball, most defensive and offensive player on her basketball team, as well as most defensive player for her volleyball team; and

Whereas: Katelyn's GPA of 3.53 has garnered her an academic letter for maintaining a 3.0 or higher GPA for 7 semesters. Katelyn will receive the President's Excellence in Education Award and has been accepted to UAF's Dental Program. Katelyn's volunteer activities outside of school include housesitting and babysitting; and

Whereas: the City of North Pole desires to recognize the outstanding students in the community;


Now, therefore I, Bryce J. Ward, Mayor of the City of North Pole, do hereby proclaim Katelyn Bartley the:

**North Pole City Council
High School Student of the Month
For March 2018**



Bryce J. Ward, Mayor

ATTEST:


Judy L. Binkley
North Pole City Clerk



**CITY OF NORTH POLE
ORDINANCE 18-01**

**AN ORDINANCE OF THE NORTH POLE CITY COUNCIL ADDING
CHAPTER 01 GARBAGE AND REFUSE TO TITLE 8 HEALTH AND
SAFETY**

WHEREAS, changes to the North Pole Municipal Code is a continually changing requirement;
and

WHEREAS, the City of North Pole should be amended to conform to the requirements of the
City and to provide clarification and guidance as needed; and

WHEREAS, the City desires to make changes to the Code of Ordinances to allow it to be
enforceable through a simple violation; and

WHEREAS, updates to the Health and Safety Title of the City's Code of Ordinances are needed
to clarify degrees of violations and how the city may need to act to abate certain issues; and

WHEREAS, this ordinance provides for a violation schedule that is simple to enforce; and

WHEREAS, the proposed ordinance is intended protect the best interest of the public; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of North Pole:

Section 1. This ordinance is of a general and permanent nature and shall be codified in the North
Pole Code of Ordinances.

Section 2. Title 8 Health and Safety, Chapter 01 Garbage and Refuse is added in the North Pole
Code of Ordinances as by inserting the text underlined:

8.01.010 Purpose of chapter.

The purpose of this chapter is the protection of the public health, safety and welfare of the people
of the City of North Pole and to maintain an environment free from garbage and refuse nuisances
within the City.

8.01.020 Garbage and refuse containers required.

It shall be the duty of every person in possession, charge or control of any premises, business
establishment or industrial establishment where garbage and refuse is created or accumulates, at
all times, to keep or cause to be kept dumpsters or portable metal or plastic containers for the
deposit therein of garbage and refuse; and to deposit or cause to be deposited the same therein.
Such containers shall be kept in a sanitary condition, free from accumulating grease,
decomposing material, and/or offensive smells.

8.01.030 Garbage – Deposit only in places designated.

No person shall throw into or deposit upon any public street, highway, thoroughfare, public road, lane, alley, public place or grounds within the limits of the City or upon any private premises or anywhere, except the place or places designated by the Fairbanks North Star Borough Solid Waste Division, any garbage and refuse of any kind.

8.01.040 Garbage and refuse, covered loads.

No person shall transport garbage and refuse of any kind, in any container other than covered and enclosed vehicles, closed boxes, bags, cans or receptacles, through any street, avenue, alley, highway or public place in the City.

8.01.050 Burning of refuse or garbage.

No person shall burn any garbage or refuse to include wastepaper, boxes, rubbish, debris, brush, grass, weeds and cuttings from trees, lawns or gardens, without a permit from the fire chief.

8.01.100 Enforcement.

- A. The City Mayor, Police Chief or designated representatives are authorized to enforce the provisions of this chapter.
- B. Any citizen who desires to register a complaint under this chapter may initiate enforcement with the Mayor or Police Chief.

8.01.110 Violations and penalties.

- A. It shall be a violation of this chapter for any person or corporation to violate any of the provisions established in this chapter in addition to all other remedies available in law or equity.
- B. Each day the violation continues constitutes a new violation.
 - a. A person or corporation who violates any provision of this chapter shall be guilty of a minor offense, punishable by the fine listed in the fine schedule in 1.20.030, or if no fine is listed in the fine schedule then by a fine not to exceed \$500.

8.01.120 Abatement – Notices – Costs – Fines.

- A. The City may file a civil action in Superior Court to abate a nuisance and all costs and expenses of such abatement, removal, remediation or other remedy and full actual attorney fees and costs incurred by the City in any legal proceeding to abate the nuisance shall be paid by the persons or corporation committing, creating, keeping, maintaining or causing such nuisance or nuisances.

Section 3. Effective date.

This ordinance shall become effective upon passage.

PASSED AND APPROVED by a duly constituted quorum of the North Pole City Council this
___ day of _____, 2018.

Bryce J. Ward, Mayor

ATTEST:

Judy L. Binkley, North Pole City Clerk

PASSED/FAILED

Yes:

No:

Absent:

**CITY OF NORTH POLE
ORDINANCE 18-02**

**AN ORDINANCE OF THE NORTH POLE CITY COUNCIL ADDING
CHAPTER 02 PUBLIC HAZARDS TO TITLE 8 HEALTH AND SAFETY**

WHEREAS, changes to the North Pole Municipal Code is a continually changing requirement;
and

WHEREAS, the City of North Pole should be amended to conform to the requirements of the
City and to provide clarification and guidance as needed; and

WHEREAS, the City desires to make changes to the Code of Ordinances to allow it to be
enforceable through a simple violation; and

WHEREAS, updates to the Health and Safety Title of the City's Code of Ordinances are needed
to clarify degrees of violations and how the City may need to act to abate certain issues; and

WHEREAS, this ordinance provides for a violation schedule that is simple to enforce; and

WHEREAS, the proposed ordinance is intended for Public Hazards that may require abatement
by the City, however it does not preclude the City from pursuing all measures if it deems to be
necessary to protect the best interest of the public; and

WHEREAS, it is in the best interest of the City to pursue the most cost effective solution to
abating an issue if the property owner will not abate the Public Hazard; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of North Pole:

Section 1. This ordinance is of a general and permanent nature and shall be codified in the North
Pole Code of Ordinances.

Section 2. Title 8 health and safety, Chapter 02 Public Hazards is added in the North Pole Code
of Ordinances as by inserting the text underlined:

8.02.010 Purpose of chapter.

The purpose of this chapter is the protection of the public health, safety and welfare of the people
of the City of North Pole and to address public hazards that may require corrective action in
order to prevent further harm to the City and or residents that may include abatement by the City.

8.02.020 Unwholesome wells or ground water.

- A. Any wells or ground water which is impure, contaminated or unwholesome, or which has
been rendered impure, contaminated or unwholesome by reason of any defiling,
hazardous substance, or poisonous substance, is declared a nuisance and public hazard

injurious to health; and no person or corporation shall cause, maintain or continue such nuisance-hazard.

B. “Hazardous substance” is defined as:

- a. Any material, element or compound that is defined as a hazardous substance under the laws or regulations of the State of Alaska or the United States; or
- b. Any material, element or compound that, when it enters into or on the surface or subsurface land or water, endangers the public health or welfare, or fish, animals, vegetation or any part of the natural habitat in which they are found; or
- c. Any substance the Alaska Department of Environmental Conservation considers a regulated contaminant; or
- d. Any substance not defined by AS [46.09.900](#) or [46.03.826](#), 18 AAC [75.990](#), [42 USC 9601](#) through [9657](#), or 29 CFR 1910.1200 or listed as a regulated contaminant under 18 AAC 75 shall be considered a “hazardous substance” when present in ground water in excess of tap water levels as defined by the Environmental Protection Agency’s Regional Screening Level User’s Guide.

C. A person or corporation whose well or ground water has been rendered impure, contaminated or unwholesome by a hazardous substance that originated from the property of another shall not be in violation of this section or subject to the provisions of NPMC [8.04.170](#).

8.02.030 Groundwater and soil contamination from garbage prohibited.

No person shall throw or place anything defiling, or any poisonous substance, decayed animal or vegetable matter or filth into, or cause or allow the same to pass or enter into any creek, well or river water or into any water pipe within the City whereby such water is rendered impure or unwholesome.

8.02.040 Open excavations, basements, pits and unsecured buildings Prohibited.

- A. It is unlawful for any person or persons to maintain any hazard listed in this section.
- B. All open pits, unfilled excavations and open pit foundations except gravel pits are declared to be a public hazard, except that this subsection shall not apply to any of the above conditions where construction of a building is actively underway under a proper building permit and where the construction has not been suspended for more than fifteen days or that are secured with fencing or barricades.
- C. All buildings which are unoccupied, abandoned or deteriorated should be locked up, boarded up or otherwise secured from ingress or egress as to not invite trespassers and malicious mischief.
 - a. If a building has broken windows or doors-points of entry, this constitutes a hazardous condition and all broken windows or doors-points of entry shall be boarded and secured;
- D. Attractive hazards dangerous to children in the form of:
 - a. Abandoned and broken equipment, or
 - b. Hazardous holes or excavations, or

- c. Neglected machinery, or
- d. Abandoned automobiles or appliances;
- e. Any other condition that may attract unwanted trespassers and malicious mischief.

8.02.050 Privies and outhouses.

- A. No person shall maintain any outdoor pit privy (outhouse) within the City, and such is declared to be a hazard to the good health of the community and a nuisance.
- B. This section does not apply to portable outhouse or toilet facilities where the waste is pumped and or treated.

8.02.060 Junk vehicles-heavy equipment.

- A. It is unlawful for any person to place upon public property not set aside by law as a refuse disposal site, or upon any private property, except licensed junk yards, in excess of 4 wrecked, junked or abandoned vehicles and or pieces of heavy equipment.
- B. It is unlawful for any owner, lessee, agent, tenant or occupant to allow or permit to remain on any property owned or controlled by him, except licensed junk yards, in excess of 4 wrecked, junked or abandoned vehicles and or pieces of heavy equipment.
- C. A motorized vehicle or piece of motorized equipment is deemed to be a 'wrecked, junked or abandoned' for the purpose of this section if two or more of the following conditions exist:
 - a. It is without a valid current registration or license with the State of Alaska (if applicable);
 - b. It is not operational due to mechanical failure or condition;
 - c. It has remained inoperable for 180 consecutive days on private property;
 - d. It is extensively damaged, such damage including but not limited to any of the following: broken window or windshield; or missing wheels, tires, motor, or transmission;
 - e. It is equal in value only to the fair market value of the scrap/parts in it.

8.02.100 Enforcement.

- A. The City Mayor, Police Chief or designated representatives are authorized to enforce the provisions of this chapter.
- B. Any citizen who desires to register a complaint under this chapter may initiate enforcement with the Mayor or Police Chief.

8.02.110 Violations and penalties.

A. It shall be a violation of this chapter for any person or corporation to violate any of the provisions established in this chapter in addition to all other remedies available in law or equity.

B. Each day the violation continues constitutes a new violation.

C. A person or corporation who violates any provision of this chapter shall be guilty of a minor offense, punishable by the fine listed in the fine schedule in 1.20.30 or if no fine is listed in the fine schedule then by a fine not to exceed \$500.

8.02.120 Abatement – Notices – Costs – Fines.

A. The City may file a civil action in Superior Court to abate a nuisance and all costs and expenses of such abatement, removal, remediation or other remedy and full actual attorney fees and costs incurred by the City in any legal proceeding to abate the nuisance shall be paid by the persons or corporation committing, creating, keeping, maintaining or causing such nuisance or nuisances.

Section 3. Effective date.

This ordinance shall become effective upon passage.

PASSED AND APPROVED by a duly constituted quorum of the North Pole City Council this ____ day of _____, 2018.

Bryce J. Ward, Mayor

ATTEST:

Judy L. Binkley, North Pole City Clerk

PASSED/FAILED

Yes:

No:

Absent:

**CITY OF NORTH POLE
ORDINANCE 18-03**

**AN ORDINANCE OF THE NORTH POLE CITY COUNCIL ADDING
CHAPTER 03 ANIMAL NUISANCES TO TITLE 8 HEALTH AND
SAFETY**

WHEREAS, changes to the North Pole Municipal Code is a continually changing requirement;
and

WHEREAS, the City of North Pole should be amended to conform to the requirements of the
City and to provide clarification and guidance as needed; and

WHEREAS, the City desires to make changes to the Code of Ordinances to allow it to be
enforceable through a simple violation; and

WHEREAS, updates to the Health and Safety Title of the City's Code of Ordinances are needed
to clarify degrees of violations and how the City may need to act to abate certain issues; and

WHEREAS, this ordinance adds a new chapter to the Health and Safety Title of Code of
Ordinances; and

WHEREAS, this ordinance provides for a violation schedule that is simple to enforce; and

WHEREAS, the Animals section of code as proposed does not prohibit or restrict the ability of
the Fairbanks North Star Borough to enforce its own code; and

WHEREAS, the City chooses to add additional regulation to protect the citizens and residents of
the City of North Pole; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of North Pole:

Section 1. This ordinance is of a general and permanent nature and shall be codified in the North
Pole Code of Ordinances.

Section 2. Title 8 Health and Safety, Chapter 03 Animal Nuisances is added in the North Pole
Code of Ordinances as by inserting the text underlined:

8.03.010 Purpose of chapter.

The purpose of this chapter is the protection of the public health, safety and welfare of the people
of the City of North Pole.

8.03.020 Animals biting.

- A. No animal shall bite persons or other animals. Whenever any animal bites a person, the person so bitten and the owner of the animal shall immediately notify the police department and the Fairbanks North Star Borough Animal Control Department.
- B. If an animal bites a person or another animal the owner of the animal has violated this section of code and is punishable by the provisions of this chapter.
- C. Additional animal regulations may apply as part of the Fairbanks North Star Borough Code Title 22 and shall be followed and enforced by the Fairbanks North Star Borough.

8.03.030 Proper Restraint Of Animals.

No owner or caretaker shall fail to properly restrain his or her animal to prevent it from running at large.

8.03.040 Animal Waste.

No dog or cat owner shall fail to remove excreta deposited by his dog or cat on public areas, recreation areas or on any other person's property.

8.03.100 Enforcement.

- A. The City Mayor, Police Chief or designated representatives are authorized to enforce the provisions of this chapter.
- B. Any citizen who desires to register a complaint under this chapter may initiate enforcement with the Mayor or Police Chief.

8.03.110 Violations and penalties.

- A. It shall be a violation of this chapter for any person or corporation to violate any of the provisions established in this chapter in addition to all other remedies available in law or equity.
- B. Each day the violation continues constitutes a new violation.
- C. A person or corporation who violates any provision of this chapter shall be guilty of a minor offense, punishable by the fine listed in the fine schedule in 1.20.030 or if no fine is listed in the fine schedule then by a fine not to exceed \$500.

8.03.120 Abatement – Notices – Costs – Fines.

- A. The City may file a civil action in Superior Court to abate a nuisance and all costs and expenses of such abatement, removal, remediation or other remedy and full actual attorney fees and costs incurred by the City in any legal proceeding to abate the nuisance shall be paid by the persons or corporation committing, creating, keeping, maintaining or causing such nuisance or nuisances.

Section 3. Effective date.

This ordinance shall become effective upon passage.

PASSED AND APPROVED by a duly constituted quorum of the North Pole City Council this
___ day of _____, 2018.

Bryce J. Ward, Mayor

ATTEST:

Judy L. Binkley, North Pole City Clerk

PASSED/FAILED

Yes:

No:

Absent:

**CITY OF NORTH POLE
ORDINANCE 18-04**

**AN ORDINANCE OF THE NORTH POLE CITY COUNCIL AMENDING
CHAPTER 04 NUISANCES, TITLE 8 HEALTH AND SAFETY**

WHEREAS, changes to the North Pole Municipal Code is a continually changing requirement;
and

WHEREAS, the City of North Pole should be amended to conform to the requirements of the
City and to provide clarification and guidance as needed; and

WHEREAS, the City desires to make changes to the Code of Ordinances to allow it to be
enforceable through a simple violation; and

WHEREAS, updates to the Health and Safety Title of the City's Code of Ordinances are needed
to clarify degrees of violations and how the city may need to act to abate certain issues; and

WHEREAS, this ordinance provides for a violation schedule that is simple to enforce; and

WHEREAS, the Public Nuisance section of code as proposed does not add any additional rules
to the existing code it only provides for the ability of the City to enforce its code through
citations; and

WHEREAS, the proposed ordinance is intended for nuisances that should not require abatement
however it does not preclude the City from pursuing abatement measures if it is deemed to be in
the best interest of the public and or is a public hazard; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of North Pole:

Section 1. This ordinance is of a general and permanent nature and shall be codified in the North
Pole Code of Ordinances.

Section 2. Title 8 HEALTH AND SAFETY, Chapter 04 NUISANCES is amended in the North
Pole Code of Ordinances as by inserting the text underlined, and removing the lines that have
been stricken:

~~8.04.005 Marijuana oil, flammable extraction — Prohibited.~~

~~A. Methods to process marijuana oil using a flammable extraction method are hereby
prohibited within North Pole City limits.~~

~~B. "Flammable extraction method" is defined as using a flammable or explosive chemical,
series of chemicals or fluid to extract oil from a marijuana plant.~~

~~C. Methods of marijuana oil extraction that do not involve flammable or explosive materials
are not a violation of this section.~~

~~D. A person or corporation that processes marijuana oil using a flammable extraction method is in violation of this section and subject to a \$1,000 (one thousand dollar) fine.~~

8.04.010 Garbage and rubbish—Accumulation—When prohibited.

~~No person shall permit or suffer to accumulate, in or upon any yard, lot, place or premises, or upon any street or sidewalk adjacent to or abutting upon any lot, block, place or premises, owned or occupied by him for which he may be the agent, within the City limits, any stagnant or impure water, refuse, vegetables, decayed or decaying substances, garbage, swill, offal, fecal matter, urine or filth of any kind nor suffer such yard, lot, place or premises to be or remain in such condition as to cause or create a noisome or offensive smell or atmosphere, or thereby to be, become, cause or create a public nuisance, and is subject to abatement.~~

8.04.020 Garbage—Receptacles—Removal.

~~A. Every person in the possession or occupancy, either as owner, tenant or otherwise, of any lot, block, place or premises in the City shall, prior to its removal, put, place and keep all garbage, household refuse, slops, swill, dirt, rubbish, offal or filth of any kind other than fecal matter or urine in boxes, cans or receptacles which shall be kept on the premises and the garbage shall not be allowed, suffered or permitted to become strewn or scattered on the premises.~~

~~B. The contents of such boxes shall be removed from the lot, yard or premises of the occupant, agent or owner of such lot before they create any noisome smell or become nuisances.~~

8.04.030 Garbage—Deposit only in places designated.

~~No person shall throw into or deposit upon any public street, highway, thoroughfare, public road, lane, alley, public place or grounds within the limits of the City or upon any private premises or anywhere, except the place or places designated by the Fairbanks North Star Borough Solid Waste Division, any glass, broken ware, offal, fecal matter, garbage, urine, dirt, rubbish or filth of any kind.~~

8.04.040 Garbage allowing to contaminate water.

~~No person shall throw or place anything defiling, or any poisonous substance, decayed animal or vegetable matter or filth into, or cause or allow the same to pass or enter into any creek, well or river water or into any water pipe within the City whereby such water is rendered impure or unwholesome.~~

8.04.050 Garbage.

Transportation only in covered receptacles. No person shall carry, remove or transport garbage, offal, dirt, rubbish, fecal matter, urine or filth of any kind, or any animal or vegetable substance in decomposing or offensive condition in any other than covered and enclosed vehicles or in any other than closed boxes, bags, cans or receptacles, through any street, avenue, alley, highway or public place in the City.

8.04.060 Dense smoke.

It is unlawful for any person to permit the emission of any smoke from any source whatever of a density equal to or greater than that density described as No. 2 on the Ringlemann Chart, published by the United States Bureau of Mines. The emission of such smoke is declared to be a public nuisance and may be summarily abated as provided in this chapter.

8.04.070 Soot, cinders, noxious acids, fumes and gases.

It is unlawful for any person to permit or cause to escape any soot, cinders, noxious acids, fumes or gases in such place or manner as to be detrimental to any person or to the public or to endanger the health, comfort and safety of any such person or the public, or in such a manner as to cause or have a tendency to cause injury or damage to property or business. The escape of such matter is declared to be a public nuisance, and may be summarily abated as provided in this chapter.

8.04.080 Unwholesome wells or ground water.

A. Any wells or ground water which is impure, contaminated or unwholesome, or which has been rendered impure, contaminated or unwholesome by reason of any defiling, hazardous substance, or poisonous substance, is declared a nuisance injurious to health; and no person or corporation shall cause, maintain or continue such nuisance.

B. "Hazardous substance" is defined as:

1. Any material, element or compound that is defined as a hazardous substance under the laws or regulations of the State of Alaska or the United States; or
2. Any material, element or compound that, when it enters into or on the surface or subsurface land or water, endangers the public health or welfare, or fish, animals, vegetation or any part of the natural habitat in which they are found; or
3. Any substance the Alaska Department of Environmental Conservation considers a regulated contaminant; or
4. Any substance not defined by AS [46.09.900](#) or [46.03.826](#), [18 AAC 75.990](#), [42 USC 9601](#) through [9657](#), or [29 CFR 1910.1200](#) or listed as a regulated contaminant under [18 AAC 75](#) shall be considered a "hazardous substance" when present in ground water in excess of tap water levels as defined by the Environmental Protection Agency's Regional Screening Level User's Guide.

~~C. A person or corporation whose well or ground water has been rendered impure, contaminated or unwholesome by a hazardous substance that originated from the property of another shall not be in violation of this section or subject to the provisions of NPMC [8.04.170](#).~~

~~8.04.090 Fecal matter—Privies.~~

~~No person shall maintain any unapproved outdoor privy or other outdoor toilet facility within the City, and such is declared to be a hazard to the good health of the community and a nuisance.~~

~~8.04.100 Fecal matter—Privies—Place of deposit to be designated.~~

~~It is unlawful for any person or corporation to dump or deposit the contents of any privy or any fecal matter in any place than such as may be designated by the Health Officer of the City.~~

~~8.04.110 Urinal—Requirements.~~

~~All urinals of the City must be so constructed as not to leak and must have a tight vessel or receptacle into which the urine may drain; and no person who is the owner or occupant of, or agent for, any house, store, building or premises in the City to which a urinal belongs or appertains, shall use or keep the same in such condition as to cause a noisome or offensive smell so as to become a nuisance, and every person making or maintaining a urinal shall observe the regulations concerning them.~~

~~8.04.120 Filthy stables.~~

~~Filthy and unwholesome stables, sheds, kennels, pens or places cows, horses, mules, dogs or other animals are kept within the City are declared nuisances injurious to health and no person shall create or maintain the same.~~

~~8.04.130 Undressed dead animals.~~

~~Undressed dead animals being or laying in the City, namely, any horse, mule or jack, or any cow, goat, calf, sheep, dog or swine, are declared nuisances injurious to health, and any person owning, possessing or controlling such dead animal, or any person who knowingly places such dead animal in any part of the City, shall remove the same to the place designated by the Health Officer.~~

~~8.04.140 Mad dogs and vicious dogs.~~

~~A. Vicious or mad dogs, or dogs bitten by hydrophobic dogs, are declared nuisances, and no person shall own or keep any mad dog, or dogs bitten by a hydrophobic dog, or allow the same to go upon any street, highway or public place of the City.~~

~~B. Every person owning, possessing or having charge of any mad or hydrophobic dog shall kill or cause to be killed, or any officer may kill or cause to be killed, any such dog which has gone mad or given symptoms of hydrophobia. No person shall permit, allow or suffer any vicious dog owned or kept by him to go unmuzzled upon any street, alley, highway or public place in the City.~~

8.04.150 Open excavations, basements and pits.

~~A. All open pits, unfilled excavations except gravel pits not in a populated section of the City fully contained within basements with uncovered doorways, window spaces or without subflooring in the City are declared to be a public nuisance, except that this subsection shall not apply to any of the above conditions where construction of a building is actively underway under a proper building permit and where the construction has not been suspended for more than fifteen days.~~

~~B. All owners of land upon which one of the conditions as set forth in subsection (A) of this section exists shall be required to fill with solid substance or protect from public entrance by enclosing with a protective fence as approved by the Fire/Building Official.~~

8.04.160 Disturbing the peace.

~~A. A person commits the offense of disturbing the peace if:~~

- ~~1. With intent to disturb the peace and privacy of another not physically on the same premises or with reckless disregard that the conduct is having that effect after being informed that it is having that effect, the person makes unreasonably loud noise.~~
- ~~2. In a public place or in a private place of another without consent, and with intent to disturb the peace and privacy of another or with reckless disregard that the conduct is having that effect after being informed that it is having that effect, the person makes unreasonably loud noise.~~
- ~~3. Between the hours of 11:00 p.m. and 7:00 a.m., operates or uses a pile driver, pneumatic hammer, bulldozer, road grader, loader, power shovel, derrick, backhoe, power saw, manual hammer, motorcycle, snow machine or other instrument, appliance or vehicle which generates loud sounds or noise, after having been informed by another that such operations or use is disturbing the peace and privacy of others.~~
- ~~4. Keeps any dog or other animal which is allowed to engage in frequent or prolonged barking or other loud noise producing activity, after having been informed by another that such frequent or prolonged barking or noise producing activity is disturbing the peace and privacy of others.~~
- ~~5. Repeatedly or continuously sounds any horn or other sound producing warning device on a motor vehicle when such repeated or continued sounding is not necessary to warn of any danger.~~

6. ~~After being informed by a police officer that his conduct is in violation of this subsection (A), refuses to abate the prohibited activity.~~

B. ~~As used in this section, “noise” is “unreasonably loud” if, considering the nature and purpose of the defendant’s conduct and the circumstances known to the defendant, including the nature of the location and the time of day or night, the conduct involves a gross deviation from the standard of conduct that a reasonable person would follow in the same situation. “Noise” does not include speech that is constitutionally protected.~~

1. ~~“Loud sound” in a public place means sound which is loud enough to inhibit the ability of a not unduly sensitive person in the same place to speak freely without leaving the same place.~~

2. ~~“Loud sound” in a private place means sound which is loud enough to awaken a not unduly sensitive person in another private place.~~

3. ~~The inside and outside of buildings and separate residences within an apartment house, and separate rooms within a hotel, are different places.~~

C. ~~The following sound or noise is not prohibited by this section:~~

1. ~~Noise of safety signals, warning devices and emergency pressure relief valves when used for their warning or emergency purposes.~~

2. ~~Noise produced by any authorized emergency vehicle when responding to an emergency call or when otherwise authorized by law or ordinance to activate its sirens or other warning devices.~~

3. ~~Noises necessarily produced in the course of work required to protect persons or property from imminent peril.~~

4. ~~Noise produced by any activity for which a permit has been issued pursuant to subsection (D) of this section.~~

D. ~~Applications for a permit for relief from the application of this section to any activity on the basis of undue hardship may be made to the Mayor or his duly authorized representative. A nonrefundable application fee and a permit fee, as set forth in the City’s schedule of fees and charges for services, will be charged for the City’s processing of an application. Any permit granted by the Mayor under this subsection shall contain all conditions upon which such permit has been granted and shall specify a reasonable time that the permit shall be effective. The Mayor or duly authorized representative may grant the relief as applied for if he finds that:~~

1. ~~Additional time is necessary for the applicant to alter or modify his activity or operation to comply with this section; or~~

2. ~~The activity, operation or noise source will be of a temporary duration and cannot be done in a manner that would comply with other subsections of this section; and~~

3. ~~No other reasonable alternative is available to the applicant.~~

However, the Mayor may prescribe any conditions or requirements he deems necessary to minimize adverse effects upon the community or the surrounding neighborhood.

8.04.170 Abatement—Notices—Costs—Fines.

A. ~~The Mayor or Chief of Police or member of his staff upon receiving information or obtaining knowledge of the existence of any thing or things declared to be nuisances in this chapter may notify the person or corporation committing, creating, keeping, maintaining or causing the same to remove or cause the same to be removed within twenty four hours, or such other reasonable times as may be determined by the City official after such notice has been duly given.~~

B. ~~Regardless of whether notice has been given, the City may file a civil action in Superior Court to abate a nuisance and all costs and expenses of such abatement, removal, remediation or other remedy and full actual attorney fees and costs incurred by the City in any legal proceeding to abate the nuisance shall be paid by the persons or corporation committing, creating, keeping, maintaining or causing such nuisance or nuisances.~~

C. ~~A person or corporation violating the provisions of this chapter may be punished by a fine of not more than \$1,000 (one thousand dollars) per violation, in addition to all other remedies available in law or equity. A separate violation shall be deemed committed on each day during or on which a nuisance occurs or continues.~~

8.04.010 Purpose of chapter.

The purpose of this chapter is the protection of the public health, safety and welfare of the people of the City of North Pole and to address Public Nuisance violations that shall be addressed through a citation issued by the City of North Pole.

8.04.020 Public nuisances designated—Acts prohibited.

A. Public nuisances shall include but not be limited to whatever is forbidden by any provision of this chapter.

B. It is unlawful for any person to commit, create or maintain any public nuisance enumerated in this chapter.

8.04.030 Marijuana oil, flammable extraction – Prohibited.

A. Methods to process marijuana oil using a flammable extraction method are hereby prohibited within North Pole City limits.

a. “Flammable extraction method” is defined as using a flammable or explosive chemical, series of chemicals or fluid to extract oil from a marijuana plant.

- b. Methods of marijuana oil extraction that do not involve flammable or explosive materials are not a violation of this section.

- B. A person or corporation that processes marijuana oil using a flammable extraction method is in violation of this section and subject to a violation of this section.

8.04.040 Escape of soot, cinders, etc.

- A. Dangers to Public Health.

- a. It is unlawful for any person to permit or cause the escape of such quantities of soot, cinders, noxious acids, fumes and gases in such place or manner as to:

- b. Be detrimental to any person or the public;

- c. Endanger the health, comfort and safety of any such person or of the public.

- B. The escape of such matter is declared to be a public nuisance and is a violation of this section.

- C. Definitions. "Cinders," "dust," "fly ash," "noxious acids," "fumes" and "gases" as used in this section shall be considered to be all matter including smoke, cinders, dust and soot formed as the result of the combustion of fuels which are carried in the gas streams so as to reach the external air and which have not been completely consumed by the combustion process.

8.04.050 disturbing the peace.

- A. A person commits the offense of disturbing the peace if:

- a. With intent to disturb the peace and privacy of another not physically on the same premises or with reckless disregard that the conduct is having that effect after being informed that it is having that effect, the person makes unreasonably loud noise.

- b. In a public place or in a private place of another without consent, and with intent to disturb the peace and privacy of another or with reckless disregard that the conduct is having that effect after being informed that it is having that effect, the person makes unreasonably loud noise.

- c. Between the hours of 11:00 p.m. and 7:00 a.m., operates or uses a pile driver, pneumatic hammer, bulldozer, road grader, loader, power shovel, derrick, backhoe, power saw, manual hammer, motorcycle, snow machine or other instrument, appliance or vehicle which generates loud sounds or noise, after having been informed by another that such operations or use is disturbing the peace and privacy of others.

- 270 d. Keeps any dog or other animal which is allowed to engage in frequent or
271 prolonged barking or other loud noise-producing activity, after having been
272 informed by another that such frequent or prolonged barking or noise-producing
273 activity is disturbing the peace and privacy of others.
- 274 e. Repeatedly or continuously sounds any horn or other sound-producing warning
275 device on a motor vehicle when such repeated or continued sounding is not
276 necessary to warn of any danger.
- 277 f. After being informed by a police officer that the conduct is in violation of this
278 subsection (A), refuses to abate the prohibited activity.
- 279 B. As used in this section, “noise” is “unreasonably loud” if, considering the nature and
280 purpose of the defendant’s conduct and the circumstances known to the defendant,
281 including the nature of the location and the time of day or night, the conduct involves a
282 gross deviation from the standard of conduct that a reasonable person would follow in the
283 same situation. “Noise” does not include speech that is constitutionally protected.
- 284 a. “Loud sound” in a public place means sound which is loud enough to inhibit the
285 ability of a not unduly sensitive person in the same place to speak freely without
286 leaving the same place.
- 287 b. “Loud sound” in a private place means sound which is loud enough to awaken a
288 not unduly sensitive person in another private place.
- 289 c. The inside and outside of buildings and separate residences within an apartment
290 house, and separate rooms within a hotel, are different places.
- 291 C. The following sound or noise is not prohibited by this section:
- 292 a. Noise of safety signals, warning devices and emergency pressure relief valves
293 when used for their warning or emergency purposes.
- 294 b. Noise produced by any authorized emergency vehicle when responding to an
295 emergency call or when otherwise authorized by law or ordinance to activate its
296 sirens or other warning devices.
- 297 c. Noises necessarily produced in the course of work required to protect persons or
298 property from imminent peril.
- 299 d. Noise produced by any activity for which a permit has been issued pursuant to
300 subsection (D) of this section.
- 301 D. Applications for a permit for relief from the application of this section to any activity on
302 the basis of undue hardship may be made to the Mayor or his duly authorized
303 representative. A nonrefundable application fee and a permit fee, as set forth in the City’s

schedule of fees and charges for services, will be charged for the City's processing of an application. Any permit granted by the Mayor under this subsection shall contain all conditions upon which such permit has been granted and shall specify a reasonable time that the permit shall be effective. The Mayor or duly authorized representative may grant the relief as applied for if he/she finds that:

- a. Additional time is necessary for the applicant to alter or modify his activity or operation to comply with this section; or
- b. The activity, operation or noise source will be of a temporary duration and cannot be done in a manner that would comply with other subsections of this section; and
- c. No other reasonable alternative is available to the applicant.
- d. However, the Mayor may prescribe any conditions or requirements he deems necessary to minimize adverse effects upon the community or the surrounding neighborhood.

8.04.100 Enforcement.

- A. The City Mayor, Police Chief or designated representatives are authorized to enforce the provisions of this chapter.
- B. Any citizen who desires to register a complaint under this chapter may initiate enforcement with the Mayor or Police Chief.

8.04.110 Violations and penalties.

- A. It shall be a violation of this chapter for any person or corporation to violate any of the provisions established in this chapter in addition to all other remedies available in law or equity.
- B. Each day the violation continues constitutes a new violation.
- C. A person or corporation who violates any provision of this chapter shall be guilty of a minor offense, punishable by the fine listed in the fine schedule in 1.20.030 or if no fine is listed in the fine schedule then by a fine not to exceed \$500.

8.04.120 Abatement – Notices – Costs – Fines.

- A. The City may file a civil action in Superior Court to abate a nuisance and all costs and expenses of such abatement, removal, remediation or other remedy and full actual attorney fees and costs incurred by the City in any legal proceeding to abate the nuisance shall be paid by the persons or corporation committing, creating, keeping, maintaining or causing such nuisance or nuisances.

Section 3. Effective date.

This ordinance shall become effective upon passage.

PASSED AND APPROVED by a duly constituted quorum of the North Pole City Council this
____ day of _____, 2018.

Bryce J. Ward, Mayor

ATTEST:

Judy L. Binkley, North Pole City Clerk

PASSED/FAILED

Yes:

No:

Absent:

**CITY OF NORTH POLE
ORDINANCE 18-05**

**AN ORDINANCE OF THE NORTH POLE CITY COUNCIL ADDING
CHAPTER 05 ALARMS, TITLE 8 HEALTH AND SAFETY**

WHEREAS, changes to the North Pole Municipal Code is a continually changing requirement;
and

WHEREAS, the City of North Pole should be amended to conform to the requirements of the
City and to provide clarification and guidance as needed; and

WHEREAS, the City desires to make changes to the Code of Ordinances to allow it to be
enforceable through a simple violation; and

WHEREAS, updates to the Health and Safety Title of the City's Code of Ordinances are needed
to clarify degrees of violations and how the city may need to act to abate certain issues; and

WHEREAS, this ordinance provides for a violation schedule that is simple to enforce; and

WHEREAS, the Public Nuisance section of code as proposed does not add any additional rules
to the existing code it only provides for the ability of the City to enforce its code though
citations; and

WHEREAS, the proposed ordinance is intended for nuisances that should not require abatement
however it does not preclude the City from pursuing abatement measures if it is deemed to be in
the best interest of the public and or is a public hazard; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of North Pole:

Section 1. This ordinance is of a general and permanent nature and shall be codified in the North
Pole Code of Ordinances.

Section 2. Title 8 HEALTH AND SAFETY, Chapter 05 ALARMS is amended in the North Pole
Code of Ordinances as by inserting the text underlined.

8.05.010 Purpose.

The intent of this chapter is to reduce the number of false alarms occurring within the City.

8.05.020 Definitions.

As used in this chapter:

"False alarm" means and includes the activation of a fire alarm, burglary and/or robbery alarm
by other than a forced entry, unlawful entry, or actual robbery or attempted robbery on the

premises. It includes occurrences when no robbery, burglary or crime involving a foreseeable risk of grievous bodily harm is being committed or attempted on the premises.

“Person” means and includes any natural person, partnership, joint stock company, unincorporated association or society or corporation of any character whatsoever.

8.05.030 Emergency response card required.

A. It is unlawful to have or maintain on any premises a fire alarm, burglary and/or robbery alarm unless there is an emergency response card containing the name or names and current telephone numbers of person(s) authorized to enter such premises and turn off any alarm on file with the North Pole Police Department and the Fairbanks Emergency Communications Center (FECC).

B. Any alarm audible upon abutting property for a period in excess of one hour is declared to be a public nuisance and may be summarily abated by the Police Department.

8.05.040 Fees, corrective action and disconnection.

For fire and police response to any false alarm, the City shall charge and collect from the person having or maintaining such fire, burglary and/or robbery alarm on premises owned or occupied fees as follows:

A. For a response to premises at which less than 5 false alarms have occurred within the preceding twelve-month period, no fee shall be charged. Upon each response, notice of conditions and requirements of this chapter shall be given to the owner or occupant of the premises on which the false alarm occurred and upon which the fire, burglary and/or robbery alarm is located.

B. For a response to premises at which more than 5 false alarms have occurred within the preceding twelve-month period, a fee as outlined in the City of North Pole Fee Schedule may be charged.

C. The Chief of Police/Fire Chief may direct the person having or maintaining said alarm to have authorized service personnel inspect the alarm at such premises and to take other corrective action as prescribed by the Chief of Police/Fire Chief. All costs of inspection and corrective action shall be borne by the individual having or maintaining the alarm on said premises.

D. For a response to premises at which more than 10 false alarms have occurred within the preceding twelve-month period, a fee as outlined in the City of North Pole Fee Schedule may be charged and the Chief of Police/Fire Chief may order the person having or maintaining the alarm to disconnect such alarm until the prescribed corrective action is taken and certification of such corrective action is provided to the North Pole Police Department/North Pole Fire Department; provided, that no disconnection shall be ordered relative to any premises required by law to have an alarm system in operation.

8.05.050 Administrative decisions notice.

Notice of imposition of any administrative sanction, including the imposition of a fee or order of disconnection, under the provisions of this chapter shall be given to the person having or maintaining such alarm on premises owned or occupied by that person; provided, that with respect to business premises, the owner, manager or chief administrative agent regularly assigned and employed on the premises at the time of the occurrence of a false alarm shall be presumed to be the person having or maintaining such alarm on such business premises.

8.05.060 Appeal from administrative decision/finality.

A. Any person subject to the imposition of a fee, order of disconnection or other administrative sanction under the terms of this chapter shall have a right of appeal therefrom to a hearing board which shall be the City Council.

B. Unless notice of appeal is filed with the City within ten days of receipt of notice of imposition of an administrative sanction, the sanction is deemed to be final.

Section 3. Effective date.

This ordinance shall become effective upon passage.

PASSED AND APPROVED by a duly constituted quorum of the North Pole City Council this ____ day of _____, 2018.

Bryce J. Ward, Mayor

ATTEST:

Judy L. Binkley, North Pole City Clerk

PASSED/FAILED Yes: No: Absent:

**CITY OF NORTH POLE
ORDINANCE 18-06**

**AN ORDINANCE OF THE CITY OF NORTH POLE, ALASKA
TO AMEND TITLE 1, BY UPDATING GENERAL PENALTIES
AND INCLUDING A SURCHARGE SECTION AND A MINOR
OFFENSE FINE SCHEDULE**

WHEREAS, changes to the practices, regulations and policies is a continually changing requirement; and

WHEREAS, the City of North Pole desires to establish a clear and concise schedule for code violations; and

WHEREAS, the City code list many violations but has not established a fine schedule for minor offense violations when such violations do occur; and

WHEREAS, if the code is to be enforced then it is prudent to have a mechanism to do so; and

WHEREAS, it is the City's desire, pursuant to AS 29.25.070(a), to provide for violations that offer the offender the option to pay a fine without appearing before a judge; and

WHEREAS, the City reserves the right to charge someone with an offense greater than a violation if necessary; and

WHEREAS, State law governing municipal violations and charges have changed since the City originally adopted this section of code; and

WHEREAS, the Minor Offense Fine Schedule shall be applied uniformly to the entire code and gives direction to officers on how to enforce the code; and

WHEREAS, Alaska Statute 11.81.250 (a)6 describes violations as follows, "violations, which characteristically involve conduct inappropriate to an orderly society but which do not denote criminality in their commission."; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of North Pole:

Section 1. This ordinance is of a general and permanent nature and shall be codified.

Section 2. Title 1 General Provisions, Chapter 1.20 General Penalty is amended as follows by inserting the text underlined:

1.20.010 General Penalty

Unless an ordinance specifically provides otherwise, any person violating any of the provisions of this code or failing to comply with any of the mandatory requirements of this code is guilty of a minor offense and shall be punished by a fine not to exceed \$500 (five hundred dollars).

1.20.020 Surcharge

In addition to any penalty prescribed by law, a defendant convicted of violating a city ordinance shall pay the surcharge required under AS 12.55.039 and 29.25.074. All such surcharges collected shall be remitted to the State of Alaska as required by AS 29.25.074.

1.20.030 Minor Offense Fine Schedule

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.

Section	Offense Description	Fine Amount
<u>8.01.020</u>	<u>Garbage and refuse containers required</u>	<u>\$50 1st offense</u> <u>\$100 2nd offense</u> <u>\$100 3rd offense</u>
<u>8.01.030</u>	<u>Failure to deposit garbage in designated place</u>	<u>\$50 1st offense</u> <u>\$100 2nd offense</u> <u>\$100 3rd offense</u>
<u>8.01.050</u>	<u>Burning garbage or refuse without a permit</u>	<u>\$50 1st offense</u> <u>\$100 2nd offense</u> <u>\$100 3rd offense</u>
<u>8.02.020</u>	<u>Cause/maintain/continue unwholesome well or groundwater</u>	<u>\$300 1st offense</u> <u>\$500 2nd offense</u> <u>\$1,000 3rd offense</u>
<u>8.02.030</u>	<u>Groundwater and soil contaminated from garbage prohibited</u>	<u>\$300 1st offense</u> <u>\$500 2nd offense</u> <u>\$1,000 3rd offense</u>
<u>8.02.040(C)</u>	<u>Failure to secure unoccupied/abandoned buildings</u>	<u>\$300 1st offense</u> <u>\$500 2nd offense</u> <u>\$1,000 3rd offense</u>
<u>8.02.040(D)</u>	<u>Attractive hazards dangerous to children</u>	<u>\$300 1st offense</u> <u>\$500 2nd offense</u> <u>\$1,000 3rd offense</u>
<u>8.02.050</u>	<u>Outhouses prohibited</u>	<u>\$300 1st offense</u> <u>\$500 2nd offense</u> <u>\$1,000 3rd offense</u>
<u>8.02.060(A)</u>	<u>> 4 Junk vehicles on public property</u>	<u>\$300 1st offense</u> <u>\$500 2nd offense</u> <u>\$1,000 3rd offense</u>
<u>8.02.060(B)</u>	<u>> 4 Junk vehicles on owner/tenant/occupant</u>	<u>\$300 1st offense</u> <u>\$500 2nd offense</u>

	<u>property</u>	<u>\$1,000 3rd offense</u>
<u>8.03.020</u>	<u>Animal Bite</u>	<u>\$50 1st offense</u> <u>\$150 2nd offense</u> <u>\$300 3rd offense</u>
<u>8.03.030</u>	<u>Failure to restrain animal</u>	<u>\$ 50 1st offense</u> <u>\$150 2nd offense</u> <u>\$300 3rd offense</u>
<u>8.03.040</u>	<u>Failure to remove dog/cat waste</u>	<u>\$ 50 1st offense</u> <u>\$150 2nd offense</u> <u>\$300 3rd offense</u>
<u>8.04.030</u>	<u>Flammable marijuana oil extraction methods prohibited</u>	<u>\$ 50 1st offense</u> <u>\$150 2nd offense</u> <u>\$300 3rd offense</u>
<u>8.04.040</u>	<u>Permit/Cause soot, cinders, fumes, gases to endanger person or public</u>	<u>\$ 50 1st offense</u> <u>\$150 2nd offense</u> <u>\$300 3rd offense</u>
<u>8.04.050(A)</u>	<u>Disturbing the peace</u>	<u>\$ 50 1st offense</u> <u>\$150 2nd offense</u> <u>\$300 3rd offense</u>
Title, Chapter, Section Number		

Section 3. Effective date.

This ordinance shall become effective upon passage.

PASSED AND APPROVED by a duly constituted quorum of the North Pole City Council this ____ day of _____, 2018.

Bryce J. Ward, Mayor

ATTEST:

Judy L. Binkley, North Pole City Clerk

PASSED/FAILED Yes: No: Absent:

**CITY OF NORTH POLE
ORDINANCE 18-07**

**AN ORDINANCE OF THE NORTH POLE CITY COUNCIL REMOVING
TITLE 9 PUBLIC PEACE, MORALS AND WELFARE CHAPTER 9
ALARMS**

WHEREAS, changes to the North Pole Municipal Code is a continually changing requirement;
and

WHEREAS, the City of North Pole should be amended to conform to the requirements of the
City and to provide clarification and guidance as needed; and

WHEREAS, the Alarms Chapter is better served in the Health and Safety Title under the Code
of Ordinances; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of North Pole:

Section 1. This ordinance is of a general and permanent nature and shall be codified in the North
Pole Code of Ordinances.

Section 2. Title 9 Public Peace, Morals and Welfare, Chapter 9 Alarms is removed from the
North Pole Code of Ordinances. (Language to be removed is stricken)

~~9.02.010 Purpose.~~

~~The intent of this chapter is to reduce the number of false alarms occurring within the City.~~

~~9.02.020 Definitions.~~

~~As used in this chapter:~~

~~“False alarm” means and includes the activation of a fire alarm, burglary and/or robbery alarm
by other than a forced entry, unlawful entry, or actual robbery or attempted robbery on the
premises. It includes occurrences when no robbery, burglary or crime involving a foreseeable
risk of grievous bodily harm is being committed or attempted on the premises.~~

~~“Person” means and includes any natural person, partnership, joint stock company,
unincorporated association or society or corporation of any character whatsoever.~~

~~9.02.030 Emergency response card required.~~

~~A. It is unlawful to have or maintain on any premises a fire alarm, burglary and/or robbery
alarm unless there is an emergency response card containing the name or names and
current telephone numbers of person(s) authorized to enter such premises and turn off
any alarm on file with the North Pole Police Department.~~

~~B. Any alarm audible upon abutting property for a period in excess of one hour is declared to be a public nuisance and may be summarily abated by the Police Department.~~

~~9.02.040 Fees, corrective action and disconnection.~~

~~For fire and police response to any false alarm, the City shall charge and collect from the person having or maintaining such fire, burglary and/or robbery alarm on premises owned or occupied fees as follows:~~

~~A. For a response to premises at which no other false alarm has occurred within the preceding six month period, hereinafter referred to as a "first response," no fee shall be charged. Upon first response, notice of conditions and requirements of this chapter shall be given to the owner or occupant of the premises on which the false alarm occurred and upon which the fire, burglary and/or robbery alarm is located.~~

~~B. For a second response to premises within three months after the first response a fee of \$25 (twenty five dollars) may be charged. The person having or maintaining such fire, burglary and/or robbery alarm shall, within five working days after notice to do so, make a written report to the Chief of Police/Fire Chief on prescribed forms setting forth the cause of such false alarm, the corrective action taken, whether and when such alarm has been inspected by authorized service personnel, and such other information as the Chief of Police may reasonably require to determine the cause of such false alarm, any mitigating circumstances and corrective action necessary. The Chief of Police/Fire Chief may direct the person having or maintaining said alarm to have authorized service personnel inspect the alarm at such premises and to take other corrective action as prescribed by the Chief of Police/Fire Chief. All costs of inspection and corrective action shall be borne by the individual having or maintaining the alarm on said premises.~~

~~C. For a third response to premises within three months after such a second response, and for all succeeding responses within three months of the last response, a fee of \$50 (fifty dollars) may be charged, and after the sixth false alarm in a twelve month period, the Chief of Police/Fire Chief may order the person having or maintaining the alarm to disconnect such alarm until the prescribed corrective action is taken and certification of such corrective action is provided to the North Pole Police Department/North Pole Fire Department; provided, that no disconnection shall be ordered relative to any premises required by law to have an alarm system in operation.~~

~~9.02.050 Administrative decisions notice.~~

~~Notice of imposition of any administrative sanction, including the imposition of a fee or order of disconnection, under the provisions of this chapter shall be given to the person having or maintaining such alarm on premises owned or occupied by that person; provided, that with respect to business premises, the owner, manager or chief administrative agent regularly assigned and employed on the premises at the time of the occurrence of a false alarm shall be presumed to be the person having or maintaining such alarm on such business premises.~~

~~9.02.060 Appeal from administrative decision/finality.~~

~~A. Any person subject to the imposition of a fee, order of disconnection or other administrative sanction under the terms of this chapter shall have a right of appeal therefrom to a hearing board as assigned by the City Council.~~

~~B. Unless notice of appeal is filed with the City within ten days of receipt of notice of imposition of an administrative sanction, the sanction is deemed to be final.~~

Section 3. Effective date.

This ordinance shall become effective upon passage.

PASSED AND APPROVED by a duly constituted quorum of the North Pole City Council this ____ day of _____, 2018.

Bryce J. Ward, Mayor

ATTEST:

Judy L. Binkley, North Pole City Clerk

PASSED/FAILED Yes: No: Absent:

**CITY OF NORTH POLE
ORDINANCE 18-08**

**AN ORDINANCE OF THE NORTH POLE CITY COUNCIL REMOVING
TITLE 15 BUILDINGS AND CONSTRUCTION CHAPTER 15.58 CODE
FOR ABATEMENT OF DANGEROUS BUILDINGS**

WHEREAS, changes to the North Pole Municipal Code is a continually changing requirement;
and

WHEREAS, the City of North Pole should be amended to conform to the requirements of the
City and to provide clarification and guidance as needed; and

WHEREAS, The City is not equipped to actually abate dangerous buildings; and

WHEREAS, updates to Title 8 Health and Safety allow for the City to require and abate access
to dangerous buildings within the City; and

WHEREAS, abating buildings on private property is a very expensive and arduous process; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of North Pole:

Section 1. This ordinance is of a general and permanent nature and shall be codified in the North
Pole Code of Ordinances.

Section 2. Title 15 Buildings and Construction, Chapter 15.38 Code for Abatement of Dangerous
Buildings is removed from the North Pole Code of Ordinances. (Language to be removed is
stricken)

Chapter 15.58

CODE FOR ABATEMENT OF DANGEROUS BUILDINGS

~~Sections:~~

~~15.58.010—Adoption.~~

~~15.58.020—Modifications.~~

~~15.58.030—Appeals.~~

~~15.58.040—Local amendments to the Uniform Code for the Abatement of Dangerous Buildings,
1997 Edition.~~

~~**15.58.010 Adoption.**~~

~~The bound volumes containing the code known as the Uniform Code for the Abatement of
Dangerous Buildings, 1997 Edition, of the International Conference of Building Officials, and~~

every part thereof, together with the local amendments as set forth in NPMC ~~15.58.040~~, shall constitute the laws of the City relating to the abatement of dangerous buildings. Copies of the Uniform Code for the Abatement of Dangerous Buildings may be examined at the City offices.

~~15.58.020 Modifications.~~

The Building Official shall have the power to modify any of the provisions of the Uniform Code for the Abatement of Dangerous Buildings adopted by this chapter upon application in writing by the owner or lessee or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code; provided, that the spirit of the code is observed, public safety secured, and substantial justice done. The particulars of the modification, when granted or allowed, and the decision of the Building Official thereon shall be entered upon the records of the Department, and a signed copy shall be furnished the applicant.

~~15.58.030 Appeals.~~

A. Whenever the Building Official disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decisions of the Building Official to the Mayor/City Manager within thirty days from the date of the decision.

B. The appeal will follow the procedures set out in Section 501 et seq. of the Uniform Code for the Abatement of Dangerous Buildings.

~~15.58.040 Local amendments to the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition.~~

The amendments to the 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings are listed hereafter by section. The Uniform Code for the Abatement of Dangerous Buildings is also amended by the definitions contained in NPMC ~~15.58.020~~.

A. Section 201.1, Administration. Amend the first paragraph as follows:

The building official and fire chief are authorized to enforce the provisions of this code.

B. Section 205. Delete the entire section and substitute the following:

The Board of Appeals shall provide the final interpretation of the provisions of this code and hear appeals provided for hereunder. The board shall render all decisions and findings in writing to the appellant, with a copy to the building official. Appeals to the board shall be processed in accordance with the provisions contained in Section 501 of this code. Copies of all rules or regulations adopted by the board shall be delivered to the building official, who shall make them freely accessible to the public.

C. Section 301, General. Add the following definitions:

64 ~~“Board of appeals” as used in the code means “City Council.”~~

65 ~~“County” as used in the code means “Fairbanks North Star Borough.”~~

66 ~~“Director of public works” as used in the code means “superintendent of public works.”~~

67 ~~“Fire marshal” as used in the code means “chief of the City fire department.”~~

68 ~~“Misdemeanor” as used in the code means “violation.”~~

69 ~~D. Section 303, Abandoned Structure. Add the following section:~~

70 ~~An abandoned structure is a structure that has been vacant for a period in excess of 12 months or~~
71 ~~any period less than 12 months when a vacant structure or portion thereof constitutes an~~
72 ~~attractive nuisance or hazard to the public as determined by the Building Official. A structure~~
73 ~~shall not be considered abandoned if it is available for lease and ready for occupancy.~~

74 ~~E. Section 304, Agreement/Contract to Repair/Work. Add the following section:~~

75 ~~An agreement to contract to repair/work is a written agreement between the City and owner in~~
76 ~~which an owner of a structure agrees to carry out repair/work on any abandoned, unsafe,~~
77 ~~dangerous structure, or structures between a specified commencement and completion date.~~

78 ~~F. Section 305, Derelict Building. Add the following section:~~

79 ~~A derelict building is any building, structure or portion thereof which is unoccupied and meets~~
80 ~~any of the following criteria:~~

- 81 ~~1. Has been ordered vacated by the Building Official pursuant to the provisions of this~~
82 ~~code.~~
83 ~~2. Has been issued a correction notice by the Building Official pursuant to the~~
84 ~~provisions of this code.~~
85 ~~3. Has been posted for violation of this code, more than once in any two year period.~~
86 ~~4. Is unsecured.~~

87 ~~G. Section 306, Unoccupied. Add the following section:~~

88 ~~Unoccupied means not being used for lawful occupancy.~~

89 ~~H. Section 307, Unsecured. Add the following section:~~

90 ~~Unsecured means the lack of a secure means of ingress and egress thus allowing for occupancy~~
91 ~~or use of a building or structure by unauthorized persons.~~

- I. ~~Section 402, Recordation Of Notice And Order. Change the term “county recorder” as appears twice in this section to “Fairbanks District Recorder’s Office.”~~
J. ~~Section 403, Repair, Vacation and Demolition. Delete this section in its entirety and replace with the following:~~

~~The following standards shall be followed by the Building Official (and Board of Appeals if an appeal is taken) in ordering the repair, vacation or demolition of any dangerous, abandoned or derelict building or structure:~~

1. ~~Any building declared a dangerous, abandoned or derelict building under this code shall be made to comply by the owner with one of the following:~~

A. ~~The building shall be repaired in accordance with the current building code or other codes applicable.~~

B. ~~The building shall be demolished at the option of the owner.~~

2. ~~If the building or structure is in such condition as to make it immediately dangerous to life, limb, property or safety of the public or its occupants, it shall be ordered to be vacated and demolished if repairs are not begun within 60 days.~~

3. ~~If one or more of the following conditions exists, the building or structure may be ordered to be demolished:~~

A. ~~The building is in imminent danger of collapse due to structural failure.~~

B. ~~The building has not been properly secured or maintained so that it is habitually used as a harbor for vagrants, or is an attractive nuisance to children.~~

C. ~~The building is beyond economic feasibility to repair.~~

D. ~~The building remains abandoned or derelict 180 days after notice under provisions of this code.~~

4. ~~For the purposes of this section, the following definitions shall apply:~~

A. ~~“Beyond Economic Feasibility to Repair” When the estimated cost of repair exceeds the replacement cost of the entire structure.~~

B. ~~“Habitual” Customarily, or by frequent practice or use. It does not mean entirely or exclusively.~~

C. ~~“Imminent or Immediate” Near at hand, or if left unattended to, on the point of happening. An observable structural, electrical, mechanical or plumbing failure to the extent that a reasonable person may believe that it poses a serious threat to life and safety.~~

K. ~~Section 404, Notice To Vacate. Add subsection 404.3 as follows:~~

~~404.3 Abatement of nuisance in emergency. The Mayor / City Manager, upon the written recommendation of the building official, may abate any public nuisance summarily without notice in an emergency where the life or safety of the public is endangered and where immediate action is necessary and timely notice cannot be given. All other abatement proceedings, except~~

~~the necessity and the manner and method of giving notice, shall apply to the nuisance summarily abated, including the recovery of the costs of the summary abatement.~~

~~L. Section 501.1, Form of appeal. Add the following new paragraph 8 as follows:~~

~~8. The appellant shall pay a non-refundable filing fee of \$50 to the City for processing the appeal, and the filing fee shall be deposited with the building official.~~

~~M. Section 801.2, Costs. Delete this section in its entirety and replace with the following:~~

~~The costs of such work shall be paid from the general fund, and may be made from a special assignment against the property involved, or may be made a personal obligation of the property owner, whichever the legislative body of this jurisdiction shall determine appropriate.~~

~~N. Section 802, Repair and Demolition Fund. Delete sections 802.1 and 802.2 in their entirety.~~

~~O. Section 905, Personal obligation and special assessment. Delete the provisions of this section and replace as follows:~~

~~(a) The responsibility for payment of the charges for abatements as set forth in this chapter shall rest upon the owners of the property upon which the abatement occurred, to include the owners at the time of occurrence of the condition rendering the property subject to these abatement proceedings and the owners at the time of the actual abatement proceedings.~~

~~(b) The City shall have the right to bring suit for the collection of charges for abatement as set forth in this chapter plus costs and attorney's fees against all the parties responsible for payment, jointly and severally.~~

~~(c) In addition, the City shall have the right to impose an assessment against the property for the repayment of the abatement charges. If the City proceeds with an assessment, it shall confirm the assessment, cause the same to be recorded on the assessment roll, and thereafter said assessment shall constitute a special assessment and a lien upon the property.~~

~~(d) The lien created herein may be enforced as provided in AS 34.35.005 .045. The enforcement of the lien is a cumulative remedy and does not bar the collection of the charges for abatement as provided in subsection (b) above.~~

~~P. Section 908, Lien of assessment. Delete Sections 908.1 and 908.2 and substitute the following:~~

~~Immediately upon its being placed on the assessment roll the assessment shall be deemed to be complete, the several amounts assessed shall be payable, and the assessments shall be liens against the lots or parcels of land assessed, respectively. The lien shall be subordinate to all existing special assessment liens previously imposed and to state, borough and City property taxes upon the same property. The lien shall be paramount to all other liens. The lien shall continue until the assessment and all interest due and payable thereon are paid.~~

Section 3. Effective date.

This ordinance shall become effective upon passage.

PASSED AND APPROVED by a duly constituted quorum of the North Pole City Council this
___ day of _____, 2018.

Bryce J. Ward, Mayor

ATTEST:

Judy L. Binkley, North Pole City Clerk

PASSED/FAILED

Yes:


No:

Absent:

125 Snowman Lane
North Pole, AK 99705
P: 907-488-8583
F: 907-488-3002
judy.binkley@northpolealaska.org

City of North Pole
Office of the City Clerk/HR Mgr

Memo

To: North Pole City Council
From: Judy Binkley 
CC: Mayor Ward
Date: March 14, 2018
Re: Liquor License Renewal

City Council Members,

The ABC Board has contacted the City of North Pole as the following business is renewing their license within our jurisdiction.

License Type:	Restaurant/Eating Place	License Number:	4905
Licensee:	Taco Azteca, Incorporated		
Doing Business As:	Taco Azteca Mexican Restaurant		

The ABC Board is required under Alaska Statute to notify the City in writing that this establishment is renewing their liquor license so the City Council can file a “protest” if they so desire.

The City Council is provided information on any complaints regarding the establishment from the Police Department, Fire Department, and also if they are up to date with their City business license, water & sewer, and all sales tax.

As of this date, there are no violations against the establishment up for renewal and recommendation is for a vote of non-objection for the above business.

Thank you,

Judy Binkley, North Pole City Clerk



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of Commerce, Community,
and Economic Development**

ALCOHOL & MARIJUANA CONTROL OFFICE

550 West 7th Avenue, Suite 1600

Anchorage, AK 99501

Main: 907.269.0350

March 6, 2018

City of North Pole

Attn: Kathy Weber

Via Email: kathy.weber@northpolealaska.org

Cc: kmajor@fnsb.us

Re: Notice of 2018/2019 Liquor License Renewal Application

License Type:	Restaurant/Eating Place	License Number:	4905
Licensee:	Taco Azteca, Incorporated		
Doing Business As:	Taco Azteca Mexican Restaurant		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

A handwritten signature in cursive script that reads "Erika McConnell".

Erika McConnell, Director

amco.localgovernmentonly@alaska.gov



Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Restaurant or Eating Place License

Form AB-17a: 2018/2019 Renewal License Application

What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing restaurant or eating place liquor license that will expire on December 31, 2017. All fields of this form must be complete and correct, or the application will be returned to you in the manner in which it was received, per AS 04.11.270 and 3 AAC 304.105. The Community Council field only should be verified/completed by licensees whose establishments are located within the Municipality of Anchorage or outside of city limits within the Matanuska-Susitna Borough.

This form must be completed correctly and submitted to the Alcohol & Marijuana Control Office (AMCO)'s main office, along with all other required documents and fees, before any renewal license application will be considered complete.

Section 1 – Establishment and Contact Information

Enter information for the business seeking to have its license renewed. If any populated information is incorrect, please contact AMCO.

Licensee:	Taco Azteca, Incorporated	License #:	4905
License Type:	Restaurant/Eating Place	Statute:	AS 04.11.100
Doing Business As:	Taco Azteca Mexican Resaurant		
Premises Address:	101 Santa Claus Lane		
Local Governing Body:	North Pole (Fairbanks North Star Borough)		
Community Council:	None		

Mailing Address:	P.O. Box 74708				
City:	Fairbanks	State:	AK	ZIP:	99707

Enter information for the individual who will be designated as the primary point of contact regarding this application. This individual must be a licensee who is required to be listed in and authorized to sign this application.

Point of Contact:	Wilfredo Gallo		
Contact Phone:	(907) 350-6047	Business Phone:	(907) 488-8226
Contact Email:	casillas.golanda@hotmail.com		

Seasonal License? ☐ Yes ☒ No If "Yes", write your six-month operating period: _____





Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Restaurant or Eating Place License

Form AB-17a: 2018/2019 Renewal License Application

Section 2 – Authorization

Communication with AMCO staff:

Yes No

Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?

☐ Yes ☒ No

If "Yes", disclose the name of the individual and the reason for this authorization:

Section 3 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietorship who is applying for license renewal. Entities should skip to Section 4. If more space is needed, please attach a separate sheet with the required information.

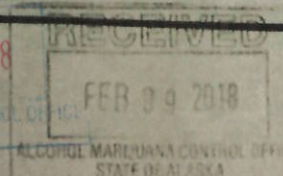
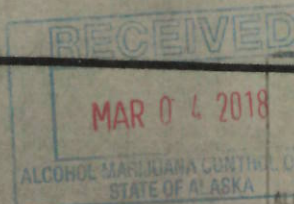
The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: ☒ applicant ☐ affiliate

Name:					
Mailing Address:					
City:		State:		ZIP:	
Email:					
Contact Phone:					

This individual is an: ☐ applicant ☐ affiliate

Name:					
Mailing Address:					
City:		State:		ZIP:	
Email:					
Contact Phone:					





Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Restaurant or Eating Place License

Form AB-17a: 2018/2019 Renewal License Application

Section 4 – Entity Ownership Information

This subsection must be completed by any licensee that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations, Business & Professional Licensing (CBPL). You may view your entity's status or find your CBPL entity number by using the following site: <https://www.commerce.alaska.gov/cbp/main/search/entities>
Partnerships may skip to the second half of this page. Sole proprietorships should skip to Section 5.

Alaska CBPL Entity #:	114004
-----------------------	--------

You must ensure that you are able to certify the following statement before signing your initials in the box to the right: Initials

I certify that this entity is in good standing with CBPL and that all current entity officials and stakeholders (listed below) are also currently and accurately listed with CBPL.

WG

This subsection must be completed by any community or entity, including a corporation, limited liability company, partnership, or limited partnership, that is applying for renewal. If more space is needed, please attach additional completed copies of this page.

- If the applicant is a corporation, the following information must be completed for each stockholder who owns 10% or more of the stock in the corporation, and for each president, vice-president, secretary, and managing officer.
- If the applicant is a limited liability organization, the following information must be completed for each member with an ownership interest of 10% or more, and for each manager.
- If the applicant is a partnership, including a limited partnership, the following information must be completed for each partner with an interest of 10% or more, and for each general partner.

Entity Official Name:	Wilfredo Gallo		
Title(s):	Owner / president	Phone:	(907) 350-6044
Mailing Address:	P.O. Box 74708		
City:	Fairbanks	State:	AK
		ZIP:	99707

Entity Official Name:	Wilfredo Gallo		
Title(s):	Secretary	Phone:	(907) 350-6047
Mailing Address:	P.O. Box 74708		
City:	Fairbanks	State:	AK
		ZIP:	99707

Entity Official Name:			
Title(s):		Phone:	
Mailing Address:			
City:		State:	
		ZIP:	

[Form AB-17a] (rev 10/16/2017)

License #4905 DBA Taco Azteca Mexican Restaurant



Page 3 of 5



Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Restaurant or Eating Place License

Form AB-17a: 2018/2019 Renewal License Application

Section 5 – License Operation

Check a single box for each calendar year that best describes how this liquor license was operated:

2016 2017

The license was regularly operated continuously throughout each year, for 8 or more hours each day.

☒ ☒

The license was regularly operated during a specific season each year, for 8 or more hours each day.

☐ ☐

The license was only operated to meet the minimum requirement of 30 days each year, 8 hours each day.

If this box is checked, a complete copy of Form AB-30: Proof of Minimum Operation Checklist, and all necessary documentation must be provided with this application.

☐ ☐

The license was not operated at all or was not operated for at least the minimum requirement of 30 days each year, 8 hours each day, during one or both of the calendar years.

If this box is checked, a complete copy of Form AB-29: Waiver of Operation Application and corresponding fees must be submitted with this application for each calendar year during which the license was not operated for at least the minimum requirement.

☐ ☐

Section 6 – Violations and Convictions

Applicant violations and convictions in calendar years 2016 and 2017:

Yes No

Have any notices of violation (NOVs) been issued to this licensee in the calendar years 2016 or 2017?

☐ ☒

Has any person or entity named in this application been convicted of a violation of Title 04, of 3 AAC 304, or a local ordinance adopted under AS 04.21.010 in the calendar years 2016 or 2017?

☐ ☒

If "Yes" to either of the previous two questions, attach a separate page to this application listing all NOVs and/or convictions.

Section 7 – Alcohol Server Education

Read the line below, and then sign your initials in the box to the right of the statement:

Initials

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check identification of a patron have completed an alcohol server education course approved by the ABC Board and keep current, valid copies of their course completion cards on the licensed premises during all working hours, as required under AS 04.21.025 and 3 AAC 304.465.

NG





Alaska Alcoholic Beverage Control Board

Restaurant or Eating Place License

Form AB-17a: 2018/2019 Renewal License Application

Section 8 – Gross Receipts

Enter the dollar amounts of the food and gross (food + alcohol) receipts on the licensed premises, and calculate the percentage of gross receipts that are from food sales on the licensed premises for each calendar year. (Food Receipts ÷ Gross Receipts x 100 = %)

2016 Food Receipts:	\$658,414.40	2016 Gross Receipts:	\$700,691.35	% From Food:	93.99%
2017 Food Receipts:	\$561,249.80	2017 Gross Receipts:	\$599,454.60	% From Food:	93.62%

Section 9 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.

WG

I certify that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business.

WG

I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name or the ownership (including officers, managers, general partners, or stakeholders) from what is currently on file with the Alcoholic Beverage Control Board.

WG

I certify on behalf of myself or of the organized entity that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.

WG

As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned to me as incomplete.

Signature of licensee

WR Fredo Gallo

Printed name of licensee

Signature of Notary Public

Notary Public in and for the State of

My commission expires

Subscribed and sworn to before me this

5th

day of

February

2018

License Fee:	\$ 600.00	Application Fee:	\$ 200.00	TOTAL:	\$ 800.00
Late Fee of \$500.00 – if received or postmarked after 01/02/2018:					
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					



Memo

To: North Pole City Council
From: Bryce Ward
cc: Judy Binkley
Date: March 12, 2018
Re: Per Diem for DC Trip

I am requesting reimbursement for travel expenses related to the Association of Defense Communities Washington DC trip taken from 3-12-18 to 2-15-18. The ADC has paid for the Airfare and Hotel associated with this event and provided a \$50.00 gift card for travel. I am requesting per-diem and taxi expense reimbursement in excess of the provided gift card.

Monday (Travel Day)

3-12-18: Breakfast, Lunch, Dinner (\$51) and Taxi to Hotel (\$20)

3-13-18: Breakfast, Lunch (\$25) (Dinner provided) (metro Travel \$9)

3-14-18: (Breakfast, Lunch provided) Dinner (\$26) (metro travel \$9) Taxi to Hotel (\$20)

3-15-18: Arrive Home 2am

Trip Total \$160

Gift Card: Minus -\$50

Total Requested \$110

The ADC academy includes meetings with the Blue Stars Families, the US Chamber of Commerce and other professionals from across the United States to discuss how communities and organizations can better serve the military members who are stationed in local communities.



City of North Pole

Travel Authorization Form

Name: _____ Dept: _____ Title: _____

Purpose of Trip: _____ Certificate will be obtained Yes No

Travel To: _____, _____ from: _____ to _____
City State Date Date

Is this a grant related expense? YES NO List Grant Number: _____

Is the employee requesting travel cost advancement? YES NO

ESTIMATED COST SUMMARY

(include all information that may be necessary to approve your request)

Registration fee: \$ _____ Registration must be attached to travel authorization

Hotel-Lodging: \$ _____

Airfare: \$ _____

Per Diem: \$ _____

Taxi Fare: \$ _____

Car Rental: \$ _____

Parking Fee: \$ _____

Mileage Fee: \$ _____

Misc: \$ _____

TOTAL \$ _____

EMPLOYEE ACKNOWLEDGEMENT: I have read, understand and will abide by the provision of: 1) City of North Pole Travel Policy 16-01; 2) NPMC 2.36.220 Travel and Host Reimbursement (B) requiring that within 30 days of my return, I submit documentation substantiating this travel or be subject to a deduction of the advanced amount from my pay; and 3) NPMC 2.36.230 (D) requiring reimbursement to the City for fifty percent of the cost of training, specifically; registration and class fees, per diem, travel and lodging expenses if the employee leaves City employment with twelve month from the date of completion of the course/training. An exception will be for the termination of at-will employees, reduction in workforce, retirement, waiver by the City Council as requested by the department head, deaths in the family, or family medical reasons. "Family" is defined to include parents, spouses, children, or siblings. I understand that the provided meals expected to be consumed have reduced the per diem amount and I will make necessary adjustments on the expense report at the completion of travel.

Employee's Signature: _____ Date: _____

Supervisor's Signature: _____ Date: _____



North Pole Police Department

Chief Steve Dutra
125 Snowman Ln.
North Pole, AK 99705
907-488-6902
Northpolepolice.org



March 14, 2018

To: North Pole City Council

Re: Retirement Gift Authorization

The North Pole Police Department has recognized the time honored tradition of gifting duty firearms to tenured police officers who retire in good standing. This tradition is one that is practiced by most police departments in the state and across the country. The Alaska State Troopers practice this same tradition for their retiring troopers.

That being said Mayor Ward and I were discussing this issue and decided that our current NPMC does not have an exception written in the code that allows this to occur. So before I honored our recent retiree Chad Rathbun with his duty firearm I wanted to seek approval from the City Council.

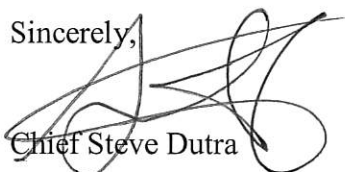
This firearm is a token of gratitude to those who have served their community for over a decade. The cost of a firearm is roughly \$450 when purchased new. After 10+ years we can honestly say we have received our use of the firearm and should replace it for duty use.

Chad Rathbun retired with almost 12 years of service to the City of North Pole as a full time police officer and server several years as a Reserve Police Officer. His dedication and commitment to the citizens of the city is worthy of this honor.

I ask that you support the time honored tradition to show our appreciation and gratitude for putting his life on the line for the safety of our citizens for over a decade.

Thank you for your time and consideration.

Sincerely,



Chief Steve Dutra