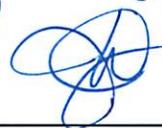
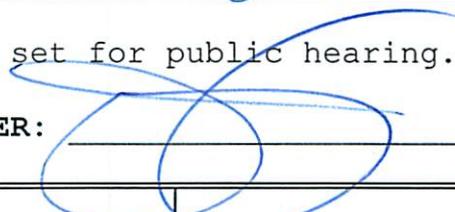


**SUBJECT:** AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 1.45.100 SCHEDULE OF FINES FOR INFRACTIONS; CHANGING REFERENCE FROM MISDEMEANORS TO MINOR INFRACTIONS WITHIN MSB CHAPTERS 1.45, 3.15, 8.55, 17.23 AND 17.62; AND AMENDING LANGUAGE WITHIN MSB 1.45 TO MATCH ALASKA STATUTE AND COURT RULES.

**AGENDA OF:** November 7, 2017

**ASSEMBLY ACTION:**  
 ORD 17-103 - Amended, adopted w/o objection @ the 11/21/17 RM 

**MANAGER RECOMMENDATION:** Introduce and set for public hearing.

**APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:** \_\_\_\_\_ 

Route To:	Department/Individual	Initials	Remarks
A. Strawn	Originator		
	Planning and Land Use Director	EP	
	Finance Director		
	Borough Attorney	NS	
	Borough Clerk	JMM	10/30/17 

**ATTACHMENT(S):** Fiscal Note: NO \_\_\_\_\_ YES X  
 Planning Commission resolution 17-42 (2 pp)  
 Fiscal Note (1 page)  
 Ordinance Serial No. 17-103 (4 pp)

**SUMMARY STATEMENT:**

Within Borough code there are provisions that were created since the last fine schedule update and have the potential to be violated which are not listed in the fine table. This ordinance changes reference from misdemeanors to minor infractions throughout Borough code.

On October 9, 2017 the Planning Commission held a public hearing and adopted Resolution 17-42, recommending approval of this

ordinance.

**Background:**

In 2013 the State of Alaska Court System conducted a cleanup of their database relating to all agencies they support. As part of the cleanup effort, the Alaska Court System mandated that all agencies go through their code and update the State's Uniform Minor Offense Table (UMOT).

MSB 1.45 was created in 1995 through Ordinance 95-088. Since adoption of MSB 1.45 in 2015, there have been several new codes which have been adopted and not added to the fine table.

**COMPREHENSIVE PLAN:**

Adoption of MSB 1.45.100 Schedule of Fines is consistent with the Matanuska Susitna Borough Comprehensive Plan (2005 Update). The Matanuska Susitna Borough Economic Development Strategic Plan (April 22, 2010) states in part:

**Goal (E-3)** Create an attractive environment for business investment. **Policy E3-2:** Institute appropriate land use guidelines and regulations that reduce land use conflicts and protect residents and businesses.

**Strengths, Weaknesses, Opportunities, and Threats (SWOT)**

**Analysis** states: "Lack of building code enforcement in unincorporated areas" is a weakness. As well as "Unmanaged growth (conflicting land use)" as a threat.

The ordinance protects individual property owners and businesses in the following ways:

- Helps manage growth and strengthen enforcement in land use areas.
- Improves the quality of life by managing and enforcing current regulations.
- Clarifies and sets clear guidelines for violations of codes.

**RECOMMENDATION OF ADMINISTRATION:** Staff respectfully requests approval of the attached ordinance.

By: Kendra Johnson  
Introduced: September 19, 2017  
Public Hearing: October 9, 2017  
Action: Approved

**MATANUSKA-SUSITNA BOROUGH  
PLANNING COMMISSION RESOLUTION NO. 17-42**

A RESOLUTION RECOMMENDING ASSEMBLY APPROVAL OF AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 1.45.100 SCHEDULE OF FINES FOR INFRACTIONS; CHANGING REFERENCE FROM MISDEMEANORS TO MINOR INFRACTIONS WITHIN MSB CHAPTERS 1.45, 3.15, 8.55, 17.23 AND 17.62; AND AMENDING LANGUAGE WITHIN MSB 1.45 TO MATCH ALASKA STATUTE AND COURT RULES.

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WHEREAS, the rationale and intent of this ordinance are found in IM 17-138 which accompanies this ordinance; and

WHEREAS, the fine table listed within MSB 1.45.100 is incomplete; and

WHEREAS, MSB 1.10.010(A)(8) enables the borough to enforce ordinances and to prescribe penalties for violations; and

WHEREAS, MSB at this time is not prosecuting misdemeanor crimes; and

WHEREAS, in the event MSB does start prosecuting misdemeanor crimes; MSB is not set up with an administrative agreement with the State of Alaska Courts nor the State of Alaska Department of Public Safety to charge crimes as a misdemeanor; and

WHEREAS, language in MSB 1.45.080 is inconstant with the current Alaska statute and court rules; and

WHEREAS, in the event MSB does start prosecuting misdemeanor crimes; MSB would have to allow for a jury trial and pay for the defendant's representation if they could not afford it; and

WHEREAS, within Borough code there are provisions that have the potential to be violated which are not listed in the fine table.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby recommends approval of an ordinance amending MSB 1.45.100 schedule of fines for infractions; changing reference from misdemeanors to minor infractions within MSB chapters 1.45, 3.15, 8.55, 17.23 and 17.62; and amending language within MSB 1.45 to match Alaska statute and court rules.

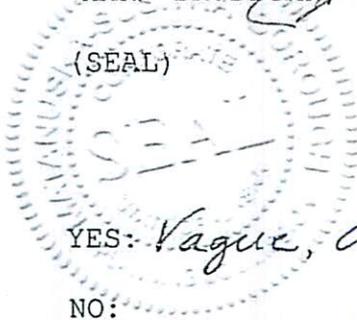
ADOPTED by the Matanuska-Susitna Borough Planning Commission this 9<sup>th</sup> day of October, 2017.

  
\_\_\_\_\_  
Colleen Vague, Chair

ATTEST

  
\_\_\_\_\_  
MARY BRODIGAN, Planning Clerk

(SEAL)



YES: *Vague, Anderson, Healy, Elder, and Alaska*  
NO:

*1M 17-138  
OR 17-103*

MATANUSKA-SUSITNA BOROUGH  
FISCAL NOTE

Agenda Date:

**SUBJECT:** AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 1.45.100 SCHEDULE OF FINES FOR INFRACTIONS; CHANGING REFERENCE FROM MISDEMEANORS TO MINOR INFRACTIONS WITHIN MSB CHAPTERS 1.45, 3.15, 8.55, 17.23 AND 17.62; AND AMENDING LANGUAGE WITHIN MSB 1.45 TO MATCH ALASKA STATUTE AND COURT RULES.

ORIGINATOR: K. Johnson

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT <u>YES</u> NO
AMOUNT REQUESTED *	FUNDING SOURCE <i>Fines revenue</i>
FROM ACCOUNT #	PROJECT #
TO ACCOUNT: <i>100,000,000 3XXXX</i>	PROJECT #
VERIFIED BY: <i>[Signature]</i>	CERTIFIED BY:
DATE: <i>10/25/17</i>	DATE:

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY2010 <i>2018</i>	FY2011	FY2012	FY2013	FY2014	FY2015
Personnel Services						
Travel						
Contractual						
Supplies						
Equipment						
Land/Structures						
Grants, Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>						

CAPITAL						
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REVENUE	*					
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FUNDING:

(Thousands of Dollars)

General Fund						
State/Federal Funds						
Other	*					
<b>TOTAL</b>	*					

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

PREPARED BY:

\* Actual revenue is dependent upon fines imposed and collected.

10/25/17

PHONE:

Approved by  
Bye

DEPARTMENT: \_\_\_\_\_

DATE: \_\_\_\_\_

APPROVED BY: \_\_\_\_\_

DATE: \_\_\_\_\_