

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 1.45.100 SCHEDULE OF FINES FOR INFRACTIONS; UPDATING FINES TABLE FOR CODE INFRACTIONS WHERE NONE ARE LISTED.

AGENDA OF: April 6, 2021

ASSEMBLY ACTION:

adopted without objection. KBJ 4.20.21

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY MICHAEL BROWN, BOROUGH MANAGER: *MB*

Route To:	Department/Individual	Initials	Remarks
	Originator	<i>MB</i>	
	Community Development Director	Eric Phillips <small>Digitally signed by Eric Phillips Date: 2021.03.23 09:41:19 -0800</small>	
	Finance Director	<i>OX</i>	
	Borough Attorney	<i>DM</i>	
	Borough Clerk	<i>PQA for JRM</i>	

ATTACHMENT(S): Fiscal Note: YES ☒ NO ☐
Ordinance Serial No. 21-035 (3 pp)
Ordinance Serial No. 21-036 (2 pp)

SUMMARY STATEMENT: Within Borough Code there are provisions that have the potential to be violated which are not listed in the fine table. Infractions which are not listed in the fine table are unable to be adjudicated with a citation through the State of Alaska Court System. The attached Ordinances includes fines for potential infractions of Borough Code. These Ordinances create fines, set clear guidelines for enforcement, and establishes fines where none currently exist.

BACKGROUND: The State of Alaska Court System determined that the fines not currently listed under Matanuska Susitna Borough 1.45.100 Schedule of Fines for Infractions and not updated on the uniform minor offense table, are not able to be adjudicated with citations.

The Assembly established fees under MSB 2.85.010(a) for campgrounds, day use areas, and other public facility uses. Currently there is no fine listed in the MSB fine table for violations of this section of MSB Code. Establishing the fine will allow Code Compliance officers and Community Development staff the ability to fine patrons when they fail to pay a day use fee or purchase an annual parking pass.

By adding the new section in the MSB fine table it will keep it standardized and allow the uniform minor offense table to be updated for enforcement of established code.

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.
- Encourages users to pay parking fees or purchase annual passes to increase revenue to the Community Development Department and avoid paying fines.

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

MATANUSKA-SUSITNA BOROUGH
FISCAL NOTE

Agenda Date: 4-6-2021

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SCHEDULE OF FINES FOR INFRACTIONS; UPDATING FINES TABLE FOR CODE INFRACTIONS WHERE NONE ARE
LISTED

ORIGINATOR: Hugh Leslie

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT <u>(YES)</u> NO
AMOUNT REQUESTED *	FUNDING SOURCE <u>Fines</u>
FROM ACCOUNT #	PROJECT
TO ACCOUNT: <u>100.000.000 3XX.XXX</u>	PROJECT #
VERIFIED BY: <u>[Signature]</u>	CERTIFIED BY:
DATE: <u>3-27-2021</u>	DATE:

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025
Personnel Services						
Travel						
Contractual						
Supplies						
Equipment						
Land/Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING						

CAPITAL						
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REVENUE		*				
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FUNDING:

(Thousands of Dollars)

General Fund						
State/Federal Funds						
Other		*				
TOTAL		*				

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary) * Revenue determined on fines collected.

PREPARED BY:

PHONE:

DEPARTMENT:

DATE:

APPROVED BY:

DATE:

[Signature]

3/23/2021