



Agenda Statement

File #: ORD 17-0003 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 1/13/2017 **In control:** City Council
On agenda: 3/21/2017 **Final action:** 3/21/2017
Title: #17-03 - Amending Title 9 of the Valdez Municipal Code Titled Public Peace and Welfare. Second Reading. Adoption.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 17-03 Amending Title 9 Public Peace and Welfare Final 030717

Date	Ver.	Action By	Action	Result
3/21/2017	1	City Council	approved	Pass
3/7/2017	1	City Council	introduced on first reading	Pass
2/21/2017	1	City Council	introduced on first reading	Pass
2/7/2017	1	City Council	introduced on first reading	Pass
1/17/2017	1	City Council		

ITEM TITLE:

#17-03 - Amending Title 9 of the Valdez Municipal Code Titled Public Peace and Welfare. Second Reading. Adoption.

SUBMITTED BY: Sheri L. Pierce, MMC, City Clerk

FISCAL NOTES:

Expenditure Required: N/A
Unencumbered Balance: N/A
Funding Source: N/A

RECOMMENDATION:

Approve Ordinance #17-03 amending Chapter 9 of the Valdez Municipal Code titled Public Peace and Welfare. Second Reading for Adoption.

SUMMARY STATEMENT:

Following second reading for adoption on February 21st, an amendment was made to Section 9.12.070 - Fireworks, explosives, stench bombs. The amendment is as follows:

9.12.070 Fireworks, explosives, stench bombs.

A. Use of fireworks is prohibited at all times except permitted from ten p.m. on July 3rd to eleven-fifty-nine p.m. on July 4th, and from ten p.m. on December 31st to eleven-fifty-nine p.m. on January 1st of each year subject to provisions of Section 8.20.050.

B. The sale of fireworks to any person under the age of 18 is prohibited. It is unlawful for persons under 18 years of age to purchase fireworks. Purchasers of fireworks must show proof of age upon request by seller.

C. It is unlawful for any person to negligently or unlawfully discharge fireworks in a manner that could reasonably cause harm to life and property.

D. It is unlawful for any person under the influence of alcohol or a controlled substance to discharge fireworks.

E.B. The chief of police may revoke permission whether expressly given or implied under this section where the health and safety of a person may be endangered.

F. Violation of A -B of this section is punishable by a \$100.00 fine. Violation of C -D of this section is punishable by a \$300.00 fine.

This substantial amendment requires that the ordinance be introduced again for public hearing prior to final reading for adoption.

The following chapters have been revised since introduction of the ordinance on January 17th:

9.12 - Offenses Against Public Peace and Decency

9.12.070 - Fireworks, explosives, stench bombs.

9.16 - Theft and Related Offenses

9.24 - Offenses by or Against Minors

9.32 - Weapons

Summary:

Senate Bill 91 was adopted by the Alaska legislature thereby reducing the class of crimes for certain offenses, changing certain offenses from crimes to minor offenses, and placing the prosecutorial burden with municipalities. This change required a review of the Valdez Municipal Code by legal counsel to determine amendments which must be brought forward in order to establish violation and penalty for offenses which will now will be charged and prosecuted under local ordinance.

During the review of Title 9 each chapter was also reviewed for conformance to state law, any violation of constitutional right under current state and federal laws, and after conferring with local law enforcement clarification of existing language and inclusion of some offenses not currently addressed by ordinance.

Chief Hinkle and the City Attorney will be available to address all amendments as presented.