

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2012-41

**AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING
SITKA GENERAL CODE SUBSECTION 9.24.010A ENTITLED "DEFINITIONS"
AND SECTION 9.24.050 ENTITLED "FINES" UNDER CHAPTER 9.24
ENTITLED "BEAR ATTRACTION NUISANCE"**

1. **CLASSIFICATION.** This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code ("SGC").

2. **SEVERABILITY.** If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstance shall not be affected.

3. **PURPOSE.** The ordinance would amend the "Bear Attraction Nuisance" definition in SGC 9.24.010A to make any amount of putrescible waste constituting a "bear attraction nuisance." SGC 9.24.050 entitled "fines" is also amended to delete a warning just issued for the first offense assessing a fine of \$100 instead, and increasing the fine from \$200 to \$300 for the second and subsequent offenses. This ordinance is recommended by the Bear Task Force, and would become effective 30 days after date of passage.

4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that SGC 9.24.010A entitled "Bear Attraction Nuisance" be amended as follows (new language underlined; deleted language stricken):

**Title 9
HEALTH AND SANITATION**

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**Chapter 9.24
BEAR ATTRACTION NUISANCE**

9.24.010 Definitions.

The terms and phrases used in this chapter shall have the following meanings:

- A. "Bear attraction nuisance" means, except as otherwise provided in this section:
1. Any amount ~~More than one half gallon of any~~ putrescible waste, including packaging or other surfaces to which the material is adhered;
 2. Any organic material of a type which has previously attracted a bear to the property; or
 3. Soiled disposable diapers.

4. "Bear attraction nuisance" does not include:
- a. Material in a certified landfill;
 - b. Manure or sewage;
 - c. Material in a refuse receptacle temporarily placed outside no earlier than four a.m. on refuse collection day;
 - d. Living or dead flora or fauna indigenous to the property; or
 - e. Material completely enclosed in a structure or container which requires hands or tools to open.

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9.24.050 Fines.

A. Each person who owns and/or is in control of property that creates, maintains, or permits a bear attraction nuisance on the property, shall be charged with an infraction and subject to the following fine:

~~1. First offense within one year: warning with no fine.~~

12. ~~First~~ ~~Second~~ offense within one year: fine not exceeding one hundred dollars.

23. ~~Second~~ ~~Third~~ and subsequent offenses within one year: fine not exceeding three ~~two~~ hundred dollars.

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5. EFFECTIVE DATE. This ordinance shall become effective 30 days after the date of this passage.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 11th day of December, 2012.


Mim McConnell, Mayor

ATTEST:



Sara Peterson, CMC
Municipal Clerk