

# City and Borough of Sitka

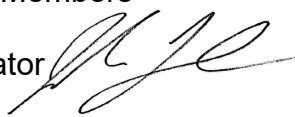
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*Coast Guard City, USA*

## MEMORANDUM

**To:** Mayor Eisenbeisz and Assembly Members

**Thru:** John Leach, Municipal Administrator 

**From:** Stan Eliason

**Date:** February 17, 2021

**Subject:** Ordinance Amending SGC 13.12.050 "Fines", subsection G

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### **Background**

On January 14, 2021 the Port and Harbor Commission passed a motion requesting a change to Sitka General Code ("SGC") section 13.12.050 "Fines" to refer all citation regulations, amounts and guidance to SGC 11.40.175 "Violation-Responsibility and penalty". This motion was passed due to continued disregard and non-compliance with Harbor parking regulations, with most violations and citations issued at the Eliason Harbor drive down work float. In 2020, 17 citations were issued for this location alone, many to repeat offenders.

Currently SGC section 13.12.050 subsection G has a \$25 fine per offense for violations of vehicle loading and unloading areas within the harbor system.

### **Analysis**

By changing the reference in subsection G to 11.40.175, the intent is to levy a graduated schedule of penalties and impose procedures consistent with parking violations throughout the municipality. This is intended to increase compliance with parking regulations in loading and unloading areas within the harbor system, in particular at the Eliason Harbor drive down work float.

### **Fiscal Note**

While there is the potential that this change may generate a small, but undetermined increase in revenue, the primary purpose of the change is to improve compliance with parking regulations.

### **Recommendation**

Pass the ordinance to increase consistency with parking violations and increased compliance.

**CITY AND BOROUGH OF SITKA**

**ORDINANCE NO. 2021-04**

**AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING TITLE 13 “PORT AND HARBORS” OF THE SITKA GENERAL CODE BY AMENDING CHAPTER 13.12 “ENFORCEMENT” AT SECTION 13.12.050 “FINES”**

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

**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 purpose of this ordinance is to levy a graduated schedule of penalties and impose procedures consistent with parking violations throughout the municipality, with the intent to incentivize compliance with parking regulations within loading and unloading areas within the harbor system.

**4. ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the Sitka General Code Title 13, entitled “Port and Harbors”, be amended at Chapter 13.12, entitled “Enforcement”, Section 13.12.050, entitled “Fines” to read as follows (deleted language stricken, new language underlined):

**Title 13  
PORT AND HARBORS**

**Chapters:**

- 13.02 General Provisions**
- 13.04 Definitions**
- 13.06 Charges/Fees**
- 13.07 Harbor Use Privileges and Prohibitions**
- 13.08 Reserved Moorage Stalls**
- 13.09 Anchoring**
- 13.10 Float Regulations**
- 13.12 Enforcement**

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**Chapter 13.12  
ENFORCEMENT**

**Sections:**

- 13.12.010 General.**
- 13.12.040 Written warning.**
- 13.12.050 Fines.**

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**13.12.050 Fines.**

The maximum penalty will be five hundred dollars, minimum will be fifty dollars and a standard penalty for violations will be as follows:

A. Cleaning fish – waste (Section 13.10.140):

First offense \$100.00

Second or subsequent offense \$250.00

B. Excessive wake (Section 13.07.040):

First offense \$50.00

Second or subsequent offense \$100.00

C. Offloading more than five hundred pounds commercially caught raw fish (Section 13.10.230) within a five-year period:

First offense \$250.00

Second or subsequent offense \$500.00

D. Nuisance violations (Section 13.13.025 – soot) within one year:

First offense \$50.00

Second offense \$100.00

Third or subsequent offense \$300.00

E. Harbor electrical violations (Section 13.10.060(A)) within one year:

First offense Written warning

Second offense \$100.00 and shut off power to vessel

Third or subsequent offenses \$300.00 and shut off power to vessel

F. Harbor electrical violations (Section 13.10.060(C)) within one year:

First offense \$250.00

Second or subsequent offenses \$500.00 and subject to removal from Sitka harbor system

G. Violations of vehicle loading and unloading area regulations (Section 13.10.170) shall be ~~twenty-five dollars per offense~~ as specified in Section 11.40.170(D)(4) for parking violations in harbor areas and are subject to the procedures set forth in Section 11.40.175.

H. Violations of work float usage (Section 13.10.180) shall be up to five hundred dollars per offense.

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**PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka, Alaska, this 9 day of March, 2021.

ATTEST:

1<sup>st</sup> reading 2/23/21  
2<sup>nd</sup> and final reading 3/9/21

Sponsors: Knox / Christianson