



CODE REVIEW COMMITTEE MEETING

Thursday, November 16, 2023 at 5:30 AM

AGENDA

In compliance with the Americans with Disabilities Act, individuals needing special accommodations / during this meeting should notify the City of Dillingham at 907-842-5212 at least three working days before the meeting.

MEETING INFORMATION

CODE REVIEW COMMITTEE MEETING

CITY HALL COUNCIL CHAMBERS

141 Main Street, Dillingham, AK 99576 (907) 842-5212

This meeting will also be available at the following online

location:<https://us02web.zoom.us/j/82543025790?pwd=aVRSRmIOQ1BPafJYTDBiUUUVyVXI1Zz09>

Meeting ID:825 4302 5790 ; passcode: 218272

Or dial (346) 248-7799; or (669) 900-6833

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

1. Code Review Committee Minutes 05/11/2023

APPROVAL OF AGENDA

UNFINISHED BUSINESS

NEW BUSINESS

2. ORDINANCE NO. 2023-06
AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING CHAPTER 11.24
ABANDONED VEHICLES
3. ORDINANCE NO. 2023-07
AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING CHAPTER 4.30,
CONTRACT AND PURCHASE PROCEDURES TO ADJUST THE PURCHASE
PARAMETERS
4. 4.15.080 Personal property returns review

PUBLIC COMMENT/COMMITTEE COMMENTS

ADJOURNMENT

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES



CODE REVIEW COMMITTEE MEETING

Thursday, May 11, 2023 at 5:30 PM

MINUTES

In compliance with the Americans with Disabilities Act, individuals needing special accommodations / during this meeting should notify the City of Dillingham at 907-842-5212 at least three working days before the meeting.

CALL TO ORDER

The Code Review Committee met on Thursday, May 11, 2023, in the Dillingham City Council Chambers, and via video conferencing, in Dillingham, AK. Council Member Kim Johnson chaired the meeting and called the meeting to order at 5:35 p.m.

ROLL CALL

Committee Members present and establishing a quorum (a quorum being four):

Mayor Alice Ruby

Kim Johnson

Michael Bennett

Lori Goodell

Greta Hayden-Pless

Kaleb Westfall

APPROVAL OF MINUTES

1. Minutes of Thursday, April 13, 2023; Code Review Committee Meeting

MOTION: Kaleb Westfall moved, and Michael Bennett seconded the motion to approve the February 23, 2023 minutes.

VOTING Yea: Alice Ruby, Kim Johnson, Lori Goodell, Michael Bennett, Greta Hayden-Pless, Kaleb Westfall

APPROVAL OF AGENDA

MOTION: Kim Johnson moved, and Michael Bennett seconded the motion to approve agenda.

VOTING Yea: Alice Ruby, Kim Johnson, Lori Goodell, Michael Bennett, Greta Hayden- Pless, Kaleb Westfall

UNFINISHED BUSINESS

2. Resolution No. 2023-XX; Library Advisory Board.

MOTION: Kaleb Westfall moves to recommend approval to the City Council, with amendment to change to Resolution 2023-18, and Michael Bennett seconded.

- Noted that the Library and the LAB have reviewed and signed off on the Resolution.
- Expressed support for the presiding president being elected by the LAB board, in place of Council.
- Spoke in appreciation to LAB for being proactive and cleaning up.

NEW BUSINESS

No new business.

PUBLIC COMMENT/COMMITTEE COMMENTS

Kim Johnson:

- Thanked Alice Ruby for chairing the meeting.

ADJOURNMENT

The meeting adjourned at 5:42 p.m.

Kimberly Johnson, Chair

ATTEST:

Greta Hayden-Pless, Acting City Clerk

Approval Date:

APPROVAL OF AGENDA

UNFINISHED BUSINESS

NEW BUSINESS

CODE ORDINANCE

Introduced: 11/02/2023

Public Hearing:

Adopted:

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2023-06

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING CHAPTER 11.24 ABANDONED VEHICLES:

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING CHAPTER 11.24 ABANDONED VEHICLES TO INCLUDE REGULATING VEHICLE, MOTORCYCLE, ATV, SNOWMACHINE, HEAVY EQUIPMENT, AIRPLANE, BOAT OR OTHER SUCH DEBRIS FROM STOPPING, PARKING, ABANDONING AND STANDING ON IMPROVED AND UNIMPROVED ROADWAYS AND CITY OF DILLINGHAM PROPERTY:

WHEREAS, The City of Dillingham experiences heavy snowfall events from October through April and conducts road maintenance and construction from May through September; and

WHEREAS, Parked and abandoned vehicles within 8 feet of a road way and City of Dillingham Property hinder snow removal, road maintenance and construction and create traffic and safety hazards; and

WHEREAS, It is crucial to ensure road safety, facilitate effective snow removal, maintenance and construction and maintain traffic flow within the city limits;

NOW, THEREFORE, BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Classification.
This is a code ordinance.

Section 2. Amendment to Chapter 11.24.

Dillingham Municipal Code Chapter 11.24 is hereby amended to include as a new section 11.24.011 vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat or other such debris stopping, standing, abandoning or parking on improved and unimproved roads and in other locations.

Section 11.24.011.1 Stopping, Standing, Abandoning or Parking on Improved and Unimproved Roads and Other Locations:

A. Stopping, Standing, Abandoning or Parking on Improved and Unimproved Roads and in Other Locations:

(1) No person may stop, park, abandon or leave standing a vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat or other such debris as to cause a hazard, whether attended or unattended, upon or within eight feet of a roadway, except where the roadway is of sufficient width and design to allow parking without interfering with the normal flow of traffic or with snow removal or other road maintenance, and where the parking, stopping, or standing is not prohibited by an official traffic-control device, unless directed to do so by a flag person or police officer. If an emergency

requires a vehicle to be parked or stopped on a roadway, that vehicle must have activated four-way emergency flashers, three operating highway flares, or three reflective triangles in place.

(2) This section and section B of this chapter do not apply to the driver of a vehicle performing an official duty which requires stopping, standing or parking upon or within eight feet of a roadway or to the driver of a vehicle which is disabled in a manner and to an extent that it is impossible to avoid stopping and temporarily leaving the vehicle upon or within eight feet of a roadway.

(3) A vehicle that is stopped, parked, or standing in violation of a statute, regulation, or ordinance is considered to have been stopped, parked, or left standing by the registered owner of the vehicle unless the registered owner is able to prove that at the time of the violation the vehicle was driven or parked without his consent.

(4) Except when necessary to avoid conflict with other traffic, or to comply with statutes, regulations or ordinances, the directions of a police officer, fireman, authorized flagman, or official traffic-control device, no person may:

- (a)** stop, stand, or park a vehicle
- (b)** on the roadway side of a vehicle stopped or parked at the edge or curb of a street;
- (c)** on a sidewalk;
- (d)** within an intersection;
- (e)** within a crosswalk;
- (f)** between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
- (g)** alongside or opposite a street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
- (h)** at a place where official traffic-control devices prohibit stopping, standing, or parking; or
- (i)** in a designated zone for persons with disabilities unless the vehicle is displaying current license plates or permit in accordance with AS 28.10.181(d) or 28.10.495(a) and the following conditions are immediately present:
 - (i)** a person with a disability of 70 percent or more is on board the vehicle; and
 - (ii)** that person with a disability exits the vehicle upon stopping or parking in the designated handicapped zone;
- (j)** stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
 - (i)** in front of a public or private driveway;
 - (ii)** on private property without the consent of the owner or person in control of the property;
 - (iii)** within 15 feet of a fire hydrant;
 - (iv)** within 20 feet of a crosswalk at an intersection;
 - (v)** within 30 feet on the approach side of a flashing signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway;
 - (vi)** within 20 feet of the driveway entrance to a fire station or within the area directly across the street from the entrance to a fire station, if the distance from the driveway entrance of the station to the opposite side of the street or roadway or opposite curb is less than 75 feet; or
 - (vii)** at a place where an official traffic-control device prohibits standing.

B. COD Police Officers and Public Works Road Maintenance Employees Authorized to Remove Vehicles:

(1) If a vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat, or other such debris is in violation of the provisions of section A of this chapter or is left on a roadway or under circumstances which obstruct the normal movement of traffic, snow removal, or road maintenance, a police officer or Public Works Road Maintenance employee may move the vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat, or other such debris, or require the driver or other person in charge of the vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat, or other such debris to move the vehicle to a position off the roadway or to a safe place on the roadway.

(2) A police officer may impound and remove to a place of safety a vehicle which:

(a) is found in the state and which has been previously reported stolen or taken without the owner's consent;

(b) is found or operated on an improved and unimproved roadway without license plates or other evidence of registration or which evidence is false with respect to that vehicle;

(c) is found or presumed to be abandoned as provided in AS 28.11.020, except that a vehicle is not considered abandoned if left standing or parked in excess of the time specified in AS 28.11.020 when the owner or driver of the vehicle has given notice to the Dillingham police department, specifying the circumstances which require standing or parking in excess of the time specified in AS 28.11.020, and the provisions the owner or driver is making to remove the vehicle; or

(d) is used in connection with the commission of a crime and is impounded pursuant to a police investigation.

(3) When a police officer arrests and detains the driver of a motor vehicle, the officer shall impound and remove the vehicle to a place of safety; however, the officer shall inform the driver that he may elect to have another immediately available person, who is legally licensed to drive a motor vehicle, drive or otherwise remove the vehicle as the driver directs. The driver may designate the nearest available garage or tow truck operator of his/her choosing to remove the vehicle. If the driver does not so indicate, the officer shall make the arrangements necessary to remove the vehicle.

(4) When a vehicle is impounded and removed from a roadway or elsewhere at the discretion of a police officer, the vehicle shall be removed to a place of safety. The owner or driver may claim the vehicle by securing a written release for it from the police officer or agency ordering its removal. A vehicle legally removed or impounded may not be released to the owner, nor may the owner secure its use until the release for it is certified by the officer or agency directing its removal. The expense for the removal and storage must be paid by the owner or driver of the vehicle.

Section 11.24.011.2 Fines, Penalties, Vehicle Impoundment, and Forfeiture:

(1) **Violations and Penalties:** Violations of the regulations outlined in Section 11.24.011 may result in fines and penalties based on the severity and frequency of the offense, with the possibility of vehicle impoundment and forfeiture for repeat offenders.

(a) **Minor Violations:** Minor violations include instances where a vehicle is stopped, parked, or left standing within eight feet of a roadway without causing significant obstruction or hazard or abandoned on City of Dillingham property. These violations may include failure to activate emergency signals or improper parking without hindering traffic flow or abandoning a vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat, or other such debris on City of Dillingham property.

Penalty: A fine of **\$150**, with the possibility of increased fines for repeated violations. For repeat offenders, the vehicle may be subject to impoundment if violations persist.

(b) Moderate Violations: Moderate violations encompass cases where a vehicle obstructs traffic flow, snow removal, or road maintenance to a considerable extent. This includes violations such as stopping or parking within prohibited areas, in front of driveways, or within marked safety zones abandoning a vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat, or other such debris on City of Dillingham property that pose a health, ecological or environmental hazard.

Penalty: A fine of **\$250**, with progressive increases for repeated offenses within a defined period. For repeat offenders, the vehicle may be impounded, and the owner faces the possibility of vehicle forfeiture if fees and fines remain unpaid after 180 days.

(c) Major Violations: Major violations involve severe obstructions that significantly compromise road safety, snow removal efforts, or traffic flow. These violations may include abandoning a vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat, or other such debris on roadways that poses a hazard to others or on City of Dillingham property that pose a significant safety and health, ecological or environmental hazard.

Penalty: A fine of **\$500**, along with the possibility of immediate vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat, or other such debris impoundment for repeat offenders. If fees and fines are not paid within 180 days, the vehicle may be subject to forfeiture.

(2) Impoundment and Vehicle Forfeiture:

(a) In cases where a vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat, or other such debris is impounded due to violations outlined in Section 11.24.011, the owner or driver is responsible for the cost of removal and storage. Repeat offenders may have their vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat, or other such debris impounded immediately upon subsequent violations. If fees and fines, including towing, impoundment, and storage expenses, remain unpaid after 180 days, the vehicle, motorcycle, ATV, snowmachine, heavy equipment, airplane, boat, or other such debris may be subject to forfeiture to offset outstanding debts.

(b) Fee Schedule:

Tow or Removal Fee: \$100 - \$800

Impound Release Fee: \$200

Storage Fee: \$20 per day

(c) The City of Dillingham reserves the right to adjust fines, penalties, fees and impoundment periods based on factors such as the severity of the violation, the frequency of offenses, and other relevant circumstances. All fines collected will be allocated to support city operations and initiatives, including road maintenance, public safety, and community development.

Section 3. Effective Date.

This ordinance is effective upon adoption.

Section 4. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. Enactment and Approval.

PASSED and **ADOPTED** by a duly constituted quorum of the Dillingham City Council on this day the of , 2023.

ATTEST:

Alice Ruby, Mayor

[SEAL]

**Daniel E. Decker Sr. ,
City Clerk**

DEFINITIONS:

For the purpose of this ordinance, the following terms shall have the meanings ascribed to them below:

1. **Vehicle:** Any device capable of being moved upon a roadway and in, upon, or by which any persons or property may be transported or drawn, including but not limited to automobiles, trucks, vans, buses, and trailers.
2. **Motorcycle:** A motor vehicle with two wheels designed to travel with a rider astride the saddle and handlebars and equipped with a motor with a piston displacement capacity of more than 50 cubic centimeters.
3. **ATV (All-Terrain Vehicle):** A motorized off-highway vehicle designed to travel on four low-pressure tires, having a seat designed to be straddled by the operator and handlebars for steering control to include side by side machines.
4. **Snowmachine:** A motorized vehicle designed to travel on snow or ice and commonly known as a snowmobile.
5. **Heavy Equipment:** Large machinery and vehicles used in construction, mining, agriculture, and other industries, including but not limited to bulldozers, excavators, cranes, and graders.
6. **Airplane:** A powered flying vehicle with fixed wings and a weight greater than that of the air it displaces, relying on the dynamic action of air against its wings to generate lift.
7. **Boat:** A watercraft of any size designed to float on and move across the water's surface.
8. **Other Such Debris:** Refers to any items or materials left unattended in or near roadways that may pose a hazard to traffic, pedestrians, snow removal, or road maintenance efforts, including but not limited to abandoned vehicles, discarded machinery parts, fallen trees, or other similar objects.

These definitions shall apply throughout this ordinance and shall help to clarify the scope and intent of the regulations contained herein.

CODE ORDINANCE

Introduced: December 14, 2023
 Public Hearing: January 4, 2024
 Adopted: January 4, 2024

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2023-07

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING CHAPTER 4.30, CONTRACT AND PURCHASE PROCEDURES TO ADJUST THE PURCHASE PARAMETERS

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Classification. This is a code ordinance.

Section 2. Amendment to Chapter 4.30 Contract and Purchase Procedures. Section 4.30 of the Dillingham Municipal Code is hereby amended as follows with new text displayed in **bold** and underlined font and deleted text displayed in strike out font.

Sections:

4.30.050 Purchase orders.

4.30.060 Contracts/purchases of under one thousand dollars.

4.30.070 Contract/purchases of one thousand dollars to five thousand dollars.

4.30.080 Contracts/purchases of five thousand dollars to twenty thousand dollars.

4.30.090 Contracts/purchases of twenty thousand dollars or more.

4.30.050 Purchase Orders.

A. The city manager is responsible for the establishment of a purchasing system under which all merchandise, supplies and services will be purchased for the city, except for the school district.

B. Purchase orders shall be issued upon requisitions signed by the head of the division requesting the purchase. All requisitions shall be filed with the purchasing agent and no purchase shall be made until an order has been obtained from him/her.

C. In the absence of the city manager, a person designated in writing by him/her, is hereby authorized to sign purchase orders for supplies which do not exceed ~~two thousand dollars~~ **\$4,999** in value, in conformance with control procedures to be established by the city manager for that purpose.

4.30.060 Contracts/purchases of under ~~two thousand dollars~~ **\$4,999.**

Unless otherwise required by law, contracts and purchases estimated by the city manager to be not in excess of ~~two thousand dollars~~ **\$4,999** may be made on the open market without competitive bidding or quotations.

4.30.070 Contracts/purchases of ~~two thousand dollars~~ **\$4,999 to ~~seven thousand nine hundred ninety-nine dollars~~ **\$9,999**.**

Unless otherwise required by law, contracts and purchases estimated by the city manager in writing to be between ~~two thousand~~ **\$4,999** and ~~seven thousand nine hundred ninety-nine dollars~~ **\$9,999** may be made in the open market without competitive sealed bid or public notice; however whenever possible the city manager shall obtain at least three price quotes

and shall award the contract purchase to the lowest responsible bidder. The city manager shall maintain a written record of the price quotations requested and received.

4.30.080 Contracts/purchases of ~~eight thousand dollars~~ \$10,000 to ~~thirty thousand dollars~~ \$50,999.

Unless otherwise required by law, contracts and purchases estimated by the city manager in writing to be between ~~eight thousand~~ \$10,000 and ~~twenty-nine thousand nine hundred ninety nine dollars~~ \$50,999 may be made in the open market without competitive sealed bid or public notice, subject to the following:

- A. Quotations and Award. Such open market contracts and purchases, whenever possible and practicable, shall be based upon at least three competitive written quotations from interested bidders and shall be awarded to the lowest qualified and responsible bidder.
- B. Interested Bidder’s List. The city manager shall create and maintain a list of interested bidders, which list shall contain the names of suppliers who have declared their interest in being solicited for quotations on specific classes of supplies or services. Names of suppliers who have become inactive in submitting quotations may be removed from the list.
- C. Written Quotations. Written quotations may be solicited by telephone, in person or in writing from bidders in the interested bidders list and from others known to be interested in submitting quotations. All quotations shall be submitted in writing and a detailed record shall be made of the quotations received. The city manager may consider the prices in published mail order catalogs as written quotations.
- D. City Council Approval. The city manager shall review all quotations and award the contract or purchase in writing. The city manager shall notify the city council of the award of such contract or purchase at the next regular city council meeting.
- E. Records. The city manager shall keep a written record of all such open market contracts and purchases and the quotations submitted in competition thereon. Such records shall be open to public inspection during regular business hours. Records of such open market purchases may be disposed of two years following the action.

4.30.090 Contracts/purchases of ~~thirty thousand dollars~~ \$51,000 or more.

- A. Unless exempt under the provisions of Section 4.30.130, contracts for and purchases of supplies estimated by the city manager in writing to exceed ~~thirty thousand dollars~~ \$51,000 shall be made by competitive sealed bid.
- B. Unless exempt under the provisions of Section 4.30.130, contracts for professional services estimated by the city manager in writing to exceed ~~thirty thousand dollars~~ \$51,000 shall be made by competitive sealed proposal.
- C. The city manager may provide for a process whereby interested bidders/proposers submit statements of qualifications. From these statements, the manager shall determine those who appear to satisfy the “responsible bidder” criteria as set forth at Section 4.30.030(A) and may limit the submittal of bids and proposals pursuant to Section 4.30.100 to only those parties.

Section 3. Effective Date. This ordinance is effective upon passage.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on January 4, 2024.

Alice Ruby, Mayor [SEAL]

ATTEST:

Daniel E. Decker Sr
City Clerk

4.15.080 Personal property returns.

A. Every person with personal property whose total combined value is greater than ten thousand dollars shall submit to the city a personal property return, postmarked on or before the first business day in February, of any property owned by him/her or in which he/she has an interest, and of the property held or controlled by him/her in a representative capacity, in the manner prescribed in this chapter, which return shall be based on property values existing as of January 1st of the year in which the return is made, or, in the case of business inventories, values shall be computed on the year end method. Commercial boats and vessels are not included in figuring whether the property owner has more than ten thousand dollars in personal property but must be reported annually on the personal property assessment return. The person making the return in every case shall state the address to which all notices required to be given to him/her under this chapter may be mailed or delivered. The return shall show the nature, quantity, description, amount and value of all personal property, and the place where the property is situated. The return shall be in such form and include such additional information as the assessor may prescribe and shall be signed and verified under oath by the person liable or his/her or its authorized agent or representative.

B. The assessor may, by notice in writing to any person by whom a return has been made, require from him/her further return containing additional details and more explicit particulars, and upon receipt of the notice, that person shall comply fully with its requirements within thirty days.

C. Total combined value for the purpose of this section shall include all personal property except:

1. Commercial boats and vessels assessed on a valuation under Section 4.15.040; and
2. Personal property exempted from tax under Section 4.15.030. (Ord. 01-12 § 1 (part), 2001; Ord. 08-02 §§ 2, 5, 2008; Ord. 11-08 § 1, 2011.)

4.15.030 Real and personal property exemptions.

D. Real property interests, other than fee simple record ownership, of an individual residing on the property, if the property has been developed, improved, or acquired with federal funds for the provision of low-income housing on or before September 1, 2017, and is owned or managed as low-income housing by either the Alaska Housing Finance Corporation under AS 18.55.100 through 18.55.960 or a regional housing authority formed under AS 18.55.996. This section does not prohibit the city from continuing to receive payments in lieu of taxes authorized under federal law.

E. Snowmobiles and three-, four-, or six-wheel all terrain vehicles (not to exceed manufactured dry weight of one thousand pounds) shall be exempted from personal property taxation.

F. Recreational boats and all outboard motors shall be exempted from personal property taxation. For purposes of this exemption “recreation

CITIZEN'S COMMENTS

ADJOURNMENT