



CODE REVIEW COMMITTEE MEETING

Thursday, April 13, 2023 at 5:30 PM

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/86775972389?pwd=RVpxSVdSbCtyTDd0ZnJvYXdqTjNtUT09>

Meeting ID: 867 7597 2389; passcode: 763356 Or dial (346) 248-7799; or (669) 900-6833

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

- [1.](#) Minutes of Thursday, February 23, 2023; Code Review Committee Meeting

APPROVAL OF AGENDA

UNFINISHED BUSINESS

- [2.](#) Library Advisory Board

NEW BUSINESS

- [3.](#) Liquor License Renewal; 2652 Windmill Grille
- [4.](#) Establish Dumpster Ordinance

PUBLIC COMMENT/COMMITTEE COMMENTS

ADJOURNMENT

Minutes



CODE REVIEW COMMITTEE MEETING

Thursday, February 23, 2023 at 5:30 PM

MINUTES

CALL TO ORDER

The Code Review Committee met on Thursday, February 23, 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 5:30 p.m.

ROLL CALL

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

Mayor Alice Ruby	Kim Johnson	Kaleb Westfall
Lori Goodell	Michael Bennett	Greta Hayden-Pless

APPROVAL OF MINUTES

- Minutes of November 10, 2022; Code Review Committee Meeting

MOTION: Alice Ruby moved, and Kaleb Westfall seconded the motion to approve the November 10, 2022 minutes.

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

APPROVAL OF AGENDA

MOTION: Alice Ruby moved, and Kaleb Westfall seconded the motion to approve agenda.

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

COMMITTEE BUSINESS

- Marijuana License Renewal, 16915 Bristol Bay Bud

MOTION: Alice Ruby moved to recommend City Council waive the right to protest the Marijuana License Renewal of Bristol Bay Bud, and Kaleb Westfall seconded the motion.

- Noted all sales tax are current and paid.

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

- Marijuana License Renewal, 25324 Alaska Grown Cannabis

MOTION: Kaleb Westfall moved to recommend City Council waive the right to protest the Marijuana License Renewal of Alaska Grown Cannabis, and Michael Bennett seconded the motion.

- Clarified that the utility bill stayed current once the billing confusion was cleared up.

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

4. Liquor License Renewal; 2787 Olsen's Liquor Store

MOTION: Kaleb Westfall moved to recommend City Council waive the right to protest the Liquor License Renewal of Olsen's Liquor Store, and Alice Ruby seconded the motion.

- Noted that due to COVID closures, no sales reports were turned in due to belief that while closed no sales reports were required. This issue was addressed, and the sales reports are in order.

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

5. Liquor License Transfer; 2787 Olsen's Liquor Store

MOTION: Kaleb Westfall moved to recommend City Council waive the right to protest the Liquor License Renewal of Olsen's Liquor Store, and Michael Bennett seconded the motion.

- Stated that the physical location was not changing, transfer of liquor license ownership only.

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

6. Liquor License Transfer; 1405 Dillingham Liquor Store

MOTION: Kaleb Westfall moved to recommend City Council waive the right to protest the Liquor License Renewal of Olsen's Liquor Store, and Michael Bennett seconded the motion.

- Noted no sales tax reports submitted as transfer of license hasn't been completed.

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

7. **Ordinance 2023-01**; An Ordinance Of The Dillingham City Council Amending Section 2.09.080 Order Of Business To Include The Pledge Of Allegiance

MOTION: Michael Bennett moved, and Kaleb Westfall seconded the motion to recommend council adopt Ordinance 2023-01.

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

8. **Ordinance 2023-02**; An Ordinance Of The Dillingham City Council Amending Section 2.68.110 Order Of Business To Include Citizen Comments

MOTION: Kaleb Westfall moved, and Alice Ruby seconded the motion to recommend council adopt Ordinance 2023-02.

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

9. Trapping in City Limits

The following spoke regarding trapping in Dillingham:

Andy Anderman, Dan Dunaway, Todd Fritze, Dan Boyd, John Landsiedel, Teresa Duncan

- Entities represented: ADFG, USFW, local trappers, Dillingham Public Safety.
- The education aspect has fallen short due to staff shortages and unforeseen circumstances.
- Taking the lead on the education to community is not realistic due to continued staff shortages.
- Be aware of unintended consequences. Trapping in City limits is advisable to control problem animals and issues, i.e. rabies.
- Education is important for trappers, pet owners, and community members. Safety for children and pets recognized.

- City attorney recommended City to not pursue restrictions on trapping within city limits.
- Public Safety recalls 3 incidents involving dogs caught in traps, with one incident ending in a fatality. No incidents involving children.
- Public noted one occurrence of children finding a trap and due to being educated through family ties, safely disarmed the trap.
- Trapping on private property falls under the responsibility of the property owner.
- Introduce public education on trapping and leash laws.
- Recommended collaboration with ADFG to submit a proposal regarding trapping regulations to State of Alaska in 2024.
- Recommended by trappers to work with Alaska Trappers Association (ATA), Dillingham Sportsman Association, ADFG, and State of Alaska to distribute different educational routes.

PUBLIC COMMENT/COMMITTEE COMMENTS

- Committee thanked those in attendance for their time and opinions.
 - Appreciated seeing both sides.
 - Encouraged with follow through to help Dan Dunaway with his outreach program.
- An issue with the Library Advisory Board. Two of the committee seats are not applicable anymore with the loss of consortium and was looking for what direction the committee would like to take as far as update code, how many people should be on the board.
 - Advised to place on the next agenda to discuss.
- Public invited to speak:
 - Thanked Committee for the efficiency of the meeting, along with the congenial atmosphere present.
 - Mentioned whoever plowed the Nerka Loop on Feb 24th, did a hell of a job, and thanked them.

ADJOURNMENT

The meeting adjourned at 6:15 p.m.

Kimberly Johnson, Chair

ATTEST:

Greta Hayden-Pless, Acting City Clerk

Approval Date: _____

Unfinished Business

2.80.040 Library advisory board.

There shall be a library advisory board created by a resolution. (Ord. 13-18 § 2 (part), 2013.)

From: [Sonja Marx](#)
To: [Admin Manager](#); [Lori Goodell](#)
Cc: [Assistant](#); [Robert Mawson](#); [lee ann andrew](#)
Subject: Important info from our LAB meeting to pass on and ask about
Date: Thursday, February 16, 2023 1:29:37 PM

- They would like to make the LAB a 5-seat board instead of 7-seats since we no longer have a consortium library agreement with the DCSD and the Campus. UAF BB campus pulled out, so they no longer have a rep for seat G. The DCSD is supporting the library through the LINKED grant. The superintendent appointed Sarah Bailey to be the school rep. The LAB would like to move Sarah Bailey to the vacant seat E and do away with seats F & G. They understand that changing the LAB from seven to five seats needs to go before the City Council to be approved. For the next city council meeting in March? Little too late for tonight's meeting?
- They were working on the volunteer forms/agreement for the library. Instead of reinventing the wheel, they want to know what the city already has in place (paperwork) for volunteers to fill out before volunteering, Kelsa? What forms do they fill out? Are background checks required? Who pays for those? Liability & Insurance coverage needed, Anita? When volunteers fill out the necessary paperwork, who do they turn it in to, Library or City? Who does the screening, checking references, and approves of them volunteering? The city, librarian, LAB?
- The library is extending the hours we are open to:

Monday and Friday open 10 am to 6 pm (10:30 am for story time on Friday and 6-8 pm every other Friday for game night)

Tuesday, Wednesday, and Thursday open 12 noon to 4 pm

Saturday open 10 am to 3 pm

This new schedule can be posted on the city's website and Facebook page. We will also let the FOL know to post it, and we will make signs for the library.

Thanks,
Sonja

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-71**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL CREATING A CITY OF DILLINGHAM LIBRARY ADVISORY BOARD**

WHEREAS, the Library Board had offered some changes to Dillingham Municipal Code Chapter 2.080, Public Library; and

WHEREAS, the City Council recommended vetting those suggested changes through the Code Review Committee; and

WHEREAS, the City has been working to standardize the format of the various boards and committees, following the adoption of DMC Chapter 2.90, Advisory Boards and Commissions, enacted June 24, 2010, that established future advisory boards and committees of the council would be authorized by resolution; and

WHEREAS, at the October 10, 2013, Regular Council Meeting, Ordinance No. 2013-18 was introduced as approved by the City Council, and scheduled for a public hearing and adoption at the November 7, 2013 Council meeting;

WHEREAS, Ordinance No. 2013-18 would replace the Library Board with a Library Advisory Board structured after Chapter 2.90;

WHEREAS, the existing members of the Library Board would be seated on the newly formed Library Advisory Board through the remainder of their terms;

NOW, THEREFORE, BE IT RESOLVED, that the Dillingham City Council establishes a Library Advisory Board with the following structure and responsibilities:

1. The Board shall be made up of seven members nominated by the Mayor and confirmed by the Council. At least two of the members will represent the University of Alaska Fairbanks Bristol Bay Campus and Dillingham Middle/High School.
2. A member shall be a resident of the greater Dillingham area and be a registered voter with the State of Alaska.
3. The presiding officer shall be recommended by the Library Advisory Board, nominated by the Mayor and confirmed by the City Council.
4. Members of the Board, with the exception of the two representatives, shall serve for three years with seats staggered that expire in September or until their successors are appointed and qualified; provided that the terms of no more than three members shall expire in any one calendar year. The University of Alaska Fairbanks Bristol Bay Campus and Dillingham Middle/High School representatives will be appointed annually in September.
5. The Board shall be advisory to the City Manager and Librarian recommending operational policies for the library program, and submitting same to the City Council for approval.

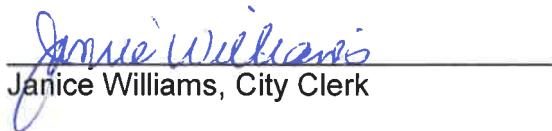
6. The Board shall prepare rules for the operation of the library, including, but not limited to, general promotion and community outreach, the hours of operation, length of time books or other items may be borrowed and fines. All rules must be approved by the City Council.
7. The Board may not obligate the City of Dillingham, but may serve as advisory to the City Manager on application for, receipt of and/or management of any funds for or by the City of Dillingham for the Public Library.
8. The Presiding Officer shall ensure that written minutes of every meeting are kept and provide copies of the minutes to the City Clerk. All meetings shall be conducted in accordance with Robert's Rules of Order and DMC Chapter 2.90.050, Procedures.
9. The Library Advisory Board shall remain in existence unless otherwise notified by the City Council.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on Nov. 7, 2013.

SEAL:


Alice Ruby, Mayor

ATTEST:


Janice Williams, City Clerk

City of Dillingham Information Memorandum No. R2013-71

Subject: An Ordinance of the Dillingham Municipal Code amending Chapter 2.80 to create a Library Advisory Board by resolution and remove reference to Library Board in the Dillingham Municipal Code

Agenda of: **November 7, 2013**

Council Action:

Manager: Recommend approval.

City Manager: Rose Loera
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Library / Sonja Marx	SM	
X	City Clerk / Janice Williams	JW	

Fiscal Note: Yes _____ No X Funds Available: Yes _____ No _____

Other Attachment(s): None

Summary Statement.

The Library Board had recommended some changes to the library code, which were then added to the Code Committee's to do list. As a result of examining the recommendations, the Code Review Committee discussed the differences between the Library Board and the Friends of the Library, and advised recreating the Library Board as an advisory board to bring it more in line with the committee process.

The Library Advisory Board follows the parameters adopted in Ordinance No. 2010-08, June 2010, establishing future advisory boards and commissions.

The Code Review Committee is recommending to the Council that this resolution be adopted.

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2015-12

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AMENDING THE PROCESS FOR APPROVING THE OPERATIONAL PROCEDURES AND RULES RECOMMENDED BY THE LIBRARY ADVISORY BOARD AND REPEALING RESOLUTION NO. 2013-71

WHEREAS, the Library Board had offered some changes to Dillingham Municipal Code Chapter 2.080, Public Library; and

WHEREAS, the City Council recommended vetting those suggested changes through the Code Review Committee; and

WHEREAS, the City has been working to standardize the format of the various boards and committees, following the adoption of DMC Chapter 2.90, Advisory Boards and Commissions, enacted June 24, 2010, that established future advisory boards and committees of the council would be authorized by resolution; and

WHEREAS, at the November 7, 2013 Council Meeting the Council adopted Ordinance No. 2013-18 which replaced the Library Board with a Library Advisory Board structured after Chapter 2.90;

WHEREAS, the existing members of the Library Board would be seated on the newly formed Library Advisory Board through the remainder of their terms;

WHEREAS, at their November 7, 2013 the Dillingham City Council adopted Resolution No. 2013-71 establishing a Library Advisory Board;

NOW, THEREFORE BE IT RESOLVED that the Council wishes to retain the Library Advisory Board's structure and responsibilities as follows and outlined in Resolution No. 2013-71, but designate the City Manager, instead of the City Council, as approving library rules and to report those actions to the City Council:

1. The Board shall be made up of seven members nominated by the Mayor and confirmed by the Council. At least two of the members will represent the University of Alaska Fairbanks Bristol Bay Campus and Dillingham Middle/High School.
2. A member shall be a resident of the greater Dillingham area and be a registered voter with the State of Alaska.
3. The presiding officer shall be recommended by the Library Advisory Board, nominated by the Mayor and confirmed by the City Council.
4. Members of the Board, with the exception of the two representatives, shall serve for three years with seats staggered that expire in September or until their successors are appointed and qualified; provided that the terms of no more than three members shall expire in any one calendar year. The University of Alaska Fairbanks Bristol Bay Campus and Dillingham Middle/High School representatives will be appointed annually in September.

5. The Board shall be advisory to the City Manager and Librarian, and shall assist in preparing rules for the operation of the library, including, but not limited to, general promotion and community outreach, the hours of operation, length of time books or other items may be borrowed and fines, for approval by the City Manager to be reported to the City Council.
6. The Board may not obligate the City of Dillingham, but may serve as advisory to the City Manager on application for, receipt of and/or management of any funds for or by the City of Dillingham for the Public Library.
7. The Presiding Officer shall ensure that written minutes of every meeting are kept and provide copies of the minutes to the City Clerk. All meetings shall be conducted in accordance with Robert's Rules of Order and DMC Chapter 2.90.050, Procedures.
8. The Library Advisory Board shall remain in existence unless otherwise notified by the City Council.

NOW, THEREFORE, BE IT RESOLVED that the City Manager will approve the rules for the operation of the library, including, but not limited to, general promotion and community outreach, the hours of operation, length of time books or other items may be borrowed and fines, and report those items to the Council

BE, IT FURTHER RESOLVED, that Resolution No. 2013-71 is repealed in its entirety.

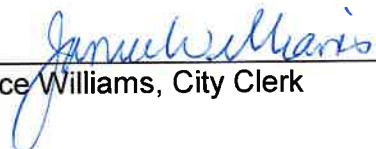
PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on 2/5/15



Alice Ruby, Mayor

ATTEST:

[SEAL]



Janice Williams, City Clerk

City of Dillingham Information Memorandum Agenda of: February 5, 2015
Attachment to:
Ordinance No. _____ / Resolution No. 2015-12

Subject:

A Resolution of the Dillingham City Council amending the process for approving the operational procedures and rules recommended by the Library Advisory Board and Repealing Resolution No. 2013-71

City Manager: Recommend Approval

Signature: Rose Deera

Route to	Department Head	Signature	Date
	Finance Director		
X	City Clerk	<i>J. Williams</i>	<i>1/28/15</i>

Fiscal Note: Yes No Funds Available: Yes No

Other Attachments:

- None

Summary Statement:

At their December 4, 2014 Council meeting, the City Manager requested the Council send the resolution back to Code that was passed in 2013 designating the Council to approve library operational procedures, including hours of operation. This was not consistent with other City departments, and felt these were procedural issues not policies.

This resolution was vetted through the Code Review Committee and is being recommended for adoption to reassign the approval of library rules to the City Manager and to report back to the Council.



Ordinance No. _____ / Resolution No. 2015-12 _____

Summary Statement continued:

+

Published on *Dillingham, AK* (<https://www.dillinghamak.us>)

Library Advisory Board

The Library Advisory Board advises the Council on policies and procedures established for library operation. All policies of the program established by the board are effective until review by the Council.

Regular meeting location

Meetings are held in the Dillingham Public Library.

Regular meeting schedule

Library Advisory Board meetings are held quarterly.

This board consists of seven members nominated by the Mayor and confirmed by the Council and serve three-year staggered terms.

Current Members	First Appointment	Current Term Expires
Seat A, Janet Diekgrafe	4/7/2022	9/1/2023
Seat B, Amy Ruby	3/1/2007	9/1/2025
Seat C, Rebekah Fonkert	5/31/2021	9/1/2024
Seat D, Lee Ann Andrew	11/7/2017	9/1/2025
Seat E, Sarah Bailey	Fall of 2022	9/30/2023
Seat F		
Seat G		

Source URL: <https://www.dillinghamak.us/bc-lab>

New Business



3/29/2023

License Renewal	License Transfer	New License	Other
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Doing Business As	License Type	Licensee	Physical Address
Windmill Grille	Restaurant/Eating Place	Nina J Corbett	1544 Kanakanak Road

This review covers the period 03/29/2021 to 02/28/2023.

Route to FINANCE 3/29/2023 Respond by: 4/03/2023 Info. Available as of _____
Date Date Date

ACTIVITY	STATUS
Sales Tax Reports Filed and Payments Submitted	Bal. Due 0.00 Date/Amt. of Last Payment 12/10/21 \$702.02 No. late payments 0 Comment: Final report indicated on 11/2021 sales tax report. No sales reported in 2022 or so far in 2023.
Real Property Tax Owns the property? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	Bal. Due _____ Date/Amt. of Last Payment _____ No. late payments _____ Comment:
Personal Property Tax (Inventory, Supplies, Office Equipment)	Bal. Due 0.00 Date/Amt. of Last Payment _____ No. late payments _____ Comment: All business property tax returns indicate values less than \$10,000 which is below the reporting threshold for Dillingham.
Utility Bill Responsible for utilities? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Bal. Due 0.00 Date/Amt. of Last Payment 12/01/2021 No. late payments _____ Comment: Establishment has been closed and therefore no utility billing.
Most Current DLG Business License	2023 License Year 11/23/2022 Date Applied Comment:
Most Current AK State Bus. License	2023/2024 License Year 11/12/2022 Date Applied Comment:



3/29/2023

License Renewal	License Transfer	New License	Other
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Doing Business As	License Type	Licensee	Physical Address
Windmill Grille	Restaurant/Eating Place	Nina J Corbett	1544 Kanakanak Road

This review covers the period 03/29/2021 to 02/28/2023.

Route to Public Safety 3/29/2023 Respond by: 4/03/2023 Info. Available as of _____
Date Date Date

Have there been any adverse reports filed in the past two years? YES NO

If yes, explain in detail and include dates. Use a separate sheet of paper if necessary. :

- Serving to minors (under 21 years of age).
- Intoxicated person on licenses premises.
- Serving alcoholic beverages after hours.
- Pattern of disturbances or fights on the licenses premises.
- Open sale of prohibited drugs on the licenses premises.

Additional comments:



License Renewal	License Transfer	New License	Other
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Doing Business As	License Type	Licensee	Physical Address
Windmill Grille	Restaurant/Eating Place	Nina J Corbett	1544 Kanakanak Road

This review covers the period 03/29/2021 to 02/28/2023.

Route to PLANNING 03/29/2023 Respond by: 04/03/2023 Info. Available as of _____
Date Date Date

1) Does the structure, or use of land or a structure, including parking requirements at the proposed license location conform to Title 18. Explain.

N/A

2) License Transfer and New Licenses require a public hearing DMC 8.18.020, B. Provide a detail of the Public Notice Requirements.

N/A



Rece	Section . Item 3.

License Renewal	License Transfer	New License	Other
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Doing Business As	License Type	Licensee	Physical Address

Reviewed by: _____
Date

Recommendation:

No Action

Deny

Explain the reason(s) for a denial of the application:

OTHER:

During the two year period that the license is in effect, state statute allows the local governing body to protest the continued operation of a license during the second year of the biennial license period. This may be done by sending both the Alcohol Marijuana and Control Board and the licensee a protest and the reason for the protest by January 31 of the second year of the license.

OTHER Comment:



THE STATE
of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,
and Economic Development
ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

March 29, 2023

City of Dillingham
Via Email: cityclerk@dillinghamak.us

Re: Notice of 2023/2024 Liquor License Renewal Application

License Type:	Restaurant/Eating Place	License	2652
Licensee:	Nina J Corbett		
Doing Business As:	Windmill Grille		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Joan Wilson, Director
amco.localgovernmentonly@alaska.gov

STATE OF ALASKA - ALCOHOLIC BEVERAGE CONTROL BOARD
FORM CONTROL

XXXX

ISSUED
03/29/2023
ABC BOARD

LIQUOR LICENSE
2023 - 2024
TEMPORARY

0050
Section . Item 3.

LICENSE RENEWAL APPLICATION
DECEMBER 31, 2024 (AS 04.1)

THIS LICENSE EXPIRES MI
FEBRUARY 28, 2025 UNLESS DATED

TYPE OF LICENSE: Restaurant/Eating

LICENSE FEE: \$600.00

1130

CITY / BOROUGH: Dillingham
Unorganized Borough

D/B/A: Windmill Grille
1544 Kanakanak Road

Mail Address:
Nina J. Corbett
PO Box 1216
Dillingham, AK 99576

This license cannot be transferred without permission
of the Alcoholic Beverage Control Board

[] Special restriction - see reverse side

ISSUED BY ORDER OF THE
ALCOHOLIC BEVERAGE CONTROL BOARD

Joan M. Wilson
DIRECTOR

04-900 (REV 10/20/22)

THIS LICENSE MUST BE POSTED IN A VISIBLE PLACE ON THE

STATE OF ALASKA - ALCOHOLIC BEVERAGE CONTROL BOARD

LICENSE NUMBER

FORM CONTROL

XXXX

ISSUED
03/29/2023
ABC BOARD

LIQUOR LICENSE
2023 - 2024
TEMPORARY

2652

LICENSE RENEWAL APPLICATION
DECEMBER 31, 2024 (AS 04.1)

THIS LICENSE EXPIRES MI
FEBRUARY 28, 2025 UNLESS DATED

TYPE OF LICENSE: Restaurant/Eating

LICENSE FEE: \$600.00

CITY / BOROUGH: Dillingham
Unorganized Borough

D/B/A: Windmill Grille
1544 Kanakanak Road

Mailing Address:
Nina J. Corbett
PO Box 1216
Dillingham, AK 99576

This license cannot be transferred without permission
of the Alcoholic Beverage Control Board

[] Special restriction - see reverse side

ISSUED BY ORDER OF THE
ALCOHOLIC BEVERAGE CONTROL BOARD

COPY

DIRECTOR

23

THIS LICENSE MUST BE POSTED IN A VISIBLE PLACE ON THE

04-900 (



Alaska Alcoholic Beverage Control Board

Form AB-17: 2023/2024 General Renewal Application

- This form and any required supplemental forms must be completed, signed by the licensee, and postmarked no later than 12 AS 04.11.270, 3 AAC 304.160, with all required fees paid in full, or a non-refundable \$500.00 late fee applies.
- Any application for renewal or any fees for renewal that have not been postmarked by 2/28/2023 will be expired per AS 04.11.304.160(e).
- All fields of this application must be deemed complete by AMCO staff and must be accompanied by the required fees and all required, or the application will be returned without being processed, per AS 04.11.270, 3 AAC 304.105
- Receipt and/or processing of renewal payments by AMCO staff neither indicates nor guarantees in any way that an application will be deemed complete, renewed, or that it will be scheduled for the next ABC Board meeting.

Section 1 - Establishment Contact Information

Licensee (Owner):	Nina J Corbett	License #:	2652
License Type:	Restaurant or eating place		
Doing Business As:	Windmill Grille		
Local Governing Body:	City of Dillingham		
Community Council:	CAB		

If your mailing address has changed, write the NEW address below:

Mailing Address:					
City:		State:		ZIP:	

Section 2 - Licensee Contact Information

Contact Licensee: The individual listed below must be part of the ownership structure of the licensee listed in Section 1. This person will be the designated point of contact regarding this license, unless the Optional contact is completed.

Contact Licensee:	Nina Corbett	Contact Phone:	(907)842-
Contact Email:	windmillgrille@yahoo.com		

Optional: If you wish for AMCO staff to communicate with anyone other than the Contact Licensee (such as legal counsel) about you list their information below:

Name of Contact:		Contact Phone:	
Contact Email:			

Section 3 - for Package Stores ONLY: Written Order Information

Do you intend to sell alcoholic beverages and ship them to another location in response to written solicitation in calendar years 2022 and/or 2023?

YES NO

AMCO
DEC 13 2022



Form AB-17: 2023/2024 License Renewal Application

Section 4 – Ownership Structure Certificate

Section . Item 3.

YES NO

Did the ownership structure of the licensed business change in 2021/2022?

If Yes, and you have NOT notified AMCO, list the updated information on form AB-39: Change of Officers and submit with your renewal application.

If No, certify the statement below by initialing the box to the right of the statement.

I certify that the ownership structure of the business who owns this alcohol license did not change in any way during the calendar years 2021 or 2022.

Section 5 – License Operation

Check ONE BOX for EACH CALENDAR YEAR that best describes how this liquor license was operated:

- 1. The license was operated for more than 240 hours throughout each year. (Year-round)
- 2. The license was only operated during a specified time each year. (Not to exceed 6 months per year)
If your operation dates have changed, list them below:
_____ to _____
- 3. The license was only operated to meet the minimum requirement of 240 total hours each calendar year.
A complete AB-30: Proof of Minimum Operation Checklist, and all documentation must be provided with this form.
- 4. The license was not operated at all or was not operated for at least the minimum requirement of 240 total hours each year, during one or both calendar years.
A complete Form AB-29: Waiver of Operation Application and corresponding fees must be submitted with this application for each calendar year during which the license was not operated.
If you have not met the minimum number of hours of operation in 2021, you are not required to pay the fees, however a complete AB-29 is required with Section 2 marked "Other" and COVID is listed as the reason.

Section 6 - Violations and Convictions

Have ANY Notices of Violation been issued for this license?

Has ANY person or entity in this application been convicted of a violation of Title 04, 3AAC 304 or a local ordinance adopted under AS 04.21.010 in 2021 or 2022?

If you checked YES, you MUST attach a list of all Notices of Violation and/or Convictions per AS 04.11.270(a)(2)

If you are unsure if you have received any Notices of Violation, contact the office before submitting this form.

Section 7 – Certifications

As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 3 AAC 304, and that this application, including all accompanying schedules and statements, are true, correct, and complete.

- I agree to provide all information required by the Alcoholic Beverage Control Board or requested by AMCO staff in connection with this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned and the license being potentially expired if I do not comply with statutory or regulatory requirements.
- I certify that in accordance with AS 04.11.450, no one other than the licensee(s), as defined in AS 04.11.260, has a direct or indirect financial interest in the licensed business.
- I certify that this entity is in good standing with Corporations, Business and Professional Licensing (CBPL) and that all officers and stakeholders are current and I have provided AMCO with all required changes of the ownership structure of the business license, and have provided all required documents for any new or changes of officers.



Form AB-17: 2023/2024 License Renewal Application

Section . Item 3.

- I certify that all licensees, agents, and employees who sell or serve alcoholic beverages completed an alcohol server education course approved by the ABC Board and keep current, valid copies of their completion cards on the licensed premises during all working hours, if applicable for this license type as set forth 04.21.025 and 3 AAC 304.465.

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

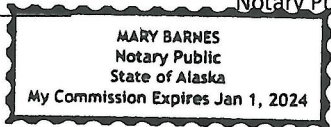
Nina J Corbett
Signature of licensee

Nina J Corbett

Printed name of licensee

Mary Barnes
Signature of Notary Public

Notary Public in and for the State of Alaska



My commission expires: 1.1.24

Subscribed and sworn to before me this 16th day of December

- Restaurant and Eating Place** applications must include a completed AB-33: Restaurant Receipts Affidavit
- Recreational Site** applications must include a completed AB-36: Recreational Site Statement
- Tourism** applications must include a completed AB-37: Tourism Statement
- Wholesale** applications must include a completed AB-25: Supplier Certification
- Common Carrier** applications must include a current safety inspection certificate

All renewal and supplemental forms are available online:
<https://www.commerce.alaska.gov/web/amco/AlcoholLicenseApplication.aspx>

FOR OFFICE USE ONLY

#100510303

License Fee:	\$ <u>600.00</u>	Application Fee:	\$ 300.00	Misc. Fee:	\$
Total Fees Due:					\$ <u>900.00</u>



DEC 13 2022

Alaska Business License # 911271

Alaska Department of Commerce, Community, and Economic Development

Division of Corporations, Business, and Professional Licensing

PO Box 110806, Juneau, AK 99811-0806

This is to certify that

WINDMILL GRILLE

PO BOX 1216, 1544 KANAKANAK ROAD, DILLINGHAM, AK 99576-1216

owned by

NINA CORBETT

is licensed by the department to conduct business for the period

November 12, 2022 to December 31, 2024
for the following line(s) of business:

72 - Accommodation and Food Services



This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State or of the United States.

This license must be posted in a conspicuous place at the business location.
It is not transferable or assignable.

Julie Sande

LICENSE DETAILS

Section . Item 3.

Pri

License #: 911271

Business Name: WINDMILL GRILLE

Status: Active

Issue Date: 02/10/2008

Expiration Date: 12/31/2024

Mailing Address: PO BOX 1216
1544 KANAKANAK ROAD
DILLINGHAM, AK 99576-1216

Physical Address: 1544 Kanakanak Rd
9078421240
DILLINGHAM, AK 99576-1216

Owners

NINA CORBETT

Activities

Line of Business	NAICS	Professional
72 - Accommodation and Food Services	722511 - FULL-SERVICE RESTAURANTS	

Endorsements

No Endorsements Found

License Lapse(s)

If this business license lapsed within the last four years the lapsed periods will appear below. Lapsed periods are the unlicensed periods between an expiration date and renewal date.

No Lapses on record for the last 4 years.

[Close License Detail](#)

[Print Friendly Version](#)

Mayor
Alice Ruby

Manager
Robert J Mawson



Dillingham City Co

Section . Item 4.

Kimberly Johnson
Michael Bennett
Aksel Buholm
Curt Armstrong
Kaleb Westfall
Perry Abrams

MEMORANDUM

Date: 3/20/2023
To: Code Review Committee
From: Greta Hayden-Pless, Acting City Clerk
Subject: Municipalities Dumpster Ordinance Research

In researching multiple municipalities in regard to ordinances with a focus on dumpster covers. I have focused on three Alaskan municipalities; Bethel, Anchorage, and Valdez. I have broken down the municipalities into their own sections with a focus on the container requirements.

All sections are listed as they live in code, with the exception of the highlighted section, where I defined the acronym for clarity.

Bethel:

13.12.130 Containers required.

Every person occupying or having control of any residence, dwelling, commercial or industrial unit in the city shall provide a type of container or receptacle suitable for the accumulation and collection of rubbish and waste material, the type of container or receptacle to be in conformity with the provisions of this chapter. [Prior code § 11.08.100.]

13.12.140 Container racks.

Every person occupying or having charge or control of any residence, dwelling, commercial or industrial unit in the city shall provide a type of container or receptacle rack so designed as to prevent the upsetting or spillage of such containers or receptacles by wind, weather, dogs, cats and/or other animals, or accidents. [Prior code § 11.08.110.]

13.12.150 Container specifications.

All containers or receptacles for the accumulation and collection of garbage, rubbish and waste material from residence, dwelling, commercial or industrial units shall conform to the following minimum specifications:

- A. Each such container or receptacle shall have a maximum capacity of forty (40) gallons.
- B. Each such container or receptacle shall have a maximum weight when filled of seventy-five (75) pounds.
- C. Each such container or receptacle shall have a maximum weight when empty of thirty (30) pounds.
- D. Each such container or receptacle shall be constructed of metal, plastic or rubber, of sufficient quality to serve as such a container or receptacle; provided, however, that no corrugated cardboard box shall be permitted to serve as such container or receptacle, except as provided in

this chapter; and provided further, that no fifty- (50-) gallon or fifty-five- (55-) gallon steel petroleum drums or barrels shall be permitted, unless properly cut down and provided with a tight-fitting lid and handles. [Prior code § 11.08.120(1).]

13.12.240 Nonconforming receptacles.

After July 1, 1977, all rubbish and waste material receptacles and containers which do not conform to the specifications contained in this chapter shall become illegal for the collection and disposal of rubbish and waste materials from all residence, dwelling, commercial or industrial units. If, after July 1, 1977, such nonconforming containers and receptacles are placed in a position for collection and disposal, such nonconforming containers and receptacles shall be collected by the city. Every person occupying or having charge or control of any residence, dwelling, commercial or industrial unit in the city may request that such nonconforming rubbish and waste material containers or receptacles be removed by the city at no expense to the owner or occupier of the residence, dwelling, commercial or industrial unit. [Prior code § 11.08.190.]

13.12.310 Violation – Infraction.

Any person, firm or corporation violating any of the provisions of this chapter is guilty of an infraction, and each such person, firm or corporation is guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted. Each infraction of this chapter shall be subject to a maximum penalty of one thousand dollars (\$1,000). [Ord. 07-28 § 2; prior code § 11.08.260.]

Valdez:

8.08.030 Garbage containers required—Use of containers.

A. It shall be the duty of every person in possession, charge or control of any premises, business establishment or industrial establishment where garbage is created or accumulates, at all times, to keep or cause to be kept dumpsters or portable garbage containers for the deposit therein of garbage; and to deposit or cause to be deposited the same therein. Only those portable garbage containers approved or issued by the city of Valdez with an **International Grizzly Bear Committee** (IGBC) certification will be collected. Portable garbage containers shall be secured in such a manner that they are watertight and consistent with the criteria of their (IGBC) certification. Such containers shall be kept in a sanitary condition, free from accumulating grease and decomposing material. Portable containers shall not be kept at the curbside, except during authorized periods of collection. During authorized periods of collection portable garbage containers shall be placed in an area accessible to the collector of garbage.

B. Waste paper or office supplies, brush, grass, leaves and cuttings from trees, lawns and gardens may be deposited in containers or other suitable receptacles, and shall be covered or otherwise contained so as to prevent the contents from being scattered by the wind or other causes. (Ord. 20-01 § 1 (part): prior code § 21-3)

8.08.060 Burning and dumping of garbage.

No person shall burn any garbage without permission from the fire chief, except wastepaper, boxes, rubbish, debris, brush, grass, weeds and cuttings from trees, lawns or gardens, which may be burned in a covered incinerator;.No person shall dump or deposit any garbage on any street, alley, beach, waters, tidelands, public or private property in the city. (Ord. 20-01 § 1 (part): prior code § 21-7)

8.08.070 General prohibitions regarding garbage disposal.

A. No person shall keep on or about the premises owned or occupied by him, any garbage, unless the same shall be in an approved-type container. No person shall keep on the premises owned or occupied by him any garbage for a longer period than the frequency of collection established by the city.

8.08.100 Fine schedule.

The penalty for violations of this chapter shall be reflected in the fine schedule set forth in this section.

CODE SECTION	OFFENSE DESCRIPTION	COURT APPEARANCE	PENALTY/FINE
8.08.030	Garbage containers required—Use of containers—first offense	Optional	\$100.00
8.08.030	Garbage containers required—Use of containers—second offense	Optional	\$250.00
8.08.030	Garbage containers required—Use of containers—third and subsequent	Optional	\$500.00
8.08.040	Burning and dumping of garbage—first offense	Optional	\$100.00
8.08.040	Burning and dumping of garbage—second offense	Optional	\$250.00
8.08.040	Burning and dumping of garbage—third and subsequent	Optional	\$500.00
8.08.070	General prohibitions regarding garbage disposal—first offense	Optional	\$100.00
8.08.070	General prohibitions regarding garbage disposal—second offense	Optional	\$250.00
8.08.070	General prohibitions regarding garbage disposal—third and subsequent	Optional	\$500.00

Anchorage:

15.110.010 General purpose.

This code chapter regulates how all solid waste within the Municipality of Anchorage is handled by property occupants and owners. In the event of inconsistency with other code sections, this chapter controls. (AO No. 2019-74(S) , § 1, 6-18-19)

15.110.020 Municipal manager authorized to issue rules.

The municipal manager (or designee) may adopt rules and regulations that the manager determines are reasonably necessary to implement the requirements of this chapter. (AO No. 2019-74(S) , § 1, 6-18-19)

15.110.030 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bear-resistant container means a container that meets the requirements for such a container as certified by the Interagency Grizzly Bear Committee (IGBC), or the equivalent or greater as certified by the waste management provider.

Containers means all cans, dumpsters, or similar containers designed and used to hold trash, rubbish, recyclables, and all other waste.

Rubbish means non-putrescible solid wastes (excluding ashes) or recyclable material consisting of either: combustible wastes such as paper, cardboard, plastic, yard waste, grass clippings and wood; or noncombustible wastes such as metal, glass and crockery.

Structure means that which is built or constructed, an edifice or building of any kind, or any piece of artificially built up or composed of parts joined together in some definite manner.

Temporary construction dumpster means a dumpster rented or leased for less than 90 days for temporary use in collecting residential or commercial construction debris, yard waste, or other non-putrescible solid wastes.

Trash means any solid or liquid waste, whether combustible or noncombustible. Trash includes, without limitation, garbage, rubbish, rubble, refuse, industrial waste products, brush, vehicle tires, vehicle bodies or parts, household items, organic material, animal or vegetable waste resulting from the preparation, cooking, and serving of food, paper, ashes, cardboard, cans, cups, plastic, yard clippings, wood, branches, twigs, glass, rags, soiled diapers, and wearing apparel of any kind.

Violator means any person(s), organization, company, business, corporation, property owner, tenant, contractor, contractee, lessor, lessee or other entity that handles solid waste/garbage in a manner not in compliance with the requirements of this Code. (AO No. 2019-74(S) , § 1, 6-18-19)

15.110.040 Trash handling standards.

A. All trash containers shall be rodentproof, insect proof, watertight, structurally strong to withstand handling stress, and easily filled, emptied and cleaned; shall be provided with tightfitting covers or similar closures; and shall be maintained at all times in a clean, sanitary condition.

1. Plastic bags shall not be used without the container for on-site storage of trash except for bags containing only rubbish.

2. This provision shall not apply to temporary construction dumpsters.

B. All trash containers shall be placed or stored in a manner to prevent the occurrence of spillage and littering and in the manner required by applicable provisions of this title, title 26 or state law relative to interim solid waste storage and solid waste collection. Where inconsistent, the more restrictive provision controls.

C. The total capacity of all provided trash containers shall be sufficient to meet the reasonable ordinary household needs of the occupants of the dwelling.

D. Locked bear-resistant trash containers may be placed for pick up no more than 12 hours prior to the day of collection and retrieved not later than 9:00 p.m. of the same day.

E. All other trash containers shall be placed for pick up the morning of collection and retrieved not later than 9:00 p.m. of the same day. This provision shall not apply to temporary construction dumpsters.

F. When not set out for collection, trash containers shall be stored inside a structure or within five feet of the principal (main) structure. This provision shall not apply to temporary construction dumpsters.

G. No person shall place into the public right-of-way or yard setback any trash container that is not securely closed, regardless of whether it contains refuse attractants. (AO No. 2019-74(S) , § 1, 6-18-19)

15.110.050 Violations.

In any instance where solid waste, trash/garbage or junk of any kind is placed, deposited, in, on, under or adjacent a garbage can/refuse container not in compliance with this section, the owner of the property shall be responsible and is defined as a violator. If a violator, other than the property owner, handles solid waste/garbage in a manner not in compliance with the requirements of this Code as described above, both the violator and property owner may be defined as violators. (AO No. 2019-74(S) , § 1, 6-18-19)

15.110.060 Penalties.

A. The department may seek any or all of the following penalties: Recover a fine as set forth in section 14.60.030.

B. Failure to comply with any of the standards in this chapter is defined as a violation for each day the violation exists.

C. It is an affirmative defense to a citation under this section if the violator can show a good faith effort to obtain a compliant bear-resistant container from their solid waste service hauler or provider and the solid waste service did not supply them with one. (AO No. 2019-74(S) , § 1, 6-18-19)

15.110.070 Secure trash regulation zones.

A. The municipal manager or designee may recommend that the assembly by resolution designate an area, neighborhood, or specific location to be a secure trash regulation zone when the municipal manager or designee determines

1. That the area, neighborhood, or specific location has experienced wildlife in trash, the presence of wildlife has greatly increased the likelihood of wildlife in trash, or any other potential wildlife-in-trash hazard exists; and

2. The designation is in the best interests of the municipality.

B. Requirements for secure trash regulation zones:

1. All trash containers in a secure trash regulation zone shall be bear-resistant containers except temporary construction dumpsters.

2. All trash collection providers shall offer bear-resistant containers in multiple sizes.

3. No adult occupant of a single-family dwelling, duplex, triplex, or fourplex, no private owner, local agent or manager of any property, nor lessee leasing the entire premises shall fail to keep all trash in bear-resistant containers or securely stored within a house, garage, shed or other structure at least as secure as a bear-resistant container at all times, except when being transported and placed for pickup.

4. No person shall place into the public right-of-way or yard setback any bear-resistant container that is not securely closed, regardless of whether it contains refuse attractants.

5. No lessee or user of a temporary construction dumpster shall allow the disposal of any trash except residential or commercial construction debris, yard waste, or other non-putrescible solid wastes in a temporary construction dumpster.

6. No private owner, local agent or manager of any property, nor lessee leasing the entire premises, or adult occupant of a single-family dwelling, a duplex, a triplex, or a fourplex shall fail to repair or replace a damaged bear-resistant

container by the trash hauler's next scheduled delivery date after written notification by any municipal official, or such other time designated in the notice by the municipal official. No trash may be stored outdoors until the bear-resistant container is repaired to the working condition as designed or replaced.

a. Notice under this subsection is sufficient if hand delivered, emailed, mailed, telephoned to such person, or by posting on the premises.

b. It is not a defense to a violation of this section that a container or enclosure was damaged and the owner had not received the notice under this subsection.

C. After designation of an area, neighborhood, or specific location as a secure trash regulation zone, the municipal manager shall cause notice to be given to owners and residents of real property in the manner indicated by the resolution designating the secure trash regulation zone. (AO No. 2019-74(S) , § 1, eff. 3-1-20)

15.10.070 - Garbage cans and refuse containers.

A. All garbage cans and refuse containers shall be rodentproof, insect proof, watertight, structurally strong to withstand handling stress, and easily filled, emptied and cleaned; shall be provided with tightfitting covers or similar closures; and shall be maintained at all times in a clean, sanitary condition.

1. Plastic bags shall not be used without the container for on-site storage of trash except for bags containing only rubbish.

B. Garbage and refuse containers as well as bulk storage containers shall be placed or stored in a manner to prevent the occurrence of spillage and littering and in the manner required by applicable provisions of this title, title 26 or state law relative to interim solid waste storage and solid waste collection. Where inconsistent, the more restrictive provision controls.

C. All bulk storage containers shall have tightfitting lids in good working condition.

D. The total capacity of all provided garbage and/or refuse cans and bulk storage containers shall be sufficient to meet the reasonable ordinary household needs of the occupants of the dwelling.

E. Closed and secured trash containers shall be placed for pick up the morning of collection and retrieved not later than 9:00 p.m. of the same day.

F. When not set out for collection, trash containers shall be stored inside a structure or within five feet of the principal (main) structure.

G. No person shall place into the public right-of-way or yard setback any trash container that is not securely closed, regardless of whether it contains refuse attractants.

(AO No. 2016-76(S), § 6, 7-12-16 ; AO No. 2019-74(S) , § 3, 6-18-19)

14.60.030 - Fine schedule.

The fine schedule under this chapter is as follows:

15.10.060B.	Failure to store and dispose of rubbish in a clean, sanitary and safe manner	First offense in a calendar year: \$500.00 per violation and all administrative costs.
		Second offense in a calendar year: \$1,000.00 per violation and all administrative costs.
		Third and subsequent offenses in a calendar year: \$2,000.00 per violation and all administrative costs.
15.10.060C.	Failure to store and dispose of all garbage, refuse and any other organic waste which might provide food for insects or rodents in a clean sanitary, safe manner	First offense in a calendar year: \$500.00 per violation and all administrative costs.
		Second offense in a calendar year: \$1,000.00 per violation and all administrative costs.
		Third and subsequent offenses in a calendar year: \$2,000.00 per violation and all administrative costs.
15.10.060D., E.	Accumulating, placing or storing in a manner that may harbor, attract or feed rodents	First offense in a calendar year: \$500.00 per violation and all administrative costs.
		Second offense in a calendar year: \$1,000.00 per violation and all administrative costs.
		Third and subsequent offenses in a calendar year: \$2,000.00 per violation and all administrative costs.
15.10.070	Failure to provide, maintain or use garbage cans or refuse containers	First offense in a calendar year: \$250.00 per violation and all administrative costs. Second offense in a calendar year: \$500.00 per violation and all administrative costs. Third and subsequent offenses in a calendar year: \$1,000.00 per violation and all administrative costs.

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2023-XX

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING SECTION 8.04.030 CONTAINERS—REQUIREMENTS TO INCLUDE DUMPSTER COVERS

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Classification. This is a code ordinance.

Section 2. Amendment to Section 8.04.030 (C). Dillingham Municipal Code Section 8.04.030(C). is hereby amended to read as follows [new language **underlined and emboldened** and deleted text displayed in ~~strike-out font~~]:

8.04.030 Containers—Requirements.

C. Dumpsters shall be fully enclosed on the bottoms and sides and shall have no holes that would allow escapement of liquids. **Dumpsters shall be covered or otherwise contained with a watertight animal-proof lid and of adequate durability for continued use so as to prevent the contents from being scattered by the wind or other causes.** Dumpsters shall be cleaned at periodic intervals by the owner of the dumpster as necessary to prevent obnoxious odors or other nuisances.

8.04.095 Violations—Penalties.

In addition to the provisions of Section 8.04.090, a person who violates this chapter is guilty of an infraction and subject to a fine as set forth in Section 1.20.040, plus any surcharge required to be imposed under AS 23.55.039. Each day that a violation persists shall constitute a separate offense. **In any instance where solid waste, trash/garbage or junk of any kind is placed, deposited in, on, under or adjacent a garbage can/refuse container not in compliance with this section, the owner of the property shall be responsible and is defined as a violator. If a violator, other than the property owner, handles solid waste/garbage in a manner not in compliance with the requirements of this Code as described above, both the violator and property owner may be defined as violators.** In addition to law enforcement officers, the city animal control officer is authorized to issue citations for any violation of this title. (Ord. 01-11 § 4, 2001; Ord. 13-19 § 11, 2013.)

Section 3. Amendment to Section 1.20.040. Dillingham Municipal Code Section 1.20.040. is hereby amended to read as follows [new language **underlined and emboldened** and deleted text displayed in ~~strike-out font~~]:

1.20.040 Minor offense fine schedule.

In accordance with AS 29.25.070(a), citations for the following offenses may be disposed of as provided in AS 12.25.195 through 12.25.230, without a court appearance, upon

payment of the fine amounts listed in this section, plus the state surcharge required by AS 12.55.039 and 29.25.074. Fines must be paid to the court. The Alaska Court System’s Rule of Minor Offense Procedures applies to all offenses listed in this section. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine schedule amount listed below for that offense. Citations charging these offenses must meet the requirements of the Minor Offense Rules. The fines set forth below may not be judicially reduced.

8.04.030	Improper storage of refuse	75
8.04.030.C	<u>Failure to provide and maintain appropriate receptacles leading to solid waste/garbage is placed, deposited in, on, under or adjacent a garbage can/refuse container not in compliance</u>	300
8.04.040	Containers on right-of-way	75
8.04.050	Failure to dispose of refuse	75
8.04.052.A	Disposal of hazardous material in city landfill	300
8.04.055	Improper deposit of fish waste	300

Section 4. Effective Date. This ordinance is effective upon adoption.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on May 6, 2023.

Alice Ruby, Mayor

ATTEST:

[SEAL]

Greta Hayden-Pless, Acting City Clerk