

**KODIAK ISLAND BOROUGH  
ORDINANCE NO. FY2023-18**

**AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH AMENDING KODIAK ISLAND BOROUGH CODE TITLE 1 GENERAL PROVISIONS CHAPTER 1.20 GENERAL PENALTY SECTION 1.20.050 FINE SCHEDULE SETTING OUT PENALTIES IN THE MINOR OFFENSE FINE SCHEDULE; AND AMENDING TITLE 8 HEALTH AND SAFETY CHAPTER 8.20 LITTERING SECTION 8.20.010 UNLAWFUL ACTS REGARDING LITTERING AND IMPROPER DISPOSAL OF WASTE**

**WHEREAS,** the Kodiak Island Borough has adopted provisions to include certain code violations in the Alaska Uniform Minor Offense Table (UMOT); thus, allowing enforcement with citations as necessary requires reasons to be described in the code; and

**WHEREAS,** the Assembly desires to include additional code violations in the UMOT to enable more effective enforcement where those violations occur; and

**WHEREAS,** the Assembly desires to establish new provisions in the Kodiak Island Borough Code designed to enable more effective enforcement of prohibitions on improper disposal of waste at transfer sites by making the owner of the vehicle used in connection with the improper disposal of the waste responsible for the violation.

**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH** that:

**Section 1:** This ordinance is of a general and permanent nature and shall become a part of the Kodiak Island Borough Code of Ordinances.

**Section 2:** That Kodiak Island Borough Section 1.20.050 Fine Schedule is amended to read as follows:

**1.20.050 Fine Schedule.**

Code Section	Offense	Penalty/Fine
KIBC 6.04.020	Cruelty to Animals	Mandatory court appearance
KIBC 6.04.060	Contagious Animals Prohibited (1st offense)	\$55
KIBC 6.04.060	Contagious Animals Prohibited (2nd offense)	\$83
KIBC 6.04.060	Contagious Animals Prohibited (3rd and subsequent offenses)	\$100

KIBC 6.04.080	Annoying Animals Prohibited (1st offense)	\$28
KIBC 6.04.080	Annoying Animals Prohibited (2nd offense)	\$55
KIBC 6.04.080	Annoying Animals Prohibited (3rd and subsequent offenses)	\$83
KIBC 6.04.100(A)	Control of Animals	Mandatory court appearance
KIBC 6.04.100(B) and (D)	Control of Animals (1st offense)	\$55
KIBC 6.04.100(B) and (D)	Control of Animals (2nd offense)	\$83
KIBC 6.04.100(B) and (D)	Control of Animals (3rd and subsequent offenses)	\$110
KIBC 6.04.110	Animal Littering Prohibited (1st offense)	\$28
KIBC 6.04.110	Animal Littering Prohibited (2nd offense)	\$55
KIBC 6.04.110	Animal Littering Prohibited (3rd and subsequent offenses)	\$83
KIBC 6.04.120(A), (B), (C) and (D)	Animal Identification (1st offense)	\$28
KIBC 6.04.120(A), (B), (C) and (D)	Animal Identification (2nd offense)	\$55
KIBC 6.04.120(A), (B), (C) and (D)	Animal Identification (3rd and subsequent offenses)	\$83
KIBC 6.04.130	Animal Tag and Collar (1st offense)	\$28
KIBC 6.04.130	Animal Tag and Collar (2nd offense)	\$55
KIBC 6.04.130	Animal Tag and Collar (3rd and subsequent offenses)	\$83
<a href="#"><u>KIBC 8.20.010(A)</u></a>	<a href="#"><u>Littering</u></a>	<a href="#"><u>\$100 first offense, \$300 second offense, \$1000 third offense.</u></a>
<a href="#"><u>KIBC 8.20.010(B)</u></a>	<a href="#"><u>Allowing Vehicle to be Used in littering</u></a>	<a href="#"><u>\$100 first offense, \$300 second offense, \$1000 third offense.</u></a>

<u><b>KIBC 8.20.010(C)</b></u>	<u><b>Allowing Vehicle to be Used in the Improper Disposal of Solid Waste at a Borough Waste Site</b></u>	<u><b>\$100 first offense, \$300 second offense, \$1000 third offense.</b></u>
KIBC 8.25.070(B)(3)(b)	Solid Waste Storage and Set-Out (1st offense)	\$50
KIBC 8.25.070(B)(3)(b)	Solid Waste Storage and Set-Out (2nd offense)	\$200
KIBC 8.25.070(B)(3)(b)	Solid Waste Storage and Set-Out (3rd offense)	\$500
KIBC 8.25.070(B)(3)(b)	Solid Waste Storage and Set-Out (4th and subsequent offenses)	\$1,000
KIBC 10.10.010	Junk Vehicles (1st offense)	\$450
KIBC 10.10.010	Junk Vehicles (2nd and subsequent offenses)	\$600
KIBC 10.20.010	Obstruction of Rights-of-Way (1st offense)	\$50
KIBC 10.20.010	Obstruction of Rights-of-Way (2nd offense)	\$100
KIBC 10.20.010	Obstruction of Rights-of-Way (3rd and subsequent offenses)	\$200
KIBC 10.20.020	Obstruction of Service (1st offense)	\$50
KIBC 10.20.020	Obstruction of Service (2nd offense)	\$100
KIBC 10.20.020	Obstruction of Service (3rd and subsequent offenses)	\$200
<u><b>KIBC 15.50.030(C)</b></u>	<u><b>Violation of Stop Work Order</b></u>	<u><b>\$300 per day</b></u>
<u><b>KIBC 17.15.060</b></u>	<u><b>Failure to Obtain Zoning Compliance Permit</b></u>	<u><b>\$300</b></u>
<u><b>KIBC 17.15.020</b></u>	<u><b>Use, Occupancy, Construction in Violation of Zone Limitations, per day</b></u>	<u><b>\$300.00</b></u>

<u>KIBC 17.165.050</u>	<u>Improper Use of Recreational Vehicle as a Dwelling Unit</u>	<u>Mandatory Court appearance</u>
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**Section 3:** That Kodiak Island Borough Section 8.20.010 Unlawful Acts is amended to read as follows:

**8.20.010 Unlawful Acts.**

- A. A person may not throw, drop, deposit, discard or otherwise dispose of litter from a vehicle or otherwise, on public or private property in the borough or in waters in the borough or under borough jurisdiction unless:
  1. The property is designated by the borough as a site for the sanitary disposal of garbage or refuse, and the person is authorized to use the site for that purpose; or
  2. Litter is placed in a litter receptacle, and the person is authorized to use that receptacle, so that the litter is prevented from being carried away or deposited by the elements upon public or private property or waters in the borough or under borough jurisdiction.

**B. Use of vehicle to litter. A vehicle may not be in used in the commission of the violation of subsection (A) of this section. It is a violation of this section to use or allow the use of a vehicle in the violation of subsection (A) of this section.**

- 1. Vehicle Owner’s Responsibility. It is unlawful for any person, firm, or corporation to authorize or knowingly to permit any vehicle registered in his, her or its name to be used in the violation of subsection (A) of this section.**
- 2. Registered Owner Responsible for Violations. A vehicle that is used in the violation of subsection (A) of this section is considered to have been used by any registered owner of the vehicle. When a vehicle is registered to two or more owners each owner is deemed to have consented to any use of the vehicle by another registered owner and each such owner shall be deemed to have given consent to the use of the vehicle by any other person who has received the consent of any registered owner. Only the registration records of the vehicle as of the date of the violation or an acknowledgment of conveyance signed or sworn to by the alleged new owner will be accepted as satisfactory evidence that a vehicle has been sold or otherwise conveyed to a new owner.**

**C. Use of vehicle to improperly deposit waste. A vehicle may not be used in the transportation or disposal of solid waste, as defined in KIBC 8.25.020, at a borough waste site unless the waste is placed in the container provided for that purpose. It is a violation of this section to use or allow the use of a vehicle to transport solid waste which is deposited on the ground outside of the container at a waste site. For purposes of this section a waste site is a location where a roll off container has been placed by the borough or its contractor for persons to deposit solid waste.**

80 1. Vehicle Owner's Responsibility. It is unlawful for any person, firm, or  
81 corporation to authorize or knowingly to permit any vehicle registered in his,  
82 her or its name to be used in the transportation or disposal of solid waste at  
83 a borough waste site unless the waste is placed in the container provided for  
84 that purpose.

85  
86 2. Registered Owner Responsible for Violations. A vehicle that is used to  
87 transport or in the disposal of solid waste at a borough waste site which is  
88 not placed in the container provided for that purpose is considered to have  
89 been used by any registered owner of the vehicle When a vehicle is registered  
90 to two or more owners each owner is deemed to have consented to any use  
91 of the vehicle by another registered owner and each such owner shall be  
92 deemed to have given consent to the use of the vehicle by any other person  
93 who has received the consent of any registered owner. Only the registration  
94 records of the vehicle as of the date of the violation or an acknowledgment of  
95 conveyance signed or sworn to by the alleged new owner will be accepted as  
96 satisfactory evidence that a vehicle has been sold or otherwise conveyed to  
97 a new owner.

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99 D. B. A vehicle may not be driven or moved on a public highway or right-of-way unless it  
100 is constructed, loaded or covered to prevent its load from dropping, shifting, leaking or  
101 otherwise escaping from the vehicle. This subsection does not apply to a vehicle used:

- 102  
103 1. To deposit salt or sand to secure traction; or  
104 2. By a public agency to clean or maintain highways.

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106 The vehicle owner and the person who operates the vehicle are each responsible for penalties  
107 for violation of this section. A person who operates a vehicle from which an object has fallen or  
108 escaped which obstructs or endangers travel upon a public highway or right-of-way shall  
109 immediately remove the object at his own expense or pay the cost of removal incurred by the  
110 borough or by another party.

111 **Effective Date:** This ordinance takes effect 30 days after adoption.

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113 **ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH**  
114 **THIS THIRD DAY OF AUGUST, 2023**

KODIAK ISLAND BOROUGH

ATTEST:



Scott Arndt, Mayor

Nova M. Javier, MMC, Borough Clerk

115  
116 Introduced by: KIB Assembly  
117 First reading: 07/20/2023  
118 Second reading/public hearing: 08/03/2023  
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120 VOTES:  
121 Ayes: Delgado, Griffin, Smiley, Smith, Sharratt, and Turner  
122 Absent: LeDoux