

By: Kendra Johnson
Introduced: September 19, 2017
Public Hearing: October 9, 2017
Action: Approved

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 17-42**

A RESOLUTION RECOMMENDING ASSEMBLY APPROVAL OF AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 1.45.100 SCHEDULE OF FINES FOR INFRACTIONS; CHANGING REFERENCE FROM MISDEMEANORS TO MINOR INFRACTIONS WITHIN MSB CHAPTERS 1.45, 3.15, 8.55, 17.23 AND 17.62; AND AMENDING LANGUAGE WITHIN MSB 1.45 TO MATCH ALASKA STATUTE AND COURT RULES.

WHEREAS, the rationale and intent of this ordinance are found in IM 17-138 which accompanies this ordinance; and

WHEREAS, the fine table listed within MSB 1.45.100 is incomplete; and

WHEREAS, MSB 1.10.010(A)(8) enables the borough to enforce ordinances and to prescribe penalties for violations; and

WHEREAS, MSB at this time is not prosecuting misdemeanor crimes; and

WHEREAS, in the event MSB does start prosecuting misdemeanor crimes; MSB is not set up with an administrative agreement with the State of Alaska Courts nor the State of Alaska Department of Public Safety to charge crimes as a misdemeanor; and

WHEREAS, language in MSB 1.45.080 is inconstant with the current Alaska statute and court rules; and

WHEREAS, in the event MSB does start prosecuting misdemeanor crimes; MSB would have to allow for a jury trial and pay for the defendant's representation if they could not afford it; and

WHEREAS, within Borough code there are provisions that have the potential to be violated which are not listed in the fine table.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby recommends approval of an ordinance amending MSB 1.45.100 schedule of fines for infractions; changing reference from misdemeanors to minor infractions within MSB chapters 1.45, 3.15, 8.55, 17.23 and 17.62; and amending language within MSB 1.45 to match Alaska statute and court rules.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 9th day of October, 2017.



Colleen Vague, Chair

ATTEST



MARY BRODIGAN, Planning Clerk

(SEAL)

YES: , , , , and 

NO: