

Vote: Burney, Graham, Harvey, O'Barr, Sullivan-Leonard, Wilson in favor

**City of Wasilla
Ordinance Serial No. 16-20(AM)**

An Ordinance Of The Wasilla City Council Amending Wasilla Municipal Code (WMC) 12.16, Encroachments, Related To The Unauthorized Encroachment Of Signs In A Public Right-Of-Way Within Wasilla City Limits And Establishing A Procedure For The Removal Of Signs Within The Right-Of-Way.

Section 1. Classification. This ordinance is of a general and permanent nature and shall become part of the city code.

Section 2. Amendment of section. WMC 12.16.010, Definitions, is hereby amended to read as follows:

When used in this chapter, the following words and phrases shall have the meanings set forth in this section:

“Encroachment” means and includes emulsive applications such as petroleum-based or other semi-permanent liquefied, solid, loose, frozen, or crushed materials, including such materials as snow, gravel, topsoil, or vegetation; tower, pole, pole line, pipe, pipeline, driveway, private road, fence, billboard, **sign**, **political sign**, stand, or building, or a structure or object of any kind which is or has been placed in, on, under, or over a portion of a city ~~or state~~ **street or right-of-way** within the city.

“Political sign” means a temporary sign used in connection with a local, state or national election, initiative, or referendum. Political signs include posters or flyers affixed to a tree, fence, or other support structure.

Bold & Underline, added. ~~Strikethrough, deleted~~

“Sign” means any poster, device, structure, fixture, flashing light, strobe, or placard, regardless of whether it is standalone or fixed, using graphics, symbols, and/or written copy designed specifically for the purpose of public notice, advertising, or identifying any establishment, product, goods or services.

Section 3. Amendment of section. WMC 12.16.040, Unauthorized encroachments, is hereby amended to read as follows:

Consistent with Alaska Statute 19.25.180, stating that notwithstanding AS 19.25.080 – 19.25.180, a municipality may enact ordinances that regulate outdoor advertising in a way that is more restrictive than the provisions of AS 19.25.080 – 19.25.180:

(A) If an unauthorized encroachment, **other than a sign**, exists in, on, under, or over a city ~~or state~~ street or right-of-way, the city may require the removal of the encroachment in the manner provided in Sections 12.16.050 through 12.16.070 of this chapter.

(B) **Unauthorized encroaching signs may be removed without notice by the mayor or the mayor’s designee.**

(C) **Signs removed under this subsection will be held by the city for 15 calendar days before disposal. Signs may be recovered by the owner of the sign within the 15-day period upon payment of a \$10.00 fee per sign.**

Bold & Underline, added. Strikethrough, deleted

Section 4. Amendment of section. WMC 12.16.050, Unauthorized encroachments, within title of section, is hereby amended to read as follows:

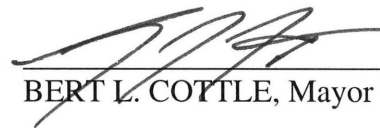
Except as otherwise provided in Sections 12.16.020, 12.16.030, **12.16.040**, or 12.16.060 of this chapter, notice shall be given **to** the owner, occupant, or person in possession of the encroachment, or to any other person causing or permitting the encroachment to exist, **be by** serving upon any of them a notice demanding the removal of the encroachment. The notice shall describe the encroachment ~~complained of~~ with reasonable certainty as to its character and location. Service of the notice may be made by certified mail.

Section 5. Amendment of section. WMC 1.20.030, Disposition of Scheduled Offenses – Fine Schedule, is hereby amended to read as follows:

Code Section	Description of Offense	Fine
WMC 12.12.030	Driveway Permits	\$250
<u>WMC 12.16.040</u>	<u>Recovered Sign Fee</u>	<u>\$10</u>
WMC 12.20.020	Motorized Uses on Lakes	\$100

Section 6. Effective date. This ordinance shall take effect on September 1, 2016.

ADOPTED by the Wasilla City Council on August 8, 2016.


BERT L. COTTLE, Mayor

ATTEST:


JAMIE NEWMAN, MMC, City Clerk

[SEAL]

Bold & Underline, added. ~~Strikethrough, deleted~~

WASILLA

• ALASKA •

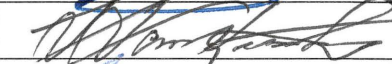
CITY COUNCIL LEGISLATION STAFF REPORT

Ordinance Serial No. 16-20: Amending Wasilla Municipal Code 12.16, Encroachments, Related to the Unauthorized Encroachment of Signs in a Public Right-of-way within Wasilla City Limits and Establishing a Procedure for the Removal of Signs within the Right-of-way.

Originator: Mayor Bert L. Cottle

Date: July 13, 2016

Agenda of: July 25, 2016

Route to:	Department Head	Signature	Date
X	Public Works Director		7/13/16
X	Finance Director		7/13/16
X	Deputy Administrator		7/13/16
X	City Clerk		7/14/16

Reviewed by Mayor Bert L. Cottle:  7:14:2016

Fiscal Impact: yes no

Account name/number:

Attachments: OR 16-20 (3pp)

Summary Statement: This ordinance is proposed to clarify that unpermitted signs in a public right-of-way are unauthorized encroachments. This ordinance further clarifies that unauthorized encroaching signs are subject to removal by the city without notice, and that the signs will be held for 10 calendar days before disposal. Lastly, this ordinance establishes a procedure for signs to be recovered by the owner within the 10-day period upon payment of a \$25 fee per sign.

Staff Recommendation: Adopt Ordinance Serial No. 16-20.