

ORDINANCE NO. 6348, AS AMENDED

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE
FAIRBANKS GENERAL CODE DEALING WITH NUISANCES**

WHEREAS, citizens have placed greater emphasis on neighborhood conditions,
and

WHEREAS, the City has identified various sections of the Fairbanks General Code (FGC) that are inadequate for addressing public nuisances, and

WHEREAS, City staff have reviewed related code chapters from cities both inside and outside Alaska and have identified changes to the FGC that could adequately address public nuisances and improve neighborhood conditions.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:

SECTION 1. Fairbanks General Code Chapter 10, Article VII, Section 10-208 Blighted Properties is hereby amended, as follows [new text in **bold/underlined** font; deleted text in ~~strikethrough~~ font]:

Sec. 10-208. – Blighted Properties

- (a) *Blighted property definition.* Any individual commercial, industrial, or residential structure or parcel of land that endangers the public's health, safety, or welfare because the property is dilapidated, or deteriorated.

Properties with two or more of the following conditions may be considered a blighted property:

- (1) A property upon which is located a dangerous building as defined in the City of Fairbanks Code for the abatement of dangerous buildings.
- (2) The property is determined to be a fire hazard by the fire chief, assistant fire chief, fire marshal, or deputy fire marshal for violations set forth in chapter 30 of the Code of Ordinances.
- (3) Property that meets the chronic nuisance property definition outlined in FGC section 46-211.
- (4) The presence of people staying in temporary shelter not intended for permanent human habitation for more than ten days, **including but not limited to mobile homes outside of licensed courts, motorhomes or similar recreational vehicles, campers, tents, sheds, or vehicles.**
- (5) Properties **zoned as residential** containing **three or more** unregistered, inoperable, ~~unrepaired,~~ **uncovered, or unscreened** vehicles for more than 90 days.

- (6) Properties with accumulated litter as defined in FGC sections 46-161 and 46-162.
 - (7) Presence of unsecured drug paraphernalia as defined in FGC section 46-361.
 - (8) Properties with polluted conditions as defined in FGC section 34-106.
 - (9) **Properties containing unsecured vacant buildings as defined in FGC section 10-207** ~~Conditions of the property or activities on the property have materially contributed to a decline in property values of proximate properties.~~
- (b) Blighted property determination. The mayor or mayor's designee has the authority to determine if a property has met the blighted property threshold outlined in this section.
 - (c) Notification. Upon determination that a property is blighted, the City of Fairbanks will notify the owner of the property by posting a notice of the violation in a conspicuous location on the blighted property and providing the notice to the owner by hand delivery, mail, or electronically. The notification will specify violations that constitute the blight and clearly express remediation deadlines.
 - (d) Schedule. Owners have thirty business days from the notice of violation to remediate the violations. If the remediation will take longer than thirty business days, the owner must present a remediation plan to the city. The mayor or mayor's designee will determine if the plan will address the violations in a reasonable timeframe.
 - (e) Remedies. Property owners are responsible for correcting all conditions that have led to the blighted property designation. Owners failing to adequately address blighted property violations within thirty business days of the notice of violation or by an approved alternate timeline will accrue civil penalties in the amount of \$300.00 per month. After 30 days the city may address the violations at the property owner's expense. The city council may place a lien on a property for any unpaid civil penalties and/or expenses resulting from remedying the violations.
 - (f) **Personal Property and Vehicles. Insofar as may be reasonably required, the city may move, remove, or discard any personal property located on the blighted property that is contributing to the blighted designation or hindering abatement of the blighted condition. A vehicle removed under this section may be impounded by the city and released to the registered owner only upon proof of ownership and payment of all applicable impound and storage fees. Vehicles not retrieved within 90 days of the impoundment may be considered abandoned and may be disposed of without further notice to the owner. If the contents of the vehicle have not been recovered before such disposal, the contents may be disposed of with the vehicle. All**

other personal property temporarily held by the city under this section may be disposed of in accordance with section 62-31.

- (gf) The civil remedy provided in this section is intended to address health, safety, and welfare concerns resulting from blighted properties. Any remedy included in this section is independent and separate from any other legal remedy available including injunctive relief and criminal action.
- (hg) The property owner(s) may appeal any decision regarding this section of code with the mayor or mayor's designee. The property owner may further appeal any decision regarding this section of code with the city council.
- (ih) The mayor or mayor's designee may waive any fees or penalties associated with this section of Code.

SECTION 2. Fairbanks General Code Chapter 10, Article XII, Section 10-381 Authorized uses outside licensed courts is hereby amended, as follows [new text in **bold/underlined** font; deleted text in ~~strikethrough~~ font]:

Sec. 10-381. - Authorized uses outside licensed courts.

- (a) For the purpose of this section, the term "mobile home" means any vehicle or structure designed and constructed in such a manner as will permit occupancy as sleeping quarters for one or more persons, or the conduct of any business or profession, occupation, or trade, and so designed that it is or may be mounted on wheels and used as a conveyance on highways or city streets, propelled or drawn by its own or other motive power.
- (b) The use of a mobile home for residential purposes shall not be permitted outside a licensed mobile home park except as may be authorized by law. **The city may deem the mobile home an uninhabitable structure at any time and require that it be vacated.**
- (c) **An illegally occupied mobile home on private property is subject to removal by the city.**
 - (1) **The city may post a notice on private property containing an illegally occupied mobile home stating it must be vacated within ten days of the date and time the notice is posted.**
 - (2) **Ten days after the notice is posted, the city will issue a fine of \$300 every seven days to the property owner.**
 - (3) **Any owners or lessees of property allowing illegal occupation of mobile homes to continue are creating a nuisance activity as defined in FGC section 46-211.**
- (de) A mobile home not in use for residential purposes may be stored or parked, provided no more than two such mobile homes may be parked on any lot, parcel, or tract.

- (ed) Construction firms may use a mobile home for a temporary office and/or storage at a work site during the period of construction.
- (fe) A business firm may use a mobile home for a temporary office if the business must be temporarily relocated, for a period not to exceed 90 days upon obtaining a permit from the building official.
- (gf) Mobile homes may be used in ordinary and usual ways in connection with circuses, fairs, political campaigns and similar occasions, provided they are removed not more than seven days after the end of the occasion.

SECTION 3. Fairbanks General Code Chapter 78, Article XI, Section 78-397 Parking of trailers is hereby amended, as follows [new text in **bold/underlined** font; deleted text in ~~strikethrough~~ font]:

Sec. 78-397. - Parking of trailers, travel trailers, motorhomes or campers.

- (a) No trailer shall be parked on any publicly maintained street or highway of this city for a period longer than 24 one-hours at any one time.
- (b) The city engineer may designate a publicly maintained streets in the ~~central business traffic district~~ city on which no trailer shall be stopped, parked or allowed to stand between the hours of 6:00 a.m. and 6:00 p.m.

SECTION 4. Fairbanks General Code Chapter 46, Article II, Section 46-42 Disturbing the peace is hereby amended, as follows [new text in **bold/underlined** font; deleted text in ~~strikethrough~~ font]:

Sec. 46-42. - Disturbing the peace.

- (a) A person commits the offense of disturbing the peace if he:
 - (1) In a public place, repeatedly or continuously shouts, blows a horn, plays a musical or recording or amplifying instrument, or otherwise generates loud sound or noise with the intent to disturb or in reckless disregard of the peace and privacy of others.
 - (2) In a private place, engages in the conduct described in subsection (a)(1) of this section, with the same intent or reckless disregard, after having been informed by another that the conduct is disturbing the peace and privacy of others not in the same place.
 - (3) Between the hours of 11:00 p.m. and 7:00 a.m., operates or uses a pile driver, pneumatic hammer, bulldozer, road grader, loader, power shovel, derrick, backhoe, power saw, manual hammer, motorcycle, snow machine or other instrument, appliance or vehicle which generates loud sounds or noise, after having been informed by another that such operation or use is disturbing the peace and privacy of others.

- (4) Keeps any dog or other animal which is allowed to engage in frequent or prolonged barking or other loud noise-producing activity, after having been informed by another that such frequent or prolonged barking or noise-producing activity is disturbing the peace and privacy of others.
 - (5) Repeatedly or continuously sounds any horn or other sound-producing warning device on a motor vehicle when such repeated or continued sounding is not necessary to warn of any danger.
- (e) The following sound or noise is not prohibited by this section:
- (1) Noise of safety signals, warning devices and emergency pressure relief valves when used for their warning of emergency purposes.
 - (2) Noise produced by any authorized emergency vehicle when responding to an emergency call or when otherwise authorized by law or ordinance to activate its sirens or other warning devices.
 - (3) Noises necessarily produced in the course of work required to protect persons or property from imminent peril.
 - (4) Noise produced by any activity for which a permit has been issued pursuant to subsection (f) of this section.
 - (5) Snow removal equipment necessary for maintenance of property, kept in good repair and maintenance, and which equipment, when new, would not comply with the standards set forth in subsection (a)(3).**

SECTION 5. Fairbanks General Code Chapter 46, Article IV, Division 5 Illegal Activity Nuisance, Sections 46-211 and 46-213 are hereby amended, as follows [new text in **bold/underlined** font; deleted text in ~~strikethrough~~ font]:

Section 46-211. – Definitions

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

Chronic nuisance property means:

- (1) Property on which three or more nuisance activities have occurred during any 60-day period;
- (2) Property on which or within 200 feet of which any person associated with the property has engaged in three or more nuisance activity during any 60-day period; or
- (3) Property which, upon request for execution of a search warrant, has been the subject of a determination by a court that probable cause that possession, manufacture or delivery of a controlled substance or related offenses as defined in AS 11.71.010—11.71.060 have occurred within the previous 30 days.

Control means the ability to regulate, restrain, dominate, counteract or govern conduct that occurs on a property.

Deputy director of public safety includes the deputy director of public safety and his designee.

Intimidation means:

- (1) Tampering or interfering with property while having no right to do so nor reasonable ground to believe that the person has such right, with the intent to cause substantial inconvenience to another because of the person's perception of the other's race, color, religion, national origin or sexual orientation;
- (2) Intentionally subjecting another to offensive physical contact because of the person's perception of the other's race, color, religion, national origin or sexual orientation; or
- (3) Intentionally, because of the person's perception of race, color, religion, national origin or sexual orientation of another or of a member of the other's family, subjecting such other person to alarm by threatening to:
 - a. Inflict serious physical injury upon or to commit a felony affecting such other person, or a member of the person's family; or
 - b. Cause substantial damage to the property of the other person or of a member of the other person's family.

Nuisance activities means any of the following activities, behaviors or criminal conduct:

- (1) Harassment as defined in AS 11.61.120;
- (2) Intimidation as defined in this section;
- (3) Assault and reckless endangerment as defined in AS 11.41.200—11.41.230;
- (4) Disorderly conduct as defined in AS 11.61.110 or section 46-41;
- (5) Disturbing the peace as provided in F.G.C. section 46-42;
- (6) Sexual abuse, contributing to the delinquency of a minor, or sexual misconduct as provided in AS 11.51.130, AS 11.41.434—11.41.440, AS 11.41.455;
- (7) Prostitution or related offenses as provided in AS 11.66.100—11.66.130;
- (8) Alcoholic liquor violations as provided in AS 04.11.010—04.11.015;
- (9) Offensive littering as provided in AS 46.06.080 and F.G.C. **section** 46-162;
- (10) Criminal trespass as provided in AS 11.46.320—11.46.330;
- (11) Theft as provided in AS 11.46.100—11.46.200;
- (12) Arson or related offenses as provided in AS 11.46.410—11.46.430;

- (13) Possession, manufacture or delivery of a controlled substance or related offenses as provided in AS 11.71.010—11.71.060;
- (14) Illegal gambling as provided in AS 11.66.200—11.66.260;
- (15) Criminal mischief as provided in AS 11.46.480—11.46.486;
- (16) Any attempt to commit, as defined in AS 11.31.100, or conspiracy to commit, as defined in AS 11.31.120, any of the above offenses;
- (17) Fire or discharge of a firearm as provided in AS 11.61.190—11.61.220 and section 46-293;
- (18) Unlawful operation of sound producing or reproducing equipment as provided in section 46-186;
- (19) Unlawful drinking in public places as provided in section 46-80;
- (20) Curfew as provided by section 46-81; ~~and~~
- (21) Indecent exposure as provided in AS 11.41.460; ~~and~~
- (22) Illegal mobile home occupation as defined in section 10-381; and**
- (23) Continued failure to secure a vacant building, as defined in section 10-207.**

Permit means to suffer, allow, consent to, acquiesce by failure to prevent or expressly assent or agree to the doing of an act.

Person means any natural person, agent, association, firm, partnership or corporation capable of owning, occupying or using property in the city.

Person associated with means any person who, on the occasion of nuisance activity, has entered, patronized, visited or attempted to enter, patronize or visit, or waited to enter, patronize or visit a property or person present on a property, including without limitation any officer, director, customer, agent, employee, or any independent contractor of a property, person in charge, or owner.

Person in charge means any person in actual or constructive possession of a property, including but not limited to an owner or occupant of property under his dominion, ownership or control.

Property means any property, including land and that which is affixed, incidental or appurtenant to land, including but not limited to any business or residential premises, room, house, parking area, loading area, landscaping, building or structure or any separate part, unit or portion, or any business equipment, whether or not permanent. For property consisting of more than one unit, property is limited to the unit or the portion of the property on which any nuisance activity has occurred or is occurring, but includes areas of property used in common by all units of property, including without limitation other structures erected on the property and areas used for parking, loading and landscaping.

Sec. 46-213. - Procedures.

When the ~~deputy director of public safety~~ **Mayor's designee** receives two or more ~~police~~ reports documenting the occurrence of nuisance activity on or within 200 feet of a property within the area, the ~~deputy director of public safety~~ **Chief of Police or their designee** shall independently review such reports to determine whether they describe criminal **or nuisance** acts enumerated under this chapter. Upon such a finding, the **Mayor's designee shall** ~~may deputy director of public safety notify~~ **send a notice to** the person in charge in writing that the property is in danger of becoming chronic nuisance property. The notice shall **must** contain the following information:

- (1) The street address or a legal description sufficient for identification of the property;
- (2) A statement that the ~~deputy director of public safety~~ **city** has information that the property may be chronic nuisance property, with a concise description of the nuisance activities that may exist or that have occurred. The ~~deputy director of public safety~~ **Mayor's designee** shall offer the person in charge an opportunity to propose a course of action that the ~~deputy director of public safety~~ **Mayor** agrees will abate the nuisance activities giving rise to the violation; and
- (3) Demand that the person in charge respond to the ~~deputy director of public safety~~ **Mayor's designee** within ten days to discuss the nuisance activity.

SECTION 6. Fairbanks General Code Chapter 46, Division 6 Fees for Excessive Police Responses, is hereby amended, as follows [new text in **bold/underlined** font; deleted text in ~~strikethrough~~ font]:

Sec. 46-230. - Definitions.

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

Commercial property means an individual parcel, tract, or lot shown on the most recent plan of record that is not a residential property.

Commercial unit means an area within a commercial property that is readily identifiable by visual inspection as an area used by a single business or commercial enterprise.

Dwelling unit means a structure or portion thereof providing independent and complete cooking, living, sleeping, and toilet facilities for a person or group of persons living as a single housekeeping unit.

Excessive police response means each police response in excess of the limit set in section 46-231.

Lessee shall include a month-to-month tenant.

Mobile home means any vehicle or structure designed and constructed in such a manner as will permit occupancy as sleeping quarters for one or more persons, or the conduct of any business or profession, occupation, or trade, and so designed that it is or may be mounted on wheels and used as a conveyance on highways or city streets, propelled or drawn by its own or other motive power.

Owner means the record owner of the property as shown in the real property tax records of the Fairbanks North Star Borough.

Permit means to allow, consent to, acquiesce by failure to prevent, or expressly assent or agree to the doing of an act.

Person means any natural person, agent, association, firm, partnership, or corporation capable of owning, occupying, or using property in the city.

Police chief or *chief* means the Chief of the Fairbanks Police Department or designee assigned to carry out the duties of the police chief under this article.

Police response means that one or more police officers goes to a property in response to a call for assistance, a complaint, an emergency, a potential emergency, or a reasonable suspicion of unlawful activity witnessed by a police officer, and any response determined by a sergeant or higher ranking police officer to be related to activities on the property and reasonably preventable; however, the term "police response" does not include a response to:

- (1) Receipt of false information, unless the false information was provided by an occupant or owner of the property;
- (2) A false alarm, unless the false alarm was caused, permitted, or allowed by an occupant or owner of the property;
- (3) A call involving potential child neglect, potential domestic violence as defined in AS 18.66.990, or potential stalking under AS 11.41.260 or 11.41.270;
- (4) A report of a sexual assault or abuse as defined in AS 11.41.410—455, unless an occupant or owner of the property is a suspect in the crime or allowed the offense to occur and the victim does not reside in the dwelling unit;
- (5) An emergency for a serious medical or psychological condition, serious bodily injury, or death.
- (6) A call from the lessee or owner of commercial property used as a retail store for police assistance with theft or attempted theft from the retailer.
- (7) A call from the lessee or owner of commercial property used as a licensed premise under authorization of the alcohol and marijuana control office for police assistance with:
 - a. An underage person seeking admittance or service;
 - b. An impaired person seeking admittance or service;

- c. An impaired person preparing to operate a motor vehicle.
- (8) A call referred to the emergency service patrol.

Property means any real estate, residential or commercial.

Residential property means an individual parcel, tract, or lot shown on the most recent plan of record containing one or more dwelling units, or a mobile home.

Sec. 46-231. - Excessive police responses prohibited.

- (a) Any police response in excess of the following is an excessive police response subject to the fees set in subsection 46-232(a):
 - (1) Dwelling unit: Five in a calendar year; or
 - (2) Commercial unit: ~~45~~ **50** in a calendar year.
- (b) The owner of any property within the city is responsible for the excessive police responses to that property and is liable for the penalties imposed by this division. The lessee of a unit located on any property within the city is responsible for excessive police responses to that unit and is liable for the penalties imposed by this division.
- (c) Each excessive police response will constitute, except where otherwise provided, a separate violation for which a separate fee may be assessed.

Sec. 46-232. - Fee for excessive police responses.

- (a) Subject to subsection (b), the owner of property and the lessee of a unit thereon shall jointly pay the city a fee of ~~\$500.00~~ per excessive police response to the dwelling unit or commercial unit, **as set forth in the city schedule of fees and charges**.
- (b) A person is exempt from liability for the fee established by subsection (a) if:
 - (1) The owner is a federal or local government agency;
 - (2) The property responded to is used exclusively for nonprofit, religious, charitable, cemetery, hospital, or educational purposes;
 - (3) The city has not provided notice to the owner or lessee as provided for in section 46-233; or
 - (4) Any person has taken appropriate corrective action under section 46-234.
- (c) If a property has more than one owner, all owners of the property shall be jointly liable for any fee imposed under this section. If a unit has more than one lessee, all lessees of the unit shall be jointly liable for any fee imposed under this section.
- (d) If the property requiring excessive police responses is a mobile home located in a mobile home park, the fee will be imposed on the owner of the

mobile home and not on the owner or operator of the mobile home park, unless the mobile home park owner's or operator's conduct required the excessive police response.

- (e) **For residential property owned as a condominium, the fee based on excessive police responses to a single dwelling unit will be assessed against the owner of the dwelling unit, jointly with the tenant.**
- (f) If the police chief **or their designee** determines appropriate corrective action was taken with respect to a specific property, the count of police responses to the property will be reset to zero, effective the date of the determination. After resetting, all provisions in this division referring to a calendar year shall mean remainder of the calendar year beginning from the date previous corrective action was taken.
- (g) **The Police Chief or their designee will provide a courtesy notice in writing to the owner or tenant of a commercial property or commercial unit when the total number of police responses exceeds 50 in a calendar year. Notice may be by mail. Failure to provide notice under this subsection will not prevent the assessment of fees under this chapter.**

Sec. 46-233. - Notice to liable persons for excessive police responses.

- (a) When it has been determined by the city that a violation of section 46-231 has occurred, the city shall notify the owner and lessee in writing of the violation. The notice of violation will contain the following information:
 - (1) The name of the owner and lessee, street address, or a legal description sufficient for identification of the property;
 - (2) A statement that the number of police responses to the property exceeds the number allowed in section 46-231, along with a listing of the police responses to the property that have occurred within the calendar year, that there has been a violation under this division, and that the failure to take appropriate corrective action may result in the imposition of a fee;
 - (3) A statement that the owner and lessee are liable for a fee for each excessive police response to the property during the calendar year unless, within 30 days of the date notice is accomplished, the owner or lessee takes appropriate corrective action as outlined in section 46-234;
 - (4) The amount of the fee per excessive police response; and,
 - (5) The name and telephone number of a city representative to contact concerning the notice.
- (b) Service of notice of violation must be made either personally or by first class mail, postage prepaid, return receipt requested, addressed to the owner of the property and lessee at the address listed in the real property tax records

of the borough, or by electronic means if such method gives the owner and lessee actual notice of the violation. If the mailed notice is returned without the owner's or lessee's signature, actual notice shall be conclusively presumed on the date the mailed notice is returned to the city.

- (c) The failure of any person to receive notice of violation will not invalidate or otherwise affect the proceedings under this division.

Sec. 46-234. - Corrective action.

- (a) An owner of property will have 30 days from the date notice is accomplished, as required under section 46-233, to consult with the police chief or their designee and propose appropriate corrective action. Appropriate corrective action is action reasonably expected to correct the cause of the police responses to the property. The police chief or their designee is authorized to determine whether corrective action is appropriate under the circumstances and to set a time extension no shorter than ten days for the property owner to implement appropriate corrective action.
- (b) Any owner or lessee who takes appropriate corrective action may not be assessed fees for additional police responses to the property that occur during the time periods described in subsection (a).

Sec. 46-235. – Collection of excessive police response fees; lien on property.

- ~~(a) A fee imposed under section 46-232 is a lien on the property to which there have been an excessive number of police responses.~~
- ~~(b) The lien becomes effective upon the recording of a notice of the lien.~~
- ~~(c) When a notice of the lien has been recorded under subsection (b), the lien has priority over all other liens except:
 - ~~(1) Liens for property taxes, special assessments, and sales and use taxes;~~
 - ~~(2) Liens perfected before the recording of the lien under this section; and~~
 - ~~(3) Mechanics' and materialmen's liens for which claims of lien under AS 34.35.070 or notices of right to lien under AS 34.35.064 have been recorded before the recording of the lien under this section.~~~~
- ~~(d) Excessive police response fees may be collected in any lawful manner, including bringing an action in court for a personal judgment against any person liable for the fee under this division.~~

Sec. 46-236. - Appeal rights.

Any owner determined liable for fees for excessive police responses under this division may, within 30 days of service of notice of violation, apply for a hearing on the determination. The application must be in writing and filed with the mayor's office. The hearing will be held before the mayor or designee within 15 business days of receiving a timely application. The hearing will be limited to the issue of whether the person is liable for each fee imposed under this division, as found by the police chief or their designee. Within 30 days of the written decision of the mayor or designee, a person aggrieved by the decision may appeal to the superior court of the Fourth Judicial District in Fairbanks in accordance with the Alaska Rules of Appellate Procedure.

SECTION 7. The effective date of this ordinance is six days after adoption.


Mindy O'Neall, City Mayor

AYES: Sprinkle, Therrien, Cleworth, Marney, Ringstad, Tidwell
NAYS: None
ABSENT: None
ADOPTED: June 8, 2026

ATTEST:

APPROVED AS TO FORM:


D. Danyielle Snider, MMC, City Clerk


Thomas A. Chard II, City Attorney