

Presented by: The Manager
Presented: 6/9/2025
Drafted by: Law Department

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2025-30

An Ordinance Amending the City and Borough Chapter 36.70 Code Relating to Chronic Nuisance Properties.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Chapter. Chapter 36.70, Chronic nuisance property, is amended as follows:

Chapter 36.70 CHRONIC NUISANCE PROPERTY.

36.70.020 Definitions.

Enforcement agent means a person authorized by section 3.45.010 or by law to enforce City and Borough of Juneau laws.

Chronic nuisance property means:

(1) ~~1-~~ Residential property that has had eight or more law enforcement responses to a dwelling unit in a 12-month period.

(2) ~~2-~~ Non-residential property, including common areas of multiple dwelling unit developments, that has had sixteen or more law enforcement responses to a commercial unit, or if none per parcel, in a 12-month period.

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

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

4 *Property* means any property, including continuous parcel or area of land undivided in
5 ownership.

6 *Law enforcement response* means a police officer or enforcement agent responded to and
7 charged or issued a warning based on probable cause of a nuisance activity.

8 *Nuisance activity* means any of the following activities, behaviors or conduct:
9

- 10 (1) A violation of CBJ 36.20, Nuisances;
11 (2) A violation of CBJ 36.30, Litter;
12 (3) A violation of CBJ 36.40, Solid fuel-fire burning devices;
13 (4) A violation of CBJ 36.50, Tobacco;
14 (5) A violation of CBJ Title 42, Penal Code;
15 (6) A violation of AS Title 11, Criminal Law;
16 (7) A violation of CBJ Title 8, Animal Control and Protection

17 A nuisance activity ~~nuisance activity~~ does not include a response to any of the following:
18

- 19 (1) A report of false information as defined by AS 11.56.800 or CBJ 42.30.040, unless
20 the false information was provided by an occupant or owner of the property;
21 (2) A false alarm as defined by CBJ 42.30.030, unless the false alarm was caused,
22 permitted, or allowed by an occupant or owner of the property;
23 (3) A report involving potential child neglect, potential domestic violence as defined in
24 AS 18.66.990, or potential stalking under AS 11.41.260 or 11.41.270;
25 (4) A report of sexual assault as defined by AS 11.41.410—11.41.427;
 (5) A report of a medical emergency;

(6) A report from a tenant or owner of commercial property used as a retail store for law enforcement assistance with:

(A) ~~a~~ Theft or potential theft from the retailer,

(B) ~~b~~ Report of the presence or identification of a person subject to a state of federal warrant; or

(C) ~~c~~ Trespass;

(7) A report from the tenant or owner of commercial property used as a licensed premises regulated by AS Title 4 (alcohol) or AS 17.38 (marijuana) for police assistance with law enforcement matters including:

(A) ~~a~~ A minor seeking unlawful admittance or service,

(B) ~~b~~ A person under the influence seeking admittance or service,

(C) ~~c~~ A report of the presence or identification of a person under state or federal warrant, or

(D) ~~d~~ A person under the influence preparing to operate a motor vehicle upon leaving the premises; or

(8) ~~g~~ A tenant requesting assistance as a victim of crime.

Owner means the person in whose name the property is listed as owner in the state recorder's office is conclusively presumed to be the legal record owner.

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.

(Serial No. 2019-30(am), § 2, 2-3-2020, eff. 3-5-2020)

36.70.030 Violation.

- 1
- 2 (a) Subject to subsection (b), the owner shall be liable to the City and Borough of
- 3 Juneau or the owner and the tenant of a unit thereon shall jointly and severally be
- 4 liable to the City and Borough of Juneau for a fee of \$400.00 per additional law
- 5 enforcement response to a chronic nuisance property.
- 6
- 7 (1) For property with more than one owner, all owners shall be jointly and
- 8 severally liable with the tenant for any fee imposed under this chapter.
- 9 Actual notice to one owner creates a rebuttable presumption of actual notice
- 10 to all other owners.
- 11 (2) For property owned by a condominium, a fee based on law enforcement
- 12 response to a chronic nuisance to a single dwelling unit shall be assessed
- 13 against the owner of the dwelling unit, jointly and severally with the tenant
- 14 if there is one, and not against the condominium.
- 15 (3) A tenant shall not be liable for the fee if the tenant's conduct did not require
- 16 the chronic nuisance law enforcement response and the tenant's right to
- 17 possession commenced on a date subsequent to the date of the first law
- 18 enforcement response that is counted for purposes of the fee imposed under
- 19 this chapter.
- 20
- 21 (4) If the chronic nuisance property is a mobile home located in a mobile home
- 22 park, the fee may not be imposed on the owner or operator of the mobile
- 23 home park, unless the owner's or operator's conduct caused the
- 24 chronic nuisance. The fee may be imposed jointly and severally on the owner
- 25 and tenant of the mobile home.
- (b) A person is exempt from liability for the fee established by this chapter if:

- (1) The person is a federal, state, or local government agency;
 - (2) The property or unit responded to is used exclusively for nonprofit religious, charitable, cemetery, hospital, or educational purposes;
 - (3) The municipality has not provided notice to the person in writing as provided in section 36.70.040(b);
 - (4) Any person has taken appropriate corrective action and given written notice to police of the action as required by section 36.70.050;
 - (5) The owner or tenant of the commercial property or unit responded to has entered a current written agreement with the Juneau Police Department to actively abate nuisance activity on the property; or
 - (6) If a commander ~~lieutenant~~ or higher ranking official of the police department determines appropriate corrective action was taken with respect to a specific chronic nuisance property, the count of law enforcement responses to the unit shall reset to zero, effective the date of the determination.
- (c) The fee imposed by this chapter may be collected in any lawful manner, including bringing an action in court for a personal judgment against any one or more of the persons liable.
- (d) An owner or tenant liable for a fee under this chapter may bring an action in court against a person whose conduct required the law enforcement responses to the chronic nuisance property to recover the amount of the fee and related costs. An owner or tenant shall not be granted any extension of time or continuance to pay the fee based on a pending action against a third party.

(Serial No. 2019-30(am), § 2, 2-3-2020, eff. 3-5-2020)

36.70.040 Notices.

- (a) *Warning notice.* The municipality ~~may shall~~ provide a warning notice to the owner or the owner and tenant of a property when the number of law enforcement responses ~~equals approaches~~ a chronic nuisance property. Notice may be by mail and need not be certified. Failure to provide a warning notice under this subsection shall prevent the assessment of fees under this chapter.

36.70.050 Appropriate corrective action

- (a) An owner or tenant of a property shall have 30 days from the date notice is accomplished, as required under section 36.70.040(b), to promptly take appropriate corrective action. Appropriate corrective action is action reasonably expected to correct the cause of the law enforcement responses to the property. Police officers holding the rank of ~~commander lieutenant~~ or higher are authorized to determine whether corrective action is appropriate under the specific circumstances. The officer's determination shall be in writing and issued within five days of receipt of the person's written notice of the action taken. Should the officer determine the action taken is not appropriate corrective action, the officer shall explain the reasons and the person shall have ten days from the date of the determination to take appropriate corrective action. Examples of appropriate corrective action may include:
- (1) Written notice to quit under AS 09.45.100—09.45.110;

- (2) Eviction notice served on the tenant or lessee requiring vacation of the premises within 30 days or a reasonable time;
- (3) Obtaining a restraining order, or issuance of a no trespass order;
- (4) Installation or implementation of new or additional security measures;
- (5) Constructing, reconstructing, or removing a structure from the property; or
- (6) Action recommended by the Juneau Police Department in writing and implemented to the satisfaction of a police officer the rank of commander ~~lieutenant~~ or higher.

(b) Appropriate corrective action does not include:

- (1) Relocating a tenant or lessee of a unit to a different unit on the same property, unless a police officer the rank of commander ~~lieutenant~~ or higher determines the relocation is reasonable under the circumstances. If a person is relocated, the municipality may transfer the number of law enforcement responses from the former unit to the new unit.
- (2) Communicating only orally with the person causing the law enforcement responses.

(c) No fee may be imposed for additional law enforcement responses to the unit that is the subject of the notice during the 30-day period allowed under subsection A. if any person takes appropriate corrective action and gives written notice to the Juneau Police Department of the action taken during the 30-day period. There is a conclusive presumption that appropriate corrective action was taken if there are no additional law enforcement responses to the property from the end of the 30-day period and for the next 60 days.

(Serial No. 2019-30(am), § 2, 2-3-2020, eff. 3-5-2020)

~~36.70.080 Sunset provision.~~

~~No property shall be deemed a chronic nuisance three years after Ordinance 2019-30 becomes effective.~~

~~(Serial No. 2019-30(am), § 2, 2-3-2020, eff. 3-5-2020)~~

Section __. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2025.

Beth A. Weldon, Mayor

Attest:

Breckan L. Hendricks, Municipal Clerk