ASSEMBLY COMMITTEE OF THE WHOLE WORKSESSION AGENDA
February 21, 2019
Mona Lisa Drexler Assembly Chambers
Juanita Helms Administration Center
907 Terminal Street, Fairbanks, Alaska
5:30 p.m.

1. ROLL CALL

2. MEMORANDA/ REPORTS/ PRESENTATIONS
   a. Annual report to the Mayor and Assembly by Sustainability Commission representatives regarding the Sustainably Commission’s goals and progress made during the previous year, to include a question and answer period.
   b. Presentation by Community Planning staff and Shelly Wade of Agnew::Beck regarding the Salcha-Badger Subarea plan, to include a question and answer period.

3. ADVANCED ORDINANCES AND RESOLUTIONS
   a. ORDINANCE NO. 2019-08. An Ordinance Amending FNSBC Title 10 Regarding Abandoned Vehicles And Vehicle Impoundment, Chapter 12.04 FNSBC Regarding Encroachments, And Related Portions Of Chapter 1.20 FNSBC, Fine Schedule. (Sponsor: Mayor Ward) (Page 2)
   b. ORDINANCE NO. 2019-09. An Ordinance Amending FNSB Code Of Ordinances To Modify Any And All Masculine And/Or Feminine Language To Gender Neutral Pronouns; And To Amend FNSBC 1.04.080 Regarding Gender. (Sponsor: Assemblymember Williams) (Page 18)

4. BRIEFINGS FROM THE BOROUGH MAYOR

5. ASSEMBLY BUSINESS/ COMMENTS

6. ADJOURNMENT
MEMORANDUM

To: Fairbanks North Star Borough Assembly

From: Bryce Ward, Mayor

Date: February 14, 2019

Subject: Ordinance 2019 - 08
Abandoned Vehicles, Vehicle Impoundments and Encroachments

Attached for your approval is an ordinance updating borough code to more clearly reflect standards in state law and codify processes and standards related to:
- presumption of abandonment of vehicles
- removal of abandoned vehicles
- procedures and standards for due process hearings related to presumption of abandonment and/or impoundment of vehicles
- definitions
- fine schedules

I urge your approval of this ordinance.

Attachment: Ordinance
By: Bryce J. Ward, Mayor
Introduced: February 14, 2019

FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2019 - 08

AN ORDINANCE AMENDING FNSBC TITLE 10 REGARDING ABANDONED VEHICLES AND VEHICLE IMPOUNDMENT, CHAPTER 12.04 FNSBC REGARDING ENCROACHMENTS, AND RELATED PORTIONS OF CHAPTER 1.20 FNSBC, FINE SCHEDULE

WHEREAS, Clarifications should be made to the Borough's abandoned vehicle code to ensure it is interpreted in accordance with state law and due process requirements; and

WHEREAS, It is desirable to codify the process that is used upon removal of an encroachment.

NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks North Star Borough:

Section 1. Classification. This ordinance is of a general and permanent nature and shall be codified.

Section 2. Chapter 10.04 FNSBC, Abandoned Vehicles, is hereby amended as follows:

Sections:
10.04.010 Definitions.
10.04.020 Unlawful acts.
10.04.025 Presumption of abandonment
10.04.030 Removal of abandoned vehicles.

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZE]
Notice of impoundment.

Hearing

Disposition – Destruction.

Disposition – Sale.

Waiver of claims for damages.

**10.04.010 Definitions.**

[“ABANDONED VEHICLE” MEANS A VEHICLE THAT IS:

1. REGISTERED OR TITLED AS REQUIRED UNDER AS 28.10 THAT HAS BEEN LEFT UNATTENDED, STANDING, PARKED UPON OR WITHIN 10 FEET OF THE TRAVELED PORTION OF A HIGHWAY OR VEHICULAR WAY OR AREA IN EXCESS OF 48 HOURS;

2. REGISTERED OR TITLED AS REQUIRED UNDER AS 28.10 THAT REASONABLY APPEARS TO HAVE BEEN LEFT STANDING OR PARKED ON PRIVATE PROPERTY IN EXCESS OF 24 HOURS OR UPON OTHER PUBLIC PROPERTY FOR MORE THAN 30 DAYS, WITHOUT THE CONSENT OF THE OWNER OR PERSON IN CHARGE OF THE PROPERTY;

3. A WRECKED OR JUNKED VEHICLE THAT REASONABLY APPEARS TO HAVE BEEN LEFT UNATTENDED, STANDING, PARKED UPON OR WITHIN 10 FEET OF THE TRAVELED PORTION OF A HIGHWAY OR VEHICULAR WAY OR AREA IN EXCESS OF 24 HOURS; OR

4. A WRECKED OR JUNK VEHICLE THAT REASONABLY APPEARS TO HAVE BEEN LEFT STANDING OR PARKED ON PRIVATE PROPERTY OR OTHER PUBLIC PROPERTY IN EXCESS OF 24 HOURS AND WITHOUT THE CONSENT OF THE OWNER OR PERSON IN CHARGE OF THE PROPERTY.]

“Director” means the director of community planning, or [HIS] their designee.

**AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT**

Text to be added is underlined

Text to be deleted is [BRACKETED, CAPITALIZE]
“Highway” means the entire width between the boundary lines of every way that is
publicly maintained when a part of it is open to the public for purposes of vehicular
travel, including but not limited to every street, but not vehicular ways or areas.

“Junk vehicle” means a vehicle that:
1. Is not currently registered, except for a vehicle used exclusively for
   competitive racing;
2. Is stripped, wrecked, or otherwise inoperable due to mechanical failure;
3. Has not been repaired because of mechanical difficulties or because the
cost of repairs required to make it operable exceeds the fair market value of the
vehicle; or
4. Is in a condition that exhibits more than one of the following: broken
glass, missing wheels or tires, missing body panels or parts, or missing drive train parts.

“Vehicle” means a device in, upon, or by which a person or property may be
transported or drawn upon or immediately over a highway or vehicular way or area and
that is subject to registration; “vehicle” does not include (A) devices used exclusively
upon stationary rails or tracks; (B) mobile homes. A vehicle includes but is not limited
to, cars, trucks, motorcycles, motorbikes, three and four wheelers, and snowmachines;
outboard, inboard or air boats; other recreational vehicles commonly driven; and, all
trailers and semitrailers.

“Vehicular way or area” means a way, path, or area, other than a highway or private
property, that is designated by official traffic control devices or customary usage and
that is open to the public for purposes of pedestrian or vehicular travel, and which way
or area may be restricted in use to pedestrians, bicycles, or other specific types of
vehicles.
“Wrecked vehicle” means a vehicle that is disabled and cannot be used as a vehicle without substantial repair or reconstruction.

These definitions are for the purpose of this chapter only and shall not be used as definitions for language used in other chapters.

10.04.020 Unlawful acts.
A. A person may not abandon a vehicle upon a highway or vehicular way or area that is publicly dedicated to or maintained by the borough.
B. A person may not abandon a vehicle upon public property owned or managed by the borough [OR UPON PRIVATE PROPERTY WITHOUT THE CONSENT OF THE OWNER OR PERSON IN LAWFUL POSSESSION OR CONTROL OF THE PROPERTY].
C. A person who abandons a vehicle in a place specified in (A) or (B) of this section is considered responsible for the abandonment of the vehicle and is liable for the cost of its removal and disposition.
D. The lawful owner of a vehicle, as shown by the records of the Department of Administration, Division of Motor Vehicles, whether or not the owner has complied with the provisions of AS 28.10.271, is considered responsible for the abandonment of the vehicle and is liable for the cost of removal and disposition of the abandoned vehicle unless
    1. the vehicle was abandoned by a person driving the vehicle without the permission of the owner; or
    2. the identity of the person abandoning the vehicle is established and the abandonment was without the consent of the owner.
10.04.025 Presumption of abandonment.

It is presumed that a vehicle is abandoned if it is a vehicle that is:

1. Registered or titled as required under AS 28.10 that reasonably appears to have been left unattended, standing, or parked upon or within 10 feet of the traveled portion of a highway or vehicular way or area in excess of 48 hours;

2. Registered or titled as required under AS 28.10 that reasonably appears to have been left standing or parked upon public property owned or managed by the borough for more than 30 days, without the consent of the person in charge of the property;

3. A wrecked or junk vehicle that reasonably appears to have been left unattended, standing, or parked upon or within 10 feet of the traveled portion of a highway or vehicular way or area in excess of 24 hours; or

4. A wrecked or junk vehicle that reasonably appears to have been left standing or parked on public property owned or managed by the borough in excess of 24 hours and without the consent of the person in charge of the property.

10.04.030 Removal of abandoned vehicles.

A. [AN ABANDONED VEHICLE] A vehicle that is presumed abandoned may be impounded and disposed of by the director or [HIS] their designee in accordance with this chapter.

[B. NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, NO VEHICLE MAY BE REMOVED FROM PRIVATE PROPERTY WITHOUT THE WRITTEN REQUEST OR CONSENT OF THE PROPERTY OWNER OR OCCUPANT.]

B. Notice to remove an abandoned vehicle shall be given at least ten (10) days prior to removal unless the vehicle constitutes an immediate hazard to the public by reason of its condition or location, or if it impedes the regular flow of traffic or the ordinary use of the public property on which it is located. Notice shall be given by posting a copy of the notice on the vehicle stating:
(1) A description of the vehicle;
(2) The grounds for removal of the vehicle;
(3) The proposed action to be taken;
(4) Contact information for the director in order that the proposed action may be reconsidered;
(5) That the vehicle will be towed and impounded, and may be disposed of in accordance with this chapter if unclaimed.

C. A written report of removal shall be made by an employee causing a vehicle to be removed under this chapter, and the report shall be sent immediately to the Department of Administration, Division of Motor Vehicles, and to the person or entity storing the removed vehicle. The written report shall contain the description of the vehicle, the date, time, grounds, and place of removal, and the place where the vehicle is impounded.

10.04.040 Notice of impoundment.
A. As soon as practicable but not later than [WITHIN 30 DAYS OF IMPOUNDMENT, NOTICE SHALL BE GIVEN] 48 hours after removal, the director shall give notice of the impoundment by either certified mail, return receipt requested or personal service to the registered owner of record [([and to lienholders of record, if any[)]) of the abandoned vehicle. [WHEN THE PERSONS INVOLVED ARE KNOWN, ADEQUATE NOTICE SHALL BE BY EITHER CERTIFIED MAIL OR PERSONAL SERVICE.] The giving of notice by mail is considered complete upon the return of the receipt or upon return of the notice as undeliverable, refused or unclaimed. If the vehicle is not registered in the state or the name and address of the registered or legal owner or lienholder cannot be ascertained, [SUCH PERSONS ARE NOT KNOWN OR CANNOT BE LOCATED THE VEHICLE SHALL BE IMPOUNDED AND ] notice shall be by publication in the manner prescribed in the rules of court for service of process by publication. The director shall
use reasonable efforts [ATTEMPT] to ascertain ownership, including but not limited to contacting the Department of Administration, Division of Motor Vehicles [FROM THE DEPARTMENT OF PUBLIC SAFETY].

B. Notice under this section shall contain:

1. The description of the vehicle;
2. The date, time, grounds and place of removal;
3. The place where the vehicle is impounded;
4. An itemized statement of amounts due the borough for towing and storage and stating that such fees must be paid prior to redemption of the vehicle;
5. A statement that the vehicle will be disposed of 15 days from the date notice was completed by mail or publication [MAILED OR PUBLISHED] unless the vehicle is redeemed and costs paid; and
6. A statement that the owner of the vehicle may, at any time within the 15-day period, request a hearing before the director concerning whether the vehicle was [LEFT FOR THE PERIOD SPECIFIED IN FNSBC 10.04.010 OR CONCERNING THE AMOUNT DUE] abandoned in violation of this chapter.

10.04.045 Hearing

A. A request for a hearing under this chapter shall be filed with the department of community planning within 15 days of completion of the notice of impoundment.

B. The mayor or a person appointed by the mayor shall hold a hearing within 48 hours after receiving a request. During the hearing, both the owner and a borough representative shall have the opportunity to present evidence, including but not limited to the presentation of witnesses, but formal rules of evidence shall not apply.

C. A decision shall be issued in writing no later than five business days following the hearing.
D. A decision under this section is appealable to superior court in the fourth judicial
district as provided by court rules for administrative appeals.

196 10.04.050 Disposition – Destruction.
If the director determines that an abandoned vehicle impounded pursuant to this
chapter has been scrapped, dismantled or destroyed beyond repair, or [IF HE
DETERMINES] that because of the age and condition of the vehicle it is no longer of
significant value, [HE]it may be disposed of [IT] by crushing or other means of
destruction upon the expiration of the 15-day period required by FNSBC 10.04.040.

The borough may also dispose of junk vehicles at the written request of the registered
owner of the vehicle or person in lawful possession or control of the vehicle. This
written request shall be on a form prescribed by the borough.

10.04.060 Disposition – Sale.
A. Upon expiration of any period to request a hearing or appeal a decision of the
mayor or designee, [T]he director may sell abandoned vehicles impounded in
accordance with this chapter at a public auction.

B. The public auction shall be preceded by at least 20 days’ notice of public auction
posted in a newspaper of general circulation in the borough.

C. The notice of public auction shall state the description of the vehicle, date, time
and place of auction, the name of the owner if known and a statement that, subject to
the provisions of subsection (E) of this section, the vehicle shall be sold to the highest
spot cash bidder.

D. The owner of the vehicle, upon presenting satisfactory proof of ownership, may
redeem an abandoned vehicle prior to the time of sale after paying the borough towing
and storage costs and a pro rata share of the cost of the notice and other costs of
impoundment and sale.

E. A certificate of sale shall be issued for all vehicles sold at the auction. The
certificate shall stipulate that the vehicle must be titled with the Department of [PUBLIC
SAFETY] Administration, Division of Motor Vehicles before the vehicle is released to the
purchaser. Upon a showing that certificate of title has been obtained the vehicle will be
released to the purchaser. If no such showing has been made within a 20-day period
the purchase price will be returned and the vehicle may be disposed of pursuant to this
section.

10.04.070 Waiver of claims for damages.

A. An owner of an abandoned vehicle, by the act of abandonment, waives any
claims [HE] they may have for damage to or loss of [HIS] their vehicle which may result
from actions taken pursuant to this chapter. Such damage or loss includes but is not
limited to accidental damage or destruction occasioned by removal transport and
storage, and acts of third parties.

B. Should a vehicle purchased at auction pursuant to FNSBC 10.04.060 be damaged
or destroyed prior to release, the purchaser’s remedy is limited to a return of the
purchase price.

Section 3. Chapter 10.08 FNSBC, Vehicle Impoundment, is hereby
repealed as follows:

[SECTIONS:
10.08.010 DEFINITION.
10.08.020 NOTIFICATION UPON IMPOUNDMENT.
10.08.030 NOTIFICATION TO RECORD OWNERS.
10.08.040 PENALTIES.

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZE]
10.08.010 DEFINITION.

"IMPOUNDMENT" MEANS ANY INCIDENT IN THE FAIRBANKS NORTH STAR BOROUGH, OUTSIDE THE CITIES OF FAIRBANKS AND NORTH POLE, IN WHICH A TOWING AND STORAGE LIEN IS CREATED UNDER THE AUTHORITY OF AS 28.11. THIS STATUTE CREATES A TOWING AND STORAGE LIEN WHEN A PERSON TOWS A VEHICLE UNDER CONTRACT WITH THE OWNER OR LESSEE OF THE PROPERTY UPON WHICH THE MOTOR VEHICLE IS PARKED WITHOUT CONSENT.

10.08.020 NOTIFICATION UPON IMPOUNDMENT.


10.08.030 NOTIFICATION TO RECORD OWNERS.

A. A PERSON ENGAGED IN THE BUSINESS OF TOWING MOTOR VEHICLES SHALL NOTIFY THE RECORD OWNER AND ANY LIEN HOLDER OF RECORD OF AN IMPOUNDED VEHICLE IN WRITING BY CERTIFIED MAIL TO THE ADDRESS LISTED ON THE VEHICLE REGISTRATION NOT LATER THAN SEVEN CALENDAR DAYS AFTER A VEHICLE HAS BEEN IMPOUNDED, IF THE VEHICLE IS NOT RECLAIMED.

B. IF THE IMPOUNDED VEHICLE IS NOT REGISTERED IN ALASKA AND NO VEHICLE REGISTRATION IS FOUND IN THE IMPOUNDED VEHICLE, THEN THE NOTICE REQUIREMENT IN SUBSECTION (A) OF THIS SECTION IS EXTENDED TO 45 DAYS.

10.08.040 PENALTIES.

A. ANY PERSON VIOLATING THIS CHAPTER IS PUNISHABLE UPON CONVICTION BY A FINE OF NOT MORE THAN $300.00 FOR EACH VIOLATION.

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZE]
B. IN ADDITION TO ANY OTHER REMEDY OR PENALTY PROVIDED BY THIS SECTION, A PERSON WHO VIOLATES A PROVISION OF THIS CHAPTER SHALL BE SUBJECT TO INJUNCTIVE RELIEF TO RESTRAIN THE PERSON FROM CONTINUING THE VIOLATION OR THREAT OF VIOLATION.]

Section 4. FNSBC Chapter 12.04, PROTECTION OF PUBLIC ROADS AND AREAS, is hereby amended as follows:

Sections:

12.04.010 Definitions.
12.04.020 Purpose.
12.04.030 Encroachments prohibited.
12.04.040 Removal of encroachments.
12.04.050 Notice to remove encroachment.
12.04.060 Removal after noncompliance – Removal expense.
12.04.065 Storage after removal.
12.04.070 Applicability.
12.04.080 Hearing.

12.04.010 Definitions.

For the purposes of this chapter:

"Encroachment" means a structure, object, operation or material placed in, on, under or over a public road or dedicated public area in such a manner as to impair, impede or obstruct proper use of the public road or area; or as will affect drainage patterns that will impair, impede or obstruct proper use. Examples of possible encroachments are buildings, billboards, walls, fences, driveways, earthworks, culverts, pipe, poles, towers, gates or ditches placed so as to obstruct or impair proper use. "Encroachment" does not include minor temporary objects placed within the public road area that are not within the traveled way and not obstructing the public use.

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZE]
“Public area” means land dedicated to public use for a square, park, greenbelt or recreational area.

“Public road” means a highway, road, right-of-way, street, alley, bridge, walk, trail, tunnel or similar or related facility dedicated to public use. It does not include a private road or easement.

12.04.020 Purpose.

It is the purpose of this chapter to provide for the protection of the public roads and areas of the borough as provided herein. Nothing in this chapter shall be construed to prohibit objects or activities which do not impair the proper public use of a public road or public area. By way of example, signs, mailboxes, plants, grass, etc., which are located within a public road right-of-way but which do not interfere with the proper use of the road, are not affected by this chapter.

12.04.030 Encroachments prohibited.

No person shall cause, create, maintain or expand an encroachment.

12.04.040 Removal of encroachments.

If an encroachment exists in, on, under or over a public road or area dedicated to public use, the borough may require that the encroachment be removed in the manner provided by this chapter at the expense of the owner or person in possession of the encroachment or the person causing or permitting the encroachment. The owner, occupant or person in possession of an encroachment, or any person causing or permitting an encroachment to exist shall, within 30 days after being given notice thereof, remove the encroachment. If the borough engineer determines that the encroachment is creating a hazard, the engineer may cause the immediate removal of the encroachment.

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZE]
12.04.050 Notice to remove encroachment.

Notice to remove an encroachment shall be given by posting a copy of the notice on or near the encroachment and by serving a copy of the notice on the owner, occupant or person in possession of the encroachment, or to the person causing or permitting the encroachment to exist. Service of the notice may be made by certified mail. If the owner, occupant or person in possession of the encroachment, or the person causing or permitting the encroachment is unknown or cannot reasonably be found, posting of the notice shall be deemed sufficient. The notice shall describe the encroachment as to character and location; [AND] shall specify the time for removal; and, include notice that the encroachment will be removed and/or destroyed if a hearing is not requested within 30 days pursuant to this chapter.

12.04.060 Removal after noncompliance – Removal expense.

After a failure of the owner or person described in FNSBC 12.04.050 to comply with a notice demanding removal of an encroachment, the borough may remove, or cause to be removed, the encroachment, and the person shall pay the borough:

A. All expenses of removal of the encroachment;
B. All costs and expenses paid by the borough as a result of claims filed against the borough for damages due to the existence of the encroachment, if any;
C. Costs and expenses of suit, and legal interest from date any expense was incurred.

12.04.065 Storage after removal

A. When the borough summarily removes an encroachment, the borough shall store the encroachment for a period of 30 days and notify its owner of the opportunity to
retrieve the item(s), subject to the payment of storage costs and the expenses, or to request a hearing pursuant to this chapter.

B. The borough will not store removed encroachments when the encroachment is a driveway, earthwork, culvert, ditch, or other construction that, because of its nature, was necessarily destroyed during removal.

C. If the borough cannot identify the encroachment's owner after reasonable inquiry, then the borough shall publish notice of intent to dispose of the encroachment in a newspaper of general circulation at least 20 days before disposing of the encroachment. This notice shall briefly describe the item and explain how to retrieve the item(s), subject to the payment of storage costs and expenses, and of the right to request a hearing within 30 days of the notice.

12.04.070 Applicability.
The provisions of this chapter shall not apply if any of the below stated conditions exist:
A. The public road or area is located within a city or military facility;
B. The public road or area is part of the state-maintained highway system or the federal aid highway system;
C. The encroachment consists of water, sewer, electrical, telephone, television cable or steam lines permanently located by a public utility in the course of operations authorized by that utility’s certificate of public convenience and necessity.

12.04.080 Hearing.
A. A request for a hearing under this chapter shall be filed with the department of community planning within 30 days of completion of notice.
B. The mayor or a person appointed by the mayor shall hold a hearing within five business days after receiving a request. During the hearing the owner and the borough
representative shall have the opportunity to present evidence, including but not limited to the presentation of witnesses, but formal rules of evidence shall not apply.

C. A decision shall be issued in writing no later than five business days following the hearing.

D. A decision under this section is appealable to superior court in the fourth judicial district as provided by court rules for administrative appeals.

Section 5. FNSBC 1.20.080, Fine Schedule, is hereby amended as follows:

<table>
<thead>
<tr>
<th>Code Section</th>
<th>Offense</th>
<th>Penalty/Fine</th>
<th>Mandatory Warning Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.04.020(A) and (B)</td>
<td>Unlawful abandonment of a vehicle.</td>
<td>$300.00</td>
<td>[YES] No</td>
</tr>
<tr>
<td>12.04.030</td>
<td>Causing, creating, maintaining or expanding an encroachment.</td>
<td>$300.00</td>
<td>[YES, UNLESS HEALTH AND SAFETY ISSUE] No</td>
</tr>
</tbody>
</table>

Section 6. Effective Date. This ordinance shall be effective at 5:00 p.m. on the first borough business day following its adoption.

PASSED AND APPROVED THIS _____ DAY OF __________, 2019.

Matt Cooper
Presiding Officer

ATTEST:

APPROVED:

April Trickey, CMC
Borough Clerk

Jill S. Dolan
Borough Attorney

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZE]
FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2019-09

AN ORDINANCE AMENDING FNSB CODE OF ORDINANCES TO MODIFY ANY AND ALL MASCULINE AND/OR FEMININE LANGUAGE TO GENDER NEUTRAL PRONOUNS; AND TO AMEND FNSBC 1.04.080 REGARDING GENDER

WHEREAS, Fairbanks North Star Borough Code of Ordinances (FNSB Code) currently contains mostly masculine pronouns; and

WHEREAS, All genders are created equal; and

WHEREAS, Amending the FNSB Code to include gender-neutral pronouns by eliminating any gender preference language within the FNSB Code will promote equality; and

WHEREAS, Code currently provides the clerk the authority to edit and revise future laws to avoid the use of pronouns denoting masculine or feminine gender, and revising past laws will provide for consistency throughout code.

NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks North Star Borough:

Section 1. Section 2 of this ordinance is of a permanent nature and the changes authorized herein shall be codified. Section 3 of this ordinance is of a permanent nature and shall be codified.

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZED]
Section 2. Subject to final approval by the Borough Attorney and the Borough Clerk, the FNSB’s codifier, Code Publishing Company, has authority to degenderize the FNSB Code and update pronouns when appropriate, including but not limited to the following:

A. Gendered subject (he, she, etc.), object (him, her, etc.), and possessive (his, hers, etc.) pronouns shall be replaced by a gender-neutral description of the pronoun referent’s title of office, employment or descriptor, or, where there is no confusion, replaced by the singular "they;" that is, "he" or "she" may be replaced by "they;" "him" or "her" may be replaced by "their;" "his" or "hers" may be replaced by "theirs." For example, where a code section refers to a "Director" all subsequent gendered pronouns shall be replaced by "the Director" or "they" in the subjective case, "that Director" or "them" in the objective case, and "the Director's" or "their" in the possessive case.

As a further example, FNSBC 5.08.020(B) would be modified as follows:

B. A person does not gain or lose [HIS] their residence solely by reason of [HIS] the person’s presence while employed in the service of the United States or of this state, or while a student of an institution or asylum at public expense, or while confined in a public prison or while residing upon an Indian or military reservation.

B. Table 1 lists commonly encountered titles of office, employment and descriptors. All gendered pronouns within the FNSB Code that refer back to a title of office, employment or descriptor found in Table 1 shall be replaced by the subjective, objective or possessive form of that title of office, employment or descriptor, as the case may be, or by the singular “they” when there is no confusion. Table 1 is non-exhaustive and may be amended from time to time.
<table>
<thead>
<tr>
<th>Gendered Terms in Existing Code</th>
<th>Common Non-Gendered Titles of Office, Employment and Descriptors</th>
</tr>
</thead>
<tbody>
<tr>
<td>He, She, Him, Her, Himself, Herself</td>
<td>The Agent</td>
</tr>
<tr>
<td>He, She, Him, Her, Himself, Herself</td>
<td>The Alternate member</td>
</tr>
<tr>
<td>He, She, Him, Her, Himself, Herself</td>
<td>The Applicant</td>
</tr>
<tr>
<td>He, She, Him, Her, Himself, Herself</td>
<td>The Architect</td>
</tr>
<tr>
<td>He, She, Him, Her, Himself, Herself</td>
<td>The Assessor</td>
</tr>
<tr>
<td>He, She, Him, Her, Himself, Herself</td>
<td>The Attorney</td>
</tr>
<tr>
<td>He, She, Him, Her, Himself, Herself</td>
<td>The Board member</td>
</tr>
<tr>
<td>He, She, Him, Her, Himself, Herself</td>
<td>The Borough clerk</td>
</tr>
<tr>
<td>He, She, Him, Her, Himself, Herself</td>
<td>The Candidate</td>
</tr>
<tr>
<td>He, She, Him, Her, Himself, Herself</td>
<td>The Chief Financial Officer</td>
</tr>
<tr>
<td>He, She, Him, Her, Himself, Herself</td>
<td>The Chief officer</td>
</tr>
<tr>
<td>He, She, Him, Her, Himself, Herself</td>
<td>The Chief Procurement Officer</td>
</tr>
<tr>
<td>He, She, Him, Her, Himself, Herself</td>
<td>The Chief of staff</td>
</tr>
<tr>
<td>He, She, Him, Her, Himself, Herself</td>
<td>The Clerk</td>
</tr>
<tr>
<td>He, She, Him, Her, Himself, Herself</td>
<td>The Complainant</td>
</tr>
<tr>
<td>He, She, Him, Her, Himself, Herself</td>
<td>The Dealer</td>
</tr>
<tr>
<td>He, She, Him, Her, Himself, Herself</td>
<td>The Department director</td>
</tr>
<tr>
<td>He, She, Him, Her, Himself, Herself</td>
<td>The Deputy</td>
</tr>
<tr>
<td>He, She, Him, Her, Himself, Herself</td>
<td>The Designee</td>
</tr>
<tr>
<td>He, She, Him, Her, Himself, Herself</td>
<td>The Director</td>
</tr>
<tr>
<td>He, She, Him, Her, Himself, Herself</td>
<td>The Driver</td>
</tr>
<tr>
<td>He, She, Him, Her, Himself, Herself</td>
<td>The Employee</td>
</tr>
<tr>
<td>He, She, Him, Her, Himself, Herself</td>
<td>The Engineer</td>
</tr>
<tr>
<td>He, She, Him, Her, Himself, Herself</td>
<td>The Executive</td>
</tr>
<tr>
<td>He, She, Him, Her, Himself, Herself</td>
<td>The Guarantee</td>
</tr>
<tr>
<td>He, She, Him, Her, Himself, Herself</td>
<td>The Individual</td>
</tr>
<tr>
<td>He, She, Him, Her, Himself, Herself</td>
<td>The Inspector</td>
</tr>
<tr>
<td>He, She, Him, Her, Himself, Herself</td>
<td>The Lessee</td>
</tr>
<tr>
<td>He, She, Him, Her, Himself, Herself</td>
<td>The Lessor</td>
</tr>
<tr>
<td>He, She, Him, Her, Himself, Herself</td>
<td>The Licensee</td>
</tr>
<tr>
<td>He, She, Him, Her, Himself, Herself</td>
<td>The Lobbyist</td>
</tr>
<tr>
<td>He, She, Him, Her, Himself, Herself</td>
<td>The Manager</td>
</tr>
<tr>
<td>He, She, Him, Her, Himself, Herself</td>
<td>The Mayor</td>
</tr>
<tr>
<td>He, She, Him, Her, Himself, Herself</td>
<td>The Member</td>
</tr>
<tr>
<td>He, She, Him, Her, Himself, Herself</td>
<td>The Merchant</td>
</tr>
<tr>
<td>He, She, Him, Her, Himself, Herself</td>
<td>The Mortgagee</td>
</tr>
</tbody>
</table>

**AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT**

Text to be added is **underlined**

Text to be deleted is [**BRACKETED, CAPITALIZED**]
He, She, Him, Her, Himself, Herself | The Offender
---|---
He, She, Him, Her, Himself, Herself | The Officer
He, She, Him, Her, Himself, Herself | The Official
He, She, Him, Her, Himself, Herself | The Operator
He, She, Him, Her, Himself, Herself | The Owner
He, She, Him, Her, Himself, Herself | The Permit holder
He, She, Him, Her, Himself, Herself | The Permittee
He, She, Him, Her, Himself, Herself | The Person
He, She, Him, Her, Himself, Herself | The Physician
He, She, Him, Her, Himself, Herself | The Principal
He, She, Him, Her, Himself, Herself | The Public official
He, She, Him, Her, Himself, Herself | The Purchaser
He, She, Him, Her, Himself, Herself | The Respondent
He, She, Him, Her, Himself, Herself | The Seller
He, She, Him, Her, Himself, Herself | The Servant
He, She, Him, Her, Himself, Herself | The Sponsor
He, She, Him, Her, Himself, Herself | The Suspended person
He, She, Him, Her, Himself, Herself | The Tenant
He, She, Him, Her, Himself, Herself | The Trespasser
He, She, Him, Her, Himself, Herself | The Trustee
He, She, Him, Her, Himself, Herself | The Vendor

C. Each specifically gendered term identified in column A of Table 2, and which is also found within the FNSB Code, shall be replaced by the corresponding non-gendered term identified in column B. Table 2 is non-exhaustive and may be amended from time to time.

<table>
<thead>
<tr>
<th>Column A</th>
<th>Column B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gendered Terms Commonly Found in Existing Code</td>
<td>Non-Gendered Term Replacement</td>
</tr>
<tr>
<td>Brother, Step-Brother, Brother-In-Law</td>
<td>Sibling, Step-Sibling, Sibling-In-Law</td>
</tr>
<tr>
<td>Chairman</td>
<td>Chair, chairperson</td>
</tr>
<tr>
<td>Fraternal</td>
<td>Social</td>
</tr>
<tr>
<td>Heirs</td>
<td>Beneficiaries</td>
</tr>
<tr>
<td>Male and female</td>
<td>People of different genders</td>
</tr>
<tr>
<td>Manmade</td>
<td>Human-made</td>
</tr>
<tr>
<td>Manpower</td>
<td>Human effort</td>
</tr>
</tbody>
</table>

*AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT*

Text to be *added* is *underlined*

Text to be *deleted* is [BRACKETED, CAPITALIZED]
D. The term “Assemblyperson” shall be replaced with “Assemblymember.”

Section 3. 1.04.080 Tense and number [AND GENDER]

A. Words in the present tense include the past and future tenses, and words in the future tense include the present tense.

B. Words in the singular number include the plural, and words in the plural number include the singular.

[C. WORDS OF ANY GENDER MAY, WHEN THE SENSE SO INDICATES, REFER TO ANY OTHER GENDER.]

Section 4. Effective Date. This ordinance is effective at 5:00 p.m. on the first Borough business day following its adoption.

PASSED AND APPROVED THIS ____ DAY OF ________, 2019.

__________________________
Matt Cooper
Presiding Officer

ATTEST:

__________________________
April Trickey, CMC
Borough Clerk

__________________________
Jill S. Dolan
Borough Attorney

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZED]