

CITY OF KODIAK
ORDINANCE NUMBER 1391

CORRECTED COPY

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KODIAK AMENDING TITLE 10 OF THE KODIAK CITY CODE TO ESTABLISH PARKING TICKETS AS MINOR OFFENSE, CONSOLIDATE THE CHAPTERS ON VEHICLE IMPOUND AND ABANDONMENT, AND MAKE FURTHER REVISIONS TO THE TITLE

WHEREAS, the Alaska Court System’s Minor Offense rules have been amended such that parking tickets may be issued as minor offense violations and processed by the Alaska Court System; and

WHEREAS, the City’s existing ordinances relating to vehicle impound and abandonment are insufficiently integrated with each other; and

WHEREAS, periodic revision to the Kodiak City Code facilitates efficient administration of City business;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kodiak, Alaska, as follows:

Section 1: Repeal and Re-Enactment of Section 10.04.040. Kodiak City Code Section 10.04.040 is hereby repealed and replaced by the adoption of a new Section 10.04.040 to read as follows:

10.04.040 Citation of authority

(a) When a person is stopped or contacted by a city peace officer for the commission of a motor vehicle or traffic offense that is a violation of this title, the officer shall, except when otherwise required by law or the immediate circumstances, issue a citation to the person in charge of, or operating, the motor vehicle involved. A citation issued pursuant to this subsection must meet the requirements of AS 12.25.200 and the Alaska Rules of Minor Offense Procedures. The city shall use the Alaska Uniform Citation form, or the electronic version, if authorized.

(b) A citation for a violation of a state motor vehicle law that has been incorporated by reference in this title shall reference the Alaska Statute or Alaska Administrative Code section that has been violated and indicate that the law or regulation has been incorporated in this city code by reference. All such citations shall identify the City of Kodiak as the prosecuting entity and shall be submitted to and processed by the Alaska Court System. Fines paid to the court for that violation shall be remitted to the city, less administrative expenses required by law.

(c) A citation for a violation of a provision of this title that does not adopt by reference a provision of the state motor vehicle laws may be issued by any city official and shall reference only the appropriate city code section. Fines paid to the court for that violation shall be remitted to the city, less administrative expenses required by law.

Section 2: Amendment of Section 10.04.050. Kodiak City Code Section 10.04.050 is hereby amended to read as follows [deleted words are struck; added words are bolded and underlined]:

10.04.050 Definitions

(a) ~~AS 28.40.100~~ **28.90.990**, titled “Definitions for title,” and 13 AAC 40.010, titled “Definitions,” are adopted by reference to provide definitions of terms used in this title.

(b) As used in this title:

(1) “AAC” means the Alaska Administrative Code.

(2) “AS” means the Alaska Statutes.

(3) “City parking lot” means any off-street parking area owned or operated by the city that is available for public parking and any place so designated by the council.

Section 3: Amendment of Section 10.08.010. Kodiak City Code Section 10.08.010 is hereby amended to read as follows [deleted words are struck; added words are bolded and underlined]:

10.08.010 Rules of the road

(a) Except as provided in subsection (b) of this section, 13 AAC Chapter 02, titled “Motor Vehicle and Driving Offenses: Rules of the Road,” is adopted by reference, ~~subject to the local amendments set forth in this chapter.~~

~~(b) The following provisions of 13 AAC Chapter 02 are not adopted by reference in subsection (a) of this section:~~

~~(1) Article 8 of 13 AAC Chapter 02, titled “Stopping, Standing and Parking.”~~

~~(2) 13 AAC 02.480, “Unattended motor vehicle.”~~

(b) 13 AAC 02.275, “Basic rule and maximum limits” is not adopted by reference in subsection (a) of this section.

Section 4: Repeal and Re-Enactment of Section 10.08.020. Kodiak City Code Section 10.08.020 is hereby repealed in its entirety and replaced by the adoption of a new Section 10.08.020 to read as follows:

10.08.020 Prudent Speed and Maximum speed limit

(a) No person may drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazard then existing. Consistent with this provision, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or street conditions.

(b) The maximum lawful speed on city streets is twenty miles per hour, and no person may drive a vehicle at a speed in excess of this maximum limit, unless a different maximum limit is otherwise posted.

Section 5: Repeal of Section 10.08.040. Kodiak City Code Section 10.08.040 is hereby repealed in its entirety.

Section 6: Repeal of Section 10.12.020. Kodiak City Code Section 10.12.020 is hereby repealed in its entirety.

Section 7: Renumbering of 10.12.030. Kodiak City Code Section 10.12.030 is hereby renumbered as Section 10.12.020.

Section 8: Repeal and Re-Enactment of Chapter 10.16. Kodiak City Code Chapter 10.16 is hereby repealed in its entirety and replaced by the adoption of a new Chapter 10.16 to read as follows:

Chapter 10.16

STOPPING, STANDING, AND PARKING

Sections

- 10.16.010 Additional parking regulations
- 10.16.020 Restricted parking—designation
- 10.16.030 Limited time parking
- 10.16.040 Parking in city parking lots
- 10.16.050 Motor vehicles used as living or sleeping accommodations
- 10.16.060 Violation of chapter a public nuisance
- 10.16.070 Service of citation
- 10.16.080 Owner of vehicle presumed responsible for violation
- 10.16.090 Vehicle defined

10.16.010 Additional parking regulations

(a) No person may park a vehicle upon a street, roadway, alley, vehicular way or area, or a city parking lot for the purpose of:

- (1) Washing the vehicle if the person parking the vehicle is a dealer, agent, or employee of a garage, filling station, or car wash;
- (2) Repairing or performing maintenance work on the vehicle except repairs or maintenance work necessitated by an emergency;
- (3) Displaying the vehicle for sale or hire in the regular course of the person's business except that a motor bus, sightseeing vehicle, airline service vehicle, or taxicab may park in accordance with the provisions of 13 AAC 02.372 (see also sections 5.04.010 and 5.04.015 of this code);
- (4) Storing or parking, without being attended by a driver, a vehicle to be used for hire to another person; or
- (5) Commercial advertising.

(b) No person may park a vehicle on a street, highway, public way, or area, or other public property, including a city parking lot, for more than twenty-four consecutive hours unless the location where the vehicle is parked is designated by an official traffic control device for parking for a different maximum time.

(c) No person may park a vehicle on a sidewalk.

10.16.020 Restricted parking—designation

For the purpose this title, including those regulations adopted by reference by KCC 10.16.010, the following official traffic control devices have the following meanings:

- (a) Parking is prohibited next to a curb that is painted red.
- (b) A curb that is painted yellow designates the adjacent parking space as a taxi or loading zone.
- (c) A parking space designated with a sign bearing the federal handicapped symbol, or with the federal handicapped symbol painted on the parking space, is a designated handicapped zone.

10.16.030 Limited time parking

(a) The chief of police may designate, by placing official traffic control devices, time limits for parking on those parts of a street, roadway, alley, or vehicular way where the chief of police has determined that demand for parking warrants the designation.

(b) No person may stop, stand, or park a vehicle in violation of such an official traffic control device.

(c) The chief of police may issue permits to occupy parking spaces on a street, roadway, alley, or vehicular way for the duration that the applicant demonstrates is necessary to accommodate a temporary activity such as a special event, construction project, or loading or unloading.

10.16.040 Parking in city parking lots

(a) The council by resolution may:

(1) Establish time limits for parking in city parking lots;

(2) Designate city parking lots for paid parking, and establish fees for paid parking in city parking lots; and

(3) Designate city parking lots for permit parking, and the fees and qualifications for obtaining a permit.

(b) The city shall notify the public of time limits in city parking lots, fees required to park in city parking lots, and permit requirements for parking in city parking lots by the placement of official traffic control devices.

(c) No person may stop, stand, or park a vehicle in violation of a traffic control device described in this section.

10.16.050 Motor vehicles used as living or sleeping accommodations

No person may occupy or utilize any motor vehicle or trailer as living quarters or sleeping accommodations while the motor vehicle or trailer is parked on any public or private property without authorization of the person holding the right to possession of the premises, nor may any person park or leave standing a motor vehicle or trailer utilized or prepared for utilization as living quarters or sleeping accommodations through having been connected to any water, sewer, electric, or other utility lines or having been rendered incapable of immediate movement under its own power through the use of jacks, blocks, leveling devices, or any other devices, except as provided in KCC 14.20.030.

10.16.060 Violation of this Chapter a Public Nuisance.

A vehicle parked, stopped, or standing in violation of this chapter is a public nuisance.

10.16.070 Service of Citation

(a) A citation for violation of this chapter may be served by:

- (1) The issuing city official personally serving the defendant by handing the citation to the defendant;
- (2) By leaving and affixing the citation in a conspicuous place on the vehicle or other personal property that is the subject of the violation; or
- (3) Any other method of service allowed by Alaska Civil Rule 4.

(b) If the citation is served other than as provided in subsections (1) or (2), proof of service setting forth the method, place and date of service shall be filed with the citation.

10.16.080 Owner of vehicle presumed responsible for violation

A vehicle which is found to be parked, stopped, or standing in violation of this title is presumed to have been so operated by the registered owner thereof or has been operated by another person with the consent of the registered owner for which the registered owner holds legal responsibility. The presumption may be rebutted by presentation of clear and convincing evidence that the vehicle was being operated by another person at the time of the violation without the consent of the registered owner.

10.16.090 Vehicle Defined.

For the purposes of this chapter, “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 expressly includes any trailer and its contents, whether or not connected to a motor vehicle.

Section 9: Repeal of Chapter 10.24. Kodiak City Code Chapter 10.24 is hereby repealed in its entirety.

Section 10: Amendment of Section 10.28.020. Kodiak City Code Section 10.28.020 is hereby amended by the addition of a new subsection (c), to read as follows:

(c) Every person operating a snowmachine or other off-road vehicle upon a highway has the rights and is subject to the duties applicable to the driver of any other vehicle under this chapter, except as otherwise provided in this chapter, and except as to those provisions of this chapter which by their nature have no application.

Section 11: Amendment of Section 10.28.030. Kodiak City Code Section 10.28.030 is hereby amended by the repeal of subsection (f), with the remaining subsections to be renumbered accordingly.

Section 12: Repeal and Re-Enactment of Section 10.28.040. Kodiak City Code Section 10.28.040 is hereby repealed in its entirety and replaced by the adoption of a new Section 10.28.040 to read as follows:

10.28.040 Operation on highways and other locations

(a) A snowmachine or an off-road vehicle may cross or be driven on a roadway, bike trail, shoulder of a highway, or sidewalk only under the following circumstances:

(1) When traversing a bridge or culvert on a highway, but then only by driving at the extreme right-hand edge of the bridge or culvert and only when the traverse can be completed with safety and without interfering with other traffic on the highway;

(2) When use of the highway by other motor vehicles is impossible because of snow or ice accumulation or other natural conditions or when the highway is posted or otherwise designated as being open to travel by off-road vehicles;

(3) When highway driving is authorized by an authority having jurisdiction over the highway, but only in accordance with restrictions which may be imposed by that authority with regard to highway use; or

(4) When driven on the right-of-way of a highway which is not a controlled access highway, outside the roadway or shoulder, and no closer than six feet from the nearest edge of the roadway.

(b) This section shall not authorize use of a snowmachine or off-road vehicle in any location or in any manner otherwise prohibited by this title.

Section 13: Repeal and Re-Enactment of Section 10.28.060. Kodiak City Code Section 10.28.060 is hereby repealed in its entirety and replaced by the adoption of a new Section 10.28.060 to read as follows:

10.28.060 Snowmachine authorized area of operation

(a) It is unlawful to operate a snowmachine on any city property or right-of-way except in those portions of U.S. Survey 3945 lying northwesterly of Pillar Mountain Road and southwesterly of the upper reservoir.

(b) Transportation to and from the designated area shall only be by truck or trailer to that part of Pillar Mountain Road below the city chlorinator building near the lower reservoir. Use of snowmachines for transport within the city limits to the designated area is prohibited.

Section 14: Repeal and Re-Enactment of Section 10.28.070. Kodiak City Code Section 10.28.070 is hereby repealed in its entirety and replaced by the adoption of a new Section 10.28.070 to read as follows:

10.28.070 Driver’s license required

A driver or operator of an off-road vehicle or snowmachine shall be required to have a valid motor vehicle operator’s license or permit, or be accompanied by a person having such valid license, while operating on any roadway, bike trail, shoulder of a highway, sidewalk, or city property.

Section 15: Repeal of Section 10.28.090. Kodiak City Code Section 10.28.090 is hereby repealed in its entirety.

Section 16: Repeal of Section 10.28.100. Kodiak City Code Section 10.28.100 is hereby repealed in its entirety.

Section 17: Repeal of Section 10.28.110. Kodiak City Code Section 10.28.110 is hereby repealed in its entirety.

Section 18: Renumbering of Section 10.32.100. Kodiak City Code Section 10.32.100 is hereby renumbered to Kodiak City Code Section 10.32.010.

Section 19: Amendment and Renumbering of Section 10.32.110. Kodiak City Code Section 10.32.110 is hereby renumbered to Kodiak City Code Section 10.32.020 and, following renumbering amended by the addition of a new subsection (c) to read as follows:

(c) In addition to any fine or penalty imposed for the violation, any person violation subsection (a) of this section shall be guilty of a minor offense.

Section 20: Repeal and Re-Enactment of Chapter 10.36. Kodiak City Code Chapter 10.36 is hereby repealed in its entirety and replaced by the adoption of a new Chapter 10.36 to read as follows:

Chapter	10.36
ABANDONED VEHICLES & IMPOUNDMENT	
Sections	
10.36.010	Impoundment
10.36.020	Impound report and inventory
10.36.030	Order to release impounded vehicle
10.36.040	Vehicle abandonment unlawful
10.36.050	Presumption of abandonment
10.36.060	Notice to owners and lien holders
10.36.070	Hearing
10.36.080	Redemption
10.36.090	Disposal of abandoned vehicles

- 10.36.100 Proceeds from sale of abandoned vehicles
- 10.36.110 Records kept
- 10.36.120 Vehicle defined

10.36.010 Impoundment

(a) A police officer, officer of the fire department, or harbormaster may direct the removal or impoundment by towing to an approved impound area or facility of a vehicle, whether loaded or not, that is:

- (1) Abandoned, wrecked, dismantled, or inoperative;
- (2) Involved in a collision or a police investigation;
- (3) Located or standing upon any street or alley right-of-way or public property in violation of the provisions of this title;
- (4) Located or standing upon any street or alley right-of-way or public property and found to be mechanically unsafe to operate;
- (5) The driver of which is found to be incapacitated or is taken into custody for an offense involving driving under the influence of intoxicating liquor or drugs, reckless driving, negligent driving, or any felony;
- (6) Located on private property for over 24 hours without the consent of the owner or person in control of the property, after written notice to the chief of police requesting its removal; or
- (7) The subject of four or more unresolved citations for parking, stopping, or standing in violation of this title.

(b) Vehicles impounded by official order of the city shall be stored in a safe and secure area or facility.

(c) The city, or its authorized agent, shall collect directly from the vehicle owner or his agent any towing, impound, storage, and/or disposal fees or expenses associated with vehicles towed or impounded.

10.36.020 Impound report and inventory

(a) A written report of the removal shall be made by the officer who removes or has removed a vehicle under this section, and the report shall be sent immediately to the city police department and a copy of the report shall be given to the person who stores the property. The report must describe the vehicle, the date, time, and place of removal, the grounds for removal, and the place of impoundment of the vehicle.

(b) Upon impoundment and storage of a vehicle, a police officer or other authorized person shall make, or cause to be made, an inventory of the contents of the vehicle and an estimate of the value of those contents. At the time of release of the vehicle, the person to whom the

vehicle is to be released shall review the inventory to confirm the vehicle contents and shall sign a statement acknowledging the accuracy of the inventory and the receipt of the vehicle contents.

(c) If, at the time the inventory is conducted, property is discovered which could be readily removed from the vehicle and which has an estimated value in excess of \$1,000 or which is, or could be, dangerous or hazardous if left in the vehicle or unlawfully removed, the impounding officer may, at the officer's discretion, cause that property to be stored in the police evidence locker or other suitable location pending its release to the owner.

10.36.030 Order to release impounded vehicle

A vehicle impounded pursuant to the provisions of this chapter shall be released only to a person who presents a valid "Order to Release" signed an authorized member of the police department.

10.36.040 Vehicle abandonment unlawful

(a) A person may not abandon a vehicle upon a highway or vehicular way or area.

(b) A person may not abandon a vehicle upon public property 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 state 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.

10.36.050 Presumption of abandonment

(a) A vehicle which has been left unattended, standing, parked upon, or within 10 feet of the traveled portion of a highway in excess of twenty-four hours, or a vehicle left standing or parked on private property or upon other city property where not specifically permitted by a traffic control device for more than twenty-four hours, without the consent of the owner or person in charge of the property, may be removed under AS 28.11.030 and treated as an abandoned vehicle, unless the vehicle is reclaimed and removed before the action regarding removal is taken under KCC 10.36.010. The city, for good cause, may make provision for parking of vehicles on municipal property other than as specified in this section.

(b) A vehicle impounded under this chapter that has not been reclaimed within 30 days of impound shall be presumed abandoned.

10.36.060 Notice to owners and lien holders

(a) The city shall give written notice to the vehicle owner of record and to lien holders of record that the city considers the vehicle to be abandoned. The city shall give the notice by:

- (1) Posting on the vehicle; and
- (2) By personal delivery or by registered or certified mail, return receipt requested, or if the vehicle is not registered in the state or the city cannot determine the name and address of the owner or lien holder, by publication once a week for four consecutive weeks in a newspaper of general circulation in the city.

(b) The notice shall state:

- (1) A description of the vehicle and its location;
- (2) The name and address of the registered owner, if any, and the vehicle identification number of the vehicle;
- (3) The reasons why the city considers the vehicle to be abandoned; and
- (4) That unless within 15 days after the date of final publication of the notice: (i) the vehicle is removed or reclaimed and stored in a lawful manner, or (ii) a person with an interest in the vehicle requests a hearing under KCC 10.36.070, the city may without further notice dispose of the vehicle by sale, destruction, or other disposition authorized by law.

10.36.070 Hearing

(a) A person claiming an interest in a vehicle or trailer that is the subject of a notice under KCC 10.36.060 or that has been impounded under KCC 10.36.010 may obtain a hearing on whether the vehicle is subject to impound and/or disposal under this chapter by requesting the hearing in writing at the office of the city manager within 15 days after the date of the notice or impound.

(b) A hearing officer, who shall be the city manager or a person designated by the city manager, shall conduct the hearing within five business days after the city receives a timely request for a hearing under subsection (a) of this section unless a longer period is agreed to by the person requesting the hearing. The issue at the hearing shall be limited to whether the vehicle was subject to impound or is subject to disposal under this chapter.

(c) The hearing shall be conducted in an informal manner and shall not be subject to the technical rules of evidence. Any person claiming an interest in the vehicle may appear, present evidence, and cross-examine witnesses. The hearing shall be recorded.

(d) Within three business days after the conclusion of the hearing, the hearing officer shall prepare a written decision whether the vehicle or trailer was properly impounded and/or is subject to disposal under this chapter, stating the reasons for the decision. The city shall

mail or deliver a copy of the decision to each person who appeared at the hearing and claimed an interest in the vehicle.

(e) Any person aggrieved by the hearing officer's decision under subsection (d) of this section may appeal the decision to the superior court within 30 days after the date the decision was mailed or delivered to the parties. Unless the court orders otherwise, the city may impound a vehicle under this section immediately after issuing a decision approving its disposal, but may not dispose of the vehicle until either the court affirms the decision, or the time for appeal expires without an appeal having been filed. The city shall be entitled to recover all costs incurred, including reasonable attorney fees, for the hearing and appeal if the city prevails on appeal.

10.36.080 Redemption

A person who presents satisfactory proof of ownership or right to possession may redeem a vehicle removed under this chapter at any time before an auction under this chapter by paying the charges of towing, storage, notice, other cost of impoundment, and any applicable penalty for violation of KCC 10.36.010 or other law.

10.36.090 Disposal of abandoned vehicles

Upon satisfaction of the notice and hearing requirements prescribed in this chapter, the city may dispose of an abandoned vehicle by removing it to a scrap processing yard or auto wrecker for disposal, or by public auction not less than 20 days after notice of the auction is published in a newspaper of general circulation in the city. The notice of auction must describe the vehicle and specify the place, date, and time at which it will be sold.

10.36.100 Proceeds from sale of abandoned vehicles

The proceeds of any sale of an abandoned vehicle shall be applied first to reimburse the city for costs of disposing of the vehicle, including towing, storing, and selling the vehicle, and second to satisfy any fine or penalty that has been imposed for the unlawful abandonment of the vehicle. Any part of the proceeds remaining thereafter shall be made available to the former owner of the vehicle if claimed within 30 days from the date of sale, and if not so claimed shall become the property of the city. Unclaimed proceeds shall be deposited with the city and accounted for as a fund for the disposal of abandoned vehicles and shall be made available to the police department for expenses incurred in the disposition of abandoned vehicles which do not generate any revenue.

10.36.110 Records kept

(a) A person authorized by contract, or other official order, to tow and/or store vehicles shall maintain and make available to the city such records as the city may require, including, but not by way of limitation, written records reflecting the time, place, and circumstances associated with the impoundment of each such vehicle, an inventory of its contents at the time of impoundment, and details concerning its release or sale at public auction.

(b) All records maintained pursuant to this chapter shall be retained for at least two years and made available to the city upon request. In no event shall any records maintained pursuant to this section be destroyed without prior written consent of the city.

10.36.120 Vehicle defined

For the purpose of this chapter, “vehicle” shall include any motor vehicle, off-road vehicle, trailer, including any load on the trailer, or any portion thereof regardless of whether the vehicle is operable.

Section 21: Repeal of Chapter 10.40. Kodiak City Code Chapter 10.40 is hereby repealed in its entirety.

Section 22: Repeal and Re-Enactment of Chapter 10.44. Kodiak City Code Chapter 10.44 is hereby repealed in its entirety and replaced by the adoption of a new Chapter 10.44 to read as follows:

**Chapter 10.44
VIOLATIONS**

Sections

- 10.44.010 General Penalty
- 10.44.020 Right to revoke or suspend licenses
- 10.44.030 Disposition of scheduled offenses—fine schedule

10.44.010 General Penalty

(a) Every act prohibited this title is unlawful. Unless another penalty is expressly provided by this code for a particular act or offense, every person who commits an infraction or violation of any provision of this code, or any rule or regulation adopted or issued pursuant to this code, commits a minor offense as that term is defined in the Alaska Rules of Minor Offense Procedure and may be punished by a fine of not more than \$1,000.

(b) In addition to any other remedies or penalties that may be provided in this code, or may otherwise be available, the city or any aggrieved person may institute a civil action to obtain injunctive or compensatory relief against a person who violates any provision of the code. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. On application for injunctive relief and a finding of violation or threatened violation, the superior court shall grant the injunction. The city shall be entitled to recover its costs, including reasonable attorney’s fees, incurred in a civil action resulting in injunctive or compensatory relief against a person who violates any provision of the code.

(c) Each act of violation and every day upon which the violation shall occur will constitute a separate offense. A separate citation must be issued for each calendar day upon which a violation is alleged to have occurred.

10.44.020 Right to revoke or suspend licenses

Notwithstanding anything contained in this title, the city’s authority to administratively suspend or revoke any license conferred by the City of Kodiak for violation of this code is specifically retained.

10.44.030 Disposition of scheduled offenses—fine schedules

(a) A person charged with a minor offense listed on a fine schedule may appear in court to contest the charge. If an offense is not listed on a fine schedule, or if the citation indicates that a court appearance is mandatory, the defendant must appear in court to answer the charges. As a minor offense, trial is by the court without a jury, and there is no right to court-appointed defense counsel.

(b) A citation for an offense listed as correctable or “Cor” shall be dismissed (or voided) if proof of correction is presented to the Kodiak police department within 14 days after the date of the citation.

(c) The city adopts as its traffic fine schedule for state offenses the “Traffic Bail Forfeiture Schedule” and the “Oversize Vehicle Bail Forfeiture Schedule” in Administrative Rules 43.1 and 43.6 of the Alaska Rules of Court and any other bail forfeiture schedules relating to vehicles adopted by the Alaska Supreme Court. In addition, the city adopts all amendments of those schedules that become effective after the effective date of this ordinance. Citations for offenses listed on these schedules may be disposed of as provided in AS 12.25.195-.230, without a court appearance, upon payment of the amounts listed plus the state surcharge required by AS 12.55.039 and AS 29.25.074. Fines must be paid to the court. If a person charged with one of these offenses appears in court and is found to have committed the offense, the court shall impose, without reduction, the penalty set forth for the offense in the adopted schedules.

(d) The fine amounts established by subsections (c) and (e) are doubled for motor vehicle or traffic offenses committed in a highway work zone or traffic safety corridor, as those terms are defined in AS 28.90.990 and 13 AAC 40.010(b).

(e) In accordance with AS 29.25.070(a), citations for the following offenses, except for those identified as “mandatory”, may be disposed of as provided in AS 12.25.195 through 12.25.230, without a court appearance, upon payment of the fine amounts listed below, plus the state surcharge required by AS 12.55.039 and 29.25.074. Fines must be paid to the court. The Alaska court system’s Rules of Minor Offense Procedures apply to all offenses listed below. If a person charged with one of these offenses appears in court and is found to have committed the offense, the court shall impose, without reduction, the penalty set forth in the fine schedule below for that offense. An offense listed in this schedule may not be disposed of without court appearance if the offense is in connection with a motor vehicle accident that results in the death of a person.

Code Section	Description of Violation	Mandatory, Optional, or Correctable	Penalty
10.08.020(a)	Speed: Reasonable & Prudent For Road Conditions	Optional	\$90
10.08.020(b)	Maximum speed limit	Optional	
	3 mph over designated limit	Optional	\$24
	4-19 mph over designated limit	Optional	\$8 per mph over limit
	20 or more mph over designated limit	Optional	\$12 per mph over limit
10.08.030	Prohibited use of vehicular ways	Optional	\$150
10.08.040(a)	Skateboards and similar devices – prohibited area	Optional	\$40
10.08.040(b)	Skateboards and similar devices – unsafe use	Optional	\$40
10.08.040(c)	Skateboards and similar devices – failure to obey traffic control device	Optional	\$40
10.12.020(a)	Transportation of hazardous material	Mandatory	
10.16.010(a)	Additional parking regulations – prohibited activity	Optional	\$25
10.16.010(b)	Additional parking regulations – over 24 hours	Optional	\$25
10.16.010(c)	Parking on a sidewalk	Optional	\$25
10.16.020(a)	Restricted parking – red curb	Optional	\$25
10.16.020(b)	Restricted parking – yellow curb	Optional	\$25
10.16.020(c)	Restricted parking – handicapped	Optional	\$150
10.16.030(b)	Limited time parking – violation of traffic control device	Optional	\$20
10.16.040(c)	Parking in city parking lot – violation of traffic control device	Optional	\$20
10.16.050	Motor vehicle used as living or sleeping accommodation	Optional	\$100

10.28.030(a)	Off-road vehicle use regulations – park or city-owned property	Optional	\$150
10.28.030(b)	Off-road vehicle use regulations – private property	Optional	\$50
10.28.030(c)	Off-road vehicle use regulations – careless, reckless, or negligent use	Mandatory	
10.28.030(d)	Off-road vehicle use regulations – under the influence	Optional	\$100
10.28.030(e)	Off-road vehicle use regulations – animals	Optional	\$100
10.28.040(a)	Operation of Off-road vehicle highways and other locations – on roadway	Optional	\$50
10.28.050	Off-road vehicle parental responsibility	Optional	\$50
10.28.060(a)	Snowmachine authorized area of operation – use outside of authorized area	Optional	\$50
10.28.070	Off road vehicle; driver’s license required	Optional	\$50
10.32.010(a)	Confinement of loads	Optional	\$100
10.32.020	Removal of dirt and debris	Optional	\$50
10.36.040(a)	Vehicle abandonment unlawful – upon highway or vehicular way	Optional	\$300
10.36.040(b)	Vehicle abandonment unlawful – upon other public or private property	Optional	\$300

Section 23: Effective Date. This ordinance shall go into effect one month after its passage and publication.

CITY OF KODIAK

MAYOR

ATTEST:

CITY CLERK

First Reading:
Second Reading:
Effective Date: