

**CITY OF KODIAK
ORDINANCE NUMBER 1431**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF KODIAK AMENDING
TITLES 1, 2, 5, 7, 8, 10, AND 18 OF THE KODIAK CITY CODE TO PROMOTE UNI-
FORM MINOR OFFENSE ORDINANCES**

WHEREAS, the Alaska Rules of Minor Offense Procedure provide for the just determination of municipal code violations and secure simplicity and uniformity in procedure, fairness in administration, and the elimination of unjustifiable expense and delay; and

WHEREAS, the minor offense adjudication process is most efficient and effective when fines for violations are set in a fine table, allowing resolution of citations without appearing in court; and

WHEREAS, amendment to the Kodiak City Code (KCC) is necessary to enable efficient enforcement of a greater number of city offenses through the minor offense procedure; and

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

Section 1: This ordinance is of a permanent and general nature and shall be included in the Kodiak City Code.

Section 2: **Repeal and Re-Enactment of Section 1.12.010.** Kodiak City Code Section 1.12.010 is hereby repealed in its entirety and replaced by the adoption of a new Section 1.12.010 to read as follows:

1.12.010 General Penalty

(a) Every act prohibited by 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 \$1000.

(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.

Section 3: **Repeal and Re-Enactment of Section 1.12.020.** Kodiak City Code Section 1.12.020 is hereby repealed in its entirety and replaced by the adoption of a new Section 1.12.020 to read as follows:

1.12.020 Service of Citation.

Unless otherwise specifically provided, citations for violation of the Kodiak City Code shall be served in accordance with Alaska Minor Offense Rule 3. A citation for the violation of the code may be brought by a city police officer, the city manager, or the city official responsible for the administration and enforcement of the code provision which has been violated.

Section 4: Chapter 2.32 of the Kodiak City Code is hereby amended by amending Section 2.32.070 to read as follows [new text is **bold and underlined**; deleted text is ~~struck through~~]:

2.32.070 Violations

It is a **violation of this code** ~~misdemeanor~~ for any person during a disaster to:

(a) Willfully obstruct, hinder, or delay any member of the emergency services organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed by virtue of this chapter;

(b) To do any act forbidden by any lawful rules or regulations issued pursuant to this chapter, if such act is of such a nature as to give or be likely to give assistance to the enemy, or to imperil the lives or property of inhabitants of the city or borough, or to prevent, hinder, or delay the defense or protection thereof; and

(c) To wear, carry, or display without authority any means of identification specified by the emergency services agency of the state.

Section 5: Chapter 5.40 of the Kodiak City Code is hereby amended by the repeal of Section 5.40.155.

Section 6: Chapter 7.04 of the Kodiak City Code is hereby amended by the repeal of Section 7.04.040.

Section 7: Chapter 7.04 of the Kodiak City Code is hereby amended by amending Section 7.04.050 to read as follows [new text is **bold and underlined**; deleted text is ~~struck through~~]:

No person may tie, stake, or fasten any ~~horse, cow, sheep, goat,~~ **domestic** or other animal within any street, alley, or public place within the city limits or in a manner which permits the animal access to any portion of any street, alley, or public place.

Section 8: Chapter 7.04 of the Kodiak City Code is hereby amended by the repeal of Section 7.04.170.

Section 9: Chapter 7.04 of the Kodiak City Code is hereby amended by the repeal of Section 7.04.180.

Section 10: Chapter 8.20 of the Kodiak City Code is hereby amended by the repeal of Section 8.20.020.

- Section 11:** Chapter 8.20 of the Kodiak City Code is hereby amended by the repeal of Section 8.20.040.
- Section 12:** Chapter 8.20 of the Kodiak City Code is hereby amended by the repeal of Section 8.20.050.
- Section 13:** Chapter 8.56 of the Kodiak City Code is hereby amended by the repeal of Section 8.56.020.
- Section 14:** Chapter 8.48 of the Kodiak City Code is hereby amended by the repeal of Section 8.48.020(e).
- Section 15:** Chapter 10.16 of the Kodiak City Code is hereby amended by the repeal of Section 10.16.070.
- Section 16:** Chapter 10.28 of the Kodiak City Code is hereby amended by amending Section 10.28.040 to read as follows [new text is **bold and underlined**; deleted text is ~~struck-through~~]:

10.28.040 Operation on highways and other locations

A snow machine or off-road vehicle may not be operated on a roadway in violation of 13 AAC 02.455.

~~(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 17: Chapter 10.28 of the Kodiak City Code is hereby amended by amending Section 10.28.070 to read as follows [new text is **bold and underlined**; deleted text is ~~struck through~~]:

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 18: Title 10 of the Kodiak City Code is hereby amended by the repeal of Chapter 10.44.

Section 19: Chapter 18.28 of the Kodiak City Code is hereby amended by the repeal of Section 18.28.380.

Section 20: Chapter 18.28 of the Kodiak City Code is hereby amended by the repeal of Section 18.28.400.

Section 21: Chapter 18.28 of the Kodiak City Code is hereby amended by the repeal of Section 18.28.410.

Section 22: Chapter 18.28 of the Kodiak City Code is hereby amended by the repeal of Section 18.28.420.

Section 23: Chapter 1.12 of the Kodiak City Code is hereby amended by repealing and replacing Section 1.12.040 to read as follows:

1.12.040 Disposition of scheduled offenses—fine schedule

(a) In accordance with AS 29.25.070(a), citations for offenses for which a fine is established in subsection (c) or (e) of this section may be disposed of as provided in AS 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below within 30 days of the date of the citation, plus the state surcharge required by AS 12.55.039 and AS 29.25.074. Fines must be paid to the court. The Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all offenses listed below. Citations charging these offenses must meet the requirements of Minor Offense Rule 3. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense listed below. If an offense is not listed on this fine schedule or another fine schedule, the defendant must appear in court to answer to the charges. These fines may not be judicially reduced.

(b) 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 the ordinance codified in this chapter.

(c) The fine amounts established by subsections (b) and (e) of this section 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).

(d) 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.

(e) The following violations of this code are amenable to disposition without court appearance upon payment of a fine in the amount listed below. 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:

City Code Provision	Offense	Fine	Correctable
5.04.010	Businesses on city property prohibited	\$300	
5.04.015	Parking for vehicles for hire	\$300	
5.08.030	Operating mobile food service without permit	\$1,000	
5.08.080(a)	Failure to display permit	\$100	
5.08.080(b)	Failure to furnish documents upon request	\$100	
5.08.110(a)	Unlawful operation of mobile food service	\$1,000	
5.08.110(b)	Operating mobile food service in unauthorized area	\$1,000	
5.08.110(c)	Obstructing traffic or inconveniencing public	\$1,000	
5.40.005	Permit required for vehicle for hire	\$300	
5.40.025	Required equipment and markings	\$300	COR
5.40.030	Required insurance coverage	\$300	
5.40.035	Vehicle standards and inspection	\$300	
5.40.040	Responsibilities of permittee	\$300	
5.40.055	Shuttle vehicles prohibited	\$300	
5.40.100	Permit to operate taxicab or limousine required	\$300	
5.40.120	Required equipment and markings	\$300	COR
5.40.140	Limousine service requirements	\$300	
5.40.125	Responsibilities of taxicab or limousine permittee	\$300	
5.40.150	Violation of tariffs	\$300	
5.40.200	Permit to operate as tour vehicle required	\$300	
5.40.215	Route plan required	\$300	
5.40.300	Chauffeur’s license	\$300	
5.40.325	Requirements for all licensees	\$300	
5.40.330	Requirements for licensees operating a taxicab	\$300	
7.04.020	Contagious diseases	\$100	
7.04.030	Annoying animals or fowl	\$75	
7.04.050	Tethering	\$75	

7.04.060(a), (b), (d)	Control of animals	\$100	
7.04.070	Animal littering	\$75	
7.04.090(a)	Dog licensing	\$75	
7.04.100(b)	Tag and collar	\$75	
7.04.190	Off-leash dog parks	\$100	
8.20.030	Obstruction of pedestrians or vehicles	\$100	
8.20.060	Camping	\$100	
8.48.020	Sale or possession of drug paraphernalia	\$75	
10.08.020(a)	Speed: reasonable and prudent for road conditions	\$90	
10.08.020(b)	Maximum speed limit		
	3 mph over designated limit	\$24	
	4-19 mph over designated limit	\$8 per mph over limit	
	20 or more mph over designated limit	\$12 per mph over limit	
10.08.030	Prohibited use of vehicular ways	\$150	
10.12.020(a)	Transportation of hazardous material	\$1000	
10.16.010(a)	Additional parking regulations—prohibited activity	\$25	
10.16.010(b)	Additional parking regulations—over 24 hours	\$25	
10.16.010(c)	Parking on a sidewalk	\$25	
10.16.020(a)	Restricted parking—red curb	\$25	
10.16.020(b)	Restricted parking—yellow curb	\$25	
10.16.020(c)	Restricted parking—handicapped	\$150	
10.16.030(b)	Limited time parking—violation of traffic control device	\$20	
10.16.040(c)	Parking in city parking lot—violation of traffic control device	\$20	
10.16.050	Motor vehicle used as living or sleeping accommodation	\$100	
10.28.030(a)	Off-road vehicle use regulations—park or city-owned property	\$150	
10.28.030(b)	Off-road vehicle use regulations—private property	\$50	
10.28.030(c)	Off-road vehicle use regulations—careless, reckless, or negligent use	\$100	
10.28.030(d)	Off-road vehicle use regulations—under the influence	\$100	
10.28.030(e)	Off-road vehicle use regulations—animals	\$100	
10.28.040(a)	Operation of off-road vehicle highways and other locations—on roadway	\$50	
10.28.050	Off-road vehicle parental responsibility	\$50	
10.28.060(a)	Snowmachine authorized area of operation—use outside of	\$50	

	authorized area		
10.28.070	Off-road vehicle; driver's license required	\$50	
10.32.010(a)	Confinement of loads	\$100	
10.32.020	Removal of dirt and debris	\$50	
10.36.040(a)	Vehicle abandonment unlawful—upon highway or vehicular way	\$300	
10.36.040(b)	Vehicle abandonment unlawful—upon other public or private property	\$300	
18.28.020(a)	Failure to register and pay	\$300	
18.28.020(b)	Failure to report change in ownership	\$50	
18.28.020(c)	Mooring where prohibited	\$50	
18.28.020(f)	False statement in application	\$50	
18.28.020(g)	Failure of owner/operator to respond when called	\$300	
18.28.030	Improper use of exclusive moorage space	\$75	
18.28.050(a)	Mooring at ferry dock	\$75	
18.28.060(a)	Multiple mooring without consent	\$50	
18.28.080	Affixing boat to gridiron without consent	\$300	
18.28.090	Mooring of seaplane on or adjacent to boat moorage	\$50	
18.28.110	Misuse of day storage area—short-term	\$50	
18.28.130(e)	Theft of services	\$300	
18.28.140(e)	Trespass/failure to remove vessel upon notice	\$300	
18.28.190(b)	Negligent operation of vessel	\$300	
18.28.190(d)	Disturbing the peace	\$75	
18.28.190(e)	Violation of speed or wake restriction	\$75	
18.28.190(f), (g)	Illegal anchoring	\$75	
18.28.190(h)	Failure to stop when hailed	\$75	
18.28.200	Blinding lights	\$300	
18.28.210(a)	Violation of vessel size restrictions	\$50	
18.28.210(b)	Noncompliance with U.S. Coast Guard regulations	\$50	
18.28.210(c)	Muffler required	\$50	
18.28.220	Improper securing of auxiliary vessels	\$50	
18.28.230(a)	Improper occupancy of vessel	\$50	
18.28.230(b)	Occupancy of vessel not in regular use	\$50	
18.28.240(a)	Littering	\$75	
18.28.240(b)	Improper maintenance of floats	\$75	
18.28.240(c)	Failure to use garbage containers	\$75	

18.28.240(d)	Improper disposal of waste oil	\$75	
18.28.240(c)	Pumping of bilge oil and gas into harbor	\$500	
18.28.250(a)	Improper maintenance of floats	\$75	
18.28.250(b)	Storage on floats	\$75	
18.28.260	Tampering with facilities	\$75	
18.28.270	Improper float bumpers	\$50	
18.28.280(a)	Improper hauling out	\$50	
18.28.280(b)	Loading or unloading freight at small boat harbor	\$75	
18.28.290	Failure to report accident	\$75	
18.28.300(a)	Unattended fire	\$75	
18.28.300(b)	Improper treatment of combustible materials	\$75	
18.28.300(c)	Lack of flame-producing device safeguards	\$75	
18.28.300(d)	Use of flame-producing device at ferry terminal	\$75	
18.28.300(e)	Smoking in prohibited areas	\$50	
18.28.310(a)	Failure to restrain animal	\$100	
18.28.310(b)	Animal deposits	\$75	
18.28.320	Failure to accompany children under 12 years	\$50	
18.28.330	Wheeled or tracked vehicle on float facility	\$50	
18.28.340(a)	Violation of sign restrictions	\$50	
18.28.350	Fishing prohibited	\$50	
18.28.355	Swimming, water skiing, etc., prohibited	\$50	
18.28.360	Restrictions on commercial repairs	\$50	
18.28.370(a)(1)	Creating or maintaining nuisance or conducting illegal business	\$75	
18.28.370(a)(2)	Removing, damaging, or defacing official signs	\$300	
18.28.370(a)(3)	Failure to comply with lawful order	\$75	
18.28.370(a)(4)	Feeding sea lions	\$300	

Section 24: This ordinance shall go into effect one month after its passage and publication.

CITY OF KODIAK



MAYOR

ATTEST:

Marilee Shroyoff-Nelson
CITY CLERK



First Reading: March 9, 2023
Public Hearing & Second Reading: March 23, 2023
Effective Date: April 29, 2023