

CITY OF VALDEZ, ALASKA

ORDINANCE #25-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA AMENDING CHAPTER 1.08 OF THE VALDEZ MUNICIPAL CODE TITLED GENERAL PENALTY

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF VALDEZ, ALASKA that:

Section 1: Chapter 1.08, Section 1.08.030 of the Valdez Municipal Code is
hereby amended to read as follows:

GENERAL PENALTY

Sections:

- 1.08.010 General penalty—Continuing violations.
- 1.08.020 Surcharge.
- 1.08.030 Minor offense fine schedule.
- 1.08.040 Civil fines.
- 1.08.050 Administrative appeal for civil fines.

1.08.010 Minor offense general penalty—Continuing violations.

A. Unless another penalty is expressly provided by law, every person convicted of a minor offense for violating any provision of this code shall be punished by a fine of not more than five hundred dollars.

B. Except where otherwise provided, every day any violation of this code or any other ordinance of the city or such rule, regulation or order shall continue shall constitute a separate offense. (Ord. 18-02 § 1 (part): Ord. 17-07 § 1 (part): Ord. 17-02 § 1: prior code § 1-7)

1.08.020 Minor offense surcharge.

In addition to any penalty prescribed by law, a defendant convicted of a minor offense for violating a municipal ordinance shall pay the surcharge required under AS 12.55.039 and 29.25.074. All such surcharges collected shall be remitted to the state of Alaska as required by AS 29.25.074. (Ord. 18-02 § 1 (part): Ord. 17-07 § 1 (part))

1.08.030 Minor offense fine schedule.

In accordance with AS 29.25.070(a), citations for the following offenses 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 to the court within thirty days of the date of the citation, plus the state surcharge required by AS 12.55.039 and 29.25.074. 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 the Minor Offense Rules. 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.

| MUNICIPAL CODE SECTION | OFFENSE DESCRIPTION | COURT APPEARANCE | PENALTY/FINE |
|---------------------------------------|---|-----------------------------|---------------------|
| 6.08.010 | Cleanup and disposal of animal litter or excrement required—first offense | Optional | \$25.00 |
| 6.08.010 | Cleanup and disposal of animal litter or excrement required—second offense | Optional | \$50.00 |
| 6.08.010 | Cleanup and disposal of animal litter or excrement required—third offense | Optional | \$100.00 |
| 6.08.010 | Cleanup and disposal of animal litter or excrement required—fourth and subsequent | Optional | \$300.00 |
| 6.08.020 | Animal running at large prohibited—first offense | Optional | \$25.00 |
| 6.08.020 | Animal running at large prohibited—second offense | Optional | \$50.00 |
| 6.08.020 | Animal running at large prohibited—third offense | Optional | \$100.00 |
| 6.08.020 | Animal running at large prohibited—fourth and subsequent | Optional | \$300.00 |
| 6.08.040(A)(1) | Negligent feeding of wild animals, birds of prey, or deleterious exotic wildlife prohibited—first offense | Optional | \$25.00 |
| 6.08.040(A)(1) | Negligent feeding of wild animals, birds of prey, or deleterious exotic wildlife prohibited—second offense | Optional | \$50.00 |
| 6.08.040(A)(1) | Negligent feeding of wild animals, birds of prey, or deleterious exotic wildlife prohibited—third offense | Optional | \$100.00 |
| 6.08.040(A)(1) | Negligent feeding of wild animals, birds of prey, or deleterious exotic wildlife prohibited—fourth and subsequent | Optional | \$300.00 |
| 6.08.040(A)(2) | Intentional feeding of wild animals, birds of prey, or deleterious exotic wildlife prohibited—first offense | Optional | \$50.00 |
| 6.08.040(A)(2) | Intentional feeding of wild animals, birds of prey, or deleterious exotic wildlife prohibited—second offense | Optional | \$100.00 |
| 6.08.040(A)(2) | Intentional feeding of wild animals, birds of prey, or deleterious exotic wildlife prohibited—third offense | Optional | \$200.00 |
| 6.08.040(A)(2) | Intentional feeding of wild animals, birds of prey, or deleterious exotic wildlife prohibited—fourth and subsequent offense | Optional | \$400.00 |

| MUNICIPAL CODE SECTION | OFFENSE DESCRIPTION | COURT APPEARANCE | PENALTY/FINE |
|---------------------------------------|---|-----------------------------|---------------------|
| 6.08.050 | Keeping wild animals within the city prohibited—first offense | Optional | \$50.00 |
| 6.08.050 | Keeping wild animals within the city prohibited—second offense | Optional | \$100.00 |
| 6.08.050 | Keeping wild animals within the city prohibited—third offense | Optional | \$200.00 |
| 6.08.050 | Keeping wild animals within the city prohibited—fourth and subsequent offense | Optional | \$400.00 |
| 6.08.090 | Continuous noise by animal prohibited—first offense | Optional | \$25.00 |
| 6.08.090 | Continuous noise by animal prohibited—second offense | Optional | \$50.00 |
| 6.08.090 | Continuous noise by animal prohibited—third offense | Optional | \$100.00 |
| 6.08.090 | Continuous noise by animal prohibited—fourth and subsequent offense | Optional | \$300.00 |
| 6.08.100 | Failure to confine female dog or cat in heat—first offense | Optional | \$25.00 |
| 6.08.100 | Failure to confine female dog or cat in heat—second offense | Optional | \$50.00 |
| 6.08.100 | Failure to confine female dog or cat in heat—third offense | Optional | \$100.00 |
| 6.08.100 | Failure to confine female dog or cat in heat—fourth and subsequent offense | Optional | \$300.00 |
| 6.08.110 | Tethering/chaining/crating of animals restricted—first offense | Optional | \$50.00 |
| 6.12.010 | Dog license required—first offense | Optional | \$25.00 |
| 6.12.010 | Dog license required—second offense | Optional | \$50.00 |
| 6.12.010 | Dog license required—third offense | Optional | \$100.00 |
| 6.12.010 | Dog license required—fourth and subsequent offense | Optional | \$300.00 |
| 6.12.020 | Display of license tag on dog required | Optional | \$25.00 |
| 6.12.030 | Vaccination of dogs required—first offense | Optional | \$25.00 |
| 6.12.030 | Vaccination of dogs required—second offense | Optional | \$50.00 |
| 6.12.030 | Vaccination of dogs required—third offense | Optional | \$100.00 |
| 6.12.030 | Vaccination of dogs required—fourth and subsequent offense | Optional | \$300.00 |

| MUNICIPAL CODE SECTION | OFFENSE DESCRIPTION | COURT APPEARANCE | PENALTY/FINE |
|---------------------------------------|--|-----------------------------|---------------------|
| 6.12.040 | Kennel licenses required—first offense | Optional | \$50.00 |
| 6.12.040 | Kennel licenses required—second offense | Optional | \$100.00 |
| 6.12.040 | Kennel licenses required—third offense | Optional | \$200.00 |
| 6.12.040 | Kennel licenses required—fourth and subsequent offense | Optional | \$400.00 |
| 6.13.010 | Excessive number of cats prohibited—first offense | Optional | \$25.00 |
| 6.13.010 | Excessive number of cats prohibited—second offense | Optional | \$50.00 |
| 6.13.010 | Excessive number of cats prohibited—third offense | Optional | \$100.00 |
| 6.13.010 | Excessive number of cats prohibited—fourth and subsequent offense | Optional | \$300.00 |
| 6.13.020 | Cattery license required—first offense | Optional | \$50.00 |
| 6.13.020 | Cattery license required—second offense | Optional | \$100.00 |
| 6.13.020 | Cattery license required—third offense | Optional | \$200.00 |
| 6.13.020 | Cattery license required—fourth and subsequent offense | Optional | \$400.00 |
| 8.20.020 | Nuisances designated—Acts prohibited—first offense | Optional | \$100.00 |
| 8.20.020 | Nuisances designated—Acts prohibited—second offense | Optional | \$250.00 |
| 8.20.020 | Nuisances designated—Acts prohibited—third and subsequent | Optional | \$500.00 |
| 8.20.030 | Enumerated—Acts prohibited in all zones—first offense | Optional | \$100.00 |
| 8.20.030 | Enumerated—Acts prohibited in all zones—second offense | Optional | \$250.00 |
| 8.20.030 | Enumerated—Acts prohibited in all zones—third and subsequent | Optional | \$500.00 |
| 8.20.040 | Enumerated—Acts prohibited in all zones except heavy and special industrial—first offense | Optional | \$100.00 |
| 8.20.040 | Enumerated—Acts prohibited in all zones except heavy and special industrial—second offense | Optional | \$250.00 |
| 8.20.040 | Enumerated—Acts prohibited in all zones except heavy and special industrial—third and subsequent | Optional | \$500.00 |

| MUNICIPAL CODE SECTION | OFFENSE DESCRIPTION | COURT APPEARANCE | PENALTY/FINE |
|---------------------------------------|---|-----------------------------|---------------------|
| 8.20.050 | Junk vehicles—first and subsequent | Optional | \$500.00 |
| 8.20.060 | Noise—first offense | Optional | \$100.00 |
| 8.20.060 | Noise—second offense | Optional | \$250.00 |
| 8.20.060 | Noise—third and subsequent | Optional | \$500.00 |
| 8.20.070 | Emission of smoke—first offense | Optional | \$100.00 |
| 8.20.070 | Emission of smoke—second offense | Optional | \$250.00 |
| 8.20.070 | Emission of smoke—third and subsequent | Optional | \$500.00 |
| 8.20.080 | Escape of soot, cinders, etc.—first offense | Optional | \$100.00 |
| 8.20.080 | Escape of soot, cinders, etc.—second offense | Optional | \$250.00 |
| 8.20.080 | Escape of soot, cinders, etc.—third and subsequent | Optional | \$500.00 |
| 9.12.010 | Disorderly conduct—first offense | Optional | \$50.00 |
| 9.12.010 | Disorderly conduct—second offense | Optional | \$100.00 |
| 9.12.010 | Disorderly conduct—third offense | Optional | \$200.00 |
| 9.12.010 | Disorderly conduct—fourth and subsequent | Optional | \$400.00 |
| 9.12.030 | Loitering on school grounds—first offense | Optional | \$50.00 |
| 9.12.030 | Loitering on school grounds—second offense | Optional | \$100.00 |
| 9.12.030 | Loitering on school grounds—third offense | Optional | \$200.00 |
| 9.12.030 | Loitering on school grounds—fourth and subsequent | Optional | \$400.00 |
| 9.12.070(A) | Use of fireworks outside of permitted times prohibited | Optional | \$100.00 |
| 9.12.070(C) and (D) | Negligent use of fireworks or use while under influence prohibited | Optional | \$300.00 |
| 9.20.010(H) and (I) | Harvesting of trees without permit prohibited—first offense | Optional | \$50.00 |
| 9.20.010(H) and (I) | Harvesting of trees without permit prohibited—second and subsequent | Optional | \$100.00 |
| 9.24.070 | Sale of tobacco to children under nineteen years of age prohibited—first offense | Optional | \$300.00 |
| 9.24.070 | Sale of tobacco to children under nineteen years of age prohibited—second offense | Optional | \$400.00 |
| 9.24.070 | Sale of tobacco to children under nineteen years of age prohibited—third and subsequent | Optional | \$500.00 |

| MUNICIPAL CODE SECTION | OFFENSE DESCRIPTION | COURT APPEARANCE | PENALTY/FINE |
|------------------------------|---|---------------------|--------------|
| 9.32.010 | Discharge of firearms—first offense | Optional | \$100.00 |
| 9.32.010 | Discharge of firearms—second offense | Optional | \$200.00 |
| 9.32.010 | Discharge of firearms—third offense | Optional | \$300.00 |
| 9.32.010 | Discharge of firearms—fourth and subsequent offense | Optional | \$500.00 |
| 10.12.020 | Parking prohibited in specific areas | Optional | \$50.00 |
| 10.12.030 | Temporary prohibitions on parking | Optional | \$80.00 |
| 10.16.020 | Special rules for snowmobiles—first offense | Optional | \$50.00 |
| 10.16.020 | Special rules for snowmobiles—second offense | Optional | \$100.00 |
| 10.16.020 | Special rules for snowmobiles—third and subsequent offense | Optional | \$150.00 |
| 10.16.030 | Special rules for all-purpose vehicles—second offense | Optional | \$50.00 |
| 10.16.030 | Special rules for all-purpose vehicles—second offense | Optional | \$100.00 |
| 10.16.030 | Special rules for all-purpose vehicles—third and subsequent offense | Optional | \$150.00 |

1.08.040 Civil fines.

Civil fines may be imposed as specifically provided in this code.

A. Penalty. The civil fine for violations of this code shall be the amount specifically provided by ordinance or resolution. Except where otherwise provided, every day any violation subject to a civil fine continues shall constitute a separate violation.

B. Notice of Violation. When a civil fine is imposed, a notice of violation shall be issued. The notice of violation shall be served on the responsible property by personal service or certified mail and, when real property is involved, posted on the property. Fines must be paid within 30 days of posting or service of the notice of violation.

C. Collection of fines, penalties, and costs. Failure to pay all fines, penalties late payment fees, and costs described in this section shall, upon the expiration of any time for appeal, be indebted to the municipality in the amount of such fines, penalties, late payment fees, and costs. Such fines, penalties, late payment fees, and costs may be a lien against the property involved or may be made a personal obligation, whichever the city manager shall determine is appropriate. In addition to or in lieu of any other provision for collection of such fines, penalties, late payment fees, and costs, the city may collect these amounts as a debt and may use such collection services and methods as are determined by the city manager.

D. Collection costs. In addition to the fines and penalties described above, the violator shall pay all collection and legal costs incurred in collection of a fine or penalty exclusive of the costs of prosecution in the event a minor offense citation has been issued; and the costs of mailing the notice.

1.08.050 Administrative appeal for civil fines

A. Right to Appeal and Time for Appeal. Any person(s) who have been issued a notice of violation may appeal the notice of violation by filing an appeal with the city manager within ten (10) days of the date of the notice of violation. The city manager shall prepare appeal forms which the appellant may use.

B. Hearing Officer. The city manager or such person(s) as the city manager may designate shall serve as hearing officer for notice of violation appeals and shall have authority to decide such appeals.

C. Contents of Appeal. An appeal must be in writing and contain the following information:

1. Name and mailing address of the appellant.
2. Number or other sufficient identification of the notice of violation.
3. Statement of the reasons for the appeal.
4. Any facts, documents, photographs, witness statements, or other evidence supporting the appeal; and
5. Statement as to whether the appellant requests a hearing before a hearing officer, or whether the appeal can be decided without a hearing. If the appellant waives hearing, the hearing officer may decide the appeal based on the written statements of the appellant, the issuing officers and any witnesses as contained in the notice or other written reports.

D. Date of Hearing. Unless otherwise agreed to by the appellant and the hearing officer, a hearing requested under this section shall be held no later than fifteen (15) business days from the date the written notice of appeal is filed with the city manager.

E. Procedure. The hearing shall be conducted informally and may be governed by such rules as the hearing officer may choose to establish, except that:

1. Parties may appear in person or through counsel.
2. Parties may present witnesses and evidence on their own behalf and witnesses may be cross-examined.
3. The hearing is not governed by the formal rules of evidence. The hearing officer may consider evidence that the officer reasonably deems to be both relevant and material to the contested issues.
4. All hearings shall be open to the public.

5. The hearing shall be memorialized by electronic recording or stenographic record.
6. Failure of the appellant to appear at a hearing requested by the appellant shall waive all right to a hearing and shall render the amount of the fine due and owing.

F. Scope of Review. The hearing officer's decision shall be based on the law and facts applicable to the case. The hearing officer may exercise independent judgment and reasonable discretion, applied in a consistent manner, in deciding appeals and may affirm, modify, or dismiss the notice of violation.

G. Decision. No later than ten (10) business days following the hearing, the hearing officer shall issue a written decision setting out the hearing officer's findings and conclusions. The decision should also include the following statement: "This is the final decision of the City of Valdez and a party disputing this decision has thirty (30) days from the date this decision was mailed or distributed to file an appeal with the Superior Court for the State of Alaska, Third Judicial District at Valdez, Alaska, in accordance with the Alaska Rules of Appellate Procedure." The decision shall be mailed or otherwise distributed to all parties to the appeal.

H. Judicial Appeal. The decision of the hearing officer may be appealed to the Superior Court for the State of Alaska, Third Judicial District at Valdez, Alaska, in accordance with the Alaska Rules of Appellate Procedure.

Section 2: This ordinance shall take effect immediately following final approval and adoption by the Valdez City Council.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA
this _____ day of _____, 2025.

CITY OF VALDEZ, ALASKA

Dennis Fleming, Mayor

ATTEST:

Sheri L. Pierce, MMC, City Clerk

APPROVED AS TO FORM:

Jake Staser, City Attorney
Brena, Bell, & Walker, P.C.

First Reading:
Second Reading:
Adoption:
Yeas:
Noes:
Absent:
Abstaining: