

CITY OF VALDEZ, ALASKA

ORDINANCE NO. 17-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA AMENDING TITLE 1, CHAPTER 1.08 OF THE VALDEZ MUNICIPAL CODE BY AMENDING SECTION 1.08.010 TITLED GENERAL PENALTY – CONTINUING VIOLATIONS

WHEREAS, Senate Bill 91 was adopted by the Alaska legislature thereby reducing the class of crimes for certain offenses, changing certain offenses from crimes to minor offenses, and placing the prosecutorial burden with municipalities.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA that the following amendments are made to Chapter 1.08 of the Valdez Municipal Code:

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

GENERAL PENALTY

Sections:

1.08.010 General penalty—Continuing violations.

A. Unless another penalty is expressly provided by law every person convicted of 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. (Prior code § 1-7)

1.08.020 Surcharge

In addition to any penalty prescribed by law, a defendant convicted of 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.

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-.230, without a court appearance, upon payment of the fine amounts listed below to the court within 30 days of the date of the citation, plus the state surcharge required by AS 12.55.039 and AS 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 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
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 and B)	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 - I)	Harvesting of trees without permit prohibited - first offense	Optional	\$50.00
9.20.010 (H - 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
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	\$100.00
9.32.010	Discharge of firearms - fourth and subsequent	Optional	\$500.00

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 _____, 2017.

CITY OF VALDEZ, ALASKA

Ruth E. Knight, Mayor

ATTEST:

Sheri L. Pierce, MMC, City Clerk

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

APPROVED AS TO FORM:

Anthony S. Guerriero, City Attorney
Brena, Bell, & Clarkson, P.C.