

ORDINANCE NO. 5927

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF FAIRBANKS GENERAL
CODE CHAPTERS 14, 46, AND 78 IN RESPONSE TO THE REVISION OF MINOR
OFFENSE RULES BY THE STATE OF ALASKA

WHEREAS, the State of Alaska adopted new rules regarding minor offenses; and

WHEREAS, these changes affect various city code provisions dealing with minor offenses; and

WHEREAS, after review by state court officials and by city staff, numerous changes to the city's code provisions dealing with minor offenses are needed,

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:

SECTION 1. That Fairbanks General Code Section 78-1 State law incorporated is hereby amended as follows [new text in **underlined bold** font, deleted text in ~~strikethrough~~ font]:

Sec. 78-1. State law incorporated.

(a) The city incorporates by reference **all State of Alaska vehicle and traffic laws creating minor offenses, as that term is defined in Minor Offense Rule 2 of the Alaska Rules of Court, 13 AAC 02.005 through 13 AAC 08.220, inclusive as if set forth fully in this chapter and AS 28.33.100, AS 28.33.150, AS 28.35.251, AS 19.10.310, and AS 28.33.130, inclusive as if set forth fully in this chapter.**

(b) The penalty for the violation of any state laws and regulations under subsection (a) shall be the penalties provided for and set forth in said laws and regulations, and/or any pertinent fine/bail schedules.

(c) Unless another penalty is expressly provided, the penalty for the violation of any provision of this chapter shall be the penalties set forth in FGC Section 78-5.

(d) There shall be imposed, in addition to any fine or other penalty prescribed in this chapter, the applicable surcharge as set out in AS 12.55.039.

(e) An offense set out in this chapter 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.

(f) The scheduled amount of bail or fine for a motor vehicle or traffic offense that is committed in a highway work zone or traffic safety corridor,

as those terms are defined under state law, shall be double the amount of the bail or fine for the offense if it had not been committed in a highway work zone or traffic safety corridor.

(g) If a person charged with an offense that is amenable to disposition without court appearance pursuant to AS 29.25.070 and the Alaska Minor Offense Rules appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense as provided for in this chapter.

SECTION 2. That Fairbanks General Code Section 78-5 Traffic fine schedule is hereby amended as follows [new text in **underlined bold** font, deleted text in ~~strikethrough~~ font][new and existing fines have been arranged in numerical order by section number and renumbered accordingly]:

Sec. 78-5. Traffic fine schedule.

(a) Unless otherwise provided in this chapter, the city's traffic fine schedule for violations not set forth under section 78-1 shall be as follows:

1. **Use of coasters, roller skates and similar devices (Section 78-40) 40.00**

2. Red signal/arrow
(Section 78-141) 200.00

3. Right-of-way on sidewalks
(Section 78-242) 80.00

4. Obedience to school crossing
guards (Section 78-243) 80.00

5. Restricted turn signals (Sec-
tion 78-277) 80.00

6. Speeding (Section 78-346(b))

- under 20 mph over limit 8.00
per mile;
- 20 mph or more over limit 12.00
per mile;
no maximum

7. Speed contest (Section 78-
347) 300.00

8. Improper acceleration (Sec-
tion 78-348) 75.00

9.	Safety belt/child restraint (Section 78-349(a)(1)(2))	60.00
10.	Proper child restraint (Section 78-349(b))	200.00
11.	Parking within a safety zone (Ten feet) (Section 78-381)	40.00
12.	Parking not to obstruct traffic (Section 78-382)	40.00
13.	Parking in alleys (Section 78-383)	40.00
14.	Parking adjacent to schools (Section 78-384)	40.00
15.	No parking on narrow one-way streets (Section 78-385)	40.00
16.	<u>Standing or parking on one-way roadway (Section 78-386)</u>	40.00
17.	No stopping, standing, or parking near hazardous or congested places (Section 78-387)	40.00
18.	<u>Parking during certain hours (Section 78-388)</u>	40.00
19.	<u>Parking during street cleaning and snow removal (Section 78-389)</u>	60.00
20.	Parking prohibited over 24 hours (Section 78-391)	40.00
22.	Parallel parking required (unless otherwise posted)(Section 78-394).	40.00
23.	Obedience to angle parking signs or markings (Section 78-395)	40.00
24.	Parking of trailers restricted (Section 78-397)	40.00
25.	Handicapped parking (Section 78-403)	125.00

26.	Standing in passenger curb loading zone (Section 78-437) . . .	40.00
27.	Standing in truck curb loading zone (Section 78-438)	40.00
28.	Stopping, standing and parking of buses (Section 78-440)	40.00
29.	Restricted use of bus and taxicab (Section 78-441)	40.00
30.	Bicycle licenses (Section 78-507).	20.00
31.	Driving snow machine on roadway (Section 78-541/ <u>13 AAC 02.450(a)</u>)	125.00
32.	Carrying animals on outside of vehicle (Section 78-573)	40.00
33.	Boarding or alighting from vehicles (Section 78-574)	40.00
34.	Drinking while driving; open container (Section 78-576)	300.00
35.	Avoidance of traffic controlled intersections (Section 78-579)	80.00
36.	Overtaking and passing emergency vehicles (no personal injury) (Section 78-617)	150.00
37.	License to be carried and exhibited on demand (Section 78-892)	75.00

Disposition of any of the above-listed offenses may be without court appearance pursuant to AS 29.25.070 and the Alaska Minor Offense Rules upon payment of the fine amount listed above and payment of the state surcharge required by AS 12.55.039 and AS 29.25.074. The fines established in this fine schedule may not be judicially reduced.

SECTION 3. That Fairbanks General Code Section 78-76 Penalties is hereby amended as follows [new text in **underlined bold** font, deleted text in ~~strikethrough~~ font]:

Sec. 78-76. Penalties.

(a) Unless another penalty is expressly provided by this chapter, a person convicted of violating a provision of this chapter shall be punished by a fine of not more than \$300.00.

(b) Any person convicted of any bicycle violation shall be punished by a fine of not more than \$100.00.

(c) Any person who is convicted of violating the following sections shall be punished by imprisonment for not more than one year or by a fine of not more than \$1,000.00 or both:

(1) ~~Section 78-613, relating to failure to yield to police vehicle.~~

(2) ~~Sections 78-614, 615, and 616, relating to leaving the scene of an accident and immediate notice of accident.~~

(3) ~~Section 78-617, relating to overtaking and passing emergency vehicles (if personal injury results from violation).~~

~~(d) Any person who is convicted under sections 78-614, 615, or 616 is subject to the same potential operator license action by the court as if convicted under AS 28.35.050, AS 28.35.060, AS 28.35.080.~~

~~(e) Any person who is convicted under section 78-618(a) or (b) shall be punished by imprisonment of not more than 60 days or by a fine of not more than \$600 or by both.~~

SECTION 4. That the following Fairbanks General Code Sections or subsections that incorporate various Alaska Administrative Code sections by reference are hereby repealed because they are redundant in light of the amendment to FGC Sec. 78-1:

Sec. 78-171, 78-206, 78-241, 78-276, 78-311, 78-346(a) [not (b)], 78-381(a) [not (b)], 78-506, 78-571, and 78-651.

SECTION 5. That the following sections of Article XIX, Vehicle Size, Weight and Load Restrictions and Routes, Chapter 78, Fairbanks General Code, are hereby amended and/or repealed [for amended sections, new text in **underlined bold** font, deleted text in ~~strikethrough~~ font]:

Sec. 78-681. State law adopted. REPEALED

Sec. 78-682. Penalties. REPEALED

Sec. 78-683. Width of vehicles. REPEALED

Sec. 78-685. Height and length of vehicles and loads. REPEALED

Sec. 78-686. Special load limits. REPEALED

Sec. 78-687. Loads on vehicles. REPEALED

Sec. 78-689. Allowable gross weights. REPEALED

Sec. 78-711. Authorization.

Overweight permits for the operation of vehicles or combinations conveying gross loads in excess of the maximum loadings authorized in this article, may be granted by the city engineering department at its discretion, when the applicant is unable to reduce the weight of the proposed load sufficiently to meet the requirements of state law~~sections 78-688 and 78-689~~. The city engineer or his authorized representative may authorize the movements of overweight vehicles and loads which do not impose loads in excess of 25,000 pounds per individual axle, or in excess of 42,000 pounds per tandem axle group, or in excess of 600 pounds per inch of tire width, or in excess of 25 percent greater than the smallest load limit posted for the bridges to be crossed by the overweight vehicle. Prior approval by the city engineer will be required for any overlength loads in excess of the above limits and will be granted only after a careful analysis of the roadway section and bridges involved in the particular movement. Application for such overlength permits shall be submitted to the city engineer at least one week in advance of its necessity. Any expense incurred by the city as a result of failure by the applicant to provide the necessary notice shall be borne by the applicant.

Sec. 78-786. Required.

(a) The city engineer may at his discretion issue permits for the operation of vehicles exceeding the limitations of state law~~sections 78-683, 78-685 and 78-686~~ when the applicant is unable to reduce the dimensions sufficient to comply with such limitations.

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Sec. 78-831. Load restriction on certain streets.

The city engineer is authorized to determine and designate those streets or highways upon which vehicles of a gross weight permitted by state law~~in section 78-689~~ would create a hazard or cause undue damage to the roadway and shall erect appropriate signs stating the reduced gross weight permitted on such designated streets. When signs are so erected giving notice, no person shall disobey the restrictions stated in such signs.

SECTION 6. That Fairbanks General Code Chapter 46-81 Curfew for minors, subsection (d), is hereby amended as follows [new text in underlined bold font, deleted text in ~~strikethrough~~ font]:

Sec. 46-81. Curfew for minors.

* * * * *

(d) A person who violates a provision of this section is guilty of a violation and shall be punished by a fine not to exceed \$250.00 as set forth in the following schedule of fines:

(1)	First offense	\$ 75.00
(2)	Second offense	100.00
(3)	Third offense	125.00
(4)	Each subsequent violation additional	25.00

A person charged with a violation of this section must respond within ~~30~~ten days of receipt of the citation. Disposition may be without court appearance pursuant to AS 29.25.070 and the Alaska Minor Offense Rules~~district court rule 8~~ upon payment of the fine amount listed above and payment of the state surcharge required by AS 12.55.039 and AS 29.25.074. The fines established in this fine schedule may not be judicially reduced.

SECTION 7. That Fairbanks General Code Chapter 46-82 Misconduct by minors regarding tobacco, subsection (b), is hereby amended as follows [new text in underlined bold font, deleted text in ~~strikethrough~~ font]:

Sec. 46-82. Misconduct by minors regarding tobacco.

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(b) A person who violates a provision of this section is guilty of a violation and shall be punished by a fine not to exceed \$250.00 as set forth in the following schedule of fines:

1. First offense\$ 75.00
2. Second offense100.00
3. Third offense125.00
4. Each subsequent ...250.00

A person charged with a violation of this section must respond within ~~30~~ten days of receipt of the citation. Disposition may be without court appearance pursuant to AS 29.25.070 and the Alaska Minor Offense Rules~~district court rule 8~~ upon payment of the fine amount listed above and payment of the state surcharge required by AS 12.55.039 and AS 29.25.074. The fines established in this fine schedule may not be judicially reduced.

SECTION 8. That Fairbanks General Code Chapter 46-164 Penalty is hereby amended as follows [new text in underlined bold font, deleted text in ~~strikethrough~~ font]:

Sec. 46-164. Penalty.

Littering is an offense amenable to disposition without court appearance pursuant to AS 29.25.070 and the Alaska Minor Offense Rules upon payment and ~~forfeiture of a bail amount~~ of a fine of \$250.00 and payment of the state surcharge required by AS 12.55.039 and AS 29.25.074. This fine may not be judicially reduced.

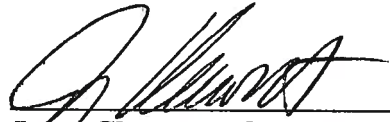
SECTION 9. That Fairbanks General Code Chapter 14-171 Illegal presence on premises involving alcoholic beverages, subsection (b), is hereby amended as follows [new text in underlined bold font, deleted text in ~~strikethrough~~ font]:

Sec. 14-171. Illegal presence on premises involving alcoholic beverages.

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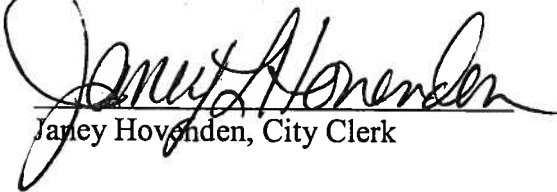
(b) A person who violates this section is guilty of a violation, ~~punishable by a maximum fine of \$500.00.~~ This offense is amenable to disposition without court appearance pursuant to AS 29.25.070 and the Alaska Minor Offense Rules upon payment and ~~forfeiture of a fine~~ bail amount of \$150.00, plus the surcharge imposed by the State of Alaska under AS 12.55.039 and AS 29.25.074. This fine may not be judicially reduced.

Section 10. That the effective date of this Ordinance shall be the 12th day of October 2013.



Jerry Cleworth, City Mayor

AYES: Walley, Matherly, Gatewood, Hilling, Eberhart, Staley
NAYS: None
ABSENT: None
ADOPTED: October 7, 2013

ATTEST:


Janey Hovenden, City Clerk

APPROVED AS TO FORM:


Paul J. Ewers, City Attorney