

**ORDINANCE NO. 5956**

**AN ORDINANCE AMENDING FAIRBANKS GENERAL CODE CHAPTER 34,  
ARTICLE V, TOBACCO SMOKE, TO MAKE OFFENSES AMENABLE TO  
RESOLUTION WITHOUT COURT APPEARANCE**

**WHEREAS**, in 2004, the City enacted Ordinance No. 5574, As Amended, an ordinance known as the City of Fairbanks Fair Air Act, which added Article V. Tobacco Smoke, Sections 34-114 through 34-123 to the City code; and

**WHEREAS**, since that time, the State of Alaska adopted new rules regarding minor offenses, which require specific language to be included in any minor offense ordinance for it to be amenable to resolution without a court appearance; and

**WHEREAS**, FGC Sec. 34-122 makes it a violation, punishable by a fine only, to smoke in any area where smoking is prohibited, but as written, a person cited under this section does not have the option of resolving the case without a mandatory court appearance; and

**WHEREAS**, it is the recommendation of the Administration that persons cited under this ordinance have the option of resolving the matter without the need for a court appearance;

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

**SECTION 1.** That Fairbanks General Code Section 34-122 is hereby amended as follows [new text in **underlined bold** font; deleted text in ~~strikethrough~~ font]:

**Sec. 34-122. Violations and penalties.**

(a) It shall be unlawful for any person to smoke in any area where smoking is prohibited by the provisions of this article.

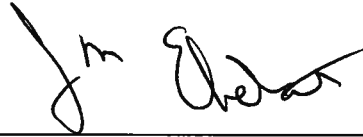
(b) Violation of subsection (a) of this section is an infraction punishable by:

- (1) A fine ~~not to exceed~~ of \$100.00 ~~for a first violation.~~
- (2) A fine ~~not to exceed~~ \$200.00 ~~for a second violation within one year.~~
- (3) A fine ~~not to exceed~~ \$300.00 ~~for each additional violation within one year.~~

**Disposition of an offense under this section 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.**

(c) Each day on which a violation of this article occurs shall be considered a separate and distinct violation.

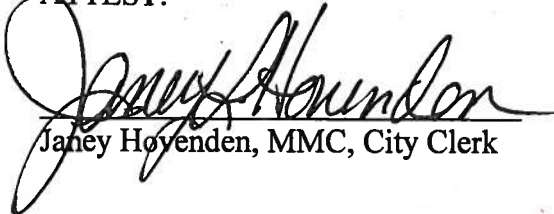
**Section 2.** That the effective date of this Ordinance shall be the 13th day of September 2014.



**John Eberhart, City Mayor**

AYES: Anderson, Gatewood, Staley, Hilling, Matherly, Walley  
NAYS: None  
ABSENT: None  
ADOPTED: September 08, 2014

ATTEST:



Janey Hoyenden, MMC, City Clerk

APPROVED AS TO FORM:



Paul J. Ewers, City Attorney