

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2014-38(b)

An Ordinance Repealing the Civil Fine Procedure and Re-establishing Certain Parking and Other Violations as Criminal Infractions.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Section. CBJ 03.30.051 Traffic fine schedule is amended to read:

03.30.051 Traffic fine schedule.

~~*Pursuant to sections 03.30.010—03.30.015 of this chapter, In accordance with A.S. 28.05.151(a), citations for those of the following traffic offenses which are amenable to disposition without court appearance may be disposed of as provided in A.S. 12.25.195 - .230, without a court appearance, upon payment of the fines listed, plus the state surcharge required by A.S. 12.55.039 and A.S. 29.25.074, to the clerk of the court.*~~ 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. These fines may not be judicially reduced. If an offense in Title 72, Traffic, is not listed on the fine schedule, the defendant must appear in court to answer to the charges. The fines listed below are doubled for motor vehicle or traffic offenses committed in a highway work zone or traffic safety

corridor, as those terms are defined in A.S. 28.90.990 and 13 A.A.C. 40.010(b). 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. in the following schedule:

TRAFFIC FINE SCHEDULE

| CBJ | Offense | Fine |
|---------------------------|--|----------------|
| Chapter 72.01: | Duties and Authorities | |
| <u>72.01.070</u> | <u>Violate traffic control device</u> | <u>\$25.00</u> |
| ... | | |
| Chapter 72.02: | Rules of the Road | |
| ... | | |
| <u>72.02.340</u> | <u>Stop, stand, park – highway (excluding (d)(1)(B); and (d)(1)(L) below.)</u> | <u>25.00</u> |
| <u>72.02.340(d)(1)(B)</u> | <u>Stop, stand or park a vehicle – on a sidewalk</u> | <u>35.00</u> |
| <u>72.02.340(d)(1)(L)</u> | <u>Stop, stand or park a vehicle – in a designated handicapped zone</u> | <u>100.00</u> |
| <u>72.02.365</u> | <u>Additional parking regulations</u> | <u>25.00</u> |
| <u>72.02.367(b)</u> | <u>Loading zone signs</u> | <u>50.00</u> |
| <u>72.02.368</u> | <u>Freight loading zone</u> | <u>50.00</u> |
| <u>72.02.372</u> | <u>Public carrier stops</u> | <u>50.00</u> |
| ... | | |

| | | |
|-----------------------|---|--------------|
| Chapter 72.12: | Parking | |
| <u>72.12.010</u> | <u>Parking not to obstruct traffic</u> | <u>25.00</u> |
| <u>72.12.035</u> | <u>Parking of trailers restricted</u> | <u>25.00</u> |
| <u>72.12.070</u> | <u>Off-street parking place - owner or lessee permitted to remove</u> <u>unauthorized vehicles</u> | <u>25.00</u> |
| <u>72.12.076</u> | <u>Additional restrictions in time-limited parking spaces</u> | <u>25.00</u> |
| ... | | |
| Chapter 72.14: | Parking Payment Equipment | |
| <u>72.14.020</u> | <u>Improper parking; vehicle other than motor vehicle</u> | <u>25.00</u> |
| <u>72.14.025</u> | <u>Failure to deposit money</u> | <u>25.00</u> |
| <u>72.14.035</u> | <u>Tampering with parking payment equipment</u> | <u>MCA</u> |
| ... | | |
| <u>Chapter 72.24:</u> | <u>Snow Removal</u> | |
| <u>72.24.010</u> | <u>Parking in violation of snow removal prohibition</u> | <u>55.00</u> |
| <u>72.24.075</u> | <u>Placing snow in public ways</u> | <u>55.00</u> |

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Section 3. Amendment of Section. CBJ 03.30.052 Boat harbor fine schedule, is amended to read:

03.30.052 Boat harbor fine schedule.

Pursuant to sections 03.30.010—03.30.015 of this chapter, those of the following boat harbor offenses which are amenable to disposition without court appearance may be disposed of upon payment of the fines listed ~~to the clerk of the court~~. 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 in the following schedule.

These fines may not be judicially reduced.

BOAT HARBOR FINE SCHEDULE

| CBJ | Offense | No. of Offenses | Fine |
|---------------------|---|-----------------|----------------|
| <u>85.10.050(k)</u> | <u>Violate posted parking</u> | <u>Any</u> | <u>\$25.00</u> |
| ... | | | |
| <u>85.25.010</u> | <u>Fail to register</u> | <u>Any</u> | <u>25.00</u> |
| ... | | | |
| <u>85.25.030(a)</u> | <u>Boat launch ramp fee and permit required</u> | <u>Any</u> | <u>75.00</u> |
| ... | | | |

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Section 4. Amendment of Section. CBJ 03.30.053 Health and sanitation fine schedule, is amended to read:

03.30.053 Health and sanitation fine schedule.

Pursuant to sections 03.30.010—03.30.015 of this chapter, the following health and sanitation offenses are amenable to disposition without court appearance and may be disposed of upon payment of the fines listed to the clerk of the court. 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 in the following schedule.

These fines may not be judicially reduced.

HEALTH AND SANITATION FINE SCHEDULE

| CBJ | Offense | No. of Offenses | Fine |
|------------------|---------------------------------|---|---------------|
| ... | | | |
| <u>36.20.056</u> | <u>Bear attraction nuisance</u> | <u>1st</u> | <u>50.00</u> |
| | | <u>2nd</u> | <u>100.00</u> |
| | | <u>3rd and subsequent within 2 years</u> | <u>300.00</u> |
| ... | | | |

Section 5. Amendment of Section. CBJ 03.30.055 *Reserved*. [Woodsmoke control fine schedule], is amended to read:

03.30.055 ~~Reserved~~ Woodsmoke control fine schedule.

Pursuant to sections 03.30.010 – 03.30.015 of this chapter, those of the following woodsmoke control offenses which are amenable to disposition without court appearance

may be disposed of upon payment of the fines listed ~~to the clerk of court~~. 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 in the following schedule.

These fines may not be judicially reduced.

WOODSMOKE CONTROL FINE SCHEDULE

| CBJ | Offense | No. of Offenses | Fine |
|--------------|--|-----------------------------|----------|
| 36.40.040(b) | Burning during air pollution emergency condition | 1 st | \$100.00 |
| | | 2 nd | 200.00 |
| | | 3 rd and subseq. | 300.00 |
| 36.40.060(a) | Open burning within smoke hazard area prohibited from November 1 to March 31; burning without a permit; in violation of a permit; which creates a danger or nuisance, etc. | 1 st | 100.00 |
| | | 2 nd | 200.00 |
| | | 3 rd and subseq. | 300.00 |
| 36.40.080(a) | Solid fuel-fired heating device combustion of materials other than paper, cardboard, or untreated wood | 1 st | 100.00 |
| | | 2 nd | 200.00 |
| | | 3 rd and subseq. | 300.00 |

| | | | |
|--------------|-------------------------|-----------------------------|--------|
| 36.40.080(b) | Visible smoke emissions | 1 st | 100.00 |
| | | 2 nd | 200.00 |
| | | 3 rd and subseq. | 300.00 |

Section 6. Amendment of Section. CBJ 03.30.059 Airport fine schedule, is amended to read:

03.30.059 Airport fine schedule.

Pursuant to sections 03.30.010—03.30.015 of this chapter those of the following airport offenses which are amenable to disposition without court appearance may be disposed of upon payment of the fines listed ~~to the municipal clerk of the court~~. 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 in the following schedule.

These fines may not be judicially reduced.

AIRPORT FINE SCHEDULE

| CBJ | Offense | No. of Offenses | Fine |
|---------------------|--------------------------------------|-----------------------------|--------------|
| ... | | | |
| 05.05.100(q) | Violation of airport use restriction | 1 st | 25.00 |
| | | 2 nd | 50.00 |
| | | 3 rd and subseq. | 100.00 |
| <u>05.10.050(g)</u> | <u>Airport parking</u> | <u>Any</u> | <u>25.00</u> |
| ... | | | |

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2 **Section 7. Repeal of Article.** Article IV. Violations; Civil Fines (CBJ 03.30.070 –
3 CBJ 03.30.085), is repealed in its entirety.
4

5 **Section 8. Amendment of Section.** CBJ 05.10.050 (g) Airport parking, is amended
6 to read:

7 (g) *Parking.*

8 (1) No person shall park a motor vehicle on the airport except in the areas specifically
9 established for parking and in the manner prescribed by the airport manager.
10

11 (2) No person shall abandon any motor vehicle on the airport or park a motor vehicle
12 on the airport for a period in excess of 72 hours unless express approval for such parking is
13 obtained from the airport manager. Unless otherwise approved by the airport manager, a
14 vehicle continuously parked on the airport for longer than 30 days, and unmoved during
15 that period, will be conclusively presumed to have been abandoned.

16 (3) No person shall park a motor vehicle in any space marked off for the parking of
17 vehicles, in such manner as to occupy part of another marked space.

18 (4) No person shall park any motor vehicle in excess of the time limit prescribed by the
19 airport manager for the particular parking area, or park any motor vehicle in any restricted
20 or reserved area unless authorized by the airport manager to do so.

21 (5) No person shall park a motor vehicle in an area requiring payment for parking
22 thereon without paying the required parking fee.
23

24 (6) Violation of this subsection is an infraction.
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1
2 **Section 9. Amendment of Section.** CBJ 36.20.056 Bear attraction nuisance, is
3 amended to read:

4 **36.20.056 Bear attraction nuisance.**

5 ...

6 (b) *Classification of offense.* Violation of this section is:

7 (1) A class A misdemeanor if the offense is committed intentionally, knowingly, or
8 recklessly;

9 (2) A class B misdemeanor if the offense is committed with criminal negligence;

10 (3) ~~An infraction violation, subject to a civil fine,~~ if the offense is not committed
11 intentionally, knowingly, recklessly, or with criminal negligence;

12 (4) Terms in this subsection identifying culpable mental states shall have the meaning
13 ascribed to them in CBJ 42.05.010; and

14 (5) Each and every day or portion thereof during which a violation or failure to comply
15 is committed, permitted, or continued, shall be treated as a separate offense, and subject the
16 offender to separate charges and a fine as provided in subsection (a) of this section.

17 ~~(c) Citations. Whenever waste or other material in violation of this section is found on~~
18 ~~property, the officer finding it may note the address and any other information upon or~~
19 ~~within the material which may identify the owner or person in charge of the property, and~~
20 ~~shall conspicuously affix to such property a citation, if an infraction, or summons and~~
21 ~~complaint for the owner or person to answer to the charge in court at a specified time,~~
22 ~~provided, however, that service for misdemeanor offenses shall be according to the Alaska~~
23 ~~Rules of Court.~~

1
2 **Section 10. Amendment of Section.** CBJ 36.40.090 Penalties, is amended to read:

3 **36.40.090. Penalties.**

4 (a) Violation of any section of this chapter is an infraction. ~~a violation, subject to a civil~~
5 ~~fine.~~

6 (b) *Reserved.*
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8 **Section 11. Amendment of Section.** CBJ 72.02.368 Freight loading zones, is
9 amended to read:

10 **72.02.368. Freight loading zones.**
11

12 ...

13 (c) During the period May 1 through September 30, between the hours of 12:01 a.m. and
14 6:00 a.m., and the hours of 11:00 a.m. and 12:00 midnight, no person shall load or unload
15 freight on or across a pedestrian way except to or from a designated freight loading zone.
16 For purposes of this section, "pedestrian way" shall have the meaning set forth in CBJ
17 62.10.020(n). Violation of this subsection shall be is an infraction.
18

19 **Section 12. Amendment of Section.** CBJ 72.14.050 Penalties, is amended to read:

20 **72.14.050 Penalties.**

21 Violation of section 72.14.020 or section 72.14.025 is an infraction. ~~a violation, subject to~~
22 ~~a civil fine pursuant to CBJ 03.30.070(a).~~ Violation of section 72.14.035 is a Class B
23 misdemeanor.
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1
2 **Section 13. Amendment of Section.** CBJ 72.24.010 Snow removal parking
3 prohibitions, is amended to read:

4 **72.24.010 Snow removal parking prohibitions.**

5 (a) Upon a finding that prevailing or impending weather or street conditions make it
6 necessary, the manager may impose a snow removal parking prohibition on one or more City
7 and Borough streets for snow plowing or related purposes.

8 (b) It is an infraction ~~violation, subject to a civil fine,~~ to park or permit a vehicle to stand
9 upon a street in violation of a snow removal parking prohibition.

10 (c) Nothing in this section shall be construed to permit parking at any time or place where
11 it is otherwise forbidden.
12

13 ...

14
15 **Section 14. Amendment of Section.** CBJ 72.24.075 Placing snow in public ways
16 prohibited, is amended to read:

17 **72.24.075 Placing snow in public ways prohibited.**

18 (a) No person may place or cause to be placed any snow or ice on any sidewalk, street,
19 roadway, parking place, or other public place so as to impede or render unsafe vehicle or
20 pedestrian use.
21

22 ...

23 (c) It is an infraction ~~a violation, subject to a civil fine,~~ to place or cause to be placed snow
24 or ice in public ways as prohibited by this section.
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Section 15. Amendment of Section. CBJ 85.20.030 Boat launch ramp fee and permit required; penalty, is amended to read:

85.20.030 Boat launch ramp fee and permit required; penalty.

(a) Any person using one or more of the Douglas Harbor Boat Launches, the Harris Harbor Boat Launch, the North Douglas Boat Launch, the Statter Harbor Boat Launch, the Tee Harbor Boat Launch, the Amalga Harbor Boat Launch, the Echo Cove Boat Launch, or the Auke Bay Landing Craft Freight Ramp, to launch and recover recreational vessels, or use of the launch ramp for access by off-highway or other vehicles, or for any type of commercial use, must pay the applicable fee as provided by regulation and must display the launch ramp permit provided by docks and harbors upon payment of the fee.

(b) Use of a boat launch ramp in violation of this section is an infraction. ~~a violation,~~
~~subject to a civil fine.~~

Section 16. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2014.

Merrill Sanford, Mayor

Attest:

Laurie J. Sica, Municipal Clerk