

CITY OF THORNE BAY
ORDINANCE 18-01-02-01

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, -
RENUMBER OF INTRODUCTION ORDINANCE 17-11-21-01, AMENDING TITLE 1-General
Provisions, Chapter 1.16-General Penalty, Sections 1.16.010-050 and adding Sections 1.31-
Surcharge and 1.16.035-Minor Offense Fine Schedule

BE IT ENACTED BY THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA

- Section 1. Classification. This ordinance is of a general and permanent nature, the chapter and section hereby amended shall be added to the Thorne Bay Municipal Code.
- Section 2. Severability. If any provisions of this ordinance or any application thereof to any person or circumstances is held invalid, the circumstances shall not be affected thereby.
- Section 3. Amendment of Section. The title and chapter of Title 1 - General Provisions, Chapter 1.16 - General Penalty, Sections 1.16.010 through Section 1.16.050 and adding Sections 1.31 - Surcharge and 1.16.035 - Minor Offense Fine Schedule, are hereby amended and added to the Thorne Bay Municipal Code.
- Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED January 16, 2018

for Robert Hartwe
James Gould, Mayor

ATTEST:

Teri Feibel
Teri Feibel, CMC

[Introduction: November 7th & 21st, 2017]
[Continued Introduction Readings: December 5th & 21st, 2017]
[Continued Introduction: January 2nd, 2018]
[Public Hearing: January 16, 2018]

PROPOSED NEW LANGUAGE IS UNDERLINES.

Deleted language is lined through.

Chapter 1.16, General Penalty.

1.16.031 SURCHARGE

1.16.035 MINOR OFFENSE FINE SCHEDULE

1.16.030 Violations-Separate offense. Every act prohibited by Thorne Bay ordinances is unlawful. **FAILURE TO COMPLY WITH ANY MANDATORY REQUIREMENT OF ANY ORDINANCE IS ALSO UNLAWFUL.** Unless another penalty is expressly provided by a Thorne Bay ordinance for any particular provision or section, each violation of this code is a ~~non-criminal~~ infraction, punishable by a ~~civil penalty~~ **FINE** up to **three hundred dollars** per violation. Each act or violation and every day upon which a violation occurs or continues constitutes a separate offense unless stated otherwise in any ordinance. (Ord. 88-23 § 5(part), 1988)

Adding Sections 1.16.031 and 1.16.035 as follows:

1.16.031. SURCHARGE. IN ADDITION TO ANY PENALTY PRESCRIBED BY LAW, A DEFENDANT CONVICTED OF VIOLATING A CITY 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.

1.16.035 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 PLUS THE STATE SURCHARGE REQUIRED BY AS 12.55.039 AND AS 29.25.074.

FINES MUST BE PAID TO THE COURT CITY CLERK. IF AN OFFENSE IS NOT LISTED ON A FINE SCHEDULE, THE DEFENDANT MUST APPEAR IN COURT TO ANSWER THE CHARGES. THE ALASKA COURT SYSTEM'S RULES OF MINOR OFFENSE PROCEDURE APPLY TO ALL OFFENSES LISTED BELOW. CITATIONS CHARGING THESE OFFENSES MUST MEET THE REQUIREMENTS OF MINOR OFFENSE RULE 3. 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.

Ordinance Number	Ordinance Description	Is Offense: Mandatory Optional Correctable	Fine Amount
<p>TBMC6.04.Animals Restraint - Any person who violates or causes or permits to be violated any provision of this chapter or fails or refuses to comply with any lawful order or direction of the litter enforcement officer on behalf of the city in connection with this chapter, is guilty of an infraction and shall be punished by the fine established in the 1.16.035 fine schedule or no fine is listed in the fine schedule, then by the fine established in 1.16.030</p>			
TBMC6.04.020 - G	Animals - Licensing - Failure to License Animals - 1st & Subsequent Offense	Optional	\$50.00
TBMC6.04.020 - M	Animals - Licensing - M - Use of animal license for animal other than which issued - 1st & Subsequent Offense	Optional	\$50.00
TBMC6.04.020 - N	Animals - Licensing - N - Failure to notify change in animal ownership to Clerks Office - 1st & Subsequent Offense	Optional	\$50.00
TBMC6.04.050 - A	Animals-Restraint A-Animal running at large-1st & Subsequent Offense	Optional	\$50.00
TBMC6.04.050 - B	Animals-Restraint B-Grazing on public space without consent of city - 1st & Subsequent Offense	Optional	\$50.00
TBMC6.04.050 - C	Animals-Restraint C-Allow livestock on private property within city - 1st & Subsequent Offense	Optional	\$50.00
TBMC6.04.050 - D	Animals-Restraint D-Release tied/confined animal without owner's permission - 1st & Subsequent Offense	Optional	\$100.00
TBMC6.04.055 - (A)(1)	Animals-Control of Dogs-Unlawful acts (1) Animal to run at large within the City - 1st & Subsequent Offense	Optional	\$50.00
TBMC6.04.055 - (A)(2)	Animals-Control of Dogs-Unlawful acts (2) Allow dog on public school grounds during school hours, 1st & Subsequent Offense	Optional	\$50.00
TBMC6.04.055 - (A)(3)	Animals-Control of Dogs-Unlawful acts (3) Permit a dog in public parks without a leash, 1st & Subsequent Offense	Optional	\$50.00
TBMC6.04.055 - (A)(4)	Animals-Control of Dogs-Unlawful acts (4) Allow dog into location with food unless certified service dog, 1st & Subsequent Offense	Optional	\$50.00
TBMC6.04.055 - (A)(5)	Animals-Control of Dogs-Unlawful acts (5) keep animal after creating 3 disturbance complaints in one month, 1st & Subsequent Offense	Optional	\$50.00
TBMC6.04.055 - (A)(6)	Animals-Control of Dogs-Unlawful acts (6) Failure to Confine Female Dog in Heat, 1st & Subsequent Offense	Optional	\$50.00
TBMC6.04.070 (A)	Animals-Animal Care-A-Humane Care & Treatment - 1st & Subsequent Offense	Optional	\$200.00
TBMC6.04.070 (B)	Animals-Animal Care-B-Animal Abuse - 1st & Subsequent Offense	Optional	\$200.00
TBMC6.04.070 (C)	Animals-Animal Care-C- Abandonment - 1st & Subsequent Offense	Optional	\$200.00
TBMC6.04.070 (D)	Animals-Animal Care-D-Giving live animal as prizes-1st & Subsequent Offense	Optional	\$200.00
TBMC6.04.070 (E)	Animals-Animal Care-E-Failure to render assistance-1st & Subsequent Offense	Optional	\$200.00
TBMC6.04.070 (F)	Animals-Animal Care-F- Knowingly Expose Animal to Poison-1st & Subsequent Offense	Optional	\$200.00
TBMC6.04.080	Animal - Keeping of Wild Animals - 1st & Subsequent Offense	Optional	\$50.00
TBMC6.04.090	Animal - Animal Waste - 1st & Subsequent Offense	Optional	\$50.00

TBMC8.04.050 - FIREWORKS- PROHIBITED ACTS - Subsections (A - G) Any person who violates or causes or permits to be violated any provision of this chapter or fails or refuses to comply with any lawful order or direction of the litter enforcement officer on behalf of the city in connection with this chapter, is guilty of an infraction and shall be punished by the fine established in the 1.16.035 fine schedule or no fine is listed in the fine schedule, then by the fine established in 1.16.030			
TBMC8.04.050 (A)	Fireworks (A) Throwing firework prohibited - 1st & Subsequent Offense	Optional	\$100.00
TBMC8.04.050 (B)	Fireworks (B) Throwing fireworks from a motor vehicle -1st & Subsequent Offense	Optional	\$100.00
TBMC8.04.050 (C)	Fireworks (C) Store/keep/sell/fireworks within 50ft. of gas/volatile liquids prohibited	Optional	\$100.00
TBMC8.04.050 (D)	Fireworks (D) Discharge fireworks within 1,000 ft of hospital - 1st & Subsequent Offense	Optional	\$100.00
TBMC8.04.050 (E)	Fireworks (E) Discharge fireworks under/on a motor vehicle - 1st & Subsequent Offense	Optional	\$100.00
TBMC8.04.050 (F)	Fireworks (F) Discharge fireworks within 50 ft. of where fireworks are sold - 1st & Subsequent Offense	Optional	\$100.00
TBMC8.04.050 (G)	Fireworks (G) Mishandle fireworks - 1st & Subsequent Offense	Optional	\$100.00
Chapter 9.05 - DISCHARGE OF FIREARMS - SECTIONS - Any person who violates or causes or permits to be violated any provision of this chapter or fails or refuses to comply with any lawful order or direction of the litter enforcement officer on behalf of the city in connection with this chapter, is guilty of an infraction and shall be punished by the fine established in the 1.16.035 fine schedule or no fine is listed in the fine schedule, then by the fine established in 1.16.030			
TBMC9.05.010 (A)	Discharge of Firearms Prohibited, A. Within the City Limits, including Main Town Side, South Thorne Bay, Goose Creek Subdivision - 1st & Subsequent Offense	Optional	\$150.00
TBMC9.05.010 (B)	Discharge of Firearms Prohibited, B. On, into, or across that body of water known as Thorne Bay, 1st & Subsequent Offense	Optional	\$150.00
TBMC9.05.010 (C)	Discharge of Firearms Prohibited, C. Within the municipal boundaries of Thorne Bay one-half hour before sunrise and one-half hour after sunset. 1st & Subsequent Offense	Optional	\$150.00
TBMC9.05.010 (D)	Discharge of Firearms Prohibited, D. Any citizen from discharging a firearm on the left side of the Kasaan Road #2030970 when traveling to Kasaan from Goose Creek between the "no shooting" sign at AP&T power pole #116, a distance of approximately 2.5 miles, 1st & Subsequent Offense	Optional	\$150.00
TBMC9.08.020 - Alcohol Beverages - Any person who violates or causes or permits to be violated any provision of this chapter or fails or refuses to comply with any lawful order or direction of the litter enforcement officer on behalf of the city in connection with this chapter, is guilty of an infraction and shall be punished by the fine established in the 1.16.035 fine schedule or no fine is listed in the fine schedule, then by the fine established in 1.16.030			
TBMC9.08.020	Alcohol Beverages - State License Requirement - 1st & Subsequent Offense	Optional	\$200.00
TBMC9.08.030	Alcohol Beverages - Hours of Consumption - 1st & Subsequent Offense	Optional	\$200.00
TBMC9.08.040	Alcohol Beverages - Access of persons under the age of twenty-one to licensed premises - 1st & Subsequent Offense	Optional	\$200.00
TBMC9.08.050	Alcohol Beverages - Possession or consumption under the age of twenty-one - 1st and Subsequent Offense	Mandatory	
TBMC9.08.060	Alcohol Beverages - Furnishing of alcoholic beverages to persons under the age of twenty-one - 1st and Subsequent Offense	Mandatory	
TBMC9.08.080	Alcohol Beverages - Purchase by persons under the age of twenty-one - 1st and Subsequent Offense	Mandatory	
TBMC9.08.090	Alcohol Beverages-Unlawful drinking on premises - 1st and Subsequent Offense	Optional	\$200.00

TBMC9.08.100	Alcohol Beverages-Solicitation of alcohol beverage-1st and Subsequent Offense	Optional	\$200.00
TBMC9.08.110	Alcohol Beverages-Sale or disposition of alcoholic beverages to drunken person -1st and Subsequent Offense	Optional	\$200.00
TBMC9.08.120	Alcohol Beverages - Access of drunken persons to licensed premises - 1st and Subsequent Offense	Optional	\$200.00
TBMC9.08.130	Alcohol Beverages-Obligation to enforce restrictions within licensed premises - 1st & Subsequent Offense	Optional	\$200.00
TBMC9.08.140	Alcohol Beverages-Stock to be kept on premises - 1st and Subsequent Offense	Optional	\$200.00
TBMC9.08.150	Alcohol Beverages - Right of inspection - 1st and Subsequent Offense	Optional	\$200.00
TBMC9.08.160	Alcohol Beverages - Playing music - Restriction - 1st & Subsequent Offense	Optional	\$200.00
TBMC9.08.180	Alcohol Beverages - Possession of dangerous weapons (knives) prohibited - 1st & Subsequent Offense	Optional	\$200.00
TBMC9.12.030	Protection of survey monuments - Prohibition, unlawful acts, disturbance of monuments - 1st & Subsequent Offense	Optional	\$100.00
9.20.210 Penalty and remedies. A. Any person who violates or causes or permits to be violated any provision of this chapter or fails or refuses to comply with any lawful order or direction of the litter enforcement officer on behalf of the city in connection with this chapter, is guilty of an infraction and shall be punished by the fine established in the 1.16.035 fine schedule or no fine is listed in the fine schedule, then by the fine established in 1.16.030			
TBMC9.20.020	Litter control - Littering prohibited - 1st & Subsequent Offense	Optional	\$75.00
TBMC9.20.030	Litter control - Prevention of scattering - 1st & Subsequent Offense	Optional	\$75.00
TBMC9.20.040	Litter Control - Tampering with litter receptacles - 1st & Subsequent Offense	Optional	\$75.00
TBMC9.20.050	Litter Control - Walkways, streets & alleys - 1st & Subsequent Offense	Optional	\$75.00
TBMC9.20.060	Litter Control - Private Premises - 1st & Subsequent Offense	Optional	\$75.00
TBMC9.20.070	Litter Control - Public Places - 1st & Subsequent Offense	Optional	\$75.00
TBMC9.20.080	Litter Control - Business Premises - 1st & Subsequent Offense	Optional	\$75.00
TBMC9.20.090	Litter Control - Littering from vehicles - 1st & Subsequent Offense	Optional	\$75.00
TBMC9.20.100	Litter Control - Litter from aircraft - 1st & Subsequent Offense	Optional	\$75.00
TBMC9.20.110	Litter Control - Litter in Parks - 1st & Subsequent Offense	Optional	\$75.00
TBMC9.20.120	Litter Control - Construction sites - 1st & Subsequent Offense	Optional	\$75.00
TBMC9.20.130	Litter Control - Parking lot-Litter receptacle required - 1st & Subsequent Offense	Optional	\$75.00
TBMC9.20.140	Litter Control - Litter receptacles obstructing traffic - 1st & Subsequent Offense	Optional	\$75.00
TBMC9.20.150	Litter control - Commercial handbills prohibited - 1st & Subsequent Offense	Optional	\$75.00
TBMC9.20.170	Litter Control - Obedience of law required - 1st & Subsequent Offense	Optional	\$75.00
TBMC9.20.180	Litter control - Obedience to officials required - 1st & Subsequent Offense	Optional	\$75.00
TBMC9.20.190	Litter control - Emergency Powers - 1st & Subsequent Offense	Optional	\$75.00
TBMC9.20.200	Litter Control - Compliance Order - 1st & Subsequent Offense	Optional	\$75.00
9.22.060 Violations-Penalties. Any person found to be in violation of this chapter shall be guilty of an infraction punishable by the fine established in the fine schedule in 1.16.035 or if no fine is listed in the fine schedule then by the fine established in 1.16.			
TBMC9.22.020	Water Hydrants - Description and Location - 1st & Subsequent Offense	Optional	\$50.00
TBMC9.22.030	Water Hydrants - Intended Use - 1st & Subsequent Offense	Optional	\$50.00
TBMC9.22.040	Water Hydrants - Accessibility - 1st & Subsequent Offense	Optional	\$50.00
TBMC9.22.050	Water Hydrants - Fence openings and gates - 1st & Subsequent Offense	Optional	\$50.00

2. DELETING CHAPTER 3.24 – FINE SCHEDULE - Chapter 3.24, Fine Schedules. (Moved to 1.16.035 – minor offense schedule)

3. Chapter 6.04, Animals Generally. 6.04.060 Impoundment. It appears that there are no offenses in this section, so it will not be listed in the fine schedule table 1.16.035.

A. Unrestrained dogs and public nuisance animals may be taken by animal control officers and impounded in an animal shelter and there confined in a humane manner.

B. Impounded animals not claimed by the owner shall be kept for not less than three days.

C. An owner attempting to reclaim an impounded animal shall pay the following FEES to the city clerk before being allowed to regain custody of the animal:

1. Thirty-five (\$35.00) dollar ~~fine~~ FEE for the first impoundment in a twelve-month period.

2. Fifty (\$50.00) dollar ~~fine~~ FEE for the second impoundment in a twelve-month period.

3. One-hundred (\$100.00) dollar ~~fine~~ FEE for the third impoundment in a twelve-month period.

4. Fifty (\$50.00) dollar ~~fine~~ FEE for an animal not registered with the City of Thorne Bay.

D. The owner of any animal impounded four times within any calendar year shall be subject to a FEE of one hundred dollars and any room and board fees incurred by the impounded animal. The license for the animal shall be revoked and the animal, at the discretion of the animal control officer, shall for a fee be made available for adoption in suitable home or humanely euthanized.

E. Any animal not reclaimed by its owner within three working days shall for a fee be made available for adoption in a suitable home or humanely euthanized.

F. In addition to, or in lieu of, impounding an animal found at large or creating a public nuisance, the animal control officer may issue to the known owner of such animal a citation for violation of 6.04.050. ~~F. In addition to, or in lieu of, impounding an animal found at large, the animal control officer may issue to the known owner of such animal a notice of ordinance violation. Such notice shall impose upon the owner a penalty as described in Section 6.04.120. A criminal warrant shall be initiated before a magistrate and upon conviction of a violation of this chapter, the owner shall be punished as provided in Section 6.04.120. G. The owner of an impounded animal may also be proceeded against for violation of this chapter.~~

AMENDING-6.04.120 Violation-Penalties. A. Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars and not more than three hundred dollars, as further specified in subsection D of this section.

A. Any person violating any provision of this chapter **IS GUILTY OF AN INFRACTION** and shall be punished by the fine **ESTABLISHED IN 1.16.035 IF THE OFFENSE IS LISTED IN THAT FINE SCHEDULE OR BY A FINE OF UP TO \$300 IF THE OFFENSE IS NOT LISTED IN THE 1.16.035 FINE SCHEDULE.**

B. If a violation continues, each day's violation shall be deemed as a separate violation.

C. If any person is found guilty by a court or **pleads no contest to a charge** of violating Section 6.04.070, the **person's** permit to own, keep, harbor or have custody of animals shall be deemed automatically revoked and no new permit may be issued.

~~D. 1. The city, in enforcing this chapter, will utilize written citations and a system of graduated penalties, as established by ordinance of the city council. 2. The person to whom the citation is issued may plead no contest to the offense by signing an appropriate blank on the citation and paying the fine specified in the citation, either in person or by mail, within five days from the date of citation, to the office of city clerk. Acceptance of any payment of the prescribed fine is a complete satisfaction for the offense. If the offender accepts the citation but fails to pay the fine or appear in court, the citation shall be considered a summons, and the offender shall be proceeded against in the manner prescribed by law. (Ord. 93-12 § 4(part), 1993: Ord. 88-14 § 4, 1988; Ord. 88-06 § 4, 1988: Ord. 87-07 § 11, 1987)~~

4. Chapter 8.04. Fireworks. Section 8.04.090 Violation-Penalties. Any person violating the provisions of this chapter is subject to a One Hundred and Fifty Dollar fine. 8.04.090 VIOLATIONS-PENALTIES. THE PENALTY FOR VIOLATING THE PROVISIONS OF THIS CHAPTER IS IN 1.16.035.

5. Chapter 9.02, Curfew for Minors. The penalty section for this chapter is:

9.02.050 Violations-Penalties. A. The penalty for violating the provisions of this chapter is in

1.16.035. — A. Any minor violating the provisions of this chapter is subject to the following fines or work service:

~~1. First offense— Fifty dollar fine, and eight hours of community work service;~~

~~2. Second and One hundred dollar subsequent offenses fine, and sixteen hours community work service.~~

B. A parent, legal guardian, or other person having custody or control of a minor that is in violation of the curfew is subject to the aforementioned fines.

C. Any adult who helps, assists, facilitates, promotes or encourages a child to commit a violation of this chapter, by advancing or bringing about its commission, is subject to the aforementioned fines.

(Ord. 97-23 § 3(part), 1997; Ord. 94-03 § 3(part), 1994)

6. Chapter 9.05, Discharge of Firearms. Penalty section for this chapter is:

9.05.030 VIOLATIONS-PENALTIES. A. ANY PERSON WHO VIOLATES ANY PROVISION OF THIS CHAPTER SHALL BE PUNISHED BY THE FINE ESTABLISHED IN THE 1.16.035 FINE SCHEDULE.

~~by a fine of not less than twenty five dollars and not more than three hundred dollars. The city will utilize a system of graduated penalties as follows: First offense \$150.00, Second offense within one year 300.00, Third and subsequent offense within one year 300.00 and mandatory court appearance B. The remedies provided in this chapter are in addition to and not intended to preclude or prevent all other remedies available at law or equity. (Ord. 96-28 § 3(part), 1996)~~

7. Chapter 9.08, Alcoholic Beverages. Deleting Section 9.08.190-Enforcement, the city already has a fine schedule for these offenses in 3.24.010. As amended above, Section 3.24.010 was deleted in order to list all the offenses in the new 1.16.035 as shown in paragraph 2 above.

~~9.08.190 Enforcement. The city, in enforcing this chapter, will utilize written citations. The person to whom the citation is issued may plead no contest to the offense by signing an appropriate blank on the citation and paying the fine specified in the citation, either in person or by mail, within five days from the date of the citation, to the office of the city clerk. Acceptance and payment of the prescribed fine is a complete satisfaction for the offense. If the offender accepts, the citation shall be considered a summons, and the offender shall be proceeded against in the manner prescribed by law. (Ord. 88-08 § 4(part), 1988)~~

Amending Section 9.08.200 Violations-Penalties. Any person violating any provision of this CHAPTER IS GUILTY OF AN INFRACTION AND shall be punished by THE FINE ESTABLISHED IN 1.16.035 FINE SCHEDULE. a fine of not less than ten dollars and not more than three hundred dollars. The city will utilize a system of graduated penalties, as established by ordinance of the city council. (Ord. 88-13 § 4, 1988; Ord. 88-08 § 4(part), 1988)

7. Chapter 9.12, Protection of Survey Monuments. As amended above, Section 3:24.010 was deleted in order to list all the offenses in the new 1.16.035.

~~**DELETING SECTION 9.12.040 Enforcement.** 9.12.040 Enforcement The city, in enforcing this chapter will utilize written citations. The person to whom the citation is issued may plead no contest to the offense by signing an appropriate blank on the citation and paying the fine specified in the citation, either in person or by mail within five days from the date of the citation, to the office of the city clerk. Acceptance of payment of the prescribed fine is a complete satisfaction for the offense. If the offender accepts the citation but fails to pay the fine or appear in court, the citation shall be considered a summons, and the offender shall be proceeded against in the manner prescribed by law. (Ord. 88-12 § 8, 1988)~~

AMEND SECTION: 9.12.060 Violations-Penalties. Subsection A. Any person violating any provision of this chapter IS GUILTY OF AN INFRACTION AND shall be punished by a fine THE FINE ESTABLISHED IN THE 1.16.035 FINE SCHEDULE. of not less than fifty dollars and not more than three hundred dollars. The city will utilize a system of graduated penalties as established by ordinance of the city council.

8. Chapter 9.16, Protection of Water Lake Watershed. NO AMENDMENT TO THIS CHAPTER; The penalty section for these offenses is 9.16.110. The penalties and remedies are either civil or criminal, so these offenses cannot be "minor offenses" listed in the court system's Uniform Minor Offense Table (UMOT).

9. Chapter 9.20, Litter Control. The city already has a fine schedule for these offenses in 9.20.210

Amending Section as follows: 9.20.160 Enforcement. It shall be the duty of the village protection safety officer (hereinafter called "litter enforcement officer") to enforce the provisions of this chapter. The city, in enforcing this chapter will utilize written citations. The person to whom the citation is issued may plead no contest to the offense by signing an appropriate blank on the citation and paying the fine specified in the citation, either in person or by mail within five days from the date of the citation, to the office of the city clerk. Acceptance of payment of the prescribed fine and, if abatement of an activity is also required, written confirmation of abatement by the litter enforcement officer, will constitute complete satisfaction for the offense. If the offender accepts the citation but fails to pay the fine and, if applicable, abate the activity, or appear in court, the citation shall be considered a summons, and the offender shall be proceeded against in the manner prescribed by law. (Ord. 89-22 § 5(part), 1989)

9.20.210 Penalty and remedies. A. Any person who violates or causes or permits to be violated any provision of this chapter or fails or refuses to comply with any lawful order or direction of the litter enforcement officer on behalf of the city in connection with this chapter, **IS GUILTY OF AN INFRACTION AND SHALL BE PUNISHED BY THE FINE ESTABLISHED IN THE**

1.16.035 FINE SCHEDULE. shall be punished by a fine of not less than fifty dollars and not more than three hundred dollars. The city will utilize a system of graduated penalties as follows: Section Numbers Offense: 9.20.020 Littering prohibited; 9.20.030 Prevention of scattering 9.20.040 Tampering with litter receptacles 9.20.050 Walkways, streets and alleys 9.20.060 Private premises 9.20.070 Public places 9.20.080 Business premises 9.20.090 Littering from vehicles 9.20.100 Litter from aircraft 9.20.110 Litter in parks 9.20.120 Construction sites 9.20.130 Parking lots Litter receptacles required 9.20.140 Litter receptacles obstructing traffic 9.20.150 Commercial handbills prohibited 9.20.170 Obedience of law required 9.20.180 Obedience to officials required
Number of Offenses Fine First offense \$ 50.00 Second within one year 100.00 Third within one year 300.00 Fourth and subsequent within one year 300.00 and mandatory court appearance Section Numbers Offense 9.20.190 Emergency powers 9.20.200 Compliance order Number of Offenses Fine First offense \$ 50.00 + abatement Second within one year 100.00 + abatement Third within one year 300.00 + abatement Fourth and subsequent within one year 300.00 + abatement and mandatory court appearance

B. Each day a violation continues shall constitute an additional violation for purposes of assessing fines. An action to enjoin a violation of this chapter may be brought notwithstanding the availability of any other remedy. Upon application for injunctive relief and the finding of an existing violation, the court shall grant injunctive relief to restrain the violation and attorney fees as provided by law. (Ord. 89-22 § 5(part), 1989)

10. Chapter 9.22, Water Hydrants. Referencing Title 1.16.035 for fines.

AMENDING Section: 9.22.060 Violations-Penalties. Any person found to be in violation of this chapter shall be guilty of a misdemeanor and subject to a fine of not more than three hundred dollars. **ANY PERSON FOUND TO BE IN VIOLATION OF THIS CHAPTER IS GUILTY OF AN INFRACTION AND SHALL BE PUNISHED BY THE FINE ESTABLISHED IN THE 1.16.035 FINE SCHEDULE.**

11. Chapter 10.04, Vehicles and Traffic: General Provisions. Deleted Section 10.04.010 State Generally Adoption by reference. A. Pursuant to Alaska law (AS 28.01.010), certain provisions of the Alaska Statutes and the Alaska Administrative Code, comprising the motor vehicle laws of the state of Alaska have been adopted by reference and made a part of this chapter as if fully set forth herein. Such provisions are identified herein by numerical citation to the specific statutory or regulatory section adopted. B. "Alaska State Trooper" and "peace officer" (when they appear in the provisions incorporated by reference) shall be interpreted as being identical with the chief of public safety or any duly appointed officer of the Thorne Bay public safety department. "Department" appearing in the Alaska Statutes and Alaska Administrative Code provisions adopted by reference shall be interpreted to mean the Thorne Bay public safety department. C. At least one copy of the chapters of the Alaska Administrative Code, the Alaska Statutes and the schedule of fines for bail-able offenses adopted herein shall be filed in the office of the city clerk and shall there be kept available for public use, inspection and examination so long as the provisions thereof remain in force.

Replacing with: Section 10.04.010 State TRAFFIC LAWS ADOPTED by reference. **A. THE CITY ADOPTS BY REFERENCE ALL VEHICLE AND TRAFFIC STATUTES AND REGULATIONS OF THE STATE OF ALASKA, AS THEY PRESENTLY EXIST AND AS THEY MAY BE REVISED IN THE FUTURE, AS THE TRAFFIC CODE FOR THE CITY.**

B. At least one copy of the chapters of the Alaska Administrative Code, the Alaska Statutes and the schedule of fines for bail able offenses adopted herein shall be filed in the office of the city clerk and shall there be kept available for public use, inspection and examination so long as the provisions thereof remain in force. (Ord. 88-07 § 4(1.010), 1988)

ADDING SECTION 10.04.015 TRAFFIC FINE SCHEDULE - ADOPTION OF STATE BAIL FORFEITURE SCHEDULES BY REFERENCE.

THE CITY ADOPTS AS ITS TRAFFIC FINE SCHEDULE THE “TRAFFIC BAIL FORFEITURE SCHEDULE” AND THE “OVERSIZE VEHICLE BAIL FORFEITURE SCHEDULE” IN ADMINISTRATIVE RULES 43.1 AND 43.6 OF THE ALASKA RULES OF COURT AND ANY OTHER BAIL FORFEITURE SCHEDULES RELATING TO VEHICLES ADOPTED BY THE ALASKA SUPREME COURT. IN ADDITION, THE CITY ADOPTS ALL AMENDMENTS OF THOSE SCHEDULES THAT BECOME EFFECTIVE AFTER THE EFFECTIVE DATE OF THIS ORDINANCE. CITATIONS FOR OFFENSES LISTED ON THESE SCHEDULES MAY BE DISPOSED OF AS PROVIDED IN AS 12.25.195 - .230, WITHOUT A COURT APPEARANCE, UPON PAYMENT OF THE AMOUNTS LISTED PLUS THE STATE SURCHARGE REQUIRED BY AS 12.55.039 AND AS 29.25.074. FINES MUST BE PAID TO THE CITY CLERK. IF A TRAFFIC OFFENSE IS NOT LISTED ON THIS FINE SCHEDULE OR ANOTHER FINE SCHEDULE ORDINANCE, THE DEFENDANT MUST APPEAR IN COURT TO ANSWER TO THE CHARGES. CITATIONS CHARGING THESE OFFENSES MUST MEET THE REQUIREMENTS OF MINOR OFFENSE RULE 3 OF THE ALASKA RULES 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 AMOUNT LISTED FOR THAT OFFENSE ON THE SCHEDULE.

DELETING SECTION: 10.04.020 Definitions. The definitions applicable to this chapter are the same as those which appear in Title 13, Chapter 40 of the Alaska Administrative Code; in Title 17, Chapter 25 of the Alaska Administrative Code; and Title 28 of Alaska Statutes. (Ord. 88-07 § 4(1.020), 1988)

DELETING SECTIONS: 10.04.020, .040, .050, .060, .080, .090, .100, .110, 170.

AMENDING SECTIONS: 10.04.140 Prohibited devices. A. No person upon roller skates, or riding in or by means of any coaster, toy vehicle, sled or similar device shall go upon any street or roadway open to through traffic except while crossing a street on a crosswalk; and when so crossing, such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. **B. ANY PERSON VIOLATING ANY PROVISION OF THIS SECTION IS GUILTY OF AN INFRACTION AND SHALL BE PUNISHED BY A THE FINE ESTABLISHED IN 1.16.035 IF THE OFFENSE IS LISTED IN THAT FINE SCHEDULE OR BY A FINE OF UP TO \$50.00 IF THE OFFENSE IS NOT LISTED IN THE 1.16.035 FINE SCHEDULE.**

10.04.160 Violations-Penalties. A . Every person who violates any provision of this title shall be subject to the fines established in 1.16.035 if the offense is listed in that fine schedule or by a fine of up to \$50.00 if the offense is not listed in the 1.16.035 fine schedule. ~~D.~~ B. Any person who fails or refuses to pay fines duly assessed against him for violations of this title, after the accumulated fines equal or exceed three hundred dollars, shall become subject to impoundment of any motor vehicle of which he is a registered owner and which was involved in any of such violations. (Ord. 88-07 § 4(2.070), 1988)

12. Chapter 10.08, Vehicles and Traffic: Citations.

DELETING SECTIONS

~~—10.08.010 Forms and records. The chief of public safety shall procure and provide books of traffic citation forms which comply with the requirements of District Court Criminal Rule 8(c), identify the offender and the offense, and meet the needs of public safety and the administration of justice.~~

~~—10.08.020 Procedure of issuance. A. When a person is found violating any provision of this chapter, other than a provision regulating the parking of motor vehicles, and the violation is one which (pursuant to the city's adoption of Alaska Administrative Rule 43-1) is amenable to payment by fine without a court appearance, the arresting officer shall, except when required by law or the immediate circumstances, issue a citation to the person in charge of or operating the motor vehicle involved. B. If the offense for which the citation is issued is one for which a fine may be paid without a court appearance, the person to whom it is issued may plead guilty to the offense by signing an appropriate blank on the citation and paying the fine specified on the citation, either in person or by mail within five days from the date of citation, to the office of the city clerk. Acceptance and payment of the prescribed fine is a complete satisfaction for the offense, and the offender shall be given a receipt which so states. C. If the offender refuses to accept the citation or refuses to sign the acknowledgment of receipt and promise to appear, the officer shall proceed with the arrest in the manner otherwise provided by law. If the offender accepts the notice, but fails to pay the fine or appear in court as required, the citation shall be considered a summons as for a charge of a violation or infraction, and the offender shall be proceeded against in the manner prescribed by law. However, the maximum penalty which may be imposed for the original offense may not exceed the penalty set out in the schedule of fines set forth in Alaska Administrative Rule 43-1. D. If the violation is one which is not amenable to payment by fine without a court appearance, the arresting officer shall proceed with the arrest in the manner otherwise required by law. (Ord. 88-07 § 4(4.020), 1988)~~

~~—10.08.030 Disposition and record. A. Every officer upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this state or of any traffic ordinance of the city shall deposit the original of the citation with the office of the city clerk. B. Upon the filing of such original citation as aforesaid, the citation may be disposed of only by trial before the magistrate of the district court, by other official action by the magistrate including forfeiture of bail or by payment of a fine imposed by the court, or by payment of the fine specified on the back of the citation. C. The chief of public safety shall also maintain or cause to be maintained a record of all warrants issued by the magistrate which are delivered to the departments for service and of the final disposition of all such warrants. D. It is unlawful and official misconduct for any member of the department or for any other officer or public employee to dispose of, alter or deface a traffic citation or any copy thereof, or the record of the issuance or disposition of any traffic citation, complaint, or warrant in a manner other than as required by law. (Ord. 88-07 § 4(4.030), 1988)~~

~~—10.08.040 Illegal cancellation. It is lawful for any person to cancel or solicit the cancellation of any traffic citation in any manner other than as provided by this chapter. (Ord. 88-07 § 4(4.040), 1988)~~

~~—10.08.050 Citation deemed complaint. In the event the form of citation provided under Section 10.08.010 includes information and is sworn to as required under the laws of the state in respect to a complaint charging commission of the offense alleged in the citation to have been committed, then such citation when filed with a court having jurisdiction shall be deemed to be a lawful complaint for the purpose of prosecution under this title. (Ord. 88-07 § 4(4.050), 1988)~~

~~—10.08.060 Failure to obey. It is unlawful for any person to violate his written promise to appear given to an officer upon the issuance of a traffic citation regardless of the disposition of the charge for which such citation was originally issued. (Ord. 88-07 § 4(4.060), 1988)~~

~~—10.08.080 Failure for parking under the traffic laws or ordinances does not appear in response to a traffic citation affixed to such motor vehicle within a period of five days, the clerk or public safety officer shall send the vehicle owner a letter informing him of the violation and warning him that in the event such letter is disregarded for a period of five days a warrant of arrest will be issued. (Ord. 88-07 § 4(4.080), 1988)~~

~~—10.08.100 Warrant issuance. In the event any person fails to comply with a traffic citation given to such person or attached to a vehicle or fails to make appearance pursuant to a summons directing an appearance in the district court or if any person fails or refuses to deposit bail as required and within the time permitted by ordinance, the magistrate, upon the request of the public safety officer, shall issue a warrant for the arrest of such person.~~

AMENDING SECTIONS: 10.08.070 Illegally parked vehicle. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by ordinances of the city or by state law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation for the driver to answer to the charge against him ~~within five days during the hours and at a place specified in the citation.~~ (Ord. 88-07 § 4(4.070), 1988)

10.08.090 Owner presumed driver. A. In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the ~~complaint~~ **CITATION** was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, constitutes in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which such violation occurred. B. The foregoing stated presumption applies only when the procedure as prescribed in Section 10.08.070 and 10.08.080 has been followed. (Ord. 88-07 § 4(4.090), 1988)

10.08.110 Records. The city clerk shall keep or cause to be kept a record of every ~~traffic complaint, traffic citation or other legal form or traffic charge~~ deposited with or presented to the office of the clerk and shall keep a record of every official action by the city in reference thereto, including the disposition of each citation. (Ord. 88-07 § 4(4.110), 1988)

Chapter 10.12, Impounding.

AMENDING SECTION 10.12.010 Authority, SUBSECTION (A)(7) A. The chief of public safety is authorized to impound a vehicle from a street or highway to the nearest garage or other place of safety, or if no such place exists within the city, the vehicle shall be impounded where it is as is, under the circumstances hereinafter enumerated: 7. When the vehicle's owner has accumulated three hundred dollars or more in unpaid ~~fin~~ **FEES** or penalties pursuant to this chapter.

AMENDING TITLE 10.12.020 Costs and fines. Before any vehicle which has been impounded is released, there shall be paid all costs incident to the removal and impounding of such vehicle ~~in addition to whatever fines may be imposed by the court upon the owner or operator of such vehicle for any violation of this chapter.~~ In addition, the following ~~fine~~ **FEE** schedule shall apply:

Impoundment Fine FEES

All vehicles, travel trailers, boats on trailers, storage containers or like items	\$250.00
Boat trailers, motorcycles or ATVs	\$100.00
Storage fee (per day)	\$ 2.00

15. Chapter 10.20, Parking, Standing and Stopping

10.20.090 Violations-Penalty. THE PENALTY FOR VIOLATING THE PROVISIONS OF THIS CHAPTER IS IN 1.16.035.

16. Chapter 12.06, City Parks and Recreation Areas

AMENDING SECTION: 12.06.140 penalty and remedies. A. Any person, firm or corporation who violates or causes or permits to be violated any provision of this chapter or fails or refuses to comply with any lawful order or direction of the chief executive officer, park attendant or law enforcement officer acting on behalf of the city in connection with this chapter, **VIOLATIONS OF THIS CHAPTER ARE INFRACTIONS PUNISHABLE BY THE FINE ESTABLISHED IN THE 1.16.035 FINE SCHEDULE.**