

City of Seldovia

Ordinance No. FY2016-06

**AMENDING TITLE 1 TO PROVIDE FOR A GENERAL PENALTY, A MINOR OFFENSE FINE SCHEDULE ALLOWING FOR THE DISPOSITION OF CERTAIN OFFENSES WITHOUT A COURT APPEARANCE, PROVIDING FOR THE APPLICABLE STATE SURCHARGE, AND AMENDING TITLES 2, 7, 8, 9, 10, 11, 13, 15, 17, AND 18 TO IDENTIFY THOSE OFFENSES PUNISHABLE BY THE FINE LISTED ON THE FINE SCHEDULE; AMENDING TITLE 10 TO ADOPT ALL STATE TRAFFIC STATUTES AND REGULATIONS AND THE APPLICABLE BAIL FORFEITURE AS PART OF THE TRAFFIC CODE FOR THE CITY OF SELDOVIA**

**WHEREAS**, the City of Seldovia exercises certain enforcement powers, which include the ability to levy fines and penalties in accordance with the City of Seldovia Code (City Code) and AS 29.25.070; and

**WHEREAS**, the Council has determined that such revisions are in the City's best interests; and

**WHEREAS**, the City Code contains references and authority to levy fines and penalties in Title 1, General Provisions; Title 2 Administration and Personnel; Title 5 Business Licenses and Regulation; Title 7 Animals; Title 8 Health and Safety; Title 9 Public Peace, Morals and Welfare; Title 10 Vehicles and Traffic; Title 11 Streets, Sidewalks and Park Land; Title 13 Utilities; Title 15 Harbors and Boat Moorage; Title 17 Buildings and Construction; and Title 18 Zoning.

**WHEREAS**, City Code Chapters 1.08, 2.48, 5.16, 7.04, 8.06, 8.12, 8.16, 8.20, 8.24, 9.04, 9.16, 10.01, 10.02, 10.06, 10.08, 10.10, 10.14, 10.16, 11.04, 11.08, 13.08, 15.16, 15.20, 17.04, 18.16, and 18.28 each contain references to fines for violations of City Code; and

**WHEREAS**, the City Code does not presently contain a schedule of fines for offenses that the City Council wishes to make amenable to disposition without court appearance as required by AS 29.25.070.

**NOW, THEREFORE, LET IT BE ORDAINED BY THE COUNCIL OF THE CITY OF SELDOVIA AS FOLLOWS:**

**Section 1.** Classification. This ordinance shall be of a permanent nature and shall become a part of the City of Seldovia Code of Ordinances.

**Section 2.** Severability. If any provision of this ordinance, or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

**Section 3.** Those amendments to the City Code Chapters, as set forth in Exhibit A are hereby enacted.

**Section 4.** Effective Date. This ordinance shall become effective July 1, 2016, and shall be included in the City of Seldovia Code at the time of its next regular supplementation and printing, or ratification by the qualified voters of the City of Seldovia.

Adopted and Approved by the Council of the City of Seldovia, Alaska this 22<sup>th</sup> day of June, 2016. AYES 6, NAYS 0.



Dean Lent, Mayor

ATTEST:



Lisa Stanish, City Clerk



## Exhibit A

### Title 1 -- General Provisions

#### **MODIFY: 1.08 GENERAL PENALTY**

##### **1.08.010 Designated.**

A. Except in cases where a different punishment is prescribed by any ordinance of the City, a person convicted of a violation of the ordinances of the City is guilty of an infraction punishable by a fine not to exceed \$500.

B. The City shall provide written notice to the commissioner of health and social services or to the commissioner's designee of the commencement of a civil enforcement action for the violation of an ordinance under subsection (B) of AS 29.25.070 against a minor. Unless the commissioner and the City have negotiated an agreement making other arrangements for the City to provide the notice required by this subsection, the City shall provide the notice by mailing a copy of the citation or other document setting out the notice of the commencement of the civil enforcement action.

C. Unless an ordinance authorizes use of a hearing officer, the enforcement of an infraction against a minor for violation of any provision of this code shall be heard in the district court in the same manner as for similar allegations brought against an adult, except that the minor's parent, guardian, or legal custodian shall be present at all proceedings unless the court excuses the parent, guardian or legal custodian from attendance for good cause.

D. An action for an infraction under this section does not give rise to the right to a trial by jury or to counsel appointed at public expense.

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**1.08.030 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.

##### **1.08.040 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. 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.

Unless stated otherwise, each act of violation and every day upon which such violation continues constitutes a new and separate offense.

The fine amounts 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 AS 28.90.990 and 13 AAC 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.

The fines may not be judicially reduced.

### **FINE SCHEDULE**

<b>Code Section</b>	<b>Ordinance Description</b>	<b>Fine Schedule Amount</b>
2.48.220	Resist/prevent/impede/interfere with Equal Rights Commission or authorized representatives	\$250
5.16.010	Failure to obtain permit to handle/transport/use class-A explosives, detonators or fuses	\$250
5.16.020	Impermissible storage of class-A explosives, detonators or fuses	\$250
7.04.050(B)(1)	Permit dog run at large/have dog upon private property– 1st offense	\$50
7.04.050(B)(2)	Permit dog run at large/have dog upon private property– 2nd offense	\$100
7.04.050(B)(3)	Permit dog run at large/have dog upon private property – 3rd and subsequent offenses	\$150
7.04.090(A)(1)	Harbor contagious animal – 1st offense	\$50
7.04.090(A)(2)	Harbor contagious animal – 2nd offense	\$100
7.04.090(A)(3)	Harbor contagious animal – 3rd offense	\$150
7.04.090(B)(1)	Allowing canine to bark/howl/bay/yap to cause annoyance – 1st offense	\$50
7.04.090(B)(2)	Allowing canine to bark/howl/bay/yap to cause annoyance – 2nd offense	\$100
7.04.090(B)(3)	Allowing canine to bark/howl/bay/yap to cause annoyance – 3rd and subsequent offenses	\$150

<b>Code Section</b>	<b>Ordinance Description</b>	<b>Fine Schedule Amount</b>
7.04.090(C)(1)	Failure to maintain clean and sanitary condition for animal – 1st offense	\$50
7.04.090(C)(2)	Failure to maintain clean and sanitary condition for animal – 2nd offense	\$100
7.04.090(C)(3)	Failure to maintain clean and sanitary condition for animal – 3rd offense	\$150
7.04.090(D)(1)	Failure to keep animal confined to premises/under control – 1st offense	\$50
7.04.090(D)(2)	Failure to keep animal confined to premises/under control – 2nd offense	\$100
7.04.090(D)(3)	Failure to keep animal confined to premises/under control – 3rd and subsequent offenses	\$150
7.04.090(E)(1)	Allow animal frequently growl/jump upon/injure/frighten – 1st offense	\$50
7.04.090(E)(2)	Allow animal frequently growl/jump upon/injure/frighten – 2nd offense	\$100
7.04.090(E)(3)	Allow animal frequently growl/jump upon/injure/frighten – 3rd and subsequent offenses	\$150
7.04.090(F)(1)	Allow animal to defecate/dig up/injure property or public thoroughfare – 1st offense	\$50
7.04.090(F)(2)	Allow animal to defecate/dig up/injure property or public thoroughfare – 2nd offense	\$100
7.04.090(F)(3)	Allow animal to defecate/dig up/injure property or public thoroughfare – 3rd and subsequent offenses	\$150
7.04.100(C)(1)	Dispose dead/fatally sick animal upon public/private place/body of water – 1st offense	\$50
7.04.100(C)(2)	Dispose dead/fatally sick animal upon public/private place/body of water – 2nd offense	\$100
7.04.100(C)(3)	Dispose dead/fatally sick animal upon public/private place/body of water – 3rd and subsequent offenses	\$150
7.04.140(B)(1)	Enter public premises/place of food/barbershop/hairdresser/beauty culture with animal – 1st offense	\$50
7.04.140(B)(2)	Enter public premises/place of food/barbershop/hairdresser/beauty culture with animal – 2nd offense	\$100
7.04.140(B)(3)	Enter public premises/place of food/barbershop/hairdresser/beauty culture with animal – 3rd and subsequent offenses.	\$150
7.04.180(B)(1)	Failure of sanitary removal/disposal of animal feces/animal litter – 1st offense	\$25

<b>Code Section</b>	<b>Ordinance Description</b>	<b>Fine Schedule Amount</b>
7.04.180(B)(2)	Failure of sanitary removal/disposal of animal feces/animal litter – 2nd offense	\$50
7.04.180(B)(3)	Failure of sanitary removal/disposal of animal feces/animal litter – 3rd and subsequent offenses	\$100
8.06.020	Wrecked/junked/abandoned property on City land declared public nuisance	\$250
8.06.030	Unauthorized parking/storage/wrecked or junk vehicle/trailer/equipment/other on city land over 72 hours	\$250
8.06.030	Unauthorized parking/storage/leaving abandoned vehicle/trailer/equipment/other property on City land for over 30 days	\$250
8.06.050	Failure to remove property within 72 hours after notice of violation	\$250
8.12.100	Failure to paid harbor refuse fee to the Harbormaster	\$100
8.12.120	Unlawful dumping on public property/right of way	\$100
8.12.130(A)	Permits/suffers/allows any dead water fowl or sealife parts to fall or spill onto the beach or in waters without cleanup	\$100
8.12.130(B)	Allows receptacle with dead water fowl or sealife parts left over 24 hours such that tide deposit same on the beach	\$200
8.12.130(C)	Failure to empty/dispose of contents of receptacle containing dead water fowl or sealife	\$150
8.12.130(D)	Polluting beaches to endanger public health or cause offensive odors.	\$100
8.24.010	Obstructs/hinders authorized person or member of Board of Health in official duties	\$100
8.24.010	Breaks quarantine/permits a minor child/ward to break quarantine	\$100
8.24.010	Violates/neglects/refuses to carry out/refuses to obey regulations of the Board of Health	\$250
9.04.050	Discharging of firearms within City limits	\$100
9.04.090	Window peeping	\$250
9.04.100	Begging	\$250
9.04.110	Vagrancy	\$250
9.04.120	Exposure of private parts	\$250

<b>Code Section</b>	<b>Ordinance Description</b>	<b>Fine Schedule Amount</b>
9.04.120	Exhibitionism	\$250
9.04.120	Inciting vicious or lewd acts	\$250
9.04.130	Print/engrave/sell/offer for sale/give away/exhibit/publish lewd books or other articles	\$250
9.04.140	Maliciously destroy/injure public/private property up to \$50 value	\$250
9.04.210	Tear down/alter/deface/put up without authorization any posted writ/notice before expiration	\$100
9.04.220	Impersonate a magistrate or peace officer	\$250
9.04.230	Spitting or littering in hallway/stairway/sidewalk/steps of public place/building/place of worship	\$100
9.04.240	Unlawful trespass/failure/neglect/refusal to depart therefrom/remain away until permitted to return	\$250
9.04.260(A)	Disturbing peace – annoy/injure/endanger/offend safety/health/comfort/repose of public	\$250
9.04.260(B)	Disturbing peace – unauthorized noise annoys/injures/endangers comfort/repose/health/safety of public	\$250
9.04.260(C)	Disturbing peace – unauthorized broadcast by sound amplifying device	\$250
9.04.260(D)	Disturbing peace – Unauthorized operation loud noise apparatus during 10pm to 7am	\$250
9.04.260(E)	Unauthorized use of city boat ramp for loading or unloading materials	\$100
9.04.260(F)	Unauthorized use of city boat ramp for hauling boats or putting boats in	\$100
9.04.260(G)	Unmuffled operation internal combustion engine/noise-creating blower/power fans	\$100
9.16.040(A)	Violation of curfew by juvenile – 1st offense	\$100
9.16.040(B)	Curfew– parent of juvenile in violation of curfew - 1st Offense	\$125
10.06.020(A)	Operating all-terrain vehicle without valid driver's permits or license	\$100
10.06.020(B)	Operating all-terrain vehicle without proper registration/displayed registration	\$100
10.06.020(D)	Failure to drive all-terrain vehicle on far right in single file and in accordance with all vehicle regulations	\$100
10.06.020(E)	Failure to have headlight/tail light/throttle return spring/stock muffler/mud flaps	\$75
10.06.020(F)	Failure to be ten (10) horsepower or higher	\$75

<b>Code Section</b>	<b>Ordinance Description</b>	<b>Fine Schedule Amount</b>
10.06.020(G)	Failure to use proper hand signals	\$75
10.06.020(H)	Failure to operate all-terrain vehicle with headlights on at all times on the roadway system	\$75
10.06.030(A)	Operation of all-terrain vehicle at speeds in excess of fifteen (15) mph	\$50
10.06.030(B)	Operation of all-terrain vehicle on unauthorized private property	\$100
10.06.030(C)	Operation all-terrain vehicle to cause fear or anxiety in others/detrimental to common good	\$200
10.06.040	Failure to Report accident involving all-terrain vehicle resulting in injury or property damage	\$200
10.06.050	Minor's violation using all-terrain vehicle – parental failure to take reasonable precaution	\$150
10.08.030(B)	Operating snow vehicle two abreast on city roadway/not in single file	\$100
10.08.050	Failure to report accident involving snow vehicle causing injury or property damage	\$100
10.08.060	Minor's violation using snow vehicle – parental failure to take reasonable precaution	\$150
10.10.010	Unauthorized use of motorized vehicle on Susan Lake	\$250
10.16.030	30 day parking- no overnight camper/motor home/travel trailer/boat trailer/vans/commercial vehicle parking	\$100
10.16.050	Designated Areas – no overnight camper/motor home/travel trailer parking or camping	\$100
11.04.010	Unpermitted excavation/dig/break/disturb/undermine public street or alley	\$500
11.04.015	Disruption of water drainage patterns/failure to use culverts to maintain proper drainage	\$500
11.04.020	Failure to obtain permit before construction/maintenance/laying pipe upon or across street/alley	\$500
11.08.010	Build/construct/erect/keep/maintain unpermitted obstruction	\$500
11.13.020(A)	Disposal of human body wastes or any other waste on city-owned or city-controlled land	\$250
11.13.020 (B)	Make unnecessary noise which annoys/injures/endangers the comfort/repose/ health/safety	\$250
11.13.020 (E)	Deface/destroy/alter/remove/disfigure city-owned campground/parking/trees/equipment/sign/utility	\$250



Code Section	Ordinance Description	Fine Schedule Amount
11.13.020 (F)	Allow at-large dog on city-owned/controlled campground	\$50
11.13.020 (G)	Leave campsite in disorderly or unsightly condition upon termination of use	\$100
11.13.020(H)	Construct foundation or footing of piling/log/rock/concrete/other	\$250
11.13.020(I)	Discharge of firearm/air rifle on City-owned or controlled land for hunting/target shooting/other	\$500
11.13.030	Failure to store garbage/refuse/waste in proper container.	\$50
13.08.020	Altering any public sewer connection prior to obtaining permit	\$500
13.08.130	Unlawful discharge into any public sewer or side sewer	\$500
15.14.010	Prohibited use of set nets and gill nets within the stated waters of the city limits	\$500
15.16.060	Dumping trash/debris/garbage/gasoline/oil/paper/bottles/cans in port	\$500
15.16.090	Unauthorized welding on the boat float	\$250
15.16.120	Mooring without rental payment	\$250
15.16.150	Anchoring where prohibited in small boat harbor	\$250
15.16.170	Storage of any combustible liquid on city-owned/maintained/constructed float/dock/gangway	\$500
17.04.020	Failure to obtain a building/site development permit for new structure or alteration	\$500
18.28.010(A)	Failure to comply with Seldovia zoning code	\$500

## Title 2 – Administration and Personnel

**MODIFY: 2.48.220 Violation – Penalty.** A person who willfully resists, prevents, impedes or interferes with the Commission or any of its authorized representatives because of or in the performance of duty under this chapter is guilty of an infraction and punishable by the fine established in Chapter 1.08.

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## Title 7 – Animals

**MODIFY: 7.04.010 General.** In general, the intent of this chapter is to control the running at large of animals within the City of Seldovia and to protect the general health, safety and welfare of the citizens of the City of Seldovia with respect to the keeping of animals. Offenses not listed, such as cruelty to animals, will be referred to the State of Alaska for prosecution under AS 03.55.100 – 190 and AS 11.61.140-145 and any amendments thereto. (Ord. 81-19, 1981)

**MODIFY: 7.04.050 Control of dogs – Impoundment.** A. It shall be unlawful for a person to cause or permit a dog to:

1. Run at large within the city limits of the City of Seldovia; or
2. Be upon the private property of any person without consent or to the annoyance of such person.

B. Any person in violation of Article A is guilty of an infraction and shall be cited by the Chief of police, poundmaster or other enforcement officer as follows:

1. The first offense violation of Article A shall be punishable by the fine established in section 1.08.040.

2. The second offense violation of Article A shall be punishable by the fine established in section 1.08.040.

3. The third or any subsequent violations of Article A shall be punishable by the fine established in section 1.08.040.

C. In addition to the penalty under Article B, the policeman, poundmaster or other enforcement officer, may take up and impound a dog found running at large or found upon the private property of any person, without the consent, or to the annoyance of such person. If any dangerous, vicious, or fierce dog cannot in the discretion of the policeman, poundmaster or other enforcement officer, be safely taken up and impounded, such dog may immediately be tranquilized or destroyed in a humane manner. If a current tag issued by the city is found on the collar of the dog, its owner shall be notified immediately in writing that the dog has been impounded or destroyed.

D. Unlicensed or licensed dogs that have been impounded shall be confined in a humane manner for a period of at least 72 hours for unlicensed dogs and 120 hours for licensed dogs, excluding Saturdays and Sundays. If not claimed by their owner in the above given time, unclaimed dogs may thereafter be destroyed in a humane manner. Any such citation so issued under this subsection shall be delivered as soon as possible to the owner or caretaker of the animal that was found running at large and not impounded. If it is not possible to deliver the citation to the animal's owner or caretaker, the dog shall be impounded until the owner or caretaker can be contacted. (Ord. 81-19, 1981; Ord. 84-4, 1984; and Ord. 84-8 Sec. 2, 1984)

**MODIFY: 7.04.090 Declaration of Public Nuisance.** The following activities are declared a public nuisance and will not be permitted under this chapter:

- A. The harboring or keeping of animals with a contagious disease, except where closely confined and under the care of a veterinarian.
  - 1. The first offense violation of Article A shall be punishable by the fine established in section 1.08.040.
  - 2. The second offense violation of Article A shall be punishable by the fine established in section 1.08.040.
  - 3. The third or any subsequent violations of Article A shall be punishable by the fine established in section 1.08.040.
  
- B. The allowing of any dog or other member of the canine family to bark, howl, boy or yap with such frequency and at such times of the day or night as will cause annoyance to a reasonable person.
  - 1. The first offense violation of Article B shall be punishable by the fine established in section 1.08.040.
  - 2. The second offense violation of Article B shall be punishable by the fine established in section 1.08.040.
  - 3. The third or any subsequent violations of Article B shall be punishable by the fine established in section 1.08.040.
  
- C. The failure to maintain a clean and sanitary condition and free from objectionable odor in all structures, pens or yards and areas adjacent thereto wherever animals are kept.
  - 1. The first offense violation of Article C shall be punishable by the fine established in section 1.08.040.
  - 2. The second offense violation of Article C shall be punishable by the fine established in section 1.08.040.
  - 3. The third or any subsequent violations of Article C shall be punishable by the fine established in section 1.08.040.

- D. The failure of the owner, caretaker, or custodian to keep the animal or animals confined on his own premises or under his immediate control.
1. The first offense violation of Article D shall be punishable by the fine established in section 1.08.040.
  2. The second offense violation of Article D shall be punishable by the fine established in section 1.08.040.
  3. The third or any subsequent violations of Article D shall be punishable by the fine established in section 1.08.040.
- E. The allowing of any animal to frequently and habitually growl, snap at jump upon or otherwise menace, injure or frighten persons within the city. This does not apply to persons who are trespassing or otherwise in violation of the law.
1. The first offense violation of Article E shall be punishable by the fine established in section 1.08.040.
  2. The second offense violation of Article E shall be punishable by the fine established in section 1.08.040.
  3. The third or any subsequent violations of Article E shall be punishable by the fine established in section 1.08.040.
- F. The allowing of any animal to defecate, dig upon or otherwise injure private or public property or a public thoroughfare.
1. The first offense violation of Article A shall be punishable by the fine established in section 1.08.040.
  2. The second offense violation of Article A shall be punishable by the fine established in section 1.08.040.
  3. The third or any subsequent violations of Article A shall be punishable by the fine established in section 1.08.040.

(Ord. 81-19, 1981)

**MODIFY: 7.04.100 Dead Animals.** A. No person shall deposit any dead or fatally sick or injured animal upon any public or private place or into any body of water.

B. No person shall fail to dispose immediately of any dead animal whether his own or found upon his property, either by proper burial or by depositing the covered animal in a sanitary fill.

C. For a violation of either Article A or B:

1. The first offense shall be punishable by the fine established in section 1.08.040.
2. The second offense shall be punishable by the fine established in section 1.08.040.
3. The third or any subsequent offenses shall be punishable by the fine established in section 1.08.040.

(Ord. 81-19, 1981)

**MODIFY: 7.04.140 Entry into business establishments and public places.** A. No owner of any animal or person having control of any animal shall allow such animal to enter upon any public premises, or where food for human consumption is sold, processed, stored or consumed. This section shall not apply to certified service animals.

B. A violation of Article A shall be punishable as follows:

1. The first violation shall be punishable by the fine established in section 1.08.040.
2. The second violation shall be punishable by the fine established in section 1.08.040.
3. The third or any subsequent violations shall be punishable by the fine established in section 1.08.040.

(Ord. 81-19, 1981)

**DELETE: 7.04.170 Cruelty to animals prohibited.**

**MODIFY: 7.04.180 Animal littering.** A. A person owning, or having custody or control of any animal, except a domestic house cat, shall remove and dispose, in a sanitary manner, of any and all feces and other animal litter deposited on any public or private property not possessed by the owner or custodian of the animal which caused or produced the litter.

B. A violation of Article A shall be punishable as follows:

1. The first violation shall be punishable by the fine established in section 1.08.040.
2. The second violation shall be punishable by the fine established in section 1.08.040.
3. The third or any subsequent violations shall be punishable by the fine established in section 1.08.040.

**MODIFY: 7.04.190 – Fines.** Unless referenced above, the violation of any provision under this Title shall be punishable by the fine established in Section 1.08.040 of the Seldovia City Code. (Ord.81-19, 1981) (Ord. 06-08, 2006) All fines referred to in this Section will accrue only during a 24-month period; i.e., the first violation occurring 24 months or more after the issuance date of the first citation will be considered a “first offence.”

### **Title 8 – Health & Safety**

**MODIFY: 8.06.050 Failure to remove property after notice constitutes violation of ordinance.** If the notice is given as provided in Section 8.06.040 and the person upon whom such notice and demand is made shall fail to remove the property, then such person shall be in violation of this ordinance and subject to the fine established in Section 1.08.040 of the Seldovia City Code (Ord. 87-19 Sec.2, 1987)

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**MODIFY: 8.12.130 Dead water fowl, dead sea life and sea offal on beach.** A. Any person or business which permits, suffers or allows any dead water fowl or sea life, parts thereof, or gurry to fall or spill onto the beach, or in waters adjoining the beach of this City, and fails to clean up and remove same from that part of the beach where it has fallen or been deposited thereon in any manner, shall be guilty of an infraction and shall be punishable by the fine established in Section 1.08.040 of the Seldovia City Code.

B. Any person or business which allows any gurry scow, boat, raft or receptacle containing dead water fowl or sea life, parts thereof, or gurry, belonging to, operated or controlled by him or them, within twenty-four hours after such offal has been spilled, deposited or left on the beaches or in the water so that the tide may deposit same on the beach, shall be guilty of an infraction and shall be punishable by the fine established in Section 1.08.040 of the Seldovia City Code.

C. Any person or business which fails to empty or dispose of contents aforesaid of gurry scows, boats, or other receptacle, shall be deemed guilty of an infraction and shall be punishable by the fine established in Section 1.08.040 of the Seldovia City Code.

D. Any person or business polluting the beaches of this City in any manner as to endanger public health or cause offensive odors and smells prejudicial to public health, is guilty of an infraction and shall be punishable by the fine established in Section 1.08.040 of the Seldovia City Code. (Ord. 89-12, Prior code Sec. 6.035; Ord. 96-16)

**DELETE:** 8.16.010 AND 8.16.020 Unlawful Disposal Practices as these are duplicative of Sections 8.12.120 and 8.12.130.

**MODIFY:** 8.12.140 **Penalties.** Any violation of the provisions of this Title or failure to comply with its requirements, including a violation of any condition placed on any permit or approval issued under this Title, and including the willful violation of any citation or enforcement order issued hereunder, is an infraction and punishable by the fine schedule in Section 1.08.040. If not listed on the fine schedule in Section 1.08.040, such offense is punishable under the general penalty provision of Section 1.08.010.

### **Title 9 – Public Peace, Morals and Welfare**

**DELETE:** 9.04.040 Pointing firearms.

**UNMODIFIED:** 9.04.050 **Discharging firearms.** A. No person shall and it is unlawful to discharge any firearm or air rifle, or intentionally point or aim any firearm, loaded or otherwise, at any person, provided that this paragraph shall not apply to any police officer while on duty

B. No person under the age of sixteen shall carry or transport any firearm or air rifle within the city, without adult supervision. Any person violating this section shall forfeit their firearm or air rifle to the city, in addition to any other penalties. (Ord. dated 12/30/70; prior code Sec. 4.005(E)).

**DELETE:** 9.04.060 Concealing weapons.

**DELETE:** 09.04.080 Carrying loaded firearms.

**DELETE: 9.04.070 Selling switchblade knives.**

**MODIFY: 9.04.090 Window Peeping.** No person shall and it is unlawful to engage in window peeping and such offense is punishable by the fine established in Section 1.08.040 of the Seldovia City Code. (Prior code Sec. 4.005(I))

**MODIFY: 9.04.100 Begging.** No person shall, and it is unlawful to beg on any street or alley or public place and such offense is punishable by the fine established in Section 1.08.040 of the Seldovia City Code. (Prior code Sec. 4.005(I))

**MODIFY: 9.04.110 Vagrancy.** No person shall, and it is unlawful to be found in the condition of vagrancy. All idle or dissolute persons who have no means of living, or lawful occupation or employment of which to earn a living; all able-bodied persons who shall be found begging for means of support in public places, or from house to house, or shall procure a child or children so to do; and all persons who live in houses of ill repute, shall be deemed vagrants. Such offense is punishable by the fine established in Section 1.08.040 of the Seldovia City Code. (Prior code Sec. 4.005(K))

**MODIFY: 9.04.140 Malicious property injury.** No person shall, and it is unlawful to maliciously destroy or injure any public property or any private property not his own. Such offense involving property of value less than \$50 is an infraction and punishable by the fine established in Section 1.08.040 of the Seldovia City Code. Such offense involving property of value \$50 or greater is punishable under the AS 11.46.140. (Prior code Sec. 4.005(N))

**DELETE CHAPTER 9.08 Prostitution.**

**ADD: 9.08 Prostitution.** For statutory provisions regarding prostitution, related offenses and penalties, see AS 11.66.100-150.

**DELETE CHAPTER 9.12 Gambling.**

**ADD: 9.12 Gambling.** For statutory provisions regarding gambling prohibitions, related offenses and penalties, see AS 11.66.200 - 280.

**MODIFY: 9.16.030 Curfew Applicability.** A. Section 9.16.020 shall apply to all juveniles except those engaged in legitimate errands for parent or guardian.

B. Section 9.16.020 shall not apply to juveniles attending a - sanctioned youth function or on their way directly to or from a sanctioned youth function. (Ord. 69-5 Sec 1(part), 1969: prior code Sec. 4.030(a), (b))



**MODIFY: 9.16.040 Curfew – Violations and penalty.** A. Violation of curfew is an infraction punishable by the fine listed in the fine schedule in Section 1.08.040 of this code for a first offense. Second and subsequent curfew violations require the violator to appear in court and are subject to the general penalty in 1.08.010(a). (Ord. 96-18)

B. The parent of a juvenile who violates curfew is also subject to the fine listed in the fine schedule in Section 1.08.040 of the Seldovia City Code for a first offense. Second and subsequent curfew violations of their child require the parent to appear in court and be subject to the general penalty in 1.08.010(a). (Ord. 69-5 Sec. 1 (part), 1969; prior code Sec. 4.030(c), (d))

## **DELETE CHAPTER 9.20 FIREWORKS**

**ADD: 9.20 Fireworks.** For statutory provisions regarding state regulation of fireworks and penalties, see AS Ch. 18.72.

**MODIFY: 9.24.010 Designated.** The violations of the foregoing sections are infractions and, unless otherwise designated, are subject to the general penalty provisions codified at Section 1.08.010. (Ord 81-5 Sec. 5, 1981; Ord. 74-16 Sec. 1, 1974; prior code Sec 4.025)

## **Title 10-- Vehicles and Traffic**

**DELETE: 10.04.010 Adopted by reference.** The Motor Vehicle Laws of Alaska, Regulations and Statutes are adopted by reference for the traffic code of the City of Seldovia, Alaska. (Ord. 74-38 Sec. 2, 1974)

**ADD: Section 10.04.010 State traffic laws adopted by reference.** The City adopts by reference all vehicle and traffic statutes and regulations of the state of Alaska, creating minor offenses, as that term is defined in Minor Offense Rule 2 of the Alaska Rules of Court, as they presently exist and as they may be revised in the future, as part of the traffic code for the City.

**ADD: Section 10.05.010 Traffic fine schedule - adoption of state bail forfeiture schedules by reference.** The City adopts as its traffic fine schedule for state offenses 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. 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. Citations charging these offenses must meet the requirements of Minor Offense Rule 3 of the Alaska Rules of Court. If an offense is not listed on the fine schedule, the defendant must appear in court to answer to the charges.

**MODIFY: 10.16.090 Violation – Penalty.** Violators of this chapter will be punishable by the fine established in section 1.08.040 and in addition may have their vehicles, trailer, property, etc., removed at owner’s expense. (Ord. 90-08A)

### **Title 11 -- Streets, Sidewalks and Park Land**

**MODIFY: 11.04.015 culverts required.** It is unlawful to permanently disturb water drainage patterns affecting city streets. Culverts are required where necessary to maintain proper drainage. Violation of this chapter is punishable by the fine established in section 1.08.040 of this code.

**ADD: 11.04.080 Penalty.** When required in this chapter to first obtain a property permit, failure to do so is subject to the fine established in section 1.08.040 of this code.

**ADD: 11.08.020 Penalty.** Violation of any provision of this chapter is an infraction subject to the fine established in section 1.08.040 of this code.

**ADD: 11.13.070 Penalty.** Unless otherwise designated by an impound fee or other general penalty, violation of any provision of this chapter is an infraction subject to the fine established in section 1.08.040 of this code.

**ADD:**

### **11.14 VIOLATIONS and PENALTIES**

**Sections:**

**11.14.010 Designated.** Unless otherwise designated, any person, or persons, or business, who violates any of the provisions of this title are subject to the general penalty provisions codified at Section 1.08.010.

### **Title 13 – Utilities**

**MODIFY: 13.08.020 Construction permit – Required.** It is unlawful for any person to make an opening in any public sewer or to connect any private sewer or side sewer

therewith, or to lay, repair, alter or construct any sewer to be connected to a public sewer unless such person has first obtained a side sewer permit from the City Manager. Violation of this section is punishable by a fine established in section 1.08.040 of this code. (Ord. 74-23 Sec. 1 (part), 1974)

**MODIFY: 13.08.130 Unlawful discharge.** It is unlawful for any person to discharge or cause to be discharged into any public sewer or into any side sewer discharging into any public sewer storm water, rain water, roof run-off, cooling water, subsurface waters, or unpolluted industrial process waters. Violation of this section is punishable by a fine established in section 1.08.040 of this code. (Ord. 74-31 Sec. 1 (part), 1974)

### **Title 15—Harbors and Boat Moorage**

**ADD: 15.14.020 Penalty.** Violation of this chapter is an infraction and punishable by a fine established in section 1.08.040 of this code.

**MODIFY: 15.16.060 Dumping debris prohibited.** No person in charge or occupying any boat shall dump or throw garbage, paper, bottles, cans, or debris into the waters or onto the floats at the small boat harbor. The Harbormaster shall provide garbage cans of sufficient size and number, to be mounted on racks on the loading dock, for collection by the garbage collector. No person shall pump bilges containing oil or gasoline or transferred gasoline or any other highly inflammable liquid or substance within the confine on the small boat harbor. Violation of this section is an infraction punishable by a fine established in section 1.08.040. (Prior code Sec. 8.025(f))

**MODIFY: 15.16.090 Welding prohibited on float.** For the safety of the general public and protection of the boat float, there shall be no welding on the boat float unless authorized by the Harbormaster. Violators of this section shall be subject to fine established in Section 1.08.040 of this code. (Ord. 89-12, Ord. 74-34 Sec. 1 (part), 1974: prior code Sec. 8.025(i))

**MODIFY: 15.16.120 Mooring without payment prohibited.** It is unlawful for any person to moor, berth, tie, attach or connect to any harbor improvement or facility, any vessel, or other waterborne structure for an overnight period without paying rental charges. Violators of this section shall be subject to the fine established in Section 1.08.040. (Ord. 80-4 Sec. 8, 1980)

**MODIFY: 15.16.150 Anchoring prohibited where.** Anchoring in open areas in the small boat harbor is prohibited. Violators of this section shall be subject to the fine established in Section 1.08.040. (Ord. 75-10, Sec. 7, 1975)

**MODIFY: 15.20.040 Citations.** Unless other designated above, if an offense in Title 15 of the city code is not listed on the fine schedule, the offense is punishable by the general penalty established in section 1.08.010. (Ord. 81-14, 1981)

### **Title 17 – Buildings and Construction**

**MODIFY: 17.04.020 Building Permits. A. Required.** No person shall make any exterior structural change in or addition to any building, or construct any new building or structure, exempting unattached structures of one hundred square feet or less, within the city without first securing a building permit. Violation of this section shall be subject to the fine listed in the fine schedule in Section 1.08.040 of this Code. A form is available at the city office if an individual questions whether or not a building permit is required. A verbal response from city staff or individual Seldovia Planning and Zoning Commission members to build without a permit is not acceptable. A written response containing reasons why the individual is exempt from building permit requirements must be obtained from the official who interprets the code.

B-D. (no changes)

### **Title 18 – Zoning**

**MODIFY: 18.16.040 Violation and Penalties. A.** Every act prohibited by this title or any rule or regulation adopted in pursuance thereof is declared unlawful and every violation of this zoning code constitutes an infraction. Every person convicted of a violation of any provision or any rule or regulation adopted or issued in pursuance thereof shall be punished by the fine established in section 1.08.040 of this code. For an offense not on the fine schedule in Section 1.08.040, the offense is punishable under the general penalty provision of the Seldovia City Code. Each act of violation and every day upon which such violation continues constitutes a new and separate offense.

B. The penalties provided by this section shall, unless other penalty is expressly provided, apply to every portion of Seldovia Zoning Code, Chapters 18.04 through 18.96 inclusive, and to all amendments to that zoning code.

**ADD: 18.28.010 (D) Compliance.**

D. Any violation of this section constitutes an infraction, punishable by the fine established in Section 1.08.040.