

CITY AND BOROUGH OF SITKA

ORDINANCE 2013-40

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA TO MODIFY SITKA GENERAL CODE TITLE 11 ENTITLED "VEHICLES AND TRAFFIC" TO REPEAL SGC 11.12.080 ENTITLED "FINE SCHEDULE AND REQUIRED APPEARANCES," REPEAL CHAPTER 11.13 ENTITLED "ALASKA ADMINISTRATIVE CODE ADOPTED," CHAPTER 11.28 ENTITLED "ALASKA STATUTES ADOPTED," AND CHAPTER 11.48 ENTITLED "MISCELLANEOUS OFFENSES" AND RE-ENACT SGC CHAPTER 11.28 TO BE ENTITLED "STATE TRAFFIC LAWS ADOPTED" TO MAKE CITY AND BOROUGH OF SITKA TRAFFIC ORDINANCES CONSISTENT WITH STATE TRAFFIC STATUTES AND REGULATIONS AND THEIR PENALTIES

1. **CLASSIFICATION.** This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code ("SGC").
2. **SEVERABILITY.** If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstance shall not be affected.
3. **PURPOSE.** On March 27, 1984, City and Borough of Sitka ("CBS") Assembly passed, approved and adopted by reference certain traffic offenses and penalties as provided in the Alaska Statutes and Alaska Administrative Code. Many of the ordinances still exist as originally written in SGC and have not been modified to be consistent with state traffic laws that have been revised, repealed or adopted by Alaska state legislation.

In addition, the Alaska Court System's computerized case management system (CourtView) and the new citation forms required by the court system's new Minor Offense Rules allow municipalities to receive fines paid when individuals are charged with state offenses as long as the state offenses have been adopted by reference. Through this ordinance, CBS will be adopting state offenses in the SGC.

The purpose of this ordinance is to make SGC consistent with state traffic laws by removing SGC 11.12.080 and Chapters 11.13, 11.28 and 11.48 and re-enacting Chapter 11.28 to be entitled "State Traffic Laws Adopted." A further purpose is to make it possible for CBS to receive fines paid when Sitka Police Department ("SPD") officers charge state traffic offenses. This amendment would remove the individual traffic offenses as originally copied from the state laws and ensure that SGC will remain current with all traffic laws, violations and infractions that have been modified, added and repealed by Alaska State legislation. SGC would have all motor vehicle and traffic offenses located in one chapter (SGC 11.28) instead of the three chapters (SGC 11.13; 11.28 and 11.48) now existing in SGC. The amendment will also keep Sitka's traffic offense fine schedule consistent with the Alaska Supreme Court's bail forfeiture schedules for traffic offenses.

SPD issues citations for both CBS and the State. The new citation forms required by court rules allow police officers to indicate on the citation that state statutes and regulations have been “adopted by reference” by a local government. Once SGC 11.28 has been re-enacted to conform to Alaska Statutes and Alaska Administrative Code, Sitka officers can indicate on the citation form that CBS has adopted state traffic law by reference. Sitka will then receive any fines defendants pay the court.

For traffic offenses other than violations and infractions, the State of Alaska and CBS have a longstanding agreement in which CBS enforces and prosecutes first-time misdemeanor offenses for Driving While Under the Influence, Reckless Driving and Driving While License Suspended/Revoked/Cancelled/In Limitation. This ordinance will not change current CBS prosecution of misdemeanor cases.

This ordinance has been reviewed by the Police and Fire Commission on September 18, 2013 and will become effective the date after passage.

4. **ENACTMENT. NOW, THEREFORE, BE IT ENACTED** by the Assembly of the City and Borough of Sitka that SGC 11.12.080 entitled “Fine Schedule and Required Appearances” is repealed. In addition, SGC Chapters 11.13, 11.28 and 11.48 are repealed and SGC 11.28 is re-enacted with the new title “State Traffic Laws Adopted.” For less confusing presentation of this ordinance, all new language for SGC 11.28 will follow directly under “Title 11 Vehicles and Traffic” index and all removed language from SGC 11.13, original language in 11.28 and 11.48 will follow after the proposed new language as follows (new language underlined; deleted language stricken):

**Title 11
VEHICLES AND TRAFFIC**

Chapters:

- 11.04 Definitions**
- 11.08 Enforcement**
- 11.12 Administration**
- ~~11.13 Alaska Administrative Code Adopted~~**
- 11.16 Obedience to Regulations**
- 11.17 Vehicle Weight and Load Limitations**
- 11.24 Traffic-Control Devices**
- 11.28 State Traffic Laws Adopted ~~Alaska Statutes Adopted~~**
- 11.32 Turning Movements**
- 11.36 One-Way Streets and Alleys**
- 11.40 Stopping, Standing and Parking**
- 11.44 Miscellaneous Driving Rules**
- ~~11.48 Miscellaneous Offenses~~**
- 11.52 Vehicle Safety and Accessory Equipment**
- 11.54 Truck Routes**
- 11.56 Taxicabs**
- 11.60 Impounding Vehicles**
- 11.64 Pedestrians**

11.68 Bicycles

11.70 Helmet Requirements for Young Persons Riding Certain Vehicles

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~~**11.12.080 Fines schedule and required appearances.**~~

~~The following fine schedule and appearance requirements are set for the municipality's motor vehicle and traffic offenses:~~

~~A. The municipal fines schedule shall be the scheduled amount of bail adopted by the Alaska Supreme Court for state motor vehicle and traffic offenses.~~

~~B. All municipal motor vehicle and traffic offenses may be disposed without court appearance, except violations of:~~

~~1. Section 11.13.02.140;~~

~~2. Chapter 11.20;~~

~~3. Sections 11.28.15.281 through 11.28.35.180;~~

~~4. Chapter 11.48.~~

~~C. All vehicle and traffic offenses not covered by the state bail schedule or within the charging section, the standard fine shall be fifty dollars, except correctable violations for which the bail amount shall be twenty dollars.~~

~~D. Whenever a person fails to appear at a scheduled court hearing ten dollars shall be added to the bail amount/fine for the offense.~~

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~~**Chapter 11.13**~~

~~**ALASKA ADMINISTRATIVE CODE ADOPTED**~~

~~*(Repealed in its entirety)*~~

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~~**Chapter 11.28**~~

~~**STATE TRAFFIC LAWS ALASKA STATUTES ADOPTED¹**~~

Sections:

~~11.28.010 Adoption of state traffic laws. Basic speed.~~

~~11.28.020 Traffic fine schedule – adoption of state bail forfeiture schedules by reference. Definition of prima facie speed limits.~~

~~11.28.030 Violation – Infraction. Maximum speed limits.~~

~~11.28.040 Authority to increase, decrease speed limits.~~

~~11.28.05.091 Seizure of unsafe or defectively equipped vehicle.~~

~~11.28.05.095 Use of seat belts and child safety devices required.~~

~~11.28.05.096 Exemptions and alternate safety devices.~~

~~11.28.05.097 Child safety device loan program.~~

~~11.28.05.098 Sale of child safety devices.~~

~~11.28.05.099 Penalty.~~

~~11.28.10.011 Vehicles subject to registration.~~

~~11.28.10.081 Issuance of certificate of registration; certificate to be signed, carried and displayed.~~

- ~~11.28.10.121— Vehicles of nonresidents.~~
- ~~11.28.10.171— Display of registration plates.~~
- ~~11.28.10.261— Evidence.~~
- ~~11.28.10.321— New owner to secure transfer of registration and new title.~~
- ~~11.28.10.451— Unlawful to violate provisions requiring registration and title.~~
- ~~11.28.10.461— Driving vehicle without evidence of registration.~~
- ~~11.28.10.471— Driving vehicle when registration suspended or revoked or permit expired.~~
- ~~11.28.11.010— Abandonment unlawful.~~
- ~~11.28.15.011— Licenses.~~
- ~~11.28.15.131— License to be carried and exhibited on demand.~~
- ~~11.28.15.281— Unlawful use of license— Permitting unauthorized person to drive.~~
- ~~11.28.15.291— Driving while license suspended, revoked or in violation of a limitation.~~
- ~~11.28.22.019— Proof of insurance to be carried and exhibited on demand.~~
- ~~11.28.35.015— Tampering with or damaging a vehicle.~~
- ~~11.28.35.040— Reckless driving.~~
- ~~11.28.35.045— Negligent driving.~~
- ~~11.28.35.050— Action of operator immediately after accident.~~
- ~~11.28.35.060— Duty of operator to give information and render assistance.~~
- ~~11.28.35.080— Immediate notice of accident.~~
- ~~11.28.35.110— Penalty for giving false information in report or failing to report.~~
- ~~11.28.35.130— False report or destruction of evidence.~~
- ~~11.28.35.140— Unlawful obstruction or blocking of traffic.~~
- ~~11.28.35.155— Operation of vehicle with certain tires prohibited.~~
- ~~11.28.35.180— Disobedience to signals of officer regulating traffic unlawful.~~
- ~~11.28.35.230— Penalty for violations of law, regulations, and municipal ordinances.~~
- ~~11.28.35.240— Fines for offenses committed within highway work zones doubled.~~

11.28.010 Traffic Code - adoption of state traffic laws. Basic speed.

City and borough of Sitka adopts all 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 and borough of Sitka.

A. ~~Except as otherwise provided by state law, or municipal ordinance, no person shall drive a vehicle upon a street or highway at a speed greater than twenty-five miles per hour and fifteen miles per hour at nonposted intersections.~~

B. ~~The driver of a vehicle shall at all times drive the same so as to be able to control it, and with due regard for traffic, pedestrians, road surface, weather conditions, street or highway width. In no event shall a vehicle be driven at a speed which endangers, or is likely to endanger the safety of the driver, the vehicle, or other persons or property.~~

11.28.020 Adoption of state penalties. Definition of prima facie speed limits.

City and borough of Sitka 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, city and borough 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.

~~The speed of any vehicle not in excess of the limit specified in this, or established as authorized in this title, is lawful unless proved to be in violation of the basic rule declared in Section 11.28.010 hereof.~~

11.28.030 Violation – Infraction, Maximum speed limits.

A violation of the traffic code of the city and borough of Sitka is an infraction within the terms of AS 28.90.010 and is punishable by a fine not to exceed three hundred dollars (\$300.00).

~~Speed limits are as follows and the same shall be applicable unless changed as authorized in this title and, if so changed, then only when signs have been erected giving notice thereof, in which event the speed designated on the signs shall be the speed limit:~~

~~A. Ten Miles Per Hour.~~

~~1. In any alley,~~

~~2. When crossing any marked school crossing during school hours, or while within any marked school zone, such zone to extend one hundred fifty feet in either direction from any marked school crossing;~~

~~B. Fifteen miles per hour when properly signed as required by this title, in curves, corners, or at intersections where traffic and engineering studies indicate such limit is advisable;~~

~~C. Twenty Miles Per Hour.~~

~~1. Through any business district or residential district except on arterial streets and except as otherwise provided herein,~~

(SGC 11.28.040 through SGC 11.28.35.240 is repealed in its entirety)

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Chapter 11.48

MISCELLANEOUS OFFENSES

(SGC 11.48 is repealed in its entirety)

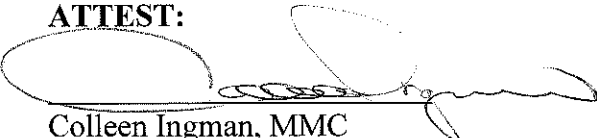
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5. **EFFECTIVE DATE.** This ordinance shall become effective on the day after the date of its passage.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 22nd day of October, 2013.



Mim McConnell, Mayor

ATTEST:

Colleen Ingman, MMC
Municipal Clerk