

43 Citations charging these offenses must meet the requirements of Minor Offense Rule 3 of the
 44 Alaska Rules of Court. If an offense is not listed on the fine schedule, the defendant must
 45 appear in court to answer to the charges.

46 b. Fine schedule for local traffic offenses: In accordance with AS 28.05.151(a), citations
 47 for offenses listed in this title, not otherwise provided by state law, may be disposed of as
 48 provided in AS 12.25.195-.230, without a court appearance, upon payment of the fine
 49 amounts listed below plus the state surcharge required by AS 12.55.039 and AS 29.25.074.
 50 Fines must be paid to the court. The Rules of Minor Offense Procedure in the Alaska Rules of
 51 Court apply to all offenses listed below. Citations charging these offenses must meet the
 52 requirements of Minor Offense Rule 3. If a person charged with one of these offenses appears
 53 in court and is found guilty, the penalty imposed for the offense may not exceed the
 54 scheduled fine amount plus any surcharge required to be imposed by AS 12.55.039 and AS
 55 29.25.074. The fine amounts listed below are doubled for motor vehicle or traffic offenses
 56 committed in a highway work zone or traffic safety corridor, as those terms are defined in AS
 57 28.90.990 and 13 AAC 40.010(b). An offense listed in this schedule may not be disposed of
 58 without court appearance if the offense is in connection with a motor vehicle accident that
 59 results in the death of a person.
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Code Section	Code Section Title	Fine per Day
7.06.010(b)	Muffler not working properly	Corr/\$500
7.06.010(c)	Muffler modified/excessive noise	Corr/\$500
7.06.010(d)	Muffler removed or inoperative	Corr/\$500
7.06.010(e)(1) or (e)(2)	Noise exceeds limits	first violation \$100; second violation within 6 months of first conviction \$200; third violation within 6 months of any prior conviction \$300
7.06.010(e)(3)	Sale of vehicle exceeding noise limits	first violation \$100; second violation within 6 months of first conviction \$200; third violation within 6 months of any prior conviction \$300
7.06.020	Improperly muffled engine brake use prohibited	First violation \$100 Second violation within 6 months of first conviction \$200 plus proof of satisfactory Homer PD commercial vehicle inspection Third violation within 6 months of any prior conviction \$300

		plus proof of satisfactory Homer PD commercial vehicle inspection
7.10.020	Limited time parking; parking permits	\$25.00
7.10.030	Parking in city parking lots	\$25.00
7.10.040	Vehicle length limitation	\$25.00
7.10.090	Removal of impoundment notice or impounded vehicle prohibited	\$300.00
7.20.030	Use of snow machines	\$300.00
7.20.040	Time restriction	\$300.00
7.20.050	Driver's license requirement	\$300.00
7.20.055	Operation in designated areas	\$300.00
7.20.060	Towing	\$300.00
7.28.020	Motor vehicle parking	\$30.00
7.28.030	Short-term parking area	\$30.00
7.28.040	Limited long-term parking area	\$30.00
7.28.050	Reserved parking	\$30.00

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A citation for an offense listed as "Corr" must be dismissed if proof of correction is presented to a Homer police department vehicle inspector within 30 days.

Section 3. Homer City Code Chapter 7.08, Stopping or Parking, is repealed.

Section 4. Homer City Code Chapter 7.10, Stopping, Standing and Parking, is enacted to read as follows:

Chapter 7.10
 STOPPING, STANDING AND PARKING

- Sections:
- 7.10.010 City traffic authority.
 - 7.10.020 Limited time parking; parking permits.
 - 7.10.030 Parking in city parking lots.
 - 7.10.040 Vehicle length limitation.
 - 7.10.050 Separate offense.
 - 7.10.060 Vehicle impoundment procedure.
 - 7.10.070 Impoundment hearing.
 - 7.10.080 Form of demand for hearing – Hearing officer.
 - 7.10.090 Removal of impoundment notice or impounded vehicle prohibited.
 - 7.10.010 City traffic authority.

85 In this chapter, the term “city traffic authority” means the chief of police, and in the
86 Homer harbor, the harbormaster.

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88 7.10.020 Limited time parking; parking permits.

89 (a) The city traffic authority may by placing official traffic control devices, designate
90 parking time limits or prohibit stopping, standing or parking, on those parts of a street where
91 the city traffic authority has determined that demand for parking, traffic congestion or public
92 safety warrants the designation or prohibition. No person may stop, stand, or park a vehicle
93 in violation of such an official traffic control device.

94 (b) The city traffic authority may by placing official traffic control devices, establish
95 parking by permit only limits on those parts of a street where the city traffic authority has
96 determined that demand for parking warrants the designation. No person may stop, stand,
97 or park a vehicle in violation of such an official traffic control device.

98 (c) Notwithstanding (a) and (b) of this section, the city traffic authority may issue
99 permits to occupy parking spaces on a street for a duration that the applicant demonstrates
100 is necessary to accommodate a temporary activity such as a special event, construction
101 project, or loading or unloading.

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103 7.10.030 Parking in city parking lots.

104 (a) The city traffic authority may:

105 (1) Establish time limits for parking in city parking lots;

106 (2) Designate city parking lots for paid parking, and establish fees for paid
107 parking in city parking lots; and

108 (3) Designate city parking lots for permit parking, and the fees and
109 qualifications for obtaining a permit.

110 (b) The city shall notify the public of time limits in city parking lots, fees required to
111 park in city parking lots, and permit requirements for parking in city parking lots by the
112 placement of official traffic control devices. No person may stop, stand, or park a vehicle in
113 violation of such an official traffic control device.

114 (c) No person may park a vehicle, boat or other conveyance in a city parking lot for a
115 period exceeding 24 hours while displaying a sign offering the vehicle, boat or other
116 conveyance for sale.

117 (c) Notwithstanding (b) of this section, the city traffic authority may issue permits to
118 occupy parking spaces in a city parking lot for a duration that the applicant demonstrates is
119 necessary to accommodate a temporary activity such as a special event, construction project,
120 or loading or unloading.

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122 7.10.040 Vehicle length limitation.

123 The city traffic authority may by placing official traffic control devices, establish the
124 maximum length of a vehicle or combination of vehicles that may stop, stand or park at any
125 place on a street or city parking lot. No person may stop, stand, or park a vehicle in violation
126 of such an official traffic control device.

127 7.10.050 Separate offense.

128 Each day in which a violation of HCC 7.10.020, 7.10.030 or 7.01.040 continues shall
129 constitute a separate offense.

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131 7.10.060 Vehicle impoundment procedure.

132 a. The procedure set forth in this section through HCC 7.10.080 shall apply whenever a
133 motor vehicle is subject to impoundment (including booting) and removal pursuant to motor
134 vehicle, traffic or parking codes or laws, including without limitation unlawful stopping,
135 standing, or parking under any provisions of the City code or regulations adopted thereunder.

136 b. An impoundment is effective when a written order of impoundment is placed on a
137 vehicle. An order of impoundment shall identify the vehicle, state the reasons for
138 impoundment, and be dated and signed by a police officer or an authorized peace officer. An
139 impounded vehicle may be immediately towed and removed to a safe place upon the order of
140 a police officer or peace officer.

141 c. Upon impoundment, a notice of procedure options shall be placed on the vehicle,
142 and within six hours a copy shall be personally delivered or placed in the U.S. mail addressed
143 to the owner of the vehicle. The notice shall state substantially as follows:

144 ATTENTION: Your vehicle has been impounded by the City of Homer. As the owner of
145 an impounded vehicle, you have the following options:

146 (A) You may recover possession of the vehicle by paying to the person having
147 custody of the vehicle the towing and storage fees that may have accrued.

148 (B) If you take issue with the impoundment of your vehicle, you may:

149 (i) Recover possession of the vehicle by paying the towing and storage
150 fees that have accrued to such person and claim a refund by filing a demand
151 (on a form provided by the city) for an administrative hearing before a hearing
152 officer as to whether there was a sufficient factual and legal basis for
153 impounding your vehicle; or

154 (ii) Demand (on a form provided by the city) an administrative hearing
155 before a hearing officer as to whether there was a sufficient factual and legal
156 basis for impounding your vehicle.

157 To be entitled to such a hearing, your written demand must be filed with the
158 City Clerk (a) within 5 workdays after you learned that your vehicle was impounded or
159 was missing; or (b) within 15 workdays after the city mailed notice to the vehicle's
160 registered owner that the vehicle had been impounded; whichever occurs first. If you
161 fail to make a timely request for a hearing you will lose all right to challenge the
162 sufficiency of the basis for impoundment.

163 If timely requested, the hearing must be held within 48 hours after the filing of
164 your written demand, not including Saturdays, Sundays, and city holidays. A
165 determination that there was an insufficient factual or legal basis for impounding your
166 vehicle will require the release of the vehicle to you without your having to pay the
167 towing and storage fees, or will entitle you to a refund if you have already paid the
168 fees.

169 A hearing may be demanded by filing the appropriate form with the City Clerk
170 at 491 E. Pioneer Avenue, Homer between 8:00 a.m. and 5:00 p.m. on any day other
171 than Saturday, Sunday and city holidays.

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173 7.10.070 Impoundment hearing.

174 a. If demand is timely made, the owner or the person entitled to possession of a
175 vehicle is entitled to an administrative hearing to determine whether there was a sufficient
176 factual and legal basis for impoundment of the vehicle. To be entitled to such a hearing a
177 written demand must be filed with the City Clerk (1) within five workdays after the owner or
178 person entitled to possession learned that the vehicle was impounded or was missing; or (2)
179 within 15 workdays after the City delivered or mailed the notice required by HCC 7.10.060(c)
180 to the vehicle's registered owner; whichever occurs first. If no timely request for a hearing is
181 made, the factual and legal basis for impoundment will be conclusively deemed sufficient for
182 all purposes.

183 b. The hearing will be held within 48 hours after the filing of a timely written demand,
184 not including Saturdays, Sundays, and City holidays.

185 c. The hearing officer shall not be bound by formal rules of evidence. A copy of the
186 fully completed and signed order of impoundment will constitute prima facie proof of
187 sufficient factual and legal basis for impoundment. The burden will be on the vehicle owner
188 to prove by a preponderance of the evidence that there was an insufficient factual or legal
189 basis for impounding the vehicle.

190 d. A determination by the hearing officer that there was an insufficient factual or legal
191 basis for impounding the vehicle will require the release of the vehicle to the owner or other
192 person entitled to possession without payment of the towing and storage fees, or will entitle
193 the person to a refund if the fees have already been paid.

194 e. The City will be responsible for payment or refund of the towing and storage fees for
195 any vehicle impounded under this chapter if the hearing officer determines that there was an
196 insufficient factual or legal basis for such impoundment.

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198 7.10.080 Form of demand for hearing – Hearing officer.

199 a. The City Clerk shall prepare and make available a form of demand for a hearing
200 pursuant to HCC 7.10.070. Upon receipt of demand for a hearing the City Clerk shall
201 immediately forward the demand to the City Manager or his designee, who shall schedule an
202 administrative hearing and notify all parties.

203 b. The City Manager shall appoint one or more persons who shall serve as hearing
204 officers to conduct hearings pursuant to HCC 7.10.070. No police officer or peace officer with
205 authority to impound an improperly parked vehicle shall be eligible to serve as hearing
206 officer.

207 7.10.080 Removal of impoundment notice or impounded vehicle prohibited.

208 a. Unless authorized by a police officer or peace officer with authority to enforce
209 parking laws and regulations, it is unlawful for any person to remove an impoundment order
210 from a vehicle upon which it has been posted.

211 b. Unless authorized by a police officer or peace officer with authority to enforce
212 parking laws and regulations, it is unlawful for any person to move a vehicle after it has been
213 posted with an impoundment order.

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215 Section 5. Homer City Code 10.04.100, Vehicles and other wheeled conveyances, is
216 amended to read as follows:

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218 10.04.100 Vehicles and other wheeled conveyances.

219 a. No person other than an employee of the City or other person acting on City
220 business shall drive a vehicle upon trails in the harbor area that are designated for pedestrian
221 or bicycle use except in case of emergency. Parking or leaving boats, trailers and/or other
222 vehicles and equipment related thereto by the public shall be limited to specific areas
223 designated for such use.

224 b. Hauling out boats on skids is prohibited unless approved in advance by the
225 Harbormaster.

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227 Section 6. This Ordinance is of a permanent and general character and shall be
228 included in the City Code.

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230 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 7th day of December, 2015.

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CITY OF HOMER

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Mary E. Wythe
MARY E. WYTHE, MAYOR

237 ATTEST:

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Jo Johnson
JO JOHNSON, MMC, CITY CLERK

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AYES: 6

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NOES: 0

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ABSTAIN: 0

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ABSENT: 0

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First Reading: 11/23/15

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Public Hearing: 12/07/15

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Second Reading: 12/07/15

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Effective Date: 12/08/15

253 Reviewed and approved as to form:

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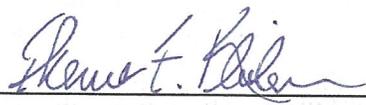
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257  _____
Jo Johnson, Acting City Manager

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259 Date: 12/09/15

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Thomas F. Klinkner, City Attorney

Date: 12-10-15